



Washington Association of  
**SHERIFFS &  
POLICE CHIEFS**

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Here are a few updates this week:

This week the U. S. Dept. of Justice sent out this [memo](#) regarding changes to immigration enforcement. It has received media attention, including the portion toward the end about repercussions for limiting local cooperation with federal initiatives. I am sending it for your awareness, and to ensure your legal counsel has it also to review. Of course, the messages from the federal government are intersecting with the Keep Washington Working (KWW) Act passed a few years ago, and as a resource [here](#) are the FAQs from the Attorney General's Office, and [here](#) is the statement we put out in December, which has been posted by some agencies.

The federal government is sending a message that if local agencies do not comply with its directives, there will be repercussions. You will notice the DOJ memo refers to U.S. Attorneys who need to file reports on progress, and the consequences of non-compliance for other non-federal agencies. As in the past, our state similarly sent out required [reports](#) and messages that not closely following KWW would result in negative consequences, including not only official sanctions but [reports](#) from advocacy groups and their [reporting out](#) by media platforms.

This back-and-forth continues the patterns we have seen in the last several years: placing locally accountable law enforcement agencies in the middle, just waiting for someone to do something one side can jump on and create a viral moment, a lawsuit, or to get attention. It's almost like they are all standing around with their metaphorical cell phones out, just waiting for law enforcement to do anything that will result in a "gotcha" moment. It's also true that both the federal authorities under the direction of the President and our state's elected leaders are carrying out initiatives under their respective responsibilities, and with the mandate of the voters who placed them in their elected offices. Our state's Sheriffs and Chiefs have opinions on immigration policy as well, so WASPC is providing this just to make sure you have situational awareness.

And, most importantly, we all know that each of you are working to follow the law, protect victims, and provide for public safety in your community- that is literally what this is all about. There seems to be great agreement that people involved in serious crimes can and should be subject to prosecution, and to

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deportation if they are not documented. This eventuality is currently done under KWW as long as there is a signed court order, ordering the person held and turned over to federal authorities. KWW does not allow notification to ICE except under certain exceptions. The question for each of you to make sure you answer is, how and when to receive and act on requests. The DOJ memo also refers to legal concepts regarding supremacy of federal law that your legal counsel should provide guidance on. If you or your legal advisor wants additional resources regarding questions on KWW moving forward, let me know and I can do more follow up to the extent I can.

In addition, I have not definitively confirmed all the facts, but I understand that one jail received an ICE detainer with new language and something called a "US Dept. of Homeland Security Warrant for Arrest." It did not appear to be signed by a judge or magistrate but was signed by an ICE official. That jail chose to follow the same procedures of not honoring a detainer without the signature of a judge of magistrate. Here is the message that our jail liaison, Ric Bishop, sent to jail managers earlier today:

"This morning a Washington State regional jail received a Department of Homeland Security Immigration Detainer, Notice of Action (form I-247A). It does not appear the documents are signed by a judge or magistrate (still signed by an Immigration Officer) and accompanying it was a document titled U.S. Department of Homeland Security Warrant for Arrest of Alien (signed by an Immigration Officer). Considering the President's recent direction and executive order on ICE enforcement, you may want to take the step of consulting with your legal representative as soon as possible to determine what action to take if this were submitted. If I were still running a jail, I would expect to be seeing similar documents coming my way this weekend."

Finally, also attached is [this notice](#) regarding officer safety where social media platforms are providing movement and locations of law enforcement. It is also provided for your information.

Have a good weekend- stay safe- Steve