



ADDRESSING ICE ENFORCEMENT IN OREGON

A GUIDE TO THE STEPS ELECTED OFFICIALS, ATTORNEYS AND RESIDENTS CAN TAKE.

UPHOLD EXISTING STATE LAW

1. Oregon law already prohibits the use of state resources, equipment or personnel to detect or apprehend people whose only violation of the law is that they are foreign citizens present in the United States in violation of federal immigration laws. (See [ORS 181 A.820 Enforcement of Federal Immigration Laws](#).)
2. County leadership, District Attorneys' Offices, Sheriffs, Mayors, city leadership, and Chiefs of Police should issue a memo to all their subordinates, instructing them that they are expected to follow ORS 181 A.820.
3. All public employees should receive mandatory training on ORS 181 A.820, provided with input from community partners.
4. Chiefs of police, district attorneys, and sheriffs should pledge to investigate any violation of ORS 181 A.820 and charge offenders with a violation of [ORS 162.405 Official Misconduct in the Second Degree](#).

ADOPT A COURT POLICY AGAINST ARREST BASED ON IMMIGRATION STATUS

Circuit courts should adopt the following policy. (A similar policy was adopted by the King County Superior Court in Washington state in 2008.)

The [NAME] Circuit Court judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law.

*It is the policy of the [NAME] County Circuit Court that warrants for the arrest of individuals based on their immigration status **shall not** be executed within any of the [NAME] County Circuit Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the [NAME] County Circuit Court courthouses and within the immediate vicinity of [NAME] County Courts unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.*

In adopting this policy, the Circuit Court recognizes that cooperation with other branches of government, including law enforcement agencies, is essential. The judges respectfully request that the county executive, in cooperation with other branches of government, initiates a dialogue with the appropriate law enforcement agencies to develop a protocol implementing the policy which 1) respects the dignity of the courtroom and the proceedings occurring in each of the courtrooms; and 2) discourages arrests inside of the courthouses and within their immediate vicinity.

COURT TO AVOID INADVERTENT AND UNNECESSARY IDENTIFICATION AND DISCLOSURE OF IMMIGRATION STATUS

County circuit courts, working with local law enforcement, the defense bar, and district attorneys' offices should review policies, protocols, and procedures in criminal proceedings to identify and remedy inadvertent and unnecessary identification and disclosure of immigration status of individuals. Moreover, stakeholders should adopt protocols that avoid, in every instance possible, procedures that establish removable status.

REDUCE THE IMPACT OF CRIMINAL CONVICTIONS ON IMMIGRATION STATUS

County stakeholders should work together to identify possible legislative changes to reduce the impact and consequences of a criminal conviction on immigration status. These changes should be presented to the Oregon Legislature for immediate consideration in the 2017 Legislative Session.

END "BROKEN WINDOWS POLICING" TARGETING LOW-LEVEL OFFENDERS

A sincere commitment to cities and counties in Oregon being declared "sanctuary cities" requires an immediate end to such policies of policing and prosecution that bring individuals to the courts and jails for low-level offenses where they are vulnerable to aggressive (and/or constitutionally questionable) ICE enforcement. Local law enforcement should implement policies that end "broken windows policing" that targets low-level offenders.