

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

July 1, 2022

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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.

## 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.<sup>1</sup> 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.<sup>2</sup> 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 conduct by public bodies,<sup>3</sup> mandating that they decline to cooperate, support, or provide information to federal immigration authorities.<sup>4</sup> Examples of sanctuary promise violations include asking about or collecting information on 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.<sup>5</sup> 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 Sanctuary Promise violations from public bodies; 2) publish and continually update a website with the data received from such requests (excluding personally identifiable information);<sup>6</sup> 3) coordinate with the ODOJ in the development of a standardized intake process for reports made through the hotline or online reporting system; and 4) share data with the ODOJ should it be necessary 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.<sup>7</sup> This report covers the first year of data collected by the CJC, including a summary of the information reported by public bodies to the CJC from July 1, 2021 through June 1, 2022.

The Sanctuary Promise Act also requires the ODOJ to establish a staffed hotline dedicated to assisting victims, witnesses, and other reporters of Sanctuary Promise violations. The ODOJ opened the Sanctuary Promise Response Hotline on April 1, 2022, accessible at 1-844-924-STAY (1-844-924-7829), and a direct line for Spanish speakers at 1-844-6-AMPARO (1-844-626-7276).<sup>8</sup> The hotline is staffed by bi- and multi-lingual Hotline Advocates who provide trauma-informed, culturally responsive services. 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

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<sup>1</sup> 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>

<sup>2</sup> See Oregon Laws 2021, ch 550, § 1-11 (Regular Session), available at <https://olis.oregonlegislature.gov>

<sup>3</sup> See ORS 174.109, available at [https://oregon.public.law/statutes/ors\\_174.109](https://oregon.public.law/statutes/ors_174.109)

<sup>4</sup> See Oregon Laws 2021, ch 550, § 1(2) (Regular Session), available at <https://olis.oregonlegislature.gov>

<sup>5</sup> See ORS 181A.826, available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<sup>6</sup> See [CJC Sanctuary Promise webpage](#) (June 29, 2022)

<sup>7</sup> See ORS 181A.826(4)(d), available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<sup>8</sup> Prior to opening the hotline, the Office of the Attorney General received a complaint in March 2022.

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.<sup>9</sup> Hotline staff continue to conduct community outreach and connect with culturally specific organizations around the state to promote and offer the Hotline as a point of support for victims.

The ODOJ has shared their reporting data with the CJC, and that data is discussed in section 4. The ODOJ has also shared examples of other violation allegations that could be reported such as, but not limited to, people being apprehended and then transferred out of state into federal detainment facilities; federal government agencies entering into private, gated, locked areas of prisons, jails, and courthouses to transfer an individual just prior to their earned release from custody; or jails and courts timing releases and hearings to coordinate with federal immigration agents. 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**

In February 2022 the CJC created a form for public bodies to report data on requests for cooperation from federal immigration authorities. CJC developed the form in Survey Monkey with input from ODOJ's Sanctuary Promise Advisory Committee. Prior to the form, public bodies in Oregon submitted data directly to the CJC via email. The submitted data in its entirety is held in the Appendix in Table A.1. No public body reported to the CJC that they cooperated with any requests made.

CJC received data regarding 33 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). 24 requests were from ICE, seven were from an office in the U.S. Department of Homeland Security (DHS) other than ICE, one was from the U.S. Citizenship and Immigration Services (USCIS), and one was from the Canada Border Services Agency.

13 public bodies submitted data to the CJC regarding federal immigration authority requests from at least eight counties. Washington County Sheriff's Office submitted data on ten requests, more than double that of the next highest public body. Three agencies from Washington County submitted data to the CJC: Washington County Sheriff's Office, Beaverton Police Department, and Washington County Jail.

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<sup>9</sup> See [Oregon Department of Justice Sanctuary Promise Reporting Hotline webpage](#) (April 1, 2022)

**Table 3.1. Requests for Cooperation, by Public Body and County**

<b>Public Body</b>	<b>County</b>	<b>Requests</b>
Washington County Sheriff’s Office	Washington	10
Clackamas County Jail	Clackamas	4
Malheur County Circuit Court	Malheur	4
Oregon Judicial Department	Unknown	3
Clackamas County Sheriff’s Office	Clackamas	2
Deschutes County Jail	Deschutes	2
Yamhill County Jail	Yamhill	2
Beaverton Police Department	Washington	1
Hermiston Police Department	Umatilla	1
Lake Oswego Police Department	Clackamas	1
Sweet Home Jail	Linn	1
Washington County Jail	Washington	1
Yamhill County Circuit Court	Yamhill	1
<b>Total</b>		<b>33</b>

Many of the requests from federal immigration authorities were for some sort of information, such as a specific individual’s immigration status, jail release times, or arrest details. Eight of the 33 requests involved an immigration detainer. Only two requests asked for explicit cooperation. ICE asked Clackamas County Jail to establish a traffic perimeter in October 2021. ICE also asked Deschutes County Jail in March 2022 for cooperation in carrying out an arrest warrant signed by an immigration officer. The public bodies report that all requests for cooperation or information were denied.

#### **4. Sanctuary Promise Violations Reported to the Oregon Department of Justice**

The ODOJ shared data with the CJC regarding the 13 Sanctuary Promise violation allegation reports received via their hotline or online reporting from March through May 2022. The complete data can be found in the Appendix in Table A.2. Two reports that the ODOJ received contained limited information, follow-up requests to obtain additional information were not fulfilled, and therefore ODOJ could not open an investigation. All other reports, 11 in total, were investigated or are currently being investigated.

Like the reports that the CJC received, most violation allegation reports to the ODOJ concerned requests from ICE. Ten of the 13 reports were about public bodies cooperating or sharing information with ICE, one report concerned cooperation with USCIS, and two involved unknown federal immigration authorities.

Individuals reported to the ODOJ about six identified and three partially identified public bodies (Table 4.1). Four public bodies received two reports: the Department of Corrections in Marion County, the Department of Motor Vehicles in Multnomah and Washington counties, Tillamook County Court, and Tillamook County Sheriff’s Office. One of the partially unidentified public bodies was either Tillamook County Sheriff’s Office or Tillamook Police Department, one was an unknown public body in Multnomah County, and the other was a court in an unnamed county.

**Table 4.1. Reports of Sanctuary Promise Violations to the ODOJ, by Public Body and County**

<b>Public Body</b>	<b>County</b>	<b>Requests</b>
Department of Corrections	Marion	2
Department of Motor Vehicles	Multnomah, Washington	2
Tillamook County Court	Tillamook	2
Tillamook County Sheriff’s Office	Tillamook	2
Deschutes County Sheriff’s Office	Deschutes	1
Multnomah County Jail	Multnomah	1
Unknown	Multnomah	1
Tillamook County Sheriff’s Office or Tillamook PD	Tillamook	1
Court in Unnamed County	Unknown	1
<b>Total</b>		<b>13</b>

All Sanctuary Promise violation allegations—except for two which had no violation description—involved multiple types of violations. The types of violations including the number of reports that mentioned them are in Table 4.2. Ten of the 13 reports involved using state public resources, the most often cited violation. The second most common type of violation reported was inquiring or sharing information, which occurred in eight of the 13 violations. There was one report each for establishing a traffic perimeter and investigating or interrogating individuals.

**Table 4.2. Number of Reports Involving Different Types of Violations**

<b>Nature of Violations</b>	<b>Reports Involved</b>
Used State Public Resources	10
Inquire or share information	8
Agreement, contract, or MOU	2
Civil arrest without judicial warrant/order	2
Granted access not normally open to the public	2
Established traffic perimeter	1
Investigated or interrogated individuals	1

This was the first year of data collection for both the CJC and the ODOJ regarding reported violations of Oregon’s Sanctuary Promise Act. As HB 3265 contains no sunset clause, 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. With outreach efforts to community and system partners as well as internal reporting policies being developed among public bodies, more reports may be received by both the CJC and the ODOJ in this coming year of data collection.

**Appendix**

**Table A.1. Data Submitted to CJC on Requests for Cooperation, August 2021-May 2022**

<b>Report Date</b>	<b>Federal Immigration Authority</b>	<b>Public Body</b>	<b>County</b>	<b>Date of Request</b>	<b>Description of Request</b>	<b>Cooperated?</b>
5/26/2022	DHS other than ICE	Clackamas Co Jail	Clackamas	5/17/2022	Immigration Detainer	No
5/5/2022	ICE	Beaverton Police Department	Washington	5/5/2022	Information, Documents	No
5/26/2022	DHS other than ICE	Clackamas Co. Jail	Clackamas	5/4/2022	Immigration Detainer	No
5/9/2022	DHS other than ICE	Washington Co. Jail	Washington	4/29/2022	Immigration Detainer	No
5/2/2022	ICE	Yamhill Co. Jail	Yamhill	4/29/2022	Immigration Detainer	No
5/4/2022	ICE	Yamhill Co. Circuit Court	Yamhill	4/14/2022	Information, Documents	No
4/25/2022	ICE	Oregon Judicial Department	Unknown	4/14/2022	Documents	No
4/18/2022	ICE	Washington Co. Sheriff's Office	Washington	4/13/2022	Information, Photos	No
4/4/2022	ICE	Deschutes Co. Jail	Deschutes	3/31/2022	Information	No
4/4/2022	ICE	Deschutes Co. Jail	Deschutes	3/30/2022	Cooperation	No
3/31/2022	DHS other than ICE	Clackamas Co. Jail	Clackamas	3/29/2022	Immigration Detainer	No
4/29/2022	ICE	Yamhill Co. Jail	Yamhill	3/22/2022	Immigration Detainer	No
3/28/2022	ICE	Washington Co. Sheriff's Office	Washington	3/10/2022	Photos	No
3/28/2022	ICE	Washington Co. Sheriff's Office	Washington	3/10/2022	Information, Photos	No
4/25/2022	ICE	Oregon Judicial Department	Unknown	2/28/2022	Documents	No
2/28/2022	Canada Border Services Agency	Hermiston Police Department	Umatilla	2/28/2022	Information	No
4/15/2022	ICE	Malheur Co. Circuit Court	Malheur	2/28/2022	Documents	No
4/19/2022	DHS other than ICE	Washington Co. Sheriff's Office	Washington	1/19/2022	Immigration Detainer	No
4/25/2022	ICE	Oregon Judicial Department	Unknown	12/23/2021	Documents	No
4/15/2022	ICE	Malheur Co. Circuit Court	Malheur	12/23/2021	Documents	No
1/20/2022	ICE	Washington Co. Sheriff's Office	Washington	12/3/2021	Information	No
1/20/2022	ICE	Washington Co. Sheriff's Office	Washington	12/2/2021	Information	No
11/8/2021	ICE	Washington Co. Sheriff's Office	Washington	11/1/2021	Information	No
10/18/2021	ICE	Clackamas Co. Jail	Clackamas	10/19/2021	Cooperation, Establish traffic perimeter	No

4/15/2022	ICE	Malheur Co. Circuit Court	Malheur	10/14/2021	Documents	No
12/20/2021	DHS other than ICE	Malheur Co. Circuit Court	Malheur	10/14/2021	Information	No
11/1/2021	ICE	Clackamas Co. Sheriff's Office	Clackamas	10/12/2021	Documents	No
10/15/2021	USCIS	Sweet Home Jail	Linn	10/1/2021	Information	No
11/8/2021	ICE	Washington Co. Sheriff's Office	Washington	9/29/2021	Information	No
11/8/2021	ICE	Washington Co. Sheriff's Office	Washington	9/29/2021	Information	No
9/30/2021	DHS other than ICE	Clackamas Co. Sheriff's Office	Clackamas	9/2/2021	Immigration Detainer	No
11/8/2021	ICE	Washington Co. Sheriff's Office	Washington	8/27/2021	Information	No
8/16/2021	ICE	Lake Oswego Police Department	Clackamas	8/16/2021	Information	No

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**Table A.2. Sanctuary Promise Hotline Reports March-May 2022**

<b>Report Date</b>	<b>Federal Immigration Authority</b>	<b>Public Body</b>	<b>County</b>	<b>Nature of Violation</b>	<b>ODOJ Investigation?</b>
05/16/22	ICE	Department of Motor Vehicles	Multnomah	Agreement, contract, or MOU Inquire or share information Used state public resources	Yes
04/26/22	Unknown	Unknown	Marion	Unknown	No
04/08/22	ICE	Court, unnamed county	Unknown	Civil arrest without judicial warrant/order Inquire or share information Used state public resources	Yes
04/08/22	ICE	Deschutes Co. Sheriff's Office	Deschutes	Inquire or share information Used state public resources	Yes
04/08/22	ICE	Department of Corrections	Marion	Granted access not normally open to the public Inquire or share information Used state public resources	Yes
04/08/22	ICE	Department of Corrections	Marion	Granted access not normally open to the public Inquire or share information Used state public resources	Yes
04/09/22	Unknown	Unknown	Multnomah	Unknown	No
04/05/22	ICE	Multnomah Co. Jail	Multnomah	Agreement, contract, or MOU Used state public resources	Yes
04/05/22	ICE	Tillamook Co. Sheriff's Office Tillamook Co. Court	Tillamook	Inquire or share information Used state public resources	Yes
04/05/22	ICE	Tillamook Co. Sheriff's Office or Tillamook Police Department	Tillamook	Established traffic perimeter Used state public resources	Yes
04/05/22	ICE	Tillamook Co. Sheriff's Office	Tillamook	Investigated or interrogated individuals Used state public resources	Yes
04/05/22	ICE	Tillamook Co. Court	Tillamook	Civil arrest without judicial warrant/order Inquire or share information	Yes
3/3/2022	USCIS	Department of Motor Vehicles	Washington	Inquire or share information Used state public resources	Yes