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Public Comment Item #2: Draft Non-Cooperation Policy

4/20/2025

Ken Carlson, Chair
Shanelle Scales-Preston, Vice Chair

Dear Chair and Vice Chair,

I'm a Walnut Creek resident and member of ACCE Contra Costa as well as the Contra Costa Racial Justice Coalition.

At the March Equity Committee meeting, members of the public, myself included, requested that a non-cooperation ordinance be agendized at the next Equity Committee meeting. While I'm grateful to see this topic up for discussion at today's meeting, I'm disappointed that the document being discussed is not an ordinance but a policy. As we all know, the consequences to a department for violating policy are entirely different than those for violating an ordinance. With a policy, we forgo many of the legal remedies we could otherwise have at our disposal to hold county departments and the Sheriff accountable. At the July 22nd Board of Supervisors meeting, Sheriff Livingston made it crystal clear that he fully intends to use our county resources to collaborate with immigration authorities even when not legally required to do so. We must create legal safeguards to prevent such collaboration. Please turn the policy back into an ordinance.

I also ask that you reinstate the section on contractor compliance as its removal creates a loophole by which ICE can continue practicing mass surveillance on everyone in the community. With this loophole we relinquish our county's power to ensure we are not giving our county dollars to contractors who will route collected data to fusion centers where ICE uses AI to mine data to track and surveil us. The surveillance machine relies on funds to operate. We need to do everything we can to starve the machine rather than squander our already limited resources feeding it.

Please also reinstate the language regarding standard implementation and severability as well as an implementation date. Their removal weakens the ordinance.

Lastly, please remove the language in the document that refers to "conflict with other policies." This language creates another massive loophole because it allows department policies to override a countywide measure.

With changes such as these, we can bring an ordinance to the Board of Supervisors that we are proud of without inadvertently participating in a system that stands in contravention of the ideals this body has worked so hard to champion.

Thank you for your time and consideration.
Katherine Walley