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IRLI is a nonprofit public interest law firm working to end unlawful immigration and to set levels of legal immigration that are consistent with the national interest.

IRLI is a supporting organization of the Federation for American Immigration Reform.

¹Admitted in DC & IN

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⁴Admitted in DC & CA (inactive)

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⁶Admitted in DC, NJ, & NY

March 14, 2018

VIA FedEx & Email
Amber.Miller@denvergov.org

Mayor's Office
Office of the Custodian of Records
Attn: Amber Miller
1437 N. Bannock Street, Room, #350
Denver, CO 80202-5337

RE: CORA Request

Dear Sir:

I write on behalf of my client the Federation for American Immigration Reform (FAIR), a national, nonprofit public interest, membership organization of concerned Americans who share a common belief that our nation's immigration policies must be reformed to serve the national interest.

On March 4, 2018, the Denver Police Department arrested Ivan Gerardo Zamarripa-Castaneda on vehicular homicide in a hit-and-run crash that killed truck driver John Anderson on Interstate 70 on March 3, 2018. The police department transferred custody of Zamarripa-Castaneda to the Denver Sheriff's Department (DSD). He was released from Denver's jail on March 10, 2018, after posting a \$25,000 bond. However, the DSD did not properly notify U.S. Immigration and Customs Enforcement (ICE) of Zamarripa-Castaneda's release.

Under the Colorado Open Records Act (CORA) § 24-72-201 et seq, FAIR hereby requests that you produce the following records. Specifically,

- 1) Any and all records of communications, including but limited to emails, between City of Denver Mayor Michael Hancock; Denver Sheriff Patrick Firman and Denver Sheriff Majors Jodi Blair and Rick Guerrero; and Denver Executive Director of Public Safety Troy Riggs referring or relating to the detention and release of Ivan Gerardo Zamarripa-Castaneda from March 4, 2018, through March 11, 2018.
- 2) Any and all records of communications, including but limited to emails, between City of Denver Mayor Michael Hancock; Denver Sheriff Patrick Firman, and Denver Sheriff Majors Jodi Blair and Rick Guerrero; and Denver Executive Director of Public Safety Troy Riggs referring or relating to the Immigration and Customs Enforcement or ICE from March 4, 2018, through March 11, 2018.
- 3) Any and all DSD directives, standard operating procedures or policy and procedures governing the processing and/or the release of an alien when ICE issues a detainer to the DSD of its intent to assume custody of a removable alien.

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FAIR believes that the disclosure of the requested information is in the public interest and will not be used for personal or commercial benefit. The requested information is in the public interests because the principle purpose of our request is to “access and disseminate information” regarding potential coordination between Colorado’s taxpayer-funded agencies¹ and outside advocacy groups. Any resources expended by the agency in any communications with any third-party, ideological groups is in the natural interest of the Colorado taxpayers. Furthermore, the requested information is not for personal or commercial benefit. FAIR intends to disseminate the information through its various outlets to increase public understanding of immigration issues.

CORA states that fees may be reduced or waived for information produced from a computer database if the records are to be used for a “public purpose,” including “nonprofit activities, journalism, and academic research.”

FAIR is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code and does not seek this information for any commercial benefit. FAIR’s committed to protecting the public’s right to be aware of the immigration-related activities of government agencies and to ensuring the lawful and appropriate use of government funds by those agencies. Of the information requested, there is no possibility, let alone plans, of pursuing profitmaking opportunities. The information will be used to further the knowledge and interests of the general public. FAIR intends on disseminating its analysis of the requested information through its regular channels, discussed below. FAIR will be using this information for nonprofit activities, not a commercial purpose.

Another public interest purpose under the statute is “journalism.” FAIR has a lengthy track record of using information about immigration for journalistic purposes. FAIR is the largest immigration reform organization in the United States and for more than thirty-five years has published and disseminated information to the public about immigration-related current events through various media forms. For instance:

- FAIR maintains a frequently visited website at <http://www.fairus.org/> that contains numerous news articles, action alerts, polls, press releases, studies, and reports authored by FAIR staff members.¹
- FAIR publishes a newsletter called the “FAIR Immigration Report,” which is the nation’s most widely read U.S. immigration reform newsletter, packed with immigration reform facts and news regarding the activities of federal and state courts, legislatures, and executive officials.²
- FAIR disseminates information via YOUTUBE, FACEBOOK, and TWITTER. FAIR’s YOUTUBE videos have more than 16 million views to date, FAIR’s FACEBOOK page

¹ See, e.g., published opinion pieces (<http://www.fairus.org/media/published-opinion-pieces>); press releases (<http://www.fairus.org/media/press-releases>); polls (<http://www.fairus.org/facts/post-election-polls>); studies and reports (<http://www.fairus.org/issues>).

² See <https://fairus.org/news/newsletters>.

- currently registers more than 1.6 million likes, and FAIR’s TWITTER feed has more than 140,000 followers.³
- FAIR spokespersons regularly give interviews and disseminate information on MSNBC, CNN, ABC, NBC, CBS, FOX, C-SPAN, among other TV stations, and hundreds of radio stations.⁴
- FAIR spokespersons regularly give interviews for news articles and author news pieces that appear in the New York Times, USA Today, Washington Post, and hundreds of other newspapers, magazines, and websites.⁵
- FAIR annually hosts a conference in Washington D.C. titled, “Hold Their Feet to the Fire,” which is the nation’s largest annual immigration-media event where nearly fifty radio hosts from across the country have broadcast their shows live from the event while interviewing members of Congress, law enforcement officials, state lawmakers, experts, journalists, activists, and citizens regarding immigration-related issues.⁶
- FAIR staff members regularly testify before congressional and state legislative committees as experts on immigration-related issues.⁷

FAIR will use its combined multi-decades of experience in policy analysis, investigative reporting, government oversight, and federal public interest litigation to turn the documents requested in this CORA request into distinct works that it will disseminate through the aforementioned media outlets. Based on these extensive publication activities, FAIR qualifies for a fee waiver as a “representative of the news media, or news media requester,” under CORA.

In an effort to facilitate production, FAIR requests that records be produced in electronic format (*e.g.*, e-mail, pdf). If a certain set of responsive records can be produced more readily, we respectfully request that those records be produced first and that the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request or if it lacks specificity or is otherwise deficient, please contact John Rooney or Dylan Thomas at (202) 232-5590 or by e-mail at FOIA@irli.org before sending out a determination letter. If any or all of the request items detailed are more appropriate for another component(s) within the City of Denver, it would be very appreciated if

³ See YOUTUBE (<http://www.youtube.com/user/fairfederation?feature=watch>); FACEBOOK (<https://www.facebook.com/FAIRImmigration>); and TWITTER (<https://twitter.com/fairimmigration>).

⁴ See, *e.g.*, https://www.youtube.com/playlist?list=PLUWsip06MQAx5yQ6qP0Ud54C_tQE0hUji.

⁵ See, *e.g.*, <http://www.fairus.org/media/published-opinion-pieces>.

⁶ See <https://fairus.org/fair-radio-row-2017>.

⁷ See, *e.g.*, <https://fairus.org/about-fair/impact/congressional-testimony>.

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you could re-route the item(s) to that component(s) on our behalf. Thank you for your attention to this matter.

Sincerely,



Julie B. Axelrod
Senior Counsel

Encl.: Aforementioned federal agency-letters granting FAIR “news media requester” status.