

Lewis County Law and Justice Building
Courts Keep Washington Working Act and Courts Open to All Act Policy

A. Definitions

“Civil immigration warrant” means any warrant for a violation of federal civil immigration law issued by a federal immigration authority. A “civil immigration warrant” includes, but is not limited to, administrative warrants entered in the national crime information center database, warrants issued on ICE Form I-200 (Warrant for Arrest of Alien), 12 Form I-205 (ICE Administrative Warrant), or prior or subsequent versions of those forms, which are not court orders.¹³

“Court order” and “judicial warrant” mean a directive issued by a judge or magistrate under the authority of Article III of the United States Constitution or Article IV of the Washington Constitution. A “court order” includes, but is not limited to, judicially authorized warrants and judicially enforced subpoenas. Such orders and warrants do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed or enforced by a judge or magistrate as defined in this section.

“Courthouse personnel” means any municipal, county, or state employees or contractors assigned to perform duties in court facilities, including but not limited to probation officers, court security personnel, court clerks, court administrators, interpreters, court facilitators, and bailiffs.

“Courthouse security personnel” means law enforcement agencies and officers assigned to protect court facilities or to transport in custody individuals to and from court proceedings and private agents contracted to provide security at courthouse facilities.

“Courthouse facilities” means any building or space occupied or used by a court of this state, and adjacent property, including but not limited to sidewalks, all parking areas, grassy or other natural areas, plazas, court-related offices, commercial and governmental spaces within court building property, and entrances and exits from said building or space.

“Federal immigration authority” means any on-duty officer, employee, or person otherwise paid by or acting as an agent of the United States (U.S.) Department of Homeland Security (DHS) including, but not limited to, its sub-agencies, Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and any present or future divisions thereof charged with immigration enforcement. “Federal immigration authority” includes, but is not limited to, the Enforcement & Removal Operations (ERO) and Homeland Security Investigations (HSI) of ICE, or any person or class of persons authorized to perform the functions of an immigration officer as defined in the Immigration and Nationality Act.

“Hold request” or “immigration detainer request” means a request from a federal immigration authority, without a court order, that a state or local law enforcement agency maintain custody of an individual beyond the time the individual would otherwise be

eligible for release in order to facilitate transfer to a federal immigration authority. A "hold request" or "immigration detainer request" includes, but is not limited to, DHS Form I-247A (Immigration Detainer–Notice of Action) or prior or subsequent versions of form I-247.14 Detainers issued on ICE Form I-247 are not court orders.

"Immigration detention agreement" or "IGSA" means any contract, agreement, intergovernmental service agreement, or memorandum of understanding that permits a state or local law enforcement agency or officer to house or detain individuals for federal civil immigration violations.

"Immigration or citizenship status" means such status as has been established to such individual under the Immigration and Nationality Act.

"Judge" or "Judicial Officer" includes justices of the Supreme Court, judges of the court of appeals, judges of the superior courts, judges of any court organized under Title 3 or 35 RCW, judges pro tempore, court commissioners, and magistrates.

"Language services" includes but is not limited to translation, interpretation, training, or classes. "Translation" means written communication from one language to another while preserving the intent and essential meaning of the original text. "Interpretation" means transfer of an oral communication from one language to another.

"Law enforcement agency" or "LEA" means any agency of the state of Washington (state) or any agency of a city, county, special district, or other political subdivision of the state (local) that is a general authority Washington law enforcement agency, as defined by RCW 10.93.020, or that is authorized to operate jails or maintain custody of individuals in jails; or to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities; or to monitor compliance with probation or parole conditions.

"Local government" means any governmental entity other than the state, federal agencies, or an operating system established under chapter 43.52 RCW. It includes, but is not limited to, cities, counties, school districts, and special purpose districts. It does not include sovereign tribal governments.

"Necessary to perform duties" means that, after following appropriate procedures to verify a course of action, no reasonably effective alternative appears to exist that would enable the performance of one's legal duties and obligations.

"Notice to appear" or "NTA" means the charging document issued by ICE, CBP, or the USCIS seeking to commence formal removal proceedings against an individual before a federal immigration court (reflected in DHS Form I-862).

"Notification request" means a federal immigration authority's request for affirmative notification from a state or local law enforcement agency of an individual's release from the LEA's custody. "Notification request" includes, but is not limited to, oral or written requests, including DHS Form I-247A, Form I-247N, or prior or subsequent versions of those forms.

“Personal information” means names, date or place of birth, addresses, GPS (global positioning system) coordinates or location, telephone numbers, email addresses, social media handles or screen names, social security numbers, driver’s license numbers, parents’ or affiliates’ names, biometric data, or other personally identifying information. “Personal information” does not include immigration or citizenship status.

“Sensitive location” refers to the 2011 U.S. Immigration and Customs Enforcement (ICE) and 2013 Customs and Border Enforcement (CBP) policies which categorize certain locations as sensitive locations that should generally be avoided for immigration enforcement purposes.

“State agency” has the same meaning as provided in RCW 42.56.010.

“T visa” is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(T), as further defined in RCW 7.98.010(1), that enables victims of a severe form of human trafficking and certain qualifying family members to remain in the United States for four years or longer if they have assisted law enforcement in an investigation or prosecution of human trafficking.

“U visa” is a temporary immigration benefit under 8 U.S.C. § 1101 (a)(15)(U), as further defined in RCW 7.98.010(1), that enables victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity, and certain qualifying family members, to remain in the United States for four years or longer.

B. Legal Authority

1. Lewis County Law and Justice Building Courts adheres to all requirements of state law, including the Courts Open to All Act (COTA), SHB 2567, Laws of 2020 ch. 37. Lewis County Law and Justice Building Courts further adheres to all Washington State Court Rules, including General Rule 38, Open Access to Courts.
2. The provisions of this policy apply to Lewis County Law and Justice Building Courts 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.
3. Lewis County Law and Justice Building Courts’ policies prohibiting participation or aid in immigration enforcement shall apply to enforcement activity against members of the public and staff.
4. Lewis County Law and Justice Building Courts personnel shall presume that federal immigration authorities are engaged in immigration enforcement.

C. Access to Lewis County Law and Justice Building Courts

1. Lewis County Law and Justice Building Courts 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: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken. The following law enforcement officers shall be exempt from this provision: officers present in or on courthouse facilities to participate in a case or proceedings before the court; members of the Lewis County Sheriff's Office whose offices are located within the Law and Justice Building; and other law enforcement officers seeking search warrants or other court order not for the purpose of immigration enforcement.
3. Designated courthouse security shall immediately transmit collected information to the Superior Court Administrator. 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.

D. Civil Arrests at or Near Courthouse Facilities

1. Lewis County Law and Justice Building Courts 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 Lewis County Law and Justice Building Courts 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.

E. Gathering Information Related to Immigration or Citizenship Status

1. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts personnel maintaining said information in any other way shall report their retention procedure and basis to the Superior Court Administrator prior to collecting the information.

F. Responding to Requests for Information

1. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts 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).

G. Use of Courthouse Resources

1. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If Lewis County Law and Justice Building Courts personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, Lewis County Law and Justice Building Courts personnel shall immediately contact the Superior Court Administrator 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.

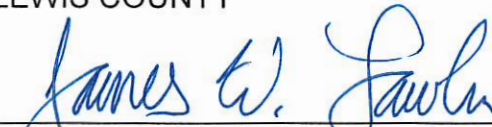
4. All Lewis County Law and Justice Building Courts contracts, partnerships, and programs between the Lewis County Law and Justice Building Courts and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts contracts, including leases, memorandums of understanding, and agreements, shall address compliance with Lewis County Law and Justice Building Courts 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. Lewis County Law and Justice Building Courts data use/sharing contracts, including leases, agreements and memorandums of understanding, shall include provisions limiting permissible use of Lewis County Law and Justice Building Courts data, including limits to sharing Lewis County Law and Justice Building Courts data with any third parties; audit provisions; and remedies for noncompliance.

IN WITNESS THEREOF, the parties have executed this policy by laws governing their respective jurisdictions and powers.


Dated this 8 day of April, 2021.

SUPERIOR COURT
LEWIS COUNTY



Hon. James W. Lawler
Presiding Superior Court Judge

DISTRICT COURT
LEWIS COUNTY



Hon. Wade S. Samuelson
Presiding District Court Judge