

U Visa Certification Requests in Oregon, 2020

Per Senate Bill 962 (2019)

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Oregon Criminal Justice Commission

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The mission of the Oregon Criminal Justice Commission is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems.

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1: Senate Bill 962 (2019) Requirements

In the 2019 Regular Legislative Session, the legislature passed Senate Bill (SB) 962¹. This bill clarified the processing of U Visa Certification Requests in Oregon. The U Visa is a nonimmigrant status for victims who are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity². An early step in applying for a U Visa is submitting a certification request to a certifying agency³ to certify that the applicant was/is helpful in the prosecution of the crime. Section 2 of SB 962 requires law enforcement agencies to submit data to the Oregon Criminal Justice Commission (CJC) on U Visa certification requests in Oregon that the CJC will then report on to the legislature. This report covers the first year of this data collection, including certification requests received by certifying agencies in Oregon during 2020.

SB 962 (2019) specifies the data law enforcement agencies shall submit to the CJC. Specifically, all certifying agencies that received certification requests shall submit the total number of certification requests received; of those requests, agencies shall report the number granted, denied, and pending as of the date of submission. For denied certification requests, certifying agencies report the number of times each of the following were the reason for the denial: (i) Lack of qualifying criminal activity; (ii) Lack of helpfulness; (iii) Lack of jurisdiction over certification request; (iv) Other circumstances for which a certifying official or agency may lawfully deny certification. According to SB 962, section 2, subsection 3(a), the CJC shall identify any certifying agency that did not submit a report as required. To fulfill this requirement, CJC asked all certifying agencies in the state to submit data, whether they received certification requests or not.

2: 2020 Certification Requests in Oregon

The first year of data covers certification requests received by agencies in 2020. Table 2.1. displays the reported data on 2020 certification requests stratified by type of agency. CJC received data from 125 certifying agencies in the state: Oregon Judicial Department⁴, 28 District Attorney's Offices, and 96 Law Enforcement Agencies. Of the 125 agencies, 72, or 58 percent, reported that they received no certification requests in 2020. Most of the reported certification requests were approved. District Attorney's offices reported the most requests, 273, and reported the greatest percent approved, 82 percent.

¹ 2019 Regular Legislative Session SB 962 <https://olis.oregonlegislature.gov/liz/2019R1/Measures/Overview/SB962>

² U.S. Citizenship and Immigration Services <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>

³ According to SB 962 (2019) "Certifying agency" means: (A) A state or local law enforcement agency; (B) A prosecutor's or district attorney's office; (C) The Judicial Department, with respect to a judge of a state court acting as a certifying official; (D) A judge other than a judge of a state court; or (E) Any other agency that has responsibility for the detection, investigation or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R. 214.14

⁴ Six circuit courts reported: Benton County, Clackamas County, Clatsop County, Coos County, Crook County, and Deschutes County.

Table 2.1. Certification Requests by Agency Type

| Type of Agency | Reporting Agencies | Agencies with No 2020 Requests | Requests Received | | | |
|----------------------------|--------------------|--------------------------------|-------------------|-------------|------------|-----------|
| | | | Total | Approved | Denied | Pending |
| Oregon Judicial Department | 1 | 0 | 7 | 4, 57% | 3, 43% | 0, 0% |
| District Attorney's Office | 28 | 12 | 273 | 225, 82% | 38, 14% | 10, 4% |
| Law Enforcement Agency | 96 | 60 | 264 | 200, 76% | 55, 21% | 9, 3% |
| Total | 125 | 72 | 544 | 429 | 96 | 19 |

Table 2.2. displays the denial reasons for certification requests reported to the CJC in 2020. The most common denial reason reported by District Attorney's Offices and the Oregon Judicial Department is Lack of qualifying criminal activity. However, for law enforcement agencies, the most common denial reason is lack of jurisdiction. In some counties the District Attorneys' Offices process certification requests instead of law enforcement agencies. In these counties, law enforcement agencies that receive requests, as policy, forward the requests directly to their county's District Attorney's office, essentially denying the request due to lack of jurisdiction. Tables A.1., A.2., and A.3. in the appendix display the detailed certification requests received.

Table 2.2. Denial Reasons by Agency Type

| Type of Agency | Total Requests Denied | Denial Reasons | | | |
|----------------------------|-----------------------|--------------------------------------|---------------------|----------------------|---------------------|
| | | Lack of Qualifying Criminal Activity | Lack of Helpfulness | Lack of Jurisdiction | Other Lawful Reason |
| Oregon Judicial Department | 3 | 3, 100% | 0, 0% | 0, 0% | 0, 0% |
| District Attorney's Office | 38 | 17, 45% | 7, 18% | 4, 11% | 10, 26% |
| Law Enforcement Agency | 55 | 16, 29% | 9, 16% | 23, 42% | 7, 13% |
| Total | 96 | 36 | 16 | 27 | 17 |

3: Data Not Reported

2021 is the first year in which data was collected. The data submission window was extended several times to allow time for certifying agencies to submit data. The official submission window closed on September 10, 2021. At that time CJC began following up with agencies who had submitted incomplete or inconsistent data. CJC heard back from the final agency in early October. SB 962 (2019) sunsets in

2023, so CJC will collect data in 2022 covering 2021 certification requests and submit a second report to the legislature in January 2023.

Table A.3. in the Appendix displays the District Attorney's Offices and Law Enforcement Agencies that the CJC did not receive data from. According to SB 962, section 2, subsection 3(a) this report must identify any certifying agency that did not submit a report as required. CJC directly contacted the agencies listed in Table A.3. and were unable to confirm whether these agencies received zero or more certification requests. Table A.3. does not list other agencies that have responsibility for the detection, investigation, or prosecution of a qualifying criminal activity, including but not limited to a certifying agency as defined in 8 C.F.R. 214.14. Certifying agencies that fall into this category would have been required to report to the CJC if they received certification requests in 2020.

Appendix

Table A.1. Certification Requests Data Received, District Attorney's Offices

| District Attorney's Office | Requests Received | | | | Denial Reasons | | | | |
|----------------------------|-------------------|------------|-----------|-----------|--------------------------------------|---------------------|----------------------|---------------------|--|
| | Total | Approved | Pending | Denied | Lack of Qualifying Criminal Activity | Lack of Helpfulness | Lack of Jurisdiction | Other Lawful Reason | |
| Baker | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Clackamas | 6 | 5 | 0 | 1 | 1 | 0 | 0 | 0 | |
| Columbia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Coos | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Crook | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Curry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Deschutes | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Douglas | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Grant | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hood River | 7 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Jackson | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Jefferson | 6 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Klamath | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Lake | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Lane | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Lincoln | 2 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Linn | 5 | 4 | 0 | 1 | 0 | 0 | 1 | 0 | |
| Malheur | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Marion | 51 | 40 | 1 | 10 | 8 | 0 | 0 | 2 | |
| Morrow | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Multnomah | 48 | 42 | 0 | 6 | 2 | 3 | 0 | 1 | |
| Polk | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Tillamook | 2 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | |
| Umatilla | 8 | 7 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Union | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Wallowa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Washington | 95 | 69 | 9 | 17 | 6 | 3 | 3 | 5 | |
| Yamhill | 7 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Total | 273 | 225 | 10 | 38 | 17 | 7 | 4 | 10 | |

Table A.2. Certification Requests Date Received, Law Enforcement Offices

| Law Enforcement Agency | Requests Received | | | | Denial Reasons | | | | |
|-----------------------------------|-------------------|----------|---------|--------|--------------------------------------|---------------------|----------------------|---------------------|--|
| | Total | Approved | Pending | Denied | Lack of Qualifying Criminal Activity | Lack of Helpfulness | Lack of Jurisdiction | Other Lawful Reason | |
| Ashland Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Astoria Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Aumsville Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Baker City Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Baker County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Beaverton Police Department | 11 | 2 | 0 | 9 | 2 | 0 | 7 | 0 | |
| Bend Police Department | 3 | 2 | 0 | 1 | 0 | 0 | 0 | 1 | |
| Boardman Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Brookings Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Burns Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Canby Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Cannon Beach Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Carlton Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Central Point Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Clackamas County Sheriff's Office | 7 | 4 | 0 | 3 | 1 | 1 | 0 | 1 | |
| Coburg Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Columbia City Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Corvallis Police Department | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | |
| Cottage Grove Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Crook County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Dallas Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Eagle Point Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Forest Grove Police Department | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | |

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| | | | | | | | | |
|---------------------------------------|----|----|---|---|---|---|---|---|
| Gervais Police Department | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilliam County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gladstone Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grants Pass Dept. of Public Safety | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gresham Police Department | 26 | 24 | 0 | 2 | 1 | 1 | 0 | 0 |
| Harney County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hermiston Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillsboro Police Department | 10 | 1 | 8 | 1 | 0 | 0 | 0 | 1 |
| Hines Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hood River County Sheriff's Office | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hood River Police Department | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| Hubbard Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Independence Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Keizer Police Department | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Klamath County Sheriff's Office | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 |
| Klamath Falls Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Grande Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Oswego Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lane County Sheriff's Office | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lebanon Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lincoln City Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lincoln County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Linn County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Madras Police Department | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malheur County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malin Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manzanita Department of Public Safety | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marion County Sheriff's Office | 27 | 26 | 0 | 1 | 1 | 0 | 0 | 0 |

(Table A.2. continued on next page)

| | | | | | | | | |
|------------------------------------|----|----|---|----|---|---|---|---|
| Medford Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milton-Freewater Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukie Police Department | 2 | 1 | 1 | 0 | 0 | 0 | 0 | 0 |
| Monmouth Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Angel Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Multnomah County Sheriff's Office | 10 | 8 | 0 | 2 | 0 | 0 | 2 | 0 |
| Myrtle Creek Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Myrtle Point Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newberg-Dundee Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakridge Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ontario Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oregon City Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oregon State Police | 5 | 4 | 0 | 1 | 0 | 0 | 0 | 1 |
| Pendleton Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pilot Rock Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Polk County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Port Orford Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portland Police Bureau | 72 | 64 | 0 | 8 | 5 | 1 | 1 | 1 |
| Rainier Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Redmond Police Department | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockaway Beach Police Department | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Salem Police Department | 26 | 16 | 0 | 10 | 0 | 4 | 5 | 1 |
| Sandy Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scappoose Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seaside Police Department | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sherwood Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silverton Police Department | 3 | 2 | 0 | 1 | 0 | 0 | 1 | 0 |
| Sunriver Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(Table A.2. continued on next page)

| | | | | | | | | |
|------------------------------------|------------|------------|----------|-----------|-----------|----------|-----------|----------|
| Sutherlin Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Toledo Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tualatin Police Department | 3 | 2 | 0 | 1 | 0 | 0 | 1 | 0 |
| Turner Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Umatilla Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Union Pacific Railroad Police | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wallowa County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Warrenton Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wasco County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Washington County Sheriff's Office | 13 | 7 | 0 | 6 | 2 | 0 | 4 | 0 |
| West Linn Police Department | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheeler County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winston Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodburn Police Department | 17 | 13 | 0 | 4 | 1 | 1 | 1 | 1 |
| Yamhill County Sheriff's Office | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Yamhill Police Department | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 264 | 200 | 9 | 55 | 16 | 9 | 23 | 7 |

Table A.3. Non-Reporting Agencies

| District Attorney's Offices |
|---|
| Benton County District Attorney's Office |
| Clatsop County District Attorney's Office |
| Gilliam County District Attorney's Office |
| Harney County District Attorney's Office |
| Josephine County District Attorney's Office |
| Sherman County District Attorney's Office |
| Wasco County District Attorney's Office |
| Wheeler County District Attorney's Office |

| Law Enforcement Agencies |
|-------------------------------------|
| Albany Police Department |
| Bandon Police Department |
| Benton County Sheriff's Office |
| Black Butte Ranch Police Department |
| Butte Falls Police Department |
| Clatsop County Sheriff's Office |
| Columbia County Sheriff's Office |
| Condon Police Department |
| Coos Bay Police Department |
| Coos County Sheriff's Office |
| Coquille Police Department |
| Curry County Sheriff's Office |
| Deschutes County Sheriff's Office |
| Douglas County Sheriff's Office |
| Enterprise Police Department |
| Eugene Police Department |
| Florence Police Department |
| Gearhart Police Department |
| Gold Beach Police Department |
| Grant County Sheriff's Office |
| Happy Valley Police Department |
| Jackson County Sheriff's Office |
| Jacksonville Police Department |
| John Day Police Department |
| Josephine County Sheriff's Office |
| Junction City Police Department |
| Lake County Sheriff's Office |
| McMinnville Police Department |
| Merrill Police Department |
| Molalla Police Department |
| Morrow County Sheriff's Office |
| Newport Police Department |

(Table A.3. continued on next page)

North Bend Police Department
North Plains Police Department
Nyssa Police Department
OHSU Department of Public Safety
Philomath Police Department
Phoenix Police Department
Port of Portland Police Department
Portland State University DPS
Powers Police Department
Prineville Police Department
Reedsport Police Department
Rogue River Police Department
Roseburg Police Department
Sherman County Sheriff's Office
Springfield Police Department
St. Helens Police Department
Stanfield Police Department
Stayton Police Department
Sweet Home Police Department
Talent Police Department
The Dalles Police Department
Tigard Police Department
Tillamook County Sheriff's Office
Tillamook Police Department
Umatilla County Sheriff's Office
Union County Sheriff's Office
University of Oregon Police Department
Vernonia Police Department
Wilsonville Police Department

*CJC was unable to confirm with any of these agencies whether they received 0 or more certification requests in 2020.