

**Marion County  
Public Safety Coordinating Council  
Draft Minutes**

**NOV 13, 2007**

**ATTENDEES:**

Walt Beglau, Rod Calkins, Faye Fagel, Tami Goettsch, Seantel Heisel, Sheriff Russ Isham, Ed McKenney, Pete McCallum, Elaine Martin, Commissioner Patti Milne, Chief Jerry Moore, Joe Parrott, Anna Peterson, Bert Ortiz, Bob Royer, Police Chief Scott Russell, and Judge Tripp

**GUESTS:**

Lt. Jeff Holland, Lt. Doug Cox, U.S. Mike Wilkerson

**STAFF:**

Dan Estes, Hitesh Parekh

After noting a correction, Bob Royer made a motion to approve the October 9, 2007 MCPSCC meeting minutes.

Motion seconded by Pete McCallum.

**Comments from Members**

Anna Peterson said that No Meth: Not in My Neighborhood had asked to partner with Marion County to recognize a county 'No Meth' day. The No Meth organization will be making a presentation at the Marion County Commissioners meeting on Nov 29, and will ask the County Commissioners to issue a proclamation of support. Anna said that she appreciated the county doing this as it was great for the community. Ann also mentioned that No Meth: Not in My Neighborhood deeply appreciated all the support it had received from the Marion County Health Department, Sheriff, and CFC as well as other entities over the past years.

Commissioner Milne mentioned that CCTV broadcasts the County Commissioner meeting 3 times per week, and that CCTV is also broadcast out in the Woodburn area, so this was a good way to get information out into the community.

**Introduction of Sheriff Russ Isham**

Sheriff Isham said that he had been Marion County Sheriff since Sept 12. He said that he had worked for 6.5 years in Marion County as a Patrol Deputy after which he worked in the Salem Police Department for 8.5 years. He said that he had started out at the Salem Police Department as a patrol officer and then through promotions ended up as a patrol lieutenant. Sheriff Isham said that it was exciting and an honor to serve as County Sheriff. He added that during the past three months he had made some personnel changes in the Sheriff's Office due to retirements.

**Introduction of Tamra Goettsch**

Commissioner Milne also introduced Tamra Goettsch who is acting in capacity as the Director of the Marion County Department of Children & Families. Tami said that she had been with the Commission for 16 years and this was both an exciting and challenging time. Tami also mentioned that she and Commissioner Milne had talked about opportunities to link some CFC and MCPSCC issues together in the future.

**Juvenile Dept Grant Application**

Director Faye Fagel said that she was requesting an endorsement from the MCPSCC for the Marion County Juvenile Department to apply for a gang intervention grant. She said that the State Legislature had authorized the

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Oregon Youth Authority to set aside \$1.6m in grant funds for county juvenile departments to provide gang intervention services. The funding is for an 18 month period starting January 2008 and targeted for kids that have already entered the juvenile justice system.. The application is due December 11. Faye said that as part of process, the Juvenile Department had held a public forum, and up to 30 individuals representing law enforcement, and the Hispanic, school, faith, and housing communities had attended.

She said that at the public forum they had discussed prevention, generational gang members, educational support, keeping kids connected to schools, and surveillance of kids being supervised out in the community. Faye said that while they are still working on putting all the pieces together, they were excited about applying for this funding. Their application would look at a mixture of, or as many services as they could purchase; e.g. family functional therapy, and drug and alcohol treatment.

Q: Will you be partnering with the Marion County juvenile court system and peer courts?

A: Will be working with drug court and star court but not with peer court. Grant is targeted at kids who are a little further along than that. Not targeted at those very first timers.

Motion made to endorse the MCPSCC authorizing the Marion County Juvenile Department's application for these grant funds.

Motion passes unanimously.

#### Crimes Committed by Illegal Aliens/Immigrant Issues

Commissioner Milne said that the County Commissioners have been having discussions on the issue of illegal aliens who are detained on suspicion of committing a crime. She thought that this would be an appropriate discussion for the MCPSCC to have. With that she introduced Lt Jeff Holland and Doug Cox from the Marion County jail facility and asked them to provide some background on the detention process with regard to illegal aliens.

Lt. Cox said that while there is a common belief that the Sheriff's Office has just started cooperating with the Immigration Customs and Enforcement agents, (ICE), this was not true. He said that Marion County had a good working relationship with ICE, but that this relationship was determined by the staffing levels ICE had and the amount of effort ICE put in from their side. He added that at one point ICE had a staff person that came to the county jail and even interviewed people once a week. Over time this was reduced to ICE looking at a database of inmates over the Internet and telling the county jail which holds to place.

Lt Holland handed out a diagram showing arrestee processing at the Marion County Jail. He said that in all cases Marion County notifies ICE so that they know that the person is in custody.

Q: When does ICE review the form?

A: Good question. Review based on their level of staffing. Some of their staff are being moved around.

Q: So is it possible that you could fax them a list of all those that are foreign born, but if they (ICE) have not had a chance to review the form, you could release this individual on the following day?

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A: Possible. But we train our staff and instruct them to go the extra mile before they release someone out into the community. We would like the jail staff to use some thought – this is not just a paper process. The release decision is based on both the alleged crime and whether the offender is a US Citizen or not.

Q: For the non- lodgible offenses, is there a time period in which ICE has to respond after you notify them?

A: ICE has been timely when they receive faxes. Only after business hours are they sometimes tardy- which is why we have started calling them. They do have a duty officer who is available by a cell phone. Right now ICE has 2 staff people sharing a cell phone.

Q: For DUIs which are non-lodgible offenses- will ICE be notified?

A: Yes

Q: How many illegal immigrants are there who are suspected of committing a crime on a daily or monthly basis?

A: For the month of September we have about 77, (both lodgible and non lodgible) out of 1,499 bookings at the jail. We had 118 last month. Of the 118 only 35 holds placed by ICE.

Q: What's the reason that ICE would put a detainer on someone?

A: Looking for history, people who have been deported before, level of crime that are automatically deportation worthy.

Judge Tripp said that over her years working in the DA's office, this has been different at different times. It has been at times difficult to see why ICE detains some people and drops their hold on others.

Chief Jerry Moore said that at the ICP conference in New Orleans last month, there was a session that dealt with just this issue, and the philosophies were diverse. ICE representatives said that the worst of the worst was what they were going to go after. ICE had very limited resources vs millions of illegal aliens. When they do detain an individual that person must be sent to a detention facility. There are probably capacity issues for those that ICE detains.

Sheriff Isham said that in order for Marion County to be fair and consistent with the law, the county reports anyone foreign born to ICE.

Q: What is Polk Co doing?

Sheriff Isham said that they had taken a poll of all the Sheriff's Offices in the state and all but one had adopted the same policy as Marion County.

Q: How do you determine citizenship?

A: Just ask them as part of booking process. Most very straightforward. Will tell you. We don't have the means to investigate.

May be good reason why tell you they are illegal. Picked up by ICE and deported then the criminal process stops. So there is an incentive on their part to do this.

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Walt Beglau said that if his office filed a charging instrument against this individual, ICE would not be able to take individuals away, and that his office would be able to then hold them accountable for whatever they did. Walt said that he wanted to ensure that people are held accountable for what they do regardless of where they are from.

Lt. Cox said that if there is a lodge able charge and a hold on the individual, ICE will not pull them.

Q: If non-lodgable charge then what?

Judge Tripp said that what she meant was that the criminal process is charging and going to court. But the criminal process is also being placed on probation etc. At times someone could avoid this part of process if ICE picked them up.

Sheriff Isham said that this was an issue in that if the county jail releases someone and they get picked up by ICE, then the individual misses his/her court date, FTA warrants kick in, etc. So how do we coordinate all of these events?

Q: How many brought in on non-lodgeable offenses that have hold placed on them? Is it fair to say that those released are repeat violators of fed law?

A: Number of holds same as in Sept & Oct of this year. Both months had 31 holds. We would need to break these numbers down to respond to your question.

Q: What are lodgeable offenses vs non-lodgeable ones?

A: Non lodgeable are petty property crimes, no felonies, person to person misdemeanors. Most of these folks are cited and released. For example, shoplifting- know that jail won't take them so officers just do a cite and release.

Chief Scott Russell said that through modern technology the Woodburn Police Department can currently do local bookings without having to transport suspected offenders to the County Jail. When someone is foreign born, Woodburn sends a fax to ICE while the person is still waiting at the Woodburn Police Department. This complicates things a little since the police department does not have a long term detention facility.

Scott said that one question he had for ICE agents was what is going to get a suspected offender deported? There was some reluctance on part of the immigrant community to cooperate with law enforcement without knowing the answer to this question. Their feeling is that if they get contacted by ICE they are liable to get deported.

Q: What are the statistics on the percentage of holds that are dropped?

A: In Sept only 3 holds were dropped and in October only 1 hold was dropped. There were 13 transported in both months. Those transported could still be in our system.

Q: So out of the 31, only 18 were held for charges.

A: Yes

Q: What happens on the juvenile level?

Faye, the juvenile system is complicated. Sometimes a youth is deported to a country he/she has never lived in. Faye said that ICE is not interested in receiving info on every single person that enters the juvenile justice system.

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When a youth comes into custody that's when ICE is notified. The Juvenile Department tries to complete as much of the adjudication process as it can. Want to make sure that the youth is held accountable. Would like the youth to go through the county system, then the OYA system and complete several years in the youth correctional facility before ICE picks them up. Another complication is that ICE does not have enough holding facilities for youth. In the past ICE ran into sight and separation issues with regards to adult and juvenile holding facilities.

Faye said that when a youth does get picked up by ICE, the Juvenile Department also notifies the Office of Refugee and Resettlement, ORR which is a human services agency. The ORR has responsibility for finding placement for the youth. Their only option sometimes is to return the youth back to his/her family. But there are some cases when the youth has committed a crime in his/her home and the Juvenile Department does not want the youth placed back in the home with the victims. So we want ORR to work with the Juvenile Department. The youth can be put back into detention. We don't make a

decision on whether youth here illegally or legally. If the youth gets removed for a deportation hearing the Juvenile Department will hold the file open, so if the youth ever shows up again, he/she is automatically back on probation.

Q: Do you ask kids where they were born?

A: Yes, but this is part of the routine questioning. Don't single anyone out. Commissioner Milne said that Dan Estes had done a lot of research on illegal immigration for the Commissioner's Office.

Dan handed out a package of background information consisting of the Immigration and Nationality Act, the ORS statutes, the Marion County Legal Counsel opinions etc. Dan said that the package also included information on Section 287 (g) which is an ICE program allowing local officers to act as de facto immigration officers - once they have been trained.

Chief Moore said that at the minority leadership meeting there was a request from Pecun(?) that the Sheriff and police chiefs endorse the ability of illegal aliens to obtain an driver's licenses. Argument they gave was that illegal immigrants would be much better off since they could obtain a license, be registered etc. Chief Moore said that the chiefs mentioned that this was not necessarily the public sentiment. Chief Moore said that he was curious to know what the MCPSCC thought about people who are here illegally and holding Oregon Drivers Licenses.

Q: Who were the folks from Pecun?

A: Ramon Ramirez, head of farm worker's union. He indicated that they were speaking on behalf of the portion of the community.

Q: Should we invited the minority groups to the ICE meeting with the MCPSCC?

A: The December meeting is more of a fact finding meeting for us. Don't want to put ICE in middle of an argument.

Commissioner Milne said that the conversation was about anyone who was here illegally from any country and not just Hispanic migrants. She also added that she did not want to keep the migrant community out of the discussion, but wanted to include them at the proper time.

Q: Who is the minority community?

A: Eduardo Engulo, Ramon Ramirez, George Puentes, Frank Thompson. At some point will there be a report to bring these people into the discussion?

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Judge Tripp said that sometimes when there is no factual information for the public, the public reaction is based upon fear. It may be time to get some actual factual information out to the public.

Bob Royer asked if the County Commissioners were doing anything on this issue now?

Dan said that the only request he knew of was that the Board look at participating in the 287 (g) program. Dan said that he has asked ICE if local jurisdictions could participate even in a limited capacity, and had not heard back from them. There is no local Oregon jurisdiction doing this.

Anna Peterson said that the PSCC has a great opportunity to facilitate communication amongst the county and police departments by inviting them all to meet with ICE at the next MCPSCC meeting. This will result in all law enforcement jurisdictions knowing what the process is and what to do and when to call ICE. Anna also said that since the members of the public may think that there are thousands of illegal immigrant criminals in the county jail it may be time to publish some statistics. After this the debate can be about what the government should do as a policy issue. This needs to be decided after a

public debate and political decision making that the MCPSCC body is not charged with making.

**Annual End of Year Report Together Sub-Committees**

Commissioner Milne said that the Draft MCPSCC Year End Report reviews what has been done over the past year. Commissioner Milne also handed out a draft of some of the issues that could be incorporated in the 2008 MCPSCC Strategic Plan. Commissioner Milne said that Marion County also has a strategic plan, and the MCPSCC's plan should be in line with this county strategic plan. She added that on Dec 4, the Commissioners will be holding a county department head retreat. They will go over the county strategic plan at this time and update it. However as far as the MCPSCC 2008 Strategic Plan goes, the Council will continue to work on meth, gangs, and crimes committed by illegal immigrants.