

2025 to provide the public with information about what access to individuals had been provided to ICE by County law enforcement departments during the preceding year.

Government Code section 7283, subdivision (d), defines “ICE access” as follows:

“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.

Sheriff's Department (OCSD)

Following the enactment of state laws limiting law enforcement agencies' cooperation with ICE except as provided, OCSD implemented a jail policy and created forms to meet the laws' requirements. OCSD's jail policy 1206 (Attachment B) prohibits any transfer of an inmate to ICE's custody unless in accordance with state law. As required by the TRUTH Act, OCSD uses forms by which OCSD requests an inmate's written consent to be interviewed by ICE (“TRUTH Act Interview Consent Form”) and also notifies an inmate if the inmate qualifies to be transferred to ICE's custody following the inmate's release from OCSD's custody (“TRUTH Act Notification Form”) (Attachment C).

OCSD provided the following information for 2025 (see also Attachment D):

Screening Information. In calendar year 2025, a total of 824 screenings were conducted for inmates released from the Orange County Jail who had ICE detainers; meaning ICE had requested OCSD to notify ICE when these inmates were being released from OCSD custody. Of the 824 screenings, there were 323 screenings where OCSD notified ICE upon the inmates' completion of their time in OCSD custody, as permitted by state law. The purpose of this notification is for ICE to meet their responsibility to take the released inmate into their custody. The 323 notifications were for individuals whose criminal convictions met the state law's requirement for transfer to ICE's custody. There were 501 screenings where state law prohibited OCSD from notifying ICE upon the inmates' completion of their time in OCSD custody.

Individual Inmate Information. The 824 individual screenings corresponded to 729 inmates since some inmates were rearrested and issued a new detainer by ICE. 644 individuals were screened one time, while 85 individuals accounted for 180 screenings. Of the 323 instances where OCSD notified ICE upon the inmates' completion of their time in local custody, 271 resulted in the inmate being released to the custody of ICE. 42 of the 323 screenings resulted in the inmate not being picked up by ICE, and the inmates were released back into the

community. 10 of the 323 screenings had their detainers lifted by ICE after OCSD's screening.

Rearrest Information. Of the 501 screenings that were not referred to ICE due to state law, 55 individuals committed new offenses in Orange County and were re-arrested one or more times. Rearrest charges included, but were not limited to, assault with a deadly weapon, criminal threats, driving under the influence, drug violations, false imprisonment, grand theft, concealed weapons, and theft. Of the 52 screenings that were referred to ICE but not picked up, 16 individuals committed new offenses in Orange County and were re-arrested one or more times. Rearrest charges included, but were not limited to, burglary, assault with a deadly weapon, parole violations, vandalism, restraining order violations, firearms violations, and domestic violence. Of the 271 screenings that were referred to ICE and picked up, 14 individuals committed new offenses in Orange County and were arrested one or more times. Rearrest charges included, but were not limited to, drug violations, parole violations, resisting arrest, burglary, theft and vandalism.

OCSD advises that these numbers only capture activity that occurred in calendar year 2025. The re-arrest numbers do not account for arrests that occurred in previous years. A number of the individuals who had detainers and were screened were also arrested for offenses committed prior to 2025. Based on the rearrest data, the Sheriff continues to urge the Legislature to repeal the state law restricting communication in a custodial setting in order to mitigate the public safety risk to the community.

Probation Department (Probation)

Probation does not permit ICE to have access to any juvenile in Probation's custody or under Probation's supervision. This is in accord with Welfare and Institutions Code section 831, which prohibits disclosure of juvenile information to federal officials absent a court order from the Juvenile Court.

Probation has briefed its officers about the legal requirements for ICE access to adults. Probation has not had a situation where it has allowed ICE access to an adult in Probation's custody or under Probation's supervision in 2025.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

REVIEWING AGENCIES:

Orange County Sheriff's Department
Orange County Probation Department

ATTACHMENT(S):

Attachment A – Government Code sections 7283 and 7283.1; Welfare & Institutions Code section 831
Attachment B – OCSD's Jail Policy Section 1206 (Immigration)
Attachment C – OCSD's Inmate Interview Consent Form and Notification Form
Attachment D – OCSD's Orange County Jail ICE Statistics – 2025 Calendar Year

