



ELEVENTH JUDICIAL DISTRICT

## Chief Judge Directive 23-01

### ORDER REGARDING 11<sup>TH</sup> JUDICIAL DISTRICT PROCEDURES FOR EXCUSING EMPLOYEES OF PUBLIC LAW ENFORCEMENT AGENCIES AND THE PUBLIC DEFENDER'S OFFICE FROM JURY POOLS

Under C.R.C.P. Rule 24(b)(XII) and C.R.S. 16-10-103(1)(k), the Court must grant a challenge for cause for any potential juror in a criminal case who is a “compensated employee of a public law enforcement agency or a public defender’s office.” It has come to the Chief Judge’s attention that the various counties in the District have different methods regarding excusal of jurors who meet the criteria above. The purpose of this Directive is to establish a uniform policy for excusal of these potential jurors.

At the pretrial conference, or anytime before, the parties shall state to the Court their position on excusing law enforcement or public defender employees from the jury pool. If there is a request to excuse these jurors, all jurors who meet the criteria and appear for jury service will be excused prior to the beginning of voir dire. The clerk of court will record the name of the juror and the agency for whom they work.

For purposes of this automatic excusal, “Public Law Enforcement Agency” includes employees of any Police Department, Sheriff’s Department, Town Marshall’s Office, The Colorado State Patrol, the Colorado Department of Corrections<sup>1</sup> and the District Attorney’s office. The employee does not have to be actively engaged in law enforcement activities in order to be excused—they must only be employed by a Public Law Enforcement Agency.<sup>2</sup>

All other jurors who claim to be employees of a Public Law Enforcement Agency will be part of the jury pool and can be questioned individually during voir dire if they are called into the jury panel. If a challenge for cause is then made pursuant to the above Rule and statute, the trial judge will then make the determination whether to grant the challenge.

Done in Salida, Colorado, January 30, 2023

/s/ Patrick W. Murphy

Chief Judge, 11<sup>th</sup> J.D.

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<sup>1</sup> Employees of private prisons are not employees of a P.L.E.A. See: *People v. Bonvicini* 366 P.3d 151 (CO SCT 2016)

<sup>2</sup> See: *People v. Romero* 197 P.3d 302 (COA 2008)