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SUPERIOR COURT
SPOKANE COUNTY, WA

STATE OF WASHINGTON
SPOKANE COUNTY SUPERIOR COURT

STATE OF WASHINGTON, Plaintiff, v. ADAMS COUNTY SHERIFF'S OFFICE; and ADAMS COUNTY, Defendants.	NO. 25-2-01212-32 ~~[PLAINTIFF'S PROPOSED]~~ FINDINGS OF FACT AND CONCLUSIONS OF LAW

I. INTRODUCTION

This matter came before the Court for trial on July 27, 2026, and the Court heard evidence from July 27, 2026, to July 28, 2026. The Plaintiff, the state of Washington, appeared by and through Assistant Attorneys General Emily C. Nelson and Benjamin Seel. The Defendant, Adams County, appeared by and through Joel B. Ard of the Ard Law Group, PLLC. The Court heard testimony from the following individuals:

1. Dale Wagner
2. Kelly Watkins
3. Juan Garcia
4. Nicholas Williams
5. Evan Armstrong

The Court admitted Exhibits P-1 – P-63. *See* July 22, 2026, Order on Stip. Mot. on Misc. Trial Issues ¶ 1.

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Based upon the court file and records, and the evidence and testimony presented at trial, including the parties' Stipulated Facts for Trial filed July 21, 2026, the Court finds the following facts by a preponderance of the evidence and enters the following conclusions of law:

II. FINDINGS OF FACT

1. The state of Washington brought this action against Defendant Adams County and seeks an order: (1) declaring that Defendant engaged in conduct that violates the Keep Washington Working Act, RCW 43.10.315 and RCW 10.93.160; and (2) permanently enjoining Defendant from continuing to engage in that unlawful conduct, pursuant to RCW 7.24.010, RCW 7.24.080, and RCW 7.24.190.

A. The Keep Washington Working Act

2. The Keep Washington Working Act (KWW) took effect on May 21, 2019. Stipulated Facts for Trial (Stip. Facts) ¶ 1; Laws of 2019, ch. 440.

3. KWW generally prohibits state and local law enforcement agencies from engaging or assisting in civil immigration enforcement and expressly prohibits certain law enforcement conduct. Stip. Facts ¶ 2; July 27, 2026, Trial Tr. 21:5–11 (D. Wagner).

4. Through KWW, the Legislature directed the Attorney General's Office (AGO) to publish KWW model policies and guidance for state and local law enforcement agencies. RCW 43.10.315; July 27, 2026, Trial Tr. 21:21–22:3 (D. Wagner).

5. KWW also required each law enforcement agency to either: (1) adopt policies consistent with the Attorney General's guidance; or (2) notify the Attorney General that it was not adopting the guidance and model policies, state the reasons why, and provide the Attorney General with a copy of the agency's policies to ensure compliance with KWW. RCW 43.10.315; July 27, 2026, Trial Tr. 22:4–8 (D. Wagner).

6. On May 21, 2020, the AGO published the required model policies and guidance (KWW Guidance) on its website. Stip. Facts ¶ 3; Ex. P-1.

7. Defendant did not adopt the KWW Guidance. Stip. Facts ¶ 4.

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8. Instead, Defendant continued to use the policies it had in place at the time KWW passed, which predated KWW. Defendant did not update or revise those policies, which Sheriff Dale Wagner "saw no need to change," despite KWW's enactment. *See* July 27, 2026, Trial Tr. 22:9–18, 26:16–20, 28:17–22, 34:5–12 (D. Wagner).

9. Unless compelled by order of the Court, Defendant is unlikely to revise its policies.

10. Defendant did not notify the AGO of its decision to continue using its pre-existing policies, instead of adopting the KWW Guidance. July 27, 2026, Trial Tr. 46:3–22 (D. Wagner); Ex. P-17.

B. Defendant's Cooperation with Federal Immigration Authorities

1. The Adams County Sheriff's Office's leadership and general operations

11. The Adams County Sheriff's Office is run by Sheriff Dale Wagner, who has served in that position continuously since 2015. Stip. Facts ¶¶ 9–10; July 27, 2026, Trial Tr. 11:24–12:4, 12:14–19 (D. Wagner).

12. Sheriff Wagner is responsible for all operations, policies, and procedures of the Sheriff's Office and has exclusive jurisdiction over law enforcement operations within Adams County. That includes patrol operations and Jail operations. Stip. Facts ¶¶ 11–13; July 27, 2026, Trial Tr. 12:20–13:8 (D. Wagner).

13. It has been "a long time" since Sheriff Wagner completed training on the Sheriff's Office's policies and he has never received training on KWW or federal immigration law. July 27, 2026, Trial Tr. 35:22–36:1, 37:1–6 (D. Wagner).

14. Juan Garcia is a Patrol Sergeant with the Adams County Sheriff's Office, where he has worked since 2016. During that time, Sergeant Garcia has worked exclusively in patrol operations; he does not know Jail operations, nor does he supervise jail staff. July 28, 2026, Trial Tr. 4:8–5:11 (J. Garcia).

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15. The operation of the Adams County Jail is overseen on a day-to-day basis by the Jail Commander who, in turn, "answers to" Sheriff Wagner. July 27, 2026, Trial Tr. 13:4–8 (D. Wagner), 70:22–25, 71:13–15 (K. Watkins).

16. The current Jail Commander is Kelly Watkins, who has held that position since March 2024. Nicholas Williams worked as Jail Commander prior to Commander Watkins, from 2016 to November 2023. July 27, 2026, Trial Tr. 13:9–20 (D. Wagner), 69:23–70:5 (K. Watkins); July 28, 2026, Trial Tr. 23:15–21 (N. Williams).

17. Evan Armstrong worked as a corrections deputy and Corporal at the Adams County Jail from July 2020, until August 2024. July 28, 2026, Trial Tr. 55:15–23 (E. Armstrong).

18. The Adams County Jail, which is located in Ritzville, Washington, has not been used to house inmates since approximately October 2022. Because of this, it is commonly described by the Sheriff's Office as being "closed." Stip. Facts ¶¶ 13–14; July 27, 2026, Trial Tr. 14:9–16, 15:1–18 (D. Wagner), 71:16–72:4 (K. Watkins).

19. Defendant continues to use the Jail as well as holding cells at the Sheriff's Office substation in Othello, Washington, for booking and releasing Adams County inmates. Stip. Facts ¶ 16; July 27, 2026, Trial Tr. 15:6–13 (D. Wagner), 71:18–72:1, 72:17–22 (K. Watkins).

20. Since approximately October 2022, Defendant has contracted with other jurisdictions in the region for the housing and detention of its inmates. Stip. Facts ¶ 15; July 27, 2026, Trial Tr. 14:9–16 (D. Wagner), 72:5–7 (K. Watkins).

21. Most of Defendant's inmates are housed in the Franklin County Jail, though it also has detention agreements with other jurisdictions, including Benton County, Lincoln County, Ferry County, and the City of Sunnyside, Washington. July 27, 2026, Trial Tr.15:19–16:5 (D. Wagner), 72:11–16 (K. Watkins).

22. Defendant is actively working to restore the Jail to its full operations within the next 12–18 months, approximately. The Sheriff's Office needs to hire and train five new

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corrections officers before the Jail can reopen. *See* July 27, 2026, Trial Tr. 16:23–17:16 (D. Wagner), Trial Tr.73:4–19 (K. Watkins).

23. One of the duties of Defendant's corrections officers is to book individuals into and out of custody. July 28, 2026, Trial Tr. 57:19–25 (E. Armstrong).

24. The booking process begins when an Adams County' Sheriff's Office patrol deputy brings an individual who has been arrested to the Adams County Jail or the Sheriff's Office's substation in Othello, Washington. July 28, 2026, Trial Tr. 58:4–10 (E. Armstrong); July 27, 2026, Trial Tr. 73:25–74:6 (K. Watkins).

25. If the person has not previously been booked into Adams County's custody, the corrections officer will create a profile for that person–called a "name page"–in Defendant's recordkeeping system, Spillman, and enter identifying information about the person. July 28, 2026, Trial Tr. 58:23–59:3 (E. Armstrong).

26. Defendant's corrections officer will also create a "jail jacket" for the individual, if one does not already exist, where hard copies of documents related to the person's custody and detention will be stored, a printout of the name page, a list of the person's property, medical records, and copies of any outstanding warrants. July 28, 2026, Trial Tr. 59:4–22 (E. Armstrong).

27. As part of the Adams County Jail's operations, the corrections officer will also add information about any newly booked individuals to a document titled "new in-custody list," including the newly booked inmates' charges, dates of birth, whether they require an interpreter, whether they are subject to any warrants, and, since the Adams County Jail closed, the contracted jail facility at which the individual will be held. Stip. Facts ¶¶ 20–22; July 28, 2026, Trial Tr. 59:23–60:3 (E. Armstrong), 31:6–16 (N. Williams); *see* Exs. P-4 – P-16, P-27, P-29, P-32, P-45 – P-61.

28. Each weekday morning, the corrections officer assigned to the overnight shift distributes the "new in-custody" list by email to a small list that includes the Adams County

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Prosecutor's Office, Adams County Superior Court, and Adams County District Court. Stip. Facts ¶¶ 20, 21, 23; July 28, 2026, Trial Tr. 29:24–30:12 (N. Williams), 64:15–17 (E. Armstrong).

29. Defendant's Jail staff sends the new in-custody list to the courts and the Prosecutor to ensure that prisoners are scheduled to appear in front of a judge within the requisite amount of time. July 27, 2026, Trial Tr. 86:20–24 (K. Watkins); July 28, 2026, Trial Tr. 30:16–20 (N. Williams).

30. If no one is booked into the Jail's custody since the last new in-custody list was sent, a corrections officer still emails the courts and the Prosecutor's Office to let them know that no new individuals were booked into Adams County's custody. Stip. Facts ¶ 24; July 27, 2026, Trial Tr. 86:25–87:5 (K. Watkins).

31. Once the booking process is complete, the inmate will be transported by a corrections officer to whichever out-of-county detention facility has been contracted to house the individual. Stip. Facts ¶ 17; July 27, 2026, Trial Tr. 75:18–22 (K. Watkins).

32. Defendant remains responsible for transporting its inmates, as necessary, while they are in custody. July 27, 2026, Trial Tr. 75:23–76:15 (K. Watkins).

33. Depending on the terms of Defendant's agreement with the contracted jail facility, upon release, Defendant is responsible for dispatching a corrections officer to pick up their inmate and transport the inmate back to Adams County. The inmate is processed for release at the Jail or Othello substation. Stip. Facts ¶ 18; July 27, 2026, Trial Tr. 76:16–77:3 (K. Watkins).

34. The Sheriff's Office follows a standardized process for releasing someone from its custody, which is essentially the inverse of Defendant's process for booking someone into their custody. July 28, 2026, Trial Tr. 68:19–69:9 (E. Armstrong); July 27, 2026, Trial Tr. 76:24–77:3 (K. Watkins).

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35. Both the booking and the release process take approximately 25 to 45 minutes to complete. Stip. Facts ¶ 19.

2. Sheriff's Office policies authorize officers to contact federal immigration authorities about noncitizens in their custody

36. The Adams County Sheriff's Office maintains two manuals that contain the binding policies that govern its operations: the Custody Policy Manual ("Custody Manual") and the Patrol Policy Manual ("Patrol Manual"). Exs. P-2, P-3; *see also* July 27, 2026, Trial Tr. 18:6–19:5 (D. Wagner), Trial Tr. 79:21–89:2 (K. Wagner).

37. The policies in the Custody Manual and Patrol Manual were purchased from Lexipol, a national company that develops model policy language for law enforcement agencies, like the Adams County Sheriff's Office, that subscribe to its policy services. July 27, 2026, Trial Tr. 19:6–20 (D. Wagner).

38. When the Sheriff's Office receives a policy from Lexipol, it can adopt the policy as-is, modify the language of the policy, or reject the policy altogether. The Sheriff's Office does not have to use policies drafted by Lexipol and can draft its own policy language to incorporate into the manual. July 27, 2026, Trial Tr. 19:21–20:10 (D. Wagner).

39. If a policy is contained in the Custody Manual or Patrol Manual, it is there because it reflects official policy. *See* July 27, 2026, Trial Tr. 20:11–20 (D. Wagner).

40. According to the Sheriff's Office's own policy, even *ad hoc* changes to policy or procedure should be reduced to writing and incorporated into the appropriate policy manual. *See, e.g.*, Ex. P-2 at 14 (establishing mechanism for "the Sheriff to make immediate changes to policy and procedure," but requiring those changes to be "incorporated into the manual as required upon approval of the Sheriff").

a. Custody Manual policies

41. The policies in the Custody Manual apply to Defendant's jail and corrections operations and provide Defendant's corrections officers with guidance and best practices

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relevant to their corrections work. Stip. Facts ¶¶ 5–6; Ex. P-2; July 27, 2026, Trial Tr. 18:20–19:2 (D. Wagner), 78:12-18, 79:21–80:2 (K. Watkins).

42. The Custody Manual is an important document for jail operations. Commander Watkins testified that "[i]t is pretty much [the Jail's] bible." July 27, 2026, Trial Tr. 80:3–6 (K. Watkins).

43. Custody Policy 504.6 and Custody Policy 608 dictate the terms of information sharing with federal immigration officials about non-citizens the Sheriff's Office books into custody. Ex. P-2 at 17 (Immigration Notification on Commitment); Ex. P-2 at 20–22 (Foreign Nationals and Diplomats); July 27, 2026, Trial Tr. 81:17–82:8 (K. Watkins); July 27, 2026, Trial Tr. 23:6–12, 27:10–14 (D. Wagner).

44. Custody Policy 504.6 provides: "Office members assigned to book inmates *may* notify federal immigration officials when any foreign national is committed to the Adams County Sheriff's Office Jail. The notification may include the date, cause and anticipated duration of the commitment (RCW 10.93.160)." Ex. P-2 at 17 (emphasis added).

45. Custody Policy 608.2 provides: "The Adams County Sheriff's Office Jail *will* notify United States immigration officials when any foreign national is committed to the custody of the jail." Ex. P-2 at 20 (emphasis added); Ex. P-2 at 12 (explaining that "Shall or will" "[i]ndicates a mandatory action"); July 27, 2026, Trial Tr. 27:15–17 (D. Wagner).

46. Under both policies, "foreign national" means anyone who is not a U.S. citizen, including non-citizens who have not committed any immigration violations. July 27, 2026, Trial Tr. 23:13–24:5, 28:2–4 (D. Wagner), 84:8–10, 85:13–18 (K. Watkins).

47. Under both policies, "immigration officials" means federal officials engaged in immigration enforcement, such as U.S. Immigration and Customs Enforcement (ICE) and Border Patrol. July 27, 2026, Trial Tr. 25:14–18, 28:13–16 (D. Wagner).

48. Under Custody Policy 504.6, Defendant's corrections officers are authorized to notify ICE or Border Patrol when they have booked someone who is not a U.S. citizen into

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custody and to share the individual's name, charges, and release information. *See* July 27, 2026, Trial Tr. 23:9–12, 24:9–25:13 (D. Wagner), 84:4–24 (K. Watkins).

49. Under Custody Policy 608.2, corrections officers are required to notify ICE or Border Patrol when they have a non-citizen in their custody. July 27, 2026, Trial Tr. 85:9–12 (K. Watkins), 27:10–14 (D. Wagner).

50. Custody Policy 504.6 and Custody Policy 608.2 have been Defendant's policies since before KWW was enacted. Neither policy was changed or revised in response to KWW taking effect. July 27, 2026, Trial Tr. 26:16–20, 28:17–22 (D. Wagner).

51. Defendant relies on training provided through Lexipol to ensure corrections officers understand and can apply Custody Policies 504.6 and 608.2. July 27, 2026, Trial Tr. 35:6–9 (D. Wagner), 80:14–20, 81:9–16 (K. Watkins).

52. To implement the Jail's policies that relate to the KWW, including Custody Policies 504.6 and 608.2, Defendant's corrections officers need to have some understanding of federal immigration law. July 27, 2026, Trial Tr. 82:17–20 (K. Watkins).

53. Defendant does not train its officers on federal immigration law or on KWW. *See* July 27, 2026, Trial Tr. 36:2–25 (D. Wagner), 83:8–21 (K. Watkins); July 28, 2026, Trial Tr. 8:22–9:6, 13:2–6 (J. Garcia), 23:22–24:6 (N. Williams), 56:21–57:3 (E. Armstrong).

54. As a result, Evan Armstrong, who worked as a corrections officer for several years at the Adams County Jail after KWW became law, did not even know what KWW was. *See* July 28, 2026, Trial Tr. 57:4–6 (E. Armstrong).

b. Patrol Manual Policies

55. The policies in the Patrol Manual apply to the Defendant's patrol operations and provide its patrol deputies with best practices and guidelines for their patrol work. Stip. Facts ¶¶ 7–8; Ex. P-3 at 14–15; July 27, 2026, Trial Tr. 18:6–19 (D. Wagner).

56. Patrol Policy 428.4 contains the Sheriff's Office's policy for enforcing immigration violations. Ex. P-3 at 14; July 27, 2026, Trial Tr. 29:12–15 (D. Wagner).

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57. Patrol Policy 428.4 provides:

> A deputy may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

Ex. P-3 at 14.

58. Under Patrol Policy 428.4, "enter[ing] into the United States in violation of a federal criminal law" means that the person is "here illegally." July 27, 2026, Trial Tr. 30:2–4 (D. Wagner).

59. Even though Adams County does not abut a foreign country, Defendant believes the offense of "enter[ing] into the United States in violation of a federal criminal law" to be one that can be committed *in Adams County*. July 27, 2026, Trial Tr. 31:16–32:17 (D. Wagner).

60. Patrol Policy 428.4 does not prohibit a patrol officer from asking a detainee what their immigration status is, in order to establish reasonable suspicion for the offense of unlawful entry. July 27, 2026, Trial Tr. 30:10–13 (D. Wagner); Ex. P-3 at 14–15.

61. Patrol Policy 428.4 does not require a patrol deputy to have made an initial stop for a state law crime, before acting on their reasonable suspicion that the person entered unlawfully. July 27, 2026, Trial Tr. 32:22–25 (D. Wagner), Ex. P-3 at 14–15.

62. Under Patrol Policy 428.2, once a deputy has detained someone based on their reasonable suspicion that the person entered unlawfully, the deputy is required to contact ICE or Border Patrol so that the detainee's immigration status can be verified, using federal immigration records. July 27, 2026, Trial Tr. 33:14–22 (D. Wagner).

63. Defendant has conducted patrol operations pursuant to Patrol Policy 428.4 since before KWW took effect in 2019 and took no action to update or revise it, after KWW became law. July 27, 2026, Trial Tr. 34:5–12 (D. Wagner); July 28, 2026, Trial Tr. 11:15–20, 20:18–19 (J. Garcia).

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64. During his time with the Sheriff's Office, Sergeant Garcia has performed "immigration check[s]" as part of his patrol duties "pretty frequent[ly] depending on . . . the time of year or what's going on." July 28, 2026, Trial Tr. 20:4–10 (J. Garcia).

65. The passage of KWW in 2019 did not change anything about the way Defendant's officers conduct patrol operations. July 28, 2026, Trial Tr. 13:20–14:7 (J. Garcia).

3. Adams County Sheriff's Office provides nonpublic information about individuals in their custody to federal immigration authorities

a. Corrections staff proactively sent "new in-custody" lists to ICE and Border Patrol officials

66. Beginning as early as 2013, corrections officers at the Adams County Jail routinely included federal immigration officials from ICE or Border Patrol on the daily, new in-custody emails they sent to court staff and the Prosecutor's Office. Stip. Facts ¶ 25.

67. Immigration officials continued to receive the new in-custody list after KWW was enacted on May 19, 2019, until at least September 8, 2023. *See* Exs. P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12, P-13, P-14, P-15, P-16, P-27, P-29, P-32, P-45, P-46, P-47, P-48, P-49, P-50, P-51, P-52, P-53, P-54, P-55, P-56, P-57, P-58, P-59, P-60, P-61.

68. Based on the Jail's practice of distributing the new in-custody list five times a week, every week, between May 19, 2019, and September 8, 2023, Defendant sent the new in-custody list to federal immigration officials upwards of 1,000 times after KWW became law.

69. Immigration officials wanted access to the Jail's new in-custody list for civil immigration enforcement purposes. Specifically, Defendant understands that ICE and Border Patrol could cross-reference immigration records with the new in-custody list and determine if anyone on the list is not legally authorized to be in the United States. *See* July 27, 2026, Trial Tr. 87:16–24 (K. Watkins).

70. Some information about those in Defendant's custody was supposed to be available through an online jail roster, which would pull information directly from the Spillman

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recordkeeping system to a public-facing website. July 28, 2026, Trial Tr. 26:14–20 (N. Williams).

71. In reality, the Jail's online roster frequently was not working, not visible, or out-of-date, sometimes by up to a month. July 28, 2026, Trial Tr. 26:21–27:17 (N. Williams); Stip. Facts ¶ 26.

72. Because the Jail's online roster was unreliable, federal immigration officials asked to be put on the new in-custody email distribution list, which had the most accurate information about who was in Adams County's custody on a given day. Stip. Facts ¶ 26; July 28, 2026, Trial Tr. 30:21–31:5, 34:1–18 (N. Williams).

73. After KWW became law, Jail staff would routinely add or remove federal immigration officials from the internal, new in-custody email distribution list upon their request. July 28, 2026, Trial Tr. 32:2–33:1 (N. Williams).

74. Once an ICE or Border Patrol official was on the email list, they generally stayed on it until they asked to be taken off. July 28, 2026, Trial Tr. 32:13–16 (N. Williams).

75. At some point, the Jail began using a mobile application, called the Sheriff's App, to publish its jail roster. The Sheriff's App does not include inmate dates of birth, indicate the facility where they are being held, or provide their anticipated release date. July 27, 2026, Trial Tr. 53:6–25 (D. Wagner).

b. Corrections staff share inmate release location, date, and time in response to notification requests from federal immigration officials

76. Defendant has also provided federal immigration officials with Adams County inmates' anticipated release locations, dates, and times. July 28, 2026, Trial Tr. 38:13–39:6 (N. Williams), 70:7–11 (E. Armstrong).

77. Sharing anticipated release dates and times with federal immigration authorities is authorized by Defendant's policy. *See* Ex. P-2 at 17; July 27, 2026, Trial Tr. 23:9–12, 25:7–26:1 (D. Wagner), 84:4–24 (K. Watkins).

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78. Since KWW passed, federal immigration authorities have continued to send "immigration detainer requests" (i.e., Form I-247 or I-247A) and "civil immigration warrants" (i.e., Form I-200 or I-203) to the Adams County jail. *See* Exs. P-23, P-28, P-30–P-31, P-33–P-44; July 28, 2026, Trial Tr. 38:6–16, 40:13–41:5 (N. Williams); 65:11–66:14 (E. Armstrong).

79. The Jail has received detainers since Kelly Watkins became Jail Commander in 2024. July 27, 2026, Trial Tr. 90:17–21 (K. Watkins).

80. These documents arrived by fax or email, and upon receipt, corrections deputies added "hold" notes in individuals' booking records, indicating that a federal immigration authority wanted to be notified in advance of the individual being released, so that they could take custody of the individual upon their release. July 28, 2026, Trial Tr. 38:6–16, 40:13–41:5 (N. Williams), 65:11–66:14 (E. Armstrong).

81. After KWW passed, on at least three occasions, federal immigration officials sent detainers to the Jail for individuals who had recently been listed on a new in-custody list that Defendant sent to immigration officials. Exs. P-29, P-30, P-32, P-33; July 28, 2026, Trial Tr. 41:6–44:1 (N. Williams).

82. Both before and after KWW passed, corrections deputies noted holds issued by federal immigration authorities on the new in-custody lists. July 27, 2026, Trial Tr. 36:2–20 (N. Williams); *see, e.g.*, Exs. P-4, P-5, P-58.

83. Both before and after KWW passed, if the Sheriff's Office received a detainer or immigration warrant for an Adams County inmate held at a contracted facility, corrections officers forwarded the detainer to that facility. July 28, 2026, Trial Tr. 39:7-10 (N. Williams).

84. Both before and after KWW passed, based on the "hold" note in the Jail's booking system, Adams County corrections deputies notified the relevant federal immigration authorities when an individual was about to be released. July 28, 2026, Trial Tr. 38:13–39:6 (N. Williams), 70:7–11 (E. Armstrong).

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85. If the inmate subject to the detainer was housed in a contracted jail facility, the corrections deputy transporting the individual, or another member of Jail staff, contacted the immigration official and provided them with an estimated timeframe in which the inmate would arrive at the Jail for release processing. *See* Ex. P-26; July 28, 2026, Trial Tr. 72:17–76:14 (E. Armstrong).

86. This practice, of sharing release information with federal immigration officials, continued for at least four years after KWW passed. July 28, 2026, Trial Tr. 72:17–76:14 (E. Armstrong).

87. Evan Armstrong, who worked at the Adams County Jail from March 2020 to August 2024, was never told to stop sharing release information with federal immigration officials. July 28, 2026, Trial Tr. 76:15–21 (E. Armstrong).

88. Sharing release information allowed federal immigration officials the opportunity to arrive before the release process was complete to take custody of the inmate. Ex. P-22; July 28, 2026, Trial Tr. 39:3–22, 43:19–49:11 (N. Williams), 70:7–23 (E. Armstrong).

89. This required coordination on the part of the Sheriff's Office and federal immigration authorities.

90. Once the federal immigration official arrived, they entered the Jail's secure booking area and took custody of the individual after Adams County corrections deputies had finished the release process. July 28, 2026, Trial Tr. 39:3–22 (N. Williams), 70:12–23 (E. Armstrong).

91. According to Evan Armstrong, whose main duties were to book and release inmates from the Jail, federal immigration officials made arrests inside the Adams County Jail every couple of months. July 28, 2026, Trial Tr. 71:23–72:5 (E. Armstrong).

92. Between May 21, 2021, and March 10, 2023, the Adams County Sheriff's Office released at least six people—three of whom had no local charges pending against them—directly to Border Patrol from the Jail. When it released someone in its custody to a federal

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immigration authority, such as Border Patrol, the Sheriff's Office noted the release in the individual's Spillman booking record. Ex. P-22; July 28, 2026, Trial Tr. 43:19–49:11 (N. Williams).

c. Sheriff's Office deputies allow federal immigration officials to interview individuals in their custody

93. In March 2023, Sergeant Juan Garcia arrested Serafin Rangel-Sambrano and Jose Juarez Ramirez for possession of a stolen motor vehicle and took them to the Othello substation for booking. July 28, 2026, Trial Tr. 14:8–15 (J. Garcia).

94. During the arrest, the men told Sergeant Garcia that they had visited the home of an individual known as "Boss," whom Sheriff's Office deputies had arrested in the past for possessing stolen property and narcotics. July 28, 2026, Trial Tr. 14:25–15:10 (J. Garcia).

95. At that time, the Sheriff's Office was not investigating "Boss" or the two arrested men for any narcotics violations. July 28, 2026, Trial Tr. 15:20–16:20 (J. Garcia).

96. Nevertheless, Sergeant Garcia contacted the Department of Homeland Security's Spokane Office and provided them with the arrested men's identifying information, including their names and dates of birth, to see if Border Patrol had an open narcotics investigation. July 28, 2026, Trial Tr. 14:16–24, 15:11–19, 16:21–23 (J. Garcia).

97. U.S. Customs and Border Patrol Agent Cody Mumau called Sergeant Garcia back and told him that Border Patrol "didn't have anything" for Sergeant Gacia related to open cases or narcotics investigations of "Boss." July 28, 2026, Trial Tr. 17:5–12 (J. Garcia).

98. At this point, any potential criminal narcotics investigation in which Border Patrol might be of assistance had concluded.

99. Agent Mumau then asked Sergeant Garcia to speak with the men in Defendant's custody. July 28, 2026, Trial Tr. 17:13–15 (J. Garcia).

100. Sergeant Garcia did not ask Agent Mumau why he wanted to speak with the men in custody and Sergeant Garcia did not know why Agent Mumau wanted to speak with the men

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in custody. July 28, 2026, Trial Tr. 17:16–20 (J. Garcia).

101. Sergeant Garcia did not tell the men that the person on the line was an immigration agent, what the purpose of the call was, that the men had the right to refuse to speak with the agent, the right to have an attorney present during the conversation, and that they would not be retaliated against or punished if they refused the call. July 28, 2026, Trial Tr. 17:24–18:15 (J. Garcia).

102. Nor did Sergeant Garcia obtain the men's verbal or written consent to speak with Agent Mumau. July 28, 2026, 18:16–23 (J. Garcia).

103. Sergeant Garcia did hand the phone to one of the men, who spoke with Border Patrol Agent Mumau. *See* July 28, 2026, Trial Tr. 17:21–23 (J. Garcia).

104. If he had provided these advisements, Mr. Rangel-Sambrano and Mr. Juarez Ramirez would have had the opportunity to decline to speak with Agent Mumau. July 28, 2026, 18:24–19:2 (J. Garcia).

105. The two men were booked and transported to the Franklin County Jail. July 28, 2026, Trial Tr. 19:3–5 (J. Garcia), 74:2–18 (E. Armstrong); Exs. P-15, P-22 at 5, 6.

106. The Adams County Prosecutor's Office declined to file charges against the men. July 28, 2026, Trial Tr. 19:6–8 (J. Garcia), Exs. P-24, P-25.

107. The men were subsequently transported back to the Jail in Ritzville by Corporal Evan Armstrong. July 28, 2026, Trial Tr. 74:23–75:7 (E. Armstrong); Ex. P-26; *see also* July 28, 2026, Trial Tr. 17:2–4 (J. Garcia).

108. While he was transporting them back to the Jail, Corporal Evan Armstrong notified dispatch that he was "en route with two for Border Patrol." July 28, 2026, Trial Tr. 75:5–11 (E. Armstrong).

109. As far as Corporal Armstrong knew, Border Patrol would be present at the Jail to pick up the individuals he was transporting. July 28, 2026, Trial Tr. 75:17–22 (E. Armstrong).

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110. At this time, in March 2023, it was Corporal Armstrong's practice to notify Adams County Dispatch when the individuals he was transporting back to the Jail would likely be picked up by Border Patrol. July 28, 2026, Trial Tr. 75:8–13 (E. Armstrong). This was also the practice of other corrections deputies at the time. July 28, 2026, Trial Tr. 75:14–16 (E. Armstrong).

111. The two men Corporal Armstrong was transporting were released into the custody of a waiting Border Patrol agent upon arriving at the Jail. July 28, 2026, Trial Tr. 19:12–14 (J. Garcia); Ex. P-22 at 5, 6.

C. Defendant Has Ignored the AGO's Compliance Concerns and Believes that the United States Constitution Permits it to Violate KWW

1. Defendant has not revised its policies and practices to address the KWW violations identified by the State

112. Both before and after KWW's enactment, the Sheriff's Office has "performed immigration checks . . . pretty frequent[ly]," July 28, 2026, Trial Tr. 20:4–10 (J. Garcia); routinely sent the Jail's new in-custody list to federal immigration officials, Stip. Facts ¶ 25; held people in the Adams County Jail based only on an immigration detainer or immigration warrant, including beyond the time when they would have otherwise been released, July 28, 2026, Trial Tr. 37:21–38:5 (N. Williams); notified ICE or Border Patrol of the time when their detainees were being released from custody to facilitate immigration arrests, July 28, 2026, Trial Tr. 38:13–39:5 (N. Williams); and allowed ICE or Border Patrol officers to take custody of people in the Jail's booking area, July 28, 2026, Trial Tr. 39:16–22 (N. Williams).

113. And yet, after KWW took effect in 2019, Sheriff Wagner did not direct his officers to change how they operated in any way. *See* July 28, 2026, Trial Tr. 13:20–14:7 (J. Garcia) (testifying that he was not told to change how he "communicate[d] with federal immigration officials," after KWW took effect); July 28, 2026, Trial Tr. 76:15–21 (E. Armstrong) (testifying that, as of his departure in August 2024, he had not been told to stop providing release information to immigration officials).

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114. Defendant also did not make any changes to the Sheriff's Office's policies because Sheriff Wagner "saw no need" to do so. July 27, 2026, Trial Tr. 21:25–22:18 (D. Wagner).

115. Defendant did not inform the AGO of its decision to continue using policies that pre-dated KWW, without update, instead of adopting the AGO KWW Guidance. Nor did Defendant provide the AGO with a copy of the policies they intended to continue using. July 27, 2026, Trial Tr. 45:14–46:22 (D. Wagner); *see also* Exs. P-17 at 2, P-20 at 1.

116. The AGO eventually obtained a copy of Defendant's Patrol Policy Manual through the PRA. *See* Exs. P-17 at 2, P-19.

117. After reviewing Patrol Policy 428, as well as records showing Defendant's practice of sending new in-custody list to ICE and Border Patrol, the AGO sent Sheriff Wagner a letter, dated November 28, 2022, to express the AGO's "concern[ ] that the Adams County Sheriff's Office may be in violation of KWW[.]" Ex. P-17 at 3.

118. Defendant received the letter around the time it was sent and Sheriff Wagner reviewed it. July 27, 2026, Trial Tr. 41:10–25 (D. Wagner); Ex. P-18.

119. Defendant took no action in response to the AGO's November 28, 2022, letter and continued to send the new in-custody list to ICE and Border Patrol. July 27, 2026, Trial Tr. 46:24–47:14 (D. Wagner); *see also* Ex. P-9.

120. On September 20, 2023, the AGO wrote to Adams County Prosecuting Attorney, Randy Flyckt, who was representing Adams County and Sheriff Wagner on this matter, to reiterate its concern that, by sharing its new in-custody list with ICE and Border Patrol, Adams County was violating KWW. *See* Ex. P-19 at 3.

121. The AGO asked Adams County to take several steps to address the AGO's concerns, including to "[i]mmediately cease sharing non-publicly available personal information with federal immigration authorities, except as required by state or federal law, as required by

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KWW"; and also to make certain changes to Patrol Policy 428, which the AGO had outlined in its November 28, 2022, letter. *See* Ex. P-19 at 3.

122. Sheriff Wagner also received and reviewed the September 20, 2023, letter. July 27, 2026, Trial Tr. 47:20–48:13 (D. Wagner).

123. Shortly after receiving this letter, Sheriff Wagner verbally instructed staff at the Jail to stop including immigration officials on their new in-custody list emails. July 27, 2026, Trial Tr. 49:23–50:3 (D. Wagner); Stip. Facts ¶ 27.

124. Sheriff Wagner's verbal instruction was never reduced to writing or incorporated into the Custody Manual. July 27, 2026, Trial Tr. 50:7–24 (D. Wagner). As such, Defendant does not have a written policy that prohibits sharing new in-custody information with ICE or Border Patrol. Beyond discussing the instruction at a staff meeting when it was made in mid-2023, the Sheriff's Office has never conducted any training on the Sheriff's instruction. July 27, 2026, Trial Tr. 50:7–51:17 (D. Wagner), 87:25–88:9 (K. Watkins).

125. Sheriff Wagner issued the directive to quell the AGO's concerns; he does not believe the practice of sending new in-custody lists to ICE and Border Patrol violates KWW. Nor does the practice violate any written policies in the Sheriff's Policy or Custody Manuals. July 27, 2026, Trial Tr. 52:3–13, 52:24–53:1 (D. Wagner).

126. Sheriff Wagner's verbal instruction to stop sending the new in-custody lists to ICE and Border Patrol is the only verbal "directive" he has issued related to the Sheriff's Office's interactions with immigration officials. *See* July 27, 2026, Trial Tr. 65:19–66:8 (D. Wagner); July 28, 2026, Trial Tr. 13:16–14:4 (J. Garcia), 76:15–21 (E. Armstrong).

2. Sheriff Wagner believes KWW is unconstitutional and has explored conduct that would plainly violate the law and encouraged other Sheriffs to do the same

127. Sheriff Wagner believes that KWW is a dangerous law that unconstitutionally impedes the ability of Sheriff's in Washington to cooperate with federal immigration authorities

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in their civil immigration enforcement efforts. *See* July 27, 2026, Trial Tr. 55:16–22 (D. Wagner).

128. A "287(g) agreement" is a formal agreement between a local law enforcement agency and ICE, whereby the local law enforcement agency agrees to cooperate with federal immigration authorities and to support their civil immigration enforcement efforts through one of several models. July 27, 2026, 56:5–10 (D. Wagner); Ex. P-63 at 1.

129. Sheriff Wagner believes that the approach outlined in the 287(g) agreement "jail model" is "common sense." Under that model, the Sheriff's Office would provide information to federal immigration authorities about those in its custody and release people directly to the custody of ICE or Border Patrol, in response to an immigration detainer or warrant. *See* July 27, 2026, Trial Tr. 64:20–65:9 (D. Wagner).

130. Sheriff Wagner knows that doing so would violate KWW. July 27, 2026, Trial Tr. 56:5–15 (D. Wagner).

131. Despite knowing that entering into a 287(g) agreement would violate KWW, on or around April 23, 2025, Sheriff Wagner contacted ICE to discuss that program. July 27, 2026, Trial Tr. 56:16–57:8 (D. Wagner); *See* Ex. P-62 (ICE official thanking Sheriff Wagner "for reaching out about the 287(g) program").

132. Under President Trump, federal immigration authorities have sought to significantly increase their civil immigration enforcement and removal operations, including by maximizing the number of state and local law enforcement agencies participating in the 287(g) program. *See* Exec. Order No. 14159 § 2, Protecting the American People Against Invasion, 90 Fed. Reg. 8,443, 8,443 (Jan. 29, 2025) ("It is the policy of the United States to faithfully execute the immigration laws against *all inadmissible and removable aliens*[.]" (emphasis added)); *id.* § 11, 90 Fed. Reg. at 8,445 (ordering the Secretary of Homeland Security to use 287(g) agreements "to the maximum extent permitted by law"); *see also* U.S. Dep't of Homeland Sec., Press Release, *Thanks to President Trump and Secretary Noem, More than 2.5 Million Illegal*

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Aliens Left the U.S. (Dec. 10, 2025), https://www.dhs.gov/news/2025/12/10/thanks-president-trump-and-secretary-noem-more-25-million-illegal-aliens-left-us.[1]

133. On April 28, 2025, President Trump signed Executive Order 14287, "Protecting American Communities From Criminal Aliens." 90 Fed. Reg. 18761, 18761–18762 (May 2, 2025). Executive Order 14287 ordered the Attorney General and the Secretary of Homeland Security "to publish a list of all sanctuary jurisdictions by May 28, 2025," which was to "identify those jurisdictions that obstruct federal immigration enforcement" and the consequences that could be imposed against them by the federal government. Ex. P-63 at 1; 90 Fed. Reg. at 18761–18762.

134. On May 2, 2025, Sheriff Wagner emailed more than twenty Washington Sheriffs to reiterate his claim that KWW, and the State's lawsuit enforcing KWW against Adams County, represents "a coordinated push to force compliance with laws that undermine local Sheriff authority, federal authority, restrict lawful cooperation with ICE, and ultimately place our communities at greater risk." Ex. P-63 at 1.

135. Sheriff Wagner also alerted his fellow Sheriffs that President Trump had signed Executive Order 14287 and shared information about the 287(g) program with his fellow Sheriff's, which he described as "offer[ing] legal, constitutional avenues to cooperate with federal immigration authorities" and, in so doing, avoid being placed on the Trump administration's "sanctuary jurisdiction" list. *See* Ex. P-63 at 1.

136. Sheriff Wagner ended by asking his fellow Sheriffs to "**uphold**" their "**oath**" to defend the United States Constitution, first and foremost; to "lawfully partner with the federal government to protect [their] communities"; and to "please act soon," if their "agency is ready

[1] The Court may take judicial notice of the facts in these government documents, the authenticity of which is "not subject to reasonable dispute[.]" ER 201(b); *Est. of McCartney by & through McCartney v. Pierce Cnty.*, 22 Wn. App. 2d 665, 677, 513 P.3d 119 (2022) (taking judicial notice of facts derived from public records located on a county website and concluding that the "authenticity of the records cannot be reasonably disputed"). The Court has discretion to take judicial notice of facts such as these "whether requested or not" and "at any stage of the proceeding." ER 201(c), (f).

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to explore or proceed with a 287(g) agreement[.]" *See* Ex. P-63 (emphasis in original); July 27, 2026, Trial Tr. 59:22–24 (D. Wagner) ("Q: And your oath is to honor and defend the Constitution of the State of Washington and the United States?" A: "United States first, yes.").

137. Sheriff Wagner knew that he was asking his fellow Sheriffs to violate KWW. July 27, 2026, Trial Tr. 60:4–12 (D. Wagner).

III. CONCLUSIONS OF LAW

1. The Court has jurisdiction over the parties and the subject matter of this action.

2. Venue is proper in Spokane County pursuant to RCW 36.01.050 because Spokane County is one of the two judicial districts nearest to Adams County.

3. Before turning to the merits of the State's claim, the Court first considers: (1) whether this matter concerns a "justiciable controversy" or "issues of major public importance," *Ames v. Pierce Cnty.*, 194 Wn. App. 93, 113, 374 P.3d 228 (2016) (citation modified); and, if so, (2) whether KWW is constitutional.

A. The State's claim is justiciable

4. The State seeks relief under the Uniform Declaratory Judgments Act (UDJA), *see* Compl. ¶¶ 5.1–5.11, which authorizes "[c]ourts of record . . . to declare rights, status and other legal relations whether or not further relief is or could be claimed." RCW 7.24.010. These provisions must be liberally construed "in order to facilitate its socially desirable objective of providing remedies not previously countenanced by our law." *Grandmaster Sheng-Yen Lu v. King Cnty.*, 110 Wn. App. 92, 98, 38 P.3d 1040 (2002).

5. To obtain relief under the UDJA, the State must demonstrate that this case concerns either: (1) a "justiciable controversy" or (2) "issues of major public importance." *Ames*, 194 Wn. App. at 113.

6. The Court previously concluded that this case was not moot. *See* July 27, 2026, Trial Tr. 4:22–24 (The Court: "I don't think that [the case] is moot.").

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7. The Court concludes that this case presents a question of "major public importance." *Ames*, 194 Wn. App. at 93 at 116; *Snohomish Cnty. v. Anderson*, 124 Wn.2d 834, 840–41, 881 P.2d 240 (1994) ("The presence of issues of broad overriding import may persuade a court to exercise its discretion in favor of reaching an issue which is otherwise not justiciable.").

8. To determine whether an issue of major public importance exists, courts must "identify the public interest that the subject matter of the case presents and examine the extent to which [that] public interest would be enhanced by reviewing the case." *Ames*, 194 Wn. App. at 116 (citing *Snohomish Cnty.*, 124 Wn.2d at 841). In doing so, the Court considers "the public or private nature of the question presented, the desirability of an authoritative determination for the future guidance of public officers, and the likelihood of future recurrence of the question." *Sorenson v. City of Bellingham*, 80 Wn.2d 547, 558, 496 P.2d 512 (1972) (quotation marks omitted). Each of those considerations supports the Court's conclusion that this "dispute pertains to 'issues of major public importance.'" *Ames*, 194 Wn. App. at 113 (quoting *League of Educ. Voters v. State*, 176 Wn.2d 808, 816, 295 P.3d 743 (2013)).

9. First, the Court concludes that this case presents questions that are unquestionably of a public, as opposed to private, nature. *Sorenson*, 80 Wn.2d at 558. In passing KWW, the Legislature made clear its intent that Washington should be a place where "the rights and dignity of all residents are maintained and protected in order to keep Washington working." RCW 43.17.425 (Findings). The Legislature also found that state and local law enforcement should leave the enforcement of federal immigration law to federal immigration authorities. *See* RCW 10.93.160(2). The issues in this case concern law enforcement conduct, and the State's ability to regulate that conduct, which strikes at the heart of the concerns that animated the passage of KWW. Resolution of those issues will affect the public's rights, generally, as illustrated by the fact that this matter is brought not by private parties but by the Attorney General's Office, in the name of the State, pursuant to its "duty to bring cases on behalf of the State in matters of public concern in which the State is interested," which is codified in

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RCW 43.10.030(1). *See State v. City of Sunnyside*, 3 Wn.3d 279, 306 n. 14, 550 P.3d 31 (2024) (discussing the Attorney General's authority under RCW 43.10.030(1)); *see also* Compl. ¶ 2.1 ("Plaintiff is the state of Washington. The Attorney General is authorized to commence this action pursuant to RCW 43.10.030(1).").

10. Considering the foregoing, the Court concludes that this matter raises questions of public concern. *See City of Sunnyside*, 3 Wn.3d at 303 (concluding, in a case brought by the AGO, on behalf of the State, that also involved law enforcement misconduct: "It seems tautological to state that matters of civil rights like due process and protection against discrimination are matters of public concern that significantly affect residents of Washington.")

11. Second, the Court concludes that providing "an authoritative determination" of the issues presented in this case is "desirab[le]." *Sorenson*, 80 Wn.2d at 558; *see also* July 27, 2026, Trial Tr. 4:24–5:2 (The Court: "I think that it's important that we have an understanding for example on what the guard rails . . . are of the Keep Washington Working Act[.]"). The Court concludes that doing so will help guide the future conduct of Defendant, as well as other local jurisdictions and law enforcement agencies in Washington that are subject to KWW, and either are engaging in similar practices or have similarly outdated policies that increase the risk that their officers will violate KWW. *See Sorenson*, 80 Wn.2d at 558. The Court further concludes that deciding the State's claim on the merits is desirable because doing so will provide guidance to the AGO as it carries out its statutorily mandated obligation to enforce KWW and provide technical assistance to the state and local law enforcement agencies that are subject to KWW. *Id.*; *see* RCW 43.10.030(1); RCW 43.10.315.

12. Third, and relatedly, the Court concludes that, absent an "authoritative determination" of the State's claim, the questions this case presents are likely to recur in the future. *Sorenson*, 80 Wn.2d at 558. It is important to establish an understanding of "the guard rails" of KWW, given the likelihood of "future conflicts." July 27, 2026, Trial Tr. 4:24–5:3. The need for that understanding is supported by the evidence presented at trial, which shows that

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Defendant's binding policies authorize or require conduct that violates KWW; that Defendant has never updated those policies, either to account for KWW's passage or in response to the Attorney General's pre-litigation warnings that certain policies and practices violate KWW; and that Defendant remains interested in testing the limits of KWW and has even encouraged other law enforcement officials in Washington to do the same. *Supra* § II.B.2, II.C.1, II.C.2 (Findings of Fact Nos. 36-65, 112–126, 127–137).[2] The Court also takes judicial notice of the fact that this case arises in the context of the federal government's ongoing effort to significantly increase immigration enforcement, including by pressuring local law enforcement agencies to cooperate with federal immigration authorities. *Supra* Findings of Fact Nos. 132–135.

13. For the foregoing reasons, the Court concludes that this matter "pertains to 'issues of major public importance,'" such that it may decide the State's UDJA claim, even if that claim no longer presents a justiciable dispute. *See Ames*, 194 Wn. App. at 113 (quoting *League of Educ. Voters,* 176 Wn.2d at 816).

B. KWW is Constitutional

14. Before addressing the merits of the State's claim, the Court must also decide whether KWW runs afoul of the United States Constitution or Washington Constitution, as Defendant asserts. *See* Def's Tr. Br. at 1 (indicating that Defendant would "renew its motion for summary judgment that the Act is unconstitutional as construed by the State"). For the reasons explained below, and consistent with the Court's conclusion prior to trial, there are no "Constitutional impediments" standing in the way of it deciding "the merits of the State's claims." July 27, 2026, Trial Tr. 5:4–6.

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[2] In its trial brief, Defendant argued that evidence showing that Defendant considered entering into a 287(g) agreement, and encouraged other jurisdictions to do the same, cannot be used to establish justiciability, as the State did not allege that Defendant violated KWW by entering into a 287(g) agreement. *See* Def's Tr. Br. at 9–10 ("The State cannot ground a present controversy on conduct it chose not to charge."). The Court does not rely on evidence that Defendant was looking into the 287(g) program for that purpose, however. Instead, the Court finds that this evidence further supports its conclusion that, absent judicial clarification about the scope and meaning of KWW, "there is very likely going to be future conflicts" between the State and law enforcement agencies in Washington arising from conduct in which Defendant both wants to and feels compelled by federal law to engage. July 27, 2026, Trial Tr. 4:24–5:3.

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1. KWW does not violate the U.S. Constitution's Supremacy Clause

15. The Court concludes that KWW does not violate the U.S. Constitution's Supremacy Clause. U.S. Const., art. VI, cl. 2. Specifically, and for the reasons given below, the Court concludes that KWW is neither preempted by federal law, nor does it directly regulate or discriminate against the federal government, in violation of the doctrine of intergovernmental immunity.

a. KWW is not preempted by federal law

16. The Constitution's "Supremacy Clause provides a clear rule that federal law 'shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.'" *Arizona v. United States*, 567 U.S. 387, 399 (2012) (quoting U.S. Const. art. VI, cl. 2). The Supremacy Clause "is not an independent grant of legislative power to Congress." *Murphy v. Nat'l Collegiate Athletic Ass'n*, 584 U.S. 453, 477 (2018). "Instead, it simply provides a rule of decision" that "specifies that federal law is supreme in case of a conflict with state law." *Id.* (quotation marks omitted).

17. In considering whether KWW conflicts with federal law, the Court is mindful of its obligation—rooted in respect for Washington's sovereign interest in the constitutionality of its duly enacted laws—to "assume that the historic police powers of the States are not superseded 'unless that was the clear and manifest purpose of Congress." *Arizona*, 567 U.S. at 400 (citation modified). Accordingly, a federal law can only preempt a state law if it: (1) "represent[s] the exercise of a power conferred on Congress by the Constitution"; and, (2) "since the Constitution confers upon Congress the power to regulate individuals, not States," it is "best read as one that regulates private actors." *Murphy*, 584 U.S. at 477 (quotation marks omitted).

18. Courts recognize three types of preemption—express preemption, conflict preemption, and so-called field preemption—but, at bottom, each type "work[s] in the same way: Congress enacts a law that imposes restrictions or confers rights on private actors; a state law

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confers rights or imposes restrictions that conflict with the federal law; and therefore the federal law takes precedence and the state law is preempted." *Id.*

19. The Court evaluates these forms of preemption against the sources of federal law Defendant invoked in its summary judgment briefing and, for the reasons given below, concludes that KWW is not preempted by federal law.

(1) KWW is not preempted by 8 U.S.C. § 1373 or 8 U.S.C. § 1644

20. Section 1373(a) makes it unlawful for a state to "prohibit, or in any way restrict" a government entity or official from sending "citizenship or immigration status" information about an individual to federal immigration authorities or receiving such information from immigration authorities. 8 U.S.C. § 1373(a).

21. Section 1644 contains almost identical language and provides that "no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the [Department of Homeland Security] information regarding the immigration status, lawful or unlawful, of an alien in the United States." 8 U.S.C. § 1644.

22. Sections 1373 and 1644 "contain[] similar language" and, accordingly, the Court will treat them the same for purposes of the preemption analysis. *See, e.g.*, *Ocean Cnty. Bd. of Comm'rs v. Att'y Gen. of State of N.J.*, 8 F.4th 176, 179 (3d Cir. 2021); *Washington v. Adams Cnty. Sheriff's Off.*, No. 25-CV-99-RLP, 2025 WL 1762373, at *3 (E.D. Wash. June 25, 2025).

23. Neither provision regulates *private actors*, which is a prerequisite for a federal statute to have preemptive effect. *Murphy*, 584 U.S. at 479 ("[E]very form of preemption is based on a federal law that regulates the conduct of private actors, not the States."). Accordingly, the Court concludes that KWW cannot be preempted by sections 1373 or 1644, as those statutes lack the ability to preempt state law. *See, e.g.*, *Ocean Cnty. Bd. of Comm'rs*, 8 F.4th at 182 (concluding that Section 1373 does not "regulate[] private actors" and, thus, "cannot serve as a basis for preemption"); *United States v. Illinois*, 796 F. Supp. 3d 494, 520–521 (N.D. Ill. 2025) (joining the courts that have "uniformly found that § 1373" cannot preempt state law because it

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does not regulate private actors); *Colorado v. United States Dep't of Just.*, 455 F. Supp. 3d 1034, 1059 (D. Colo. 2020) ("By their plain terms, [sections 1373 and 1644] affect state and local government entities and officials; they do not regulate private actors as *Murphy* requires for preemption."); *United States v. Minnesota*, No. 25-CV-3798 (ECT/JFD), 2026 WL 2085701, at *19 (D. Minn. July 20, 2026).

24. Even if Sections 1373 and 1644 could preempt state law, the Court concludes that they do not preempt KWW because KWW in no way conflicts with the substance of Section 1373 or Section 1644. Both of those provisions prohibit state laws restricting the sharing of "information regarding the citizenship or immigration status, lawful or unlawful, of any individual," 8 U.S.C. § 1373(a), which the Court concludes "is naturally understood as a reference to a person's legal classification under federal law," and nothing more. *See United States v. California*, 921 F.3d 865, 891 (9th Cir. 2019).

25. In reaching this conclusion, the Court joins the long line of federal courts that have, "[w]ithout exception," read sections 1373 and 1644 this way. *See, e.g.*, *Illinois*, 796 F. Supp. 3d at 516 (collecting cases).[3] Indeed, the only other court to consider this issue in the context of KWW reached the same conclusion. *See Adams Cnty. Sheriff's Off.*, 2025 WL 1762373, at *3 ("The problem with Defendants' reliance on [Section 1373] is the Ninth Circuit has already interpreted [it] in a way that undercuts Defendants' concerns.").

26. Accordingly, the Court concludes that there is no conflict between Section 1373 or Section 1644 and KWW because KWW "expressly *permits* the sharing of" the information encompassed within those provisions. *See California*, 921 F.3d at 891; *City of Los Angeles*, 2026 WL 1790971, at *2 (concluding that sections 1373 and 1644 could not preempt a regulation that,

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[3] *See also, e.g.*, *City & Cnty. of San Francisco v. Garland*, 42 F.4th 1078, 1085 (9th Cir. 2022); *City & Cnty. of San Francisco v. Barr*, 965 F.3d 753, 763 (9th Cir. 2020) (specifically rejecting the argument that Section 1373 "cover[s] release dates"); *United States v. New York*, 814 F. Supp. 3d 266, 277 (N.D.N.Y. 2025); *United States v. New York*, 810 F. Supp. 3d 329, 349–50 (N.D.N.Y. 2025); *United States v. City of Los Angeles*, No. CV 25-5917 FMO (AYPX), 2026 WL 1790971, at *2 (C.D. Cal. June 20, 2026); *United States v. City of Bos.*, No. CV 25-12456-LTS, 2026 WL 1493706, at *2 (D. Mass. May 28, 2026).

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like KWW, "contains a savings clause that expressly permits compliance with § 1373").

(2) KWW is not preempted by 8 U.S.C. § 1226(c)(1) or 8 U.S.C. § 1231(a)

27. Sections 1226(c)(1) and 1231(a) require the Secretary of Homeland Security to detain and/or remove noncitizens, under certain circumstances. *See* 8 U.S.C. §§ 1226(c)(1), 1231(a).

28. These provisions "impose requirements on federal immigration officials and give them the ability to use certain tools," but they do not "'*compel[ ]* any action by a state or local official.'" *Illinois*, 796 F. Supp. 3d at 528 (quoting *California*, 921 F.3d at 887). Rather, the Court concludes that these provisions "reflect Congress's desire that States have the option to assist in civil immigration enforcement," *id.*, but they plainly do not *require* States to "assist[ ] federal immigration authorities." *California*, 921 F.3d at 889.

29. The Court concludes that KWW reflects the Legislature's decision to take the option to assist federal immigration agencies away from law enforcement agencies in Washington, including Defendant.

30. In doing so, KWW may "make[ ] the jobs of federal immigration authorities more difficult." *California*, 921 F.3d at 886. But that does not raise any constitutional concerns because "refusing to help is not the same as impeding. If such were the rule, obstacle preemption could be used to commandeer state resources and subvert Tenth Amendment principles." *Id.* at 889; *see also Illinois*, 796 F. Supp. 3d at 529 ("Declining an option offered by a federal statute cannot create a conflict for preemption purposes.").

(3) KWW is not preempted by 8 U.S.C. § 1357(a)

31. Section 1357(a) authorizes federal immigration officers, among other things, "to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States." 8 U.S.C. § 1357(a)(1).

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32. KWW prohibits law enforcement agencies from "giv[ing] federal immigration authorities access to interview individuals" in their custody "about a noncriminal matter," unless they are legally obligated to do so or the detainee provides written consent to be interviewed, RCW 10.93.160(6).

33. The Court concludes that there is no direct conflict between Section 1357(a)(1) and RCW 10.93.160(6), because Section 1357(a)(1) confers power on federal officials but does not compel state or local officials to do anything. *See California*, 921 F.3d at 887.

34. The Court further concludes that RCW 10.93.160(6) does not impose a sufficient "obstacle to the accomplishment and execution of the full purposes and objectives of Congress" to warrant striking it down as obstacle preempted. *See Arizona*, 567 U.S. at 399–400 (quotation marks omitted).

35. RCW 10.93.160(6) prohibits law enforcement agencies in Washington from granting federal immigration officials unfettered access to individuals in their custody. That may well "make[] the jobs of federal immigration authorities more difficult," but it does nothing to restrict their general ability to exercise their warrantless interrogation power. *California*, 921 F.3d at 887. But even if KWW does "obstruct[] federal immigration enforcement," a conclusion "that such obstruction is unlawful runs directly afoul of the Tenth Amendment and the anticommandeering rule," as it would effectively deprive the State of the ability to set the terms of entry to its own jails and prisons. *See California*, 921 F.3d at 888.

36. For the foregoing reasons, the Court concludes that KWW, including RCW 10.93.160(6), is not preempted by Section 1357(a)(1).

b. KWW does not violate the doctrine of intergovernmental immunity

37. "The doctrine of intergovernmental immunity is derived from the Supremacy Clause, which mandates that the activities of the Federal Government are free from regulation by any state." *California*, 921 F.3d at 878 (citation modified). Under that doctrine, "state laws are invalid if they regulate[] the United States directly or discriminate[] against the Federal

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Government or those with whom it deals." *Id.* (quotation marks omitted). The doctrine fundamentally operates to "protect[ ] federal operations from state control," which KWW does not even arguably threaten to do. *See United States v. King County*, 122 F.4th 740, 756–57 (9th Cir. 2024).

38. The Court concludes that KWW only regulates state and local entities and officials, not the federal government, so it does not violate the doctrine of intergovernmental immunity for that reason. *See id.* at 881 (holding that a California law did not violate the intergovernmental immunity doctrine where it "d[id] not regulate federal operations at all").

39. The Court further concludes that KWW does not discriminate against the federal government because it "does not treat the federal government worse than anyone else; indeed, it does not regulate federal operations at all." *California*, 921 F.3d at 881.

40. Although KWW "affect[s] the federal government as the primary enforcer of civil immigration law," *Illinois*, 796 F. Supp. 3d at 533, a state law only "*discriminates* against the Federal Government," for purposes of intergovernmental immunity, "if it 'single[s them] out' for less favorable 'treatment,' or if it regulates them unfavorably on some basis related to their *governmental 'status*[.]'" *United States v. Washington*, 596 U.S. 832, 839, 142 S. Ct. 1976 213 L. Ed. 2d 336 (2022) (citations omitted) (emphasis added). "'[T]he mere fact that the [state law] touches on an exclusively federal sphere is not enough to establish discrimination.'" *Illinois*, 796 F. Supp. 3d at 534 (quoting *McHenry Cnty. v. Kwame Raoul*, 44 F.4th 581, 594 (7th Cir. 2022)).

41. To invalidate a state law on intergovernmental immunity grounds, the Court must be able to identify "comparable classes of federal and *non-federal* [entities]" and conclude that the challenged state law treats the comparable federal entity worse. *Illinois*, 796 F. Supp. 3d at 534 (emphasis in original). The absence of a comparable federal entity "ends the inquiry." *Id.* That is the case here because, while KWW prohibits law enforcement agencies from cooperating in various ways with federal immigration authorities, its prohibitions are tailored to coordination that facilitates *civil immigration enforcement* efforts.

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42. For instance, KWW prohibits law enforcement agencies from "provid[ing] nonpublicly available personal information about an individual . . . to federal immigration authorities *in a noncriminal matter*, except as required by state or federal law." RCW 10.93.160(5) (emphasis added). The "noncriminal matters" that federal immigration authorities deal with are, by definition, civil immigration enforcement matters. But the statute does not prohibit law enforcement agencies from sharing information with federal immigration authorities in connection with a *criminal* matter, such as in the context of a drug trafficking investigation. *See id.*

43. Although KWW prohibits sharing information with federal officials in some cases, its prohibitions are targeted and "based on the enforcement context (civil immigration versus criminal law), not governmental status," which is not the kind of adverse federal treatment "the intergovernmental immunity doctrine considers problematic." *Illinois*, 796 F. Supp. 3d at 534; *see also New York*, 814 F. Supp. 3d at 283.

44. Accordingly, the Court concludes that KWW does not impermissibly discriminate against the federal government and does not violate the intergovernmental immunity doctrine.

2. KWW does not violate the Washington Constitution, Art. II, §§ 19, 37

45. Article II, section 19 of the Washington Constitution, the "subject-in-title" rule, provides: "No bill shall embrace more than one subject, and that shall be expressed in the title." Wash. Const. art. II, § 19.

46. The rule prohibits only seriously "misleading and false" titles and is satisfied if the title "gives notice that would lead to an inquiry into the body of the act, or indicate to an inquiring mind the scope and purpose of the law." *Garfield Cnty. Transp. Auth. v. State*, 196 Wn.2d 378, 398, 473 P.3d 1205 (2020) (quotation marks omitted).

47. The Court concludes that KWW's title offers sufficient notice and is neither seriously misleading nor false. That is sufficient to pass muster under the subject-in-title rule.

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48. Article II, section 37 of the Washington Constitution provides: "No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length." This constitutional provision "prohibits enactment of legislation that revises or amends other acts without setting them forth at full length." *Amalgamated Transit Union Loc. 587 v. State*, 142 Wn.2d 183, 192, 11 P.3d 762 (2000).

49. The Court concludes that KWW does not violate Article II, section 37 because it does not silently amend any other laws.

50. For the foregoing reasons, the Court concludes once more that KWW passes constitutional muster under the United States and Washington constitutions, such that the State's claim may be decided on the merits. *See* July 27, 2026, Trial Tr. 5:4–6.

C. The Keep Washington Working Act

51. This case calls for the Court to interpret several provisions of KWW, as a matter of first impression.

52. In doing so, the Court's "fundamental objective is to ascertain and carry out the Legislature's intent." *A Better Richland v. Chilton*, 5 Wn.3d 931, 935, 583 P.3d 1 (2026) (plurality) (citation modified).

53. The Court looks to the Legislature's findings and the text of KWW to discern the Legislative intent to which it must give effect. *See id.* ("In determining plain meaning, courts may look at all that the Legislature has said in the statute and related statutes which disclose legislative intent about the provision in question." (quotation marks omitted)).

54. In passing KWW, the Legislature found "that it is not the primary purpose of state and local law enforcement agencies . . . to enforce civil federal immigration law." RCW 10.93.160(2).

55. The Legislature further found "that the immigration status of an individual or an individual's presence in, entry, or reentry to, or employment in the United States alone, is not a matter for police action, and that United States federal immigration authority has primary

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jurisdiction for enforcement of the provisions of Title 8 U.S.C. dealing with illegal entry." *Id.* The Court understands the Legislature's reference to "the provisions of Title 8 U.S.C. dealing with illegal entry," *id.*, to refer to 8 U.S.C. § 1325 (Improper entry by alien) and 8 U.S.C. § 1326 (Reentry of removed aliens).

56. In order to help state and local law enforcement agencies implement the new law, the Legislature assigned the Attorney General's Office the responsibility of developing "model policies, guidance, and training recommendations." *See* RCW 43.10.315. In doing so, the Legislature was crystal clear that the AGO's model policies, guidance, and training materials should be "consistent with" KWW, which the Legislature described as "ensuring that state and local law enforcement duties are carried out in a manner that *limits, to the fullest extent practicable* and consistent with federal and state law, *engagement with federal immigration authorities for the purpose of immigration enforcement*." *Id.* (emphasis added).

57. To give effect to the Legislature's intent and to animate the underlying purpose of KWW, the Court concludes that it must, likewise, construe the provisions of KWW "in a manner that *limits, to the fullest extent practicable* and consistent with federal and state law, *engagement with federal immigration authorities for the purpose of immigration enforcement*," *id.* (emphasis added). *See Wright v. Lyft, Inc.*, 189 Wn.2d 718, 729, 406 P.3d 1149 (2017) (courts must "adopt the interpretation which better advances the overall legislative purpose" of a statute).

58. The Court concludes that it must also consider the AGO's interpretation of KWW, as expressed in its KWW Guidance, Ex. P-1, in accordance with its role as the agency charged by the Legislature with enforcing KWW. *See Southwick, Inc. v. State, Dep't of Licensing Bus. & Pros. Div.*, 191 Wn.2d 689, 695, 426 P.3d 693 (2018).

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1. Defendant violated KWW by sending daily new in-custody lists to federal immigration authorities

59. KWW provides that "local law enforcement agencies may not provide nonpublicly available personal information about an individual . . . to federal immigration authorities in a noncriminal matter, except as required by state or federal law." RCW 10.93.160(5). Defendant is a "local law enforcement agency," 43.17.420(10), and violated KWW by routinely including federal immigration officials on the daily, new in-custody emails for several years after KWW took effect. Stip. Facts ¶¶ 25, 27.

60. "[N]onpublicly available personal information" is not defined in KWW, *see generally* 43.17.420, but it must be interpreted in a manner that furthers the Legislature's goal of eliminating coordination between local law enforcement and federal immigration authorities for civil immigration enforcement purposes. *See A Better Richland*, 5 Wn.3d at 935.

61. According to the dictionary, which the Court "may rely upon . . . when statutory terms are undefined," *State v. Mitchell*, 169 Wn.2d 437, 444, 237 P.3d 282, (2010), "publicly" means "in a manner observable by or in a place accessible to the public." *Publicly*, Merriam-Webster, https://www.merriam-webster.com/dictionary/publicly (last visited on Aug. 14, 2026). "Available" means "present or ready for immediate use," "accessible," or "obtainable." *Available*, Merriam-Webster, https://www.merriam-webster.com/dictionary/available (last visited on Aug. 14, 2026). The Court thus concludes that "nonpublicly available" information refers to information that does not, at that time, exist in a place or format that could be immediately accessed or viewed by the general public.

62. The Court concludes that "personal information" means information "of, relating to, or affecting a particular person." *Personal*, Merriam-Webster, https://www.merriam-webster.com/dictionary/personal (last visited on Aug. 14, 2026). The definition of "personal information" contained in the AGO's KWW Guidance reasonably applies that meaning in the KWW context to include "names, date of birth, addresses, GPS coordinates or location,

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telephone numbers, email addresses, social media handles and screen names, social security numbers, driver's license numbers, parents' or affiliates' names, biometric data, or other personally identifiable information." *See* Ex. P-1 at 9.

63. At all times relevant, Defendant sent its new in-custody list by email to a select group that included Adams County court officials and prosecutors and, for a period of time, immigration officers who were individually added to that private email chain by corrections officers. *See* Stip. Facts ¶ 20; Exs. P-4–P-16, P-27, P-29, P-32, P-45–P-61. Only those who received Defendant's new in-custody email were able to access and use the new in-custody list. At the time the new in-custody list was disseminated by email, the general public could not have accessed or viewed that list.

64. The Court thus concludes that, at the time the new in-custody email went out, the new in-custody list was "nonpublicly available" within the meaning of KWW.

65. The fact that Defendant made some information about those in its custody available to the public through an online jail roster and, later, a mobile application, does not change the Court's conclusion that the new-in custody list was "nonpublicly available." Those other mechanisms for publishing a jail roster, by design or by defect, did not provide contemporaneous information about those in Defendant's custody, or did not provide as much information about those in Defendant's custody. *See* Stip. Facts ¶¶ 22, 26; July 28, 2026, Trial Tr. 26:18–27:21, 30:21–31:8 (N. Williams); July 27, 2026, Trial Tr. 53:6–25 (D. Wagner).

66. Nor does it matter, as Defendant has argued, that the new in-custody lists are public "records" and *could be lawfully disclosed at a later date* in response to a request made under the Public Records Act (PRA). The PRA compels "broad disclosure of public records," *Progressive Animal Welfare Soc. v. Univ. of Washington*, 125 Wn.2d 243, 251, 884 P.2d 592 (1994) (quotation marks omitted), but it does not have anything to say about whether a law enforcement agency may "provide nonpublicly available personal information about" those in its custody to ICE or Border Patrol "in a noncriminal matter." RCW 10.93.160(5). KWW does

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and it prohibits that kind of information sharing, regardless of whether ICE could go through the public records process to obtain that same information at some point in the future.

67. Accepting Defendant's argument would allow the PRA's definition of "record" to swallow KWW's distinct concern about protecting "nonpublicly available personal information." That outcome would contravene the Legislature's express intent by creating a substantial loophole that law enforcement agencies could easily exploit to share information about their inmates with ICE and Border Patrol for the express purpose of civil immigration enforcement. The Court cannot adopt an interpretation of "nonpublicly available" that would so thoroughly undermine KWW's text and purpose. *See A Better Richland*, 5 Wn.3d at 935 (admonishing courts to "not interpret statutes in a way that would render any language 'meaningless or superfluous.'" (quoting *Wash. State Ass'n of Counties v. State*, 199 Wn.2d 1, 12–13, 502 P.3d 825 (2022)).

68. The Court further concludes that the new in-custody list included "personal information" about those in Defendant's custody, including their names and date of birth. *See* Ex. P-1 at 9; Stip. Facts ¶ 22; Exs. P-4–P-16, P-27, P-29, P-32, P-45–P-61.

69. Nor is there evidence to suggest that Defendant provided the new in-custody lists "to federal immigration authorities *in a noncriminal matter*." RCW 10.93.160(5).

70. Mindful of its obligation to give full effect to the purpose of KWW, the Court does not read RCW 10.93.160(5) to require the State to prove that Defendant sent the new in-custody lists to federal immigration authorities *for the purpose* of prompting a specific civil immigration enforcement action. Rather, the Court concludes that it is sufficient for the State to prove that Defendant knew it was sending the new in-custody lists to federal immigration authorities and that it was doing so without assurances—or any reason to think—that the information was sought in connection with a specific criminal matter.

71. The State easily clears that evidentiary bar. Indeed, the evidence presented at trial shows that Defendant knew, or at least had reason to believe, that the information it was

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providing to ICE and Border Patrol officials was being used by those agencies to carry out their civil immigration enforcement missions. *See, e.g.*, July 27, 2026, Trial Tr. 87:21–24 (K. Watkins) (Q: "In other words, ICE and Border Patrol, they're interested in [the new in-custody list] for civil immigration enforcement purposes, right?" A: "Yes."). On at least three occasions, federal immigration officials sent Defendant immigration detainers or arrest warrants—i.e., noncriminal, civil immigration enforcement tools—for individuals who appeared on the new in-custody lists they had recently received from Defendant. Exs. P-29, P-30, P-32, P-33; July 28, 2026, Trial Tr. 41:6–44:1 (N. Williams).

72. Given that evidentiary record, the Court must conclude that Defendant sent the new in-custody lists "to federal immigration authorities in a noncriminal matter." RCW 10.93.160(5).

73. The Court also concludes that Defendant was not sending the new in-custody list because of some legal obligation to do so. To the contrary, the evidence clearly shows that Defendant simply sent ICE and Border Patrol the information on an ongoing basis by email. *See* Exs. P-4–P-16, P-27, P-29, P-32, P-45–P-61. Accordingly, Defendant's conduct cannot be justified or explained by reference to the PRA's disclosure obligations. *See Smith v. Okanogan Cnty.*, 100 Wn. App. 7, 12, 994 P.2d 857 (2000) ("[D]isclosure is not necessary unless and until there has been a specific request for records."). There is simply no evidence that federal immigration authorities submitted any public records request for the new in-custody information, or that doing so would have resulted in their contemporaneous receipt of otherwise nonpublic information. *See* July 28, 2026, Trial Tr. 32:2–33:1 (N. Williams).

74. In light of the foregoing conclusions, the Court concludes that Defendant violated KWW each and every time it sent a new in-custody list to federal immigration officials, as it did on a routine basis between 2019 and mid-2023. RCW 10.93.160(5).

75. For the foregoing reasons, the Court concludes that, by sharing its new in-custody list with federal immigration authorities, Defendant violated KWW, RCW 10.93.160(5).

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2. Defendant violated KWW, RCW 10.93.160(4)(b), by sharing the anticipated release time of inmates in their custody with federal immigration authorities

76. KWW prohibits "State and local law enforcement agencies" from "[p]rovid[ing] information pursuant to notification requests from federal immigration authorities for the purposes of civil immigration enforcement, except as required by law." RCW 10.93.160(4)(b).

77. "Notification request" is defined by KWW as "a request from a federal immigration authority that a state or local law enforcement agency inform a federal immigration authority of the release date and time in advance of the release of an individual in its custody." RCW 43.17.420(11). It "includes, but is not limited to" immigration detainers and civil arrest warrants issued by the Department of Homeland Security to a local law enforcement agency. *Id.*

78. The Court concludes that immigration detainers and immigration arrest warrants can function as notification requests for purposes of KWW. *See* U.S. Immigrations and Customs Enforcement, *Immigration Detainers* (May 8, 2026), https://www.ice.gov/immigration-detainers ("An *immigration detainer* is a request from ICE that asks a federal, state or local law enforcement agency" to "[n]otify the requesting agency as early as possible before they release a removable alien[.]").

79. At least six times from 2021 to 2023, Adams County Jail staff shared inmate release information with federal immigration authorities in response to "notification requests" that arrived in the form of immigration detainer requests or civil immigration warrants. In each instance, upon receiving the detainer or the warrant, corrections deputies noted the presence of a "hold" in inmates' booking records and in turn notified federal immigration authorities of the inmate's anticipated release date and time. With this information, immigration officials arrived before corrections deputies had completed an inmate's release process and took custody of the person in or near the Adams County Jail. This happened both while the Jail in Ritzville was open and housing inmates, as well as after the Jail closed in 2022 and Defendant began housing Adams County inmates in contract jail facilities. Ex. P-22; July 28, 2026, Trial Tr. 43:19–49:11 (N.

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Williams). Defendant has made no policy changes or issued any directives to end this practice, which does not violate the Sheriff's Office's current written policies. *See* Ex. P-2; July 28, 2026, Trial Tr. 76:15–21 (E. Armstrong).

80. The Court concludes that this practice violates KWW. RCW 10.93.160(4)(b).

3. Defendant violated KWW, RCW 10.93.160(6), by giving federal immigration authorities access to interview an individual in their custody regarding a noncriminal matter without first obtaining the individual's written consent

81. KWW prohibits law enforcement agencies from "giv[ing] federal immigration authorities access to interview individuals about a noncriminal matter while they are in [state or local] custody," except where the interview is required by state or federal law or a court order, or if where individual in custody consents to the interview. RCW 10.93.160(6)(a). To obtain the person's consent, KWW states:

> agency staff shall provide the person with an oral explanation and a written consent form that explains the purpose of the interview, that the interview is voluntary, and that the person may decline to be interviewed or may choose to be interviewed only with the person's attorney present. The form must state explicitly that the person will not be punished or suffer retaliation for declining to be interviewed. The form must be available at least in English and Spanish and explained orally to a person who is unable to read the form, using, when necessary, an interpreter from the district communications center "language line" or other district resources.

RCW 10.93.160(6)(b).

82. The Court concludes that Defendant violated KWW, RCW 10.93.160(6)(b), based on Sergeant Juan Garcia's conduct during a March 2023 arrest of two men for possession of a stolen vehicle, which is a violation of state law.

83. Sergeant Garcia allowed Border Patrol Agent Cody Mumau to speak with at least one of the two men he had arrested. Sergeant Garcia admitted that he did not obtain either man's consent to be interviewed or even tell the men they were about to speak with a Border Patrol agent. July 28, 2026, Trial Tr. 17:5–19:2 (J. Garcia).

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84. Sergeant Garcia allowed Agent Mumau to speak with the men in his custody *after* Agent Mumau told Sergeant Garcia that he was not investigating either man for narcotics violations. July 28, 2026, Trial Tr. 17:5–23 (J. Garcia). Sergeant Garcia did not ask why the Border Patrol agent wanted to speak with the men and admitted he had no idea what the conversation concerned. *Id.*

85. At this point, any potential criminal investigation involving Border Patrol had concluded and Sergeant Garcia was not compelled by state or federal law or a court order to facilitate Agent Mumau's request for an interview with Defendant's detainees. *See* Finding of Fact No. 98.

86. Sergeant Garcia also did not explain to the men what the purpose of the call was, that they had the right to refuse to speak with the Border Patrol agent or to have an attorney present during the conversation, and that neither man would be retaliated against or punished if they refused the call. July 28, 2026, Trial Tr. 17:5–19:2 (J. Garcia).

87. Accordingly, the Court concludes that Sergeant Garcia voluntarily gave "federal immigration authorities access to interview" an individual in Defendant's custody, without cautioning the individuals or obtaining their consent to be interviewed by a federal immigration official, in violation of KWW. RCW 10.93.160(6)(a), (b).

88. KWW provides in plain and absolute terms that law enforcement agencies "*may not give federal immigration authorities access* to interview individuals" in their custody "about a noncriminal matter." *Id.* (emphasis added).

89. It does not matter that Sergeant Garcia did not know why the Border Patrol agent wanted to speak with the men. That is precisely the failure here. KWW imposes an obligation on *law enforcement agencies* to ensure that federal immigration authorities only conduct in-custody interviews in connection with criminal matters, absent consent or a legal obligation. *Id.* The evidence proves Defendant failed to ensure that the Border Patrol agent wished to speak to the men for a permissible purpose, as required by KWW.

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90. The Court is also persuaded by the AGO's KWW Guidance, which instructs state and local law enforcement officers to presume that federal immigration authorities are "engaged in immigration enforcement" whenever they are acting in their official capacity. *See* Ex. P-1 at 9 (law enforcement agencies "shall presume any federal immigration authority acting on official duty to be engaged in immigration enforcement").

91. Once Agent Mumau informed Sergeant Garcia that "he didn't have anything" on the two men, July 28, 2026, Trial Tr. 17:11–12 (J. Garcia), Sergeant Garcia should have presumed that Agent Mumau, a federal immigration officer, had a noncriminal reason for wanting to speak with Defendant's detainees and refused Agent Mumau's request or obtained Mr. Rangel-Sambrano's informed consent before putting him on the phone.[4] *See* Finding of Fact No. 98. His failure to do any of those things violated KWW, RCW 10.93.160(6).

92. It makes no difference if Sergeant Garcia "Mirandized" the men by advising them of their right to remain silent or if they waived that right. July 28, 2026, Trial Tr. 20:24–21:9 (J. Garcia). The rule that a "government agent may [not] interrogate someone in custody without first warning them of their right to remain silent and their right to counsel" protects a detainee's Fifth Amendment "right to be free from compelled self-incrimination." *State v. Escalante*, 195 Wn.2d 526, 529, 461 P.3d 1183 (2020) (first citing U.S. Const. amend. V, and then citing *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966)). KWW's focus is different and its requirements go beyond those established by the United States Supreme Court in *Miranda*. Accordingly, evidence that Defendant met its obligations under *Miranda* does not show that it also complied with the additional obligations the Legislature imposed through KWW.

[4] KWW does not prohibit local law enforcement from contacting federal immigration authorities about criminal matters they are actively investigating. But KWW does require local law enforcement agencies to exercise caution when, in the absence of any joint criminal investigation or operation, federal immigration authorities ask to speak with their detainees.

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4. Defendant violated KWW, RCW 43.10.315, by failing to adopt policies that are consistent with the AGO's KWW Guidance and compliant with KWW

93. KWW requires local law enforcement agencies to adopt policies that ensure "their duties are carried out in a manner that limits, to the fullest extent practicable and consistent with federal and state law, engagement with federal immigration authorities for the purpose of immigration enforcement." RCW 43.10.315. Such policies must be consistent with KWW and the AGO's KWW Guidance, which the Legislature directed the AGO to publish for state and local law enforcement agencies. *Id.* The AGO published and the KWW Guidance on May 21, 2020, which has been available since that time on its website. Stip. Facts ¶ 3; Ex. P-1. If an agency chooses not to adopt the KWW Guidance, it must notify the AGO of its decision, state the reasons why it is not adopting the model policies and guidance, and provide the AGO with a copy of the agency's policies to ensure they comply with KWW. RCW 43.10.315.

94. The AGO's KWW Guidance provides applicable definitions and model policies with placeholders for law enforcement agencies to insert their jurisdiction's information in each policy. Ex. P-1 at 5–8. Model policies are available for each of KWW's requirements, including the law's prohibition on enforcing federal immigration law and its restrictions on collecting data, responding to requests for information from federal immigration authorities, and permitting federal immigration officials to access to individuals in local law enforcement's custody. *Id.* at 9–13. The KWW Guidance also contains an overview of relevant state and federal laws, training recommendations, best practices for ensuring compliance with KWW, and examples of forms used by federal authorities engaged in civil immigration enforcement. *Id.* at 3, 14–18.

95. Defendant decided not to adopt the AGO's KWW Guidance, Stip. Facts ¶ 4, but instead continued to use and rely on policies that pre-dated KWW's enactment. Sheriff Wagner "saw no need to change" those policies in response to KWW's enactment and he continues to believe they comply with the law. *See* July 27, 2026, Trial Tr. 22:9–18, 26:16–23, 28:17–22, 34:5–15 (D. Wagner). Defendant did not notify the Attorney General's Office of its decision to

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continue using its pre-existing policies, instead of adopting the AGO's KWW Guidance. July 27, 2026, Trial Tr. 46:3–22 (D. Wagner); Ex. P-17 at 2.

96. Unsurprisingly, given Defendant's decision not to update its policies to reflect current state law, its policies are inconsistent with KWW and the AGO's KWW Guidance in at least two ways.

138. First, Custody Policies 504.6 and 608 authorize and, in some cases, *require* corrections officers to contact federal immigration authorities when any "foreign national" is committed into Sheriff's Office custody. *See* Ex. P-2 at 17, 20. Defendant understands "foreign national" to encompass every non-citizen, including those who entered the country lawfully and maintain a secure immigration status. *See* July 27, 2026, Trial Tr. 23:13–24:5, 28:2–4 (D. Wagner), 84:8–10, 85:13–18 (K. Watkins).

97. KWW and the AGO's KWW Guidance, by contrast, prohibit sharing information with federal immigration authorities for civil immigration enforcement purposes. *See, e.g.*, Ex. P-1 at 12 ("Law Enforcement Agency] personnel shall not take enforcement action or otherwise use immigration or citizenship status, or place of birth information, against crime victims or witnesses."); *id.* at 13 ("[Law Enforcement Agency] 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[.]"); *see also* RCW 10.93.160(4)(b), (5).

98. Federal law does not require Defendant to affirmatively notify federal immigration authorities whenever they have a "foreign national" in their custody, *see* Ex. P-1 at 18–19, and Custody Policies 504.6 and 608.2, accordingly, conflict with KWW and the AGO's KWW Guidance.

99. Second, Patrol Policy 428.4 unlawfully authorizes deputies to "detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law." Ex. P-3 at 14. In contrast, the KWW

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Guidance prohibits law enforcement personnel from "initiat[ing] or participat[ing] in *any* law enforcement action based solely on an individual's immigration or citizenship status or place of birth . . . ." Ex. P-1 at 10 (emphasis added). Law enforcement agencies must recognize "that unauthorized presence in the United States, standing alone, is not a violation of state or local law." *Id.* Accordingly, to comply with KWW, their policies must provide that "[t]he 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 [Law Enforcement Agency] or its personnel." *Id.*; *see also* RCW 10.93.160(2).

100. Throughout this case, Defendant has argued that its operations are, in relevant respects, guided by verbal commands from Sheriff Wagner, not the written policies contained in its Custody and Patrol Manuals. *See, e.g.*, Def.'s Tr. Br. at 14. But Defendant's attempt to make its policies "a moving target," July 27, 2026, Trial Tr. 7:25, stands in sharp contradiction to its admission that the written policies in the manual are "binding" on its employees. July 27, 2026, Trial Tr. 18:6–19:5 (D. Wagner), 79:21–89:2 (K. Watkins). Commander Watkins even characterized the Custody Manual as "pretty much [the Jail's] bible." July 27, 2026, Trial Tr. 80:3-6 (K. Watkins). And, despite various claims about authoritative verbal directives, Sheriff Wagner testified that, in fact, the only verbal directive he has issued was for the Jail to stop sending the new in-custody list to federal immigration authorities. *See* July 27, 2026, Trial Tr. 65:25–66:5 (D. Wagner) (Q. "You have issued verbal directives that are supposed to guide conduct for your officers in the issues that we've been discussing in this case, right, that's your testimony?" A. "As far as I'm aware I've only given one verbal directive and that was to remove the ICE agencies or whatever from the distribution lists.").

101. Most importantly, KWW required Defendant to establish policies in a form that would allow it to "provide the attorney general with a copy." RCW 43.10.315(2). That means *written* policies. *See id.*

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102. Defendant's failure to adopt written policies that are consistent with KWW and the AGO's KWW Guidance violates KWW. *See* RCW 43.10.315.

D. The State is Entitled to the Declaratory and Injunctive Relief it Seeks

103. The State proved at trial that since KWW became effective in 2019, the Adams County Sheriff's Office has violated the law in multiple ways. It does not matter that some of these violations happened in the past, because the Sheriff's Office maintains written policies that in no way prevent the violations from reoccurring.

104. As the Court found at the outset of trial, there is a strong need to clarify—for Defendant and for other local law enforcement agencies in Washington—the contours of KWW and what it requires. And here, it requires a declaration from this Court that the Adams County Sheriff's Office violated KWW, and a permanent injunction prohibiting Defendant from violating the law in the future and requiring Defendant to finally update its policies and bring them into compliance with KWW.

105. As to declaratory relief, the State seeks a declaration from this Court that:

a. Defendant's practice of providing nonpublicly available information about individuals in its custody to federal immigration authorities in a noncriminal matter violates RCW 10.93.160(5);

b. Defendant's practice of providing federal immigration authorities with the anticipated date and time that inmates in its custody will be released violates RCW 10.93.160(4)(b) and RCW 10.93.160(5);

c. Defendant's act of allowing federal immigration authorities to interview individuals in its custody regarding a non-criminal matter without the individual's written consent violates RCW 10.93.160(6); and

d. Custody Policies 504.6 and 608, and Patrol Policy 428, are inconsistent with KWW and violate RCW 43.10.315.

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106. The State likewise seeks a permanent injunction that will:

a. Prohibit Defendant from engaging in the unlawful conduct the evidence established at trial;

b. Require Defendant to revise its policies for consistency with the AGO's KWW Guidance; and

c. Require Defendant to train its staff on the revised policies.

107. As "a court of general equity jurisdiction," the Court "has the power to 'grant and enforce its decrees in such manner as the justice of the particular case requires.'" *Hoggatt v. Flores*, 152 Wn. App. 862, 869, 218 P.3d 244 (2009) (quoting *State ex rel. Burrows et ux. v. Superior Court of Chehalis Cnty.*, 43 Wash. 225, 228, 86 P. 632 (1906)).

108. Injunctive relief is appropriate when there is: "(1) a clear legal or equitable right, (2) a well-grounded fear of immediate invasion of that right, and (3) the acts complained of are resulting in or will result in actual and substantial injury." *City of Sunnyside*, 3 Wn.3d at 313.

109. The evidence at trial established that all three elements are met here and support the State's request for injunctive relief. First, KWW affords Washingtonians the legal right to engage with state and local law enforcement without fear that doing so will subject them to immigration consequences. And the Attorney General is authorized to enforce that right on behalf of all Washingtonians because it constitutes a "matter of public concern." RCW 43.10.030(1); *City of Sunnyside*, 3 Wn.3d at 303–304 ("It seems tautological to state that matters of civil rights like due process and protection against discrimination are matters of public concern that significantly affect residents of Washington.").

110. Second, the State has a well-grounded fear of immediate invasion of this right because Defendant maintains policies to this day that—in word and in practice—allow officers to engage in conduct that violates KWW. *See supra* II.B.2 (Findings of Fact Nos. 36–65). Indeed, Sheriff Wagner testified that, even after the State brought this lawsuit, he still consulted with federal immigration authorities regarding entering into a 287(g) agreement, which KWW

expressly prohibits local law enforcement from doing. *See* RCW 10.93.160(11); Exs. P-62 and P-63. He also testified that he thinks Custody Policies 504.6 and 608, and Patrol Policy 428, comply with KWW. July 27, 2026, Trial Tr. 26:21–23, 34:13–15 (D. Wagner).

111. Third, Defendant's noncompliance with KWW has caused and will continue to cause actual and substantial injury to the State. As described above, Defendant's practices created a system whereby the Sheriff's Office continued assisting federal immigration officials in civil immigration enforcement for years after KWW became law. Exs. P-22, P-29, P-30, P-32, P-33; July 28, 2026, Trial Tr. 41:6–44:1, 43:19–49:11 (N. Williams). The State does not need to identify specific individuals who were harmed by these practices because in determining what constitutes a matter of public concern, the Court must consider "whether the matter has a *significant effect* on Washingtonians rather than whether it affects a *significant number* of Washingtonians." *City of Sunnyside*, 3 Wn.3d at 300 (emphasis in original).

112. The injunctions the State requests will address the harm caused by Defendant's unlawful conduct and it is well within the Court's equitable powers to grant relief under the UDJA for violations of statutes that do not explicitly provide for remedies. *See e.g., M.G. by Priscilla G. v. Yakima Sch. Dist. No. 7*, 2 Wn.3d 786, 799, 544 P.3d 460 (2024) (superior court could determine equitable relief for student who brought successful UDJA claim challenging indefinite school suspension, where common school provisions were silent on available remedies).

113. Courts have authority to enjoin or limit law enforcement practices found to be unlawful, *see Jacobsen v. City of Seattle*, 98 Wn.2d 668, 674, 658 P.2d 653 (1983) (affirming permanent injunction barring police searches of rock concert patrons absent probable cause); and can order agencies to take specific remedial measures—such as policy revision and training—when those measures are necessary to prevent further violations of the law. *See Armstrong v. Newsom*, 58 F.4th 1283, 1291–92, 1298 (9th Cir. 2023) (affirming trial court order

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requiring prison to, among other things, reform policies and implement supervisor and staff training to address systemic ADA violations).

114. Defendant has argued that there is no need for the Court to grant the State's relief because the Sheriff's Office no longer sends its new in-custody list directly to federal immigration authorities, or because the Sheriff has issued a verbal directive that supersedes written policies. *See* Def.'s Tr. Br. at 2–3, 14.

115. But the voluntary cessation of one illegal practice does not deprive a court of the power to issue injunctive relief, especially in enforcement actions brought by the State. *See State v. Ralph Williams' N.W. Chrysler Plymouth, Inc.*, 87 Wn.2d 298, 312, 553 P.2d 423 (1976) ("[I]f a court declares a case moot, a defendant may resume the prior illegal practices. Most courts refuse to grant defendants such a powerful weapon against public law enforcement."); *see also City of Sunnyside*, 3 Wn.3d at 313 (noting that a plaintiff may pursue injunctive relief unless it is "absolutely clear that the behavior will not reoccur").

116. Accordingly, the Court concludes that permanent injunctive relief is both appropriate and necessary to remedy the harms caused by their unlawful conduct and to prevent such conduct from reoccurring.

Dated this 13th day of November, 2026.

THE HONORABLE MARLA L. POLIN
Superior Court Judge

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