

**THIRD JUDICIAL DISTRICT COVID-19 TRANSITIONAL PLAN
FOR HOLDING TRIALS ON AND AFTER MARCH 21, 2022
(6th AMENDED – ERT APPROVED 3.25.22)**

Objective: The purpose of this Transitional Plan is to incorporate a comprehensive and detailed plan in preparation for holding jury trials, **on and after March 21, 2022**. It is anticipated that while certain COVID restrictions may be lifted, the 6-foot spacing requirement has been reduced to a 3-foot distance, and mask wearing is now optional in areas where there is no interaction with the public, limited to designated public areas in the building based on the ERT meeting of February 25, 2022.

EFFECTIVE MARCH 21, 2022:

1. Safety

a. Entry to Courthouse (Primary)

- i. Every person entering the building will be screened outside the main door as per then-existing and applicable Emergency Response Team (“ERT”) protocol. Where directed by such protocol, personnel stationed outside the door will assess each individual’s physical condition both by observation and by inquiry. In the event someone responds yes to any of the screening questions, they will be directed to leave the courthouse and contact us by phone for assistance. Each person will be asked a series of questions as provided by the ERT.
- ii. All persons, attorneys and staff passing any front-door screening, and entering the building will not be required to wear a mask on initial entry where a 3-foot distance can be maintained and when not dealing directly with the public.. The wearing of a facemask in non-public areas is voluntary. However, the public will be required to wear a facemask inside a courtroom and any other large public gathering area where designated by the Administrative Authority. These areas will be posted to give the public advance notice prior to entering the area. A limited number of disposable masks are available for those that do not have a mask
- iii. These mask wearing rules (1(a)(ii)) apply to attorneys, witnesses, parties and court staff. Court signage will remain posted in clearly visible areas indicating proper three foot social distancing requirements.

b. Screening of Judges, Staff and Inmate Appearances

- i. Screening questions: All judges and staff will continue to answer the Google Form screening questions sent out by ERT prior to entering the building. Judges and staff will continue to utilize the Google Form to answer the screening questions prior to entrance into the building.
- ii. Masking: Masks will no longer be required by Court employees, Judges, or contract employees whether they are vaccinated or not so long as they have no interaction with the public. Masks are not required while entering and exiting the building. Masks do not need to be worn when working alone in an office or within Chambers. **HOWEVER:** Masks will be required upon entering if the staff member or judge is confronted with a congested public area where a 3-foot distance cannot be

- maintained. Employees and Judges should have their masks readily available in the event that they are stopped while in the hallways by the public or by non-court personnel. Bailiffs, DASO, and the Judges should remind individuals and justice partners that masks are required in the courtrooms and designated public areas.
- iii. Court employees shall wear a mask while having contact with the public. Court employees working a front desk with direct public contact shall continue to wear masks. Work from cubicles qualifies as an office, however, staff should be reminded of the three-foot distance requirement. Staff shall utilize the Google Form to answer screening questions prior to entrance into the building. Supervisory staff will monitor and visually assess staff for signs of COVID, including asking staff daily on whether they can answer COVID screening in the affirmative. Courthouse cleaning will continue at a minimum twice a day in individual and private offices. Janitorial services will continue daily.
 - iv. Inmate Screening: Detention/transport personnel is responsible for the screening of any inmates being transported to the Third Judicial District. The screening includes a series of questions to determine if they have been exposed to other inmates with the COVID-19 infection, whether they have experienced a fever, cough, or shortness of breath in the past 14 days, whether the inmate has traveled to, or been detained in a high-risk COVID-19 affected areas as defined by the NMDOH within the last 14 days, whether the inmate has had contact with anyone who has a diagnosis, of a COVID-19 infection, or has been in contact with someone who has been in a defined high-risk area within the last 14 days. The detention center will also determine whether the inmate had been quarantined in the past.

c. Markers/Signage/Spacing

- i. All public areas that have the potential for individuals to be standing in a line have been clearly marked with a minimum of 3 feet of social distancing. The majority of the hallways in the Third can accommodate 3 foot distancing.
- ii. The courthouse, both public and staff areas, have the AOC provided posters reminding the public of the COVID spread prevention, handwashing directions, and social distancing.
- iii. Digital signage also carries a scrolling message of COVID prevention measures.
- iv. All courtrooms and public seating will be marked with tape and signage to ensure appropriate social distancing of 3 feet.
- v. The elevator is clearly marked with limit of 2 riders at a time and utilizing the buttons.

d. Cleaning/Sanitizing

- i. Sanitizing cleaner has been placed in each courtroom, at high traffic areas (entrance, screening areas, and public locations) and all employee areas. All cleaning will be consistent with NMDOH and CDC guidelines. Any high touch areas and equipment in the Courthouse shall be sanitized every two hours at a minimum. If it is not possible to clean at regular intervals, hand sanitizers and cleaning wipes are available regardless.
- ii. The security equipment is wiped down with a disinfecting agent between each person when areas are touched.

- iii. The courtroom areas are cleaned with a disinfecting agent between each user of equipment.
- iv. The doors into each courtroom will be propped open during ingress and egress to minimize touch. Further, the doors will be wiped down with a disinfecting agent between each session and hearing within that room.
- v. The clerk's office currently cleans the counters at least every hour or more frequently if there are several visitors to the clerk's office at once.
- vi. Restrooms are cleaned daily by the custodial staff, as is the rest of the courthouse. The County will be alerted to have staff available to clean and monitor restrooms every two hours in addition to any high-traffic areas where public/jury may be present. Cleaning will include sanitizing handles, doorknobs, sinks, and such areas that require a physical touch.
- vii. Custodial staff will clean/disinfect courtrooms in between each wave of jury pools and after each in-person hearing conducted.
- viii. Hand sanitizer has been placed in each courtroom, within public areas of the courthouse and in all employee areas.
- ix. The clerk's offices and counters will be cleaned and disinfected after every interaction with the public. Cleaning materials and sanitizers will be at each counter. The clerk staff with public contact will work behind a glass window (two counters).
- x. Trashcans are readily available and visible within each courtroom and public areas within the courthouse. Tissue boxes, cleaning wipes and sanitizers are available in all courtrooms, clerk's office area, and in public areas.

e. Staff contact with Public:

- i. During hours the courthouse is open to the public, all staff are mandated to wear masks while in the public hallways, courtrooms, or other public area including those areas with mass assembly.
- ii. Employees that have contact with the public are encouraged to wear gloves, use hand sanitizer and wash hands frequently.
- iii. Staff work areas are separated to ensure that staff are maintaining a minimum of 3 feet apart.
- iv. The new emergency court protocols for telework are: The default work location will be the courthouse or judicial building. Judges must return to performing their duties in chambers during normal courthouse business hours by May 21, 2021. Judicial employees and judicial officers should have returned to the courthouse or other usual duty station no later than June 30, 2021. The onsite performance of job duties is the presumptive working arrangement for all judicial officers and judicial employees.

Approval to telework due to the COVID-19 is at the discretion of the Chief Judge, administrative authority, or designee in each judicial district based on individual circumstances and is separate from the non-emergency telework policy [titled Telework and Alternative Work Location Policy #2021.NMJB.200].

If a judicial officer or judicial employee has a reason for not returning to the building, whether medical or otherwise, they should speak with their Human Resources Professional to discuss any concerns.

- v. Supervisors will continue to monitor their department employees on a daily basis and will inquire whether they can answer all of the questions assessing the COVID risk in the negative.
- vi. Any staff that presents themselves as ill will be sent home immediately. Their area will be cleaned and they are not allowed to return until they are in compliance with return to work protocols of the Supreme Court FAQs. Any staff that have been exposed to a COVID positive case will be handled in compliance with the protocols of the Supreme Court FAQs. This information is reported as required by the ERT and Supreme Court.
- vii. Staff also have the use of a separate secured entrance for the morning ingress to limit the contact with others.

f. Filing

- i. Those litigants that have attorneys are continuing to utilize e-filing. Lower court appeals, sequestered cases and DV cases with attorney representation are filed by mail or fax.
- ii. Filings by self-represented litigants with non-emergency filings are being accepted by fax, email or mail.
- iii. Emergency filings such as DV, TRO, or emergency motions are allowed to be done in person with the clerk provided the following is adhered to (1-4).
 - 1. Everyone filing in person has to be masked
 - 2. There is a glass partition between the litigant and the clerk
 - 3. The counter is cleaned at least hourly or in between use.
 - 4. Hand sanitizer is available for use as well.

g. In-person Appearances

- i. All criminal and civil jury trials shall proceed in person consistent with prior protocols under Emergency Protocol No. 2(A) and (B) of Supreme Court Order No. 21-8500-015 (effective 6.28.21), where still effective, and as incorporated below.
- ii. The presumption is that the following proceedings **in criminal cases** shall be conducted in person unless the presiding judge, in consultation with the chief judge of the judicial district, orders otherwise:
 - a. bench trials;
 - b. competency hearings;
 - c. plea hearings;
 - d. preliminary hearings;
 - e. pretrial detention hearings;
 - f. probation revocation hearings for out-of-custody defendants 2 when jail time is sought;
 - g. sentencing hearings;
 - h. arraignments;
 - i. waiver of extradition hearings;
 - j. motions to revoke conditions of release hearings; and
 - k. docket calls for trial (out of custody)

The in-person appearances for the above hearings shall be conditioned on security, staffing and transport availability that may be hampered by COVID concerns. As of this time, the Detention Center is governed by their own CDC-based protocols. If ad hoc problems arise that in-person appearances are not possible, remote appearance shall be arranged after consultation with involved attorneys and with approval of the presiding judge.

- iii. The presumption is that the following proceedings **in civil cases** shall be conducted in person unless the presiding judge, in consultation with the chief judge of the judicial district, orders otherwise:
 - a. kinship guardianship hearings;
 - b. order of protection hearings;
 - c. hearings in cases with a PQ case number designation in the Judiciary's case management system;
 - d. hearings in cases with a Sequestered case number designation in the Judiciary's case management system; and
 - e. termination of parental rights hearings;
 - f. domestic violence and CSED hearings;
 - g. civil bench trials shall be held in person where proper masking and a 3-foot distance can be accomplished;
 - h. in all other hearings where the presiding judge considers in his/her discretion, that it would aid the interests of justice to conduct an in-person hearing; and
 - i. in all hearings where requested by counsel or pro se party and in the discretion of the presiding judge.

Domestic, DV, CSED and sequestered hearings are considered civil cases. A request for a remote access hearing is at the discretion of the presiding judge. All efforts should be made to have in-person hearings, subject to the limitations provided by counsel and pro se parties. If ad hoc problems arise that in-person appearances are not possible, remote appearance shall be arranged after consultation with involved attorneys and with approval of the presiding judge.

- iv. Remote Appearances
 - 1. Remote appearances shall be conducted in accordance to Supreme Court Order. The remote accessing will be conducted by Google Meet. In compliance with open court access, the public and press can request the Google Meet information to join the hearings. The phone number and access pin will be placed on the Odyssey docket so that any clerk can easily convey the information to any member of the public where public access is allowed.
 - 2. If a Pro-Se litigant is unable to appear through Google Meet, in-person or telephonic requests can be requested. To date, this has not been an issue.
 - 3. Schedules will be created to accommodate all criminal video appearances with the limited resource of IT equipment within the courthouse and the available room at the detention center for in-custody defendants.

- h. **Contact Tracing Logs.** Contact tracing are now limited to the courtrooms and are no longer required for each judicial officer and employee. However, in the event an employee or judicial officer is experiencing COVID-19 related symptoms, management must determine all employees or judicial officers that came in contact with the possible positive employee within the preceding 5 days and send those judicial employees and judicial officers home to telework until the employee's test results are returned (contact is defined as less than 3 feet for more than three minutes). To clarify, visitor contact tracing logs are not required for the courthouse, but are required if the public enters a courtroom.
- i. **Air Purifiers.** All personnel will be provided with a desktop air purifier, in addition to those used in courtrooms, which shall be operated at all times while working.

2. Docket Management and Scheduling

a. District Court

- i. All case types and hearings will continue in the manner provided above.
- ii. In coordination with the local Detention Center, security and bailiff personnel, the Court will strive to eliminate any potential conflicts in the schedules.
- iii. Grand Jury
 - 1. Grand Jury has been resumed as of April 2, 2021.
- iv. Domestic docket

The Domestic Violence docket will conduct in-person appearances unless, in the discretion of the DV hearing officer, a proper record and hearing can be made from remote access where the party/witness is not able to attend in person. Where multiple hearings are likely to extend beyond the scheduled time, the DV hearing officer can continue the matter, or have any highly litigated matter which will require extraordinary time, to be heard before the assigned judge.
- v. Court reporters

The role of the court reporters and court monitors in jury trials will be determined by the decisions made regarding the logistics of those hearings and trials. The priority of assignments would be:

 - 1. Court reporters assigned to all jury trials where possible;
 - 2. If we don't have enough reporters to cover all trials, then a monitor would be assigned to cover a jury trial and the assigned Judge and counsel will be advised before trial;
 - 3. The priority for assigning a court reporter would be first-degree felony cases, lengthy or complex civil cases, then lower-degree felonies and less complex civil cases. For example, a DWI case or a shoplifting case could easily be covered by a monitor.

b. Magistrate Court

- i. The court manager at Magistrate Court has taken control of the entire docket and schedule. With this control, the possibility of a scheduling conflict or over scheduling is minimized.
- ii. The court manager is most effective to person to control and avoid any scheduling conflict for the Magistrate Court while utilizing remote access where necessary.

c. Backlog

- i. During the COVID restrictions, and while some restrictions are lifted (with the exception of spacing), the trial backlog will be addressed as follows:
 1. Criminal trials will take priority. At this time, the criminal judges have sufficient courtroom space to conduct jury trials. Voir dire can be accommodated through the borrowed use of Courtroom 1, or utilizing “rolling waves” of potential jurors within their respective courtrooms. Older and time sensitive cases will be considered as a priority in scheduling criminal trials, where possible.
 2. Domestic violence, child support, and time-sensitive criminal hearings will be set with equal priority. The courtroom space appears adequate at this time.
 3. Civil jury trials will continue. Each civil judge including domestic, has sufficient courtroom space to accommodate 12-person juries and have rolling waves for jury voir dire. Criminal trials will be given a priority with respect to the use of bailiffs. The Third currently has only five (5) bailiffs for eight (8) judges.

3. Jury Trials

a. Notification

- i. Normal jury notifications have resumed. With the normal procedures we are able to select a panel.

b. Selection of Jury

- i. With the 3-foot distancing, all courtrooms at the Third (except Courtroom 9) can accommodate jury trials and rolling wave voir dire.
- ii. “Rolling Waves”. Panels of 20-26 (or larger) potential jurors will be brought into a courtroom up to four times during the day. The number of in-person panels that can be accommodated will depend on the 3-foot distance requirement. These panels will appear at 8 a.m., 10:30 a.m., 1:00 p.m., and 3:30 p.m. If enough persons are selected in the morning panels, the afternoon panels will be cancelled. Rolling waves of jury panels will avoid the potential of mass gatherings and also, of overwhelming the district court when it has limited staff to handle multiple jury trials on the same day.
- iii. The presiding Judge will contact counsel in advance of jury selection to advise them of the process. The responsible Judge will move jury selection in a timely manner so that no jury panel is left waiting for too long.
- iv. These panels will be seated in the gallery utilizing marking tape to designate social distancing at 3 feet.
- v. All panels will be screened in our primary screening.
- vi. If a potential juror willfully refuses to wear a mask, they will be identified and information recorded. They will be sent home with the instruction that an Order to Show Cause will be issued.
- vii. Judges shall notify counsel prior to the Jury Selection of the voir dire time frame and limitations, at the judge’s discretion – voir dire and selection should be completed in 1 ½ hours.

- viii. Bench conferences requested by jurors during jury selection will be done at the bench as long as a 3-foot distance can be maintained.
- ix. Jury Division will send notice via electronic means (email and or text) if selected and will also notify those not selected. Jury Division may give instance notice on the same day.
- x. Certificates of Attendance will be emailed the same day and/or send via US Mail

c. Trial Day

- i. Jurors will enter the building through a separate north entrance and will be screened as they come in with the same screening questions presented in Safety above.
- ii. Staff member(s) will meet the jurors and escort them to the courtroom and maintain the required social distancing during the escorting. Where available, Jury bags containing 2 masks, sanitizer, pen, writing pad will be given to each juror the first day of trial.
- iii. Seating has been designed and marked within each courtrooms to accommodate interpreters, bailiff, and security. (See attached diagrams)
- iv. Judges shall ascertain from all counsel if they believe they cannot proceed to trial for any reasons at the earliest possible moment.
- v. There will be a limit of 2-3 persons at each counsel table spaced 3 feet apart; the front gallery seating or jury box may be used if necessary.
- vi. Court staff shall sanitize all microphones and the area after each witness.
- vii. News media to share video feed – only one newsperson allowed. Where a case is of high public interest, a separate courtroom or room will be set aside and equipped with a video to telecast the proceedings of the subject trial. The 3-foot spacing will be observed and sanitation procedures as discussed herein will continue while the space is being utilized. All members of the media and public will wear facemasks and practice social distancing.
- viii. No photos will be allowed without permission of the Chief Judge
- ix. If juror refuses to continue to wear a mask – they will face contempt procedures as indicated.
- x. Every judge will limit opening statements and closing arguments based on the complexity of the case as the presiding Judge directs. Counsel will be allowed to utilize the podium in the courtroom if spacing permits. The podium will be placed with adequate social distancing and will be cleaned between each speaker.
- xi. The Elmo stand will be used for questioning. It is placed with appropriate social distancing and will be cleaned between each user.

d. Confidential Communication during Trial:

- i. Parties and their attorneys will be seated at the same counsel table with an effort at maintaining a distance of 3 feet. The parties and counsel will need to wear facemasks. Private communication between counsel and their litigant can be achieved by text messaging, email or other approved electronics in court. Counsel will be responsible for providing the electronic devices for communication. The court will ensure that criminal defendants continue to be able to meaningfully assist in their defense despite COVID-19 precautions. Any particular issue or problem anticipated should be brought to the attention of the Judge prior to trial.

- ii. If text or email messaging is not possible, counsel may communicate with their clients through note writing. In this case, counsel and client may consider handing the note or notepad to the center of the table, and the recipient will then reach out and gather the note or notebook to his/her seating area. Where necessary, the Judge may recess the trial to allow counsel and client to speak in the adjacent jury room.
- e. Deliberations:
- i. Multiple locations have been identified as able to accommodate deliberations as shown in the attached diagrams (mostly jury rooms) and have been clearly marked to accommodate social distancing. These locations offer access to a restroom without interaction with the public.
 - ii. Meals provided during deliberations meals sealed in individual packaging.
 - iii. Bottled water will be given to avoid touching the same dispensers.
- f. Exhibits
- i. Parties should “meet and confer” about exhibits and stipulate if possible, otherwise the Court will need to consider a pre-trial hearing to pre-admit exhibits.
 - ii. Counsel are directed to communicate and agree to a set of “stipulated exhibits”.
 - iii. These exhibits should be emailed or scanned to the Judge’s TCAA to accept as stipulated and placed in a notebook.
 - iv. Exhibits that are not stipulated to should be separately submitted to the Court (electronically as much as possible) three (3) business days before trial as “proposed”. Where there are a significant number of proposed exhibits, counsel should ask for a pretrial hearing to determine admissibility.
 - v. Original documents may not be submitted to the jury if an agreed and electronically produced copy is sufficient. This same process should follow with other documents such as proposed jury instructions and stipulated jury instructions.
 - vi. Copies of exhibits should be exchanged between counsel prior to trial.
 - vii. During trial, rather than hand out copies, counsel should only use the Elmo to show the jury any exhibit.
 - viii. No exhibit books for the jury to use during trial will be accepted from the outside, unless counsel submits a notebook 14 days in advance of trial. One exhibit will be sent to the jury room for using during deliberations. This one exhibit book will be prepared in advance and “sanitized” prior to being sent to the jury room. If the jury request additional exhibit books, copies will be made and provided by staff.
- g. Witnesses
- i. To control the number of persons within the courthouse and courtrooms, witness shall be called on an “as needed” basis.
 - ii. For example, counsel should not call their 5 morning witnesses at 8:00 a.m.; the witnesses should be staggered and requested to come in close to the time the prior witness is expected to finish.
 - iii. The witness box will be cleaned between each witness.
- h. Bench Conferences
- i. Bench conferences can occur with 3-foot spacing.

- ii. The 3-foot spacing should include the position where the court reporter/ monitor sits.
 - iii. Judges will limit bench conferences to “necessary” requests that cannot be avoided.
- i. Public and Press Viewing
- i. Most courtrooms will accommodate some number of the Public. Where a case is high profile, the Presiding Judge is to set up arrangements so that the Public (and Press) can view the trial from a separate viewing area through video access. These arrangements should be made at least a week prior to trial, and announcements should be posted outside the Courtroom doors to direct the Public and Press to which courtroom or viewing room they can go to watch the trial by video. The Press will still need written approval from the Chief Judge to bring in cameras or to do a “live feed” with video equipment in the courtroom where the trial is being held.
 - ii. Victims will be allowed to attend trial in person unless circumstances such as disruptions or space limitations would compel their viewing the trial through a separate video feed with the Public. Staff personnel will be stationed outside any separate viewing area to insure that potential witness do not enter. Where there is a likelihood that a particular trial would not have any public interest in viewing, the presiding Judge may invite the Public to attend via Google Meet with the sound to the courtroom muted. Advance posting or notice on the Court’s website would be provided to the public with a Google Meet pin number, once it is determined that a specific case will proceed to trial.
- j. Recesses
- i. If the jury is released to a separate room during recess, two court staff members may be assigned to assist the Jury at each recess location outside of the courtroom that is still within the secured areas of the courthouse.
 - ii. Any juror requesting the use of a public restroom will need to be escorted by a bailiff who will ensure that the public restroom is cleared before the juror(s) enter. The bailiff will remain at the entry door during the time the juror uses the restroom to ensure no one else enters the restroom. Upon completion, the juror will be escorted back to the jury assembly room by the bailiff. Alternatively, if there is an adjacent courtroom that is empty, the juror will be escorted to that courtroom’s jury room (secured area) to use that restroom.
 - iii. Jurors in the Grand Jury room (secured area) have two restrooms that are accessible from within.
- k. Security
- i. The sheriff’s office onsite security is always involved with all scheduling and staffs appropriately for in-custody and out of custody in-person appearances. This will continue upon resumption of jury trials. A minimum of 2 deputies are in the courtroom during criminal trials.
- l. Miscellaneous Considerations
- i. In-custody defendants will not be moved into any non-secured areas of the courthouse other than the assigned courtroom.

- ii. Physical setup of each courtroom has been rearranged to guarantee social distancing and that jurors cannot see notes or computers on attorney's desks.
 - iii. Each juror movement within the courthouse should be minimized to within their perspective jury room and restroom. Juror movement onto the "green mile" should be prohibited unless the jurors are arriving, departing or during an emergency occurrence.
 - iv. All juror should be escorted by the bailiff at all times, especially within the secured areas.
 - v. Transport Orders should only be completed for cases that are essential for in-person appearances.
 - vi. Consolidation with magistrate court on sharing trial resources. The district court already shares its jury division with magistrate court, including staff to attend to magistrate jury trial. This setup will continue through and beyond the COVID period. In addition to sharing jury division staff, the district court and magistrate court exchange clerk staff where assistance is needed. Where necessary, the district court will make available its courtrooms and/or equipment for use by magistrate court.
- m. Interpreters:
- i. The TCAA for the responsible Judge will contact the Interpreter's office to arrange for the presence of interpreters at trial. If not appearing remotely, the Interpreters shall remain 3 feet from all participants in the courtroom including the person requiring the services. Consideration will also be given for NES jurors, witness, or family members will be in attendance at trial and may need interpreter services. Staff will be responsible for disinfecting equipment belonging to the district court, and Interpreters will disinfect, install and retrieve their own personal interpreter equipment.

4. All Other Hearings

- a. Hearings for in-person and remotely will be conducted in accordance to current Supreme Court Orders.
- b. DV hearings will be conducted on a staggered schedule instead of a trailing docket.
- c. The Court Clerk's Office will keep the Domestic Violence Special Commissioner's schedule up-to-date in Odyssey so that the bailiffs, Court Security, monitors, and other necessary staff are fully aware, apprised and informed of any potential conflicts concerning the Hearing Room B.

5. Resources

- a. With certain accommodations and adjustments, the Third Judicial Court has all of the resources necessary to fully implement this plan.
- b. Supplies for cleaning, sanitizing and PPE have been currently provided through AOC and the ERT Future supplies are the responsibility of this court.

6. Other Topics

- a. The Third Judicial Court has and will continue to post information on the website.
- b. Media and public information. We will develop Press Releases that will be distributed to local media outlets, email blasts to the CJCC, State Bar, local professional social media sites and use of the AOC Communications team for press relations. When orders, plans or directives require public dissemination, we will additionally post the matter on the Third Judicial District website.
- c. Magistrate Court: Magistrate Court has sufficient space in its courtrooms to maintain a 3 foot distance. Magistrate Court trial and hearing practices will follow what is outlined above as much as possible and applicable. Magistrate Court is using the same process for selecting jurors. They are running a selection every day until they can clear their backlog and cannot share space or jury pool. The Court Manager has full control of the schedule to meet all requirements of number of persons in the room while maintaining social distancing. Magistrate Court will submit a separate transitional plan.
- d. Personnel limitations affecting trials: Currently, the Bailiff staff consists of 5 FTEs. Given the necessary adjustments for the COVID period regarding jury empaneling, courtroom spacing requirements, and other on-going matters that will require the use of Bailiffs (such as Domestic Violence, Abuse and Neglect, Arraignments, etc.), the Third Judicial District anticipates that only two (2) criminal jury trials can take place at any one time. Criminal jury trials will need to be given priority. Each criminal jury trial will necessitate at least two (2) Bailiffs. Every effort will be made to obtain Contract Bailiffs to assist with other proceedings. For the months of July and August, if there are two criminal trials taking place in the same week, no other civil jury trials can be scheduled for that week. For any civil jury trial already set, the trial setting will need to be vacated. Civil jury trials can proceed if Contract Bailiffs are obtained, or if the responsible Judge makes adequate arrangements to obtain qualified court staff to serve as Bailiffs.
- e. Grand Jury
 - i. The court's current grand jury room is of sufficient size to conduct grand jury proceedings. As of March 21, 2022, grand jury proceedings formally conducted in Courtroom 8, will return to the grand jury room.
 - ii. Orientation for potential grand jury members:
 - 1. Orientation would need to summons approximately 700 potential jurors. Of the 700 summons sent a significant number result in non-appearance due to: death, no longer a County resident, non-residents, currently on probation/parole, age excusals, medical excusals, or undeliverable mail. This number may yield 160 persons to be able to appear for orientation/selection. As a result on just failure to appears, it is likely that we would only garner 100 of the 160 potential. In order to adhere to restrictions currently in place, we will need to select grand jury members in Courtroom 1, and possibly, do so in rolling waves. Courtroom 1 can sit up to 60 jurors at 3 feet spacing.
 - iii. Cleaning:
 - 1. During orientation and selection, the courtroom will be sprayed down between waves. The microphones used for questions/comments from potential jurors will have covers that are changed between each person.

2. When grand jury hearings are conducted, the witness stand will be disinfected between each person's testimony. Door handles and commonly touched surfaces will be wiped down at least every 2 hours, if not more often. Cleaning supplies, well as, hand sanitizer and masks will be available within the courtroom. The County will spray the room down during the lunch hour and before 7 A.M. the following Monday to ensure proper sanitizing. .
- iv. Food & Drinks:
 1. No food will be allowed or brought in for lunch or dinner, this will ensure that jury members are not removing their masks for an extended period of time. Bottled water will be allowed and provided either by a bailiff or judicial specialist. Coffee will not be provided. It is imperative that the DA adhere to a strict schedule allowing for a lunch break and ending no later than 5 P.M. on these days.
 - v. Staffing:
 1. During orientation days, judges will need to limit the number of situations that would require at least a bailiff. A minimum of 3 bailiffs are needed during the orientation/selection process. If this is not possible, other staff will need to be designated to assist with check-in and seating.
 2. Also, coordination of other judges dockets will need to occur to ensure that we have a monitor/reporter to cover all the responsibilities.
 - vi. Process:
 1. The day before Grand Jury Day, the jury division will contact the jurors and ask the screening questions, this will help assess if an alternate needs to be brought in the next day. An online screening tool will be available for jurors (with internet access) to complete the day before, thus giving us some time to call in an alternate. Not all jurors may have this access depending on the technology they have at home but may reduce the number of phone calls completed.
 2. The day of Grand Jury Day, jurors will, again, be asked the screening questions. They will proceed through security check consisting of the walk-thru metal detection and items through x-ray. They will then be directed to the Grand Jury room and given their assigned seat.
 3. In the event that a juror calls in that morning or doesn't show up, the Jury Division will call in an alternate.
 4. If a juror has a question of the witness, they will ask the question out loud then the foreperson will repeat it into the microphone so the FTR system is able to pick it up with clarity.
 5. After testimonies, everyone except the jurors will exit the room and retire to the a sitting area, small conference room, or Jury Assembly Room 2 all while maintaining social distancing. One person will be designated to wait for the knock outside the courtroom.
 - vii. Interpreters:
 1. In the event that there is a NES juror, an interpreter will be needed. This will need to be an in-person translation event.
 - viii. Considerations:

Due to Prelims being heard on Fridays at Magistrate court, there may be a scheduling issue for in-custody "target" appearances and the availability of court monitors to cover both. The District Attorney's office will be advised to split of 3rd

and 4th Felonies being under a prelim and 1st and 2nd Felonies under grand jury. While we understand the importance of limiting the number of persons within the building. For the purpose of Grand Jury, transportation of in-custody “targets” to the courthouse for their testimony will be allowed.

- f. Drug court.
 - i. All Surveillance Officer have been fully vaccinated for Covid-19
 - ii. Home Visits: Surveillance to resume in-home visits and perform observed urinalysis specimens, considered the gold standard for drug testing in Drug Courts. The following will be the safety protocol for conducting visits. Surveillance Officers will:
 - 1. Ride at a maximum of two officers per vehicle to conduct home visits always adhering to the 3 foot distancing including in the vehicle;
 - 2. Have testing documents prefilled and ready for the client and officer to sign, immediately upon collecting the urinalysis, with the intent of shortening the time inside of a client’s home;
 - 3. Call the client prior to the visit to advise him/her of the visit with intent to collect a urinalysis;
 - 4. Ask the Public Screening questions as provided by the Supreme Court ERT;
 - 5. Instruct the client to drink a glass of water in preparation for the test and proceed to the home, if the participant passes the screening questions. (If the client does not pass the screening questions, surveillance will recommend that the client receive Covid-19 testing and will not proceed to the home until receiving further direction from the program manager);
 - 6. Upon arrival at the participant’s home, place a new pair of disposable gloves on;
 - 7. Place a mask in accordance to the FAQs as set forth by the Supreme Court;
 - 8. Swiftly, but efficiently observe and collect the urine specimen;
 - 9. Obtain signatures for chain of custody requirements;
 - 10. Exit the home and immediately remove the disposable gloves, placing them in a sealable disposable bag;
 - 11. Use sanitizing products on hands and on all other touched surfaces within the vehicle.
 - iii. If there is a concern from a report regarding potential for Covid-19 exposure, the Surveillance Officers will provide the client with a Sweat Patch testing device and will provide verbal instructions and will observe the placement of the Sweat Patch by the client while maintaining a minimum social distance of 3 feet.
 - iv. Saliva test may be used on occasion, when a client is unable to provide a urine specimen or as additional testing. Surveillance Officers will use the same procedure as noted above for collecting saliva specimens.
 - v. Due to the nature of breath-analysis, the Drug Court programs will refrain from using this type of testing until all Covid-19 restrictions have been lifted.
 - vi. Court Sessions
 - 1. In-person session will resume with a 3 foot spacing.
 - 2. All participants will be seated throughout the courtroom to ensure social distancing.
 - 3. Juvenile Drug Court sessions will bring two participants and their parent/s in at one time.
 - 4. Participants will be asked to mask while in Court.

5. Participants who are sick or under quarantine will participate via Google Meets.
- g. Employee illness. In order to avoid infection, each supervisor will monitor their staff daily for visible signs of illness. Staff is aware of the protocol for experiencing COVID symptoms (self and family), including the necessary quarantine for out of state travel. Telework will only be allowed as approved by the Administrative Authority and copy of the form has been sent to Chief Justice Vigil through the ERT.
7. Attached Diagrams of Courtrooms: not all courtrooms are represented by the attached diagrams. Multiple courtrooms have the same size and dimensions. If a courtroom is omitted from the diagrams attached, it is because one of the attached diagrams is representative of the omitted courtroom diagram.