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## Memorandum

**To:** Mayor & Council  
**From:** David Reynolds  
**Re:** Agenda Item: Consider Ratification of SPEAR MOU  
**Date:** 05/19/2026

### Purpose:

The purpose of this agenda item is to review the SPEAR MOU and consider ratification, withdrawal, or other directives to the Police Department.

During the regular Town Council meeting held on April 7, 2026, Town Council reviewed the SPEAR MOU and discussed potential ratification, withdrawal, and other available options. During that meeting, four residents provided public comment expressing a variety of concerns regarding the MOU and the Town's continued participation in the SPEAR Task Force.

To ensure a complete understanding of the concerns raised, Town Council continued the agenda item to a future meeting and directed staff to gather additional information and report back to Council.

Since that time, staff has met with residents, spoken with SPEAR representatives and neighboring law enforcement agencies, and reviewed the MOU along with applicable state and federal guidelines relating to criminal intelligence sharing and the dissemination of personal information. Through this process, staff has worked to develop a more comprehensive understanding of the concerns raised, the operational structure of the SPEAR Task Force, and the legal frameworks governing information-sharing practices.

Residents' collective concern can generally be summarized as follows:

Residents appear primarily concerned that a multijurisdictional criminal intelligence-sharing arrangement, as described in Section 6 of the SPEAR MOU, involving agencies such as Homeland Security Investigations (HSI), could unintentionally or structurally allow information collected by local law enforcement agencies to be used for federal immigration enforcement purposes in ways that may conflict with Colorado Article 74. Residents further express concern that such information sharing could expose the Town to legal liability and negatively impact public trust in local policing.

Colorado Article 74 generally limits state and local agencies from sharing non-public personal identifying information for civil immigration enforcement purposes, while 28 CFR Part 23 permits

properly managed criminal intelligence sharing for legitimate criminal investigations when supported by reasonable suspicion and appropriate safeguards.

These legal frameworks can coexist when information sharing remains focused on criminal investigations rather than civil immigration enforcement. However, some residents perceive the potential for a blurring of these distinctions if routine law enforcement information were to become accessible to federal agencies involved in immigration enforcement activities.

While reviewing these concerns, staff has noted the following provisions contained within the SPEAR MOU:

- The SPEAR MOU states that information gathering and sharing between participating agencies shall comply with all applicable provisions of Colorado law and federal regulations.
- The MOU establishes and maintains a centralized computerized criminal intelligence information system for the purpose of assisting local, state, and federal law enforcement personnel in ongoing multijurisdictional criminal investigations and prosecutions relating to specified criminal activity. (MOU Section 6.1)
- The MOU establishes criteria governing information submission, inquiry/access, dissemination, retention and purging, security, audit trails, and agency representation. (MOU Section 6.1)
- The MOU requires compliance with U.S. Department of Justice operating policies, including 28 CFR Part 23, where applicable. (MOU Sections 6.1 and 6.2)
- The MOU places responsibility on participating agencies to maintain the confidentiality of intelligence information and prohibits dissemination except as authorized by SPEAR and applicable policy. (MOU Section 6.2)
- The MOU states that the agreement shall be governed and construed in accordance with Colorado law. (MOU Section 10.4)

Staff's current understanding regarding data gathering and sharing practices is as follows:

- Town police officers do not collect immigration status information as part of routine law enforcement activities.
- Town police officers do not knowingly share confidential personal information in violation of Colorado law.
- Routine information gathered and stored within the New World database is not automatically accessible to HSI or other outside agencies.
- The Town Police Department follows Colorado law regarding the collection, maintenance, and dissemination of personal information.
- Information shared with SPEAR is intended for legitimate criminal investigative purposes and staff does not currently understand those practices to conflict with either Colorado law or 28 CFR Part 23.

## **Conclusion**

- Staff understands that residents' concerns are sincere and stem from a desire to ensure that personal information is handled lawfully, appropriately, and transparently.

- Staff recognizes the value that the SPEAR Task Force partnership provides for regional law enforcement coordination and criminal investigations.
- Staff also understands that recent incidents, combined with what some perceive as ambiguity within portions of the SPEAR MOU, have contributed to public concern.
- Based on staff's present understanding of applicable laws, policies, and current practices, staff believes the Town is operating in compliance with both Colorado and federal law.
- Staff recommends remaining a partner agency within SPEAR while continuing efforts to strengthen transparency, public communication, and clearly written agreements and policies that reinforce public trust and legal compliance.