



County Sheriffs of Colorado

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August 31, 2015

Dear Senator Gardner,

The County Sheriffs of Colorado are very concerned about proposed federal legislation under HB-3009, ("Sanctuary Cities"), which would require county sheriff's to detain suspected illegal immigrants based upon an Immigration and Customs Enforcement (ICE) detainer. Federal courts in Oregon and Pennsylvania have recently ruled that ICE detainers are not warrants, as they are not judicially reviewed for probable cause. They are administratively issued and do not have the power of law or afford due process. County sheriffs in those jurisdictions have been found liable for violating inmate's civil rights, for holding individuals based on these ICE detainers.

HB-3009 threatens to withhold millions of dollars in federal grants and aid from jurisdictions who refuse to honor these detainers, despite the fact that federal courts are likely to hold sheriffs liable for civil rights violations if we do honor these detainers.

This proposed legislation would put county sheriffs in an impossible position. We are happy and duty-bound to detain criminal aliens based upon a judicially reviewed and issued arrest warrant. We should not be put in the position of choosing between federal law and the constitutional rights of detainees in our jails, which is exactly what HB-3009 would force us to do. We urge a "no" vote on HB-3009.

Sincerely,

A handwritten signature in black ink that reads "Rick Dunlap". The signature is written in a cursive style with a large, prominent "R" and "D".

Sheriff Rick Dunlap
President, County Sheriffs of Colorado