

MONTEREY COUNTY



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December 8, 2015

Ted Rico
American Civil Liberties Union (ACLU)
Monterey County Chapter
39 Drumm Street
San Francisco, CA 94111

Dear Mr. Rico

This transmittal provides response to your letter addressed to the Board of Supervisor dated October 26, 2015 regarding the Monterey County Sheriff's office participation in the federal Priority Enforcement Program (PEP) and summarizes our Board's request to the Sheriff.

As we understand the PEP, the Department of Homeland Security (DHS), in November of 2014, instituted the program with the intent to target individuals who pose a danger, to be taken into custody by Immigration and Customs Enforcement (ICE). Under this program fingerprints are sent to DHS when state and local law enforcement agencies book an individual into custody. According to ICE, PEP is supposed to prioritize individuals in custody based on an individual's criminal conviction and/or immigration history (such as repeated abuses of the visa program), and requests that local law enforcement agencies notify them of an individual's release date.

Under his authority as an independent elected official, on August 14, 2015, the Monterey County Sheriff's Office and ICE initiated the pilot program at the Monterey County Jail. The Sheriff has expressed that his intent in implementing the pilot project is to prevent the release of inmates who are considered threats to public safety. The Sheriff further articulated that his is not collaborating with ICE out in the community with immigration matters and no member of the Sheriff's Office will detain or arrest a member of the community based on the person's immigration status. Finally, the Sheriff asserts that his Department is not holding inmates on ICE detainer requests under any circumstance and his office is compliant with the California's Trust Act (AB4).

On behalf of the Board of Supervisors, I assure you that we appreciate the issues articulated by the ACLU and other organizations in your October 26 letter, regarding the myriad of potential impacts of the PEP pilot program to our immigrant communities. Further, we understand that ACLU and other stakeholders have met with the Sheriff several times to articulate these concerns, and the Sheriff has confirmed his continuing commitment to operate the PEP pilot program.

The Board of Supervisors supervisory authority over the Sheriff is limited. In enforcing law, the Sheriff is acting as a peace officer of the state and is under the direct supervision of the attorney general. In addition to being an officer of the County, the Sheriff is also an officer of the courts. While acting in that capacity, the Sheriff is not under the supervision of the Board, and the Board may not assert control over the Sheriff in connection with such duties.

However, the Board intends to request that the Sheriff take the following actions: 1) report monthly to the Board of Supervisors on how many people have been released to ICE as part of the PEP, including the priority enforcement categories for these individuals; 2) as requested, meet with members of the community to explain the operation and purpose of the program, and address community questions and concerns; and 3) report quarterly to the Board of Supervisors on the incremental costs of the Sheriff's office to participate in the PEP.

In closing, we thank you for contacting the Board of Supervisors regarding this program, and for your active engagement of the agencies and individuals you write on behalf of in their support of our immigrant communities and civil rights of all individuals.

Sincerely,

Supervisor Simón Salinas, Chair
Monterey County Board of Supervisors

Cc: Blanca Zarazua, Attorney at Law and Honorary Consul of Mexico
Immigration Action Group
Immigrant Legal Resource Center
Motivating Individual Leadership for Public Advancement
Monterey County Immigration Coalition
Monterey Bay Central Labor Council
Monterey County Public Defender
Michael K. Mehr, Attorney at Law
Magnolia Zarraga, Attorney at Law

Stephen T Bernal, Monterey County Sheriff
Lew C. Bauman, Monterey County Administrative Officer
Charles J. McKee, Office of County Counsel