

# In the Indiana Supreme Court

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

Supreme Court Case No.  
20S-CB-192



## 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 June 15, 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 6/16/2020 , **effective June 15, 2020.**

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

Loretta H. Rush  
Chief Justice of Indiana

STATE OF INDIANA ) IN THE STEUBEN CIRCUIT/SUPERIOR COURT  
 )SS:  
COUNTY OF STEUBEN )

IN THE MATTER OF: )  
Petition to Approve ) CAUSE #: 20S-CB-192  
Administrative Rule 17 )  
Transition Plan )

**TRANSITION PLAN**

In accordance with the order of the Indiana Supreme Court entered on May 13, 2020 the judges of the Steuben County Circuit and Superior Courts submit the following Transition Plan:

**Administrative Rule 17 Components**

- The previously approved Administrative Rule 17 operational plan shall remain in full force and effect as permitted by the Indiana Supreme Court until July 1, 2020.
- Remote access shall be encouraged or required until January 1, 2021 or by further order of the Indiana Supreme Court.
- No assemblies in the existing courtrooms are permitted of more than twenty five (25) people.

**Planning**

- Consultation with the Steuben County Magistrate, Steuben County Probation Department, Community Corrections,

Steuben County Clerk, Steuben County Sheriff, Steuben County Commissioners, Courthouse Maintenance, Steuben County Bar Association, and the Steuben County Health Department has occurred.

**Employment Procedures, Courthouse Facility Plan, and Screening Procedures for the Public**

- Protective face masks will continue to be made available to court staff for their protection and the protection of the public. To further separate the public from court staff 6 feet distancing rules shall apply.
- Staff considered high risk may be restricted from contact with the public.
- No individual shall enter the Courthouse with a temperature of 100.3 or more. Litigants and the public shall complete a verbal questionnaire designed to elicit a person's possible exposure to the COVID 19 Virus. If it appears to Courthouse security that a person may have been exposed to the COVID 19 Virus that person shall respectfully be denied entry.
- Any suspected COVID 19 exposure shall be reported to the Steuben County Health Department.
- Only hearings regarding emergencies, cases involving children and matters deemed essential by

the Courts will be conducted prior to July 1, 2020.

- Only court staff, parties, counsel and witnesses shall be permitted in the Courtroom to attend these hearings. The Judge may limit entry to the building until a case is called. Those entering the Courtroom may be offered protective face masks, which will be furnished by the Court.
- After each hearing desks, tables and chairs are sanitized by court staff. Sanitary hand wipes have been placed on each desk and table for use.
- A deep cleaning of the courtroom each night will be the obligation of courthouse maintenance staff.

#### **Resuming Non-Emergency Hearings**

- After July 1, 2020, it is anticipated that non-emergency, regular dockets will resume. The aforesaid safety precautions will remain in effect to the extent practical.
- Criminal cases for defendants who remain in custody and divorce cases involving minor children shall be given priority.
- Public access shall not be restricted unless social distancing cannot be maintained.

#### **Jury Trials**

- **Jury Trials will resume July 1, 2020, or as otherwise directed by the Indiana Supreme Court.**

- Prospective jurors shall wear protective face masks, and observe the 6 foot distancing rule.
- Courtrooms will be reconfigured and off-site facilities will be made available to seat prospective jurors during jury selection. Bifurcated, or phased jury selection techniques may be employed.
- Selected jurors will be seated in such a manner that the 6 foot distancing rule will be observed. To accomplish this additional chairs will be positioned in front of the jury box. Alternatively, the courtroom may be re-configured to place the jury in the public seating area and the public in the jury box. Protective face masks will be offered to all those who participate in the trial.
- The jury room shall accommodate social distancing.
- Mobile court recording equipment will be purchased for off-site jury selection involving more than twenty five (25) people.

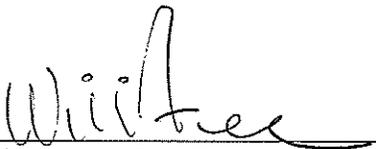
#### **Court Supervised Services**

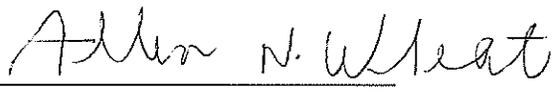
- The Steuben County Probation Department and Northeast Indiana Community Corrections have prepared transition plans. Those plans are approved and attached hereto.
- Probationers report telephonically, CASA volunteers

speak with their assigned children at the front door of the child's home. Face masks are worn and the six (6) feet distancing rule is observed. CASA volunteers appear in court for scheduled hearings observing face mask and distancing rules.

- Steuben County Probation and Northeast Indiana Community Corrections shall not refuse transfer of cases solely on the basis of the general pandemic unless the transferee has a specific diagnosis related to any health condition that cannot be accommodated.

Respectfully submitted this 15 day of May, 2020.

  
\_\_\_\_\_  
William C. Fee, Judge  
Steuben Superior Court

  
\_\_\_\_\_  
Allen N. Wheat, Judge  
Steuben Circuit Court

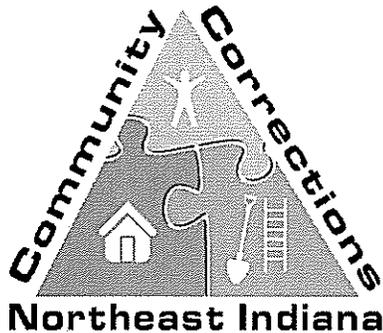
## Steuben County Probation

### Transition Plan

1. Appointments will be conducted in Probation Officers' offices. There will not be more than 3 people scheduled in the building at one time. Probation staff will continue to schedule using the COVID calendar. Appointments will be scheduled in one hour increments starting at 8:30am.
2. Offices are to be disinfected and surfaces cleaned after each appointment this includes door handles.
3. The office door will remain locked. There will be a sign on the door instructing individuals to have a seat in the front lobby.
4. Probation officers and/or probation staff will meet an individual in the front lobby, give the individual a mask, have him/her sanitize his/her hands, take his/her temperature, and complete checklist before taking to the individual to the probation officer's office.
5. Chairs will be placed as far from the probation officer's desk as possible. Do not allow the individual to move the chair forward or allow the individual to touch the probation officer's desk. Pens are not to be shared.
6. Drug testing procedure to remain the same as in Phase I and Phase II.
7. Only the individual who has a scheduled appointment will be allowed to be in the lobby and/or office area. If he/she brings someone with him/her, the probation officer and/or office staff is to instruct the other person(s) to leave the building.
8. Juveniles still will not be scheduled for office appointments unless absolutely necessary. If it is necessary, the juvenile may only be accompanied by one adult.
9. Low risk offenders will continue on phone in reporting unless there is an emergency situation.
10. Moderate risk offenders will continue on phone in or remote reporting. Probation officers need to utilize remote appointments as much as possible i.e. zoom or face time. However, probation officers can schedule moderate risk offenders for office appointments, if deemed necessary.
11. Sex offenders, high risk offenders, offenders with mental health issues, and domestic violence offenders will be scheduled for office appointments.

12. Offenders should be reassessed every 6 months instead of 12 months to determine if and offender can be moved to a lower supervision level.
13. If an offender has completed all EBP requirements, the probation officer should consider moving the offender to a less restrictive means of reporting.
14. There should never be more than two additional people in the main office at a time.
15. Do not use others' office space, computers, phones, equipment etc.
16. When interacting with other staff, maintain social distancing.
17. If it is absolutely necessary for a staff member to use another staff member's phone office equipment etc., the staff member using the equipment is responsible for disinfecting the equipment after use.
18. Home visits will resume.
19. When possible, probation officers will complete PSI interviews, PDR interviews, PI interviews, and risk assessments by phone.

## *Northeast Indiana Community Corrections*



104 East Gale Street  
Angola, Indiana 46703  
Phone: (260) 668-4505  
Fax: (260) 665-3000

844 N Detroit Street  
LaGrange, IN 46761  
Phone: (260) 585-8071  
Fax: (260) 585-8072

Website: [www.sccommunitycorrections.com](http://www.sccommunitycorrections.com)

### NICC Transition Plan

\*This is a working document and can be updated at any time.

The Health Department will be notified and direction will be taken from the Health Department for:

1. Positive tests for staff
2. Positive tests for offenders

**May 4 – July 4, 2020:**

#### All programs

##### Interviews

1. Will be conducted via telephone.
2. Will now also screen for at risk categories offenders 60 or older and those with existing medical problems like high blood pressure, heart problems, or diabetes.
  - a. These individuals will be steered away from work release as much as possible.

##### Public Reception

1. Public entrance will remain closed until otherwise directed.
2. Public may contact main office by telephone Monday-Friday 8:00 a.m.-4:30 p.m.
3. Staff shall wear masks when physically interacting with the public.
4. Staff shall wash hands thoroughly after processing mail.

##### Payments

1. Individuals can continue to make payments at NICC by placing money into envelopes in view of the lobby camera and then writing the amount.
2. The envelope will then be placed into the drop box outside that is also on camera.
3. Staff must wear masks at all times when in the lobby or dealing with the public/offenders and will wash hands thoroughly directly afterwards.

### Meetings and Groups

1. Case Management meetings will continue to be conducted via telephone, zoom, or e-mail until further notice. Case Managers will update Case Plans, assign digital Carey Guides, and Brief Intervention Tools.
2. IRAS Assessments/Reassessments: Continue via telephone.
3. MRT will continue via zoom until further notice.

### Drug Testing

1. Saliva drug testing will continue to take place as normal until further notice UNLESS an offender has been quarantined by the health department or a medical professional due to COVID-19.

### Vendors

1. Allow necessary vendors only.
2. Encourage all vendors to practice social distancing guidelines and wear masks.

### Work Release

#### COVID-19 Testing

1. Per the Health Department, COVID-19 testing is available to all individuals who live in a communal setting when symptomatic.
2. This allows anyone in or coming into the work release facility to be tested at any time.
3. When this will become available is TBD.

#### Intakes to start May 18th

1. Work Release will start accepting new male intakes only.
2. The female portion of work release will be used for the new intakes.
  - a. Female offenders appropriate for work release supervision due to circumstances other than a current violent conviction will need to reside at one of the following houses:
    - i. TLC House
    - ii. Turning Point Shelter
    - iii. Women in Transition
  - b. Female offenders appropriate for work release supervision due to a current violent conviction will need to request the Court to order NICC to place them onto home detention.
3. Intakes will be limited to two offenders at a time.
4. All intakes will have their temperatures taken
  - a. Every day when dressed out for work.
  - b. Upon return to the facility.
5. Every shift both intakes will answer a questionnaire inquiring about common COVID-19 symptoms.
6. If after 3 days the offenders do not exhibit symptoms, the offenders will be moved into the main population.
7. In the event the offenders do exhibit symptoms then they will be referred for COVID-19 testing.
  - a. If the test(s) are pending then **all future work release intakes will be postponed until the results are received.**
  - b. If the test(s) return negative then the offenders will be moved into the main population but will be segregated as much as possible.

- c. If the test(s) returns positive then **all future work release intakes will be postponed until approved to resume by the Health Department.**
  - i. the dorm will be quarantined for 14 days
  - ii. the health department will be notified.

#### Refusal by offenders

- 1. If an offender refuses to complete the questionnaire, wear a mask, or get tested when exhibiting symptoms **then a revocation will be filed.**

#### General operations

- 1. All work release staff will have their temperatures taken at the start of the shift.
- 2. All offenders will have their temperatures taken
  - a. Every day when dressed out for work.
  - b. Upon return to the facility.
- 3. Every shift offender will answer a questionnaire inquiring about common COVID-19 symptoms.
- 4. In the event an offender does exhibit a recent change of common symptoms then they will be referred for COVID-19 testing.
  - a. While awaiting the test/test results the offender will be segregated as much as possible.
  - b. If the test(s) are pending then
    - i. **all future work release intakes will be postponed until the results are received.**
    - ii. If intakes are in the isolation dorm then all intakes will stay in the isolation dorm until results come back negative.
  - c. If the test returns negative then the offender may be moved to another dorm/bunk.
  - d. If the test(s) returns positive then **all future work release intakes will be postponed until approved to resume by the Health Department.**
    - i. the dorm(s) will be quarantined for 14 days
    - ii. the health department will be notified.
- 5. If an offender exhibits symptoms but this is not a recent change, the offender may get tested if the offender desires to be tested.
- 6. All work release staff shall wear masks when entering work release or going into the NICC offices.
- 7. All work release offenders shall wear masks when inside the facility.
- 8. Regular cleaning of dorms will take place daily.
- 9. Deep cleaning of isolation dorm will take place once those individuals test negative.
- 10. Deep cleaning of all work release will take place on the weekends.
- 11. Vending machines will be relocated from the isolation dorm to the main dorms.
- 12. The isolation dorm will be provided food from the CTP freezer at minimal cost.

#### Bunks and maximum occupancy

- 1. Shall be arranged for maximum distance between individuals.
- 2. For instance, if the bottom bunk is occupied the top will not be. The adjacent bottom bunk will not be occupied but the top will be.
- 3. This will effectively half the maximum possible occupancy at work release from 38 to 19. Two of which are in the isolation section.

### Courtesy Supervision Transfer Cases

1. Typically transfer cases take much longer to seek approval from the Court to revoke an offender. Because of this NICC Work Release will not be accepting transfer cases into its facility.

### Home Detention

#### Field Visits

1. Non-evasive field contacts on moderate and high-risk offenders, from inside of a duty vehicle will be conducted.
2. Upon arrival to their assigned residence, the client is contacted telephonically, and instructed to report outside.
3. This way we can ensure that social distancing is enforced by having the individual stand a minimum of six (6) feet away from the duty vehicle.
4. A dialogue will be established, and program staff can ensure that the offenders contact information is current/accurate.
5. Video calls can be initiated to perform a “walk-through” of the residence.

#### Intakes

1. Intake officer will conduct intake in the lobby.
2. Only the offender will be allowed in the lobby for the intake along with staff unless special circumstances exist.
3. The offender and any other individual present will have their temperatures taken before being allowed into the lobby.
  - a. If the offender or other individual has a fever then he/she will not be allowed into the lobby.
  - b. If the offender has a fever then **the intake will be postponed.**
  - c. intake staff shall disinfect all areas the fever was present.
4. Staff and program participants will wear masks and gloves.
5. All will comply will social distancing guidelines and intake staff shall disinfect work space after intake is completed.

### **June – July 4th:**

#### Community Service Work Crews

1. All staff and offenders will have their temperatures taken at the start of the shift.
2. Crew will operate on weekends. The number of scheduled participants will be limited to four people. Crew will comply with social distancing guidelines.
3. Staff and program participants will wear surgical mask and gloves.

### **July 4<sup>th</sup> - on:**

#### Work Release AA and Religious group

1. All facilitators and offenders will have their temperatures taken at the start of the shift.
2. To start back up with all facilitators and offenders wearing masks.

MRT

1. All facilitators and offenders will have their temperatures taken at the start of the shift.
2. To start back up with all facilitators and offenders wearing masks.
3. Facilitators will also wear gloves when touching offender's work books.