

BERNALILLO COUNTY

BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE RESOLUTION NO. 2019-22

**1 STRENGTHENING BERNALILLO COUNTY’S NON-DISCRIMINATION POLICIES
2 BY SAFEGUARDING SENSITIVE INFORMATION, ESTABLISHING A RECORDS
3 POLICY, ENSURING THAT COUNTY RESOURCES ARE NOT USED TO ASSIST IN
4 THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, AND ESTABLISHING
5 A POLICY LIMITING ACCESS TO COUNTY OWNED AND OPERATED NON-
6 PUBLIC PROPERTY**

7
8 **WHEREAS**, recent Presidential executive orders and actions aim to criminalize,
9 target, detain, and deport immigrants, including hardworking New Mexicans.

10 **WHEREAS**, this has resulted in an uptick of Immigration and Customs Enforcement
11 (ICE) activity in Albuquerque and Bernalillo County, targeting people in their homes,
12 workplaces, and public institutions such our court systems, eroding trust in our local
13 governments, undermining community policing, disrupting our local economy, resulting in
14 family separation, and plunging families into poverty,

15 **WHEREAS**, Bernalillo County has a proud legacy of passing non-discrimination
16 policies that are conducive to immigrant integration and in that spirit passed resolution AR 27-
17 2007 titled, “Opposing the Enactment of Federal Legislation Calling for State and Local Police
18 to Enforce Federal Immigration Laws” that states that, “The County reaffirms that no County
19 resources will be used to identify and apprehend persons solely based on their immigration
20 status”; and

21 **WHEREAS**, AR 2017-22 strengthened Bernalillo County’s status as “immigrant-
22 friendly” and affirmed that “no municipal resources shall be used, including members of the
23 Bernalillo County Sheriff’s Department, to identify individual’s immigration status or
24 apprehend persons on the sole basis of status, unless otherwise required by law to do so”; and

1 **WHEREAS**, AR 2017-22 affirms that “the Tenth Amendment of the Constitution of the
2 United States recognizes the sovereign status of the states and their political subdivisions and
3 precludes the federal government from attempting to compel state and local governments, either
4 directly or by their use of threats to withhold federal funding, to assist the federal government in
5 enforcing federal laws, including immigrations laws”; and

6 **WHEREAS**, as of this date, the courts have consistently rejected the Department of
7 Justice’s conditions on federal grants that would have required states and localities to assist
8 with the enforcement of federal immigration laws; and

9 **WHEREAS**, AR 2017-22 affirms that “the County Commission believes in the
10 human dignity of all Bernalillo County residents, regardless of immigration status, and
11 recognizes the importance of immigrants’ many contributions to the social, cultural,
12 intellectual, and economic fabric of the County; and”

13 **WHEREAS**, there are hundreds of jurisdictions across the nation that limit assistance
14 with federal immigration enforcement and since the beginning of 2017, there has been an
15 explosion of such policies enacted across the nation, recognizing the strong governmental
16 interest in building healthier relationships with the communities they are sworn to protect; and

17 **WHEREAS**, courts across the nation have consistently sided with communities that
18 refuse to detain immigrants, sending the clear message that policies limiting assistance with
19 federal immigration enforcement are legal; and

20 **WHEREAS**, according to the Immigrant Legal Resource Center (ILRC), as of January
21 21, 2019, twenty federal court decisions in the nine lawsuits over federal funding sided with
22 “sanctuary” cities and states against the Trump administration, ruling that adding immigration
23 enforcement conditions to federal grants was illegal; and

1 **WHEREAS**, according to ILRC as of 2017 there were 169 counties that restrict
2 notification, to ICE about release dates or other information, 117 counties limit ICE access to
3 local jails and/or ICE interrogations of detainees, and 119 counties prohibit inquires into
4 immigration status and/or place of birth; and

5 **WHEREAS**, according to the same publication, at least 120 communities have enacted
6 policies which limit assistance with the enforcement of federal immigration law since Trump
7 took office and 28 states have at least one jurisdiction that enacted such policies in just the last
8 two years; and

9 **WHEREAS**, a poll released by Latino Decisions on February 13, 2019 revealed strong
10 and consistent support among a majority of registered voters of New Mexico for rational and
11 humane approaches to immigration policy, across many demographics, largely because many
12 New Mexicans have a personal connection to the undocumented community; and

13 **WHEREAS**, the Latino Decisions poll indicates that a large majority of the New
14 Mexico electorate believes that New Mexico's leaders should do more to protect immigrant
15 residents from deportation and should not spend local resources aiding ICE in its deportation
16 efforts; and

17 **WHEREAS**, 70% registered voters in New Mexico believe in the passage of laws to
18 safeguard New Mexican's sensitive personal information, including information about a
19 person's country of origin, except as otherwise required by federal law or to comply with an
20 order of the court; and

21 **WHEREAS**, a majority of New Mexican registered voters support policies that ensure that
22 immigrant families in New Mexico have equal access to non-discriminatory treatment by the
23 state's criminal justice system, including not being turned over to ICE before a trial or Conviction.

1 **NOW, THEREFORE**, be it resolved by the Board of County Commissioners, the governing
2 body of the County of Bernalillo, adopts the following policy:

3 1. SENSITIVE INFORMATION POLICY

4 A. County agencies, departments, officers, employees, contractors or agents shall not
5 disclose any sensitive information about any person which came into the
6 employee’s possession during the course and scope of that employee’s work for
7 the County of Bernalillo, except in order to provide a County service, carry out a
8 function of County government, to assist the Judicial branch of our State,
9 including state courts, state district attorneys, and state public defenders, in
10 response to a written request for records under the New Mexico Inspection of
11 Public Records Act where such information is not otherwise exempted, (§§14-2-1
12 et seq. NMSA 1978), or as otherwise compelled by law. For purposes of this
13 section, sensitive personal information means: social security number or
14 individual tax identification number or lack of such numbers, an inmate’s custody
15 release date, a person’s place and date of birth, a person’s status as a recipient of
16 public assistance or as a crime victim, a person’s home or work address, a
17 person’s employment information, a person’s sexual orientation, gender identity,
18 physical or mental disability, religion, or national origin.

19 B. In addition to the exceptions listed above, the custody release date for an inmate
20 of the Metropolitan Detention Center may also be released in response to a
21 request from the inmate’s attorney, bondsman, or family member.

22
23 2. RECORDS POLICY:

24 A. No Bernalillo County employee, or any third party on its behalf, shall make or
25 initiate any inquiry regarding the immigration status, citizenship, country of
26 origin/place of birth, or nationality of an individual, except as required by law,
27 including, without limitation, to determine eligibility for a federal benefit or
28 program administered by the County.

29
30 3. USE OF RESOURCES

31 A. Bernalillo County officers, employees, contractors, and agents shall not use
32 County resources, including but not limited to moneys, equipment, technology,
33 personnel, or County facilities, to assist in or otherwise facilitate the enforcement
34 of federal immigration law. The prohibition set forth in this Section shall include
35 but is not limited to:
36 a. Identifying, investigating, apprehension, arresting, detaining, or continuing to
37 detain a person solely on the individual’s immigration status or the belief that the
38 person has committed a violation of immigration law.

- b. Detaining or continuing to detain a person in response to, or acting upon or responding to, an immigration detainer, or federal administrative warrant that is based solely on a violation of federal immigration law.
- c. Notifying any federal immigration enforcement agency about the release date or pending release date, contact information, or other sensitive information of any person in custody.
- d. Enforcing any federal program requiring the registration of individuals on the basis of religious affiliation or ethnic or national origin.

4. ACCESS TO COUNTY OWNED AND OPERATED NON-PUBLIC PROPERTY

- A. Bernalillo County shall refuse access to all non-public areas of their property and facilities by federal immigration agents, for the purpose of enforcing federal immigration law, who do not present a judicial warrant (not an administrative warrant) issued specifically requiring provision of such access.

DONE, this 26th day of February, 2019.

BOARD OF COUNTY COMMISSIONERS

Maggie Hart Stebbins
Maggie Hart Stebbins, Chair

Debbie O'Malley
Debbie O'Malley, Vice Chair

Steven Michael Quezada
Steven Michael Quezada, Member

Lonnie G. Talbert
Lonnie G. Talbert, Member

Charlene E. Pyskoty
Charlene E. Pyskoty, Member



APPROVED AS TO FORM:

W. Ken Martinez
W. Ken Martinez, County Attorney

ATTEST:

Linda Stover
Linda Stover
County Clerk