

Jail can hold illegal immigrants

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MIKE WIGGINS
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The Mesa County Jail has resumed detaining illegal immigrants after tweaking its policies to the satisfaction of federal officials.

Mesa County Sheriff Stan Hilkey said U.S. Immigration and Customs Enforcement notified him Wednesday that it would allow immigrants to once again be held at the jail.

Six weeks ago, ICE barred the Sheriff's Department from detaining immigrants because it was violating federal immigration policies by not offering immigrants access to phones and not classifying them and holding them in a jail pod separate from other inmates. Immigrants were being housed in the jail's indoor, carpeted gymnasium and sleeping on cots.

Hilkey said at the time he was offended by the mandate and claimed immigrants had better living conditions at the jail than other inmates who are U.S. citizens. He and local legislators said the agency's decision would make it more difficult to enforce immigration laws on the Western Slope.

With the Mesa County Jail no longer an option, law-enforcement officers were forced to transport illegal immigrants to county jails in Craig or Fairplay or an ICE detention center in Aurora.

Hilkey said a Daily Sentinel article about the issue "generated a considerable amount of angst" with ICE. He said an ICE supervisor from Pueblo and another ICE official came to the jail on Nov. 20 to look at the area where immigrants were being held.

"His first words were, 'Oh, this isn't what I thought it was,' " Hilkey said, referring to the supervisor.

Hilkey said ICE officials said they had no problem with keeping immigrants on cots in the gym. He said the agency was concerned about keeping violent detainees in the same room as nonviolent detainees and ensuring immigrants have access to phones.

As a result, Hilkey said the jail will no longer detain the most violent immigrants and will work with its phone vendor to install a couple of phones in the gym so immigrants can contact their attorneys or the Mexican consulate.

"We've gotten past it, and we're fine," Hilkey said. "All the drama associated with this didn't have to happen that way if we had just had the opportunity to sit down with them and talk."

ICE spokesman Carl Rusnok confirmed the Sheriff's Department addressed the agency's concerns.

"We've been working with the Mesa County Sheriff's Office, and they've basically made arrangements in order to ensure they were classifying the aliens that they were taking and making sure they had access to phones," Rusnok said.

Hilkey said the jail is again housing immigrants because "it's the right thing to do."

"Our public expects us to be collaborative with (ICE)," he said.

Immigrant holds at jail halted

Sheriff offended at allegations of federal policy violations

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MIKE WIGGINS
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Federal immigration officials have barred the Mesa County Sheriff's Department from detaining suspected illegal immigrants, alleging the manner in which they were being held in jail violates immigration policies.

The mandate which was handed down this week from the U.S. Bureau of Immigration and Customs Enforcement, and took effect immediately, baffled Sheriff Stan Hilkey, who said illegal immigrants were housed in an area previously used by a group of jail inmates who work during the week and serve their sentences on the weekends.

"I think it begs this question, that if it's good enough for our own inmates, American citizens, it ought to be good enough for (illegal immigrants)," Hilkey said.

The Mesa County Jail is now the second detention facility on the Western Slope no longer allowed to detain illegal immigrants. Garfield County stopped holding them this summer because ICE objected to the jail's use of Tasers.

Hilkey said Cesar Garcia, an immigration enforcement agent with ICE in Grand Junction, met with Hilkey and Cmdr. Steve Farlow, who oversees operations at the Mesa County Jail, on Wednesday and told them ICE is terminating a contract with the Sheriff's Department that allowed immigrants who are suspected of being in the country illegally to be detained in the jail for up to 72 hours before they are transferred elsewhere to face deportation proceedings. The change does not affect suspected illegal immigrants who are accused of committing another crime.

The Mesa County Jail has served as a temporary holding place for suspected illegal immigrants since before the new jail was built in 1992, Hilkey said. Farlow said the jail detained a total of 127 inmates solely on immigration holds this year, including a final group of nine that was brought in from Garfield County on Wednesday.

For nearly the last three months, Hilkey said, immigrants were held in the jail's indoor, carpeted gymnasium and slept on cots. Prior to that, they were held in the jail booking area. He said the gym was used from August 2006 to August of this year by convicts in the county's workender program, which allows them to work during the week and serve their sentences in jail on the weekends.

Hilkey said the gym, which held a maximum of 30 inmates, was renovated last year to include showers and bathrooms. Immigrants were supervised 24 hours a day, either by a detention officer or via jail video cameras, he said.

Garcia told Sheriff's Department officials they were violating ICE policies by not offering immigrants access to phones and not classifying them and holding them in a jail pod separate from other inmates.

Hilkey said department policy forbids any inmate waiting to be transferred to another facility from using a phone for security reasons. He said suspected illegal immigrants were not being held in a jail pod because there was no room, and that by keeping them in the gym, he figured the department was meeting ICE's policy of isolating immigrants from other inmates.

Hilkey said he did not know how ICE learned the jail was violating the agency's policies.

Reached for comment Thursday, Garcia referred questions to ICE's public affairs division in Dallas. ICE spokesman Carl Rusnok said the agency temporarily moved detainees out of the jail until "adequate housing" is available there.

"ICE is required to maintain its strict detention standards," Rusnok said.

Hilkey said he is not upset with local ICE officials, whom he believes are working hard to enforce immigration laws but are carrying out orders from higher up in the agency.

The sheriff said he is offended by charges that the jail was violating ICE standards, saying he suspects the conditions in the gym were "probably a heck of a lot better" than those the immigrants experienced entering the United States.

"It just seems like they're backing themselves into a corner and limiting their options for where they can hold these guys," he said of ICE.

Local ICE officials suggested the Sheriff's Department hold detainees in the jail's booking area rather than the gym. But Hilkey said the booking area doesn't hold as many inmates as the gym. He also said there is greater risk in detaining immigrants in the booking area because other inmates consistently pass through.

Hilkey suggested the conditions in the gym are better than those in the booking area, where, on Thursday morning, three jail inmates were sleeping on mats on the floor in an open area. Six more were sleeping on mats on the floor or concrete beds in the jail's detoxification cell.

Hilkey said Garcia told him with Mesa County no longer an option for holding suspected illegal immigrants, detainees will either be taken to jail in Moffat County or Park County.

The sheriff said ICE's decision will not have much effect on the department, which made a little money from detaining illegal immigrants. ICE paid the county \$62 per day, per inmate to house detainees. It costs the jail \$52 a day to house an inmate. He said he thinks the effects will be felt in the community, which he said expects governmental agencies to work together on issues relating to illegal immigration.

"We're all supposed to figure out solutions to problems, not create them," Hilkey said.

State Rep. Steve King, R-Grand Junction, who wrote a letter this week to President Bush asking him to change the policy that prohibits suspected illegal immigrants from being detained in jails that use Tasers, called the agency's decision regarding Mesa County "a huge step backwards" in the enforcement of immigration laws.

"I think what's going on is we're creating a dysfunctional system of dealing with immigration," he said.

Steve Wymer, spokesman for U.S. Sen. Wayne Allard, R-Colo., said Allard would be interested in learning more about what happened in Mesa County in light of the situation in Garfield County.

"That issue is of concern, no doubt about it," Wymer said.

Wymer said Allard still is waiting to receive a response to a letter he wrote on Sept. 26 to the Department of Homeland Security, which oversees ICE. The letter raised concerns about ICE's refusal to house detainees in Garfield County.

Illegal aliens sent away from Mesa County

Grand Junction Free Press
MARIJA B. VADER
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When eight people were detained early Wednesday morning and transferred into the custody of the Immigration Customs Enforcement, they were sent to the Mesa County Jail.

If those eight people were caught today, they'd likely be turned away from Mesa County.

Thursday, Mesa County was informed by the federal agency that the facility the county uses to house

illegal aliens doesn't meet federal standards.

Prior to Thursday, the illegals stayed in a secured carpeted gymnasium fitted with cots and with tables, showers, and rest rooms, said Heather Benjamin, spokeswoman for the sheriff's department. The gym had been used by the county to house county inmates for its weekender program.

"It's just one big room instead of cells and cots instead of beds," Benjamin said.

"If it meets the standard for our local convicted criminals to stay there, it should meet the standard for illegals," Benjamin said Thursday. "It's the only place we have. Our jail cells are all full with our local criminals."

Mesa County contracts with the federal agency to house the illegal aliens for slightly more than \$62 a day, she said. Inmates cost about \$52 a day to house, clothe, feed, supervise, and process, she said.

"By the time you add that extra workload, at best it comes out in the wash," she said. "The sheriff has said we probably lose a little bit of money ... but we want to have a collaborative effort to rid our country of illegals."

The ICE and Mesa County still have a contract, and "they'll start bringing detainees back, once we meet their standard," Benjamin said.

The eight illegal aliens Wednesday were originally detained in Garfield County, said Carl Rusnok, ICE spokesman.

They were transferred to Mesa County and eventually transferred to an immigration center in Aurora, Rusnok said.

Detained were Hugo Sanchez-Sanchez, Jindrich Subrt, Luis Valdez-Bonilla, Jesus Hernandez-Rivera, Manuel Quisquina, Santos Garcia-Zurito, Rolando Martinez-Sonda, and Rosendo Guevaro-Chicas.

From now on, detained illegals will be transported to Moffat or Park counties or to the Aurora immigration center.

"They won't come to us," Benjamin said.

