



STATE OF WASHINGTON
OFFICE OF GOVERNOR JAY INSLEE

**DIRECTIVE OF THE GOVERNOR
22-12.1**

DATE: February 1, 2023

To: The Washington State Patrol

From: Governor Jay Inslee

Subject: Prohibiting cooperation or assistance with out-of-state abortion and other reproductive health care investigations, prosecutions or other legal actions

On June 24, 2022, established constitutional principles of liberty and equality were extinguished in America when the United States Supreme Court overturned *Roe v. Wade* and *Planned Parenthood v. Casey*, thereby eviscerating the fundamental federal constitutional right to end a pregnancy—a choice that is deeply personal and private, and that was, until June 24, a matter to be decided by the individual in consultation with that person’s healthcare provider.

As a result of this flagrant disregard of established constitutional rights and sound legal precedents, over half of the states in this country already have or will soon ban or severely restrict access to abortion care and services. This means that where a person lives in this country will determine how “equal” and “free” that person is. We are already seeing anti-choice leaders’ efforts to attack sanctuary states, like ours, to reach beyond their borders to criminalize and punish those who lawfully provide or seek abortion services that are protected under Washington law.

Harassment, legal action, fear tactics—those are just a few of the anticipated attacks on lawful reproductive health care providers, clinics and patients in Washington. The impacts on Washingtonians and out-of-state patients seeking services in Washington are likely to be significant and relentless.

Washington is and will remain a sanctuary for any person seeking abortion care and services in our state, but we must act to protect our rights and our values. To that end, it is critical that our law enforcement agencies not cooperate in any manner with any out-of-state investigation, prosecution, or other legal action based on another state’s law that is inconsistent with Washington’s protections of the right to choose abortion and provide abortion-related care.

As a result, I hereby direct the Washington State Patrol to:

- Refrain from knowingly providing any cooperation or assistance whatsoever to any out-of-state law enforcement agency, public entity, or private party if the matter concerns abortion-related conduct or other reproductive health care or services that are lawful in Washington, including but not limited to declining to cooperate with an out-of-state subpoena, search warrant, or court order that has not been domesticated in Washington;
- Establish a process in conjunction with the Office of the Attorney General and my Office of General Counsel to carefully scrutinize all requests for cooperation, assistance, or information related to reproductive health care or services from any party in any state where abortion is banned or otherwise restricted to a degree inconsistent with Washington law. This process must assume that not all requests related to reproductive health care or services will be clearly identified as such;
- Require that any such request related to reproductive health care or services be accompanied by a detailed description of the matter under investigation and the purpose of the request for cooperation, assistance or information;
- Resolve any uncertainty related to specific requests for cooperation, assistance, or information related to reproductive health care or services by obtaining direction from my office, by contacting my General Counsel; and
- Routinely report all such requests for cooperation or assistance related to reproductive health care or services to my office, which shall include, but not be limited to, providing information that identifies the source(s), frequency, and nature of the requests.

All state and local law enforcement agencies are reminded that the state is prohibited from penalizing, prosecuting or taking any adverse action against an individual based on their actual, potential, perceived, or alleged pregnancy outcomes, or for aiding or assisting a pregnant individual in exercising their right to reproductive freedom. RCW 9.02.120.

We have jointly committed with California and Oregon to protect and serve those who enter our borders seeking lawful abortion services, and to adopt policies that expand those protections to address any existing gaps. This directive is one step that makes good on that commitment.

Nothing in this Directive prevents the provision of assistance or information that is necessary to comply with Washington or federal law.