



County of Monterey

Item No.14

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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Receive a follow-up response and presentation related to cooperation with federal immigration enforcement, as requested by the Board of Supervisors during the January 27, 2026 California Transparent Review of Unjust Transfers and Holds (TRUTH Act) hearing.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a follow-up response and presentation related to cooperation with federal immigration enforcement, as requested by the Board of Supervisors during the January 27, 2026 California Transparent Review of Unjust Transfers and Holds (TRUTH Act) hearing; and,
- b. Provide direction to staff as appropriate.

SUMMARY:

The Board requested follow-up focus on core areas: due process and informed consent for individuals in County custody; transparency and public trust; county legal authority and discretion under the California Values Act (Senate Bill 54 - Chapter 495, Statutes of 2017); participation in the State Criminal Alien Assistance Program (SCAAP); potential conflicts of interest involving outside employment; need for improved policy alignment and a more comprehensive TRUTH Act report.

In a separate report, scheduled for the same date, April 14, 2026, the Sheriff's Office will include data shared verbally during the January 27, 2026, TRUTH Act report.

DISCUSSION:

During the January TRUTH Act hearing, the Board of Supervisors raised a series of concerns regarding the County's statutory obligations, public transparency, and community trust related to immigration-related interactions within the Monterey County Jail. The Board's requested follow-up centered on six core areas:

1. Due process and informed consent;
2. Transparency and public trust;
3. Legal authority under the California Values Act;
4. Participation in the State Criminal Alien Assistance Program (SCAAP);
5. Potential conflicts of interest; and
6. Need for improved policy alignment and enhanced TRUTH Act reporting.

These areas and related responses are outlined below.

1. Due Process and Informed Consent for Individuals in County Custody

Board members expressed significant concern about whether individuals in custody are fully informed of their rights prior to interviews with Immigration and Customs Enforcement (ICE). These included whether detainees understand their right to decline interviews, request counsel, or receive information in their primary language. Board members asked for the consent forms used by the Sheriff's Office, clarification on interpretation services, and assurances that individuals meet with the Public Defender prior to any federal immigration interview. These questions underscore the need for consistent procedures that protect due process and ensure that rights are clearly communicated.

Response:

The Public Defender does not currently advise clients prior to any federal immigration interview. The Public Defender has advised the CAO that expanding services to include this function would require approximately \$250,000 annually in additional staffing. While this service is not currently provided, the Public Defender recognizes the Board's interest in ensuring that individuals are fully informed of their rights prior to any ICE interaction, including the ability to decline an interview and request counsel. The Public Defender will continue to work with the Sheriff's Office and other stakeholders to ensure that existing procedures clearly communicate these rights and are consistently applied.

2. Transparency and Public Trust

Board members and community members raised concerns about limited access to data, inconsistencies between verbal and written reports, and unanswered questions from prior TRUTH Act proceedings. The Board members noted that the absence of comprehensive information hinders public understanding and erodes trust in both the Sheriff's Office and County processes. Requests included written versions of verbally provided data, more detailed reporting on ICE contacts and transfers, and clear disclosure of communications with federal agencies.

Response:

As to independent oversight of the Sheriff's Office operations, following the passage of Assembly Bill 1185 (Chapter 342, Statutes of 2020), a Board referral (2022.02 - Askew - Sheriff Oversight Board Formation) was issued on January 11, 2022, and an Ad Hoc Committee was formed. The Ad Hoc Committee reviewed the potential selection and hiring of an independent inspector general who could be hired under contract to perform this function. The potential cost and specific scope of work for an independent inspector general, if recommended by the Ad Hoc Committee and authorized by the Board, is currently unknown. The Ad Hoc Committee had previously recommended that its report to the Board be placed on hold pending completion of the independent audit of the Sheriff's Office expenditures and revenues which is currently underway. This audit, being conducted by GPP Analytics, is reviewing Sheriff's Office expenditures and revenues for four fiscal years (FY 2024-25, FY 2023-24, FY 2022-23 and FY 2021-22)

3. County Legal Authority and Discretion Under the California Values Act (SB 54)

Board members sought clarification regarding the degree of discretion the County and Sheriff's Office

have in cooperating with ICE. Questions focused on the statutory framework that allows-but does not require-collaboration in specific circumstances under the California Values Act and the TRUTH Act. Board members asked for a legal explanation of when cooperation is permitted, whether current practices are discretionary or mandatory, and how the County's approach compares to other jurisdictions. Noting that this legal clarity is essential for Board oversight and policy direction.

Response:

As to cooperation with ICE, this rests within the purview of the Sheriff in her capacity as the elected chief law enforcement officer of the County.

4. Participation in the State Criminal Alien Assistance Program (SCAAP)

Board members requested further information about the County's participation in SCAAP, including the type of jail data submitted and whether such data may be accessed or used by federal immigration authorities. Board members raised concerns about transparency in data sharing, the implications of accepting federal reimbursement funds, and whether participation aligns with County policy objectives and community values. Staff noted the need to return with a more comprehensive explanation of SCAAP's parameters and its relationship with ICE enforcement actions.

Response:

The SCAAP Program is administered by the US Department of Justice Bureau of Justice Assistance in conjunction with ICE and provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violation of state or local law, and incarcerated for at least four consecutive days during the reporting period. The information typically collected as part of the program includes:

- a. Alien registration number (if known)
- b. Name
- c. Unique inmate number assigned by the participating jurisdiction
- d. Foreign country of birth
- e. Date taken into and date released from custody
- f. Federal Bureau of Investigation (FBI) number, if known.

Participation in the program is discretionary, and the Board of Supervisors authorized it several years ago. The FY 2025-26 federal funding provided to the County is approximately \$650,000. The Board has the discretion to discontinue participation in the program; however, if discontinued, it is recommended that the impact of the reduction in revenue to the Sheriff's office be reviewed.

5. Potential Conflicts of Interest Related to Outside Employment

Board members requested clarification on whether Sheriff's Office personnel hold outside employment with ICE or other federal immigration agencies, and whether such employment creates conflicts with County responsibilities or public expectations. This inquiry reflects concern about maintaining public trust

and ensuring that County staff act in a manner consistent with local values and state law.

Response:

As to whether Sheriff's Office personnel might seek outside employment working as ICE agents, the Monterey County Code requires that any employee who seeks to work outside the parameters of their County employment first request and gain approval for such work from their respective department head. The Board may direct the Human Resources Department to review and report on any outside employment authorized by the Sheriff's Office.

6. Need for Improved Policy Alignment and a More Comprehensive TRUTH Act Report

Board members requested more robust reporting that goes beyond the minimum statutory requirements, including historical trends, detailed case-level context, complete data sets, and clearer explanations of ICE access requests, interviews, detainers, and transfers. Board members emphasized that enhanced reporting is essential to support transparent governance and community understanding. Board members requested that staff develop policy recommendations to address gaps between current practices, County values, and public expectations.

Response:

As to the policy alignment and comprehensive reporting, the Sheriff's Office report is in alignment with the statutory requirements of the TRUTH Act.

OTHER AGENCY INVOLVEMENT:

This Board report was prepared in consultation with County Counsel and the Public Defender

FINANCING:

There is no impact on the General Fund through acceptance of this report. However, decisions the Board may make, as outlined in this report, could have significant budgetary impacts and would require further review and reporting.

BOARD OF SUPERVISORS STRATEGIC PLAN GOALS:

- Well-Being and Quality of Life
- Sustainable Infrastructure for the Present and Future
- Safe and Resilient Communities
- Diverse and Thriving Economy

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