

Monterey County Board of Supervisors
District 1 Supervisor Fernando Armenta
District 2 Supervisor John M. Phillips
District 3 Supervisor Simon Salinas
District 4 Supervisor Jane Parker
District 5 Supervisor Dave Potter
P.O. Box 1728
Salinas, CA 93902

Dear Board of Supervisors:

The undersigned individuals and community groups respectfully request that the Board of Supervisors ask that Sheriff Bernal rescind the newly implemented immigration enforcement program because it jeopardizes community safety by eroding trust of law enforcement.

Sheriff Bernal unilaterally and without any notice to or input from the community or Board of Supervisors implemented a program under the federal Priority Enforcement Program (PEP) which commingles the work of the Sheriff's Office with Immigration & Customs Enforcement (ICE). Under this program the Sheriff's Office affirmatively notifies ICE of individuals who are to be released from the Sheriff's custody and allows ICE unfettered access to all jail records and detainees in order to facilitate deportation.

Secure Communities (S-Comm), the predecessor to PEP, became a mass deportation program defined by indiscriminate deportations, civil rights violations, and an increase in fear and distrust of local law enforcement. In 2014, DHS replaced S-Comm with PEP, which retains most of the problematic aspects of S-Comm, while adopting a new name. PEP will do little more than cost the county through financial, human, and public safety expenditures. It has been confirmed that in less than two months, 85 individuals have been deported due to the Sheriff's Office collaboration with ICE.

PEP, like S-Comm, entangles local law enforcement in federal immigration enforcement at every step. PEP expands the mechanisms that ICE can use to transfer people directly from local custody to immigration detention. Instead of ICE holds, PEP requests notification from law enforcement of an individual's upcoming release from criminal custody. However, if even one

individual is turned over to ICE by our local law enforcement, whether by notification or any other mechanism, there will be a chilling effect on community trust.

Of utmost concern is that our own County, through the Sheriff's actions, has gone above and beyond PEP and invited ICE agents to have a daily presence in our jail, physical access to individuals in custody, and access to all of their information, further blurring the line between local law enforcement and immigration enforcement.

Although the Sheriff recently agreed to allow informational flyers to explain non citizens their constitutional rights the coercive setting of a county jail will not be overcome with written notification of constitutional rights alone, many if not most immigrants may still feel compelled to make admissions concerning their citizenship and immigration history that will be used against them in immigration court with life-changing consequences. Further, information obtained from ICE is often used to target immigrants and their families at their homes, place of employment, courthouses, and other public places.

ICE agent presence in the local jail sends a chilling message to immigrant communities – that the Sheriff works with ICE. Effective law enforcement requires the cooperation and trust of the community. Victims of crimes are often afraid to contact the police because they fear that they will be deported, and one study found that 45% of the noncitizen callers expressed fear of calling and/or seeking help from the police or courts. This new Sheriff policy only exacerbates this fear. Persons subject to arrest are incentivized to flee rather than submit to police arrest when they know that they are likely to be turned over to ICE and deported. Once the community gets the message that the Sheriff is collaborating with ICE, they will be much less likely to come forward to report crimes or serve as witnesses for fear of arrest and deportation by ICE.

Furthermore, neither the Sheriff nor the County can trust ICE to follow with its own enforcement priorities. Current immigration law provides very little discretion for immigration judges to allow relief from deportation for undocumented residents, even if they contribute to the local economy, have U.S. citizen children and spouses, and have strong community ties. Similarly, there is little-to-no relief from deportation for lawful permanent residents with deportable offenses (which can include offenses that would not even warrant jail time under California law), despite their rehabilitation and contributions to the economic and social well-being of our community.

Finally, this program will curtail the rights of immigrants and contribute to jail overcrowding. Bail bondsman and families of detainees are told that posting bail for someone ICE is interested in is useless because ICE will pick that person up. Thus, detainees are denied meaningful access to bail. This leads to more time in jail for those awaiting disposition of their case, resulting in increased cost to the county and jail overcrowding. Criminal defense counsel will have to request trials for misdemeanors for noncitizen clients because to plead them out means they will be transferred to ICE and removed; this puts an added strain on our court system and limited judicial resources.

Local law enforcement involvement in immigration enforcement criminalizes immigrant communities, undercuts due process, tears apart families, and undermines community safety. For the foregoing reasons, we ask the Board of Supervisors to intervene and ask Sheriff Bernal to rescind this program and cease all involvement in federal immigration enforcement matters.

Very truly yours,

/s/Ted Rico

Ted Rico

On behalf of the following individuals and organizations:

ACLU, Monterey County Chapter
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

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