

What is ICE?

[U.S. Immigration and Customs Enforcement \(ICE\)](#) is the principal investigative arm of the U.S. Department of Homeland Security (DHS). ICE's primary mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration.

What is an ICE hold?

ICE holds result when an ICE officer issues an Immigration Detainer (DHS form I-247) on an identified person in MCSO custody. Under the detainer (federal regulation 8 CFR 287.7), MCSO is requested to maintain custody of the subject for a period not to exceed 48 hours beyond the time when the subject would have otherwise been released from custody to allow DHS to take custody of the subject.

Who can get an ICE hold?

For current ICE policies, please contact the Immigration and Customs Enforcement (ICE) Law Enforcement Center at (202) 732-4242 or www.ice.gov/contact/

Can people not accused of a crime be booked into Multnomah County jails on an ICE hold?

No.

[Oregon Revised Statute 181.850](#) prevents law enforcement agencies from arresting anyone whose only violation is immigration law.

Does everyone with an ICE hold go into ICE custody?

No.

Only about half of the people with an ICE hold are released to ICE custody. Other release reasons include:

- Transfer to [U.S. Marshals](#), which is the enforcement arm of the federal courts
- Transfer to Oregon prison
- Transfer to another jurisdiction for adjudication
- Court ordered release
- Release following completion of criminal sentence

Does MCSO receive federal funds for honoring ICE holds?

No.

The federal funds MCSO receives are not related to ICE holds. We do not have a contract with ICE to house their prisoners.

What is SCAAP funding?

Since the mid-1990s, the Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, administers the [State Criminal Alien Assistance Program \(SCAAP\)](#). In approximately 2005, these funds were reallocated in conjunction with the U.S. Department of Homeland Security (DHS).

Currently, SCAAP provides federal payments to states and localities that have incurred correctional officer salary costs for incarcerating undocumented criminal aliens **who have at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days** during the reporting period.

48-hour ICE holds (I-247 Detainer requests) are made after someone enters custody. MCSO only receives reimbursement under SCAAP based on the above criteria. The detainer status is not considered.

Does MCSO receive SCAAP funding?

Yes.

Each year, jurisdictions are eligible to apply for reimbursement in accordance with the requirements outlined by the federal government listed above. The amount varies based on the amount of available federal funding, the number of jurisdictions applying for funds, and the number of qualifying events. For 2012, MCSO received \$230,000 in SCAAP reimbursements.

Data about the ICE population in Multnomah County Jails

In November of 2012, we conducted a targeted analysis of ICE holds in MCSO jails during the 20 month period between January 1, 2011 and August 31, 2012.

Methodology: Data were extracted for the 20 month period of January 1, 2011 through August 31, 2012. The charges for all individuals booked during the period and release reason were included in the extracted data. From this data, characteristics of individuals with an ICE hold associated with any charge at booking were analyzed. All data presented herein relates to bookings that occurred during the date range above with the exception of the "Jail Population" statistics which are based on daily snapshots of the jail population during the same time period.

- Jail population data
 - Bookings: ICE holds account for less than 3% of MCSO's bookings.
 - Total bookings: **56,995**
 - Bookings with ICE hold on any charge: **1,465**
 - Jail population: ICE holds make up about 6% of the average daily jail population
 - Average Daily Population: **1,212**
 - Average Daily Population of people with an ICE hold associated with any charge: **74**
- Charges at booking
 - [Oregon Revised Statute 181.850](#) prevents law enforcement agencies from arresting anyone whose only violation is immigration law.
 - All bookings with ICE holds also have at least one jailable charge punishable, under Oregon Revised Statutes, by at least one day in custody.
 - Frequently, individuals booked into MCSO custody have been arrested on more than one charge. The same is true with bookings that also include an ICE hold. During the 20 months studied, each individual had an average of just over two charges.
 - Bookings with ICE hold on any charge: **1,465**
 - Total number of charges for individuals with ICE holds: **3,357**

How does the ICE population in the jails impact Emergency Population Releases?

Currently, bookings with an ICE hold (I-247 Immigration Detainer) are not eligible for consideration for emergency population release regardless of the severity of associated charges. Proposed changes to this policy would allow emergency population releases in cases where the associated charges are minor.

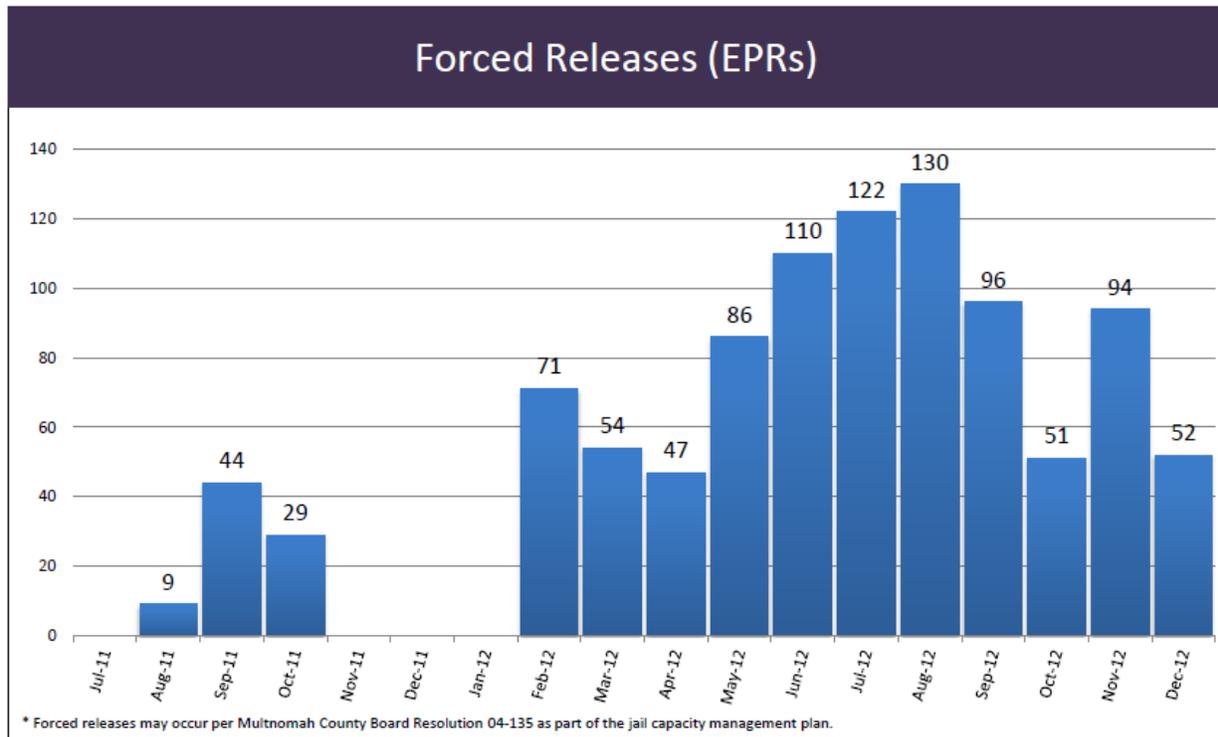
What is an Emergency Population Release?

The budgeted capacity of Multnomah County jails is 1,310 beds. Under [Multnomah County Resolution 2010-141](#), in accordance with [ORS 169.044](#), if the number of people held in custody reaches 95% of capacity (1,244 people), a county jail population emergency exists. When a population emergency exists, inmates may have to be released to meet constitutional standards and statutory provisions for the humane treatment of inmates.

How often does an emergency population release happen?

During 2012, emergency releases were necessary 87 times for a total of 913 releases.

So far this year, 205 releases have resulted from emergency population conditions.



Who can be released when a population emergency exists?

Releases are made based on the [Capacity Management Plan for the Multnomah County Sheriff's Office](#).

Under the Capacity Management Plan, every person in custody is given an emergency population release score based on:

- Criminal charge;
- History of violence;
- Risk to self or other persons;
- Prior failure to follow court orders;
- Parole, probation, or post-prison revocations history;
- Institutional behavior or classification