

Together, we're winning the fight for civil liberties in Washington

Our work is not done in silos, nor alone. Our success on specific bills is achieved by participating in coalitions. Together, we use a racial and social equity lens to better perceive and address intersections across identities and communities in the struggle for civil liberties and civil rights.

By engaging in these issues, we helped Washington state bend the arc of the moral universe a little closer to justice – for all, and not just the privileged few. While we have our fair share of missed opportunities, we continue to work with our ACLU members, allies, and elected officials to right the wrongs of the failed war on drugs and tough-on-crime policies that have disproportionately impacted communities of color, and address the health inequities, educational outcomes, and other disparities that limit opportunities for equitable enjoyment of civil liberties and civil rights.

During the 2019 Legislative Session, the ACLU of Washington:

- Helped end detention for dependency, truancy and at-risk youth petitions (also known as youth status offenses),
- Helped end the practice of prison-based gerrymandering,
- Increased access to preventative reproductive healthcare and secured it from discrimination for LGBTQ individuals and undocumented communities,
- Supported expansion of the Seattle-King County Law Enforcement Assisted Diversion (LEAD) program statewide,
- Supported passage of the New Hope Act, making it easier for people with felony convictions to vacate their records,
- Led the effort to pass the Responsible Teen Communications Act, which addresses risky online behavior through prevention instead of felony prosecution

KEEP WASHINGTON WORKING

Nearly one million Washingtonians – one in every seven people – are immigrants.

Immigrants are an integral part of our workforce and communities. However, the current federal administration has made deportation and separation of families a top priority, to the tragic detriment of civil liberties and human rights.

Senate Bill 5497, Keep Washington Working, is a landmark piece of legislation that prohibits Washington’s state and local law enforcement resources from being commandeered for federal immigration enforcement. We helped to develop it by seeking and incorporating the stories and perspectives of people who have historically been kept out of the policy-making process, including immigrants, people of color, and people with experience in the criminal justice system.

Keep Washington Working was supported by more than 115 organizations, including unions and the Washington State Tree Fruit Association, which represents orchardists throughout the state who rely on the workforce that fuels our state’s \$10.4 billion a year agricultural economy. Immigrant rights advocates like the Washington Immigrant Solidarity Action Network (WAISN), the faith community, health care organizations, and business groups also supported the bill as a necessary step to thwart the anti-immigrant rhetoric, scapegoating and fear-mongering that

harms the health, public safety, and educational outcomes of people across the state—especially in rural communities that depend heavily on immigrant labor and commerce.

This new law protects state and local resources from being diverted from community priorities to pay for the Trump Administration's deportation agenda. It also enhances public safety. Studies analyzing the federal government’s own data show that communities that limit state and local government collaboration in ICE enforcement have less crime and are safer.

Under the Keep Washington Working Act, local and state law enforcement agencies, including jails, are prohibited from:

1. Inquiring into or collecting place of birth, or immigration or citizenship status information unless connected to a violation of state or local law, including a prohibition on collection at booking—and detained people must be notified of their right to contact their consulate if they are a noncitizen
2. Providing non-public personal information to ICE or CBP about people in jail or on community custody
3. Detaining someone solely to determine immigration or citizenship status
4. Entering into an agreement with the federal government to deputize local law enforcement agents to perform immigration enforcement duties



LEGISLATIVE HIGHLIGHTS

Making Health Care Rights Meaningful:
Reproductive Health Access for All

Reproductive Health Access for All provides reproductive health care services to people who have been unable to get it. It prohibits gender identity discrimination in health care access and covers student health plans. It also requires private insurance to cover reproductive services including screening following a sexual assault, condoms (regardless of the gender or sexual orientation of the covered person, and regardless of whether they will be used for contraception or to prevent a sexually transmitted disease), prenatal vitamins for pregnant persons and breast pumps for covered persons expecting the birth or adoption of a child.

Protecting Personal Data from
Corporations and Government-Sponsored Surveillance

This year, the ACLU-WA focused on two critical technology issues: curbing unchecked government use of racially-biased and inaccurate systems that disproportionately target communities of color and fighting efforts by large technology corporations to establish weak consumer data privacy standards. To address the spread of flawed systems, we introduced two bills: one placing a moratorium on government use of racially-biased face surveillance technology and another putting strong rules around automated decision-making systems, which assist in making important, or even life-or-death, decisions—from whether you get a job or housing, to what you pay for health care, to how your community is policed. To protect your privacy, we worked with community leaders and national privacy organizations to stop big tech companies' efforts to share and profit off of valuable consumer information without community or public input.

Keeping Youth Safe and Free:
Responsible Teen Communications

Prior to the passage of this law, Washington often responded with stark consequences when teens took explicit images of themselves and shared these “selfies” with another person— usually someone they were dating. Teens prosecuted for this behavior under the former law could face felony charges, prison, sex offender registration, loss of financial aid for college, and lifelong difficulties finding employment and housing. Responsible Teen Communications creates evidence-based education and prevention, limits criminal penalties for youth who engage in consensual sharing of explicit images, and maintains protections against harassment, voyeurism, and other related malicious acts.

New Hope Act:
Ensuring Everyone Gets a Second Chance

Criminal records continue to punish people long after they’ve served their sentences and, due to racial disparities in arrests and convictions, people of color are disproportionately harmed by the consequences that flow from contact with the criminal system. The New Hope Act was passed unanimously by the Senate and House chambers and signed into law by Governor Inslee. It will help people overcome barriers to re-entering society by improving the process for certifying that a sentence is completed and allowing multiple convictions to be vacated.

Status Offenses:
Support, Not Jail, for Teens in Need

When a young person runs away from home or skips school, they need extra support. Unfortunately, Washington for years was among a minority of states that jailed kids, disproportionally low-income kids and youth of color, who commit these noncriminal “status offenses,” through a loophole in a federal law that otherwise prohibits locking kids up for truancy or violating curfew. Washington used this loophole more than any other state in the country. The new law sets a deadline for closing this loophole and commits to expanding the availability of community-based services statewide. This will promote the use of alternatives that keep kids in school and in stable, caring living conditions, while upholding our state’s paramount duty to ensure all children have equitable access to amply funded education, including support services that allow them to fully thrive.

BY THE NUMBERS

Statistical Report: All Bills (2019)
2019 Regular Session (January 14 - April 28)

	Introduced	Passed Legislature	Vetoed	Partially Vetoed	Enacted
HOUSE	1185	265	1	10	264
SENATE	1026	204	1	9	203
TOTALS	2211	469	2	19	467

Bills Tracked by ACLU-WA

Total Tracked Bills	Supported Bills Signed Into Law	Opposed Bills That Failed to Pass
508	48	06
		



RESPONSIBLE TEEN COMMUNICATIONS

Taking risks is natural and developmentally appropriate for adolescents. Risk-taking specifically is one of many ways that adolescents form their identity and develop skills to be successful adults. Behaviors such as flirting and attention seeking, trying on different aspects of their personality, and finding romantic partners, are no different than they have ever been for any generation.

One of these behaviors, sexting, is commonplace in today’s digital age, with 70-80% of adults reporting they have sent or received sexually-tinged images, depending on the study you read.

Adolescents mirroring this behavior is the number-one topic of phone calls and emails I get from panicked parents and stressed-out school administrators, and I deal with this particular phenomenon on an almost daily basis—as do most adolescents.

Most of this digital flirting (as is the case between grown-ups) involves exchanges of intimate images between romantic partners and goes no further than that.

However, as technology has evolved, these age-appropriate, normative dynamics have become more problematic by virtue of the

fact that using their smartphones has made it easy for teenagers to take and share images, and the fact that by doing so over media lines makes it illegal in many places.

Harsh punishments and penalties do not deter young people from engaging in these kinds of behaviors. They never have; most teens do not understand the legal lines around such behavior, the ones that do, do not understand the enormity of the consequences for crossing those lines and the few who do understand the consequences never think it is going to happen to them or anyone they know.

My experience and expertise have shown me that proactive education and prevention are more effective responses to this behavior, and there is science around adolescent brain development that backs that up.

Preventing young people from harming themselves and each other with their screens requires we, as adults, provide them with information; make it easier, not harder, for them to ask for and get help when they need it; and develop a relationship with technology and its role in human development so we can help them do the same.

Updating our existing laws makes it possible to move toward a more proactive and ultimately helpful stance of educating children about the issues with this behavior. An appropriate response, for example, would be a discipline alternative in the form of a brief psycho-educational intervention, informing the youth of the risks posed by this behavior both for themselves and others.

With the passage of the Responsible Teen Communications Act, Washington is setting itself up to be on the right side of research and responsibility on this issue affecting our young people. This new law recognizes that educational intervention will prove to be more successful and helpful for youth, socially responsible for the community and larger culture, and financially responsible for the State. I’m proud to support it.

Jo Langford, M.A. is a Master’s level therapist, published author and considered an expert on this subject. He has worked with teenagers throughout his career, and speaks internationally on that intersection of adolescence, sexuality and healthy relationships and technology.



AMERICAN CIVIL LIBERTIES UNION

Washington

P.O. Box 2728
Seattle, WA 98111-2728

The ACLU works to protect the constitutional rights of all people. With an office in every state, our nationwide network of staff, volunteers, activists, and supporters take on the toughest civil liberties fights because we protect everyone's rights. In Washington, more than 40 full-time staff work on issues including student rights, reproductive freedom, immigrant rights, criminal justice reform, voting rights, transgender rights, privacy and technology, religious discrimination, and more.

ACLU
AMERICAN CIVIL LIBERTIES UNION
Washington

