



ELEVENTH JUDICIAL DISTRICT

Chief Judge Order 20-05 First Amended

Regarding Misdemeanor and Traffic Arrests

Pursuant to the authority granted to Chief Judges in Chief Justice Directive 95-01 and in light of the public health risk posed by COVID-19 ("novel coronavirus") and the advisories and information circulated by the Centers for Disease Control, the Colorado Department of Public Health and Environment, and local public health departments recommending active steps to slow the spread of the virus and precautions to reduce the risk of exposure, as well as the current increase in cases, the Court hereby finds and orders:

If a law enforcement officer employed by a law enforcement agency located in the 11th Judicial District (Park, Custer, Chaffee and Fremont Counties) contacts an individual who has an active arrest or bench warrant issued by the county or district court in the 11th Judicial District for a civil case, a misdemeanor offense, traffic offense, or petty offense, the officer is not required to execute the warrant and arrest that individual, **unless the arrest or bench warrant includes a Victims Rights Amendment ("VRA") offense listed in C.R.S. §24-4.1-302(1) or the arrest or bench warrant includes a driving under the influence, driving while impaired, or driving with excessive alcohol content, and in that instance the person must be arrested on the warrant.**

Law enforcement officers are to be guided by community safety concerns and the risk of person absconding when deciding whether to execute and arrest a person on an active warrant covered by this order. When making this determination, the officer should consider the nature of the offense, the amount of bond set by the court, and any other information known to the officer relevant to the question of whether the individual poses a risk to the public or a risk of absconding if an arrest does not occur.

If an individual is not arrested, law enforcement shall issue a summons with a return court date and will provide a copy of the summons to the defendant. A copy of the summons shall be provided to the Court by the next business day. Returns on summons shall be set out approximately 21 days from arrest. Law enforcement shall include the warrant number on the summons and instruct the arrested person to keep a copy of the summons on his/her person.

This order does not apply to warrants issued by a municipal court, warrants issued by a state or district court in another Colorado judicial district, warrants issued by a court in another state, or warrants issued by any federal court or federal agency.

This order also does not apply to warrants issued for felony offenses, warrants that include any VRA offense listed in C.R.S. §24-4.1-302(1), and warrants for driving under the influence, driving while impaired, and driving with excessive alcohol content. For proceeding via summons for felony offenses please contact the Office of the District Attorney to determine if you may proceed by summons.

This Order was created with the consent of the Office of the District Attorney.

This order expires on February 5, 2021, unless continued by the Chief Judge for COVID-19 concerns.

Done in Salida, Colorado, November 5, 2020

/s/ Patrick W. Murphy

Chief Judge, 11th J.D.