

Chief Judge Order 2020-08

Fourteenth Judicial District

State of Colorado

ORDER REQUIRING FACIAL COVERINGS TO BE WORN IN ALL INDOOR PUBLIC SPACES OF THE 14TH JUDICIAL DISTRICT COURT RELATED FACILITIES

Pursuant to Orders and Directives from the Chief Justice of the Colorado Supreme Court, I have an obligation “to determine facial covering and physical distancing requirements in courthouses and probation offices in the judicial district. Chief judges must make these decisions in consultation with local public health officials when possible, and after consideration of local circumstances including vaccination rates, COVID positivity rates and other metrics, courthouse layout, and staffing needs. Chief judges must prioritize safety for the public and the staff in making these decisions and must strive to ensure that individuals interacting with our court system feel safe.”

As safety is of the utmost concern for all staff, I am taking into consideration several important factors in modifying this particular Chief Judge Order, particularly the vaccination rates, positivity rates and risk of transmission in each county in the 14th Judicial District. In addition, several variants of Covid-19 have been identified to include mutations discovered in England, Brazil, South Africa, India (2) and Vietnam. New outbreaks of the disease indicate that even vaccinated persons are at risk of infection when exposed to these variants. As of today in Moffat County the fully vaccinated rate is 17.7%, the positivity rate is 11.4% and the risk of transmission is “very high.” In Grand County the fully vaccinated rate is 38.7%, the positivity rate is 8.0% and the risk of transmission is “high.” In Routt County the fully vaccinated rate is 44.5%, the positivity rate is 1.4% and the risk of transmission is “medium.”¹ Approximately 8.5% of the population in the 14th Judicial District has tested positive for Covid-19. It is unknown how many more have been

¹ Data as of June 17, 2021 reported at covidactnow.org, a 501(c)(3) organization dedicated to accurately and independently reporting data concerning Covid-19 throughout the United States.

infected without being tested.² As of today, the C.D.C. still recommends that all unvaccinated persons wear masks in any public building.

Although several orders have been issued by government agencies throughout Colorado and the United States relaxing mask and physical distancing requirements, this week the United States passed the mark of 600,000 deaths due to Covid-19, far surpassing the number of deaths for any other country. Many governmental entities are publishing data that appears to be at odds with other independent reporting agencies, without explanation. Therefore, I am choosing to utilize independent reporting data whenever possible in making policy decisions. Of significant concern is that a percentage of fully vaccinated persons received no protection from Covid-19 and will not know it (5% of Pfizer recipients, 6% of Moderna recipients and 28% of Johnson & Johnson recipients). Therefore, these individuals pose a risk to each other and to unvaccinated persons. Unvaccinated persons pose a high risk to each other and to those for whom the vaccination is ineffective. I take seriously the responsibility and obligation that I have to provide a safe workplace for all employees and safe facilities for all court users.

The 14th Judicial District, which is tasked with performing essential governmental functions and ensuring that constitutional rights are protected, is also committed to reducing the risk of exposure to this highly infectious and potentially deadly disease by establishing and enforcing certain measures to maximize the safety of all staff and the public who appear at our court facilities. The purpose of Chief Judge Order 20-08 is to provide instruction and guidance to members of the public and those employed by and providing services to the 14th Judicial District courts and probation.

IT IS HEREBY ORDERED:

1. An acceptable mask must be worn at all times by 1) 14th Judicial District employees who are not fully vaccinated³; 2) 14th Judicial District employees who are directly interacting with members of the public; 3) all persons over the age of ten (10) who enter or move

² <https://globalepidemics.org/key-metrics-for-covid-suppression/>

³ “Fully vaccinated” means that a person has proof that they have received both Pfizer or Moderna vaccines at least 14 days prior or has received the single Johnson & Johnson vaccine at least 14 days prior.

about the Public Indoor Spaces of buildings used for 14th Judicial District court and probation functions. Fully vaccinated employees are permitted to dispense with wearing a mask when working in the private circulation areas of the courthouse (accessible only by keycard) if they are not interacting with members of the public (such as the clerk's window or with clients in probation space). As with any medical situation, should any employee wish to seek accommodation for legitimate medical or religious reasons, they should make such request to their supervisor.

2. Chief Judge Order 20-08 applies to the 14th Judicial District court buildings in Grand and Routt Counties and the third floor of the Moffat County Courthouse. "Public Indoor Space" includes all space that is accessible at the time to members of the public. In particular, all persons using the courtrooms shall wear a face covering at all times when this is a shared space with members of the public. Employees who are not fully vaccinated may remove their masks only if they are in their own private office with no one else present and the door closed.
3. The terms "cloth covering" and "mask" are synonymous for purposes of this Order and defined as a medical or non-medical cloth that continuously covers both the nose and mouth area.
4. Persons entering or moving about Public Indoor Spaces are expected to bring their own facial coverings. If anyone appears without the ability to provide their own facial covering, one will be provided to them for their use by security personnel.
5. Individuals who are actively engaged in a public safety role while in the buildings, such as law enforcement, firefighters, and emergency medical personnel, are exempted from this order.

6. Individuals whose temporary removal of a facial covering is deemed necessary to perform any function or service provided by probation may be exempted from this order with permission of their supervisor.
7. Persons participating in evidence collection under the direction of law enforcement or a probation officer in court or probation buildings are permitted to temporarily remove facial coverings during the collection process.
8. Individuals who are hearing impaired or otherwise disabled or who are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication, are exempted from this order.
9. Employees may temporarily remove facial coverings when it is determined that wearing a facial covering is preventing effective communication. One example is when an employee is speaking on the telephone and the person speaking with the employee is unable to clearly hear or understand what is being said because of the employee's use of a facial covering. Employees should inquire of those with whom the employee is communicating concerning whether the person is able to hear and understand the employee when the employee is wearing a facial covering.
10. Employees may remove facial coverings when eating or drinking, as many employees take their breaks at the office. Persons should maintain six feet or more of social distancing when sharing spaces within the building used by employees for breaks.
11. Individuals who are asked to temporarily remove their facial covering for purposes of identification are exempted from this order.
12. Individuals who are asked to temporarily remove their facial coverings, as deemed necessary by a judicial officer to protect constitutional or statutory rights, or as determined

to be necessary to ensure that an accurate record of the proceedings are made, are exempted from this order.

13. The provisions of this Chief Judge Order shall be in effect until further modified.

Dated: June 18, 2021.



Michael A. O'Hara, III, Chief Judge
Fourteenth Judicial District