

Bartleson, Debra K. - CC City Council Central Office

Subject: FW: Colorado Immigrant Rights Coalition Comments on Sentencing Reform proposal

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From: Brendan Greene [<mailto:brendan@coloradoimmigrant.org>]

Sent: Thursday, May 11, 2017 12:06 PM

Subject: Colorado Immigrant Rights Coalition Comments on Sentencing Reform proposal

Members of the Safety, Housing, Education, and Homelessness Committee of the Denver City Council:

I am writing on behalf of the Colorado Immigrants Right Coalition (CIRC) and its statewide membership of more that 60 organizations to express concerns on the current Sentencing Reform proposals being discussed at the City level.

While we applaud the effort to reform sentencing in Denver, we are very concerned with the current proposal. As immigrant rights organizations we have been meeting with the City to advocate for capping the maximum penalty for criminal offenses at 364 days. We are extremely concerned that the current proposal does not reflect the feedback received from immigrant communities. At CIRC we have seen the negative impact that immigration consequences have for building the trust that law enforcement needs to be able to fight crime in our communities. When victims are afraid to report crimes or be witnesses in Court cases, we are all less safe.

One of the communities that is most susceptible to abuse when contact with law enforcement results in immigration detention is domestic violence victims.

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- An Associated Press Report released on May 8th, 2017, found that the National Domestic Violence Hotline has reported an increase of 30% of people since 2015 who call the hotline who are struggling with immigration related issues. Many of these callers were reported to express concerns that their abusers were threatening to turn them in to immigration and others reported that they were afraid their abusers would be deported if they reported abuse.
- Under the current proposal nearly every DV case will carry immigration consequences because any assault with injury would put a Domestic Violence incident into the Class 1

Sentencing Range. DV assaults with minor injuries such as cuts, which are very common in these instances, would result in a 365-day sentence and mandatory immigration consequences

- Because of the 365-day mandatory immigration consequences, many victims will be reluctant to report abuse for fear that their report would result in the deportation of their abuser, who in many cases would be a family member. Deportation of the abuser is not necessarily a desirable outcome for abused immigrant women. The absence of agency is likely to lead to underreporting of DV. Eliminating the automatic deportation consequence leaves the abused victim with some agency and allows for "safe" reporting.
- Mandatory arrest laws also further complicate this situation as victims are many times arrested as the primary aggressor if it is unclear who the primary aggressor was in the case. If victims are afraid that they will end up in deportation proceedings for reporting abuse, predators will prey on this fear.

Local officials should not be making the decision as to who gets deported and who does not, this responsibility should be left to the immigration judges and immigration courts. By placing the maximum sentence at 364 days we take that choice away from local officials and are making sure it is ICE who decides who they consider a priority. People who are arrested and convicted of a violent crime will go through the traditional criminal justice process, regardless of citizenship status. If ICE identifies an inmate post-conviction as a priority for deportation, a 364-day policy would not prevent ICE from apprehending the individual. It takes the city out of the business of making this determination and places the responsibility on ICE.

We strongly urge the Council members to reconsider this proposal and to move the maximum sentence from 365 to 364 days. We need to trust the federal government to do their job and understand that the City of Denver can best protect its citizens by making a bright line between ICE and local law enforcement so that all victims and witnesses, regardless of status, can feel comfortable reporting crimes and collaborating to make our communities safer.

Thanks you for your time and consideration,

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Brendan Greene
Pronouns: *He, Him, His*
Campaigns Director
Colorado Immigrant Rights Coalition
919-360-2920
brendan@coloradoimmigrant.org