

Amended Chief Judge Order 2020-08 (August 1, 2021)

Fourteenth Judicial District

State of Colorado

**ORDER REQUIRING FACIAL COVERINGS TO BE WORN IN ALL 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 14<sup>th</sup> Judicial District. In addition, several new 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, and can spread this virus to others as if they have not been vaccinated at all. As of today in all three of our counties, the Center for Disease Control and Prevention finds that the risk of transmission is “high” which is their highest risk category. One month ago I entered an order dispensing with masks in certain circumstances. **However, as of today, the C.D.C. now again recommends that all persons, vaccinated or unvaccinated, wear masks indoors in areas of high transmission of the virus.**

Several orders have been issued by government agencies throughout Colorado and the United States relaxing mask and physical distancing requirements. Still, the United States has recorded over 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). Unvaccinated persons pose a high risk to each other and to those for whom the vaccination is ineffective. In addition, the new “Delta” variant is infecting both vaccinated and unvaccinated persons at an alarming rate. Therefore, all of us, vaccinated or unvaccinated, continue to pose a risk to each other. 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 counties within the 14<sup>th</sup> Judicial District presently have a positivity rate of 12.3% (Moffat), 12.1% (Grand) and 4% (Routt). In the past seven days Moffat County has averaged 5 new cases per day, Routt has averaged 4 and Grand has averaged .5.

The 14<sup>th</sup> 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 this Chief Judge Order 20-08, as amended, is to provide instruction and guidance to members of the public and those employed by and providing services to the 14<sup>th</sup> Judicial District courts and probation.

**IT IS HEREBY ORDERED:**

1. In the 14<sup>th</sup> Judicial District I will follow the advice and recommendation of the Center for Disease Control and Prevention and the Colorado Department of Public Health and Environment (whichever is more restrictive). Therefore, at this time, an acceptable mask must be worn at all times by all 14<sup>th</sup> Judicial District employees and all persons entering our facilities, without exception. If the CDC and the CDPHE opine that all of the counties in the 14<sup>th</sup> Judicial District are at a “moderate or low” risk of transmission and there are no public

health, state or federal orders to the contrary, the court will again authorize the removal of masks by fully vaccinated employees within the private circulation pattern who are not having contact with the public. As with any medical situation, should any employee wish to seek accommodation for legitimate reasons, they should make such request to their supervisor.

2. Amended 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 spaces within our court facilities.
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 an emergency response in their public safety role while in the buildings, such as law enforcement, firefighters, and emergency medical personnel, are exempted from this order during that emergency.
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 the probation 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: August 1, 2021.



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