

**Chief Judge Order 2020-05  
AMENDED  
Fourteenth Judicial District  
State of Colorado**

**TEMPORARY EMERGENCY PROTOCOL RE: COVID-19 PANDEMIC  
AND MITIGATION OF RISK CREATED BY INCARCERATION IN  
COUNTY JAILS IN THE 14<sup>th</sup> JUDICIAL DISTRICT**

This modification of criteria and procedure regarding arrestees and the setting of bond, and regarding warrants, is in place until midnight on May 31, 2020, at which time it will automatically expire unless ordered further modified by the chief judge.

Nothing in this protocol shall be deemed to prevent the parties from stipulating to Personal Recognizance bonds, bond modifications, motions to quash bench warrants or sentence modifications.

**1. LIMITATIONS ON APPLICABILITY**

This protocol does NOT apply to any person charged with any of the following offenses and such persons are not automatically eligible for a release on a personal recognizance bond:

- a. Class One or Two Felonies, or attempt to commit the same
- b. Any Felony Domestic Violence offense, Third Degree Assault, CRS 18-3-204
- c. Violation of Protection Order (Contact ONLY), CRS 18-6-803.5
- d. Felony sex offense
- e. 1<sup>st</sup> Degree Burglary, CRS 18-4-202
- f. First Degree Assault, CRS 18-3-202
- g. Robbery or Aggravated Robbery, CRS 18-4-301 and 18-4-302
- h. Class 4 felony 2<sup>nd</sup> Degree Kidnapping, CRS 18-3-302(5)
- i. Felony Bias Motivated Crime 18-9-121(3)
- j. Possession with Intent to Distribute Over 28 grams of Methamphetamine or Over 15 grams of Opioids/Opiates, CRS 18-18-405(2)(c)
- k. Violation of Public Health Order/Rule, CRS 25-1-516
- l. Intimidating a Juror CRS 18-8-608; Retaliation against a Judge CRS 18-8-615; Retaliation against a Prosecutor 18-8-616; Bribing a Witness or Victim 18-8-703; Intimidating a Witness or Victim CRS 18-8-704; Aggravated Intimidation of a Witness or Victim CRS 18-8-705; Retaliation against a Witness or Victim CRS 18-8-706; Retaliation against a Juror CRS 18-8-706.5; Tampering with a Witness or Victim CRS 18-8-707

## **2. PERSONAL RECOGNIZANCE BONDS IN CERTAIN CASES**

Subject to the limits in section 1 above, the following individuals subject to pre-trial detention shall automatically receive personal recognizance bonds issued by the jail without a court appearance<sup>1</sup> following their arrest for any of the following offenses:

- A. All Felony Four, Drug Felony Four and lower offenses
- B. Any individual with a verifiable medical condition which puts them at increased risk for COVID-19 including but not limited to:
  - a. Diabetes
  - b. Lung disease
  - c. Heart disease
  - d. Any person taking immune-suppressant medication or receiving chemotherapy
  - e. Any other significant medical condition as determined by qualified medical screening personnel at the detention center
- C. Any individual who is currently exhibiting symptoms of illness including but not limited to:
  - a. fever
  - b. cough
  - c. shortness of breath
  - d. persistent pain or pressure in chest
  - e. any other symptoms of respiratory illness or infectious disease
- D. Anyone over 60 years of age

### **PROCEDURE:**

1. Law enforcement officers are encouraged to use a summons where authorized by law and appropriate.

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<sup>1</sup> No pre-existing bond in any case involving any offense listed in C.R.S. 24-4.1.302(1), the Victim's Rights Act, can be modified without confirmation from the District Attorney's office of compliance with the VRA. Individual judges retain the authority and discretion to deviate from this order when that judge deems such deviation to be necessary for community safety or other good cause.

2. Upon arrest, the peace officer should transport the arrestee to the local jail. The warrantless arrest affidavit must be finalized and provided to the jail immediately upon booking.
3. If an arrest occurs during business hours, law enforcement is to notify the clerk's office for the appropriate county at their main number that the warrantless arrest affidavit is coming. If after hours, and once the arrestee has been processed and is ready to be released, the jail will contact the on call judge and email the affidavit to: [14thWeekendWarrantlessArrests@judicial.state.co.us](mailto:14thWeekendWarrantlessArrests@judicial.state.co.us). In the event that an inmate is intoxicated or impaired, the jail should continue to utilize current practices not to release the inmate until they are no longer impaired. In this situation, the jail should wait to contact the on call judge until the inmate is no longer impaired and is ready to be released from the jail.
4. The arresting officer must include in the warrantless arrest affidavit the full name, date of birth, gender, hair and eye color, weight and height for any arrestee who will be subject to a protection order. The arresting officer shall also include the full name, date of birth and gender for any victim or other person to be protected by the protection order. This information shall be included in any case alleging a crime of domestic violence or any crime classified as a class one misdemeanor or higher offense level.
5. The on call judge will review the warrantless arrest affidavit to determine whether probable cause exists to support the arrest. As appropriate, the judge will issue an Order Setting Bond and authorizing a Personal Recognizance Bond as well as an 18-1-1001 protection order and transmit to the jail.
6. Jail staff will serve the protection order, obtaining signature from the arrestee.
7. Jail staff will prepare and issue a Personal Recognizance bond with a return date to be set no sooner than June 15, 2020, pursuant to Chief Judge Order 2020-04, as amended.
8. The arrest documents will be transmitted to court as soon as practicable.

9. Any party may *subsequently* request a modification of any orders and conditions so imposed and the court will timely schedule a hearing on such requests.

10. Defendants shall be formally advised at their return date.

**3. WARRANTS. In cases where an individual has an outstanding warrant for their arrest because they failed to appear in court (FTA) or failed to comply with terms and conditions of probation (FTC).**

Any individual who personally appears at the courthouse while court is in session who has an outstanding FTA/FTC warrant will not be arrested on the warrant at the courthouse and will be seen by the court and their case will be heard or continued.

Subject to the limits in section 1 above, any outstanding FTA/FTC warrant for any class four felony or class 4 drug felony or lesser offense will be quashed:

1. If the defendant contacts the court, the clerk shall advise the defendant of a new appearance date within 21 days and enter a notice in JPOD so it will also be served on all parties and counsel.
2. An attorney may contact the court on behalf of their client to obtain a new date within 21 days. The attorney must then file a notice that they have contacted the defendant and an acknowledgment that the defendant has received notice of the new appearance date.
3. If the individual is arrested by law enforcement, they shall be transported to the jail for automatic release on a PR bond if eligible (pursuant to the balance of this order) with an appearance date within 21 days.

Done this April 15, 2020.



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Michael A. O'Hara, III, Chief Judge  
Fourteenth Judicial District