

In the Indiana Supreme Court

In the Matter of the Petition of the Courts
of Scott County for Administrative Rule 17
Emergency Relief.

Supreme Court Case No.
20S-CB-126



Order Approving Expansion of Operations Plan In Part

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 June 8, 2020.

The Court finds that the Plan was made in coordination with appropriate local officials 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 **in part**, with the exception that the petitioning court(s) shall resume jury trials, subject to the health precautions proposed in the Plan, **no later than the week of August 17, 2020**. The petitioning court(s) may seek relief from this requirement pursuant to Administrative Rule 17 if a particularized local emergency requires suspending jury trials beyond that date. The petitioning court(s) shall comply with the terms of the Plan **as modified above** through its stated duration, subject to further order of this Court.

Done at Indianapolis, Indiana, on 6/9/2020, **effective June 8, 2020**.

A handwritten signature in black ink that reads "Steve David".

Steve David
Acting Chief Justice of Indiana

STATE OF INDIANA
IN THE SCOTT CIRCUIT AND SUPERIOR COURTS
And the
INDIANA SUPREME COURT

In the Matter of the Petition of the Courts
Of Scott County for Administrative Rule 17
Emergency Relief

Supreme Court Cause No.
20S-CB-126

Trial Court Cause No.
72C01-2003-CB-8

**PETITION FOR ADDITIONAL RELIEF UNDER
INDIANA ADMINISTRATIVE RULE 17**

Comes now the Circuit and Superior Courts of Scott County, Indiana and petition the Supreme Court for relief under Indiana Administrative Rule 17. In support of this petition, the Courts inform the Supreme Court as follows:

1. That the judges of the Scott Circuit and Superior Courts have convened *en banc* and have determined:
 - a. The Courts have consulted with judicial stakeholders, including the Scott County Health Department, the County Commissioners, the County Attorney, the Sheriff, the Prosecuting Attorney, the Clerk of Courts, the Probation Department, Courthouse Security (Scott County Sheriff's Department), building custodial and maintenance staff, and the County Public Defender in the planning and formation of this Emergency Plan;
 - b. The State of Indiana has been under a public health emergency due to the COVID-19 pandemic since March 2020;
 - c. As of the date of this petition, there have been over 30,000 confirmed cases of COVID-19 which have resulted in over 1,800 deaths in the State of Indiana.
 - d. On May 1, 2020, the Governor of the State of Indiana released a "Back on Track" Plan for reopening the State of Indiana through an incremental process;
 - e. The United States District Court for the Southern District of Indiana has continued all jury trial through and including at least July 20, 2020;
 - f. The Scott Circuit and Superior Court facilities, the Prosecutors Office, and a portion of the Probation Department are located on the 2nd floor of the Scott County Courthouse. The Veteran's Affairs Office is the only non-judicial administration located on the 2nd floor. The 1st floor is occupied by the Clerk of Courts, the Recorder, the Auditor, the Assessor, and the Treasurer. Area Plan, Purdue Extension (4-H), Emergency Management, Building Supervisor, County IT, and the rest of the Probation Department are located in the basement;
 - g. The Commissioners of Scott County have determined to open the Courthouse to the public on June 1, 2020, under conditions including but not limited to temperature checks and pandemic screening procedures and limitation of capacity.

- h. The Scott Circuit and Superior Courts have implemented operational changes designed to protect employees and the public while maintaining court services by a transition to remote work since March 23, 2020;
- i. The Scott Circuit and Superior Courts believe it is in the best interest of the public and employees to continue remote work where feasible to protect the public health;
- j. Under normal conditions, the Scott Circuit and Superior Courts hold hearings and proceedings which stress the capacity of Court facilities on a daily basis, often resulting in full courtrooms with overflow seating in the hallways. With available facilities, it is impossible to safely conduct regular business in-person and open to the public while observing social distancing measures;
- k. The Indiana Supreme Court, on May 29, 2020, under 20S-CB-123, authorized the tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal and juvenile proceedings' public health and mental health matters; all judgments, support, and other orders' and in all other civil and criminal matters before Indiana trial courts through August 14, 2020, and extended other previously issued relief through January 1, 2021;
- l. The Scott County Circuit and Superior Courts and local justice stakeholders agree that limited in-person hearings may commence June 1, but courtroom capacity must be extremely curtailed, and matters that can be effectively and efficiently done remotely should continue to be done so. Further, the limitation of space requires that access to the general public should continue to be restricted until recommendations of the Scott County Health Department and the United States Center for Disease Control expand;
- m. In 2015, Scott County was the site of a well-documented and historic outbreak of an HIV epidemic;
- n. According to the Indiana State Department of Health, Scott County, Indiana currently has the highest rate of HIV positive cases, per capita, in the state;
- o. At any time, the Scott County jail detains 20 or more HIV positive individuals. This represents more than 10% of the jail population;
- p. The Scott County Health Department reports that the HIV positive population in Scott County is at high risk of infection, adverse health outcomes, and fatality due to the compromised immune systems of those infected;
- q. Further, the Scott County Health Department reports that due to the high concentration of HIV positive individuals in the Scott County Jail being kept in close quarters, a COVID-19 outbreak involving the jail would be catastrophic and would strain not only the jail operations but the available medical and hospital facilities of the county;
- r. Assembling a jury for any civil or criminal jury trial would require a gathering of more than 50 persons, and would involve the appearance of many people at high risk, including the elderly, the ill, and those with compromised immune systems;
- s. That the mitigation of the spread of contagions is of utmost importance to protect the citizens of Scott County;
- t. The Scott Circuit and Superior Courts have appointed presiding Judge Jason M. Mount as the presiding Judge for this emergency.

NOW THEREFORE, the judges of Scott County request that the Supreme Court declare that an emergency exists in Scott County under the authority of Ind. Admin. R. 17, and to make appropriate emergency orders for Scott County directing and allowing the courts and clerk of Scott County to alter, modify, and suspend necessary procedures as provided in the emergency plan submitted herewith as Exhibit A, so as to appropriately address this emergency for the period of Monday, March 18 through Friday, August 14, 2020, including a toll on all legal deadlines, including but not limited to those set forth in Ind. Crim. R. 4. Furthermore, the judges of Scott County request the Supreme Court grant permission for in-custody speedy jury trials required by Ind. Crim. R. 4 to be postponed until Monday, August 17, 2020 and for all other jury trials to be postponed until at least Monday, August 31, 2020.

RESPECTFULLY SUBMITTED THIS 4th DAY OF JUNE, 2020.



Jason M. Mount, Judge
Scott Circuit Court



Marsha Owens Howser, Judge
Scott Superior Court

EXHIBIT A**Scott County COVID-19 Response Protocol and Return to Operations Plan****1. Additional Relief Requested**

The Scott Court Circuit and Superior Courts filed a petition for additional relief under AR 17 which outlined the additional relief the courts are requesting. Specifically, the Courts are seeking:

- a. The tolling of all laws, rules, and procedures setting time limits for speedy trials in criminal, juvenile, and CHINS proceedings, public health, mental health, and appellate matters, all judgments, support, and other orders, and in all other civil and criminal matters before the Courts, and that no interest be charged until August 14, 2020;
- b. Suspension of all criminal and civil jury trials, with in-custody speedy jury trials required by Ind. Crim. R. 4 to be postponed until Monday, August 17, 2020 and for all other jury trials to be postponed until at least Monday, August 31, 2020;
- c. The authority to use teleconference or video conference to conduct hearings whenever possible, consistent with recent Orders of the Indiana Supreme Court;
- d. To limit spectators (other than parties to the litigation and their attorneys) in courtrooms to the extent necessary to provide adequate social distancing;
- e. To hold pre-trial conferences in criminal and CHINS matters by counsel only, to allow pre-trial conferences to be held between the Prosecutor and Defense Counsel directly, which may be held electronically or by teleconference, and to have detained defendants appear via video conference from jail for any hearings except contested sentencing hearings and jury trials, consistent with the Defendant's Constitutional rights;
- f. To maximize the use of remote working protocols and procedures for staff due to office space limitations that render social distancing infeasible.

2. Planning Process

The Scott Circuit and Superior Courts have consulted with various stakeholders to address issues related to the health, safety, and welfare of the staff, parties, and public who frequent the court facilities. These stakeholders include but are not limited to the Scott County Health Department, the County Commissioners, the County Attorney, the Sheriff, the Prosecuting Attorney, the Clerk of Courts, the Probation Department, Courthouse Security (Scott County Sheriff's Department), building custodial and maintenance staff, Community Corrections, and the County Public Defender.

All plans set forth in this return to work plan will continue to be evaluated with relevant stakeholders throughout the COVID-19 pandemic. The Courts will continue to seek guidance and advice from public health and government officials to ensure responsible operations in the best interest of staff, parties, and the public.

3. Employment Procedures

The Courts have settled into a remote working rotation, where limited staff are working on-site and the balance of staff are working remotely. All staff have been equipped with the appropriate technology to work fully and effectively from home. Based on the recommendations from public health and

government officials, the Court's intend to keep half of the staff working remotely and on a rotation to encourage social distancing, limit the footprint in court facilities and reduce the risk of disease transmission. As outlined under the Court Operations section, the Courts will have limited hearings with limited courtroom capacity and cleaning procedures. Approximately half the staff will work on-site, while others complete work remotely.

All staff and judicial officers working in court facilities will be required to wear masks when traveling in all public spaces on the 2nd floor of the Court facilities and when interacting with anyone from the public unless separated by partition. Masks have been provided for all staff and judicial officers.

Employees who may be at greater risk of COVID-19 virus are encouraged to work with their supervising Judicial Officer on proper accommodations for their health and safety.

Employees who exhibit symptoms of COVID-19 must report them to their supervising judicial officer and will be required to remain at home until the appropriate CDC criteria for ending home isolation are met. Employees who live with an individual who exhibits symptoms of COVID-19 must disclose this information to their supervising judicial officer that they may have been exposed. The matter will be referred to the Scott County Health Department to assist with contact tracing. All employees potentially exposed will be encouraged to get tested and be permitted to work remotely for the CDC recommended two-week period.

The Courts have worked with the Scott County Health Department to establish a protocol for court employees to be tested at a testing site in the County.

4. Courthouse Facilities Plan

Both courts will continue to conduct hearings via videoconference as much as possible. Courtroom spaces have been assessed with input from the Scott County Health Department, and capacities to provide for adequate social distancing have been set. Hearings will be limited to essential personnel only (parties and attorneys) indefinitely. The Circuit Courtroom is approximately three times the size of the Superior Courtroom, and the Courts will endeavor to "trade spaces" when necessary should the Superior Courtroom need to use the Circuit Court facilities to accommodate extra hearing participants. Access to reception areas will be limited.

Seating areas have been marked off and separated and/or chairs have been removed to provide for distancing. All flat surfaces, counsel tables, witness areas, and other public spaces in the courtrooms have been provided with hand sanitizers and sanitizer wipes so that surfaces can be routinely disinfected. Current custodial staff will endeavor to clean courtroom surfaces at least twice daily. The Courts plan on coordinating with the County Council to determine if available grant funds may be used to hire an additional custodian to dedicate to the courtroom spaces on a full or part-time basis, which would provide for more consistent cleaning schedules.

Due to security concerns, there is presently only one entrance / exit to the Courthouse. The Courts are negotiating with the Commissioners and Sheriff's Department to accommodate a separate public EXIT so that one-way traffic patterns can be established. The Courts have declared the East Stairway "UP ONLY" and the West Stairway "DOWN ONLY." There is only one elevator in the facility.

Represented litigants and defendants will not be required to attend pre-trial conferences. Pro Se litigants will be advised that they will not be admitted to the courthouse any more than fifteen (15) minutes prior to their scheduled hearing, when in-person hearings are necessary. “Cattle Call” appearances have been eliminated, and court sessions are being scheduled either discreetly (in 15 minute intervals) or in one-hour blocks with no more than TEN (10) matters scheduled per hour.

All persons will be required to wear facial coverings or face masks in the courtrooms and the public spaces on the second floor of the Courthouse. Judges and court staff, although socially distant from each other and all participants, shall wear face masks as an example and in solidarity with other courtroom participants. Masks will be provided to those who come without, as supplies allow.

Case negotiation shall take place between the parties and away from the Courtroom facilities. Matters will be scheduled for court when they are ripe for action – i.e., bond hearings when negotiations have failed, plea hearings once written plea agreements are filed. Hearings will commence and conclude as scheduled to avoid overlap from one setting to another.

Portable equipment has been purchased that will allow virtually any space to be converted into a hearing space, either virtual or physical, and the Courts will use large open spaces available in the Commissioner’s Room, Emergency Management, and Central Dispatch/Community Corrections when necessary and appropriate.

5. Screening Procedures for the Public

Social media, radio, newspaper, and updated language in court notices will be used to inform the public about Courtroom etiquette and procedures. For matters that require courtroom attendance, individuals will be screened at the security checkpoint. Security officers are provided with a court calendar daily, and check individuals against the calendar to be certain their matter is scheduled and that they have not arrived early. Non-essential persons appearing with people with legitimate court business are asked to wait outside, and may be summoned by cell phone or text message.

For all individuals with legitimate court business who indicate to security that they are visiting the Circuit or Superior courts, the following screening procedure will be applied:

1. A forehead non-touch temperature screen will be performed. Any individual with a temperature above 100.4 will not be admitted to the Courthouse.
2. The following screening questions will be asked:
 - a. Have you had a fever higher than 100.4 within the past 72 hours?
 - b. Have you suffered from a sore throat, chills, cough, vomiting, diarrhea, nausea or a loss of the sense of taste or smell within the past 72 hours?
 - c. Are you awaiting COVID-19 test results, have you received positive test results, or have you been ordered to quarantine?
 - d. Have you been exposed to anyone who has been diagnosed with COVID-19 within the past two (2) weeks?

Anyone answering “yes” to any screening questions will not be admitted and their matter will be rescheduled. Further, litigants are advised in court notices when possible of these requirements and are advised to notify the court IN ADVANCE OF THEIR HEARING if they have positive answers to the screening questions.

3. Individuals visiting the courts will be required to wear a mask or other facial covering that covers the mouth and nose.
4. Individuals will be required to use hand sanitizer upon entry and at counsel tables.

6. Resuming Non-Emergency Hearings

GENERALLY

As a general matter, the Scott Circuit and Superior Courts have already commenced and will continue to hold non-emergency hearings under the following circumstances:

1. Holding hearing via videoconference whenever possible and feasible;
2. Scheduling hearings discreetly or in blocks not to exceed TEN (10) per hour, and avoiding using “cattle call” scheduling;
3. Limiting in-court participants to essential personnel (parties and attorneys). Allowing witnesses to appear by video when possible or to wait outside court facilities and to be summoned in by text or call individually when the parties are prepared to present their testimony;
4. Limiting courtroom occupancy to numbers set through coordination with the Scott County Health Department, Courthouse Security, and Courthouse Custodial staff;
5. Using alternative spaces such as the Jury Room, Commissioner’s Room, Emergency Management, and trading courtrooms when situations arise.

All cases that can be held remotely will continue to be held remotely indefinitely, as the Scott Circuit and Superior Courts have done since mid-March 2020; however from August 1, 2020 forward, the courts will evaluate this practice on a monthly basis based on guidance and advice from public health and government officials

Based on guidance from public health officials, the size of the courtroom will dictate the capacity of individuals. The Court will mark off public seating to ensure compliance with the six-foot social distancing recommendations set forth by the CDC. Attorneys, parties, staff and judicial officers will also be expected to comply with the six-foot social distancing requirements.

Court facilities will have signage which will encourage the public to utilize mycase.in.gov and other available resources to address their questions. The Court will also continue to update its website and communicate with local radio and newspaper regarding relevant information related to its operations.

The Court will continue to work with the county’s one and only technology officer and along with the staff of the Office of Trial Court Technology to work towards broadcasting of all remote court proceedings but this will take additional time. Scott County, as noted above, has only one tech employee who is responsible for the entire county and the various problems each department is encountering during this pandemic. In the interim, the public’s right to access will be assured as follows: any member of the public may contact the court for instructions on how to access remote proceedings, including receiving a phone number and pin to access Zoom hearings. If a member of the public has an interest in viewing a specific remote hearing, he or she can contact the court staff to request an invitation to the hearing or the link to join. The Courts will explore whether available grant funding might be available to expand the county’s available IT manpower and resources.

Use of “live” courtroom facilities, when necessary, shall be prioritized on a number of factors, based in part on those listed in Ind. Administrative Rule 14(B), which include but are not limited to:

1. Is the litigant guaranteed a legal or constitutional right to an in-person hearing that they are not willing to waive?
2. Are the facts or issues involved in the case particularly complex and better suited to in-person testimony than to remote testimony?
3. Whether effective cross-examination of the witness is possible, considering the availability of documents and exhibits to counsel and the witness;
4. The importance of presenting the testimony of the witness in open court, where the fact finder may observe the demeanor of the witness and impress upon the witness the duty to testify truthfully;
5. Any other factors a trial court may determine to be relevant in an individual case.

CIRCUIT COURT

The Scott Circuit Court has a bit of a luxury of space, with a courtroom nearly 2,500 square feet in size. Nevertheless, capacity has been set at no more than TEN participants (not counting court staff and security) at any one time. The docket of the Circuit Court is predominately CRMINAL in nature, but also includes probate matters, paternities, IV-D, and some CHINS proceedings predating 2017.

With respect to CRIMINAL PROCEEDINGS:

1. INITIAL HEARINGS:
 - a. With incarcerated inmates are being conducted via VIDEO from the jail;
 - b. PRO SE Defendants are given the option to appear in person (in groups less than ten) or are being provided with information that allows them to participate in Initial Hearing via ZOOM video conference;
 - c. Attorneys for Represented Defendants are encouraged to WAIVE initial hearing, but are alternatively given the option to participate in initial hearing via ZOOM video conference;
2. PUBLIC DEFENDERS will participate in Initial Hearings when possible, and the court will appoint counsel more liberally than has been the practice, which will result in fewer inmates being detained pre-trial and will result in minor matters being resolved more quickly.
3. C.R. 26 policies are being implemented and re-evaluated with the coordination of Public Defenders, Probation, and Community Corrections.
4. BOND / SUPPRESSION / ETC: are conducted when possible via ZOOM or video conference, with the inmate at the jail and the attorney either in the courtroom or at a remote location.
5. PLEA HEARINGS and AGREED SENTENCING MATTERS: are being conducted when possible via ZOOM Video hearing with attorneys participating from remote locations. Victims are permitted to participate via ZOOM and/or may attend in person, pursuant to courtroom occupancy guidelines. Hearings that must be held in person are observing participant and occupancy requirements set forth in other sections of this plan;
6. “BLIND” OR “OPEN” SENTENCINGS AND PRONOUNCEMENTS: are being held in-person, in the courtroom, observing participant and occupancy requirements set forth in other sections of the plan.
7. PRE-TRIAL CONFERENCES:

- a. Conferences involving ATTORNEYS are held directly with the Prosecutor's Office, without the use of court resources, and are generally being done electronically or by teleconference, video, or e-mail. Represented defendants are NOT required to appear in court for Pre-Trial Conference
 - b. Conferences with PRO SE Defendants are being scheduled in coordination with the Prosecutor's Office, in blocks of ten (10) or less per hour. Evening and non-traditional hours may be implemented if caseload cannot be safely met under current scheduling capacity;
8. Bond and plea negotiations are to take place away from court facilities when possible (directly with the Prosecutors Office), and hearings are scheduled discreetly and individually when negotiations have yielded no agreement in matters of bond, or when SIGNED PLEA AGREEMENTS are filed with the Court.
 9. The use of VIDEO CONFERENCING is being successfully used in matters involving DOC inmates, including but not limited to modification hearings, CHINS proceedings, Initial Hearings or other detention matters, and PCR proceedings.
 10. The Jail will continue to operate under the "Release on Recognizance" Order issued by the Court in March, allowing for the immediate release of certain minor low-risk offenders. The Court will continue to review the jail roster, through the use of IRAS-PAT and other data, to determine who may be safely released in an expedited matter prior to any trial setting.

IV-D hearings will be held by the IV-D Referee via teleconference.

CHINS matters are being held via ZOOM videoconference except in cases where the evidence is unwieldy or rights to confront and cross examine are complicated. In those cases, in-person, in the courtroom hearings may be held, observing participant and occupancy requirements set forth in other sections of the plan.

PROBATE and PATERNITY MATTERS will be expedited through the use of consent and notifications when possible, and will be held via ZOOM when practicable. In the courtroom hearings may be held, observing participant and occupancy requirements set forth in other sections of the plan, and matters will be referred to mediation and/or Guardians Ad Litem appointed at county expense and/or on sliding scale when circumstances dictate.

SUPERIOR COURT

The Scott Superior Court, due to its small size, will continue to hold as many hearings remotely as possible. Capacity has been set at no more than SIX (6) participants not counting court staff at any one time. The Superior Court is primarily a civil court. No new criminal cases are filed in this Court so the only criminal cases remaining are old cases that are still pending and were filed prior to January 1, 2011. Beginning August 1, 2020, the civil courts may resume evidentiary proceedings in the courtrooms, only when deemed necessary. In person hearings will be held on a limited basis with a staggered start time for hearings to limit the number of people in the Courthouse at any given time. The general public will not be allowed to be present in person for hearings but will have access by Zoom.

The Superior Court is working towards moving its proceedings supplemental, small claims, and ordinance violation dockets remotely. For those hearings that must occur in person, those dockets will resume no sooner than August 3, 2020. These cases will no longer be set in a traditional cattle-call docket and will be assigned a specific court time and location. All non-emergency hearings with Pro Se

litigants will be held by video or telephone conferencing, when possible, or continued to a date the hearing can be safely held in person.

Petitioners seeking Orders for Protection are currently being encouraged to electronically file emergency ex parte petitions. Most petitioners are e-filing those cases and the Scott County Clerk electronically places those petitions in the Superior Court queue. In addition, the Scott County Clerk is accepting Orders of Protection via email. Hearings on Protective Orders are being held at this time but by ZOOM when possible.

All civil jury trials presently scheduled through August 31, 2020 are postponed until after that date. The Superior Court suggests that parties in all postponed trials may opt for mediation or bench trials in lieu of jury trials until the need for social distancing ceases and trials can once again be conducted safely in the small Superior courtroom or another facility acquired for trial use.

Since early May 2020, Superior Court has been utilizing remote dockets in Child in Need of Service cases. The Court will continue to operate these hearings remotely when possible. Contested evidentiary CHINS cases will also be held remotely when feasible and when exhibits can be exchanged in advance and emailed to the Court. When deemed necessary by the Judge, in person hearings will be scheduled and the number of people in the courtroom will be limited to allow for social distancing.

The need for in person hearings will be determined on an individual basis as set forth above

7. Jury Trials

Until a suitable alternative venue can be secured or the virus subsides to the point the health department says it is safe to conduct trial in circuit courtroom, we are unable to conduct trials at this time, but anticipate the ability to do so by August 17, 2020.

The Courts have met and are exploring options for selecting juries and/or conducting jury trials off-site in light of insufficient space within the courthouse to safely convene a venire with current health conditions. These options include seeking the use of a larger, technology equipped facility in the county called the Mid-America Science Park (“MASP”). This facility, when available, could host jury selection in a space designed to accommodate over 300 people under normal conditions. Further it contains technology allowing for remote viewing of proceedings in multiple large-scale “breakout” spaces, and would have additional separate capacity for serving catered meals to mid-sized groups under social distancing requirements. Foot traffic could be controlled through a one-way system of flow, and there are adequate restroom facilities to safely accommodate under social distance guidelines.

However, this space would only be available to one court, for one trial at a time, and would not be available necessarily at the court’s whim. Scheduling will have to be coordinated with the facility and the City of Scottsburg. The Mayor of Scottsburg has committed to working with the County for the use of the facility, and will be as flexible as possible in regards to scheduling. This will increase the likelihood of issues of “court congestion” for the foreseeable future.

It is feasible to hold the entire trial at the MASP facility, but it may be possible to use MASP for jury selection and thereafter safely move the actual trial proceeding back to the Courthouse, depending on the circumstances of the case. It would also be possible for the Courts to coordinate the use of the CIRCUIT COURT facility for a SUPERIOR COURT trial, where the space is much larger and more flexible.

The Courts will place heavy priority on criminal cases where defendants are in custody. Currently the Courts are setting jury trials in civil cases beyond January 2021 in anticipation of the need for court time to address criminal custodial cases.

Jury questionnaires will be sent out no later than two (2) weeks prior to a scheduled trial date. These questionnaires will include a message from the Courts identifying the specific steps being taken to ensure safety and eligibility for deferral based on COVID-19. The questionnaires will also include an opportunity for prospective jurors to identify any individual health concerns. Larger jury venires will be summoned in order to allow for an anticipated increase in deferral requests, and jury selection may implement a “pre-screening” process with attorneys regarding deferral or hardship requests to minimize the number of jurors who would respond to subpoena only to be quickly and obviously excused from service, or jury selection may be staggered or phased in order to accommodate necessary numbers in a safe manner.

Similar to Courthouse admission policy, a health screen will be conducted at a single entry point where jurors will be asked health questions as recommended and subject to a non-invasive, touchless temperature check. Any individuals with a temperature of over 100.4 or who indicates affirmative answers to the applicable health questions will be deferred and denied access to the building. Face masks will be required.

Jurors will then be sat in seating 6 feet apart. The first fourteen (14) jurors will be seated in chairs such that they can be addressed by the parties. The Courts have not yet determined how recesses will be implemented in order that the parties may conduct hearings outside the presence of the jury, nor is it clear how jurors will receive meals and conduct deliberations, however, if the MASP facility is used, there are many options that would accommodate flexibility with a minimization of movement on the part of jurors or prospective jurors and could accommodate catered meals in open spaces. The possibility of VIRTUAL or VIDEOCONFERENCE Jury Selection will continue to be explored, in accordance with any policy or recommendations that may issue from the Indiana Judge’s Association, the Office of Court Services, and or the Indiana Supreme Court.

Public Access to jury trial would be possible due to the luxury of space at MASP, but public access could also be accommodated through the use of closed-circuit television options and breakout facilities throughout the MASP facility. Short of that, the Court will continue to seek guidance and technological innovation through the Office of Court Services to explore options to make jury trial available through the use of streaming or other internet services.

8. Court Supervised Services

All staff and personnel of all departments will follow the guidelines to self-report any COVID-19 exposure or symptoms as per “County Employee” policy. All will be required to stay home if sick. All will be permitted to work from home where feasible until such time as recommended guidelines may change. All will maintain separation of their personal workspaces as recommended and outlined in other sections of this plan.

All departments will be provided with adequate PPE and disinfecting supplies. All offices will use appropriate signage regarding social distancing and any entrance / exit procedures.

PROBATION

Probation Officers have been provided the technology and permission to work from home where possible. Each probation officer has been provided with a paid “zoom” account to facilitate virtual probation appointments, home visits, and small groups. Currently, probationers are being met through these services, and will continue to do so until at least July 6. Drug testing is suspended except for defendants who are on Home Detention. Probation reports that the virtual visitations are working well, and it is a technology that we intend to continue to implement even when pandemic circumstances do not require.

Starting July 6, Probation will begin prioritizing who to see in person and who and under what circumstances to require a drug test, based on the nature of the offense and the risk level assessed through their evidence-based tools. Technology will continue to be used throughout the summer and early fall, with in-person appointments slowly increasing based on health recommendations and based on risk and need of the offender and/or the safety of the public. Probation Officers will be required to wear facial coverings for face-to-face meetings, and any probationer entering the county facilities will also be required to wear a mask. Appointments will be scheduled in a staggered manner to limit the number of offenders in the courthouse at any one time, and waiting spaces will be regularly cleaned.

Anyone late for an appointment will be required to reschedule. Before probationers would be admitted into the courthouse facilities, they will be temperature checked and required to answer the screening questions outlined above. All parties will be required to maintain safe social distancing. Each probation officer has their own large office with their own door, capable of accommodating probationers comfortably under social distancing guidelines. Non-essential persons (non-probationers) will not be admitted to the offices.

Community Corrections

Community Corrections has been not allowing the public into their facilities (which are separate from the Courthouse). However, starting June 1, they have started letting offenders back in the building.

They will limit numbers in the office at any one time through scheduling and by meeting offenders outside or at the jail when necessary. Community Corrections implements a GPS-based Home Detention System which minimizes the need of face-to-face contact. Home visits will be conducted at the officer’s discretion and based on the perceived risk of violation or offense. Officers will be required to wear facial coverings while in spaces where they cannot adequately social distance. Drug testing will be re-implemented based on need and risk.

Under usual summer and fall weather conditions, Community Corrections clientele can wait just outside the office on covered benches where they can adequately social distance and be admitted one-by-one. When weather will not permit, there are conference spaces that will be used as waiting spaces. Proper scheduling should eliminate a backlog of in-person clientele at any one time.

GAL / CASA

As a general matter, the CASA program is self-managed, and GAL’s are primarily privately practicing attorneys appointed individually by the Court. They will be responsible for their own protocols, policies, and procedures, with court encouragement, assistance, and accommodation where possible.

All GAL's/CASA's will be encouraged to use remote technology when possible for the foreseeable future. Technology such as ZOOM and Polycom is available for their use through arrangement with the Court if it is not independently available to them.

They may, in their discretion, meet with wards or other persons under safe social distancing guidelines when necessary. These meetings shall be one-on-one or in extremely limited small groups. It is encouraged that these meetings occur at the CASA offices, when possible, where the environment can be controlled and disinfected. GAL / CASA will be given access to PPE, disinfectant, and gloves should they request or need to do home visits or face-to-face meetings.

GAL/CASA will be required to SELF-SCREEN and REPORT any COVID-19 exposure or symptoms, and will pre-screen any person they may meet with.

GAL/CASA will be permitted to submit written reports whenever possible in lieu of live testimony, particularly if agreed by the parties. GAL/CASA will be permitted to participate in hearings remotely, including remote testimony whenever possible.