

Questions to Sheriff's Office from Board Regarding Updates on Policy
Implementation of MCSO I-247 Detainer Requests (answers ***bold and italics***):

- Between 5/1/12 thru 10/1/12 and 5/1/13 thru 10/1/13:
- Of ICE hold requests, how many were accepted? How many were denied. What is the difference in the numbers from 2012 and 2013?

No holds were denied until the policy change April 15. 2012 saw 569 requests for the time period indicated and 382 for 2013 (April to Sept, October numbers were not available at time of request). Difference from 2012 to 2013 6 month periods was 187. Since the change in policy in April, 36 requests have been denied.

- Prior to the new policy, MCSO expressed concern surrounding use of prosecutorial discretion with ICE hold requests. Have there been any negative repercussions from ICE since implementation?

ICE did express concern over the removal of the ICE hold on Saul Paz Gil, as it was consistent with our policy to determine charge status at the time of the detainer request rather than reassessing charge status throughout the custody. The Sheriff agreed with the community groups to consider individual cases brought to him on a case by case basis, and we recently formalized that process by assigning contacts between the ACT Network and MCSO. ICE has notice that at this time we have not changed our policy regarding determining charge status at the time of request, but are exploring methods to monitor length of custody, and that the Sheriff may consider individual cases.

- What challenges hinder your ability to adhere to the current policy (logistics, staffing, data collection, etc.)?

The language in the resolution suggests that MCSO will only accept ICE detainer requests for individuals charges with felonies or A Person misdemeanors. MCSO policy directs the assessment of charges at the time of the detainer request. We

currently do not have a mechanism for tracking charges for individuals with an ICE hold throughout their custody, but have agreed to explore this possibility and assess its sustainability within current resources.

- In June of 2012 102 booking events were associated with an ICE hold. This is significantly higher than other months in 2012 and 2013, including June 2013. Why would we see this increase? (source: LPSCC data)

The cause would be an increase in bookings for persons who qualify for a detainer request under the new criteria – it is unknown what has driven that dynamic at that time.

- Prior to the new policy, did MCSO ever deny hold requests by ICE? If yes, why?

No.

- Since the Sheriff's policy change and supporting MC Board of Commissioners supporting resolution, the Sheriff has held eight people who did not fall into any of the qualifying categories for an ICE hold. What were the circumstances surrounding these holds and why were they honored?

The 8 cases in question were researched and reported by LPSCC staff. MCSO reviewed each case and determined the following:

In 4 cases, the hold was inadvertently placed as Records Technicians adjusted to the new policy. We have made a policy adjustment to assure this does not happen in the future by creating a "second check" process, essentially checking the charge status twice on every ICE detainer request we process.

In 1 case, we determined charges were consistent with the policy change of April 15, as the subject had an assault warrant from Washington County.

In 1 case, the ICE hold was placed prior to the policy change in April.

In 1 case, the subject was booked on a felony and later the charge was reduced to a misdemeanor. The case was appealed to the Sheriff, who released the ICE

hold and the family posted bail on the subject. The release of the hold was in contradiction to the Sheriff's Office current policy.

In 1 case, the subject was booked on a Violation of Restraining Order, and that charge was not articulated in the April 4 resolution or April 15 Sheriff's Office policy. However, the spirit of the agreement that was reached in April was to only accept ICE detainers for felony and person crimes, and restraining order violations are clearly always person involved, carry a felony level bail, are a mandatory arrest with no recog option prior to arraignment, and are inherently tied to domestic violence or threats of violence, which were the allegations in this case. Multnomah County has a long history of supporting victims of domestic violence and enforcing domestic violence related crimes, and MCSO policy reflects that commitment. MCSO has adjusted our operating policy to include violation of restraining order for these reasons.

- Is it correct that if an inmate is eligible for bail based on their local charges, if there is an ICE hold attached to their custody, once bail is posted, they are released to their ICE detainer and ICE has 48 hours (excluding weekends and holidays) to pick them up?

Yes, provided holds from other jurisdiction are not present.

- Since the policy change in April 2013, how many inmates who had an ICE hold attached to their custody posted bail?

5 inmates posted bail on local charges during that time frame.

- For all inmates released to their ICE detainer, please provide the amount of time they stayed in MCSO custody before released to ICE, Prison, or any other type of release, from May1st through October 1st.

Average length of stay by release type is as follows:

- ***Commits to DOC*** ***56 days***
- ***Transfer to Marion County*** ***54 days***
- ***Commits to OSH*** ***51 days***

- **Release to Close Street 45 days**
- **Transfer to Wasco County 34 days**
- **Transfer to USI 25 days**
- **Local Sentence 23 days**
- **Transfer to USM 18 days**
- **Court Release 15 days**
- **Transfer to Benton County 13 days**
- **Transfer to Clackamas County 11 days**
- **All other release types were under 10 days**

Training and community outreach:

- What has been done to educate the community on the new policy and build trust in law enforcement among immigrant communities?

Meetings have been established with concerned community groups.

Representatives from MCSO and the ACT Network have been established for maintenance of dialogue.

- What procedural training has MCSO done for staff dealing with the new policy?

Initial training for Records staff followed by remedial where errors were found, also supervisory training to ensure quality control.

- Since the policy change in April MCSO has accepted over 300 detainer requests from ICE. Currently there is an average of 50 inmates a day with an ICE hold attached to their custody. With budget constraints and emergency releases, what is the value to Multnomah County of accepting these hold requests?

Accepting the ICE requests gives law enforcement additional enforcement options for individuals charged with serious crimes in our community, and the capacity for our federal partners to adjudicate and process serious offenders.

What do you see as next steps?

The Sheriff is committed to continue productive dialogue where possible between concerned citizen groups and MCSO, while educating on our interest in local public safety. Further, he believes other law enforcement agencies should be engaging in these discussions. Finally, MCSO should monitor policies to ensure quality control, and an appropriate balance between scarce resources and public safety interests.