



County of Monterey

Item No.13

Board Report

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

Legistar File Number: 26-324

April 14, 2026

Introduced: 4/6/2026

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

Sheriff's Office 2025 TRUTH Act follow up:

Receive a follow up 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, in compliance with California Government Code section 7283.1.

RECOMMENDATION:

It is recommended that the Board of Supervisors receive a follow up 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, in compliance with California Government Code section 7283.1.

SUMMARY:

On January 27, 2026, the Board of Supervisors conducted a public hearing to receive the Monterey County Sheriff's Office annual TRUTH Act report pursuant to Assembly Bill 2792. The report detailed ICE access to incarcerated persons during calendar year 2025 and provided an opportunity for public comment as required by law. This report documents compliance with statutory mandates and provides additional detail regarding ICE-related activity, legal constraints, and operational practices within the Monterey County Jail. The Sheriff's Office will be presenting information to address questions and/or requests for information presented at the January 27, 2026, meeting.

DISCUSSION:

Pursuant to **California Government Code § 7283.1**, when Immigration and Customs Enforcement (ICE) access has been provided, the Sheriff's Office is required to prepare and present a report to the local governing body, and the Board of Supervisors is required to conduct a public hearing and provide an opportunity for public comment. The statutory framework is procedural and transparency-based in nature, ensuring public awareness and engagement.

The Sheriff is an independently elected constitutional officer whose duties are defined under **California Government Code § 26605**, which assigns responsibility for the custody, care, and control of individuals housed within the county jail. Consistent with California law and long-standing legal principles, the Sheriff retains independent authority over jail operations and law enforcement functions. Decisions regarding custody, classification, release, and interactions with external agencies, including ICE, are operational matters within the Sheriff's discretion, subject to applicable state and federal law.

The statutory frameworks set forth in Government Code sections 7283.1 and 26605 establish requirements for transparency, reporting, and the Sheriff's operational responsibilities; however, they do not grant the Board of Supervisors authority to direct, control, or otherwise influence operational law enforcement decisions. Accordingly, decisions related to ICE access and other jail operations remain within the lawful discretion of the Sheriff, and the Board of Supervisors does not possess authority to mandate or direct specific operational actions in these areas.

The **California Values Act** establishes the governing legal framework for interactions between local law

enforcement and ICE. This law significantly restricts cooperation except under specified qualifying conditions and requires careful legal review of charges, convictions, and applicable timelines prior to any information sharing. As a result, the Sheriff's Office evaluates each ICE request on a case-by-case basis to ensure compliance with statutory requirements.

The Monterey County Sheriff's Office operates under a strict compliance model in which ICE pursuant to qualifying charge or conviction information before any request is considered. The Sheriff's Office independently verifies criminal history, evaluates each case against SB 54 statutory exceptions, and shares information only when legally authorized. All decisions regarding ICE access are made in accordance with these legal standards and within the Sheriff's lawful discretion.

During calendar year 2025, the Sheriff's Office booked a total of 9,252 individuals into the Monterey County Jail. Of those, 21 individuals were transferred to ICE custody, representing approximately 0.227 percent of all bookings. This demonstrates that ICE transfers constitute less than one-quarter of one percent of total jail activity. During the same period, the Sheriff's Office received 295 ICE access requests, including 211 ICE holds. Of those requests, only 21 resulted in transfers to ICE custody, reflecting an approval rate of approximately 9.95 percent and a denial rate of approximately 90.05 percent. This data reflects that the Sheriff's Office declined the overwhelming majority of ICE requests, consistent with the limitations imposed by California law.

Of the 21 individuals transferred to ICE custody, 13 were based on qualifying criminal convictions, while 8 were based on individuals being held to answer following a preliminary hearing before a judge. The qualifying charges associated with these transfers included serious offenses such as possession of child pornography, possession of methamphetamine for sale, domestic violence, DUI causing injury, criminal threats, robbery, assault with a deadly weapon, and other qualifying offenses under California law. These cases met the statutory criteria permitting limited cooperation with ICE.

In addition, ICE made 18 requests to interview incarcerated persons during 2025. Of those requests, 9 individuals declined to be interviewed, 6 were interviewed with an attorney present, and 3 agreed to be interviewed without an attorney. All interviews were conducted in compliance with TRUTH Act requirements, including the provision of informed consent and appropriate notice to the individuals involved.

Overall, the data demonstrates that ICE access within the Monterey County Jail is limited in scope, heavily regulated by state law, and subject to thorough legal review on a case-by-case basis. The Sheriff's Office has exercised its authority in a manner consistent with the TRUTH Act's transparency requirements, the California Values Act's restrictions on cooperation, and its independent statutory duties under California law. The public hearing conducted on January 27, 2026 satisfied the Board of Supervisors' statutory role to receive the report and provide an opportunity for public comment. While the Board plays an important role in ensuring transparency and public engagement, the governing statutes do not authorize the Board to direct, restrict, or mandate specific operational decisions of the Sheriff's Office regarding ICE access or jail operations.

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

Prepared by: Keth Boyd, Undersheriff, Ext. #3859

Reviewed by: Keith Boyd, Undersheriff, Ext. #3859

Approved by: Tina Nieto, Sheriff/Coroner, Ext. #3750

Attachments:

Board Report

MCSO Lexipol Policy 524_SB54