

New Denver Public Safety Enforcement Priorities Proposal

Ordinance 17-0940

August 16, 2017

Statement of Purpose

- When immigrants fear city involvement in immigration enforcement they are less likely to trust police or fire officials, to report emergencies, or to testify or appear at court. Our entire community is safest when everyone trusts the city and utilizes law enforcement agencies.
- While many of Denver's practices appropriately limit the city's role in immigration enforcement, which is a federal responsibility, some of our practices are not in writing, others are in internal policies that could be changed without public notice, and there are a few notable gaps.
- An Ordinance will ensure city employees and the community understand that Denver's priority is local trust in our city's safety agencies, the rules that we will follow, and to clarify that while we comply with federal law, we do not assist with civil federal immigration enforcement beyond what the law requires.

Summary of Ordinance Provisions

1. Memorialize *existing* City policy by prohibiting the detention of individuals beyond their sentence.

The City ceased honoring civil detainees, not accompanied by a judicial warrant, pursuant to court decisions in 2013, but that change has not yet been incorporated into city code.

- a. Already prohibited by 4th Amendment of Constitution.
- b. Unless there is a judicial warrant.

2. Memorialize *predominant* City practices by prohibiting City employees from collecting information on immigration or citizenship status.

This information is rarely required by law and most departments report that they do not ask for or collect it. Formalizing the policy of not collecting immigration or citizenship information clarifies the policy for all city employees, minimizes the risk of inadvertent collection, as well as the risk of having to provide information beyond the scope of our City duties once it is collected.

- a. Except where already required by state or federal law.
- b. This includes Denver County Court who perform a range of services including pre-trial services, county court probation and community corrections.

3. Prohibit the sharing of any other information about individuals for purposes of immigration enforcement.

Most departments report that they do not share information, except where already required by state or federal law, but the ordinance will also close any gaps in current practices.

- a. The Sheriff's Department will continue to provide notifications of release to the extent they are able.
- b. Individuals involved must be notified and advised of their legal rights.
- c. City will begin collecting better data and reporting on it quarterly to allow for analysis.

Summary of Ordinance Provisions (continued)

4. **Memorialize *predominant* practices by prohibiting use of city resources or city cooperation with civil immigration enforcement, including prohibiting providing access to secure areas or facilities.**

While most departments report that they do not cooperate or assist with civil immigration enforcement, in the past the jail has provided immigration agents access to secure jail areas and inmates for interviews absent a judicial warrant. This ordinance would prohibit law enforcement from engaging in immigration enforcement, on their own or with federal officials, and would restrict access to private areas or inmates absent a warrant.

- a. Unless there is a judicial warrant.
- b. Except where already required by federal law.
- c. Allows police to coordinate on criminal enforcement actions, including criminal joint task forces, (i.e. gang suppression) or to respond to a scene where doing so is necessary to protect public safety or to enforce state or city criminal laws.

On-Going Commitments

There is a strong commitment from all parties to continue conversations on a range of important topics beyond this legislation:

- Establishment of a legal defense fund
- Criminal Justice reform that touches our entire community
- Preventing discrimination against individuals on the basis of immigration status
- Monitoring data and practices in the city to ensure effective education and training to address new and changing conditions as they emerge

Changes From Previous Ordinance

1) **Clarification of Which City Employees are Subject to the Ordinance** (Section 28-250)

Employees of the Denver County Court branch of government perform a range of services including pre-trial services, probation, community corrections. The new ordinance clarifies that these departments are covered by the ordinance, such as limitations on sharing information that isn't required by law, to ensure that individuals continue attending important appointments, supervisions, and court appearances.

2) **Changes to the Process for Jail Notifications of Release** (Section 28-253)

The new ordinance will permit the Denver Sheriff's Department to continue providing notifications of release to the extent they are able. The Denver Sheriff's Department will be required to notify and advise the person involved of their legal rights. The City will also begin collecting better data and reporting it out quarterly to allow for analysis.