

City of Eugene Human Rights Commission



The mission of the Human Rights Commission is to promote implementation of universal human rights values and principles in all City of Eugene programs and throughout the wider community.

To carry out this mission the commission shall affirm, encourage and initiate programs and services within the City of Eugene and in the wider community designed to place priority upon protecting, respecting, and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. To support and promote human rights, the commission will: provide human rights education, be proactive in human rights efforts, address human rights violations, ensure active public participation, be transparent and open, and be publicly accountable for human rights progress.

Human Rights Commissioners: Jennifer Frenzer (Co-Chair), Ken Neubeck (Co-Chair), Andrew Thomson, Edward McGlone, Bonnie Souza, Aria Seligmann, Julia Johnson, Aimee Walsh, Councilor Chris Pryor

Staff: Jennifer Lleras Van Der Haeghen

The Human Rights Commission typically meets on the third Tuesday of each month.

Monday, December 5th, 2016

5:30 – 7:30 PM Meeting

Atrium Building, Atrium Lobby & Sloat Room, 99 W. 10th Avenue, Eugene

Contact: Lorna Flormoe 541-682-5670, lorna.r.flormoe@ci.eugene.or.us

ITEM	ACTION	TIME
1. Public Comment		5:30 – 6:15 (45 min)
2. Agenda/Minutes Review and Approval (Chairs)	Discuss/Vote	6:15 - 6:20 (5 min)
3. Sanctuary City proposals (Chairs)	Discuss/Vote	6:20 – 7:05 (45 min)
4. International Human Rights Day (Aria)		7:05-7:15 (10 min)
5. Staff Update		7:15 – 7:20 (5 min)
6. Announcements		7:20 – 7:30 (10 min)

The Eugene Human Rights Commission welcomes your interest in these agenda items. This meeting location is wheelchair accessible. For the hearing impaired, FM-assistive listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact staff at (541) 682-5177.

La Comisión de Derechos Humanos agradece su interés por participar en los asuntos de esta agenda. El local de la reunión tiene acceso para personas en silla de ruedas. Para las personas con dificultades auditivas ofrecemos sistemas FM para ayudarlo a escuchar, o intérpretes de lenguaje de señas. También ofrecemos intérpretes de Español. Si necesita cualquiera de estos servicios por favor solicítelos con 48 horas de anticipación, llamando al (541) 682-5177.

Partial of DRAFT

Eugene Human Rights Commission Meeting Minutes

Tuesday, November 15th, 2016

5:30 – 8:30 PM, Atrium Building, Sloat Room, 99 W. 10th Avenue, Eugene

Human Rights Commissioners Present: Jennifer Frenzer (Co-Chair), Ken Neubeck (Co-Chair), Andrew Thomson, Edward McGlone (by phone), Bonnie Souza, Aria Seligmann, Julia Johnson , Councilor Chris Pryor (until 7 pm)

Staff: Jennifer Lleras Van Der Haeghen and Lorna Flormoe

1. Public Comment

Rosemary Nigro – petition to designate Eugene as a Sanctuary City.

Chris Nunes – support and need for Eugene Sanctuary City.

Tai Pruce-Zimmerman – My wife teaches middle school here and has heard stories. I wish to see Eugene legally declared a Sanctuary City, by ordinance.

Martie McQuain- Attorney who work with many in Latino community here in Eugene and Oregon and with people affected by immigration laws. Should there be changes under Trump to change immigration laws, he supports resistance to ICE customs and immigration enforcement. For example, ICE practice of holding people, if arrested for something else, beyond amount of time in order to investigate immigration status. Sanctuary city is consistent with Eugene values. We don't need people who are not criminals in our jails, resources are already tight. All people need to feel they can contact police if they need help, regardless of their documentation status.

Naomi Strawser – as a person of color I am afraid and also want to step up – I have a daughter in school. Want to teach how to confront things, how to document, who to go to for help. Someone in huge truck started calling “nigger” ... at her, just days ago. Friends in Eugene are already experiencing hate. Someone yelled “go back to reservation and die like a good Indian”. Undocumented people are silenced – this is abuse. We as a City can stand up for people who can't speak – stand up against this hate. We need to say NO, not in my home, city, street, country. Speak for people who need sanctuary and safety. My home will always be a safe place for people who need it – Eugene will be a safe place for all people. I call on HRC to make this happen.

Ian McTeague – We are facing grave threats. What I would like to see HRC back is not assisting with local funds against undocumented people. Many undocumented people do pay taxes due to forged paperwork. This climate escalates problems and risks they face every day. Be part of a growing National movement... against dehumanization of people, deportation and raids hurt people, families and hurt all of us by turning our community against itself. San Francisco ordinance to look at regarding sanctuary city.

Charles Denson- reiterate support pp have already said. Support Eugene being a sanctuary City of Eugene

Aaron Smith-Wright- I agree with what was said. Resist efforts from new Federal administration - support undocumented people. I speak to fellow white people – the perception of Cascadia as a hippy-happy-go-lucky place everyone is friends... a lot of ways true... but there is a long history

including early exclusion laws! Invested in resisting change as white people, make a stand on issues like this... we have a responsibility to push back... support City resistance.

Amanda D'Souza – City of Eugene, Community Development Division. Asking for HRC support for an EPA brownfields Assessment grant. A draft letter has been submitted with packet. Grant with Springfield and Lane County. This application we are adjusting our strategy – working with HRNI to do outreach and include grassroots organizations. She will remain until we get to that item to answer questions.

Robyn McLeod – We need to make Eugene a safe place. Resist the rise of fascism. Stand in solidarity with the weakest among us. Make Eugene a sanctuary city. We will make this a safer place. I want Eugene to be a point of light for our youth. This would be easier if HRC and City gave support and help.

David Woken- I am a librarian at UO. Felt paralyzed in the last week- concerned about friends and neighbors. Support City of Eugene being a sanctuary city in concrete means. UO senate will be looking at making UO a sanctuary campus... make institutional steps toward this. International students are frightened. We have a growing Latino population, some undocumented – they may face state repression. Let's do what we can do in our portion of the state to protect folks – look out for them and love them back.

Anil Oommen- I came to this country as immigrant in 1974 and have spent nearly 20 years in Eugene. I don't often speak publicly, I do social justice work... but this is the work of social justice, it is time to speak. I am experiencing this in the community and with some family... some family members have supported Trump. We need to lend an ear to one another, do soul work, do the things that define who we are not who we are not. Resist being coerced into hate. I support non-cooperation with any enforcement of things against immigrants, Muslims, etc. There is a time when law abiding citizens and cities need to look at the law with their hearts- yes to sanctuary city.

Gretchen Suchman- I have the lens as an educator, but I echo all of what others have said. I support Sanctuary city, not just for students of color and LGBT students, but also to raise a city of kids that will do right for us and know how to use their knowledge for good. We should do this as a city because it is the right thing to do – sanctuary city.

Heather Quarles- I usually avoid public speaking, I am not comfortable. But as UO faculty, students are coming to class sharing stories of being the first person attending UO and documented and their families are asking them what to do. Most feel unsafe speaking outside of the classroom, so I came on their behalf to advocate Eugene being a sanctuary city.

Desiree Atwater- (written testimony) I encourage the City of Eugene to be designated a sanctuary city, to refuse to enable the racist rhetoric of the incoming administration, and to give teeth to Council Resolution 5174.

Jeannine McIntyre- I am very emotional. I work at a local elementary school – with many emerging bilinguals. During the last two weeks 7-10 year old youth have come to me saying they are scared. We are not doing our job if these children are scared. Becoming a sanctuary city we will do everything in our power to protect them. (written) Our students and children deserve to feel safe and welcome. The current political climate has made it so that my student, who are as young as 7, do not feel this is a safe country for them anymore. We as a city need to

change this. The way to do this is to make Eugene a sanctuary city and by doing so make our city a safe space for all. Please work with the Mayor and government to make Eugene a safe place for all.

Lisa Fragala- I am an educator, 2nd grade teacher and organizer for Oregon education labor. In the last week, I have been shocked by the levels of terror students have expressed, it has been overwhelming. Teachers don't know how to respond to students or parents. Don't know how to prepare for families being ripped apart. It is our moral imperative to protect. "Proper" documentation does not matter – relationships make us a community- this is the heart connection. Sanctuary city sends a message and concrete things – NO agenda of hatred. A community we can be proud of. We stand for love, not for hate. Please pass this resolution for a sanctuary city so that our communities are safe for everyone – especially our children. Thank you.

Kristen Vinyeta- I am a student at the UO in sociology. Reiterate – the troubled racial history of Oregon and Eugene – deep scars and wounds maybe still be open. Opportunity to set a new tone allow for things to change. We need to demonstrate that Eugene wants to create a new environment that prioritizes human rights... and sets a brighter future... so we don't have to look back with shame and pain again. This racist past is a dark mark on our city and our state. Let us declare that in 2016, we aim to be on the right side of history, and that we seek to heal previous wounds. Let us be leaders in the upholding of human rights, in the protection of our friends, neighbors, families that contribute so much to our community and that deserve respect, peace, equity and basic human rights, regardless of race, religion, sexual orientation, gender, or ability. Please designate Eugene as a sanctuary city so we can all be proud to be members of this community.

Jennifer Scurlock- My parents grew up here in West 11th area while still Eugene was still segregated – I heard stories from parents about racial discrimination against African Americans. Now I am an educator at Churchill High School. Students have come to me... Latinas, don't know what do to, crying... This is destroying our community. We as a community must uphold the banner of justice and peace. We can't go back to my mother's time. I speak on behalf of students. In our school, we would get fired for the things the new administration is saying. Stand behind these students in action, not theory or words.

Daniel Hayes- I moved to Eugene two years ago from Connecticut after finishing a Masters degree from the University of Connecticut, School of Social Work. The purpose of a social work education is to prepare you to advocate for well-being and empower the oppressed. It is those core values that brought me here tonight to support all efforts for Eugene to become a sanctuary city. It is the right thing to do. As anti-immigrant and racist actions continue to rise, we need to do everything in our power to protect our most vulnerable. Thank you for your time.

Monika Lind- (written) Support for Eugene as a sanctuary city including the refusal to enforce deportation or Muslim registration.

Arthur A. Ellis- (written) We have a responsibility to our friends and neighbors to protect them, and stand with them. The privilege we have, we cannot take for granted. We must take every step we can to ensure persecution and injustice are the only things which feel unwelcome in our fine city.

Trevor Michael Pitts- (written) I would like to show my support for creating sanctuary for immigrants in Eugene.

Charles Denson- (written) Sanctuary city.

2. Agenda/Minutes Review and Approval

Ken suggested the HRC add on a small piece of time to see what the Commission can do on the sanctuary city issue. He would like to add right now so that folks present can hear. Ken moved to open agenda up – add on to the HRC agenda. Some discussion. Edward, wanted to open up a chat about the election, concerns and how HRC and the City can help community feel safe.

Edward moved to add the sanctuary city discussion item, aria seconded. All were in favor.

Ken proposed a small subcommittee (3) to look further into sanctuary city concept and come back with a proposal (work with Phil and others). C. Pryor stated it was a matter of protocol – an ordinance is more time and detailed work. The subcommittee would need to look at models. Bonnie – an ordinance would take longer. Are there cases when a resolution is first? C. Pryor – yes can pass resolution and be preparing an ordinance. Edward- stated police not cooperating with ICE is one piece. As the liaison with police commission, he could work with them. Do we have a broader audience – work group should look into. LT Bills (EPD) – standpoint: Oregon has a revised statute 181-850 which prohibits any resources going towards working with ICE on going after people who are undocumented. This commitment of non-discrimination is in that statute (181-850). Joel – this is the law right now. States like Arizona have changed or passed new laws that state otherwise. We want to make sure we won't do this. Jen – the subcommittee could work on sanctuary city plus additional ideas. Ken – called for this “subcommittee” to be called a working group. Bonnie would be part of the working group. We should confine the work initially to just sanctuary city. Edward would be part of work group. Bonnie – it would be good to have an attorney on the work group – there was an attorney that gave testimony. Jen VDH will get a sign-up sheet going around. Julia – important to make this a priority... moving toward peace and safety for the group here tonight.

Ken made a motion to establish a working group to look into concept of sanctuary city and who would figure out the best way to proceed to implement it through a recommendation to City Council. Julia seconded. Unanimous in favor.

Ken thanked everyone. This is consistent with our human rights commitments. Need to get the word out about the work group – welcome community people. Jen – the public testimony was heard by C. Pryor, but it is good to also go to City Council public comment period - sign up at 7pm to start prepping City Council why folks are concerned. Aria – letters to editor as well to get public support. Joel – thanking everyone who showed up. He is speak with Marissa, Integration Network of Immigrants of Lane Co about the initiative. C. Pryor – read the resolution passed last night (11/14)- he read part of it. Lorna read the communities it covered.

Julia Moved to approve the October minutes. Bonnie seconded. All in favor unanimous.

EPD Liaison Update

Lt. Bills gave the EPD Hate & Bias report, there were ten reported the week of the election. Hate and Bias since election – statistics and reports show two reported, one was vandalism, one was a swastika at a high school. Others were intimidation, two were threats. This is not abnormal for a weekly basis. Could be people are not reporting or we haven't had any more. Lots of antidotal incidence and lots of fear. If a crime has occurred report it! Jen VDH stated no increase on non-criminal incidents reported to HRNI (Human Rights & Neighborhood Involvement office). HRNI is working on a social media campaign – it should go out tomorrow. People will be able to share on social media to help spread word. The Eugene Executive team shared the resolution that was passed with all staff – emphasizing that staff serve all community members and told to report any incidents. HRNI wants to capture incidents. Lt. Jen Bills stated that, apart from Hate and Bias, there are concerns about immigrant community not reporting crime because of fear. She wanted to affirm that EPD does not serve them differently. HRNI can liaise with EPD if that is more comfortable for an immigrant who has experienced hate or bias. Bonnie asked if we are expressing in our outreach the value of having the data reported. She asked what is Springfield doing. Jen VDH stated that local governments are working towards a shared statement. Jen VDH was asked what cities are listed as sanctuary cities. Jen Frenzer stated that to get a fuller picture, incidents that are not a crime, should also be reported. Bonnie suggested setting something up with churches that people that communities trust/know? Jen VDH ask for support in regards to people's ideas. However, she is nervous about creating new systems – that we might lose stories. Joel asked if our online tool is in Spanish as well – yes and we have Spanish language capacity in the HRNI office.

Commission Discussion/Announcements

Whole HR commission is interested in Sanctuary City. They would like to have an additional meeting and can public notice as a special meeting. Edward, Bonnie, Jennifer, all, stated that they might need a meeting in December, a special meeting. Jen VDH is available to staff. Agenda items would be limited to Sanctuary City and a little on INTL HR day. HRNI intern can compile some examples of sanctuary cities. Monday, Dec 5th – is the date. Staff will look for a larger space to accommodate more people. 5:30pm. Look at Harris Hall.

***This version of draft minutes only includes sections pertaining to Sanctuary City and the special meeting to be held on December 5th, 2016.

***A full copy of the draft minutes will be available at the HRC January 2017 meeting.

A RESOLUTION DECLARING THE CITY OF EUGENE TO BE A SANCTUARY CITY THAT
PROTECTS THE CIVIL AND HUMAN RIGHTS OF ITS RESIDENTS REGARDLESS OF
THEIR IMMIGRATION STATUS, NATIONAL ORIGIN, RACE, ETHNICITY OR RELIGION

The City Council of the City of Eugene, Oregon, finds that:

A. The City of Eugene has continually expressed its commitment to protecting the civil and human rights of all other members of the community, including immigrants regardless of their immigration status:

Council Resolution 5174, “A resolution declaring the City of Eugene’s commitment to being a welcoming, inclusive, and safe community for everyone,” November 14, 2016

Council Resolution 5154, “A resolution declaring the City of Eugene’s commitment in protecting refugees and celebrating the contributions refugees to their new communities in the United States,” May 23, 2016

Council Resolution 5073, “A resolution in Support of a Statement of Principles for Immigrant Integration,” November 13, 2013

Council Resolution 4881, “A resolution affirming the City’s commitment to the protection of human rights as expressed in Council Resolution No. 4589,” June 12, 2006

Council Resolution 4589, “A resolution affirming the City’s commitment to the protection of human rights,” April 21, 1999

B. In 2016 the president-elect and his supporters declared an intention to deport 2-3 million undocumented immigrants for committing undefined offenses without guarantees of due process.

C. The president-elect and his supporters also declared an intention to establish a registry of Muslims in the United States, regardless of their immigration status, for undefined purposes and without guarantees of due process.

D. ORS 181A.820 provides that state and local law enforcement in Oregon may not “use agency moneys, equipment, or personnel for the purpose of detecting or apprehending 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.”

E. Anti-immigrant groups in Oregon are seeking to create a ballot measure calling for repeal of ORS 181A.820.

F. Passing a version of ORS 181A.820 as a Eugene ordinance would ensure its protections remain for Eugene residents even if a measure to repeal it at the state level is successful.

G. ORS 181A.250 provides that “No law enforcement agency, as defined in ORS 181A.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct.” [Formerly ORS 181.575]

H. A local version of ORS 181A.820 and ORS 181A.250 could strengthen their protections by expanding the laws to include all components of the City organization, not simply law enforcement.

I. A local version of ORS 181A.250 could additionally prohibit the City’s cooperation in surveillance of residents or in creating, compiling, maintaining, and providing information to federal agencies based on residents’ immigration status, national origin, race, ethnicity, religion and political activity.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, A MUNICIPAL CORPORATION OF THE STATE OF OREGON, AS FOLLOWS:

Section 1. The City of Eugene will adopt an ordinance to declare the City of Eugene a Sanctuary City for all residents.

Section 2. The ordinance will ensure that the protections of ORS 181A.820 will continue in Eugene should it be repealed by ballot measure at the state level.

Section 3. The ordinance will broaden and strengthen the protections provided by ORS 181A.820 and ORS 181A.250 by including all City of Eugene employees, not simply law enforcement.

Section 4. The ordinance will additionally protect Eugene residents from local surveillance or being the subject of local registers based on their immigration status, national origin, race, ethnicity, or religion.

Section 5. This resolution is effective immediately upon its passage by the City Council.

The foregoing resolution adopted this _____ day of December, 2016.

City Recorder

DRAFT

CITY OF SANCTUARY.

It is hereby affirmed that the City of Eugene Oregon is a Sanctuary City.

In accordance with ORS 181A.250, Specific information not to be collected or maintained, and ORS 181A.820, Enforcement of federal immigration laws, the City hereby implements the following:

USE OF CITY FUNDS AND RESOURCES PROHIBITED.

No office of the City of Eugene, including the Eugene Police Department, is permitted to conduct surveillance, compile, maintain, or provide a list or registry of city residents for federal agencies that is based on residents' race, ethnicity, religion, national origin, immigration status, or political or social views or activities, unless it is directly related to reasonable suspicion of criminal conduct.

No department, agency, commission, officer or employee of the City of Eugene shall use any City funds or resources to assist in the enforcement of federal immigration law or to gather or disseminate information regarding individuals 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 prohibitions set forth in this Chapter shall include, but shall not be limited to:

(a) Assisting or cooperating, in one's official capacity, with any U.S. Immigration and Customs Enforcement (ICE) investigation, detention, or arrest procedures, public or clandestine, relating to alleged violations of the civil provisions of federal immigration law.

(b) Assisting or cooperating, in one's official capacity, with any investigation, surveillance or gathering of information conducted by foreign governments, except for cooperation related to a violation of City, State or federal criminal laws, or in order to execute an arrest warrant issued by a federal magistrate in connection with a criminal violation of federal immigration law under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505.

(c) Requesting information about, or disseminating information regarding, the immigration status of any individual, or conditioning the provision of services or benefits by the City of Eugene upon immigration status, except as required by federal or State statute, or court decision.

(d) Including on any application, questionnaire or interview form used in relation to benefits, services or opportunities provided by the City of Eugene, any question regarding immigration status other than those required by federal or State statute or court decision. Any such questions existing or being used by the City at the time this Chapter is adopted shall be deleted within 15 days of the adoption of this Chapter.

CHAPTER PROVISIONS INAPPLICABLE TO PERSONS CONVICTED OF CERTAIN CRIMES.

Nothing in this Chapter shall preclude any City department, agency, commission, officer or employee from (a) cooperating with an ICE request for information regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Oregon, which is still considered a felony under state law; or (b) reporting information as required by federal or

state statute, or court order, regarding an individual who has been convicted of a felony committed in violation of the laws of the State of Oregon, which is still considered a felony under state law. For purposes of this Section, an individual has been "convicted" of a felony when: (a) there has been a conviction by a court of competent jurisdiction; and (b) all direct appeal rights have been exhausted or waived; or (c) the appeal period has lapsed.

However, no officer, employee or law enforcement agency of the City of Eugene shall stop, question, arrest or detain any individual solely because of the individual's national origin or immigration status. In addition, in deciding whether to report an individual to ICE under the circumstances described in this Section, an officer, employee or law enforcement agency of the City of Eugene shall not discriminate among individuals on the basis of their ability to speak English or perceived or actual national origin.

Nothing herein shall be construed or implemented so as to discourage any person, regardless of immigration status, from reporting criminal activity to law enforcement agencies.

CITY CLERK TO TRANSMIT COPIES OF THIS CHAPTER; INFORMING CITY EMPLOYEES.

The City Clerk shall send copies of this Chapter, including any future amendments thereto that may be made, to every department, agency and commission of the City of Eugene, to Oregon's United States Senators, to each U.S. Representative whose district includes all or a portion of the City of Eugene, and to each member of the Oregon Legislative Assembly whose district includes a portion of the City of Eugene.

Each appointing officer of the City of Eugene shall inform all employees under her or his jurisdiction of the provisions of this ordinance, the duty of all of her or his employees to comply with the provisions of this ordinance, and that employees who fail to comply with the provisions of the ordinance shall be subject to appropriate disciplinary action. Each city and county employee shall be given a written directive with instructions as well as comprehensive training for implementing the provisions of this Chapter.

ENFORCEMENT.

The City of Eugene Human Rights Commission shall review the compliance of the City's departments, agencies, commissions and employees with the mandates of this ordinance, and in particular instances in which there is question of noncompliance or when a complaint alleging noncompliance has been lodged against an employee of the Eugene Police Department, will work in coordination with the Police Auditor and the Civilian Review Board.

CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE.

In undertaking the adoption and enforcement of this Chapter, the City is assuming an undertaking to promote the general welfare. This Chapter is not intended to create any new rights the breach of which the City would be liable in money damages to any person who claims that such breach proximately caused injury. This section shall not be construed to limit or proscribe any other existing rights or remedies possessed by such person.

SEVERABILITY.

If any part of this ordinance, or the application thereof, is held to be invalid, the remainder of this ordinance shall not be affected thereby, and this ordinance shall otherwise continue in full force and effect. To this end, the provisions of this ordinance, and each of them, are severable.

Oregon Laws

181A.250 Specific information not to be collected or maintained. No law enforcement agency, as defined in ORS 181A.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. [Formerly 181.575]

181A.820 Enforcement of federal immigration laws. (1) No 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 or apprehending 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.

(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services and the United States Bureau of Customs and Border Protection in order to:

(a) Verify the immigration status of a person if the person is arrested for any criminal offense; or

(b) Request criminal investigation information with reference to persons named in records of the United States Bureau of Immigration and Customs Enforcement, the United States Bureau of Citizenship and Immigration Services or the United States Bureau of Customs and Border Protection.

(3) Notwithstanding subsection (1) of this section, a law enforcement agency may arrest any person who:

(a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

(b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.

(4) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency.

(5) As used in this section, “warrant of arrest” has the meaning given that term in ORS 131.005. [Formerly 181.850]