

## Chief Judge Directive 18-05

### Concerning the possession of weapons in the courthouses of the 11<sup>th</sup> Judicial District:

Courts have the inherent power to regulate their own environment to provide for the safe and effective administration of justice, to perform their duties efficiently and to safeguard their own dignity, independence and integrity. This inherent power is derived from the Constitutional establishment 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 of Weld County v. 19th Judicial District*, 895 P.2d 545 (Colo.1995). The Chief Judge of a judicial district has the 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).

The orders set forth in the Chief Judge Directive are necessary to establish and implement security measures for the protection and safety of court staff, litigants, witnesses, jurors, attorneys and anyone else spending time in or near the courthouses of the 11<sup>th</sup> Judicial District.

### Therefore it is Ordered:

Except as expressly provided in this Directive, no person shall enter or remain in any courthouse of the 11<sup>th</sup> Judicial District with any firearm, knife or other instrument or agent of potential harm.

In Custer County, due to the building also housing County offices, this prohibition applies to the hallway immediately adjacent to the courtroom, the lobby in front of the clerk's window and the probation office. It does not apply to other parts of the building.

All persons entering any courthouse in the 11<sup>th</sup> Judicial District may be subject to security screening and search of their person and any belongings that they intend to bring into the courthouse. Any weapons found will be seized and held by security personnel. Unless the weapon or possession of the weapon is illegal, the weapon will be returned to the person upon their departure from the courthouse.

All law enforcement officers engaged in the actual performance of their duties are excepted from these Orders. However, whether such persons are allowed into any courtroom in possession of any firearm or other weapon shall be in the sole discretion of the judicial officer presiding in that courtroom. Prior authorization from the presiding judicial officer is required. This provision applies not only to law enforcement officers, but also to attorneys. Law enforcement officers who are present in a courthouse for any proceeding in which they, close friends or members of their family are litigants are not deemed to be in actual performance of law enforcement duties.

Firearms or weapons used for purposes of evidence presentation are exempt from this order as long as they are made safe prior to their presentation.

Judicial officers are exempt from this prohibition.

Copies of this Order shall be immediately distributed upon request.

Signs with the following content shall be prominently displayed at the main entrance to each courthouse:

BY ORDER OF THE CHIEF JUDGE OF THE ELEVENTH  
JUDICIAL DISTRICT, AND IN ORDER TO ENSURE THE  
SAFETY OF ALL PERSONS USING THIS BUILDING,  
FIREARMS AND OTHER WEAPONS ARE NOT ALLOWED  
IN THE COURTHOUSE. THOSE SEEKING TO ENTER THE  
COURTHOUSE SHALL BE SUBJECT TO SCREENING AND  
SEARCH OF THEIR PERSON AND POSSESSION FOR  
FIREARMS, KNIVES AND ANY OTHER INSTRUMENTS OR  
AGENTS OF POTENTIAL HARM. IF YOU HAVE ANY SUCH  
ITEMS WITH YOU, PLEASE RETURN THEM TO YOUR  
MOTOR VEHICLE OR OTHERWISE SECURE THEM  
BEFORE ENTERING THE COURTHOUSE.

Violation of this Order could subject the violator to criminal prosecution and contempt of court proceedings.

Done in Salida, Colorado on September 6, 2018

*/s/ Patrick W. Murphy, Chief Judge, 11<sup>th</sup> Judicial District*