



County of Monterey

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

Board Report

File #: 21-1038, Version: 1

- 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 individuals; 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 (SB54), 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 interaction with ICE.

DISCUSSION:

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 jail. During all of 2017, ICE picked up 213 inmates as they were released from county jail. In 2018 there were 41 inmates picked up by ICE, 52 inmates in 2019 and 23 inmates in 2020. As of November 18, 2021, 2 inmates have been released from the county jail and picked up by ICE. In 2020 and 2021 there has been a marked decline as a result of CoVID-19. The qualifying charges for the two individuals released to ICE this year are California Penal Code Section (CPC) 245(A)(4) - Assault by means of force likely to produce great bodily injury and CPC 273.5(A) - Willful infliction of corporal injury.

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 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 the 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.

Senate Bill 54, the California Values Act related to law enforcement data sharing was signed into law on October 05, 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 timelines are valid, the jail will share outdate information with ICE.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed and approved this report.

FINANCING:

N/A

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

Prepared by: James Bass, Chief Deputy, Ext #3887

Approved by: Steve Bernal, Sheriff/Coroner, Ext #3750

Attachments:

Board Report

Policy 524_SB54