

<p>EIGHTEENTH JUDICIAL DISTRICT: ARAPAHOE, DOUGLAS, ELBERT and LINCOLN COUNTIES, COLORADO</p> <p>Arapahoe County Justice Center 7325 South Potomac Street Centennial, Colorado 80112</p> <p>Arapahoe County Courthouse 1790 West Littleton Boulevard Littleton, Colorado 80120</p> <p>Douglas County Justice Center 4000 Justice Way #2009 Castle Rock, Colorado 80109</p> <p>Elbert County Courthouse PO Box 232, 751 Ute Street Kiowa, Colorado 80117</p> <p>Lincoln County Courthouse PO Box 128, 103 Third Avenue Hugo, Colorado 80821</p>	<p align="center">• COURT USE ONLY •</p> <p align="center">Chief Judge Order 21-02 June 30, 2021 Effective July 6, 2021</p> <hr/> <p align="center">Division 201</p>
<p align="center">CHIEF JUDGE ORDER 21-02 REGARDING COURT OPERATIONS IN THE EIGHTEENTH JUDICIAL DISTRICT UNDER THE NOVEL CORONAVIRUS (“COVID-19”) ADVISORY</p>	

Since the Novel Coronavirus (“COVID- 19”) was first detected in Colorado in March 2020, the undersigned has issued numerous orders regarding courthouse operations, including jury trials, designed to balance public health and safety with the commitment to protect constitutional and statutory rights and to ensure equal access to justice for those we serve. These orders have consistently followed existing national, state, and local public health orders and/or guidance, as well as orders issued by the Chief Justice of the Colorado Supreme Court. The 18th Judicial District Courts and Probation prioritized essential functions, mindfully and methodically increased in-person appearances, and safely resumed jury trials

as public health and safety permitted over the course of the past sixteen (16) months. Considering current orders, local public health guidance, and COVID-19 data associated with our counties, the 18th Judicial District is in position to return to normal courthouse and probation operations effective **July 6, 2021**. The 18th Judicial District is committed to working with our stakeholders to incorporate efficiencies, technology, and lessons learned during the global health pandemic moving forward.

On June 15, 2021, Chief Justice Boatright issued an Updated Order Regarding Safety in Colorado Courthouses (“Chief Justice’s Updated Safety Order”). As a result of increased vaccine availability and improved COVID infection rates and other COVID metrics both statewide and nationally, the Chief Justice **did not extend the face covering mandate beyond June 18, 2021**. Effective June 19, 2021, the Chief Justice delegated to the Chief Judges to determine mask and social distancing requirements in courthouses and probation offices in their respective judicial districts. Chief Judges are directed to make decisions in consultation with local public health officials, when possible, and to consider local circumstances, including vaccination rates, COVID positivity rates/metrics, and courthouse layout. Chief Judges must prioritize safety for the public and staff in making these decisions and must strive to ensure that individuals interacting with the court system feel safe.

Since the issuance of the most recent Chief Judge Orders regarding courthouse operations on May 19, 2021, COVID-19 trends across the 18th Judicial District continue to show significant improvement with respect to infection, hospitalization, and vaccination rates. As of June 28, 2021, statistics reported by the Colorado Department of Public Health and Environment, the Tri-County Health Department and/or local public health officials in Elbert and Lincoln Counties reflect the following:

Arapahoe County: In Arapahoe County, the one-week cumulative incidence rate is 23 per 100,000 residents; the one-week average positivity rate is 1.9%; hospitalizations have been steadily declining; ICU bed and ventilator capacity availability are both high; and 63.8% of the eligible county population has received

at least one dose of the vaccine. Pursuant to the Tri-County Health Department's First Amended Public Health Order Simplified COVID-19 Dial issued on April 16, 2021, Arapahoe County moved into Level Clear effective May 16, 2021 and has remained in Level Clear to date. Mitigation requirements, such as face coverings and social distancing, **are not required in Level Clear.**

Douglas County: In Douglas County, the one-week cumulative incidence rate is 26.7 per 100,000 residents; the one-week average positivity rate is 2.4%; hospitalizations have been steadily declining; ICU bed and ventilator capacity availability are both high; and 69% of the eligible county population has received at least one dose of the vaccine. Pursuant to the Tri-County Health Department's First Amended Public Health Order Simplified COVID-19 Dial issued on April 16, 2021, Douglas County moved into Level Clear effective May 16, 2021 and has remained in Level Clear to date. Mitigation requirements, such as face coverings and social distancing, **are not required in Level Clear.**

Elbert County: In Elbert County, the two-week cumulative incidence rate is 44.97 cases per 100,000 residents or 12 cases in the past two weeks. The one-week cumulative incidence rate is 18.74 or five cases in the past week. The two-week average positivity rate is 2.35%, while the one-week average positivity rate is 0.54%. There has been one new hospitalization in the past two weeks and 33.3% of the eligible county population has been immunized with one or more doses of any COVID-19 vaccination. Local public health anticipates COVID-19 metrics in Elbert County will remain low in the months ahead.

Lincoln County: In Lincoln County, the one-week cumulative incidence rate is 17.6, the one-week average positivity rate is 0%, there have been no hospitalizations in the past two weeks, and 33.9% of the eligible county population has received at least one dose of the vaccine.

The Chief Judge has consulted with local public health officials regarding the vaccination rates, including whether they are expected to increase, and COVID positivity rates/metrics as associated with each different county in the 18th Judicial District. The Chief Judge has also considered local circumstances associated with each county, including the size and layout of each courthouse, the number of citizens typically served in any given week, and the number of citizens who have historically reported for jury duty.

Pursuant to the authority granted in Chief Justice Directive 95-01 and the directives found in the Chief Justice's Updated Safety Order, it is hereby **ORDERED** as follows:

(1) General Information:

- a. People who meet the following criteria are asked **not to appear** at the courthouses. Anyone meeting the below criteria should contact their attorney or the court to reschedule their case, request to appear by remote means, or receive further instructions. Similarly, people who meet the following criteria are asked **not to appear** at probation offices. Anyone meeting the below criteria should contact their probation officer to receive further instructions. The criteria include:
 - i. Anyone who has tested positive for COVID-19 in the past 10 days; or
 - ii. Anyone who has been in close contact with someone who has COVID-19, excluding people who have had COVID-19 within the past three months or who are fully vaccinated and do not have symptoms; or
 - iii. Anyone experiencing COVID-19 symptoms such as a fever, chills, cough, shortness of breath or difficulty breathing, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting or diarrhea.

- b. Pursuant to the Governor's Executive Order D 2021 103 and guidance from local public health officials, people coming to the courthouses and probation offices **who are unvaccinated or not fully vaccinated are strongly encouraged to wear a face covering.**¹ In addition, anyone entering either the courthouses or the probation offices, irrespective of vaccination status, **may still wear face coverings**, may wear gloves, and may bring sanitizing wipes and/or a small plastic bottle of hand-sanitizer.

(2) Hours of Operation and Access to Courts:

- a. The clerk's offices in Arapahoe County and Douglas County will be open during normal business hours from 7:30 a.m. to 4:30 p.m. Monday through Friday, except for legal holidays. The clerk's offices in Elbert County and Lincoln County will be open during normal business hours from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for legal holidays. If public health and safety dictates any reduction in hours or modified parameters for filing, updated information will be posted on the court's website.
- b. Anyone who is required to appear for a scheduled court matter, such as a party, attorney, witness, or law enforcement official **shall be present before the court unless already scheduled for a remote proceeding or explicitly provided an alternative method of appearance** by the court. Victims and members of the public wanting to attend a courtroom proceeding must do so in person, unless the judicial officer presiding over the docket has agreed to permit courtroom observation by remote means.

¹ Deference is provided to the detention facilities across the 18th Judicial District and their internal organizational protocols regarding face coverings in detention facilities, including where persons in-custody are present in courthouse facilities and/or courtrooms.

- c. Despite a return to normal operations, judicial officers, in their discretion and as judicial resources allow, **may continue to conduct court proceedings by remote means**. Judicial officers are encouraged to preserve the use of remote proceedings where there are significant efficiencies to be gained by both the court and stakeholders.
- d. Any remote proceeding conducted remains subject to the parameters as outlined in Section (5) below.

(3) **Jury Calls:** The Tenth Amended Chief Judge Order 20-06 Providing Guidance for Jury Trials Across the Eighteenth Judicial District is hereby rescinded effective July 6, 2021. Jury trials will now resume as capacity and judicial officer resources permit at each courthouse, in conjunction with the timing of the increase in the number of jurors summoned to serve at each courthouse. Judicial officers are encouraged to continue to utilize protocols that promote public health and safety and should allow anyone participating in the jury selection process and/or jury trial to exercise their ability to wear face coverings if they choose.

(4) **Protocol for In-Person Court Proceedings:**

- a. Anyone who is **unvaccinated or not fully vaccinated is strongly encouraged** to wear a face covering and exercise social distancing, to the extent possible, for court proceedings.
- b. As we transition back to normal operations, judicial officers shall continue to make an effort to set their in-person proceedings in a manner that minimizes the number of people entering the courthouses and courtrooms at one time, including staggering start times on the dockets, alternating in-person and remote docket days, if applicable, and coordinating dockets with buddy divisions and teams.

- c. Each courtroom shall have sufficient supplies to ensure in-person proceedings are safely conducted, including having face coverings available if requested, hand sanitizer, tissues, disinfectant spray, disinfecting wipes, gloves, and trash cans, in accordance with guidance from state and local public health officials.
- d. Courtrooms shall be appropriately cleaned and sanitized as needed between in-person proceedings, during lunch breaks, and at the end of the day.

(5) Remote Proceedings:

- a. A proceeding may be conducted by remote means through using telephone, Polycom, Webex, other electronic means, or any combination thereof, as resources may allow. Instructions for conducting remote proceedings may be found on the court's website, the front entrances to the courthouses, or through the clerk of the courtroom where the proceeding is scheduled. The court's website is continually being updated with instructions and information for easy access to proceedings taking place in individual courtrooms. Individual courtrooms can be accessed at: https://www.courts.state.co.us/Courts/County/Custom.cfm?County_ID=57&Page_ID=1109.
- b. Except for the official court record, recording of any portion of a remote proceeding is **strictly prohibited absent a court order granting permission**. Any violation of this provision may result in the imposition of sanctions, including contempt of court.
- c. Remote proceedings are court proceedings and all participants shall follow ordinary standards of decorum and any parameters which may be set forth by individual judicial officers in case management or other remote proceedings orders.

- (6) **Social Distancing**: Social distancing is no longer required in the courthouses and probation offices.
- (7) **Probation**: All probation offices in Arapahoe, Douglas, and Elbert Counties will be open to the public from 8:00 a.m. to 5:00 p.m. The probation office in Lincoln County will be open to the public from 8:00 a.m. to 4:00 p.m. Probation officers may continue to stagger reporting schedules and conduct probation business by remote means as deemed necessary and appropriate by the Chief Probation Officer or the Deputy Chief Probation Officer. If public health and safety dictates a reduction in probation hours or modification of reporting protocols, updated information will be posted on the court's website.
- (8) **Self-Help Centers**: All self-help centers in the 18th Judicial District are open during normal business hours for in-person services.
- (9) **Extrajudicial Activities**: The use of the courthouses for extrajudicial activities is permitted. However, the Chief Judge, Court Executive and/or Deputy Court Executive retains the right to restrict extrajudicial activities at any time deemed necessary to ensure public health and safety.

This Chief Judge Order 21-02 hereby rescinds and replaces the Seventh Amended Chief Judge Order 20-08 Regarding Court Operations in Arapahoe County Under the Novel Coronavirus ("COVID-19") Advisory; the Seventh Amended Chief Judge Order 20-09 Regarding Court Operations in Douglas and Elbert Counties Under the Novel Coronavirus ("COVID-19") Advisory; and the Second Amended Chief Judge Order 20-13 Regarding Court Operations in Lincoln County Under the Novel Coronavirus ("COVID-19") Advisory.

The Chief Judge will continue to monitor available information and recommendations from national, state and local public health organizations and officials, and this CJO 21-02 may be revised or extended as deemed necessary.

Dated: June 30, 2021.

BY THE COURT:



Michelle A. Amico

Chief Judge

Eighteenth Judicial District