

MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: July 13, 2017

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: ACLU immigrant
protections

FOR: AGAINST: _____

NAME: Jan Johnson

CONTACT INFORMATION (optional):

ADDRESS: 2034 N.E. 40th Ave., # 401

CITY/STATE/ZIP: Portland, OR 97212

PHONE: 503-282-2463 E-MAIL: jan.johnson6@earthlink.net

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

1. Fill out this form and submit to the Board Clerk 15 minutes before meeting begins.
2. Comment for Non-Agenda items will be called immediately after the vote on the Consent Agenda.
3. Comment for Agenda items will be called during that item's presentation, before the vote is taken.
4. Commenters are called to testify in the order forms are received. The Presiding Officer may re-arrange the order of the agenda and the order in which testimony is given or ask Invited Guests or Elected Officials to speak first.
5. When your name is called, come forward and be seated at the presenter's table; state your name for the record and speak into the microphone.
6. Public comment is limited to **3 minutes or less** per person unless otherwise directed by the Chair, who is the Presiding Officer.
7. A buzzer will signify the end of your allotted time.
8. If submitting handouts to be given to the Board, seven (7) copies are required. If only one (1) copy is provided, it will be received for the file and electronically shared with the Board and County Attorney after the meeting.
9. All meetings are audio and video recorded and captioned and can be viewed at http://multnomah.granicus.com/ViewPublisher.php?view_id=3
10. The Chair has authority to keep order and may impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with the Rules of Conduct, or who creates a disturbance, may be asked or required to leave and upon failure to do so, becomes a trespasser and will be treated accordingly. The Rules of Conduct are posted and available in back of the room.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD IN LIEU OF GIVING ORAL COMMENTS:

1. Complete this form and submit it along with your written testimony to the Board Clerk at the meeting, or by e-mail at: board.clerk@multco.us
2. Written testimony will be entered into and remain a part of the official permanent record.

To: Multnomah County Commission

From: Jan Johnson

Thank you for this opportunity to again address the Multnomah County Commission as a Multnomah County voter and a People Power volunteer with the American Civil Liberties Union Freedom Cities campaign.

First, thank you for budgeting for “Know Your Rights” training and immigration legal support. That money helps *right now to prevent* detentions and deportations that split families and disrupt lives.

As you know, the ACLU has made immigrant and refugee rights a priority. Soon after people spontaneously appeared at airports in the wake of this Administration’s travel ban, the ACLU tapped volunteers like me all over the country for a single task: ask our city, county and state officials how each jurisdiction measures up against nine model law enforcement rules and policies intended to defend those without papers from President Trump’s deportation agenda.

The Washington Post has reported that 133,000 people have signed up for the People Power project nationwide. Multnomah County is home to some half dozen active People Power neighborhood groups each with distinctive interests and skills. Most groups started with 25-50 people at the initial meetings so mailings lists are robust. The volunteers who remain active four months later have assigned themselves new tasks based on what they find.

Some People Power volunteers like me are new to activism. I was a voter who limited my involvement in the past to more passive actions such as writing checks to campaigns, candidates and causes. Now I am joining with my peers writing letters to editors and coming before bodies like yours to speak directly about immigration.

Our own People Power group with started with neighbors from Sullivan’s Gulch, Irvington, Hollywood and Rose City areas in NE Portland and added folks from Northwest Portland and St. Johns since our first meeting March 11.

We’ve been busy. Your packet contains a list of who we have met with face-to-face, letters to the editor published in *The Oregonian* and *Portland Tribune*, written testimony and other input provided to the Sheriff’s department, and other activities -- including plans for the near future.

Ever notice how when you insert your fingernail into a loose tile in the kitchen the next thing you know, all the cabinets are ripped out, new energy-efficient appliances are on order and you’re getting bids on a new deck?

When we heard about TriMet transit police asking riders about their citizenship status we formed a new TriMet workgroup that includes People Power volunteers from other counties. We need to work together to ensure these nine model rules and policies are in practice as people without papers travel across county lines.

We know that sanctuary laws, statements and resolutions are only as good as how they work in day-to-day operations. Multnomah County now practices about six of the nine. When we last presented public testimony on this issue in May, we promised to return to share best practices for your consideration to make all of Multnomah County's practices best practices.

One important point: Already, the Multnomah County's Sheriff's new written policy on Enforcement of Immigration and Customs Enforcement (ICE) Detainers, posted May 1 of this year, is recognized nationwide as a best practice first for a process that provided a reasonable amount of time for written public comment and second for the final, publicly posted product that adopted several of the ACLU model policies and rules.

So if anyone is concerned about risking retribution from the Trump administration for seeking just and fair treatment for immigrants and refugees—too late! Multnomah County is already an exemplar of doing the right thing.

But we do not want to rest upon partial achievements.

So let's look first at our concerns about *transparency*. While the County believes it lacks the authority to ask ICE or Customs and Border Protection agents to wear duty jackets or badges to clearly identify themselves, the County "can condition access to detention facilities on proper attire by federal agents," according to Ronald Newman, ACLU attorney.

He adds "we simply want to ensure that immigrants are clearly informed that they are talking to federal immigration agents, so they know they can exercise their rights to remain silent and to seek an attorney. Another effective option would be a rule like the following from California: *In advance of any interview between ICE and an individual in local law enforcement custody regarding civil immigration violations, the local law enforcement entity shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.*

You'll find in your packets the simple, one-page form that went into use in California January 1 of this year in English. We have discussed California's IPU/TH Act form with Judge Waller and she saw merit in this best practice.

Our other concern is *accountability*. We are told that the only avenue to seek redress of any violations to the Sheriff's new policy would be before the Sheriff's internal affairs review board to determine if wrongdoing occurred. Any sanctions against Sheriff's department employees would be in line with their union contract, making it unlikely the redress process would be public and only extreme misbehavior would likely incur serious punishment, if any.

As far as we can tell, no redress exists for a person without papers who is deported nor is there a process to recover lost wages or other damages if an undocumented person is detained and later released.

This would be the same if any County employee – say, a librarian or public health nurse (unlikely as that may be) – violated this policy and called ICE when a known patron or patient, maybe a troublesome one, was due for a visit or had a hold.

We know what happens with internal reviews. The union is not created to address wrongs; it exists to protect its members. It is not the fault of the union; that's its job.

But that is not really redress.

Realistically, would a person without papers to use this system of redress? Our People Power colleagues in Hillsboro make deliveries of food and diapers to undocumented people too afraid to leave their homes to get groceries. Judge Waller says some people are too afraid to come to the courthouse in any capacity – defendant, witness, plaintiff - - forgoing access to justice. Your own wonderful staffers have told us that people without papers who need medical care are often too afraid to make use of Multnomah County's public health services. They are not bringing their children to the library. Do we really think anyone too afraid of deportation to get food or medical care or appear for court hearings will voluntarily come forward to seek redress before any internal review board?

So here's what the ACLU lawyers tell us: we recognize that how a system of redress functions in practice is most important, and we learn that only through actually navigating it or closely examining how it worked for someone else. Features the ACLU looks for include: (1) transparency with respect to the redress process and outcome, (2) having key decision makers within the redress system who sit outside the department, and outside of government (in other words, civilians), (3) firm timetables, so redress is reasonably prompt, (4) meaningful accountability tools for offenders, (5) an empowered redress system that can compel the provision of relevant documents.

So what is the best practice currently in use?

Wisconsin passed a law, the first of its kind in the nation, requiring deaths in police custody to be investigated by outside organizations. The legislation, which Gov. Scott Walker recently signed into law, requires that deaths in police custody be investigated by an outside agency, using independently gathered evidence.

How many times have we watched law enforcement employees quickly cleared of wrongdoing after an internal investigation by officers within their own department? Why use a system of redress in which those facing complaints judge themselves?

We offer these best practices in a spirit of humility, recognizing that we do not possess all the answers to solve all these complex problems.

Would undocumented people too afraid to leave their homes to get groceries raise their need for redress even with a perfectly independent entity? It would be far better if everyone employed by Multnomah County observed and obeyed County policy in the first place. That requires training. Maybe for some, it requires a deeper shift, a disturbance, a shifting within that brings the walls down.

Truly, the best answer is a clear path to citizenship for those who seek it and that seems nearly impossible in the current political climate. So we work from where we are.

The goal of the ACLU Freedom Cities campaign is to win real protections for immigrants in our communities. We appreciate the County's practice of many of the ACLU's nine model rules/policies but "while having good practice is obviously better than having bad practice, if these rules are merely "practice," *they are more subject to change by future leaders*. People Power believes it is imperative to shepherd these practices into formal rules – in a resolution or in the city code. That would make the "practice" more permanent, and result in an achievement that all of us could still see the fruits of 5, 10, 15 years from now," says ACLU attorney Newman.

To sum up, we recommend the following:

- 1) On transparency, consider adopting a form similar to the one created under California's TRUTH Act
- 2) On accountability, consider adopting truly independent systems of redress and build a culture in which the behavior of employees on the bottom matches the policy from the top
- 3) Put all policies in writing, not just practice.

Thank you for your time, your preventive budget contributions on this issue and for the good work already in practice. We look forward to continuing this discussion.

Jan Johnson

2034 NE 40 Ave., #401

Portland, OR 97212

503-282-2463

JanJohnson6@earthlink.net



Nine "Model" State and Local Law Enforcement Policies and Rules - Descriptions

PEOPLE POWER

Nine "Model" State and Local Law Enforcement Policies and Rules - Descriptions

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 or federal law to verify eligibility for a benefit, service, or license conditioned on verification of certain status.

Rule #5 is meant to promote good government, and smart policing. Many local police departments have commonsense policies to protect victims and witnesses that ensure they only ask about immigration status if it's relevant to a state or local crime. This rule keeps our whole community safe by drawing a clear line between local priorities and interference from immigration agencies.

#6) *Privacy Protection Rule:* No [County/City/State] official shall voluntarily release personally identifiable data or information to ICE or CBP regarding an inmate's custody status, release date or home address, or information that may be used to ascertain an individual's religion, ethnicity or race, unless for a law enforcement purpose unrelated to the enforcement of a civil immigration law.

Rule #6 is meant to safeguard privacy. ICE officers often call local police and request personal information about people (like home addresses). People deserve to have their private information protected to the maximum extent permitted by law. The rule also protects against targeting people in discriminatory ways - for example, because they are Muslim or Latino.

#7) *Discriminatory Surveillance Prohibition Rule:* No [County/City/State] agency or official shall authorize or engage in the human or technological surveillance of a person or group based solely or primarily upon a person or group's actual or perceived religion, ethnicity, race, or immigration status.

Rule #7 is meant to prevent the discriminatory targeting of groups, including using false or weak justifications for doing so. For instance, it would prevent local involvement in the surveillance of a construction worksite for immigration reasons, solely because people of Latino background work there in large numbers. It would prevent the general surveillance of mosques.

#8) *Redress Rule:* Any person who alleges a violation of this policy may file a written complaint for investigation with [oversight entity].

Rule #8 is meant to ensure that every city, town or county has a complaint and redress process for people who have been harmed because of failures to comply with these protections. It would allow your city, county, town to make clear that rules are not just on paper, and something will be done if they are broken.

#9) *Fair and Impartial Policing Rule:* No [County/City/State] official shall interrogate, arrest, detain or take other law enforcement action against an individual based upon that individual's perceived race, national origin, religion, language, or immigration status, unless such personal characteristics have been included in timely, relevant, credible information from a reliable source, linking a specific individual to a particular criminal event/activity.

Rule #9 is meant to promote fair policing, and covers areas including, but not limited to immigration. It is a standard increasingly adopted by law enforcement agencies committed to constitutional and equitable

policing. It is a safeguard against biased policing, and it requires that there be specific, non-discriminatory reasons to take police action against a person.

Final Note: The Trump Administration has asserted, falsely, that if localities do not help advance Trump's mass deportation agenda, they are violating federal law. The following rule, which is the only applicable federal law in this area, would help ensure your city, county or town establishes its clear intent not to violate federal law. While not a necessary addition, this rule may be a useful complement to the above policies.

1373 Rule: Under 8 U.S.C. § 1373 and 8 U.S.C. § 1644, federal law prohibits [County/City/State] officials from imposing limits on maintaining, exchanging, sending, or receiving information regarding citizenship and immigration status with any Federal, State, or local government entity. Nothing in [County/City/State] policies is intended to violate 8 U.S.C. § 1373 and 8 U.S.C. § 1644.

1373 Rule: Is optional, but meant to signal in a clear way that, while your city, county, or town wants to be immigrant-friendly and a "Freedom City," it does not want to violate federal law. Your local leaders can point to this rule to show that your policies are fully consistent with federal law. That would be true even without this rule, but this rule reiterates it. It is like driving 40 mph on a street with a 50 mph speed limit, yet nevertheless calling the police and telling them that you are driving 10 mph less than the limit.

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Consent Form in use in California

Truth Act Form 1

- 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:

MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
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MEETING DATE: July 13, 2017

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: ACLU Immigrant Protections
FOR: _____ AGAINST: _____

NAME: Barbara Ross

CONTACT INFORMATION (optional):

ADDRESS: 2034 N.E. 40th Ave., #217

CITY/STATE/ZIP: Portland, OR 97212

PHONE: 503-281-0345 E-MAIL: bross@exchangenet.net

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To Multnomah County Commissioners
From: Barbara Ross

As you know our ACLU People Power neighborhood group has been very active over the last four months. We have learned a lot. We have certainly not reached any conclusions. This is a work in progress

I want to tell you a couple of places we would like to focus on next. Like you we are interested in action that brings tangible results rather than endless chatter.

Specifically we would like to find out if the positive policy statements by top administrators guide the employees who are actually in contact with undocumented persons or ICE representatives as they go about their daily tasks. Do they know it is against agency policy to ask clients about their citizenship status?
Do they know how to respond if ICE agents ask for information?

I am interested in focusing on two agencies: The Multnomah County Sheriff's department and the Trmet system.

The Sheriff's administration has adopted a model policy. As we go forward we need to understand how the policy is actually implemented. When new staff are hired what is in their training? Do they receive instruction on what they can and cannot say to persons who may be undocumented workers? If an employee does something that is not consistent with the department's expectations, what happens? Will his supervisor take the issue seriously and make sure that the employee understands what the policy is around protecting immigrants and their status? If a citizen made a complaint about inappropriate behavior on the part of a staff member, would that complaint be followed up? Would the supervisor hold the employee accountable if the complaint was verified? What is the actual process for handling complaints?

We begin this inquiry with the greatest respect for all the sheriff's deputies who work so hard day to day to keep our community safe. We would like to verify that all our law enforcement employees are also dedicated to keeping undocumented workers safe.

We have the same questions about Trimet's systems of accountability. Their situations is much more complicated because 17 agencies are involved in their governance. They are daily faced with handling riders who have not paid their fares. They have a large number of fare enforcers, some of whom are armed. We hear reports that some riders are asked about their citizenship status. We have no substantiation that this is actually happening, but the rumors intensify the fear that is already sweeping through the immigrant communities.

We want to find out if in fact employees are trained to stay away from immigration issues and to treat with care any information about undocumented workers that they accidentally uncover. Do supervisors take seriously any reports of inappropriate questioning?, What would happen if a supervisor received credible information that a fare enforcer had passed on information about an undocumented person to ICE representatives? What is the level of accountability?

We believe that most fair enforcers act professionally and ethically, We would like to be able to reassure folks that they do not have to be afraid of Trimet staff. In order to do this we will work to track down the actual content of the training that is given to employees. Are expectations of behavior made clear? Also we want to understand the process for responding to credible complaints.

As we said earlier, this is a work in progress. We are heart sick about the tragic deportation of honorable persons who have been contributing to Oregon's economy for many years. We want to do whatever we can to support our state's sanctuary policy.

We again thank you that your staff in all your offices have been very open and helpful.

We appreciate this chance to report to you about our activity. Aug will be a pretty slow month for us but in September we will be back to work.

We know you are very busy people so we are grateful to you for listening to us.

Sincerely,

Barbara Ross
503 281-0345
cell 541 653-0012
2034 NE 40th # 217
Portland Oregon 97212
bross@exchangenet.net



Barbara Ross

Citizen Advocate



Home: 503-281-0345
Cell Phone: 541-653-0012
email: bross@exchangenet.net
2034 NE 40th, Apt. 217
Portland, OR 97212

What one NE Portland People Power group has done in four months and what's planned in the near future

1) Held seven face-to-face meetings with county officials:

Multnomah County Commissioner Sharon Meiren

Multnomah County Commissioner Lori Stegmann's staffer Roberta Hunte (plus follow up emails, voicemail)

Multnomah County Commissioner Vega Pederson's staffer Hayden Miller (plus follow up calls)

Multnomah County Commissioner Loretta Smith's staffer Scott Olson plus (plus follow up email, phone call)

Multnomah County Commission Chair Deborah Kafouy's staffers Marco Circosta and Adam Renon (plus follow up emails, calls)

Multnomah County Circuit Court Presiding Judge Nan Waller and Trial Court Administrator Barbara Marcille

2) Published three letters to the editor:

Portland Tribune <http://pamplinmedia.com/pt/10-opinion/360368-240107-letters-oppose-effort-to-repeal-sanctuary-law>

Oregonian

http://www.oregonlive.com/opinion/index.ssf/2017/06/updating_our_sanctuary_law_let.html

http://www.oregonlive.com/opinion/index.ssf/2017/06/sanctuary_law_needs_stronger_r.html

3) Given public testimony:

May 18: Multnomah County Commission public comment

July 13: Multnomah County Commission public comment

4) Provided written public comment:

Multnomah County Sheriff Michael Reese's review of departmental policy on "Enforcement of Immigration and Customs Enforcement (ICE) Detainers" http://www.mcso.us/profiles/pdf/policy_current/610.00_Enforcement_of_Immigration_and_Customs_Enforcement_Detainers.pdf

Mayor's [online survey](#) on Portland's Police Chief recruitment process

5) Provided written input on revamped Sheriff's website:

Stephanie Prybyl, Multnomah County Sheriff's Office Chief of Staff

Carlo Calandriello, Senior Assistant County Attorney, Multnomah County

Lt. Chad M Gaido, PIO, Multnomah County Sheriff's Office

6) Conducted phone conversations:

Carlo Calandriello, Senior Assistant County Attorney, Multnomah County

Kelly Runnion, TriMet Executive/Board Administrator

Eric Hoggen, TriMet Attorney

7) Attended events:

April 2: Washington County Muslim Educational Trust at Bilal mosque in Beaverton
"Know your rights" event for Muslims

May 1 and June 4 Rallies

May 6: Nasty Women Conference and NORCOR prison protest in The Dalles

May 13: NAACP talk - Policing in Portland before other People Power Group

May 24: TriMet board meeting

May 27: Indivisible Oregon candlelight vigil at Hollywood Transit Center

June 8, 13 July 13: David Douglas School Board meetings

June 14: IRCO Bystander Intervention training

June 21: OPAL "What is Safety?" training

8) Other letter-writing campaigns

Letters to Portland Mayor Wheeler, city council members

Thank yous to Oregon legislators for the passage of the following bills:

SB 505 Grand Jury Recording

HB 2355 Profiling and Sentencing Reclassification

HB 3078 Safety and Savings

HB 3391 Reproductive Health Equity

SB 558 Health Care for All Oregon Children

HB 3464 Immigrant Enforcement

9) Other face-to-face meetings

June 23: Dr. T. Allen Bethel, District 5 (N and NE Portland) TriMet Board

June 29: Portland City Commissioner Amanda Fritz

What we have planned:

1) Face-to-face meeting:

July 13: Portland City auditor Mary Hull Caballero

Other TriMet board members

Dion Jordon, TriMet ADA compliance chief DATE TBD

John Gardner, TriMet Diversity and Transit Equity DATE TBD

2) Public testimony:

July 19: support NoPo/Tabor People Power volunteer presenting Portland City Council testimony

August 9: present Portland City Council testimony

August 23: support downtown/SE People Power volunteer Portland City Council testimony

Transit Equity Advisory Committee (TEAC) DATE TBD

3) Forming new workgroups with other People Power volunteers

TriMet transit policing

White supremacy

Multnomah Co. Sheriff's policy

610.00 – Enforcement of Immigration and Customs Enforcement (ICE) Detainers

Refer:

- 32 U.C.T. 3227, 1963 Vienna Convention on Consular Relations
- 8 U.S.C. 1373, Communication between government agencies and the Immigration and Naturalization Service
- Miranda-Olivares v. Clackamas County, 2014 U.S. Dist. LEXIS 50340, 2014 WL 1414305 (D. Or. Apr. 11, 2014)
- Governor's Executive Order 17-4, Renewing Oregon's Commitment to Protecting its Immigrant, Refugee, and Religious-Minority Residents
- ORS § 181A.820, Enforcement of Federal Immigration Laws
- National Crime Information Center (NCIC)
- Law Enforcement Database System (LEDS)
- Multnomah County Resolution 2016-132, Declaring Sanctuary County

Definitions:

- Immigration and Customs Enforcement (ICE) Detainers – A tool used by Department of Homeland Security (DHS)'s Bureau of Immigration and Customs Enforcement (ICE) officials to alert law enforcement agencies that a potentially removable individual is housed in that law enforcement agency's jail or prison. An ICE detainer is an official request from ICE to a state or local public safety entity, for the state or local public safety entity to notify ICE prior to releasing an individual from custody, so that ICE may arrange to take over custody.

Policy:

1. The Multnomah County Sheriff's Office (MCSO) primary mission is public safety. It is vital to this mission that community members feel comfortable interacting with members, reporting crimes, entering court, and generally participating as witnesses or victims in our criminal justice system, without fear of local law enforcement enforcing federal immigration law.
2. The Multnomah County Sheriff's Office (MCSO) values the work of the United States Department of Homeland Security (DHS), as a public safety partner. DHS missions include preventing terrorism, enhancing security, securing cyberspace, and ensuring disaster resilience. However, because of state law, MCSO must draw a bright line with regard to the work of the Bureau of Immigration and Customs Enforcement (ICE), a subset of DHS, and the responsibilities of MCSO. MCSO's mission does not encompass the enforcement of federal immigration law. MCSO generally has no enforcement authority or active role in regards to federal immigration law.
3. In all of its public safety roles – patrol, investigations, and operations of jail facilities – the Multnomah County Sheriff's Office (MCSO) follows state and federal law. As a result, MCSO does not use agency monies, equipment or personnel to enforce federal immigration law, nor does MCSO hold people in custody pursuant to Immigration and Customs Enforcement (ICE) detainers. The exchange of immigration or citizenship status information if requested by ICE officials, consistent with 8. U.S.C. 1373, is distinct from the enforcement of federal immigration law and therefore permissible.
4. The Multnomah County Sheriff's Office (MCSO) obligation to enforce judicial arrest warrants for criminal activity that are reflected in the National Crime Information Center (NCIC), is distinct and separate from the enforcement of federal immigration law. Because MCSO lacks authority, members do not enforce Immigration and Customs Enforcement (ICE) administrative arrest warrants.

5. The Multnomah County Sheriff's Office (MCSO) ability to apply for intergovernmental monies relating to the enforcement of criminal activity, is distinct and separate from the enforcement of federal immigration law.

Procedure:

1. Immigration Status Inquiries in the Field:
 - 1.1. Multnomah County Sheriff's Office (MCSO) members assigned to the Law Enforcement Division, will not inquire into a person's immigration status for the purpose of enforcing federal immigration law.
2. Country of Birth Inquiries in Jail Facilities:
 - 2.1. Multnomah County Sheriff's Office (MCSO) members assigned to the Corrections Division, will inquire into a person's country of birth during booking and classification processing, before reporting the self-identified country of birth to the Records Unit. MCSO is obligated to inquire per the Law Enforcement Database System (LEDS) and National Crime Information Center (NCIC) requirements.
 - 2.2. During the booking process, members will ask the adult in custody to self-identify their country of birth. This information will be forwarded to the Classifications Unit.
 - 2.3. During classification assessments, members will ask the adult in custody to confirm the self-identified country of birth, reported during the booking process. This information will be forwarded to the Records Unit.
3. Consulate Notification:
 - 3.1. The Records Unit, will review the self-identified country of birth information upon receipt from the Classifications Unit.
 - 3.2. If the self-identified country of birth is outside of the United States, and a mandatory reporting country under federal law, the Records Unit, is required to notify the specified-country's consular representative in the United States, of the arrest or detention. Adults in custody are informed of: this requirement; that the consulate may call or visit; that the consulate may be able to help with legal counsel, family contacts and more; but that the adult in custody is not required to accept consulate assistance.
 - 3.3. If the self-identified country of birth is outside of the United States, and a non-mandatory reporting country under federal law, the Records Unit, is not required to notify the specified-country's consular representative in the United States, of the arrest or detention. Adults in custody are informed of: the option to direct the Records Unit to notify their consulate at any time; that upon notification the consulate may call or visit; that the consulate may be able to help with legal counsel, family contacts and more; but that the adult in custody is not required to accept consulate assistance.
4. Immigration and Customs Enforcement (ICE) Inquiries:
 - 4.1. Should the Bureau of Immigration and Customs Enforcement (ICE) contact the Multnomah County Sheriff's Office (MCSO), seeking information about particular adults in custody, members are directed to do as follows:
 - 4.1.1. Should ICE request information from MCSO, members shall route the request to the Records Unit Manager, who will provide no greater information than is available to the public.
 - 4.1.2. When ICE is present at a Multnomah County facility, ICE will be provided no greater access than is available to the public.

History:

- Originating Policy/Procedure: 5/1/2017
 - This Policy and Procedure supersedes all prior MCSO policy and procedure relating to the enforcement of Immigration and Customs Enforcement (ICE) Detainers.
- Next Review Date: 5/1/2019
- Review By: Executive Office

MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 7-13-17

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: X

FOR: _____ AGAINST: _____

NAME: SCOTT REEVES

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

IF YOU WISH TO ADDRESS THE BOARD IN PERSON:

1. Fill out this form and submit to the Board Clerk 15 minutes before meeting begins.
2. Comment for Non-Agenda items will be called immediately after the vote on the Consent Agenda.
3. Comment for Agenda items will be called during that item's presentation, before the vote is taken.
4. Commenters are called to testify in the order forms are received. The Presiding Officer may re-arrange the order of the agenda and the order in which testimony is given or ask Invited Guests or Elected Officials to speak first.
5. When your name is called, come forward and be seated at the presenter's table; state your name for the record and speak into the microphone.
6. Public comment is limited to **3 minutes or less** per person unless otherwise directed by the Chair, who is the Presiding Officer.
7. A buzzer will signify the end of your allotted time.
8. If submitting handouts to be given to the Board, seven (7) copies are required. If only one (1) copy is provided, it will be received for the file and electronically shared with the Board and County Attorney after the meeting.
9. All meetings are audio and video recorded and captioned and can be viewed at http://multnomah.granicus.com/ViewPublisher.php?view_id=3
10. The Chair has authority to keep order and may impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with the Rules of Conduct, or who creates a disturbance, may be asked or required to leave and upon failure to do so, becomes a trespasser and will be treated accordingly. The Rules of Conduct are posted and available in back of the room.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD IN LIEU OF GIVING ORAL COMMENTS:

1. Complete this form and submit it along with your written testimony to the Board Clerk at the meeting, or by e-mail at: boardclerk@multco.us
2. Written testimony will be entered into and remain a part of the official permanent record.

For Commissioner Smith

Good morning Chair Kafoury and Commissioners.

The email alert from Commissioner Vega Pederson and Commissioner Meieran on Trump care was perfect timing to give people options to respond.

Thank you Commissioner Meieran and Commissioner Smith for coming to the health care rally with our three members of Congress last Thursday. Videos of the rally on Senator Wyden's Facebook and on KATU have been viewed over 31,000 times. There was also other media coverage.

Our Senators give credit to people's voices across the country for stopping Trump care so far. Two amazing things have happened. Despite majority control, Republicans in Congress haven't found a way to keep their campaign promises. Second, public opinion on health care has dramatically changed this year.

Thank you Commissioner Smith and Commissioner Meieran for speaking at the Portland International Muslim Cultural Festival and giving support to our Muslim neighbors.

I appreciate your hard work and persistence and messaging. I think you've found your groove and that the best is yet to come.

Scott Reeves

MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: 1/13/17

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Communication

FOR: _____ AGAINST: _____

NAME: Joseph Walsh

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

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MEETING DATE: 7/13/17

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: Public Comment: Cued 88

FOR: _____ AGAINST: _____

NAME: Kristian Williams

CONTACT INFORMATION (optional):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS' MEETING
PUBLIC COMMENT SIGN-UP SHEET

Please complete this form and return to the Board Clerk
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MEETING DATE: Thur Thirteenth July

AGENDA ITEM # _____ OR NON-AGENDA SUBJECT: opening publiCom.

FOR: _____ AGAINST: _____

NAME: Charles BridgeCrane JOHNSON

CONTACT INFORMATION (*optional*):

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ E-MAIL: _____

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