

RESOLUTION NUMBER 22-010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KETCHUM, IDAHO,
ESTABLISHING STANDARDS CONCERNING USE OF CITY FUNDS FOR
ENFORCEMENT OF FEDERAL IMMIGRATION LAWS, INQUIRY INTO
IMMIGRATION STATUS OR DOCUMENTATION BY CITY PERSONNEL, AND
MAINTAINING ADMINISTRATIVE POLICIES CONSISTENT HEREWITH.

WHEREAS, the City of Ketchum (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 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 Ketchum, including the Ketchum 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 agency's 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 Ketchum.

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

This Resolution will be in full force and effect upon its adoption this 6th day of December 2021.

CITY OF KETCHUM, IDAHO



Mayor Neil Bradshaw

ATTEST:



Tara Fenwick, City Clerk



City of Ketchum
City Hall

December 6, 2021

Mayor Bradshaw and City Councilors
City of Ketchum
Ketchum, Idaho

Mayor Bradshaw and City Councilors:

Recommendation to Approve Ketchum Safe Communities Resolution 22-010

Recommendation and Summary

Staff is recommending City Council approve Ketchum Safe Communities Resolution 22-010 and adopt the following motion:

"I move to approve the Ketchum Safe Communities Resolution 22-010."

The reasons for the recommendation are as follows:

- Community members have made a request that the City of Ketchum join the City of Hailey in approving a Safe Communities Resolution.
- The Safe Communities Resolution calls for the protection of friends, coworkers and neighbors from unnecessary scrutiny of their immigration status when in contact with any employee of the Ketchum Police Department (Blaine County Sheriff's Department).

Current Report

The city was asked by several members of the Wood River Valley to pass a resolution recognizing the dignity of immigrant friends, coworkers and neighbors to live peacefully, raise families, worship, go to school and participate in our economy to the best of their abilities, without fear of retribution or deportation because they are presumed to be undocumented.

The Blaine County Sheriff's Department is aware of the resolution and has expressed no concerns.

Sustainability Impact

There is no sustainability impact resulting from this resolution.

Financial Requirement/Impact

There are no financial impacts.

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 Ketchum 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 Ketchum 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 Ketchum, including the Ketchum Police Department, shall maintain policies consistent with the provisions of this Resolution and 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, 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 and signed by such person, or (6) performing any action that is required by federal or state status, 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.