

Chief Judge, Twelfth Judicial District

**ORDER REGARDING
FIREARMS AND OTHER
DEADLY WEAPONS**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2013-03 replacing 2003-01**

**STANDING ORDER REGARDING FIREARMS AND OTHER WEAPONS
IN THE COURTS OF THE TWELTH JUDICIAL DISTRICT**

RECITALS

- A. This standing order restates and reaffirms prior orders in the Twelfth Judicial District, prohibiting persons from bringing firearms or other deadly weapons, concealed or not concealed, into any County or District Court, including the common areas, and offices as well as the District and County Courtrooms. This order also includes the clerk's offices, collections offices, probation department, private offices, and all other parts of the courthouses utilized for other county operations as it is impractical to have separate security arrangements for the courts and other entities located in the Rio Grande County Courthouse, Saguache County Courthouse, Conejos County Courthouse and Mineral County Courthouse. This policy is already in place in Alamosa and Costilla Counties because the Alamosa Combined Courts and the Costilla Combined Courts are housed in buildings that do not contain other county offices. The intent of this order is to provide a secure environment for all staff and the public with business in any offices housed in the Alamosa County Courthouse, the Conejos County Courthouse, the Costilla County Courthouse, the Mineral County Courthouse, the Rio Grande County Courthouse and the Saguache County Courthouse.
- 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.
- 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 the County 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 deadly weapons are allowed into the County Courthouses or Court facilities. Court Security experts recommend establishing a “clean” environment, free of firearms and other weapons, to protect the safety of those using court facilities. *Colorado Courthouse Security Resource Guide* at 3-1 (April 2008); *Guidelines for Implementing Best Practices in Court Building Security*, at 39 (National Center for State Courts 2010).
- 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 of 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). 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 legislation or local rules or ordinances.

ORDER

IT IS THEREFORE ORDERED as follows:

1. The public is prohibited from bringing firearms and other deadly weapons, as well as chemical agents such as mace, Oleoresin Capsicum or pepper spray, or any items court security deputies deem dangerous or a threat to safety and security, into the courthouses of this Judicial District.
2. No person except uniformed law enforcement officers or plain clothes investigators, who are certified as police officers, who are authorized to carry firearms in performance of their duties and who are on-duty, shall bring firearms or other deadly weapons, concealed or otherwise, into the County and District Courtrooms, offices, common areas or other areas within the Courthouses in the Twelfth Judicial District.
3. All armed law enforcement personnel, in uniform or plain clothes, entering one of the County Courthouses of the 12th Judicial District shall enter through a security screening entrance, if one exists in that courthouse. Upon entry, armed law enforcement officers

will be required to present law enforcement credentials as well as personal identification and to state their business to courthouse security deputies.

4. A peace officer, whether on-duty or off-duty, shall not carry or possess a firearm or other deadly weapon or other dangerous items if the peace officer is entering a courthouse for non-official or personal business which includes, but is not limited to, the following:
 - Jury duty
 - The officer is a party to a case
 - The officer is providing support to a friend or relative in court
 - The officer is serving as a lay witness in a case
 - The officer is a courtroom spectator or appearing on any personal business that is not directly related to official law enforcement duties.
5. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.
6. The Sheriffs of the respective counties in this Judicial District and/or the Sheriffs' designees, including police departments shall enforce this order. The Courts of this Judicial District may enforce this order via contempt, or as otherwise allowed by law.

Dated this _1st_ day of August 2013.

BY THE COURT:

Pattie P. Swift
Chief Judge
12th Judicial District