

# SHERIFF OF GARFIELD COUNTY

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### Sanctuary Policies and the Sheriff of Garfield County

Because of the change in the White House, immigration concerns have come to the forefront in our country. While there will continue be a lot of movement and changes, I want to clarify my role in immigration matters as the Garfield County Sheriff.

In March of 2024, the Garfield County BOCC addressed sanctuary policies by declaring that Garfield County is not a sanctuary county. This was partially intended to address a national organization that wrongfully lists on their website Garfield County, and specifically the Sheriff's Office, as sanctuary organizations. Their concern with me as the Sheriff was that because we do not (cannot) hold illegal migrants for ICE, we are therefore a sanctuary organization. Cooperation with ICE is the catalyst for this and I want to make it clear that I work with ALL law enforcement agencies, from local to international, to the degree I legally can.

I say "legally" because the Colorado Legislature has enacted several laws limiting my ability to work with ICE. Further, several federal lawsuits across the country have decided that with no 'criminal' charges (ICE holds are almost always 'administrative/civil' matters), people cannot be held in jail against their will. There is clearly an argument to be made that crossing our borders illegally is a crime, but it is a federal crime and the Department of Homeland Security is the agency to manage that.

So, what authority do I have as a Sheriff to enforce federal laws? None. I do not, nor do any Colorado state and local law enforcement officers have federal immigration authority. We are limited to enforcing state and local crimes. My authority as a Law Enforcement Officer comes from the State of Colorado, not the federal government.

Colorado law requires that when an inmate is no longer being held on criminal charges by completing their sentence, bonding out, or being released by the courts on a Personal Recognizance Bond, I must release them within six hours. Their administrative status under federal law is not a consideration. However, local ICE agents review our public jail website that shows the status of everyone in jail. If ICE has an interest in detaining one, or more of them because of the seriousness of their crimes, they notify the jail and ask that we let them know when that person of interest is going to be released, and we do. It is up to ICE to provide the resources to pick them up after they are released. Regardless, I cannot unnecessarily delay anyone's release and must comply with the six hour rule. On the other hand, if their status is criminal and is accompanied with a warrant signed by a federal Magistrate or Judge, they can be detained. This applies to all of the three letter federal agencies.

The other concern that is being questioned is the law that prohibits a CIVIL arrest in the area of a Courthouse. It can be found in the Colorado Revised Statutes (CRS) under 13-1-403/404. It is a generic application to all Law Enforcement agencies, although it is clearly directed towards ICE.

Basically, it prohibits a civil arrest (administrative or civil infraction) from being enforced while the subject is in, or around a courthouse for a court proceeding. This is incredibly confusing because I have no idea how to arrest someone for a civil violation! The example might be where you are charged with a traffic "infraction". That violation is NOT a criminal violation, but a civil matter. You cannot be thrown in jail for an infraction. The remedies are managed in other ways such as license suspension, etc.

In the case of this specific Courthouse law, since it is not a criminal offense, Law Enforcement has no authority to take any action. If an Officer or Agent does violate this, they can be sued, the courts can order a Contempt violation, etc, but they cannot be charged with a criminal offense. Ironically, if an Agent were to violate this statute and I arrested them "civilly", I would also be violating the statute by civilly arresting someone in the Courthouse!

Finally, and let me be clear, I will support ANY other law enforcement agency when requested, as an 'agency assist' for the best interest of public safety. There are no laws preventing me from supporting another law enforcement agency and I will always do so when asked.

The concerns of illegal immigration and sanctuary practices are not going away. However, I wanted to make it clear what my role as the Garfield County Sheriff is in this complex issue.

Lou Vallario  
Garfield County Sheriff