

**SENT VIA ELECTRONIC MAIL**

December 1, 2022

Rafael Padilla  
Kent Police Chief  
[PoliceChief@KentWA.gov](mailto:PoliceChief@KentWA.gov)

Tammy White  
Kent City Attorney  
220 Fourth Ave. S  
Kent, WA 98032  
[CityAttorney@KentWA.gov](mailto:CityAttorney@KentWA.gov)

**RE: Implementation of the Keep Washington Working Act  
Cease Information Sharing with ICE – Confirmation Requested**

Dear Chief Padilla and Ms. White,

We write to support your compliance with the Keep Washington Working Act (RCW 10.93.160).

The state legislature passed the Keep Washington Working Act (“KWW”) to address the “substantial and compelling interest in ensuring the state of Washington remains a place where the rights and dignity of all residents are maintained and protected.” S.B. 5497 § 1(3). To that end, KWW contains several provisions that prevent state and local law enforcement agencies and jails from participating in civil immigration enforcement actions carried out by U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP).

Under RCW 10.93.160,<sup>1</sup> local law enforcement agencies are specifically prohibited from the following practices:

1. Asking about and collecting information about place of birth, immigration status, or nationality, unless such information is connected to an ongoing investigation of a criminal violation under state or local law.
2. Providing ICE/CBP “non-publicly available” personal information, such as an individual’s home address.
3. Notifying ICE/CBP when someone will be released from custody.
4. Holding someone on a civil immigration warrant or detainer.

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<sup>1</sup> See also, Keep Washington Working Act Guidance, Model Policies, and Training Recommendations for State and Local Law Enforcement Agencies, Washington State Office of the Attorney General, May 2020, available at: [https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/Office\\_Initiatives/KWW/KWW%20LEA%20Model%20Guidance.pdf](https://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/Office_Initiatives/KWW/KWW%20LEA%20Model%20Guidance.pdf).

In the face of KWW's clear prohibitions, public records reveal that Kent Police Department staff, namely Sergeant Joshua Bava, responds to requests for information from ICE and also proactively shares personal information with ICE agents. For example, Sergeant Bava provided ICE with a booking photo of an individual even though such photos are not available to the public under the Public Records Act—which is evidenced by Kent Police Department's redaction of the same photo when it produced the email communication a public records requester. *See, e.g., Appendix A.* The Kent City Jail's practice of collecting place of birth and citizenship information during the booking process—which documents show occurred as recently as May 2022—also violates KWW. *See, e.g., Appendix B.* Further, documents show a pattern of ICE issuing a detainer for an inmate and the jail notifying ICE of their release and turning over custody of the inmate to ICE which has resulted in at least 20 instances of ICE apprehensions involving Kent City Jail from June 2019 to March 2020. *See, e.g., Appendix C.* This also constitutes a violation of KWW.

Moreover, in documents received pursuant to a public records request, the most recent relevant Kent Police Department/Jail policies (e.g. The Directive on Immigration Detainers and Warrants, and Foreign National Admission Policy) appear to be Lexipol policies from before KWW was passed in 2019. If those policies are in current use, they do not reflect current state law and expose your department to liability.

In light of this information, we request that you immediately correct your policies and cease conduct which violates KWW. If you have exculpatory information that makes clear that incidents above are not violative of the statute, or that you have taken measures to correct any such violations, please provide that information to us at your earliest convenience, and no later than January 6, 2023, so that we may resolve our inquiry without need for further intervention. Additionally, we would like this letter to act as a complaint of misconduct against Sergeant Bava for repeatedly violating state law. We request that an administrative or personnel review and investigation be completed, and discipline be imposed as authorized.

If you have further questions about the concerns raised in this letter, or would like to discuss potential policy changes, we urge you to contact Enoka Herat, [eherat@aclu-wa.org](mailto:eherat@aclu-wa.org), police practices and immigration counsel for the ACLU-WA.

Sincerely,

s/ Matt Adams  
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s/ Enoka Herat  
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