

FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

**STANDING ORDER REGARDING)
SECURITY PROCEDURES IN THE)
COURTS AND PROBATION OFFICES)
OF THE FOURTH JUDICIAL DISTRICT)**

ORDER 2014-02

Participants in the legal system are entitled to be safe and secure in Court and Probation related facilities, including courtrooms, court and probation offices, and common areas. Violence or the threat of violence in the Courts or Probation spaces inhibits the free exercise of the constitutional rights of our citizens and brings the courts into disrepute.

The Courts, as one of the three co-equal branches of government, possess inherent powers which include "All powers reasonably required to enable a court to perform efficiently its judicial functions; to protect dignity, independence, and integrity; and to make its lawful actions effective." Their power over the administration of justice exists independent of and regardless of any statutory authority. [See Article III, Colorado Constitution; *Pena v. District Court*, 681 P2d 953 (Colo. 1984)].

This inherent power specifically includes the ability to make orders providing for the safety and security of the court.

WHEREAS the Chief Judge of a judicial district is charged with the responsibility for the security and safety of the courts and given authority to enter such orders as may be needed in furtherance of those responsibilities [Chief Justice Directive 95-01; *People ex. re. Sullivan v Swihart*, 897 P2d 822 (Colo. 1995)]; and

WHEREAS the public and other participants in the legal system are entitled to come to court seeking the resolution of disputes or the enforcement of rights knowing they will be personally safe from violence, abuse or threats; and

WHEREAS the employees who work in the Fourth Judicial District are entitled to work in a safe environment.

WHEREAS the proper administration of justice requires that courts operate in a safe and secure environment and that assurance of safety cannot be given if firearms or other deadly weapons or devices are allowed in the courtrooms or court/probation offices or common areas.

NOW THEREFORE IT IS ORDERED THAT:

1. This Order applies to all persons entering Court or Probation related facilities, offices and common areas of the Courts and Probation Offices of the Fourth Judicial District, which includes those located in El Paso and Teller Counties. Court and Probation related facilities are defined to include: the courtrooms, hearing rooms, jury deliberation rooms, judges' chambers, court clerks' offices, Probation offices, administrative offices, lunchrooms, conference and mediation rooms, training rooms and libraries, adjacent public lobbies and waiting areas, all communicating corridors in areas occupied by the Court and Probation Offices of

the Fourth Judicial District, and the entirety of the buildings in which the Court or Probation Offices facilities are located.

2. Attorneys shall enter through the public entrance or a separate attorney entrance and shall submit to screening.
3. No person having authorized access to Court or Probation related facilities of the Fourth Judicial District via key, key card, or other device used to open doors shall circumvent security and permit unauthorized persons access to the Court or Probation related facilities without screening.
4. Court and Probation staff and judges shall not bring items given to them by other persons into Court or Probation related facilities without having personal knowledge of the contents; and shall be responsible for the contents for their own mail, parcels, packages, briefcases, and other personal belongings.
5. All members of the public entering any Fourth Judicial District Court or Probation related facility are subject to inspection for weapons and prohibited items. Inspection will be conducted by a security screening system either upon entry to the building where available or at the entrance of the courtroom when requested by the court. No person who has activated the security system's alarm will be allowed to enter a Fourth Judicial District Court or Probation related facility until the court security deputy is reasonably assured that the person is not carrying a weapon. Provisions specific to law enforcement officers are set forth below.
6. The public is prohibited from bringing dangerous items concealed or otherwise, into any Court or Probation related facility of the Fourth Judicial District. No permit authorizing the carrying of concealed weapons shall be construed as abrogating this order.
7. All mail, parcels, packages, briefcases and personal belongings entering a Fourth Judicial District Court or Probation related facility shall be inspected for weapons and prohibited items.
8. All repair persons and contractors must use an entrance with established screening stations, or one designated by court security personnel. Except for weapons and explosives devices which are strictly prohibited, county maintenance personnel, repair persons and contractors and their employees may enter a Fourth Judicial District Court or Probation related facility with such tools as are reasonably necessary to perform their work. Tools will be inspected as in the case of other items entering a Court or Probation related facility. If the tools include an item which would otherwise be prohibited, court security personnel will contact the Clerk of Court or Probation Supervisor to escort the person to the work area. The Clerk of Court or Probation Supervisor will advise the contractor or repair person that any tools which would otherwise be prohibited are restricted to the area where the work will be performed.
9. Any person refusing to allow an inspection provided for in this Order shall be denied entrance to the Court or Probation related facility. The Sheriff of the county in which the courts are located, or his designees or other security personnel, shall enforce this Order.

10. All law enforcement officers in uniform or plain clothes, entering any of the Court or Probation offices of the Fourth Judicial District must enter through a security screening entrance and report the purpose of their business at the security screening station. Upon entry, law enforcement officers shall prominently display their department credentials at all times. During an emergency situation, law enforcement officers shall have their credentials conspicuously displayed.
11. After screening, law enforcement officers on official business with valid agency photographic identification may enter a courtroom, clerks' office or probation office of the Fourth Judicial District with handguns, chemical control agents, and other weapons or devices normally used for either their self-protection or protection of the public. Law enforcement officers may be armed in the Court and Probation related facilities of the Fourth Judicial District while on duty, including participating as a witness in a hearing or trial. However, each judge retains the authority to determine in their own courtroom whether an officer testifying before a jury shall be allowed to have a weapon visible to the jury. Law enforcement officers, including Sheriff's deputies, who do not possess valid photographic identification or whose status as a law enforcement officer cannot be readily verified shall be required to secure their handguns. Sheriff's deputies and court security personnel shall enforce the above provisions regarding law enforcement personnel. Private court security may be armed pursuant to the terms of their contracts.
12. The Courts of this Judicial District may enforce this order via contempt, or as otherwise allowed by law.
13. All law enforcement officers who appear on unofficial business or for cases involving their own personal business are not allowed to possess weapons. They must check in said weapons.

So ordered at El Paso County, Colorado this 25th day of June, 2014.



Gilbert A. Martinez
Chief Judge