

# ATTACHMENT A — CLARIFYING STATE AND FEDERAL REQUIREMENTS FOR LOCAL LAW ENFORCEMENT COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES

## INTRODUCTION

Lewis County, a political subdivision of the State of Washington, is committed to protecting the constitutional rights of its residents while ensuring public safety. The County recognizes its obligation to uphold both the United States Constitution and the Constitution of the State of Washington. This attachment is to clarify the County's lawful obligations with regard to immigration enforcement, emphasizing compliance with state and federal laws, and to set forth guidelines that protect against unlawful detentions, ensure cooperation with lawful federal operations, and preserve local control.

Lewis County agrees with Article I, Section 1 of the Washington State Constitution that all political power is inherent in the people, and that government exists to protect and maintain individual rights. Lewis County also affirms that the United States Constitution is the supreme law of the land, as established by Article 1, Section 2 and Article VI, Clause 2 of the U.S. Constitution.

Furthermore, this attachment addresses the legal standards set in *Galarza v. Szalczyk*, 745 F.3d 634 (3rd Cir. 2014), where local law enforcement contacted ICE and shared information about an individual, which led to ICE issuing a detainer. That communication and resulting detainer initiated the process that ultimately caused a U.S. citizen to be held without a judicial warrant, violating constitutional protections and resulting in legal liability for the local agency.

## SECTION 1. PURPOSE AND DECLARATION

The purpose of this attachment is to affirm that Lewis County is **not** a sanctuary county and to ensure that all immigration-related practices and policies are fully compliant with state and federal law, respect constitutional rights, and avoid legal liability for the County and its personnel. Lewis County hereby declares that it is **not** a sanctuary county. The County shall not adopt or enforce any ordinance, regulation, or policy that prohibits or materially restricts cooperation with federal immigration authorities, unless expressly required by state or federal law.

## SECTION 2. DEFINITIONS

**Federal Authorities:** Includes agents, officers, or employees of agencies of the United States government who are authorized to enforce federal immigration laws or conduct immigration-related investigations, including but not limited to U.S. Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Department of Homeland Security (DHS).

**Local Law Enforcement Officer:** Any employee or agent of a county, city, or other local government agency who is certified and authorized to enforce state or local criminal laws, including sheriff's deputies, city police officers, and corrections officers.

**Peace Officer:** Defined under Washington law (RCW 10.93.020) as a law enforcement officer of a state or local government, having the full authority to maintain public order, prevent and detect crime, and enforce state and local laws within the jurisdiction.

**Corrections Officer:** A law enforcement professional employed by a jail or detention facility responsible for supervising individuals in custody, maintaining facility security, and processing bookings and releases.

**Immigration Enforcement Officer:** A federal officer employed by a federal immigration agency (such as ICE or CBP) responsible for investigating immigration violations and enforcing federal immigration laws.

**Judicial Officer:** A judge or magistrate of a court of law who has the legal authority to issue judicial warrants, make rulings, and oversee court proceedings under state or federal jurisdiction, as defined in RCW 2.28.310.

**Sanctuary County:** A jurisdiction that adopts policies, ordinances, or practices that restrict or prohibit cooperation with federal immigration enforcement, such as refusing to honor ICE detainer requests, declining to provide information about immigration status, or limiting communication with federal authorities, except where explicitly required by state or federal law.

### **SECTION 3. APPLICABLE LEGAL STANDARDS**

- **Article I, Section 1 of the Washington State Constitution:** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.
- **Article I, Section 2 of the Washington State Constitution:** The Constitution of the United States is the supreme law of the land.
- **Article VI, Clause 2 of the U.S. Constitution:** This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
- **RCW 2.28.310:** Every judicial officer must observe and enforce order in proceedings before them, and may compel obedience to their lawful orders.
- **RCW 9A.76.020:** A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of their official powers or duties.

- **RCW 10.93.020:** Peace officers of this state and its subdivisions shall have the authority to act outside their primary jurisdiction as provided in this chapter.
  - **(2)** "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.
- **RCW 10.93.160:** Local law enforcement agencies may not inquire into the immigration status of a person or detain them solely for civil immigration enforcement.
- **8 U.S.C. § 1373:** is a section of the United States Code that prohibits state and local governments from restricting communication with federal immigration authorities regarding a person's immigration status
- **Galarza v. Szalczyk, 745 F.3d 634 (3rd Cir. 2014):** Held that local law enforcement may be liable for honoring ICE detainers without a judicial warrant, particularly when initiated without federal directive.
- **Arizona v. United States, 567 U.S. 387 (2012):** Affirmed that immigration enforcement is primarily a federal responsibility and limited state-level authority to create conflicting immigration policies.

#### **SECTION 4. COOPERATION WITH FEDERAL IMMIGRATION AUTHORITIES**

A. Lewis County will cooperate with federal agencies in the execution of lawful detainers and other immigration enforcement efforts, consistent with state and federal law, including **RCW 9A.76.020** and **RCW 10.93.020**.

B. Lewis County will not obstruct federal immigration operations, and will not detain individuals solely on the basis of an ICE detainer request without a judicial warrant or lawful directive as defined under **RCW 10.93.160**.

C. Lewis County is permitted to exchange information with federal immigration authorities in accordance with **8 U.S.C. § 1373** and state law.

#### **SECTION 5. LAW ENFORCEMENT GUIDELINES**

A. Lewis County will cooperate with federal law enforcement partners in cases involving federal criminal investigation or when individuals are identified or reasonably suspected to be affiliated with federally recognized terrorist organizations.

B. Such cooperation must comply with **RCW 2.28.310**, **RCW 9A.76.020**, and **RCW 10.93.020** and must respect constitutional protections. Cooperation shall not result in unlawful detentions or violations of civil rights.

#### **SECTION 6. JAIL ROSTER TRANSPARENCY**

Lewis County does not coordinate the release of individuals in custody with immigration authorities. However, the County makes its daily jail roster available to the public, which includes:

- Name
- Booking status

- Estimated release date
- Arrest date
- Offense description
- Court system
- Billing agency
- Bond type and amount
- Warrant or citation number
- Notification option for release

This data is equally accessible to the public and to all law enforcement agencies for lawful purposes.

WA Sheriffs and Police Chiefs want all Washington residents to know that no one in our state should fear calling 911 for help due to their immigration status. The role of our officers, deputies, troopers and agents is to serve and protect everyone. We will always seek to provide that protection fairly, and without regard to immigration status. -*WASPC Steven D. Strachan, Executive Director*