



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Civil Rights Division  
800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle WA 98104  
(206) 464-7744

November 15, 2021

**VIA U.S. MAIL AND E-MAIL**

Sheriff Chuck E. Atkins  
Clark County Sheriff's Office  
707 West 13th Street  
Vancouver, WA 98660  
sheriff@clark.wa.gov

**RE: Clark County Sheriff's Office's Compliance with Keep Washington Working Act**

Dear Sheriff Atkins:

The Attorney General's Office is committed to protecting the civil rights of everyone in the State of Washington. This includes ensuring that local units of government comply with state law designed to protect vulnerable individuals from being targeted by law enforcement based on their national origin, citizenship, or immigration status. I write to raise concerns that the Clark County Sheriff's Office may be in violation of the Keep Washington Working Act, RCW 10.93.160.

As you know, the Keep Washington Working Act (KWW) limits the extent to which local law enforcement agencies may participate in the enforcement of federal immigration laws. The KWW provides that a person's immigration status, presence in the country, or employment in the U.S. is not a matter for police action, and enforcing civil federal immigration law is not local law enforcement's primary purpose. RCW 10.93.160(2).

To that end, the KWW expressly prohibits local law enforcement agencies from, among other things:

- Providing information in response to a notification request from federal immigration authorities for the purposes of civil immigration enforcement;
- Providing non-publicly available personal information about an individual to federal immigration authorities in a noncriminal matter; and
- Taking someone into custody, or holding someone in custody, based solely on a civil immigration warrant or immigration hold request.

## ATTORNEY GENERAL OF WASHINGTON

November 15, 2021

Page 2

RCW 10.93.160(4)-(8). In addition, local law enforcement agencies must explain in writing (1) an 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 or criminal immigration enforcement, including removal from the United States. RCW 10.93.160(9)(a).

In May 2020, the Attorney General published model policies, guidance, and training recommendations, to ensure that "local law enforcement duties are carried out in a manner that limits, to the fullest extent practicable and consistent with federal and state law, engagement with federal immigration authorities for the purpose of immigration enforcement." RCW 43.10.315. I have enclosed a copy of these documents for your review.

Local law enforcement agencies, such as the Clark County Sheriff's Office, are required to either (1) adopt new policies consistent with the Attorney General's guidance; or (2) notify our Office that you are not adopting the guidance, state the reasons why, and provide a copy of your policies that you believe ensure compliance with KWW. RCW 43.10.315(1)-(2). To date, our Office has not received any information from you regarding the Clark County Sheriff's Office compliance with this provision.

Further, following a recent, in-depth review of Clark County records, it is our understanding that the Clark County Sheriff's Office has engaged in conduct that may violate the above-cited provisions of the KWW. The Attorney General's Office received information indicating that since the effective date of the KWW (May 21, 2019), staff in your office contacted ICE deportation officers at least 311 times to share non-publicly-available information pertaining to approximately 954 individuals in custody at the Clark County Jail. The non-public information your staff shared included dates and places of birth, nationalities, booking photos, arrest reports, FBI numbers and reports, home addresses, biometrics, and anticipated jail release dates and times.

The majority of the time, Clark County Sheriff's Office staff appear to have provided this information in response to a notification request from ICE for the purpose of civil immigration enforcement. However, the information we received indicates that some of your staff proactively contacted ICE to flag individuals in custody for potential civil immigration enforcement, based solely on their nationality or place of birth. Moreover, we saw no evidence in these records that staff in your office had ever explained in writing to any individual in custody their right not to disclose their nationality or immigration status.

Clark County Sheriff's Office staff also appear to have tailored their communications to ICE with the primary purpose of furthering federal civil immigration enforcement, contrary to RCW 10.93.160(2). It appears that when your staff receives civil immigration warrants or immigration hold requests from ICE, your staff members notify ICE agents of the exact day and time that the subject of the warrant or hold will be released from County Jail, to ensure that deportation officers are present to execute those warrants.

Based on the foregoing, the Attorney General's Office is concerned that the Clark County Sheriff's Office may be in violation of the Keep Washington Working Act. I request an opportunity to meet

ATTORNEY GENERAL OF WASHINGTON

November 15, 2021

Page 3

with you to discuss these potential violations, and strategies to bring your office into compliance. I am available at the following dates and times:

- Monday, November 29, 2021: 1:00PM-5:30PM
- Tuesday, November 30, 2021: 8:00AM-1:00PM
- Wednesday, December 1, 2021: 10AM-5:30PM
- Monday, December 6, 2021: 1:00PM-5:30PM
- Tuesday, December 7, 2021: 8:00AM-2:30PM

Please confirm a date and time that works for you, and I will circulate a remote meeting invitation. Please feel free to invite anyone else on your staff who should also participate.

I look forward to meeting with you.

Sincerely,



EMILY C. NELSON  
Assistant Attorney General  
Wing Luke Civil Rights Division  
Washington State Attorney General's Office  
Attorney for the State of Washington  
206-342-6405  
emily.nelson@atg.wa.gov

Encl.