

Local

Is Baker County a sanctuary?

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At the time of the murder Sanchez had five prior deportations and was a seven-time convicted felon. He had been released from a federal prison after serving a four-year sentence for previous immigration violations. Not long after being released from federal prison Sanchez was again arrested in San Francisco and jailed on charges of illegal drug distribution.

Several days after being arrested on the charges against Sanchez were dismissed and he was released from jail even though Department of Homeland Security - U.S. Immigration and Customs Enforcement (ICE) had requested local law enforcement in San Francisco detain Sanchez for federal deportation proceedings.

City officials in San Francisco refused to honor the ICE detainer request and released Sanchez.

Sanchez reportedly had gone to San Francisco to look for work knowing that the city had enacted a policy declaring San Francisco a sanctuary city for illegal immigrants.

The refusal by San Francisco law enforcement to honor the ICE detainer request on Sanchez and the subsequent murder sets the stage for a closer look at immigration policy and how deportation of illegal aliens are handled in 21st Century America. Steinle's murder also illustrates the danger to citizens from a failure in the system to deal with the criminal illegal alien.

ICE report claims local law enforcement fails to honor detainees.

The label of "sanctuary" community has hit close to home here in northeastern Oregon after the organization Center for Immigration Studies (CIS), a large non-profit, non-partisan think-tank concentrating on immigration related issues, recently released a report and map labelling 276 cities, counties, and states across the United States, including Baker County, as "sanctuary" communities.

"More than 200 cities, counties, and states across the United States are considered sanctuaries that protect criminal aliens from deportation by refusing to comply with U.S. Immigration and Customs Enforcement (ICE) detainees or otherwise impede open communication and

information exchanges between their employees or officers and federal immigration agents," wrote the CIS.

The CIS bases their report and map on an ICE report, titled "Declined Detainer Outcome Report," prepared by ICE on October 8, 2014. The Center for Immigration Studies obtained the ICE report through a Federal Freedom of Information document request.

"ICE didn't use the term 'sanctuary' in their report," said Jessica Vaughan, CIS's Public Policy Studies Director, during a telephone interview July 13. Vaughan explained that the term was used by CIS after looking at ICE's Declined Detainer Outcome Report.

While not using the term "sanctuary," the ICE report identifies states, counties, and cities that they claim, "will not honor ICE detainer."

After receiving the ICE report the CIS labeled 30 of the 36 Oregon counties, Baker County included, to be "sanctuary" counties for illegal immigrants.

Baker County, Oregon, on page 21 of the ICE report, is identified as one of the counties refusing to honor the ICE detainer—listing a Sheriff's Department decision as the reason.

The ICE report states that Baker County, through a "Sheriff's Office Decision, will not honor ICE detainer." ICE claims that this decision was enacted by Oregon sheriffs in April, 2014.

The counties of northeastern Oregon—Baker, Grant, Wallowa, and Union—all made the list of the counties ICE claims refuse to honor detainer requests.

Local Sheriffs respond to ICE report.

The exposing of ICE's 2014 Declined Detainer Outcome Report and the labeling by the Center for Immigration Studies that 276 cities, counties, and states are "sanctuary" communities protecting illegal immigrants have caused somewhat of a firestorm and generated many questions from those who recently noticed the release of the map and report.

Marguerite Telford, Director of Communications for CIS was informed during a phone interview July 5 that eastern Oregon sheriffs claim they are not sanctuary counties, have

no sanctuary policies in place, and have never failed to honor an ICE detainer—they historically have simply obtained a warrant first.

"Oh, I know. We've had a lot of calls from media and from sheriffs. We've had calls from Oregon today," Telford responded. "You know, what we may do is allow those sheriffs to email us a statement as to why they don't think they should be included on that list. We might allow them to put a paragraph or something up on our web site."

When asked if she knew how Baker County had been included on the list, Telford responded, "I really can't answer that—that's a question for ICE."

When asked if she could confirm that the data used to create CIS's map and report came directly from ICE, she said, "Yes. It's from ICE. So you would have to ask ICE how your county was put on the list. That's a question for them."

So, how exactly *did* Baker, Union, Wallowa, Grant and 26 other Oregon counties each make ICE's list of communities they claim refuse to honor ICE detainees, and then become labeled by the CIS as "sanctuary counties" for illegal immigrants? And, how was the claim by ICE that these counties "will not honor detainer," attributed to a policy decision made by local sheriffs?

Mitchell Southwick served as Baker County Sheriff in April, 2014, and denies ever making a decision or passing policy against honoring ICE illegal immigrant detainer requests.

Currently serving Baker County Sheriff Travis Ash also is unaware of and denies any knowledge of a decision or policy by the Baker County Sheriff's Office to refuse cooperation with ICE detainer procedures. In fact, Ash claims just the opposite.

"In checking with Parole and Probation, we have had only two such cases in memory. ICE was called and took the illegals into custody both times," said Ash. "I know I haven't signed anything. In speaking with [former sheriff] Mitch Southwick, he hadn't either."

Ash, who has served as Sheriff for two months now, said he does not consider Baker County a sanctuary county. He said,

"We do detain them, but in order to be in legal compliance with statute, also require a warrant."

Due to the ruling from a lawsuit in Clackamas County and Oregon state law, Baker County "does not conduct sweeps looking for illegal aliens," said Ash.

Ash believes Baker County may have ended up on ICE's list because the ruling in that Clackamas County case means that they need a warrant to go with the ICE detainer to avoid litigation.

One thing is certain—the Baker County Sheriff's Department does not simply turn an illegal arrested for a crime out on the streets among the general population, such as the case in San Francisco.

Oregon State Sheriffs Association responds to sanctuary county label.

"The point is moot," begins John Bishop, Executive Director of the Oregon State Sheriff's Association and himself a retired sheriff. "The sheriffs cannot honor any ICE detainer request anymore because the courts have ruled that detainer requests are unwarranted. The detainer is no longer recognized as a warrant.

"ICE has already changed their procedures and no longer issues detainees," Bishop continued.

As for the use of the term "sanctuary" counties by CIS, Bishop says, "They are playing on that term."

The old ICE procedure of issuing detainer warrants, as defined in the Homeland Security Secure Communities program, was discontinued in November, 2014. The change in ICE policy was noted in a memorandum signed by Jeh Charles Johnson, Secretary of the U.S. Department of Homeland Security, dated November, 20, 2014.

"The Secure Communities program, as we know it, will be discontinued," begins the Department of Homeland Security memorandum. "The goal of Secure Communities was to more effectively identify and facilitate the removal of criminal aliens in the custody of state and local law enforcement agencies. But the reality is the program has attracted a great deal of criticism, is widely misunderstood, and is embroiled in litigation; its very name has become a symbol for general hostility

toward the enforcement of our immigration laws."

Johnson directed ICE to discontinue Secure Communities and instead put in place a new program, titled the Priority Enforcement Program (PEP). The new PEP program still relies upon fingerprint-based data submitted during bookings by state and local law enforcement agencies to the Federal Bureau of Investigation for criminal background checks.

However, PEP only requires ICE to seek transfer of an illegal alien in the custody of state and local custody when the illegal alien has been convicted of certain enumerated criminal offenses, "or when, in the judgment of an ICE Field Office Director, the alien otherwise poses a danger to national security," as written in the new directive.

Court rules ICE detainer procedures unconstitutional.

ICE claims that the Oregon Sheriffs made the decision against honoring ICE detainees on April 14, 2014. This date closely followed the April 11, 2014 decision by U.S. District Court Ninth Circuit District of Oregon Magistrate Judge Janice M. Stewart ruling ICE detainees as unconstitutional.

Stewart issued the courts ruling in agreement with an earlier decision by the Third Circuit from an appeals case filed in Pennsylvania. Stewart's decision came from a case filed in Clackamas County after local law enforcement held Maria Miranda-Olivares on an ICE detainer.

Stewart ruled that the detention of Miranda-Olivares violated her Fourth Amendment and due process rights and held local law enforcement, not ICE, financially liable for the violations.

ICE issues blanket statement, refuses to comment on report.

ICE media spokesperson Virginia Kice refused to address specific questions about the Declined Detainer Outcome Report and the inclusion of Baker County as one of the counties refusing to honor ICE detainer procedures and instead released a blanket statement.

"We're not commenting directly on that report. Rather...we're focusing on the way forward...and providing the statement below," Kice responded.



Photo Courtesy of the Baker County Sheriff's Office.

Sheriff Travis Ash.

That statement is: "ICE continues to work cooperatively with our local law enforcement partners throughout the country to develop policies and procedures that best represent all agencies' efforts to uphold public safety. The Department of Homeland Security is in the process of implementing a new initiative called the Priority Enforcement Program—PEP for short—which supports community policing while ensuring ICE takes custody of dangerous criminals before they are released into the community. ICE is now issuing detainees and requests for notification with respect to individuals who meet our heightened enforcement priorities under PEP to ensure individuals who pose a threat to public safety are not released from prisons or jails into our communities. PEP is a balanced, common-sense approach, that places the focus where it should be: on criminals and individuals who threaten the public safety. ICE is committed to working with its law enforcement partners in Oregon and nationwide to achieve that mission," declares ICE.

Conclusion.

"It was ICE's mistake in the Clackamas County case but it was the local sheriff's office that was found financially liable," said Vaughan from CIS. "Local sheriffs likely won't be willing to risk local taxpayer's money to enforce federal law."

The CIS conclusion on the dangers to local communities after the court rulings weaken ICE's ability to detain suspected illegal immigrants brings us full-circle back to the murder of Kathy Steinle by illegal alien Francisco Sanchez. "Local refusal to comply with ICE detainees has become a public safety problem in many communities, and a mission crisis for ICE that demands immediate attention," concludes the CIS.

MINERS JUBILEE HIGHLIGHTS

Friday, July 17

9 a.m. - 6 p.m. Friends of Library Book Sale
9 a.m. - 1 p.m. Petting Zoo on Broadway near Main and Resort
10 a.m. - 5 p.m. Downtown Sidewalk Sale
Noon till 7 p.m. Vendors in the Park
2 p.m. Blacksmith demonstrations at the Baker Heritage Museum
2 p.m. - 4 p.m. Music in the park
7 p.m. - 1 a.m. Bronc Riding at the Fairgrounds, Beer Garden

Saturday, July 18

7 a.m. - 10 a.m. Lion's Club Breakfast in the Park
7 a.m. Two-man Scramble at Quail Ridge
8 a.m. 5K fun run in front of Kicks. Registration forms are Subway

9 a.m. - 6 p.m. Friends of Library Book Sale
9 a.m. - 7 p.m. Vendors in the Park
9 a.m. - Noon Petting Zoo on Broadway near Main and Resort

10 a.m. Miners Jubilee Parade
10 a.m. - 5 p.m. Downtown Sidewalk Sale
11 a.m. Music in the Park, Elks Drum and Bugle Corps
1 p.m. Gold Panning Competition in the Park
1 p.m. HBC's Business Duck Race
2 p.m. - 4 p.m. Music in the park
2 p.m. Blacksmith demonstrations at the Baker Heritage Museum
3 p.m. HBC's Kiddies Duck Race
6 p.m. - 1 a.m. Bull Riding at the Fairgrounds, Beer Garden
7 p.m. - 9 p.m. Street Dance in Court Street Plaza
9 p.m. - 11:30 p.m. Teen dance at YMCA gym

Sunday, July 19

7 a.m. - 11 a.m. Lion's Club Breakfast in the Park
7 a.m. Two-man Scramble at Quail Ridge

10 a.m. - 4 p.m. Friends of Library Book Sale
10 a.m. - 4 p.m. Vendors in the Park
12:30 - 1:30 Gospel hour in the Park
2 p.m. - 4 p.m. Music in the park
2 p.m. Mining Association silent auction/raffle
3 p.m. Paint Your Wagon movie at the museum
3 p.m. Button drawing winners at the Park

