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New law spurs fear among immigrants

But officials see no change in existing reporting policies

By Myung Oak Kim, Rocky Mountain News
May 19, 2006

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A new state law that's caused widespread fear in the Hispanic immigrant community will be the focus of a public education campaign to help clear up the confusion, a local activist group said this week.

The law, which took effect May 1, requires police to notify immigration authorities about suspected illegal immigrants they arrest for crimes other than domestic violence and minor traffic violations.

Denver Police Chief Gerry Whitman and a Colorado State Patrol representative met Tuesday with the Denver group Rights for all People and other community activists to discuss concerns about the law and other state immigration measures that soon could become law.

The law officers offered assurances that the new law will not change existing procedures on reporting people to U.S. Immigration and Customs Enforcement.

But the activists are still worried. Lisa Duran, of Rights for All People, said they are researching details of the law and are not ready to say what their public message will be.

Fidel "Butch" Montoya, who helped arrange the meeting, said there is widespread confusion about the new law.

"People are afraid if they make any contact with police that they could be reported to ICE," he said.

Since Gov. Bill Owens signed Senate Bill 90 into law on May 1, Spanish-language radio stations and the Mexican consulate in Denver have fielded scores of calls from worried Hispanic immigrants. Some immigration lawyers and politicians say the law could result in racial profiling and hurt legal immigrants.

Montoya predicts the law will cause a drop in reports of crime in the Hispanic community.

"I'm not sure what (SB) 90 does, other than create fear," he said.

Sponsors of the law emphasize that it affects only those people who are arrested for crimes. The main intent of the law is to ensure that local governments and police agencies do not follow "sanctuary" policies that allow illegal immigrants to flourish without the threat of punishment, they say.

The Denver Police Department has asked the city attorney's office to provide a detailed interpretation of the new law, said Detective John White, a police spokesman who attended the Tuesday meeting in Denver. But White said the new law should not change the way Denver police deal with immigrants.

Denver police policy, in place for at least five years, says that officers "shall not initiate police actions with the primary objective of discovering the immigration status of a person."

"Generally, officers will not detain, arrest, or take enforcement action against a person solely because he/she is suspected of being an undocumented immigrant," the policy says. "If

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enforcement action is deemed necessary under these circumstances, the approval of an on-duty supervisor or commander is required. . . .

"However," it continues, "when a suspect believed to be an undocumented immigrant is arrested for other charges, a 'Refer to Immigration' charge will be added to the original charges. Sheriff's Department Personnel will then notify (ICE) authorities according to their procedures."

Terry Campbell, legislative liaison for the State Patrol, said troopers already report suspected illegal immigrants to ICE. He said troopers contact ICE during stops when someone in a vehicle is charged with a criminal offense.

He said any immigrant in a stopped vehicle, regardless of whether they are charged with a crime, could be subject to scrutiny by ICE.

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