

Keep Washington Working Policy Assessment Tool

This tool is designed to assess consistency with the Attorney General's Office (AGO) model policy as required by [HB 2015](#) Sec 101(3)(a). Agencies certified as consistent by CJTC are eligible for the public safety grant and sales and use tax established by HB 2015. An agency seeking both funding opportunities need only submit a single consistency checklist.

Qualifying for Local Tax

Cities and counties seeking to establish qualification to enact the public safety sales and use tax should ensure that submissions include policies and documentation for all law enforcement of that city or county. This includes jails.

Consistent Policies

An agency policy need not be identical to the AGO model policy to be consistent with it; however, it should be substantially similar and free from significant deviations.

- Items that say “shall” or “must” are required to have that wording in the agency policy.
- Assessment verifies both the issuance and implementation of policies.

Using this Tool

The table is organized by section based on the AGO [Keep Washington Working](#) model policy. Agencies must provide the location in their submitted policy where each item can be found. Include the page number and most precise subheading possible. Alternatively, you may link sections if your policy is available online. Some items will require supplemental documentation, as specified.

Definitions

Agency Personnel: Any individual employed by or operating on behalf of the law enforcement agency.

Officers: Any individual defined by [RCW 10.93.020](#) as a general or limited authority Washington peace officer.

Please direct any submission questions to teamgail@cjtc.gov.

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Section: Definitions Model Policy Section II	
Policy	Documentation:
Federal Immigration Authority – Definition encompasses 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.	<i>Policy Location:</i>
Immigration and Citizenship Status - Defined “as such status has been established to an individual under the Immigration and Nationality Act.” <i>Note: Consistent definitions do not categorize “speculative information” about someone’s status as “Immigration and Citizenship Status”.</i>	<i>Policy Location:</i>
Personal Information - Definition includes but is not limited to: <ul style="list-style-type: none"> • Names • Dates of Birth • Addresses • GPS Locations • Telephone Numbers • Email Addresses • Social Media Handles • Social Security Numbers • Driver’s License Numbers • Parents’ or Affiliates’ Names • Biometric Data • Other Personally Identifiable Information. <i>Note: Definition <u>must not</u> include immigration or citizenship status as personal information.</i>	<i>Policy Location:</i>
Court Order or Judicial Warrant - Defined as a directive issued by a judge or magistrate under Article III of the US Constitution or Article IV of the Washington Constitution. These include, but are not limited to:	<i>Policy Location:</i>

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<ul style="list-style-type: none">• Judicially Authorized Warrants• Judicially Enforced Subpoenas <p><i>Note: Civil immigration warrants and other warrants, subpoenas, or orders not signed by the above officials may not be defined as a court order or judicial warrant.</i></p>	
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Section: Enforcement of Federal Immigration Laws and Policies Prohibited Model Policy Section III (A)	
Policy	Documentation:
Agency personnel <u>shall</u> presume any federal immigration authority acting on official duty to be engaged in immigration enforcement.	<i>Policy Location:</i>
Agency personnel <u>shall</u> not in any way engage in or assist in civil immigration enforcement.	<i>Policy Location:</i>
Agency resources, including personal information, <u>shall</u> not be used or shared to assist civil immigration enforcement.	<i>Policy Location:</i>
Agency personnel <u>shall</u> not initiate or participate in law enforcement action based solely on an individual's immigration or citizenship status or place of birth.	<i>Policy Location:</i>
Agency personnel <u>shall</u> not inquire about immigration or citizenship status or place of birth unless directly connected to a violation of state or local law.	<i>Policy Location:</i>
Agency personnel shall not investigate, interview, or similar within the presence or hearing distance of federal immigration authorities who are not: <ul style="list-style-type: none"> • Directly connected to an Agency investigation into the violation of state or local criminal law; and • Necessary to perform the officer's duties. 	<i>Policy Location:</i>
Agency personnel shall not hold any person solely to determine their citizenship or immigration status unless that information is directly connected to the Agency's investigation into a violation of state or local law.	<i>Policy Location:</i>
Civil immigration warrants, holds, and detainers shall not be the basis for any officer to arrest, detain, or otherwise hold a person in custody.	<i>Policy Location:</i>
Agency personnel shall not transfer custody of an individual to federal immigration authorities or similar without a judicial warrant or court order. <ul style="list-style-type: none"> • Warrants must be confirmed valid and judicial before the agency takes action to comply. An agency's warrant confirmation process shall include: <ul style="list-style-type: none"> ○ Obtaining a copy of the warrant ○ Identifying the criminal charge and federal law citation ○ Identifying the issuing court ○ Verifying that the warrant includes the correct date and time ○ Confirming the warrant is signed by the correct judicial official • Personnel shall not disclose the location of an officer or individual until the warrant is confirmed. 	<i>Policy Location:</i>

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All requests for assistance from federal immigration authorities or similar are directed to the agency executive or designee.	<i>Policy Location:</i>
Agency personnel shall not take part in joint operations, task forces or other activities that support immigration enforcement actions without prior approval in writing from the agency executive or designee.	<i>Policy Location:</i>

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Section: Data Collection Model Policy Section III (B)	
Policy	Documentation:
Agency personnel shall not inquire about or request information determining a person's immigration or citizenship status or place of birth unless directly connected to an officer's investigation into a violation of state or local law.	<i>Policy Location:</i>
Agency personnel processing fingerprint cards or Automated Biometric Identification System submissions shall enter "Unknown" for fields addressing immigration or citizenship status unless the information is otherwise known.	<i>Policy Location:</i>
Agency personnel shall not take enforcement action against or use immigration or citizenship status or place of birth against crime victims or witnesses.	<i>Policy Location:</i>
Agency personnel shall use approved language services and shall not accept language services from federal immigration authorities or similar.	<i>Policy Location:</i>

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Section: Consular Notificon Model Policy Section III (C)	
Policy	Documentation:
Within 72 hours of detention, Agency personnel must inform <u>all</u> detained persons, verbally and in writing of: <ul style="list-style-type: none">• The right to refuse to disclose information about status and nationality; and• That any disclosure may result in civil immigration enforcement. <i>Note: Agency personnel must not ask detained individuals about their nationality or immigration status.</i>	<i>Policy Location:</i> <i>Notification Form:</i>
If aware that a detained person is a foreign national, Agency personnel must provide consular notification advisement as legally required and facilitate access and communication by the foreign consul.	<i>Policy Location:</i>

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Section: Responding to Information Requests Model Policy Section III (D)	
Policy	Documentation:
Agency personnel shall not disclose personal information or release dates to federal immigration authorities or similar except when required by a court order, judicial warrant, or under the Public Records Act. <ul style="list-style-type: none">• Responses shall be processed according to Agency PRA procedures.	<i>Policy Location:</i>
Any disclosures of personal information or release dates to immigration authorities or similar shall be reported to the agency executive and logged. <ul style="list-style-type: none">• The disclosure log shall be a public record and made publicly available.	<i>Policy Location:</i> <i>Disclosure Log:</i>

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Section: Access to Persons in Custody	
Policy	Documentation:
Agency personnel shall not permit access to anyone in custody by federal immigration authorities or similar without a judicial warrant, court order, or the held person's prior written consent.	<i>Policy Location:</i>
<p>To obtain written consent agency personnel shall provide the held person with an oral explanation and written consent form (English and Spanish required) that explains:</p> <ul style="list-style-type: none"> • The purpose of the interview; • The interview is voluntary; • The person will not be suffer consequences for declining the interview; and • The person may choose to be interviewed only if their attorney is present. 	<p><i>Policy Location:</i></p> <p><i>English Form:</i></p> <p><i>Spanish Form:</i></p>
If the person chooses to be interviewed only if their attorney is present, agency personnel shall not permit access by federal immigration authorities or similar until the person's first court appearance and the person has counsel or proceeds pro se.	<i>Policy Location:</i>
Both the oral explanation and consent form shall be provided in a language understood by the person or by using an approved language service.	<i>Policy Location:</i>

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Section: Equal Treatment for Persons in Custody	
Policy	Documentation:
Persons in agency custody shall receive the same rights, services, opportunities, etc. regardless of nationality or immigration status. Rights, etc. shall not be limited based on a request by federal immigration authorities or immigration documentation.	<i>Policy Location:</i>
Agency personnel shall not share visitors' personal information with federal immigration authorities or similar without a court order, judicial warrant, or agency executive approval. <ul style="list-style-type: none">• The agency shall minimize information collection and not collect immigration or citizenship status from persons visiting individuals in custody.	<i>Policy Location:</i> <i>Visitor Information Form:</i>
The agency shall not limit a person's access to social visitation on the basis of a person's inability to effectively communicate through video visitation.	<i>Policy Location:</i>

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Section: Immigration Enforcement Contracts	
Policy	Documentation:
Agency personnel <u>shall</u> not enter into any agreement which would grant federal immigration enforcement authority or powers, including 287(g) agreements.	<i>Policy Location:</i>
All agency agreements to participate in multi-jurisdictional activity (ex: task forces) shall include legally binding assurances that all other parties shall not use or share agency resources, personnel, or information with 3 rd parties or to support immigration enforcement.	<i>Policy Location:</i> <i>Copy of Legal Assurances in all Relevant Agency Agreements:</i> <i>(If None) Template Legally Binding Assurances:</i>
<p>Agency personnel shall not engage in any multi-jurisdictional activity or agreement with federal immigration authorities or similar without legally binding assurances in writing that no agency resources, personnel, or information will be used to support civil immigration enforcement.</p> <p>The agreement must be pre-approved by the agency executive.</p>	<i>Policy Location:</i> <i>Copy of Legal Assurances in all Relevant Agency Agreements:</i> <i>(If None) Template Legally Binding Assurances:</i>
<p>Agency personnel shall not engage in any immigration enforcement activities without written pre-approval of the agency executive.</p> <p><i>Note: Civil immigration enforcement is prohibited. This policy allows for criminal immigration enforcement where appropriate.</i></p>	<i>Policy Location:</i>

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The agency shall not enter into a civil detention agreement with federal immigration authorities or similar.	<i>Policy Location:</i>
Agency personnel may not be party to agreements or accept language services from federal immigration authorities or similar.	<i>Policy Location:</i>
All agreements permitting access to agency databases or information shall include legally binding assurances that all other parties shall not use or share information or database access with any 3 rd parties supporting or engaged in immigration enforcement.	<i>Policy Location:</i> <i>Copy of Legal Assurances in all Relevant Agency Agreements:</i> <i>(If None) Template Legally Binding Assurances:</i>

Section: U & T Visas	
Policy	Documentation:
The fact of U & T visa requests and any submitted personal information shall not be shared outside the agency, agency counsel, and prosecuting attorney without a court order, judicial warrant, agency executive approval, written consent by the subject or their legal guardian, or as required by law.	<i>Policy Location:</i> <i>U & T Visa Disclosure Consent Form:</i>
Agency personnel shall not use U & T Visa certifications to compel cooperation.	<i>Policy Location:</i>
Agency Officers shall forward U & T Visas certifications to the agency executive or designee without delay. U & T Visa certification requests shall be processed within 90 days of receipt unless circumstances require faster processing. <ul style="list-style-type: none"> U & T Visa certification requests for persons in federal removal proceedings shall be processed such that they are executed within 14 days of request. U & T Visa certifications will be expedited upon request if a person or their children will reach age 21 	<i>Policy Location:</i>

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before the 90 day processing deadline. The agency shall process the certification such that it is executed 14 days prior to the individual turning 21.	
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Section: Training	
Policy	Documentation:
Officers shall complete required training on U & T Visas.	<i>Policy Location:</i>
Officers shall review U & T Visa instructions provided by the department of commerce.	<i>Policy Location:</i> <i>Proof of Review:</i>
All officers, including SROs, shall receive KWW-specific training annually.	<i>Policy Location:</i> <i>Curriculum:</i> <i>Training Roster (Sortable Format):</i>
SROs must receive training on bias-free policing and cultural competency, including best practices for interacting with students from particular backgrounds, including English learners and immigrants. (RCW 28A.310.515)	<i>Policy Location:</i>
The agency will ensure that SROs are trained on their role within school policies and procedures pertaining the presence of federal immigration authorities at a school.	<i>Policy Location:</i> <i>Letter Certifying SRO Training:</i>

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Section: Compliance Monitoring & Public Communication	
Policy	Documentation:
<p>Law enforcement conducts audits to document and track instances and outcomes of at least:</p> <ul style="list-style-type: none"> • Requests for immigration and citizenship information; • Requests for assistance with immigration enforcement; • Requests from federal immigration authorities or similar for access to individuals in agency custody; and • Requests for and contacts with foreign consuls. 	<p><i>Policy Location:</i></p> <p><i>Most Recent Audit (If Available):</i></p> <p><i>Record or Explanation of Corrective Actions for Sub-Standard Outcomes (If applicable):</i></p>
<p>Agency policies are posted on their public-facing websites.</p> <ul style="list-style-type: none"> • Agency has personnel available to answer public questions. 	<p><i>Policy Website Link:</i></p>
<p>Agencies included community members in developing their KWW-specific policies. KWW policies were presented at a public forum once adopted.</p>	<p><i>Community Input Documentation (List of Recommendations, Community Member Reference, etc):</i></p> <p><i>Date of Forum:</i></p>

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Agency Certification of Consistency

I certify that to the best of my knowledge the information in this form is accurate and that:

- My Agency policy applies to Agency personnel; and
- My Agency has reviewed and modified all methods and forms of communication with federal immigration enforcement or similar to be consistent with these policies.

Law Enforcement Agency Leader (Name): _____

Signature: _____ Date: ____/____/____

If Authorizing Public Safety Sales and Use Tax

Mayor/County Executive (Name): _____

Signature: _____ Date: ____/____/____