



County of Monterey

Item No.

Board Report

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

Legistar File Number: 25-006

January 28, 2025

Introduced: 1/6/2025

Current Status: Agenda Ready

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Matter Type: General Agenda Item

- a. Receive a report from the Sheriff's Office related to U.S. Immigration and Customs Enforcement's (ICE) access to Incarcerated Persons in the Monterey County Jail; and
- b. Receive and consider public comment.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Receive a report from the Sheriff's Office related to U.S. Immigration and Customs Enforcement's (ICE) access to Incarcerated Persons in the Monterey County Jail; and
- b. Receive and consider public comment.

SUMMARY/DISCUSSION:

The Monterey County Sheriff's Office increased its restriction of ICE Agents access to Incarcerated Persons in the Monterey County Jail beginning January 1, 2018. This was done in accordance with Senate Bill 54 (SB 54) - California Values Act (Act). ICE Agents retain access to Incarcerated Persons under certain criteria set forth in the Act. The following is a summary of the Monterey County Sheriff's Office interaction with ICE.

Assembly Bill 2792 (AB 2792), the Truth Act was signed into law in 2016, operative January 1, 2017. The Truth Act requires a local law enforcement agency to provide Incarcerated Persons with the following: a written consent form prior to an interview with ICE, copies of any ICE information request as to whether the agency will comply with ICE requests, and copies of any information the agency shares with ICE. The Truth Act also requires the local governing body of any county, city, or city and county in which a local law enforcement agency has provided ICE access to an individual during the last year, to hold at least one public community forum during the following year. The purpose of the forum is to provide information to the public about ICE's access to Incarcerated Persons and to receive and consider public comment.

Beginning in 2017, ICE had restricted access to Incarcerated Persons in the Monterey County Jail. Pursuant to Government Code Section 7283(d), "ICE access" means, for the purposes of civil immigration enforcement, including when an individual is stopped with or without their consent, arrested, detained, or otherwise under the control of the local law enforcement agency, all the following:

- (1) Responding to an ICE hold, notification, or transfer request.
- (2) Providing notification to ICE in advance of the public that an individual is being or will be released at a certain date and time through data sharing or otherwise.

- (3) Providing ICE non-publicly available information regarding release dates, home addresses, or work addresses, whether through computer databases, jail logs, or otherwise.
- (4) Allowing ICE to interview an individual.
- (5) Providing ICE information regarding dates and times of probation or parole check-ins.

Senate Bill 54 (SB 54), the California Values Act, related to law enforcement data sharing, was signed into law on October 5, 2017, and became operative January 1, 2018. This prohibited sharing of non-public information with ICE or cooperating with ICE except under limited circumstances. SB 54 dramatically restricted communication with ICE to share information regarding Incarcerated Persons information and Incarcerated Persons release dates.

Adhering to California law noted in SB 54, the jail will only respond to notification requests for Incarcerated Persons with qualifying charges or convictions. When an Incarcerated Persons is booked, and ICE has an interest in accessing the inmate; ICE must provide qualifying charge / conviction information to the jail. The jail will verify the criminal history information, validate the conviction to the SB 54 exceptions list, and determine if the law allows information sharing with ICE. If the charge and timelines are valid, the jail will share outdate information with ICE.

For the 2024 calendar year, the Monterey County Jail released 11 Incarcerated Persons into ICE custody. The qualifying charges for the eleven individuals released to ICE this year are PC 211 (Robbery), PC 664/211 (Attempted Robbery), PC 220(a)(1) (Assault with the Intent to Commit a Felony), PC 236 (False Imprisonment), PC 243.4(3)(1) (Sexual Battery), PC 245(a)(1) (Assault with a Deadly Weapon), HS 11379 (Sale or Transportation of Methamphetamine), and VC 23153(b) (DUI Causing Injury). The table below associates the charge to the number of incarcerated persons transferred to ICE custody pursuant to California law:

- 2 - PC 211 Robbery
- 3 - PC 664/211 Attempted Robbery
- 1 - PC 220(a)(1) Assault with the Intent to Commit a Felony
- 1 - PC 236 False Imprisonment
- 1 - PC 243.4(3)(1) Sexual Battery
- 1 - PC 245(a)(1) Assault with a Deadly Weapon
- 1 - HS 11379 Sale or Transportation of Methamphetamine
- 1 - VC 23153(b) DUI Causing Injury

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this report.

FINANCING:

There is no fiscal impact from receipt of this report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Mark a check to the related Board of Supervisors Strategic Initiatives

☐ Economic Development

☐ Administration
☐ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Attachments:

Board Report

Policy 524_SB54