

**Office of  
Denver Adult Probation  
Second Judicial District  
State of Colorado**

**Supervision  
Policy and Procedure**

Code: S-043  
Date of Revision: October, 2017  
Date of Previous Issues: June, 2015



SUBJECT: IMMIGRATION STATUS

**I. WHY**

DAPD is committed to current and future community safety through client accountability and the provision of services designed to reduce the likelihood that clients will reoffend. The residency status of a probationer is directly related to his/her ability to comply with the terms and conditions of probation as described in 18-1.3-204 C.R.S. Therefore DAPD will cooperate with Immigration and Customs Enforcement (ICE) to determine a probationer's residency status in the United States.

**II. HOW**

DAPD will work with ICE at both the pre-sentence investigative stage and the supervision phase by providing releasable public client information in a timely manner.

**III. WHAT**

At the PSI stage, the officer will contact ICE if the offender states that he is in the country illegally, states that he is a foreign born national, or if the offender has an ICE hold. If a PSI was not completed, the supervising officer will determine the probationer's status in the country utilizing the same criteria.

If ICE contacts DAPD with regards to a probationer, the officer should make all efforts to respond to ICE in a timely manner. Information that can be shared with ICE includes:

- Confirmation of probation status
- Name/Alias/DOB
- Case Number/Charges/Disposition
- Probationer's Address/Phone Number/Employment Information
- Next appointment date and time

If ICE wishes to arrest a probationer at our office for a violation of federal immigration laws, the officer should follow the steps outlined below:

- Notify supervisor or SOW
- Have ICE Agents arrive in plain clothes at the office prior to the probationer's appointment time
- Escort agents to the conference room out of the view of other clients
- Escort Probationer to the conference room upon arrival
- ICE agents will explain to the probationer the reason for their contact and place the probationer into custody following their procedures.
- Officer will remind probationer to immediately report back to probation if they are released from ICE custody
- Officer will escort ICE Agents and probationer to the stairwell where they will exit the building in an attempt to not draw attention to themselves or their presence at the probation office.
- Officer will enter a CHRON as to the arrest and include the names of the agents involved.
- Officer will send a follow up email to the agents involved within two weeks of the arrest to determine if the probationer has been released or deported.
- If the probationer has been deported, Officer will file a "Petition for Unsupervised Status Due to Deportation" with the court.
- Upon the motion being granted by the court, the officer will enter the appropriate closure code (DEPO) in the PEV screen.
- If the court should deny the petition for unsupervised status the officer should staff the case with their supervisor.