

City of Dahlonega Municipal Court Operational Guidelines

I. General Overview

The Supreme Court's Judicial Emergency Orders have authorized reopening courts to non-essential, in-person hearings so long as courts: (1) develop written guidelines as to how public health will be protected, and (2) adhere to both: (a) public health guidance, and (b) 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 courtroom (a/k/a council chambers). Implementation of the public health guidance is necessary for the protection of court staff, security personnel, defendants, victims, witnesses, attorneys, and the general public. Additionally, keeping the court open to the public is constitutionally required and maintains the transparency and confidence in our system of justice. The goal of the City of Dahlonega Municipal Court is to promote remote proceedings to the extent possible and to allow in-person proceedings subject to strict safety requirements published and followed. To the extent possible, all motion hearings will be conducted virtually via telephone or a widely available communications application, such as FaceTime, Skype, Zoom, etc. If unable to be held virtually, motion hearings will be scheduled on regular trial dates or, when appropriate specially set, in coordination with the solicitor and defense counsel.

II. Re-Opening Date and Schedule

The Court has partially reopened on a nominal test basis, with its arraignment and plea calendars. No trial calendars have been posted but trials may recommence at the direction of the Judge of the Municipal Court. Likewise, more routine arraignment and plea calendars may also recommence at the discretion of the Judge.

III. Procedures for In-Person Court Sessions

The Court as scheduled by the Judge may hold in-person court sessions for arraignments, trials, failure to appear (FTA) hearings, probation revocation hearings, and motion hearings. Each of these presents unique challenges for in-person interaction and will be specifically addressed below. However, several general procedures for all in-person court sessions will be followed:

1. Prior to entry into the building individuals, including court personnel, will be required to:
Have their temperature taken with a non-contact thermometer (cleaned and disinfected according to manufacturer's instructions) and will be refused admittance if the temperature reading is 100°F or above.
 - a. Respond to the following screening and be refused admittance with any affirmative answer to:
 - i. Have you traveled to or from any areas in which COVID-19 is particularly active?
 - ii. In the past ten days, have you experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above

100°F, chills, muscle pain, sore throat, headache, or new loss of taste or smell?

- iii. Have you or anyone you've been in close contact with tested positive for COVID-19 within the past 14 days?
 - iv. Have you been tested for COVID-19? What was the result of the test?
- b. Wear a face mask covering the nose and mouth at all times while inside Dahlonga City Hall. Masks will be provided to individuals who do not bring their own.
 - c. Use hand sanitizer provided by the Court when entering the court room.
 - d. Anyone who refuses a, b, or c, above, will not be admitted into the building except to obtain a reset notice from the clerk after all other cases have been resolved and all other defendants have left the building. The following information will be collected from any person denied entry for health reasons: name, contact information, the court he or she was scheduled to attend and why, and the specific reason for denying entry.
 - e. Anyone who violates these rules after entering the building may be held in direct contempt of Court and be subject to fines and incarceration. Notification shall be made to the Department of Public Health, and isolation/quarantine implemented for workers in court facilities.
2. No one under the age of 17 will be admitted into the building unless that individual is a victim or witness on a case. If a defendant does not have available childcare, their case will be reset to a future date. Zoom or other options will be provided.
 3. Family and friends will be discouraged from entering the building except in cases where a parent or guardian is accompanying a defendant who is 17 to 21 years old or a victim or witness under the age of 17. Zoom or other options will be provided.
 4. The general public will not be allowed to wait in the lobby except for one person at the clerk's window, one person undergoing security screening (if in effect) and all others shall maintain six foot distancing based upon floor markings.
 5. The number of individuals in the courtroom (a/k/a council chambers) shall be limited to that capacity which will allow maintenance of six foot social distancing for all persons.
 6. Every individual shall maintain a minimum of six feet of space between themselves and other individuals except when consulting with counsel or a family member or exchanging required paperwork.
 7. Chairs in the courtroom (a/k/a council chambers) shall be spaced to maintain six feet of distance between individuals. Extra chairs and tables will be removed from use.

8. Arrangements will be made for the defendants and their attorneys will be given the opportunity to meet with the solicitor if requested.
9. Hand sanitizer and public access to handwashing will be available to individuals leaving the building.
10. Signage directing to public bathrooms for handwashing and hand sanitizer stations will be posted.
11. Pens used to sign requisite documents shall be discarded.
12. Individuals will be asked to avoid touching surfaces such as the podium, tables, etc. except when necessary to sign documents.
13. The courtroom (a/k/a council chambers) will be cleaned and sanitized between court sessions.
14. Online and outside the building general guidelines will be posted. Guidelines will also be mailed to defendants with their reset notice.
15. A copy of this Order shall be posted outside the building for public review.
16. Signage restricting restroom capacity to facilitate social distancing shall be posted.
17. Use of water fountains shall be prohibited.

A. Arraignments

The Court's largest calendars are for arraignments, which may also include FTA hearings and probation revocation hearings. Typical arraignment calendars have up to two hundred or more defendants on them. Not all defendants appear for their arraignment; however, defendants that do appear frequently bring counsel, family, and friends. Also present in Court for arraignments are eight to eleven additional individuals – a judge, a solicitor, a clerk, court reporter, several probation officers, an assistant solicitor, case manager, an interpreter, and at least two security officers.

Until further notice, arraignment calendars will be capped so as to maintain effective social distancing in two (2) or more sessions. If additional arraignment dates become necessary to adhere to social distancing guidelines and to clear any backlog, the Court will add additional arraignment dates or times as necessary to allow for social distancing.

1. **Jail Cases.** Incarcerated defendants will not appear with non-incarcerated defendants in an effort to social distance the jail population from the general public. Incarcerated defendants will be brought into the Court at specially set times and days.

2. **Probation Cases.** Probation revocation hearings will be required to be scheduled for regular arraignment dates unless the probationer is incarcerated. (See Probation section below).
3. **Interpreter Cases.** The Court will schedule a Spanish-speaking interpreter as needed for court sessions. Defendants who speak languages other than English and Spanish and require the use of an interpreter will be asked to contact the clerk in advance of their court date to arrange for an interpreter to be present.

B. Failure to Appear (“FTA”) Hearings

FTA Hearings occur when a defendant has failed to appear for his regularly scheduled court date and a bench warrant was issued for his arrest. The defendant may be in custody and brought over from the Lumpkin County Jail. Because the defendant may be in custody, these are not regularly scheduled, but occur as needed during the Court’s regular arraignment or trial calendars, or if Court is closed for a long period of time, then on an ad hoc basis. Noncustodial defendants subject to an FTA hearing are also worked into the normal arraignment calendar.

During the pendency of the judicial emergency to avoid interaction and potential cross-infection between the jail population and the general public, jail cases will be brought into Court on arraignment days separately from other defendants until a remote option becomes available. The Court will continue to explore securing a remote hearing option between the Court and the Lumpkin County Jail through video conferencing.

C. Probation Revocation Hearings, Warrants, and Tolling

To the extent possible, all probation revocation hearings will be scheduled on arraignment dates. Probation revocation hearings may be scheduled for the next available arraignment date if the probationer is incarcerated.

D. Motion Hearings

To the extent possible, all motion hearings will be conducted virtually via telephone or a widely available communications application, such as FaceTime, Skype, Zoom, etc. If unable to be held virtually, motion hearings will be scheduled on regular trial dates or, when appropriate specially set, in coordination with the solicitor and defense counsel.

E. Trials

Trials will be held as regularly scheduled based upon a court approved calendar. Because of the additional individuals needed for trials (law enforcement, victims, witnesses, etc.), the trial calendars will be limited to 15 persons including legal counsel, defendants and other necessary persons. If additional trial dates become necessary to adhere to social distancing guidelines, the Court will add additional trial dates.

IV. Continuances and Bench Warrants

Because of the concern for those impacted by or susceptible to COVID-19, the court will freely consider continuances of cases involving the following individuals whether defendants, witnesses, victims, or counsel:

1. You currently have, or someone staying with you currently has, symptoms of COVID-19, including but not limited to cough, breathing difficulties, fever, chills, muscle pain, sore throat, or new loss of taste or smell;
2. During the past 14 days, you, or someone staying with you, had symptoms of COVID-19, including but not limited to fever, tiredness, cough, or breathing difficulties;
3. You are, or someone staying with you is, subject to voluntary or mandatory quarantine or isolation;
4. During the past 14 days, you have, or someone staying with you has, traveled internationally;
5. You are a senior (65 years or older) or live in a nursing home or long-term care facility according to the CDC;
6. You have an underlying medical condition (such as a heart, lung or kidney disease, diabetes, severe obesity, or a condition that suppresses your immune system) according to the CDC;
7. You do not have available childcare or eldercare; or
8. You are a healthcare worker.

The court will not consider issuing bench warrants for defendant's failure to appear at an arraignment date until after the expiration of all Judicial Emergency orders. Those defendants failing to appear for an arraignment may be subject to license revocation procedures if requested by the prosecution and approved by the Judge.

V. Notices

Notices to defendants, attorneys, and witnesses rescheduling court dates will be provided in and will contain information about how to resolve cases remotely if possible, to obtain a continuance (see Section IV, above), and, generally, the safety precautions the Court is taking.

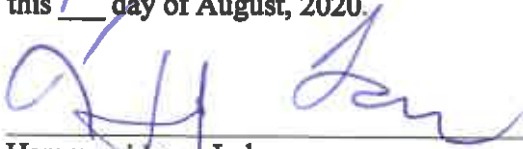
VI. Isolation and Quarantine Procedures

With regard to everyone who works in the court facility, the guidelines require isolation of any person with known or suspected COVID-19 and quarantine of any person with COVID-19 exposure likely to result in infection, in accordance with the DPH Seventh Amended Administrative Order for Public Health Control Measures, or any subsequent version thereof.

When there is reason to believe that anyone who works or has visited the court facility has been exposed to COVID-19, DPH or the local health department shall be notified and notification of persons who may have been exposed shall occur as directed by DPH or the local health department.

Adopted as Operational Guidelines

this 17 day of August, 2020.



Hammond Law Judge