



Washington Association of

# SHERIFFS & POLICE CHIEFS

3060 Willamette Drive NE  
Lacey, WA 98516  
360-486-2380 (Phone)  
360-486-2381 (Fax)  
[www.waspc.org](http://www.waspc.org)

**February 10, 2026**

Greetings from your Executive Director:

Here are some updates this week:

First, many thanks to all who attended Law and Justice Day at the Capitol with our colleagues at the WA Association of Prosecuting Attorneys (WAPA). We had a great turnout and heard from Gov. Ferguson, Sen. Dhingra, Sen. Holy, Rep. Graham, Rep. Davis, and Rep. Goodman. We know it is a commitment to travel, park and make all the arrangements in your busy schedules so please know it is appreciated!

### **Immigration Enforcement**

Here again are resources on the issue of immigration enforcement. [This](#) is the statement WASPC and WACOPS issued January 29. Below are examples of communications from several agencies. These types of communications are specific to communities and their law enforcement leadership, so there is no one perfect example.

A summary of the main messages:

- We acknowledge that members of our community are concerned with impacts to our immigrant community by recent enforcement actions.
- We police everyone fairly, without bias or favor.
- We are prohibited by state law from participating in or supporting civil immigration enforcement.
- At the same time, we cannot and will not interfere in federal enforcement actions.

#### Renton PD Chief Jon Schuldt:

*We are aware that federal immigration agents are operating in the City of Renton. We understand this is concerning and unsettling for many in our community, and we want to share what we know and explain the Renton Police Department's role.*

*Federal agents have legal authority to conduct enforcement anywhere in the country, including Renton. These operations are not coordinated with our department. We are not notified before they occur, nor are we informed afterward. In most cases, we learn about it when community members contact us or when we encounter situations such as an abandoned vehicle.*

*Many have asked what the Renton police can do. If you believe you are or have been the victim of a crime and report it to us, we will respond. Our officers will ensure everyone's immediate safety, and we will document what occurred. However, we have no authority over operations conducted by federal agents.*

*While we may not be able to change the outcome of a federal operation, our priority is always safety. We will work to reduce tension and de-escalate situations whenever possible.*

Walla Walla Co. Sheriff's Office:

*We know there are rising tensions nationwide and our wonderful community is not exempt from concern and fear. While Walla Walla is not an area seeing much federal law enforcement activity, we see you and we hear you. Our mission has not changed. The Mission of the Walla Walla County Sheriff's Office is to safeguard the lives, property, and rights of the people we serve; reduce the incidence and fear of crime; and to enhance public safety while working with our community to improve their quality of life.*

*We are here to serve and protect while partnering with you to improve our collective quality of life. With that in mind, we want to again state the clear difference between the jurisdiction of local law enforcement and federal immigration activities. In accordance with the Keep Washington Working Act, local law enforcement in our state does not conduct civil immigration enforcement. No one in our state should fear contacting their local law enforcement for help due to their immigration status.*

*We remain committed to the constitutional protections that safeguard individuals from unlawful or unreasonable searches and seizures. Today, we underscore the need for stability, professionalism, and respect for constitutional principles.*

*Our deputies do their jobs each day in a complex, high-pressure environment that is increasingly more difficult due to the current tensions surrounding Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP). This tension has put not only public safety at risk, but also the safety of the men and women who dedicate their lives to protecting Washington's communities.*

*Preserving public trust requires professionalism, transparency, and accountability – and is a mission that law enforcement cannot accomplish on our own. Public officials hold a critical role in de-escalating tensions by using measured, responsible rhetoric that reinforces lawful processes, the rule of law, and denounces violence, including violence against and interference with any law enforcement officers. We call on our elected officials and community leaders to work together with us to make Washington and Walla Walla County safe for all.*

Snoqualmie PD:

*The City of Snoqualmie, the City of North Bend, and the Snoqualmie Police Department that serves both cities are committed to serving and protecting all members of our community regardless of immigration status. Both Washington Law (Keep Washington Working Act) and Snoqualmie Police Department Policy prohibit our officers from assisting U.S. Immigration and Custom Enforcement (ICE) or any other federal law enforcement entity engaged in federal immigration enforcement. Federal immigration enforcement is not the function of local law enforcement and local officers are prohibited from acting based on a person's immigration status. Officers will not ask about your immigration status during an investigation, whether you are a victim or a suspect. Should anyone in our community observe a situation that creates a public safety concern, please call 911 and report it. Snoqualmie Police will respond to ensure public safety, keeping in mind that ICE's authority arises under federal law.*

One of our members sent this [link](#) from DHS that contains arrests and it can be searched by city. This is for your awareness and so you know what communications are being provided.

Be aware of [HB 2648](#) which involves local law enforcement interacting with possible or reported federal immigration enforcement. We are being clear that forcing or requiring any kind of confrontation with a different level of government with different jurisdiction is rife with problems and creates tremendous liability, including personal liability for officers and deputies. We are opposed to this bill and continue to

communicate the problems it poses. As of today, HB 2648 did not make “cutoff” on Monday the 9th so it will likely not be considered further this session.

Under [RCW 10.93.190](#) the statutory duty to intervene/duty to report applies only if the excessive force or wrongdoing is committed by a general authority Washington peace officer. The actions of limited authority Washington peace officers (as defined in the statute), including tribal peace officers, specially-commissioned peace officers, and federal peace officers are not included in the statutory duty. As always, check with your legal advisor.

[Here](#) is a press conference held by the Governor and Attorney General on Jan. 26. I would recommend you watch the portion from the 27:00 through the 30:00 mark to hear what they are saying regarding expectations of state and local law enforcement. Again, there seems to be a suggestion that agencies should intervene but no clear definition and they say repeatedly, “it’s complicated.”

To further complicate it, [here](#) is an interview from several days ago on Seattle’s public radio station where the Executive Director of the ABLE (Active Bystandership for Law Enforcement) program at Georgetown University is interviewed. If you listen to the interview, particularly starting about halfway through, he seems to strongly suggest that ABLE would require a duty to intervene with federal immigration enforcement. Having checked with some trainers and others who are familiar with the training, they indicate that the training does not lead to that conclusion at all, and saying so is potentially dangerous and politicized. It certainly was not designed for that. I reached out to the person interviewed, the Executive Director of the Georgetown Center for [Innovations in Community Safety, Takir Duckett](#) for clarification and this was his response:

“The ABLE training doesn't create any duty to intervene--it is the Constitution (and sometimes state and local law) that creates a duty to intervene to prevent other officers from depriving individuals of their constitutional rights. It's a duty that applies to law enforcement officers even when the officer engaging in a deprivation of rights is from a different agency. And there's no indication that I've seen in the law that this duty to intervene doesn't apply if the officer is a federal officer. That does not mean, of course, that there's a duty to intervene "in federal immigration enforcement activities." But if an officer is standing by and failing to intervene when a federal agent is engaging in use of force that is clearly established as excessive, and where there's a reasonable opportunity to intervene, that officer is at risk of criminal and civil liability. The ABLE training is designed to help officers intervene in ways that decrease the danger of confrontation and misunderstanding, in a variety of contexts. But it doesn't change the law or the policy. It just provides tools to help officers comply with the law.”

Be aware that this interview and the messages are part of the conversation in your community. I would encourage you to check with your legal advisor to make sure everyone is on the same page if you get a call regarding federal immigration enforcement. As elected officials and academics continue to send messages that local law enforcement should intervene, none seem to add that it is a federal crime to impede or obstruct federal enforcement actions. Our state prohibits involvement with federal immigration enforcement, while simultaneously suggesting (or perhaps legislating) officers must be involved. There are potential civil and criminal liabilities no matter what the officers do. As we have seen in Minnesota, it is a lose-lose for local officers.

As I think you can see, Washington officers potentially face a legal "Catch-22" regarding federal enforcement due to the conflict between State Sovereignty (RCW 10.93.160) and the federal Supremacy Clause. What follows is based on feedback from Tom Ovens, an experienced trainer, but please take this as information to guide your decisions and not legal advice of any kind- as always check with your legal advisor:

- Federal Obstruction: Intervening in a lawful federal arrest risks a felony charge. Federal law generally preempts state law, meaning the *Keep Washington Working Act* is rarely a valid defense for actively blocking an agent.
- Civil Liability: Failing to intervene during excessive force risks personal liability. Per 9th Circuit precedent (*Cunningham v. Gates*), "bystander liability" applies regardless of agency hierarchy; officers cannot use the federal nature of an operation to excuse a 4th Amendment violation.

My own comment on the legal elements? All of this occurs within a highly politicized, highly charged environment where people will stand around with cell phones looking to find viral moments and political narratives to create an impression one way or the other. We all just need to be aware that these are the dynamics in front of us while we try to provide for public safety for our communities.

Lastly on this topic, in Minnesota negotiations are apparently going on that would involve access to local jails for ICE regarding persons arrested for serious and violent offenses. Minnesota does not have a KWW-like law; it is a decision made on a county basis. We understand there is not an expectation that civil detainers be honored. In other words, the main points of negotiation seems to be where to set the bar for when local jails would notify, provide access, and turn over those subject to deportation- serious and violent crimes or something lower, and also whether it would pertain to all those held, or only post-conviction. As these negotiations progress, [here](#) is a story highlighting the Hennepin County Sheriff and the potential decision to be made, with quotes from activist groups saying any compromise is "caving in" and using strong rhetoric and absolutist language.

### **Pursuits Study**

The legislature required a [study](#) which was conducted by University of Washington Professor Fred Rivara and his team. The study examined the relationship between recent legislative changes regarding police pursuits, the frequency of pursuits, and injuries resulting from pursuits. The study was straightforward and among his recommendations was a state funded records system to create consistent data. The legislature has done nothing with his study at this time.

His study was "anonymized," and he had informed agencies who provided data that he would not release anything that included identifying information. He has followed through with that commitment, but the data were presented without the context of criminal activity or behavior surrounding the incidents. Now, researchers at Clemson University and the University of South Carolina have asked to look at a follow-up study (to be clear, not required or have any relationship with legislative mandates in our state, but for research purposes) that links pursuit policies, the frequency of pursuits, and crime rates to assess whether legislative changes and the reduction in police pursuits led to increases in crime in Washington.

The University of Washington study was conducted on the condition of anonymity, so the South Carolina research team is unable to link the pursuit data provided to UW to the crime data necessary to conduct this analysis. As a result, the research team is asking if those agencies who had provided data for that UW study to voluntarily send them:

1. The same vehicular pursuit data that you sent to the University of Washington.
2. Your policies related to vehicular pursuits from 2019-2024. Please include their effective dates if your policies changed during that period.

This will allow them to connect this data to crime data from the Washington State Statistical Analysis Center to conduct a robust analysis of how vehicular pursuit policies affect crime. Again, this is purely voluntary on your part and applies only to those agencies to who provided data to the UW study.

If you choose to submit your data and policies or to ask any follow up questions, please contact:  
Kyle McLean, Ph.D., Director, Center for Public Safety Research, Clemson  
University, [kdmclea@clemson.edu](mailto:kdmclea@clemson.edu)

**OII Reminder**

The Office of Independent Investigations asked us to send [this](#) reminder regarding notifications.

Finally, the challenges keep coming and the speed at which complex decisions must be made increases. Remember that among institutions, local law enforcement continues to be [one of the most trusted](#). Your ability to communicate effectively and thoughtfully with your communities is critical. There are plenty out there for whom creating more fear and outrage is politically rewarding. Being the adults in the room and focusing on our core mission of public safety, doing all we can to keep politics out of our service to the community, and acknowledging the fears and opinions of groups with vastly different opinions and realities, is more important than ever.

Thanks for all you do- stay safe- Steve