

THURSTON COUNTY

KEEP WASHINGTON WORKING POLICIES

I. Legal Authority and Applicability

Washington strives to be a welcoming place for immigrants and refugees to work and live. To support this goal, in 2019 the Washington State Legislature passed the Keep Washington Working Act (KWW) to establish statewide practices regarding the enforcement of federal immigration laws by state and local agencies and provide improved support of economic opportunities for all Washingtonians, regardless of their immigration or citizenship status.

The purpose of these policies is to assist judicial officers, courthouse personnel, law enforcement personnel and local government officials in understanding and implementing policies consistent with KWW and to help ensure that all residents, regardless of citizenship status, have full access to the justice system. Thurston County personnel shall presume that federal immigration authorities are engaged in immigration enforcement.

In addition, Thurston County adheres to all requirements of state law, including KWW, the Courts Open to All Act (COTA), SHB 2567, Laws of 2020 ch. 37. Thurston County further adheres to all Washington State Court Rules, including General Rule 38, Open Access to Courts.

The provisions of this policy apply to Thurston County and all court and correctional facilities, which include (but are not limited to) adjacent sidewalks, parking areas, grassy areas, plazas, court-related offices, commercial and governmental spaces within court building property, and entrances and exits from said building spaces.

II. Access to Thurston County

Thurston County recognizes that the Washington judicial branch is founded upon the fundamental principle that courts shall be accessible to all persons. Ensuring access to justice requires that all courthouses remain spaces that are open to the public and that every person be able to participate in judicial proceedings, access services, conduct business with the court, and engage as otherwise necessary for the administration of justice. The Thurston County Superior Court and District Court judges affirm that our courts must remain open and accessible for all individuals and families. It is the policy of Thurston County Superior Court and District Court that arrests shall not be executed within any of the Thurston County courtrooms unless directly ordered by the judicial officer presiding over the hearing, trial, or calendar. Arrests shall be discouraged in the Thurston County Courthouse(s) unless public safety is at immediate risk.

In accordance with COTA, and in order to safeguard the public and to maintain the orderly operations of the court, Thurston County Superior Court and Thurston County District Court require any armed law enforcement officer entering the courthouse to inform Courthouse Security whether they are here on official or personal business. This includes city, county, state, tribal and federal officers. Thurston County Security Officers (CSO) shall collect the following

information from on-duty state and federal law enforcement officers entering courthouse facilities, including plain-clothed officers, unless such officer is present in or on courthouse facilities to participate in a case or proceedings before the court: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken.

CSO's shall immediately transmit collected information to Superior and District Court Administrators. If the law enforcement officer's stated purpose is to conduct a civil arrest at the courthouse facility, Courthouse Security shall immediately advise Superior and District Court Administrators.

Superior and District Court Administrators shall transmit collected information to the Administrative Office of the Courts monthly.

The Thurston County Superior Court and District Court judges affirm that our courts must remain open and accessible for all individuals and families. It is the policy of Thurston County Superior Court and District Court that arrests shall not be executed within any of the Thurston County courtrooms unless directly ordered by the judicial officer presiding over the hearing, trial, or calendar. Arrests shall be discouraged in the Thurston County Courthouse(s) unless public safety is at immediate risk.

III. Civil Arrests at or Near Courthouse Facilities

Thurston County personnel shall not aid in or support any person being subject to arrest or having their freedom restricted or hindered solely for a civil immigration offense while present in, going to, or returning from Thurston County, including within one mile of the courthouse facility, except (a) by valid court order or judicial warrant, (b) when it is necessary to secure the immediate safety of judges, courthouse personnel or the public, (c) where circumstances otherwise permit warrantless arrest pursuant to RCW 10.31.100, or (d) where the court has issued a writ or other order setting forth additional conditions to address circumstances specific to an individual or other relevant entity.

CSO's shall not take the lead in making an arrest. The CSO's may assist other law enforcement officers with an arrest or detention of an individual only when it presents an immediate danger to the public, staff, or the officer(s). There are two exceptions to this policy. The first exception is when a person in a courtroom is ordered into custody, but a corrections officer is not available. In these situations, the CSO may detain the individual in the courtroom until a corrections officer arrives. The second exception is at Family and Juvenile Court (FJC) where there is usually only one corrections officer on site. At FJC, the CSO may respond to the courtroom to assist corrections while the person is taken into custody.

CSO's who are involved in assisting any law enforcement agency in making an arrest or detaining an individual shall complete an incident report by the end of the same business day. If, due to the time of day or other unforeseen circumstances this is not possible, the report will be completed within the first two hours of the following business day.

The CSO shall immediately notify the security supervisor, or their designee, of the incident. The supervisor or designee will immediately relay that information to the Court Administrator or Presiding Judge. Written incident reports will be forward to the Court Administrator or Presiding Judge on completion.

IV. Gathering Information Related to Immigration or Citizenship Status

Thurston County personnel shall not inquire about, request, or collect from any person information about the immigration or citizenship status, or place of birth of any person accessing services provided at the courthouse, unless there is a connection between such information and an investigation into a violation of state or local criminal law, provided that a judge may make such inquiries as are necessary to adjudicate matters within their jurisdiction. Thurston County recognizes that judicial officers may enter orders or conditions to maintain limited disclosure of any information regarding immigration or citizenship status, or place of birth as they deem appropriate to protect the liberty interests of crime survivors, the accused, civil litigants, witnesses, and those accompanying crime survivors to a courthouse facility.

Thurston County records of information regarding a person's immigration or citizenship status, or place of birth, shall be aggregated or de-identified from the individual, unless otherwise required by law. Thurston County personnel maintaining said information in any other way shall report their retention procedure and basis to Superior and District Court Administrators prior to collecting the information.

V. Responding to Requests for Information

Thurston County personnel, including but not limited to, CSO's, and Thurston County Sherriff's Office personnel, shall not provide personal information to any person or entity for immigration enforcement purposes, unless: (1) in the same method by which such information is available to the public; or (2) subject to a court order or otherwise required by state or federal law. Thurston County personnel shall complete training to become familiar with the different types of documents used for information requests and how to respond to the different types of requests, including compliance with 8 U.S.C. § 1373 (Section 1373).

VI. Use of Courthouse Resources

Thurston County personnel shall not use any courthouse resources, including facilities and staff, to investigate, enforce, or assist with federal immigration enforcement absent a court order or judicial warrant or as otherwise required by state or federal law.

Thurston County does not grant permission to any person engaging, or intending to engage, in immigration enforcement to access the nonpublic areas of the courthouse facilities, property, equipment, or databases. Thurston County personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If Thurston County personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, Thurston County personnel

shall immediately contact Superior and District Court Administrators to determine the appropriate course of action.

Before authorizing access to any nonpublic areas, the Superior and District Court Administrators shall confirm that the court order is issued and signed by a U.S. District Court Judge or Magistrate Judge and requires access by the specific individual by:

- A. Obtaining a copy of the court order;
- B. Identifying the citation to the federal law violation for which the court order was issued;
- C. Identifying which U.S. District Court issued the order;
- D. Verifying that the order includes the correct date and location for enforcement; and
- E. Confirming that a U.S. District Court Judge or Magistrate's signature is on the order.

All Thurston County contracts, partnerships, and programs between the Thurston County and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with Thurston County policies, including provisions protecting personnel and the public from immigration enforcement, and state law, including the Courts Open to All Act, SHB 2567, Laws of 2020 ch. 37. Thurston County contracts, including leases, memorandums of understanding, and agreements, shall address compliance with Thurston County policies and state law, including the Courts Open to All Act, SHB 2567, Laws of 2020 ch. 37, by all parties and third parties.

Thurston County data use/sharing contracts, including leases, agreements, and memorandums of understanding, shall include provisions limiting permissible use of Thurston County data, including limits to sharing Thurston County data with any third parties; audit provisions; and remedies for noncompliance.

VII. Detaining and Booking Individuals in Thurston County Jail

The Thurston County Sheriff's Office Corrections Bureau will not engage in or assist with civil immigration enforcement.

Immigration Hold/Detention

A. Corrections Staff shall not inquire into or collect information about an individual's immigration status, citizenship status or place of birth unless there is reasonable and articulable suspicion to believe that there is a connection between such information and an investigation into a violation of state or local criminal law.

B. If the assistance of an interpreter is necessary due to a language barrier, the deputy may use a “language line” or other Department resources. Immigration and Customs Enforcement (ICE), Customs and Border Patrol (CBP) or other Federal immigration personnel shall not be used for the purposes of language interpretation.

NCIC Returns Involving U.S. Immigration and Customs Enforcement (ICE)

A. “Administrative Warrants” do not rise to the level of probable cause and shall not be the basis for an arrest.

B. If a Corrections Staff Member receives a National Crime Information Center (NCIC) return showing that a Federal criminal arrest warrant exists for an individual, the warrant shall be executed only after the staff member has confirmed that the warrant is for a violation of criminal law under the United States Code (U.S.C.) and has been signed by a U.S. District Judge or Magistrate.

C. Prior to arrest on a Federal warrant, the Deputy shall confirm each Federal warrant contains the following criteria:

1. Is for a criminal violation.
2. The underlying charge and citation from the U.S.C.
3. The District Court under which the warrant was issued.
4. That the warrant is signed by a Federal Judge or Magistrate. (An immigration Judge or Administrative Law Judge is not a U.S. District Court Judge or Magistrate.)
5. If the staff member is unsure of any of the above, he/she should contact the on-duty supervisor (ODS) prior to a hold being placed in ATIMS.

Detention in the Thurston County Jail

A. Except as otherwise provided in this policy, Corrections Staff shall not inquire about or request from an inmate either pre or post booking any information about their citizenship status, immigration status or place of birth unless the inquiry is related to an investigation of a criminal law violation of the laws of the State of Washington or Thurston County.

B. Corrections Staff shall not honor any immigration detainer requests, holds or administrative warrants from ICE, CBP or any Federal agencies executed on behalf of someone in the Thurston County Jail.

Access by ICE, CBP or other Federal Agencies

A. Corrections Staff shall not allow ICE, CBP or any Federal agency access to nonpublic areas of the Thurston County Jail for the purposes of federal civil immigration enforcement absent a judicial warrant.

B. Thurston County Public Defense (TCPD) will be contacted prior to any interview taking place.

C. Pursuant to RCW 10.93, if ICE, CBP or other Federal Agency seeks an interview with a person currently held in the Thurston County Jail, access may only be allowed after the individual held in custody is advised orally by recording and in writing by written consent form in the individual's native language.

D. In event a representative of ICE, CBP or any other federal agency requests access to an in-custody defendant, the following will occur through Reception Staff or the On-Duty Supervisor:

1. Access will only be granted through the Professional Visitation/Jail Reception Area, and only during business hours, Monday through Friday, 0830 – 1200 and 1300 – 1630.

2. The agent(s) will be advised that access will only be granted once TCPD has been contacted and an attorney from that office has had an opportunity to respond and advise the defendant of their legal rights.

3. The responding attorney will ensure that the defendant is aware of their rights, both in writing and orally, and their right to have an interpreter and an attorney present during questioning if consent is granted.

4. That the defendant will not be punished or retaliated against for declining to be interviewed.

Consulate Notification/Rights

The Thurston County Sheriff's Office Corrections Bureau will ensure that foreign governments can extend appropriate consular services to their nationals who have been detained in the United States, and that the United States complies with its legal obligations to such governments, with the goal of preventing international and domestic litigation. The Sheriff and TCPD agree that consulate matters shall be addressed by the TCPD during and/or following their preliminary appearance in Court.

FBI/DOJ Fingerprint Card Data Entry

The following data collection points, having to do with a defendant's origin of birth or citizenship status, will not be captured/recorded on the FBI/DOJ Fingerprint Card:

A. Place of Birth (State or Country) – This is a mandatory field, and therefore must be completed for the fingerprint card to be electronically accepted. The system will auto-populate/default to “unknown”, therefore the Booking Deputy should not have to make any modifications. However, if necessary, the Booking Deputy will need to enter XX into this data collection point.

B. Country of Citizenship – This is not a mandatory field and therefore will be left blank.

VIII. Thurston County Sheriff’s Office Immigration Law and Policies

Definitions

A. “Civil immigration warrant” means any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A “civil immigration warrant” includes, but is not limited to, Administrative warrants entered in the National Crime Information Center (NCIC) database. Warrants issued on Immigration and Customs Enforcement (ICE) Form I-200 (Warrant for Arrest of Alien), Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.

B. “Court order” and “judicial warrant” mean a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution. A “court order” includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders and warrants do not include civil immigration warrants, or other administrative orders, warrants, or subpoenas that are not signed or enforced by a judge or magistrate.

C. “De-identified” means information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

D. “Federal immigration authority” means any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States (U.S.) Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement. “Federal immigration authority” includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

E. “Hold request” or “immigration detainer request” means a request from a federal immigration authority, without a court order, that a state or local law enforcement agency maintain custody of an individual beyond the time the individual would otherwise be eligible for

release in order to facilitate transfer to a federal immigration authority. A “hold request” or “immigration detainer request” includes, but is not limited to, DHS Form I-247A (Immigration Detainer–Notice of Action) or prior or subsequent versions of form I-247. Detainers issued on ICE Form I-247 are not court orders.

F. “Immigration detention agreement” or “IGSA” means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that permits a state or local law enforcement agency or officer to house or detain individuals for federal civil immigration violations.

G. “Immigration or citizenship status” means such status as has been established to such individual under the Immigration and Nationality Act.

H. “Language services” includes, but is not limited to, translation, interpretation, training, or classes. “Translation” means written communication from one language to another while preserving the intent and essential meaning of the original text. “Interpretation” means transfer of an oral communication from one language to another.

I. “Law enforcement agency” or “LEA” means any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a “general authority Washington law enforcement agency,” as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

J. “Local government” means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.

K. “Necessary to perform duties” means that, after following appropriate procedures to verify a course of action, no reasonably effective alternative appears to exist that would enable the performance of one’s legal duties and obligations.

L. “Notification request” means a federal immigration authority’s request for affirmative notification from a state or local law enforcement agency of an individual’s release from the LEA’s custody. “Notification request” includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I-247N, or prior or subsequent versions of those forms.

M. “Personal information” means names, date of birth, addresses, GPS [global positioning system] coordinates or location, telephone numbers, e-mail addresses, social media handles or screen names, Social Security numbers, driver’s license numbers, parents’ or affiliates’ names, biometric data, or other personally identifiable information. “Personal information” does not include immigration or citizenship status.

N. “Physical custody of the department of corrections” means only those individuals detained in a state correctional facility but does not include minors detained pursuant to chapter 13.40 RCW, or individuals in community custody as defined in RCW 9.94A.030, including those serving a term of detention at a local LEA due to a community custody violation.

O. “State agency” has the same meaning as provided in RCW42.56.010.

P. “T visa” is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(T), as further defined in RCW 7.98.010(1), that enables victims of a severe form of human trafficking and certain qualifying family members to remain in the United States for four years or longer if they have assisted law enforcement in an investigation or prosecution of human trafficking.

Q. “U visa” is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(U), as further defined in RCW 7.98.010(1), that enables victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity, and certain qualifying family members, to remain in the United States for four years or longer.

Arrest/Detention – Aliens

A. Immigration Enforcement Prohibited

1. The Thurston County Sheriff’s Office (TCSO) does not engage in, or assist with, civil immigration enforcement.

a. Deputies shall not engage in civil immigration enforcement.

b. Deputies shall not assist with civil immigration enforcement.

B. Immigration Hold/Detainment

1. Deputies shall not stop, detain, interrogate, or place an immigration hold on any person solely for the purpose of ascertaining immigration status or in any other way attempt to enforce federal immigration laws.

2. Deputies shall not inquire into or collect information about an individual’s immigration status, citizenship status, or place of birth, unless there is a connection between such information and an investigation into a violation of state or local criminal law.

3. A person shall not be held or detained any longer than is necessary to complete the normal processes in connection with a criminal charge or traffic violation for which the person was arrested. The time cannot be extended to allow ICE, CBP, or other immigration personnel enough time to respond.

4. If a deputy needs the assistance of an interpreter because of a language barrier, he/she may use the “Language Line” or other district resources. ICE, CBP, or other immigration officials shall not be used.

5. Deputies shall not provide a person’s location to ICE, CBP, or other immigration personnel except under exigent circumstances that threaten officer or public safety, or as necessary for an investigation into a violation of state or local criminal law.

C. NCIC Returns Involving U.S. Immigration and Customs Enforcement (ICE)

1. “Administrative Warrants” do not establish probable cause and shall not be the basis for an arrest.

2. If a deputy receives a National Crime Information Center (NCIC) return showing a federal criminal arrest warrant, the deputy shall immediately contact the on-duty supervisor to determine an appropriate course of action. The on-duty supervisor may authorize the ICE NCIC warrant arrest after he or she confirms that the warrant is a criminal warrant issued and signed by a U.S. District Court Judge or Magistrate for a U.S. code.

3. The on-duty supervisor must confirm each warrant with ICE, obtain a copy of the warrant, and answer the following questions to ensure the NCIC return is an actual criminal arrest warrant:

a. Is this a criminal warrant?

1) NCIC returns should specify “Administrative Warrant” or “Criminal Warrant.”

b. What is the specific criminal charge?

1) Pursuant to policy and court order, the TCSO does not enforce civil immigration laws. Therefore, any arrest on an ICE NCIC return must be based on an underlying charge for which the TCSO has authority to make such an arrest.

c. What citation to the U.S. code is listed?

d. Which U.S. District Court issued the warrant?

1) Only a U.S. District Court can issue a federal criminal warrant.

e. Is it signed by a U.S. District Court Judge or Magistrate?

1) Only a U.S. District Court Judge or Magistrate can sign a federal criminal warrant.

2) An Immigration Judge or an Administrative Law Judge is not a U.S. District Court Judge or Magistrate.

4. No communications with ICE during warrant confirmation shall include the location of the deputy or individual in question. Deputies shall not maintain or transfer custody of an individual if they learn that the NCIC return was not based on a criminal warrant signed by a US District Court Judge or Magistrate.

Enforcement of Federal Immigration Law and Policies Prohibited

A. The federal government, not the TCSO, has primary jurisdiction over the enforcement of federal immigration law. The TCSO recognizes that removal from the United States, including investigations and arrests made as part of that process, is a civil matter overseen by federal immigration authorities. The TCSO recognizes that unauthorized presence in the United States, standing alone, is not a violation of state or local law. The immigration or citizenship status of an individual or an individual's presence in, entry or reentry to, or employment in the United States alone is not subject to enforcement by the TCSO or its personnel. The TCSO shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement.

1. TCSO personnel shall not engage or assist in civil immigration enforcement.

2. TCSO resources, including any individuals' personal information ascertained by the TCSO or its staff, shall not be used or shared to assist in civil immigration enforcement.

3. The TCSO shall review all methods and forms used to communicate with persons engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, or data fields for immigration or citizenship status existing prior to May 21, 2020, and modify them as necessary to be consistent with these policies.

B. TCSO personnel shall not initiate or participate in any law enforcement action based solely on an individual's immigration or citizenship status, or place of birth, or in any other way attempt to enforce or assist in the enforcement of federal civil immigration laws or policies.

C. TCSO personnel shall not inquire about any person's immigration or citizenship status, or place of birth, unless the information is directly connected to the officer's investigation into a violation of state or local law.

D. The TCSO policies prohibiting participation or aid in immigration enforcement shall apply for enforcement activity against all persons, including TCSO personnel.

E. TCSO personnel shall not conduct investigations, interviews, questioning, take statements, or otherwise engage in similar contact with any individual in the presence, including within hearing distance, of any person engaged, or intending to engage, in immigration enforcement, including a known federal immigration authority, unless the person's presence is directly connected to the TCSO's investigation into a violation of state or local criminal law and necessary to perform the deputy's duties.

F. TCSO personnel shall not arrest, detain, take into custody, or otherwise hold any person solely to determine their citizenship or immigration status unless the information is directly connected to the deputy's investigation into a violation of state or local law.

G. Civil immigration warrants, hold requests, and immigration detainer requests do not establish probable cause and shall not be the basis for any deputy to arrest, detain, or otherwise hold any person in custody.

H. If TCSO personnel receive a court order or judicial warrant authorizing any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to assume custody of an in-custody individual, deputies shall immediately contact an on-duty supervisor to determine the appropriate course of action.

1. Before authorizing any arrest, detention, or hold, an on-duty supervisor shall confirm that the federal criminal arrest warrant is issued and signed by a U.S. District Court Judge or Magistrate Judge authorizing the holding or detention of the individual by:

- a. Obtaining a copy of the warrant.
- b. Identifying the criminal charge and citation to the federal law violation for which the warrant was issued.
- c. Identifying which U.S. District Court issued the warrant.
- d. Verifying that the warrant includes the correct date and location for detention.
- e. Confirming that a U.S. District Court Judge or Magistrate's signature is on the warrant.

2. TCSO personnel shall not disclose the location of the deputy or individual to any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, before or during the warrant confirmation process.

I. All requests for assistance by any person engaged, or intending to engage, in immigration enforcement, including federal immigration authority, whether oral or written, shall be directed to a bureau commander to determine an appropriate course of action.

J. TCSO personnel shall not assist or participate in any joint operations, task forces, or any other activities that support or constitute immigration enforcement actions with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without prior approval, in writing, from the Sheriff or designee.

Data Collection Prohibited

A. TCSO personnel shall not inquire about or request any documents or information from a person for the purpose of determining the person's immigration or citizenship status, or place of birth, unless the information is directly connected to the TCSO deputy's investigation into a violation of state or local law.

B. TCSO personnel processing fingerprint card or Automated Biometric Identification System (ABIS) submissions shall enter "Unknown" for these fields addressing immigration or citizenship status unless the information is otherwise known.

C. TCSO personnel shall not take enforcement action or otherwise use immigration or citizenship status, or place of birth information, against crime victims or witnesses.

D. TCSO personnel shall use the "Language Line" or other approved resources for any language services necessary to perform duties for the TCSO. TCSO personnel shall not utilize or accept language services from any person engaged in, or intending to engage, in immigration enforcement, including federal immigration authorities to include, but not limited to, ICE, CBP, or other immigration officials. TCSO personnel shall presume that federal immigration authorities are engaged in immigration enforcement.

Consular Notification Requirements

A. Within 72 hours of detention, the TCSO shall inform, verbally and in writing, all persons taken into custody or otherwise detained, regardless of their known or perceived nationality, citizenship, or immigration status, that:

1. The person has the right to refuse to disclose information about their nationality, citizenship, or immigration status; and
2. Disclosure of such information may result in civil or criminal immigration enforcement against them, including removal from the United States.

B. The TCSO will ensure that foreign governments can extend appropriate consular services to their nationals who have been detained in the United States, and that the United States complies with its legal obligations to such governments, with the goal of preventing international and domestic litigation. The TCSO and Thurston County Public Defense (TCPD) agree that consulate matters shall be addressed by the TCPD during and/or following their preliminary appearance in Court. In instances where TCSO becomes aware of a defendant's foreign national

status, prior to their preliminary court appearance, they will be advised/directed to address their status with TCPD at the time of their appearance.

Responding to Requests for Information

A. TCSO personnel shall not share, provide, or disclose personal information about any person to anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without a court order or judicial warrant requiring the information's disclosure, except that the TCSO shall provide all records as required under the Public Records Act, chapter 42.56 RCW. Public records requests shall be processed pursuant to TCSO procedures by the agency's Records Section. Any TCSO personnel receiving a public records request shall forward the request to the Records Section and notify the Bureau Chief or designee.

B. TCSO personnel shall not provide or disclose information in response to any notification request or other immigration enforcement related request for information regarding a person's release date from custody without a court order or judicial warrant, except that the TCSO shall provide all records as required by the Public Records Act, chapter 42.56 RCW, in response to any qualifying request.

C. If TCSO personnel receive a court order or judicial warrant that mandates the sharing of information regarding a person's immigration or citizenship status, TCSO personnel shall provide the information as required by the court order or judicial warrant. Any TCSO personnel who share or disclose a person's immigration or citizenship status to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, shall immediately notify the on-duty supervisor of the information provided, reason for sharing said information, and identity of the person and agency to whom the information was shared.

1. The on-duty supervisor shall log all instances of TCSO personnel sharing any person's immigration or citizenship status with a person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, with the basis for sharing the information. The log shall be a public record and shall be made publicly available except that information may be redacted or withheld as permitted by the Public Records Act.

Access to Persons Detained or in Custody

A. TCSO personnel shall not permit anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to access any person held, detained, or in TCSO custody without obtaining the person's prior consent in writing, unless a court order or judicial warrant requiring such access is presented.

Equal Treatment for Persons Held, Detained, or in Custody

A. Persons held, detained, or otherwise in the custody of the TCSO are entitled to, and shall be provided, the same services, benefits, privileges, rights, opportunities, and resources regardless of their nationality, or immigration or citizenship status.

B. TCSO personnel shall not deny or otherwise limit any person held, detained, or otherwise in TCSO custody such services, benefits, privileges, rights, opportunities, or resources based on any civil immigration warrant, hold request, immigration detainer request, notification request, administrative subpoena or similar request by a person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, or indication of the person's nationality, immigration or citizenship status.

C. TCSO deputies shall not transfer custody of any person held, detained, or otherwise in the custody of the TCSO to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, without court order or judicial warrant. If presented with such an order by a person engaged, or intending to engage, in immigration enforcement, including by a federal immigration authority, to take custody of a person in TCSO custody, deputies shall immediately contact a bureau commander or designee to determine an appropriate course of action.

1. Before authorizing any transfer of custody, the bureau commander or designee shall confirm that the court order is issued and signed by a U.S. District Court Judge or Magistrate Judge and authorizes the holding or detention of the individual by:

- a. Obtaining a copy of the court order.
- b. Confirming that a U.S. District Court Judge or Magistrate signed the court order.
- c. Confirming that the court order identifies the individual for whom the transfer of custody is sought by name.
- d. Verifying that the court order has a valid date or is not otherwise expired or previously executed.

2. TCSO personnel shall not disclose the location of the individual to any person engaged in, or intending to engage in, immigration enforcement, including federal immigration authorities, before or during the process of confirming the court order.

D. The TCSO shall not deny or otherwise limit any person's social visitation solely based on the person's inability to effectively communicate through video-visitiation technology. The TCSO shall not collect immigration or citizenship status information of persons visiting an individual in TCSO custody and shall minimize collection of visitors' personal information to the extent necessary to perform duties of the TCSO. TCSO personnel shall not disclose or otherwise share visitors' personal information with any person engaged, or intending to engage,

in immigration enforcement, including federal immigration authorities, absent a court order or judicial warrant for the information or approval by a bureau commander or designee.

Contracts Involving Immigration Enforcement

A. TCSO personnel shall not enter into any contract, agreement, or other arrangement, whether written or oral, that would grant federal immigration enforcement authority or powers to the TCSO, including but not limited to, agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements under the Immigration and Naturalization Act.

B. All TCSO agreements to assist or participate in any joint operations, task forces, or other multi-jurisdictional activities shall include legally binding assurances that all other parties to those agreements shall not use or share TCSO resources, including any individuals' personal information ascertained by the TCSO or its personnel, with any third parties or to support or engage in immigration enforcement activities.

C. The TCSO shall not be a party to any agreement, joint operation, task force, or other multi-jurisdictional activity with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without legally binding assurances, in writing and pre-approved by the office of the Sheriff or designee, that no TCSO resources, including any individuals' personal information ascertained by the TCSO or its personnel, shall be used to support or assist with civil immigration enforcement in any way.

D. TCSO deputies shall not assist or participate in any joint operations, task forces, or other activities that support or constitute immigration enforcement actions with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without prior approval, in writing, from the office of the Sheriff or designee.

E. The TCSO shall not be a party to any immigration detention agreement, IGSA, or other arrangement with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, providing for detention of any person by TCSO deputies or using TCSO resources for immigration enforcement purposes.

F. TCSO personnel shall not be a party to any agreement or contract for language services, including translation, interpretation, training or classes, from any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, nor shall any language services be accepted by TCSO personnel from any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, for free or otherwise. TCSO personnel shall presume federal immigration authorities are engaged in immigration enforcement.

G. All TCSO agreements permitting access to TCSO databases or information shall include legally binding assurances that all other parties to those agreements shall not use or share TCSO information or database access with any third parties supporting or engaged in immigration enforcement activities.

IX. U and T Visa Certification Requests -For Law Enforcement Agencies

Purpose.

A. The purpose of this procedure is to comply with RCW 7.98, passed by the legislature effective June 7, 2018. This new Washington State Law, the Safety and Access for Immigrant Victims Act (HB 1022), establishes state-wide standards or protocols for responding to U and T Visa certification requests.

B. This procedure will define U and T Visa and outline the requirements of the law and internal procedure for processing all requests.

Definition: U and T Visa Certification

A. In 2000, Congress created the U and T nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act. The intended goal of this legislation was to strengthen the ability of law enforcement agencies to detect, investigate, and prosecute crimes against immigrant victims, all while ensuring that protections are available to those victims. Immigrant victims who have been, are currently being, or are likely to be helpful in the detection, investigation, or prosecution of a crime are eligible for the U visa. Immigrant victims who have been or are currently victims of human trafficking are eligible for the T visa. The initial process of obtaining these protections are a certification, known as the "Form 1-918 Supplement B" certification for a U visa and the "Form 1-914 Supplement B" certification for a T visa, which must be signed by a certifying official.

Requirements of the Law

A. Specific requirements of HB 1022 for Law Enforcement Agencies:

1. Designate a certifying official within the agency.
2. Process all certifications received within ninety (90) days unless the victim is in federal immigration removal proceedings in which the request is processed no later than fourteen (14) days after the request is received.
3. Establishes certifying agencies shall not withdraw the certification unless the victim unreasonably refuses to provide information and assistance related to the detection, investigation, and prosecution of criminal activity.
4. Certifying agencies develop a language access protocol for limited English proficient and deaf and hard of hearing victims of criminal activity.
5. A current investigation, the filing of charges, and a prosecution or conviction are not required for a victim to request and obtain certification.

6. Provide written documentation annually to the Department of Commerce Office of Crime Victims Advocacy (OCVA) regarding number of requested certifications, number signed, number denied, and number withdrawn.

7. Develop an outreach plan.

Procedure

A. Designated Agent/Certifying Official

1. The Chief of the Support Services Bureau, as designated by the Sheriff, shall serve as the agent for the agency to respond to the requests for certification.

2. The responsibilities of the agent are to review all requests and make a determination, based upon all supporting documentation, if it meets the requirements. The agent will approve the request by signing it, or deny the request and indicate the reasons for denial.

B. U and T Visa Coordinator

1. The Sheriff's Executive Aide will serve as a Coordinator of all certification requests and be responsible for the following:

a. Serve as point of contact to accept all certification requests received.

b. Ensure compliance with HB 1022 and all timelines are met.

c. Return all approved certifications to the requestor.

d. Prepare denial letters as needed and return with original forms to requestor.

e. Maintain all tracking of data required and provide on an annual bases to OCVA in July each year. To include:

1) Number of certifications requested.

2) Number completed and approved.

3) Number denied.

4) Number of certifications withdrawn.

f. To comply with outreach plan, ensure information related to agency's certification process and Department of Commerce database is posted on the agency web page.

g. Update agency contact information and preferred methods of receiving requests to the OCVA for inclusion in the statewide database.

Attest:

_____ (Initials)
County Manager/Asst. County Manager

Tye Menser, Chair

Gary Edwards, Vice-Chair

Carolina Meija, Commissioner

John Snaza, Sheriff

Superior Court Chief Judge

District Court Chief Judge