

**BERNALILLO COUNTY**

**BOARD OF COUNTY COMMISSIONERS**

**ADMINISTRATIVE RESOLUTION NO.**

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**STRENGTHENING BERNALILLO COUNTY’S NON-DISCRIMINATION POLICIES** <sup>1</sup> **BY SAFEGUARDING SENSITIVE INFORMATION, ESTABLISHING A RECORDS** <sup>2</sup> **POLICY, ENSURING THAT COUNTY RESOURCES ARE NOT USED TO ASSIST IN** <sup>3</sup> **THE ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, AND ESTABLISHING** <sup>4</sup> **A POLICY LIMITING ACCESS TO COUNTY OWNED AND OPERATED NON-** <sup>5</sup> **PUBLIC PROPERTY** <sup>6</sup> <sup>7</sup> **WHEREAS**, recent Presidential executive orders and actions aim to criminalize, <sup>8</sup>

target, detain, and deport immigrants, including hardworking New Mexicans. <sup>9</sup>

**WHEREAS**, this has resulted in an uptick of Immigration and Customs Enforcement <sup>10</sup>

(ICE) activity in Albuquerque and Bernalillo County, targeting people in their homes, <sup>11</sup>

workplaces, and public institutions such our court systems, eroding trust in our local <sup>12</sup>

governments, undermining community policing, disrupting our local economy, resulting in <sup>13</sup>

family separation, and plunging families into poverty, <sup>14</sup>

**WHEREAS**, Bernalillo County has a proud legacy of passing non-discrimination <sup>15</sup>

policies that are conducive to immigrant integration and in that spirit passed resolution AR 27- <sup>16</sup>

2007 titled, “Opposing the Enactment of Federal Legislation Calling for State and Local Police <sup>17</sup>

to Enforce Federal Immigration Laws” that states that, “The County reaffirms that no County 18

resources will be used to identify and apprehend persons solely based on their immigration 19

status”; and 20

**WHEREAS**, AR 2017-22 strengthened Bernalillo County’s status as “immigrant- 21

friendly” and affirmed that “no municipal resources shall be used, including members of the 22

Bernalillo County Sheriff’s’ Department, to identify individual’s immigration status or 23

apprehend persons on the sole basis of status, unless otherwise required by law to do so”; and 24 25

**CONTINUATION PAGE 2, ADMINISTRATIVE RESOLUTION AR 2019- .**

**WHEREAS**, AR 2017-22 affirms that “the Tenth Amendment of the Constitution of the 1

United States recognizes the sovereign status of the states and their political subdivisions and 2

precludes the federal government from attempting to compel state and local governments, either 3

directly or by their use of threats to withhold federal funding, to assist the federal government in 4

enforcing federal laws, including immigrations laws”; and 5

**WHEREAS**, as of this date, the courts have consistently rejected the Department of 6

Justice’s conditions on federal grants that would have required states and localities to assist 7

with the enforcement of federal immigration laws; and

8

**WHEREAS**, AR 2017-22 affirms that “the County Commission believes in the 9

human dignity of all Bernalillo County residents, regardless of immigration status,  
and 10

recognizes the importance of immigrants’ many contributions to the social,  
cultural, 11

intellectual, and economic fabric of the County; and”

12

**WHEREAS**, there are hundreds of jurisdictions across the nation that limit assistance 13

with federal immigration enforcement and since the beginning of 2017, there has  
been an 14

explosion of such policies enacted across the nation, recognizing the strong  
governmental 15

interest in building healthier relationships with the communities they are sworn to protect;  
and 16

**WHEREAS**, courts across the nation have consistently sided with communities that 17

refuse to detain immigrants, sending the clear message that policies limiting assistance  
with 18

federal immigration enforcement are legal; and

19

**WHEREAS**, according to the Immigrant Legal Resource Center (ILRC), as of January 20

21, 2019, twenty federal court decisions in the nine lawsuits over federal funding sided  
with 21

“sanctuary” cities and states against the Trump administration, ruling that adding

immigration 22

enforcement conditions to federal grants was illegal; and

23

**CONTINUATION PAGE 3, ADMINISTRATIVE RESOLUTION AR 2019- .**

**WHEREAS**, according to ILRC as of 2017 there were 169 counties that restrict 1

notification, to ICE about release dates or other information, 117 counties limit ICE  
access to 2

local jails and/or ICE interrogations of detainees, and 119 counties prohibit inquires  
into 3

immigration status and/or place of birth; and

4

**WHEREAS**, according to the same publication, at least 120 communities have  
enacted 5

policies which limit assistance with the enforcement of federal immigration law since  
Trump 6

took office and 28 states have at least one jurisdiction that enacted such policies in just  
the last 7

two years; and 8

**WHEREAS**, a poll released by Latino Decisions on February 13, 2019 revealed strong 9

and consistent support among a majority of registered voters of New Mexico for rational  
and 10

humane approaches to immigration policy, across many demographics, largely because  
many 11

New Mexicans have a personal connection to the undocumented community;

and 12

**WHEREAS**, the Latino Decisions poll indicates that a large majority of the New 13

Mexico electorate believes that New Mexico's leaders should do more to protect immigrant 14

residents from deportation and should not spend local resources aiding ICE in its deportation 15

efforts; and 16

**WHEREAS**, 70% registered voters in New Mexico believe in the passage of laws to 17

safeguard New Mexican's sensitive personal information, including information about a 18

person's country of origin, except as otherwise required by federal law or to comply with an 19

order of the court; and 20

**WHEREAS**, a majority of New Mexican registered voters support policies that ensure that 21

immigrant families in New Mexico have equal access to non-discriminatory treatment by the 22

state's criminal justice system, including not being turned over to ICE before a trial or Conviction. 23

**CONTINUATION PAGE 4, ADMINISTRATIVE RESOLUTION AR 2019- .**

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners, the governing 1

body of the County of Bernalillo, adopts the following policy:

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1. SENSITIVE INFORMATION POLICY 3 A. County agencies, departments, officers, employees, or agents shall not disclose 4 any sensitive information about any person which came into the employee's 5 possession during the course and scope of that employee's work for the County of 6 Bernalillo, except in order to provide a County service, carry out a function

of 7 County government, to assist the Judicial branch of our State, in response to a 8 written request for records under the New Mexico Inspection of Public Records 9 Act where such information is not otherwise exempted, (§§14-2-1 et seq. NMSA 10 1978), or as otherwise compelled by law. For purposes of this section, sensitive 11 personal information means: social security number or individual tax 12 identification number or lack of such numbers, an inmate's custody release date, a 13 person's place and date of birth, a person's status as a recipient of public 14 assistance or as a crime victim, a person's home or work address, a person's 15 employment information, a person's sexual orientation, gender identity, physical 16 or mental disability, religion, or national origin. 17 B. In addition to the exceptions listed above, the custody release date for an inmate 18 of the Metropolitan Detention Center may also be released in response to a 19 request from the inmate's attorney, bondsman, or family member. 20 21

2. RECORDS POLICY: 22 A. No Bernalillo County employee, or any third party on its behalf, shall make or 23 initiate any inquiry regarding the immigration status, citizenship, country of 24 origin/place of birth, or nationality of an individual, except as required by law, 25 including, without limitation, to determine eligibility for a federal benefit or 26 program administered by the County. 27 28

3. USE OF RESOURCES 29 A. Bernalillo County officers, employees, and agents shall not use County resources, 30 including but not limited to moneys, equipment, technology, personnel, or County 31 facilities, to assist in or otherwise facilitate the enforcement of federal 32 immigration law. The prohibition set forth in this Section shall include but is not 33 limited to: 34 a. Identifying, investigating, apprehension, arresting, detaining, or continuing to 35 detain a person solely on the individual's immigration status or the belief that the 36 person has committed a violation of immigration law. 37

**CONTINUATION PAGE 5, ADMINISTRATIVE RESOLUTION AR 2019- .**

b. Detaining or continuing to detain a person in response to, or acting upon or 1 responding to, an immigration detainer, or federal administrative warrant that is 2 based solely on a violation of federal immigration law. 3 c. Notifying any federal immigration enforcement agency about the release date 4 or pending release date, contact information, or other sensitive information of any 5 person in custody. 6 d. Enforcing any federal program requiring the registration of 7 individuals on the basis of religious affiliation or ethnic or national origin.

8 9 4. ACCESS TO COUNTY OWNED AND OPERATED NON-PUBLIC PROPERTY 10 A. Bernalillo County shall refuse access to all non-public areas of their property and 11 facilities by federal immigration agents, for the purpose of enforcing federal 12 immigration law, who do not present a judicial warrant (not an administrative 13 warrant) issued specifically requiring provision of such access. 14 15

**DONE**, this 26<sup>th</sup> day of February, 2019. 16 17 18

**BOARD OF COUNTY COMMISSIONERS** 19 20 \_\_\_\_\_

21 Maggie Hart Stebbins, Chair 22 23 \_\_\_\_\_ 24 Debbie  
O'Malley, Vice Chair 25 26 \_\_\_\_\_ 27 Steven Michael  
Quezada, Member 28 29 \_\_\_\_\_ 30 Lonnie C. Talbert,  
Member 31 32 \_\_\_\_\_ 33 Charlene E. Pyskoty, Member

34 APPROVED AS TO FORM: 35

\_\_\_\_\_  
36 W. Ken Martinez, County Attorney 37

ATTEST: 38

\_\_\_\_\_  
39 Linda Stover 40 County Clerk 41