



LARIMER COUNTY SHERIFF'S OFFICE

Justin E. Smith, Sheriff

One Agency

One Mission

Public Safety

ADDRESSING THE POLICIES OF THE LARIMER COUNTY SHERIFF'S OFFICE ON IMMIGRATION ENFORCEMENT AUTHORITY

Among the most solemn responsibilities and duties of an elected county sheriff are to uphold the Constitution and to enforce the laws of the state fairly.

In the current debate over immigration enforcement, many politicians and reporters are either misunderstanding important legal issues or are simply misstating them.

News reports routinely make statements about local police and sheriffs either enforcing or refusing to enforce federal immigration laws. The reality is that local law enforcement officers have no legal authority granted to them to enforce federal immigration laws- or any other federal laws.

The way our system works is that Congress has the authority to create federal laws and empower federal law enforcement officers (FBI, DEA, Border Patrol, etc.) to enforce those laws, while state legislatures enact state statutes and empower state and local law enforcement officers to enforce those laws.

What local police and sheriffs can and should do is work cooperatively with federal law enforcement agencies, by sharing information about known violations of federal law. In turn, federal officers are obligated to do the same with state and local police.

Starting a few of decades ago, a handful of cities enacted policies or passed ordinances that prohibited their employees from sharing information on possible immigration law violators with immigration enforcement agencies. Those cities proudly proclaimed that they would provide "sanctuary" to those who were violating federal immigration laws- thus beginning what has been called the sanctuary movement. In response, Congress in 1996 enacted a federal law, 8 USC 1373, that prohibits states and local governments from that practice. This law did not empower states with immigration enforcement powers, it was simply a mechanism to stop them from obstructing enforcement of federal immigration laws.

Across Colorado, county jails share information on arrestees with Immigration and Customs Enforcement (ICE) officials and honor all federal arrest warrants. Federal courts (Beginning in April of 2014 with Olivares-Miranda v Clackamas County, Oregon) have repeatedly ruled that local sheriffs exceed their authority if they hold detainees beyond their local charges without a federal court order -such as with ICE voluntary detainer requests.

Administration
2501 Midpoint Dr.
Fort Collins, CO 80525
970 498-5100

County Jail
2405 Midpoint Dr.
Fort Collins, CO 80525
970 498-5200

Emergency Services
1303 N. Shields
Fort Collins, CO 80524
970 498-5300

www.larimersheriff.org

At the Larimer County Jail, we continue to cooperate with ICE and encourage them to seek and obtain federal warrants for those suspected of immigration violations, just as all other federal law enforcement agencies do with other violations of federal law.

On a monthly basis, sheriffs receive calls from parties who either want us to obstruct the enforcement of federal immigration laws or those who advocate that Constitutional protections be suspended when it comes enforcement of immigration laws. We should bow to neither side.

Instead we must honor our oaths of office to fairly enforce the laws of our state and protect our Constitution. The two concepts are not in opposition to each other. They go hand in hand.

I personally take great inspiration from former Colorado Governor Ralph Carr, who pushed back against President Franklin Roosevelt's efforts to strip the Constitutional Rights of Americans of Japanese descent during WWII. Governor Carr chose to do the right thing, not because it was popular, but because it was the right thing.

Justin Smith, Sheriff

Larimer County, Colorado