



AMERICAN CIVIL LIBERTIES UNION

Colorado

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Chief Counsel
Office of the Principal Legal Advisor, Denver
U.S. Immigration and Customs Enforcement
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Robert Guadian: robert.guadian@ice.dhs.gov
Denver Field Office Director
ICE Enforcement and Removal Operations
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Dear Mr. St. John and Mr. Guadian:

The ACLU of Colorado has serious concerns about recent reports of ICE detention and arrest of people who are going to or from court. Such enforcement actions violate ICE's own policies and state law, C.R.S. §§ 13-1-401, *et seq.*, which prohibits civil arrests at or near Colorado courthouses. We write to ensure that your offices will direct ICE officers to comply with state and federal law and follow the Trump administration's policy prohibiting these types of civil arrests when they violate laws of the local jurisdiction, like they do in Colorado.

Colorado's General Assembly has determined that the risk that people may be subject to civil ICE arrest and detention while participating in court proceedings is a direct threat to the rule of law and a functioning judicial system in our state, as well as to individual rights. In 2020, the legislature passed Senate Bill 20-083 to prohibit such civil courthouse arrests. Under that law, civil arrests in Colorado are prohibited:

- inside a courthouse, which is defined as “the entirety of a building in which a court is located” §§ 13-1-402(1), 403(1) (a court means a Colorado district, county, or municipal court);
- on the “environs” of a courthouse, which are defined as “the vicinity surrounding a courthouse, including, but not limited to, a sidewalk, driveway, entryway, green space, or parking area serving the courthouse.” §§ 13-1-402(5), 403(1); and
- while someone is “going to, attending, or coming from a court proceeding.” § 13-1-403(1). “Court proceeding” includes “accessing a service or conducting business with a

court” (such as filing a new case or obtaining copies of documents), an arbitration, a deposition, a pretrial services appointment, and a probation appointment. § 13-1-402(4).

The statute also requires all law enforcement, including federal agents, who are not courthouse security or participating in a court hearing, to check in with courthouse security, present credentials, and state the purpose of their presence at the courthouse. § 13-1-403(4).

In recent days, the ACLU of Colorado has received information that ICE agents have made civil arrests of people travelling to or coming from court, including in courthouse environs, and that ICE agents have failed to check in with court security upon entering a courthouse. These actions violate state and federal law and are prohibited by ICE’s own policies.

On January 22, 2025, ICE Acting Director Caleb Vitiello issued Interim Guidance titled “Civil Immigration Enforcement Actions in or near Courthouses.”¹ The Guidance specifically provides that “ICE officers or agents may conduct civil immigration enforcement actions in or near courthouses . . . where such action is not precluded by laws imposed by the jurisdiction in which the enforcement action will take place.” Here in Colorado, such action **is** precluded by our laws. Therefore, under ICE’s own policy, civil courthouse arrests are not authorized in Colorado.

Acting Director Vitiello’s Guidance also directs that “ICE officers or agents must coordinate with the relevant local Office of the Principal Legal Advisor (OPLA) office before conducting enforcement actions in or near courthouses to determine whether jurisdiction-specific legal limitations apply.” Because “jurisdiction-specific legal limitations” apply here in Colorado to prevent ICE arrests for people going to or from court, we expect that proper guidance will be provided to ensure this practice stops immediately.

Civil courthouse arrests adversely impact the administration of justice in our state, as victims, witnesses, defendants, litigants, and the general public are deterred from accessing Colorado’s judicial system.

We look forward to your cooperation in ensuring that ICE officers will refrain from taking any enforcement actions in violation of state or federal law and that harm the functioning and integrity of Colorado’s courts and justice system. We request a response by February 20, 2025 confirming ICE will comply with its own policies and state and federal law.

Sincerely,

Timothy R. Macdonald

Timothy R. Macdonald
Legal Director, ACLU of Colorado

¹ <https://immpolicytracking.org/policies/ice-issues-interim-guidance-for-civil-immigration-enforcement-at-or-near-courthouses/#/tab-policy-documents>