
Charter Change Proposal: Expanding Employment Opportunities in Police & Fire

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Proposal to Amend Charter Section § 9.4.1

Objective:

Remove US citizenship requirement for Classified Service applicants.

- Enhance diversity, inclusivity, and community-oriented policing
- Provide a path for employment for all who desire it
- Reduce employment discrimination
- Assist with recruitment and retention issues

The Problem

The current language in Charter Section requires applicants to the Classified Service (Police & Fire) to be citizens of the United States. This criterion unnecessarily restricts the candidate pool and excludes qualified non-citizen residents.

2022 national survey by the Police Executive Research Forum (PERF) reported:

- New officer hiring in 2021 decreased by 3.9% compared to 2019.
- Officer retirements increased by 23.6%.
- Officer resignations surged by 42.7% in 2021 compared to 2019.
- These shortages have led to officer burnout, longer response times, and, in some cases, the suspension of daytime patrols by police departments.

Local Context

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (the "Agreement") is made and entered into by and between Denver Sheriff Department ("Respondent") and the United States Department of Justice, Civil Rights Division, Office of Special Counsel for Immigration-Related Unfair Employment Practices ("Office of Special Counsel" or "OSC").

WHEREAS, on March 17, 2016, the Office of Special Counsel notified Respondent that it had initiated an investigation, DJ No. 197-13-189 ("OSC Investigation"), to determine whether Respondent had engaged in unfair immigration-related employment practices prohibited under 8 U.S.C. § 1324b (the "Act").

WHEREAS, the Office of Special Counsel concluded based upon its investigation that there is reasonable cause to believe that Respondent committed citizenship status discrimination in violation of the Act during the period from approximately January 1, 2015, to March 23, 2016. Specifically, the Office of Special Counsel found that Respondent limited applicants for deputy sheriff positions to U.S. citizens only, even though Respondent was not authorized by law to have such a citizenship requirement. The Office of Special Counsel also found that several non-U.S. citizens with work authorization were unlawfully excluded, in part or in whole, from consideration for the positions because of their citizenship status.

<https://www.reuters.com/article/colorado-sheriff/u-s-denver-sheriff-settle-immigration-related-claim-idUSL1N1DM1N1>

- Denver Sheriff's Department – which falls under the Office of Human Resources (not Civil Service – Charter language) has already changed this language.
- Department of Justice investigated a claim that DSD was discriminating against immigrant applicants from approximately January 1, 2015 to March 23, 2016.
- 2016 – DOJ found DSD committed citizenship status discrimination

National Context

Law enforcement agencies across the nation are facing recruitment challenges due to evolving social attitudes, demographic changes, and increasing retirements. Several jurisdictions are contemplating hiring non-citizen recruits to address these challenges, as diverse police forces can improve community relationships, enhance cultural understanding, and respond more effectively to various populations.

- Maryland, North Dakota, Tennessee, and Washington permit some or all lawful permanent residents to serve as police officers
- California, Hawaii, Utah permits other legal residents in addition to lawful permanent residents to serve as police officers
- Illinois, California, and Colorado have begun to pass laws that would permit noncitizens who are authorized to work in the U.S. to become police officers.

“We've heard time and time again that police departments and local law enforcement agencies are hurting for staffing. And so, this to me seems like an opportunity for immigrants, DACA recipients, who want to step up and serve in order to be able to do so.”

–Senator Julie Gonzales

What's Happening in Colorado

Colorado does not mandate citizenship for law enforcement roles.

- HB 23-1143, approved on April 27, 2023 and effective as of August 7, 2023, allows DACA recipients in Colorado to possess firearms and serve as police officers, signifying a shift towards greater inclusivity.
- Aurora and Boulder require Lawful Permanent Residency
- Denver's citizenship requirement no longer applies to the Denver Sheriff's Department, following legal action by the U.S. Department of Justice in 2016.

Who does this include? Who is not eligible?

The proposed charter change aims to remove the citizenship requirement for the Classified Service.

- Applicants must still meet all criteria for service in the Police and Fire Departments. Including a valid work authorization/permit, legal permanent residency, or Deferred Action for Childhood Arrivals (DACA) status.
- This policy does not allow new immigrants without documentation or work authorization to be hired.
- Candidates must meet all minimum qualifications to be eligible for Colorado Peace Officer Standards and Training (POST) Certification.
- Applicants must meet age and education requirements, as well as fulfill physical, mental, and psychological qualifications.
- Complete a comprehensive background history questionnaire.
- Automatic disqualification may occur if applicants fail to meet minimum qualifications related to character and background.

The alteration introduced by the charter change proposal pertains solely to the removal of the citizenship requirement.

All other prerequisites remain unchanged.

Full list of requirements:

- [Entry-Level & Lateral Police Officer Examination Informational Booklet](#)
- [Firefighter Informational Booklet](#).

Proposed Solution

Amend Charter Section § 9.4.1 to remove the citizenship requirement for applicants to the Classified Service.

PART 4. - CLASSIFIED SERVICE; GENERAL PROVISIONS

§ 9.4.1 - Qualifications of applicants.

Applicants, at time of application to the Classified Service, shall be citizens of the United States, shall be of good moral character, shall be capable of performing the essential functions of the position to which they are seeking appointment, and shall meet all other qualifications and requirements as may be set forth by Commission rule.

Community Outreach

2023-2024 Co-Sponsors Presented to

- Colorado Immigrant Rights Coalition (CIRC)
- Denver Immigrant & Refugee Commission (DIRC)
- Denver Latino Commission (DLC)
- Denver Asian American Pacific Islander Commission (DAAPIC)
- Denver Fire Department (DFD)
- Denver Police Department (DPD)
- Department of Safety
- Denver Police Protective Association
- Denver Firefighters Local 858
- Honorable Aurora Councilwoman Alison Hiltz
- Denver Civil Service Commission

Support

- Colorado Immigrant Rights Coalition (CIRC)
- Denver Immigrant & Refugee Commission (DIRC)
- Denver Latino Commission (DLC)
- Denver Asian American Pacific Islander Commission (DAAPIC)
- Fire Chief Desmond Fulton, Denver Fire Department (DFD)
- Chief Ron Thomas, Denver Police Department (DPD)
- Recruiting Technician Jeannette Dominguez, Denver Police Department (DPD)
- Chris Ferguson, President of Denver Firefighters Local 858
- Jerry Glick, Columbia Group LLLP
- Matt Schock, Baker & Hostetler LLP
- Denver Civil Service Commission

Proposed Ballot Question

Shall the Charter of the City and County of Denver be amended to remove the requirement that police officers and fire fighters be United States Citizens?

Timeline

Co-Sponsors are requesting the support of the Finance & Governance Committee to move this proposal to the full Council for consideration.

Outreach

- 2023/2024 – Presented to Denver Civil Service Commission, DIRC, DLC, DAAPIC, DPD, Department of Safety, and Denver Firefighters Local 858
- February 12, 2024 – Charter Review Committee Presentation
- June 25, 2024 – Finance & Governance Committee Presentation

Council process to get on the November 2024 ballot

- July 2, 2024 – Mayor/Council (consent)
- July 3, 2024 – File
- July 8, 2024 – City Council: 1st Reading
- July 15, 2024 – City Council: Final Reading & Public Hearing

Questions?



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Appendix

- <https://leitf.org/2021/08/lprhiring/>
- <https://www.themarshallproject.org/2019/02/14/desperate-for-recruits-police-consider-non-citizens>
- <https://www.cpr.org/2023/02/16/colorado-daca-recipients-firearm-possession-police-officers/>
- <https://www.washingtonpost.com/made-by-history/2023/06/21/immigration-citizenship-police-officers/>
- <https://www.denverpost.com/2023/04/27/colorado-legislature-law-daca-police/>
- <https://www.nbcnews.com/news/new-laws-remove-obstacles-daca-recipients-want-become-police-officers-rcna93493>
- <https://post.colorado.gov/non-united-states-citizens>
- <https://www.reuters.com/article/colorado-sheriff/u-s-denver-sheriff-settle-immigration-related-claim-idUSL1N1DM1N1>
- <https://www.justice.gov/opa/press-release/file/912421/download>