ROME JUDICIAL CIRCUIT

GUIDELINES FOR EXPANDING IN-PERSON PROCEEDINGS

Introduction

During the Coronavirus Pandemic, Georgia's courts have remained open and have continued to perform their constitutionally and legally mandated duties to protect and enforce the rights of our citizens, albeit in a limited capacity. Georgia's courts in general, and the courts of this Circuit in particular, continue to handle essential and critical functions, and continue to address many court functions by use of technology to conduct proceedings remotely.

The courts of this Judicial Circuit will continue to use technology to conduct judicial proceedings remotely when possible and permissible. In order to safely expand in-person proceedings, however, the following guidelines are being issued pursuant to the Statewide Judicial Emergency Orders signed by the Chief Justice of the Georgia Supreme Court. As mandated by those Orders, these guidelines have been developed in compliance with public health guidance and with the requirements of the United States and Georgia Constitutions and applicable statutes and court rules.

These guidelines are designed to address how expanded in-court proceedings will be conducted to protect the health of litigants, lawyers, court personnel, judges, and the public. More particularly, the guidelines specify: the process for admission to courthouse facilities (including health screening of those entering); the requirements for maintaining appropriate social distancing within courthouse facilities; the sanitization practices to be implemented and followed within courthouse facilities; the availability and use of personal protective equipment (PPE) by courthouse personnel and visitors; and, other changes to court operations necessary to safely conduct more extensive in-person proceedings. These guidelines may be amended and supplemented from time to time as circumstances require, and they

may be enforced through court orders and by the directives of authorized security personnel.

I. Guidelines

Sanitization of facilities and installation of signage, social distancing indicators, sanitary barriers, and other protective equipment and supplies prior to expanding in-person proceedings. Prior to any significant increase in the volume of in-person proceedings, there shall be a "deep cleaning" of all spaces used by the courts and court-related entities, including all spaces in the courthouse and the Forum (Courthouse Annex) Buildings (collectively, "the facilities"). Such cleaning will include the use and application of disinfecting and sanitizing products and methods throughout the facilities. The deep cleaning will be conducted by, or under the direction of, Floyd County Government.

Prior to any significant increase in the volume of in-person proceedings, there shall be installed and applied throughout the entrances, elevators, public spaces, and courtrooms of the facilities sufficient signage informing occupants of social distancing and PPE-use requirements, limitations on the capacity of any space within the facilities, and other pertinent information. Additionally, social distancing indicator markings will be applied at or on entrances/exits, floors, walkways, elevators, and seating areas indicating appropriate social distancing intervals. Such signage and markings shall be installed by Floyd County Government.

Prior to any significant increase in the volume of in-person proceedings, there shall be installed and erected sanitary barriers in all appropriate areas, including all areas where employees in the facilities have public-facing job duties, including at entrances and security checkpoints, all public service counters, all fixed work locations where members of the public will or are likely to approach and interact, and other areas

identified and agreed to. Such sanitary barriers will be installed by Floyd County Government.

Prior to any significant increase in the volume of in-person proceedings, additional hand sanitizer dispensers shall be placed in conspicuous and necessary locations throughout the facilities, and all hand sanitizer stations will be filled with hand sanitizing liquid. Special attention should be paid to placement of hand sanitizing stations at or adjacent to any place at which persons will need to, or likely will be, touching common surfaces, such as elevator lobbies, entrances/exits, and touch-screen devices. Such hand sanitizing stations shall be placed, filled, and maintained by Floyd County Government. The foregoing is not intended to be an exhaustive list. Any equipment or supplies that are determined to be needed on a facilities-wide basis shall also be in place prior to any significant increase in the volume of in-person proceedings.

II. <u>Ongoing sanitization and use of PPE by court personnel and visitors.</u>

Prior to any significant increase in the volume of in-person proceedings, all personnel who work in the facilities will be provided with Personal Protective Equipment (PPE), in the form of face masks. Personnel in public-facing roles will be required to wear face masks at all times while carrying out their public-facing duties. Adequate PPE to meet these requirements will be provided by Floyd County Government. All persons entering the facilities through any public entrance will be required to wear a face mask. Prior to any significant increase in the volume of in person proceedings, <u>any member of the public who enters the facilities must wear a face mask</u>. Floyd County Government may supply face masks to some individuals to meet these requirements, but it is anticipated that there will be insufficient face masks available to be supplied to all persons who appear at the Courthouse without their own face masks. Entrance to the Courthouse and Annex may be denied to

any individual without a face mask if there is no face mask available to be supplied by the County.

Regular, ongoing sanitization and cleaning is essential to operations in the facilities, and will be performed at regular intervals in a thorough and visible manner. Regular, ongoing sanitization and cleaning will occur in all high-volume areas of the facilities where the public are admitted throughout the work day. Special attention in the sanitization and cleaning of public areas will be paid to high-volume and high-touch areas and surfaces, including but not limited to doors, railings, push-button devices, and touch screens. Regular, ongoing sanitization and cleaning in all areas where personnel must carry out their job functions, but where the public are not admitted, will occur at least once per day. Regular, ongoing sanitization and cleaning functions will be performed by or under the direction of Floyd County Government.

III. <u>Health screening and social distancing requirements on county-provided transportation, at entrances to the facilities, in public spaces, in elevators, in public restrooms, and in courtrooms.</u>

In addition to regular security screening, temperature screening of all persons entering will occur at each entrance to the facilities using thermal imaging technology or other no-touch thermometer technology. Per Public Health standards, any person having a body temperature of over 100.4° (one hundred point four degrees) Fahrenheit will be subject to secondary temperature screening. If a body temperature of over 100.4° is confirmed via secondary screening, that person will be denied entry into the facilities. Sheriff's personnel shall record the name and intended destination within the facilities of any person denied entry for a body temperature of over 100.4°, and shall notify the office/courtroom where said person was going of the denial of entry. Any person who is denied entry based upon a fever will be also be told to call the judge's chambers or office where they were going and tell them of the denial of entry, so that any appointment/hearing will be rescheduled. Additional screening, including asking questions regarding whether entrants have

health symptoms consistent with Coronavirus/COVID-19 infection and whether entrants have been exposed to Coronavirus/COVID-19 may also be performed by the Sheriff's personnel who are staffing entrances to the facilities. Sheriff's personnel shall record the name and intended destination within the facilities of any person(s) denied entry to the facilities based upon information obtained pursuant to such questions. Any person who is denied entry based upon their answer to these questions will be also be told to call the judge's chambers or office where they were going and tell them of the denial of entry, so that any appointment/hearing will be rescheduled.

Adherence to social distancing requirements (i.e., people should stay at least six feet apart from those with whom they do not live) is essential to safe operations in the facilities, including on any county-provided transportation. In addition to readily visible signage and floor/distance markings as described above, Sheriff's personnel shall regularly remind persons entering into and travelling within the facilities to maintain social distancing. Refusal to adhere to appropriate directives to maintain social distancing requirements may be grounds for removal from the facilities or other sanctions. No person should enter any portion of the facilities, including elevators, escalators, restrooms, courtrooms, meeting rooms, or other facilities if appropriate social distancing cannot be accomplished. Sheriff's personnel should monitor adherence to this requirement.

IV. Notice and enforcement on limitations on the numbers of persons admitted to the courthouse facilities in general, and to any particular area within the courthouse facilities.

Prior to any significant increase in the volume of in-person proceedings, there shall be established limitations on, and posted notices regarding, the maximum number of persons who can be admitted into every particular area of the facilities. These limitations on the numbers of

persons to be admitted shall be based upon how many persons can enter and remain in the facilities while maintaining all social-distancing requirements. The determination of these limitations will be through consultation among the Judges of all of the courts, the Sheriff's Office, the District Attorney, Clerk of Superior Court, and the Sheriff with the final decision being made by the Chief Judge of the Superior Court. Once these limitations are established, prominent signage will be erected throughout the facilities describing the limitations on the number of persons who may enter and remain in the facilities, and in every particular area of the facilities, including: courtrooms, meeting rooms, conference rooms, offices providing direct public service activities, elevators, waiting areas, assembly areas, and every other area of the facilities. Signage shall be erected and maintained by Floyd County Government. The limitations described above shall be enforced by Sheriff.

V. Procedures for protecting courthouse personnel in the conduct of their job functions.

In order to ensure a safe working environment for all courthouse personnel, everyone who works in the facilities should be tested for COVID-19 in the event they experience any symptoms. Individual courthouse personnel will receive their own test results, and those results will not be shared with anyone else. However, courthouse personnel should not return to duty if they have tested positive. In addition to the other measures, limitations, and requirements set out in these Guidelines, including the enhanced cleaning, social distancing, physical sanitary barriers, PPE requirements for entrance to the facilities, and health screening for entrants, additional steps will be taken to protect courthouse personnel and others working in the facilities prior to any significant increase in the volume of in-person proceedings. These steps will include, but are not limited to: work-from-home policies; limiting the number of employees occupying common workspaces based on social

distancing requirements, having on-hand adequate PPE, cleaning, and sanitizing supplies and equipment for use by courthouse personnel and others working in the facilities; and, limiting face-to-face customer service interactions to necessary situations, with adequate physical sanitary barriers in place.

VI. Procedures for recommencement of inmate transfers to courthouse facilities.

Upon satisfactory completion of the measures set forth in Section I of these Guidelines, some criminal proceedings involving incarcerated defendants may resume in the Courthouse. Temperature screening of all inmates will occur prior to transporting them from the jail using thermal imaging technology or other no-touch thermometer technology. Per Public Health standards, any inmate having a body temperature of over 100.4° (one hundred point four degrees) Fahrenheit will be subject to secondary temperature screening. If a body temperature of over 100.4° is confirmed via secondary screening, that inmate will be denied entry into the facilities. Sheriff's personnel shall record the name and intended destination within the facilities of any inmate who is not transported due to a body temperature of over 100.4°, and shall notify the office/courtroom where said person was going of the denial of entry.

Every inmate will be required to wear his/her jail-issued face mask at all times while in the Courthouse. Inmates will not share cells while in the Courthouse. Consequently, calendaring will be coordinated to allow each judge an equal opportunity to conduct criminal proceedings while ensuring the safety of inmates, attorneys, sheriff's personnel, and other staff. The Judges of Superior, Juvenile, Probate and Magistrate Court will develop a schedule that ensures reasonable access to inmates for all classes of courts consistent with the public safety measures described herein. So long as these transportation and housing constraints described above remain in effect, no judge will be able to have more than four inmates in the Courthouse at one time. Unlike past practice,

when a court might publish a single calendar of sixty to eighty defendants with a single start time of 9:00am, under the limited-capacity procedures that will be in place as the Courthouse is reopened, courts will need to publish separate calendars for each delivery of inmates to ensure that the inmates are timely delivered and, more importantly, that members of the public who may be attending the proceedings, have a more precise time to appear.

To the extent that Courtrooms cannot be open to accommodate public viewing, best efforts will be made to allow criminal hearings and proceedings to be live-streamed via the internet or broadcast to public viewing areas so that interested members of the public can see and hear the proceedings. Additionally, virtual participation via video-conference will remain an option for lawyers and witnesses, provided that both the State and the defense consent. That virtual connection may be broadcast throughout the courtroom so that all in-court participants and observers will be able to see and hear the virtual participants. Regardless of the nature and setting of the hearing, all criminal proceedings shall comply with open courts requirements through in-person accessibility, access via video link, or live-streaming within the Courthouse complex to areas set aside for public viewing. Notice of how the proceeding will comply with the open courts requirements will be publicly displayed and available.

J. Bryant Durham, Chief Judge

Floyd Superior Court

Rome Judicial Circuit