

Reported Violations of Oregon's Sanctuary Promise Act *Per House Bill 3265 (2021)*

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Oregon Criminal Justice Commission

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

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1: History of Sanctuary Promise Legislation

The State of Oregon was the first in the nation to become a sanctuary state when it enacted a law in 1987 prohibiting state and local law enforcement agencies as well as state and local government bodies from assisting federal authorities with immigration enforcement.¹ Oregon’s sanctuary laws have been updated several times since 1987, including during the 2021 Regular Legislative Session, when the Oregon legislature passed House Bill (HB) 3265 – the “Sanctuary Promise Act” – to further strengthen existing sanctuary laws.² HB 3265 focuses on the reporting of and response to violations to Oregon’s sanctuary laws, as well as providing trauma-informed, culturally responsive support to community members via a reporting hotline.

2: House Bill 3265 (2021) Requirements

The Sanctuary Promise Act enumerates prohibited public body³ conduct, mandating that they may not inquire into or collect information about an individual’s immigration or citizenship status or national origin, and that they must decline to cooperate, support, or provide information to federal immigration authorities for the purpose of enforcing federal immigration laws without a judicial order or except as required by state or federal law.⁴ In addition, law enforcement agencies and their personnel,⁵ whether or not they are on duty, are prohibited from aiding in the enforcement of federal immigration laws, denying services or benefits based on immigration status, and using public resources to assist with enforcing federal immigration laws without a judicial order.⁶ Examples of Sanctuary Promise violations include asking about, collecting, or sharing information regarding an individual’s immigration status, establishing a traffic perimeter for the purpose of supporting or facilitating immigration enforcement, or granting a federal immigration authority access to an area of a facility not normally open to the public.⁷ The bill focuses on government transparency by requiring the Oregon Criminal Justice Commission (CJC) and the Oregon Department of Justice (ODOJ) to collect data on Sanctuary Promise violations.

The Sanctuary Promise Act requires the CJC to: 1) develop a reporting mechanism through which the CJC will receive reports of communications or requests from federal agencies that relate to immigration enforcement and reports of Sanctuary Promise violations from public bodies; 2) publish and continually update a website with the data received from such requests (excluding personally identifiable information);⁸ 3) coordinate with the ODOJ in the development of a standardized intake process for reports made through the ODOJ Sanctuary Promise Hotline or online reporting system; and 4) share data with the ODOJ as requested for an investigation. The CJC is also required to issue an annual report no later than July 1 each year to the Governor, the Legislative Assembly, Oregon district attorneys, the Department of State Police, each Oregon law enforcement agency, and the Oregon Department of Public Safety Standards and Training that summarizes the information reported to the CJC.⁹ This report covers

¹ See House Bill 2314 (1987 Regular Session), codified as *former* ORS 181.850 (1987), *renumbered* as ORS 181A.820 (2019), available at <https://oregon.public.law/statutes>

² See ORS 181A.820-181A.829 and 180.805, available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

³ See ORS 174.109, available at https://oregon.public.law/statutes/ors_174.109

⁴ See ORS 181A.823, available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

⁵ See ORS 181A.822, available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

⁶ See ORS 181A.823 and 181A.826, available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

⁷ See ORS 181A.826, available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

⁸ See [CJC Sanctuary Promise webpage](#) (June 29, 2022)

⁹ See ORS 181A.826(4)(d), available at https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html

the third year of data collected by the CJC and the ODOJ, including a summary of the information reported by public bodies from June 1, 2023, through May 31, 2024.

Section 3 addresses data from reports made by public bodies to the CJC.

The ODOJ established the Sanctuary Promise Hotline in April 2022, which is dedicated to assisting victims, witnesses, and other reporters of Sanctuary Promise violations.¹⁰ The Hotline is staffed by bi-lingual and multi-lingual Hotline Advocates who provide trauma-informed, culturally responsive services, and interpretation is available in more than 240 languages. The Hotline Advocates also connect callers to resources, and support them, their families, and any witnesses through an ODOJ investigation into the reported violation. In addition to the phone Hotline, reports are also received via an online reporting form on the ODOJ Sanctuary Promise webpage, which is readily available in nine languages.¹¹ Hotline staff continue to connect with culturally specific organizations around the state to promote and offer the Hotline as a point of support for victims as well as provide professional and community presentations regarding Oregon sanctuary law. In 2023, Hotline staff held or attended 282 community or training events, completed 618 hours of outreach, and provided information and training to over 51,243 community members on the protections of Oregon’s Sanctuary Promise Act.

Section 4 addresses data on reported Sanctuary Promise violations that the ODOJ has shared with the CJC.

The ODOJ is committed to identifying and investigating sanctuary law violations, as they can result in the systematic removal of people from this country, dividing families, depriving people of safety, and undercutting opportunity and education. The impact of lost community members and distrust in government causes ripples throughout communities for generations, and the harm is intense, deep, and lasting.

3: Requests for Cooperation from Federal Immigration Authorities to Public Bodies

The CJC utilizes a webform for public bodies to report data on requests for cooperation from federal immigration authorities. The data in its entirety, submitted June 1, 2023, through May 31, 2024, is held in the Appendix in Table A.1.

The CJC received data regarding 26 requests from federal immigration authorities asking for cooperation from Oregon public bodies. The majority of requests were from U.S. Immigration and Customs Enforcement (ICE). Twenty requests were from ICE, four were from an office in the U.S. Department of Homeland Security (DHS) other than ICE, one from U.S. Citizenship and Immigration Services (USCIS), and one from U.S. Customs and Border Protection (CBP).

As shown in Table 3.1., the CJC received data from 11 public bodies in six counties regarding requests for cooperation by a federal immigration authority. Five of the public bodies that submitted reports to the CJC were law enforcement agencies. Most reports were submitted by county jails, with 15 requests for information from Oregon county or local jails. Four separate jails reported requests for cooperation, some submitting reports for multiple requests. Nine reports were made by Washington County Jail. Washington County Sheriff’s Office submitted data on two requests and the Washington County District Attorney’s

¹⁰ The Hotline is accessible at 1-844-924-STAY (1-844-924-7829) as well as a direct line for Spanish speakers at 1-844-6-AMPARO (1-844-626-7276).

¹¹ See [Oregon Department of Justice Sanctuary Promise Reporting Hotline webpage](https://www.sanctuarypromise.org) at [SanctuaryPromise.Oregon.gov](https://www.sanctuarypromise.org) or [PromesaSantuario.Oregon.gov](https://www.promesa-sanctuario.org) (June 21, 2024)

Office submitted data on one request, making Washington County the county with the greatest number of requests for cooperation received, with a total of 12 reports.

Table 3.1. Requests for Cooperation, by Public Body and County, June 1, 2023 - May 31, 2024

Public Body	County	Number of Requests
Clackamas County Jail	Clackamas	4
Jackson County Jail	Jackson	2
Lane County Jail	Lane	1
Washington County Jail	Washington	9
Bend Police Department	Deschutes	2
Eugene Police Department	Lane	3
Deschutes County Sheriff's Office	Deschutes	1
Washington County Sheriff's Office	Washington	2
Malheur County Circuit Court	Malheur	1
District Attorney's Office	Washington	1
Total		26

Eleven of the 26 requests from federal immigration authorities involved an immigration detainer. Six of the requests were for various types of information, such as a specific individual's immigration status, jail release time(s), or arrest details. Eleven reports involved requests for copies of documentation related to arrests or court proceedings. Additionally, ICE asked Washington County District Attorney's Office to arrest and take an individual into custody for removal proceedings without a judicial warrant or detainer. The public bodies report to the CJC that all requests for cooperation or information were denied.

In the third year of data collection, the CJC and the ODOJ included an option for violation reporters to indicate how many individuals were targeted by a particular incident or inquiry as an additional data point to better illustrate the scope of people affected by reported violations.¹² Among public body reports to the CJC, 22 requests for cooperation involved one targeted individual. Two requests for cooperation targeted more than one individual but the total number targeted by each request is unknown. Two reports did not specify the number of individuals targeted in the request.

4: Sanctuary Promise Violations Reported to the Oregon Department of Justice

The ODOJ shared data with the CJC regarding the 34 Sanctuary Promise reports of alleged violations from June 1, 2023, through May 31, 2024. ODOJ data includes complaints received via their Hotline or online reporting form, as well as information discovered or learned in the course of a Civil Rights Unit (CRU) staff member's work that would indicate an Oregon law enforcement agency or public body's actions, policies, or practices may be in violation of Oregon sanctuary law. The complete data can be found in the Appendix in Table A.2. Twenty-nine reports received by the ODOJ reporting mechanisms did not constitute reports of sanctuary law violations or did not include enough information for the ODOJ to open an investigation. One was a general inquiry about immigration law, five were general information and referral inquiries unrelated to sanctuary or immigration law, fifteen were callers in mental health

¹² The option to add information regarding number of targeted individuals became available in the third reporting year and will continue to be a component of data collection moving forward. Additionally, the number of targeted individuals is retroactively available for all existing ODOJ reports and will be made available via the CJC Sanctuary Promise Webpage.

crisis entirely unrelated to sanctuary law, two were people perpetrating anti-immigrant hate, two were determined not to be sanctuary law violations after basic information about the situation was obtained, and four contained insufficient information for the ODOJ to open an investigation. Five complaints from this reporting period are currently being investigated.

Since the first report published on July 1, 2022, the ODOJ hired an investigator to conduct investigations on behalf of the State regarding allegations of suspected sanctuary law violations. Currently, the State has 29 open investigations incorporating 50 reports alleging violations of sanctuary law. Eleven of the reports being investigated are based on alleged violations from the June 1, 2021, through May 31, 2022, reporting period; 34 of the reports being investigated are based on alleged violations from the June 1, 2022, through May 31, 2023, reporting period; and five of the reports being investigated are based on alleged violations from the June 1, 2023, through May 31, 2024, reporting period. To preserve the integrity of ongoing investigations and protect targeted individuals and their families, some information regarding reported violations obtained on the Sanctuary Promise Hotline has been withheld from the public website and this report. Withheld information includes the name of the law enforcement agency or public body alleged to have violated sanctuary law(s) as well as the county in which the violation occurred. Updates to withheld information may be published periodically to existing reports displayed on the CJC Sanctuary Promise Website. Similarly, responses of public bodies to the ODOJ investigation requests will be summarized and published to the CJC Sanctuary Promise Webpage as the information becomes available.

There were 23 reports to the ODOJ in which no type of public body was referenced. Five reports referenced law enforcement participation, making this the most common type of public body involved with alleged violations. Two complaints listed a public body other than law enforcement. In four reports, the public body involved was unknown. Identifiers that may compromise an open investigation, such as specific names of public bodies or county information, have been withheld and may be updated once investigations are concluded.

Twenty-three of the reports to the ODOJ have the number of targeted individuals listed as zero. Six reports involve the targeting of one individual. In four reports, the number of targeted individuals is unknown. One complaint during this reporting period did not reference a specific individual target but alleged that a policy or practice of a public body is in violation of Oregon's Sanctuary Promise Act with the potential to impact many individuals.

Twenty-three of the reports to the ODOJ did not identify a federal immigration authority. When a federal immigration authority was referenced in the complaint, most of the alleged violations concerned requests from ICE. One report listed the federal immigration authority as "other". Two reports involved unknown federal immigration authorities and three reports were unable to identify the federal immigration authority.

Seven of the 34 alleged sanctuary law violations reported to the ODOJ included descriptions of the requests for collaboration. Twenty-eight reports had no description of request for collaboration. In three reports, the description of the request for collaboration was unable to be determined and in one report the description was reported as unknown.

Oregon's Sanctuary Promise Act provides that any person may bring a civil action against a law enforcement agency or public body that violates Oregon's sanctuary laws. At the time of publication of this report, the State is aware of one such now-resolved civil action, *Rural Organizing Project, Community Alliance of Lane County vs. City of Cottage Grove, Cottage Grove Police Department,*

23CV07691.¹³ The case was filed on February 21, 2023, and after preliminary rulings by the court, was scheduled for trial on January 31, 2024.

On January 24, 2024, and later corrected February 2, 2024, Judge Jay A. McAlpin signed a *Corrected General Judgment; Permanent Injunction*, which acknowledges past City of Cottage Grove practices and policy were indeed in violation of Oregon’s sanctuary laws, issues a permanent injunction on future violations, requires annual training on sanctuary laws for all city employees, including police personnel, keeps the Cottage Grove Jail shut down, and requires 30 days’ notice to the Rural Organizing Project and Community Alliance of Lane County before amending the City’s now-in-compliance immigration policy.¹⁴

5: Conclusion

This third annual report includes data collected by both the CJC and the ODOJ on a total of 60 reported violations to Oregon’s Sanctuary Promise Act between June 1, 2023, and May 31, 2024. HB 3265 contains no sunset clause, and the CJC will continue to summarize this data annually and submit a report to the Governor, the Legislative Assembly, Oregon district attorneys, the Department of State Police, each Oregon law enforcement agency, and the Oregon Department of Public Safety Standards and Training no later than July 1 each year.

¹³ See *Rural Organizing Project, Community Alliance of Lane County vs. City of Cottage Grove, Cottage Grove Police Department*, 23CV07691, available at <https://www.doj.state.or.us/wp-content/uploads/2024/06/2024-Cottage-Grove-injunction.pdf> (June 21, 2024)

¹⁴ *Id.*

Appendix

Table A.1. Data Submitted to the CJC on Requests for Cooperation, June 1, 2023 – May 31, 2024

Report Date	Public Body	County	Federal Immigration Authority	Description of Request	Number of Targeted Individuals	Date of Request	Cooperated?
6/5/2023	Washington County Jail	Washington	ICE	Immigration Detainer	Not specified	5/17/2023	No
6/5/2023	Washington County Jail	Washington	ICE	Immigration Detainer	Not specified	5/8/2023	No
6/7/2023	Eugene Police Department	Lane	ICE	Documents	One	5/13/2023	No
9/1/2023	Eugene Police Department	Lane	DHS other than ICE	Documents	More than one, total unknown	8/15/2023	No
9/1/2023	Eugene Police Department	Lane	ICE	Documents	More than one, total unknown	8/2/2023	No
10/2/2023	Malheur County Circuit Court	Malheur	Marycruz Aguiar Law, PLLC on behalf of ICE	Documents	One	9/12/2023	No
10/26/2023	Clackamas County Jail	Clackamas	DHS other than ICE	Immigration Detainer	One	9/1/2023	No
10/26/2023	Clackamas County Jail	Clackamas	DHS other than ICE	Immigration Detainer	One	7/24/2023	No
10/31/2023	Washington County Jail	Washington	ICE	Immigration Detainer	One	10/27/2023	No
10/31/2023	Washington County Jail	Washington	ICE	Immigration Detainer	One	10/19/2023	No
10/31/2023	Washington County Jail	Washington	ICE	Immigration Detainer	One	7/21/2023	No
10/31/2023	Washington County Jail	Washington	ICE	Information	One	9/7/2023	No
11/14/2023	Jackson County Jail	Jackson	ICE	Information	One	10/27/2023	No
11/22/2023	Jackson County Jail	Jackson	ICE	Information	One	11/21/2023	No
12/12/2023	Lane County Jail	Lane	ICE	Information, Documents	One	12/11/2023	No
2/12/2024	Deschutes County Sheriff's Office	Deschutes	ICE	Information, Documents	One	2/9/2024	No
2/13/2024	Bend Police Department	Deschutes	ICE	Documents	One	2/12/2024	No
2/14/2024	Bend Police Department	Deschutes	ICE	Documents	One	2/12/2024	No

2/14/2024	Clackamas County Sheriff's Office	Clackamas	ICE	Information, Documents	One	2/7/2024	No
3/18/2024	District Attorney's Office	Washington	ICE	Cooperation, Warrant for Arrest	One	3/12/2024	No
3/28/2024	Clackamas County Jail	Clackamas	DHS other than ICE	Immigration Detainer	One	3/27/2024	No
3/28/2024	Washington County Jail	Washington	ICE	Immigration Detainer	One	1/16/2024	No
3/28/2024	Washington County Jail	Washington	ICE	Immigration Detainer	One	2/27/2024	No
3/28/2024	Washington County Jail	Washington	ICE	Immigration Detainer	One	1/22/2024	No
5/24/2024	Washington County Sheriff's Office	Washington	U.S. Citizenship and Immigration Services (USCIS)	Documents	One	1/19/2024	No
5/24/2024	Washington County Sheriff's Office	Washington	U.S. Customs and Border Protection (CBP)	Documents	One	4/11/2024	No

Table A.2. Sanctuary Promise Hotline Reports, June 1, 2023 – May 31, 2024

Report Date	Public Body	County	Federal Immigration Authority	Nature of Alleged Violation	DOJ Investigation	Source	Number of Targeted Individuals
7/2/2023	None	Out of State	None	None	No	Hotline	Zero
7/2/2023	None	Out of State	None	None	No	Hotline	Zero
7/2/2023	None	Out of State	None	None	No	Hotline	Zero
7/9/2023	None	Lake	None	None	No	Hotline	Zero
7/9/2023	None	Lake	None	None	No	Hotline	Zero
7/9/2023	None	Lake	None	None	No	Hotline	Zero
7/9/2023	None	Lake	None	None	No	Hotline	Zero
7/24/2023	None	Not Reported	None	None	No	Hotline	Zero
8/9/2023	Milwaukie PD	Clackamas	None	Used state public resources	No	Non-Hotline	Zero
8/22/2023	None	Not Reported	None	None	No	Hotline	Zero
9/10/2023	None	Jackson	None	None	No	Hotline	Zero
10/9/2023	None	Morrow	None	None	No	Hotline	Zero
10/10/2023	Law Enforcement	Withheld	ICE	Investigated or Interrogated Individuals. Inquire or Share Information. Used State Public Resources.	Yes	Hotline	One
10/26/2023	Public Body	Withheld	Other	Inquire or Share Information. Used State Public Resources.	Yes	Hotline	Potential for many ¹⁵
10/29/2023	None	Out of State	None	None	No	Hotline	Zero
10/29/2023	None	Marion	None	None	No	Hotline	Zero
11/9/2023	None	Out of State	ICE	None	No	Hotline	One
12/4/2023	Metropolitan Public Defenders	Washington	Unknown	Inquire or Share Information. Stored Information Related to Immigration or Citizenship.	No	Hotline	One

¹⁵ While there is no specific target mentioned within the report, there are many individuals who could be impacted due to the nature of the violation.

12/12/2023	None	Deschutes	None	None	No	Hotline	Zero
12/13/2023	None	Multnomah	None	None	No	Hotline	Zero
12/13/2023	None	Multnomah	None	None	No	Hotline	Zero
12/17/2023	None	Washington	None	None	No	Hotline	Zero
12/19/2023	Not Reported	Not Reported	Unable to Determine	Unable to Determine	No	Hotline	Unknown
12/19/2023	Not Reported	Not Reported	Unable to Determine	Unable to Determine	No	Hotline	Unknown
12/22/2023	Not Reported	Not Reported	Unable to Determine	Unable to Determine	No	Hotline	Unknown
1/2/2024	None	Washington	None	None	No	Hotline	Zero
1/20/2024	None	Washington	None	None	No	Hotline	Zero
2/6/2024	Law Enforcement	Withheld	ICE	Investigated or Interrogated Individuals. Inquire or Share Information. Used State Public Resources.	Yes	Hotline	One
2/6/2024	Law Enforcement	Withheld	ICE	Investigated or Interrogated Individuals. Inquire or Share Information. Used State Public Resources.	Yes	Hotline	One
2/8/2024	Law Enforcement	Withheld	ICE	Civil arrest without judicial warrant/order.	Yes	Hotline	One
3/11/2024	None	Jackson	None	None	No	Hotline	Zero
4/6/2024	None	Marion	None	None	No	Hotline	Zero
5/3/2024	Not Reported	Not Reported	Unknown	Unknown	No	Hotline	Unknown
5/21/2024	None	Multnomah	None	None	No	Hotline	Zero