



## Ogeechee Judicial Circuit

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# Bulloch County Guidelines for Resuming Jury Proceedings

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October 28, 2020

### Committee Members:

F. Gates Peed	Chief Judge, Superior Court
Michael Muldrew	Superior Court Judge
Lovett Bennett	Superior Court Judge
Richard Mallard/Daphne Totten	District Attorney
Renata Newbill-Jallow	Circuit Public Defender
Richard Denney	1 <sup>st</sup> District Court Admin.
Joseph Cushner	State Court Judge
Mark Lanier/Catherine Findley	State Court Solicitor
Paige Navarro	Bar President/Attorney
Heather McNeal	Clerk of Court
Noel Brown	Sheriff
Tom Couch	County Manager
Toni Flatman	Nurse Manager, Bulloch Health Dept.

The Supreme Court of Georgia's Sixth Order Extending Declaration of State wide Judicial Emergency entered on September 10, 2020, among other things, allowed for the resumption of grand jury proceedings and created the Local Committee on Resuming Jury Trials (hereinafter "Committee"). The purpose of this Committee is to develop a protocol that allows for the resumption of jury trial proceedings while adhering to the COVID-19 safety requirements of the CDC, Georgia Department of Public Health, the Georgia Supreme Court's Judicial Emergency Orders, and the best practices as developed by the COVID-19 Taskforce.

The Bulloch Committee met on October 9<sup>th</sup> and 16<sup>th</sup>, 2020. The following guidelines and protocols were adopted by the email consent of all members on October 28, 2020.

## **I. GENERAL CONSIDERATIONS**

### **a. Summons when jurors are initially summoned, whether for grand jury or trial jury, the Clerk will mail:**

- A Summons directing jurors to report to the appropriate facility as determined by the court, with staggered report times. It will also provide a contact person to call with health-related questions or concerns.
- A COVID-19 Letter from the Clerk of Court explaining the current situation, and generally outlining some of the safety measures that are in place.
- A COVID-19 Questionnaire that includes juror contact information (name, address, cell phone number, and email) and a question to determine whether they are in a category of persons identified by the CDC as being at an increased risk for severe illness from COVID-19.
- An existing Information Form that requests information generally asked by attorneys when selecting a jury.

## **b. Excusals and/or Deferrals**

- Jurors will be excused on having answered yes to any of the statutory questions included on the Information Form.
- The Letter, Insert, and Questionnaire will instruct prospective jurors to call a unique phone number if they have COVID-19 related questions and/or are seeking an excusal for COVID-19 related reasons. They will also instruct prospective jurors that in order to be considered for a deferral or excusal, the form must be returned 10 days prior to their date of service.
- Non-statutory deferral or excusal requests will be brought to the attention of the assigned judge's office. The judge will decide whether to grant the deferral or excusal and alert the Clerk of the decision so that the juror can be notified.

## **c. Check-In on the morning of service, jurors will encounter the following safety precautions:**

- Staggered Reporting Times – Because of the potential bottleneck at security and check-in, juror summons will include staggered report times. Jurors reporting more than five minutes before their summoned time will not be checked in and directed to wait outside until their report time.
- Health Screenings - Everyone entering the courthouse is screened for illness and COVID-19 exposure. Any prospective juror prohibited from entering on the date of their service will be instructed to submit information, in a manner determined by the Clerk, so that their service can be deferred.
- If any juror reports having been diagnosed with COVID-19 in the previous 14 days, or in contact over the previous 14 days with someone who has been diagnosed with COVID-19, or that they are concerned they may have been exposed or infected, they will not be permitted to enter.

Any individual, including attorneys, parties, or court staff, diagnosed with COVID-19 shall not be allowed to enter the courtroom for a period of 14 days following the date of the positive test, unless a negative test result is obtained within that time period.

If any juror reports having experienced a persistent cough, difficulty breathing or fever above 100.4 degrees within the previous three days, they will not be permitted to enter.

Masks – All visitors are strongly encouraged to wear masks to enter the courthouse or the Judicial Annex. Masks or face shields will be required to be worn while in the courtroom, and they must remain in proper position over the nose and mouth, unless instructed by the judge to remove them. All jurors that arrive without a mask will be provided one at the checkpoint. All courthouse staff will assist the court as directed in the courtroom to ensure that everyone uses personal protection equipment.

Hand Sanitization Stations – Hand sanitizer dispensers are available prior to and after security check-in, as well as outside the courtrooms.

HVAC Modifications – The courthouse HVAC system has been equipped with an Ultraviolet Germicidal Irradiation (“UVGI”) air disinfection system.

Social Distancing – The Jury Assembly Room in the Judicial Annex has been set up with a reduced capacity with chairs placed 6 feet apart.

Controlled Check-In – Jurors will check in upon arrival, as directed by the Clerk, using a mobile app. Check-in instructions will be sent out with the Summons. Additionally, signs will be placed around the courthouse and Judicial Annex providing information concerning the mobile check-in process. Individuals unable to use the mobile app will be checked-in at the time indicated in their summons at the main entrance by a representative of the Clerk’s office.

Badges – Jurors will be provided with numbered stickers by the Clerk in lieu of clip on badges.

Clear Masks/Face shields – Court personnel will use transparent face shields or clear masks to accommodate hearing-impaired or language-challenged jurors.

Daily Sanitization – The Jury Assembly Room, courtrooms, and other publicly used areas will be sanitized each day.

## **II. GRAND JURIES**

The objective is to identify and impanel twenty-six (26) qualified jurors. This total represents twenty-three (23) grand jurors plus three (3) alternates.

Grand jury members will be seated in the Jury Assembly Room with chairs spaced six feet apart.

Grand jurors will be provided with a box containing one time use items such as bottled water, hand sanitizer, a notepad, and a writing instrument.

The order in which cases are to be presented will be determined by the District Attorney before the date that grand jury is scheduled in order to prevent witnesses from arriving at the same time.

Witnesses shall be notified in advance by the District Attorney of the time at which they should arrive.

No other criminal proceedings shall be scheduled on the same date that grand jury is to be held.

During breaks bailiffs will direct grand jurors to use the restrooms on both the first and second floors of the Judicial Annex to facilitate better social distancing.

### III. TRIAL JURIES

- The objective is to qualify fifteen (15) jurors for Superior Court, and eight (8) jurors for State Court. The Superior Court total represents twelve (12) jurors plus three (3) alternates. The State Court total represents six (6) jurors plus two (2) alternates.
- The Clerk will summon sufficient number of jurors, as directed by the court, depending on need.
- Check-in will occur as outlined in section I., c., above.
- After a sufficient number of jurors check-in for the particular selection the balance will be dismissed.
- Upon arrival, Superior Court jury members will be seated in the jury selection room, as designated by the Court, with seating spaced six feet apart.
- Upon arrival, State Court jury members will be seated in the State Court courtroom, as designated by the Court, with seating spaced six feet apart.
- Once jurors are checked in, the Clerk will notify the assigned judge.
- Non-qualified jurors will be excused and their service concluded.
- Jurors will be provided with a box containing one time use items such as bottled water, hand sanitizer, a notepad, and a writing instrument.
- Voir dire* of qualified jurors will be conducted in the usual manner.
- After a jury is selected, the selected jury will be directed by the Court as appropriate. All other unselected jurors will be excused.

## **IV. TRIAL**

### **a. General Protocols**

- The judge is to conduct proceedings in accordance with all constitutional and statutory requirements, seeking to ensure a fair and impartial trial while doing so within the confines of public health guidelines.
- Judges, court staff, bailiffs, lawyers, and jurors will all wear masks during the trial unless otherwise instructed by the judge.
- Judges, attorneys, and jurors may be permitted to remove their masks while speaking.
- Witnesses will testify without a mask, from behind a Plexiglas barrier, or while wearing a clear face shield.
- Superior Court jurors will report to the Judicial Annex, and will be held in one of the two second floor courtrooms or the grand jury room upon arrival.
- The Clerk will provide jurors with a point of contact if potentially exposed to COVID-19 or experiencing symptoms of COVID-19. Jurors experiencing symptoms or potentially exposed to COVID-19 will not be required to report. Any juror who has been potentially exposed or who is experiencing symptoms of COVID-19 will be brought to the trial judge's attention.
- Any juror who does not pass the temperature check or COVID-19 screening questions will be brought to the judge's attention immediately.
- Overflow Seating – In the event there is insufficient public seating the proceeding will be broadcast over either YouTube or Webex. Any interested individuals will be provided a link where they can access the live feed.

## **b. Courtroom Layout and Trial Procedure**

- The Jury Assembly Room will be used for trial in Superior Court.
- The layout of the Jury Assembly Room will comply with the safety and spacing requirements as set forth by the CDC, the Georgia Department of Public Health, the Supreme Court of Georgia, and the COVID-19 Taskforce.
- The State Court courtroom will be used for trial in State Court.
- The layout of the State Court courtroom will comply with the safety and spacing requirements as set forth by the CDC, the Georgia Department of Public Health, the Supreme Court of Georgia, and the COVID-19 Taskforce.
- Plexiglas shields will be installed as needed.
- All parties should seek to display as much of the evidence as possible using digital images or documentary evidence. Attorneys will be asked to connect their laptops at the podium and display PDFs, digital photos, and PowerPoint presentations on television monitors to be mounted in the courtroom. The document camera should be used display images of any paper document evidence that is not is a digital format.
- Attorneys should seek guidance from the Court for items that cannot be displayed in a digital format or on the document camera.
- Attorneys will be provided sanitizing wipes to be used for wiping down the podium, the document camera, or other such surfaces used during the presentation of evidence.

## **c. Jury Deliberation Room**

- Existing jury deliberation rooms will not be utilized due to the space restrictions. Instead, jurors will use another space of sufficient size to allow for social distancing as directed by the Court.

The bailiff will have a supply table with extra disposable masks, hand sanitizer, paper towels, gloves, tissues, juror pads and pencils, bottled water, and disinfecting spray. Jurors should keep up with their own items, so as to prevent sharing.

Jurors will be assigned a seat by the bailiff and should use the same seating area for the duration of the trial.

Jurors will be permitted to leave at lunchtime and return, or the judge may decide to bring in a meal for the jurors. Jurors will be permitted to bring in their own food, however there will be no community refrigerator available.

Jurors with dietary restrictions, or who prefer to bring their own food, should do so in a personal size cooler bag which will remain in the jury room.

Jurors will abide by social distancing guidelines when consuming food.

Bailiffs will be stationed outside of each door to the jury room and shall keep the area secure.

Jury rooms will be cleaned and disinfected daily.

## **V. DURATION**

These Guidelines shall remain in effect until such time as the Committee may modify or amend them, or until the Committee is abolished.

To the extent that these Guidelines conflict with any orders previously entered in the Superior Courts of the Ogeechee Circuit, the Guidelines should take precedent.