AUSTIN KNUDSEN

STATE OF MONTANA

March 10, 2026

Mayor Emily Dean
Commissioner Julia Gustafson
Commissioner Sean Logan
Commissioner Linda Reed
Commissioner Ben Rigby
City County Building
316 N Park Ave,
Helena, MT 59623

Via email to rdockter@helenamt.gov

Re: Cease and Desist Illegal Sanctuary City Policy

Dear Mayor Dean and Helena City Commissioners:

As Montana's Attorney General, I have a duty to enforce Montana law and protect the rule of law in our state. Recently, the Helena City Commission adopted Resolution No. 21062 on January 26, 2026, which appears to be a blatant violation of M.C.A. § 2-1-601 et seq., titled "Sanctuary Jurisdictions – Prohibitions." Notably, this resolution establishes a broad sanctuary city policy that seeks to protect every illegal immigrant in the city's jurisdiction, regardless of whether that alien has committed a serious crime and is a recidivist. It also seeks to give illegal immigrants special privileges in plea deals by instructing city prosecutors to "consider the avoidance of adverse immigration consequences" for illegal alien criminals[1] and to establish a free-for-all policy where any police officer can "request the unmasking of" DHS officers, regardless of whether there is any legitimate governmental reason for doing so.[2]

Sanctuary city policies, such the one Helena just adopted, have been devastating to communities in Montana and across our nation. President Trump recently asked Members of Congress to stand if they believe "[t]he first duty of the American government is to protect American citizens, not illegal aliens."[3] And tragically our country has far too many "Angel Families," who have suffered the loss of their loved ones' lives because of criminal illegal aliens—illegal aliens that should

[1] See Resolution at Section 5.
[2] See Resolution at Section 4.
[3] https://www.youtube.com/watch?v=eWrZQBgpY7I.

DEPARTMENT OF JUSTICE

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never have been in this country in the first place, and should have been deported.[4] In 2024, my office secured a conviction of an illegal alien who stabbed another man to death.[5] And Mexican drug cartels "have flooded Montana with fentanyl and meth – and also set up operations in Indian reservations."[6] Montana law enforcement must act—including cooperating with lawful requests by the U.S. Department of Homeland Security (DHS)—to keep our communities safe.

The Montana Legislature recognized the grave harm to public safety that sanctuary cities pose when it enacted the prohibition on sanctuary jurisdictions in 2021. MCA § 2-1-602 provides, in relevant part, that (1) a local government (2) may not enact, adopt, implement, enforce, or refer to the electorate (3) a policy that restricts a government entity, official, or employee from performing certain actions to facilitate the lawful enforcement of our nation's immigration laws.[7] Those actions are: (a) sending to, receiving from, exchanging with, or maintaining for a federal, state or local government entity information regarding a person's citizenship or immigration status for a lawful purpose; (b) complying with a notification request concerning the release of an individual, if the request is lawfully made by DHS pursuant to certain federal statutes; or c) complying with an immigration detainer request.[8]

Helena's resolution appears to contain blatant violations of this law. First, there is no doubt that the City of Helena is a "local government," which is defined to include "a municipality."[9] Second, the Helena City Commission's passage of Resolution 21062 qualifies as the adoption of a policy. The prohibition on sanctuary jurisdictions broadly defines "policy" to mean "a formal or informal rule, order, ordinance, or policy, whether written or unwritten."[10] In fact Resolution 21062 is expressly titled, "a resolution *memorializing City of Helena policy* when federal immigration enforcement actions are present within city limits."[11]

Third, Resolution 21062 restricts a government employees—namely officers in the Helena Police Department ("HPD") and other city employees—from performing certain actions to facilitate the lawful enforcement of our nation's immigration laws. Section 2 of the Resolution "supports that the City of Helena shall not disclose to any

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[4] https://www.whitehouse.gov/presidential-actions/2026/02/national-angel-family-day-2026/
[5] https://dojmt.gov/illegal-immigrant-pleads-guilty-to-bozeman-homicide/
[6] https://www.nbcnews.com/news/mexican-drug-cartels-are-targeting-americas-last-great-place-rcna130822
[7] MCA § 2-1-602(1).
[8] MCA § 2-1-602(1).
[9] MCA § 2-1-601(1).
[10] MCA § 2-1-601(1).
[11] https://cityofhelena.cloudvault.m-files.com/vnext/#/vault/{63ABA158-FD06-4651-A489-6242A01B29DF}/objects/92316895-7E6F-47FB-B764-F2A569D84753/latest (emphasis added).

person or agency outside city government any sensitive information about any person …. except … upon receipt of a valid court order." And it defines "sensitive information" to include a person's immigration status, national origin, and place and date of birth, as well as the person's social security and tax identification numbers. In other words, if an immigration officer simply asked for information from any employee of the City of Helena government to assist with the immigration officer's investigative efforts, the Resolution prohibits the employee from sharing that information, even if the employee would otherwise voluntarily do so. And it prohibits the employee from even complying with an administrative subpoenas for information, without forcing federal officials to also obtain a court order.[12] This is a restriction that directly conflicts with Montana's prohibition on sanctuary jurisdictions, specifically "sending to, receiving from, exchanging with, or maintaining for a federal, state, or local government entity information regarding a person's citizenship or immigration status for a lawful purpose."[13]

Section 3 of the Resolution is another blatant violation of the law. It "supports the [HPD] 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." This directly conflicts with the prohibition on restricting governmental employees from complying with a notification request issued under 8 U.S.C. §§ 1226 and 1357.[14] In other words, if an immigration officer issued a detainer request so that the immigration officer could come and take custody of a criminal alien, this Resolution establishes a policy that prohibits an HPD officer from voluntarily complying with that lawfully issued detainer request.

It is also likely that the "policy" embodied in the resolution will have a chilling effect on HPD officers and city employees that is broader than just the Resolution's four-corners. Indeed, the Resolution appears designed to send a strong signal to HPD officers that *any* cooperation with federal immigration enforcement agencies is contrary to the policy of the City Commission, and that HPD officers should instead adopt an adversarial posture such as trying to "unmask" them and refuse to voluntarily comply with their administrative subpoenas. This adversarial relationship by local law enforcement toward federal officers itself undermines public safety and forces immigration officers to fear for their safety when they are simply carrying out their lawful duties.

I am empowered by law to file suit and seek statutory penalties under MCA § 2-1-604 and 605. Therefore, I am demanding that you provide answers to the following questions within fifteen (15) calendar days of receipt of this letter. If you do not change your policy by rescinding the offending portions of the Resolution or

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[12] 8 C.F.R. § 287.4.
[13] MCA § 2-1-602(1)(a).
[14] MCA § 2-1-602(1)(c).

otherwise demonstrate that you are in compliance with the prohibition on sanctuary jurisdictions, I will carry out my duty to obtain a judicial resolution of this matter.

Requests for Information and Production of Documents

1. For each section of the Resolution, describe in detail how it complies with MCA § 2-1-602.
2. Provide copies of all emails and other correspondence between any member of the Helena City Commission, including the Mayor, and any other person related to the Resolution.
3. Provide copies of all emails and other correspondence between the City Manager's office and city employees related to the Resolution.
4. Provide copies of all emails and other correspondence between the Helena Chief of Police and any other city employee or officer related to the Resolution.

Please provide your responses to Montana Solicitor General Christian Corrigan via email at Christian.Corrigan@mt.gov within fifteen (15) calendar days of receipt of this letter. Thank you for your attention to this matter.

Sincerely,

AUSTIN KNUDSEN
Montana Attorney General