



# THE HIGH COST OF IMMIGRATION ENFORCEMENT IN COLORADO

*Social and Economic Consequences of Article 29 of Title 29  
of the Colorado Revised Statutes (SB90)*

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### Introduction

Imagine that on your way to work tomorrow, you are arrested by law enforcement and detained by United States Immigration and Customs Enforcement (ICE). You don't know how many days the detention will last. What happens at your job? Who watches your children? How do you put a dollar figure on the time missed from work or the time away from your family?

Thousands of Colorado immigrants each year face these uncertainties as the result of a Colorado law, known as SB90, which requires local peace officers and agencies to report anyone arrested for a criminal offense, who they reasonably believe to be undocumented, to ICE

### Background on Article 29 of Title 29 of the Colorado Revised Statutes

Widely viewed as a precursor to other aggressive state immigration enforcement measures such as the well-publicized SB-1070 in Arizona, Article 29 of Title 29 of the Colorado Revised Statutes (SB90),<sup>i</sup> states that any time a law enforcement official has probable cause or reasonable belief that a person suspected of committing a crime is in the country unlawfully they must notify ICE. The law also prohibits local governments from adopting ordinances or policies that limit the agency's participation in immigration enforcement and gives the state department of local affairs the ability to withhold financial assistance grants to any jurisdiction considered to be out of compliance. Since its passage in 2006, a total of 145,183 Colorado immigrants have been reported to ICE through requirements under this law.

Once a suspect is reported, ICE can issue a detainer or hold request for the person. A detainer in this context is not a mandatory judicial hold, but rather a non-binding request, issued by an administrative officer of ICE.<sup>ii</sup> The local jail may then elect to hold the person named in the detainer for up to 48 hours to allow ICE to take him or her into custody. Persons released to ICE are generally held at a local holding facility to await federal immigration proceedings and usually end up being transferred to the GEO detention facility in Aurora, Colorado.

In an earlier report, CFI found that as a result of this 2006 law, thousands of immigrants were being arrested, held and detained in county jails for long periods of time for low-level offenses, costing Colorado taxpayers and communities millions of dollars each year in jail and detention expenses. This despite ICE's stated intent to prioritize detention and removal of violent offenders

**"The costs of local immigration enforcement, however, go well beyond the police work hours, administrative booking fees, and incarceration costs. When we detain immigrants for low-level offenses that typically would not result in any jail time, we remove an employee from an employer, a parent and caregiver from a child, and a taxpayer and consumer from the community."**

who pose the greatest danger to national security and community safety.<sup>iii</sup>

In that report, we stopped short of estimating beyond the strict budgetary and fiscal costs. The costs of local immigration enforcement, however, go well beyond the police work hours, administrative booking fees, and incarceration costs. When we detain immigrants for low-level offenses that typically would not result in any jail time, we remove an employee from an employer, a parent and caregiver from a child, and a taxpayer and consumer from the community. When people are detained, they miss work during the days incarcerated (missed days worked) and also face indirect consequences (e.g., losing their job because of the missed week of work). Fewer hours worked ultimately means less money being spent in the Colorado economy as well as less tax revenue being generated for basic public services. In addition to the direct costs accruing to the state, there are also the personal costs that each individual detainee must contend with.

Thanks to recent respondent data collected by the Campaign to Unite Colorado, we are now in the position to pinpoint these broader economic and social consequences of local immigration enforcement in Colorado. From September 15<sup>th</sup> to December 15<sup>th</sup> of 2012, the Campaign to Unite Colorado ran Spanish language ads on Entravision Radio stations throughout the state publicizing a statewide hotline aimed at collecting stories of abuse between public safety officials and ICE. The purpose of the hotline was to document the harmful impacts that local police collaboration with immigration officials have on community trust and community policing efforts in the state.

**“Detaining people for low-level infractions while ICE checks immigration status, puts both the individual and police on hold.”**

The data set collected through the hotline includes vital information about immigrants who have been detained, including statistics regarding their age, occupation, whether taxes are withheld from paychecks, marital status, children, days spent in detention, and consequences of missing work. From this sample, of hotline callers with ICE notifications, we are able to calculate a per-day economic cost by tabulating the lost wages, lost jobs, and changing work habits. With access to a new and robust set of data points, CFI can now quantify both the direct and indirect economic consequences of SB90.

We are indebted to the employees, volunteers, and communities who are part of the Campaign to Unite Colorado for helping to gather the personal stories and information without which this report would not be possible. We are also extremely grateful to the immigrant community for sharing their experiences that provide us with the robust data to detail the broader consequences of local immigration enforcement. These personal stories help illustrate the dynamics at play when Colorado’s SB90 forces law enforcement officials out of the role of local peace keeper and into the role of ICE agent.

## “Fired for speeding”

**What happened:** Juan is a 26-year-old drywall/framing worker who is married with two children. Juan, who has been in the U.S. for 8 years, was pulled over for speeding and accused of having false identification when he used a valid Mexican Consular card to identify himself. He was initially charged with speeding, attempt to influence a public servant, criminal possession of a forged instrument, false reporting, and unlawful acts. Only the speeding charge was ultimately pursued after it was determined his Consular card was legitimate. At the time of booking, Juan was told by jail officials that he did not have the right to post bond because of the ICE hold, a clear violation of his rights. He was detained for 22 days while he awaited his court date to defend himself. At his court hearing, he pled guilty to speeding and the judge dismissed all other charges.

**Time spent detained:** 22 days

**Human consequences:** Missed 16 days of work and was fired from his job as an indirect consequence from the encounter with police. Spent 22 days away from his family and a month looking for a new job.

**Costs that could have been avoided:** If the officer had issued a citation rather than arresting Juan, the entire incident would have been no more than a 15 minutes speeding ticket.

**SB90**  
Fired for Speeding

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(a receipt is required for all returns)

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Social and Economic Consequences

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Fiscal Cost of 22 days detained.....	\$1,210
Lost wages during detention.....	\$2,174
Lost tax revenue during detention.....	\$196
Lost salary while searching for a new job.....	\$2,716
Lost tax revenue during job search.....	\$246

**Total**

Direct Fiscal Cost .....	\$1,651
Lost spending in CO economy.....	\$4,890

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Card Holder Signature

*Calvin*



## Calculating the Social and Economic Costs

In addition to the direct costs of housing an immigrant in a county jail, the opportunity cost to the state can be calculated adding up the lost wages and lost tax revenue that would have been generated if those immigrants were not detained and were instead, able to continue working.

According to the dataset, 85 percent of those detained on an ICE notification missed at least one day of work. We calculated that \$91.75 on average is lost in wages each day that an individual is held in Colorado facilities on an ICE notification. With over 24,200 ICE notifications<sup>iv</sup> a year in Colorado averaging 4.2 days in jail, this means that \$9.5 million is lost in spending from the Colorado economy and \$855,000 in lost tax revenue due to the lost employment that results directly from the time spent holding Colorado immigrants – often times for low-level infractions – for ICE.

Detentions resulting from ICE hold requests also lead to permanent reduction in hours and job losses. In our sample, 28 percent of immigrants with an ICE hold lost their job as a consequence of the detention. Even if the individual did not lose his/her job, he/she faced negative future consequences at work, such as missed opportunities for advancement or reduced hours. For example, one front range resident reported that he now turns down landscaping projects because he is afraid of driving long distances as a result of his interaction with law enforcement. In another case, a man was arrested for failure to appear in court for a traffic violation and placed into deportation proceedings. He was eventually placed on the Intensive Supervision Appearance Program (ISAP) that requires him to report to ICE at determined times every week. This time commitment has caused him to lose two days of work a week, which means lost spending and tax revenue for the state.

**“Each year Colorado loses \$9.5 million in lost economic spending and \$855,000 in lost tax revenue as a direct result of detaining Colorado immigrants for ICE by pulling immigrants away from society. This is on top of the millions it costs to detain the immigrants.”**

If we average the lost wages, lost jobs, and lost tax revenue due to ICE holds, we find that an ICE notification costs each individual an average of \$1,300. This is due to the wages lost during the detention, the hours reduced and job losses that occur as a consequence of the detention, and the family member’s lost hours as they assist the individual at police stations and through litigation. Given the estimated 24,200 individuals reported to ICE each year, a shocking \$31 million of spending in the state economy is lost per year as a consequence of Colorado holding people in local jails for ICE. The \$31 million lost spending translates into potentially \$2.7 million in lost tax revenue.

## “Dream on Hold”

**What happened:** 19- year -old Luis is a Colorado recent high school graduate who came to the U.S. when he was 3. He works as a cook. Luis is eligible for immigration relief under the federal Deferred Action for Childhood Arrivals (“DACA”) program, a federal program granting lawful presence to certain individuals who were brought to the U.S. as children. Luis applied and had submitted his fingerprints for his DACA application when he was arrested for speeding and accused of possessing a fraudulent passport. ICE was notified and told the local agency that they wanted them Luis held so he could be interviewed in the morning. Luis spent 18 hours in jail and missed a day of work as a result, all for a crime he did not commit

**Time spent detained:** 1 day

**Human consequences:** Missed a day of work on top of his lost trust in the authorities because he felt “criminalized” for being who he is. Luis expressed how this experience makes him feel as if law enforcement is biased.

**Costs that could have been avoided:** Because Luis is DACA-eligible, the federal government should have no interest in seeking to remove him. However, as a result of SB90, Colorado law enforcement reported him to ICE and held him to facilitate a transfer to ICE. Luis’ arrest could and should have been avoided. All of the charges for the false passport were dropped.

**SB90**  
Dream On Hold

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(a receipt is required for all returns)

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Social and Economic Consequences

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Fiscal Cost of 1 day detained.....	\$55
Lost wages during detention.....	\$87
Lost tax revenue during detention.....	\$8

  

**Total**

Direct Fiscal Cost .....	\$63
Lost spending in CO economy.....	\$87

  

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Card Holder Signature

Colorado

## Summary of the ICE notification data set

### Law Enforcement Statistics

- 75 percent of the sample was reported to ICE following a driving related incident. The most common incidents were for speeding, failure to use turn signal, broken taillights, and not having a valid Colorado driver's license.
- More than half of the sample was not given the option to pay bond or were denied the right to pay bond. Of the detainees who were given the option to pay bond, many did not because of confusion over the ICE hold; a few were told that paying bond would be a waste of money given the ICE hold.
- Average days detained from a notification 4.29

### Personal Statistics

- Average Age: 33
- 64 percent of sample was male
- All of the sample is Latino
- Average years living in the United States of America: 13
- 18 of the 25 have children, all of whom have more than 1 child. Seven of the 18 individuals with children had 4 kids.

### Work Related Statistics

- 22 of the 25 had jobs at the time of arrest
- 7 of the 25 lost their job as a result of their detention. If 28 percent of all ICE notifications per year result in job loss, more than 6,776 individuals lose their job as a result of an ICE notification each year in Colorado.
- On average, the sample worked 30 hours per week
- Average hourly wage: \$12.81
- Average wages lost per day detained: \$91.75
- On average, an ICE notification directly costs the individual detainee \$393 in lost wages.
- Occupations included construction workers, janitors, housekeepers, dry-wall installation workers, cooks, waitresses, bussers, landscapers, window cleaners, welders, mechanics, and painters.

## “Lost Weekend for Legal Permanent Resident”

**What happened:** Moises is a 36-year-old legal permanent resident (LPR) who has lived in the U.S. for 31 years. He is single and works as a welder. Moises was pulled over for having expired plates when the police discovered he had a warrant for a “failure to appear” charge. Moises was arrested and had an ICE hold placed on him despite his LPR status. He was detained on a Saturday and held for a day before he was given the right to pay his bond, which he was finally able to pay at 2pm Sunday. However, because of the ICE hold he was not released until 8:45 pm on Monday. This caused Moises to miss a day of work at his welding job. In the end, he was not wanted by ICE and he was released. His final charges were “failure to appear in court.”

**Time spent detained:** 2 days

**Human consequences:** Lost an entire day of work even after he had paid the bond.

**Costs that could have been avoided:** Because of the ICE notification and bonding process, Moises spent an extra night in jail making him miss work the next day even after he paid bail.

**SB90**  
Lost Weekend for Legal Permanent Resident

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(a receipt is required for all returns)

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**Social and Economic Consequences**

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Fiscal Cost of 2 days detained.....	\$110
Lost wages during detention.....	\$184
Lost tax revenue during detention.....	\$17

**Total**

Direct Fiscal Cost .....	\$126
Lost spending in CO economy.....	\$184

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Card Holder Signature

*Colorado*

## **SB90 Erodes Trust and Changes Community Interaction**

Incidents in the 25 hotline cases illustrate how undocumented immigrants pull away from the community and avoid interactions with law enforcement authorities, because of the fear of immigration consequences. One father was detained and given an ICE hold for an outstanding warrant for failure to appear in court for a traffic citation when he identified himself at an impound yard. He was there helping his daughter retrieve her car. He had not gone to his hearing because at the time there were rumors that ICE was detaining people when they went to court for traffic infractions.

Another man was detained when he was talking to the police about a friend's expired license plates. The man was asked to identify himself, and the officer discovered that there was a warrant out for failure to appear in court for a previous traffic citation. He was transferred to ICE after spending 2 days in jail. Again, he did not attend court for fear of being detained by ICE. This incident highlights why immigrants are reluctant to speak with police even about things that don't personally involve them.

When ICE places holds on individuals arrested for low-level offenses, resulting in initiation of deportation proceedings, it is the immigrant community, trust in local law enforcement and ultimately community safety that pays the price. Community members hear about this and become much more reluctant to interact with police in the future. The lost trust between the community and law enforcement makes the job of local police—to serve as community peacekeepers—exceedingly more difficult.

The hotline dataset provides information that indicates how immigrants detained for ICE will interact with law enforcement in the future. Sixty percent of the sample indicated that they are “much less inclined” to report a crime because of their ICE hold and interaction with police. Ninety percent of the sample indicated that they were now either “much less likely” or “less likely” to provide information to police as a witness.

The data shows that the two biggest factors that make an individual less likely to interact with or report crimes to police in the future are having a family and losing a job as a result of an ICE hold.<sup>v</sup> Immigrants with families reported that the ICE hold made them much less likely to be a witness in the future. This is expected because having a family raises the stakes and level of fear that a deported individual will be separated, perhaps permanently, from their family. The data also revealed a strong correlation with those who lost their jobs as a result of the detention and reporting “much less likely” to provide information to police as a witness in the future.

Immigrants who were detained and later released with no charges indicated that they would be much less likely to provide information to police as a witness in the future compared to the ones who were detained and later charged with an offense. This reveals that immigrants are not necessarily becoming less cooperative with police because of criminal charges but because of the negative effects of immigration detention and ICE holds.



## “Lost ID = Lost Time”

**What happened:** 19-year-old Hugo has lived in the U.S. for 11 years. He works as a painter in Colorado. Hugo was pulled over by police for an inadequate headlight on his vehicle. He was arrested when he could not provide a driver's license. Later, the state patrol discovered that he had a warrant out for his arrest in another county for trespassing and theft, crimes he had not committed. Hugo had lost his ID at a concert, police found this ID at the scene of a crime and issued a warrant for his arrest. Hugo had been pulled over by police 3 times before. In all 3 instances, he was issued a ticket but no detention. During this incidence, Hugo spent 12 days detained. He attempted to pay his bond but was told he could not because he had an ICE hold. Hugo spent 12 days in a local jail before being transferred to the other county for his court date on the trespassing and theft charges. At his court hearing, Hugo was able to prove his innocence and all charges were dismissed. He was not transferred to ICE as he is eligible for immigration relief under Deferred Action for Childhood Arrivals. He was ultimately released and charges were dropped.

**Time spent detained:** 12 days

**Human consequences:** Missed the last few days of a painting contract. Later left that job as the work started to dry up.

**Costs that could have been avoided:** By law, Hugo should have been given the right to pay bond. Despite his eligibility for DACA, ICE placed a hold on Hugo and the jail violated his rights by not giving him the option to pay bond. The County was forced to jail Hugo for 12 days as he awaited his court date to prove his innocence

**SB90**  
Lost ID = Lost Time

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(a receipt is required for all returns)

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Social and Economic Consequences

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Fiscal Cost of 12 days detained.....	\$660
Lost wages during detention.....	\$796
Lost tax revenue during detention.....	\$72

  

**Total**

Direct Fiscal Cost .....	<b>\$732</b>
Lost spending in CO economy.....	\$796

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Card Holder Signature

*Colorado*

## “Detain the Victim”

**What happened:** Sandra is a 38-year-old female who is married with two children. She’s been in the U.S. for 14 years and works as a housekeeper. She has an ITIN number, which enables her to pay taxes. Sandra was interrogated by the local sheriff’s deputies because of an argument she was having with her husband. When the sheriffs arrived, she admitted to breaking a flowerpot, giving the police reasons to arrest her for domestic violence and criminal mischief, despite the fact that her husband did not want to press charges.

Sandra was reported to ICE and had a hold placed on her even though there are special protections in SB90 for domestic violence. The law prohibits people who are victims from being reported and states that people accused of domestic violence should only be reported to ICE after conviction. Sandra was detained for two weeks while law enforcement sorted out her case. She was told that paying bond would be a waste of money given the ICE hold. In the end, all charges were dropped and she was turned over to ICE and placed into deportation proceedings.

**Time spent detained:** 14 days

**Human consequences:** Lost her job as housekeeper after missing two weeks of work. Sandra was without work for 1.5 months until she found a new job.

**Costs that could have been avoided:** SB90 gives special protection in cases involving domestic violence, ironically, in recognition that immigration enforcement should not impede the ability to address the greater public safety concerns that domestic violence presents. Without the ICE notification, Sandra might have only spent 1 day detained.

**SB90**  
Detain the Victim

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(a receipt is required for all returns)

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Social and Economic Consequences

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Fiscal Cost of 14 days detained.....	\$770
Lost wages during detention.....	\$777
Lost tax revenue during detention.....	\$70
Lost salary while searching for a new job.....	\$2,430
Lost tax revenue during job search.....	\$219

**Total**

Direct Fiscal Cost .....	<b>\$1,060</b>
Lost spending in CO economy.....	<b>\$3,210</b>

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*Colorado*



## Conclusion

The reporting requirements in SB90 have both direct and indirect costs to the state. The direct effects include lost police hours and detention costs. The indirect effects cause lost tax revenue and lost spending in the Colorado economy. Furthermore, the consequences go beyond state costs; SB90 also causes harmful side effects on the individual detainees in the form of lost wages, lost jobs, and lost time from family. Community trust is undermined when neighbors are reluctant to report a crime or speak with police for fear of detention. Detaining people for low-level infractions while ICE checks immigration status, puts both the individual and police on hold. Given the high fiscal, social and economic side effects of it is time to reevaluate our policing priorities.

## Methodology

### The Hotline

The Campaign to Unite Colorado hotline was launched on September 15<sup>th</sup> 2012 and was actively promoted on Entravision Spanish language radio stations from September 15<sup>th</sup> to December 15<sup>th</sup>, 2012. The public service announcement ads ran 4 times a day, 7 days a week, in the following media markets: the six county Denver-metro and Boulder area, and the Roaring Fork Valley-Aspen to Parachute. Hotline fliers were also distributed in the South, North and West Slope regions of the state and testimonies were collected by members of the Campaign to Unite Colorado in their local communities. The 25-person sample was collected from a total of 98 hotline callers. Those 25 were selected because they provided complete records – including demographic and employment data, as well as information that could be verified by police reports. Five cases out of the sample of 25 came as a result of direct referrals to Campaign to Unite Colorado documenters.

We do not assert that the cases in this dataset are representative of all individuals notified to ICE, only that they help demonstrate the potential costs, both social and economic impact, of SB-90 notifications and local immigration enforcement.

### Lost Wages and Lost Tax Revenue

To get an average wage lost per day detained (\$91.75), we multiplied the number of workdays missed by each individual's daily salary. This was divided by the total number of days that the 25-person sample spent detained. Income data was retrieved from the Colorado Department of Labor and Employment. Median income per hour was assumed. We assumed part-time was 20 hours a week and full time 40 hours per week. This average accounts for the portion of people detained that were unemployed at the time of detention and for days detained that were non-work days. For example, we assumed that someone detained for 7 days would miss 5 days of work. Making \$100 a day, would deliver \$500 lost salary. Divide \$500 by 7 days gives \$72 lost wage per day detained.

Aggregate lost wages and lost tax revenue during detention was calculated in three steps. We first tabulated the average-day-detained per ICE notification from our dataset. Second, we multiplied this average by the number of ICE notifications per year. Third, we multiplied this by the average-wage-lost-per-day-detained.

Tax revenue was estimated using Institution on Taxation and Economic Policy's tax model.<sup>vi</sup> According to that report, for Coloradans making less than \$40,000 per year, they pay approximately 9 percent of income in sales and use, income and property taxes.

### Individual Consequential Costs

Calculating a total average cost for each individual, involved adding up the direct lost wages during the detention as well as the future wages lost as the result of losing a job due to the detention. The direct lost wages was straightforward; we multiplied the average-days-detained by the average-wages-lost-per-day. To determine future wage losses, we first added up the lost salaries because of job loss or wage reductions. We then assumed it would take one month to find a new job, then divided this total by the number in our sample. This number averages the job losses over the entire sample.

### Statistical Analysis

STATA software was used to evaluate the correlation coefficients of variables. Given that the sample was small, it was difficult to run a full regression analysis, but we were able to evaluate correlations.

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<sup>i</sup> C.R.S. 29-29-101 et.seq.

<sup>ii</sup> Aarti Shahani, "New York City Enforcement of Immigration Detainers: Preliminary Findings" (Justice Strategies, October 2010).  
<<http://www.justicestrategies.org/sites/default/files/publications/JusticeStrategies-DrugDeportations-PrelimFindings.pdf>>

<sup>iii</sup> Morton, John. "Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens." Memorandum, U.S. Customs and Immigration Enforcement, Policy Number 10072.1, March 2, 2011.  
<http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>

<sup>iv</sup> It is important to note the difference between a notification and an ICE hold. The police notify ICE and then ICE decides if a hold is placed on the individual. Immigrants are still detained during the notification process, even after ICE gets back to the police and says they do not want to issue a hold. Our dataset includes ICE notifications, from which we calculate an average economic cost per notification.

<sup>v</sup> ICE detainees with families and those who lost their jobs reported that they will be less likely to cooperate with law enforcement in the future compared to single immigrants and those who did not lose their job. There was a strong correlation between immigrants who have families (married or have children) and the low likelihood they would provide police information as a witness for a crime in the future.

<sup>vi</sup> In Colorado, combined state and local taxes (before federal offsets) are between 4.6 percent and 9 percent of income for all families. See: "Who Pays: A Distributional Analysis of the Tax Systems in all 50 States," (Washington, D.C.: Institute of Taxation and Economic Policy) 2013, page 34-35  
<http://www.itep.org/pdf/whopaysreport.pdf>