

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

Case No. 23CV07691

**CORRECTED GENERAL JUDGMENT;  
PERMANENT INJUNCTION**

RURAL ORGANIZING PROJECT and  
COMMUNITY ALLIANCE OF LANE  
COUNTY,

PLAINTIFFS,

vs.

The CITY OF COTTAGE GROVE,

DEFENDANT.

Based on the stipulation of the parties and the records and files herein, and the Court being fully advised in the premises,

THE COURT MAKES THE FOLLOWING FINDINGS:

1. Plaintiff Rural Organizing Project (ROP) is an Oregon nonprofit corporation with its principal place of business in Cottage Grove, Oregon. ROP's mission is to build the capacity of human dignity groups that are locally based, autonomous volunteer-led groups organizing to advance democracy and racial, economic, and social justice.

2. Plaintiff Community Alliance of Lane County (CALC) is an Oregon nonprofit corporation with its principal place of business in Eugene, Oregon. CALC's mission is to promote human rights and human dignity through the grassroots mobilization of communities to

1 hold public institutions accountable to all their constituents, especially those who are often  
2 marginalized and underrepresented.

3 3. Defendant City of Cottage Grove (hereinafter “the City”) is a municipality and  
4 political subdivision of the State of Oregon located in Lane County. The Cottage Grove Police  
5 Department is a department of the City of Cottage Grove. Defendant City is a “public body” as  
6 defined by ORS 181A.822(6). Defendant failed to comply with the Oregon Sanctuary Promise  
7 Act. Lane County community members were exposed to potential immigration enforcement and  
8 the ongoing threat of such enforcement.  
9

10 4. Defendant’s prior policies, practices, and actions as admitted in Defendants Amended  
11 Answer to Plaintiffs Amended Complaint violated the Sanctuary Promise Act (HB 3265(2021)  
12 amending ORS 180.805, ORS 181A.820, ORS 181A.823 and ORS 181A.826).

13 5. The parties hereto have stipulated to the entry of this injunction and agree that its  
14 terms and provisions accurately reflect the law of this State, and that the entry of this injunction  
15 is in the best interests of the parties.  
16

17 6. This Court has jurisdiction over the subject matter of this suit and over the defendant.

18 Based upon these findings, and good cause appearing,

19 IT IS HEREBY ORDERED and ADJUDGED:

20 1. Defendant is permanently and forever enjoined from disclosing information to federal  
21 immigration authorities for the purpose of enforcement of immigration laws in a  
22 manner prohibited by ORS 180.805, ORS 181A.820, ORS 181A.823 and ORS  
23 181A.826.  
24

25 2. Defendant is permanently and forever enjoined from using agency moneys,  
equipment, or personnel for the purpose of detecting or apprehending persons for the

1 purpose of enforcing immigration laws in a manner prohibited by ORS 180.805, ORS  
2 181A.820, ORS 181A.823 and ORS 181A.826.

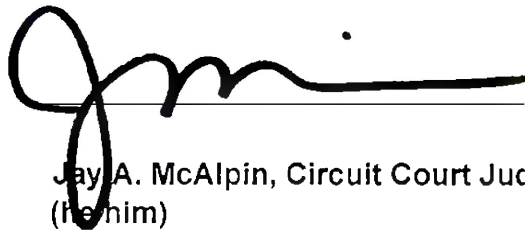
- 3 3. Defendant is permanently and forever enjoined from providing information about  
4 individuals in their custody to federal immigration authorities for the purpose of civil  
5 immigration enforcement in a manner prohibited by ORS 180.805, ORS 181A.820,  
6 ORS 181A.823 and ORS 181A.826.
- 7 4. Defendant is permanently and forever enjoined from providing information, including  
8 but not limited to an individual's country of birth, custody status, release date, or  
9 other information to federal immigration authorities in violation of ORS 181A.826(1).
- 10 5. Defendant shall provide written notice to Plaintiffs Rural Organizing Project at PO  
11 Box 664, Cottage Grove, Oregon, 97424 and Community Alliance of Lane County at  
12 458 Blair Blvd., Eugene, Oregon, 97402 at least 30 days prior to changing  
13 Department Policy No. 428, attached as Exhibit 1. Defendant shall also make  
14 proposed changes available on the City of Cottage Grove website at least 30 days  
15 prior to changing Department Policy No. 428. Should legislative changes be adopted  
16 which require immediate change to Department Policy No. 428, Defendant shall  
17 make reasonable efforts to notify Plaintiffs and the public, as circumstances allow.
- 18 6. Defendant shall employ counsel to review any changes to Department Policy No. 428  
19 prior to implementation to ensure it complies with Oregon law.
- 20 7. Defendant shall provide all employees with training on Department Policy No. 428,  
21 the Sanctuary Promise Act, and this injunction as part of new hire orientation and on  
22 an annual basis.  
23  
24  
25

1 8. Defendant shall provide written notice to Plaintiffs Rural Organizing Project at PO  
2 Box 664, Cottage Grove, Oregon, 97424 and Community Alliance of Lane County at  
3 458 Blair Blvd., Eugene, Oregon, 97402 at least 30 days in advance of any re-opening  
4 of City of Cottage Grove jail within Cottage Grove.

5 IT IS FURTHER ORDERED AND ADJUDGED that plaintiffs shall notify defendant of  
6 any actions it believes to be in violation of this injunction not less than 60 days before  
7 commencing any court proceedings against them. If Defendant is in violation of this  
8 injunction, they shall be considered in contempt and either Plaintiff shall be entitled to  
9 proceed against them.  
10

11 THEREFORE, the Stipulated Corrected General Judgment granting the foregoing relief  
12 is hereby entered in favor of Plaintiffs against Defendant.  
13  
14  
15

16 2/2/2024 3:44:11 PM

17   
18  
19 Jay A. McAlpin, Circuit Court Judge  
20 (He/Him)

21 IT IS SO STIPULATED:

22 OREGON LAW CENTER

23 s/Amy E Scott  
24 Amy E Scott, OSB # 091951  
25 Of Attorneys for Plaintiffs  
101 E Broadway Ste 200  
Eugene OR 97401  
[ascott@oregonlawcenter.org](mailto:ascott@oregonlawcenter.org)  
541-485-1017

/s/ Truman A. Stone  
Truman A. Stone, OSB #934364  
Of Attorneys for Defendant  
975 Oak Street, Suite 700  
Eugene, OR 97401  
[truman@localgovtlaw.com](mailto:truman@localgovtlaw.com)  
541-485-5151

Certificate of Readiness & Compliance with UTCR 5.100

This proposed order or judgment is ready for judicial signature because:

X Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.

Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.

I have served a copy of this order or judgment on all parties entitled to service and:

No objection has been served on me.

I received objections that I could not resolve with the party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.

After conferring about objections, \*, agreed to independently file any remaining objection.

Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.

This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Respectfully submitted this 2<sup>nd</sup> day of February, 2024.

Amy E Scott, OSB # 091951  
Of Attorneys for Plaintiffs  
[ascott@oregonlawcenter.org](mailto:ascott@oregonlawcenter.org)

# EXHIBIT 1

---

## Immigration Violations

### 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Cottage Grove Police Department relating to immigration and interacting with federal immigration officials.

### 428.2 POLICY

It is the policy of the Cottage Grove Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

### 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of this agency will not lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Oregon constitutions.

### 428.4 DETENTIONS

This department does not participate in routine immigration investigation and enforcement activities (ORS 181A.820).

An officer shall not detain any individual, for any length of time, for violations of federal immigration laws or a related civil warrant.

An officer shall forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

An officer may arrest any person who is the subject of an arrest warrant issued by a federal magistrate for a criminal violation of federal immigration laws (ORS 181A.820).

An officer shall notify a supervisor as soon as practicable whenever an individual is being arrested for a criminal immigration warrant.

#### 428.4.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual who is the subject of an arrest warrant issued by a federal magistrate, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

# Cottage Grove Police Department

Cottage Grove PD Policy Manual

## *Immigration Violations*

---

### 428.4.2 IMMIGRATION INQUIRIES PROHIBITED

An officer shall not inquire into an individual's immigration status, citizenship status, or country of birth except where required by law (ORS 181A.823).

### 428.4.3 INDIVIDUAL RIGHT NOTIFICATION

To ensure compliance with all treaty obligations, including consular notification and state and federal laws, an officer should ensure individuals who are detained receive an explanation in writing, with interpretation into another language if requested, of the following (ORS 181A.823):

- (a) The individual's right to refuse to disclose the individual's nationality, citizenship, or immigration status.
- (b) That the disclosure of the individual's nationality, citizenship, or immigration status may result in a civil or criminal immigration enforcement, including removal from the United States.

### 428.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Officers shall not notify federal immigration officials when booking arrestees at a jail facility. No individual who is otherwise ready to be released shall continue to be detained solely for the purpose of notification.

### 428.6 FEDERAL REQUESTS FOR ASSISTANCE

Requests by federal immigration officials for assistance from this department shall be directed to a supervisor. The Department may provide available support services (unrelated to immigration enforcement), such as peacekeeping efforts (ORS 181A.826).

#### 428.6.1 FEDERAL IMMIGRATION ENFORCEMENT REQUESTS AND DOCUMENTATION

Any requests from federal immigration officials for assistance relating to immigration enforcement (other than a judicial subpoena) shall be declined and the communication or request shall be documented. The documentation shall be forwarded to the Chief of Police or the authorized designee. The Chief of Police or the authorized designee should ensure the documentation is forwarded to the Oregon Criminal Justice Commission (OCJC) as prescribed by the OCJC (ORS 181A.826).

### 428.7 INFORMATION SHARING

Nothing in this policy restricts sharing information as required under Oregon State Law.

#### 428.7.1 IMMIGRATION DETAINERS

No individual shall be held unless the person is the subject of a federal warrant issued by a magistrate.

#### 428.7.2 NON-DISCLOSURE OF CERTAIN INFORMATION

Except as required by state or federal law, members shall not disclose for the purpose of enforcement of federal immigration laws the following information about a person or his/her known relatives or associates, whether current or otherwise (ORS 180.805):



# Cottage Grove Police Department

Cottage Grove PD Policy Manual

## *Immigration Violations*

---

- (a) The person's address
- (b) The person's workplace or hours of work
- (c) The person's school or school hours
- (d) The person's contact information, including telephone number, email address, or social media account information
- (e) The identity of known associates or relatives of the person
- (f) The date, time, or location of a person's hearings, proceedings, or appointments with the Department that are not matters of public record

In keeping with this prohibition, members shall not use federal immigration officials for language interpretation or any other type of assistance that could grant them access to the above information.

### **428.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Division supervisor assigned to oversee the handling of any related case. The Investigation Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (ORS 147.620).
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **428.8.1 DENIAL OF CERTIFICATION**

If certification is denied, the Investigation Division supervisor shall inform the petitioner in writing regarding the reason for the denial as provided in ORS 147.620. A copy of the notice shall be kept for a minimum of three years and in accordance with the established records retention schedule (ORS 147.620).

# Cottage Grove Police Department

Cottage Grove PD Policy Manual

## *Immigration Violations*

---

### 428.8.2 TIME FRAME FOR COMPLETION

Except under circumstances where there is good cause for delay, the Investigation Division supervisor shall process the certification for the U visa or T visa within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received (ORS 147.620).

### 428.9 TRAINING

The Captain should ensure officers receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

Case No. 23CV07691

RURAL ORGANIZING PROJECT and  
COMMUNITY ALLIANCE OF LANE  
COUNTY,

CERTIFICATE OF SERVICE OF THE  
PROPOSED CORRECTED GENERAL  
JUDGMENT: PERMANENT INJUNCTION

PLAINTIFFS,

vs.

The CITY OF COTTAGE GROVE,

DEFENDANT.

I hereby certify that on February 2, 2024, I served a true and correct copy of the  
foregoing CORRECTED GENERAL JUDGMENT; PERMANENT INJUNCTION, with  
Attachment, on The CITY OF COTTAGE GROVE on the following person in the following  
manner:

Truman Stone  
Local Government Law Group P.C.  
975 Oak Street, Suite 700  
Eugene, OR 97401  
541.485.5151  
Truman@localgovtlaw.com  
Attorney for Defendants,

1 by mailing a copy thereof in a sealed, first-class postage prepaid envelope, addressed to said  
2 attorney's last-known address and deposited in the U.S. mail at Eugene, Oregon and by emailing  
3 a copy thereof to said attorney at his last-known email address as set forth above.  
4

5 Dated this 2nd day of February 2024.

6 OREGON LAW CENTER

7 S/ Amy Scott  
8 Amy E. Scott, OSB # 091951  
9 ascott@oregonlawcenter.org  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25