



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 03-108 (Updated 9/7/05)

SUBJECT: Firearms

To: **Judges and Magistrates, District Administrator, Clerk of Court, Chief Probation Officer, Sheriff, County Attorney, Community Justice Services, District Attorney, Public Defender, Bond Commissioners, Captain of the Jail, Law Enforcement Agencies, Social Services**

From: **Roxanne Bailin** **DATE: September 7, 2005**
Chief District Judge

This order replaces versions of 20th Judicial District Administrative Order 03-108, dated May 19, 2003, April 15, 2005 and May 17, 2005.

- A. This order affirms prior policy in the Twentieth Judicial District, prohibiting persons from bringing firearms or other deadly weapons, concealed or not concealed, into any County or District Court or Justice Center, including the common areas, and offices as well as District and County Courtrooms. This order also includes the clerk's office, collection, probation department, private offices, courtrooms and all other parts of Courthouses utilized for other county operations as it is impractical to have separate security arrangements for the courts and other entities located in the Boulder County Justice Center and the Longmont Courthouse. The intent of this order is to provide a secure environment for all staff and the public with business in any offices housed in the Boulder County Justice Center and the Longmont Courthouse.
- B. There have been past incidents of violence, or the threat of violence, in courthouses in Colorado. For example, there were very serious incidents, involving serious injury in Arapahoe County and Mesa County. A gun has been brandished by a litigant in Montrose County. There have been threats of violence in Larimer County.
- C. Litigation by its very nature may create strong feelings in participants, which can, unfortunately, be conducive to violence or the threat of violence.
- D. The public – litigants, witnesses, victims of crime, jurors, and other participants in the legal system such as judges, magistrates, and court employees – is entitled to feel safe and secure in the Justice Center and County Courthouses, courtrooms and common

areas. People are entitled to come to court to seek resolution of disputes or enforcement of rights knowing that, no matter how high the emotions of the participants or how volatile the subject matter of the conflict, they are personally safe from violence, abuse, or the threat of same. Violence, or the threat of violence, in the courts, would inhibit the free exercise of the Constitutional rights of our citizens, and bring the courts into disrepute.

- E. This assurance of safety cannot be given if firearms or other deadly weapons are allowed into the Justice Center, County Courthouses or Court facilities.
- F. The efficient, effective, and fair administration of justice requires that the public have confidence in the safety and security of the Justice Center, County Courthouses and Court facilities.
- G. The courts have the inherent power to regulate their own environment to provide for the safe, effective administration of justice, to enable the courts to perform their duties efficiently, and to provide for their dignity, independence, and integrity. This inherent power is derived from the Constitutional exercise 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 v. Weld County v. 19th Judicial District*, 895 P.2d 545 (Colo. 1995)).
- H. The Chief Judge of a judicial district has 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)).
- I. Recent legislation regarding carrying concealed weapons may have created some uncertainty or misunderstanding regarding the power of the courts to prohibit weapons in court. It is beneficial to clarify that the authority of the courts to safeguard the administration of justice, being inherent, derived from the Constitutional existence of the courts, and independent of the other two branches of government, is unaffected and unchanged by such legislation or local rules or ordinances.

IT IS THEREFORE ORDERED as follows:

1. The public is prohibited from bringing firearms and other deadly weapons into the courts of this Judicial District.
2. No person except authorized law enforcement officers shall bring firearms or other deadly weapons, concealed or otherwise, into the Boulder County Justice Center, Longmont Courthouse or in the County and District Courtrooms, offices, common areas

or any other areas within the Boulder County Justice Center or the Longmont Courthouse.

All armed law enforcement personnel, in uniform or plain clothes, entering the Boulder County Justice Center or the Longmont Courthouse must enter through the security screening entrance. Upon entry, armed law enforcement officers will be required to present law enforcement credentials, personal identification and state their business to security personnel.

All deputies of the Boulder County Sheriff's Office assigned to the Boulder County Justice Center and the Longmont Courthouse are exempt from the above-mentioned paragraph. In addition, undercover detectives of the Boulder County Drug Task Force and Boulder County Jail transport team are exempt. Any deputies and undercover detectives testifying in court must still sign in at the security entrance of either courthouse.

Armed law enforcement personnel conducting personal business requiring a court appearance must surrender and secure any firearms with security personnel until leaving the facilities.

3. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.
4. The Sheriff or his designees shall enforce this order. The Courts of this Judicial District may enforce this order via contempt or as otherwise allowed by law.

Roxanne Bailin

Hon. Roxanne Bailin
Chief Judge
Twentieth Judicial District