

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Requesting Immigration and Customs Enforcement to Exercise Prosecutorial Discretion

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County is home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants and refugees from all over the world.
- b. Over 13% of the County's residents are foreign-born and over 18% of County residents speak a language other than English in their homes.
- c. The Board of Commissioners recognizes that fostering a relationship of trust, respect, and open communication between local law enforcement and County residents is essential to the Multnomah County Sheriff's Office and the Department of Community Justice's core mission of ensuring public safety and serving the needs of the entire community.
- d. If trust by our community members for their local government deteriorates, they may be afraid to report crimes and access emergency services.
- e. The deterioration of trust in one aspect of government jeopardizes trust in other aspects of government including the provision of other County services.
- f. The enforcement of federal civil immigration law is the responsibility of the federal government and not of State, County and/ or City governments.
- g. The federal Secure Communities program has been implemented nationally despite wide-spread concern from local law enforcement, local governments, and community groups.
- h. County resources that in some cases may not be reimbursed by the federal government are being spent on detaining individuals in our community, who may then be deported by Immigration and Customs Enforcement (ICE), many of whom have not yet been convicted of a crime.
- i. Multnomah County families are being separated and isolated by this type of deportation, and in many cases inadvertently are disrupting and damaging the lives and support networks of children and young adults who are US citizens.
- j. John Morton, director of the United States Immigration and Customs Enforcement, issued a memo on June 17, 2011, mandating prosecutorial discretion in the detention and deportation of immigrants, outlining 31 factors that should be weighed and considered on a frequent and regular case-by-case basis by ICE officers, agents and attorneys to determine if prosecutorial discretion is warranted.

- k. A pilot program known as Enforce, using a new Risk Classification Assessment (RCA) tool, has been implemented in Washington D.C. and Baltimore. Enforce is meant to: improve transparency and uniformity in detention custody and classification decisions, aid in identifying vulnerable populations, and promote the prioritization of detention resources - for weighing and determining case-by-case recommendations for the use of prosecutorial discretion by ICE officers, agents, attorneys and their respective supervisors.
- l. Enforce, along with an automated version of the new RCA tool, will be deployed nationwide starting in April 2012.
- m. The Portland Office of Enforcement and Removal Operations have yet to determine how their office will fund, train and deploy the use of Enforce.
- n. Andrew Strait, Public Advocate for ICE Enforcement and Removal Operations in Washington, D.C., and Elizabeth Godfrey, Assistant Field Office Director, ICE Enforcement and Removal Operations in Portland, have expressed that they are open to hearing feedback from local government and community groups regarding what equitable criteria factors should be considered in the use of Enforce and in implementing prosecutorial discretion.

**The Multnomah County Board of Commissioners Resolves:**

- 1. The Board of County Commissioners shares the public's deep concern regarding issues raised by ICE's mandatory implementation of the Secure Communities Program in County jails, including but not limited to, the erosion of public trust and public safety and the current and potential impact it may have on the County's General Fund.
- 2. The Board of County Commissioners requests ICE Enforcement and Removal Operations, the Secure Communities Program and the Criminal Alien Program to exercise prosecutorial discretion as outlined in ICE Director John Morton's June 17, 2011 memo, and to communicate with the region on how it plans to fund, train and implement Enforce, and other tracking and evaluation methods that will assist ICE officers, agents, and attorneys in using prosecutorial discretion on a case by case basis.
- 3. The Board of County Commissioners requests ICE Enforcement and Removal Operations to identify and communicate to the public the number of people in our region deported or currently in the process of removal, since the inception of the Secure Communities Program. Specifically, we would want to know, the number of:
  - a. Minors that have been deported or are in the process of removal from the US;
  - b. US born minors whose parents have been deported or are in the process of being deported from the US;
  - c. Men and women with child dependants that have been deported or are in the process of being deported from the US;
  - d. Families that have been separated as a result of a deportation of a family member.

4. The Board of County Commissioners will work with the community to advocate for the men, women and children of Multnomah County, whose deportation cases merit the full extent of prosecutorial discretion, including but not limited to formal recommendations regarding what equitable criteria factors should be considered on a case-by-case basis by ICE's Office of Enforcement and Removal Operations in our region.
5. The Board of County Commissioners will continue to work with the Multnomah County Sheriff's Office, the local coalition of advocates, including the ACT for Justice and Dignity Network, appropriate federal agencies and our Congressional delegation, to address issues our community is facing as a result of federal enforcement of immigration laws - including but not limited to insuring that the spirit of June 17, 2011 memo on prosecutorial discretion is implemented and enforced by Oregon's regional ICE Offices of Enforcement and Removal Operations.

ADOPTED this 1st day of March, 2012.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:  
JENNY M. MORF, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Jenny M. Morf, Acting County Attorney

SUBMITTED BY:  
Jeff Cogen, Multnomah County Chair