

RESOLUTION 2020 642

BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY, WASHINGTON:

IN THE MATTER OF APPROVING THE KEEP WASHINGTON WORKING ACT POLICY

WHEREAS, in 2019, the Washington State Legislature passed the Keep Washington Working Act (KWWA) to establish statewide practices regarding the enforcement of federal immigration laws by state and local agencies and provide improved support of economic opportunities for all Washingtonians, regardless of their immigration or citizenship status; and

WHEREAS, the KWWA also directed the Attorney General Office to develop and publish model policies for limiting immigration enforcement to the fullest extent possible, consistent with federal and state law at courthouse facilities, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status; and

WHEREAS, pursuant to RCW 43.10.310(2), all courthouses must adopt necessary changes to policies consistent with the model policy and notify the Attorney General Office of any changes; and

WHEREAS, the effective implementation of the guidance set forth in this policy will protect the rights of all Washingtonians and improve community safety by ensuring full participation in our legal system; and

WHEREAS, the model policy is proposed to be adopted with a few minor changes and has been approved as to form by the Benton County Prosecuting Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Benton County Commissioners hereby approves the attached Keep Washington Working Act Policy.

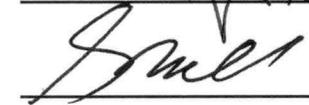
Dated this 15 day of Sept. 2020.



Chairman of the Board



Chairman Pro Tem



Member

Attest: 
Clerk of the Board

Constituting the Board of County
Commissioners of Benton County,
Washington

Keep Washington Working Act Policy

It is the policy of Benton County to follow the Keep Washington Working Act (KWW) passed by the Washington State Legislature in 2019 and codified in Chapters 10.93, 43.10, and 43.17 RCW. The KWW establishes statewide practices regarding the enforcement of federal immigration laws by state and local agencies and provides improved support of economic opportunities for all Washingtonians, regardless of their immigration or citizenship status. This policy is enacted consistent with RCW 43.10.310(2).

In its mission to protect the liberties guaranteed by the Constitution and the laws of the state of Washington and the United States, the judicial branch of Washington has a responsibility to provide safe and secure access for all residents regardless of immigration status. The guidance set forth in this policy will protect the rights of all Washingtonians and improve community safety by ensuring full participation in our legal system.

This policy applies to the following locations: The Benton County Courthouse, located in Prosser, WA and the Benton County Justice Center, located in Kennewick, WA. These two facilities will now be referred to as "The Courthouse".

A – Legal Authority:

1. The Courthouse adheres to all requirements of state law, including the Courts Open to All Act (COTA), SHB 2567, Laws of 2020 ch. 37. Courthouse further adheres to all Washington State Court Rules, including General Rule 38, Open Access to Courts.
2. The provisions of this policy apply to The Courthouse and all court facilities, which include (but are not limited to) adjacent sidewalks, parking areas, grassy areas, plazas, court-related offices, commercial and governmental spaces within court building property, and entrances and exits from said building spaces. This policy does not apply to any state law enforcement officers that are part of an agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state.
3. The Courthouse's policies prohibiting participation or aid in immigration enforcement shall apply to enforcement activity against members of the public and staff.
4. The Courthouse personnel shall presume that federal immigration authorities are engaged in immigration enforcement.

B – Access to Courthouse:

1. The Courthouse recognizes that the Washington judicial branch is founded upon the fundamental principle that courts shall be accessible to all persons. Ensuring access to justice requires that all courthouses remain spaces that are open to the public and that every person be able to participate in judicial proceedings, access services, conduct business with the court, and engage as otherwise necessary for the administration of justice.

2. In accordance with COTA, and in order to safeguard the public and to maintain the orderly operations of the court, designated courthouse security shall collect the following information from on-duty state and federal law enforcement officers entering courthouse facilities, including plain-clothed officers, unless such officer is present in or on courthouse facilities to participate in a case or proceedings before the court: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken. This provision only applies when designated courthouse security have actual knowledge that law enforcement officers have entered the Courthouse facilities.
3. Designated courthouse security shall immediately transmit collected information to designated courthouse personnel. If the law enforcement officer's stated purpose is to conduct a civil arrest at the courthouse facility, courthouse security shall immediately advise designated courthouse personnel.
4. Designated courthouse personnel shall transmit collected information to the Administrative Office of the Courts on a monthly basis.

C – Civil Arrests at or Near Courthouse Facilities:

1. The Courthouse personnel shall not aid in or support any person being subject to arrest or having their freedom restricted or hindered solely for a civil immigration offense while present in, going to, or returning from Courthouse, including within one mile of the courthouse facility, except (a) by valid court order or judicial warrant, (b) when it is necessary to secure the immediate safety of judges, courthouse personnel or the public, (c) where circumstances otherwise permit warrantless arrest pursuant to RCW 10.31.100, or (d) where the court has issued a writ or other order setting forth additional conditions to address circumstances specific to an individual or other relevant entity.

D – Gathering Information Related to Immigration or Citizenship Status:

1. The Courthouse personnel shall not inquire about, request, or collect from any person information about the immigration or citizenship status, or place of birth of any person accessing services provided at the courthouse, unless there is a connection between such information and an investigation into a violation of state or local criminal law, provided that a judge may make such inquiries as are necessary to adjudicate matters within their jurisdiction. Courthouse recognizes that judicial officers may enter orders or conditions to maintain limited disclosure of any information regarding immigration or citizenship status, or place of birth as they deem appropriate to protect the liberty interests of crime survivors, the accused, civil litigants, witnesses, and those accompanying crime survivors to a courthouse facility.
2. The Courthouse records of information regarding a person's immigration or citizenship status, or place of birth, shall be aggregated or de-identified from the individual, unless

otherwise required by law. The Courthouse personnel maintaining said information in any other way shall report their retention procedure and basis to designated courthouse personnel prior to collecting the information.

E – Responding to Requests for Information:

1. The Courthouse personnel shall not provide personal information to any person or entity for immigration enforcement purposes, unless: (1) in the same method by which such information is available to the public; or (2) subject to a court order or otherwise required by state or federal law. The Courthouse personnel shall complete training to become familiar with the different types of documents used for information requests and how to respond to the different types of requests, including compliance with 8 U.S.C. § 1373 (Section 1373).

F – Use of Courthouse Resources:

1. The Courthouse personnel shall not use any courthouse resources, including facilities and staff, to investigate, enforce, or assist with federal immigration enforcement absent a court order or judicial warrant or as otherwise required by state or federal law.
2. The Courthouse does not grant permission to any person engaging, or intending to engage, in immigration enforcement to access the nonpublic areas of the courthouse facilities, property, equipment, or databases. The Courthouse personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If The Courthouse personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, The Courthouse personnel shall immediately contact designated courthouse personnel to determine the appropriate course of action.
3. Before authorizing access to any nonpublic areas, the designated courthouse personnel shall confirm that the court order is issued and signed by a U.S. District Court Judge or Magistrate Judge and requires access by the specific individual by:
 - a. Obtaining a copy of the court order;
 - b. Identifying the citation to the federal law violation for which the court order was issued;
 - c. Identifying which U.S. District Court issued the order;
 - d. Verifying that the order includes the correct date and location for enforcement; and
 - e. Confirming that a U.S. District Court Judge or Magistrate’s signature is on the order.
4. All The Courthouse contracts, partnerships, and programs between The Courthouse and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with The Courthouse policies, including provisions protecting personnel and the public from immigration enforcement, and state law, including

the Courts Open to All Act, SHB 2567, Laws of 2020 ch. 37. Courthouse contracts, including leases, memorandums of understanding, and agreements, shall address compliance with The Courthouse policies and state law, including the Courts Open to All Act, SHB 2567, Laws of 2020 ch. 37, by all parties and third parties.

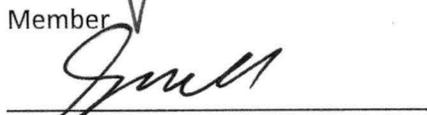
5. The Courthouse data use/sharing contracts, including leases, agreements and memorandums of understanding, shall include provisions limiting permissible use of The Courthouse data, including limits to sharing The Courthouse data with any third parties; audit provisions; and remedies for noncompliance

Approved and accepted by the undersigned Benton County Elected Officials:

BENTON COUNTY
BOARD OF COMMISSIONERS



Chairman


Member
Member

Approved as to Form



Civil Deputy Prosecuting Attorney