



ADMINISTRATIVE ORDER 2025-01

For the 9th Judicial District of Colorado

GARFIELD COUNTY – PITKIN COUNTY – RIO BLANCO COUNTY

Administrative Order Regarding Extra-judicial, Administrative, and Non-Criminal Arrests or Detentions -Activities and Safety Protocols in and Around Courthouses in the 9th Judicial District

Effective: April 8, 2025

Pursuant to § 13-1-401, et. seq, C.R.S., “access to courts is a cornerstone of Colorado's republican form of government and is therefore a matter of statewide concern. Civil arrest of a person at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding, threatens the values of public access and the core functions of courts and is considered an unreasonable and unlawful seizure whether undertaken by a local, state, or federal officer.”

Courts have the affirmative obligation to assert their powers to ensure order and efficient functioning in their proceedings through exercising their contempt power and issuing orders, writs, and other legal process in order to protect the dignity, independence, and integrity of court proceedings. Pursuant to § 13-1-114, C.R.S., every court has power: (a) To preserve and enforce order in its immediate presence; (b) To enforce order in the proceedings before it or before a person empowered to conduct a judicial investigation under its authority; (c) To compel obedience to its lawful judgments, orders, and process and to the lawful orders of its judge out of court in action or proceeding pending therein; (d) To control, in furtherance of justice, the conduct of its ministerial officers; and (e) To preserve access to courthouses and court proceedings, prevent interruption of court proceedings, and enforce protection from civil arrest at a courthouse or on its environs pursuant to section 13-1-403.

It has come to the attention of the Chief Judge of the 9th Judicial District that state and county courthouses, including courthouses in this District, are being used as places to locate, identify, and detain individuals based on administrative immigration orders or warrants. Most commonly, if not exclusively, this is being done by agents of the Department of Homeland Security (DHS), Federal Immigration and Customs Enforcement Agency (ICE) and Enforcement and Removal Operations (ERO). Specifically, the Court is aware that DHS, ICE and/or ERO agents have been monitoring courthouse dockets and other court proceedings to locate and identify defendants and litigants in court proceedings to effectuate detentions and arrests of those individuals.

Courts have the inherent power to regulate their own environment to provide for the safe and effective administration of justice, to perform their duties efficiently, and to safeguard their own dignity, independence and integrity. This inherent power is derived from the Constitutional establishment of the courts as one of three co-equal branches of government. It is independent of and exists regardless of any statutory authority. *See Article III, Colorado Constitution; Pena v. District Court* 681 P.2d 953 (Colo.1984). This inherent power specifically includes the ability to make orders providing for the safety and security of the court. *Board of County Commissioners of Weld County v. 19th Judicial District* 895 P.2d 545 (Colo.1995). The Chief Judge of a judicial district has the authority to enter such orders as may be necessary to provide for the security and safety of the court and for the Court's efficient operations. *Chief Justice Directive 95-01; Board of County Commissioners, supra; People ex rel Sullivan v. Swihart*, 897 P.2d 822 (Colo.1995).

While the Court recognizes and respects the power of the Executive Branch to administer and enforce its laws and regulations, including those connected to immigration, these activities must be undertaken with due regard and respect for the essential functions of the Judicial Branch and in accordance with policies and procedures to protect and preserve the Constitutional rights of individuals who appear before the Courts regardless of their immigration status. The effective administration of justice relies on individuals to voluntarily appear, cooperate, and participate in the judicial process. Our courts are charged with assuring fair and open access to justice, an orderly forum for the administration of the rule of law, and a safe environment for litigants, witnesses, court personnel, and all others involved with or interested in the judicial system.

Extra-judicial, administrative, and non-criminal arrests or detentions that take place within courthouses or on their immediate environs cause confusion, anxiety, and fear in what is often already an emotionally charged environment. Existing safety concerns that are inherent to any courthouse are exacerbated by non-criminal detentions that take place within the courthouse. In short, these types of arrests make courthouses less safe, frustrate the process of justice, and could have a chilling effect on litigants, witnesses, victims, court personnel, and other members of the public who have a right and obligation to participate fairly in the judicial system.

Accordingly, consistent with the statutory and other authority recited above, the Chief Judge of the 9th Judicial District hereby enters the following Administrative Order implementing protocols to regulate all activities regarding Extra-judicial, Administrative, and Non-Criminal Arrests or Detentions Activities and Safety Protocols in and around all Courthouses in the 9th Judicial District. The Court orders as follows:

PROTOCOLS IN THE COURTHOUSE AND ENVIRONS

- (1) A person shall not be subject to civil arrest while the person is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding.
- (2) (a) A judge or magistrate may issue a writ of protection or other orders to prohibit a civil arrest pursuant to subsection (1) of this section in any courthouse or its environs. A judge or magistrate may incorporate the writ of protection or other orders in other regularly issued documents.

(b) The prohibition described in subsection (1) of this section applies regardless of whether a writ of protection or other order has been issued.
- (3) Nothing in this section precludes a criminal arrest or execution of a criminal arrest warrant issued by a judge or magistrate based on probable cause of a violation of criminal law.
- (4) An on-duty law enforcement officer, including but not limited to any DHS, ICE, or ERO officer, who is not employed by or contracted with courthouse security or participating in any court proceedings as a witness or other active participant, shall present credentials and state the purpose of the officer's presence to any existing courthouse security. Courthouse security shall maintain a record of the information including the name and agency of the officer and purpose of the

courthouse visit. This requirement does not apply to the on-duty members of that County Sheriff's Department, local Police Departments, District Attorney's Officer investigators, or probation officers, engaged in their official duties.

- (5) The use of cell phones or other electronic devices in the courtroom shall be subject to the requirements of Administrative Order 23-02. The presiding judge in any proceeding may prohibit or limit the use of cell phones or other electronic devices in the courtroom to relay information about any court proceeding to any individuals outside the courtroom or the courthouse, including requiring that all electronic devices be turned off except for attorneys or litigants using such devices for matters related to a case before the court, in the judge's discretion.
- (6) No person except uniformed law enforcement officers or plain clothes investigators, who are certified State or Federal law enforcement officers, who are authorized to carry firearms in performance of their official duties shall bring firearms or other deadly weapons, concealed or otherwise, into the County and District Courtrooms, offices, common areas or other areas within the Courthouses in the 9th Judicial District. All armed law enforcement personnel, in uniform or plain clothes, entering one of the Courthouses of the 9th Judicial District, except Sheriff's Deputies performing courthouse security, employees and investigators with the District Attorney's Office, and probation officers shall enter through a security screening entrance, if one exists in that courthouse. Upon entry, armed law enforcement officers will be required to present law enforcement credentials as well as personal identification and to state their business to courthouse security personnel as required by paragraph 4 above.

DEFINITIONS

As used in Administrative Order, unless the context otherwise requires:

- (1) "Civil arrest" means an arrest that is solely or primarily in connection with a civil proceeding but does not include an arrest made in connection with a judge's contempt authority or other judicially issued process. Immigration proceedings and civil immigration detainers are civil proceedings within the meaning of this Administrative Order in the absence of a criminal arrest warrant issued by a judge or magistrate based on probable cause of a violation of criminal law. *See, I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032 (1984).
- (2) "Court" means any court of the 9th Judicial District.

- (3) “Courthouse” means the entirety of a building in which a court is located within the 9th Judicial District including, but not limited to, a courtroom, probation office, hallway, restroom, or lobby.
- (4) “Court proceeding” means any proceeding conducted by a court, probation office, or under the authority of a court in the 9th Judicial District.
- (5) “Environs” means the vicinity surrounding a courthouse, including, but not limited to, a sidewalk, driveway, entryway, green space, or parking area serving any courthouse in the 9th Judicial District.
- (6) “Writ of Protection” means a legal order issued by a judge or magistrate to prohibit civil arrest while a person is present at a courthouse or its environs, or while going to, attending, or coming from a court proceeding.¹

ENFORCEMENT

Any person who voluntarily enters any courthouse in the 9th Judicial District or enters the environs of any courthouse is subject to the provisions of this Administrative Order and shall comply with its requirements.

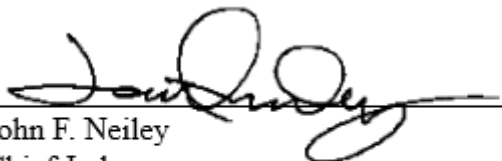
- (1) Any person who knowingly fails to comply with this Administrative Order or any writ of protection or other order issued pursuant to this Administrative Order or pursuant to § 13-1-403(2), C.R.S., may be subject to contempt of court.
- (2) In addition to the foregoing, any person who knowingly fails to comply with this Administrative Order or any writ of protection or other order issued pursuant to this Administrative Order or pursuant to § 13-1-403(2), C.R.S., may be liable for damages for false imprisonment in a civil action brought by the Colorado Attorney General as well as other appropriate equitable or declaratory relief.

¹ As William Blackstone — “whose works constituted the preeminent authority on English law for the founding generation,” *Alden v. Maine*, 527 U.S. 706, 715, 119 S.Ct. 2240, 144 L.Ed.2d 636 (1999) — summarized in his Commentaries on the Laws of England, “Suitors, witnesses, and other persons, necessarily attending any courts of record upon business, are not to be arrested during their actual attendance, which includes their necessary coming and returning. And no arrest can be made in the king's presence, nor within the verge of his royal palace, nor in any place where the king's justices are actually sitting.” 3 William Blackstone, Commentaries *289 (emphasis in original).

- (3) Any person arrested or detained in violation of § 13-1-403, C.R.S., may seek a writ of habeas corpus.
- (4) Nothing in this Administrative Order precludes a criminal arrest or execution of a criminal arrest warrant issued by a judge or magistrate based on probable cause of a violation of criminal law.
- (5) If a DHS, ICE or ERO officer attempts to effect a civil arrest of a noncitizen who is not in the court's custody, this Administrative Order instructs state-court personnel neither to impede nor to assist with the arrest. DHS, ICE and ERO officers may not conduct civil arrests either in nonpublic spaces within a courthouse or (absent court permission in advance) in courtrooms.

Dated: April 8, 2025.

BY THE COURT:



John F. Neiley
Chief Judge
Ninth Judicial District