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August 23rd, 2018

National Police Association
P.O. Box 758584
Topeka, KS 66675-8584

August 30, 2018

To: City Council
From: Mayor Troxell and Darin Atteberry
FYI

Dear National Police Association,

Please accept this letter as our response to the attached letter that you sent to one of our residents. The City Fort Collins is not a sanctuary city. The City has never taken action to declare Fort Collins as a sanctuary city.

The City of Fort Collins does not have policies or procedures to shelter illegal immigrants, nor does Fort Collins Police Services have restrictive policies in regard to prosecuting illegal immigrants. Fort Collins Police Services cooperates with the enforcement of federal immigration law. We have enclosed the relevant section of our police policy manual stating as much.

City staff reviewed the U.S. Department of Homeland Security website and did not find a list designating our city as an official Sanctuary Area, as indicated by your survey letter. Please do not include Fort Collins in future sanctuary city surveys, or any other related sanctuary city information or communications designating us as such.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wade Troxell".

Dr. Wade Troxell
Mayor

A handwritten signature in blue ink, appearing to read "Darin Atteberry".

Darin Atteberry
City Manager

Since you live in or next to Fort Collins, an area designated as an official Sanctuary Area by the U.S. Department of Homeland Security where criminals are sheltered from prosecution, you have been selected to participate in The National Sanctuary Area Crime Impact Survey.

Mr. Richard Johnsen
1933 Adriel Dr
Fort Collins, CO 80524-5006



Dear Mr. Johnsen,

You've been selected to participate in the enclosed National Sanctuary Area Crime Impact Survey because you live in or next to Fort Collins, an area designated as an official Sanctuary Area by the U.S. Department of Homeland Security.

As you may know, Sanctuary Areas are where individuals who are in the USA illegally and who are known by law enforcement to be engaged in criminal activity such as sales of illegal drugs, assault, rape, robbery and other felony crimes can safely avoid arrest by local law enforcement officers.

We're conducting the National Sanctuary Area Crime Impact Survey to measure the effects of Sanctuary policies in Fort Collins and the 300 other localities in the US that are designated as Sanctuary Areas. Only individuals residing in or next to Sanctuary Areas have been selected to participate in this Survey, and your opinions are extremely important. So please take a moment now to complete your Survey and return it in the enclosed postage paid envelope.

Many Americans don't understand Sanctuary policies. The hardworking immigrant who is cutting their grass, the woman who does such a great job cleaning their home, or other hardworking immigrants aren't the problem here in America. We need to worry about the illegal immigrant gang member, the career criminal bringing heroin up from Guatemala, the guy who's a known rapist, and even worse the radical Muslim who law enforcement knows is planning a terror attack in your community.

- Because of Sanctuary policies in your Area and in other Areas around the nation if law enforcement tries to turn these known criminals into federal immigration for prosecution and deportation – it's the law enforcement officer who will be in trouble and not the criminal! All of this is why dangerous criminals who are in the country illegally flock to Sanctuary Areas because they know they can safely plan their crimes, expand their criminal or terrorist enterprises and be safe from prosecution.
- And because illegal immigrants who are career criminals make a beeline to Sanctuary Areas like where you live -- individuals living in Sanctuary Areas are much more likely to be victimized by crime than those who live elsewhere. For example, in Texas, New York, Florida, California, where Sanctuary policies are common, and in Arizona almost 40% of all murder convictions involve individuals who are in the USA illegally. In Sanctuary city Los Angeles, California an incredible 95% of outstanding warrants for murder are illegal immigrants!
- What's more, illegal immigrants make up only 3.5% of our nation's population, yet bad apples within this small sliver of America commits over 30% of all kidnappings and hostage taking – 17 % of all drug trafficking -- and over 10% of all convictions for money laundering.

All of this is why it's so important for you to complete and return the enclosed National Sanctuary Area Crime Impact Survey. We here at National Police Association (NPA) want to know how you and others who actually live in or next to Sanctuary Areas feel about sanctuary policies. Your survey answers combined with the answers of others will be compiled and sent to the Mayors or County Executives, and major newspaper publishers where you live and in all the Sanctuary Areas in the USA.

We want politicians and the media to know exactly how you and other residents of Sanctuary Areas feel about the ability of criminal illegal immigrants to avoid arrest and deportation in your community.

Countless Americans have already been robbed, mugged, raped and even murdered as a direct result of Sanctuary policies of allowing known criminals to remain on the streets.

- Criminals like Ever Valdes, an illegal immigrant and known gang member, was arrested for robbery. Federal immigration officials begged Denver police to hold him so he could be taken into custody. But since Denver is a Sanctuary City Valles was set free on bail. Shortly thereafter Valles murdered a 32 year old Denver man.
- Criminals like Francisco Sanchez, an illegal immigrant with seven previous felony convictions. Sanctuary City San Francisco released Sanchez despite Federal immigration officials request he be kept in jail. Shortly after his release, Sanchez murdered Kate Steinle. Sanchez admitted the only reason he lived in San Francisco was because it was a Sanctuary city where he knew he would be safe.
- Criminals like Jose Lopez Torres, an illegal immigrant and known member of the vicious MS-13 gang. But because he lived in Fairfax County, VA -- a Sanctuary Area -- he couldn't be arrested and because he was allowed to stay on the streets, Torres was able to commit a brutal murder, and the attempted murder of another man.

Here at National Police Association (NPA) we're working tirelessly to end Sanctuary policies in our nation once and for all. And since you live in or next to a Sanctuary Area, what we're doing will have a direct impact on your community and might one day prevent you, a loved one, or a neighbor from being the victim of crime -- which is why I'm hoping you can help us with a donation for \$15, \$25, \$50 or even \$10.

Your donation of \$15 is needed to help us get legal briefs done to give law enforcement in Sanctuary Areas around the country the tools they need to effectively control crime. Your gift of \$15 is needed to help us publicize serious crimes in Sanctuary Areas that could have been prevented if police could have taken dangerous criminals off the streets.

And your gift of \$15 is needed to reach citizens like you who live in Sanctuary Areas with special alerts so they realize the kind of risks they're facing because their elected officials have allowed their communities to become sanctuaries for violent criminals.

I wrote to you today because I think you're one of the few people in your Sanctuary community who thinks as I do -- that we need to get criminal illegal aliens off our streets.

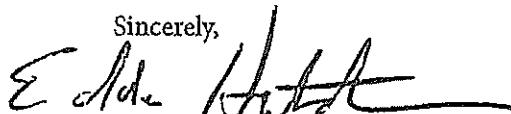
So today -- please -- do these three important things:

- 1.) Complete and return the enclosed National Sanctuary Area Crime Impact Survey in the enclosed postage paid envelope. We need to let the news media and the politicians in your Sanctuary Area know how you and others really feel about their dangerous Sanctuary policies.
- 2.) Use the information in this letter to speak to your friends and neighbors to show them the danger of Sanctuary policies.
- 3.) And please send us your gift for \$25, \$15, \$10 or even \$50 or \$100 or whatever you can spare to help us here at National Police Association end Sanctuary policies in your community and across the nation.

Remember, because you live in or next to a Sanctuary Area, you have the most to gain from our campaign, and as a voter and informed citizen you're in a position to do something about the Sanctuary policies in your community.

So please don't put this letter aside. Use the enclosed postage paid envelope to let us hear from you today and thank you in advance for your help.

Sincerely,



Eddie Hutchison
President & CEO

P.S. If you still don't think criminal illegal immigrants are a problem, then think about this: Six of the terrorists who destroyed New York's Twin Towers were in the U.S. illegally. Several of these individuals were suspected of being terrorists before the attacks and could have been arrested, but the terrorists were smart and chose to live in areas where they wouldn't be arrested for immigration violations. Law enforcement had to wait until after they killed 2,000 Americans to make an arrest. So today please complete and return the enclosed Survey and send us here at NPA your donation for \$15 or more.

Immigration Violations

428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of Fort Collins Police Services in reporting, investigating and enforcing immigration laws. It is incumbent upon all employees of this Agency to make a personal commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

428.2 FORT COLLINS POLICE SERVICES IMMIGRATION VIOLATION POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (USC) dealing with illegal entry. When assisting ICE at its specific request, FCPS personnel will serve to preserve the peace through safety and/or support activities or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, USC §§ 1304, 1324, 1325 and 1326, this Agency may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of ICE. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, USC.

428.3.1 IDENTIFICATION

Whenever an individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the individual's identity through valid identification or other reliable sources. If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.2 ARRESTS

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation if there is a substantial likelihood that the individual will not show up at a later date. A field supervisor shall approve all such arrests.

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428.3.3 BOOKING

If there is a substantial likelihood that a person will not show up at a later date because he/she cannot reasonably establish his/her true identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

428.3.4 DETENTION

A person detained exclusively for a traffic violation or misdemeanor should not be detained longer than necessary for the purpose of establishing his/her true identity.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

Fort Collins Police Services is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any persons. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members of this Agency will not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable suspicion to believe that a crime victim or witness is/was involved in violating criminal laws.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information or otherwise abrogate the duty to cooperate with federal, state or local government entities (8 USC § 1373; 8 USC § 1644).

428.4.1 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Criminal Investigations Division Assistant Chief or a CID lieutenant assigned to supervise the handling of any related case. The Criminal Investigations Division Assistant Chief or a CID lieutenant should do the following:

- (a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
- (b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Form I-918/I-914 may be found on the U.S. DHS website.

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- (c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
- (d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
- (e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.