

POLICY FORTY-EIGHT
IMMIGRATION AND CUSTOMS ENFORCEMENT
&
COLFAX POLICE DEPARTMENT

POL- 48-1 PURPOSE AND SCOPE

The Colfax Police Department is committed to ensuring public safety while respecting the rights of all individuals, regardless of immigration status. This policy outlines procedures and guidelines for interactions involving immigration and customs enforcement. To comply with the Keep Washington Working Act (KWW), ensuring the police department focuses on state and local law enforcement, protects resident privacy, and provides services without discrimination.

POL- 48-2 DEFINITIONS

Federal immigration authority – Definition encompasses 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 primarily 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.

Immigration and citizenship status- Defined “as such status has been established to an individual under the Immigration and Nationality Act.” Note: consistent definitions must not categorize “speculative information” about someone’s status as “Immigration and Citizenship Status”.

Personal information- Definition includes but is not limited to: names, dates of birth, addresses, GPS, locations, telephone numbers, email addresses, social media handles, social security numbers, driver’s license numbers, parents’ or affiliates’ names, biometric data, other personally identifiable information.

Court Order or Judicial Warrant- Defined as a directive issued by a judge or magistrate under Article III of the US Constitution or Article IV of the Washington constitution. These include, but are not limited to: Judicially Authorized Warrants and Judicially Enforced Subpoenas.

POLICY STATEMENT

The Colfax Police Department does not enforce federal immigration laws. Officers will not inquire about an individual's immigration status unless it is directly relevant to a criminal investigation or required by law.

POL- 48-3 GUIDELINES

1. Prohibited Actions:

- Do not ask about or record immigration status, citizenship, or place of birth unless needed for a state or local criminal investigation.
- Do not arrest or detain anyone based solely on suspected immigration violations or requests from federal immigration authorities (e.g., ICE or CBP).
- Do not share non-public information, like jail rosters or release dates, with federal immigration authorities unless required by a judicial warrant.

2. Permitted Actions:

- Collect immigration information only when necessary for a state or local criminal investigation.
- Cooperate with federal authorities only for criminal matters not related to Immigration Status.

3. Non-Discrimination:

- Provide all services, including emergency response, to everyone regardless of immigration status.

4. Training and Oversight:

- Train all staff annually on KWW compliance and non-discrimination.
- Review this policy yearly to align with state law and Attorney General guidance.

POL-48-4 ENFORCEMENT OF FEDERAL IMMIGRATION LAWS AND POLICIES PROHIBITED

- 1. Agency personnel shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement unless shown to be otherwise.**
- 2. Civil Immigration Enforcement Prohibited**

Agency personnel shall not in any way engage in or assist in civil immigration enforcement.

3. Civil Immigration Enforcement with Agency Resource Prohibited

Agency resources, including personal information, shall not be used or shared to assist civil immigration enforcement. Colfax Police Department

4. Law Enforcement Action based on Birthplace and Citizenship Prohibited

Agency personnel shall not initiate or participate in law enforcement action based solely on an individual's immigration or citizenship status of place of birth.

5. Immigration Inquiries Prohibited

Agency personnel shall not inquire about immigration or citizenship status or place of birth unless directly connected to a violation of state or local law. 10.10 Protecting Investigative Information. Agency personnel shall not investigate, interview, or similar within the presence or hearing distance of federal immigration authorities who are not directly connected to an Agency investigation into the violation of state or local criminal law; and Necessary to perform the officer's duties.

6. Protecting Investigative Information

Agency personnel shall not investigate, interview, or similar within the presence or hearing distance of federal immigration authorities who are not: Directly connected to an Agency investigation into the violation of state or local criminal law; and Necessary to perform the officer's duties.

7. Civil Immigration Detention Prohibited

Agency personnel shall not hold any person solely to determine their citizenship or immigration status unless that information is directly connected to the Agency's investigation into a violation of state or local law.

8. Civil Immigration Documents do not Establish Probable Cause

Civil immigration warrants, holds, and detainers shall not be the basis for any officer to arrest, detain, or otherwise hold a person in custody.

9. Warrantless Custody Transfer to Federal Immigration Authorities Prohibited

Agency personnel shall not transfer custody of an individual to federal immigration authorities or similar without a judicial warrant or court order. Warrants must be confirmed valid and judicial before the agency takes action to comply. An agency's warrant confirmation process shall include: Obtaining a copy of the warrant. Identifying the criminal charge and federal law citation. Identifying the issuing court. Verifying that the warrant includes the correct date and time. Confirming the warrant is signed by the

correct judicial official. Personnel shall not disclose the location of an officer or individual until the warrant is confirmed.

10. Directing Federal Immigration Requests for Assistance

All requests for assistance from federal immigration authorities or similar are directed to the agency executive or designee.

11. Prior Approval Required for Immigration Enforcement

Agency personnel shall not take part in joint operations, task forces or other activities that support immigration enforcement actions without prior approval in writing from the agency executive or designee.

POL-48-5 DATA COLLECTION PROHIBITED

1. Requesting Immigration Documents Prohibited Agency personnel shall not request information or documents determining a person's immigration or citizenship status or place of birth unless directly connected to an official investigation into a violation of state or local law.

2. Completing Fingerprint and Biometric System Submissions Agency personnel processing fingerprint cards or Automated Biometric Identification System submissions shall enter a placeholder term such as "Unknown" for fields addressing immigration or citizenship status unless the information is otherwise known.

3. Crime Victim and Witness Protection Agency personnel shall not take enforcement action against or use immigration or citizenship status or place of birth against crime victims or witnesses.

4. 10.19 Language Services from Federal Immigration Authorities

Prohibited Agency personnel shall use approved language services and shall not accept language services from federal immigration authorities or similar.

POL -48-6 CONSULAR NOTIFICATION

1. Notification of Nondisclosure Right

Within 72 hours of detention, Agency personnel must inform all detained persons, verbally and in writing of: The right to refuse to disclose information about status and nationality; and that any disclosure may result in civil immigration enforcement.

2. Facilitating Consular Communication

If aware that a detained person is a foreign national, Agency personnel must provide consular notification advisement as legally required and facilitate access and communication by the foreign consul.

POL-48-7 RESPONDING TO INFORMATION REQUESTS

1. Personal Information Disclosure Prohibited

Agency personnel shall not disclose personal information or release dates to federal immigration authorities or similar except when required by a court order, judicial warrant, or under the Public Records Act.

2. Recording Personal Information Disclosures

Any disclosures of personal information or release dates to immigration authorities or similar shall be reported to the agency executive and logged. The disclosure log shall be a public record and made publicly available. Responses shall be processed according to Agency PRA procedures.

POL- 48-8 ACCESS TO PERSONS IN CUSTODY

1. Warrantless In-Custody Access Prohibited

Agency personnel shall not permit access to anyone in custody by federal immigration authorities or similar without a judicial warrant, court order, or the held person's prior written consent.

2. In-Custody Access Consent Procedure

To obtain written consent agency personnel shall provide the held person with an oral explanation and written consent form (English and Spanish required) that explains: The purpose of the interview; The interview is voluntary; The person will not suffer consequences for declining the interview; and the person may choose to be interviewed only if their attorney is present.

3. In-Custody Access when Attorneys are Required

If the person chooses to be interviewed only if their attorney is present, agency personnel shall not permit access by federal immigration authorities or similar until the person's first court appearance and the person has counsel or proceeds pro se.

4. In-Custody Consent to be Provided in an Understood Language

Both the oral explanation and consent form shall be provided in a language understood by the person or by using an approved language service.

POL-48-9 EQUAL TREATMENT FOR PERSONS IN CUSTODY

1. Equal Access to Rights and Services

Persons in agency custody shall receive the same rights, services, opportunities, etc. regardless of nationality or immigration status. Rights, etc. shall not be limited based on a request by federal immigration authorities or immigration documentation.

2. Visitation Information Protected

Agency personnel shall not share visitors' personal information with federal immigration authorities or similar without a court order, judicial warrant, or agency executive approval. The agency shall minimize information collection and not collect immigration or citizenship status from persons visiting individuals in custody.

3. Social Visitation Protected

The agency shall not limit a person's access to social visitation on the basis of a person's inability to effectively communicate through video visitation.

POL- 48-10 IMMIGRATION ENFORCEMENT CONTRACTS

1. Agreements Prohibited

Agency personnel shall not enter into any agreement which would grant federal immigration enforcement authority or powers, including 287(g) agreements.

2. Inter-Agency Agreement Protections

All agency agreements to participate in multi-jurisdictional activity (ex: task forces) shall include legally binding assurances that all other parties shall not use or share agency resources, personnel, or information with 3rd parties or to support immigration enforcement.

3. Federal Inter-Agency Agreement Protections

Agency personnel shall not engage in any multi-jurisdictional activity or agreement with federal immigration authorities or similar without legally binding assurances in writing that no agency resources, personnel, or information will be used to support civil immigration enforcement. The agreement must be pre-approved by the agency executive.

4. Approval Required for Activities with Federal Immigration Authorities

Agency personnel shall not assist or participate in any task forces or other activities with any person engaging in immigration enforcement without written pre-approval of the agency executive. Note: Civil immigration enforcement is prohibited. This policy allows for criminal immigration enforcement where appropriate.

5. Immigration Detention Agreements Prohibited

The agency shall not enter into a detention agreement with federal immigration authorities or similar.

6. Database Access Protections

All agreements permitting access to agency databases or information shall include legally binding assurances that all other parties shall not use or share information or database access with any 3rd parties supporting or engaged in immigration enforcement.

POL-48-11 U&T VISA CERTIFICATIONS

The fact of U&T Visa requests and any submitted personal information shall not be shared outside the agency, agency counsel, and prosecuting attorney without a court order, judicial warrant, agency executive approval, written consent by the subject or their legal guardian, or as required by law.

1. Compelling Cooperation Prohibited

Agency personnel shall not use U&T Visa certifications to compel cooperation.

2. Processing Requirements

Agency officers shall forward U&T Visas certifications to the agency executive or designee without delay. U&T Visa certification requests shall be processed within 90 days of receipt unless circumstances require faster processing. U&T Visa certification requests for persons in federal removal proceedings shall be processed such that they are executed within 14 days of request. U&T Visa certifications will be expedited upon request if a person or their children will reach age 21 before the 90-day processing deadline. The agency shall process the certification such that it is executed 14 days prior to the individual turning 21.

3. U&T Visa Training

Officers shall complete training on the agency's policies around U&T Visas.

POL- 48-12 TRAINING

1. All officers, including SROs, shall receive KWW-specific training annually.
2. School Resource Officer Training - School Immigration Policies The agency will ensure that SROs are trained on their role within school policies and procedures pertaining to the presence of federal immigration authorities at a school.

POL 48-13 COMPLIANCE MONITORING & PUBLIC COMMUNICATION

1. Law enforcement conducts audits to document and track instances and outcomes of at least: Requests for immigration and citizenship information; Requests for assistance with immigration enforcement; Requests from federal immigration authorities or similar for access to individuals in agency custody; and Requests for and contacts with foreign consuls.

POL- 48-14 EXCEPTIONS

This policy does not restrict officers from:

- Responding to criminal activity involving individuals regardless of immigration status.
- Complying with state or federal laws that require specific actions related to immigration enforcement.

POL- 48-15 ACCOUNTABILITY

Violations of this policy may result in disciplinary action. The police department will review this policy periodically to ensure compliance with legal standards and community expectations.