



Nathan Woodliff-Stanley, Executive Director
Mark Silverstein, Legal Director

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SENT VIA ELECTRONIC MAIL - wmott@co.jefferson.co.us

Sheriff Ted Mink
Jefferson County Sheriff's Office
200 Jefferson County Parkway
Golden, Colorado 80401

Re: Jefferson County's Policy Regarding Collaboration with ICE

Dear Sheriff Mink,

We write to applaud your recent decision to stop honoring immigration detainees. We remain hopeful that you will clarify that Jefferson County also will not hold persons in custody on the basis of administrative warrants issued by Immigration and Customs Enforcement (ICE).¹ We are available to talk with you and/or your legal counsel further about any of the issues raised in the ACLU's letter or that come up as you draft Jefferson County's final policy on detainees. We also write to urge you to craft a detainer policy that dramatically decreases Jefferson County Jail's collaboration with ICE.

One type of collaboration between jails and ICE raises particular civil liberties concerns for the ACLU – allowing ICE to interview and question jail detainees, either face to face or by telephone. We know from numerous reports that ICE often questions detainees at local jails without advising the detainee of his or her rights, such as the right to counsel and the right to decline to speak with ICE. As our letter of April 29 explains, many individuals targeted by ICE have no criminal record. Many such individuals who have had little or no contact with law enforcement are not aware of their rights, particularly if they were raised in another country. When ICE questions such people, many simply believe they have no right to a lawyer and must answer the questions, no matter how incriminating the answer. As a result, many people questioned by ICE readily make statements that are then used against them in immigration proceedings. A jail helps protect civil liberties by declining to facilitate ICE agents' desire to conduct these one-sided interviews.

¹ Our April 29, 2014 letter to you, at page 9, footnote 32, briefly addresses why administrative warrants issued by ICE do not provide authority for a Colorado peace officer to hold a person in custody.

Local law enforcement working with ICE also raises significant policy concerns, as is explained briefly at pages 6-9 of our April 29 letter. Local community groups representing Latino and immigrant interests in Colorado, however, can describe—far better than the ACLU—the loss of trust in local law enforcement that many Colorado Latinos and immigrants have experienced as a result of close collaboration between local law enforcement and ICE. We hope that before you finalize a detainer policy that you will consider meeting with one or more of these community groups. You may be aware that Sheriff Wilson and Sheriff Pelle are engaging in dialogue with several such community groups. If you have not yet begun that dialogue, and would be interested in doing so, we can certainly encourage those groups with whom we have contacts to promptly reach out to you. Please let us know if we should do so.

Additionally, we have attached two resources for your consideration. First, we have attached a document that contains excerpts from several law enforcement policies from other jurisdictions that have recently addressed the issue of jail collaboration and communication with ICE.² You will see that, at the urging of advocates, some communities have decided to limit ICE access to jail inmates, and in doing so, they address the civil liberties concerns outlined above. You will also see that a number of jurisdictions have implemented policies that limit the communication of certain information with federal ICE agents.

Second, we attach a model detainer policy drafted by a coalition of lawyers and community groups here in Colorado. The RESPECT (Reinforcing Effective, Smart Policing and Enhancing Community Trust) policy addresses all the legal, fiscal and community trust issues raised in the ACLU's April 29 letter. We understand that the RESPECT policy already has the support of dozens of legal scholars and law professors from around the country, and we understand you may soon receive a letter from them endorsing this model policy.

We hope these resources are helpful. Please let us know whether you would like us to encourage those community groups with whom we have contacts to reach out to you. Also, please do not hesitate to contact us to discuss this matter further.

Sincerely,



Mark Silverstein
Legal Director, ACLU of Colorado



Rebecca Wallace
Staff Attorney, ACLU of Colorado

² For the full policies of those we have excerpted, see National Immigrant Justice Center, “Challenge Unjust Immigration Detainers,” available at <http://www.immigrantjustice.org/detainers#.U2PYuBdOWpo>.