



April 2, 2026

Audrey Cromwell
Gallatin County Attorney
502 S. 19th Ave Suite 102
Bozeman, MT 59718
[Via email to audrey.cromwell@gallatin.mt.gov](mailto:audrey.cromwell@gallatin.mt.gov)

Re: Cease and Desist Illegal Sanctuary Jurisdiction Policy

Dear Ms. Cromwell:

I write in response to your office's determination that U.S. Immigration and Customs Enforcement (ICE) is not a criminal justice agency entitled to receive Confidential Criminal Justice Information (CCJI) absent a court order. See Attachment A. Your policy is legally incorrect and inconsistent with both Montana law and governing federal statutes.

Montana law defines the term "criminal justice agency" as a matter of statute—not local discretion. State law provides that a "criminal justice agency" includes "any federal, state, or local government agency designated by statute or by a governor's executive order to perform as its principal function the administration of criminal justice."¹ This definition is broad and expressly includes federal agencies whose core function is the enforcement of criminal law.

ICE plainly meets that definition. As you should know, ICE is a component of the U.S. Department of Homeland Security charged with enforcing federal immigration and customs laws.² ICE officers are authorized to investigate, apprehend, detain, and remove individuals who violate federal law.³ They also routinely engage in criminal investigations and coordinate with federal, state, and local law enforcement agencies.⁴ For example, Homeland Security Investigations (HSI) is a federal criminal law enforcement agency within ICE that "investigates the illegal movement of people,

¹ MONT. CODE ANN. § 44-5-103(7)(b).

² See 6 U.S.C. § 251 (establishing ICE); 8 U.S.C. § 1103(a) (vesting authority in the Secretary of Homeland Security to administer and enforce immigration laws).

³ See generally 8 U.S.C. §§ 1226, 1231.

⁴ See, e.g., 8 U.S.C. § 1357 (powers of immigration officers); 18 U.S.C. § 1591 (human trafficking); 18 U.S.C. §§ 1956-57 (money laundering).

DEPARTMENT OF JUSTICE

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goods, money, contraband, weapons and sensitive technology into, out of and through the United States.”⁵ Similarly, ICE’s Enforcement and Removal Operations (ERO) “identifies and apprehends removable aliens, detains these individuals when necessary and removes illegal aliens from the United States”—prioritizing “the apprehension, arrest and removal of convicted criminals, those who pose a threat to national security, fugitives and recent border entrants.”⁶ The enforcement of federal immigration law—including criminal provisions—clearly constitutes the “administration of criminal justice” within the meaning of Mont. Code Ann. § 44-5-103(7)(b).

Moreover, nothing in Montana law authorizes a county attorney to unilaterally redefine or narrow this statutory term. The Legislature has spoken clearly, and where necessary, the Governor may designate additional agencies by executive order. Local officials lack the authority to override or reinterpret statutory definitions based on policy preferences. Your office’s determination effectively attempts to substitute local judgment for state law, which it cannot do.

Your policy also raises serious public safety concerns. CCJI sharing is a critical component of effective law enforcement cooperation. Denying ICE access to information routinely shared among criminal justice agencies impedes the ability of federal officers to identify, apprehend, and remove individuals who may pose a risk to Montana communities. It creates unnecessary barriers to coordination and undermines the integrated system of law enforcement cooperation that Montanans rely upon for their safety.⁷

Moreover, your policy appears to be a deliberate effort to functionally limit cooperation with federal immigration authorities while avoiding explicit acknowledgment. Such an approach resembles a “sanctuary” policy in practice, if not in name. Montana law does not authorize local jurisdictions to adopt policies that obstruct or materially hinder cooperation with federal law enforcement. Efforts to do so—whether done overtly or stealthily—are inconsistent with our State’s legal framework and public safety priorities.

⁵ See <https://www.ice.gov/hsi/who-we-are#mission>.

⁶ *Homeland Security Investigations, a Directorate within U.S. Immigration and Customs Enforcement: In Brief*, CONGRESSIONAL RESEARCH SERVICE, at 1 n.2 (Nov. 10, 2015), https://www.congress.gov/crs_external_products/R/PDF/R44269/R44269.3.pdf.

⁷ Gallatin County’s policy also implicates the National Crime Prevention and Privacy Compact, adopted by MONT. CODE ANN. § 44-5-601, which organizes an electronic information sharing system among the Federal Government and the States to exchange criminal history records for noncriminal justice purposes authorized by Federal or State law, such as background checks for governmental licensing and employment. Under this Compact, the FBI and the Party States have agreed to maintain detailed databases of their respective criminal history records, including arrests and dispositions, and to make them available to the Federal Government and to Party States for authorized purposes. “Noncriminal justice purposes” includes “immigration and naturalization matters.” MONT. CODE ANN. § 44-5-601 art. I, § (16).

Let me be clear: Montana is not California. This State does not embrace policies that isolate our law enforcement partners or undermine the enforcement of duly enacted federal laws. Montana supports cooperation among all levels of law enforcement, including ICE, to ensure that our communities remain safe and that the rule of law is upheld.

Gallatin County must immediately bring its practices into compliance with Montana law and recognize ICE as a criminal justice agency entitled to appropriate access to CCJI, consistent with applicable statutes and regulations. This demand includes any other CCJI or immigration policies which violate state law. Accordingly:

- 1. Please communicate rescission of this policy to my office by 9am on Monday April 6, 2026, or I will take immediate action.**
- 2. Please retain all documents and communications related to this policy and any other policy, formal or informal rule, order, ordinance, whether written or unwritten, related to federal immigration law, including but not limited to (a) sending to, receiving from, exchanging with, or maintaining for a federal, state or local government entity information regarding a person's citizenship or immigration status for a lawful purpose; (b) complying with a notification request concerning the release of an individual, if the request is lawfully made by DHS pursuant to certain federal statutes; or (c) complying with an immigration detainer request.**

Please direct all correspondence to Montana Solicitor General Christian Corrigan, christian.corrigan@mt.gov. Thank you for your attention to this matter.

Sincerely,



AUSTIN KNUDSEN
Montana Attorney General

cc:

Governor Greg Gianforte
Gallatin County Commission
Gallatin County Sheriff

Attachment A

From: Veil, Jack <Jack.Veil@gallatin.mt.gov>

Sent: Thursday, October 2, 2025 12:29 PM

To: Bowman, Lauren <Lauren.Bowman@gallatin.mt.gov>; Babcox, Danielle <Danielle.Babcox@gallatin.mt.gov>

Subject: ICE as a Law Enforcement Agency

Good afternoon, Lauren and Danielle,

I am writing to inform you that the **Gallatin County Attorney's Office does not legally recognize Immigration and Customs Enforcement (ICE) as a law enforcement agency entitled to receive Confidential Criminal Justice Information (CCJI).**

Accordingly, ICE is not authorized under Montana Law to access CCJI without a court order. Therefore, ICE is only entitled to public documents. All other documents being requested should be processed like a standard CCJI request.

If you or ICE have any questions or concerns, please feel free to contact me directly.

Best,



Jack Veil

Executive Assistant to the County Attorney

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