

1st Reg. Sess. § 6, 7, 8, 9 (Colo. 2025); S.B. 21-131, 73rd Gen. Assem., 1st Reg. Sess. § 1 (Colo. 2021).

2. Recognizing that any role the state agency or political subdivision plays in enforcing federal immigration laws can undermine the public trust and deter individuals from accessing state services as well as divert state law enforcement resources from their intended purpose, the General Assembly expressly prohibited state agency and political subdivision employees from disclosing personal identifying information for the purpose of “investigating for, participating in, cooperating with, or assisting federal immigration enforcement.” C.R.S. §§ 24-31-101, 24-74-103(1).

3. For the same reasons, the General Assembly also prohibited state agency employees and political subdivision employees from inquiring into a person’s immigration status for the purpose of identifying if the person has complied with federal immigration laws. This information includes place of birth and immigration or citizenship status. C.R.S. § 24-74-104.

4. These laws apply to employees of political subdivisions, defined to include counties, municipalities, and their government agencies such as city police departments and sheriff offices. C.R.S. §§ 24-74-102 (1.5), (1.6). The Mesa County Sheriff’s Office is a government agency of Mesa County.

5. On June 5, 2025, Mesa County Sheriff’s Office Deputy Alexander Zwinck (“Deputy Zwinck”) stopped a 19-year-old female nursing student (“the Driver”) for following too close to a semi-truck on Interstate 70.

6. The Driver cooperated with Deputy Zwinck, including providing her driver’s license, vehicle registration, and insurance information to Deputy Zwinck upon his request.

7. Unbeknownst to the Driver, Deputy Zwinck immediately uploaded the Driver’s personal identifying information to a Signal Chat that Deputy Zwinck knew included federal immigration officers.

8. The federal immigration officers ran the Driver’s information through their databases and informed Deputy Zwinck that although the Driver had no criminal history, she was a Brazilian national on an expired visa.

9. Instead of ending the traffic stop, as there was no further criminal law enforcement purpose to effectuate, Deputy Zwinck then took affirmative steps to

assist the federal immigration officers in ultimately detaining the Driver for the purpose of enforcing federal civil immigration.

10. Deputy Zwinck provided his location upon request by the federal immigration officers on the Signal Chat who indicated that they were en route.

11. Deputy Zwinck kept the Driver in his patrol car for at least five minutes after informing the federal immigration officers of the Driver's location. Deputy Zwinck did not issue a traffic violation citation to the Driver; instead, he only gave her a warning before allowing her to return to her vehicle.

12. While stalling the Driver in his patrol car, Deputy Zwinck questioned the Driver about her national origin, commented on her accent, and asked where she was from. During this questioning, Deputy Zwinck knew that she was from Brazil from his communication with federal immigration officers on the Signal Chat.

13. Within moments of the Driver leaving Deputy Zwinck's patrol car and driving away, Deputy Zwinck messaged the federal immigration officers on the Signal Chat. He relayed to them that she had left, providing them with a description of her car, her vehicle's license plate number, and the direction she was traveling.

14. The Driver was later pulled over in her vehicle by federal immigration officers who had communicated on the Signal Chat with Deputy Zwinck. The federal immigration officers took the Driver into custody.

15. Upon reading that the federal immigration officers had apprehended her, Deputy Zwinck commented on the Signal Chat, "rgr, nice work."

16. According to the Signal Chat communications, Deputy Zwinck also assisted federal immigration officers in violation of Colorado law on other occasions. In a Signal Chat message sent on June 6, 2025 (just one day after the Driver was detained), another officer commented that "[Deputy] Zwinck is gonna get ERO interdictor of the year." "ERO" is Enforcement and Removal Operations, a section of U.S. Immigration and Customs Enforcement ("ICE").

17. Deputy Zwinck intentionally violated Colorado law.

II. Parties

18. Philip J. Weiser is the Attorney General of the State of Colorado and brings this action under § 24-74-107, C.R.S.

19. Defendant Alexander Zwinck is employed by the Mesa County Sheriff's Office as a Deputy. Deputy Zwinck resides in Mesa County, Colorado.

III. Jurisdiction and Venue

20. This Court has jurisdiction over the subject matter of this action pursuant to Colo. Const. Art. VI, Section 9, the Colorado Rules of Civil Procedure 57 and 65, and section 24-74-107, C.R.S.

21. This Court has personal jurisdiction over each of the parties to this action.

22. Venue is proper in Mesa County under C.R.C.P. 98(b)(2) and/or C.R.C.P. 98(c)(1) because the claims or some part thereof arose in Mesa County and, on information and belief, Defendant resides in Mesa County.

IV. Factual Allegations

A. Background

23. Colorado law prohibits state agencies and political subdivisions from sharing or and inquiring into individuals' personal identifying information for civil immigration purposes. C.R.S. § 24-74-103(1).

24. It is the stated policy of the State of Colorado that state agencies and political subdivisions not participate in or devote resources to federal immigration enforcement activities because such actions "can undermine public trust and deter persons from accessing . . . services offered by state agencies and political subdivisions." C.R.S. § 24-74-101(1)(e). Furthermore, the federal government "does not have the authority to command state or local officials to enforce or administer a federal regulatory program." C.R.S. § 24-74-101(g); see also *Printz v. United States*, 521 U.S. 898, 935 (1997) ("The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States' officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.").

25. To preserve the State's limited law enforcement resources and protect the public trust, Colorado law prohibits state agency employees and political subdivision employees from disclosing personal identifying information for the purpose of "investigating for, participating in, cooperating with, or assisting in federal immigration enforcement." C.R.S. §§ 24-74-101(1), 103(1). These laws,

however, do not “interfere with criminal investigations or proceedings authorized by [a] judicial process.” C.R.S. § 24-74-103(2).

26. The law also prohibits state agency employees and political subdivision employees from inquiring into a person’s immigration status for the purpose of identifying if the person has complied with federal immigration laws. This information includes place of birth and immigration or citizenship status. C.R.S. § 24-74-104.

27. A state agency employee or political subdivision employee who intentionally violates one or more of these laws is subject to an injunction and may be personally liable for a civil penalty of not more than \$50,000 per violation. C.R.S. § 24-74-107.

B. The Western Colorado Drug Task Force High Intensity Drug Trafficking Areas (“HIDTA”) Task Force

28. The Mesa County Sheriff’s Office participates in the Western Colorado Drug Task Force. The Task Force is part of a High Intensity Drug Trafficking Areas (“HIDTA”) program, which facilitates collaboration between state, local, and federal law enforcement in illegal narcotics interdiction efforts. Colorado State Patrol, Eagle County Sheriff’s Office, and Vail Police Department are also a part of the Western Colorado Drug Task Force through HIDTA.

29. In 2025, Mesa County Sheriff’s Office provided six deputy sheriffs to work on the Task Force, including Deputy Zwinck. Although the Task Force had previously included federal Drug Enforcement Agency (“DEA”) officers, for at least the last five years, the taskforce also included Department of Homeland Security (“DHS”) Homeland Security Investigations (“HSI”) officers.

30. HSI officers have the statutory authority to enforce the Immigration and Nationality Act (Title 8), U.S. customs laws (Title 19), general federal crimes (Title 18), and the Controlled Substances Act (Title 21) as well as other laws of the United States.

31. Since at least November 2024, Mesa County Sheriff’s Office personnel, including Deputy Zwinck, participated in a group chat on the communications application Signal (“the Signal Chat”) to coordinate their efforts with federal and other local law enforcement on the HIDTA Task Force.

32. In January 2025, Mesa County Sheriff’s Office Operations Division Chief Art Smith sent an email to all patrol units about providing information to

ICE. In the email, Operations Division Chief Smith informed the Office that HSI agents are being reassigned to ICE to prioritize immigration enforcement efforts. Operations Division Chief Smith also informed his Office that Colorado law narrowly restricts Mesa County Sheriff Office's ability to enforce immigration issues, including narrowing Mesa County Sheriff's Office's ability to cooperate with ICE.

33. Deputy Zwinck, as a member of the Mesa County Sheriff's Office, received this directive from Operations Division Chief Smith.

C. The June 5, 2025 Traffic Stop

34. On June 5, 2025, Deputy Zwinck was patrolling Interstate 70.

35. At approximately 1:37 pm, Deputy Zwinck stopped the Driver's vehicle, which had been traveling in the eastbound lane of Interstate 70. Deputy Zwinck had body worn camera on during the interaction with the Driver.

36. After Deputy Zwinck pulled the Driver over, Deputy Zwinck approached the passenger side of the car. The Driver was a 19-year-old female nursing student. She had no passengers in her car.

37. Deputy Zwinck informed the Driver that he stopped her because he believed she was following too closely behind a semi-truck.

38. Deputy Zwinck asked the Driver if the vehicle was hers, if she had the paperwork for it, and where she was traveling.

39. The Driver also provided her driver's license and vehicle registration to Deputy Zwinck.

40. Upon receiving these documents, Deputy Zwinck returned to his patrol vehicle. Deputy Zwinck then took a photograph of the Drivers' license and vehicle registration. Deputy Zwinck then immediately uploaded the photograph to the Signal Chat, which included federal immigration officers, at approximately 1:40 pm.

41. Deputy Zwinck waited in his patrol vehicle while the federal immigration officers ran the Driver's information through several databases accessible only by federal law enforcement. These databases return information about an individual's criminal history, border crossings, and immigration status information, such as whether an individual has overstayed a visa.

42. Four minutes later, a federal immigration officer informed Deputy Zwinck in the Signal Chat that the officer's searches revealed no criminal history. The immigration officer stated: "Not seeing crim history, but I believe she has immigration issues. We are confirming."

43. Despite learning that the Driver had no criminal history, and no reason to suspect any current criminal activity, Deputy Zwinck continued to communicate on the Signal Chat with federal immigration officers while the Driver remained stopped in her vehicle.

44. Deputy Zwinck remained in his vehicle to await further information from the federal immigration officers on the Signal Chat. Another federal immigration officer on the Signal Chat asked Deputy Zwinck to tell him the mile-marker where he was located. One minute later another federal immigration officer on the Signal Chat sent Deputy Zwinck a message stating: "Brazilian National, visa overstay. No crim, no financials or HSI cases."

45. After receiving the information that the Driver had no criminal history and only a possible immigration issue, Deputy Zwinck exited his vehicle to speak with the Driver again.

46. Once back at the Driver's car, Deputy Zwinck asked the Driver how long she had the car and asked for updated vehicle registration and insurance.

47. Deputy Zwinck told the Driver: "do me a favor, come back to my car with me, we are going to go over some paperwork, and then I will get you going."

48. Deputy Zwinck instructed the Driver to sit in his passenger seat, which she did, at 1:47 pm.

49. Once the Driver got into Deputy Zwinck's patrol car, he asked her about her documents, plans for the weekend, and condition of her car's trunk.

50. Also, at the same time as Deputy Zwinck spoke to the Driver in his patrol car, Deputy Zwinck responded to the federal immigration officer's request for his location. He provided the mile-marker where the vehicle was located to the federal immigration officers on the Signal Chat saying, "Port," at 1:50 pm.

51. Less than two minutes later, federal immigration officers wrote back on the Signal Chat, "we are en route to the port."

52. At no time did Deputy Zwinck inform the Driver that he was working with or communicating with federal immigration officers, nor did Deputy Zwinck

inform the Driver that he had provided the immigration officers with her personal identifying information. Instead, Deputy Zwinck told the Driver he was just going to issue her a traffic warning.

53. After Deputy Zwinck informed federal immigration officers of his location, and while the Driver remained in his patrol car, Deputy Zwinck began to interrogate the Driver about her national origin. Deputy Zwinck began this line of questioning by pointedly commenting on Driver's "accent," asking "Where are you from, you have got a little bit of an accent."

54. The Driver told Deputy Zwinck she was from Utah, and that she had lived there for approximately twelve years. Despite already knowing the answer, Deputy Zwinck then asked if she was "born and raised" in Utah. The Driver then told him that she was born in Brazil.

55. Deputy Zwinck kept the Driver in his patrol car for several more minutes, asking the Driver questions about the purpose of her trip, what she was studying in school, and if the Driver's friend was still on the phone. Deputy Zwinck issued her a warning ticket while talking with her in the car. Deputy Zwinck eventually released the Driver at 1:55 pm with the warning, approximately five minutes after providing his and the Driver's location to the federal immigration officers. Deputy Zwinck never told the Driver that federal immigration officers were en route to their location.

56. Once the Driver left Deputy Zwinck's patrol car, Deputy Zwinck got back onto the Signal Chat. He informed the federal immigration officers that they could "turn back around" because "she's gone."

57. At 1:56 pm, the federal immigration officers on the Signal Chat asked Deputy Zwinck which direction the Driver was headed.

58. Despite having no indication of any criminal activity or criminal history and releasing the Driver with just a warning for following a semi-truck too closely, Deputy Zwinck promptly responded with information that enabled the federal immigration officers to stop the Driver for the purpose of immigration enforcement, saying "Unless yall wanna stop here [sic]. Black Hyundai Elantra with a huge dented trunk east bound." Deputy Zwinck then also provided the Driver's license plate number to the immigration officers.

59. The federal immigration officers responded to this identifying information, replying to Deputy Zwinck that they will "give it a shot" and asked him whether the Driver speaks English, to which he responded that she did.

60. One minute later, a federal immigration officer informed Deputy Zwinck that they stopped the Driver's vehicle.

61. Five minutes later, the officer informed Deputy Zwinck that they were transporting the Driver to federal custody. Deputy Zwinck's initial response to this information was an inquiry as to whether the Driver's vehicle was left on Interstate 70, which the federal immigration officers confirmed.

62. Having provided the Driver's personal identifying information to effectuate a civil immigration enforcement action and her detention, Deputy Zwinck ended this conversation by congratulating the federal immigration officers by stating "rgr, nice work."

D. Deputy Zwinck's Violation of Colorado Law to Support Federal Civil Immigration Enforcement Was Not Limited to the Interaction with the Driver

63. Other messages on the Signal Chat from May 23, 2025, to June 16, 2025, demonstrate that Deputy Zwinck provided assistance to support federal civil immigration enforcement efforts in multiple instances.

64. On June 6, 2025, the day after Deputy Zwinck provided information and assistance to federal immigration officers that resulted in the Driver's detention, another federal immigration officer praised his assistance on the Signal Chat by saying "Zwinck is gonna get ERO [Enforcement and Removal Operations, a section of ICE] interdictor of the year."

65. Deputy Zwinck himself recognized the substantial level of assistance he provided to federal immigration officers. On June 10, 2025, according to correspondence on the Signal Chat, Deputy Zwinck again unlawfully provided immigration officers with personal identifying information in the form of a photo of a driver's license and information about the driver's vehicle and direction to help effectuate a stop. After being told that the individual had overstayed a visa and that the federal immigration officers "would want him," Deputy Zwinck responded, "Oh my gosh. We better get some bitchin [sic] Christmas baskets from you guys."

V. Claim for Relief

First Claim for Relief

(Sharing personal identifying information by employee of state subdivision
C.R.S. § 24-74-103(1))

66. Plaintiff incorporates by reference all allegations set forth above.

67. Pursuant to C.R.S. § 24-74-103(1), an employee of a state agency or political subdivision shall not disclose or make accessible, including through a database or automated network, personal identifying information that is not publicly available information for the purpose of investigating for, participating in, cooperating with, or assisting in federal immigration enforcement, including enforcement of civil immigration laws and 8 U.S.C. § 1325 or §1326, except as required by federal or state law, including student visa sponsorship requirements for public institutions of higher education or requirements that are necessary to perform state agency or political subdivision duties, or as required to comply with a court-issued subpoena, warrant, or order.

68. On June 5, 2025, Deputy Zwinck intentionally violated C.R.S. § 24-74-103(1) by sharing a person's personal identifying information that is not publicly available with federal immigration officers for the purpose of participation in, cooperating with, or assisting in civil immigration enforcement.

69. On June 5, 2025, Deputy Zwinck shared the Driver's personal identifying information and provided federal immigration officers the Driver's license plate number, mile-marker location on Interstate 70, and the direction in which she was traveling. Deputy Zwinck knew that the Driver had no criminal history and no suspected criminal wrongdoing. In fact, after stopping her vehicle for following too close to a semi-truck—a traffic infraction—he released her with only a warning.

70. After learning that the Driver had no criminal history or anything in her records to indicate any involvement in criminal activity, Deputy Zwinck continued to provide information to federal immigration officers. The information on the Driver he shared with federal immigration officers was for the sole purpose of participating in, cooperating with, or assisting in federal civil immigration enforcement.

71. Upon learning that HSI had apprehended the Driver for her expired visa, Deputy Zwinck applauded their efforts, stating, "rgr, nice work."

Second Claim for Relief

(Reduce personal information collected by employee of state political subdivision, C.R.S. § 24-74-104(1))

72. Plaintiff incorporates by reference all allegations set forth above.

73. C.R.S. § 24-74-104(1) provides that an employee of a state political subdivision shall not inquire into, or request information or documents to ascertain, a person's immigration status for the purpose of identifying if the person has complied with federal immigration laws, including civil immigration laws and 8 U.S.C. § 1325 or § 1326, except as required by state or federal law or as necessary to perform state agency or political subdivision duties, including collecting information for student visa sponsorship and student financial aid or to verify a person's eligibility for a government-funded program for housing or economic development if verification is a necessary condition of the government funding.

74. On June 5, 2025, after learning that the Driver had no criminal history or suspicion of criminal wrongdoing, Deputy Zwinck then proceeded to instruct the Driver to sit in the passenger seat of his patrol car to go over some paperwork with her—an instruction for the apparent goal of delaying the Driver's departure so federal immigration officers would have time to apprehend her.

75. While the Driver was in his patrol car, Deputy Zwinck began asking her questions about her place of birth and national origin, after telling the Driver that he noticed she had an accent.

76. Deputy Zwinck intentionally asked about the Driver's place of birth after federal immigration officers represented that she was a Brazilian national.

77. Deputy Zwinck asked the Driver about her national origin after he shared his and the Driver's location with federal immigration officers.

78. Deputy Zwinck intentionally asked questions to ascertain the Driver's immigration status for the purpose of determining compliance with federal immigration laws in violation of C.R.S. § 24-74-104.

VI. Relief Requested

WHEREFORE, Plaintiff prays for judgment against Deputy Zwinck and the following relief:

- A. An order declaring Deputy Zwinck's above-described conduct is in violation of C.R.S. §§ 24-74-103 and -104.
- B. An order permanently enjoining Deputy Zwinck from violating any provision of article 74 of Title 24 of the Colorado Revised Statutes, pursuant to C.R.S. § 24-74-107.
- C. Any and all other appropriate relief authorized under law.

Respectfully submitted this 22nd day of July, 2025.

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