



Monterey County

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Board Report

Legistar File Number: 18-1113

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Introduced: 11/2/2018

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

- a. Receive a report from the Sheriff's Office related to Immigration and Customs Enforcement (ICE)'s access to individuals; and
- b. Receive and consider public comment.

RECOMMENDATION:

It is recommended the Board of Supervisors:

- a. Receive a report from the Sheriff's Office related to Immigration and Customs Enforcement (ICE)'s access to individuals; and
- b. Receive and consider public comment.

SUMMARY:

Assembly Bill 2792, the Truth Act was signed into law in 2016 and became operative January 1, 2017. The Truth Act, requires a local law enforcement agency, to provide inmates with a written consent form prior to an interview with Immigration and Customs Enforcement (ICE), to provide inmates with copies of any ICE requests, provide inmates with information as to whether the agency will comply with ICE requests, and provide the inmate with 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, as specified, to provide information to the public about ICE's access to individuals and to receive and consider public comment.

During 2017, ICE had access to inmates in the Monterey County Jail (the 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 of 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.

ICE access was restricted to inmates confined in the Jail. Access included responding to notification

requests, providing inmate data from the Jail management system, sharing outdated information, and allowing ICE to interview inmates when the inmate consented to the interview. During all of 2017, ICE picked up 213 inmates as they were released from the Jail.

Senate Bill 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 non-public information with ICE or cooperating with ICE except under limited circumstances. SB54 dramatically restricted communication with ICE to share information regarding inmate information and inmate release dates.

Based on the provisions in SB54, the Jail will only respond to notification requests for inmates with qualifying charges or convictions. When an inmate 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 SB54 exceptions list, and determine if the law allows information sharing with ICE. If the charge and time horizon are valid, the Jail will share outdated information with ICE. Based on the restrictions in SB54 there was a drastic decline in the number of inmates ICE was able to pick up upon their release from the Jail. As of November 2, 2018, 32 inmates have been released from the Jail and picked up by ICE.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This request meets the Board's strategic initiatives by:

"Creating Safe Communities"

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development
Administration
Health & Human Services
Infrastructure
☒ Public Safety

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