

To: Multnomah County Commission

From: Jan Johnson

January 18, 2018: Public Testimony of People Power Volunteers from the ACLU Freedom Cities Campaign before the Multnomah County Commission

Thank you for this opportunity to again come before you as a Multnomah County voter and a People Power volunteer with the American Civil Liberties Union (ACLU) Freedom Cities campaign.

First, I echo Barbara Ross's thanks for budgeting money for sheriff's department training to make sure deputies and corrections officers understand the Sheriff's excellent new policy on ICE engagement.

I echo her thanks to all of you for the commission's close attention to follow through on that training and your many good questions.

As you know, three Sheriff's deputies told internal investigators they had engaged with ICE for years in violation of Oregon's 30-year-old sanctuary law because they didn't know about it. That investigation lays down a public marker on a glaring statewide problem: Oregon's state Public Safety Academy does not at any level – basic training, continuing education or even supervisor certification – train officers, deputies, dispatchers, corrections officials or those involved in parole and probation in state sanctuary law.

That makes it all the more important that Multnomah County trains its staff on ICE engagement.

We also echo our previous requests to follow through on *all* the ACLU's model rules and policies to insure protections for our immigrant neighbors.

1) **Accountability:** Even the best training requires some system of accountability. We have been talking to some of you and your staff about adopting truly independent systems of redress, possibly using a best practice from Dayton, Ohio-Montgomery County where a joint ombudsman looks at redress when staff fail to follow policy.

2) **Transparency:** We continue to call on the county to consider adopting a form similar to the one created under California's TRUTH Act, sometimes called the "Immigrant's Miranda." It requires people to be told -- in writing, in their language -- that they are talking to an ICE or Border Patrol agent. It also reminds them they have the right to remain silent and the right to an attorney.

Nine “Model” State and Local Law Enforcement Policies and Rules - Descriptions

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The 9 “model” state and local law enforcement policies and rules are intended, in short, to prevent the discrimination, deportation, and surveillance of immigrant communities. Below are each of the policies written by ACLU staff along with a short description of each in laymen’s terms.

#1) *The Judicial Warrant Rule:* [County/City/State] officials shall require a judicial warrant prior to detaining an individual or in any manner prolonging the detention of an individual at the request of U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP).

Rule #1 is meant to stop local police and sheriffs from volunteering to do immigration detention without a judge’s approval. Immigration agents routinely ask police and sheriffs to hold people in jail before they have the legal authority to do so. Immigration agents have even asked local police to hold U.S. citizens for immigration purposes, a clear violation of their rights. The ACLU has represented many people who were illegally arrested this way, and it has cost local governments tens of thousands of dollars in court-ordered penalties. By requiring a warrant, we are protecting everyone’s Constitutional rights.

#2) *No Facilitation Rule:* [County/City/State] officials shall not arrest, detain, or transport an individual solely on the basis of an immigration detainer or other administrative document issued by ICE or CBP, without a judicial warrant.

Rule #2 is meant to help ensure that local police do not spend limited local dollars and staff time carrying out federal immigration work, beyond what is legally required. It also protects against violations of the Fourth Amendment and racial profiling.

#3) *Defined Access/Interview Rule:* Unless acting pursuant to a court order or a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, no [County/City/State] official shall permit ICE or CBP agents access to [County/City/State] facilities or any person in [County/City/State] custody for investigative interviews or other investigative purposes.

Rule #3 is meant to stop immigration agents from interfering in local public safety mission. When immigration agents can come to a local facility and do whatever they want, it blurs the line between local police and federal immigration agents, and local communities lose trust in the local police, which harms public safety.

#4) *Clear Identification Rule:* To the extent ICE or CBP has been granted access to [County/City/State] facilities, individuals with whom ICE or CBP engages will be notified that they are speaking with ICE or CBP, and ICE or CBP agents shall be required to wear duty jackets and make their badges visible at all times while in [County/City/State] facilities.

Rule #4 is meant to ensure ICE officers clearly identify themselves. Sometimes people think they are talking to a public defender – instead, they find out they are talking to an immigration agent. Everyone has the right to remain silent or seek an attorney. Local law enforcement agencies should not assist immigration agents in deceiving immigrants and deprive them of their ability to effectively use their rights.

#5) *Don’t Ask Rule:* [County/City/State] officials shall not inquire into the immigration or citizenship status of an individual, except where the inquiry relates to a legitimate law enforcement purpose that is unrelated to the enforcement of a civil immigration law, or where required by state

To: Multnomah County Commission

From: Barbara Ross

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My name is Barbara Ross. Thank you for this opportunity to share a few brief thoughts.

I am a member of a neighborhood ACLU People Power group. Last summer, we talked to you about the need to provide quality training to front line folks about the county's policy on dealing with ICE.

I was very pleased to hear the presentation from Sherriff Reece and his staff about the training plan they have developed for this year.

Thank you so much for providing the funding that makes it possible for them to deliver a professional and thoughtfully developed outline of the training they will deliver this year.

I was also very happy to see the strong emphasis on mental health first aid, crisis intervention and de-escalation strategies. Using confrontation management scenarios to teach these safety skills seems much more effective than lecture or reading a manual or just delivering written instructions.

I was impressed with how dedicated the staff seemed to be to making the training as effective as possible, including being committed to accurate evaluation.

Commission members asked very good follow up questions, emphasizing the need to collaborate with partners whenever possible, learning from others and sharing effective training techniques. This is particularly important in working with persons who may be suffering from a mental health disorder and seem unable to respond to reasonable commands.

I appreciated the honesty of training staff in thoughtfully outlining the challenges they face including the lack of a suitable space to carry out training activities.

Quality training is what prevents unfortunate human error that can result in physical harm or a lack of safety for staff or those under their supervision. Prevention is a tricky issue. It is very hard to measure unfortunate incidents that did not happen because of the right kind of well delivered instruction. It might be easier to spend money on flashy equipment or new office furniture. But unless staff have been taught how to handle difficult situations, it is unfair to expect them to intuitively know what to do.

- ☐ Solicito recibir este formulario en español. / I request to receive this form in Spanish.
- ☐ 請寄來中文表格。 / I request to receive this form in Chinese.
- ☐ Nais ko pong makiusap na matanggap ang forma na ito sa Tagalog. / I request to receive this form in Tagalog.
- ☐ Tôi yêu cầu để nhận mẫu đơn này trong tiếng Việt. / I request to receive this form in Vietnamese.
- ☐ 저는 이서류를 한국어로 번역된 것으로 받고 싶습니다 / I request to receive this form in Korean.

Re: Consent Form for Immigration and Customs Enforcement Interview

This notice is to inform you that Immigration and Customs Enforcement ("ICE") wants to interview you, either in person or by phone, to get information that they may use to try to deport you. **You have the right to agree or to refuse this interview.**

This notice is intended to provide you with information about your rights:

- (1) **ICE interviews are voluntary.** You can say no to an interview by ICE.
- (2) **You have the right to remain silent.** Even if you decide to say yes to an interview, you can refuse to answer any questions, including questions about your immigration status. This includes where you were born and how you came to the United States. Anything you say may be used against you in criminal and/or immigration proceedings. You should not sign any forms you do not understand.
- (3) **You may request to have an attorney present during any interview.** If you request an attorney in this form below, the jail may not bring you to an ICE interview without your attorney present.
- (4) **If you are already in removal (deportation) proceedings,** you have the right to have your immigration lawyer present during any questioning. You should tell ICE to contact your attorney (if you have one) before the interview.

By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. The jail or police officer will inform ICE of your decision. The jail is only allowed to bring you to an ICE interview if you agree.

Name: _____

Booking #: _____

Signature: _____

_____ I do **not** agree to speak to ICE.

_____ I agree to speak with ICE, **only** with my attorney present.

_____ I agree to speak with ICE, **without** an attorney present.

FOR LAW ENFORCEMENT PERSONNEL: