

## **Chief Judge Directive 18-04**

### **Concerning administrative arrests and detentions in the courthouses of the 11<sup>th</sup> Judicial District:**

It has come to the attention of the Chief Judge of this 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 orders or “warrants”. Most commonly, if not exclusively, this is being done by agents of the Federal Immigration and Customs Enforcement Agency.

A courthouse is a trusted public forum where individuals should feel ensured that they will be treated with dignity, fairness and respect. The ability of courts to function relies on individuals to voluntarily appear, cooperate and participate in the process of justice. 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 process of justice.

Extra-judicial, administrative and non-criminal “arrests” or detentions that take place within courthouses can 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 and can frustrate the process of justice.

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. 19<sup>th</sup> 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 needed to provide for the security and safety of the court. *Chief Justice Directive 95-01; Board of County Commissioners, supra, People ex rel Sullivan v. Swihart*, 897 P.2d 822 (Colo.1995).

#### **Therefore the following is ordered:**

**No non-criminal or administrative arrests or detentions shall occur within any of the courthouses of the 11<sup>th</sup> Judicial District.**

**A non-criminal or administrative arrest or detention may take place on the grounds of the courthouse (sidewalks, lawns, parking lots) provided that the agency conducting the detention gives prior notice to courthouse security.**

**Weapons are only allowed inside a courthouse pursuant to Chief Judge Directive 18-05**

Done in Salida, Colorado, this 6<sup>th</sup> day of September 2018.

*/s/ Patrick W. Murphy*, Chief Judge, 11<sup>th</sup> Judicial District