

## **TWENTY-FIRST JUDICIAL DISTRICT, MESA COUNTY COLORADO**

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### **ADMINISTRATIVE ORDER 08-06**

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This order replaces the General Order Regarding Court Safety and Security issued on August 25, 1988, and amended September 30, 1988, and March 21, 1989.

The development and regular evaluation of courthouse security is an imperative activity for courts to undertake as employees and the public should feel safe when they are conducting their judicial business in the Mesa County Justice Center. The most common type of risk in courthouses is interpersonal, in that an attack is committed by one person against another.

As Chief Judge of the 21<sup>st</sup> Judicial District, I have both the responsibility and the authority to order that certain protective services of the sheriff be provided so that employees and the public are able to use the courts in a safe environment. This authority is set forth in C.R.S. 13-1-114, as amended, and by specific directive and authorization of the Colorado Supreme Court. Based on the authority that I have and the need for security measures the following orders are issued.

#### **1. Applicability and Responsibility:**

This order is applicable to the Mesa County Justice Center ("courthouse") located in Grand Junction, Colorado, subject to limitations in equipment and staffing. The Mesa County Sheriff has overall responsibility for implementation of this order.

#### **2. Entering and Leaving the Mesa County Justice Center**

Entry into and exit from the courthouse (except in an emergency) is restricted to designated doors only.

No person having access to the courthouse via key, key card, or other device used to open doors or to call elevators, shall permit unauthorized persons access to the courthouse or any elevator, locked stairwell door, or other locked door.

This order does not prohibit employees of the District Attorney's Office or Mesa County Probation Department from allowing persons access to the building after normal working hours for work-related purposes (e.g., witnesses and probation clients). Members of those offices shall however escort said individuals directly to and from their respective offices and are strongly encouraged to closely observe said individuals at all times.

### **3. Screening and Inspection:**

#### **a. Persons**

All persons entering the courthouse are subject to reasonable inspection for weapons and prohibited items. Inspection will be by a security screening system using, initially, a magnetometer. If the magnetometer alarm is triggered, the person will be required to pass through a second time. If the magnetometer is again triggered, a handheld metal detector will be used to determine the source of the alarm. If the handheld metal detector does not determine the object causing the alarm and the person still seeks admission to the courthouse, a body pat-down solely for the purpose of detecting the presence of weapons may be conducted. No person who has activated the magnetometer will be allowed to enter the courthouse until the court security deputy at the courthouse entrance is reasonably assured that the person is not carrying a weapon. Persons who are arrested in the courthouse may be searched to the extent otherwise allowed by law.

#### **b. Mail, Parcels, Packages, Briefcases and Personal Belongings**

All mail, parcels, packages, briefcases and personal belongings entering the courthouse shall be inspected for weapons and prohibited items. Typically, inspections will be conducted by passing the items through an x-ray machine. If x-ray inspection does not give the court security deputy the assurance that the item does not contain a weapon or prohibited item, the court security deputy may require that the item be opened for visual inspection, provided, however, that in the case of mail the court security deputy will notify the addressee of the suspicious nature of the mail. Said mail will be retained at the courthouse entrance until court security resolves the situation to satisfy safety concerns.

#### **c. Refusal to Submit to Inspection**

Any person refusing to allow an inspection provided for in this order will be denied entrance to the courthouse.

#### **d. State and County Employees**

All State and County employees who enter the courthouse through the east public entrance will routinely submit to the inspection provisions in paragraphs 3 (a), (b).

State and County employees who are employed in the courthouse shall be issued Mesa County Justice Center identification cards. During normal working hours, State and County employees who possess a valid Mesa County Justice Center identification card shall conspicuously display the card while they are in an area of the courthouse that is restricted via key card or otherwise to employees only. After normal working hours, State and County employees who possess a valid

Mesa County Justice Center identification card shall conspicuously display the card while they are in any part of the courthouse.

State and County employees conspicuously displaying a valid Mesa County Justice Center identification card, or other authorized personnel who enter the courthouse in the course of their duties are subject to random security screening and inspection. Such employees shall not enter the courthouse with mail, parcels, packages, briefcases or other personal belongings without having personal knowledge of their contents.

This order does not prohibit court security deputies from conducting additional screening of courthouse employees who may pose a danger to others in the courthouse. The final determination of a security check of a courthouse employee or other authorized personnel who enter the courthouse will be at the security deputy's discretion.

#### **4. Prohibited Items**

Subject to paragraphs 5, 6 and 7, the following items are prohibited in the courthouse:

Firearms, explosive devices, knives (regardless of the length of the blade, but not including eating utensils), chemical agents such as mace, OC, or pepper spray, cutting instruments, self-defense weapons, or any items deemed as dangerous or a threat to safety and security by court security deputies.

All prohibited items which are lawful to possess shall be removed from the courthouse and placed in a secure location by the owner prior to being granted access into the courthouse. In the event that the owner is unable to remove the item from the courthouse and depending on available resources, security deputies may hold a prohibited item so that it can be returned to the owner upon their exit from the courthouse. An item not retrieved by an owner from the security deputies within a reasonable time specified by the Sheriff may be disposed of by any means the Sheriff deems to be appropriate. Items which are not lawful to possess and are in violation of local, state or federal laws will be treated as appropriate in the law enforcement judgment of the court security deputies.

#### **5. Repair Persons and Contractors**

Except for weapons and explosive devices (as designated in paragraph 4), which are strictly prohibited, county maintenance personnel, repair persons and contractors and their employees may enter the courthouse with such tools as reasonably necessary to perform their work. Tools will be inspected as in the case of other items entering the courthouse, and if the tools include an item which would otherwise be prohibited, court security deputies will contact the agency for whom the repair person or contractor is performing the work to verify the

person's status. Unless pre-cleared by the sheriff's office, the person will not be allowed past the entrance until a representative of the agency appears to escort the person to the work area. Court security deputies will advise the person that any tools which would otherwise be prohibited are restricted to the area where the work will be performed. All general services employees, repair persons and contractors must use the east public entrance to enter the courthouse unless other provisions have been pre-approved by the sheriff's office.

#### **6. Carrying of Firearms, Chemical Control Agents, and Other Weapons or Devices by Law Enforcement Officers**

Law enforcement officers with valid agency photograph identification may enter the courthouse with handguns, chemical control agents, and other weapons or devices normally used for either their self-protection or protection of the public. No other firearms are permitted unless approved by the Mesa County Sheriff. Law enforcement officers who do not possess a valid photograph identification or whose status as a law enforcement officer cannot be readily verified shall be required to store their handguns in a weapons locker located at the east entrance of the courthouse. Even with valid identification, officers entering the courthouse for jury duty or personal business and not for the purpose of performing official law enforcement duties shall be required by court security deputies to secure firearms and other weapons in a weapons locker.

Law enforcement officers who are not in uniform but are authorized by security deputies to possess a weapon or device in the courthouse shall be provided a Mesa County Justice Center card that is specifically designated for said officers' use while they are in the courthouse. The purpose of issuing such cards is to assist security deputies and other law enforcement officers in being able to immediately identify other law enforcement officers. During an emergency situation the card must be conspicuously displayed. At all other times the card must be immediately available for inspection by security deputies.

In general, law enforcement officers may be armed in the courthouse while on duty, including participating as a witness in a hearing or trial. However, each judge of the county and district courts 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 (a list of the judges' positions shall be maintained at the main security check point station).

#### **7. Cameras, Recording Devices**

- a. Audio, film and video recording equipment, associated computers and cabling, radio and television broadcast equipment and still cameras may be brought into the courthouse by persons or organizations which are part of the news media. Security personnel may require a valid news media photographic identification before entrance with said equipment is allowed. Media personnel engaged in

authorized photography or recording activities shall conspicuously display their identification while they are in any part of the courthouse.

Canon 3 of the Colorado Code of Judicial Conduct governs the use of such equipment by the media inside the courthouse and is incorporated by reference into this Administrative Order.

- b. State or county employees using cameras and other recording devices within the scope of their respective job duties may bring such devices into the courthouse. Usage of such devices in any courtroom requires the express permission of the judge assigned to that courtroom.
- c. All other persons are prohibited from introducing such equipment into the courthouse unless expressly authorized by a Judge or the Sheriff's Office for the purposes of ceremonial proceedings, educational seminars, or other special events. Any person attempting to enter the courthouse with said equipment without authorization will be required to secure the equipment off of the courthouse property prior to entry.
- d. Any audio, film and recording equipment, associated computers and cabling, radio and television broadcast equipment and still camera brought into the courthouse shall be inspected to enforce the prohibition on weapons and other contraband items from entering the courthouse.

**8. Cell phones**

Cell phones may be brought into the courthouse. The use of the camera/video function on these devices is prohibited. Special conditions for the usage of the camera/video function may exist which requires the express permission of the chief judge. All cell phones are to be turned off before entering a courtroom.

**9. Evacuation, Emergencies and Critical Incidents**

In the event of an emergency or critical incident at the courthouse or its environs, the Mesa County Sheriff will coordinate the appropriate response to resolve the situation. The Chief Judge and the District Court Administrator or designee, coordinating with Court security deputies, may require the evacuation, quarantine or shelter in place of the courthouse building during this time. All employees and occupants within the courthouse during this time will comply with all lawful orders and directions issued by the sheriff's office during such emergencies or critical incidents.

**10. Modification by Judicial Order**

The rules and procedures outlined above are subject to exceptions or modification by the Chief Judge in specific circumstances.

**11. Enforcement of Order**

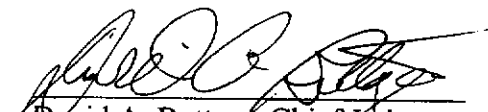
The Mesa County Sheriff's office shall have the authority to enforce all provisions of this order. Any person who knowingly or willingly violates any provision of this order shall be subject to arrest for contempt of this order and shall be presented before the court, as soon as possible, for disposition.

**12. Posting**

A copy of this order shall be kept at the main security check point station.

**IT IS SO ORDERED.**

Done this 20<sup>th</sup> day of November, 2008.

  
David A. Bottger, Chief Judge  
21<sup>st</sup> Judicial District of Colorado