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02/21/2020

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### ICE serves 5 immigration subpoenas in Oregon for criminal alien information from local law enforcement

PORTLAND, Ore. — U.S. Immigration and Customs Enforcement (ICE) served five more immigration subpoenas today on the Hillsboro Police Department, Wasco County Sheriff’s Office, Oregon State Police and Clackamas County Sheriff’s Office, seeking information on illegal aliens who were criminally arrested in their jurisdictions. These immigration subpoenas are necessary due to dangerous sanctuary laws that are forcing Oregon law enforcement agencies as well as state, county and local governments, to refuse ICE’s requests for information and cooperation.

Under Oregon’s sanctuary laws, county and law enforcement officials are prohibited from providing ICE with non-public information about criminal aliens necessary for federal law enforcement, including the release dates of those criminal aliens from local jails. In addition, Oregon law enforcement does not honor immigration detainers due to Oregon court rulings.

“ICE will not be governed by dangerous sanctuary laws and community leaders who put politics over public safety to interfere with our mission to remove dangerous criminal aliens from the community,” said Michael Melendez, acting field office director for ICE’s Enforcement and Removal Operations (ERO) Seattle. “The public should be very concerned that ICE does not always know who is being arrested, when they’ll be released, or if they are at-large in the community again. Sanctuary polices do not protect the public but actually endanger the community by aiding the surreptitious release of dangerous criminals back into the community.”

ICE uses statutorily authorized administrative subpoenas to obtain information as part of investigations regarding potential removable aliens. ICE has not historically needed to use its lawful authority to issue these subpoenas to obtain information from other law enforcement agencies as most law enforcement agencies throughout the country willingly provide ICE with information regarding aliens arrested for crimes in the interest of public safety.

ICE is using every tool available to obtain information regarding the whereabouts and other relevant information regarding removable aliens (both in the custody of local jails and at large) from jurisdictions that are unable to, or chose not to, cooperate with ICE.

ICE seeks information about criminal aliens, including:

- **Clackamas County**

- On July 1, 2019, the Circuit Court of the State of Oregon for Clackamas County arrested a 27-year-old citizen of Mexico for driving under the influence of intoxicants, two counts of **AIILA Doc. No. 20012130. (Posted 2/21/20)**

recklessly endangering other person, reckless driving, and criminal mischief in the second degree. These charges remain open. On Sept. 22, 2019, officers with Portland Police Bureau arrested the man for harassment, assault in the fourth degree, and disorderly conduct in the second degree. On Sept. 23, 2019, the Circuit Court of the State of Oregon for Multnomah County resolved the charges with no complaint. On Jan. 9, deputies with Clackamas County Sheriff's Office arrested the man for five counts of failure to appear, stemming from a previous arrest. On Jan. 10, an officer with ICE ERO issued an immigration detainer with the Clackamas County Jail. On or about, Jan. 13, the Clackamas County Jail released the man without alerting ICE, despite an active immigration detainer being in place. The man was previously removed from the U.S. on five occasions.

- On Jan. 3, the Clackamas County Sheriff's Office arrested a 25-year-old citizen of Mexico and charged him with unlawful possession of heroin and unlawful delivery of heroin. On Jan. 6, ICE ERO encountered the man at the Clackamas County Jail and issued an immigration detainer. On Jan. 6, the Clackamas County Jail released the man from custody without alerting ICE, despite an active immigration detainer being in place. The man was previously removed from the U.S. in 2019.

• **Hillsboro Police Department**

- On Dec. 9, 2019, the Hillsboro County Police Department arrested a 44-year-old citizen of Mexico and charged him with driving under the influence of intoxicants, reckless driving, two probation violations for driving under the influence of intoxicants, failure to appear in the second degree for driving under the influence of intoxicants and failure to appear in the second degree for reckless driving. The man also has three previous arrests between 1999 and 2018 for driving under the influence of intoxicants. On Dec. 30, 2019, the Washington County Circuit Court in Hillsboro, Oregon, dismissed the reckless driving charge but convicted the man of driving under the influence of intoxicants and sentenced him to 268 days jail, along with a \$654 fine and probation for two years.

• **Wasco County and Oregon State Police**

- On Jan. 15, the Wasco County Sheriff's Office arrested a 32-year-old citizen of Mexico for failure to appear in the second degree and unlawful possession of methamphetamine. On Jan. 16, ERO issued an immigration detainer with the Northern Oregon Correctional Facility (NORCOR) in The Dalles, Oregon. On or around Jan. 19, NORCOR released the man from custody without alerting ICE, despite an active immigration detainer being in place. The man has an extensive criminal record that includes charges and convictions of, possession of a controlled substance, failure to appear, driving with a suspended or revoked license suspended, and unauthorized use of a motor vehicle. He has been removed from the U.S. to Mexico on five occasions between 2010 and 2014.

The immigration subpoenas issued today follow subpoenas issued on Washington County this past Tuesday, which were the first in Oregon. Since January, ICE has also issued similar immigration subpoenas in California, Denver, Connecticut and New York. Should the law enforcement agencies neglect or refuse to respond to the subpoenas, an immigration officer may coordinate with the U.S. Attorney's Office for the district in which the subpoena was issued to seek an order from the U.S. District Court requiring production pursuant to INA § 235(d)(4)(B), 8 C.F.R. § 287.4(d).

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