

CRIMINAL COMPLAINT
COUNTY OF BOULDER, COLORADO

ACCUSED:

Camille Rodriguez,

In her role as Executive Director, Boulder County Public Health

Matt Jones

In his role as Chairman, Boulder County Commissioners

COMPLAINT

I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about August 9, 2021 and September 2, 2021 in the County of Boulder, in the state of Colorado, violating C.R.S. § 18-8-404:

(1) A public servant commits first degree official misconduct if, with intent to obtain a benefit for the public servant or another or maliciously to cause harm to another, he or she knowingly:

(a) Commits an act relating to his office but constituting an unauthorized exercise of his official function; or

(b) Refrains from performing a duty imposed upon him by law; or

(c) Violates any statute or lawfully adopted rule or regulation relating to his office.

(2) First degree official misconduct is a class 1 misdemeanor.

STATEMENT OF FACTS

1. Camille Rodriguez is the Executive Director, Boulder County Public Health.
2. Matt Jones is the Chairman, Boulder County Commissioners.
3. On March 10, 2020, Colorado Gov. Jared Polis declared a State of Emergency related to the presence of COVID-19 in the State of Colorado. Executive Order D 2020 003. On July 8, Gov. Polis rescinded Executive Order D 2020 003 and all previous Executive Orders issued due to COVID-19, and redeclared a Disaster Emergency. Executive Order D 2021 122. Gov. Polis extended Order D 2021 122 on August 6, 2021. Executive Order D 2021 125.
4. On March 14, 2020, Matt Jones, the Chair of the Board of County Commissioners for Boulder County (“BOCC”) declared a local disaster emergency, which was extended by the BOCC, on March 19, 2020.

5. On May 26, 2021, Children’s Hospital Colorado declared a youth mental health state of emergency. *Children’s Hospital Colorado declares mental health state of emergency as suicide attempts rise*, available at <https://bit.ly/3h0A0Tm>.
6. On August 9, 2021 Camille Rodriguez issued Public Health Order 2021-07 requiring facial coverings for toddlers, adolescents, and all children aged 2+ in childcare, camps, and PK-12 settings.
7. For children under age 18, the risk of death from COVID is one in one million. *COVID Webinar Series (Transcript): Robert Redfield, MD*, available at <https://tinyurl.com/y6xgcq5f>.
8. COVID-19 restrictions have caused a 23% increase in suicides among ages 15-24, while COVID-19 accounts for barely 1.2% of deaths under age 25. *More “Covid Suicides” than Covid Deaths in Kids*, available at <https://bit.ly/3jJixR8>.
9. Masking children forces them to rebreathe exhaled air that creates oxygen deficiency and a flooding of carbon dioxide. The human brain is very sensitive to oxygen deprivation. Chronic oxygen deprivation impairs brain efficiency and the undersupply of oxygen to the brain inhibits brain development of the brain, causing irreversible brain damage. *COVID-19 Masks Are a Crime Against Humanity and Child Abuse*, Dr. Margarite Griesz-Brisson MD, PhD, available at <https://perma.cc/Q568-Y2H2>.
10. On September 2, 2021, Camille Rodriguez issued Public Health Order 2021-08 requiring facial coverings for everyone aged 2+ in indoor public spaces.
11. CDC pandemic guidance found “little evidence supported [mask] use in community settings when well”, but recommended masks when ill. *Community Mitigation Guidelines to Prevent Pandemic Influenza*, CDC (2017) at 11,14, available at <https://tinyurl.com/wuwx7nz>. World Health Organization (WHO) pandemic guidance also found, “There was no evidence that face masks are effective in reducing transmission of laboratory-confirmed influenza”. *Non-Pharmaceutical Public Health Measures for Mitigating the Risk and Impact of Epidemic and Pandemic Influenza*) at 9,26, WHO (2019), available at <https://tinyurl.com/qwm2npc>.
12. Surgical masks and cloth masks are ineffective at reducing COVID-19 spread and are associated with higher rates of influenza like illness, according to the National Academies of Sciences,. *Rapid Expert Consultation on the Effectiveness of Fabric Masks for the COVID-19 Pandemic*, available at <https://bit.ly/2Gs9sv5>.
13. Controlled trials demonstrated that the recommendation to wear surgical masks does not reduce the COVID-19 infection rate among wearers. *Effectiveness of Adding a Mask Recommendation to Other Public Health Measures to Prevent SARS-CoV-2 Infection in Danish Mask Wearers*, available at <https://doi.org/10.7326/M20-6817>.

14. Most viral transmission is by aerosols (not respiratory droplets). *Particle sizes of infectious aerosols: implications for infection control*, available at <https://pubmed.ncbi.nlm.nih.gov/32717211/>.

ARGUMENT

15. For purposes of criminal offense of official misconduct, when a public official commits an act of malfeasance that is made possible because of his office or the opportunities afforded to him by that office, he is engaged in misconduct relating to his office but constituting an unauthorized exercise of his official function. People v. Berry, 457 P.3d 597 (2020).
16. Boulder County Public Health has the duties to advise the county or district board on public policy issues necessary to protect public health and the environment and to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health. C.R.S. § 18-8-404.
17. Public Health Order PHO 2021-07 is not necessary to control an epidemic because masks are neither safe nor effective at controlling the COVID-19 spread.
18. Public Health Order PHO 2021-07 is not necessary to control an epidemic because recklessly causing irreversible brain damage in children does not control COVID-19 spread.
19. Public Health Order PHO 2021-07 is not necessary to control an epidemic because inflicting emotional and social harm on children and worsening a mental health crisis does not control COVID-19 spread.
20. Public Health Order PHO 2021-08 is not necessary to control an epidemic because masks are neither safe nor effective at controlling the COVID-19 spread.
21. Public Health Order PHO 2021-08 is not necessary to control an epidemic because recklessly causing irreversible brain damage in adults does not control COVID-19 spread.
22. Public Health Order PHO 2021-07 is not necessary to control an epidemic because inflicting emotional and social harm on adults and worsening a mental health crisis does not control COVID-19 spread.
23. Public Health Order PHO 2021-07 is an unauthorized exercise of official function because it exceeds the statutory grant of authority and is not necessary to protect public health.
24. Public Health Order PHO 2021-08 is an unauthorized exercise of official function because it exceeds the statutory grant of authority and is not necessary to protect public health.
25. Public Health Order PHO 2021-07 violates BCPHE's duty to protect public health because it orders measures that endanger public health by increasing the risk of COVID-19 spread and that worsen the state mental health crisis.

26. Public Health Order PHO 2021-08 violates BCPHE's duty to protect public health because it orders measures that endanger public health by increasing the risk of COVID-19 spread and that worsen the state mental health crisis.

COUNT I

Camille Rodriguez committed first degree official misconduct by committing an unauthorized exercise of her official function in ordering PHO 2021-07.

27. The accused, CAMILLE RODRIGUEZ, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for herself or another or maliciously to cause harm to another, she knowingly, committed an act relating to her office but constituting an unauthorized exercise of her official function.
28. For the reasons state above, Camille Rodriguez committed an unauthorized exercise of her authority when she issued PHO 2021-07 because this order is not necessary to protect public health.
29. In doing so, Camille Rodriguez maliciously and recklessly caused harm to the children of Boulder County.

COUNT II

Camille Rodriguez committed first degree official misconduct by committing an unauthorized exercise of her official function in ordering PHO 2021-08.

30. The accused, CAMILLE RODRIGUEZ, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for herself or another or maliciously to cause harm to another, she knowingly, committed an act relating to her office but constituting an unauthorized exercise of her official function.
31. For the reasons state above, Camille Rodriguez committed an unauthorized exercise of her authority when she issued PHO 2021-08 because this order is not necessary to protect public health.
32. In doing so, Camille Rodriguez maliciously and recklessly caused harm to the children and adults of Boulder County.

COUNT III

Matt Jones committed first degree official misconduct by committing an unauthorized exercise of his official function in approving PHO 2021-07.

33. The accused, MATT JONES, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for himself or another or maliciously to cause harm to another, he knowingly, committed an act relating to his office but constituting an unauthorized exercise of his official function.

34. For the reasons state above, Matt Jones committed an unauthorized exercise of his authority when he approved PHO 2021-07 because this order is not necessary to protect public health.
35. In doing so, Matt Jones maliciously and recklessly caused harm to the children of Boulder County.

COUNT IV

Matt Jones committed first degree official misconduct by committing an unauthorized exercise of his official function in approving PHO 2021-08.

36. The accused, MATT JONES, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for himself or another or maliciously to cause harm to another, he knowingly, committed an act relating to his office but constituting an unauthorized exercise of his official function.
37. For the reasons state above, Matt Jones committed an unauthorized exercise of his authority when he approved PHO 2021-08 because this order is not necessary to protect public health.
38. In doing so, Matt Jones maliciously and recklessly caused harm to the children and adults of Boulder County.

COUNT V

Camille Rodriguez committed first degree official misconduct by refraining from performing a duty imposed by law when she ordered PHO 2021-07.

39. The accused, Camille Rodriguez, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for herself or another or maliciously to cause harm to another, she knowingly refrained from performing a duty imposed upon him by law.
40. For the reasons state above, Camille Rodriguez violated her duty to protect public health when she issued PHO 2021-07 because this order worsens public health by inflicting irreversible brain damage on children and worsens the state mental health crisis by inflicting social and emotional harm on the children of Boulder County.
41. In doing so, Camille Rodriguez maliciously and recklessly caused harm to the children of Boulder County.

COUNT VI

Camille Rodriguez committed first degree official misconduct by refraining from performing a duty imposed by law when she ordered PHO 2021-08.

42. The accused, Camille Rodriguez, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for herself or another or maliciously to cause harm to another, she knowingly refrained from performing a duty imposed upon her by law.
43. For the reasons state above, Camille Rodriguez violated her duty to protect public health when she issued PHO 2021-08 because this order worsens public health by inflicting irreversible brain damage on children and worsens the state mental health crisis by inflicting social and emotional harm on the children and adults of Boulder County.
44. In doing so, Camille Rodriguez maliciously and recklessly caused harm to the children of Boulder County.

COUNT VII

Matt Jones committed first degree official misconduct by refraining from performing a duty imposed by law when he approved PHO 2021-07.

45. The accused, Matt Jones, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for himself or another or maliciously to cause harm to another, he knowingly refrained from performing a duty imposed upon him by law.
46. For the reasons state above, Matt Jones violated his duty to protect public health when he approved PHO 2021-07 because this order worsens public health by inflicting irreversible brain damage on children and worsens the state mental health crisis by inflicting social and emotional harm on the children of Boulder County.
47. In doing so, Matt Jones maliciously and recklessly caused harm to the children of Boulder County.

COUNT VIII

Matt Jones committed first degree official misconduct by refraining from performing a duty imposed by law when he approved PHO 2021-08.

48. The accused, Matt Jones, in the State of Colorado, at or about the date and place charged, was a public servant, and with intent, to obtain a benefit for himself or another or maliciously to cause harm to another, he knowingly refrained from performing a duty imposed upon him by law.
49. For the reasons state above, Matt Jones violated his duty to protect public health when he approved PHO 2021-08 because this order worsens public health by inflicting irreversible brain damage on

children and worsens the state mental health crisis by inflicting social and emotional harm on the children and adults of Boulder County.

50. In doing so, Matt Jones maliciously and recklessly caused harm to the children of Boulder County.

IN WITNESS THEREOF

The statements above are true and accurate to the best of my knowledge and belief.

Signature

Date

Printed Name

Case #