



**SECOND JUDICIAL DISTRICT, STATE OF COLORADO
DENVER COUNTY**

**AMENDED ADMINISTRATIVE ORDER)
REGARDING COURT OPERATIONS) 2020-01
UNDER COVID-19 ADVISORY)
)**

In light of the public health risk posed by the Novel Corona Virus and COVID-19 and the advisories and orders from the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments, recommending active steps to slow the spread of the disease and precautions to reduce the risk of exposure, effective March 16, 2020 the Courts of the 2nd Judicial District began operating with reduced staff and a focus on matters of immediate concern for public safety.

Pursuant to the authority granted in Chief Justice Directive 95-01 and Chief Justice Order dated March 16, 2020, it is hereby ORDERED as follows:

1. Operations:

- a. Denver District Court has implemented reduced operations, as defined herein, and staffing remaining in effect until further notice. Staff will be reduced as coordinated by the Clerk of Court and the Court Executive, with the approval of the Chief Judge. Clerk’s Office hours will be Monday thru Friday excluding legal holidays, 8:00 am – 4:00 pm, at the Lindsey-Flanigan Courthouse and Denver City and County Building.
- b. Individuals who meet any of the following conditions are asked to not appear at the Courthouse: (1) has been diagnosed with COVID-19 (“Novel Coronavirus”) (2) has been in direct contact with someone who has been diagnosed with COVID-19 within

the past fourteen days; (3) experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms.

- c. Increased cleaning rounds across buildings, including additional cleanings and sanitizing for high-touch surface areas such as doors, counters, railings, restroom fixtures, customer counters, and doorknobs also increased restroom checks of paper towels and soap dispensers.
- d. Denver Department of Health and Environment (DDPHE) has provided recommendations targeting risk mitigation and spread prevention in high volume areas such as Courtrooms, Clerk's Offices and customer service areas to include; social distancing, identification of high-touch surface areas requiring additional cleaning or modification, and education to staff regarding spread prevention measures which have been implemented.

2. Docket Management and Limitations on Hearings

- a. Pursuant to the Colorado Supreme Court directive from Chief Justice Nathan B. Coats, all jury calls in state courts, except for jury calls for criminal trials facing imminent speedy trial deadlines, are suspended through May 15, 2020. Imminent speedy trial deadline describes those cases in which the designated speedy trial date occurs between now and May 15, 2020.
- b. Also pursuant to the Colorado Supreme Court directive, Courts of the 2nd Judicial District, Denver District Court, will continue to address matters essential to public safety including the following classes of proceedings:
 - i. Petitions for temporary civil protection orders and permanent protection order hearings
 - ii. Petitions for temporary emergency risk protection orders and hearings on emergency risk protection orders
 - iii. Petitions and hearings to restrict parenting time and for parental abduction prevention
 - iv. Crim.P. Rule 5 advisement for incarcerated persons and the initial setting of bail
 - v. Revocation hearings on complaints to revoke probation involving an incarcerated defendant

- vi. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals;
- c. In accordance with CJD 95-01 and in the exercise of the discretion of the Chief Judge, the District Court will continue to hear matters that are necessary and essential to prevent a substantial risk to the health, safety or welfare of any individual or the community at large.

- d. Civil Divisions
 - i. Until further order, all in-person civil proceedings, including bench trials, are ordered converted to appearance by phone or by other teleconferencing options through May 15, 2020. All counsel, clients, witnesses or other necessary participants must appear remotely. Equipment for videoconferencing or teleconferencing beyond simple telephone must be provided by the parties. Any proceeding that the attorneys feel are not capable of remote presentation may be continued at the Court's discretion.

- e. Domestic Relations Matters
 - i. Except for emergency matters, in person appearances have been or will be continued or converted to phone appearances through May 15, 2020. All other in person appearances not designated herein are suspended.
 - ii. All domestic related matters are hereby consolidated to a minimum of two Courtrooms that will handle matters identified as essential functions by order of the Chief Justice, however individual Courtroom staff will be monitoring their telephones and JPOD filings and responding appropriately.

- f. Criminal Proceedings

As noted in the Chief Justice Directive, certain court functions are critical and essential to our obligation to protect individual constitutional rights and promote public safety. Those matters must continue to be heard and are not subject to suspension. We are committed to working with our criminal justice stakeholders to reduce in person appearances through pre-trial detention and probation revocation complaints that do not present public safety concerns. Further we are continuing to explore additional

methods to ensure public health and welfare while maintaining our obligation for the ongoing operation of the Court. And the following measures have been taken;

- i. Effective March 30, 2020, all district court criminal divisions will be operating as “virtual courtrooms” and all appearances will be by remote access via the WebEx internet-based application. Counsel, parties, witnesses, victims and even some judges will be appearing via remote access. Signs are posted on courtroom doors directing those who do appear in person how to access the proceedings via WebEx.
- ii. Expedited review of all matters and petitions for conversion to appearance by phone, and unopposed motions to continue jury trials as a priority.
- iii. Hear matters appearing on bond in advance of in-custody matters, to reduce the number of individuals gathered in the Courtroom at the same time, consistent with the most current Center for Disease Control (CDC) guidelines and the public health order issued by Denver Department of Public Health & Environment (DDPHE) and adopted by Mayor Michael Hancock March 13, 2020.
- iv. Increased communication between attorneys, Denver Sheriff’s Department, Probation and Courts regarding inmate transport, writs and remands has eliminated transport between facilities and eliminated in-person appearances unless deemed emergent by a Judicial Officer. Remands are deferred in the discretion of the sentencing judge and only in appropriate cases (Non-VRA, Crime of Violence) where public safety is not at issue. Apart from individual Judicial Officer discretion, all writs are suspended until May 31, 2020.
- v. Defendants with less than 30 days remaining on imposed sentences, currently serving work release sentences, or determined to be an at-risk defendant based on health factors continue to be identified by attorneys and submitted to the Court for review and release, where appropriate.
- vi. District Court acknowledges Denver County Court changes regarding the scheduling of matters occurring in Courtroom 2100, 2300 and 4C and has incorporated those changes into our case management procedures to delay the setting of these matters in District Court thereby minimizing docket size and reducing in person appearances.
- vii. Modification to the pre-advisement release criteria increasing the number of detainees eligible for unsecured PR bond to include persons with conviction of Class 1 misdemeanor within two years or felony within five years, persons

who fail to appear on bond in any case involving a felony or Class 1 misdemeanor in the preceding five years.

- viii. By Joint Administrative Order 2020-02, and to reduce intake of individuals into custody at Denver County Jail, summons in lieu of initial arrest for all cases heard in our courts unless victim or public safety may be compromised, or in cases described in CRS 24-4.1-302 (e.g., those involving domestic violence, sex crimes, crimes against children, assault, stalking, violation of restraining order etc.).
- ix. Also by Joint Administrative Order 2020-02, if a law enforcement officer employed by a law enforcement agency located in the City and County of Denver, Colorado contacts an individual who has an active arrest or bench warrant issued by the Denver County Court, the officer is not required to execute the warrant and arrest that individual, unless the arrest or bench warrant includes a Victims Rights Amendment (“VRA”) offense listed in C.R.S. §24-4.1-302 (e.g., those involving domestic violence, sex crimes, crimes against children, assault, stalking, violation of restraining order etc.).
- x. The offices of Denver Adult Probation are closed to the public as of March 25th, 2020 until further notice. However, Denver Adult Probation continues to provide essential services via phone and other technology. The PSI unit will continue to provide reports for the courts and will conduct interviews over the phone or via other technology as possible. Current clients will be supervised using social distancing strategies that involve the use of e-mail, Skype, the phone and other technological solutions. Clients who are nearing the end of their probation term and are compliant with probation conditions will be terminated from probation to reduce caseloads for officers. Probation revocations will only be filed on cases in which the client is determined to be dangerous and/or a threat to public safety. Community based services will be used as available. Telehealth and other models for service delivery are being explored.
- xi. Return on summons for Probation revocation appearances should be set at least eight weeks out to assist with minimizing docket size and decreasing in-person appearances.

g. Adult Problem-Solving Courts;

- i. All review dockets are vacated through May 15, 2020.

- ii. All client groups or support meetings held at Lindsey-Flanigan Courthouse are suspended.
- iii. Defendants referred to the DIVERT program will be exempt from serving the 90-day jail sentence with RISE as a condition of sentence until further notice.

- h. Court Interpreters will be appearing by telephone to the greatest extent possible, unless otherwise specified based on extenuating circumstance.

3. Jury Calls

- a. Excepting only criminal jury trials with imminent speed trial issues noted in section 2.a. above, all jury calls for a return date between now and May 15, 2020 have been or will be cancelled. Individuals summoned for jury service which meet any of the following criteria shall contact the jury commissioner and be offered postponement consistent with this Order; (1) diagnosed with COVID-19 (2) been in direct contact with someone who has tested positive for COVID-19 within the past 14 days, (3) experiencing fever, cough, shortness of breath or other respiratory illness.

SO ORDERED this 29th day of March, 2020.

BY THE COURT:



MICHAEL A. MARTINEZ
Chief Judge, 2nd Judicial District