

# In the Indiana Supreme Court

In the Matter of the Petition of the  
Lake Station City Court for  
Administrative Rule 17 Relief.

Supreme Court Case No.  
20S-CB-247



## Order Approving Expansion of Operations Plan

By orders issued April 24 and May 13, 2020, this Court ordered trial courts statewide to submit plans for gradually resuming normal operations under limitations appropriate to the 2019 novel coronavirus (COVID-19) public health emergency. Pursuant to that order, the petitioning court(s) filed an expansion of operations plan (“Plan”) on July 2, 2020.

The Court finds that the Plan was made in coordination with appropriate local authorities and local justice system partners to account for local health conditions, facility readiness, and litigants’ needs; and that the Plan makes reasonable provisions for resuming normal staffing, providing public access to non-confidential proceedings, and resuming jury trials. A copy of the Plan is attached to this order and incorporated by reference.

Being duly advised, and pursuant to Indiana Administrative Rule 17 and this Court’s inherent authority to supervise the administration of all courts of this State, the Court ORDERS as follows:

1. All emergency relief previously granted to the petitioning court(s) under Administrative Rule 17 is deemed to expire as of the effective date of this order, except as provided by this Court’s “Order Extending Trial Courts’ Emergency Tolling Authority and Setting Expiration of Other Emergency Orders” issued May 29, 2020 in Case No. 20S-CB-123. However, this Court’s May 13, 2020 “Emergency Order Permitting Expanded Remote Hearings” and paragraph 3 of its May 13 “Order Extending Time for Expanding Trial Court Operations” in Case No. 20S-CB-123 (prohibiting jury trials before July 1 without prior approval of this Court) remain in full force and effect.
2. The Plan is approved, and the petitioning court(s) shall comply with its terms through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 7/2/2020, effective **May 29, 2020**.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush  
Chief Justice of Indiana

**IN THE  
INDIANA SUPREME COURT**

In the Matter of the Petition of the                    )            Supreme Court Case No. 20S-CB-247  
Lake Station City Court for                            )  
Administrative Rule 17 Emergency Relief    )

**LAKE STATION CITY COURT TRANSITION PLAN**

May 27, 2020

1. Lake Station City Court and Lake County Courts approved Administrative Rule 17 Plans:
  - a. The Lake County Courts submitted its Petition for emergency relief pursuant to Administrative Rule 17 which was approved by the Indiana Supreme Court on March 13, 2020, as amended by subsequent Supreme Court Orders.
  - b. The Lake Station City Court submitted its Petition for emergency relief pursuant to Administrative Rule 17 which was approved by the Indiana Supreme Court on April 7, 2020, as amended by subsequent Supreme Court Orders.

The Lake Station City Court Administrative Rule 17 Petition will be modified as follows:

- c. Tolling of time limits - extend tolling of time limits consistent with transition plan approved for Lake County Superior Courts, to avoid confusion.
- d. Continuing Jury Trials - extend consistent with transition plan approved for the Lake County Superior Courts, as applicable to jury trials in the County Division. Consistency is required because the County Court Administrator pulls jurors and issues summons for city court jury trials.
- e. Extend review of county jail and direct placement sentences consistent with the transition plan for Lake County. The City and Town Courts in Lake County have agreed to allow Lake Superior Court staff to perform risk assessments on defendants arrested and taken to the county jail, and to release defendants on their own recognizance when appropriate, as part of their effort to comply with the requirements of Criminal Rule 26. The City and Town Court judges also receive a weekly report from the jail identifying individuals held from each court, to permit review of the necessity of incarceration or to arrange transport to court or scheduling of a remote hearing.
- f. Extend ban on issuance of writs of attachment, warrants or body attachments on civil cases consistent with the transition plan approved for Lake County Superior Courts, to avoid confusion among the public, the bar, law enforcement, or county jail staff.

Note: It is the consensus of most of the city and town court judges in Lake County that the advantages of consistency with the county transition plan with regard to the above, in minimizing confusion and promoting the confidence of the public outweigh any advantages to be gained by individual courts in not being consistent.

2. Planning & Consultations:
  - a. City and Town Court judges have been provided a draft of the Lake County Superior Court County Division transition plan, and have discussed via Zoom meeting a proposed remote check-in procedure of parties using Google Voice and texting to control and limit the number of parties appearing in court at one time.
  - b. Two representatives selected by the city and town court judges in Lake County, as a group, serve as voting members of the Lake County Criminal Justice Coordinating Committee created by the County Council.
  - c. The Lake County Jail staff has had conversations with and scheduled remote hearings for several of the city and town court judges in Lake County, including the Lake Station City Court. Weekly jail reports are provided to each judge regarding the population of the jail.
  - d. In addition, consultations have been ongoing with local Police Departments, the Prosecutor's Office, Lake County Government officials, judges, and Health Department, local attorneys, the Lake County Bar Association, EMS officials, and city administration officials.
  
3. Employment Procedures:
  - a. The Lake Station City Court staff has remained in operation since the beginning of this pandemic, but the Court and Clerk's Office building have been closed to the public and attorneys during this time except for court business conducted by mail, email, Zoom meetings, and electronic filings. The Court Clerks and staff while working without encountering the public have utilized masks, hand sanitizers, temperature screening and observed social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting COVID-19 symptoms, or a high temperature will be allowed to stay home and if necessary be quarantined. The term "high temperature" is defined throughout this transition plan as the Centers for Disease Control and Prevention's definition of a fever (100.4 degrees or above). Upon reopening court to the public on June 2, 2020 (see Sec. 6 below), the Court staff will continue all of the above procedures as well as only dealing with the public at a service window upon leaving Court while separated by a glass barrier or when checking defendants in to the court room through a single designated security checkpoint.
  - b. Any employees that exhibit a high temperature or other COVID-19 symptoms while in the workplace will be immediately sent home and will remain home until either the symptoms pass or testing reveals they are not COVID-19 positive.
  - c. The Lake Station City Court currently does not employ any individuals considered to be in "high risk" categories. In that event that the Court hires an individual in such a category, or a current employee crosses into a high-risk category, the Court will follow all the Governor's guidelines for high risk employees in the workplace.
  - d. Any employees having a difficult time coping with stress, depression, or other mental health issues as a result of the COVID-19 pandemic will be alerted to Be Well Indiana at <https://bewellindiana.com/> as a resource to assist them.
  
4. Courthouse Facility Plan:
  - a. The Lake Station City Court is located at the Lake Station City Hall at 1969 Central Avenue, Lake Station. It has been and will continue to be thoroughly cleaned and

sanitized by both building maintenance and Court staff. Upon resuming non-emergency hearings, Court calls will be modified as follows:

1. Night court calls being held on the second and fourth Tuesdays of each month at 6:00 P.M. will be temporarily discontinued. Instead Court calls will begin at 9:00 A.M. every Tuesday of the month.
  2. General and initial hearings for the public on infractions, ordinance violations, and misdemeanors normally heard together either at the 9:00 A.M. Court calls on the first and third Tuesdays (and fifth, if applicable) or at the 6:00 P.M. Court calls on the second and fourth Tuesdays will instead be staggered into smaller groups every hour at 9:00 A.M., 10:00 A.M., 11:00 A.M., 1:30 P.M. and 2:30 P.M.
  3. Each hour block will be limited to 20-25 defendants.
  4. All parties will receive notice of these and other new policies and procedures detailed below in a notice accompanying their Notice to Appear.
- b. To limit the number of parties appearing in the Courtroom and waiting in the hallway or outside of the Court entrance and to conform with ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements, the Court will adopt the following policies and procedures:
1. Parties are instructed in their notice to appear to arrive no earlier than 15 minutes prior to their scheduled appearance time.
  2. Due to the extremely small size of the Courtroom, access to the physical Courtroom itself will be restricted only to the parties and their attorneys. In order to ensure access to Court proceedings for the general public, hearings will be live-streamed over the Internet. Platform testing for the livestream is ongoing.
  3. Upon arrival, parties will be immediately screened and checked in for Court, and then ushered into the Courtroom itself rather than allowing any congregation in the hallways outside of the Courtroom.
  4. Lines at the social distance of 6 feet will be placed on the entry hallway floor outside of the Courtroom in the event that a line forms for those waiting to enter through security screening.
  5. Ingress to and Egress from Court will be reconfigured to allow only 1-way movement of persons through the 2 front entry doors to the Courtroom such that the right-side door will be for ingress only and the left-side door will be for egress only.
  6. Chairs in the Courtroom will be removed to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements.
  7. The Court continues to research, test, and evaluate a remote check-in system using Google Voice and texting as a way to limit and control the number of parties appearing in the Courtroom.
  8. Hearings with attorneys and their clients conducted remotely will be encouraged and utilized whenever feasible instead of in-person hearings.
- c. The Court will require all parties to wear masks while in the Courtroom unless the party has a medical condition which renders the use of a mask untenable. Parties were notified of this requirement in their Notice to Appear. Parties arriving without masks will be rescheduled to a later date to allow them to obtain a mask.

5. Screening Procedures for the Public:

- a. Hearings conducted remotely will be encouraged whenever feasible.
  - b. Telephonic continuances of litigants who are high risk or exhibiting symptoms of illness will continue to be permitted, and the court may provide scheduling of cases for high risk litigants at times which minimize exposure to others, if their matter cannot be heard remotely.
  - c. Masks, hand sanitizers, and screening for symptoms and temperature may be required of all litigants or spectators entering the court consistent with any Executive Orders in effect and recommendations of the ISDH.
  - d. Social Distancing shall be strictly enforced so long as recommended by the ISDH or required by Executive Orders as specified in the above Courthouse Facility Plan.
  - e. The Lake Station City Court continues to investigate and test options for remote check-in using Google Voice and texting to control and limit the number of parties appearing in court at one time. This system will be implemented if it is determined to be effective following a trial period.
6. Resuming Non-Emergency Hearings:
- a. The Lake Station City Court plans to resume non-emergency hearings on June 2, 2020. Hearings conducted remotely will be encouraged whenever feasible as scheduled with the Court, Prosecutor, defense counsel and parties. Spectators and witnesses will be allowed in the Courtroom subject to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements being met, and may be allowed to view remotely for Zoom hearings.
7. Jury Trials:
- a. Jury trials are not frequent, but scheduling will be continued consistent with the scheduling of jury trials in the Lake Superior Court County Division, to provide consistency for the County Court Administrator in prioritizing his responsibilities with regard to selecting and summoning jurors, and in public perception.
  - b. Remote hearing technology may be used, with agreement of the parties, for any and all stages of the trial.
  - c. Due to the rarity of jury trials in the Lake Station City Court, a precise plan for holding such trials is still being developed. In the event that a jury trial is requested while the COVID-19 pandemic is ongoing, an amended plan will be filed with the Court detailing the procedures that will be taken to ensure safety of all potential jurors involved.
8. Court Supervised Services:
- a. Services not already provided telephonically or by video conferencing will resume when non-essential hearings resume, using remote technology whenever possible.
  - b. All Court staff including probation officers will utilize masks, hand sanitizers, temperature screening and observe social distancing as required or recommended by federal, state, and local authorities. Anyone reporting exposure to COVID-19 or exhibiting symptoms or a high temperature will be allowed to stay home and if necessary be quarantined. Probation Officers who meet with probationers in person shall also have a plexiglass barrier placed separating them from parties.