



# Oregon

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**DATE:** February 11, 2025

**TO:** All State of Oregon Military Department Employees

**Subject:** Who, What, Elevate Protocol

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Oregon Military Department employees will follow the following protocol in relation to the Oregon Revised Statutes (ORS) [181A.826](#). Prohibition on use of public resources for immigration enforcement; documentation; submission to Oregon Criminal Justice Commission; website; disclosure to Department of Justice; reporting requirements; civil action.

(ORS) [181A.826](#) (3)(a)-(b) states: “If a public body receives a communication or request from a federal agency that relates to immigration enforcement, other than a judicial subpoena described in ORS 181A.823 (1)(c)(A), the public body shall decline the request and document the communication or request. The documentation described in this subsection must be provided to the director or other similar management personnel of the public body.

(b) The public body shall submit the information documented under this subsection to the Oregon Criminal Justice Commission pursuant to procedures established by the commission. The commission shall require at least monthly submission of the information described in this subsection.

(c) A public body shall adopt internal procedures to carry out this subsection.”

**Procedure:** Whoever receives a communication or request that relates to immigration enforcement shall decline the request and document the communication or request as follows:

1. Document the communication by collecting the following information:
  - a. Correct spelling of their full name.

- b. Contact information:
    - i. Home Address
    - ii. Mailing Address
    - iii. Phone Number
    - iv. Email Address
- 2. If the individual is present in person, ask for a form of identification (i.e. driver's license, badge, etc.).
- 3. Answer the following questions:
  - a. What information is being requested?
  - b. Why is the information being requested?
  - c. Who is the agency inquiring about?
  - d. Ask to see their authority. (Look for subpoenas, court orders, or warrants issued by a court.)
  - e. Ask to make a copy of any documents provided to you, whether they appear to comply with Oregon law or not. Do not question the authenticity of the documents. Just make copies of what is being presented to you.
    - a) If the requestor does not authorize copies to be made, please document that in your response.
- 4. Regardless of how the request is made, whether the individual presented in person or via phone, or the request was by fax, email, postal mail, or another electronic request immediately notify, forward, or deliver the documents to your manager.

**IMPORTANT:** The manager who receives this information shall send the information to the State HR Director, Tracy Garcia at [tracy.garcia@omd.oregon.gov](mailto:tracy.garcia@omd.oregon.gov). It will then be sent to the Chief of Staff Affairs who will send it to the criminal justice commission within one month of the request/incident per ORS 181A.826(3).

Consult with the State HR Director if you receive a judicial subpoena for instructions on how to proceed. The State HR Director will consult with Chief of State Affairs and Department of Justice.

Under Oregon sanctuary law the agency will provide written notice in the person's language about the person's right to refuse to disclose immigration, national origin,

or citizenship information upon commitment or detainment in coordinating communication with consulate. ORS 181A.823(3)

In addition, if any entity receives a communication or request from a federal agency that relates to immigration enforcement, they shall decline the request and document the communication or request, unless that request is accompanied by a subpoena, order, or warrant issued by a court, deliver the document to your manager.

- Report suspected violations to the Criminal Justice Commission's [HB 3265 - Sanctuary Violation Reporting](#) form. ORS 181A.826(3)