



King County

**Metropolitan King County Council
Committee of the Whole**

Staff Report

Agenda Item No:	7	Date:	November 9, 2009
Ordinance No:	2009-0393	Prepared by:	Wendy Soo Hoo

SUBJECT

Proposed Ordinance 2009-0393 sets forth requirements and restrictions regarding the ability of county agencies, offices, and employees ascertaining immigration status as it relates to the public health and safety of the residents of King County.

SUMMARY

Proposed Ordinance 2009-0393 would preclude King County offices, agencies, and employees from conditioning the provision of county services on the citizenship or immigration status of any individual, except as otherwise required by law. The proposed ordinance also outlines specific requirements and restrictions for the Sheriff's Office and the Seattle-King County department of public health in handling information pertaining to immigration status.

BACKGROUND

The Pew Hispanic Center estimates that 140,000 to 210,000 undocumented immigrants reside in Washington state. Enforcement of civil immigration laws have historically been a federal responsibility. Since 2002, the Office of Immigration and Customs Enforcement, a section under the U.S. Department of Homeland Security, has been tasked with this responsibility.

In the July 1st briefing on Proposed Ordinance 2009-0393, staff provided a summary of each of the overarching county-wide policy statements, as well as provisions specific to the Sheriff's Office and Public Health. (Attachment 2)

ANALYSIS

This staff report will focus on a striking amendment drafted at the Chair's direction.

At the July 29th Committee of the Whole, staff described an earlier striking amendment, which made a number of changes based on feedback from Councilmembers, the Prosecuting Attorney's Office, the Sheriff's Office, Superior Court, and Public Health.

Striking amendment (S1), which is being presented today, is very similar. In brief, the striking amendment makes the following changes as compared to the original legislation:

- 1) Revises the finding statement regarding population of undocumented immigrants and strikes reference to the Perryman economic impact study.
- 2) Revises the finding statement regarding King County Superior Court resolution based on feedback from Superior Court.
- 3) Removes the provision that stated that the Sheriff's Office does not have authority to investigate/detain/arrest persons suspected of immigration law violations to ensure that the ordinance is consistent with federal law.
- 4) References to "sheriff's office" are amended to read "King County sheriff's office personnel"
- 5) Deletes sentence specifying that immigration documents may be requested if related to an investigation into election law violations to avoid confusion regarding whether these documents may be requested for other criminal investigations.
- 6) Deletes provision that prohibits disclosure of citizenship or immigration status unless an individual signs a waiver to allow disclosure of that information. This change was made to ensure that the ordinance is consistent with a federal law (8 U.S.C. 1373) that prevents governments from prohibiting from disclosing or exchanging this information with other local, state or federal government entities.
- 7) Deletes the word "sole" from the sentence stating that Public Health may disclose an individual's immigration status for the "sole purpose of determining eligibility for benefits or seeking reimbursement from federal, state or other third-party payers." Again, this change was made in order to ensure that the ordinance is consistent with federal law.
- 8) Adds "international treaty" as a basis for retaining questions about an individual's immigration status on county forms. This allows the Prosecuting Attorney's Office to continue existing practices to meet the requirement of the Vienna Convention to notify certain consular posts when nationals from those countries have been detained. The Prosecuting Attorney's Office currently utilizes a form to facilitate this process.

Most of the changes are technical in nature with the exception of #3, #6 and #7 above, which were modifications needed to ensure that the ordinance is consistent with federal laws.

REASONABLENESS

With the striking amendment described above, the proposed ordinance would codify existing practices and is consistent with state and federal laws. As such, the legislation is ready for Council action.

ATTACHMENTS

1. Striking Amendment, S1
2. Proposed Ordinance 2009-0393
3. July 1, 2009 Staff Report
4. Sheriff's Office General Orders Manual, Chapter 5 – *Excerpt*
5. Superior Court Judges' Resolution, April 22, 2008

INVITED

1. Sue Rahr, King County Sheriff
2. Dan Satterberg, King County Prosecutor
3. Bruce Hilyer, King County Superior Court Presiding Judge
4. Bengie Santos, Office of the Executive
5. Mauricio Martinez, Office of the Executive
6. David Fleming, Public Health
7. Kathy Van Olst, Department of Adult and Juvenile Detention

S1

October 30, 2009

Sponsor: Ferguson/Gossett

[wsh]

Proposed No.: 2009-0393

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0393, VERSION**

2 **1**

3 On page 1, beginning on line 5, strike everything through page 6, line 105, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. King County is a "home rule" government under Article XI, Section 4, of the
7 Washington State Constitution. Under its home rule power, King County may exercise
8 any power and perform any function, unless preempted by state or federal law, relating to
9 its government and affairs, including the power to regulate for the protection and rights of
10 its inhabitants. To this end, King County is dedicated to providing all of its residents fair
11 and equal access to services, opportunities and protection.

12 B. While precise figures are difficult to quantify, a 2009 Pew Hispanic Center
13 report estimated that between one hundred forty thousand and two hundred ten thousand
14 undocumented immigrants live in Washington state.

15 C. Ensuring that all of King County's residents have access to necessary services
16 and benefits is essential for upholding the county's commitment to fair and equal access
17 for all residents.

18 D. The enforcement of civil immigration laws have historically been a federal
19 government responsibility through the Immigration and Naturalization Service. Since
20 2002, matters of immigration law have been handled by the Office of Immigration and
21 Customs Enforcement, a branch of the Department of Homeland Security. Requiring
22 local law enforcement agencies, which are not specifically equipped or trained to
23 implement immigration measures, forces local governments to expend their limited
24 resources to perform traditionally federal functions.

25 E. The protection of an individual's citizenship and immigration status will create
26 trust and cooperation between law enforcement officials and immigrant communities to
27 heighten crime prevention and public safety.

28 F. Since 1992, the King County sheriff's office, recognizing the benefits of those
29 protections, has clearly outlined them in its operations manual, with which this ordinance
30 is consistent.

31 G. On April 22, 2008, the King County superior court affirmed the principle that
32 our courts must remain open and accessible for all individuals and families to resolve
33 disputes on the merits by adopting a policy that warrants for the arrest of individuals
34 based on their immigration status shall not be executed within any of the superior court
35 courtrooms unless directly ordered by the presiding judicial officer and shall be
36 discouraged in the superior court courthouses, unless the public's safety is at immediate
37 risk. Shortly after the affirmation, its adoption, the King County executive and
38 Immigration and Customs Enforcement agreed to honor this policy.

39 H. Over fifty cities, counties and states in the United States have passed
40 legislation prohibiting their agencies from unilaterally inquiring about citizenship and

41 immigration status including the cities of Cambridge, Massachusetts, Chicago, Los
42 Angeles and Seattle, Cook county, Illinois, and the states of Alaska, Maine and Oregon.

43 SECTION 2.

44 A. Except as provided in this section or when otherwise required by law, a King
45 County office, department, employee, agency or agent shall not condition the provision
46 of county services on the citizenship or immigration status of any individual.

47 B.1. King County sheriff's office personnel shall not request specific documents
48 relating to a person's civil immigration status for the sole purpose of determining whether
49 the individual has violated federal civil immigration laws. The documents include but are
50 not limited to:

- 51 a. passports;
- 52 b. alien registration cards; or
- 53 c. work permits.

54 2. King County sheriff's office personnel may use documents relating to a
55 person's civil immigration status if the documents are offered by the person upon a
56 general, nonspecific request.

57 3. King County sheriff's office personnel shall not use stops for minor offenses
58 or requests for voluntary information as a pretext for discovering a person's immigration
59 status.

60 4. King County sheriff's office personnel shall not initiate any inquiry or
61 enforcement action based solely on a person's:

- 62 a. civil immigration status;
- 63 b. race;

64 c. inability to speak English; or

65 d. inability to understand the deputy.

66 C. The Seattle-King County department of public health shall not condition the
67 provision of health benefits, opportunities or services on matters related to citizenship or
68 immigration status. The Seattle-King County department of public health may inquire
69 about or disclose information relating to an individual's citizenship or immigration status
70 for the purpose of determining eligibility for benefits or seeking reimbursement from
71 federal, state or other third-party payers.

72 D. Except when otherwise required by law, where the county accepts
73 presentation of a state-issued driver's license or identification card as adequate evidence
74 of identity, presentation of a photo identity document issued by the person's nation of
75 origin, such as a driver's license, passport or matricula consular, which is a consulate-
76 issued document, shall be accepted and shall not subject the person to a higher level of
77 scrutiny or different treatment than if the person had provided a Washington state driver's
78 license or identification card. However, a request for translation of such a document to
79 English shall not be deemed a violation of any provision of this ordinance and any
80 subsequent ordinance. This provision does not apply to documentation required to
81 complete a federal I-9 employment eligibility verification form.

82 E. This section does not create or form the basis for liability on the part of the
83 county, its officers, employees or agents. The exclusive remedy for violation of this
84 ordinance shall be through the county's disciplinary procedures for officers and
85 employees under regulations including, but not limited to, county code, union contracts,
86 civil service commission rules or any other agency rules or regulations.

87 F. Unless permitted by this ordinance or otherwise required by state or federal
88 law or international treaty, all applications, questionnaires and interview forms used in
89 relation to the provision of county benefits, opportunities or services shall be promptly
90 reviewed by each agency, and any question requiring disclosure of information related to
91 citizenship or immigration status shall be, in the agency's best judgment, either deleted in
92 its entirety or revised such that the disclosure is no longer required.

93 The review and revision shall be completed within one hundred and eighty days
94 of the effective date of this ordinance."

95 **EFFECT:**

- 96 **1) Makes some wording changes to finding statements. Most significantly,**
97 **revises finding statement regarding population of undocumented**
98 **immigrants, strikes reference to the Perryman economic impact study, and**
99 **revises finding statement regarding King County Superior Court resolution**
100 **based on feedback from Superior Court.**
- 101 **2) Removes provision that stated that the Sheriff's Office does not have**
102 **authority to investigate/detain/arrest persons suspected of immigration law**
103 **violations.**
- 104 **3) References to "sheriff's office" are amended to read "King County sheriff's**
105 **office personnel" (technical change)**
- 106 **4) Deletes sentence in Section 2.B. specifying that immigration documents may**
107 **be requested if related to an investigation into election law violations.**
- 108 **5) Deletes provision that prohibited disclosure of an individual's immigration**
109 **status to be consistent with federal law.**

110 **6) Adds “international treaty” in Section 2F as a basis for retaining questions**
111 **about immigration status on county applications/questionnaires/forms.**



KING COUNTY

Signature Report

November 6, 2009

Ordinance

Proposed No. 2009-0393.1

Sponsors Gossett, Ferguson, Phillips and
Constantine

1 AN ORDINANCE relating to ascertaining immigration
2 status as it relates to the public health and safety of the
3 residents of King County.

4
5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. King County is a "home rule" government under Article XI, Section 4, of the
8 Washington State Constitution. Under its home rule power, King County may exercise
9 any power and perform any function, unless preempted by state or federal law, relating to
10 its government and affairs, including the power to regulate for the protection and rights of
11 its inhabitants. To this end, King County is dedicated to providing all of its residents fair
12 and equal access to services, opportunities and protection.

13 B. Approximately twelve million undocumented immigrants live in the United
14 States including seven hundred ninety-three thousand eight hundred in Washington state,
15 comprising twelve percent of Washington state's population. Of these, three hundred
16 sixty-two thousand nine hundred live in King County, which is nineteen and nine-tenths
17 percent of King County's population. These individuals work full-time jobs, contribute to

Ordinance

18 the economy, and pay taxes, Social Security and Medicare. According to a 2008 study by
19 the Perryman Group, removal of these workers from the Washington state economy
20 would result in a forty-six million dollar reduction in lost expenditures in the state in the
21 form of reduced production, retail sales, and personal income, as well as the loss of
22 approximately two hundred three thousand jobs.

23 C. Conditioning the provision of benefits, opportunities and services on
24 citizenship or immigration status hinders King County's commitment to fair and equal
25 access for all residents.

26 D. The enforcement of civil immigration laws have historically been a federal
27 government responsibility through the Immigration and Naturalization Service. Since
28 2002, matters of immigration law have been handled by the Office of Immigration and
29 Customs Enforcement, a branch of the Department of Homeland Security. Requiring
30 local law enforcement agencies, which are not specifically equipped or trained to
31 implement immigration measures, forces local governments to expend their limited
32 resources to perform traditionally federal functions.

33 E. The protection of an individual's citizenship and immigration status will create
34 trust and cooperation between law enforcement officials and immigration communities to
35 heighten crime prevention and public safety.

36 F. Since 1992, the King County sheriff's office, recognizing the benefits of those
37 protections, has clearly outlined them in its operations manual, with which this ordinance
38 is consistent.

39 G. In 2008, King County superior court judges passed a unanimous resolution
40 banning Immigration Customs Enforcement officials from making arrests inside superior
41 court.

42 H. Over fifty cities, counties and states in the United States have passed
43 legislation prohibiting their agencies from unilaterally inquiring about citizenship and
44 immigration status including Cambridge, Chicago, Los Angeles, Seattle, Cook county
45 and the states of Alaska, Maine and Oregon.

46 SECTION 2.

47 A. Except as provided in this section or when otherwise required by law, a King
48 County office, department, employee, agency or agent shall not condition the provision
49 of county services on the citizenship or immigration status of any individual.

50 B.1. The sheriff's office does not have the authority to investigate, detain or
51 arrest persons suspected of violating immigration laws.

52 2. The sheriff's office shall not request specific documents relating to a person's
53 civil immigration status for the sole purpose of determining whether the individual has
54 violated the civil immigration laws. The documents include but are not limited to:

55 a. passports;

56 b. alien registration cards; or

57 c. work permits.

58 3. Sheriff's office deputies may use documents relating to a person's civil
59 immigration status if the documents are offered by the person upon a general, nonspecific
60 request. Sheriff's office deputies may also request, obtain and use immigration
61 documents if related to an investigation into a violation of election laws.

62 4. The sheriff's office shall not use stops for minor offenses or requests for
63 voluntary information as an excuse for discovering a person's immigration status.

64 5. The sheriff's office shall not initiate any inquiry or enforcement action based
65 solely on a person's:

- 66 a. civil immigration status;
- 67 b. race;
- 68 c. inability to speak English; or
- 69 d. inability to understand the deputy.

70 C. Subject to any contrary provision of state or federal law, a King County office,
71 department, agency, official, employee or agent shall not disclose information regarding
72 the citizenship or immigration status of any person. Disclosure of citizenship or
73 immigration status information may occur if it has been authorized in writing by the
74 individual identified in the information, or by the individual's parent or guardian if the
75 individual is a minor or is otherwise not legally competent.

76 D. The Seattle-King County department of public health shall not condition the
77 provision of health benefits, opportunities or services on matters related to citizenship or
78 immigration status. The Seattle-King County department of public health may inquire
79 about or disclose information relating to an individual's citizenship or immigration status
80 for the sole purpose of determining eligibility for benefits or seeking reimbursement from
81 federal, state or other third-party payers.

82 E. Except when otherwise required by law, where the county accepts presentation
83 of a state-issued driver's license or identification card as adequate evidence of identity,
84 presentation of a photo identity document issued by the person's nation of origin, such as

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85 a driver's license, passport or matricula consular, which is a consulate-issued document,
86 shall be accepted and shall not subject the person to a higher level of scrutiny or different
87 treatment than if the person had provided a Washington state driver's license or
88 identification card. However, a request for translation of such a document to English
89 shall not be deemed a violation of any provision of this ordinance and any subsequent
90 ordinance. This provision does not apply to documentation required to complete a
91 federal I-9 employment eligibility verification form.

92 F. This section does not create or form the basis for liability on the part of the
93 county, its officers, employees or agents. The exclusive remedy for violation of this
94 ordinance shall be through the county's disciplinary procedures for officers and
95 employees under regulations including, but not limited to, county code, union contracts,
96 civil service commission rules or any other agency rules or regulations.

97 G. Unless permitted by this ordinance or otherwise required by law, all
98 applications, questionnaires and interview forms used in relation to the provision of
99 county benefits, opportunities or services shall be promptly reviewed by each agency, and
100 any question requiring disclosure of information related to citizenship or immigration
101 status shall be, in the agency's best judgment, either deleted in its entirety or revised such
102 that the disclosure is no longer required.

103

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104 The review and revision shall be completed within one hundred and eighty days
105 of the effective date of this ordinance.
106

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

ATTEST:

APPROVED this ____ day of _____, _____.

Attachments None



King County

Attachment 3

**Metropolitan King County Council
Committee of the Whole**

Staff Report

Agenda Item No: **9**

Date: **July 1, 2009**

Ordinance No: **2009-0393**

Prepared by: **Wendy Soo Hoo**

SUBJECT

Proposed Ordinance 2009-0393 sets forth requirements and restrictions regarding the ability of county agencies, offices, and employees ascertaining immigration status as it relates to the public health and safety of the residents of King County.

SUMMARY

Proposed Ordinance 2009-0393 would preclude King County offices, agencies, and employees from conditioning the provision of county services on the citizenship or immigration status of any individual, except as otherwise required by law. The proposed ordinance also outlines specific requirements and restrictions for the Sheriff's Office and the Seattle-King County department of public health in handling information pertaining to immigration status.

BACKGROUND

Studies estimate that approximately 11 to 12 million undocumented immigrants live in the United States, comprising almost one-third of the country's entire immigrant population. Approximately 277,000 undocumented immigrants reside in Washington state, according to the Center for Immigration Studies.

Enforcement of civil immigration laws have historically been a federal responsibility. Since 2002, the Office of Immigration and Customs Enforcement, a section under the U.S. Department of Homeland Security, has been tasked with this responsibility.

ANALYSIS

The proposed legislation would represent the first official policy document stating that provision of county services would not be conditioned on citizenship or immigration status, except as otherwise required by law. The legislation would also set forth

requirements and restrictions for Sheriff's Office and Public Health interactions with immigrants and handling of information about immigration status.

Existing written policy statements concerning immigration include:

- Council Motion 11791 (2003): A motion to endorse the aim of drawing attention to the importance of immigrant rights of the Immigrant Workers Freedom Ride.
- Council Motion 12293 (2006): A motion establishing King County's support of and advocacy for comprehensive and effective immigration reform that respects established civil rights, ensures due process of law for immigrants, including freedom from racial profiling and enforcement that is neither arbitrary or selective, reunites and protects families, protects workers regardless of immigration status, offers a pathway to citizenship for the millions of undocumented immigrants in this nation and therefore leads to the strengthening of our borders and national security
- Superior Court Resolution (2008): It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk. (Attachment 3)

The proposed ordinance includes several overarching policy statements, as well as setting forth specific requirements and restrictions for the Sheriff's Office and the Department of Public Health.

Proposed Ordinance 2009-0393: Overarching Policy Statements

- 1) Proposed Ordinance 2009-0393 states that the provision of county services shall not be conditioned on an individual's citizenship or immigration status, except as otherwise required by law. While this would be the first time the policy is codified, it would not represent a departure from existing practice, according to the Executive's office. (Section 2.A.)
- 2) The proposed legislation also states that information regarding the citizenship or immigration status of any person shall not be disclosed, subject to any contrary provision of state or federal law. Disclosure would be permitted if authorized in writing. (Section 2.C.)

Officials from Public Health and the Sheriff's Office indicated that this provision could be problematic. These agencies indicated that discussing a person's immigration status may be necessary in trying to aid the individual in connecting with social services or medical providers. For example, the Sheriff's Office indicated that it assists in finding appropriate social services for undocumented individuals, who are victims of domestic violence or other crimes. Staff is continuing to analyze this issue.

- 3) The proposed ordinance would require that photo identification issued by a person's nation of origin shall be accepted in lieu of a Washington state identification card or driver's license, and individuals providing such identification shall not be subject to a higher level of scrutiny or different treatment. The provision would not apply to documentation required for federal I-9 employment eligibility verification. (Section 2.D.)
- 4) The proposed ordinance states that it does not create or form the basis for liability on the part of the county. (Section 2.F.)

The Prosecuting Attorney's Office indicated that this statement is not likely to actually reduce any liability that may arise from enacting the ordinance.

- 5) The proposed legislation would require that all applications, questionnaires and interview forms used in relation to the provision of county benefits, opportunities or services be reviewed and questions requiring disclosure of immigration status be either deleted or revised so that the disclosure is no longer required. (Section 2.G.)

As written, this provision does not allow for retaining questions regarding immigration status that may be necessary – for example, questions on job applications or requests for documentation to meet federal I-9 employment eligibility verification requirements.

Proposed Ordinance 2009-0393: Provisions Specific to Sheriff's Office

The following provisions are specific to the Sheriff's Office and were drawn from the Sheriff's Office General Orders Manual (Attachment 2). Although the provisions are based on or directly drawn from this manual, officials from the Sheriff's Office expressed concern about codifying policies that were written for internal use. The Sheriff's Office indicated that the policies have been implemented as intended to protect the rights of immigrants, but that discretion exists within the department to ensure that the policies do not hinder investigations or efforts to provide assistance to immigrants. Modifications to the legislation may be needed in order to prevent any unintended circumstances.

- 1) The proposed ordinance would specify that the Sheriff's Office does not have the authority to investigate, detain or arrest persons suspected of violating immigration laws. (Section 2.B.1.)

Prosecuting Attorney's Office review of this provision is ongoing.

- 2) The Sheriff's Office would also be prohibited from requesting documents relating to a person's civil immigration status solely to determine if the individual has violated civil immigration laws. (Section 2.B.2.)
- 3) Under the proposed legislation, deputies would be able to use documents pertaining to a person's immigration status if the documents are offered by the person upon a general, non-specific request (e.g., a request for identification). Deputies may request and use immigration documents if related to an investigation of election law violations. (Section 2.B.3.)

Staff is looking into whether this legislation precludes inquiring about a person's immigration status for other types of criminal investigations in which this status may be relevant, such as investigations of human trafficking or hate crimes against immigrants.

- 4) The proposed legislation would also prohibit the Sheriff's Office from using stops for minor offenses or requests for voluntary information as an excuse for discovering a person's immigration status. The Sheriff's Office would also be prohibited from initiating any inquiry or enforcement action based solely on a person's civil immigration status, race, inability to speak English or understand a Sheriff's deputy. (Sections 2.B.4. and 2.B.5.)

Proposed Ordinance 2009-0393: Provisions Specific to Public Health

- 1) Under the proposed legislation, Public Health would be precluded from conditioning health benefits, opportunities or services on citizenship or immigration status. Public Health would be able to inquire about or disclose information on citizenship or immigration status solely to determine eligibility for benefits or seeking reimbursement from federal, state or other third-party payers.

As discussed above, concerns have been raised about the ability to obtain/disclose information on citizenship or immigration status as part of efforts to help connect individuals to appropriate social services or medical providers.

Fiscal Impact

Executive staff indicated that no fiscal impact is anticipated other than incidental costs arising from changing any forms/applications. Staff raised the question of whether the legislation was likely to create any additional service demands, but Executive staff maintained that no fiscal impact was likely. Executive staff also indicated that community stakeholders would likely communicate with their constituencies about the legislation if it passes.

REASONABLENESS

Review of the proposed legislation is ongoing. As such, this item is not yet ready for action.

ATTACHMENTS

1. Proposed Ordinance 2009-0393
2. Sheriff's Office General Orders Manual, Chapter 5 – *Excerpt*
3. Superior Court Judges' Resolution, April 22, 2008

INVITED

1. Sue Rahr, King County Sheriff's Office
2. Scott Sotebeer, King County Sheriff's Office
3. Gregory Dymerski, King County Sheriff's Office
4. David Fleming, Public Health
5. Dorothy Teeter, Public Health
6. Bengie Santos, Office of the Executive
7. Mauricio Martinez, Office of the Executive

5.05.000 HANDLING IMMIGRATION CONTACTS

5.05.005

INTRODUCTION: 03/08

United States Immigration Customs Enforcement (ICE) investigate criminal cases involving suspected illegal aliens. Local and state agencies do not have the authority to investigate, detain, or arrest persons suspected of violating Immigration laws. There are even significant limitations when asking for Federal identification.

5.05.010

LOCAL AGENCY RESTRICTIONS: 09/92

Requesting adequate identification as part of a criminal investigation is necessary and appropriate. However, deputies shall not:

1. Request **specific** documents relating to someone's **civil** immigration status (i.e., Passport, Alien Registration card, "green card," etc.).
 - Deputies may use immigration documents if the documents are offered by the person upon a general, non-specific request (i.e., "May I see some identification?").
2. Initiate any inquiry or enforcement action based solely on a person's:
 - a. Civil immigration status; or
 - b. Race; or
 - c. Inability to speak English; or
 - d. Inability to understand the deputy.
3. Use stops for minor offenses or requests for voluntary information as an excuse for discovering a person's immigration status.

5.05.015

HANDLING IMMIGRATION DOCUMENTS: 03/08

Immigration documents are often needed for day to day living by residents in this country and are difficult to have reissued. The consequences of not having these documents can create a substantial problem for these persons. Therefore, deputies shall:

1. Treat any ICE document offered as identification with care and promptly return them in the same condition as received.
 - a. Forged or altered documents shall be entered into evidence under a properly titled incident report (i.e., Forgery, Fraud, etc.).
 - b. Deputies shall immediately contact ICE to discuss the case.
2. Not send ICE documents to ICE for subsequent release to the person under investigation.

Resolution

Passed at April 22, 2008 Superior Court Judges' Meeting

Policy:

The King County Superior Court judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law. It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.

Implementation:

In adopting this policy, the Superior Court recognizes that cooperation with other branches of government, including law enforcement agencies, is essential. The judges respectfully request that the county executive, in cooperation with the other branches of government, initiate a dialogue with the appropriate law enforcement agencies to develop a protocol implementing the policy which: 1) respects the dignity of the courtroom and the proceedings occurring in each of the courtrooms; and 2) discourages arrests inside of the courthouses.