

Over \$100 million in hidden annual taxpayer costs of Colorado's criminal alien sanctuary policies

[1300 words]

By Stan Weekes, Research Director, Colorado Alliance for Immigration Reform,

Mayors in Boulder, Denver and Aurora have lately made pronouncements in defense of their "sanctuary city" policies of non-cooperation with federal Immigration law enforcement. They are evidently unaware that the Sanctuary era was given a death sentence by the Obama administration a full six months before President Trump's January 25 Executive Order.

Last July 6, as a result of investigations and findings of the department's Office of Inspector General, Obama's Department of Justice announced it will begin demanding a written "certification of compliance with all federal laws" with every application for federal grant funds. *That full compliance includes all federal immigration laws.* Thus, even without any new Trump administration initiatives against sanctuary cities, their days were numbered.

Whatever politically correct cloak they want to hide behind while running away from the "Sanctuary" label, mayors of sanctuary cities are advocating the nullification of federal immigration law. That is a dead-end street.

The sanctuary mayors are also violating both the letter and spirit of a ballot measure adopted by Colorado voters in November of 2006. Referendum K won majority support in 54 of 64 counties, including Denver. Placed on the 2006 ballot by the state legislature, it directed the Colorado attorney general to sue the US Attorney General "*to demand that the federal government enforce existing federal immigration laws.*"

The US Constitution in Article VI requires an Oath of Affirmation by state and local officials in support of the laws made under the Constitution. That is an oath Denver and other sanctuary mayors are violating.

The unreported news is that the large majority of Colorado's 200,000 estimated illegal aliens are in no danger of deportation by federal authorities if sanctuary policies are ended. *The only illegal aliens being targeted by federal immigration authorities and protected by sanctuary policies are criminal aliens.*

A few questions come to mind when discussing the criminal aliens those policies seek to protect. The public has little understanding of this issue because the establishment media glosses over it.

What is the size of Colorado's criminal alien population? How many criminals are avoiding deportation under sanctuary policies? What is the cost to Colorado taxpayers of incarcerating repeat offender criminal aliens in Colorado's prisons and county jails instead of allowing ICE to take custody and deport them?

- According to the most recent SCAAP grant reimbursement report by the Colorado Department of Corrections (CDOC) available on the agency's website, in fiscal year 2016 the state prison system accommodated 2,039 criminal aliens at an average taxpayer cost of \$37,958 annually, for a total true cost of \$77,396,362. After a federal grant of \$2,077,720 awarded to CDOC under the "State Criminal Alien Assistance Program" (SCAAP) managed by the Bureau of Justice Assistance in the US Department of Justice, the net unreimbursed cost to Colorado's state taxpayers in 2016 was \$75,319,642. That means that in 2016, that federal government gave Colorado less than three cents on the dollar toward the state's cost of incarcerating 2,039 criminal alien felons.

The 2015 CDOC report also informs diligent readers that since the SCAAP program's inception in 1995, Colorado has received a total of \$66,673,882 in federal SCAAP grants. But what is the true cumulative cost to Colorado taxpayers since 1996?

- The federal SCAAP reimbursement rate for the state's cost of incarceration has declined steadily over the past 20 years-- from 32 cents on the dollar in 1996 to 8.3 cents in 2007 and 2.7 cents in 2016.
- If the average reimbursement rate was 9 cents on the dollar over that 20-year period, then the cumulative cost of incarcerating criminal alien felons in Colorado's state correctional institutions over the past 21 years is about eleven times the \$66.7 million received in federal grants -- or \$745 million.

In 2015, 34 local jails in Colorado received SCAAP grants totaling \$1,337,675 -- an amount larger than the 2015 CDOC grant. If we assume that the local jail reimbursement rate is similar to the CDOC rate of only 2.7 cents on the dollar, those 34 local county jails actually incurred criminal alien incarceration costs of 37 times the \$1.3 million received in SCAAP grants, or about \$46 million statewide.

The fact that local jails pay about 97% of the incarceration cost for criminal aliens arrested and convicted in local communities may be a powerful disincentive for local law enforcement to arrest and prosecute such criminals in the first place. If criminal alien felons are 14% of the state prison population, citizens might want to know what percentage of local court and jail costs are traceable to this clientele?

Those are estimates of total taxpayer costs. What about the number of criminal aliens represented by those numbers? How many incarcerated criminal aliens do these federal grants represent? The criminal alien felon population in the CDOC system has grown steadily over the past 20 years. Colorado counted only 423 eligible criminal alien inmates in 1995, then 1,150 in 2000, 1,330 in 2010 and 2,039 in 2016.

- However, Colorado's *total criminal alien jail population* is at least three times the number of inmates reported by CDOC. Why? Because *the annual CDOC report covers only the inmates in the state correctional system and not the several thousand criminal aliens serving shorter sentences in the state's county jails.*

- Since sentences in local jails are much shorter than sentences for convicted felons in the state prisons and per-day incarceration costs are also less, the number of criminal aliens in a local jail represented by total 2015 grant of \$1.3 million will be at least double the number of inmates represented by the \$2.04 million 2016 grant to the state CDOC system.
- This means the incarcerated criminal alien population in Colorado statewide in 2016 was 2,039 in the state system plus around 4,000 in 34 local jails, or at least 6,000.

The vast majority of Colorado's estimated 200,000 illegal immigrants are not at risk of deportation based on criminal convictions. Sanctuary policies protect mainly criminals who may be eligible for deportation based on prior convictions or prosecution for serious federal crimes like drug trafficking and felony reentry.

Many local sheriffs have been under the misimpression that ICE Detainers have been declared unconstitutional by federal courts. That is not the case: the federal Department of Homeland Security has changed its Detainer forms and procedures to accommodate objections raised in some federal court jurisdictions (but not in any Colorado court ruling). The current Detainer form (I-247D) and the Warrant for Arrest form (I-200) have been modified to indicate the factual basis for Probable Cause to believe the subject is a removable alien. Detainer requests are entirely constitutional and must be honored by local law enforcement.

The larger the criminal alien population protected in a sanctuary city, the larger will be the burden placed on the community as those criminal aliens cycle in and out of the courts and jails instead of being turned over to federal authorities as stipulated in federal law. When Denver, Boulder, Pueblo or any county jail releases a criminal alien into the community instead of honoring a Detainer request from ICE, politicians are placing political correctness and political alliances ahead of public safety. They are also contributing to the taxpayer burden of unreimbursed incarceration costs--a total of over \$100 million annually in combined state and local jail costs.

None of those cost figures include the tens of millions of dollars in law enforcement and court costs -- nor the social and human cost of the crimes committed by the several thousand criminal aliens welcomed and protected by sanctuary policies.

For additional immigration information I would encourage everyone to utilize our valuable resource at cairco.org Colorado Alliance for Immigration Reform

Note: For annual CDOC reports on Colorado's participation in the US-DOJ State Criminal Alien Assistance Program (SCAAP), see --

. For federal SCAAP reports listing grants to county jails, see--