

In the Indiana Supreme Court

In the Matter of the Petition of the
Gary City Court for
Administrative Rule 17 Emergency Relief.

Supreme Court Case No.
20S-CB-243



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 amended expansion of operations plan (“Plan”) on June 22, 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 6/25/2020 , **effective June 1, 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)
Crown Point City Court for) Supreme Court Case No.: 20S-CB-243
Administrative Rule 17 Emergency Relief)

**AMENDED GARY CITY COURT
TRANSITION PLAN**

1. Gary City Court and Lake County Courts approved Administrative Rule 17 plans:

- a. Lake County Courts’ Petition for Emergency Relief pursuant to Administrative Rule was approved by the Indiana Supreme Court on March, 13, 2020, as amended by subsequent Supreme Court Orders.
- b. The Gary City Court Petition for Emergency Relief pursuant to Administrative Rule was approved by the Indiana Supreme Court on April 2, 2020, as amended by subsequent Supreme Court Orders.

The Gary City Court Petition for Emergency Relief Administrative Rule 17 will be extended and/or modified as follows:

- c. Tolling of time limits - extend tolling of time limits consistent with transitional plan approved for Lake County Superior Courts, to avoid confusion.
- d. Continuing Jury Trial - although rarely held in Gary City Court, extend consistent with transitional plan approved for Lake County Superior Courts, as applicable to jury trials in the County Division. Consistency is required, due to the fact that the County Court Administrator provides 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 Court 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.

2. Planning:

- 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 (2) 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. The Judge of Gary City Court serves as one of the representatives.
- c. Gary City Court has scheduled two (2) mornings per week with the Lake County Jail staff to do remote hearings for incarcerated individuals. Also, weekly jail reports are provided to city and town courts, regarding the population of the jail. Gary City Court also get daily updates on any new persons booked into the Lake County Jail that are Gary defendants.

In addition, consultations have been ongoing with the Mayor, Gary Common Council, City of Gary-Health Commissioner, city administration officials, Gary Police Departments, the Lake County Prosecutor's Office, Lake County Government officials, Judges, and Health Department, local attorneys, the Lake County Bar Association, and EMS officials.

3. Employment Procedures:

- a. The Gary City Court staff has remained in operation since the beginning of this pandemic, but the Court and Clerk's offices have been closed to the public and attorneys during this time except for court business conducted by mail, email, odyssey payments and zoom meetings.
- b. Safety procedures for employees.

Gary City Court will utilize the guidelines as per the CDC and ISDH, which state a person is at increased risk if the person:

1. Is over the age of 60,
2. Has chronic lung diseases or moderate to severe asthma;

3. Has serious heart conditions;
4. Is immune compromised from any disease such as cancer, AIDS, or medications that compromise immunity;
5. Has severe obesity (BMI of 40 or higher); or
6. Chronic kidney disease requiring dialysis.

If at all possible, employees who are at increased risk may work remotely. Employees with increased risk who cannot work remotely are being kept away from the public, being provided personal protection equipment, and are encouraged to practice increased social distancing.

If an at risk employee chooses to utilize sick days or Family Leave act, that shall be approved in accordance with the City of Gary, employment policies.

We require employees to report if they are experiencing any symptoms of COVID-19 in the preceding three days, including:

1. Measured temperatures equal to or greater than 99.6°F,
2. Chills,
3. Muscle and body aches,
4. Headache,
5. Sore throat,
6. Cough,
7. Chest tightness,
8. Shortness of breath,
9. New loss of taste or smell,
10. Difficulty breathing
11. Diarrhea, or
12. Repeated shaking with chills.

Any employee experiencing any of these symptoms shall not be allowed to enter the workplace. Employees who violate this policy are subject to disciplinary consequences including but not limited to termination of employment. We require employees who experience any of the foregoing symptoms during the workday to immediately report the symptoms and to go home, to be self-quarantine.

If an employee has had recent contact with someone who has COVID-19. The employee is required to inform the Court Administrator immediately and must self-quarantine and not return to work until the employee has been symptom free for 14 days.

We require employees to report if someone they live with or have been in contact within the last 14 days test positive for COVID-19. Any such employee is required to stay home on leave or to work remotely for as long as is needed.

We require any employee who travels, whether for personal or business, may not return to work without being self-quarantined from the workplace after travel for period of 14 days.

If an employee test positive for COVID-19 he or she can not return to work without a medical authorization and or release from Dr. Roland Walker, City of Gary Health Commissioner.

We have discussed with employees and published various memos regarding safety requirements. Upon reporting to work all Court staff members temperatures are taken. If your temperature exceeds 100.4 you must go home and be tested for COVID-19 and have a doctor's excuse to return.

If you are sick with any of the above noted ailments you are required to go home and not return without a doctors excuse.

In addition, all staff members are required to wear masks, hand sanitized often, and social distancing guidelines are required as recommended by federal, state, and local authorities. Upon reopening court to the public on Monday, June 8, 2020, the Court staff will continue all of the above procedures.

If an employees reveals he or she has COVID-19, we will follow all **ADA Requirements**, by informing all persons who had contact with employee, not reveal the name of the employee without their consent, and notify the City of Gary-Health Department

If an employee is having difficulty coping with COVID-19 stress, they may obtain assistance through the City of Gary wellness programs, per employee manual, and/or will be encouraged to visit the State of Indiana website: Be Well Indiana <https://bewellindiana.com> for assistance.

4. Courthouse Facility Plan:

- a. Gary City Court is located in the Gary Public Safety Building at 555 Polk Street, Gary, Indiana. It has been and will continue to be thoroughly cleaned and sanitized by both building maintenance and the Court staff.

Upon resuming non-emergency hearings, Court traffic will be limited for the next 90 days as follows: 1) General and initial hearings for the public on infractions, ordinance violations and misdemeanors will be limited to 40 persons at 9:00 a.m. and 5:30 court calls will be limited to 70 persons. However, the Court will only allow 30 persons in the courtroom at a time.

To accomplish this limitation the following will be utilized:

1) Paging system that where you get a pager as in a restaurant which alerts a person of when to enter court; 2) Ingress to and Egress from Court will be strictly monitored by the Gary Police Department; 3) The Gary City Courtroom can hold up to 175 persons, therefore the courtroom has been configured to allow to conform to ISDH recommendations, any Executive Orders in effect, and strict adherence to social distancing requirements; 4) Lines at the social distance of 6 feet will be placed on the entry hallway floor and sidewalk outside the courtroom for those waiting to enter the Courtroom.

- b. Hearings with attorneys can be conducted remotely, they will be utilized whenever feasible instead of in-person hearings.
- c. Attorneys will be encouraged to request waiver of court appearances for their clients, unless an emergency exist or their client has been ordered to appear.

5. Screening Procedures for the Public:

- a. Temperatures will be taken upon entry into the building, masks must be worn, hand sanitizers, gloves and screening for symptoms are required of all litigants or spectators entering the court consistent with any Executive Orders in effect and recommendations of the CDC, ISDH and Gary Health Department (GHD).
- b. Social Distancing shall be strictly enforced so long as recommended by the CDC, ISDH, GHD or required by Executive Orders as specified in the above Courtroom Facility Plan. A pager system for check-in will limit the number of parties appearing in court at one time. It will be implemented to permit persons appearing for court to wait in their vehicle until their case is called.
- c. Signs have been printed and posted noting the rules for entering the Court.

6. Resuming Non-Emergency Hearings:

- a. Gary City Court resumed its Drug Court docket on Wednesday, May 20, 2020.
- b. Gary City Court plans to resume non-emergency hearings on Monday, June 8, 2020. Hearings conducted remotely will be encouraged whenever feasible as scheduled with the Court, Prosecutor, defense counsel and parties. Witnesses and spectators will be allowed in courtroom upon the resumption of bench trials. Court proceedings are recorded and can be transcribed if so requested.

7. Jury Trials:

- a. Jury trials are rare, 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. The Gary City Courtroom will be able to adjust the jury seating to accommodate 12 jurors and alternates with proper social distancing.
- d. Due to the fact that Gary City Court rarely has jury trials it will immediately advise the Supreme Court and submit an amended plan regarding safely conducting a Jury Trial during the COVID-19 medical emergency.

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 public defenders, probation officers, pre-trial investigators and drug court case managers will utilize masks, hand sanitizers, temperature screening, gloves 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. Any staff who goes home sick with COVID-19 symptoms, must submit to a test and be released to return to work by Dr. Roland Walker, City of Gary Health Commissioner.

Public Defenders, Probation Officers and Drug Court Case Managers who meet with litigants will also have a plexiglass barrier placed separating the parties.

Dated: June 16, 2020

Respectfully submitted,

____/s/____Deidre L. Monroe____