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had hoped there would be some counties that would call to question and request to be deactivated."

Multnomah County Sheriff's Office did not formally sign an agreement with ICE to join Secure Communities but does provide the information and data necessary to participate. The sheriff's office also records the birthplace of all detainees before booking them into jail, information that is compiled hourly and sent to ICE.

"We're following federal law. We have to follow the law because that's what we do," said Lt. Mary Lindstrand, public-information officer for the Multnomah County Sheriff's Office. The Human Rights Commission is calling for the sheriff's office to stop distributing lists of foreign-born individuals to ICE, saying that it's ICE's job to collect the information.

Lorie Dankers, spokeswoman for ICE for the Pacific Northwest, said participation in Secure Communities is not optional. "It was what was called for in the 9/11 Commission," Dankers said. "The program is mandated by Congress. They wanted us to identify and remove criminal aliens."

However, who they're removing is also an argument from opponents.

ICE Promotes Secure Communities as a tool to identify, detain and remove immigrants who have been convicted of a serious criminal offense. It classifies charges into three levels, with Level 1 and Level 2 categorized as the most serious offenses, and Level 3, being "individuals who have been convicted of other offenses."

"We want to remove the most egregious violators and the most egregious criminals to the benefit of public safety," Dankers said. "It's like a virtual ICE presence in every jail and allows us to identify and remove those criminal aliens who pose the greatest threat to our community."

However, reviews of the program have found that a significant portion of the people turned over to ICE lack a criminal record. ICE itself puts the national figure at 28 percent, and multiple reports have that figure much higher depending on the jurisdiction. "What in fact was happening was other types of crimes where people were also being deported," Johnson said. Because everyone arrested has his or her prints sent to ICE, immigration rights advocates are concerned that the program allows for racial profiling and unnecessary detention. If a person is arrested on a significant charge, they argue, that person would already be detained for the crime, not his or her immigration status.

"We're really talking about sweeping up people who haven't been adjudicated," Meyer said.

Dankers said that serious criminals always take precedent over minor ones, but that multiple arrests or deportations, regardless of criminal convictions, also factor into ICE's decision on how to process an individual.

"We look at the totality of someone's criminal history and the totality of someone's immigration history, and we prioritize based on that information," Dankers said.

In November, Washington State Patrol announced that it would not sign the agreement with ICE to join Secure Communities. Bob Calkins, a spokesman with the WSP, said the decision was in deference to the county sheriff departments and jails that technically "own" the fingerprint property, and therefore retain the authority to make the call. Calkin said if

a local sheriff or jail requested that prints be sent to ICE, they would do so. Calkins said that to his knowledge, no one has made that request since Secure Communities has been on the table.

"We have a very full plate and we will leave enforcement of federal laws to the federal government," Calkins said.

This past spring, San Francisco's sheriff requested to opt out of the program but was denied by the state attorney general, who said it was mandatory. The sheriff there said it violated the city's sanctuary policy. Other California jurisdictions have requested information on opting out of the program as well, to no avail. In New York, a campaign is being spearheaded by the Center for Constitutional Rights to rescind the state's agreement with Secure Communities.

Secure Communities works in tandem with ICE's Criminal Alien Program, which stations ICE agents in all jails throughout Oregon and Washington to interview immigrants who are detained.

The Portland Human Rights Commission took issue with the ICE presence in the jails.

"The presence of Immigration and Customs Enforcement in the jail without signage and without any kind of notice to people about their rights were was confusing. And that was where the intersect was happening," Johnson said.

The commission wants people who are booked to be notified that ICE may conduct interviews for purposes unrelated to a person's charges. It also calls for people to be notified of their right to remain silent and refuse to answer questions.

Secure Communities is the next evolution of ICE's 287 (g) program, which deputized local law enforcement officers as immigration agents, with arrest and detention capacities if they suspect a person is undocumented. In that regard, 287 (g) for ICE is similar to the FBI's Joint Terrorism Task Force, or JTTF, which would recruit Portland police officers to operate, essentially, as federal agents. The city pulled out of the JTTF in 2005 over complaints regarding oversight and concerns of local police becoming federal operatives, but it is now considering rejoining the JTTF, following a bomb scare at Pioneer Courthouse Square that was part of an FBI sting.

Likewise, the 287(g) program has drawn intense fire from immigration rights advocates and even the General Accounting Office, including that officers were using their immigration authority to arrest, detain and deport people for minor offenses, even though it was promoted as a means to catch serious criminals. Rhode Island recently pulled its state police out of the program. In Nashville, Tenn., a lawsuit was filed to rescind similar participation by a county sheriff's department. (That complaint stems from a man who was arrested, listed by police as being born in Mexico, and processed through ICE, even though he was born here in Portland.)

The 287(g) program is illegal in Oregon under an Oregon law that prohibits state or local law enforcement from collecting information about individuals simply based on their suspected immigration or other non-crime-related status, which is also an argument used by opponents of the JTTF membership.

As a result of its research, the Portland Human Rights Commission concluded that the Portland Police Bureau does not enforce immigration law and does not intend to do so. The sheriff's office, however, is "indirectly involved in immigration law enforcement," according to the commission's final report, and the office's "collection and reporting practices result in the sheriff's unintended collaboration with the detention and deportation of immigrant community members."

When interactions with law enforcement for low-level misdemeanors or violations can turn into to possible ICE detainers, "the ripple effect on the community is to remove the trust with law

enforcement and diminish the engagement they would otherwise have. It has a way of undermining trust," Meyer said.

Francisco Lopez, executive director with CAUSA, the state's largest immigrant rights group, says the relationship between local law enforcement and ICE will deter cooperation among immigrants in police investigations.

"There are so many issues — domestic violence, drug trafficking — that they will not be reporting to the police because the police have developed an alliance with ICE,"

"Nobody is doubting that ICE should be doing its job, but who is doing it here? ICE doesn't care about the community relationship, the trust developed over the years. They don't look at the economic or familial relationship impact. They're just doing their job. Why does the sheriff's deputy have to do the work for ICE? That's what I don't think is fair."

FRANCISCO LOPEZ
EXECUTIVE DIRECTOR, CAUSA

Lopez says.

According to Lopez, 32 percent of Latinos in Oregon are undocumented, and many live in families where members of multiple status. Even if one or more members are in the United States legally, a family may have other members who would be at risk.

"It's sad," Lopez said. "We have good police officers that have great relationship with their community. But now, little by little, they're losing trust because of that relationship. They don't even want to call the police."

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"This is a population who lives in the shadows and they live in fear all of the time, and they're constantly living in a state of stress and trauma, and always looking over their shoulder," said Beth Poteet with the Oregon New Sanctuary Movement. "So with the advent of increased collaboration between ICE and local law enforcement, of course people are going to be reticent to call police to help them out, because they're afraid they're going to be detained for not having proper documentation."

Johnson said that the Human Rights Commission and the sheriff will conduct ongoing meetings to sort out what is possible in terms of the recommendations, what can be done immediately and what needs more thought, she said. "Acknowledging too, that corrections and law enforcement collaborate, that is the nature of their work. What does it mean for an institution to collaborate with one and not the other?"

Among the recommendations is to make sure that individuals are informed of their rights before being questioned by an immigration officer, discontinue spending local resources to compile hourly reports to ICE, and formalize a request to the Oregon State Police to opt out of Secure Communities.

In the end, it is a civil offense, not a criminal offense, to be in the United States without proper documentation, said Poteet. And without money, a particular type of relative, or an employer already backing you, there are few options to live here legally, she said.

"This is a public safety issue, and it's really scary for folks, and they're not being protected in the way that they need to be," Poteet said. "They still have rights, even if they don't have proper documentation."