

March 16, 2016

Dear Members of the Multnomah County Charter Review Committee,

We are writing on behalf of the Portland Immigrant Rights Coalition (PIRC). We are a coalition of faith, labor, and community-based organizations dedicated to fighting for immigrant rights and standing up against the inhumane practices of Immigration and Customs Enforcement (ICE) in Multnomah County and the State of Oregon. Our work has also focused on ending the collaboration between our local law enforcement agencies and ICE, so that everyone in our community can feel safe to report crimes or call the police in times of need. As your committee takes on the important work of reviewing our County's charter to ensure that our government structure best serves our community, we would like to urge you to review ways to create more accountability in the Multnomah County Sheriff's Office (MCSO).

We began engaging with MCSO around the issue of ICE holds in 2012. At the time, our coalition went under the name ACT Network, and had the specific goal of ending ICE holds in Multnomah County. An "ICE detainer" – or "ICE hold" – is a controversial tool that was routinely used by ICE to deport people who have been taken into the police custody and booked, and led to over 2 million deportations in the U.S. since 2008. An ICE hold is a written request to a local jail asking them to detain an individual for an additional 48 hours after they were supposed to be released so ICE can pick them up. Their goal is to put these people into deportation proceedings. ICE holds are generally not accompanied with a warrant based on probable cause. At the time, counties across the country began not complying with ICE holds because of their detrimental effects of breaking apart families, harming community trust in law enforcement, and straining local resources to keep people in jail for extra time. Our jails were also extremely overcrowded, and had to conduct multiple emergency releases; oftentimes releasing people with more severe offenses but continuing to apprehend those with ICE holds.

The ACT Network and many other community groups began a demand that MCSO not comply with ICE holds. In February 2012, the Multnomah County Commissioners unanimously passed a resolution that recommended the Sheriff put an end to ICE holds in Multnomah County jails. Although we had the support of the full Commission, Sheriff Staton was the sole decision-maker on the issue. While we tried to have dialogue with him initially, MCSO would oftentimes not respond for months to meeting requests or phone calls. On one occasion, he asked us to come back in one week at a certain time, and refused us a meeting when we returned the time that he requested.

After continuing pressure, Sheriff Staton announced a change to the ICE hold policy in April 2013. His announced policy would only comply with ICE holds for those who were charged with Class C Person Misdemeanor or higher¹. Despite the public announcement of the policy, he later honored ICE holds for individuals with charges outside of the stated policy. It seemed that MCSO disregarded community outcry or support shown by our elected Commissioners.

On June 4, 2014, a federal district judge in Clackamas County ruled in the *Miranda Olivares* case that the use of ICE holds violates 4th amendment rights. This landmark case spurred the announcement by the sheriffs of Multnomah, Washington, and Clackamas counties that they would no longer comply with ICE holds unless they are signed by a federal magistrate; this ultimately led to an end to ICE holds across 33 counties in Oregon, and across the country. While we believe that the announcement by Sheriff Staton showed some leadership towards helping our community, our prior experience working with MCSO showed a real lack of accountability to his constituents.

Based on our experience with the MCSO described above--and the events concerning Sheriff Staton that have recently come to light--our primary concern is the lack of accountability in the current system. Since former

¹ http://www.wweek.com/portland/article-20439-freezing_out_ice.html

Multnomah County Sheriff Bernie Giusto's scandalous resignation in 2008, the Sheriff's office has only elected incumbent sheriffs who were, for all intents and purposes, appointed by their successors. We believe there should be more checks on the powers of the Sheriff's office. As it stands today, the Sheriff is largely autonomous, not accountable to the County Commissioners, and his responsibilities are primarily administrative. County commissioners work closely with the Sheriff, but have no direct say over his actions or individual budget line items. We would argue that the five county commissioners represent the desires of the voters; and we find it frustrating that if the commissioners disagree with the Sheriff's policies, they are powerless to do anything about it.

It is very important that Multnomah County be a part of the national movement towards a more just and equitable criminal justice system. There is no ignoring the need for systemic change in our County, especially considering the recently released Multnomah County Racial and Ethnic Disparities (RED) report², and a report last August that showed "Staton's corrections deputies used force disproportionately against black inmates in Multnomah County's Jails."³ The analyst of this report was laid off by MCSO two weeks after presenting her report.⁴ This is not acceptable.

We understand that the issue of accountability in law enforcement goes much deeper than the County Review; however, we urge you to take this opportunity to evaluate how the structure and governance of our County may create a lack of accountability in the Sheriff's office. We are happy to answer any questions that you have and further engage in this important discussion.

Sincerely,

American Friends Service Committee
Center for Intercultural Organizing
Colectiva Migrante
Enlace
Interfaith Movement for Immigrant Justice
Jobs with Justice - Portland
Oregon Immigrant Activist
Voz Workers' Rights Education Project

PIRC is a coalition of grassroots organizations that have been collaborating action for immigrants' rights in Oregon since 2006.

² <https://s3.amazonaws.com/wapopartners.com/wweek-wp/wp-content/uploads/2016/02/10143055/RRI-Report-Final.pdf>

³

<http://www.wweek.com/2016/02/19/multnomah-county-sheriff-dan-staton-laid-off-analyst-who-wrote-report-showing-higher-use-of-force-against-black-inmates/>

⁴

<http://www.wweek.com/2016/02/19/multnomah-county-sheriff-dan-staton-laid-off-analyst-who-wrote-report-showing-higher-use-of-force-against-black-inmates/>