

Mesa County Sheriff's Office

Sheriff Todd Rowell



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July 14th, 2025

To: Matt King, Undersheriff
From: Art Smith, Operations Division Chief
Re: Request for Major Discipline, Deputy Alex Zwinck
Case: AXON Standards EVT-00001149

I have reviewed this Professional Standards Unit (PSU) investigation, to include listening to and watching Deputy Alex Zwinck's compelled administrative interviews.

The PSU investigation revealed that beginning prior to (exact start date was never determined) 05/20/25 and running through 06/16/2025, Deputy Alex Zwinck and Deputy Erik Olson were part of a "Signal" chat group. During this period of time, Deputies Zwinck and Olson were both K9 handlers, were both assigned to the DEA Drug Task Force and were both primarily tasked to drug interdiction on I70. The chat group was reportedly originally set up to facilitate communication and cooperation among I70 drug interdiction officers. Persons involved in the chat group included: Zwinck and Olson, numerous Colorado State Patrol (CSP) interdiction officers, drug interdiction officers from other Colorado jurisdictions further east on I70, numerous employees of Homeland Security Investigations (HSI) and one Immigrations and Customs Enforcement (ICE) Officer, specifically the involved ICE officer is an Enforcement and Removal Officer (ERO).

The PSU investigation revealed that beginning at an unknown date prior to 05/20/25, Deputy Zwinck and Olson (as well as numerous CSP interdiction officers) had developed the routine practice of sending information about persons they had stopped (including photos of identification documents) to the group chat with the intent of having HSI personnel research various federal databases to obtain investigatory information, not otherwise available to Deputy Zwinck and Olson, that might assist them in furthering their **criminal** drug interdiction efforts.

The PSU investigation revealed that beginning at an unknown date prior to 05/20/25, in addition to receiving criminal investigatory information back from HSI, Deputy Zwinck and Olson also began receiving information back from HSI relevant to individuals' civil immigration statuses. The PSU investigation revealed incidents in which Deputy Zwinck and Olson learned, from HSI, information concerning individuals' civil immigration statuses subsequent to or concurrently with learning that HSI had no criminal investigative reason to contact subjects of their traffic stops. The PSU investigation revealed incidents in which Deputy Zwinck assisted, detained and/or provided direction of travel and vehicle identification information to HSI/ICE personnel after having learned HSI/ICE wished to contact subjects of their traffic stops solely for the purpose of

enforcing civil immigration violations. The PSU investigation revealed one incident in which Deputy Zwinck handcuffed an individual at the request of an HSI officer, an individual whom Deputy Zwinck knew was being detained solely for immigration violations.

Directly relevant to Deputy Zwinck's series of actions revealed in this investigation; and prior to the passage of Colorado Senate Bill 25-276 (signed and effective on 05/23/25), I had previously issued two directive emails to Operations Staff concerning immigration, our (not) investigating or enforcing immigration violations, and Operations Personnel (not) communicating with federal immigration officers.

The first relevant directive email was published on 02/08/2024, and was titled: "Direction for possible mass migrant arrivals". Some key points in the directive were as follows:

- "1) We will investigate and enforce violations of criminal law over which we have authority (whether suspect[s] is migrant or citizen), 2) We will keep the peace in our jurisdiction, 3) We will attempt to direct persons to resources when indicated and we are able, 4) We will treat those we contact professionally."
- Copy and pasted in the directive, was the full text of Colorado **HB13-1258 CONCERNING LOCAL GOVERNMENT INVOLVEMENT WITH FEDERAL IMMIGRATION ISSUES**
- Copy and pasted in the directive, was the full text of **C.R.S 24-76.6-102. Civil Immigration Detainers** (pursuant to HB19-1124). In the directive, the text of C.R.S. 24-76.6-102, subparagraphs (2) and (3) were highlighted for emphasis, as they appear below:
 - 2) A law enforcement officer shall not arrest or detain an individual on the basis of a civil immigration detainer request.
 - (3) The authority of law enforcement is limited to the express authority granted in state law.

This directive was published to recognize, at that time, there was significant fear, conflicting public viewpoints and uncertainty in our community, about a possible future occurrence. The directive was published to remind and reinforce to all Operations personnel that our mission, our philosophy, and our response had not and was not changing. The directive was published to remind all Operations personnel of the Colorado Statutes that govern and limit our involvement in civil immigration enforcement and our cooperation with federal immigration officials. This directive did not represent a change in our philosophy or practices. This directive was consistent with our philosophy and practices pre-dating the passage of Colorado HB13-1258. This directive was issued to reinforce to all Operations personnel that regardless of the whatever situation they might encounter we would continue to conduct our business as usual, according to our existing philosophy and practices and within existing Colorado law.

The second relevant directive email to Operations personnel, was published on 01/30/2025, and was titled: "Providing information to ICE about arrestees – read this email". This directive was published following a request from an HSI official, in a routine multi-jurisdictional de-confliction meeting, asking state and local officers to contact HSI/ICE in the event of arresting a person for a violent crime, if the arresting officer believed the person may not be a citizen. Two key points from the directive are quoted below:

- “C.R.S. very narrowly restricts our/your enforcement authority in immigration issues, to include very strictly narrowing our/your ability to cooperate with ICE.”
- “...should you arrest a person whom you believe is not a US Citizen, for whatever reason, please **do not call HSI or ICE.**”

Between 02/08/24 and 06/16/25, no contradictory written directives concerning our (lack of) involvement in enforcement of civil immigration violations were issued to Operations personnel. The PSU investigation revealed Deputy Zwinck had received and had read both immigration non-enforcement directives. The investigation revealed Deputy Zwinck had received no training in the enforcement of immigration violations. The investigation revealed Deputy Zwinck had not received verbal direction from any MCSO supervisor to assist HSI or ICE in the enforcement of civil immigration violations.

On 05/23/2025, Colorado Senate Bill 25-276 was passed and became law. SB25-276 further restricted Colorado law enforcement officers from providing information to federal immigration officials for the purposes of investigating or enforcing civil immigration violations.

In a series of actions undertaken by Deputy Zwinck, as revealed by this investigation, I find a preponderance of evidence that Deputy Zwinck violated numerous MCSO policies, to include the following:

- **Standards of Conduct 320.5.1 – Law, Rules and Orders**
 - (b) *Disobedience of any legal directive or order issued by any office member of a higher rank.*
- **Standards of Conduct 320.5.1 – Law, Rules and Orders**
 - (c) *Violation of federal, **state**, local or administrative **laws**, rules or regulations.*
 - *Note: I find a preponderance of evidence that actions taken by Deputy Zwinck, without regard to the passage of Colorado SB25-276, were in violation of C.R.S. 24-76.6-102(2).*
 - *Note: I find a preponderance of evidence that actions taken by Deputy Zwinck post passage of SB25-276, were in violation of provisions of SB25-276.*
- **Standards of Conduct 320.5.2 – Ethics**
 - (b) *The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.*
- **Standards of Conduct 320.5.7 – Efficiency**
 - (b) *Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.*

- **Standards of Conduct 320.5.8 – Performance**
 - *(i) Any act on- or off-duty that brings discredit to this office.*

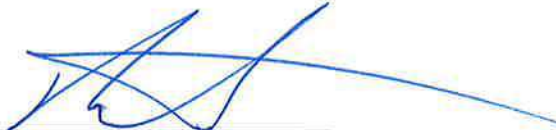
- **Standards of Conduct 320.5.9 – Conduct**
 - *(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.*

- **Immigration Violations 413.4 – Detentions** *(as published and effective prior to the current revised edition, which was released on 06/26/25)*
 - *A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant...*

Conclusion:

In light of the gravity, severity and scale of the series of actions undertaken by Deputy Zwinck, as revealed in this investigation, I am referring this matter to you and I am requesting Major Discipline for Deputy Alex Zwinck, beyond the Major Discipline remedies that I have at my disposal.

Respectfully,



Art Smith
Operations Division Chief