

Regional Law
Safety & Justice
Committee



REGIONAL LAW SAFETY AND JUSTICE COMMITTEE

Thursday, September 28, 2017

8:30 – 10:00

Auburn City Hall, Council Chambers
25 West Main Street
Auburn, WA 98001

AGENDA

- Coffee and networking: Beginning at 8:15 am
- **Local Response to Federal Immigration Policy Changes:**
 - Bookda Gheisar, King County Office of Equity and Social Justice (Moderator)
 - Jorge Barón, Executive Director, Northwest Immigrant Rights Project
 - Sheriff John Urquhart, King County Sheriff's Office
 - Nancy Tosta, Deputy Mayor, Burien
- **Legislative Update:**
 - Logan Bahr, Association of Washington Cities
 - Rebecca Johnson, City of Seattle
 - April Putney, King County

Local Response to Federal Immigration Policy Changes:

Bookda Gheisar of the King County Office of Equity and Social Justice provided context for the discussion on immigration. She described King County's 2016 study of immigration services, which led to several recommendations, including creating an office for immigrant and refugee rights. After the federal elections last fall, the County sped up their efforts in order to create a rapid response to federal policy changes. The City of Seattle, King County, and the Seattle Foundation created a fund of \$2.2 million to strengthen a county-wide response. Ms. Gheisar is a resource for jurisdictions throughout King County, and she invited RLSJC members to contact her for support on city issues.

Sheriff Urquhart began his remarks by introducing 5 key words: sanctuary, detainer, 8USC 1373, 287(g) and Trump, with a "bonus word": Jeff Sessions. First Urquhart explained his history on immigration issues, beginning in the 2012 when he worked with Jorge Barón on improving the U Visa process, which allows victims of crime to legally stay in the country. In 2016, Trump raised the rhetoric on immigration to a level not previously seen, but Sheriff Urquhart assumed he would lose the election. And after the election he assumed the rhetoric would die down, instead it has doubled down.

Trump's first set of executive orders substantially increased the workforce for ICE and border patrol and expanded the use of the 287(g) program, which allows the federal government to cross commission local law enforcement to enforce immigration law. In general, local law enforcement does not enforce federal immigration law. Sheriff Urquhart noted that the King County Sheriff's Office would not participate in the program and likely no jurisdiction in Washington State would participate.

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Sheriff Urquhart then provided information regarding the term “sanctuary city,” while the term is used frequently, there is no common definition. Trump and Sessions claim it’s a place for criminal immigrants to go and be safe. Urquhart defines it as a statement by the government that reassures the public that immigrants are welcome.

Next, Sheriff Urquhart explained detainers, which are paperwork filled out by ICE agents that claim probable cause that a person is undocumented. It requests jails hold someone for 48 hours beyond when they should have been released. Some jurisdictions began holding individuals longer than 48 hours and they began to get sued. Holding people when a judge orders their release is against the 4th amendment of the constitution, which says nothing about 48 hours. Sheriff Urquhart considers the detainers “blatantly unconstitutional.”

USC 1373 states that a local government cannot prohibit employees from talking to ICE. The Sheriff noted that “[he] could call ICE and [he] can’t prohibit his deputies from doing that. Urquhart noted that the federal government has said they would withhold funding for non-compliance in the past under Obama.

Sheriff Urquhart then recounted a meeting he attended recently with Attorney General Jeff Sessions. When the meeting was opened up for questions, Urquhart told Session that while his office follows USC 1373, they do not honor detainers and he told him to “keep his hands off our marijuana.” Urquhart noted that Sessions was visibly angry at this statement.

Urquhart ended his remarks by emphasizing that his job is to reduce crime. There are about 150,000 undocumented immigrants in King County, and if they’re afraid to call law enforcement or go to court, the Sheriff cannot keep the public safe. Urquhart considers the federal government to be doing everything they can to scare that population. Urquhart is going to as many venues as possible to make it clear that people are safe to call 911.

Next, Mayor Nancy Tosta described the city of Burien’s recent experience with sanctuary city legislation. She first provided an overview of Burien, which is a small city, but growing rapidly. The population has doubled in 25 years and the minority population is growing even faster, specifically the Latino population. Approximately 25% of the population is now Latino. The city council got letters requesting the city become a sanctuary city. City council members brought the concept to city lawyers and examined the Sheriff’s policy and other ordinances. The council is split politically and most controversial votes are 4-3, leaning conservative. Tosta noted this is surprising, given that 70% of the city voted for Clinton in the last election. She does not think the council reflects the population. The council considered an ordinance in December, but it failed. Tosta realized that the term “sanctuary city is ephemeral”.

After the ordinance failure, Tosta and supporters of the ordinance reviewed the language and removed references to “sanctuary” and used the sheriff’s policy as a model. People would not be asked about immigration status when they came to the city for services and the creation of religious registries were prohibited (as they are under law anyway). The revised ordinance was passed in January.

The passage of the ordinance created a backlash and “launched an alt-right reaction.” Forces from outside of Burien began attending council meetings. The efforts were organized by Craig Keller, who set up a P.O. box in Burien, but resides in West Seattle. The group began a petition for a referendum to remove the ordinance. Mayor Tosta read language from the referendum. The initiative hired signature gatherers and targeted seniors. When the referendum was submitted in July, they were short a few signatures, but

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additional signatures were collected prior to the deadline. A number of groups came together the challenge the referendum in court and just before ballots were printed, the court ruled that the referendum was not valid and could not be on the ballot.

Mayor Tosta closed her remarks by noting that while there have not been significant developments since the court ruling, she is “waiting for the other shoe to drop”. She’s gotten threatening emails and she recommended a [September 6 The Stranger article](#) for additional information on the situation.

Jorge Barón next spoke to the committee on perceptions in the community based on his role as Director of the Northwest Immigrant Rights Project. The organization provides immigration and legal assistance and helps undocumented immigrants as well as legal permanent residents and U.S. citizens. Mr. Barón prefaced his remarks by noting that there is incredibly positive local legislation, though there is also frustration because “sometimes policies don’t seem like they’re enough.” He encouraged the committee to continue to be engaged with the community during this difficult time.

Mr. Barón provided specific examples of the sense of fear in immigrant communities. People feel that ICE will come to their homes at any moment. Even people with citizenship are afraid to travel. Trump has announced the end of DACA and there is also concern that TPS, another form of protective status is at risk. About 2000 people from El Salvador have been here legally under that status since 2001. In the past, the protections have been routinely extended, but TPS status for other countries have been allowed to expire under the Trump administration.

Barón explained that the area has seen a significant increase in immigration enforcement: 33% increase in ICE arrests and a 360% increase in arrests of people with no criminal record. People are particularly afraid because enforcement appears arbitrary. ICE has indicated their enforcement is targeted and that they’re not conducting sweeps, but when they target one individual, they will arrest others who happen to be with the target. Barón noted other law enforcement activity can easily be mistaken for ICE. This impacts people contacting local law enforcement and accessing services such as foodbanks, health clinics, and even bringing kids to school. The U.S. law enforcement system is complex and people new to the country may not understand the overlapping jurisdictions. They may also be moving from other parts of the country where local law enforcement operated differently. And national news of incidents elsewhere in the country impacts perceptions here.

While the challenges are immense, Barón noted there are positive things happening, the legal defense network is providing services for people who are detained. Mr. Barón is not a fan of the term “sanctuary city” and is concerned that it implies a level of protection that doesn’t exist. People can still be picked up by ICE in “sanctuary cities,” but the term does provide a clear symbol that local jurisdictions are “not cooperating.”

Northwest Immigrants’ Rights Project is creating a model policy from Justice Action Network. Mr. Barón would like to see all of it applied, but he recognizes some elements may not be feasible in all jurisdictions.

Ms. Gheisar concluded the panel presentations by providing an anecdote that illustrates the fear in communities since Trump’s election. King County has put on a Spanish movies night, which has grown in popularity over the years. This year prior to the event scheduled in White Center, Gheisar received multiple calls from community organizations because people feared they would be targeted by ICE.

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The panel then took questions from the committee. There was some discussion of ICE presence at courthouses, which Judge Tucker and other judges have objected to. Some local elected officials have also seen protests and threats from pro-sanctuary city activists and false reports of ICE enforcement. The panel noted that ICE does not inform local officials of their operations, so it is difficult to verify reported actions. When local law enforcement detains someone, it is public information. But when ICE detains someone there is no clear way to determine where they are. University of Syracuse posts the results of their [Freedom of Information Act requests](#), but otherwise data is not made public.

Legislative Update:

Representatives from the King County Executive's Office, the City of Seattle, and the Association of Washington Cities provided an overview of key legislation related to law and safety.

Rebecca Johnson opened the panel, noting that it was a good year of law and justice policy issues. The legislature runs on a two year cycle and the first year is focused on budget. There was a divided chamber with very narrow majorities in both house and senate. This creates challenges for any legislation, but it was good year for victim protection law, and unification around public safety, particularly sexual violence protection. Ms. Johnson noted that local Republicans may have been positioning themselves to differentiate from national politicians.

April Putney agreed that it was a good year for strong policy, but noted that it was "horrible for stabilizing budgets." One of the primary issues for was raising the arbitrary cap on taxes. The County wanted to keep a cap in place, but tie it to population and inflation. There was tremendous support for this approach throughout the state, with many providing testimony and explanations of cutting services every year. Unfortunately that did not pass. However, legislators did lift the cap for themselves for education and eliminated it all together for four years. There's real frustration for counties and cities, as the legislators could have allowed local decisions on the cap.

Ms. Putney noted that one of the bills that did not pass was led by Sheriff Urquhart. It would have made it possible for law enforcement and firefighting agencies could have the best force possible. Currently you must be a U.S. citizen to be hired and the bill would have allowed legal permanent residents to be hired. Ms. Putney is optimistic that the bill will move forward next year.

Juvenile justice is another topic of interest. There was a bill (5618) that builds off of King County's Family Intervention Restorative Services program, eliminating mandatory arrest. Another juvenile justice bill (1280), would have allowed state funding for services for youth not in the court system, but did not pass out of the senate. That has a chance of passing next year.

The policy bills that did pass had one thing in common – they did not cost money or did not cost a lot of money. A human trafficking package passed, which extended the statute of limitations, allows vacation of a conviction for victims of trafficking, allows prosecution in either jurisdiction if a crime occurs in two jurisdictions, and allows judicial discretion on the length of sexual assault protection orders.

Another key issue was testing rape kits. A task force has been a game changer: as more kits are being tested, the task force recommends creation of a training program for addressing cold cases.

Ms. Putney noted a several other upcoming bills: one on crime victim compensation to increase access to services, one making a 4th DUI a felony, one making a 3rd Assault 4 DV a felony, and one providing reports to victims on firearm background check failures. The LEFT plan 2 retirement plan may have changes that will impact school resource officer contracts. 5131 cleaned up marijuana regulations. The

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Logan Bahr spoke about a several additional pieces of legislation of interest. Two public records bills (1595 and 1594), which amended public records laws to address overly broad requests and bot requests. The distracted driving law was modified and part, though not all of a requested increase in law enforcement academy training classes passed.

Washington Association of Cities (AWC) will be weighing in against allowing “home grow” marijuana operations. Marijuana revenue sharing with local governments was decreased contingent on revenue. This will likely be reversed based on current revenue projections. Body camera statutes are set to sunset in 2019, though it is unclear whether that will be addressed this year or next year.

A bill related to deadly force failed to progress but there is an initiative to the Legislature, I-940, currently gathering signatures. The initiative would require some forms of training, mandate a duty to provide first aid, and amend the deadly force protection for law enforcement officers. There is bipartisan support in the Legislature for eliminating civil asset forfeiture. AWC will be supporting increased funding and services for mental health, homeless populations, and the opiate crisis. Mr. Bahr noted that the next session is supposed to last 60 days and there could be a power shift in the Senate, which may lead to bills going forward.

Preemption of local authority was included in 19 different bills and no local government advocates think that preemption is a wise policy. Costs continue to be shifted to local government and that will be something to watch. Depending on the Supreme Court’s opinion, the McCleary obligation may still not fully resolved. Also, the legal financial obligation system is acknowledged to not be working for anyone and bill that has support in the House has so far not gone anywhere in the Senate.

Finally, it was noted that the Judicial Association supported a bill that allows student courts to hear traffic violations.

Next Full Committee Meeting

The next full Committee Meeting is December 7, 2017 from 7:30-9:00 in the Bertha Knight Landes Room, Seattle City Hall. The December topic is: the King County Relicensing Consolidated Payment Program, Seattle Court Resource Center, and Seattle Connect.

The December Steering Committee meeting will take place from 9:00-10:00 on December 7 in the Bertha Knight Landes Room.

Committee Contacts:

Chair:

Beth Gappert
Public Safety Operations Manager
City of Seattle Mayor’s Office

(206) 727-8816
beth.gappert@seattle.gov

Vice-Chair:

Lorinda Youngcourt
King County Public Defender
401 5th Ave Ste 0213
Seattle, WA 98104

(206) 296-7662
lorinda.youngcourt@kingcounty.gov

Staff:

Elly Slakie
Executive Analyst
Office of Performance, Strategy & Budget
401 5th Ave., Ste. 810
Seattle, WA 98104

(206) 263-1543
elly.slakie@kingcounty.gov

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