



**FIFTH JUDICIAL DISTRICT, STATE OF COLORADO**

<b>STANDING ORDER REGARDING</b>	)	
<b>SECURITY PROCEDURES IN THE</b>	)	<b>ORDER 10-05</b>
<b>COURTS AND PROBATION OFFICES</b>	)	
<b>OF THE FIFTH JUDICIAL DISTRICT</b>	)	

This order supercedes Fifth Judicial District, Chief Judge Order 05-02.

Participants in the legal system are entitled to be safe and secure in Court and Probation related facilities, including courtrooms, court and probation offices, and common areas. Violence or the threat of violence in the Courts or Probation spaces, inhibits the free exercise of the constitutional rights of our citizens and brings the courts into disrepute.

The Courts, as one of the three co-equal branches of government, possess inherent powers which include "All powers reasonably required to enable a court to perform efficiently its judicial functions; to protect dignity, independence, and integrity; and to make its lawful actions effective." Their power over the administration of justice exists independent of and regardless of any statutory authority. [See Article III, Colorado Constitution; *Pena v District Court*, 681 P2d 953 (Colo. 1984)].

This inherent power specifically includes the ability to make orders providing for the safety and security of the court.

WHEREAS the Chief Judge of a judicial district is charged with the responsibility for the security and safety of the courts and given authority to enter such orders as may be needed in furtherance of those responsibilities [Chief Justice Directive 95-01; *People ex. re. Sullivan v Swihart*, 897 P2d 822 (Colo. 1995)]; and

WHEREAS the public and other participants in the legal system are entitled to come to court seeking the resolution of disputes or the enforcement of rights expecting they will be personally safe from violence, abuse or threats; and

WHEREAS the proper administration of justice requires that courts operate in a safe and secure environment, and that assurance of safety cannot be given if firearms or other deadly weapons or devices are allowed in the courtrooms or court/probation offices or common areas.

NOW THEREFORE IT IS ORDERED THAT:

1. This Order applies to all persons entering Court or Probation related facilities, offices and common areas of the Courts and Probation Offices of the Fifth Judicial District, which includes those located in the Clear Creek County Courthouse, Georgetown; the Summit County Justice Center, Breckenridge; the Lake County Courthouse, Leadville; the Eagle County Justice Center, Eagle; and the Eagle County Community Center, El Jebel. Court and Probation related facilities are defined to include: the courtrooms, hearing rooms, jury deliberation rooms, judges' chambers, court clerks' offices, Probation offices, administrative offices, lunchrooms, conference and mediation rooms, training rooms and libraries, adjacent public lobbies and waiting areas, and all communicating corridors in areas occupied by the Court and Probation Offices of the Fifth Judicial District.
2. Employees and judges may enter through the staff entrance without screening for weapons or prohibited items. If employees or judges choose to enter through the public entrance, they shall submit to screening. All authorized persons can be ordered by court security personnel to submit to the inspection provisions noted herein at any time. The final determination to conduct a security screening of an employee or judge will be at the discretion of court security personnel. Attorneys shall enter through the public entrance and shall submit to screening.
3. When full security screening is available, entry into and exit from Court or Probation related facilities (except in an emergency) shall be restricted to designated doors only.
4. No person having authorized access to Court or Probation related facilities of the Fifth Judicial District via key, key card, or other device used to open doors shall circumvent security and permit unauthorized persons access to the Court or Probation related facilities without screening. This Order does not prohibit authorized persons from access to the buildings after normal working hours for work-related purposes. After normal working hours, authorized persons who possess a valid Judicial badge or security badge issued by their respective county, shall conspicuously display their badge while in the Court or Probation related facilities.
5. Court and Probation staff and judges shall not bring items given to them by other persons into Court or Probation related facilities without having personal knowledge of the contents; and shall be responsible for the contents of their own mail, parcels, packages, briefcases, and other personal belongings.
6. All members of the public entering any Fifth Judicial District Court or Probation related facility are subject to inspection for weapons and prohibited items. Inspection will be conducted by a security screening system either upon entry to the building where available or at the entrance of the courtroom when requested by the court. No person who has activated the security system's alarm will be allowed to enter a Fifth Judicial District Court or Probation related facility until the court security deputy is reasonably assured that the person is not carrying a weapon. Provisions specific to law enforcement officers are set forth below.
7. The public is prohibited from bringing firearms and other deadly weapons or devices, concealed or otherwise, into any Court or Probation related facility of the Fifth Judicial District. No permit authorizing the carrying of concealed weapons shall be construed as abrogating this order.

8. All mail, parcels, packages, briefcases and personal belongings entering a Fifth Judicial District Court or Probation related facility should be inspected for weapons and prohibited items.
9. All repair persons and contractors must use an entrance with established screening stations, or one designated by court security personnel. Except for weapons and explosive devices, which are strictly prohibited, county maintenance personnel, repair persons and contractors and their employees may enter a Fifth Judicial District Court or Probation related facility with such tools as are reasonably necessary to perform their work. Tools will be inspected as in the case of other items entering a Court or Probation related facility. If the tools include an item which would otherwise be prohibited, court security personnel will contact the Clerk of Court or Probation Supervisor to escort the person to the work area. The Clerk of Court or Probation Supervisor will advise the contractor or repair person that any tools which would otherwise be prohibited are restricted to the area where the work will be performed.
10. After hours use of Court and Probation related facilities for client meetings, weddings, tours, or mock trials are permitted. However, because security and security screening is not available after hours, clients and members of the public should not be left unattended by staff in courtrooms or offices. Court security personnel should be notified by staff the following morning of the area that was occupied by non-screened persons so that those areas can be checked for weapons and/or contraband.
11. All law enforcement officers, in uniform or plain clothes, except for on-duty Sheriff's Office personnel, entering any of the Court or Probation offices of the Fifth Judicial District must enter through a security screening entrance and report the purpose of their business at the security screening station or to the Sheriff's Office. If full security screening is not in place, they will first report to the Sheriff's Office before proceeding to the Court, the clerks' office, or Probation. Upon entry, law enforcement officers shall prominently display their department credentials at all times. During an emergency situation, law enforcement officers should have their credentials conspicuously displayed.
12. Any person refusing to allow an inspection provided for in this Order shall be denied entrance to the Court or Probation related facility. The Sheriff of the county in which the courts are located, or his designees or other security personnel, shall enforce this Order.
13. After screening, law enforcement officers on official business with valid agency photographic identification may enter a courtroom, clerks' office or probation office of the Fifth Judicial District with handguns, chemical control agents, and other weapons or devices normally used for either their self-protection or protection of the public.
14. Law enforcement officers may be armed in the Court and Probation related facilities of the Fifth Judicial District while on duty, including participating as a witness in a hearing or trial. However, each judge retains the authority to determine in their own courtroom whether an officer testifying before a jury shall be allowed to have a weapon visible to the jury.
15. Law enforcement officers, including Sheriff's deputies, who do not possess valid photographic identification or whose status as a law enforcement officer cannot be readily verified shall be required to secure their handguns. In addition, law enforcement officers, including Sheriff's deputies, entering any courtroom, clerks' office or probation office for non-official or personal business, shall be required by court security personnel to surrender or otherwise secure firearms and other weapons.

16. Sheriff's deputies and court security personnel shall enforce the above provisions regarding law enforcement personnel. Sheriff's deputies and court security officers shall be armed in the performance of their court security duties. Private court security under contract with the county may be armed pursuant to the terms of their contracts.
17. The Courts of this Judicial District may enforce this order via contempt, or as otherwise allowed by law.

So ordered at Eagle, Colorado this 2<sup>nd</sup> day of March, 2011.

  
R. Thomas Moorhead  
Chief Judge