



**SEVENTEENTH JUDICIAL DISTRICT, STATE OF COLORADO
ADAMS AND BROOMFIELD COUNTIES**

ADDENDUM TO SIXTH AMENDED)
ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) **2020-01 A6**
UNDER COVID-19 EFFECTIVE August 3, 2020 –)
August 31, 2020)

Issued August 25, 2020

In light of the public health risk posed by COVID-19 (“novel coronavirus”) and the advisories and information circulated by the Centers for Disease Control (CDC), the Colorado Department of Public Health and Environment (CDPHE), and the Tri-County Health Department (TCHD), recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, the 17th Judicial District Courts and Probation continues to operate in an emergency status.

On July 24, 2020, Chief Justice Coats issued Updated Order Regarding COVID-19 and Operations of State Courts, which states until further modification of his order, no person shall be summoned to assemble for jury service in a state court without the authorization of the Chief Judge of the particular judicial district, following her determination that the jury pool in question can be safely assembled consistent with applicable executive orders and health directives.

The judges of the Seventeenth Judicial District continue to discuss plans to safely resume jury trials. The judges have also talked with attorneys that appear in their divisions about resuming jury trials. We have considered information from the Centers for Disease Control and Prevention (“CDC”) and the Colorado Department of Public Health and Environment (“CDPHE”); information presented to the Chief Judges Council and individually to the undersigned by Jennifer Ludwig, Deputy Director of Tri-County Health Department (“TCHD”); and executive orders issued by Colorado Governor Jared Polis.

TCHD issued directives regarding the Adams County Justice Center at a meeting on July 30, 2020. After conferring with the judges of the 17th JD, I delayed resuming jury trials until at least August 31, 2020. Governor Polis issued D 2020 164 amending and extending numerous orders, including Ordering Individuals in CO to wear non-medical face coverings on August 14. The Executive Order regarding face coverings expires 30 days from August 14. The Governor states in that order:

“My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. While we have seen indications that our efforts to “flatten the curve” are working, transmission of the virus continues to threaten Coloradans’ way of life and livelihoods and *current data shows a recent increase in COVID infections*. As we take steps to return Coloradans to work, we must continue to take measures to facilitate reopening the economy while protecting public health by taking steps to incorporate best practices to protect individuals from infection.”

TCHD requested that felony jury trials that cannot be completed in one week, M-F, be postponed. The comparison was made by TCHD about how it has been working with the school districts and has required traditional start dates to be continued. On August 12, the CDHPE issued updates on cases and outbreaks in schools, see link below:

<https://covid19.colorado.gov/cases-and-outbreaks-child-care-schools>

And new guidance to help schools respond to COVID-19 cases and outbreaks, see link below.

<https://covid19.colorado.gov/press-release/new-guidance-released-to-help-schools-respond-to-covid-19-cases-and-outbreaks>

The CDHPE undertook substantial stakeholder engagement to gather input on how to make guidance helpful for the start of the school year in a way that makes sense for local communities. Parallels can be drawn between schools and the courthouse and the opening thereof to the public and resuming jury trials, so I find this information helpful.

For the period of August 2-15, 2020, Adams (and Denver) had the highest incidence rate in the metropolitan area based on a two-week cumulative incidence rate, which includes new cases reported in those two weeks. The epidemic curve then was *elevated incidence* for Adams county, meaning the trajectory of new illness is high. The state established a COVID-19 testing site in Adams County at Water World on August 10. The site is set to be open through September and up to 2,500 tests will be administered each day in this county.

Today, Adams is the only metropolitan county with a “High” one-week incidence rate. All surrounding metropolitan counties have been reduced to “Medium” incidence rates, including Denver, for the one-week cumulative incidence rate in the past week August 17-23, 2020. Adams is the only “Very High” metropolitan county for the two-week cumulative incidence rate in the past two weeks August 10-23, 2020. The incidence rate includes new cases reported in the past two weeks. Currently, there are 58 outbreaks in Adams county, with 19 of those being “active.” Adams County has the second highest rate of active outbreaks in the state. Adams County currently has 416 cases associated with active outbreaks, the third highest in the state.

Jury trials are the bedrock of our justice system, expressly provided for in the Constitution and in the Sixth and Seventh Amendments. There is no one-size fits all approach for the twenty-two judicial districts in Colorado. We continue to gather data, take suggestions, develop protocols and implement strategies that will minimize the health and safety risks for jurors, attorneys, witnesses, parties to lawsuits, members of the public, press and court employees.

Due to the ongoing COVID-19 pandemic, the justification for this Addendum is as stated in prior Orders and the current health statistics in Adams County. Effective immediately, all civil and criminal trials scheduled to commence now through September 18, 2020 before any district court or county court judge in Adams County are continued subject to further order of the presiding trial judge. Jury trials have already commenced in Broomfield County. Absent unexpected and significant changes, jury trials will resume in Adams County on September 21, 2020.

This Addendum to the Sixth Amended Administrative Order is effective immediately upon the date and time entered below. The Chief Judge will continue to monitor available information and recommendations from health organizations and a Seventh Amended Administrative Order Regarding Court Operations Under COVID-19 will be issued on or before August 31, 2020.

SO ORDERED this 25th day of August, 2020, at 11:00 a.m.

By the COURT,



EMILY E. ANDERSON
Chief Judge
Seventeenth Judicial District