

**13<sup>TH</sup> JUDICIAL DISTRICT COMBINED COURT**  
**COVID-19 RESPONSE AND CONTINUITY OF OPERATIONS GUIDELINE**  
**MARCH 16, 2020**

I am writing to provide all court staff in the 13<sup>th</sup> Judicial District with an update on steps that are being undertaken to promote the safety of our staff and the public in light of the Novell Corona Virus and the associated COVID 19 disease. Foremost, I want to ensure all of you that the District's Judges and management team take the health of all of our court and probation staff very seriously and you can be assured that we are working diligently to gather information and address this situation in a thoughtful manner. We do also, of course, recognize that the courts and probation serve an important function in our community and that we must continue to provide essential services to ensure that peoples' rights are protected along with the public health. In this regard, we are undertaking the following general operating measures:

- The Chief Justice has issued this date an Order providing that Colorado State Courts will continue to provide essential constitutional functions to the public; however, the execution and/or completion of most non-essential functions may be postponed. Further, no jury trials will be conducted through April 3, 2020, excepting only those in which speedy trial considerations require them to be conducted.
- In order to allow flexibility to address local conditions, the Chief Justice Order also permits each Judicial District to manage their dockets individually, within limits, and taking into account the need to protect staff and the public from unnecessary risks of exposure to the virus.
- Some governmental offices, such as county sheriffs, may attempt to enforce orders of their own to the effect that courthouses must be closed. This is constitutionally inappropriate and unacceptable. I do agree that reasonable restrictions can be placed upon the public entering public buildings such as courthouses, but our business will continue despite the well-intentioned, but ill-informed "orders" of local authorities.
- Civil Jury Trials: We are encouraging continuance of all civil jury trials that are set during the next six weeks and requesting that judges schedule prompt telephone status conferences in all jury trial matters to discuss continuances and remind participants that the health concerns may extend to witnesses, attorneys, etc.
- Criminal Jury Trials: We are encouraging continuance of all criminal jury trials that are set during the next 3 weeks. Please understand there are speedy trial considerations and circumstances involving in-custody defendants that may

require trial. We will work with the District Attorney and Public Defender to achieve this objective as well. We are also aware that there may be occasions where we are unable to seat juries due to reluctance on the part of jurors to appear. Please note that, this circumstance does not serve as grounds for dismissal of cases, but, rather, for a mistrial

- Reducing in-person appearances: The District and County Judges will be implementing policies as necessary to reduce in-person appearances in an effort to decrease the numbers of people in the courthouses on each docket day during the next several weeks. While we cannot eliminate dockets, they can be spread out in different ways in order to mitigate the effects of “traffic” into and out of our courthouses and courtrooms
- Video appearances will be encouraged on non-docket days, including for the DA and PD when possible, to reduce potential exposure for their offices
- Non-essential Proceedings: All non-essential proceedings should be conducted by phone or video, or, if necessary, continued
- Summons – Any summons for a criminal matter should have a return date at least 63 days from the date of issue and preferably 90 days
- In-custody defendants at other locations in the state should appear by phone or video
- Judicial officers may use their discretion to ensure health security within their own courtrooms and/or chambers. Thus, they may limit the number of persons in the courtroom, or exclude persons who they reasonably suspect might pose a health hazard to others, or who might be “at risk” of infection. They may also enforce “social distance” limits in terms of persons approaching the bench, or approaching court personnel
- The Court Executive, the Chief Probation Officer, Probation Supervisors, and Clerks of Court likewise may use their discretion to ensure health security within their offices, chambers, or public areas under their immediate control. As a result, they may also impose arithmetic and social distance limits, in their discretion, as described above. Consistent with Chief Justice Directives and the Personnel Rules of the Colorado Judicial Department they may even require staff or contractors to leave the premises in the event such persons reasonably appear to represent a health hazard to others within the premises
- Jury commissioners may utilize staggered reporting, shortened orientation or other means to ensure adequate “social distance” between prospective jurors. These means should be discussed with the judicial officer presiding over the jury trial in question.

**Further, please review the following Continuity of Operations Guidelines**

- Each Clerk's office within the 13th JD will hold periodic meetings, led by the Court Executive, updating staff on new developments. These may be conducted by telephone or other remote means. Additionally, each Clerk's office has a call/texting tree in place to notify staff of any urgent developments that occur after hours.
- Signs will be posted in English and Spanish informing customers and clients to call the Clerk's office to schedule or reschedule court appearances or jury duty. This information will also be posted on the 13<sup>th</sup> District website.
- Please participate in group discussions remotely using phone, WebEx or Skype for Business.
- Please encourage customers to use social separation spacing of 6 feet in the hallways and courtrooms whenever possible
- Prospective Jurors shall be screened in writing prior to entering the courtroom with the following questions and those answering yes will be excused (I will develop an administrative order to support this):
  - Are you or anyone in your household currently ill or showing signs of illness (fever, shortness of breath, flu-like symptoms)?
  - Have you or anyone in your household been ill and home from work or school in the last 14 days?
  - Have you been diagnosed with or tested for COVID 19?
  - Have you been in contact with anyone diagnosed with or tested for COVID 19?
  - Do you suffer from any chronic medical condition?
  - Are you in treatment for cancer or any immune system condition?
  - Are you over the age of 60?
  - Have you travelled out of the country in the last 14 days?
  - Have you been in China, South Korea, Italy, or Japan in the last 30 days?
- Staff may cancel out of conferences and trainings. Please staff with your supervisor first and cancel in advance to avoid hotel charges.
- Problem solving court sessions will be set out to mid/ April or May, 2020.
- At this time, working from home is not approved unless you have specific permission from the Administrative Authority. In the event circumstances necessitate working from home, further instruction will be made available. We will be implementing additional protocol if there are K-12 school closures in our district.

- If you need to take time off on short notice due to an extended spring break at your child's school, please work with your supervisor as soon as possible. Leave balances may be an issue for some staff, but please focus on what you need to do to address your children's needs and the leave situation will be determined later.
- SCAO, Chief Judge Singer, CPO, Court Executive and Counties are communicating on COVID-19 and we'll continue to share information as it becomes available.
- Signs are being posted in all our locations reminding everyone to wash their hands and stay home if ill.
- CSEAP (Colorado State Employee Assistance Program) is available for support
  - <https://www.courts.state.co.us/judicialnet/hr/page.cfm?Page=238>
- Normal judicial protocol remains in effect for calling in ill.
- If a staff member becomes ill, he/she should contact his/her immediate supervisor, call their healthcare provider, stay home, and not return to work until such time as they are well. Employees who are sick should remain at home and not report to work to minimize the risk of spreading illness.
  - As per Human Resources, Administration may mandate an employee stay home if it is believed the employee poses a direct threat in the workplace due to illness. Administrators and/or supervisors will not make medical diagnoses but rely on observations of an employee's symptoms in making a reasonable determination to send home an employee who appears sick. Symptoms to be included are: fever, cough, shortness of breath, sore throat, muscle aches, eye infections, vomiting, and chills.
  - Currently, if the employee is sent home, PTO is required to be taken. If the employee seeks medical assistance or is absent from work three (3) or more days in order to attend to their own or a qualified family member's medical condition, the employee shall be offered Family Medical Leave (FML) paperwork as per Colorado Judicial System Personnel Rules.
- Employees who are ill are encouraged not to travel.
- Prevention: No single action will provide complete protection, but an approach combining the following steps can help decrease the likelihood of transmitting a virus. The recommended actions are as follows and will be distributed to all staff:
  - Maintain a healthy lifestyle through rest, diet, exercise, and relaxation.

- Wash hands frequently with soap and water for 20 seconds or use alcohol-based hand with at least 60% alcohol when soap and water are not available. Read and follow all directions when using hand sanitizers. Be sure to wash your hands after coughing, sneezing, or blowing your nose.
  - Avoid touching your eyes, nose and mouth. Germs spread more easily this way.
  - Cover coughs and sneezes with tissue, or cough into your elbow. Dispose of tissues in trash receptacles.
  - Please keep your personal work area clean such as phones, computer keyboards, doorknobs, desk.
  - Additionally, spray down frequently touched common surfaces 2-3x/day such as front window area, counter tops, conference table, break room. The department purchases wipes and hand sanitizer. If stock is unavailable please go to this site to find information on how to clean and disinfect using a bleach mixture.
    - [https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fprevention-treatment.html](https://www.cdc.gov/coronavirus/2019-ncov/about/prevention.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fprevention-treatment.html)
  - Avoid using other workers' phones, desks, offices, or other work tools and equipment. If it is necessary to use another's work area or equipment, clean it first.
  - If you are sick with illness, stay home. For confirmed coronavirus (COVID-19) cases, reported illnesses have ranged from mild symptoms to severe illness and death. Symptoms can include fever, cough, and shortness of breath. If you have any of these symptoms, the CDC recommends that sick workers stay home.
  - Do not share food, drinks, and eating utensils.
- Vaccinations: employees are not mandated, but are encouraged, to get seasonal flu vaccinations, including contagion vaccinations when they become available.

Please let your supervisor know if there is anything else we can do to assist as this is a new situation we are navigating together. Thank you for taking care of yourself and each other. PLEASE KEEP IN MIND THIS GUIDELINE IS A LIVING DOCUMENT AND THE INFORMATION MAY CHANGE.

In addition to this guideline, the following sources should be consulted to determine the most current information. If you have symptoms and think you have been exposed, call your health care provider to discuss next steps. Please use reliable websites to stay informed.

- o Colorado Department of Public Health and Environment (CDHPE)
- [www.cdphe.state.co.us](http://www.cdphe.state.co.us)
- o Centers for Disease Control and Prevention (CDC)
- [www.cdc.gov](http://www.cdc.gov)