



**Testimony of Leland Baxter-Neal, Director of Advocacy
Regarding HB 3265
House Committee on Judiciary, March 25, 2021**

Chair Bynum, Vice-Chairs Power and Noble, and Members of the Committee,

For the record, my name is Leland Baxter-Neal, and I am the Director of Advocacy at Latino Network.

Latino Network is a culturally-specific nonprofit serving Latinx youth and families in Multnomah, Clackamas, and Washington counties. Our organization provides transformative services to over 8,000 Latinx youth, families, and community members in multiple areas including education, family stability, housing support, and advocacy.

Many on Latino Network's staff and larger service community come from families who immigrated to this country, sometimes very recently. Many have immigrated themselves or live in mixed-status families. This community, like all of the vibrant and diverse communities in Oregon, enriches and strengthens our state every day.

Yet, immigrants, refugees, and their intertwined communities of color endure persecution, discrimination, and marginalization. And there is nothing more insidious than when that unjust and unfair mistreatment is at the hands of state and local authorities. This legislature recognized this when it approved Oregon's original sanctuary statute in 1987. The law's passage followed reports of local police targeting residents based on their perceived immigration status. Recognizing that this issue crosses county and party lines, an overwhelming and bipartisan majority of the legislature passed the nation's first statewide sanctuary statute, seeking to ensure that local resources are focused on community safety and that police are not in the business of enforcing immigration law.

Over the past 34 years, that law has become a part of our state's identity. It has been affirmed and reaffirmed at every level of government, from executive orders issued by the governor, to lawsuits brought and defended by the Attorney General, to laws passed out of this body, to city and county sanctuary resolutions, to school district policies affirming and protecting all students regardless of where they are from. When our inclusive policies put a target on our state under the previous federal administration, our leaders embraced them and stood up for the values of inclusion and nondiscrimination. And when Ballot Measure 105 put the question to Oregonians,

a resounding majority of voters reaffirmed our commitment to sanctuary and rejected the attempt to repeal our statute, ORS 181A.820.

But while this promise of inclusion and equal treatment has been held high, reality has fallen short. For reasons that we now seek to address, there has remained a significant gap between what Oregonians believe and want our sanctuary laws to do, and what they actually do. This uncertainty leads entire communities to fear any interaction with their own government institutions. We have seen examples of community members afraid to seek medical attention, report a crime, testify as a witness, meet with teachers or send their children on a field trip, or even take refuge from a wildfire in a local shelter.

This fear is not irrational. It arises from far too many instances of local authorities working with and providing information to ICE agents seeking to detain and deport members of the community. In my work, I have investigated or been made aware of countless examples of collaboration between federal immigration agencies and state law enforcement, ongoing to this day.

Through public-records requests, we have learned of jails providing ICE with daily automated reports of everyone in custody who reported a foreign country of birth. We have seen numerous cases of jail staff coordinating and altering the release procedures for specific individuals so that ICE can arrest them as they exit a building. We learned of probation officers providing the date, time and location of probation appointments to ICE agents, and even rescheduling an individual's probation appointment because it was inconvenient for the ICE agent to make the arrest at the planned time.

It is past time that we update and clarify our sanctuary law. Our community members have been demanding an end to these practices. Many law enforcement leaders want this as well, and have already implemented similar policies in their own agencies. Vagueness in Oregon's current law has produced widely varying interpretations from jurisdiction to jurisdiction across the state as to what, exactly, is required of law enforcement and other local officials when ICE comes calling.

HB 3265 seeks to fulfill the expectation of many Oregonians and clarify our statutes to draw a clear line between our local institutions and federal immigration enforcement. The bill does this in four ways.

- HB 3265 clarifies our disentanglement policies to clearly prohibit cooperation between state and local entities and federal immigration agencies when that cooperation is for the purpose of enforcing federal immigration laws;
- HB 3265 prohibits state and local law enforcement agencies from entering into ICE detention contracts and prohibits the operation of private detention centers in Oregon;

- HB 3265 codifies an existing court rule to prohibit warrantless civil arrests on courthouse grounds, and extends it to protect individuals in transit to and from the courts; and
- HB 3265 creates a private right of action to enable community members to seek injunctive relief if these laws are violated and courts to clarify the law when there is controversy.

With this bill, we seek to move Oregon one step closer to a day when all Oregonians, regardless of where they were born, can fully and fearlessly participate in their communities and civic society, equal in the eyes of their government and elected leaders.

To help get us there, I urge you to support HB 3265.

Sincerely,

Leland Baxter-Neal
Latino Network, Director of Advocacy