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RESTORING TRUST, RESTORING DIGNITY

## **IMPACT – Improving and Maintaining Protections, Accountability, and Community Trust Act**

### **Why is IMPACT needed?**

IMPACT is an important step forward for Colorado. It follows on recent lawsuits across the US pointing to situations of liability and potential Constitutional violations as well as changes to immigration enforcement practices announced by the President in November of 2014.

IMPACT helps to provide clarity for local law enforcement agencies regarding federal immigration requests as well as important protections for their offices. Lawsuits have found that compliance with some federal immigration enforcement practices may create potential situations of liability for local law enforcement agencies and possible infringements of Constitutional protections. IMPACT aims to help mitigate the potential for infringements and liability by more clearly delineating the role of local law enforcement agencies and the responsibilities of federal immigration agencies.

IMPACT helps to bring confidence and a continuity of trust for immigrant communities in Colorado. Through this legislation, immigrant communities will have a more consistent understanding of interactions with and expectations of local law enforcement agencies from jurisdiction to jurisdiction. Currently, each Colorado county has its own policy and practice relating to these issues. Many of these policies are positive and similar to IMPACT- though the variance can create uncertainty when moving between counties.

IMPACT seeks to improve community trust in interacting with local law enforcement agencies through advising individuals of their rights relating to interviews and contact with federal immigration officials prior to such interactions, helping to distinguish between local law enforcement agencies and federal immigration agencies. Alleviating the specter of immigration enforcement's involvement will reduce the fear of complying with obligations stemming from a conviction on a charge or reporting crimes of which they have been a victim or witness. Community policing is improved when immigrant communities are not deterred from interaction with local law enforcement agencies for fear of federal immigration enforcement. This helps immigrant communities and local law enforcement agencies to interact in a way that builds a more safe community for everyone.

IMPACT will uphold Constitutional protections; prevent potential risks of liability; improve community policing and relationships; and reduce local expenses related to federal responsibilities.

**What is included in IMPACT?**

- Immigration detainer requests and administrative warrants, which have been the subjects of numerous lawsuits and challenges, will not be accepted as valid for delaying or denying the lawful release of an individual by a local law enforcement agency in Colorado. Only judicially approved warrants may prevent the release of an individual.
- All warrants pertaining to immigration issues must be reviewed to confirm judicial signature prior to execution, in compliance with Colorado statute.
- Persons who have been awarded bond or bail by a judge shall not be discouraged or denied the payment of their bond due to the presence of immigration requests.
- Section 503 of Title 16, Article 3 would be repealed to improve equitable practice in bond and bail.
- Prior to granting federal immigration officials access to individuals in the custody of local law enforcement agencies, individuals will be advised of their rights relating to interviews and contact with federal immigration officials. The individual’s consent must be obtained prior to granting access to federal immigration officials.

<p><b>Endorsed by:</b></p> <ul style="list-style-type: none"><li>• Colorado Immigrant Rights Coalition</li><li>•</li></ul>
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**For more information regarding the IMPACT Act, please contact:**

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