

Provisions of Section 6 of the Keep Washington Working Act

Prepared by the Law Enforcement-ICE Working Group of the Strengthening Sanctuary Alliance

(Note: This document does not detail the provisions in Section 6 that are applicable to DOC.)

Proscribed policies and practices

Under KWW, the Washington State Patrol, all county sheriff's offices, police departments, jails and school resource officers **may not**

- 1) inquire into or gather information about an individual's immigration or 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 (see also **Section II. under Affirmative obligations**);
- 2) provide information in response to notification requests from federal immigration authorities, including those aimed at learning an inmate's release date, for the purpose of civil immigration enforcement, except as required by law;
- 3) provide personal information that is derived from nonpublic sources about an individual, including individuals subject to community custody, to federal immigration authorities in connection with a noncriminal matter (including a civil immigration issue), except as required by state and federal law;
- 4) give federal immigration authorities access to interview individuals about a federal immigration violation, whether civil or criminal, while they are in custody, except as required by state or federal law, a court order, or unless all of the applicable conditions detailed in **Section I. of Affirmative obligations** have been fulfilled;
- 5) detain an individual solely for the purpose of determining immigration status;
- 6) take an individual into custody, or hold them in custody, solely for the purpose of determining immigration status or based solely on a civil immigration warrant, or an immigration hold request;
- 7) deny services, benefits, privileges or opportunities to individuals in custody, or under community custody or on probation, on the basis of the presence of an immigration detainer, hold, notification request, or civil immigration warrant, except as required by law;
- 8) enter into agreements, such as those authorized by the 287(g) Program, with immigration agencies to perform civil immigration enforcement duties;
- 9) enter into an immigration detention agreement (note that all existing such agreements must sunset either by November 21, 2019, or, under special circumstances, by December 31, 2021);
or
- 10) accept free interpretation and translation services, or language services from ICE or CBP.

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Affirmative obligations

I. With respect to federal immigration enforcement interview requests

If a federal immigration agent requests to interview an individual in the custody of local law enforcement or jail, law enforcement and jail personnel **must**

- 1) advise the individual that they have the right to decline the request and/or the right to remain silent throughout, or at any given point during, the interview;
- 2) advise the individual of the right to a personal attorney present in the interview;
- 3) provide the individual in question with **an oral explanation** that explains the purpose of the interview
- 4) provide the individual in question with **a written consent form**, available, at minimum, in English and Spanish that explains
 - a. the purpose of the interview
 - b. the voluntary nature of the interview
 - c. that the person will not be punished or suffer retaliation for declining to be interviewed
- 5) review the contents of the written consent form orally if the person is unable to read it, using, when necessary, an interpreter.

See also **item 4** under **Proscribed policies and practices**.

II. With respect to treaty obligations, including consular notification, and state and federal laws

Upon detaining or committing any individual, state and local enforcement agencies and local jails must explain in writing:

- 1) the individual's right to refuse to disclose their nationality, citizenship or immigration status; and
- 2) that disclosure of their nationality, citizenship or immigration status may result in civil and/or criminal immigration enforcement, including removal from the United States.