**CHIEF JUDGE ADMINISTRATIVE ORDER**

**2025-01**

Chief Judge, Twelfth Judicial District

**ORDER CONCERNING CIVIL ARRESTS MADE AT**

**COURTHOUSES AND THEIR**

**ENVIRONS**

Due to the increased prevalence of civil arrests of individuals on and around the environs of the courthouses of the Twelfth Judicial District, the Chief Judge of the Twelfth Judicial District

has determined that it is appropriate to adopt the following Order requiring compliance with Colorado Revised Statute section 13-1-403 *et seq*. restricting civil arrests at all courthouses and their environs in the District. Therefore, in accordance with statute, all persons intending to

affect a civil arrest at a courthouse in the District are reminded that:

# All People, Including Those Who Are in the United States Without Documentation, Are Entitled to Equal Protection and the Due Process of Law

All people, regardless of their legal status or lack thereof in this Country, have the right to defend their liberty and that cannot be taken from them without due process of law. Colo.

Const. art. II § 3 (“All persons have certain natural, essential and inalienable rights among which may be reckoned the right of enjoying and defending their lives and liberties[.]”); U.S.

Const. amends. V, XIV § 1; Colo. Const. art. II § 25 (“No person shall be deprived of life, liberty, or property without due process of law.”). Colo. Const. art. II § 6 (“Courts of justice shall be

open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.”).

Effecting civil arrests against people attending to court matters has several consequences to the Court’s constitutionally-mandated administration of justice. Civil arrests have a chilling effect not only on criminal defendants presence at their hearings but also on victims reporting crimes. “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 the court and is considered an unreasonable and unlawful seizure whether undertaken by a local, state, or federal officer.” C.R.S. 13-1-401(1)(a).

In Colorado, both a defendant and an alleged victim have certain constitutional protections throughout the criminal justice process. U.S. Const. amend. VI; Colo. Const. art. II § 16 (“In all

criminal prosecutions, the accused has a right to a speedy and public trial in the place where the crime is alleged to have occurred; to appear and defend in person; and to meet the

witnesses against them face to face.”); Colo. Const. art II § 21 (“The privilege of the writ of habeas corpus shall never be suspended, unless when in case of rebellion or invasion, the

public safety may require it.”); Colo. Const. art. II § 23 (“The right of trial by jury shall remain inviolate in criminal cases[.]”) Colo. Const. art. II § 16a (“In Colorado, any person who is a victim of a criminal act has the right to be heard when relevant, including at a trial, and to be present at all critical stages of the criminal justice process.”).

Furthermore, civil arrests made during the pendency of a case wastes precious resources, like jury pools, that this community cannot afford to lose.

These constitutional amendments protect all people, i.e., all members of a community, not

solely U.S. citizens or some other unspecified subset. *District of Columbia v. Heller*, 554 U.S. 570, 580 (2008). People refers to “a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community.” *United States v. Verdugo-Urquidez*, 494 U.S. 259, 266 (1990). Undocumented

persons receive the protections of the constitution just as does any lawful citizen. *See Heller, supra*.

# The Chief Judge Has the Authority to Enter This Order

An Order requiring all persons, including federal law enforcement agents, to comply with Colorado law does not run afoul of the separation of powers doctrine. U.S. Const. amend. X.

(“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.”); Colo. Const. art. II § 2 (“The people of the state have the sole and exclusive right of governing themselves as a free,

sovereign and independent state[.]”). “Access to courts is a cornerstone of Colorado’s republican form of government and is therefore a matter of statewide concern.” C.R.S. § 13-1- 401.

# Colorado Law Prevents Civil Arrests Made at a State Courthouse or on Its Environs

“Every court has the power to preserve and enforce order in its immediate presence; to enforce order in the proceedings before it[;] to compel obedience to its lawful judgments,

order, and process and to the lawful orders of its judge out of court in action or proceedings pending therein; [and] 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 C.R.S. § 13-1-403.” C.R.S. § 13-1-114(1).

Any on-duty law enforcement officer entering the courthouse, who is not participating in a court proceeding, is required to state the purpose of her or his presence to court-security. C.R.S.

§ 13-1-403(4). Court security shall maintain a record of this information. *Id*.

# Definitions

*“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.

*“Court”* means a court of the state of Colorado or its counties or municipalities.

*“Courthouse”* means the entirety of a building in which a court is located including, but not limited to, a courtroom, hallway, restroom, or lobby. While the definition does not state so explicitly, it is clear from the context of other statutes that the term “courthouse” includes those buildings that are shared with other county offices (ex. the Assessor) and also those buildings that, while not traditionally a courthouse, are nonetheless being used for court business. Examples would include a Parish Hall being used for a trial or the S.P.M.D.T.U. in Conejos. *See, e.g.,* C.R.S. 18-12-105.3(1)(c).

*“Court proceeding”* means a proceeding conducted by a court or under the authority of a court, including, but not limited to: accessing a service or conducting business with a court; a

criminal proceeding; a civil proceeding; a grand jury proceeding; a civil protection order proceeding; an arbitration; a deposition; a pretrial services appointment; or a probation services appointment.

*“Environs”* means the vicinity surrounding a courthouse, including, but not limited to, a sidewalk, driveway, entryway, green space, or parking area serving the courthouse.

*“Related facility”* means the following facilities, facilities where the following programs or

services are provided, or facilities where the following providers provide programs or services in relation to a court proceeding, including: a behavioral health entity, as defined in section 27- 50-101; a behavioral health program, as defined in section 27-50-101; a behavioral health provider, as defined in section 27-50-101; a behavioral health safety net provider, as defined in section 27-50-101; a behavioral health safety net service, as defined in section 27-50-101; a comprehensive community behavioral health provider, as defined in section 27-50-101; an

essential behavioral health safety net provider, as defined in section 27-50-101; a hospital that is operated by the department of human services; a psychiatric hospital that is operated by the department of human services; a detention or commitment facility that is operated by the department of human services; a treatment provider providing services ordered pursuant to a treatment plan required pursuant to sections 19-3-507 and 19-3-508; any foster care, qualified residential treatment program, or other out-of-home placement defined in section 19-1-103;

and a nursing home.

C.R.S. § 13-1-402.

**THEREFORE**, any agency wishing to effect a civil arrest of any person may not do so at a courthouse in the 12th Judicial District nor on its environs, including those buildings

wherein the courthouse shares space with other county offices, where court business is conducted in a non-traditional space, or where behavioral health or other court-ordered treatment services are provided as defined above.

Any person who knowingly violates C.R.S. §§ 13-1-403(1) or (2) may be subject to contempt of court proceedings pursuant to C.R.C.P. 107 and/or be liable for damages in a civil action for false imprisonment. C.R.S. §§ 13-1-404(2) and (1). Furthermore, the

attorney general may bring a civil action on behalf of the people of the state to obtain appropriate equitable or declaratory relief.

Dated this 12th day of August 2025.

BY THE COURT:

Amanda C. Hopkins

Chief Judge, 12th Judicial District