


<p>California Department of Justice CALIFORNIA JUSTICE INFORMATION SERVICES DIVISION Joe Dominic, Chief</p> 	<p>INFORMATION BULLETIN</p>	
<p><i>Subject:</i> California Values Act's Statistical Reporting Requirements</p>	<p><i>No.</i> 18-02-CJIS</p> <p><i>Date:</i> 03-28-2018</p>	<p><i>Contact for information:</i> Criminal Justice Statistics Center DOJ.CJSC@doj.ca.gov</p>

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

This bulletin provides guidance to California law enforcement agencies (LEA) regarding the Values Act, Government Code section 7284 et seq., effective January 4, 2018 [Chapter 495, Statutes of 2017 (Senate Bill 54)]. The Values Act defines the circumstances under which California LEAs may assist in the enforcement of federal immigration laws and participate in joint law enforcement task forces, and mandates that California LEAs report certain statistics to the California Department of Justice (DOJ).

This bulletin discusses the Values Act's statistical reporting requirements. Specifically, the Values Act requires California LEAs to report to the DOJ statistics about their participation in joint law enforcement task forces and their transfers of individuals to immigration authorities. A separate bulletin will provide guidance on other provisions of the Values Act.

First, Government Code section 7284.6, subdivision (c)(1) requires California LEAs that participate in a joint law enforcement task force, for which the California LEA has agreed to dedicate personnel or resources on an ongoing basis, to submit a report annually to the DOJ that provides the following information for each task force: (1) the purpose of the task force; (2) the federal, state, and local agencies involved in the task force; (3) the total number of arrests made by the task force during the reporting period; and (4) the total number of arrests made by the task force for immigration enforcement purposes; i.e., any arrests by the task force for any violation of any provisions of the federal Immigration and Nationality Act, which is found in Title 8 of the United States Code.¹

The Values Act defines a "joint law enforcement task force" as "at least one California LEA collaborating, engaging, or partnering with at least one federal LEA in investigating federal or state crimes" [Gov. Code, § 7284.4, subd. (g).] Therefore, there is no reporting requirement under these provisions unless one of the participants in the task force is a federal LEA. A joint law enforcement task force should report task force activities to the DOJ as required by the Values Act if a California LEA on the task force "has agreed to dedicate personnel or resources on an ongoing basis" when collaborating, engaging or partnering with at least one federal LEA. [Gov. Code, § 7284.6, subd. (c)(1).] An "ongoing basis" means more than one interaction with any federal, state, or local LEA on a task force to discuss task force operations. Accordingly, isolated interactions with a federal LEA are

¹ See also, Government Code section 7284.4, subdivision (f) which defines the term "immigration enforcement" as "any and all efforts to investigate, enforce or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in, the United States."

not subject to these reporting requirements because the California LEA did not dedicate personnel or resources to the task force on an ongoing basis.

If multiple California LEAs participate in a joint law enforcement task force, only one California LEA, to be designated by the task force, shall submit the report on behalf of the task force. The number of arrests reported to the DOJ under this provision shall include all known arrests made by federal LEAs that are participating in the task force.

The Values Act prohibits California LEAs from making or intentionally participating in arrests based on immigration enforcement, even as part of the task force, unless the arrest meets the conditions of Government Code section 7284.6, subdivision (b)(1).

Joint law enforcement task forces, through a designated California LEA, shall begin collecting this information on January 4, 2018, and report all information to the DOJ by January 15, 2019, and annually thereafter. Beginning March 1, 2019, the DOJ will annually publish a report regarding arrests made by joint task forces on the Attorney General's website.

While the Values Act generally makes the information reported to the DOJ subject to the Public Records Act, a California LEA is not required to provide to the public information that, if disclosed, would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation. [Gov. Code, § 7284.6, subd. (c)(3).]

If a California LEA believes that any of the joint law enforcement task force information that is required to be provided to the DOJ under the Values Act would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, the California LEA shall identify the specific information it believes meets this criteria and the facts supporting its belief, when it submits this information to the DOJ. The Attorney General's Office will then review the information provided by the LEA to determine whether, in the Attorney General's discretion, the information should be withheld from public disclosure as contemplated in Government Code section 7284.6, subdivision (d).

Participation by California LEAs in joint law enforcement task forces should ensure that all provisions of the Values Act are followed when working with federal LEAs.

Second, Government Code section 7284.6, subdivision (c)(2) requires all California LEAs (not limited to California LEAs participating in a task force) to report the number of transfers the California LEA makes to immigration authorities in a calendar year, as permitted by Section 7284.6, subdivision (a)(4), and the offense that allowed for the transfer. This information shall also be reported to the DOJ by January 15, 2019, and annually on this date thereafter.

Under the Values Act, transfers to immigration authorities are permitted only in certain circumstances. See Government Code section 7284.6, subd. (4). Additional information and guidance regarding transfers will be discussed in a separate information bulletin.

Please contact DOJ.CJSC@doj.ca.gov with any questions regarding the Values Act's reporting requirements.

Sincerely,

JOE DOMINIC, Chief
California Justice Information Services Division

For XAVIER BECERRA
Attorney General

Attachments



REPORTING INSTRUCTIONS FOR VALUES ACT

A) Form BCIIIS-SB54-1

Pursuant to **Government Code section 7284.6**, all California law enforcement agencies (LEA) that participate in a joint law enforcement task force, for which a California LEA has agreed to dedicate personnel or resources on an ongoing basis, will be required to submit a report annually to the Department of Justice (DOJ). For the purposes of this mandate, "joint law enforcement task force" is defined as at least one California LEA collaborating, engaging, or partnering with at least one federal LEA in investigating federal or state crimes. If more than one California LEA is participating on the task force, only one California LEA, to be determined by the task force, shall submit the information below to the DOJ on behalf of the task force. The designated LEA must report the following information for each "joint law enforcement task force" in which they participate:

1. **Date** – The date the reporting form was submitted.
2. **Submitting Agency ORI and Name** – Provide the ORI and name for your agency.
3. **The name and purpose of the joint law enforcement task force** – Provide the name and a description of the purpose of the task force in the space provided.
4. **The federal, state, and local LEAs involved** – Provide agency names and ORIs for the other LEAs participating with the task force. Indicate whether they are a federal, state, or local agency by putting an "x" in the appropriate box.
5. **The total number of arrests made during the reporting period** – Indicate the total number of people arrested for any offense by a task force participant. (**Note:** The Total Number of Arrests should include the Total Number of Arrests for Immigration Enforcement Purposes. For example, if the Task Force made 10 arrests total and 2 of those were for immigration enforcement purposes, we would expect the numbers 10 and 2 to be reported in their respective boxes).
6. **The total number of people arrested for immigration enforcement purposes** – Indicate the total number of people arrested for immigration enforcement purposes by a task force participant. Under the Values Act, no California LEA shall participate in the arrest of persons for immigration enforcement purposes, even as part of the task force, unless the arrest meets the conditions of Government Code section 7284.6, subdivision (b)(1).
7. **Check the box** if your agency is requesting exclusion from disclosure due to the risk of endangering the safety of a person involved in an investigation or successful completion of the investigation or a related investigation. If the check box is selected, the submitting agency must also complete form BCIIIS-54-1A and submit it with form BCIIIS-SB54-1.
8. **Contact Information** – Indicate the name, phone number, and email of the person completing the form.

B) Form BCIIIS-SB54-1A

Pursuant to **Government Code section 7284.6**, subdivision (d), the Attorney General does not have to disclose certain information in its report should doing so endanger the safety of a person involved in an investigation or endanger the successful completion of the investigation or a related investigation. If a California LEA believes that any of the joint law enforcement task force information that is required to be provided to the DOJ (form BCIIIS-SB54-1) under the Values Act would qualify for exclusion from disclosure, the California LEA shall identify the specific information it believes meets the criteria for exclusion and the facts supporting its belief. This form must accompany form BCIIIS-SB54-1 upon annual submission if the California LEA is seeking exclusion from disclosure.

1. **Date** – The date the reporting form was submitted.
2. **Submitting Agency ORI and Name** – Provide the ORI and name for your agency.
3. **The name and purpose of the joint law enforcement task force** – Provide the name and a description of the purpose of the task force in the space provided.
4. **Justification for Exclusion from Disclosure** – Identify the specific information you believe meets the criteria for exclusion and the facts supporting your belief.
5. **Contact Information** – Indicate the name, phone number, and email of the person completing the form.



REPORTING INSTRUCTIONS FOR VALUES ACT

C) Form BCIIS-SB54-2

Pursuant to **Government Code section 7284.6** all LEAs are required to report statistics on all individuals transferred to immigration authorities pursuant to Government Code section 7284.6, subdivision (a)(4). All LEAs will be required to report the following information:

1. **Date** – The date the reporting form was submitted.
2. **Submitting Agency ORI and Name** – Provide the ORI and name for your agency.
3. **Number of Transfers by Offense Code** – Indicate the number of transfers to immigration authorities by the offense code that allowed for the transfer. This is a summary count by offense, and not individual records. For example, if two individuals were arrested for arson and were subsequently transferred to Immigration and Customs Enforcement (or ICE) for immigration enforcement purposes, the agency should report “2” for the total number of transfers and Penal Code section 451, subdivision (a) for the code section. This is not limited to transfers made in response to transfer requests, as that term is defined in Government Code section 7283.
4. **Contact Information** – Indicate the name, phone number, and email of the person completing the form.