

TRUTH ACT Community Forum 2026

Sheriff Kelly A. Martinez

March 24, 2026

Agenda Item #17

History on Key Immigration -Related Laws

January 2014 - Transparency and Responsibility Using State Tools (TRUST Act) , Assembly Bill 4, which limits the circumstances under which local law enforcement can detain individuals on behalf of federal immigration authorities

January 2017 - Transparent Review of Unjust Transfers and Holds (TRUTH Act) , Assembly Bill 2792, mandates local jails and juvenile detention facilities to provide written consent to an incarcerated individual informing them of their rights prior to an interview with United States Department of Homeland Security - Immigration and Customs Enforcement (ICE) personnel, and notify incarcerated individuals when their release dates are provided to ICE

January 2018 - California Values Act , Senate Bill 54, which limits the circumstances under which local law enforcement may use funds, facility, property, equipment or personnel to investigate, interrogate, detain, detect or arrest persons for immigration enforcement purposes

San Diego Sheriff's Office Role with Immigration -related Enforcement

DO NOT ask immigration status

DO NOT investigate or enforce immigration law

DO NOT detain an individual for an ICE hold request

DO NOT participate in immigration raids or checkpoints

DO share release date information or transfer to ICE when an individual is convicted of a qualifying crime (individual is already in San Diego County Jail custody)

ICE Interview Process

Per California Gov Codes 7284.6 and 7282.5, ICE has the ability to inquire about an individual in Sheriff's custody and conduct an interview if the individual meets qualifying parameters

- Sheriff's staff vet to ensure an incarcerated individual meets the qualifying markers per state law
- Prior to an interview taking place, the incarcerated person is informed:
 - An interview is requested
 - The right to accept the interview request
 - The right to accept with their attorney present during the interview
 - Right to decline the interview

Individuals receive these rights in writing in a form called the "Consent form for Immigration and Customs Enforcement (ICE) Interview of Incarcerated Person" (the J-330 consent form) which is also available in multiple languages

2025 ICE INTERVIEW REQUESTS



INTERVIEWS
REQUESTED

4



AGREED TO AN
INTERVIEW

2



INDIVIDUAL
DECLINED
INTERVIEW

2



AGREED TO
INTERVIEW WITH
AN ATTORNEY

0

ICE Holds/Detainers, Requests for Release Date and Notifications of Release

ICE can submit either of the following two requests to the Sheriff's Office: Release Date and/or Notifications of Release

- Form I-247A , is an ICE form called Immigration Detainer that asks the Sheriff's Office to provide a release notification, hold/detain an individual up to 48 -hours past their County release date, and to transfer an incarcerated person to ICE's custody;

The Sheriff's Office does not hold individuals beyond their court ordered release date

- Form J- 335, Notice to Incarcerated Person of Immigration and Customs Enforcement Request and Intent to Comply (California Government Code § 7283.1(b)) is a Sheriff's Office form that is issued to an individual letting them know their status qualifies for the Sheriff's Office to notify ICE of a release date
 - Form J-340, Notice of Intent to Comply with Immigration and Customs Enforcement Request, is a Sheriff's Office form notifying the individual that they meet the qualifications to have their release date shared
- The Sheriff's Office will not directly release an individual to ICE personnel unless ICE has a federal judicial warrant

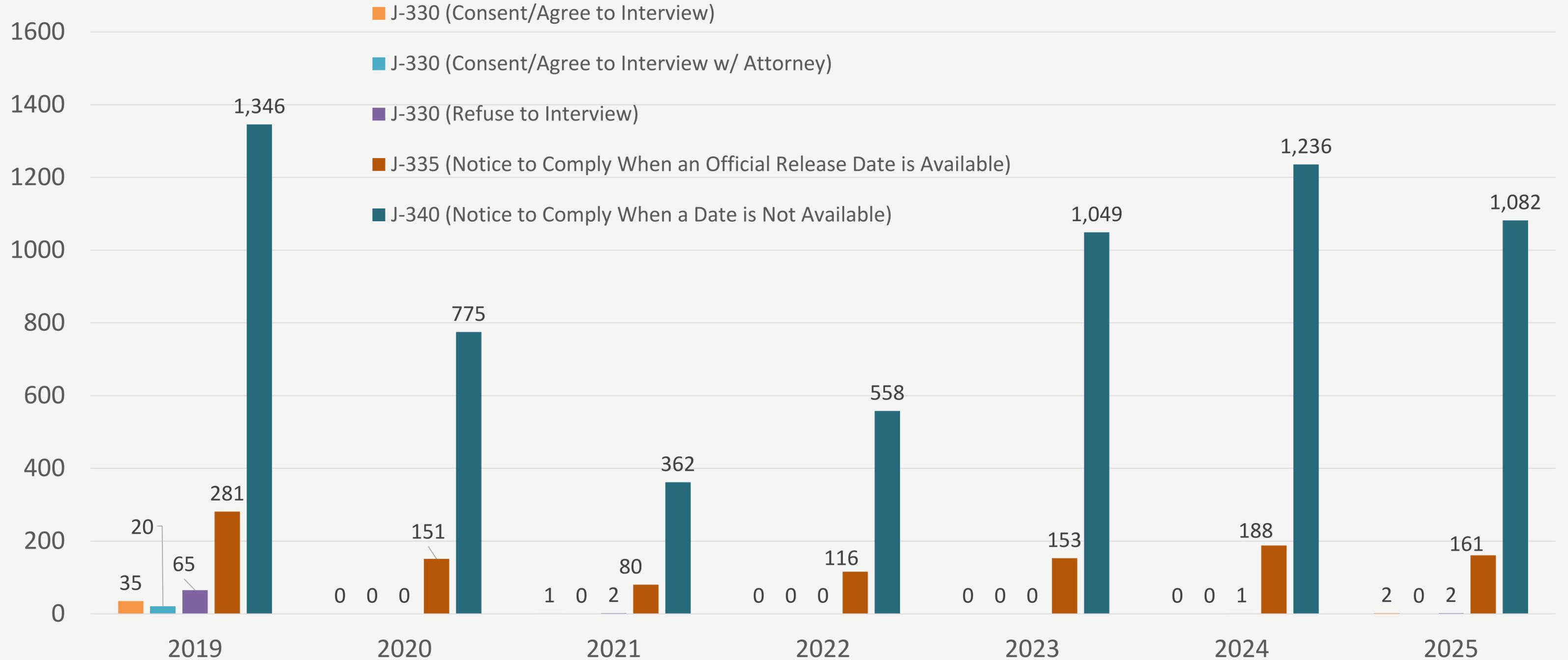
2025 ICE RELEASE NOTIFICATIONS

1,082 Received & Screened
ICE Release Notification
Requests



MONTH	REJECTED REQUESTS	APPROVED REQUESTS
January	75	15
February	60	20
March	93	14
April	90	13
May	83	16
June	28	12
July	61	16
August	102	22
September	101	22
October	87	17
November	54	12
December	60	9
TOTAL	894	188

ICE REQUESTS OVER THE YEARS



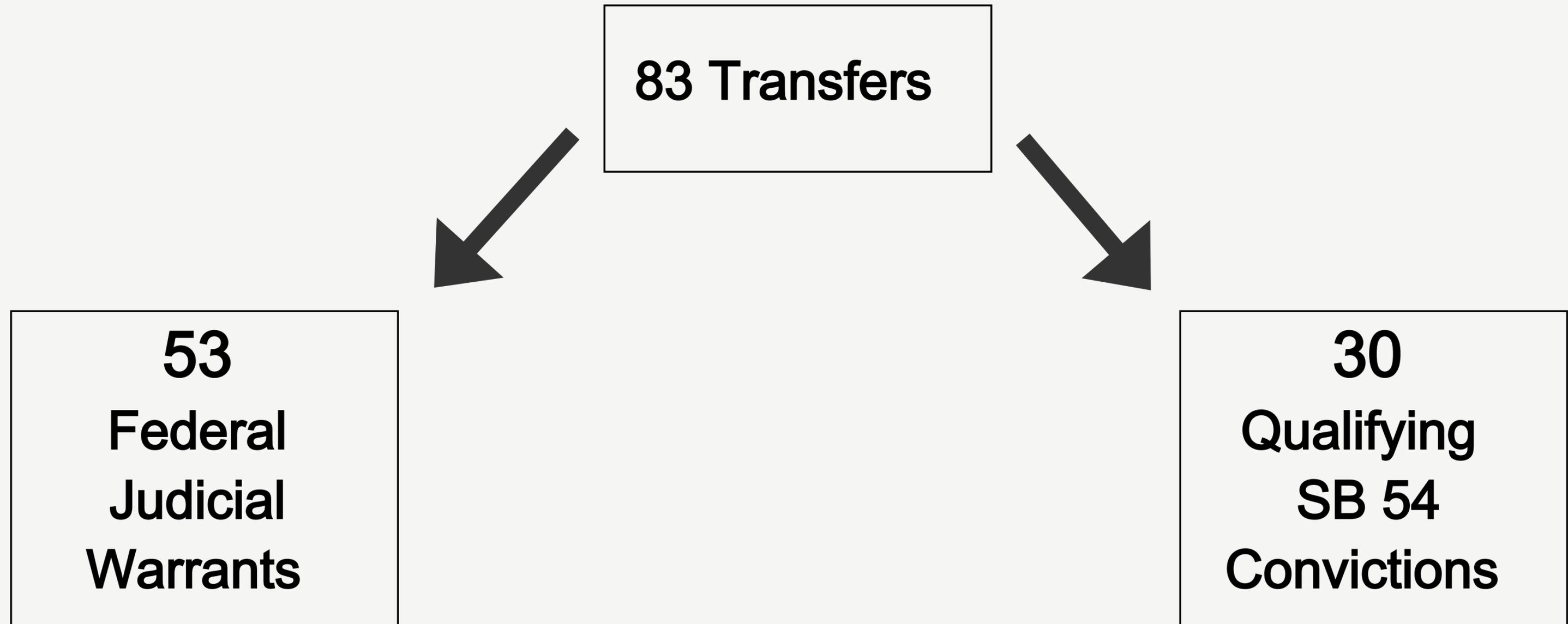
Release Authority per SB 54 (Gov Code 7282.5)

The incarcerated individual qualifies if they are:

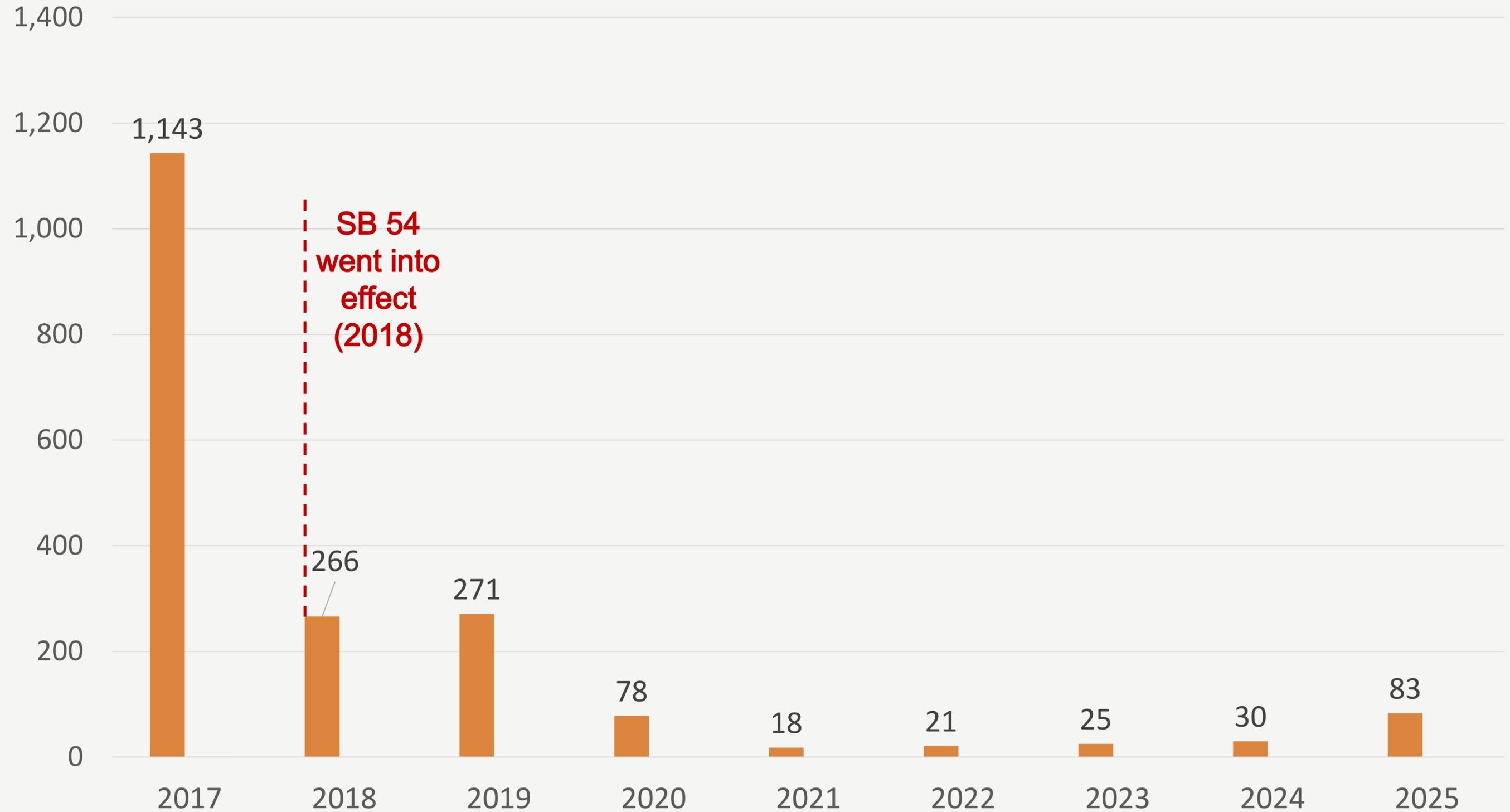
- A current registrant on the California Sex and Arson Registry; or
- Convicted of a felony that is considered serious or violent under state law; or
- Convicted of most any felony in the last 15 years that is not serious or violent; or
- Convicted of a felony that is punishable by imprisonment in state prison; or
- Convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or felony; or
- Convicted of a federal crime that meets the definition of an aggravated felony; or
- Apply with another provision

**Federal Judicial Warrants bypass
State Law process**

2025 ICE TRANSFER REPORTING



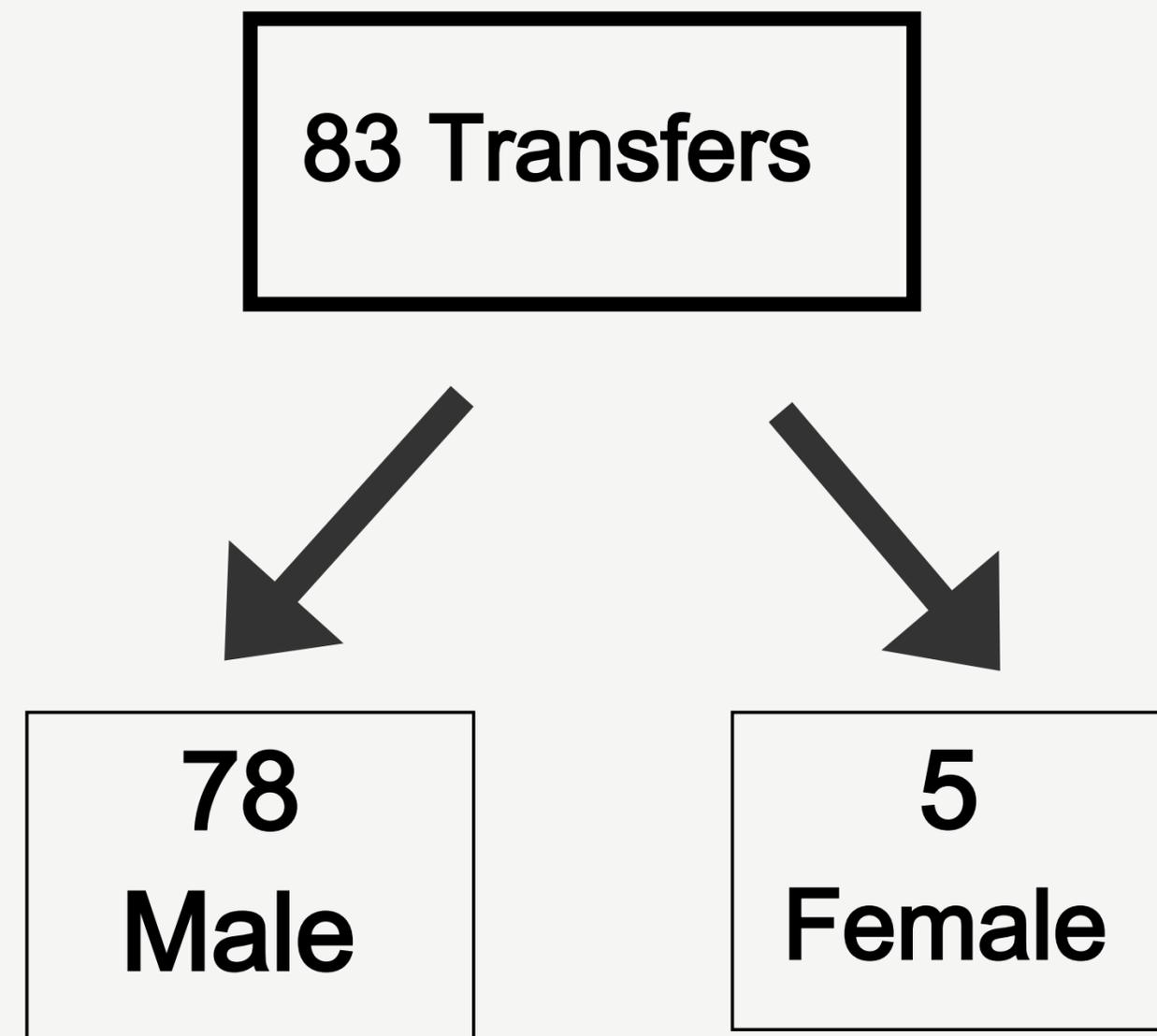
2025 ICE TRANSFER REPORTING



2025 ICE TRANSFER REPORTING

Self -Reported Country of Origin

Cuba	1
Guam	1
Guatemala	10
Honduras	2
Korea	1
Laos	1
Mexico	58
Unknown	2
USA	5
Vietnam	2



2025 ICE TRANSFER REPORTING – QUALIFYING CONVICTIONS

- Assault upon the person of another by any means of force likely to produce great bodily injury
- Battery by gassing upon the person of any peace officer
- Child Abuse - likely to produce great bodily harm or death
- Child molestation – Victim Under 14
- Evading an officer while driving with wanton disregard for safety
- False imprisonment
- Forgery
- Grand Theft/ Robbery

2025 ICE TRANSFER REPORTING – QUALIFYING CONVICTIONS

- Gross Vehicular Manslaughter While Intoxicated
- Identity theft - intent to defraud
- Kidnapping
- Possession of Illegal Substances in a Jail Facility
- Receiving stolen property – possession of stolen veh/ves/etc.
- Residential & commercial burglary – enter with intent to commit theft
- Robbery – theft by force or fear
- Threat or Violence towards a peace officer in performance of duty
- Transport/Import/Sale of Narcotics (includes Opiates & Cocaine)

2025 ICE TRANSFER REPORTING

- **The 83 individuals transferred in 2025 generated a total of 245 bookings over the last seven years**
- **The individuals ranged from having no recent bookings to 19 priors**
- **Approximately half of these prior bookings were for felony level offenses such as assault, burglary, robbery, vehicle theft, domestic violence, DUI, drug sales, theft/fraud, vandalism, and supervision violations**

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