

MEMO

RE: COVID-19 Safety Measures

DATE: 5-8-2020

TO: Clerk of Court, Title Dept., Security Department, Probation Department, Court Bailiffs, Atty. Tammie Jones, Atty. Abby Minamyers, Atty. Danielle Menning, Atty. Eric Kibler, Atty. Shelli Freeze, Atty. Stacey Alejars, Col. Co. Bar Association, Columbiana County Jail, Columbiana County Commissioners, Judge Washam, Judge Bickerton, Judge Frank, Ohio Judicial Conference

FROM: Judge Timothy J. McNicol and Judge Katelyn Dickey

The purpose of this Memo is to effectively communicate the Columbiana County Municipal Court's safety measures and procedures in response to COVID-19. Pursuant to the Order dated March 30, 2020 (2020GD7), the Columbiana County Municipal Court will begin holding in person hearings on May 18th, 2020 under the following precautions:

- All recommendations by the Ohio Department of Health will be strictly enforced, including but not limited to, social distancing, regular handwashing, regular sanitization of the building and surfaces, health screens prior to entry, and face coverings are mandatory for all employees, attorneys, and anyone who is entering the building and must be worn at all times when in common areas (such as hallways) and the courtrooms. Persons are encouraged to use their own facial covering, however, if a person does not have a facial covering, one will be provided by the Court. These safety measures will be strictly enforced and parties will be notified prior to their hearing, when possible, by a scheduling Notice. If the use of facial coverings is hindering some aspects of the hearing, such as limiting the ability to hear/understand the person speaking, in limited circumstances, the judge can allow for the facial covering to be moved, provided other safety measures are taken.
- Hand sanitizer stations will be located at the main entrance of the Court. Surface areas will be sanitized as often as possible throughout the day by Court staff. The building is professionally disinfected on a weekly basis. Signage will be displayed throughout the building reminding visitors of safety precautions. There will be markings made with tape throughout the building and sidewalks of where persons may stand to comply with social distancing. Hand sanitizer will be provided on counsel tables in each courtroom.
- The Court remains closed to the public until further notice. Parties are encouraged to make payments online and by telephone. Access to the Court is limited to employees, parties to a scheduled case, Attorneys, witnesses, victims, and bail bondsmen.
- Prior to entry, the security officer will screen all visitors to make sure they have official business in the court and are a permissible person to access the court. Security will engage in a health screening with each individual entering the building, which will include: taking the temperature

to ensure it is less than 100.4 degrees (100.4 or higher will be denied entry), inquiring whether the person has experienced a fever, cough, shortness of breath, or loss of taste or smell over the last few days, inquiring whether the person has been in close contact with anyone who has been confirmed to have coronavirus/COVID-19, inquiring whether the person has been tested or diagnosed with coronavirus/COVID-19 in the last 14 days, inquiring as to whether the person has been previously tested for coronavirus/COVID-19 but has been cleared, inquiring whether the person have traveled internationally during the last 14 days. All persons working in the courthouse will also have a health screen upon arrival (judges, security, clerks, bailiffs, probation officers, attorneys). If the security department has any concerns about a person's entry into the courthouse, the security officer will inquire to the judges about entry.

- The Court's caseload will be determined in a manner to ensure recommended safety precautions can be met and matters will be scheduled as deemed necessary by the Judges. The State is to provide the Court with any try-by-time issues on pending matters, taking into consideration the Order from the Supreme Court tolling time from March 9, 2020 to July 30, 2020 so that these matters can be given priority on the Court's docket.
- No inmate transports will occur until further notice unless deemed necessary by the Judges. Inmate hearings will be heard via video with counsel to exchange plea offers and Defense Attorney to engage in a telephone meeting with the defendant at the jail prior to the scheduled hearing. To the extent possible, the Court will provide at least 7 days prior notice to counsel of video proceedings.
- All jury trials will be continued during the month of May.
- **ARRAIGNMENTS:** For a period of thirty days, as needed, both Judges will hold walk-in arraignments. Video arraignments will alternate weekly between the Judges. Security will give each person seeking to enter the Courthouse a health screen prior to entry. A Clerk Deputy will be present at the security station to check-in each defendant upon arrival. The Clerk Deputy will direct the defendant directly into either Courtroom A or B where the Court Bailiff will be waiting to direct entering defendants to a pre-marked seat. The maximum number of defendants that will be permitted into each court room at one time is 10. Upon the conclusion of the arraignment, the defendant will be instructed to either immediately exit the building if no further action is needed or to wait in the lobby on a pre-marked spot for paperwork, which the Clerk will leave on a table and call the name over the loud speaker for pick up. Defendants will be instructed to telephone the Clerk's Office if he/she has a question and make payments using the drive through window or online/telephone services.
- **SCHEDULED HEARINGS:** Upon arrival, parties and counsel will be screened by the security dept to ensure health compliances. Defendants and attorneys will be directed immediately into the Courtroom after passing the security station, *only at the scheduled hearing time*. If an attorney or defendant is early for their hearing and the Courtroom is still being utilized by the prior hearing, they will be asked to remain in their vehicle until the start time of the case. Defendant, Prosecutor, and Defense Attorney shall meet in the Courtroom to negotiate the case. During attorney-client discussions, the small room outside the Courtroom doors, will be labeled "Prosecutor only" should the prosecutor choose to utilize this space when stepping outside of the

Courtroom. The meeting rooms near the large conference room will be labeled “Prosecutor and Victim Only” should the prosecutor choose to utilize this space. This room shall not be used by any other person or attorney throughout the day. Promptly after 15 minutes of negotiations between the parties, unless needed sooner, the Court will proceed to go on the record in the matter or continue the matter for another day if the matter cannot be resolved during the hearing’s scheduled timeframe. The strict timing of hearings is necessary to comply with the Court’s strict enforcement of social distancing. Counsel is encouraged to continually review the Court’s schedule in advance and request a joint continuance if negotiations at the scheduled time would not be productive due to outside circumstances, such as not having received discovery, in hopes to avoid unnecessary appearances.

- **PROBATION:** In the event a defendant is placed on probation, the probation officer and defendant shall meet in the Court’s large conference room. No other persons are permitted to utilize this space for negotiations until further notice.

This is uncharted water for us all, but with everyone’s best efforts we will be a team that ensures justice is served safely and efficiently. Thank you for all that you do and will continue to do.

Respectfully,

Judge Timothy J. McNicol

Judge Katelyn Dickey