

---

# Immigration Violations

## 427.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines to members of the Kitsap County Sheriff's Office relating to immigration laws and interacting with federal immigration officials (RCW 43.10.315).

## 427.2 POLICY

Federal

It is the policy of the Kitsap County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this office in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 427.3 VICTIMS AND WITNESSES

Best Practice

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Washington constitutions.

## 427.4 FEDERAL REQUESTS FOR ASSISTANCE

Federal

Requests by federal immigration officials for assistance from this office should be directed to a supervisor. The Office may provide available support services, such as traffic control or peacekeeping efforts.

## 427.5 INFORMATION SHARING

Federal MODIFIED

No member of this office will prohibit, or in any way restrict, any other member from complying with state or federal law.

## 427.6 U VISA AND T VISA NONIMMIGRANT STATUS

Federal MODIFIED

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U) and the attempt, conspiracy, or solicitation to commit any of those offenses. RCW Chapter 7.98)

# Kitsap County Sheriff's Office

LE Policies

## *Immigration Violations*

---

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Kitsap County Prosecuting Attorney's Office. If the application is processed by the Kitsap County Sheriff's Office it should be forwarded to the Detective Division supervisor assigned to oversee the handling of any related case. The Detective Division supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner (RCW 7.98.020).
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

### 427.6.1 TIME FRAME FOR COMPLETION

**State**

The Detective Division supervisor should ensure that the certification for the U visa or T visa is processed within 90 days of the request, unless the victim is in federal immigration removal proceedings, in which case the certification shall be executed within 14 days after the request is received. The certification may be withdrawn only if the victim unreasonably refuses to provide information and assistance related to the investigation or prosecution of the associated criminal activity when reasonably requested by the Office (RCW 7.98.020).

### 427.6.2 U VISA AND T VISA DOCUMENTATION AND REPORTING

**State** **MODIFIED**

The Detective Division supervisor shall keep written documentation regarding the number of certification forms that are (RCW 7.98.020):

- (a) Requested by a victim.
- (b) Signed.
- (c) Denied.
- (d) Withdrawn.

The Detective Division supervisor or the Support Services Lieutenant should ensure that the information collected regarding certification forms is reported annually to the Office of Crime Victims Advocacy (RCW 7.98.020).

## *Immigration Violations*

---

### **427.7 TRAINING**

**Best Practice**

The Training Officer should ensure that deputies receive immigration training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.
- (c) Statutory limitations on immigration enforcement.

### **427.8 WASHINGTON STATE IMMIGRATION RESTRICTIONS**

**State**

Members shall not (RCW 10.93.160):

- (a) Inquire into or collect information about an individual's immigration or citizenship status, or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law.
- (b) Provide information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law.
- (c) Provide nonpublicly available personal information about an individual to federal immigration authorities in a noncriminal matter, except as required by state or federal law.
- (d) Give federal immigration authorities access to interview individuals about a noncriminal matter while they are in custody, except as required by state or federal law, a court order, or written consent of the individual.
- (e) Allow a federal immigration authority to conduct an interview regarding federal immigration violations with a person who is in custody if the person has not consented in writing to be interviewed. In order to obtain consent, the person shall be provided with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present.
- (f) Detain individuals solely for the purpose of determining their immigration status.
- (g) Take a person into custody or hold a person in custody:
  - 1. Solely for the purposes of determining immigration status
  - 2. Based solely on a civil immigration warrant issued by a federal immigration authority
  - 3. On an immigration hold request

#### **427.8.1 SCHOOL RESOURCE OFFICERS**

**State** **MODIFIED**

# Kitsap County Sheriff's Office

LE Policies

## *Immigration Violations*

---

Members who are school resource officers, when acting as a school resource officer, shall not (RCW 10.93.160):

- (a) Inquire or collect information about an individual's immigration or citizenship status, or place of birth.
- (b) Provide information pursuant to notification requests from federal immigration officials for the purposes of civil immigration enforcement, except as required by law.