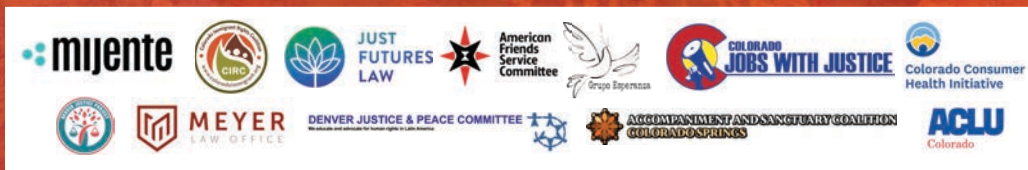


SABOTAGING SANCTUARY

HOW DATA BROKERS GIVE ICE BACKDOOR
ACCESS TO COLORADO'S DATA AND JAILS



**by Mijente, Colorado Immigrant Rights Coalition, Just Futures Law,
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Colorado Jobs with Justice, Accompaniment &
Sanctuary Coalition Colorado Springs,
Grupo Esperanza de Colorado Springs**



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HOW DATA BROKERS GIVE ICE BACKDOOR ACCESS TO COLORADO'S DATA AND JAILS

**Research by Aaron Lackowski, Ramona Salgado and Mazlyn Freier in
collaboration with Mijente, Colorado College Summer Immigration
Institute and the Colorado Immigrant Rights Coalition**

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EXECUTIVE SUMMARY

When Colorado HB-1124 was signed into law in 2019, the state joined a growing list of jurisdictions across the country that have implemented immigrant protection policies to prevent local law enforcement from cooperating with U.S. Immigration and Customs Enforcement (ICE). By July 2021, ICE identified 463 jails across the country as uncooperative with immigration detainer requests, and another 156 as providing limited cooperation¹, meaning that these jurisdictions refused to hold people in jail beyond their existing sentence for the sole purpose of allowing ICE to take them into custody.

ICE data obtained through FOIA by Syracuse University indicates that Colorado counties may not be fully complying with the state's 2019 law prohibiting the execution of immigration detainer requests by ICE.² Of 1,425 detainer requests issued to Colorado law enforcement between October 2019 and June 2020, 471 were not "refused," while data is inconclusive due to ICE recordkeeping for another 538 cases.³



**"COLORADO COUNTIES MAY NOT BE FULLY
COMPLYING WITH THE STATE'S 2019 LAW
PROHIBITING THE EXECUTION OF IMMIGRATION
DETAINER REQUESTS BY ICE"**

¹"State of Texas v. United States of America (6:21-cv-00016) - Affidavit Rapp — Document #98, Attachment #1," The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

²HB 1124, which went into effect on August 2, 2019, prohibits Colorado jails from holding people for ICE, but still allows local jail employees to notify ICE when an undocumented inmate is to be released.

³ICE data compiled by Syracuse University's TRAC Immigration project through June 2020, https://trac.syr.edu/phptools/immigration/detain/about_data.html.

Nonetheless, sanctuary policies in Colorado and across the country have presented serious operational obstacles to this component of ICE's deportation machine. New information gleaned from Colorado Open Records Act requests and ICE contracting documents shows how ICE is fighting back, both by direct communication with local law enforcement where possible and, increasingly, with backdoor technological solutions provided by private-sector data brokers.

Data brokers are for-profit companies that collect vast amounts of personal data to package and resell, often to government entities such as police and intelligence agencies. In June 2021, ICE contracted with data broker Appriss Solutions for the express purpose of getting around sanctuary laws. Appriss enables ICE agents to access real-time booking data through a platform called LexisNexis Accurant Virtual Crime Center. This software gives ICE agents real-time alerts when people on its target lists are booked into county jails, allowing the agency to identify and apprehend them upon their release.⁴

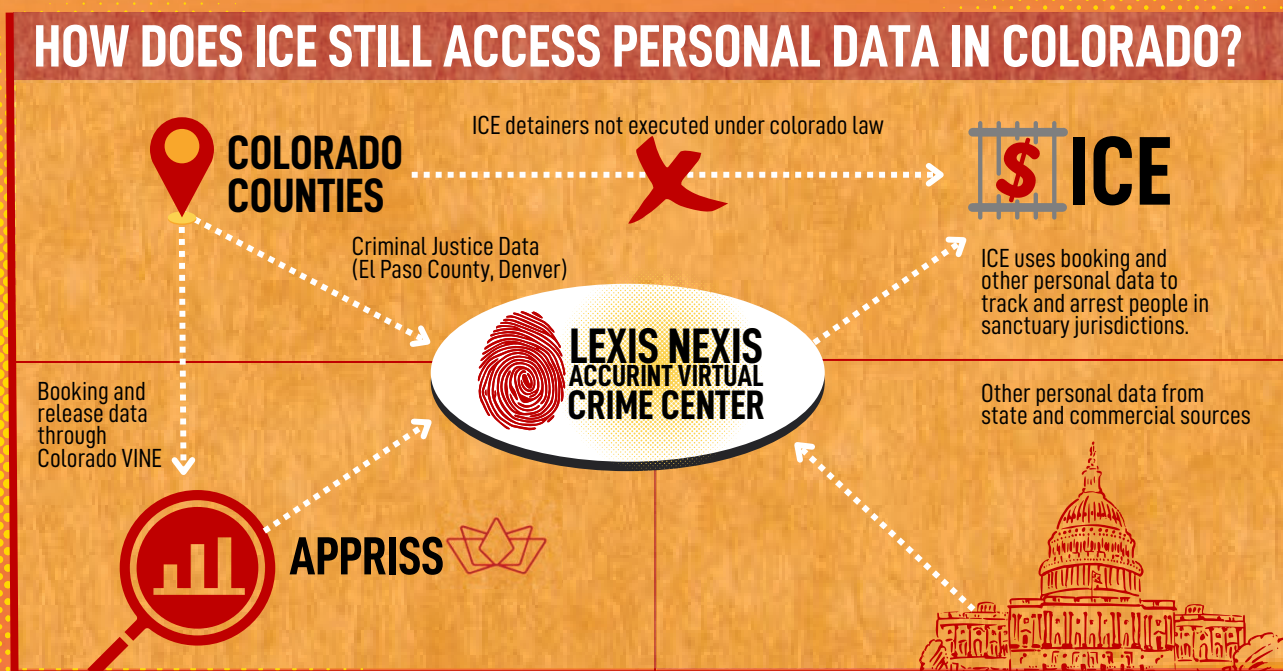
"ICE CONTRACTED WITH DATA BROKER APPRISS SOLUTIONS FOR THE EXPRESS PURPOSE OF GETTING AROUND SANCTUARY LAWS."



⁴U.S. Immigration and Customs Enforcement, Justification for Other than Full and Open Competition J&A-21-00148, 17 June 2021.

Colorado law enforcement data gets into ICE's hands by two main private-sector pathways:

- First, the County Sheriffs of Colorado run a statewide incarceration data alert system from Appriss, known as Colorado VINE. The real-time incarceration data that Appriss uses for Colorado VINE is also provided to law enforcement, now including ICE, through Appriss's Justice Intelligence product.
- Second, several Colorado jurisdictions, notably El Paso County and Denver, have signed up to share their criminal justice data directly with LexisNexis via its Public Safety Data Exchange (PSDEX) as a condition of access to the Accurant Virtual Crime Center (AVCC) platform. Other AVCC customers, like ICE, have access to this data.



While Colorado county sheriffs may or may not be aware of these backdoor ICE data-sharing pathways, they are increasingly tied up in the corporate interests behind them.

For example, Vincent Line, who is Chief of Operations at the Denver County Sheriff's Office and oversees both of Denver's jails, is also a board member of the LexisNexis Public Safety Data Exchange, along with the former Mesa County Sheriff Matt Lewis. This is the very platform that compiles local agency data in Colorado and elsewhere so that it can be accessed by agencies like ICE through a subscription data platform.⁵

Colorado sheriffs have an outsized role at LexisNexis because the company is in the midst of an effort to effectively privatize law enforcement information sharing functions in the state, beginning with the Colorado Information Sharing Consortium (CISC). CISC is a statewide cooperative with 87 member agencies that provides police and sheriffs' offices with data tools to pool and access criminal justice information in a Regional Data Warehouse, which is hosted by LexisNexis.

There does not appear to be a direct path for CISC to share information with ICE currently, though ICE applied for membership shortly after Colorado's sanctuary law was enacted. Now, LexisNexis has begun transitioning the Consortium's data onto the subscription AVCC platform, beginning with photo lineups,⁶ which may make this personal data directly available to other AVCC customers such as ICE.

87 COLORADO INFORMATION SHARING CONSORTIUMS (CISC) MEMBER AGENCIES

<https://cisc.colorado.gov/member-agencies>

⁵ LexisNexis, Public Safety Data Exchange (PSDEX), www.lexisnexisspecialservices.com/what-we-do/big-data-solutions/public-safety-data-exchange.

⁶ CISC board meeting, March 2022.



The potential consequences of putting more and more law enforcement data into ICE's hands go far beyond the detainer workarounds that the agency has already implemented.

The LexisNexis AVCC platform, for example, has predictive policing functions that create "crime hotspot maps," allowing police to deploy resources "where crime will likely happen." Accurint, it should be noted, is the commercial version of a data tool developed for the federal government to conduct mass personal data searches of Muslims in the United States, in what amounted to racial profiling to generate suspect lists after 9/11.⁷ Now, it is being used by ICE to target immigrants.

On top of this, the Colorado Information Sharing Consortium has signed promotional agreements with other companies involved in predictive policing and social media monitoring, including PredPol, now known as Geolitica. This company rebranded after losing a contract with the Los Angeles Police Department following community pushback over the racist feedback loop that the technology perpetuated in targeting Black and Latinx communities.

In order for the letter and the spirit of Colorado's sanctuary law to be respected, all private-sector data-sharing workarounds exploited by ICE must be shut down, and companies like LexisNexis and Appriss (owned by Equifax) must be stopped from expanding their mass data sharing in ways that compromise immigrants and communities of color.

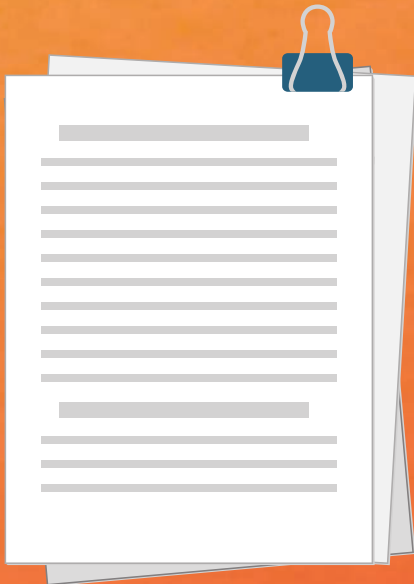
⁷Michael Shnayerson, "The Net's Master Data-miner," Vanity Fair, 1 December 2004, www.vanityfair.com/news/2004/12/matrix200412.

BOOKING AND RELEASE NOTIFICATIONS



In order to implement its dragnet deportation policies, ICE has long relied on a mechanism known as immigration detainers. A detainer is a written form that immigration authorities issue to a federal, state or local law enforcement agency requesting that the agency hold a person already in custody for an additional 48 hours beyond their stipulated release date, so that ICE may directly transfer them into the federal deportation system.

However, ICE is running into an increasing number of jurisdictions with sanctuary laws and policies, by which counties and cities refuse to execute ICE detainer requests or share information with the agency. As of July 2021, ICE identified 463 jails across the country as uncooperative with detainer requests, and another 156 as providing limited cooperation.⁸



Immigration Detainers

- It's a written form that immigration authorities issue to a federal state or local law enforcement agency
- It requests that the agency hold a person already in custody for an additional 48 hours (beyond their stipulated release date)
- That way ICE may directly transfer them into the federal deportation system.

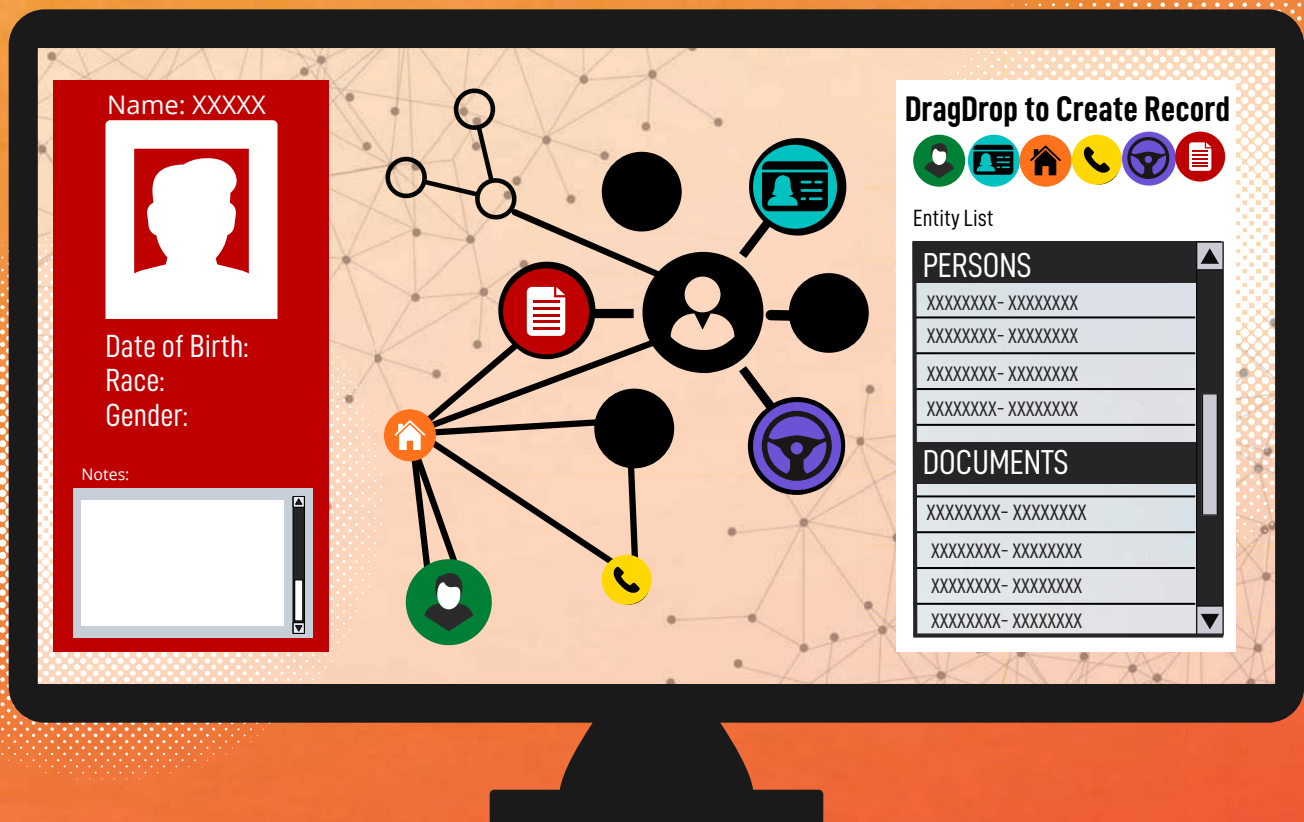
⁸ State of Texas v. United States of America (6:21-cv-00016) – Affidavit Rapp — Document #98, Attachment #1, The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

In 2019, the last calendar year for which data is available, approximately 10% of all detainers issued by ICE went ignored (16,400 of 165,500)⁹. The figure was higher in Colorado, where at least 19.4% of detainers were "refused" by local and state agencies (529 of 2,720) according to ICE statistics obtained via FOIA by Syracuse University. From October 2019 to June 2020, this increased to at least 29.1%, after a state law prohibiting the practice went into effect.¹⁰ In Denver, at least 54.1% of detainers were declined.¹¹ Thus, while it appears Colorado sheriffs may not be fully complying with state law, sanctuary policies in Colorado and across the country have presented serious operational obstacles to this component of ICE's deportation machine. Now, ICE is looking for ways to fight back.



Appriss: ICE's anti-sanctuary software

HOW APPRIS JUSTICEXINTELLIGENCE WORKS:



⁹DHS Office of the Inspector General, "U.S. Immigration and Customs Enforcement's Criminal Alien Program Faces Challenges," 28 February 2020, www.oig.dhs.gov/sites/default/files/assets/2020-02/OIG-20-13-Feb20.pdf.

¹⁰HB 1124, which went into effect on August 2, 2019, prohibits Colorado jails from holding people for ICE, but still allows local jail employees to notify ICE when an undocumented inmate is to be released.

¹¹ICE data compiled by Syracuse University's TRAC Immigration project through June 2020, https://trac.syr.edu/phptools/immigration/detain/about_data.html.

In June 2021, ICE released an obscure contracting document that outlines a key component of the agency's strategy for combating sanctuary policies, which it sees as an increasingly pervasive threat to its dragnet deportation tactics. The agency explains the problem, and puts forth a solution:

“Due to policy or legislative changes, ERO [Enforcement and Removal Operations] has experienced an increase in the number of law enforcement agencies and state or local governments that do not share information about real time incarceration of foreign-born nationals with ICE. Therefore, it is critical to have access to Justice Intelligence services through LexisNexis’ Appriss Insights.”¹²

Appriss Insights is a software product owned by Equifax that provides real-time jail booking and release information from over 2,800 jails across the U.S. (there are approximately 3,100 jails in the country). ICE uses the software to receive real-time alerts when people on its target lists are booked into jail, allowing the agency to issue detainers or, in non-cooperative jurisdictions, to “search, track and find subjects of interest” upon their release. Without access to Appriss Insights, ICE claims it would experience a “major operational impact” and an inability to “take custody of noncitizens directly from incarceration facilities.”¹³

Booking and release data is public information, but Appriss provides an interface with real-time alerts for ICE agents and other law enforcement agencies across the country so that they can manage lengthy target lists in real-time. The software incorporates DMV data, visitor logs, mugshots, landline and cell records, and even relationship analysis graphics, among other personal information.¹⁴

¹²U.S. Immigration and Customs Enforcement, Justification for Other than Full and Open Competition J&A-21-00148, 17 June 2021.

¹³*Ibid.*

¹⁴Appriss Safety, Justice Intelligence, <https://apprissafety.com/solutions/justice-intelligence>.

Colorado sheriffs provide jail booking data to Appriss, and thus to ICE, through a publicly funded program, albeit one that was not ostensibly designed for this purpose. In 2008, the County Sheriffs of Colorado implemented a statewide incarceration data-alert system from Appriss, known as VINE, with the help of \$1.5 million in federal grants from the DOJ's Bureau of Justice Assistance in 2008 and 2011.¹⁵ Colorado VINE is advertised as a victim notification service that notifies participants of the "release, transfer, escape or death of an offender by phone, email, text and/or TTY."¹⁶ In reality, however, anyone can sign up for this service for free,¹⁷ and the incarceration data that Appriss uses for Colorado VINE is also provided to law enforcement, now including ICE, through the company's Justice Intelligence product. As Anthony Antuna, former Program Manager for Colorado VINE at the County Sheriffs of Colorado, explained in an August 2019 webinar, "VINE provides other services such as ArrestWatch, VINERWatch and Justice Intelligence.

These services provide a means for District Attorneys, DA investigators, victim advocates and other law enforcement personnel to assist in bringing justice for victims of crimes."¹⁸ These "other law enforcement personnel" now include ICE, which considers the service to be an indispensable tool to circumvent sanctuary laws like Colorado's.

Law enforcement agencies provide this data to Appriss through direct data hookups with jail management systems, pulling booking data, biographical information, charges, and photographs as often as every 15 minutes.¹⁹ For example, when Boulder County published a Request for Proposals to contract for a new jail management system in 2019, it noted that it uses an Appriss interface, and would require any new contractor to integrate that connection into their proposal.²⁰

IN THIS WAY, APPRISS INSIGHTS AND ITS PARENT COMPANY, EQUIFAX, NOW FUNCTION AS A PRIVATE-SECTOR BACKDOOR FOR ICE TO CIRCUMVENT SANCTUARY LAWS AND THE TRADITIONAL PUBLIC-SECTOR METHOD BY WHICH LOCAL LAW ENFORCEMENT NOTIFIES ICE OF INMATE RELEASE DATES.

¹⁵ Colorado General Assembly, Joint Budget Committee, FY 2015-16 Staff Figure Setting, Department of Public Safety, 11 March 2015.

¹⁶ Colorado VINE, <https://colorado-vine.com>.

¹⁷ See searchable public website, with mugshots, booking data, and other information, at: <https://vinelink.vineapps.com/search/CO/Person>.

¹⁸ "Webinar: Colorado VINE - More Than Just the Link," www.facebook.com/events/colorado-coalition-against-sexual-assault-ccasa/webinar-colorado-vine-more-than-just-the-link/406139310258329.

¹⁹ Appriss Insights, "Incarceration Data: Uses, Benefits, and Considerations for CRAs," <https://blog.apprissinsights.com/incarceration-data-uses-benefits-and-considerations-for-cras>.

²⁰ Boulder County RFP 7056-19, "Public Safety Software Solution and Services."

LEXISNEXIS AND ITS ACCURINT VIRTUAL CRIME CENTER



The Appriss jail booking data that ICE uses to circumvent sanctuary policies was contracted as an add-on to ICE's 2021 contract to use a LexisNexis platform called the Accurint Virtual Crime Center (AVCC). Because of an existing commercial agreement between the two companies, this was the only practical way for ICE to purchase the software.²¹

The LexisNexis Accurint platform, however, contains far more than incarceration data. It includes over 276 million “consumer identities” from more than 10,000 government and commercial sources, including 1,500 law enforcement agencies.

Data points include real-time phone records, vehicle registrations, court and property records, utility bill and address information, and booking and release times, among many others. Law enforcement agencies contribute crime incident data, computer-aided dispatch (CAD) records, offender data, crash data, and license plate reader (LPR) data, allowing for location tracking of vehicles. Incident data can be mapped for purposes of predictive policing within the platform.

²¹U.S. Immigration and Customs Enforcement, Justification for Other than Full and Open Competition J&A-21-00148, 17 June 2021.

This method of mass personal data collection and analysis was pioneered by Hank Asher, the founder of Accurint, in the fallout of 9/11. Accurint was the commercial version of a data tool developed by Asher for the federal government to conduct mass personal data searches on Muslims in the United States, in what amounted to racial profiling to generate lists of terrorism suspects.²²

Now, the billions of data points in the Accurint Virtual Crime Center are at the disposal of ICE and include data from Colorado law enforcement. In Colorado, Colorado Springs Police Department and El Paso County Sheriff's Office have already begun to use AVCC, and the product is listed as an option in Denver County's LexisNexis master contract. There, the terms and conditions stipulate that, in exchange for platform use, local agencies must submit their agency data to the LexisNexis Public Safety Data Exchange (PSDEX) so that other AVCC customers may access it.

ICE is one such customer that has access to Colorado law enforcement data through this corporate backdoor.

On top of the threats to privacy and sanctuary protections that this entails, the personal data on these platforms is often simply inaccurate. An addendum to the Denver contract with LexisNexis notes that the data in the company's information sharing platform "may contain errors," as public safety "source data is sometimes reported or entered inaccurately, processed poorly or incorrectly, and is generally not free from defect." Such is the amount of expected error that LexisNexis furnished a million-dollar insurance policy alongside the contract for potential "errors and omissions" resulting in lawsuits, covering the City of Denver and its officials, employees and volunteers in using LexisNexis data.²³

²² Michael Shnayerson, "The Net's Master Data-miner," *Vanity Fair*, 1 December 2004, www.vanityfair.com/news/2004/12/matrix200412.

²³ City of Denver Contract Control No. SAFTY-201952993-00, signed 10 June 2020.

In addition to the platform's use as a sanctuary policy workaround, the Accurint Virtual Crime Center has predictive policing functions, according to bid documents obtained in a public records request.²⁴ The LexisNexis platform creates "crime hotspot maps" and provides custom predictive analytics for law enforcement data.

AVCC can "predict future hot areas with Predictive Zones, the latest in predictive policing," as well as "Geographic Profiling." These features, the company claims, allow police to deploy resources "to where crime will likely happen," all "powered by proprietary algorithms and perfected at the Department of Defense."

LEXIS NEXIS

- CREATES "CRIME HOTSPOT MAPS"
- PROVIDES CUSTOM PREDICTIVE ANALYTIC FOR LAW ENFORCEMENT DATA

AVCC

(Accurint Virtual Crime Center)

- PREDICT FUTURE HOT AREAS WITH PREDICTIVE ZONES
- CREATES GEOGRAPHIC PROFILING

While Colorado police and sheriffs continue to cooperate and share information with ICE, the most pressing threat to immigrant communities as it concerns information sharing may come from LexisNexis.



²⁴ Colorado Open Records Act request submitted to the Colorado Information Sharing Consortium.

COLORADO'S LEXISNEXIS REVOLVING DOOR

In a glaring conflict of interest, the official directly responsible for Denver's jail system, which must adhere to Colorado's sanctuary law, is a representative of the private-sector data platform that helps ICE get around sanctuary laws in Colorado and elsewhere.



VINCENT LINE

CONFLICT OF INTEREST

Vincent Line, the Chief of Operations for the Denver County Sheriff's Office, oversees both of Denver's jails, as well as Court Services, the Civil Unit, the Warrant Detail, the Emergency Response Unit, the K-9 Unit and other functions. He is also a board member of the LexisNexis Public Safety Data Exchange, the LexisNexis division directly responsible for ICE information sharing.

This exchange compiles data from thousands of law enforcement agencies across the U.S. and sells it as part of the company's AVCC platform to agencies including ICE.²⁵ As the official directly responsible for Denver's jail system, Line should be responsible for preventing any violations of Colorado's sanctuary law — not promoting the tool used to undermine it.

²⁵LexisNexis, Public Safety Data Exchange (PSDEX), www.lexisnexisspecialservices.com/what-we-do/big-data-solutions/public-safety-data-exchange.

Colorado law enforcement has an outsized role at LexisNexis. On the company's eight-person Public Safety Data Exchange board, two members come from Colorado sheriff's offices: Vincent Line and former Mesa County Sheriff Matt Lewis (2015–2021).²⁶ Until Lewis stepped down as Sheriff in July 2021, these two individuals were, for a time, the only active local law enforcement officials on the corporate board, both from a state with sanctuary laws prohibiting exactly the sort of cooperation with ICE that the LexisNexis data exchange enables.

SO WHY DOES COLORADO HAVE SUCH AN OUTSIZED ROLE AT LEXISNEXIS?

The answer lies in the company's effort to effectively privatize law enforcement information sharing functions in the state, by promoting the same corporate platform that ICE does to get around sanctuary laws.

COLORADO INFORMATION SHARING CONSORTIUM



The data ICE wants

Vincent Line and Matt Lewis joined the LexisNexis PSDEX board in 2019, shortly after LexisNexis purchased the Colorado company that hosted the data warehouse at the Colorado Information Sharing Consortium (CISC). The CISC is a statewide cooperative with 87 member agencies that provides police and sheriff's offices across the state with data tools that pull shared information from a Regional Data Warehouse. Line and Lewis were both CISC board members at the time, and received an invitation from LexisNexis after the acquisition.²⁷

²⁶*Ibid.*

²⁷CISC board meeting minutes, May and July 2019.

Founded in 2006 and funded by the federal government in its early years, the Consortium is now funded primarily by member agency fees.²⁸ In 2019, the Colorado General Assembly appropriated \$500,000 to the Department of Public Safety from the marijuana tax cash so that additional agencies could join the Consortium.²⁹

With a full-time staff of only one person, the Consortium's most important components are the data warehouse hosted by LexisNexis and the corresponding application used to access that data. In order to participate in the consortium's data sharing, any federal, state, or local law enforcement agency must simply apply for membership and approval from the CISC board and pay the corresponding fees.



²⁸Colorado Information Sharing Consortium, History, <https://cisc.colorado.gov/history>.

²⁹The Law Enforcement Public Safety and Criminal Justice Sharing Grant Program was established in 2019 under House Bill 19-1073. Unless renewed under new legislation, the program and fund are scheduled to be repealed effective July 1, 2022. See: <https://leg.colorado.gov/bills/hb19-1073>.

Thus, in April 2019, when Colorado's HB 19-1124 sanctuary bill was making its way through the state's General Assembly, access to the Consortium's data piqued the interest of Immigration and Customs Enforcement (ICE), and agency representatives began to contact LexisNexis and CISC. This began on April 30, 2019, when Criminal Analyst Daniel Main of the ICE Homeland Security Investigations Denver Field Office reached out to CISC Executive Director David Shipley to inquire about gaining access to the Consortium's data.³⁰

This was just three days after HB 19-1124 was introduced in the Colorado Senate, already having been passed by the House.³¹ Then again, one month after HB 19-1124 was signed into law, on June 25, 2019, ICE agent Grant Shay reached out to LexisNexis Public Safety Manager Brian Stock to once more inquire about ICE membership.³²



³⁰ Emails obtained through Colorado Open Records Act request.

³¹ Colorado General Assembly, HB19-1124, 28 May 2019, <https://leg.colorado.gov/bills/hb19-1124>.

³² Emails obtained through Colorado Open Records Act request.

After the enactment of the sanctuary law, ICE's Enforcement and Removal Operations (ERO) division got involved. On January 10, 2020, Supervisory Detention and Deportation Officer Robert H. Coultrip III of the ERO office in Florence, Colorado, reached out to LexisNexis representative Brian Strock, who brought CISC's Executive Director into the conversation. On January 13, 2020, Senior ERO Field Training Officer Claudia Lang, based in Centennial, Colorado, followed up with LexisNexis Customer Success Manager Laura Reid-Petee, clarifying that they were seeking to give 144 ICE agents access to one of the company's analytical and information sharing tools (Lumen), an application owned by LexisNexis that is used by CISC to integrate and share its member agencies' data. Lang's message was subsequently passed off to CISC's Executive Director by LexisNexis. This inquiry led ICE to formally apply for CISC membership on February 6, 2020.³³

After receiving a price quote of approximately \$25,000, ICE did not become a member. Thus, there does not appear to be a direct path for CISC to share information with ICE currently, at least not without approval from the corresponding member agency. Nonetheless, there are still ways that CISC data could potentially "leak" to ICE through the agency's information sharing partners. For example, CISC participates in the Naval Criminal Investigative Services' Law Enforcement Information Exchange (LInX) as its Rocky Mountain (RM) regional system. Although RM LInX does not directly share information with ICE, it does share data with 15 regional partner systems,³⁴ two of which – LInX NorthWest and LInX North Capitol Region – have Memorandums of Agreement with ICE to participate in the Law Enforcement Information Sharing Service (LEISS), which ICE calls its "back-end superhighway data sharing system." In this fashion, CISC data could potentially spill to ICE through the RM LInX information sharing system.³⁵

³³ Emails obtained through Colorado Open Records Act request.

³⁴ Naval Criminal Investigative Service, LInX introductory slideshow, <https://docs.google.com/presentation/d/1FepYB9cUeL3mBpqARJmpE-zwhBcauLsr/edit#slide=id.p3>.

³⁵ DHS Privacy Impact Assessment DHS/ICE/PIA-051, Law Enforcement Information Sharing Service (LEIS Service), June 2019, www.dhs.gov/publication/dhsicepia-051-law-enforcement-information-sharing-service-leis-service.



THE PUSH FOR A LEXISNEXIS TAKEOVER

While some police and sheriffs in Colorado have continued to cooperate with ICE despite the state's sanctuary law, the most pressing threat to immigrant communities as it concerns information sharing may come from LexisNexis.

Multiple records and discussions from CISC show that LexisNexis has begun to replace the Consortium's existing data tools with its Accurant Virtual Crime Center, meaning that member agencies would share information within the state by contributing data to the privately-owned platform that ICE uses to get around sanctuary policies. ICE membership at the CISC would then become a moot point, as the agency already has a subscription to the LexisNexis service.

At a March 2022 CISC board meeting, LexisNexis representative Joe Houston noted that the company has begun transitioning the current app used by the Consortium to the AVCC platform, which ICE uses, beginning with photo lineups.³⁶ Board members had previously mentioned that LexisNexis wants its own data connection, separate from the existing one.

³⁶CISC board meeting, March 2022.

In response to this, one board member noted that “we’re steering ourselves towards being aligned with one product and one corporation...and as soon as they have that, then what’s the purpose of the CISC?”³⁷ This concern that the Consortium may become irrelevant due to the corporate dominance of LexisNexis is widely held by CISC board members. Thus, as LexisNexis effectively pushes for CISC’s obsolescence by further privatizing its functions, it is simultaneously pursuing greater control of police and public data throughout Colorado, which puts the data at greater risk of landing in the hands of ICE.

CISC has to decide if it will renew and expand its LexisNexis agreement before the current contract expires in January 2024, or whether it will look for a more tailor-made solution involving various contractors. The Consortium has already begun this decision-making process in consultation with external advisors.



³⁷ CISC board meeting, November 2021.



PREDICTIVE POLICING AND SOCIAL MEDIA MONITORING

CISC lists among its private-sector “providers” several companies involved in predictive policing and social media monitoring.

These contracts were awarded in response to a 2018 Request For Qualifications that sought data analysis companies to query and analyze data stored in its data warehouse, hosted by LexisNexis. According to the RFQ, these providers will only provide services to CISC member agencies that elect to purchase them, but providers will query all data in the Regional Data Warehouse, including data from those which elect not to purchase the data analytics services.

The companies that are now listed as providers by CISC include Geolitica. This is the new name of PredPol, a predictive policing startup that lost a high-profile contract with the Los Angeles Police Department after community pushback over the racist feedback loop that the technology perpetuated in targeting Black and Latinx communities. Internal company documents obtained in December 2021 by Gizmodo confirm these patterns of racial bias, which have affected people across the country, wherever PredPol (now Geolitica) has held contracts. The Stop LAPD Spying Coalition notes that predictive policing, such as discontinued programs run by PredPol and Palantir in Los Angeles, necessarily rely on crime data, which carries with it all the bias of regular policing.³⁸ For example, Palantir’s Operation LASER often used informal referrals to identify “Chronic Offenders,” and nearly 10% of the Chronic Offenders in the LASER database did not have any “quality police contacts” recorded in its points system, while 84% of Chronic Offenders in the database were Black or Latinx.³⁹

³⁸Stop LAPD Spying Coalition, “Before the Bullet Hits the Body: Dismantling Predictive Policing in Los Angeles,” 8 May 2018.

³⁹Office of the Inspector General, Los Angeles Police Commission, “Review of selected Los Angeles Police Department data-driven policing strategies,” 12 March 2019.

Other CISC providers include Echosec, a social media monitoring company that uses geolocation, and BI2 Technologies, an iris scanning company that has ties to John Ashcroft and has been used by the Southwestern Border Sheriff's Coalition for biometric monitoring of migrants by sheriffs at the U.S.-Mexico border.⁴⁰

Campaign against the PredPol Contract with the Los Angeles Police Department



Picture from Los Angeles Times

⁴⁰ George Joseph, "The Biometric Frontier," *The Intercept*, 8 July 2017, <https://theintercept.com/2017/07/08/border-sheriffs-iris-surveillance-biometrics>.

LEXISNEXIS LOBBYING IN COLORADO

In addition to its revolving door practices and influence as a government contractor, LexisNexis engages in extensive lobbying to make sure it can access and resell the personal information of people in Colorado. Since 2016, LexisNexis parent company RELX Group has registered 855 formal lobbying activities on hundreds of state bills.⁴¹

One revealing example came in early 2021 after immigrant rights groups uncovered that the Colorado DMV shared information with ICE agents on an almost daily basis.⁴² Local organizations pushed for additional data privacy protections to supplement the state's 2019 sanctuary law, and in June 2021, Governor Jared Polis signed SB 21-131 into law, effectively banning state agencies from sharing personal identifying information (PII) for federal immigration enforcement purposes, with certain exceptions. The bill also limits third-party access to any PII held by state agencies and databases that are not already in the public domain.⁴³



⁴¹Colorado Secretary of State, Online Lobbyist System, www.coloradosos.gov/lobby/Home.do.

⁴²Natalia V. Navarro, "Immigration Advocates Say DMV Shared Data With ICE That Led To Arrests. Colorado Lawmakers Don't Want It To Happen Again," *Colorado Public Radio*, 11 February 2021, www.cpr.org/2021/02/11/immigration-dmv-shared-data-ice-arrests-colorado-lawmakers.

⁴³SB 21-131, <https://leg.colorado.gov/bills/sb21-131>.

Notably, LexisNexis parent company RELX Group opposed the passage of this bill, lobbying to change the use of specific terminology shortly after it was proposed. RELX requested that certain sections of the bill be rephrased to broaden the scope of what constituted personal information accessible to the public and, therefore, to the company.

RELX also lobbied to limit a requirement for data brokers to certify under penalty of perjury that they will not use data from a non-public state database to assist in federal immigration enforcement, or disclose said information to entities engaged in immigration enforcement. Specifically, the company tried to limit this requirement to state databases only, excluding any multi-state or federal databases, though their efforts were unsuccessful.⁴⁴



⁴⁴ Email correspondence with Siena Mann, Colorado Immigrant Rights Coalition.



HOW TO TAKE ACTION

As both ICE and LexisNexis push to expand the amount of personal data that Colorado state agencies and law enforcement can share with federal immigration authorities, it is urgently important to shut down existing data-sharing pathways and to confront the people and institutions enabling such practices.

Here are some of the ways we can do that:

1 LOCAL ACCOUNTABILITY:



Denver County Sheriff and Denver Police must ensure that they will end their close ties to LexisNexis and stop using LexisNexis or other ICE data brokers to skirt around state and local laws which limit data sharing with ICE.

This should include the following actions:

- Vincent Line, Chief of Operations for the Denver Sheriff office, who is in charge of Denver jails, should step off the board of LexisNexis's Public Safety Data Exchange (PSDEX) which compiles the data for its AVCC platform.
- Alternatively, given the conflict of interest, the Denver Sheriff's office should discontinue his position at the Sheriff's office.
- The Office of Independent Monitoring should review the data sharing practices of the Denver Sheriff Department and its relationship with LexisNexis to determine whether the Sheriff's office is complying with state and local laws and policies which limit collaboration with ICE.

¹"State of Texas v. United States of America (6:21-cv-00016) - Affidavit Rapp — Document #98, Attachment #1," The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

²HB 1124, which went into effect on August 2, 2019, prohibits Colorado jails from holding people for ICE, but still allows local jail employees to notify ICE when an undocumented inmate is to be released.

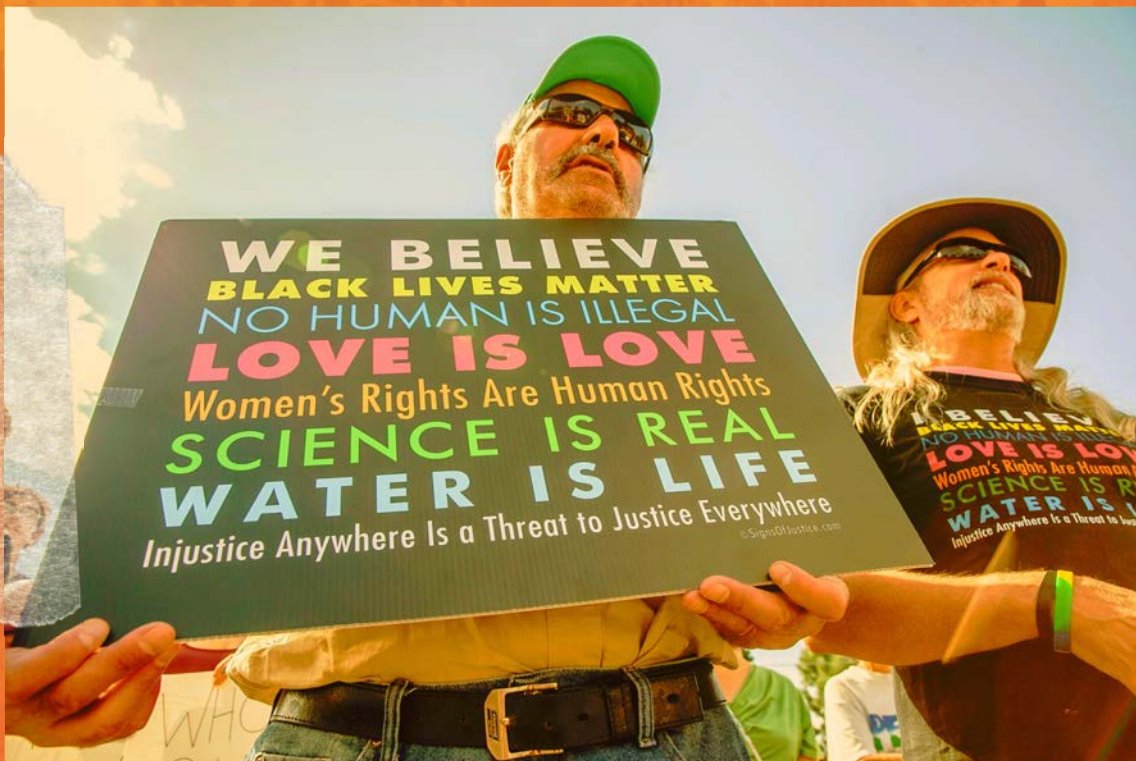
³ICE data compiled by Syracuse University's TRAC Immigration project through June 2020, https://trac.syr.edu/phptools/immigration/detain/about_data.html.

2

CUT TIES WITH LEXISNEXIS AND APPRISS:

Local law enforcement agencies should cancel their direct contracts to share criminal justice data with LexisNexis, which the company then shares with ICE and other third parties.

- Currently, the El Paso County Sheriff, Colorado Springs police, and Denver police have direct contracts with LexisNexis for data sharing.



¹"State of Texas v. United States of America (6:21-cv-00016) - Affidavit Rapp — Document #98, Attachment #1," The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

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³ICE data compiled by Syracuse University's TRAC Immigration project through June 2020, https://trac.syr.edu/phptools/immigration/detain/about_data.html.

Colorado Information Sharing Consortium (CISC) should cancel its hosting contract with LexisNexis and halt the privatization of the criminal justice platform to LexisNexis's AVCC platform.

- CISC data is already being migrated to LexisNexis's AVCC platform, which would make the database accessible to all LexisNexis AVCC customers including ICE. Moreover, CISC data should not be repurposed to sell surveillance tools such as predictive policing software.

The County Sheriffs of Colorado, as well as individual sheriff's offices, should limit the ability of prison data company Appriss from sharing its criminal justice data with ICE, LexisNexis and/or other third parties through Colorado VINE.

- Colorado VINE is meant to be a victim notification system. The liberal use of this data to conduct immigration enforcement and for corporate monetary gain far exceeds its original purpose.

3

INVESTIGATE THE DATA BROKERS COLLABORATING WITH ICE



The Colorado Attorney General's Office should request that LexisNexis and Appriss certify that they do not share state agency data including driver's license data and state criminal justice data with ICE or for an immigration purpose pursuant to SB 21-131.

¹"State of Texas v. United States of America (6:21-cv-00016) - Affidavit Rapp — Document #98, Attachment #1," The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

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³ICE data compiled by Syracuse University's TRAC Immigration project through June 2020, https://trac.syr.edu/phptools/immigration/detain/about_data.html.

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POLICY RECOMMENDATIONS



Colorado's existing immigrant protections through state laws and local ordinances should be strengthened to do the following:

- Prohibit the release of personal information from local law enforcement to ICE, to expand on the already existing protections for probation information;
- Expand the definition of personal information to include jail release time;
- Require that all government contractors or companies which warehouse, host, or purchase local or state criminal justice data certify that they shall not share their data with ICE or for civil immigration enforcement purposes.

The Colorado Public Employees' Retirement Association should divest from both the RELX Group (NYSE: RELX), the parent company of LexisNexis, and Equifax (NYSE: EFX), the parent company of Appriss Solutions.



¹"State of Texas v. United States of America (6:21-cv-00016) - Affidavit Rapp — Document #98, Attachment #1," The Free Law Project, RECAP Archive, September 2021, <https://storage.courtlistener.com/recap/gov.uscourts.txsd.1821703/gov.uscourts.txsd.1821703.98.1.pdf>.

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