

Denver Practices Matrix

Department	Policy or Practice	Current Practice	Proposed Ordinance	Effect
All city departments and agencies	Communication or cooperation to help enforce federal immigration laws	While there are a variety of policies and practices limiting the city’s role in enforcement (see below), the municipal code is silent on communication or cooperation with federal immigration law enforcement efforts	Prohibits the use of any city funds or resources to assist in the enforcement of federal immigration law, with certain narrow exceptions	Ordinance sets up formal complaint procedure; city officers and employees could be subject to disciplinary action for violations (under existing CSA/Civil Service rules about violating city ordinances)
Sheriff	Holding jail inmates an additional 48-hours beyond their normal release date on the basis of an ICE Detainer request	Based upon a formal policy adopted in 2014, DSD does not hold inmates beyond the time they would normally be released under state and city laws without a warrant, because to do so would violated the inmate’s Fourth Amendment right. If presented with judicial orders of deportation or other judicial documents other than a warrant they would consult with legal counsel prior to acting (no such attachments are being received to-date).	Expressly prohibits holding inmates based solely on an ICE detainer request.	Memorialization of existing policy; no change in practice

Sheriff	Holding jail inmates when ICE presents a judicial warrant	DSD policy permits deputies to hold inmates for delivery to federal immigration enforcement officers when presented with a judicially issued arrest warrant for the inmate	Would continue to allow DSD to honor judicially issued arrest warrants	No change to current policy or practice
Sheriff	Responding to formal ICE requests for notification of the date and time a particular inmate will be released from custody	When release notification is requested by ICE via the delivery of a form I-247A to DSD, the practice of DSD is to honor the request and provide written notification to ICE of the date and time the inmate will be released, to the extent DSD is reasonably able to do so. This practice applies regardless of the reason for which ICE is seeking the person, the person's prior criminal history, or the current crime for which the person has been arrested and incarcerated in the Denver jail.	The ordinance would prohibit DSD from responding to formal ICE release notification requests unless the ICE attests that the inmate is: 1) a convicted gang member; 2) convicted violent felon; or 3) certified terrorism risk; or 4) The notification request is accompanied by a judicially issued arrest warrant	New policy; Limits release notifications only to those jail inmates who pose the greatest public safety risk as demonstrated by their history of violence or their threat to national security.
Sheriff	Providing assistance or access to secure areas of jail for transferring custody to ICE without a warrant	While practices have evolved over time, Denver currently does not provide assistance or access to the jail for placing individuals into custody when ICE does not have a warrant	Would expressly prohibit DSD from allowing ICE to enter the secure areas of the jail for purposes of arresting inmates released from CCD custody.	Memorialization of current practice

Sheriff	ICE requests for special access to interview inmates held in CCD custody	DSD allows ICE to interview inmates via telephone to the same extent as any member of the general public, but requires a special advisement of rights to persons being interviewed by ICE, including an advisement that the inmate can refuse the interview altogether. While ICE has not requested special access to conduct in-person interviews in over one year, no policy prohibits special access.	Would expressly prohibit access to secure areas of the jail for purpose of conducting investigatory immigration interviews in person without a warrant.	New policy; but no change in actual practices over the prior year.
Sheriff	Inquiring about national origin or citizenship status for purposes of consulate notifications related to foreign nationals incarcerated by the CCD	In accordance with federal laws and treaties, DSD has adopted policies and procedures for consulate notification on behalf of inmates who happen to be foreign nationals. However, such notification are done verbally and DSD does not main written records of such notifications.	Allows DSD to continue to inquire about and share citizenship info with consulates to the extent required by federal laws and treaties.	No change to current practice.

Sheriff	Collecting or recording data on national origin or immigration status as part of the booking process	Since 1994 the CCD has participated in the SCAPP program and received partial reimbursement for the costs associated with incarcerating foreign nationals on state and local charges. Reimbursements currently average \$450,000/annum. The program requires gathering and sharing info on the national origin of inmates in an annual application. The CCD recently renewed a 5-year contract with Justice Benefits, Inc. (JBI) to assist with the city's claims for reimbursement under the SCAPP program. Other than the SCAPP program, the jail has no current requirement or practice of collecting data on national origin or immigration status for any other purpose.	Expressly prohibits the collection or recording of information about citizenship or national origin absent a state, federal or contractual obligation to ask/record the data.	New policy and practice upon expiration of existing agreement in 2021. The bill would allow the continued collection of information to seek SCAPP reimbursement until the JBI contract expires at the end of 2021, at which point the city would cease to seek SCAPP reimbursements and would cease requesting or recording immigration and national origin data that the city is not otherwise required to do under any federal or state law.
Human Services	Inquiring about or recording info on national origin or immigration status for purposes of qualifying for human services benefits	DDHS does screen some individuals for benefit eligibility based on immigration status to the extent required by federal and state laws or regulations, and likewise protects the privacy of such information to the extent required by federal and state laws.	Would prohibit the collection or sharing of information beyond the extent required by state or federal law or regulation.	Memorialization of current practice

Police Department	Initiating law enforcement contact to determine immigration status, or directly attempting to enforce immigration laws	<p>The DPD Operations Manual provides at Sec. 104.52:</p> <p>“(3)a.....officers shall not initiate police actions with the primary objective of discovering the immigration status of a person. If enforcement action is deemed necessary under these circumstances, the approval of an on duty supervisor or commander is required”</p> <p>“b. Generally, officers will not detain, arrest or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant....”</p>	The ordinance would more clearly and definitively prohibit DPD officers from: “Initiating any law enforcement contact solely for the purposes of determining the person’s national origin, immigration status, or arresting or detaining any individual solely on the basis of the individual’s immigration or citizenship status.”	No change in practice. Although the ordinance is worded differently from the DPD Operations Manual, it is intended to memorialize longstanding DPD policies and practices and elevate these important policies to the status of a city law.
Police	Adding “hold for immigration” charges to state and local charging documents	<p>DPD Operations Manual Sec 104.52 makes no distinctions for administrative and judicial warrants:</p> <p>“d. The charge “Hold for Immigration: will be lodged against a prisoner only when a warrant has been issued by the US Department of Justice, or an agency thereof, and then only when the warrant is on an immigration matter.”</p>	The ordinance would allow DPD officers to detain an individual on an immigration matter beyond the time the individual would otherwise be released ONLY on the basis of an arrest warrant for the individual issued by a judge.	Change in policy to limit charges only to situations involving judicial warrants

Police	Receiving information from ICE when ICE is conducting an immigration enforcement action in Denver.	As a matter of custom and practice and in the interest of the safety of their operations, ICE has traditionally notified DPD when ICE intends to conduct an immigration enforcement action in the CCD.	Nothing in the ordinance prohibits DPD from receiving information of this sort from ICE. The ordinance would expressly allow DPD to respond to requests for assistance associated with an ICE enforcement action, but only to the extent necessary to keep the peace. Other coordination with federal law enforcement must be limited to criminal actions, not civil immigration enforcement.	No change in policy or practice
Police and Sheriff	Voluntary agreements to actively assist with the enforcement of immigration law (“287(g) Agreements”)	Denver has never entered into such an agreement.	The ordinance would expressly prohibit the city from ever entering into a 287(g) Agreement or any similar agreement.	New policy, no change to practice