

THE HONORABLE RICHARD A. JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

Wilson RODRIGUEZ MACARENO,

No. 2:18-cv-00421 RAJ

Plaintiffs,

**DECLARATION OF
ACLU-WA ATTORNEY
NANCY L. TALNER**

vs.

Joel THOMAS, in his official and individual capacities; Craig GARDNER, in his official and individual capacities; Peter TIEMANN, in his official and individual capacities; Arthur STEPHENSON, in his official and individual capacities; and CITY OF TUKWILA,

Defendants.

I, Nancy L. Talner, declare that I am over the age of eighteen, have personal knowledge of the matters stated therein, and am competent to testify thereto.

1. I am a Senior Staff Attorney with the American Civil Liberties Union of Washington Foundation (ACLU-WA) and have been an attorney with the legal department of ACLU-WA since 1995. I am competent to make this declaration.

- 1 2. As part of my work for the ACLU-WA legal department, I have personal knowledge
2 of the November 11, 2013, letter that was sent by ACLU-WA and the Northwest
3 Immigrant Rights Project (NWIRP) to all law enforcement agencies throughout
4 Washington State, including to the Tukwila Police Department. The content of the
5 letter is attached as Exhibit A to this Declaration. While Exhibit A was addressed to
6 one law enforcement agency, our office files contain a spreadsheet listing all the law
7 enforcement agencies who received the same letter. The Tukwila Police Department
8 is listed on that spreadsheet of agencies who received the same letter as Exhibit A; the
9 letter was sent to the Tukwila Police Department at 6200 Southcenter Boulevard,
10 Tukwila WA 98188. Our records also list a few agencies for whom the letter was
11 returned due to problems with the address, but the Tukwila Police Department was not
12 on the returned-mail list.
13
14
15 3. On October 29, 2018, ACLU-WA filed a Motion for Leave to File Amicus Curiae
16 Brief in this case, together with the proposed Amicus Curiae Brief.

17 I declare under penalty of perjury under the laws of the state of Washington that the
18 foregoing is true and correct.

19 DATED this 7th day of January, 2019.

20 Respectfully submitted,

21 By: *Nancy L. Talner*
22 Nancy Talner, WSBA No. 11196
23 AMERICAN CIVIL LIBERTIES UNION OF
24 WASHINGTON FOUNDATION
25 901 5th Ave, Suite 630
26 Seattle, WA 98164
206-624-2184
talner@aclu-wa.org

EXHIBIT A



November 11, 2013

Clallam County Sheriff's Office
223 East 4th Street, Suite 12
Port Angeles, WA 98362-3015

Dear Chief:

We are writing to let you know that a Superior Court has recently declared that Article I, Section 7 of the Washington State Constitution is violated when state law enforcement officers question individuals about their immigration status during a stop and/or prolong a detention to investigate an individual's immigration status. This is because state and local law enforcement officers do not have authority to enforce federal immigration law, and therefore may not prolong a detention to question those they have stopped about their country of origin, immigration status, or citizenship status. Even when officers have reasonable suspicion or probable cause to seize someone for a valid reason unrelated to immigration enforcement, they are constitutionally forbidden from extending a detention to interrogate the detainee about his or her immigration status once the officers have decided not to arrest him or her for the original offense.

In light of this declaration of rights under Article I, Section 7 of the Washington State Constitution, it would be advisable to update your policies, trainings, and guidelines to ensure that this unlawful practice is not occurring in your jurisdiction.

For your convenience, attached is the order issued by the Superior Court of Pierce County in *Ramirez-Rangel v. Kitsap County*.

If you have any questions or concerns please do not hesitate to contact either ACLU or NWIRP for more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Adams".

Matt Adams
Northwest Immigrant Rights Project
matt@nwirp.org
206-587-4009

A handwritten signature in black ink, appearing to read "Sarah A. Dunne".

Sarah Dunne
ACLU of Washington Foundation
dunne@aclu-wa.org
206-624-2184

