BATTLE GROUND POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

IMMIGRATION ENFORCEMENT

Directive Number: 200-47
Date of Origin: 01/28/2026

200-47.10 PURPOSE:

The federal government, not Battle Ground Police Department, has primary jurisdiction over the enforcement of federal immigration law. Battle Ground Police Department recognizes that removal from the United States, including investigations and arrests made as part of that process, is a civil matter overseen by federal immigration authorities.

Battle Ground Police Department recognizes that unauthorized presence in the United States, standing alone, is not a violation of state or local law. The immigration or citizenship status of an individual or an individual's presence in, entry or reentry to, or employment in the United States alone is not subject to enforcement by Battle Ground Police Department or its personnel.

Battle Ground Police Department shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement.

1. Battle Ground Police Department personnel shall not engage or assist in civil immigration enforcement.

2. Battle Ground Police Department resources, including any individuals' personal information ascertained by Battle Ground Police Department or its officers, shall not be used or shared to assist in civil immigration enforcement.

3. Battle Ground Police Department shall review all methods and forms used to communicate with persons engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, or data fields for immigration or citizenship status existing prior to May 21, 2020, and modify them as necessary to be consistent with these policies.

4. All Battle Ground Police Department personnel shall complete Battle Ground Police Department's mandatory training regarding immigration enforcement policies and procedures and compliance with all other requirements of RCW 10.93.160.

Definitions

1. Federal Immigration Authority – 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.

2. Immigration and Citizenship Status - Such status has been established to an individual under the Immigration and Nationality Act.

3. Personal Information - Definition includes but is not limited to:
   a. Names
   b. Dates of Birth
   c. Addresses
   d. GPS Locations
   e. Telephone Numbers
   f. Email Addresses
   g. Social Media Handles
   h. Social Security Numbers
   i. Driver's License Numbers
   j. Parents' or Affiliates' Names
   k. Biometric Data
   l. Other Personally Identifiable Information.

   *Immigration or citizenship status shall not be considered Personal Information

4. 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:

- Judicially Authorized Warrants
- Judicially Enforced Subpoenas

*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.

200-47.20 **<u>Restrictions and Prohibited Activity:</u>**

1. Battle Ground Police personnel shall not initiate or participate in any law enforcement action based solely on an individual's immigration or citizenship status, or place of birth, or in any other way attempt to enforce or assist in the enforcement of federal civil immigration laws or policies.

2. Battle Ground Police Department personnel shall not inquire about any person's immigration or citizenship status, or place of birth, unless the information is directly connected to the Battle Ground Police Officer's investigation into a violation of state or local law.

3. Battle Ground Police Department's policies prohibiting participation or aid in immigration enforcement shall apply for enforcement activity against all persons, including Battle Ground Police Department personnel.

4. Battle Ground Police Department personnel shall not conduct investigations, interviews, questioning, take statements, or otherwise engage in similar contact with any individual in the presence, including within hearing distance, of any person engaged, or intending to engage, in immigration enforcement, including a known federal immigration authority, unless the person's presence is directly connected to the Battle Ground Police Department's investigation into a violation of state or local criminal law and necessary to perform the Department's duties.

5. Battle Ground Police Department personnel shall not arrest, detain, take into custody, or otherwise hold any person solely to determine their citizenship or immigration status unless the information is directly connected to the Department's investigation into a violation of state or local law.

6. Civil immigration warrants, hold requests, and immigration detainer requests do not establish probable cause and shall not be the basis for any Battle Ground Police Officer to arrest, detain, or otherwise hold any person in custody.
7. If Battle Ground Police Department personnel receive a court order or judicial warrant authorizing any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to assume custody of an in-custody individual, Battle Ground Police Department shall immediately contact Chief of Police or authorized designee to determine the appropriate course of action.
    a. Before authorizing any arrest, detention, or hold, the Chief of Police or authorized designee shall confirm that the federal criminal arrest warrant is issued and signed by a U.S. District Court Judge or Magistrate Judge authorizing the holding or detention of the individual by:
        i. Obtaining a copy of the warrant;
        ii. Identifying the criminal charge and citation to the federal law violation for which the warrant was issued;
        iii. Identifying which U.S. District Court issued the warrant;
        iv. Verifying that the warrant includes the correct date and location for detention; and
        v. Confirming that a U.S. District Court Judge or Magistrate's signature is on the warrant.
    b. Chief of Police or authorized designee shall not disclose the location of the BGPD Officer or individual to any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, before or during the warrant confirmation process.

8. All requests for assistance by any person engaged, or intending to engage, in immigration enforcement, including federal immigration authority, whether oral or written, shall be directed to Chief of Police or authorized designee to determine an appropriate course of action.

200-47.30 **<u>Data Collection Prohibited:</u>**

1. Battle Ground Police Department personnel shall not inquire about or request any documents or information from a person for the purpose of determining

the person's immigration or citizenship status, or place of birth, unless the information is directly connected to the Officer's investigation into a violation of state or local law.

2. Battle Ground Police Department personnel processing fingerprint card or Automated Biometric Identification System (ABIS) submissions shall enter "Unknown" for these fields addressing immigration or citizenship status unless the information is otherwise known.

3. Battle Ground Police Department personnel shall not take enforcement action or otherwise use immigration or citizenship status, or place of birth information, against crime victims or witnesses.

4. Battle Ground Police Department personnel shall use the "Language Line" or other approved resources for any language services necessary to perform duties for Battle Ground Police Department. Battle Ground Police Department personnel shall not utilize or accept language services from any person engaged in, or intending to engage, in immigration enforcement, including federal immigration authorities. Battle Ground Police Department personnel shall presume that federal immigration authorities are engaged in immigration enforcement.

200-47.40 **<u>Consular Notification Requirements:</u>**

1. Within 72 hours of detention, Battle Ground Police Department shall inform, verbally and in writing, all persons taken into custody or otherwise detained, regardless of their known or perceived nationality, citizenship, or immigration status, that:
    a. The person has the right to refuse to disclose information about their nationality, citizenship, or immigration status; and
    b. Disclosure of such information may result in civil or criminal immigration enforcement against them, including removal from the United States.

2. If any Battle Ground Police Department personnel becomes aware that a person in custody is a foreign national, the members of the department shall

immediately contact Chief of Police or authorized designee to determine the appropriate course of action.

a. If the person's country is a signatory to the Vienna Convention on Consular Relations or other bilateral agreement regarding consular notifications, Chief of Police or authorized designee shall provide the person the appropriate consular notification advisement recommended by the U.S. State Department—that the person has the right to request that their foreign consul be notified of their detention and to communication with their foreign consul, or that the LEA is required to notify the person's consular officers, if they are a member of a mandatory notification country.
b. Chief of Police or authorized designee shall notify the person's foreign consul of their detention without delay if the person is a national of one of the 56 mandatory notification countries or if the person requests their foreign consul be notified.
c. Chief of Police or authorized designee shall permit the foreign consul access to the person and forward any communication from the foreign national to the person's consular officers without delay.

200-47.50 **Responding to Requests for Information:**

1. Battle Ground Police Department personnel shall not share, provide, or disclose personal information about any person to anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without a court order or judicial warrant requiring the information's disclosure, except that Battle Ground Police Department shall provide all records as required under the Public Records Act, chapter 42.56 RCW. Public records requests shall be processed pursuant to Battle Ground Police Department procedures by the Battle Ground Police Department Public Records Officer or designee. Any Battle Ground Police Department personnel receiving a public records request shall forward the request to the Battle Ground Police Department Public Records Officer and notify the Chief of Police or authorized designee.

2. Battle Ground Police Department personnel shall not provide or disclose information in response to any notification request or other immigration

enforcement related request for information regarding a person's release date from custody without a court order or judicial warrant, except that Battle Ground Police Department shall provide all records as required by the Public Records Act, chapter 42.56 RCW, in response to any qualifying request.

3. If Battle Ground Police Department personnel receive a court order or judicial warrant that mandates the sharing of information regarding a person's immigration or citizenship status, Battle Ground Police Department personnel shall provide the information as required by the court order or judicial warrant. Any Battle Ground Police Department personnel who shares or discloses a person's immigration or citizenship status to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, shall immediately notify Chief of Police or authorized designee of the information provided, reason for sharing said information, and identity of the person and agency to whom the information was shared.
    a. Chief of Police or authorized designee shall log all instances of Battle Ground Police Department personnel sharing any person's immigration or citizenship status with a person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, with the basis for sharing the information. The log shall be a public record and shall be made publicly available except that information may be redacted or withheld as permitted by the Public Records Act.

200-47.60 **<u>Access to Person Detained or in Custody:</u>**

1. Battle Ground Police Department personnel shall not permit anyone engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, to access any person held, detained, or in Battle Ground Police Department custody without obtaining the person's prior consent in writing, unless a court order or judicial warrant requiring such access is presented.
    a. To obtain written consent from a person held, detained, or in custody, prior to being interviewed by anyone engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, the Battle Ground Police Department shall provide the person with an oral explanation and a written consent form that explains:

i. The purpose of the interview;
ii. That the interview is voluntary;
iii. That the person may decline to be interviewed and will not be punished or suffer retaliation for doing so; and
iv. That the person may choose to be interviewed only with the person's attorney present.

b. Battle Ground Police Officers shall provide the oral explanation and consent form in a language understood by the person or by using an approved language service if the person is unable to read the form or if the form is not available in a language the person understands. Battle Ground Police Department shall maintain copies of the consent form in English, Spanish, and any other language that Battle Ground Police Department deems appropriate.
c. If a person chooses to be interviewed with their attorney present, Battle Ground Police Officers shall promptly contact the attorney. Battle Ground Police Officers shall not proceed with permitting any interview to take place prior to the person's first court appearance and counsel has been retained, appointed, or the person has chosen to proceed pro se.
d. 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.

200-47.70 **<u>Equal Treatment for Persons Held, Detained, or in Custody:</u>**

1. Persons held, detained, or otherwise in the custody of Battle Ground Police Department are entitled to, and shall be provided, the same services, benefits, privileges, rights, opportunities, and resources regardless of their nationality, or immigration or citizenship status.

2. Battle Ground Police Department personnel shall not deny or otherwise limit any person held, detained, or otherwise in Battle Ground Police Department custody such services, benefits, privileges, rights, opportunities, or resources based on any civil immigration warrant, hold request, immigration detainer request, notification request, administrative subpoena or similar request by a person engaged, or intending to engage, in immigration enforcement, including a federal immigration

authority, or indication of the person's nationality, immigration or citizenship status.

3. Battle Ground Police Officers shall not transfer custody of any person held, detained, or otherwise in the custody of Battle Ground Police Department to any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, without court order or judicial warrant. If presented with such an order by a person engaged, or intending to engage, in immigration enforcement, including by a federal immigration authority, to take custody of a person in Battle Ground Police Department custody, Battle Ground Police Officers shall immediately contact Chief of Police or authorized designee to determine an appropriate course of action.
    a. Before authorizing any transfer of custody, the Chief of Police or authorized designee shall confirm that the court order is issued and signed by a U.S. District Court Judge or Magistrate Judge and authorizes the holding or detention of the individual by:
        i. Obtaining a copy of the court order;
        ii. Confirming that a U.S. District Court Judge or Magistrate signed the court order;
        iii. Confirming that the court order identifies the individual for whom the transfer of custody is sought by name; and
        iv. Verifying that the court order has a valid date or is not otherwise expired or previously executed.
    b. Chief of Police or authorized designee shall not disclose the location of the individual to any person engaged in, or intending to engage in, immigration enforcement, including federal immigration authorities, before or during the process of confirming the court order.

4. Battle Ground Police Department shall not deny or otherwise limit any person's social visitation solely on the basis of the person's inability to effectively communicate through video-visitation technology. Battle Ground Police Department shall not collect immigration or citizenship status information of persons visiting an individual in Battle Ground Police Department custody and shall minimize collection of visitors' personal information to the extent necessary to perform duties of Battle Ground Police Department. Battle Ground Police Department personnel shall not disclose or otherwise share visitors' personal information with any person engaged, or intending to engage, in immigration

enforcement, including federal immigration authorities, absent a court order or judicial warrant for the information or approval by Chief of Police or authorized designee].

200-47.80 **<u>Contracts Involving Immigration Enforcement</u>**

1. Battle Ground Police Department personnel and school resource officers shall not enter into any contract, agreement, or other arrangement, whether written or oral, that would grant federal immigration enforcement authority or powers to the Battle Ground Police, including but not limited to agreements created under 8 U.S.C. Sec. 1357(g), also known as 287(g) agreements under the Immigration and Naturalization Act.

2. All Battle Ground Police Department agreements to assist or participate in any joint operations, task forces, or other multi-jurisdictional activities shall include legally binding assurances that all other parties to those agreements shall not use or share Battle Ground Police Department resources, including any individuals' personal information ascertained by Battle Ground Police Department or its personnel, with any third parties or to support or engage in immigration enforcement activities.

3. Battle Ground Police Department shall not be a party to any agreement, joint operation, task force, or other multi-jurisdictional activity with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without legally binding assurances, in writing and pre-approved by the Chief of Police, that no Battle Ground Police Department resources, including any individuals' personal information ascertained by Battle Ground Police Department or its personnel, shall be used to support or assist with civil immigration enforcement in any way.

4. Battle Ground Police Officers shall not assist or participate in any joint operations, task forces, or other activities that support or constitute immigration enforcement actions with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, without prior approval, in writing, from the Chief of Police or authorized designee.

5. Battle Ground Police Department shall not be a party to any immigration detention agreement, IGSA, or other arrangement with any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, providing for detention of any person by Battle Ground Police Officers or using Battle Ground Police Department resources for immigration enforcement.

6. Battle Ground Police Department personnel and school resource officers shall not be a party to any agreement or contract for language services, including translation, interpretation, training or classes, from any person engaged, or intending to engage, in immigration enforcement, including federal immigration authorities, nor shall any language services be accepted by Battle Ground Police Department personnel from any person engaged, or intending to engage, in immigration enforcement, including a federal immigration authority, for free or otherwise. Battle Ground Police Department personnel shall presume federal immigration authorities are engaged in immigration enforcement.

7. All Battle Ground Police Department agreements permitting access to Battle Ground Police Department databases or information shall include legally binding assurances that all other parties to those agreements shall not use or share Battle Ground Police Department information or database access with any third parties supporting or engaged in immigration enforcement activities.

8. Battle Ground Police Department Personnel shall not engage in any immigration enforcement activities without written pre-approval of the Chief of Police or designee.

9. Agency personnel may not be party to agreements or accept language line services from federal immigration authorities or similar.

200-47.90 U & T Visa Certifications

1. Battle Ground Police Officers shall forward U and T Visa certification requests under the Washington Safety and Access for Immigrant Victims Act, RCW 7.98.020, without delay to the Chief of Police or authorized designee.

a. The fact of any request for U or T Visa certification and any personal information submitted with such request shall not be disclosed or shared outside of Battle Ground Police Department, City of Battle Ground Attorney, or the County Prosecuting Attorney without a court order or judicial warrant, or approval by Chief of Police or authorized designee unless expressly authorized, in writing, by the subject of the request or the subject's guardian, or as otherwise required by law.

b. Battle Ground Police Chief or authorized designees hall review any U or T Visa certification request submitted to Battle Ground Police Department in full and verify all information submitted in support of the certification request using existing Battle Ground Police Department records, personal knowledge, or other available evidence. Battle Ground Police Chief or authorized designee may confer with [Law Enforcement Agency Legal Counsel] and/or the County Prosecuting Attorney to determine whether certification by Battle Ground Police Department is proper.

c. Battle Ground Police Officers shall not leverage U or T Visa certifications as a means to compel any victim or witness to cooperate with their investigations.

2. Battle Ground Police Chief or authorized designee shall process U and T Visa certification requests within 90 days of receipt by Battle Ground Police Department, except under circumstances requiring a shorter timeframe.

a. Any U or T Visa certification request for a person in federal removal proceedings shall be immediately processed by Battle Ground Police Chief or authorized designee such that the certification, if approved, is executed within 14 days of Battle Ground Police Department receiving the request.

b. U or T Visa certifications shall be expedited upon request for any person who will, or whose child(ren) will, reach age 21 before the 90-day processing deadline date and thus will otherwise lose their benefits. In any such instance, Battle Ground Police Chief or authorized designee shall execute the certification, if approved, no later than 14 days before the person or child turns 21 years old.

3. All Battle Ground Police Officers shall complete required training on U and T Visa certifications and review the full instructions for completing U and T Visa certification forms on the Washington State Department of Commerce, Safety and Access for Immigrant Victims Program website.

200-47.90 **Training Requirements**

1. All commissioned personnel must complete training on U&T Visas
2. All commissioned personnel must review U&T Visa Instructions provided by the department of commerce https://www.commerce.wa.gov/ocva/safety-and-access-for-immigrant-victims-program/
3. 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)
4. BGPD will ensure that all SROs are trained on their role within the school policies and procedures pertaining to the presence of federal immigration authorities at a school.

Appendices: *Keep Washington Working LEA Model Guidance Document*

City of Battle Ground
Police Department

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Recording Personal Information Disclosures Log

YEAR	Case #	Date/Time of Disclosure	Subject Name	DOB	Type of Information Disclosed	Requesting Agency	Legal Authority (Warrant/Court Order/Consent)	Method
2024	N/A							
2025	N/A							
2026 YTD	N/A							