

APRIL 16, 2014

SUBJECT: ICE Detainers/Warrants

EFFECTIVE: Immediately

- I. The Department of Homeland Security Immigration (ICE) Detainer Form I-247 is no longer valid for placement of a "Hold" on Multnomah County inmates.
- II. Immigration (ICE) holds shall only be placed pursuant to a valid warrant of arrest.
- III. Corrections Records Technicians shall be responsible for confirming the validity of ICE warrants in the same manner as out-of-county warrants; i.e. by teletype, fax, etc.

A handwritten signature in black ink, appearing to read "Daniel Staton". The signature is fluid and cursive, with a large initial "D" and "S".

DANIEL STATON  
SHERIFF

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. 2013-032**

In Support of Multnomah County Sheriff's Office Revised Plan for I-247 Immigration Detainers.

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County is home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants and refugees from all over the world. More than 13 percent of Multnomah County's residents are foreign-born.
- b. The Board of Commissioners recognizes that fostering a relationship of trust, respect, and open communication between local law enforcement and county residents is essential to the Multnomah County Sheriff's Office and the Department of Community Justice's core mission of ensuring public safety and serving the needs of our entire community.
- c. Documented public testimony has demonstrated that members of our community are not reporting crimes, and are not seeking access to emergency and other health and human services, for fear of deportation through the Secure Communities program and I-247 Immigration Detainers.
- d. Multnomah County families are being separated and isolated by deportation, and in many cases, these removals are disrupting and damaging the lives and support networks of spouses, children and young adults who are US citizens.
- e. The deterioration of trust in local government, as a result of ICE's Secure Communities program and I-247 Immigration Detainers, hampers the county's ability to provide public safety and social services.
- f. The Board of County Commissioners and the Sheriff are committed to the preservation and effective use of county resources to maximize public safety and social service outcomes for the community, and the lawful operation of county jails consistent with prevailing constitutional standards.
- g. According to the regulation promulgated by DHS, "No detainer issued as a result of a determination made under this chapter shall incur any fiscal obligation on the part of the Department, until actual assumption of custody by the Department..."
- h. The uncompensated detention of individuals in county jails, for violations of civil immigration laws, places an undue burden on the county. Moreover, the unmitigated compliance with ICE detainers requests has the potential of further straining the resources of the Multnomah County Sheriff's Office and occupying scarce and costly jail beds that should be reserved for those who pose the greatest threat to public safety.
- i. The Sheriff is committed to the most effective and efficient administration of the county jails. The Sheriff is the sole individual charged with the administration of Multnomah County jails pursuant to Multnomah County Charter § 6.50, and Multnomah County

Code § 15.001 and has custody and control of all persons confined to county correctional facilities pursuant to ORS § 169.320.

- j. The Department of Homeland Security's (DHS) - Immigration and Customs Enforcement's (ICE) Secure Communities program has been imposed throughout the United States.
- k. The Secure Communities program is being implemented through biometric data collected at each jail booking across the United States. Access to this information, in most cases, is involuntary and part of the already existing communications infrastructure and agreements between State law enforcement, the Federal Bureau of Investigation and DHS.
- l. The implementation of the Secure Communities program is amplified by the proactive collaboration of many local governments and elected county sheriffs across the country, through compliance with I-247 Immigration Detainers.
- m. An I-247 Immigration Detainer - Notice of Action, "is a request that, such agency advise the Department [of Homeland Security], prior to release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible."
- n. Any authorized immigration officer may issue an ICE Hold to any other federal, state, or local law enforcement agency for an undocumented person, "such agency shall maintain custody of the alien for a period not to exceed 48 hours, excluding Saturdays, Sundays, and holidays in order to permit assumption of custody by the Department."
- o. There are more than 10 million foreign nationals who are undocumented in the US and the White House acknowledges that the federal government cannot afford to deport them all, and must focus its limited resources in a way that prioritizes public safety and national security. It is the Obama administration's mandate to use prosecutorial discretion to clear out low-priority cases, and focus on the deportation of undocumented immigrants they have determined pose the greatest public safety risk.
- p. The enforcement of federal civil immigration law is the responsibility of the federal government and not of county, city or state governments.
- q. The Sheriff, upon consultation with community advocates, service providers and the Multnomah County Chair's Office, has established a policy direction that carefully balances the public safety needs of the county, the preservation of scarce county resources, and compliance with prevailing constitutional standards.

**The Multnomah County Board of Commissioners Resolves:**

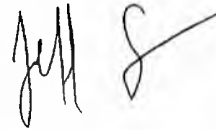
1. The Board of County Commissioners shares the Sheriff's and the public's deep concern regarding issues raised by ICE's national Secure Communities program and its I-247 Immigration Detainer requests.
2. The Board of County Commissioners supports and endorses the Sheriff's decision to comply only with I-247 Immigration Detainer - Notice of Action requests for individuals, who are:

- charged with Felonies as defined by Oregon Revised Statutes;
- charged with Class A – Person Misdemeanors as established by the Oregon Criminal Justice Commission - OAR (213-003-001(15)); or
- when ICE can demonstrate through affidavit that an individual poses a threat to public safety based on previous, non immigration-related, convictions or current charges related to:
  - violence, threats, or assaults;
  - sexual abuse or exploitation;
  - driving under the influence of alcohol or a controlled substance;
  - unlawful possession of firearm or other deadly weapon; or
  - the distribution or trafficking of a controlled substance.

3. The Board of County Commissioners supports and endorses the Sheriff's commitment to adjust future policy determinations in regards to civil immigration detainees so as to ensure Multnomah County's continued compliance with applicable federal and state laws, and binding judicial determinations.

ADOPTED this 4<sup>th</sup> day of April, 2013.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

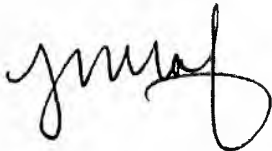



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Jeff Cogen, Chair



REVIEWED:  
JENNY M. MORF, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON



By \_\_\_\_\_  
Jenny M. Morf, County Attorney

SUBMITTED BY: Jeff Cogen, Multnomah County Chair.

## **MCSO's Protocol for I-247 Detainers** **FACT SHEET**

**A.** MCSO will comply with I-247 detainer requests, when an individual is booked in our County Jail with a charge for a:

- Felony as defined by ORS,
- Class A - Person Misdemeanor as established by the Oregon Criminal Justice Commission - OAR §213-003-001(15);

Or when ICE:

- Presents a warrant of arrest from removal proceedings,
- Presents an order for deportation or removal from the United States;

Or when ICE presents an affidavit attesting to:

- A felony conviction or a non immigration related felony charge,
- Three or more misdemeanor convictions,
- A prior misdemeanor conviction or current charge for an offense involving:
  - violence, threats, or assaults,
  - sexual abuse or exploitation,
  - driving under the influence of alcohol or a controlled substance,
  - unlawful possession of a firearm or other deadly weapon,
  - or the distribution or trafficking of a controlled substance;
- A significant risk to national security, border security, or public safety.

**B.** MCSO will not comply with I-247 detainer requests for individuals, who only:

- Have been convicted of illegal entry pursuant 8 U.S.C. § 1325;
- Have illegally re-entered the country after previous removal or return (felony);
- Have been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud.