

**CITY OF HAILEY
RESOLUTION NO. 2021-012**

**RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF HAILEY
ESTABLISHING STANDARDS FOR CITY PERSONNEL CONDUCT CONCERNING
ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, INQUIRY INTO
IMMIGRATION STATUS OR DOCUMENTATION, AND MAINTAINING
ADMINISTRATIVE POLICIES CONSISTENT HEREWITH.**

WHEREAS, the City of Hailey (the City) is home to people from all walks of life, including people of different race, ethnicity, religion, marital status, gender, sexual orientation, age, political affiliation, national origin and with people with disabilities; and

WHEREAS, a relationship of trust between the City's administration, including law enforcement, and the City's community members, regardless of race, ethnicity, religion, marital status, gender, sexual orientation, age, political affiliation, national origin or disability, is essential for protection of public safety and promotion of general welfare; and

WHEREAS, the City of Hailey, including the Hailey Police Department, are committed to bias-free policing and to equal enforcement of the law and equal service to the public regardless of race, ethnicity, religion, marital status, gender, sexual orientation, age, political affiliation, national origin or disability, and have adopted policies and practices intended to ensure equal enforcement of the law and equal service to the public to the entire community; to recognize the dignity of all persons; to instill confidence in law enforcement; to increase the effectiveness of law enforcement, and to avoid legal exposure associated with improper detentions or prosecutions; and

WHEREAS, the enforcement of federal immigration law falls exclusively within the authority of the federal government, and is outside the scope of the City's law enforcement agencies' public and community safety priorities, requiring local law enforcement agencies to assist in the enforcement of civil immigration laws unnecessarily results in local governments expending limited resources to perform federal functions and diminishes the effectiveness of local law enforcement whose mission is to ensure public safety for the City of Hailey.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF HAILEY, IDAHO, THAT THE CITY DOES HEREBY ESTABLISH THE
FOLLOWING STANDARDS FOR CITY PERSONNEL CONCERNING
ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, INQUIRY INTO
IMMIGRATION STATUS OR DOCUMENTATION, AND MAINTAINING
ADMINISTRATIVE POLICIES CONSISTENT HEREWITH.**

- 1. Inquiry into Immigration Status.** City personnel, including police officers, shall not request documents relating to a person's civil immigration status or inquire into the immigration status of an individual, including, but not limited to, a crime victim, a witness, or a person who calls or approaches the police seeking assistance, unless necessary to investigate criminal activity. The term "documents," as included in this section, includes, but is not limited to: passports; immigration registration cards; and work permits.

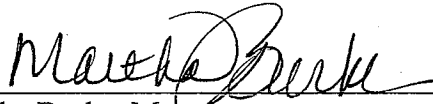
- 2. Identification Documentation.** Except when otherwise required by law, where the city accepts presentation of a state-issued driver's license or identification card as adequate evidence of identity, presentation of a photo identity document issued by the person's nation of origin, such as a driver's license, passport or matricula consular, which is a consulate-issued document, will be accepted and will not subject the person to a higher level of scrutiny or different treatment than if the person had provided an Idaho State driver's license or identification card. This provision shall not apply to the Hailey police department's enforcement of traffic laws, which require the driver of a vehicle to possess a valid driver's license.
- 3. Federal Immigration Civil Law Enforcement.** City police officers shall not use any city funds, resources, personnel, time, or labor to enforce civil or administrative federal immigration laws. "Enforce," as used in this section, includes stopping, questioning, interrogating, investigating, or arresting an individual. Absent a judicial warrant or judicial order, an officer shall not detain or hold any individual solely for the purpose of investigating or enforcing a violation of civil or administrative federal immigration laws or related civil immigration warrant or detainer request. City police officers shall not provide federal authorities with non-publicly available information about any individual for immigration purposes, including by providing access to Department databases, except where required by state or federal law. The Hailey Police Department shall not conduct sweeps or other enforcement efforts to detain individuals solely on the basis of a violation of federal civil or administrative immigration laws, except where required by state or federal law.
- 4. Administrative Policies.** The City of Hailey, including the police department, shall maintain policies consistent with the provisions of this Resolution, in its manuals and provide training to personnel regarding the policies herein contained. Each department of the city will be responsible for compliance with this Resolution within its area of duties and responsibilities and in accordance with departmental and city-wide administrative policies and procedures.
- 5. Review of Forms.** Unless permitted by this Resolution or otherwise required by state or federal law or international treaty, all applications, questionnaires and interview forms used in relation to the provision of city benefits, opportunities or services will be promptly reviewed by the responsible city department, and any question requiring disclosure of information related to citizenship or immigration status, or country of birth, shall be, in the city department's best judgment, either deleted in its entirety or revised such that the disclosure is no longer required.
- 6. Certain Activities Not Precluded.** Nothing in this Resolution shall be construed to preclude any city police officer or other employee from, (1) Performing duties in relation to the consolidated 911 operations center which includes the transfer of 911 calls to the Customs and Border Dispatch Center, (2) Confirming identity which lists valid forms of identification under state laws related to drivers' licenses and permit requirements, (3) Engaging in all steps necessary and appropriate to comply with the Public Records Act, (4)

Engaging in all steps necessary and appropriate to participate in the U-Visa process at the request of an individual seeking U-Visa status, (5) Sharing information regarding the civil immigration status of an individual with any person or agency, when the disclosure has been authorized in writing signed by such person; or (6) Performing any action that is required by federal or state statute, local law, or court decision or order, including administration in compliance with Federal and State Employment Policies and Practices.

7. **No Private Right of Action or Special Relationship Created.** This Resolution and policies hereby created are adopted in furtherance of the City's general powers related to public health, safety, and welfare and do not create a private right of action or form the basis for liability on the part of the city, its officers, employees or agents. This Resolution and policies hereby created, shall not be construed to create any special relationship or any expectation of specific treatment in specific circumstances.

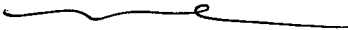
Passed this 8th day of February, 2021.

City of Hailey

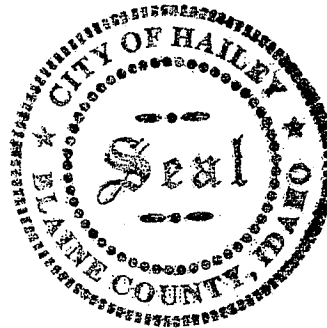


Martha Burke, Mayor

ATTEST:



Mary Cone, City Clerk



AGENDA ITEM SUMMARY

DATE: 02/08/2021 DEPARTMENT: Admin/Legislative DEPT. HEAD SIGNATURE: HD

SUBJECT: 12

Consideration of Resolution 2021-12 establishing standards for City personnel conduct concerning enforcement of Federal immigration law, inquiry into immigration status or documentation and maintaining administrative policies consistent therewith. **ACTION ITEM**

AUTHORITY: ID Code _____ IAR _____ City Ordinance/Code _____
(IF APPLICABLE)

BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:

The City of Hailey has been working with the Safe Communities Coalition on a policy resolution for the City of Hailey. The recommended policy is attached for city council consideration.

FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:

Budget Line Item # _____ YTD Line Item Balance \$ _____
Estimated Hours Spent to Date: _____ Estimated Completion Date: _____
Staff Contact: _____ Phone # _____
Comments: _____

ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS: (IF APPLICABLE)

___ City Attorney	___ Finance	___ Licensing	___ Administrator
___ Library	___ Community Development	___ P&Z Commission	___ Building
___ Police	___ Fire Department	___ Engineer	___ W/WW
___ Streets	___ Parks	___ Public Works	___ Mayor

RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:

Consideration of Resolution 2021-12 establishing standards for City personnel conduct concerning enforcement of Federal immigration law, inquiry into immigration status or documentation and maintaining administrative policies consistent therewith. **ACTION ITEM**

ACTION OF THE CITY COUNCIL:

Date 2/8/21 - council approved

City Clerk _____

FOLLOW-UP:

*Ord./Res./Agrmt./Order Originals: Record *Additional/Exceptional Originals to: _____
Copies (all info.): _____ Copies (AIS only) _____
Instrument # _____