

San Diego County Board of Supervisors Meeting

April 22, 2025

Truth Act Community Forum (Item 14)

QUESTIONS PRE-SUBMITTED BY COMMUNITY MEMBERS AND CORRESPONDING RESPONSE

Question #	Question Submitted by Community Member	Response from County Official/Department
1	Why are you wasting our tax money doing the Fed's work for them for free? Much of it is immoral in addition to expensive!	Sheriff: My policies are based on public safety. I am following state law and not crossing any lines when it comes to federal immigration enforcement.
2	Could you please clarify the specific types of agreements or memorandums of understanding (MOUs) currently in place between the San Diego Sheriff's Department and U.S. Immigration and Customs Enforcement (ICE), including the date each was established and the nature of the cooperation outlined in each?	Sheriff: I invite this requestor to visit the Sheriff's Office's webpage and submit a public records act request since this request will require an extensive amount of information gathering.
3	In what ways are you collaborating with ICE? As a sanctuary city we need to protect immigrants as well as people who are here legally for racial profiling. How are you protecting people in our community?	Sheriff: The Sheriff's Office participates in a number of task forces which act to keep San Diego safe. There are a number of partner agencies, which sometimes include ICE. Sheriff personnel assigned to these task forces do not engage in any immigration enforcement operations or arrests and never will. All of these task forces are reported annually in a report to the State's Department of Justice and posted publicly on our webpage dedicated to Immigration and SB 54.
4	Why is the department not complying with the Supervisors' motion to end all cooperation with federal immigration enforcement?	Sheriff: As the Sheriff I have the sole authority to set policy for the County jails, and I believe that following what is permissible under SB54 keeps our communities safer.
5	What are your plans to stop collaborating with ICE, so as to defend the humanity and rights of human beings in custody?	Sheriff: It is my intent to always keep the communities safe and my current policies balance the priorities of our communities and public safety.
6	I am wondering how the Office ensures that individuals in custody have access to counsel in both county custody and ICE custody.	Sheriff: Upon arrest, an incarcerated individual is scheduled to appear at the superior court for arraignment. Prior to this appearance, the Public Defender's Office obtains a daily listing of those scheduled to appear in court and meets with them to determine if they require representation. If they agree to representation, the incarcerated individual signs required documentation and the appointment is confirmed during arraignment court. All incarcerated individuals are entitled to professional visits from their private or

		public defender counsel. SDSO offers language services to individuals in custody to ensure they understand their rights while in sheriff's custody. All incarcerated persons are entitled to professional visits from their hired or appointed legal counsel. We do not stand in the way of legal representation from anyone. I cannot speak to their access to counsel once in ICE's custody.
7	A perfect Holy Week reflection from Bishop Menjivar invoking Saint Oscar Romero: "It is time now for you to reclaim your conscience. What you are doing is worth nothing if it is stained with unjust cruelty. That is not what America stands for. You, too, can and should speak out against this terror and infliction of suffering on people. You can refuse to be involved in oppression and these grievous assaults on human rights and dignity."	
8	Does the direct transfer of someone accused of vandalism (for a real life example from your data) not interrupt due process? If an alleged vandal is directly transferred to ICE for deportation, this seems to disallow due process, no? Furthermore, knowing that if captured by the sheriff's office, one will be denied a fair trial by being turned over to ICE agents before a trial can occur, doesn't this encourage more dangerous evasion of sheriff's department and encourage evading initial arrest, making public safety and sheriff safety a larger issue?	Sheriff: This particular reference to an individual with a vandalism charge was transferred to ICE as a result of a judicial warrant. In general, as presented in the presentation, individuals would have to have a qualifying conviction in order to meet transfer provisions set by state law.
9	How are you ensuring that you are only providing information on confirmed cases of immigrants who have committed actual crimes and not individuals who are contributing to our economy and community?	Sheriff: It is imperative that all individuals have their rights upheld. My team does a very thorough job vetting every inquiry to ensure everyone has their rights upheld and meet state qualifications in order for ICE to have access to individuals in custody.
10	<p>1. Does the agreement between ICE and the Sheriff's require Sheriffs get training on immigration enforcement processes and limitations?</p> <p>2. When conducting joint task force operations will the Sheriff's be enforcing immigration laws, e.g., identifying, detaining, arresting persons believed to be undocumented or otherwise deportable.</p> <p>3. Does the sheriff's office actually transport inmates after their time is done to ICE facilities? If so, how do they justify detaining a person after their sentence is up if they don't believe the</p>	<p>Sheriff:</p> <p>1. Sheriff's personnel do not engage in immigration enforcement. On a related note, the Sheriff's Office does work intently on ensuring personnel understand SB 54 and California laws that govern immigration enforcement.</p> <p>2. As stated- we do not do immigration enforcement or related arrests/detentions.</p> <p>3. We do not transfer individuals to ICE Facilities. Once an individual is released, we do not have custody of them.</p>

	<p>person committed a crime. If they allege the person admitted to crossing the border without inspection, how do they justify detaining the person without a warrant, given it's a misdemeanor?</p> <p>4. Does the county jail ask inmates their immigration status, do they only ask where they were born, or is no information re immigration status requested? How do they determine who should be handed over to ICE?</p> <p>5. Given the frequency that ICE violate the rights of citizens and lawful permanent residents how does the Sheriff's Office justify inviting legal liability doing work they are not charged with.</p> <p>6. Given federal preemption prohibits the state from enforcing immigration laws and that state law enforcement officers have no jurisdiction arresting individuals for civil violations (many ice arrests are for being in the country with out legal permission which is a civil violation of the law) what justification exist for the cooperative agreement with Homeland Security.</p>	<p>4. SDSO does not ask of immigration status. Individuals self-report their country of birth and citizenship during the booking process - they are never questioned on their immigration status or whether they are in the country legally. We work with various consulates to ensure those governments have access to their citizens and can advocate and provide any needed resources. Individuals who meet certain qualifications, as explained in the presentation, are transferred to ICE.</p> <p>5. We do not engage in immigration enforcement related activities. All of the transfers are pursuant to state law where they have a qualifying conviction or a federal judicial warrant. In either case, the court has made a determination that the individual qualifies under SB 54.</p> <p>6. Our cooperative agreements with our federal partners are for enforcing non immigration state and federal law violations.</p>
11	<p>On December 12, 2024, I sent Sheriff Kelly Martinez a letter on behalf of the San Diego Immigrant Rights Consortium (SDIRC) urging her to comply with County Board Policy L-2. The letter underscored that under SB 54, the Sheriff's discretion to cooperate with immigration enforcement is allowed "only if doing so would not violate any federal, state, or local law, or local policy." Sheriff Martinez has not responded or even acknowledged receipt of the letter. Why? Why have you not clarified your position on the matter? Why are you not complying with County Policy L-02 when state law under SB 54 is clear? (2) In the 2024 Transfer Report, one row indicates 11 individuals were transferred under the "Offense Code" of "Federal Warrants". Please clarify what this means and what is the process your department follow to transfer these individuals to ICE/DHS custody? Lastly, what are the specific violations or offenses of these 11 individuals?</p>	<p>Sheriff: I did receive the letter from SDIRC and interpreted the letter as a statement versus requiring a response since they primarily expressed disappointment in my position. Given that they knew my position on the Board's action, there was not much to speak to that would involve a response because anything else would be redundant to what I have already shared publicly. I've met with SDIRC on multiple occasions in the past. They know I am willing to meet annually, and they have access to me and my staff for matters needing to be elevated to my attention. I have not received any requests for meetings.</p> <p>Regarding County Policy L-02, I've already provided my response to that.</p> <p>In 2024, we saw an unprecedented number of federal judicial warrants for individuals in custody. Judicial warrants are signed by a federal judge and include the section of the law that was violated. I do not have the breakdown of what each of those warrants stated as the federal law violation.</p>

<p>12</p>	<p>"1) The San Diego County Sheriff Department's CA Values Act 2024 Transfer Report lists "Federal Warrants" in several areas where an ICE transfer occurred, please explain what a federal warrant looks like? Who signed it? Was this warrant signed by a federal judge? What was the qualifying conviction for the 11 transfers where a "FED WARRANT" is indicated? Can SDSO share a sample of these federal warrants?</p> <p>2) Please explain the SDSO intake process including at what point in the process is a J-330 and a J-340 completed? Please share any visual representations or documentation of the intake process. Why is this process/policy no longer publicly available on the Sheriff's website?</p> <p>3) In December 2024, the San Diego Sheriffs Office issued 13 ICE notices and conducted 2 ICE transfers, how many of these occurred after the County Supervisors passed County Policy L-02 on December 10th, 2024?</p> <p>4) The SDSO participates in several joint task forces with the El Cajon Police Department. The City of El Cajon has passed an ordinance allowing their officers to work with federal immigration agents in violation of SB 54, how will this impact the SDSO joint task force work? Has the SDSO issued a directive/policy to sheriff deputies on what they should do if they are working with other law enforcement who are in violation of SB 54?</p> <p>5) The SDSO has a video on their website that says the department will comply with state law and with SB 54, but later in the video state the department states it will continue to conduct ICE transfers and notifications. SB 54 is clear that state law only allows discretion to conduct ICE transfers and ICE notifications so long as that discretion does not violate any local law or local policy. Now that the County has a local policy against using County resources for immigration enforcement purposes, how does the SDSO explain this contradiction and apparent violation of SB 54?</p> <p>6) We have seen in the news how the current Trump administration is abolishing due process for immigrants and sending many to life sentences in El Salvador's CECOT which is known for its human rights violations. Given the current chaos and lack of due process at the federal level which is creating immense fear and distrust in the immigrant</p>	<p>Sheriff: 1. As mentioned these were federal judicial warrants signed by a Federal Judge.</p> <p>2. Today's presentation covered this request and this presentation is available to the public.</p> <p>3. Following the Board's passing of L-02, SDSO transferred two individuals 12/14 & 12/20 for federal judicial warrants.</p> <p>4. It is my policy that Sheriff's personnel do not engage in any immigration enforcement this is reminded in the various department training bulletins that are issued on this matter.</p> <p>5. As stated, as an elected official, I set my own policy and therefore I am not bound by a board policy.</p> <p>6. My position remains the same. My team has done a significant amount of outreach and education to impacted communities, so they understand our role and their rights, and they continue to conduct outreach and informational presentations.</p>
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	community, will the SD Sheriff commit to ending ICE transfers and notifications and lawfully follow County policy L-2 and SB 54?"	
13	<p>1. How many individuals were transferred?</p> <p>2. What were the costs incurred by the Sheriff's office in collaborating with ICE in 2024?</p> <p>3. Were any of those costs reimbursed by ICE?</p> <p>4. How does the Sheriff's Office's cooperation and collaboration with ICE align with the County's Sanctuary policy?</p>	<p>Sheriff:</p> <p>It's important to understand that my staff are following what is permissible under state law. The 30 individuals that were transferred last year, 17 of whom had federal warrants, collectively were booked into the jail 108 times. That represents 108 times that deputies or officers responded to a call where there was a victim. 108 times where deputies and officers took police reports, conducted investigations, and made an arrest, booking them into jail. 108 times where a judge reviewed the case, the district attorney's office reviewed the case for prosecution, the public defender was utilized, probation was consulted or assigned, court hours were spent, paperwork was done. 108 times where jail resources were utilized to clothe, house, feed, and medical care provided. There is a significant amount of resources used as a result of these individuals continually reoffending and committing crimes, not to mention the cost to the victims and our communities. Any resources used in our jail to provide them with due process, protect their rights, and communicate with them in their native language, when ICE asks to interview them or for us to communicate a release date, are dwarfed by the immeasurable impacts on our justice system and victims. And by the way – I have not increased staff or the cost to my agency or the County.</p>
14	<p>QUESTION 1) COMPLIANCE WITH COUNTY'S BOARD L-2 POLICY: In December 2024, the County Board of Supervisors adopted a county "sanctuary" policy that prohibits County employees from using County resources for federal immigration enforcement. The L-2 policy reflects long-standing values of due process and equal justice for all, regardless of immigration status. What steps have you (the Sheriff) taken to comply with the County's policy to stop voluntary ICE notifications and transfers? When will SDSO discontinue informal practices that circumvent this policy (like allowing parking lot pick-ups/transfers)?</p>	<p>Sheriff: 1. I believe my responses to the previous questions cover this question. Regarding informal practices that circumvent the process, such as parking lot pick-ups, once an individual is released, I don't have custody over that individual.</p> <p>2. As mentioned, a staff study has not been performed to capture this process. Staffing has not been increased to accommodate any fluctuations in the request for ICE.</p>

	<p>QUESTION 2) INCREASED TIME/COSTS PROCESSING ICE NOTIFICATIONS REQUESTS & TRANSFERS: The historic jump in ICE detainer and notification requests (I-247A form) AND continuing increase in transfers are concerning (ICE Notification requests were 1,236 in 2024 - up about 200 from 2023, and up 641 from 2022; formal ICE transfers were up to 30 in 2024). What do you estimate to be the total costs to County tax-payers to process ICE requests and effectuate the transfers (i.e., determine whether to honor detainers, provide notifications, all staff time, training, equipment and other resources used for ICE communications, arrangements, prior to and during, transfers, etc.) for these ICE notification requests and transfers? What adjustments did SDSO make to staffing and/or processes to handle the additional cases?</p>	
15	<p>1) ICE has detained and deported individuals who were in this state legally. How can you guarantee that your coordination with ICE has not resulted in the detention and deportation of individuals who were in the state legally?</p> <p>2) In what circumstances do you decide to coordinate with ICE? If an individual does not speak English how do you guarantee you are not racially profiling against an individual who may be in the state legally? "</p>	<p>Sheriff: 1. This individual is speaking to immigration enforcement and we don't have a role in that, nor do we ask anyone of their immigration status.</p> <p>It's important to note that SDSO does not have the capability to access or look up any individual's immigration status. We do not have access to any databases that contain information about an individual's current immigration status. This is in accordance with our operational protocols and legal requirements.</p> <p>Additionally, SDSO is prohibited by law from communicating with immigration officials about an individual's immigration status. Our unit strictly adheres to these legal constraints to ensure compliance with all relevant regulations.</p> <p>Our operations rely heavily on the inquiries made by immigration officials. When immigration officials reach out to us, it is typically to notify us that they (ICE) are questioning an individual's immigration status. This usually implies that the individual may not be legally present in the country, and the officials are seeking to determine if the incarcerated person qualifies under the SB54 guidelines.</p>

		<p>2. An individual must meet qualifying provisions as governed by state law. We do not proactively reach out to individuals in our custody to notify ICE. If ICE is interested in an individual their rights and due process are listed in documentation of their preferred language, so they understand the process and the ability to have legal representation present.</p>
16	<p>1) The 2024 SB 54 Data the Sheriff's dept. submitted shows that transfers were made to ICE due to federal warrants. Are these warrants administrative or judicial warrants?</p> <p>2) Does the Probation Dept. allow ICE access to its facilities, transferring individuals to ICE or notifying ICE of release dates?</p> <p>3) Does the District Attorney's office provide ICE access to individuals or their personal data? Does the District Attorney's office notify ICE of release dates?</p> <p>4) Is the Sheriff adhering to Board Policy L-2?</p> <p>5) The Sheriff has claimed she will not adhere to Board Policy L-2. California Government Code § 7282.5 (a) states: "A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy." This is reiterated again in California Government Code § 7284.6 (a)(1)(6), which clarifies that responses to federal immigration agency requests for notification "are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy." With Board Policy L-02 now in place, any transfer or notification that is made without a judicial warrant is a direct violation of state law, SB 54. Why is the Sheriff willfully violating SB 54?</p> <p>6) Has the Sheriff transferred any individuals to ICE without a judicial warrants between 12/10/2024 and 4/22/2025? Has the Sheriff notified ICE of individual release dates between 12/10/2024 and 4/22/2025? Doing so is in violation of Board Policy L2 and a direct violation of SB 54.</p>	<p>Sheriff: 1. Again, these were judicial warrants.</p> <p>Probation Department: 2. Per the Probation Department, they do not allow ICE access to Probation facilities, transfer individuals to ICE, nor notify ICE of release dates. If ICE were to present Probation with a federal warrant, they would comply. There were no warrants presented in 2024.</p> <p>District Attorney's Office: 3. Per the District Attorney's Office, they have not been asked to provide ICE such access or information, nor have they provided ICE such access or information.</p> <p>Sheriff: 4/5. No - again, I set my own policy.</p> <p>Sheriff: 6. Yes, and like 2024, there are indications this Administration is also utilizing warrants in an unprecedented fashion.</p>