SEATTLE CITY COUNCIL
CENTRAL STAFF

March 17, 2026

M E M O R A N D U M

To: Public Safety Committee

From: Tamaso Johnson, Analyst

Subject: Council Bill 121180 -- Immigration Status Inquiries Ordinance

On March 24, 2026, the Public Safety Committee is scheduled to discuss Council Bill (CB) 121180 addressing permissible inquiries into immigration status. This legislation would amend the Seattle Municipal Code (SMC) by changing the statutory criteria under which Seattle Police Department (SPD) employees may make inquiries into a person's immigration or citizenship status.

This memo provides background on existing law and policies related to immigration status inquiries, summarizes proposed changes under this bill, and discusses next steps for this legislation.

Background

Federal immigration law

As a general matter, the administration and enforcement of US immigration law is exclusively a function of the federal government. Federal law prohibits state and local governments from enacting laws or policies that restrict state or local officials from *sharing* "information regarding the citizenship or immigration status" of individuals with the Department of Homeland Security, but places no such restrictions on policies that seek to limit inquiries into status.[1]

Washington State law on immigration inquiries

In 2019 the Washington State Legislature enacted the Keep Washington Working Act (KWW).[2] As applied to Washington cities, KWW prohibits local law enforcement from: (1) collecting information about a person's immigration status or place of birth, with limited exceptions; and, (2) providing non-publicly available personal information about any person to federal immigration authorities in a noncriminal matter.[3]

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[1] See: 8 USC 1373
[2] See: E2SSB 5497 (2019)
[3] See: RCW 10.93.160

This state law specifies the circumstances under which local law enforcement agencies, including SPD, are allowed to inquire into immigration or citizenship status. The relevant codified portion of KWW, RCW 10.93.160(4)(a) reads:

> *State and local law enforcement agencies may not [...] [i]nquire into or collect information about an individual's immigration or citizenship status or place of birth unless there is a connection between such information and an investigation into a violation of state or local criminal law[.]*

The Washington State Office of the Attorney General has, pursuant to KWW, promulgated model policies and guidance for law enforcement agencies in the state, as well as a Frequently Asked Questions resource for local law enforcement.[4] As a general matter, when Washington State has authority over an area of law and chooses to regulate in a specific and controlling way, state law is considered to supersede any conflicting local law and be the dispositive legal authority.

City of Seattle law and policies on immigration inquiries

Current City law addressing immigration status inquiries was created in 2003 by Ordinance 121063, which established the requirement that City officers[5] and employees not inquire or attempt to determine the immigration status of any person, and created an exemption from this general directive for SPD. The SPD exemption, found at SMC 4.18.015.B, allows officers to inquire or attempt to ascertain a person's immigration status if:

> *[An officer] has reasonable suspicion to believe: (1) [that a person] has previously been deported from the United States; (2) is again present in the United States; and (3) is committing or has committed a felony criminal-law violation.*

These criteria describing allowable police immigration status inquiries under Municipal Code vary in important ways from those allowed under state law. Notably, while state law requires a "connection" between status and/or place of birth and "investigation into a violation of *state or local* criminal law" (emphasis added), current City code describes a multi-part "reasonable suspicion" test that requires police to believe that *any* felony has been committed and describes elements (removal and reentry) that are exclusively subjects of federal immigration law, not Washington State law or City Code.

From a practical perspective, elements of City code that impact SPD operations are implemented via the issuance of departmental policies or directives. Current SPD policy does not invoke the options contemplated under either KWW or City code that would allow officers to make status inquires, simply stating that officers "will not enquire about any person's

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[4] See: Washington State Office of the Attorney General, Immigration and Keep Washington Working Guidance, available at: https://www.atg.wa.gov/immigrationguidance

[5] In this context, "officer" is a term of art that does not mean police officers, but rather refers to elected or appointed members of a City of Seattle agency or department, whether paid or unpaid. See, e.g.: SMC 4.16.030

citizenship or immigration status" and further specifies that "[t]here are no exceptions to this policy, unless approved by the Chief[.]"[6]

CB 121180

This bill would amend SMC 4.18.015 to align City code with the relevant portion of state law specifying the only circumstances under which SPD personnel could make immigration status inquiries. The legislation would accomplish this by striking existing SMC 4.18.015.B and replacing that text with new language that substantively mirrors RCW 10.93.160(4)(a), the relevant provision of KWW.

Next steps

CB 121180 is scheduled for a hearing and possible vote at the March 24, 2026 meeting of the Public Safety Committee.

cc: Lish Whitson, Director
        Calvin Chow, Deputy Director

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[6] See: SPD Policy 6.020 – Interactions with Foreign Nationals. As of February 2026, SPD has not issued any exceptions to this policy and has stated that a "policy manual update to 6.020 is currently still in the review process with our different stakeholders and is expected to be finalized in the coming months." See: Seattle Police Department, Federal Immigration Enforcement Policies Report (Response to SLI SPD-111S-A), available at: https://seattle.legistar.com/View.ashx?M=F&ID=15291480&GUID=9428A563-FA61-4EA1-9486-D4D9C8EDA52F