



OFFICE OF THE DISTRICT ATTORNEY  
TWENTIETH JUDICIAL DISTRICT

Michael T. Dougherty, District Attorney

### Immigrant Rights in the Justice System in Boulder County

- Colorado law bans Immigration and Customs Enforcement (ICE) from arresting people for civil immigration detainers inside courthouses or in the immediate surrounding areas that serve courthouses (including the adjacent sidewalks, driveways, entryways, and parking areas). (*C.R.S. § 13-1-403*)
- Colorado law prohibits state agencies from requesting information from an individual as to their immigration status. Further, state agencies and the Probation Department are prohibited from providing any information obtained regarding an individual to ICE without a warrant, court order, or subpoena. (*C.R.S. §§ 24-74-103, 24-74-104, and 24-76.6-103*)
- The District Attorney's Office will not seek to obtain and will not provide any information obtained about the immigration status of a victim or witness to ICE and will not notify ICE if a defendant in a pending case is undocumented.
- The DA's Office is willing to move court dates for a defendant if there is a fear that immigration officials will use the time of the court date to attempt to locate an individual, even though arrest at the courthouse is prohibited by Colorado law. The DA's Office may consider immigration consequences as a factor in resolving criminal cases. (*See DA Policy – Immigration Consequences*)
- Boulder County law enforcement agencies do not seek to obtain information about the immigration status of individuals contacted and will not share this information with ICE absent a court order.
- The Boulder County Jail does not proactively notify the federal government about immigration status of individuals that are in-custody. (*BCSO Policy J1618*)
  - Information about all individuals in-custody at the Boulder County Jail is public information and may be obtained by federal immigration authorities.
- As established by the Boulder County Jail Incarceration Standards, the Boulder County Jail and Boulder County law enforcement must, and will, honor warrants signed by a judge or magistrate.
- State law and local policies prohibit the jail and local law enforcement agencies from honoring administrative detainers as the sole reason to detain, arrest, or keep someone in custody. (*C.R.S. §24-76.6-102(2) & BCSO Policy J1618*)
  - Immigration officials, if they request, will be informed when a person is being released from custody as it is public information, but the jail will not hold a person past their time for release.
- All individuals are protected from unreasonable searches and seizures without a warrant, protected from entry into their home without a warrant, have a right not to speak with law enforcement beyond providing identifying information, and have the right to an attorney. (*U.S. Constitution 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Amendments; Colorado Constitution Article II, Sections 7, 16, and 18; Section 292 of the Immigration and Nationality Act; C.R.S. § 16-3-103*)

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# Immigrant Protection Initiatives



## U Visas

The U visa is a federal immigration benefit set aside for victims of certain crimes who assist law enforcement or government officials in the investigation or prosecution of criminal activity. The District Attorney's Office is the certifying agency for cases prosecuted in Boulder County. Police Chiefs and the Sheriff can certify, as well, for cases that do not result in a prosecution. The DA's Office is committed to processing U visa certifications in a timely manner and certifying appropriate applications.

## Warrant Forgiveness

If a warrant has been issued against you by a judge for committing a crime or for failure to appear in court, you may be able to deal with this without being arrested. You will need go to that court and appear before a judge. The 20th Judicial District in Boulder County has a walk-in warrant program for certain low-level offenses. Call the Clerk of the Court at 303-441-3750 to find out if you qualify and when you will need to appear in court. The DA's Office also holds "Fresh Start" warrant forgiveness events once or twice a year where you may be eligible to clear your warrant. You may also contact the DA's Office to try to schedule a time to appear in court on certain warrants that may not qualify for the Court's walk-in warrant program.

## Bias & Hate

Law enforcement and the DA's Office prioritize the investigation and prosecution of bias & hate crimes in this jurisdiction. If certain actions are motivated, in whole or in part, by bias or hate they may qualify as a bias-motivated crime. The DA's Office works closely with law enforcement on the investigation and prosecution of these serious crimes. There is also a non-emergency number (303-441-1595) at the DA's Office to report hate or bias-motivated incidents.

## Extortion

The DA's Office worked with allies to help draft and get passed into law a change to the extortion law in Colorado that prohibits the extortion of immigrants for engaging in lawful acts, such as reporting criminal activity to law enforcement. This bill covers circumstances such as wage theft and domestic violence where a victim is threatened that if they call the police, the perpetrator will report them to immigration officials.

## Wage Theft

The DA's Office also helped draft and get passed into law a change to wage theft laws to recognize that a person's labor is a thing of value that can result in prosecution for theft and imposes the same penalties as the theft statute. Wage theft and crimes against workers are a priority for the District Attorney's Office. No one should be denied their hard-earned pay.

## Community Partnerships

The DA's Office partners closely with immigrant advocacy groups on training and community outreach.



**Michael Dougherty, District Attorney**

BOULDER OFFICE: JUSTICE CENTER 1777 6TH STREET · BOULDER, COLORADO 80302 · 303.441.3700  
LONGMONT OFFICE: 1035 KIMBARK · LONGMONT, COLORADO 80501 · 303.441.3700  
WWW.BOULDERCOUNTY.ORG/DISTRICT-ATTORNEY · TDD/V: 303.441.4774