



Public Safety Committee Agenda

Friday, February 16, 2024

1 p.m.

Welcome to SANDAG. The Public Safety Committee meeting scheduled for Friday, February 16, 2024, will be held in person in the SANDAG Board Room. While Committee members will attend in person, members of the public will have the option of participating either in person or virtually.

For public participation via Zoom webinar, click the link to join the meeting: <https://us02web.zoom.us/j/86265447612>

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Public Comments: Members of the public may speak to the Public Safety Committee on any item at the time the Committee is considering the item. Public speakers are generally limited to three minutes or less per person.

Persons who wish to address the members on an item to be considered at this meeting, or on non-agendized issues, may email comments to the Clerk at clerkoftheboard@sandag.org (please reference Public Safety Committee meeting in your subject line and identify the item number(s) to which your comments pertain). Comments received by 4 p.m. the business day before the meeting will be provided to members prior to the meeting. All comments received prior to the close of the meeting will be made part of the meeting record.

If you desire to provide in-person verbal comment during the meeting, please fill out a speaker slip, which can be found in the lobby. If you have joined the Zoom meeting by computer or phone, please use the "Raise Hand" function to request to provide public comment. On a computer, the "Raise Hand" feature is on the Zoom toolbar. By phone, enter *9 to "Raise Hand" and *6 to unmute. Requests to provide live public comment must be made at the beginning of the relevant item, and no later than the end of any staff presentation on the item. The Clerk will call on members of the public who have timely requested to provide comment by name for those in person and joining via a computer, and by the last three digits of the phone number of those joining via telephone. Should you wish to display media in conjunction with your comments, please inform the Clerk when called upon. The Clerk will be prepared to have you promoted to a position where you will be able to share your media yourself during your allotted comment time. In-person media sharing must be conducted by joining the Zoom meeting on the personal device where the content resides. Please note that any available chat feature on the Zoom meeting platform should be used by panelists and attendees solely for procedural or other "housekeeping" matters as comments provided via the chat feature will not be retained as part of the meeting record. All comments to be provided for the record must be made in writing via email or speaker slip, or verbally per the instructions above.

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Vision Statement: *Pursuing a brighter future for all*

Mission Statement: *We are the regional agency that connects people, places, and innovative ideas by implementing solutions with our unique and diverse communities.*

Our Commitment to Equity: *We hold ourselves accountable to the communities we serve. We acknowledge we have much to learn and much to change; and we firmly uphold equity and inclusion for every person in the San Diego region. This includes historically underserved, systemically marginalized groups impacted by actions and inactions at all levels of our government and society.*

We have an obligation to eliminate disparities and ensure that safe, healthy, accessible, and inclusive opportunities are available to everyone. The SANDAG equity action plan will inform how we plan, prioritize, fund, and build projects and programs; frame how we work with our communities; define how we recruit and develop our employees; guide our efforts to conduct unbiased research and interpret data; and set expectations for companies and stakeholders that work with us.

We are committed to creating a San Diego region where every person who visits, works, and lives can thrive.

Public Safety Committee

Friday, February 16, 2024

Comments and Communications

1. Non-Agenda Public Comments/Member Comments

Members of the public shall have the opportunity to address the Public Safety Committee on any issue within the jurisdiction of SANDAG that is not on this agenda. Public speakers are limited to three minutes or less per person. Public comments under this agenda item will be limited to five public speakers. If the number of public comments under this agenda item exceeds five, additional public comments will be taken at the end of the agenda. Public Safety Committee members and SANDAG staff also may present brief updates under this agenda item.

Consent

+2. Approval of Meeting Minutes

Approve

Tessa Lero, Linda Cimmino, SANDAG

The Public Safety Committee is asked to approve the minutes from its December 15, 2023, meeting.

[Meeting Minutes](#)

Reports

3. Public Safety Committee Reports

3A. Chiefs'/Sheriff's Management Committee

Information

Chief Kedrick Sadler, Oceanside Police Department

Chief Sadler will present an overview of recent meetings of the Chiefs'/Sheriff's Management Committee.

3B. San Diego County Fire Chiefs' Association

Information

Chief Dave McQuead, Rancho Santa Fe Fire District

Chief McQuead will present an overview of the recent meetings of San Diego County Fire Chiefs' Association.

4. County of San Diego's Community Assistance, Recovery and Empowerment (CARE) Act Program

Information

Dr. Luke Bergmann, County of San Diego

Dr. Bergman will present an overview of the County's CARE Act Program which has been designed to create a new pathway to deliver mental health and substance use services to individuals who are diagnosed with schizophrenia and not engaged in treatment.

[Supporting Materials](#)

+5. ARJIS Update: California Senate Bill 54*Anthony Ray, ARJIS*

Staff will present an update on efforts taken by the Automated Regional Justice Information System to implement Senate Bill 54, based on guidance from the California Attorney General, and in coordination with the San Diego County Sheriff's Department.

[ARJIS - California Senate Bill 54 Update](#)

[Att. 1 - California Justice Information Services, Information Bulletin, 10.01.18 Supporting Materials](#)

6. Adjournment.

The next meeting of the Public Safety Committee is scheduled for Friday, April 19, 2024, at 1 p.m.

+ next to an agenda item indicates an attachment

February 16, 2023

December 15, 2023, Meeting Minutes

Meeting Video

Vice Chair John Minto (East County) called the Public Safety Committee (PSC) meeting to order at 1:03 p.m.

1. Public Comments/Communications/Member Comments/ Agency Report

Blair Beekman, member of the public, spoke regarding various public safety-related issues.

Truth, member of the public, spoke regarding various public safety-related issues.

The OriginalDra, member of the public, spoke regarding various public safety-related issues.

Consent

2. Approval of Meeting Minutes

The PSC was asked to review and approve the September 15, 2023, meeting minutes.

3. New Grant Funding: Project Safe Neighborhoods Fiscal Agent 2023

The Public Safety Committee was asked to recommend that the Board of Directors approve a budget amendment to the FY2024 Overall Work Program and Budget to accept \$1.33 million in funding on behalf of three U.S. Attorney's Offices in California from the U.S. Department of Justice.

4. New Grant Funding: Organized Retail Theft Prevention Grant with Chula Vista Police Department

The Public Safety Committee was asked to approve a budget amendment for the FY 2024 Overall Work Program and Budget. This amendment aims to accept \$144,250 in funding from the Board of State and Community Corrections through the Chula Vista Police Department. The funding is intended as a part of the Organized Retail Theft Prevention Grant Program.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Action: Upon a motion by Supervisor Joel Anderson (County of San Diego) and a second by Councilmember Caylin Frank (North County Inland), the PSC voted to approve the Consent Agenda.

The motion passed.

Yes: Vice Chair Minto, Councilmember Mike Donovan (South County), Mayor Keith Blackburn (North County Coastal), Councilmember Frank, Supervisor Anderson, Chief Dave McQuead (Regional Fire/EMS), Deputy Chief Investigator Jorge Duran (San Diego County District Attorney), Sheriff Kelly Martinez (San Diego County Sheriff), Chief Chuck Kaye (County Chiefs'/Sheriff's Association Seat A), and Assistant Chief Paul Connelly (San Diego Police Department).

No: None.

Abstain: None.

Absent: City of San Diego and Chiefs'/Sheriff's Management Committee (Seat B).

Reports

5. Public Safety Committee Reports

5A. Agency Report

Senior Director of Data Science Dr. Cindy Burke presented updates on key programs, projects, and agency initiatives.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Action: Information only.

5B. Chief's/Sheriff's Management Committee

Chief Kaye presented an update on recent Chiefs'/Sheriff's Management Committee activities.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Action: Information only.

5C. San Diego County Fire Chiefs' Association

Chief McQuead presented an update on recent San Diego Fire Chiefs' Association meetings.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Janine, member of the public, spoke regarding various public safety-related issues.

Action: Information only.

6. ARJIS Update: California Senate Bill 54

This item was postponed to the February 16, 2024, PSC meeting.

Vice Chair Minto took public comments on this item.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

Lilly Irani, member of the public, spoke regarding various public safety-related issues.

Erin Grassi, member of the public, spoke regarding various public safety-related issues.

Patricia Mondragon, member of the public, spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Lucky Aden, member of the public, spoke regarding various public safety-related issues.

Asma Abdi, member of the public, spoke regarding various public safety-related issues.

Action: Information only.

7. Discussion on the Transition to the CIBRS/NIBRS Crime Reporting

Principal Criminal Justice Researcher Dr. Octavio Rodriguez Ferreira and ARJIS Senior Research Analyst Caroline Stevens presented an overview of the shift from the traditional Uniform Crime Reporting (UCR) system to the new CIBRS/NIBRS system.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Action: Discussion only.

8. Regional Safety Planning Updates

Senior Regional Planners Samuel Sanford, Marisa Mangan, Principal Research Analyst Grace Mino, and Researcher and Modeler Connor Vaughns presented an overview of the regional safety efforts.

Blair Beekman spoke regarding various public safety-related issues.

Truth spoke regarding various public safety-related issues.

The OriginalDra spoke regarding various public safety-related issues.

Action: Information only.

9. Upcoming Meetings

The next meeting of the PSC is scheduled for Friday, February 16, 2024, at 1 p.m.

10. Adjournment

Vice Chair Minto adjourned the meeting at 3:24 p.m.

Confirmed Attendance at Public Safety Committee Meeting

Jurisdiction	Name	Member/ Alternate	Attend
Chiefs'/Sheriff's Association Seat A	Chief Chuck Kaye	Member	Yes
	Chief Jose Tellez	1 st Alternate	No
Chiefs'/Sheriff's Association Seat B	Chief Kedick Sellers	Member	No
	Chief Roxana Kennedy	1 st Alternate	No
City of San Diego	Hon. Raul Campillo	Member	No
	Hon. Marni von Wilpert	1 st Alternate	No
County of San Diego	Supervisor Joel Anderson	Member	Yes
	Supervisor Terra Lawson-Remer	1 st Alternate	No
San Diego County District Attorney	District Attorney Summer Stephen	Member	No
	Chief Investigator Jorge Duran	1 st Alternate	Yes
	Deputy Chief Invest Donald Holmes	2 nd Alternate	No
East County	Hon. John Minto, Vice Chair	Member	Yes
	Hon Steve Goble	1 st Alternate	No
Regional Fire/ Emergency Medical Services	Chief Dave McQuead	Member	Yes
	Vacant	1 st Alternate	No
North County Coastal	Hon. Keith Blackburn	Member	Yes
	Hon Ryan Kiem	1 st Alternate	No
North County Inland	Hon. Caylin Frank	Member	Yes
	Hon. Ed Musgrove	1 st Alternate	No
San Diego Police Department	Chief Dave Nisleit	Member	No
	Exec. Assistant Chief Chris McGrath	1 st Alternate	No
	Assistant Chief Paul Connelly	2 nd Alternate	Yes
San Diego County Sheriff	Sheriff Kelly Martinez	Member	Yes
	Undersheriff Richard Williams	1 st Alternate	No
	Assistant Sheriff Brian Nevins	2 nd Alternate	No
South County	Hon. Jose Rodriguez, Chair	Member	No
	Hon. Mike Donovan	1 st Alternate	Yes
Advisory Members	Name	Member/ Alternate	Attended
County Public Safety	Chief Tamika Nelson	Member	No
	Denise Huffhines	1 st Alternate	No
Department of Defense	Matthew Crews	Member	No
	Michial Michalovich	1 st Alternate	No
Federal Public Safety	SAC Stacey Moy	Member	No
	SAC Shelly S. Howe	1 st Alternate	No
	U.S. Marshal Steven Stafford	2 nd Alternate	No

Jurisdiction	Name	Member/ Alternate	Attend
Federal Public Safety	Randy Grossman	Member	No
	Kathleen Connon	1 st Alternate	No
	Deputy Field Office Jesus Rocha	2 nd Alternate	No
Homeland Security	Christopher Heiser	Member	No
	Jeffrey Toney	1 st Alternate	No
Regional Transit	Karen Tucholski	Member	No
	Al Stiehler	1 st Alternate	No
	Tim Curran	2 nd Alternate	No
Southern California Tribal Chairmen's Association	Robert H. Smith	Member	No
	Leia Arviso	1 st Alternate	No
State Public Safety	Chief Tommie Cocroft	Member	No
	Assistant Chief Craig Root	1 st Alternate	No
	Captain Reggie Williams	2 nd Alternate	Yes



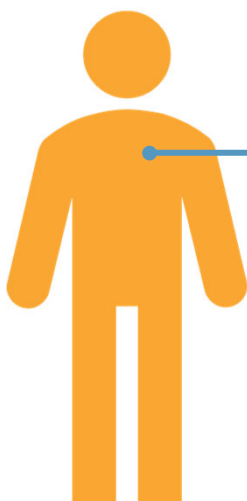
CARE Act Program Overview

Luke Bergmann, PhD, Director
Behavioral Health Services
County of San Diego

Revised 10/31/23

1

Who may qualify?



Adults aged 18+

Diagnosed with schizophrenia or other psychotic disorders

Not currently in treatment

Meets program criteria






Shows likelihood to benefit from program

May be unhoused (but not required)

2

What is the process?



- 1**  **Referral**
- 2**  **Initial Determination**
- 3**  **Investigation & Engagement**
- 4**  **CARE Plan**
- 5**  **Connection to Services**

3

What to Expect After a CARE Plan is Established



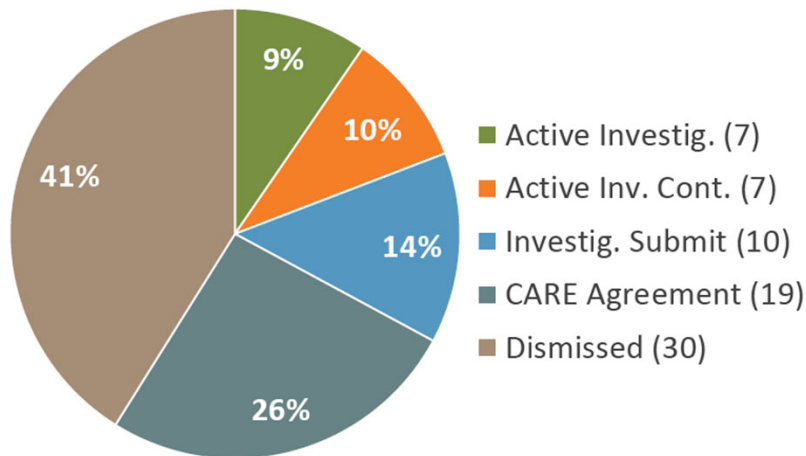
- The CARE Plan client will receive services up to 12-months.
- The individual's progress will be checked regularly at status review hearings every 60 days.
- At the last scheduled status review hearing it will be determined if the client is ready to graduate or if services are still needed under CARE Act.
- CARE Act services can be extended for up to one year.

4

73 Total Petitions Received (10/2/23 - 2/9/24)



Petition Status



5

Common Claims About the Program



Common Claims

Accurate Messages

☒ The CARE Act will allow the Court to mandate treatment.

☒ • CARE Act is a new pathway to voluntary treatment.
• A CARE Plan can be established for one year, with the potential for one additional renewal year.

☒ The CARE Act program is for anyone with a behavioral health condition.

☒ • CARE Act is limited to a very small group of people.
• To be eligible, a person must have diagnosed schizophrenia or another psychotic disorder and not be in treatment.

☒ The CARE Act program is designed only for people experiencing homelessness.

☒ • Some people with a CARE Plan may be unhoused or experiencing housing instability.
• Housing support may be part of a CARE Plan.
• The program is not set up to specifically address homelessness (not a required criteria for eligibility).

6

For More Information



Call the Access & Crisis Line for behavioral health services, referrals, or linkage to Legal Aid Society for CARE Act assistance: **888-724-7240**



Call Legal Aid Society directly for CARE Act information and assistance: **877-734-3258 (Option 6)**



Visit the BHS CARE Act webpage to learn more: **SanDiegoCounty.gov/CAREAct**



February 16, 2024

ARJIS Update: California Senate Bill 54

Overview

In December 2019, a [report](#) was presented to the SANDAG Public Safety Committee that included a summary of Senate Bill 54 (2018, De León) (SB 54), which amended the California Government Code and Health and Safety Code, and its impact on local criminal justice information systems in San Diego County. Based on guidance from the California Attorney General and in coordination with the San Diego County Sheriff's Department, the Automated Regional Justice Information System (ARJIS) took steps to implement changes to the ARJIS system, which are described in more detail below. This update is being provided in response to community concerns shared with SANDAG regarding the use of information in ARJIS.

Action: **Discussion**

Staff will present an update on efforts taken by the Automated Regional Justice Information System to implement Senate Bill 54, based on guidance from the California Attorney General, and in coordination with the San Diego County Sheriff's Department.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Background

ARJIS is a criminal justice data-sharing hub in San Diego County that enables law enforcement agencies to work more efficiently in our region by facilitating interagency cooperation to address crime. Over 5,000 state, local, and federal law enforcement personnel from over 60 agencies use ARJIS through the California Law Enforcement Telecommunications System (CLETS). The San Diego County Sheriff's Department is the region's Controlling Agency monitoring compliance with CLETS policies and procedures.

Senate Bill 54

SB 54 became effective on January 1, 2018, and limits state and local law enforcement assistance in immigration enforcement in the State of California. On October 1, 2018, the Criminal Justice Information Systems (CJIS) Division of the California Department of Justice (DOJ) released an Information Bulletin (Attachment 1) providing guidance to law enforcement agencies on best practices regarding the governance of databases affected by SB 54.

In February 2019, the California DOJ CJIS Division released an updated [Policies, Practices, and Procedures Manual](#) for the use of CLETS. The update included policy changes related to SB 54 and outlines the requirements for the use of CJIS information, as well as directives for user audits, access, and security.

In implementing changes to the ARJIS system under SB 54, ARJIS coordinated with the CLETS Controlling Agency in the region, the San Diego County Sheriff's Department, and took the following actions:

- Immigration Records Access Removed: ARJIS removed access to immigration-related records for all users.
- Immigration Terms Deleted: ARJIS removed the ability for agencies to share new data with references to immigration status in its applications, including criminal charges and identification types using terms such as "illegal alien," "federal immigration," and "undocumented."
- Reason for Search Language: ARJIS updated its database systems to require that users enter a valid reason, such as a crime case number, for each database search. This makes security audits of user searches easier by confirming that each search is conducted for a valid reason.
- Login Screen Language Updated: ARJIS added the California DOJ-recommended acknowledgment language to the criminal misuse warnings on each of its' application login screens.

"Federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. §§ 1373 and 1644."

- ARJIS Training Updated: ARJIS updated its training materials to include warnings about misuse of the system for immigration enforcement.

Specific to Immigration and Customs Enforcement (ICE) access to the ARJIS database, the California DOJ guidance from October 2018, provided that federal immigration authorities should not be denied access to law enforcement databases solely based on their status as a federal immigration authority. ICE Enforcement and Removal Operations (ERO) chose not to sign a new CLETS Subscriber Agreement that requires system users to comply with SB 54 and subsequently ARJIS disabled all ICE ERO accounts in October 2019, consistent with a similar action taken by the San Diego County Sheriff's Department.

Next Steps


ARJIS will continue to monitor guidance related to SB 54 and take appropriate steps in collaboration with its member agencies.

Dr. Cindy Burke, Senior Director Data Science

Key Staff Contact: Anthony Ray, (619) 699-6971, aray@sandag.org

Attachment: 1. California Justice Information Services, Information Bulletin, October 1, 2018

Xavier Becerra, Attorney General

California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief		<h1 style="margin: 0;">INFORMATION BULLETIN</h1>	
Subject: California Values Act's Database Guidance	No. 18-10-CJIS	Contact for information: CLETS Administration Section CAS@doj.ca.gov	
	Date: 10-01-2018		

TO: ALL CHIEFS OF POLICE, SHERIFFS, and EXECUTIVES OF CALIFORNIA LAW ENFORCEMENT AGENCIES

DATABASE GUIDANCE – Senate Bill 54

This Information Bulletin (IB) provides guidance to state and local law enforcement agencies (LEAs) on best practices regarding the governance of databases regarding Senate Bill (SB) No. 54 (De León; 2017-2018 Regular Sessions) ("the Values Act") to ensure information is limited for immigration enforcement purposes to the fullest extent practicable and consistent with federal and state law. The Values Act mandates that the Attorney General, by October 1, 2018, publish "guidance, audit criteria, and training recommendations aimed at ensuring that" databases operated by state and local law enforcement agencies "are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity for the purpose of immigration enforcement." LEAs are strongly encouraged to review and update their existing database governance policies consistent with this guidance.

This IB is not intended to displace any current policies that are aligned with or provide greater protections than those included herein. Nor does the lack of a particular recommendation necessarily indicate disapproval of any policy. Rather, this IB provides some foundational recommendations and should serve as a resource to enhance current policies with respect to the Values Act's goal of ensuring that databases are governed in a manner that limits the availability of information to the fullest extent practicable and consistent with federal and state law for the purpose of immigration enforcement.

GUIDING PRINCIPLES

In enacting the Values Act, the Legislature determined that "a relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California." (Gov. Code, § 7284.2.) The Values Act's core purpose is to ensure effective policing and to protect the safety, well-being, and constitutional rights of all the people of California, regardless of immigration status. The Values Act set the parameters under which LEAs may engage in "immigration enforcement." "Immigration enforcement," as defined by the Values Act, includes any efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, reentry to, or employment in, the United States.

The Values Act generally prohibits LEAs from using agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including providing personal information for that purpose. (Gov. Code, § 7284.6, subd. (a)(1)(D).) The Values Act, however,

permits LEAs to participate in law enforcement task forces, including sharing confidential information pursuant to these task forces, where the primary purpose of the task force is not immigration enforcement. (Gov. Code, § 7284.6, subd. (b)(3).) And, the Values Act permits LEAs to provide immigration authorities with information about a person's criminal history accessible through the California Law Enforcement Telecommunications System (CLETS). (Gov. Code, § 7284.6, subd. (b)(2).) The specific requirements for LEAs under the Values Act are set forth more fully in IB 2018-DLE-01, and specific data reporting requirements can be referenced in IB 18-02-CJIS.

Additional principles of state and federal law should also be used to guide LEAs in developing database governance policies that limit the availability of information for purposes of immigration enforcement. Under California law, LEAs are generally prohibited from asking a person about his or her immigration status. (Gov. Code, § 7284.6, subd. (a)(1)(A).) Also, LEAs are restricted from sharing personal information about a person that is not available to the public, and that is not attached to a person's criminal history. (Gov. Code, § 7284.6, subd. (a)(1)(D), (b)(2).) Notwithstanding that prohibition, consistent with federal law, 8 U.S.C. § 1373, nothing in this IB prohibits or restricts LEAs from sending or receiving information regarding a person's immigration status or citizenship status to or from federal immigration enforcement authorities, or prohibits or restricts LEAs from maintaining information regarding a person's immigration status.¹ Federal courts have found that Section 1373 only prohibits restrictions on the sharing of immigration or citizenship status information, and not restrictions on the sharing of home and work addresses, and release dates.² Courts have also found 8 U.S.C. § 1373 to be unconstitutional under the Tenth Amendment of the U.S. Constitution, so LEAs should ask their counsel to monitor developments in the law.³

Consistent with federal and state law, this IB offers guidance on steps LEAs can take to govern the use of criminal justice information (CJI) that is non-criminal history information. Non-criminal history information contained within databases accessed through CLETS, other DOJ criminal justice information systems, as well as LEAs' individual databases should not be used for the purpose of immigration enforcement. And, any implementation of the policy recommendations in this IB should be applied to all law enforcement agencies equally, regardless of whether they are federal, state, or local law enforcement. Federal immigration authorities should not be denied access to law enforcement databases solely based on their status as a federal immigration authority, so long as they comply with the policies governing use of the databases.

GUIDANCE SURROUNDING USE OF NON-CRIMINAL HISTORY INFORMATION

All users should agree that they will not use any information for purposes of immigration enforcement, as defined in California Government Code section 7284.4, subdivision (f), with respect to an individual who does not possess a criminal history. Individuals who have a criminal history include those with a prior criminal arrest or conviction. This restriction does not impact persons with criminal records within CJI systems. Users are also not prohibited or restricted from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities information regarding a person's immigration status, maintaining such information, or exchanging such information with any other federal, state, or local government entity, pursuant to 8 U.S.C. §§ 1373 and 1644.

¹ 8 U.S.C. § 1373(a), (b).

² *United States v. California* (E.D. Cal. 2018), 314 F. Supp. 3d 1077, 1101-04; *City of Philadelphia v. Sessions* (E.D. Pa. June 6, 2018), ---F.Supp.3d ---, 2018 WL 2725503, at *35; *Steinle v. City and County of San Francisco* (N.D. Cal. 2017) 230 F.Supp.3d 994, 1015-1016.

³ *City of Chicago v. Sessions* (N.D. Ill. July 27, 2018) --- F.Supp.3d ---, 2018 WL 3608564, at *10; *Philadelphia*, 309 F.Supp.3d at 331; see also *California*, 314 F.Supp.3d at 1101 (finding Section 1373's constitutionality "highly suspect").

LEAs are encouraged to adopt the following policies surrounding the use of non-criminal history data:

1. As part of any application, memorandum of understanding, or agreement to access any law enforcement databases, LEAs should inquire regarding the purpose for which the LEA intends to use the information contained within the database. Users who state that they will be using the information for immigration enforcement purposes should be required, as a condition for accessing the database, to agree that they will only do so for those individuals with a criminal history, or for information regarding the immigration or citizenship status of any individual. Users should likewise be required to agree they will not use non-criminal history information, aside from information regarding immigration or citizenship status, for immigration enforcement purposes.
2. Database login screens should be updated to include instruction on the proper use of the information contained in the database. Sample language is provided below:

"Federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. §§ 1373 and 1644."
3. Any policies governing the use of non-criminal history information should include the above-referenced language.
4. Any data sharing agreements, memorandums of understanding, and/or contracts between law enforcement agencies and vendors/service providers should be updated to reflect policies that prohibit the use of non-criminal history information for immigration enforcement purposes.
5. Limit, wherever possible, the collection of personal information of victims and witnesses of crime(s). Further, consider adopting retention periods no longer than is necessary to fulfill the purpose justifying collection of the information.
6. Agencies should survey their databases to determine which databases contain criminal history information, non-criminal history information, and/or both criminal history and non-criminal history information to assist with audits, training, and policy compliance.

TRAINING RECOMMENDATIONS FOR NON-CRIMINAL HISTORY INFORMATION

1. Initial security awareness training for new employees and ongoing biannual recertification should be updated to include questions to demonstrate knowledge of the updated governance policies regarding, limitations on the use of non-criminal history information for immigration enforcement purposes.

AUDIT CRITERIA FOR NON-CRIMINAL HISTORY INFORMATION

1. When internal database compliance audits are conducted, agencies should ensure database users are in compliance with policies that limit the use of non-criminal history information for immigration enforcement purposes.

2. Agencies should update internal policies regarding the reporting of misuse of non-criminal history information that is used for immigration enforcement purposes.

Sincerely,


JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General



AUTOMATED
REGIONAL JUSTICE
INFORMATION SYSTEM

ARJIS

Senate Bill 54 Update

Public Safety Committee| Item # 5
Anthony Ray, Director, ARJIS
February 16, 2024

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Background

ARJIS (Automated Regional Justice Information System)

- Criminal justice information sharing hub
- Allows agencies to work more efficiently by facilitating interagency cooperation to address crime

ARJIS Serves

- Over 5,000 law enforcement personnel
- 60 local, state, federal agencies

San Diego County Sheriff's Department

- Region's CLETS coordinator monitoring policies and procedures

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SB 54 Overview

SB 54 (2018) “The California Values Act”

- Amended the California Government Code
- Amended the Health and Safety Code
- Impacted local criminal justice information systems
- Limited State and Local Law Enforcement's ability to assist in immigration enforcement

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SB 54 Overview (continued)

October 1, 2018

- CJIS Information Bulletin providing guidance to agencies regarding governance of databases

February 2019

- Updated manual for the policies, procedures and practices for CLETS use
- Manual outlines CJIS requirements for audits, access, and security

Based on Guidance from the California Attorney General’s Office

- And in cooperation with the San Diego County Sheriff’s Department
ARJIS took steps to Implement changes (Explained Below)

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ARJIS Actions

Immigration Access Records Removed

- ICE ERO declined to sign the CLETS Agreement requiring users to comply with SB 54
 - All ICE ERO accounts disabled in October 2019
 - Removed access to immigration-related records for all users.

Immigration Terms Deleted

- Removed the ability for agencies to share new data referencing immigration status in ARJIS applications, including criminal charges and identification types using terms such as "illegal alien," "federal immigration," and "undocumented".

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ARJIS Actions (continued)

Reason for Search Language Added

- Database systems require users enter a valid reason (e.g., crime case number) for each database search

Login Screen Language Updated

- Added the California DOJ-recommended acknowledgment language to the criminal misuse warnings on each of its' application login screens
- *"Federal, state or local law enforcement agencies **shall not use any non-criminal history information** contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S. C. §§ 1373 and 1644."*

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ARJIS Actions (continued)

Training Updated

- Updated its training materials to include warnings about misuse of the system for immigration enforcement

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Call: Anthony Ray, Director 619.699.6971

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