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Linn County Sheriff: We are not a sanctuary county

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A man arrested by Linn County deputies Jan. 21 with multiple aliases and criminal arrest warrants entered the United States illegally from Mexico in 2014.

The development in the Linn County case comes on the heels of President Donald Trump's Jan. 25 executive order seeking to give patrol officers authority akin to immigration enforcement personnel, which would require them to check the immigration status of citizens they suspect may not be legal. The order also threatens to stop federal funding to so-called "sanctuary cities," which are cities that do not share inmate or suspect information with federal authorities.

The original Democrat-Herald story about the Jan. 21 arrest attracted criticism from some readers who wondered why the man's immigration status was not reported. But as Linn County Sheriff Bruce Riley explained, uncovering the real identity and status of some inmates can be complicated.

"There's no 'red-light/green-light' test that tells us instantly whether someone is illegal or not," he said.

In this case, the man, Emiliano Hernandez-Lopez, was arrested after a traffic stop because the name he gave deputies at that stop turned up an arrest warrant. Deputies at the jail uncovered a long list of aliases, as well as an attempted murder charge. Six days later, after his arraignment, deputies were able to determine the man was born in Mexico, and in 2014 had re-entered the United States and in fact has a detainer issued against him by Immigration and Customs Enforcement.

With this new information, Riley, as a matter of policy, contacted ICE to let agents know where he was.

The man was originally arrested as Gabriel Vasquez-Ruiz, but was then discovered to be Hernandez-Lopez; he also was wanted on the attempted murder charge under the name Victor Maya. Riley said his deputies discovered at least three other aliases, but ICE knows him as Hernandez-Lopez.

Riley said his deputies are prohibited by law from looking into the immigration status of any suspect, and only after a person is booked on criminal charges do they seek such information.

“Linn County is not a sanctuary county for criminal activity,” he said. “I swore to uphold all federal, state and local laws, and I take this oath seriously.”

Riley also made sure to declare that his office does not discriminate when investigating the status of inmates.

“The Linn County Sheriff’s Office respects the rights of all people regardless of race, nationality, religion, gender or class,” he said in a statement. “Our mission statement is ‘Keeping the Peace with Dignity, Honesty and Compassion.’”

While some want police and deputies to have a broader reach when it comes to immigration status, others caution against a slippery slope that would erode national principles and threaten the public trust.

Mat dos Santos, legal director with the Oregon chapter of the American Civil Liberties Union, says that a state law enforcement officer contacting ICE with such information violates state law in that it constitutes a misuse of state funds. Specifically, he cites Oregon Revised Statute 181.850, which prohibits use of “state agency monies, equipment or personnel” to contact federal agencies concerning immigration status of a suspect.

“They’re not responding to a request, they’re initiating contact,” said dos Santos. “The only reason someone would be actively reporting this information is because they’re anti-immigration.”

But a closer look at the statute reveals a clause that gives Riley and his deputies the legal authority to share information with ICE if the suspect has been arrested for any criminal offense.

In fact, every person booked into the Linn County Jail has their record run through federal criminal investigation databases to determine whether the person is wanted on a national level. Riley said this includes the ICE database.

And while running a check on an inmate is a logical step, dos Santos said expanding that to include any suspect regardless of charge would only make immigrant populations less likely to cooperate with the police.

Riley agrees, in that he limits his authority only to people who have committed or are accused of committing crimes.

The criminal question

Those who argue for broader reach from local law enforcement claim illegal immigrants commit a disproportionate amount of crime, while dos Santos and others cite statistics that show that claim to be false. A Jan. 26 New York Times article cited data from several studies that show “immigrants are less likely to commit crimes than people born in the United States. And experts say the available evidence does not support the idea that undocumented immigrants commit a disproportionate share of crime.” Among the studies cited, a CATO Institute report from July 2015, asserted “With few exceptions, immigrants are less crime prone than natives or have no effect on crime rates.”

But while such debates continue, Riley maintains his position as an elected law enforcement official. While he states that he represents a county that “feels a lot the same way” that he does on the issue, he maintains a balanced position when it comes to his duty.

“As sheriff of Linn County I am part of the executive branch of government, meaning my job is to enforce the law,’ he said. “I do not create laws nor do I pick and choose which laws to enforce.”