

**Chief Judge Order 2020-05
Fourteenth Judicial District
State of Colorado**

**TEMPORARY EMERGENCY PROTOCOL RE: COVID-19 PANDEMIC
AND MITIGATION OF RISK CREATED BY INCARCERATION IN
COUNTY JAILS IN THE 14th JUDICIAL DISTRICT**

This modification of criteria and procedure regarding arrestees and the setting of bond, and regarding bench warrants, is in place until midnight on May 15, 2020, at which time it will automatically expire unless ordered otherwise by a judicial officer.

Nothing in this protocol shall be deemed to prevent the parties from stipulating to PR bonds, bond modifications, motions to quash bench warrants or sentence modifications.

1. LIMITATIONS ON APPLICABILITY

This protocol does NOT apply to the following offenses or persons

- a. Class One or Two Felonies, or attempt to commit the same
- b. Any Felony Domestic Violence offense, Third Degree Assault, CRS 18-3-204
- c. Violation of Protection Order (Contact ONLY), CRS 18-6-803.5
- d. Felony sex offense
- e. 1st Degree Burglary, CRS 18-4-202
- f. First Degree Assault, CRS 18-3-202
- g. Robbery or Aggravated Robbery, CRS 18-4-301 and 18-4-302
- h. Class 4 felony 2nd Degree Kidnapping, CRS 18-3-302(5)
- i. Felony Bias Motivated Crime 18-9-121(3)
- j. Possession with Intent to Distribute Over 28 grams of Methamphetamine or Over 15 grams of Opioids/Opiates, CRS 18-18-405(2)(c)
- k. Violation of Public Health Order/Rule, CRS 25-1-516
- l. Intimidating a Juror CRS 18-8-608; Retaliation against a Judge CRS 18-8-615; Retaliation against a Prosecutor 18-8-616; Bribing a Witness or Victim 18-8-703; Intimidating a Witness or Victim CRS 18-8-704; Aggravated Intimidation of a Witness or Victim CRS 18-8-705; Retaliation against a Witness or Victim CRS 18-8-706; Retaliation against a Juror CRS 18-8-706.5; Tampering with a Witness or Victim CRS 18-8-707

2. PERSONAL RECOGNIZANCE BONDS IN CERTAIN CASES

Subject to the limits in section 1 above, the following individuals subject to pre-trial detention shall automatically receive personal recognizance bonds without a court appearance¹:

- A. All Felony Four, Drug Felony Four and lower offenses
- B. Any individual with a verifiable medical condition which puts them at risk for COVID-19 including but not limited to:
 - a. Diabetes
 - b. Lung disease
 - c. Heart disease
 - d. Any person taking immune-suppressant medication or receiving chemotherapy
 - e. Any other significant medical condition as determined by qualified medical screening personnel at the detention center
- C. Any individual who is currently exhibiting symptoms of illness including but not limited to:
 - a. fever
 - b. cough
 - c. shortness of breath
 - d. persistent pain or pressure in chest
 - e. any other symptoms of respiratory illness or infectious disease
- D. Anyone over 60.

PROCEDURE:

1. Law enforcement officers are encouraged to use summonses where authorized by law and appropriate.
2. Upon arrest, the peace officer should transport the arrestee to the detention center. The warrantless affidavit must be transmitted to

¹ No pre-existing bond in any case involving any offense listed in C.R.S. 24-4.1.302(1), the Victim's Rights Act, can be modified without confirmation from the District Attorney's office of compliance with the VRA.

the court as soon as practicable and pursuant to any instructions from the courts. If an arrest occurs during business hours, law enforcement is to notify the clerk's office for the appropriate county at their main number that the warrantless affidavit is coming. If after hours, law enforcement is to contact the on call judge and email the affidavit to: 14thWeekendWarrantlessArrests@judicial.state.co.us

- a. Law enforcement is to email the warrantless affidavit to the clerk's general email address for the county:

grandclerk@judicial.state.co.us

routtclerk@judicial.state.co.us

moffatclerk@judicial.state.co.us

- b. The arresting officer must provide the courts with the full name, DOB and contact information for the arrestee, victim(s) and any other persons classified as protected parties for an CRS 18-1-1001 Mandatory Protection Order.

3. A judge will review the affidavit for probable cause.
4. The judge will issue a PR bond and 18-1-1001 protection order and transmit to the detention center.
5. Detention center staff will serves/process the protection order, obtaining signature from the arrestee.
6. A bond return date to be set no sooner than June 15, 2020, pursuant to Chief Judge Order issued 3/18/2020.
7. The arrest report/ticket/citation will be transmitted to court as soon as practicable.
8. Any party can *subsequently* request a modification of any orders and conditions so imposed and the court will timely schedule a hearing on such requests.

Any inmate currently held who has not posted bond and who meets these criteria shall be released under these conditions. If there is any question as to the applicability of this protocol to a current inmate, the detention center shall notify the District Attorney who shall provide guidance consistent with this directive in a timely manner. The District Attorney

shall notify the court and any opposing counsel if an inmate is not released in this situation.

Defendants shall be formally advised at their return date.

3. FTA WARRANTS

Any individual who personally appears at the courthouse while court is in session who has an outstanding FTA warrant will not be arrested on the warrant at the courthouse and will be seen by the court and their case will be heard or continued.

Subject to the limits in section 1 above, any outstanding FTA warrant for any class four felony or class 4 drug felony or lesser offense will be quashed:

1. If the defendant contacts the court and obtains a new return date. Clerks shall advise the defendant of the new appearance date and enter an notice in JPOD so it will also be served on all parties and counsel.
2. Upon counsel filing notice that counsel has contacted the defendant with a new date to appear. Such notice must include an acknowledgment that the defendant has received notice of the new appearance date. Such dates shall be set on a day scheduled through the clerk's office.

Done this 20th day of March, 2020.



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