



Meeting Date December 17, 2025

To: Mayor and Commission

From: Rebecca J. Dockter, City Attorney

Subject: Review Resolution Draft regarding City of Helena Actions/Policy in the Event of Federal Enforcement of Federal Immigration Matters

Present Situation: Members of the public requested the City Commission to consider a resolution to memorialize the policies of the City of Helena in the event federal immigration enforcement is present within the city. The resolution attached is a draft intended to address the specific requests by the City Commission on the subjects raised by the public.

Background Information: The City of Helena currently addresses situations when federal immigration officers are present with the City of Helena through its existing policy on the subject, as well as laws that guide actions of the City. The City Commission was requested by the public to include in a resolution the policies as outlined in a previous administrative meeting and committed to in a proclamation passed by the City Commission on August 4, 2025. The draft provided at this meeting is intended to memorialize policies and refer to them in a resolution as directed by the Commission.

Proposal/Objective: The objective of this agenda item is to allow the City Commission to review the draft resolution to determine whether it comports with the intentions of the Commission in passing a resolution referring to current City of Helena policies.

Advantage: The action would be responsive to the public's requests to refer to the City of Helena policies in a resolution.

Disadvantage: The action may be duplicative of actions already taken and supported by law and policy currently existing.

Quasi-Judicial Item: N/A

Notice of Public Hearing: N/A

Staff Recommendation/Recommended Motion: Recommend the Commission provide consensus to move the resolution to be considered at a regular Commission meeting.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

RESOLUTION NO.

A RESOLUTION MEMORIALIZING CITY OF HELENA POLICY WHEN FEDERAL IMMIGRATION ENFORCEMENT ACTIONS ARE PRESENT WITHIN CITY LIMITS

WHEREAS, the city commission passed an August 4, 2025 proclamation acknowledging the contributions of people who are immigrants to our community and that denounced the political attacks that pose a serious threat to the civil rights and liberties of all people in this community;

WHEREAS, the commission acknowledged that the City of Helena continues to stand for the dignity of immigrant communities;

WHEREAS, the commission heard from the public that it desires a resolution to memorialize the actions currently taken by the Helena Police Department in furtherance of the goals for public safety and protection of its citizens;

WHEREAS, the federal government enforces immigration and naturalization laws and the authority for those activities does not extend to local authorities;

WHEREAS, the commission desires to adopt a resolution recognizing the policies of the City of Helena that further the August 4, 2025 proclamation and Helena Police Department's policy and mission to protect and serve the community of Helena.

RESOLUTIONS OF THE CITY OF HELENA, MONTANA

Resol.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The Commission supports the Helena Police Department's policy to enforce its own public safety and protection laws and ordinances, and the avoidance of committing its resources to federal actions for which it has no authority including avoiding any actions that would commit it to a 287(g) agreement pursuant to the Immigration and Nationality Act.

Section 2. The Commission supports that the City of Helena shall not disclose to any person or agency outside city government any sensitive information about any person that comes into the employee's possession during the course and scope of that employee's work for the City of Helena, except as required by law in order to provide a City service or carry out a function of City government or upon receipt of a valid court order. Sensitive information includes confidential identifying information such as social security numbers or individual tax identification numbers, a person's place and date of birth, a person's status as a recipient of public assistance or as a crime victim, and a person's

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Resol.

sexual orientation, physical or mental disability, immigration status or national origin.

Section 3. The Commission supports the Helena Police Department's policy that it will not, independently or assisting other law enforcement agencies, stop, pursue, interrogate, investigate, arrest, or otherwise detain a person based solely on their immigration status or suspected violations of immigration law.

Section 4. The Commission supports the policy that the City of Helena Police Department will attempt to request the identification and unmasking of each Department of Homeland Security officer, where appropriate, but will not otherwise interfere with actions of federal officers.

Section 5. The Commission supports the City of Helena policy that any prosecutions, in the interests of justice shall consider the avoidance of adverse immigration consequences in the plea negotiation process as one factor in an effort to reach a just resolution.

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Resol.

PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS ____ DAY OF ____, 20__.

MAYOR

ATTEST:

CLERK OF THE COMMISSION