



DEPARTMENT OF JUSTICE
Civil Rights Unit

Oregon's Sanctuary Laws – General Overview for Law Enforcement

Oregon's sanctuary laws are complex and nuanced. Broadly, Oregon's sanctuary laws say that **state and local government, including law enforcement agencies, cannot help enforce federal immigration laws without an order signed by a judge.** More details about Oregon's sanctuary laws are below.

Overview:

Oregon's sanctuary laws are found at ORS 180.805-ORS 180.810, and ORS 181A.820-ORS 181A.829. Those laws are primarily directed at "public bodies" or "law enforcement agencies" or both. A few are directed more broadly.

Public bodies include state government bodies, local government bodies, and special government bodies. (ORS 174.109, ORS 174.116-ORS 174.118). A non-exhaustive [list of example public bodies can be found here](#).

Under the sanctuary laws, law enforcement agencies generally include: county sheriffs, municipal police departments, certain police departments established by a university, the Oregon State Police, and, for some provisions, corrections officers. (ORS 181A.822(4)). Also under the sanctuary laws, "Officer" is defined to mean an individual employed or contracted as an officer of a law enforcement agency whether the individual is on or off duty. (ORS 181A.822(5)).

Law enforcement agencies have some unique obligations under the sanctuary laws, in addition to those that apply to public bodies.

Oregon's Sanctuary Laws Prohibit:

- **Use of Resources by Law Enforcement Agencies:** Law enforcement agencies cannot use money, equipment, or personnel to detect or apprehend persons for the purpose of enforcing federal immigration laws. (ORS 181A.820(2)).

- **Exception:** Law enforcement agency may arrest a person if there is a warrant of arrest issued by a federal judge in a federal *criminal* immigration enforcement case. (ORS 181A.820(5)).
 - **Exception:** A law enforcement agency may exchange information with a federal immigration authority in order to request necessary criminal investigation information. (ORS 181A.820(4)).
- **Formal or Informal Agreements by Law Enforcement Agencies:** Law enforcement agencies cannot enter into new formal or informal agreements with federal immigration authorities to detain a person. (ORS 181A.820(3)).
- **Denial of Services:** Law enforcement agencies and public bodies may not deny services, benefits, or privileges to a person in custody or on probation/parole/post-prison supervision based on immigration status, the existence of any federal immigration detainer/hold/notification/request, or any federal immigration request or civil immigration warrant. (ORS 181A.823(1)(a)).
 - **Exception:** if required by state or federal law (ORS 181A.823(1)(a)).
- **Inquire or Collect:** Law enforcement agencies and public bodies cannot ask for or collect information about an individual's immigration or citizenship status or country of birth. (ORS 181A.823(1)(b)).
 - **Exception:** information is required to investigate a state or local crime. (ORS 181A.823(1)(b)(A)). *E.g.*, law enforcement may need this information when investigating a human trafficking crime.
 - **Exception:** information is submitted to a state court of this state in connection with a proceeding in that court. (ORS 181A.823(1)(b)(B)).
 - **Exception:** information is necessary to determine eligibility for a benefit the person is seeking. (ORS 181A.823(1)(b)(C)).
 - **Exception:** Oregon Health Authority or the Department of Human Services may inquire into or collect data about country of birth in connection with data collected in accordance with uniform standards adopted under ORS 413.161. (ORS 181A.823(5)).

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- **Information Sharing About in Custody Individuals:** Law enforcement agencies and public bodies are limited in sharing information about individuals in their custody to a federal immigration authority. (ORS 181A.823(1)(c)).
 - **Exception:** if required by a judicial subpoena (ORS 181A.823(1)(c)(A)). Note: a judicial subpoena does not include an administrative subpoena created and signed by a federal immigration authority. (ORS 181A.823(2)).
 - **Exception:** if the information is available to the general public, and provided to federal immigration authority on the same terms as the information is available to the general public. (ORS 181A.823(1)(c)(B)).
- **Use of Resources:** The sanctuary laws broadly prohibit the use of *any* public facilities, property, moneys, equipment, technology or personnel to investigate, detect, apprehend, arrest, detain, or hold persons for the purpose of enforcing federal immigration laws. (ORS 181A.826(1)).

Examples of Prohibited Actions Involving Use of Resources:

- **Areas Not Open to the Public:** Granting a federal immigration agency access to an area of a government facility that is not normally open to the public, *if the purpose of the access is for federal immigration enforcement*, is not permitted. (ORS 181A.826(2)(a)).
- **Collaboration:** Supporting or assisting any federal agency in immigration enforcement is not permitted. (ORS 181A.826(2)(b)).
- **Information Sharing Regarding *all* Individuals:** Sharing information about any individual such as contact information (phone, email, social media); home or work address; hours of work; school or school hours; country of birth; custody status; release date; date/time/location of hearings/proceedings/appointments; parole/probation/post prison supervision appointment dates/times; known associates or relatives; and any of this information with respect to known relatives or associates of the person, to support or assist a federal agency in immigration enforcement is not permitted. (ORS 181A.826(2)(b)(A), 180.805(2)).

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- **Exception:** if allowable under ORS 181A.823 (advancing a state criminal investigation, connected to a state court proceeding, if necessary to determine eligibility for a benefit). (ORS 181A.826(2)(b)(A)).
- **Exception:** if required by state or federal law. (ORS 180.805(2))
- **Exception:** if required by a court order or a warrant authorized by a court. (ORS 180.805(4)(a)(B) and (C)).
- **Investigation or Interrogation:** Investigating or interrogating individuals for federal immigration enforcement purposes is not permitted. (ORS 181A.826(2)(b)(B)).
- **Traffic Stops:** Establishing traffic perimeters to support or facilitate federal immigration enforcement is not permitted. (ORS 181A.826(2)(b)(C)).
- **Civil Arrests:** State/local police cannot conduct or assist with civil arrests for the purpose of enforcing federal immigration laws. (ORS 181A.820(2), (5), 181A.828).
- **Courthouse-Related Arrests:** Civil arrests of a person on their way to or from court or while at court are prohibited. (ORS 181A.828(1-2)). *Note: this prohibition is likely not enforceable against federal immigration authorities.*
- **Formal or Informal Agreements With Federal Immigration Authorities:** A public body, law enforcement agency or an officer of a law enforcement agency cannot enter into new or renewing existing formal or informal agreements with federal immigration authorities to exercise federal immigration enforcement powers, detain, or house a person (ORS 181A.829(1)). This prohibition extends to any agreement to detain or house an individual who is in the custody of a federal immigration authority for violations of federal immigration law. (ORS 181A.829(2)).
- **Private Detention Facilities:** Prohibits any person, *i.e.*, an individual, corporation, association, firm, partnership, limited liability corporation or joint stock company, from operating a private immigration detention facility in Oregon. (ORS 181A.829(3)).

Oregon's Sanctuary Laws Require:

- **Choice in Consular Notification under Federal Treaties:** Law enforcement agencies shall provide written explanation to detained individuals explaining: 1) their right to

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refuse to disclose their nationality, citizenship, or immigration status, and 2) their disclosure of such information may result in civil or criminal immigration enforcement, including removal from the United States. (ORS 181A.823(3)). Note: the written explanation must be translated into another language if the person requests such translation.

- **Decline Federal Agency Requests, Documentation, and Reporting:** State/local government agencies are required to:
 - **Decline** communications or requests from a federal agency that relates to federal immigration enforcement,
 - **Exception:** if there is a judicial subpoena. (ORS 181A.826(3)(a)).
 - **Also Consider:** information sharing may be allowed under ORS 181A.823(1)(c)(B) (information about a person in custody if and under the same terms and conditions the information is available to the general public).
 - **Document** the request,
 - **Report** the attempt to agency management, and
 - **Report** the attempt to Oregon's Criminal Justice Commission, at least monthly. (ORS 181A.826(3)).
- **Internal Procedures:** Public bodies are *required* to adopt internal procedures to instruct employees how to decline, document, and report federal authority requests for information or assistance with federal immigration enforcement. (ORS 181A.826(3)(c)).
- **Confidentiality Policy:** Public bodies are *encouraged* to adopt, and once adopted, *must* annually review their confidentiality policies to ensure that they appropriately treat community members' protected information with the utmost confidentiality, and limit, to the fullest extent possible consistent with state and federal law, immigration enforcement at public schools, public health facilities, courthouses, public shelters and other public facilities operated by a public body. (ORS 180.810(2), 180.805(5)).

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- **Model Confidentiality Policies:** The Oregon Attorney General shall publish [model confidentiality policies](#) intended to limit immigration enforcement at public schools, public health facilities, courthouses, public shelters, and other public facilities operated by a public body. (ORS 180.810(1)).
- **Data Transparency:** Oregon Criminal Justice Commission and Department of Justice will publish specific de-identified information about reports. (ORS 181A.826(4), 181A.827(3)).

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