

## Suggestions – Topics for Discussion

### Law Enforcement Issues:

1. The capacity for additional 287(g) training for interested local law enforcement authorities should be made available by ICE within a reasonable time to accommodate the needs / interests of Colorado law enforcement.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. The federal government should provide supplemental funding for local authorities to assist with the cost of the training, including overtime.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- b. ICE should expand its ability to conduct 287(g) training in Colorado, rather than requiring Colorado agencies to send officers out of state.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- c. 287(g) training should be expanded for detentions and enforcement, depending on the request of the Colorado law enforcement agency.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

2. ICE should significantly expand the detention capacity available for Colorado detainees.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

3. ICE should revisit its policies regarding appropriate standards for local jails to qualify as an ICE detention facility.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. ICE should not impose any more stringent requirements for the housing of illegal aliens than are mandated for the constitutional detention of United States citizens.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

4. The federal government should fully compensate local authorities for any costs associated with arrestees being detained for ICE (at all stages of a proceeding) including medical, food and housing expenses.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

5. Increasing the number of law enforcement officials with enforcement authority under section 287(g) without a significant increase in detention capacity will not result in a meaningful strategy to ameliorate the problem.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

6. Law enforcement authorities have a duty to support and defend the constitutional rights of all persons.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

a. Officers must build trust with all elements of the community, including immigrants. This engenders respect for the law and promotes the cooperation of victims and witnesses at every stage of an investigation and prosecution.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

b. Bias based policing and racial profiling can never be tolerated within the law enforcement community.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

7. The development of a national identification card based on biometric technology such as fingerprints or DNA would be helpful to law enforcement.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

8. The Peace Officers' Standards and Training (P.O.S.T.) Board should develop a curriculum and training to assist local police and sheriff's deputies in determining probable cause regarding a person's place or country of origin and immigration status.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. The federal government should provide funding for this training.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

9. Local sheriff and police resources are stretched beyond capacity and cannot absorb additional unfunded mandates to deal with the federal immigration problem.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

10. Tragic and egregious criminal activity perpetrated by a segment of the illegal immigrant community will continue to occur until the national problems of illegal immigration are solved.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

## Communication:

1. Communication between ICE and local law enforcement, prosecutors and the court is inconsistent regarding detention and deportation (voluntary or otherwise). ICE should not deport any individual with pending state felony charges without consulting with both the arresting agency and the prosecuting attorney.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. If necessary, federal law should be revised to prohibit deportation during the pendency of state felony charges, absent the consent of the prosecutor.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

2. ICE should report to local law enforcement, prosecutor and the court on the ultimate disposition of any individual against whom ICE has lodged a detainer during a state criminal prosecution or detention.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

3. Additional training by ICE for state and municipal prosecutors, judges, law enforcement and the defense bar would contribute significantly to a more complete understanding of ICE's policies and procedures.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

4. CBI should continue to explore and, when feasible, implement data entry to reflect the birthplace or country of origin of individuals within its database.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

5. ICE should dedicate additional resources to the IAQ system to expedite inquiries from local law enforcement.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

6. When submitting an inquiry to the IAQ system, local law enforcement should use the “narrative” field to distinguish case priorities.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

7. Standards associated with law enforcement access to ICE databases should be significantly adjusted to allow local law enforcement authorities to have additional information regarding citizenship status.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

## Legislative Changes:

1. Additional state legislative guidance is needed in determining appropriate sentences and the extent of the court's authority when dealing with illegal immigrants accused or convicted of state crimes.
  - a. What are appropriate factors to consider when setting a bond?
  - b. Is someone who is in the country illegally and is convicted of a crime eligible for probation?
  - c. What is an appropriate sentence for both misdemeanants and felons who are in the country illegally and are convicted of a crime?

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

2. Colorado should enact a "material witness" statute, similar to the federal statute.
  - a. How long may an individual be detained?
  - b. Where would the individual be detained?
  - c. Who pays the cost of detention?
  - d. What due process rights inure to the detainee?
  - e. Is there a right to counsel and, if so, at who's expense?

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

3. Colorado should revise its "human smuggling" law to mirror federal statutes.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. Delete the requirement of proving "thing of value."

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

4. Colorado should revise its "human trafficking" statute to mirror federal statutes.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

5. Colorado should revise its policies regarding the operation of motor vehicles by illegal aliens.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- a. Impose a mandatory, minimum 30 day impound for DUI, DUR and HTO (upon conviction);

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- b. Block registration of a vehicle if the individual cannot produce a valid driver's license;

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- c. If a person is driving with a foreign driver's license that cannot be verified, or without any valid identification, then that constitutes probable cause for an arrest and referral to ICE. (Congressman Tancredo)

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- d. Any repeat DUI violator who does not have a valid driver's license or a foreign license that cannot be verified shall be taken into custody and held for up to 72 hours for referral to ICE. (Congressman Tancredo)

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

- e. Repeal the provision in current law that any foreign driver's license is invalid after 90 days if the person is employed in Colorado. (Congressman Tancredo)

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

## Recommendations for Federal Actions:

1. The U.S. Congress needs to examine the complexities of current immigration laws and the impact of these laws on policies and practices.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

2. The U.S. Congress needs to set policy for the nation regarding the commission of crimes by illegal aliens. (Source: PERF Police Executives Research Forum)

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

3. Congress should adopt the recommendations contained in the Western States' Governors' Association 2006 "Policy Resolution on United States—Mexico Border Security and Illegal Immigration" and Colorado House Joint Resolution 06-1023.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

4. Congress should appropriate significant additional resources to ICE to implement effective detention, removal and training functions in support of local law enforcement.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

5. The federal government should provide supplemental funding to Colorado to implement a state "material witness" statute for detention of victims and witnesses.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

6. The federal government should provide supplemental funding to Colorado to offset the costs of 287(g) training for local law enforcement as well as for overtime and compensation time associated with the training.

Agree		Disagree		Neutral	
-------	--	----------	--	---------	--

