

**700.00 – Enforcement of Immigration and Customs Enforcement (ICE) Detainers  
Stakeholder Review: 11/13/24-12/13/24**

**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
- HB 3265, ICE and Immigration Enforcement
- National Crime Information Center (NCIC)
- Law Enforcement Database System (LEDS)
- Multnomah County Resolution 2016-132, Declaring Sanctuary County
- Northwest Accreditation Alliance 1.2.6

**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's (MCSO's) 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 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 regard 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 follows state and federal law. As a result, MCSO does not hold individuals in custody on the basis of Immigration and Customs Enforcement Detainers or use its facilities, property, monies, equipment, technology or personnel for the purpose of investigating, detecting, apprehending, arresting, detaining or holding individuals for immigration enforcement. 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. The Multnomah County Sheriff’s Office’s 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.

4. The Multnomah County Sheriff’s Office’s 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 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 members assigned to the Corrections Division will inquire into a person’s country of birth during the classification process, 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 and pursuant to treaties regarding consular notification. Prior to inquiring, members shall inform an arrestee in writing (with interpretation into another language if requested) that they are not required to disclose their country of origin, nationality, or citizenship status and that any information disclosed could be used for federal, civil, or criminal enforcement proceedings, including removal from the United States.
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 or as may be required by judicial subpoena as part of a court proceeding or by another compulsory court-issued legal process. No other member may provide information on adults in custody to federal immigration authorities.
  - 4.1.2. Declination of all ICE administrative detainers or other requests from a federal agency regarding immigration enforcement shall be reported to the jail commander or designee and a monthly report of all ICE detainers and requests shall be sent to the Criminal Justice Commission (CJC), the Sheriff, and the Chair of Multnomah County.
  - 4.1.3. When ICE is present at a Multnomah County facility, ICE will be provided no greater access than is available to members of the general 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
- Reviewed: 9/11/19
  - No edits, deletions or additions made to originating policy and procedure.
- Next Review Date: 9/11/21
- Review By: Executive Office
- Reviewed: 10/22/2021 (Legislative Updates)
- Next Review: 10/22/2023 (Comprehensive Stakeholder Review)

- Review By: Executive Office
- ***Reviewed:***
- ***Next Review:***
- ***Review By: Executive Office***

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