



Legislation Details (With Board Report)

File #: 19-0911 **Name:** ICE'S access to individuals
Type: General Agenda Item **Status:** Scheduled PM
File created: 11/18/2019 **In control:** Board of Supervisors
On agenda: 12/10/2019 **Final action:**
Title: a. Receive a report from the Sheriff's Office related to ICE's access to inmates in the Monterey County Jail; and
b. Receive and consider public comment.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Completed Board Order Item No. 32

Date	Ver.	Action By	Action	Result
12/10/2019	1	Board of Supervisors	received	

a. Receive a report from the Sheriff's Office related to ICE's access to inmates in the Monterey County Jail; and
b. Receive and consider public comment.

RECOMMENDATION:

It is recommended that the Board of Supervisors, Pursuant to 7283.1(d) of the California Government Code:
a. Receive a report from the Sheriff's Office related to ICE's access to inmates in the Monterey County Jail; and
b. Receive and consider public comment.

SUMMARY:

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

DISCUSSION:

Assembly Bill 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 inmates with the following: A written consent form prior to an interview with ICE, copies of any ICE request information 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 forum is to provide information to the public about ICE's access to inmates and to receive and consider public comment.

During 2017, ICE had restricted access to inmates 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 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.

Access included responding to notification requests, providing inmate data from the jail management system, sharing outdate 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 county 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. SB 54 dramatically restricted communication with ICE to share information regarding inmate information and inmate release dates.

Based on the provisions in SB 54, 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 SB 54 exceptions list, and determine if the law allows information sharing with ICE. If the charge and time lines are valid, the jail will share outdate information with ICE.

Based on the restrictions in SB 54, there was a drastic decline in the number of inmates ICE was able to pick up upon their release from jail. In 2018, 41 inmates were picked up by ICE. As of November 13, 2019, 46 inmates have been released from the county jail and picked up by ICE.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this report.

FINANCING:

There is no fiscal impact associated with receipt of this report.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This report meets the Board’s strategic initiatives by promoting an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency and creates a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow while reducing violent crimes. .

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development
X Administration

Health & Human Services
Infrastructure
X Public Safety

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