

# 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.

## 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 public body<sup>3</sup> 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.<sup>4</sup> In addition, law enforcement agencies and their personnel,<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</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>8</sup> 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.<sup>9</sup> This report covers the second year of data collected by the CJC and the ODOJ, including a summary of the information public bodies reported from June 1, 2022, through May 31, 2023.

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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 ORS 181A.820-181A.829 and 180.805, available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<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 ORS 181A.823, available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<sup>5</sup> See ORS 181A.822, available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<sup>6</sup> See ORS 181A.823 and 181A.826, available at [https://www.oregonlegislature.gov/bills\\_laws/ors/ors181a.html](https://www.oregonlegislature.gov/bills_laws/ors/ors181a.html)

<sup>7</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>8</sup> See [CJC Sanctuary Promise webpage](#) (June 29, 2022)

<sup>9</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)

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.<sup>10</sup> 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.<sup>11</sup> 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 2022, Hotline staff conducted 184 presentations and tabling events, completed 400 hours of outreach, and connected with and trained over 10,000 community members on the protections of Oregon's Sanctuary Promise Act. In addition, the State's Public Service Announcement (PSA) regarding sanctuary violation reporting is expected to release in the summer of 2023 on television, radio, and social media in multiple languages.

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, 2022, through May 31, 2023, is held in the Appendix in Table A.1.

The 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). Twenty requests were from ICE and 13 were from an office in the U.S. Department of Homeland Security (DHS) other than ICE.

As shown in Table 3.1., the CJC received data from 13 public bodies regarding federal immigration authority requests from at least seven counties. Six of the public bodies that submitted reports to the CJC were law enforcement agencies. The majority of reports were submitted by county jails, with 24 requests for information from Oregon county or local jails. Six separate jails reported requests for cooperation, some submitting reports for multiple requests. Washington County Jail submitted data on 11 requests, nearly double that of the next highest reporting public body. Tualatin Police Department, which is part of the Washington County jurisdiction, also submitted data on one request, making Washington County the county with the greatest number of requests received for cooperation.

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<sup>10</sup> 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).

<sup>11</sup> See [Oregon Department of Justice Sanctuary Promise Reporting Hotline webpage](https://www.ODOJ.Oregon.gov/SanctuaryPromise) at [SanctuaryPromise.Oregon.gov](https://www.SanctuaryPromise.Oregon.gov) or [PromesaSantuario.Oregon.gov](https://www.PromesaSantuario.Oregon.gov) (April 1, 2022)

**Table 3.1. Requests for Cooperation, by Public Body and County, June 1, 2022 - May 31, 2023**

<b>Public Body</b>	<b>County</b>	<b>Number of Requests</b>
Clackamas County Jail	Clackamas	4
Deschutes County Jail	Deschutes	1
Oregon Judicial Department	Unknown	1
Jackson County Jail	Jackson	6
Marion County Jail	Marion	1
Washington County Jail	Washington	11
Yamhill County Jail	Yamhill	1
Bend Police Department	Deschutes	1
Hermiston Police Department	Umatilla	1
Medford Police Department	Jackson	2
Tualatin Police Department	Washington	1
Umatilla County Sheriff's Office	Umatilla	2
Yamhill County Sheriff's Office	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 time(s), or arrest details. Fifteen of the 33 requests involved an immigration detainer. Nine reports involved requests for copies of documentation related to arrests or court proceedings. ICE asked Bend Police Department to investigate or interrogate individuals for immigration enforcement. ICE also asked the Deschutes County Jail to notify DHS prior to the release of an individual from custody. The public bodies report to the CJC that all of these 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 51 Sanctuary Promise reports of alleged violations received via their Hotline or online reporting from June 1, 2022, through May 31, 2023. The complete data can be found in the Appendix in Table A.2. Fifteen 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. Some were general inquiries about immigration law, some were callers in mental health crisis entirely unrelated to sanctuary law, and others contained limited information due to unfulfilled follow-up requests to obtain additional information and, therefore, the ODOJ could not open an investigation. All other reports, 36 in total, are currently being investigated.

Similar to the reports that the CJC received, most reports of alleged violations to the ODOJ concerned requests from ICE. Twenty-six of the 51 reports were about public bodies cooperating or sharing information with ICE. One report concerned cooperation with U.S. Citizenship and Immigration Services (USCIS), one report involved U.S. Customs and Border Protection (CBP), and one report involved DHS. Twelve reports involved unknown federal immigration authorities and 10 reports involved no federal immigration authority.

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 47 open investigations. Eleven of the investigations are based on alleged violations from the June 1, 2021, through May 31, 2022, 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.

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 civil action in which a judge has taken the case under advisement, and a ruling is forthcoming.<sup>12</sup>

As shown in Table 4.1., there were 18 reports to the ODOJ that involved law enforcement, 13 reports that involved other public bodies, and four involved both law enforcement and other public bodies. Twenty-two reports made to the ODOJ Hotline referenced law enforcement participation, making this the most common type of public body involved with alleged violations. There were 14 reports in which no type of public body was referenced and two in which 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.

**Table 4.1. Type of Public Body Alleged to be in Violation of Oregon Sanctuary Law Per ODOJ Hotline Reports, June 1, 2022 - May 31, 2023**

Type of Public Body	Number of Requests
Law Enforcement	18
Other Public Body	13
Both	4
Unknown	2
None	14
<b>Total</b>	<b>51</b>

Twenty-seven Sanctuary Promise reports of alleged sanctuary law violations involved multiple types of violations. The types of violations, including the number of reports that mentioned them, are in Table 4.2. Thirty-one of the 51 reports involved inquiring about or sharing of information, the most often cited violation. The second most common type of violation reported was use of state or public resources to assist in federal immigration law enforcement, which occurred in 21 of the 51 violations. There were 14 reports that listed no violations and one instance where the nature of the violation was reportedly unknown.

**Table 4.2. Number of Reports Involving Different Violations, June 1, 2022 - May 31, 2023**

Nature of Violations	Reports Involved
Used state public resources	21
Inquire or share information	31

<sup>12</sup> *Rural Organizing Project, Community Alliance of Lane County vs. City of Cottage Grove, Cottage Grove Police Department, 23CV07691*

Agreement, contract, or MOU	8
Civil arrest without judicial warrant/order	2
Granted access not normally open to the public	2
Failed to document and/or report violation	2
Denied services, benefits, or privileges	1
Failed to provide consular notice and right to refuse disclosure	2
Stored information related to immigration or citizenship	8
Established traffic perimeter	0
Investigated or interrogated individuals	3
Unknown	1
None	14

This second annual report includes data collected by both the CJC and the ODOJ on a total of 84 reported violations to Oregon’s Sanctuary Promise Act between June 1, 2022, and May 31, 2023. In the third year of data collection, the CJC and the ODOJ will include 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. The report will also include the responses of public bodies to the ODOJ investigation requests. 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.

**Appendix**

**Table A.1. Data Submitted to the CJC on Requests for Cooperation, June 1, 2022 - May 31, 2023**

<b>Report Date</b>	<b>Public Body</b>	<b>Federal Immigration Authority</b>	<b>Description of Request</b>	<b>Date of Request</b>	<b>Cooperated?</b>
6/7/2022	Clackamas County Jail	DHS other than ICE	Immigration Detainer	5/16/2022	No
6/30/2022	Clackamas County Jail	DHS other than ICE	Immigration Detainer	6/6/2022	No
7/25/2022	Clackamas County Jail	DHS other than ICE	Immigration Detainer	7/7/2022	No
11/23/2022	Clackamas County Jail	ICE	Immigration Detainer	11/15/2022	No
9/1/2022	Deschutes County Jail	ICE	Information on release from custody	8/29/2022	No
2/14/2023	Jackson County Jail	DHS other than ICE	Information	1/20/2023	No
2/14/2023	Jackson County Jail	ICE	Information	2/13/2023	No
3/22/2023	Jackson County Jail	ICE	Information	3/21/2023	No
5/23/2023	Jackson County Jail	ICE	Information	5/11/2023	No
5/23/2023	Jackson County Jail	ICE	Information	5/11/2023	No
5/24/2023	Jackson County Jail	ICE	Information	5/23/2023	No
2/14/2023	Marion County Jail	ICE	Information, Documents	2/14/2023	No
7/5/2022	Washington County Jail	DHS other than ICE	Immigration Detainer	6/23/2022	No
7/5/2022	Washington County Jail	DHS other than ICE	Immigration Detainer	6/29/2022	No
1/4/2023	Washington County Jail	DHS other than ICE	Immigration Detainer	12/7/2022	No
2/7/2023	Washington County Jail	DHS other than ICE	Immigration Detainer	1/3/2023	No
2/7/2023	Washington County Jail	DHS other than ICE	Immigration Detainer	1/3/2023	No
2/7/2023	Washington County Jail	DHS other than ICE	Immigration Detainer	1/20/2023	No
3/3/2023	Washington County Jail	DHS other than ICE	Immigration Detainer	2/2/2023	No
11/3/2022	Washington County Jail	ICE	Immigration Detainer	10/11/2022	No
12/14/2022	Washington County Jail	ICE	Immigration Detainer	11/1/2022	No
12/14/2022	Washington County Jail	ICE	Immigration Detainer	11/28/2022	No
1/4/2023	Washington County Jail	ICE	Information	12/1/2022	No
3/15/2023	Yamhill County Jail	ICE	Immigration Detainer	12/1/2022	No
2/3/2023	Oregon Judicial Department	DHS other than ICE	Information, Document	1/26/2023	No
4/3/2023	Yamhill County Sheriff's Office	DHS other than ICE	Information, Documents	3/30/2023	No
8/29/2022	Bend Police Department	ICE	Investigate or interrogate individuals, Documents	8/29/2022	No
9/8/2022	Hermiston Police Department	ICE	Information, Documents	9/8/2022	No
10/5/2022	Medford Police Department	ICE	Information, Documents	10/5/2022	No
10/25/2022	Medford Police Department	ICE	Information, Documents	10/20/2022	No
3/21/2023	Tualatin Police Department	ICE	Information, Documents	3/20/2023	No

(Table A.1. continued on next page)

4/28/2023	Umatilla County Sheriff's Office	ICE	Information, Documents	4/28/2023	No
5/19/2023	Umatilla County Sheriff's Office	ICE	Documents	5/9/2023	No



**Table A.2. Sanctuary Promise Hotline Reports: June 1, 2022-May 31, 2023**

<b>Report Date</b>	<b>Federal Immigration Agency</b>	<b>Public Body</b>	<b>County</b>	<b>Nature of Violation</b>	<b>ODOJ Investigation</b>
07/06/22	None	None	Multnomah	None	No
07/12/22	Unknown	Public Body	Withheld	Inquire or share information	Yes
07/13/22	Unknown	Public Body	Withheld	Inquire or share information	Yes
07/18/22	None	None	Not Reported	None	No
7/21/2022	CBP	Law Enforcement	Withheld	Inquire or share information Used state public resources	Yes
8/4/2022	ICE	Unknown	Withheld	Unknown	Yes
8/15/2022	ICE	Both	Withheld	Inquire or share information Used state public resources Granted access not normally open to the public	Yes
08/16/22	ICE	Law Enforcement	Withheld	Inquire or share information Used state public resources	Yes
08/16/22	ICE	Unknown	Withheld	Inquire or share information Used state public resources	Yes
8/24/2022	ICE	Both	Withheld	Civil arrest without judicial warrant/order Inquire or share information Stored information related to immigration or citizenship	Yes
8/24/2022	ICE	Both	Withheld	Inquire or share information	Yes
9/15/2022	Unknown	Law Enforcement	Withheld	Inquire or share information	Yes
9/20/2022	ICE	None	Out of State	None	No
9/30/2022	ICE	Law Enforcement	Withheld	Failed to provide consular notice and right to refuse disclosure Failed to document and/or report violation Granted access not normally open to the public Investigated or interrogated individuals Inquire or share information Used state public resources	Yes
9/30/2022	ICE	Public Body	Withheld	Inquire or share information Used state public resources	Yes
9/30/2022	ICE	Public Body	Withheld	Inquire or share information Used state public resources	Yes
9/30/2022	ICE	Law Enforcement	Withheld	Investigated or interrogated individuals Inquire or share information Used state public resources	Yes

(Table A.2. continued on next page)

10/10/2022	Unknown	Law Enforcement	Klamath	Unable to Determine	No
12/16/2022	Unknown	Public Body	Withheld	Inquire or share information	Yes
12/20/2022	ICE	Both	Withheld	Inquire or share information	Yes
12/20/2022	ICE	Public Body	Withheld	Inquire or share information Stored information related to immigration or citizenship	Yes
01/12/23	Unknown	Law Enforcement	Withheld	Agreement, contract, or MOU Used state public resources Inquire or share information	Yes
01/12/23	ICE	Law Enforcement	Withheld	Agreement, contract, or MOU Used state public resources Inquire or share information	Yes
01/13/23	Unknown	Law Enforcement	Withheld	Agreement, contract, or MOU Used state public resources Inquire or share information	Yes
01/20/23	Unknown	Law Enforcement	Withheld	Inquire or share information Stored information related to immigration or citizenship	Yes
01/23/23	None	None	Columbia	None	No
01/23/23	None	None	Multnomah	None	No
01/23/23	None	None	Multnomah	None	No
1/25/2023	ICE	Public Body	Withheld	Agreement, contract, or MOU Used state public resources Inquire or share information Stored information related to immigration or citizenship	Yes
1/25/2023	ICE	Law Enforcement	Withheld	Agreement, contract, or MOU Used state public resources Inquire or share information Stored information related to immigration or citizenship	Yes
1/27/2023	ICE	Law Enforcement	Withheld	Agreement, Contract, or MOU Granted access not normally open to the public Inquire or share information Used state public resources	Yes
2/1/2023	ICE	Public Body	Withheld	Inquire or share information	Yes
2/4/2023	ICE	None	Not Reported	None	No
2/7/2023	ICE	None	Jackson	None	No
2/14/2023	ICE	None	Out of State	None	No
3/27/2023	None	None	Tillamook	None	No

3/27/2023	None	None	Clatsop	None	No
(Table A.2. continued on next page)					
4/6/2023	ICE	Law Enforcement	Withheld	Civil arrest without judicial warrant/order Inquire or share information	Yes
4/17/2023	ICE	Public Body	Withheld	Used state public resources Agreement, contract, or MOU Inquired or shared information	Yes
4/20/2023	Unknown	Law Enforcement	Withheld	Used state public resources Failed to provide consular notice and right to refuse disclosure	Yes
4/20/2023	Unknown	Law Enforcement	Withheld	Used state public resources	Yes
4/20/2023	Unknown	Public Body	Withheld	Investigated or interrogated individuals Used state public resources	Yes
4/21/2023	ICE	Law Enforcement	Withheld	Agreement, contract, or MOU Inquire or share information Used state public resources	Yes
4/21/2023	ICE	Public Body	Withheld	Inquire or share information Used state public resources	Yes
4/24/2023	None	None	Marion	None	No
4/27/2023	None	None	Multnomah	None	No
5/2/2023	ICE	Public Body	Withheld	Failed to document and/or report violation Inquire or share information Stored information related to immigration or citizenship	Yes
5/4/2023	ICE	Law Enforcement	Withheld	Inquire or share information Stored information related to immigration or citizenship Used state public resources	Yes
5/11/2023	Unknown	Law Enforcement	Withheld	Denied services, benefits, or privileges Inquire or share information Stored information related to immigration or citizenship	Yes
5/24/2023	USCIS	Public Body	Withheld	Inquire or share information Stored information related to immigration or citizenship	Yes
5/30/2023	None	None	Marion	None	No