

COUNTY OF WALLA WALLA
STATE OF WASHINGTON
BOARD OF COUNTY COMMISSIONERS

March 11, 2024

Statement regarding Sanctuary County

It has come to the attention of the Walla Walla County Board of Commissioners that recent press reports have indicated that Walla Walla County is a "sanctuary county" within Washington State. These reports cite a website maintained by the Center for Immigration Studies (CIS), which lists Walla Walla County as a "sanctuary county."

The Walla Walla County Board of Commissioners has never designated the county as a "sanctuary county" and as of this time, the Board does not have any intention of declaring that.

The CIS website basis its designation on the statement that "These cities, counties, and states have laws, ordinances, regulations, resolutions, policies, or other practices that obstruct immigration enforcement and shield criminals from ICE — either by refusing to or prohibiting agencies from complying with ICE detainers, imposing unreasonable conditions on detainer acceptance, denying ICE access to interview incarcerated aliens, or otherwise impeding communication or information exchanges between their personnel and federal immigration officers."

In 2014, former Walla Walla County Sheriff, John Turner, approved Walla Walla County Sheriff's Office (WWSO) Special Order 2014-002. This order stated: "*.....Walla Walla County Sheriff's Office shall cease to hold individuals in custody when the only authority for such custody is a request contained in the DHS ICE immigration detainer. If Corrections Division personnel have independent information from any law enforcement agency that there is a sufficient legal basis for detention, such as probable cause or a confirmed warrant, the Walla Walla County jail will hold such persons in custody as per established policy and procedure.*"

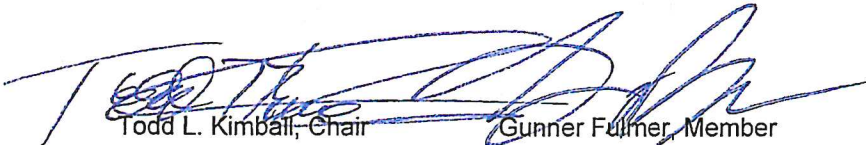
As described in Sheriff Turner's Order (attached), this decision was based on a decision from the Federal District Court in Oregon, which involved the Clackamas County Sheriff's Office, *Miranda-Olivares v. Clackamas County*. In that case, U.S. Magistrate Judge Stewart concluded that the immigration detainers are "requests" and that the detainers do not, without more, provide the necessary legal basis referred to as probable cause, for the County Jail to hold the named person in custody.

This Special Order was continued after the County Jail was placed under the control of the Board of County Commissioners in 2015.

Subsequently, in 2019, the Washington State Legislature enacted the "Keep Washington Working Act," which placed restrictions on the authority of local law enforcement and corrections facilities to cooperate with immigration enforcement. Local governments now have restrictions regarding corrections officers' authority to question or gather information related to immigration status, with some exceptions. The Act also restricts what information Corrections officers may share, with some exceptions. There are also new notification requirements and new restrictions regarding immigration officials' access to inmates. These restrictions are contained in RCW 10.93.160. These are state, not local restrictions.

Sincerely,

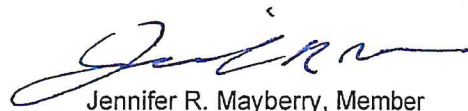
WALLA WALLA COUNTY BOARD OF COMMISSIONERS



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WALLA WALLA COUNTY SHERIFF'S OFFICE

Special Order 2014-002

Effective Immediately

Background:

Around the country, law enforcement agencies routinely receive requests from Immigration and Customs Enforcement, an agency of the Department of Homeland Security, asking that a person currently held in custody on unrelated local charges also be held in custody for a period of not more than 48 hours, excluding weekends and holidays, beyond the time when the person would have otherwise been released. County Jails are requested to do this so that the Department of Homeland Security may respond and take custody of the person. The requests are routinely based on the fact that the Department of Homeland Security has begun an investigation to determine whether the person in custody is subject to removal from the United States. Although the immigration detainers state that local law enforcement is being "requested" to hold the person in custody, the detainers also state that:

This request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency 'shall maintain custody of an alien' once a detainer has been issued by the Department [Department of Homeland Security].

Historically, Walla Walla County Jail has received and understood these detainers as commands from the Department of Homeland Security, pursuant to 8 C.F.R. § 287.7, that we hold in custody the person named in the detainer. The fact that the detainer contains both language of request and command has led to conflicting interpretations as to whether the immigration detainers provide legal authority for the continued custody of the person named in the detainer.

Recently, in a case involving the Clackamas County Sheriff's Office, *Miranda-Olivares v. Clackamas County*, U.S. Magistrate Judge Stewart clarified this issue. In her decision, Judge Stewart concluded that the immigration detainers are "requests" and that the detainers do not, without more, provide the necessary legal basis referred to as probable cause, for the County Jail to hold the named person in custody.

In another recent case, *Galarza v. Szalczyk* 2014 WL 815127 (C.A.3 (Pa.)), the Court stated, "In light of these principles, it is clear to us that reading § 287.7 to mean that a federal detainer filed with a state or local LEA is a command to detain an individual on behalf of the federal government, would violate the anti-commandeering doctrine of the Tenth Amendment. As in *New York* and *Printz*, immigration officials may not compel state and local agencies to expend funds and resources to effectuate a federal regulatory scheme. The District Court's interpretation of § 287.7 as compelling Lehigh County to detain prisoners for the federal government is contrary to the Federal Constitution and Supreme Court precedents."

Effective Immediately:

As a result of these decisions, the Walla Walla County Sheriff's Office shall cease to hold individuals in custody when the only authority for such custody is a request contained in a DHS ICE immigration detainer.

If Corrections Division personnel have independent information from any law enforcement agency that there is a sufficient legal basis for detention, such as probable cause or a confirmed warrant, the Walla Walla County Jail will hold such persons in custody as per established policy and procedure.

**Some of the language in this Special Order is adopted from Clackamas County Sheriff Craig Roberts' memo of April 16, 2014.*

898 Grant Sanders Road
Prescott WA 99348
March 4, 2024

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WALLA WALLA COUNTY
COMMISSIONERS


Walla Walla County Commissioners
315 W Main - Room 102
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Walla Walla, WA 99362
publicrecords@co.walla-walla.wa.us

Dear Walla Walla County Commissioners,

Could you please send me information with details on when and how Walla Walla County became a Sanctuary County. I can find no information on your website or in your online public records. I may just not know how to search – but I cannot find anything.

I have no memory of voting on this.

Also, could you please tell me what the expense is to county taxpayers to be a sanctuary county?

Thank you,

Monesa Grant\