



WASHINGTON STATE SHERIFFS' ASSOCIATION

3060 Willamette Drive NE . Lacey, WA 98516

Phone (360) 486-2380 . Fax (360) 486-2381 . www.waSheriffs.org

March 31, 2017

To our constituents, the people of Washington State:

As far back as most of us can remember, there has been a good working relationship between the elected Sheriff of each county and appointed federal law enforcement. While there have always been challenges, we value our partnerships and hold them in high regard.

However, at a recent meeting of elected Washington State Sheriffs, many voiced both disappointment and surprise having learned, without prior notice, that several of our Sheriff's offices were listed on a Department of Homeland Security website as "jurisdictions that have enacted policies which limit cooperation with Immigration and Customs Enforcement (ICE)". This insinuates we are not upholding our sworn oath to keep communities safe. This is absurd and an insult to each county's duly elected chief law enforcement officer.

The Sheriffs on this list, and every other Sheriff in Washington State, comply with the Federal Court decision which precludes them from honoring ICE detainer requests. These "detainers" are nothing more than a request to keep someone in custody beyond their release date without any judicial authority.

Let there be no mistake: Sheriffs support and cooperate with ICE in their efforts to identify and deport criminal aliens. Preventing crime and holding criminals accountable are key duties of our elected positions. But we also swore an oath to follow the law and obey the constitution. To do our duty we must balance all interests.

By way of background, ICE formerly issued "detainer requests" asking that Sheriff's offices hold persons suspected of meeting federal "criminal alien"



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criteria for up to 48 hours past the time they were scheduled to be released from the county jail.

In April 2014, a federal court within our 9th Federal Circuit Court of Appeals ruled against this practice. The court held that holding people longer without a warrant violated the Fourth Amendment to the United States Constitution (*Miranda-Olivares v. Clackamas County*). This ruling made it clear that Sheriffs honoring simple ICE detainers would be subject to liability and penalties.

As a result of this decision, Sheriffs within the court's jurisdiction contacted their respective Prosecuting Attorneys for legal advice. Sheriffs were informed that continuing the practice of honoring detainers by holding persons beyond their scheduled release time violated the court's ruling.

Washington State Sheriffs will continue to protect their communities and work with ICE and other federal agencies while obeying court rulings and applicable law.

The Sheriffs of Washington State strongly object to the use of the term "uncooperative" in ICE statements and publications. When the 2014 ruling was issued, Sheriffs reached out to ICE in order to find a workable solution. ICE's position has been less than cooperative. Their current approach has the potential to undermine long standing relationships between federal and local agencies. This cooperation is needed to ensure the protection of our communities.

Our expectation of ICE is simple: work collaboratively with us to hold criminal aliens accountable under constitutional law. Washington State Sheriffs have established protocols which meet the needs of federal authorities and court rulings.

The arbitrary labeling of Sheriffs as being "uncooperative" does nothing to serve the purpose of public safety or protect our communities. Sheriffs need to uphold what is legal and what is right and not bend to political pressure or convenience.



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The public expects us to enforce the law while obeying the law. Sheriffs intend to do just that.

Sheriffs cannot enforce federal civil (non-criminal law). That's why there are federal enforcement officers. Our Sheriffs have more than enough to do in dealing with local and state laws in their communities.

What's more, the recent threats from the federal government to withhold federal funding from some agencies will undermine safety in our local communities.

Washington's Sheriffs will work with federal partners to find effective, legal means to protect our local communities. But Sheriffs will not ignore their oaths to uphold the Constitution as they work to protect lives and property. Sheriffs will not be deterred from their core mission by arbitrary federal mandates or threats. We hope that there will be open and honest consideration of our issues to find a cooperative and legal path forward.

Respectfully,

A handwritten signature in cursive script that reads "Mark S. Nelson".

Sheriff Mark S. Nelson

Cowlitz County, WA

President, Washington State Sheriffs' Association