

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Josh Peters, County Administrator

FROM: Philip C. Hunsucker, Chief Civil Deputy Prosecuting Attorney

DATE: September 2, 2026

RE: Keep Washington Working Act (KWW) & the Courts Open to All Act (COTA) Resolution

STATEMENT OF ISSUE:

The Washington State Legislature passed the Keep Washington Working Act, RCW [43.17.420](#) (KWW), during the 2019 legislative session. In 2020, the Courts Open to All Act, RCW [2.28.310](#) through [2.28.330](#) (COTA), was enacted by the Washington Legislature during the 2020 Legislative Session. RCW [43.10.310](#) requires the county to adopt a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters.

Jefferson County does not have a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters. The Washington Attorney has a model policy to comply with COTA.

Representatives of the Superior and District Courts, including Judge Mack and Judge Walker, the Sheriff, Richard Davies of Jefferson Associated Counsel, and Philip Hunsucker from the Prosecuting Attorney's Office met on August 12, 2025 to discuss the requirements of COTA.

The Superior and District Courts, the Sheriff's Office, Jefferson Associated Counsel, and the Prosecuting Attorney's Office and the Board of County Commissioners (BoCC) agree that a policy that complies with COTA is necessary.

Jefferson County 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.

The BoCC held a workshop on August 25, 2025 to discuss the requirements of COTA. At the workshop a PowerPoint was presented discussing the proposed language for the required policy. The PowerPoint is attached to this agenda request as [Appendix 1](#). At the workshop, changes were made to the draft resolution that was shown in the PowerPoint. These changes to the draft resolution in the agenda request for the workshop and a few others are shown on the redlined document attached as [Appendix 2](#).

ANALYSIS:

At the workshop, the BoCC directed staff to present a revised policy for review by the board on its consent agenda for September 2, 2025. A clean version of the revised draft resolution is attached as Appendix 3. RCW [43.10.310](#) requires the county to adopt a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters. Appendix 3 complies with RCW [43.10.310](#).

The BoCC should workshop the issue, consider a proposed resolution with a COTA policy. Then, the BoCC should adopt a COTA policy.

FISCAL IMPACT:

There will be an unknown fiscal impact from the training required to implement the Resolution. But adopting the Resolution is mandatory to comply with RCW [43.10.310](#).

RECOMMENDATION:

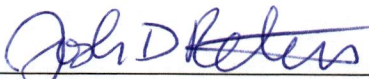
Adopt the proposed Resolution attached as Appendix 3.

Direct staff to report the adoption of the propose resolution as required to the Attorney-General's Office, as required per the mechanism outlined in the AGO's model policy.

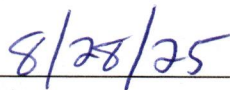
DEPARTMENT CONTACT:

Philip C. Hunsucker, Chief Civil Deputy Prosecuting Attorney at Extension 219

REVIEWED BY:



Josh D. Peters, County Administrator



Date

APPENDIX 1



*August 25, 2025
Workshop
on Adoption of a
Policy to Comply with the
Keep Washington Working Act
& the Courts Open to All Act*

Brandon Mack, Superior Court Judge

Mindy Walker, District Court Judge

Philip C. Hunsucker, Chief Civil DPA

AGO Guidance Implementing the Keep Washington Working Act

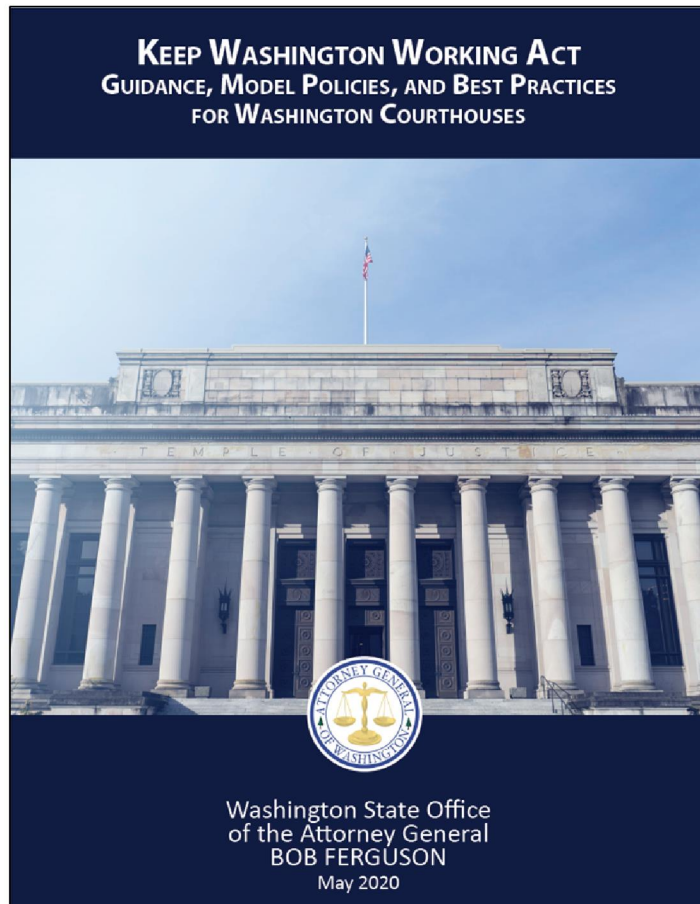


2019: The Washington State Legislature passed the Keep Washington Working Act, RCW 43.17.420 (KWW).

2020: the Courts Open to All Act, RCW 2.28.310 through 2.28.330 (COTA) was enacted by the Washington Legislature during the 2020 Legislative Session.

RCW 43.10.310 requires all Washington courthouses to adopt policies consistent with the Office of the Attorney General's (AGO) model policy for Washington Courthouses.

AGO Guidance Implementing the Keep Washington Working Act

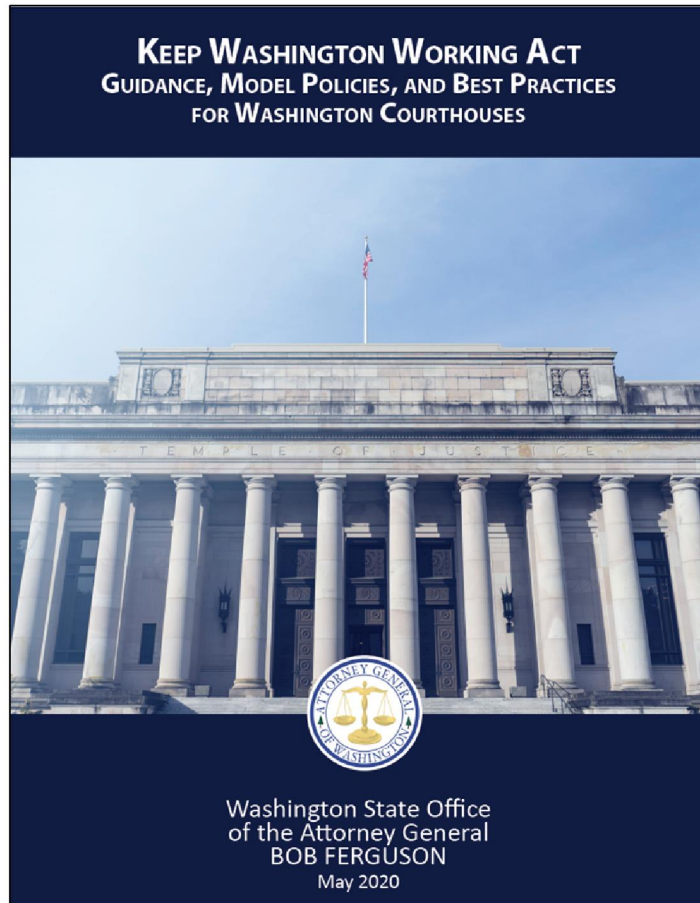


The model policies in this publication address data collection and transmission, incident reporting, training, and ensuring safe access to courthouse facilities. Effective implementation of the model policies can help foster a relationship of trust between local agencies and the communities they serve and help promote public safety for all Washingtonians.

Consistent with the requirements set forth in the law, KWW requires all Washington courthouses to adopt policies consistent with those published here. If any jurisdiction decides to not adopt the required policies, it must notify the AGO that (1) it is not adopting the necessary changes, (2) state the reasons why it is not doing so, and (3) provide the AGO with a copy of its courthouse policies that ensure compliance with KWW.⁷ To submit copies of a jurisdiction's policies, please visit www.atg.wa.gov/publications.

AGO Guidance at 2.

AGO Guidance Implementing the Keep Washington Working Act



The Washington State Legislature passed the Keep Washington Working Act (KWW) during the 2019 legislative session¹ to ensure the state of Washington “remains a place where the rights and dignity of all residents are maintained and protected in order to keep Washington working.”² In furtherance of this goal, KWW makes numerous changes to state law addressing the extent to which state and local agencies may participate in the enforcement of federal immigration laws.³ The Legislature further declared passage of KWW as an emergency, expeditiously establishing a statewide policy supporting Washington State’s economy and immigrants’ role therein.⁴

The Legislature also mandated that the Office of the Attorney General (AGO) publish model policies to assist local and state entities in the implementation of KWW. Specifically, KWW requires the AGO publish model policies for a number of public entities, including Washington courthouses, for “limiting immigration enforcement to the fullest extent possible consistent with federal and state law ... to ensure [courthouses] remain accessible to all Washington residents, regardless of immigration or citizenship status.”⁵ Under this legislative directive, Attorney General Bob Ferguson created a Keep Washington Working Team of staff to receive input from the judicial branch, local governments, and community stakeholders across the state.

5 RCW 43.10.310.

AGO Guidance at 1.



RCW 43.10.310 (2019): Must Publish Courthouse Policy

RCW 43.10.310

Immigration enforcement model policies—Adoption by schools, health facilities, courthouses.

(1) The attorney general, in consultation with appropriate stakeholders, must publish model policies within twelve months after May 21, 2019, for limiting immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, health facilities operated by the state or a political subdivision of the state, courthouses, and shelters, to ensure they remain safe and accessible to all Washington residents, regardless of immigration or citizenship status.

(2) All public schools, health facilities either operated by the state or a political subdivision of the state, and courthouses must:

(a) Adopt necessary changes to policies consistent with the model policy; or

(b) Notify the attorney general that the agency is not adopting the changes to its policies consistent with the model policy, state the reasons that the agency is not adopting the changes, and provide the attorney general with a copy of the agency's policies.

(3) All other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, are encouraged to adopt the model policy.

(4) Implementation of any policy under this section must be in accordance with state and federal law; policies, grants, waivers, or other requirements necessary to maintain funding; or other agreements related to the operation and functions of the organization, including databases within the organization.

(5) The definitions in RCW 43.17.420 apply to this section.

Resolution with JCSO Change: Collection of Information



Section 3. COTA Policy Adopted. The following policy is hereby adopted:¶

(a) Collection of Information¶

- (1) In accordance with COTA, and in order to safeguard the public and to maintain the orderly operations of the court, the Jefferson Chief Civil Deputy Sheriff or their designee shall collect the following information from on-duty state and federal law enforcement officers entering the courthouse, including plain-clothed officers, unless such officer is present in or on courthouse facilities to participate in a case or proceedings before the court or is a law enforcement officer with the Jefferson County Sheriff's Office: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken.¶
- (2) The Jefferson Chief Civil Deputy Sheriff or their designee shall immediately transmit information collected pursuant to subsection (a) to the County Administrator or their designee. If the law enforcement officer's stated purpose is to conduct a civil arrest at the courthouse, the Jefferson Chief Civil Deputy Sheriff or their designee shall immediately advise the County Administrator or their designee.¶
- (3) The County Administrator or their designee shall transmit information collected pursuant to subsection (a) to the Administrative Office of the Courts on a monthly basis.¶

Resolution: Civil Arrests



(b) Civil Arrests at or Near Courthouse Facilities ¶

Jefferson County 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 the Jefferson County Courthouse, including within one mile of the courthouse facility, except: (i) by valid court order or judicial warrant; (ii) when it is necessary to secure the immediate safety of judges, courthouse personnel or the public; (ii) where circumstances otherwise permit warrantless arrest pursuant to RCW 10.31.100; or, (iii) 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. ¶

Draft Resolution, Section 3(b).

Resolution: Gathering Information Re Immigration or Citizenship Status



(c) Gathering Information Related to Immigration or Citizenship Status

- (1) Jefferson County 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. Jefferson County 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) Jefferson County 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. Jefferson County Courthouse personnel maintaining said information in any other way shall report their retention procedure and basis to the County Administrator or their designee prior to collecting the information.

Draft Resolution, Section 3(c).

Resolution: Responding to Requests for Information



(d) Responding to Requests for Information

Jefferson County 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. Jefferson County 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).

Draft Resolution, Section 3(d).

Resolution: Use of County Resources



~~(e) Use of Courthouse Resources~~

- ~~(1) Jefferson County 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) Jefferson County 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. Jefferson County Courthouse personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If Jefferson County Courthouse personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, Jefferson County Courthouse personnel shall immediately contact the County Administrator or their designee to determine the appropriate course of action.~~

Draft Resolution, Section 3(e)(1)-(2).

Resolution: Use of County Resources



- (3) Before authorizing access to any nonpublic areas, the County Administrator or their designee 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:
- (i) Obtaining a copy of the court order;
 - (ii) Identifying the citation to the federal law violation for which the court order was issued;
 - (iii) Identifying which U.S. District Court issued the order;
 - (iv) Verifying that the order includes the correct date and location for enforcement; and;
 - (v) Confirming that a U.S. District Court Judge or Magistrate's signature is on the order.

Draft Resolution, Section 3(e)(3).

Resolution: Use of County Resources



(4) Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities—consistency with COTA.¶

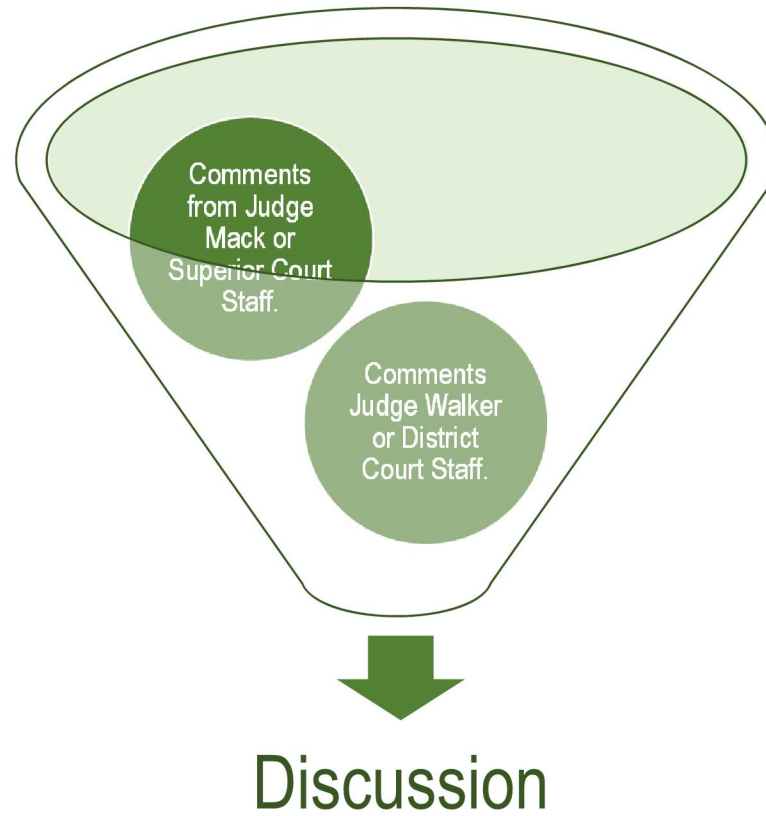
All Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with Jefferson County Courthouse policies, including provisions protecting personnel and the public from immigration enforcement, and state law, including the Courts Open to All Act, SHB 2567, Laws of 2020 ch. 37. Jefferson County Courthouse contracts, including leases, memorandums of understanding, and agreements, shall address compliance with Jefferson County 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.¶

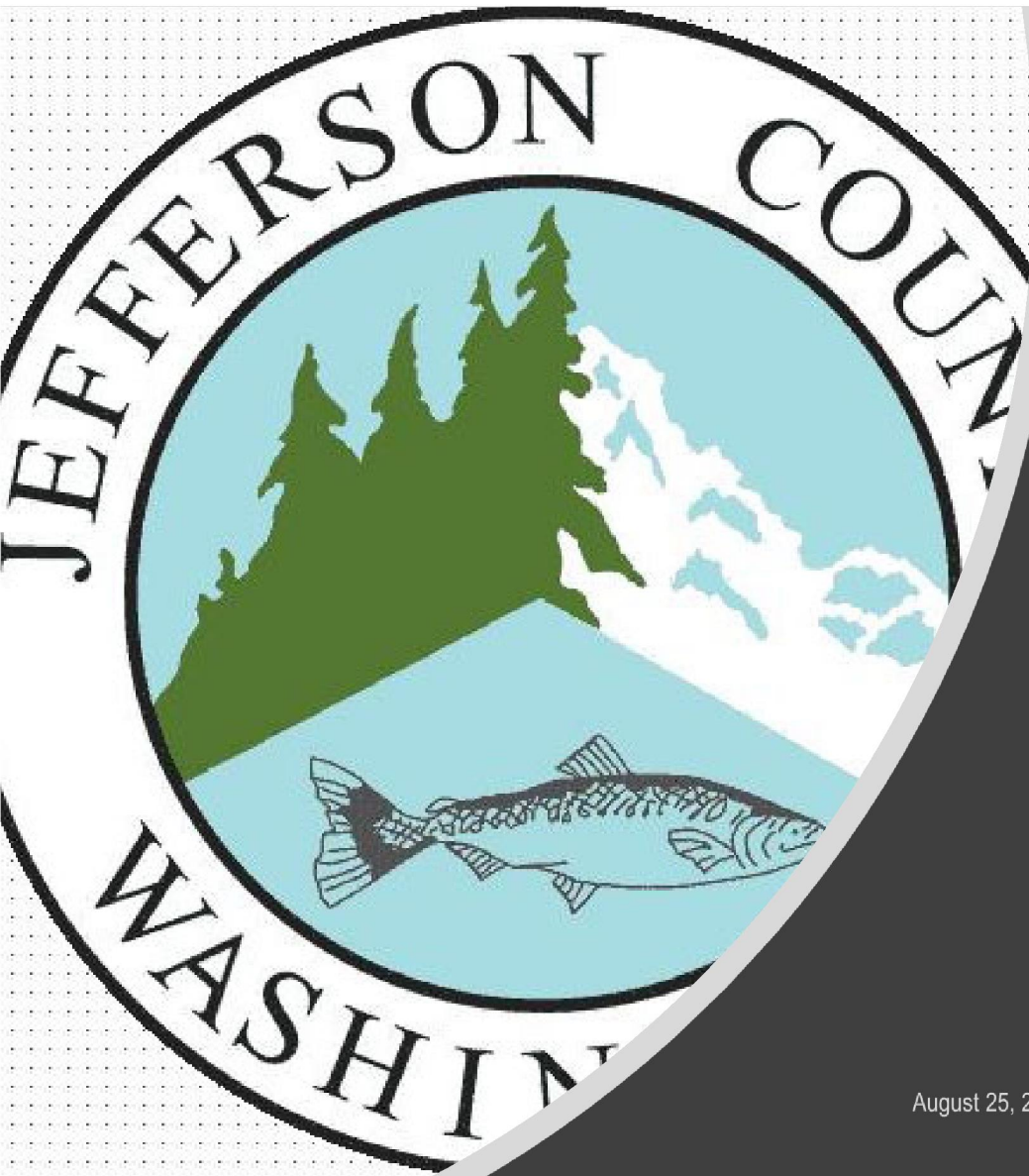
(5) Limits to sharing Jefferson County Courthouse data¶

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

Draft Resolution, Section 3(e)(4) – (5).

Workshop Discussion





Questions?

APPENDIX 2

APPENDIX 2

STATE OF WASHINGTON County of Jefferson

**In the Matter of Adopting a Policy Required
by the Courts Open to All Act (COTA)**

RESOLUTION NO. _____

WHEREAS, Washington State Legislature passed the Keep Washington Working Act, RCW [43.17.420](#) (KWW), during the 2019 legislative session; and,

WHEREAS, in 2020, the Courts Open to All Act, RCW [2.28.310](#) through [2.28.330](#) (COTA), was enacted by the Washington Legislature during the 2020 Legislative Session; and,

WHEREAS, ~~RCW 43.10.310~~~~COTA~~ requires the county to adopt a policy [that](#) addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters; and,

WHEREAS, Jefferson County does not have a policy [that](#) addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters; and

WHEREAS, the Washington Attorney has a model policy to comply with COTA; and,

WHEREAS, representatives of the Superior and District Courts, including Judge Mack and Judge Walker, the Sheriff, Richard Davies of Jefferson Associated Counsel, and Philip Hunsucker from the Prosecuting Attorney's Office met on August 12, 2025 to discuss the requirements of COTA; and,

WHEREAS, the Board of County Commissioners held a workshop on August 25, 2025 to discuss the requirements of COTA; and,

WHEREAS, the Superior and District Courts, the Sheriff's Office, Jefferson Associated Counsel, and the Prosecuting Attorney's Office and the Board of County Commissioners agree that a policy that complies with COTA is necessary; and,

WHEREAS, Jefferson County recognizes that the Washington judicial branch is founded upon the fundamental principle that courts shall be ~~assessible~~[accessible](#) to all persons; and,

WHEREAS, ~~Ensuring~~~~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; and,

~~*WHEREAS*, after a hearing on [DATE] with the opportunity for public comment~~*WHEREAS*, the Board of County Commissioners adopts by this Resolution a policy that complies with COTA; and;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Purpose. The purpose of this resolution is to adopt a policy [that](#) addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters that complies with COTA.

Section 3. COTA Policy Adopted. The following policy is hereby adopted:

(a) Collection of Information

- (1) In accordance with COTA, and in order to safeguard the public and to maintain the orderly operations of the court, the Jefferson Chief Civil Deputy Sheriff or their designee shall collect the following information from on-duty state and federal law enforcement officers entering the courthouse, including plain-clothed officers, unless such officer is present in or on courthouse facilities to participate in a case or proceedings before the court or is a law enforcement officer with the Jefferson County Sheriff's Office: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken.
- (2) The Jefferson Chief Civil Deputy Sheriff or their designee shall immediately transmit information collected pursuant to subsection (a) to the County Administrator or their designee. If the law enforcement officer's stated purpose is to conduct a civil arrest at the courthouse, the Jefferson Chief Civil Deputy Sheriff or their designee shall immediately advise the County Administrator or their designee.
- (3) The County Administrator or their designee shall transmit information collected pursuant to subsection (a) to the Administrative Office of the Courts on a monthly basis.

(b) Civil Arrests at or Near Courthouse Facilities

Jefferson County 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 the Jefferson County Courthouse, including within one mile of the courthouse facility, except: (i) by valid court order or judicial warrant; (ii) when it is necessary to secure the immediate safety of judges, courthouse personnel or the public; (ii) where circumstances otherwise permit warrantless arrest pursuant to RCW 10.31.100; or, (iii) 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.

(c) Gathering Information Related to Immigration or Citizenship Status

- (1) Jefferson County 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. Jefferson County 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. For the avoidance of doubt, this section does not prohibit employees of the Jefferson County Auditor's Office from receiving information from applicants for processing passport applications.

- (2) Jefferson County 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. Jefferson County Courthouse personnel maintaining said information in any other way shall report their retention procedure and basis to the County Administrator or their designee prior to collecting the information.

(d) Responding to Requests for Information

Jefferson County 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. Jefferson County 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).

(e) Use of Courthouse Resources

- (1) Jefferson County 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) Jefferson County 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. Jefferson County Courthouse personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If Jefferson County Courthouse personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, Jefferson County Courthouse personnel shall immediately contact the County Administrator or their designee to determine the appropriate course of action.
- (3) Before authorizing access to any nonpublic areas, the County Administrator or their designee 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:
- (i) Obtaining a copy of the court order;
 - (ii) Identifying the citation to the federal law violation for which the court order was issued;
 - (iii) Identifying which U.S. District Court issued the order;
 - (iv) Verifying that the order includes the correct date and location for enforcement; and,
 - (v) Confirming that a U.S. District Court Judge or Magistrate's signature is on the order.

- (4) Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities—consistency with COTA.

All Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with Jefferson County 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. Jefferson County Courthouse contracts, including leases, memorandums of understanding, and agreements, shall address compliance with Jefferson County 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) Limits to sharing Jefferson County Courthouse data

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

Section 4. Severability. If any section, subsection, sentence, clause, phrase or section of this Resolution or its application to any person or circumstance is held invalid, the remainder of this Resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 5. SEPA Categorical Exemption. This Resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800 \(19\)](#).

Section 6. Effective Date. This Resolution shall take effect and be in full force immediately upon passage by the Board of County Commissioners.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED and APPROVED this _____ day of _____, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

Approved:

Brandon Mack Date
Superior Court Judge

Mindy Walker Date
District Court Judge

APPENDIX 3

APPENDIX 3

**STATE OF WASHINGTON
County of Jefferson**

**In the Matter of Adopting a Policy Required
by the Courts Open to All Act (COTA)**

RESOLUTION NO. _____

WHEREAS, Washington State Legislature passed the Keep Washington Working Act, RCW [43.17.420](#) (KWW), during the 2019 legislative session; and,

WHEREAS, in 2020, the Courts Open to All Act, RCW [2.28.310](#) through [2.28.330](#) (COTA), was enacted by the Washington Legislature during the 2020 Legislative Session; and,

WHEREAS, RCW [43.10.310](#) requires the county to adopt a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters; and,

WHEREAS, Jefferson County does not have a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters; and

WHEREAS, the Washington Attorney has a model policy to comply with COTA; and,

WHEREAS, representatives of the Superior and District Courts, including Judge Mack and Judge Walker, the Sheriff, Richard Davies of Jefferson Associated Counsel, and Philip Hunsucker from the Prosecuting Attorney's Office met on August 12, 2025 to discuss the requirements of COTA; and,

WHEREAS, the Board of County Commissioners held a workshop on August 25, 2025 to discuss the requirements of COTA; and,

WHEREAS, the Superior and District Courts, the Sheriff's Office, Jefferson Associated Counsel, and the Prosecuting Attorney's Office and the Board of County Commissioners agree that a policy that complies with COTA is necessary; and,

WHEREAS, Jefferson County recognizes that the Washington judicial branch is founded upon the fundamental principle that courts shall be accessible to all persons; and,

WHEREAS, 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; and,

WHEREAS, the Board of County Commissioners adopts by this Resolution a policy that complies with COTA; and;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, WASHINGTON, HEREBY RESOLVE AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Purpose. The purpose of this resolution is to adopt a policy that addresses civil arrests at court facilities and limits state and local engagement in federal immigration matters that complies with COTA.

Section 3. COTA Policy Adopted. The following policy is hereby adopted:

(a) Collection of Information

- (1) In accordance with COTA, and in order to safeguard the public and to maintain the orderly operations of the court, the Jefferson Chief Civil Deputy Sheriff or their designee shall collect the following information from on-duty state and federal law enforcement officers entering the courthouse, including plain-clothed officers, unless such officer is present in or on courthouse facilities to participate in a case or proceedings before the court or is a law enforcement officer with the Jefferson County Sheriff's Office: name, badge number or other identifying information, agency, date, time, specific law enforcement purpose, and the proposed law enforcement action to be taken.
- (2) The Jefferson Chief Civil Deputy Sheriff or their designee shall immediately transmit information collected pursuant to subsection (a) to the County Administrator or their designee. If the law enforcement officer's stated purpose is to conduct a civil arrest at the courthouse, the Jefferson Chief Civil Deputy Sheriff or their designee shall immediately advise the County Administrator or their designee.
- (3) The County Administrator or their designee shall transmit information collected pursuant to subsection (a) to the Administrative Office of the Courts on a monthly basis.

(b) Civil Arrests at or Near Courthouse Facilities

Jefferson County 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 the Jefferson County Courthouse, including within one mile of the courthouse facility, except: (i) by valid court order or judicial warrant; (ii) when it is necessary to secure the immediate safety of judges, courthouse personnel or the public; (iii) where circumstances otherwise permit warrantless arrest pursuant to RCW 10.31.100; or, (iii) 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.

(c) Gathering Information Related to Immigration or Citizenship Status

- (1) Jefferson County 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. Jefferson County 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. For the avoidance of doubt, this section does not prohibit employees of the Jefferson County Auditor's Office from receiving information from applicants for processing passport applications.
- (2) Jefferson County 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. Jefferson County Courthouse personnel maintaining said information in any other way shall report their retention procedure and basis to the County Administrator or their designee prior to collecting the information.

(d) Responding to Requests for Information

Jefferson County 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. Jefferson County 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).

(e) Use of Courthouse Resources

- (1) Jefferson County 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) Jefferson County 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. Jefferson County Courthouse personnel shall presume that activities by federal immigration authorities, including surveillance, constitute immigration enforcement. If Jefferson County Courthouse personnel receive a court order or judicial warrant authorizing immigration enforcement activity to occur in any nonpublic areas of the courthouse facilities, Jefferson County Courthouse personnel shall immediately contact the County Administrator or their designee to determine the appropriate course of action.
- (3) Before authorizing access to any nonpublic areas, the County Administrator or their designee 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:
 - (i) Obtaining a copy of the court order;
 - (ii) Identifying the citation to the federal law violation for which the court order was issued;
 - (iii) Identifying which U.S. District Court issued the order;
 - (iv) Verifying that the order includes the correct date and location for enforcement; and,
 - (v) Confirming that a U.S. District Court Judge or Magistrate's signature is on the order.
- (4) Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities—consistency with COTA.

All Jefferson County Courthouse contracts, partnerships, and programs between the Jefferson County Courthouse and other public or private entities, including leases, agreements, and memorandums of understanding, shall be consistent with Jefferson County 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. Jefferson County Courthouse contracts, including leases, memorandums of understanding, and agreements, shall address compliance with Jefferson County 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) Limits to sharing Jefferson County Courthouse data

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

Section 4. Severability. If any section, subsection, sentence, clause, phrase or section of this Resolution or its application to any person or circumstance is held invalid, the remainder of this Resolution or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 5. SEPA Categorical Exemption. This Resolution is categorically exempt from the State Environmental Policy Act under WAC [197-11-800 \(19\)](#).

Section 6. Effective Date. This Resolution shall take effect and be in full force immediately upon passage by the Board of County Commissioners.

(SIGNATURES FOLLOW ON THE NEXT PAGE)

ADOPTED and APPROVED this _____ day of _____, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF
COUNTY COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

Approved:

Brandon Mack Date
Superior Court Judge

Mindy Walker Date
District Court Judge