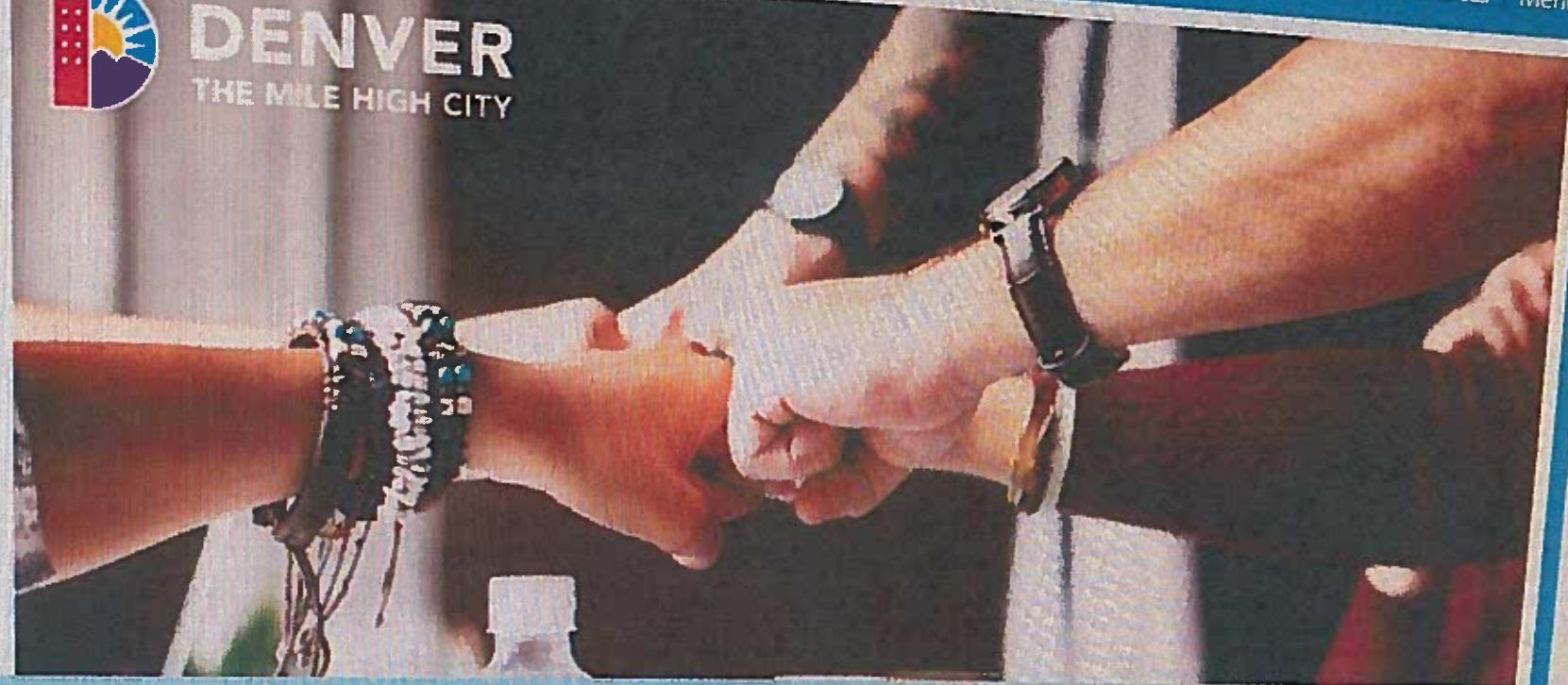


Resources Menu



DENVER
THE MILE HIGH CITY



The impact of the new immigration ordinance and executive order on public safety agencies



When in doubt, give CAO



NEXT >

- Any employee who violates this ordinance is subject to discipline up to and including termination; and
- Any employee who knowingly or intentionally violates this ordinance is subject to criminal prosecution and may be fined up to \$999.00 and a term of incarceration not to exceed 300 days in jail.

When in doubt, give CAO a shout-out.

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inance prohibits city
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exceptions.

Impact on the Denver Police Department

The Ordinance prohibits city law enforcement agencies from directly or indirectly enforcing federal immigration law, with limited exceptions.

When in doubt, give CAO a shout!



◀ PREV

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stigation or
forcement of federal
immigration law beyond
what law or regulation
requires

NO arresting or
detaining someone on
the basis of their
national origin,
citizenship, or
immigration status

NO granting access to
federal immigration
authorities to any secure
areas of city-owned law
enforcement facilities to
conduct interviews

NO communicating with
ICE, except as required
by law or regulation

No direct or Indirect investigation or enforcement of federal immigration law beyond what law or regulation requires

- **NO arresting or detaining someone on the basis of their national origin, citizenship, or immigration status**
- **NO granting access to federal immigration authorities to any secure areas of city-owned law enforcement facilities to conduct interviews**
- **NO communicating with ICE, except as required by law or regulation**

When in doubt, give CAO a shout!



When can I communicate with ICE? Only when...

- *The enforcement activity or assistance is pursuant to a federal warrant issued by a judge or magistrate*

The warrant must be issued by a federal Judge or magistrate. It cannot be signed by an "immigration officer" or "immigration authority" or any other purported authorizing agent.

Over the last 8 months, we have seen documents titled "warrant" with warrant-type language that is not signed by a federal judge or magistrate, meaning it is not a

When in doubt, give CAD a shout!



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When in doubt, give CAO a shout!



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Over the last 8 months, we have seen documents titled "warrant" with warrant-type language that is not signed by a federal judge or magistrate. *Assume it is not a*

When in doubt, give CAO a shout!

When can I communicate with ICE? Only when...

- It is your responsibility to validate all warrants. If you have questions please contact the City Attorney's Office at

ImmigrationSupport@denvergov.org

When in doubt, give CAO a shout!

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When in doubt, give CAO a shout!



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When can I assist in the enforcement of immigration law? **Only when...**

- *The enforcement activity or assistance is pursuant to a court order regarding the transfer of prisoners*
 - We still cooperate with ICE on prisoner transport pursuant to a writ / order of a federal or state judge.

When in doubt, give CAO a shout!

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When in doubt, give CAO a shout!

201-23205

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

WARRANT OF REMOVAL/DEPORTATION

To any Immigration officer of the United States Department of Homeland Security:

Who entered the United States on _____, or about _____ (Date of entry) _____ (Place of entry)

In subject is removable/deportable from the United States based upon a final order by:

an immigration judge in exclusion, deportation, or removal proceedings
 a consular officer
 the Board of Immigration Appeals
 a United States Circuit or Magistrate Court Judge

and pursuant to the following provisions of the Immigration and Nationality Act:
Art. 1(a), 203

I, DPO, an immigration officer of the United States, by virtue of the power and authority vested in the Secretary of Homeland Security under the laws of the United States and by his or her direction, command you to take into custody and/or deport from the United States the above-named alien, pursuant to the aforesaid provisions of the Immigration and Nationality Act.

P. 2010, Annex
(Signature of immigration officer)

Arrived P.D.C.
(Signature of immigration officer)

April 12, 2018, at approximately 10:00 AM
(Time and date issued)

Form I-232 (Rev. 10-2017)

Page 1 of 2

When in doubt, give GAO a shout!

When can I assist in the enforcement of immigration law? **Only when...**

- *The enforcement activity or assistance is pursuant to a court order regarding the transfer of prisoners*
 - We still cooperate with ICE on prisoner transport pursuant to a writ / order of a federal or state judge.
- *Limited detention by the Denver Police Department (DPD) to determine if a warrant is civil or criminal*
 - We may only detain an individual for the period of time it takes DPD to determine if an immigration "hit" is civil or criminal. **No exceptions.**
 - If the immigration "hit" is criminal, then the inmate is processed as any other individual subject to a criminal warrant.

When in doubt, give CAO a shout!

When can I assist in the enforcement of immigration law? **Only when...**

- ***Responding to a call for service to keep the peace***
 - If you receive a distress call from an ICE agent, you can respond like you would to any other distress call received from a law enforcement agency.
 - If ICE is apprehending someone in a city-owned facility, you can act to keep the public safe.

When in doubt, give ICE a shout!

When can I assist in the enforcement of immigration law? **Only when...**

- ***Coordinated law enforcement efforts with federal agencies if the primary purpose is the enforcement of criminal laws***
 - You can continue participating in and cooperating with federal task forces and interdiction efforts as long as the stated purpose is the enforcement of criminal laws

This sounds similar to what we have always done?

- Much of the ordinance takes policies and procedures already in place and codifies them in the ordinance

When in doubt, give CAO a shout!



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the ordinance

• major changes are:
communication with
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- Federal immigration laws are principally enforced through civil proceedings administered by the Department of Homeland Security

- “Criminal Alien” is not a legal term and undocumented immigrants are

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- The major changes are: **NO** communication with ICE to assist in immigration enforcement unless the primary purpose is the enforcement of criminal laws

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NO communication with ICE to assist in immigration enforcement unless the primary purpose is the enforcement of criminal laws

- Federal immigration laws are principally enforced through civil proceedings administered by the Department of Homeland Security

- “Criminal Alien” is not a legal term and undocumented

This sounds similar to what we have always done?

- The act of being present in the United States in violation of federal immigration laws is not, standing alone, a crime

When in doubt, give CAO a shout!



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procedures already in place and codifies them in the ordinance

The major changes are:
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- Federal immigration laws are principally enforced through civil proceedings administered by the Department of Homeland Security
- “Criminal Alien” is not a legal term and undocumented immigrants are

This sounds similar to what we have always done?

- “Criminal Alien” is not a legal term and undocumented immigrants are not “criminal aliens” under federal law

When in doubt, give OAG a shout!

- **NO telephone interviews and in-person interviews in secure areas**
- **NO verbal, written or electronic communication with ICE outside of a written request for release notification on an official 247 form or pursuant to a judicial warrant**
- **NO access for ICE to city-owned law enforcement facilities beyond access granted to the general public**

When in doubt, give CAO a shout!

aware of the changes impacting DPD also apply to DPD

telephone interviews
in-person interviews
secure areas

verbal, written or electronic communication with ICE outside of a written request for release notification on an official 247 form or pursuant to a judicial warrant

access to ICE for City-owned law enforcement facilities beyond access granted to the general public

detention based solely on a civil detainer

providing visitation times or

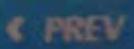
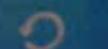
- **NO detention based solely on a civil detainer**
- **NO providing appointment times or personal information to ICE**
- **NO collection of citizenship, immigration and national origin (place of birth) information unless required by law or regulation**

When in doubt, give CAO a shout!

Statement of Purpose

- Our entire community is safest when everyone, including immigrants, trusts the city and utilizes law enforcement agencies and city services.
- This Ordinance limits the city's role in federal immigration enforcement, outlines the rules the city will follow, and clarifies that the city will not assist with federal immigration enforcement beyond what federal law requires.

When in doubt, give CAO a shout!



- Any employee who violates this ordinance is subject to discipline up to and including termination; and

When in doubt, give CAO a shout!

Slide 3:

EMPLOYEE ADVISEMENT

When in doubt, give CAO a shout! CAO is the City Attorney's Office

This training will help you comply with the ordinance and executive order 142. Please pay close attention and direct any questions to the City Attorney's Office at ImmigrationSupport@denvergov.org

[<mailto:ImmigrationSupport@denvergov.org>](mailto:ImmigrationSupport@denvergov.org)

Please be aware that:

- Any employee who violates this ordinance is subject to discipline up to and including termination, and
- Any employee who knowingly or intentionally violates this ordinance is subject to criminal prosecution and may be fined up to \$999.00 and a term of incarceration not to exceed 300 days in jail.

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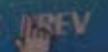
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Statement of Purpose

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When in doubt, give CAO a shout!



Statement of Purpose

- The Ordinance and Executive Order are designed to promote public safety through trust between the community and City officials, including law enforcement, and to offer all Denver residents the ability to succeed and thrive without fear.

When in doubt, give CAO a shout!

We CAO a
city

Help you
coordinate
your 142.
Attention
questions to
the Office at
rt@denver

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EMPLOYEE ADVISEMENT

When in doubt,
give CAO a shout!

Public Safety Enforcement Priorities Act

- Prohibits City employees from assisting in the enforcement of civil immigration law.

This means that as part of your job duties as a City employee you cannot assist or cooperate with any investigation, detention, or arrest procedures related to civil immigration enforcement by the federal government.

Public Safety Enforcement Priorities Act

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When in doubt, give CAO a shout!



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The Ordinance prohibits any of the following beyond what is required by law or regulation:

- **Collecting** information about a person's national origin, citizenship, or immigration status.
- **Sharing** information with immigration enforcement authorities about a person's:
 - national origin, citizenship, or immigration status; or
 - personal information such as legal name, address, appointment time or whereabouts.
- Making it difficult for someone to **access** services because of their national origin, citizenship, or immigration status.
- **Directly enforcing federal immigration law** (by City law enforcement agencies).

When in doubt, give CAO a shout!

How is this different from what we do now?



Responses to formal Colorado Open Records Act (CORA) requests have not changed. Continue responding to requestors per your department's CORA protocol.

But, absent a formal CORA request, you may no longer share someone's personal information, such as address, appointment time or whereabouts information, with immigration enforcement authorities, unless required by law or regulation.

Remember, unless required by law or regulation:

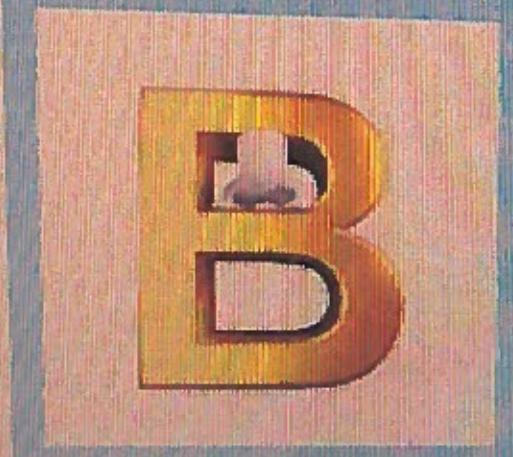
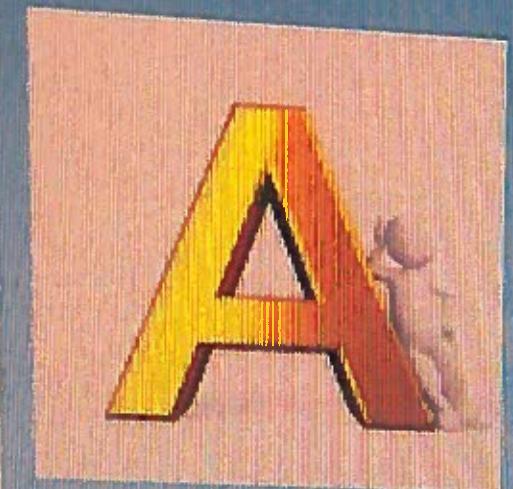
- **DO NOT** ask or inquire directly or indirectly about someone's legal status.
- **DO NOT** write down or otherwise record information about someone's legal status.
- **DO NOT** share information with immigration enforcement authorities about someone's legal status.
- **DO NOT** make it difficult for someone to access City services because of their legal status.



**What should I do if someone asks
me for information that I suspect
is for immigration purposes?**

Remember your ABC's

When in doubt, give CAD a shout!



ASK the individual if they work for ICE or the Department of Homeland Security

Request to see their BUSINESS CARD or BADGE and confirm their employer using one or more of the methods below:

- Compare the name on their business card with a photo ID;
- Have them send you an email from a work email;
- Ask for their supervisor's name and number and call the supervisor to confirm; or
- If they claim to be a City employee, look up their name in Outlook.

Refer them to the CITY ATTORNEY'S OFFICE at 720-913-8050.

When in doubt, give CAO a shout!