



U.S. Department of Justice

Office of Justice Programs

Washington, D.C 20531

November 15, 2017

Michael Schmidt
Executive Director
Oregon Criminal Justice Commission
885 Summer Street NE
Salem, OR 97301

Dear Mr. Schmidt,

Your FY 2016 Byrne JAG grant award required you to comply with 8 U.S.C. § 1373. Section 1373 compliance is an ongoing requirement that the Department of Justice monitors. The Department of Justice is concerned that the following Oregon laws, policies, or practices may violate section 1373:

- HB 3464, Effective August 15, 2017. Section 1(1) prohibits “disclos[ing], for the purposes of enforcement of federal immigration laws,” address and contact information. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- HB 3464, Effective August 15, 2017. Section 1(3) states that a “public body may decline to disclose . . . information concerning a person’s citizenship or immigration status” unless certain exceptions apply. The Department is concerned that this appears to restrict the sending of information regarding immigration status, in violation of section 1373(a).
- ORS § 181A.820. This law provides that “[n]o law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting . . . persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws.” The Department is concerned that this appears to restrict the sending or requesting of information regarding immigration status, in violation of section 1373(a) and (b).

By December 8, 2017, please submit a response to this letter that addresses whether Oregon has laws, policies, or practices that violate section 1373, including those discussed above. In addition to your compliance in FY 2016, please address whether you would comply with section 1373 throughout the award period, should you receive an FY 2017 Byrne JAG grant award. To the extent Oregon laws or policies contain so called "savings clauses," please explain in your submission the way these savings clauses are interpreted and applied, and whether these interpretations are communicated to Oregon officers or employees.

The Department has not made a final determination regarding Oregon's compliance with section 1373. This letter does not constitute final agency action and nothing in this letter creates any right or benefit enforceable at law against the United States.

Sincerely,

A handwritten signature in black ink that reads "Alan R. Hanson". The signature is written in a cursive style with a large initial "A".

Alan Hanson

Acting Assistant Attorney General