

## ***Federal Immigration Authority Contact Policy***

The policies outlined herein are in compliance with Colorado law. (C.R.S. § 24–74–103 et. seq.). This policy outlines the main features of the law, and the District’s application of those laws.

### **Colorado’s Civil Rights Immigration Protection Statutes**

The major provisions of the state’s Civil Rights Immigration Protections statutes are as follows:

**Personal Identifying Information Disclosure Prohibitions.** C.R.S. § 24-74-103 (1) requires that a political subdivision employee shall not disclose, or make accessible, personal identifying information that is not otherwise publicly available for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, including enforcement of civil immigration laws and 8 U.S.C. § 1325 or 1326 unless the information is necessary to comply with political subdivision duties, or as required to comply with a court issued subpoena, warrant or order.

**Compliance With Criminal Investigations.** C.R.S. § 24–74–103 (2) requires that the above restrictions not interfere with investigations or proceedings that are authorized by judicial process, or to restrict a political subdivision employee from fully investigating, participating in, cooperating with, or assisting federal law enforcement agencies in criminal investigations. Furthermore, records released pursuant to the following do not violate the updated statute:

- A) A subpoena issued by a federal judge or a federal magistrate.
- B) An order issued by a federal judge or a federal magistrate.
- C) A warrant issued by a federal judge or a federal magistrate.
- D) The consent of the patron through a valid release of information.
- E) The consent of the patron’s parent or legal guardian through a valid release of information.

**Reduction of Personal Information Collected.** Political Subdivision employees shall not inquire into, or request documentation to ascertain, a person’s immigration status for the purpose of identifying if the person has complied with federal immigration laws, except as required by state or federal law or as needed to perform political subdivision duties. More specifically, Publicly Supported Libraries, and employees thereof, shall not collect the following:

- A) Place of birth
- B) Immigration or citizenship status; or
- C) Information from passports, permanent resident cards, alien registration cards, or employment authorization documents.

The only exception that the statute provides is when collecting the above information as necessary to perform duties, or to verify a person’s eligibility for a government funded program if verification is a necessary condition of government funding or participation.

**Required Procedures upon Request for Information.** Upon a request for information from a federal official pursuant to the above, the first and last name of the person leading the federal immigration enforcement, employer, badge number, and a copy of the subpoena, warrant, or order issued by a federal judge shall be requested. An employee must be designated and notified upon a request for access to information by federal immigration authorities. The subject of request must be notified of the federal immigration authorities' request for information.

**Enforceability.** A publicly supported library that is found to have intentionally violated these provisions is subjected to an injunction and a civil penalty of up to \$50,000 for each violation.

### **District Application**

**Personal Identifying Information Disclosure Prohibitions.** The District retains records according to the Colorado State Archives Special Districts Records Management Manual, described under the Retention Policy. Furthermore, the District protects personal information to prevent unauthorized dissemination, as outlined in the Personal Information Protection Policy.

All personal information collected by the District is confidential, and the District will not provide any personal information to any outside authority or agency absent compliance with a criminal investigation, including but not limited to federal immigration authorities and their associates in the process of a civil investigation. Furthermore, District employees will not facilitate federal immigration authorities access to a patron who may be physically present in a District library at the time of the request.

**Compliance with Criminal Investigations.** The District will comply with a federal immigration authorities' request for information and release records or provide access when authorities can provide at least one of the following:

- A) A subpoena issued by a federal judge or federal magistrate.
- B) An order issued by a federal judge or federal magistrate.
- C) A warrant issued by a federal judge or federal magistrate.

The District will also release records to federal immigration authorities when the District can obtain:

- A) The consent of the patron concerned through a valid release of information; or
- B) The consent of the patron's parents or legal guardian through a valid release of information.

A patron wishing to consent will need to fill out an information release form.

If a federal immigration authority is unable to present any of the above requirements, or there is no valid consent waiver on file, then the request for information or access will be denied.

Upon the receipt of such documents, or the receipt of a valid consent waiver, the District will provide such information as is permitted in the warrant, subpoena, or order, including information about a patron's parent, relative, or guardian.

The District will also provide or consent to access of district property that is not ordinarily accessible to the public, provided that authorities have provided documentation from a federal judge allowing for such access. Individuals not employed by the District, excluding those working in a voluntary capacity, shall not be allowed in staff areas, except when necessary for reasonable library operations.

The requested information will be provided to the authorities in the form in which it was requested.

**Reduction of Personal Information Collected.** As outlined in the Personal Information Protection Policy, the district works to avoid or minimize the capture or storage of patron personal information. However, the District collects certain residential and personal information in the process of obtaining a library card, as outlined in the Circulation Policy.

In applying for a library card, distinctions are made based on residential status. District employees may inquire into, as necessary, information regarding an individual's place of residence in this process but should not inquire into immigration status or that individual's place of birth.

When collecting personal information from a patron in the library card application process or in any other situation, a District employee or staff member shall not ask patrons about their immigration status for the purpose of identifying if the person has complied with federal immigration laws.

**Procedures Upon a Request for Information.** Upon receiving a request for information from a federal immigration authority, whether orally or in writing, District employees will ascertain whether the authorities possess any federal judge subpoena, warrant, order, or whether consent exists to release the information. Until this can be confirmed, no information should be released to any authorities. A request made without presenting any of the above should be denied.

Once the request has been received, employees shall

- Request and document the first and last name of the person leading the authorities, employer, badge number, contact information, and obtain a copy of the subpoena, warrant, or order that allows access. All information obtained should be placed in the incident report.
- Report any request for information or access to the Executive Director's office, regardless of whether the request was denied.

Following a federal immigration authorities' request for information or access to a patron,

- The Executive Director's Office will communicate with the patron who was the subject of the request to make them aware of the request.
- If the patron is under the age of 18, the Office will communicate with either the parent, legal guardian, or relative of the patron about whom the request was made.
- The employee who receives the request, or managing librarian on duty, shall file an incident report containing, at minimum, the details of the request and the contact information of the lead individual of the request.