

<p><b>SECOND JUDICIAL DISTRICT: COUNTY OF DENVER, COLORADO</b></p> <p><b>DENVER COUNTY COURT</b></p> <p><b>DENVER PROBATE COURT</b></p> <p><b>DENVER JUVENILE COURT</b></p>	<p><b>JO # 2020-05</b></p> <p><b>▲ COURT USE ONLY ▲</b></p> <p><b>(July 27, 2020)</b></p>
<p align="center"><b>AMENDED JOINT ORDER REQUIRING FACE COVERINGS IN COURT FACILITIES</b></p>	

In accordance with the inherent authority of the Second Judicial District, the Denver County Court, the Denver Probate Court, and the Denver Juvenile Court (collectively, “the Courts”) to manage their facilities, the Chief Judge of the Second Judicial District and the Presiding Judges of the Denver County Court, Probate Court, and Juvenile Court, jointly enter the following Order requiring Face Coverings inside all Court-related facilities located within the City and County of Denver, including, but not limited to: the Lindsey-Flanigan Courthouse, the City and County Building, the Van Cise-Simonet Detention Center, the Wellington Webb Building, and the Minoru Yasui Plaza (hereinafter “Court Facilities”).<sup>1</sup>

On March 10, 2020, the Governor of the State of Colorado issued an Executive Order declaring a state of disaster emergency due to the risk of spread of the novel coronavirus, now designated COVID-19. On March 12, 2020, the Mayor of the City and County of Denver declared a state of local disaster emergency pursuant to C.R.S. §24-33.5-701, et seq., due to the risk of spread of COVID-19. The declaration was extended by the City Council for the City and County of Denver on March 16, 2020 and May 11, 2020.

The Executive Director of the Denver Department of Public Health and Environment (“DDPHE”), pursuant to §24-16 of the Denver Revised Municipal Code (“D.R.M.C.”), has issued numerous public health orders to implement measures to mitigate the spread of COVID-19 within the City and County of Denver. On May 5, 2020, DDPHE issued a Face Covering Order which requires that all members of the public wear a Face Covering when they are inside, or in line to enter, any location or facility to seek or receive services from Critical Government Functions as defined by the April 9 Fourth Updated CDPHE Stay at Home Order. The April 9 Fourth Updated

---

<sup>1</sup> This Order is issued consistent with the process in the Second Judicial District and the City and the County of Denver’s 2017 Memorandum of Understanding.

CDPHE Stay at Home Order includes judicial branch operations in the definition of Critical Government Functions. The Order further mandates that organizations performing Critical Government Functions take all reasonable steps to prohibit any member of the public who is not wearing a Face Covering from entering.

On June 4, 2020, the Governor of the State of Colorado issued an Executive Order D2020-092, amending Executive Orders D2020-039 and D2020-067 to provide discretion to employers and operators of places of public accommodation to deny admittance or service and require the removal of any individual who fails to wear a face covering (“EO D2020-092”). On June 20, 2020, the Governor of the State of Colorado issued an Executive Order D2020-110 amending and restating Executive Orders D2020-039, D2020-067, and D2020-092 requiring employees, contractors, and others providing services for mass transportation operations, critical businesses, and government offices and facilities to wear face coverings if they interact in close proximity with other employees or with the public; and extending EO D2020-039, as extended by EO D2020-067 and as amended and extended by EO D2020-092, for thirty (30) days from June 20, 2020 (“EO D2020-110”).

On June 30, 2020, the Executive Director of CDPHE, pursuant to Colorado Revised Statutes §§ 25-1.5-101(1)(a) and 25-1.5-102(1)(a)(I), issued an order requiring face coverings for all employees, contractors, and others providing services for Mass Transportation Operations and Critical Businesses, including Government Offices and Facilities, who interact in close proximity with other employees or with the public (“CDPHE PHO 20-31”).

On July 16, 2020, the Governor of the State of Colorado issued an Executive Order D2020-138 amending and extending Executive Orders D2020039, D2020-067, D2020-092, and D2020-110 ordering individuals over ten (10) years old in Colorado to wear medical or non-medical face coverings when entering or moving within any Public Indoor Space (with some limited exceptions), to require owners or managers to refuse service and entry to any individuals not wearing a face covering, and to require signage at entrances instructing individuals of their obligation to wear a face covering within the Public Indoor Space (“EO D2020-138”).

On July 21, 2020, the Executive Director of the Denver Department of Public Health and Environment found that wearing a face covering is a highly effective way to reduce the transmission of the COVID-19 virus and, pursuant to §24-16 of the Denver Revised Municipal Code, adopted the State of Colorado’s July 16, 2020 Face Covering Executive Order “EO D2020-138.”

The Courts have the responsibility and authority to ensure the efficient performance of judicial functions and to provide a secure environment for all who enter and work in the Court Facilities. A secure and efficient environment are central to the public’s confidence in the integrity of the judicial system as well as the proper functioning of our three-branch system of government. To carry out their missions, the Courts must protect the public health of all members of the public who are inside or seeking to enter court facilities. Accordingly, the Courts find that it is reasonably necessary and appropriate to require Face Coverings from all members of the public who are in inside, or in line to enter, any court facilities.

This Order applies to all areas of the Lindsey-Flanigan Courthouse, the City and County Building, the Van Cise-Simonet Detention Center, the Wellington Webb Building, and the Minoru Yasui Plaza in which court-related business is conducted. This Order does not apply to the portions of the City and County Building that are occupied and controlled exclusively by either the executive or the legislative branch of Denver City and County Government, namely: the Offices of the Mayor of Denver; City Council chamber; Council committee meeting rooms; and the Parr Widener Community Room.

This Order does not limit the authority of judicial officers to issue necessary and reasonable orders governing conduct and decorum in their courtrooms or in matters pending before them.

### **FACE COVERINGS REQUIRED**

**The Courts have the responsibility and authority to protect the public health within the Court Facilities. Therefore, those entering the Court Facilities are required to wear a Face Covering. If an individual is seeking access to any of these facilities and does not have a Face Covering, a Face Covering shall be provided to the individual by court or security staff and the individual shall be allowed access so long as they are wearing the Face Covering.**

“Face Covering” as used in this Order means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face. A Face Covering may be factory-made, or may be handmade and improvised from ordinary household materials. Face Coverings need to cover the nose and mouth at all times and should remain in place until taken off safely.

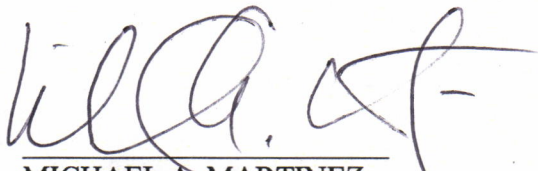
A video showing how to make a face covering and additional information about how to wear and clean Face Coverings may be found at the website of Centers for Disease Control and Prevention, at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-clothface-coverings.html>.

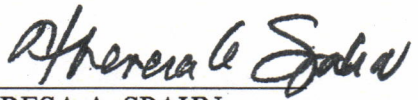
To clarify the exemptions provided in EO D2020-138, as modified by this Face Covering Order, a face covering is not required under the following circumstances:

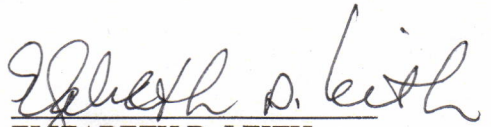
- a. Individuals who are inside any enclosed indoor area that is not accessible to the public, such as a private office or cubicle, when other individuals are not present.
- b. Individuals who are testifying as witnesses in criminal proceedings who are seated behind a Plexiglas barrier or wearing a plastic face shield, so long as such individuals wear a face covering at all other times during the proceedings.
- c. Individuals who are interpreting for participants in court proceedings, where the ability to see the mouth and hear the translation is essential to communication, so long as such language interpreters wear a face covering when not providing interpretation services.

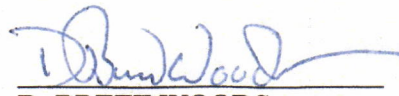
This Order shall be enforced by the Denver Sheriff's Department, Denver Police Department, and any other security staff or law enforcement officer as necessary and appropriate. This specifically includes enforcement of D.R.M.C. §24-24 and enforcement of orders in furtherance of the Courts' contempt authority under C.R.C.P. 107. All persons shall comply with the lawful requests, directions, and orders of law enforcement officers and security staff in the performance of their duties. Failure to do so will constitute a violation of this Order. This Order shall not preclude law enforcement officers or security staff from taking additional appropriate steps to ensure the orderly and peaceful conduct of court business at the Court Facilities.

Entered this 27<sup>th</sup> day of July, 2020.

  
MICHAEL A. MARTINEZ  
Chief Judge, Second Judicial District

  
THERESA A. SPAHN  
Presiding Judge, Denver County Court

  
ELIZABETH D. LEITH  
Presiding Judge, Denver Probate Court

  
D. BRETT WOODS  
Presiding Judge, Denver Juvenile Court