

District Court, Weld County, State of Colorado Court Address: 901 9 th Avenue, Greeley, CO 80631 Mailing Address: P.O. Box 2038, Greeley, CO 80632-2038	FILED Document – District Court 2009CV1 CO Weld County District Court 19th JD Filing Date: Aug 18 2009 2:46PM MDT Filing ID: 26653762 ▲ COURT USE ONLY ▲ <hr/> Case Number: 09 CV 1 Division: 1
ADMINISTRATIVE ORDER NO. 09-08	
STANDING ORDER REGARDING FIREARMS AND OTHER WEAPONS IN THE WELD COUNTY DISTRICT AND COUNTY COURT FACILITIES	

RECITALS

- A. This standing order restates and reaffirms prior orders and policies in the Nineteenth Judicial District, prohibiting persons from bringing deadly, dangerous and illegal weapons, concealed or not concealed, into any building wherein a County or District Court or Probation Department office is located, including the Weld County Courthouse, the Centennial Building, the court facility in the Weld County North Jail and the offices of the Probation Department of this district, wherever located. This order includes the common and reception areas, and offices as well as District and County courtrooms. This order also includes the clerk’s office, collection, probation department, private offices, and courtrooms. It does not apply to other parts of court or county buildings utilized for other county operations. This order does not apply to the County administrative offices or to the offices of the Weld County Commissioners or to the Office of the District Attorney, which are separate entities and may regulate this conduct themselves in their own areas. It does not apply to the Weld County Sheriff’s Office, and its deputies and agents, in the discharge of duties pertaining to building security and the transportation of prisoners.

- B. There have been past incidents of violence, or the threat of violence, in courthouses in Colorado. For example, there were very serious incidents, involving serious injury in Arapahoe County and Mesa County. A gun has been brandished by a litigant in Montrose County. There have been threats of violence in Weld County.

- C. Litigation by its very nature may create strong feelings in participants, which can, unfortunately, be conducive to violence or the threat of violence.

- D. The public – litigants, witnesses, victims of crime, jurors, and other participants in the legal system such as judges, magistrates, and court employees – is entitled to feel safe and secure in county and district courthouses, courtrooms and common areas. People are entitled to come to court to seek resolution of disputes or enforcement of rights

knowing that, no matter how high the emotions of the participants or how volatile the subject matter of the conflict, they are personally safe from violence, abuse, or the threat of same. Violence, or the threat of violence, in the courts, would inhibit the free exercise of the Constitutional rights of our citizens, and bring the courts into disrepute.

- E. This assurance of safety cannot be given if firearms or other weapons are allowed into the county courthouses or court facilities.
- F. The efficient, effective, and fair administration of justice requires that the public have confidence in the safety and security of the County courthouses and court facilities.
- G. The courts have the inherent power to regulate their own environment to provide for the safe, effective administration of justice, to enable the courts to perform their duties efficiently, and to provide for their dignity, independence, and integrity. This inherent power is derived from the Constitutional exercise of the courts as one of three co-equal branches of government. It is independent of and exists regardless of any statutory authority. See Article III, Colorado Constitution; *Pena v. District Court*, 681 P.2d 953 (Colo. 1984). This inherent power specifically includes the ability to make orders providing for the safety and security of the court. *Board of County Commissioners v. Weld County v. 19th Judicial District*, 895 P.2d 545 (Colo. 1995).
- H. The chief judge of a judicial district has authority to enter such orders as may be needed to provide for the security and safety of the court. Chief Justice Directive 95-01; *Board of County Commissioners, supra*; *People ex. rel. Sullivan V. Swihart*, 897 P.2d 822 (Colo. 1995).
- I. Legislation regarding carrying concealed weapons may have created some uncertainty or misunderstanding regarding the power of the courts to prohibit weapons in court. It is beneficial to clarify that the authority of the courts to safeguard the administration of justice, being inherent, derived from the Constitutional existence of the courts, and independent of the other two branches of government, is unaffected and unchanged by such legislation or local rules or ordinances.
- J. The definitions of the prohibited weapons are as defined by Colorado law, i.e. deadly weapons (currently defined in §18-1-901(1) (e), C.R.S.), firearms (currently defined in § 18-1-901(3)(a), C.R.S.) and dangerous and illegal weapons (currently defined in §§ 18-12-101 &102, C.R.S.).

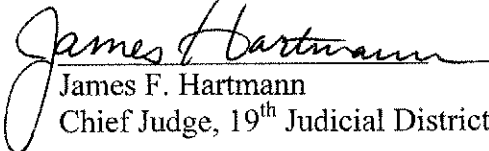
ORDER

IT IS THEREFORE ORDERED as follows:

1. No person except peace officers shall bring any firearms, deadly, dangerous and illegal weapons, concealed or otherwise, into the Weld County Courthouse, court facilities within the Centennial Building and the Weld County North Jail or in the County and District Courtrooms, offices, common areas or other areas within the court facilities and the Probation Department within the 19th Judicial District.
2. A peace officer entering any court facility shall be permitted to carry his or her duty weapon subject to the exceptions listed in Paragraph 3 of this order. The stipulations outlined herein shall apply whether or not the peace officer is then on duty, and regardless of whether the officer is in uniform or civilian clothing. If the peace officer is carrying a weapon and is not wearing the uniform issued by the department for which he or she is employed, which uniform clearly identifies the person as a officer then the officer shall complete the form located at the courthouse security station at the entrance of the building and obtain an identification tag. The identification tag shall be displayed in open view on the shirt or jacket of the person at all times the peace officer is carrying a weapon in the courthouse. This tag signifies to the judicial officers, court employees, courthouse security personnel, and Sheriff's designees that the person is a peace officer and is carrying a weapon.
3. A peace officer, including Weld County Sheriff designees, shall not carry or possess a weapon if that person is inside a court facility wherein the officer, or a spouse, significant other, or family member of the officer is a named party or victim in a case pending before the court.
4. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.
5. The Sheriff or Sheriff's designees shall enforce this order. The courts of this judicial district may enforce this order via contempt, or as otherwise allowed by law.
6. This order shall not be construed to require the Sheriff or Sheriff's designees to provide electronic security in the Probation Department offices that are separate and apart from the court buildings.
7. This Administrative Order shall replace Administrative Order 03-04 and Administrative Order 03-04 is hereby vacated.

Dated: August 18, 2009

BY THE COURT


James F. Hartmann
Chief Judge, 19th Judicial District