A HISTORICAL PERSPECTIVE: UNDERSTANDING DENVER IMMIGRATION POLICIES, PRACTICES, AND IMMIGRANT RIGHTS ADVOCACY ENGAGEMENT.
We want to acknowledge the continued partnership and contributions made from all partners and supporters that helped gather information contained in this report, but especially to the American Friends Service Committee for working directly with DOIRA to document such an important time of allyship and collaboration for the City and County of Denver.

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DENVER OFFICE OF IMMIGRANT & REFUGEE AFFAIRS
DENVER AGENCY FOR HUMAN RIGHTS & COMMUNITY PARTNERSHIPS
Introduction

Over the last two decades, Colorado shifted from being one of the country’s most anti-immigrant states to a state with some of the most progressive immigration policies. The City and County of Denver played a key role in this positive trajectory forward, working together with immigrant rights advocates and organizations and leading the state and country in best city practices and procedures that welcome immigrants and make our communities safer. The level of engagement between local government, nonprofits, community-based organizations, impacted residents and other key stakeholders was critical to realizing the paradigm shift around immigration that we see today in Colorado. Understanding the significance and encouraging this type of engagement and collaboration will continue to shape the conversation around immigration and its local impacts moving forward. What follows is a timeline and general overview of key policies and programs that have impacted our immigrant and refugee residents at the state and local level. Key state and local legislation, policies, and sources are hyperlinked for quick reference and convenience.
In 2006, over two dozen anti-immigrant bills passed the Colorado legislature in a special session. The cornerstone was a “show me your papers” bill, **SB06-090**, along with **HB06-1023**, which required state and local government agencies, with some exceptions, to verify the lawful presence of applicants for public benefits. SB06-90 effectively institutionalized racial profiling in the state by requiring local law enforcement personnel to report suspected unauthorized individuals to the U.S. Immigration and Customs Enforcement (ICE) Office.

As a result, any interaction with local law enforcement could and did lead to deportation. Thousands of Denverites were placed into deportation proceedings including witnesses and victims of crime, - some of which are only now reaching a final hearing - causing devastating financial and emotional damage in Denver families and communities.

This resulted in immigrants not wanting to interact with local law enforcement, including hesitancy in reporting crimes due to profiling and local law enforcement collusion with ICE that changed the makeup of Denver and Colorado. HB06-1023 resulted in immigrants being denied services that make our communities stronger and denying services to low income and unhoused residents who could not produce identification documents to access these services as well.
December 2009—Colorado reaches its peak of ICE detainer requests (also known as ICE holds) with more than 9,040 detainers issued in Colorado in 2009, up from 502 in 2006. These requests ask local law enforcement to continue holding a person in jail past the time when the person would otherwise be released, so that ICE officials can decide whether to take that person into federal custody for a possible immigration violation. During this period, the Aurora ICE Processing Center operated by The GEO Group expanded its capacity from 500 to 1,500 beds because they were so sure that policy in Colorado and at the federal level would lead to increased demand and the anticipated increased capacity would therefore equal increased profits. The Colorado People’s Alliance (COPA) led the fight to block this expansion with the Aurora City Council, but GEO was able to go ahead with the expansion.

Following the 2006 special legislative session, immigrants and allies organized throughout Colorado, collaborating with non-profits and state legislators to work to push back on anti-immigrant bills that negatively impacted our communities. Between 2009-2012, immigrant communities and organizations made a concerted effort through enrolling in police academies to strengthen relationships and trust with local sheriffs and police chiefs. This strategy aimed to educate law enforcement about the contributions immigrants make to local communities and the human impacts of SB06-90 and local law enforcement collaboration with ICE. This organizing strategy helped to build Sheriff and Police Chief support for later repealing SB-90.
STATE POLICY

Also in 2009, 70% of Denver voters rejected a proposed ordinance to the Denver Revised Municipal Code that would have forced law enforcement to immediately impound a vehicle whenever a driver failed to produce a valid driver’s license or when the driver of a vehicle was undocumented, among other restrictions. In the fall of 2011, then state Senator Michael Johnston and Senate President Brandon Shaffer joined 350 immigrants and allies from across the state at the Colorado Immigrant Rights Coalition (CIRC) state assembly in Estes Park. Mr. Johnston and Mr. Shaffer addressed the Assembly on working together to support pro-immigrant policies taking shape in 2012 and beyond. And in 2013, the first bills reversing an otherwise anti-immigrant trend were passed. One such bill was SB13-251. Led by undocumented immigrants through the Licenses for All campaign and CIRC, SB13-251 allowed Colorado residents to apply for a state license or ID, regardless of their immigration status [1]. In 2004, the state legislature closed a loophole that had allowed current undocumented license holders to renew their license. From 2004 to 2013, there was virtually no way for an undocumented person in Colorado to access a driver’s license in the state. But it was in large part due to the momentum which came from a dedicated group of immigrant advocates and policymakers working together that ensured this policy of limiting access to a critical resource would not survive.

[1] The I Drive campaign consisted of immigrants from Licenses for All and 40 organizations formed after Republicans defunded driver’s licenses in the 2014 session through the Joint Budget Committee. IDrive has worked since 2014 to make improvements on SB13-251, including working to protect data obtained by the Department of Motor Vehicles (DMV) and the most recent expansion of SB13-251 licenses to all DMV Offices in Colorado. Prior to 1999, Colorado residents who passed their driving exam and met requirements had a right to access a driver’s license regardless of immigration status. In 1999, however, Colorado law was changed to require proof of legal residency in order to access a first-time license in the state.
Prior to the passage of SB13-251, the Colorado Fiscal Institute published a report working in collaboration with immigrant rights advocates called *Misplaced Priorities: SB90 and the Costs to Local Communities*. The December 2012 report calculated that it cost the state of Colorado $13 million per year and the City and County of Denver $1.5 million to enforce federal immigration laws under SB06-90. The data for this report was sourced from the stories of leaders across the state who called and reported ICE and law enforcement abuses through a statewide hotline that was launched in 2012 to gather community-driven data to help repeal SB06-90. Then in April 2013, HB13-1258, The Community and Law Enforcement Trust Act, repealed most of SB06-90. The County Sheriffs of Colorado (CSOC) endorsed and co-authored the repeal of SB06-90 together with the Colorado Immigrant Rights Coalition (CIRC). Thus, Colorado became the first state to repeal a “show me your papers” law during this time.

In **April 2014**, the local chapter of the American Civil Liberties Union (ACLU) sent letters to all Colorado Sheriffs about the constitutional violations that occur when sheriffs hold people on immigration detainers without a warrant and the risk of lawsuits stemming from these circumstances. The **ACLU also sent a draft complaint to Arapahoe County** for an incident that occurred in July 2012 when Ms. Claudia Valdez was detained by the Arapahoe County Sheriff’s Office on an ICE hold after she called the police to report domestic violence against her partner. The case ultimately settled out of court for $30,000 to compensate Ms. Valdez for her detention. Between April and July of 2014, CIRC immigrant leaders met with 30 sheriffs, including in Denver, to uplift stories of the negative impacts of honoring ICE holds and share model detainer policies that had been developed by sheriffs in Boulder, Pueblo, and Summit Counties. As a result of this continuous engagement with key stakeholders, in **September 2014**, the **County Sheriff of Colorado (CSOC) Association agreed to stop honoring ICE holds**.
STATE POLICY

July 2017: CIRC supports and ensures the passage of HB17-1369 or Bond Surety Protection Act, a bill that repealed one of the last remnants of the state’s “show me your papers” law requiring law enforcement to discourage people from posting bond if they have immigration detainer requests. This practice is now prohibited.

2017: Immigrant rights groups (including American Friends Service Committee (AFSC), CIRC, Colorado People’s Alliance (COPA), Mi Familia Vota, Together Colorado, SEIU Local 105, and United for a New Economy) expand the hotline to document law enforcement and ICE abuses in the Colorado Rapid Response Network (CORNN), a platform for dedicated volunteers to track, verify, and document abuses in rapid response to ICE raids and civil rights abuses.

May 2019: HB19-1124 (Protect Colorado Residents From Federal Government Overreach) is signed into law in May of 2019. The bill codifies at the state level what the County Sheriff of Colorado (CSOC) Association unanimously voted to do in 2014 and what Denver did in passing the Public Safety Enforcement Priorities Act in 2017: prohibiting local government actors from using public funds or resources to assist in the enforcement of federal civil immigration laws.[3] Denver was ahead of the curve regarding these practices, as the city and local Sheriff’s office worked hard to put these policies into place in 2017.

[3] Specifically, the law prohibits a department, agency, board, commission, or officer or employee of the state or a political subdivision of the state from using such funds to assist in the enforcement of federal immigration laws, with certain exceptions such as a signed warrant by a U.S. federal judge or magistrate. The bill also prohibits a law enforcement officer from arresting or detaining an individual solely on the basis of a civil immigration detainer, prohibits a probation officer or probation department employee from providing an individual’s personal information to federal immigration authorities, and mandates that if a law enforcement officer is coordinating a telephone or video interview between federal immigration authorities and an individual in jail or another custodial facility, the individual must be advised of their rights, including the right to refuse the interview.
March 2020: **SB20-083** (Prohibit Courthouse Civil Arrest) is passed in response to a rise in cases where impacted individuals were being arrested by ICE at local criminal and civil courthouses. This practice created a chill factor among our immigrant communities and led to some residents not attending court out of fear that they would encounter federal immigration officials. SB20-083 bars civil arrests at, around, and in-transit to and from courthouses and their environs. The law ensures protected access to justice systems in Colorado by protecting immigrants who go to courthouses from civil arrest, which can often have a devastating impact on the ability of our judicial system to protect vulnerable populations.

February 2021: Immigrant rights groups discover that ICE was accessing driver’s license information on targeted individuals being shared by certain employees from the Colorado Division of Motor Vehicles. To stop this and other unauthorized data sharing practices, Colorado passed **SB21-131** (Protect Personal Identifying Information Kept by State) in February 2021. The bill prevents state agencies from sharing non-public personal identifying information (PII) with federal immigration authorities except through a court order. The law ensures the protection of the PII that Coloradans share with the state when accessing government services and enhances the data privacy guidance that was issued by Governor Jared Polis the previous year. The bill’s passage came at a critical time when many residents were still needing to share their PII in order to access much needed COVID-19 resources and other public services.

June 2021: Building on Denver’s Immigrant Legal Services Fund and Executive Order 142 signed in August 2017, Colorado passes **HB21-1194**, creating a statewide immigration legal defense fund to expand the availability of free legal services and representation to low-income individuals in immigration proceedings, prioritizing those in immigration detention and those experiencing deportation in rural areas of the state.
June 2023: **HB23-1100** (Restrict Government Involvement in Immigration Detention) is passed in June 2021. The bill responded to immigrant leaders sharing how intergovernmental services or “287(g)” agreements resulted in their being detained on charges they would have otherwise been released on and builds upon **section 28-251** of Denver’s own revised municipal code by restricting state or local governments from entering into contracts with private companies that use public facilities, such as jails, for immigrant detention. Through D.R.M.C. 28-251, Denver recognized the harm early on that 287(g) agreements and related agreements cause to community safety because transforming local law enforcement into federal immigration agents breeds mistrust in the community, particularly for Denver’s immigrant and refugee residents.

Since 2009, many more pro-immigrant bills than those listed above that make our state stronger, expand rights, and make us more welcoming were passed, but these highlight some of the key ones that connect to Denver City and County values and our city policies.
THE CITY OF DENVER, COLORADO

CITY POLICY

The City and County of Denver’s immigration policies were shaped by discussions with immigrant rights leaders and organizations over many years. Relationships between these key stakeholders with Denver’s law enforcement, city employees, and elected officials were critical to codifying the city’s values and protective practices, making a stronger and more welcoming place to all those who have helped to make Denver thrive economically and culturally.

**March 1998**: Former Mayor Webb articulates Denver’s values of inclusion through the passage of **Executive Order 116**. In the order, Mayor Webb explicitly opposes the federal **Personal Responsibility and Work Opportunity and Reconciliation Act of 1996**, which divided legal immigrants into two distinct categories with regard to public benefits: qualified and unqualified. The mayor goes on to state that, “the City will not tolerate unlawful discrimination in any form, and... remains firmly committed to the delivery of services to all of its residents.”

**2010**: CIRC leaders begin meeting with sheriff’s offices in several counties including Denver to share the negative impacts on the community of local law enforcement collaboration with ICE. In 2015, immigrant rights groups began discussions with the Denver Mayor’s Office on sentencing reform.
CITY POLICY

These conversations between the mayor’s office, Office of Immigrant and Refugee Affairs (DOIRA), key immigrant rights groups (CIRC, AFSC, COPA), the ACLU, Meyer Law Office, and DU Immigration Law and Policy Clinic, and Denver city council members lead to a two-year-long process resulting in the passage of critical sentencing reform and a plea by mail process by Denver City Council in 2017, as well as the adoption of the Public Safety Enforcement Priorities Act and Executive Order 142. Continued engagement between the Denver Sheriff’s Office, DOIRA, and CIRC members and community leaders laid the groundwork for the implementation of these policies, several key elements of which the Denver Sheriff’s Office was already working on implementing. These elements included not collecting immigration or citizenship information and the advisement of one’s rights. These conversations between key stakeholders, although not always easy, were critical to Denver passing policies that make the city a more welcoming and safer place for all residents. For example, during negotiations on the Public Safety Enforcement Priorities Act, carve outs for Denver residents convicted of certain crimes were discussed and groups took different positions on the matter. But in the end, Denver City Council passed, and Mayor Handcock signed a bill that resulted in far reaching protections for all Denverites, including our most vulnerable residents with no carve outs.

May 2017: Denver undertakes its first major sentencing reform effort for violations of the municipal code in more than 20 years. Specifically, the Denver City Council voted unanimously to adopt new sentencing categories to reduce the likelihood of low-level offenses leading to serious immigration consequences for immigrant residents. Prior to the passage of this sentencing reform, Denver municipal offenses generally carried a maximum possible sentence of 365 days no matter the crime. This meant that many low-level offenses had the potential to trigger deportation for immigrant residents, even for those who are in lawful immigration status, as a result of the maximum sentence applicability in federal immigration law.[1] This sentencing reform considered the unintended consequences of Denver’s sentencing structure as well as its impact on marginalized communities, including persons experiencing homelessness.
August/October 2017: Denver City Council passes the Public Safety Priorities Enforcement Act, further separating Denver city and county law enforcement’s engagement with ICE and preventing discrimination in service delivery by prohibiting city employees from asking for immigration status with limited exceptions in addition to other prohibitions. The law also prohibits city funds or resources from being used to assist in the enforcement of federal immigration laws, also with certain exceptions. Also during this time, the mayor signed Executive Order 142, which together with Executive Order 116 provides the City’s current immigration policy. A major triumph of EXO 142 was the creation of a local legal defense fund intended to provide free legal representation to qualified Denver residents facing deportation proceedings where on average 70% of individuals in deportation are unrepresented compared to being 10.5 times more likely to be successful in deportation proceedings if represented. The Denver Immigrant Legal Services Fund and EXO 142 both become models for other cities across the state as well as inspiring state legislation adopting a statewide legal defense fund serving the same purpose.

[1] Individuals convicted of a crime of “moral turpitude” with a maximum sentence of 365 days or more can be deported, even if they are sentenced to much less than the maximum. Having such an offense on one’s record could also affect a person’s ability to obtain permanent residence status, also known as a “green card.”
I. The **Public Safety Enforcement Priorities Act** - A Closer Look

Passed by City Council and signed by Mayor Hancock on August 28, 2017, the law prohibits city funds or resources from being used to assist in the enforcement of federal immigration laws, with certain exceptions. This ordinance also codified criminal penalties and termination of employment for any violations under this law.

- **Key provisions of the law include:**
  - Sec. 28-250(a)(5), which prohibits initiating any law enforcement contact solely for purpose of determining someone’s national origin, immigration or citizenship, or arresting or detaining any individual solely on the basis of their immigration or citizenship status.
  - 28-250(a)(1)- Not honoring ICE civil detainers
  - 28-250(a)(2)- Employees cannot request or collect information about an individual’s national origin, immigration or citizenship status, including on the application for any city services or benefits (28-250(a)(3)).
  - Prohibits use of information for ICE enforcement and/or collaboration for civil enforcement.
  - Prohibits City contracts related to enforcement of federal immigration laws (including 287(g) agreements).
  - Sec. 28-252(a) and Sec. 28-252(b) requires law enforcement to provide an advisement of rights if ICE requests an interview with anyone incarcerated in any city or county jail or when released from jail if ICE requested a notification of release (Sec. 28-253(d)(3)). This includes informing the incarcerated or soon to be released person that they can decline the interview or remain silent.
II. Executive Order 142 - A Closer Look

- Signed by Mayor Hancock on August 31, 2017, Executive Order 142 builds on Executive Order 116 signed by former Mayor Webb in 1998 establishing the city’s immigration policy. EXO 142 provides details on enacting and enforcing the Public Safety Enforcement Priorities Act and establishing a local legal defense fund, in addition to reaffirming Denver’s commitment to support the city’s immigrant and refugee residents.

- EXO 142 key sections:
  - 8.0 - “Providing equal access to City services to all of Denver’s people”: All departments, agencies, employees, officers, boards and commissions of the City will:
    - 8.1 - Ensure equal access to facilities, services and programs without regard to any person’s national origin, immigration or citizenship status to the maximum extent permitted by law.
  - 12.0 - “Protecting the rights and liberties of immigrants and refugees”: The Denver Police Department will continue to protect all people of Denver, and those traveling through Denver, regardless of their national origin, immigration or citizenship status.
  - 18.0 - “Ensuring compliance with this executive order and applicable federal, state or City law or regulation”: This section specifically names assisting City employees in complying with the Public Safety and enforcement Priorities Act by the City Attorney’s Office educating and training said employees. Denver then developed a state-of-the-art training for all city employees and extended training for law enforcement.
III. Denver Immigrant Legal Services Fund - A Closer Look

- Established through Executive Order 142 and officially launched in September 2018, the fund supports qualified organizations that provide direct legal representation to low-income, unauthorized individuals who are current residents of Denver and subject to potential deportation. Since its inception, the fund has served over 1,500 Denver residents and families. In 2022, the fund added a 2-year fellowship of $250,000 to support two organizations with a legal fellow and dedicated attorney, and a third organization to support fees related to direct representation. The City also approved a permanent budget line item in DOIRA’s budget for this fund for a total of $750,000 for FY2023, nearly double the amount allotted for the statewide legal defense fund.

- Access to legal representation for low-income individuals threatened with or in deportation (removal) proceedings is an important tool to help Denver build and sustain a diverse, equitable, and economically successful community.

- Creating a legal defense fund furthered the City’s ability to meet a core mission: the preservation of families and protection of children residing in Denver.

- The fund also promotes due process and access to justice for vulnerable members of the Denver community by providing them with access to legal advice.
CITY POLICY

- In February 2017, the Hancock administration reaffirmed the City’s commitment to immigrant communities by hanging a “Denver Loves Immigrants” banner on the City and County Building and billboards throughout the city. The banner and billboards were a message by the mayoral administration that Denver is “an open and welcoming city” and in support of its Deferred Action for Childhood Arrivals (DACA) residents.

- 2017 – Present
  - Regular meetings with Denver Sheriff’s Office and DOIRA focused on continued implantation of the Public Safety Enforcement Priorities Act, sharing concerns from Colorado Rapid Response Hotline related to immigration enforcement and maintain open communication between the Sherrif’s office and immigrant rights groups.
    - Examples of issues raised:
      - ICE wearing police and sheriff uniforms
      - Request for Sheriff department point of contact to verify if actual City involvement or not in enforcement actions
      - Concerns related to Denver data broker contracts and problematic data sharing mechanisms
  - In 2020, ICE sued Denver to challenge the City’s restrictions on information sharing. The City Attorney’s Office stood firm in response to the city’s policy protecting individuals personal identifying information. While the City Attorney knew we would likely be ordered to provide some information going forward, the case created helpful precedent. ICE did not win every argument in this context. The judge in this case ruled that not all of the information ICE was requesting had to be shared, but that publicly available information, like a person’s release date, did have to be shared.
RECOMMENDATIONS

Where do you go from here?

Ensure that the spirit of the City’s values continue to be reflected in all city policies, practices, and ordinances impacting immigrant communities, with continuous dialogue and analysis to ensure that any new policies, technologies, and/or practices uphold and expand Denver’s clear dedication to being a welcoming community for all.

Underscore the strong role of city attorney and upholding the Public Safety Enforcement Act as the city attorney has a duty to continue to make sure this happens.

Ensure all data collection systems are in compliance with city ordinances and executive orders.

Ensure all developed city trainings on the Public Safety Enforcement Act continue for all new employees and a refresher is provided for long-standing staff.

Ensure the Sheriff’s office is:

- Advising individuals in custody and then again upon release of their rights and providing the advisement of right form in the language of detained person.
- Track ICE detainer and notification requests.
- Tracking ICE presence at courthouses.

DENVER OFFICE OF IMMIGRANT & REFUGEE AFFAIRS
DENVER AGENCY FOR HUMAN RIGHTS & COMMUNITY PARTNERSHIPS
Conclusion: What this means for the City and County of Denver moving forward

In order for Denver to continue to serve as a model for other welcoming cities across the state and the country, the city needs a strong Agency for Human Rights & Community Partnerships (HRCP) with deep ties to the community. HRCP has developed a rapport and line of communication with the mayor’s chief of staff and the sheriff’s office throughout the years. These direct connections—in addition to HRCP’s ability to leverage its relationships with other city agencies, nonprofit partners, and community-based organizations serving immigrants and refugees—have been critical to Denver residents and the City working together to strengthen our communities.

HRCP's Denver Office of Immigrant & Refugee Affairs (DOIRA) partners with nonprofits, community-based organizations, residents, and government agencies to develop and implement policies, practices and programs that influence the various paths of immigrant integration.