



# County Sheriffs of Colorado

6001 Ron King Trail, Unit C

Littleton CO. 80125

Telephone: 720-344-2762

Fax: 720-344-6500

Web: [www.coloradosheriffs.org](http://www.coloradosheriffs.org)

Executive Director: Chris Johnson

## 2017 EXECUTIVE BOARD:

August 14, 2017

### PRESIDENT

Sheriff Justin Smith  
Larimer County

Mr. Richard Sweetman  
Office of Legislative Legal Services  
200 E. Colfax Avenue, Room 091  
Denver, Colorado, 80203

### 1<sup>st</sup> VICE PRESIDENT

Sheriff Chad Day  
Yuma County

Subject: Certified and non-certified deputy sheriffs

### 2<sup>nd</sup> VICE PRESIDENT

Sheriff Shayne Heap  
Elbert County

Dear Mr. Sweetman,

### SECRETARY/TREASURER

Sheriff Garrett Wiggins  
Routt County

We appreciate you reaching out for clarification on the statutes regarding the appointment of certified and non-certified deputy sheriffs. The duties and responsibilities of the county sheriff are much broader than those of municipal police departments and state policing organizations, which is why the legislature made special considerations in CRS 16-2.5-103.

### PAST PRESIDENT

Sheriff Bruce Hartman  
Gilpin County

To better understand the context, one should look in CRS, Title 30, Article 10, Section 500 at the duties of a Colorado County Sheriff. Specifically, CRS 30-10-506 DEPUTIES, addresses the authority of a sheriff to appoint deputies. In the last sentence, it states "Persons may also be deputized by the sheriff or undersheriff in writing to do particular acts." In common terms, these individuals are referred to as "special deputies."

## 2017 BOARD OF DIRECTORS:

Sheriff Tony Spurlock  
Douglas County

Under the doctrine of posse comitatus, sheriffs had the authority to deputize a posse to assist him in keeping the peace and apprehending fugitives. While this practice is not used with the regularity that it was one hundred years ago, it is not unheard of for Colorado Sheriffs today to invoke this authority under CRS 30-10-506, when conditions warrant it.

Sheriff Mike McIntosh  
Adams County

In recent times, an undersheriff in Hinsdale County had to invoke such power when the sheriff was murdered and a posse had to be assembled to capture the sheriff's murderer.

Sheriff Sam Zordel  
Prowers County

More recently, that power was invoked in Larimer County during a large scale natural disaster, when community members were deputized in isolated areas to keep the peace in areas of the county where the sheriff's office had no presence in the days following devastating floods.

Sheriff Joe DiSalvo  
Pitkin County

As mentioned above, the duties of a sheriff extend beyond the traditional law enforcement duties that involve enforcement of criminal or traffic laws, which typically rely on POST certified deputies.

Sheriff Matt Lewis  
Mesa County



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As some examples, sheriffs are designated as the custodian of the jail (30-10-511), responsible for guarding inmates and transporting prisoners (30-10-514). In fulfilling those duties, Colorado statutes discuss sheriff utilizing deputies or jailers (30-10-511) and makes mention of the sheriff's ability to appoint a keeper of the jail (17-26-102) and guards (17-26-122) over the prisoners in the jail. Sheriffs are also designated as the fire warden of the county (30-10-512) and are responsible to coordinate suppression of forest, prairie and wildland fires (30-10-513) and execute search and rescue missions (24-33.5-822). In addition, the sheriff is responsible for executing writs and attending court (30-10-515).

By necessity, authorized by statute (30-10-506), sheriffs employ an undersheriff and a number of deputies to assist them in the execution of the above duties. Outside of duties requiring direct enforcement of criminal and traffic statutes, sheriffs resort to special deputy appointments for other duties, fulfilling the jail, court and fire / rescue duties of the sheriff. As conditions warrant, they from time to time exercise their authority to deputize citizens (ie call a posse) to assist in keeping the peace, capturing fugitives and maintaining order in their counties.

For those reasons, it remains critical that they continue to be vested with the authority to utilize non-certified deputies to carry out their duties and responsibilities.

Respectfully submitted by,

The Board of Directors of the County Sheriffs of Colorado

Sheriff Justin Smith, President

Sheriff Chad Day, First vice-president

Sheriff Shayne Heap, Second vice-president

Sheriff Garrett Wiggins, Secretary

Sheriff Bruce Hartman, Past president

Sheriff Sam Zordel, Director

Sheriff Mike McIntosh, Director

Sheriff Tony Spurlock, Director

Sheriff Joe DiSalvo, Director

Sheriff Matt Lewis, Director

Sheriff (ret.) Chris Johnson, Executive Director

Katherine Schroeder, Counsel to the Board of Directors