



Monterey County

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Board Report

Legistar File Number: 15-1299

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Current Status: Agenda Ready

Matter Type: General Agenda Item

Approve and authorize the Chair to sign a letter to American Civil Liberties Union (ACLU), Monterey Chapter responding to their concerns regarding the implementation of federal Priority Enforcement Program (PEP) in with the Monterey Sheriff's Office.

RECOMMENDATION:

It is recommended that the Board of approve and authorize the Chair to sign a letter to American Civil Liberties Union (ACLU), Monterey Chapter responding to their concerns regarding the implementation of federal Priority Enforcement Program (PEP) in the Monterey Sheriff's Office.

SUMMARY/DISCUSSION:

In August of 2015, the Monterey Sheriff's Office and the United States Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) initiated a pilot program at the Monterey County Jail. The intent of this pilot project is to prevent the release of inmates who are considered threats to public safety before they are released back into our community.

Under this pilot project, the Sheriff's Office is not enforcing immigration law or collaborating with ICE out in the community with immigration matters. No member of the Sheriff's Office will detain or arrest a member of the community based on the person's immigration status. In consultation with the County Counsel, the Sheriff's Office is in compliance with the California's Trust Act (AB4). Additionally, the Sheriff's Office is not holding inmates on ICE detainer requests under any circumstances.

DHS replaced the Secure Communities (S-Comm) with PEP. Unlike Secure Communities, PEP targets only individuals who have significant criminal convictions in their backgrounds and those considered threats to the public. The Sheriff's Office is not holding any inmates past their release date and they are not releasing inmates earlier to ICE.

Under the PEP pilot program at the Monterey County Jail, ICE agents identify potential priority inmates after the individual is arrested and fingerprints are taken and submitted to the Federal Bureau of Investigations. These identifications allow ICE to determine if the individual has had prior contact with ICE and the individual's criminal history. This information is used to determine whether the individual is a priority for removal. If the person is a priority removal, ICE requests to be notified before release. If ICE is at the facility, they take custody of the inmate after release. If ICE is not present at the time of release, the inmate is released and not held on the ICE detainer request.

OTHER AGENCY INVOLVEMENT:

Monterey County Sheriff's Office received a request from the United States Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) to initiate a pilot program at the Monterey County Jail.

FINANCING:

The recommended action has no direct financial impact to the General Fund.

Prepared by: Manuel T. González, Assistant County Administrative Officer

Approved by:

Attachments: Letter to ACLU
U.S. Department of Homeland Security Memo