

IN THE MUNICIPAL COURT FOR THE CITY OF JACKSONVILLE

STATE OF GEORGIA

ORDER ESTABLISHING GUIDELINES FOR IN PERSON COURT PROCEEDINGS

CITY OF JACKSONVILLE, 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. City of Jacksonville Courtroom, 12 Water Tower Road, Jacksonville, Georgia

The Municipal Court for the City of Jacksonville (hereinafter referred to as “Court”) is held in the building located next to City of Jacksonville City Hall (hereinafter referred to as “Courtroom”), any admittance to the Courtroom will be in the discretion of the City of Jacksonville Chief of Police (hereinafter referred to as “Chief of Police”) or his designee(s), whichever the case may be, consistent with public health guidelines, any safety plans prepared by the Chief of Police, any other guidelines established by the Chief of Police as it relates to the Courtroom and any other relevant factors in the discretion of said Chief.

B. Courtroom

The term “Courtroom” shall include, but not be limited to, the common areas 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 twelve (12) 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 Chief 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 arraignment and trial calendar shall stagger the arrival of Defendants and other necessary individuals in an effort to avoid a large number of individuals arriving at the same time. At all times, the arraignment and trial calendars shall be heard beginning at 5:00 O'clock P.M. on a scheduled court date and/or any other court dates deemed necessary, if any, and continuing each and every hour thereafter until said calendar is complete.

Prior to a Defendant entering the Courtroom, he/she shall check in with the Chief of Police or his designee(s), whichever the case may be, at the entrance of Courtroom 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.

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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 City Hall. 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 City Hall 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 City Hall for a court session, but shall simply ask all questions and document all responses of each person entering City Hall 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 City Hall for a court session. If such person, who is not allowed entrance to City Hall 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 City Hall and all who enter the Courtroom. All persons who enter City Hall 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, attorneys and/or any 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.

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SANITIZATION PRACTICES

The City of Jacksonville and/or their 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 City Hall at 229-833-6901 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 education process. Each person is responsible for his or her education in this matter.

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IMPLEMENTATION

Except as otherwise provided herein, the Chief of Police and his 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 FO GUIDELINES

This Order and Guidelines shall be published at the entrance of City Hall as well as the entrance to the Courtroom 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 during the month of March of 2020 and subsequent months thereafter shall receive written Notice of the rescheduled court date and time to appear.

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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 15th day of May, 2020.



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

Exhibit A

Health Screening Tool

(Comprised of 1 page not including this page)

COVID-19 HEALTH SCREENING

PROTOCOL QUESTIONS:

- [illegible]

[illegible]

Exhibit B

Georgia Department of Public Health Cleaning Guidance for COVID-19

(Comprised of 2 pages not including this page)

Cleaning Guidance for COVID-19

Current evidence suggests that novel coronavirus may remain viable for hours to days on surfaces made from a variety of materials. Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in households and community settings.

Cleaning Guidance

You may practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks) with household cleaners and EPA-registered disinfectants that are appropriate for the surface. Be sure to follow the instructions on the label.

How to Clean and Disinfect

Hard Surfaces

Wear disposable gloves when cleaning and disinfecting surfaces. Gloves should be discarded after each cleaning. Consult the manufacturer's instructions for cleaning and disinfection products used. Clean hands immediately after gloves are removed. If surfaces are dirty, they should be cleaned using a detergent or soap and water prior to disinfection. For disinfection, diluted household bleach solutions, alcohol solutions with at least 70% alcohol, and most common EPA-registered household disinfectants should be effective.

Soft Surfaces

For soft (porous) surfaces such as carpeted floor, rugs, and drapes, remove visible contamination if present and clean with appropriate cleaners indicated for use on these surfaces. After cleaning: launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely, or use products with the EPA-approved emerging viral pathogens claims (see: <https://www.americanchemistry.com/Novel-Coronavirus-Fighting-Products-List.pdf>) that are suitable for porous surfaces.

Clothing, Towels, Linens, etc.

Wear disposable gloves when handling dirty laundry from an ill person and then discard after each use. If using reusable gloves, those gloves should be dedicated for cleaning and disinfection of surfaces for COVID-19 and should not be used for other household purposes.

Cleaning refers to the removal of germs, dirt and impurities from surfaces. Cleaning does not kill germs, but by removing them, it lowers their numbers and the risk of spreading infection.

Disinfecting refers to using chemicals to kill germs on surfaces. This process does not necessarily clean dirty surfaces or remove germs, but by killing germs on a surface *after* cleaning, it can further lower the risk of spreading infection.

Clothing, Towels, Linens, etc. (cont.)

Clean hands immediately after gloves are removed. If no gloves are used when handling dirty laundry, be sure to wash hands afterwards. If possible, do not shake dirty laundry. This will minimize the possibility of dispersing virus through the air.

Launder items as appropriate in accordance with the manufacturer's instructions. If possible, launder items using the warmest appropriate water setting for the items and dry items completely. Dirty laundry from an ill person can be washed with other people's items.

Clean and disinfect clothes hampers according to guidance above for surfaces. If possible, consider placing a bag liner that is either disposable (can be thrown away) or can be laundered.

Hand Hygiene

Household members should clean hands often, including immediately after removing gloves and after contact with an ill person, by washing hands with soap and water for 20 seconds. If soap and water are not available and hands are not visibly dirty, an alcohol-based hand sanitizer that contains at least 60% alcohol may be used. However, if hands are visibly dirty, always wash hands with soap and water.

Household members should follow normal preventive actions while at work and home including recommended hand hygiene and avoiding touching eyes, nose, or mouth with unwashed hands.

Additional key times to clean hands include:

- After blowing one's nose, coughing, or sneezing
- After using the restroom
- Before eating or preparing food
- After contact with animals or pets
- Before and after providing routine care for another person who needs assistance (e.g. a child)



Other Preventive Actions

Besides cleaning your home and clinics more frequently, take everyday preventive actions:

- Wash your hands frequently.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces.
- Be prepared if your child's school or childcare facility is temporarily dismissed or for potential changes at your workplace.