September 30, 2026

Governor Bob Ferguson
PO Box 40002
Olympia, WA 98504-0002

RE: DOL and Nlets – Requesting immediate action to end federal access to state data

Delivered Electronically and In Person

Dear Governor Ferguson:

We are writing as immigration advocates in Thurston County to ask you to use your existing executive authority now to end federal immigration agents' access to Washington driver and vehicle data. We are on the ground every day, either visiting people at the Northwest Ice Processing Center, taking people to appointments in Tukwila, Seattle, or Tacoma, delivering food to doorsteps, helping locate family members, working on family safety plans side by side with parents, or securing vehicles that have been left on the roadside.

Here are some of the people we have met:

- "Jorge" was on his way to his work at a roofing company when ICE arrested him in Lacey, Washington. His wife and family have had to move from their apartment and are living with friends. During the arrest they called him by name and showed him his Washington State driver's license on their tablet.
- "Enrique" was in a work van when he and all his workmates were taken into custody. His wife and kids are struggling to make ends meet and getting enough food is a daily matter. His teenage sons have all gotten jobs and dropped out of school. It is confirmed the federal agents accessed state DOL data just before making the arrest.
- "Alejandro" is a painter and was taken while driving out of town for work. Left at home are two young children and a wife pregnant with a baby due in two weeks. The family is entirely dependent on his paycheck for food, diapers, clothes, and rent. It is confirmed that the federal agents accessed DOL data just before making the arrest.

These stories are not unique. Every day across this State, immigrants are arrested on their way to work, at the grocery store, the laundromat, and elsewhere. Many of these arrests can be traced to the use of Washington State License Plate and Driver Data, and most of the verified cases involved civil immigration enforcement, not criminal. Families who lose a breadwinner struggle with getting enough food, keeping their housing, accessing medical care, staying in school, participating in worship, even going outside for fresh air.

We know you care, Governor, and we know you understand that these are your neighbors. But Washington's own data system shares responsibility for enabling the arrest and detention of Washingtonians: more than 298 verified cases so far. Allowing federal agents to use Washington

State License Plate and Driver Data for civil immigration enforcement is wrong; and a violation of Keep Washington Working, as well as other state policies.

The Current Practice isn't Working

Your administration has taken real steps: cutting off ICE's Enforcement and Removal Operations and Homeland Security Investigations, removing CBP's access to license photos, adding a terms-of-use notice, and suspending some CBP accounts. Still, the current practice of curtailing access accounts following queries has not stopped federal agents from using the state system and then making an arrest. Verified arrests have increased. The University of Washington Center for Human Rights (UWCHR) verified 9 arrests following license-plate queries in its original report on January 8, 2026; 64 by its July 27 update; and 213 as of September 2, 2026 (UWCHR, Jan. 2026; UWCHR, July 2026; UWCHR fact sheet, Sept. 2026). The arrests keep accelerating even as the State blocks log-on accounts, with 298 verified as of September 27.

Stopping Access for Civil Immigration Enforcement is within Executive Authority

The State needs to block access before the harm occurs, not after as is the practice today. The most important steps are within your existing executive authority to stop federal immigration agents from using Washington driver and vehicle records to make civil immigration arrests. The state has already proven this: blocking ICE's Enforcement and Removal Operations (ERO) from the system on November 19, 2025 required no legislation, only a phone call between WSP and DOL (UWCHR).

WE DEMAND:

1. An immediate shut down of access to Washington State License Plate and Driver Data by Customs and Border Protection and all other Department of Homeland Security Immigration components, and federal agencies. This should apply regardless of whether the agency also conducts criminal enforcement; the only exception should be a judicial warrant in a criminal case (see item 2).
2. Requiring a judicial warrant for any criminal immigration investigation to obtain Washington State License Plate and Driver Data. Because Nlets queries are automated, warrant-based requests should go directly to DOL rather than through Nlets.
3. A regular audit of access to the Washington State License Plate and Driver Data by federal agencies with the objective of identifying any access ultimately used for civil immigration enforcement, conducted jointly by DOL and WSP at least once a year, with the results made public.
4. Governor request legislation to establish the judicial warrant requirement for database access for criminal immigration enforcement as a permanent part of Washington State Law and related state law revisions to implement the policy. (See Attachment A: Implementation Roadmap and Attachment B: Background below)

This is a great state in which to live and work. We are fortunate that over the years elected leaders such as yourself have worked diligently to create a framework of support for immigrants. We must stick together on those values and uphold the humanity and dignity of our neighbors.

We request a reply from you by October 16th, 2026. We are available to meet in person or virtually.

Sincerely,

Leslie Cushman on behalf of
Thurston Immigrant Solidarity League
Leslie.cushman.olympia@gmail.com
Thisl.org

cc:
Sahar Fathi, Chief Impact Officer, Office of the Governor
Debbie Driver, Legislative Director, Office of the Governor
David Kim, Policy Advisor, Office of the Governor
Megan Matthews, Director, Office of Equity
Marcus Glasper, Director, Department of Licensing
John Batiste, Chief, Washington State Patrol
Representative Lillian Ortiz-Self, Latino Legislative Caucus Chair
Senator Rebecca Saldana, 37th LD
Senator Jessica Bateman, 22nd LD
Senator Yasmin Trudeau, 27th LD
Representative Beth Doglio, 22nd LD
Representative Lisa Parshley, 22nd LD
Representative Darya Farivar, 46th LD
Representative Sharlett Mena, 29th LD
Maria Siguenza, Executive Director, Commission on Hispanic Affairs
Enoka Herat, Policy Director, Attorney General's Office.
Chalia Stallings-Ala'ilima, Civil Rights Unit, Attorney General's Office

Attachment A: Implementation Roadmap

Implementation Roadmap
Here is a roadmap to implement the four executive actions listed above along with steps for transparency and accountability:

Immediate executive action (0–30 days)

- **Prohibit CBP Access.** The state has already blocked ICE's Enforcement and Removal Operations and Homeland Security Investigations from Nlets access to DOL data and canceled their separate DAPS accounts entirely (OPB). Customs and Border Protection has not been similarly categorically blocked; its access is suspended only query-by-query when a search fails the state's authorization check, an approach porous enough that CBP ran roughly 1 million searches between January and June 2026 alone (Seattle Times) and conducted the query in the large majority of confirmed arrest cases in UWCHR's original

sample (UWCHR, Jan. 2026). Apply the same categorical block already used for ICE and HSI to CBP and other DHS immigration components and federal agencies. Work with: WSP Chief and the agency's CJIS Systems Officer/ACCESS administrator and DOL Director.

- **Judicial Warrant.** Implement a judicial warrant requirement for criminal immigration enforcement requests to access DOL data. This is already in place for requests for data made via email requests to the DOL; data requests via Nlets should follow the same requirements. Work with: WSP Chief; DOL Director.
- **Direct WSP to pursue an Enhanced Driver's License–only message key at Nlets.** Because EDLs are unavailable to undocumented residents, this would preserve Canadian border verification, DOL's stated reason for keeping CBP connected, while removing the civil-enforcement use. WSP has called this costly and complex. Nlets has previously introduced keys adopted by only a handful of states, so partial adoption is not disqualifying. Work with: WSP's Nlets representative; Nlets governing body; counterpart states.
- **Release the ACCESS journal log for independent analysis.** WSP retains six years of transaction logs. UWCHR has so far obtained records piecemeal through public-records requests; a standing release to independent researchers under a privacy agreement ends the cycle in which each round of findings gets characterized as isolated incidents, and gives your office and the Legislature the record needed to size the problem. Work with: WSP; Office of Privacy and Data Protection; UW Center for Human Rights and other researchers.
- **Revamp the metric.** Replace "search attempts blocked" with arrests following successful queries. The first metric measures effort; the second measures outcome. Under the current approach, the state blocked roughly 108,000 attempts between November 2025 and mid-July 2026 (OPB), while UWCHR's verified counts rose from 9 in January 2026 to 64 in late July to 213 by September 2, and 298 by September 27, an escalation that has continued through every round of blocking announced so far (UWCHR, Jan. 2026; UWCHR, July 2026; UWCHR fact sheet, Sept. 2026). A metric that keeps improving while the underlying harm keeps growing is measuring the wrong thing.

Near-term (30–90 days)

- **Order a meaningful joint DOL/WSP compliance audit** against RCW 43.17.425 and agency policy, with published findings and a named accountable official. Executive Order 17-02 (2017) failed because it assigned no oversight or enforcement, leaving compliance to the agencies themselves; and the regular audits conducted to date are not meaningful, as they have failed to uncover evidence of proven repeated misuse.
- **Direct notification to affected individuals** where records show a federal immigration ORI queried their data. Multiple states, including New York, Maryland, Colorado, and Massachusetts, require this by statute; you can direct it as policy now.
- **Formally reconcile the state's own numbers**. DOL reported 2,671,776 federal queries for January–November 2025; WSP reported 20,798,467 for what UWCHR describes as an identical records request, a roughly tenfold discrepancy that state officials attribute to WSP's figure erroneously including all federal and out-of-state agencies, not just the nine

at issue (UWCHR, Jan. 2026). An explanation buried in a researcher's report is not the same as a public reconciliation from the two agencies; please direct one.

2027 legislative session

Executive action can be reversed by a successor and carries no penalty. Legislation is needed to provide permanence and should include the following at a minimum.

- Bar access to DOL data – via Nlets, DAPS, or data brokers – to any agency that primarily enforces immigration law, or its employees or agents, absent a judicial warrant for criminal investigations. Identify the recipient by agency, not by stated purpose; Nlets queries carry no purpose field, which is why purpose-based restrictions in other states never trigger.
- Bind WSP explicitly, not only DOL. Most states' laws reach the licensing agency but not the law enforcement agency that configures the switch.
- Prohibit the sale of DOL data to data brokers who sell data to DHS, or companies who sell to DHS. Current contracts with data brokers prohibit the sale of data for its use in civil immigration enforcement, but at least one data broker to whom DOL sells data – LexisNexis Risk Solutions – has signed a contract with ICE which requires it to anonymize ICE's searches of its data so that it would be impossible to detect, for purposes of audits, whether the company is in compliance with the terms of its contract with the WA DOL. Create a criminal penalty for any party who relays DOL data to immigration agencies, as New York did in 2020; this includes employees of the DOL and WSP but also state or local law enforcement agencies who also have access to DOL data via Nlets. This would build on the existing penalties that exist in RCW 46.12.630 and 46.12.640.
- Establish a statutory notification requirement for persons whose records were lawfully searched by a federal agency ORI.
- Create a private right of action, and enforcement authority for the Attorney General's Civil Rights Division. The Legislature created adjacent civil investigative demand authority in 2026 via ESSB 5925, which already reaches "law enforcement agency restrictions relating to federal immigration enforcement" (House Bill Report, ESSB 5925); confirm it covers DOL/Nlets disclosures specifically, or amend it to make sure it does.
- Require meaningful audits and include all forms through which DOL data is shared - DAPS, Nlets, sales to brokers, etc. At present, the annual auditing required under the agreement between WSP and DOL is not useful; it has failed to detect any unlawful data-sharing despite the fact that such practices are happening every day and have become public knowledge. This undermines public confidence in the law.

Multistate and federal coordination

- Coordinate with the states that have already blocked ICE etc. from Nlets, New York, Illinois, Massachusetts, and Minnesota, on operational detail, and with Oregon, where a May 2026 lawsuit against Oregon State Police (Rural Organizing Project v. OSP, filed in Multnomah County Circuit Court) is testing the same structural question: whether a state police agency that runs the Nlets switch can be held to the licensing agency's own sanctuary restrictions (OPB). A bloc of states asking Nlets for the EDL only key is more likely to succeed than Washington alone. Work with: New York's counsel's office and

DMV for the Green Light implementation template; National Governors Association channels; Oregon's governor's office.

Attachment B: Background

Background - How the current system fails Washingtonians.

1. Agents surveil a location or drive through a neighborhood and note license plates. This step relies on racialized targeting of BIPOC and immigrant neighborhoods, workplaces, and gatherings.
2. The plate is queried through Nlets, the national law enforcement message-switching network. In Washington, those queries route through ACCESS, operated by the Washington State Patrol, which pulls the record from the Department of Licensing.
3. DOL returns the registered owner's name, address, and vehicle information. In a documented case, the response came back in about one second (UWCHR, March 2026).
4. Agents run the name against DHS databases to check status, then arrest, often in traffic and frequently without a warrant. In one documented case, a Washington resident was stopped outside a Gresham, Oregon grocery store, arrested, and, according to his account, beaten in the course of arrest (UWCHR fact sheet, Sept. 2026).

Two state agencies make steps 2 and 3 possible. Each query carries an Originating Agency Identifier (ORI), a nine-character FBI-issued code identifying the requesting agency. The state controls the ORIs that may reach DOL data, and UWCHR has documented agents resubmitting a blocked query under a different ORI within the same agency to route around a block (UWCHR fact sheet, Sept. 2026).

Background – The legal framework.

This is an enforcement gap, not a statutory one. The documented conduct runs against law and policy already in place:

- RCW 43.17.425, the codification of the 2019 Keep Washington Working Act, bars state agencies, DOL and WSP included, from using resources to assist federal immigration enforcement or to surveil residents based on immigration or citizenship status (RCW 43.17.425; WA Attorney General).
- RCW 46.12.630(7) provides that a recipient using owner information for an unauthorized purpose "will be denied further access" to DOL records; RCW 46.12.640 backs this with fines up to $10,000 and up to 364 days in jail per violation (RCW 46.12.630; RCW 46.12.640).
- WSP's own ACCESS Operations Manual limits the system to criminal justice purposes (WSP ACCESS policy). Most verified cases involved civil enforcement.
- DOL's permissible-use terms, tightened after the first data-sharing scandal in 2018, expressly prohibit use "for purposes of investigating, locating, or apprehending individuals for immigration related violations" (UW Center for Human Rights, May 2018).

Federal law does not compel the sharing of our state vehicle and driver data. The REAL ID Act permits states to issue standard, non-REAL-ID licenses to residents regardless of immigration

status (TSA REAL ID FAQ). Separately, the anti-commandeering principle is why the federal government's 2025 suit against New York's Green Light law was dismissed with prejudice in December 2025 (Spectrum News).