



***Rio Arriba***  
***Board of County Commissioners***

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**COUNTY MANAGER**

**Tomas Campos, III**

**Resolution No. 2015-024**

**A RESOLUTION FOR RIO ARRIBA COUNTY ADULT DETENTION CENTER POLICIES AND PROCEDURES**

**WHEREAS**, on March 4, 2014, the Third Circuit Court of Appeals filed its opinion in *Galarza v. Szalczyk*, 2014 U.S.App. LEXIS 4000 in which the Court held that 8 C.F.R. § 287.7, the section of the United States Code of Federal Regulations providing for the issuance of immigration detainers, does not compel state or local law enforcement agencies to detain suspected aliens subject to removal pending release to immigration officials,

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to the Court's holding in *Galarza*, the following sections of the Rio Arriba County Adult Detention Center Policies and Procedures shall be updated to the following:

**Title: ADMISSIONS**

**Booking Officer**

**18. If it has been determined that the incoming inmate has a criminal warrant from another law enforcement agency, then a bright colored paper indicating the warrant shall be placed in the inmate's file.**

**An Immigration Detainer, DHS Form I-247, is not a criminal warrant and provides no constitutional basis for detaining any inmate, nor does it give Rio Arriba County Detention Facility the authority to detain an inmate beyond his/her authorized release date. Accordingly, all immigration detainers shall be disregarded.**

**22. There being no legal authority upon which the United States may compel an expenditure of County resources to enforce its immigration laws, there shall be no expenditure of any County resources or effort by on-duty staff for this purpose. Accordingly, jail personnel shall not expend time responding to ICE inquiries regarding inmate's incarceration status or release dates.**

**23. Rio Arriba County Detention Facility staff shall not allow ICE officials to have access to inmates via telephone or in person for the purpose of investigating immigration violations without a court order.**

**Releasing Procedures**

**7. Releases shall not be delayed as result of immigration detainer requests (ICE Holds) a "Warrant for Arrest of Alien," Form I-200.**

**Title: BAIL ARRANGEMENT**

**7. An ICE Detainer or a “Warrant for Arrest of Alien,” Form I-200 shall not preclude an inmate from posting bond.**

**Title: RELEASE OF RECORDS AND INFORMATION CONCERNING INMATES**

**All information and records concerning inmates obtained or generated by the facility shall not be communicated or released to any person outside the facility except:**

**In response to a written request in compliance with the Inspection of Public Records Act; or**

**To an inmate’s attorney or bondsman; or**

**To another law enforcement agency that has issued a written request or a criminal warrant for the inmate. An Immigration Detainer, DHS Form I-247, or an administrative warrant, Form I-200, shall not be considered written requests for the release of information.**

**SIGNED, ADOPTED AND APPROVED THIS 25<sup>TH</sup> DAY OF SEPTEMBER 2014.**

**BOARD OF COUNTY COMMISSIONERS  
RIO ARriba COUNTY, NEW MEXICO**

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**Danny J. Garcia, Chairman  
Commissioner, District III**

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**Barney Trujillo  
Commissioner, District I**

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**Alfredo L. Montoya  
Commissioner, District II**

**ATTEST: \_\_\_\_\_  
Moises A. Morales, Jr. Rio Arriba County Clerk**