

**IN THE MUNICIPAL COURT FOR THE CITY OF DOUGLAS**

**STATE OF GEORGIA**

**ORDER ESTABLISHING GUIDELINES FOR IN PERSON COURT PROCEEDINGS**

**CITY OF DOUGLAS, GEORGIA**

On May 11, 2020, the Honorable Chief Justice Harold D. Melton of the Supreme Court of Georgia issued the Second Order Extending Declaration of Statewide Judicial Emergency addressing continuation of essential court services and the re-opening of non-essential court services. Paragraph 4 of said Order states:

....[C]ourts have discretion to conduct essential and non-essential in person judicial proceedings, but only in compliance with public health guidance and with the requirements of the United States and Georgia constitutions and applicable statutes and court rules, including the public's right of access to judicial proceedings and a criminal defendant's rights to confrontation and open courtrooms.

Before conducting extensive in-person proceedings, particularly in non-essential matters, each court should develop written guidelines as to how in-court proceedings generally and particular types of proceedings will be conducted to protect the health of litigants, lawyers, judges, court personnel and the public. Guidelines should specify who should be admitted to the courthouse and courtroom and how public health guidelines will be followed regarding such matters as health screening of court personnel and visitors, social distancing (including capping the occupancy of courthouses, interior areas and courtrooms based on their size), availability and use of personal protective equipment (PPE) by court personnel and visitors and sanitization practices. Guidelines should provide for accommodations for high-risk individuals. Courts should consider the use of staggered, smaller proceedings to conduct proceedings involving many cases or participants, such as calendar calls and arraignments. Guidelines should be prominently posted at courthouse entrances and on court and government websites to provide advance notice to litigants, lawyers and the public.

Support for the development of guidelines will be provided by the Judicial COVID-19 Task Force...., as well as by the councils for each class of court. Courts of different classes that share courthouse facilities or operate in the same county should seek to coordinate their guidelines.

Based upon the authority granted to the Municipal Courts, in the exercise of judicial discretion, the Court issues the following Order establishing guidelines to protect the health of

litigants, lawyers, judges, court personnel and the public (hereinafter referred to as “Guidelines”) for in-person court proceedings.

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The health of each litigant, lawyer, judge, court personnel and the public is first and foremost the responsibility of each person. The Court cannot guarantee, nor does it attempt to guarantee, that strict adherence to the Guidelines will prevent the contraction or spreading of any infectious disease, including, but not limited to, COVID-19. If any person has an objection to attendance or participation in an in-person proceeding, then such objection(s) shall be made know to the Court at least three (3) days prior to the scheduled court proceedings, or as soon as is practicable, and shall accompany such objection(s) with a proposed reasonable accommodation to such attendance. The Court will consider the request, and in its discretion will rule as to which accommodation, if any, is appropriate.

The Courtroom, as defined herein below in Paragraph 2(b), remains open to the public as required by law and subject to social distancing guidelines. These guidelines set forth herein are intended to be in compliance with public health guidance, the requirements of the United States and Georgia constitutions, applicable statutes and court rules. These guidelines are intended to allow the community to move forward together by practicing social distancing and other daily habits to reduce the risk of exposure to the virus that causes COVID-19. Please remember: to practice social distancing (specifically, staying 6 feet away from others when you must go into a shared space); frequently washing of your hands or using alcohol-based (at least 60% alcohol) hand sanitizer when soap and water are not available; wearing face coverings (paper or cloth masks); avoid touching eyes, nose and mouth; staying home when sick; and avoiding frequently touched objects and surfaces.

**COURTROOM MANAGEMENT**

***A. Sheriff's Department, 825 Thompson Drive, Douglas, Georgia***

Since Municipal Court for the City of Douglas (hereinafter referred to as "Court") is held in one of the courtrooms located at the Coffee County Sheriff's Department (hereinafter referred to as "Sheriff's Department"), any admittance to the Sheriff's Department will be in the discretion of the Coffee County Sheriff (hereinafter referred to as "Sheriff"), consistent with public health guidelines, any safety plans prepared by the Sheriff, any other guidelines established by the Sheriff as it relates to the Sheriff's Department and any other relevant factors in the discretion of said Sheriff.

***B. Courtroom***

The term "Courtroom" shall include, but not be limited to, the common areas of the Sheriff's Department immediately adjacent to a courtroom, judge's chambers, probation meeting rooms and any other room regularly used when court is in session.

Admittance to the Courtroom shall be governed by public health guidelines, specifically, but not by way of limitation, social distancing guidelines. There shall be a maximum of twenty-five (25) people per session considering the allowance per the social distancing guidelines, which takes into consideration the square footage of the Courtroom allowing for a six (6') foot distance between non-family members. The Sheriff or his designee(s) shall place a marker designating where a person may be seated in the Courtroom in accordance with social distancing guidelines as well as markers on the floor designating where a person may stand in the Courtroom when an individual is awaiting their case to be presented. A person may be seated only on a marker and/or stand only on a floor marking. However, if persons reside in the same household, then they may

be allowed to sit together and/or stand together. At all times, persons, including, but not limited to, the judge, clerk, other court personnel, attorneys, clients, witnesses and probation officers shall exercise social distancing guidelines. While court is in session, the Chief of Police or his designee(s) shall assure that social distancing is being following by all persons in the Courtroom, as the term Courtroom is defined hereinabove.

### ***C. Staggered Scheduling***

Effective immediately, the jail and probation revocation calendar, arraignment and forfeiture calendar, bond revocation calendar and trial calendar shall all stagger the arrival of Defendants and other necessary individuals in an effort to avoid a large number of individuals arriving at the same time. Therefore, said calendars shall be created in alphabetical order based on the Defendant's last name. At all times, the jail and probation revocation calendar shall be heard beginning at 9:00 O'clock A.M. on a scheduled court date and/or any other court dates deemed necessary, if any.

Any and all persons in jail at the time of a court session shall be held in individual holding cells prior to appearing before the Court. Once a court session begins, no more than five (5) inmates shall be allowed to enter the Courtroom based on the size of the designated inmate area, i.e. one (1) inmate before the Court and no more than four (4) inmates sitting in the designated inmate area of the Courtroom. The Chief of Police or his designee(s) shall accompany said inmates into and out of the courtroom at all times adhering to social distancing guidelines.

Beginning at 9:30 O'clock A.M. and continuing each and every hour thereafter, the Court shall commence with the trial calendar until said calendar has been completed. Beginning at 10:30 O'clock A.M. or any other time designated to hear the bond forfeiture and arraignment calendar, whichever the case may be, and continuing each and every hour thereafter, the Court

shall commence with the bond forfeiture and arraignment calendar until said calendar has been completed. Beginning at 4:00 O'clock P.M. or any other time designated to hear bond execution hearings, whichever the case may be, and continuing each and every hour thereafter, the Court shall commence with the bond execution calendar until said calendar has been completed.

Prior to a Defendant's designated court time, he/she shall check in with the Chief of Police or his designee(s), whichever the case may be, at the entrance of the Sheriff's Department and shall be subject to a health screening. Subject to passing said health screen, the Defendant and/or any other individuals accompanying the Defendant shall be allowed entrance into the Courtroom or any other common area immediately adjacent to the Courtroom. At all times while observing social distancing guidelines, a second Courtroom may be used to allow Defendants to wait for their designated court time for so long as said additional Courtroom is not being utilized for other purposes. At all times, the use of a second Courtroom and/or common area immediately adjacent to the Courtroom shall be supervised by the Chief of Police or his designee(s).

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### **HEALTH SCREENING**

Health Screening personnel are not trained medical professionals. If anyone has any questions or concerns about his or her health or potential COVID-19 exposure, then said person should contact his or her personal physician, Georgia Department of Public Health or other qualified medical professional.

Prior to allowing admittance to a court hearing, a Health Screening shall be conducted on each person entering the Sheriff's Department. The Chief of Police or his designee(s), whichever the case may be, shall conduct a health screening on each person appearing for court by using the tool provided in Exhibit A attached to this Order herein. The Chief of Police shall make best

efforts to procure sufficient no-contact thermometers for use in measuring the temperature of persons entering the Sheriff's Department for a court session. If the Chief of Police is unable to locate sufficient no-contact thermometers for use by health screening personnel, then the Chief of Police or his designee(s), whichever the case may be, shall not be required to take the temperature of those entering the Sheriff's Department for a court session, but shall simply ask all questions and document all responses of each person entering the Sheriff's Department for a court session based on the tool provided in Exhibit A herein. If any person has a temperature of 100.4 or higher and/or if any questions on the screening tool is answered in the affirmative, then said person shall not be allowed to enter the Sheriff's Department for a court session. If such person, who is not allowed entrance to the Sheriff's Department for a court session, is a litigant, witness and/or other party in a case, then the Chief of Police or his designee(s), whichever the case may be, shall immediately notify the presiding judge or staff of the person not admitted. A thirty (30) day continuation of said person's case shall be granted and a rescheduled court date and time will be issued to said person.

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#### **PERSONAL PROTECTIVE EQUIPMENT**

Personal Protective Equipment (hereinafter referred to as "PPE"), including, but not limited to, paper masks or cloth masks and gloves may be worn by all who enter the Sheriff's Department and all who enter the Courtroom. All persons who enter the Sheriff's Department for purposes of a court session are **STRONGLY ENCOURAGED**, but not required, to wear PPE, including, but not limited to, facemasks covering the nose and mouth and gloves. Court personnel and litigants may use PPE in their discretion. The Court has limited supply of PPE for use by court personnel. Therefore, if a person desiring to use PPE and does not have access to

PPE, then said person shall notify the health screening personnel at check-in of such need for PPE in an effort to either accommodate the person, if supplies are available, or make other arrangements for the person regarding their court date and time. .

At all times possible, hand sanitizing stations shall be made available to the judge, clerk, court personnel, attorneys, witnesses, litigants and probation officers. If possible, said hand sanitizing stations shall be located at the entrance of the Courtroom, the entrance to the front of the Courtroom where the judge, Solicitor, Public Defender, attorneys and other court personnel are situated as well as in the meeting room with the probation officer. At all times, persons are **STRONGLY ENCOURAGED** to utilize any hand sanitizing stations as they encounter said stations. At all times and in order to avoid cross-contamination, writing instruments shall be personal, disposable or sanitized after each use and before use by another person in the Courtroom. At all times, persons entering the Courtroom shall enter through one door and exit through another door.

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### **SANITIZATION PRACTICES**

The Sheriff, his designee(s), Chief of Police and/or his designee(s), whichever the case may be, shall ensure that custodial or other personnel are sufficiently trained in the method and manner for sanitizing the Courtroom, as defined in Paragraph 2 herein above. Those tasked with sanitization practices shall follow guidelines established by the United States Centers for Disease Control (“CDC”), the Georgia Department of Public Health and/or the county health department. Please see Exhibit B attached hereto as a potential resource document entitled “Cleaning Guidance for COVID-19” from the Georgia Department of Health.

The Courtroom(s) shall be cleaned and disinfected after each use. To provide as much time after cleaning and disinfecting prior to the next use, such cleaning and disinfecting shall take place as soon after use as is practically and reasonably possible. Certain high traffic areas in the Courtroom may need cleaning more often, such as between hearings and/or witnesses in according with public health guidelines. Signage shall be posted outside the Courtroom reminding persons to wash their hands frequently and to cover their mouths and noses with a tissue when they cough and sneeze.

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### **ACCOMMODATIONS FOR HIGH RISK INDIVIDUALS**

The following persons are defined as High Risk individuals:

- a. Persons who are 65 years of age or older;
- b. Persons who live in a nursing home or long-term care facility, including, inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements and/or community integration housing;
- c. Persons who have chronic lung disease;
- d. Persons who have moderate or severe asthma;
- e. Persons who have severe heart disease;
- f. Persons who are immune compromised or residing in a household with someone who is immune compromised. Many conditions may cause a person to be immune compromised, including, but not limited to, cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS and prolonged use of corticosteroids and/or any other immune weakening medications;
- g. Persons, of any age, with Class III or severe obesity;

h. Persons diagnosed with the following underlying medical conditions: diabetes, liver disease and persons with chronic kidney disease undergoing dialysis;

i. Persons who are pregnant and/or breast feeding;

j. Persons who are caregivers to mentally and/or physically disabled persons *and* do not have suitable care for said person;

k. Persons who have small children (under 13 years of age) and/or mentally and/or physically disabled children *and* do not have child care.

If any lawyer, party and/or witness falls into one of the above categories of High Risk individuals, then said person shall notify the Municipal Court at 912-493-2097 or 912-493-2098 of such condition at least three (3) days prior to the scheduled court proceeding, or as soon as is practicable, and shall accompany such notification with a proposed reasonable accommodation for such lawyer, party and/or witness. The Court will consider the request, and in its discretion, will rule as to which accommodation is appropriate.

If no reasonable accommodation for a High Risk individual has been proposed to the Court for consideration, then the Court will automatically continue the High Risk individual's court date for thirty (30) days.

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### RESOURCES

All individuals should educate themselves about the relative dangers of attending gatherings of people, including in-person court proceedings. The CDC, Georgia Department of Public Health and county health departments are excellent resources for use in such educations process. Each person is responsible for his or her education in this matter.

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## **IMPLEMENTATION**

Except as otherwise provided herein, the Sheriff and Chief of Police and their respective designees, in the exercise of their respective discretion, shall be responsible for implementation of the guidelines set forth herein.

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## **PUBLICATION AND DISSEMINATION OF GUIDELINES**

This Order and Guidelines shall be published on the website for the City of Douglas, the City of Douglas' Facebook page and any other social media outlet for the City of Douglas and/or Municipal Court for the City of Douglas, at the entrance of the Sheriff's Department as well as the entrance to the City of Douglas Police Department in a conspicuous place for the public to view.

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## **NOTIFICATION**

All persons issued a citation and/or subpoena for a court date of March 17, 2020, April 7, 2020, April 21, 2020, May 5, 2020 and May 19, 2020 shall receive written Notice of the rescheduled court date and time to appear. At all times, any person issued a citation, who desires to pay the ticket, can do so by Money Order or Certified Check made payable to City of Douglas and mailed to the Douglas Municipal Court, 225 West Bryan Street, Douglas, Georgia 31533 or pay in person, once said facility reopens to the public, at the Douglas Municipal Court located at the City of Douglas Police Department, 225 West Bryan Street, Douglas, Georgia. Persons who have been issued a citation for the offense(s) of Theft by Shoplifting, Driving Under the Influence, No Insurance, Suspended Registration, Driving While License Suspended or Revoked,

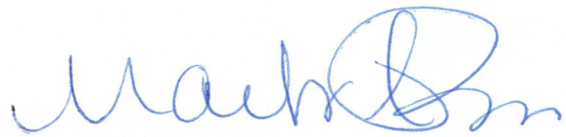
any drug offense as well as any other theft related offense must appear in-person at the appointed date and time, subject to the guidelines set forth herein.

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**DURATION**

This Order shall be effective until further Order of the Court and/or any amendment thereto.

**SO ORDERED** this the 15<sup>th</sup> day of May, 2020.



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Marlo A. Ross, Judge  
Municipal Court for City of Douglas  
State of Georgia