

IN THE MUNICIPAL COURT OF MARIETTA, COBB COUNTY

STATE OF GEORGIA

CITY OF MARIETTA
MARIETTA
COURT
OFFICE
2020 JUL -1 P 5:00

ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY OF
MARIETTA MUNICIPAL COURT

CLERK OF COURT

WHEREAS, the Governor has determined that a Public Health State of Emergency exists in the State of Georgia due to the spread of the Coronavirus/COVID-19, and whereas that state of emergency constitutes a “judicial emergency” pursuant to O.C.G.A. §38-3-60 et seq., see O.C.G.A. §38-3-60 (2).

WHEREAS, pursuant to O.C.G.A §38-3-61, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia, ORDERED AND DECLARED a Statewide Judicial Emergency in the State of Georgia on March 14, 2020. The nature of this emergency is the continued transmission of Coronavirus/COVID-19 throughout the State and the potential infection of those who work in or are required to appear in our courts. That Order has been extended, with modifications, by orders issued on April 6, 2020 and May 11, 2020 .

WHEREAS, pursuant to O.C.G.A. §38-3-61, on June 12, 2020, the Honorable Harold D. Melton, Chief Justice of the Supreme Court of Georgia ORDERED AND Declared issued the Third Order Extending Declaration of Statewide Judicial Emergency declared on June 12, 2020.

WHEREAS, pursuant to O.C.G.A. §38-3-61, on May 26, 2020, in response to the COVID-19 pandemic and the Statewide Judicial Emergency in the State of Georgia, Judge Roger Rozen, as Chief Judge of the Municipal Court of Marietta, issued an Order Declaring Judicial Emergency And Adoption of Council of Municipal Court Judges of Georgia’s Best Practices and Guidelines for Operation of Municipal Courts During the COVID-19 Recovery until Friday, June 12, 2020 at 11:59 pm.

NOW THEREFORE, pursuant to O.C.G.A. §38-3-61, Chief Judge Roger Rozen of the Municipal Court of Marietta, Cobb County Georgia HEREBY extends Order Declaring Judicial Emergency and Adoption of Council of Municipal Court Judges of Georgia’s Best Practices and Guidelines for Operation of Municipal Courts During the Covid-19 Recovery and includes as part of this Order by reference the Judicial Council Strategic Plan Committee’s Georgia Court Reopening Guide until Friday, July 31, 2020 at 11:59 PM.

The court shall continue to operate under the restrictions set forth in that Order as extended. Where this order refers to “public health guidance,” the court should consider the most specific current guidance provided by the federal Centers for Disease Control and Prevention (CDC), the Georgia Department of Public Health (DPH) and the local health department.

This Judicial Emergency shall terminate on July 31, 2020, at 11:59 PM, unless otherwise amended or extended.

Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification or extension , a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

Pursuant to O.C.G.A. § 38-3-63" **IT IS ORDERED** that the Chief of Police for the City of Marietta shall post this Order on his public notification site and at the entrance of the Marietta Police/Court Building;

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve Chief Justice Harold D. Melton of the Supreme Court with a copy of this Order, such service to be accomplished via email to Therese Barnes, the Clerk of the Supreme Court of Georgia, at barnest@gasupreme.us and Administrative Office of the Courts.

IT IS FURTHER ORDERED that the undersigned shall immediately notify and serve a copy of the order on the judges, prosecutors, and clerk within the jurisdiction of Marietta Municipal Court and on the clerks of the Georgia Court of Appeals and the Georgia Supreme Court, and the Cobb County Bar Association, such service to be accomplished through reasonable means to assure expeditious receipt; and,

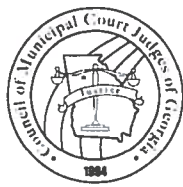
IT IS FURTHER ORDERED that the undersigned shall give notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public by publishing upon the City of Marietta Municipal Court website, and shall be posted prominently upon all entrances to the City Of Marietta Municipal Court and offices of the City of Marietta Municipal Court Clerk, the City of Marietta Municipal Court Probation, and the City of Marietta Municipal Court Prosecutor.

IT IS SO ORDERED, this 1st day of July, 2020.



ROGER J. ROZEN, Chief Judge
Marietta Municipal Court

*quac pro tunc
to June 12, 2020
RL*



Council of Municipal Court Judges

Council of Municipal Court Judges Best Practices & Guidelines for Operating Municipal Courts During the COVID-19 Recovery

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District Five
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Judge Parag Shah

District Six
Judge J. Kristi Lovelace
Judge Clayton Davis

District Seven
Judge Robert Cowan
Judge Nathan Wade

District Eight
Judge Joseph Sumner
Judge Dexter Wimbish

District Nine
Judge Pamela Boles
Judge Claude Mason

District Ten
Judge Graham McKinnon
Judge Ryan S. Hope

With the gradual expansion of services offered by the Courts, certain guidelines will have to be followed in order to ensure the safety of both the Court staff and the public that come in contact with the Courts. Given the diversity of the Municipal Courts, it is impossible to create a one-size-fits-all policy that will suit big city and small city Courts alike. However, there are certain principles that apply across the board. These guidelines and best practices are presented by the Council of Municipal Court Judges in order to help each Court create its own individual policy conducting business during COVID-19 recovery.

We recognize that resources vary widely throughout the State and not all of these best practices will be available in every Court but they should be followed to the extent practicable.

PERSONNEL/STAFF

- Implement staggered shifts for all possible workers and /or implement teleworking for all possible workers;
- Discourage workers from using other workers' phones, desks, offices, or other work tools and equipment;
- Where possible, stagger workstations to avoid employees standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces;
- Require all employees to wear face coverings at all times;
- Consider temperature checks of employees upon entering work each day; and
- Require workers who exhibit signs of illness to not report to work or to seek medical attention.

NOTIFICATION

The standard notification for hearings for defendants and other witnesses and necessary parties will need to be modified.

At a minimum, in addition to the standard information regarding date, time, and location of the hearing, include information about how to contact the Court to request an automatic 30-60 day continuance in the event that the noticed party:

- is a member of an immune-compromised population (or living in a household with someone who is immune-compromised);
- if they are over 65; and
- if they have small children and do not have child care.

You may want to include information about interpreters or other reasonable and necessary accommodations so that people know how to request an interpreter or other accommodations ahead of time to avoid an unnecessary trip to the building. Consider having a separate calendar for those who need interpreters to avoid additional trips to the Courthouse for the interpreter.

Council of Municipal Court Judges

Individuals who feel uncomfortable leaving their homes during the pendency of the Shelter-in-Place order should be allowed a courtesy reset upon request.

COURTROOM MANAGEMENT

Low-Density Population

Governor Kemp's Executive Order dated April 23, 2020 provides certain guidelines to ensure the safety of individuals required to be in proximity to one another for business purposes. The Executive Order does not allow for any municipal government to allow gatherings of persons outside their residence who do not reside together, with only limited exceptions.

In order to meet with those exceptions, the following is necessary:

- Maintain a six (6) foot distance between individuals who do not reside together.
- Do not schedule more individuals to arrive at the Courtroom (including staff) than the dimensions of the courtroom can accommodate to allow a six (6) foot distance between the individuals.
- Calculate this by measuring the square footage of the seating area of the room. There should be no more than one defendant for every six (6) square feet of space.
- Consider a maximum of 25 people total per session considering the allowance per the formula.

Staggered Scheduling

Although it is common practice in most Courtrooms under normal circumstances to have large calendar calls, under these unusual circumstances, stagger the arrival of defendants and other necessary individuals so that there are not a large number of individuals arriving at the same time. For example, if your Courtroom can accommodate twelve (12) people, do not schedule your normal fifty (50) person calendar for 8:30 a.m. Schedule the first 12 for 8:30, the second 12 for 10:00, and so on.

Screening

Consider having some sort of screening process for individuals before they enter your Courtroom.

- Have a series of questions you ask each individual upon entry to the building, such as:
 - whether or not they have traveled to or from any areas in which COVID-19 is particularly active;
 - if they or anyone in their household have experienced symptoms of COVID-19; or
 - if they have been tested for the virus.
- If possible, their temperature can be taken and anyone with a fever higher than 100.4 degrees should be refused admission and their case continued.

Staging

Do not allow patrons to congregate in waiting areas or common areas. Design a process to ensure patron separation while waiting to be seated that can include:

- Floor markings;
- Outdoor distancing;
- Waiting in cars; or
- Utilization of tenting.

TYPES OF HEARINGS

Initial hearings, preliminary hearings, and bond hearings, have long been authorized by statute to be done by video conference. See O.C.G.A. 17-4-47. Consistent with Chief Justice Harold Melton's April 6, 2020 "Order Extending Declaration of Statewide Judicial Emergency," the use of video and teleconferencing is

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encouraged “to reduce backlogs when the judicial emergency ends.” Municipal Court Rule 15.2 also allows for the expanded use of video conferencing to take pleas in criminal cases, conduct probation revocation hearings, and other cases.

Use of conference calls, computer programs such as WebEx, Zoom, Skype, Google, and others are relatively low-technological solutions that are widely available and inexpensive and can be used creatively for all sorts of hearings with the active and informed consent of all parties involved. When doing so, ensure compliance with the recordation required in Municipal Court Rule 26.

If your Court does not already have one, consider instituting a policy which would allow defendants to waive arraignment. When allowing defendants to do so, make sure that the policy ensures the preservation of all constitutional rights protected by the arraignment process.

COURTROOM MANAGEMENT

Protective Equipment

All courtroom staff should be properly equipped with masks and should be educated on and given the opportunity to wash their hands frequently. Equipment such as telephones and computer keyboards should not be shared.

If possible, handwashing or hand sanitizing stations should be available to both staff and the public. Suggestions include:

- Directing individuals to the sinks in the bathroom
- Separate sanitation stations,
- Frequently placed hand sanitizer dispensers, or
- Providing sanitizing wipes for people to disinfect surfaces they must touch, such as door handles, chair arms, and pens.

Enact policies and procedures to encourage Social Distancing for patrons and employees. Measures may include:

- Protective Plexiglass screens at service counters and at payment windows;
- Decals on the floor or aisles with messaging on Social Distancing;
- Signs throughout the Court giving visuals and information on Social Distancing;
- Allowing anyone who brings their own protective equipment to wear it;
- Providing masks for individuals who do not have their own;
- Allowing each individual who signs a document to retain the pen he or she uses to avoid cross-contamination.
- Disallowing the gathering of large groups in common areas like lobbies and parking lots.

Flow

Consider the route that people will take through your building and/or Courtroom. Enact policies and procedures that encourage Social Distancing, such as:

- Roping or taping off certain seating areas or hallways;
- Placing arrows on the floors to direct foot traffic; or
- Require people to enter through one door and exit through another.
- Coordinate with other stakeholders located in your building to maximize efficiency of effort.

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Open Courtroom Concerns

Many individuals bring support persons when they come to Court. While this is normally encouraged in Georgia's open Courtrooms, this may prove difficult when ensuring the low-density population in the Courtroom to provide the necessary social distance safety requires. When possible, allow anyone in the Courtroom who wishes to be there, so long as the low-density population rules and Social Distancing rules are followed. When this is not possible, have a policy in place that limits the constrictions on an open courtroom. Consider having a live YouTube or Facebook or Zoom or other link that you can provide for individuals who want to see what is going on in the Courtroom. Consider rotating individuals in and out as quickly as possible.

SIGNAGE

Place a sign near the entry of the building/Courtroom and in other prominent places that states that individuals who have a fever or other symptoms of COVID-19 shall not enter the Courthouse.

Place a sign in prominent places reminding individuals to wash their hands frequently and to cover their mouths and noses when they cough and sneeze.

Use arrows and tape to direct the flow of foot traffic through the building.

SANITATION

Do your best to keep the Courtroom and the Courthouse sanitized at all times. Use disinfectant wipes and sprays on chairs, benches, tables, and other shared furniture and equipment between uses, including between each Court session.

Request that the bathrooms and other shared facilities be cleaned and sanitized regularly. Check to see that bathrooms are cleaned and well-stocked with soap and paper towels at all times.

Be sure to coordinate with the stakeholder located in the building with your Court to combine efforts.

GRANTS

Many of these measures cost money, which can be hard to come by. There are some grants available, notably some through the [Georgia Emergency Management](#) (email request) and the [Department of Justice](#).

CONCLUSION

This is uncharted territory for all of us, and we are trying our best to come up with reasonable policies that take into account the needs of the Courts and the public while keeping everyone's safety in mind. If you have any further questions or concerns, please do not hesitate to contact the Council or your local district representative.

Sincerely,

*Judge Dale "Bubba" Samuels, President
Council of Municipal Court Judges*



Georgia Court Reopening Guide



Judicial Council Strategic Plan
Standing Committee

When the courts reopen, certain general practices will need to be followed to ensure the health and safety of both court employees and the public. Due to the wide variety of courts across the State, it is impossible to create a one-size-fits-all COVID-19 policy that will work for both small and larger localities. There are, however, certain general practices that could be applied to all courts and adjusted where necessary to meet the unique needs of each court. The practices presented here are to assist all Georgia courts meet the challenges of resuming operations in the wake of the public health emergency caused by COVID-19.

Guiding Principles

- ✓ Reduce the transmission of COVID-19 among court employees and the public.
- ✓ Maintain healthy court operations and facilities for the public.
- ✓ Maintain a healthy work environment for court employees.
- ✓ Exercise flexibility when applying these guidelines to ensure each litigant receives a fair hearing as required by law.

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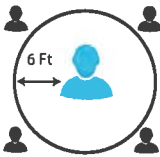
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General Infection Control Measures



Require all employees and the public to wear a mask or face covering when entering the court facility. If possible, provide a mask to employees and members of the public seeking entry who do not have one.



Limit room capacity throughout the court facility. Calculate room capacity using the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person. Use your best judgment to adjust this calculation to the specific layout of each room and to accommodate cohabitating groups sitting together.

- **Provide the public with access** to handwashing and multiple hand sanitizer stations throughout the facility.
- **Provide signage** to direct the public to bathrooms for handwashing and hand sanitizer stations.
- **Request that housekeeping personnel clean and sanitize bathrooms and other areas** more frequently and adequately to control the transmission of COVID-19.
- **Restrooms should be well-stocked** with soap and paper towels at all times.
- **Post signage limiting restroom capacity** to facilitate social distancing.
- **Prohibit the use** of water fountains.
- **Consider physical barriers** like plexiglass to protect court employees and the public.
- **Permit employees and the public to wear their own protective equipment**, including a face covering.
- **Any person not wearing a mask** should remain at least ten feet away from other people.
- **Ventilation system:** Work with public health to evaluate ventilation needs. The CDC recommends

Maintain Safe Behavioral Practices

- ✓ Frequently wash hands or use alcohol-based (at least 60 percent alcohol) hand sanitizer when soap and water are not available.
- ✓ Wear a mask or other face covering. If wearing a mask would negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ Avoid touching eyes, nose, and mouth.
- ✓ Stay at least six feet (about two arms' length) from other people.
- ✓ Stay home when sick.
- ✓ Clean and disinfect frequently touched objects and surfaces, including door handles, security bins, countertops, public access computers, and seating throughout the facility.

improving central air filtration to a MERV-13 filter or the highest compatible with the filter rack, as well as sealing the edges of the filter to limit bypass.

- **Locate additional space:** Identify other government facility space to provide more room, e.g., commission meeting rooms, jury assembly rooms, auditoriums, etc.
- **Coordinate your efforts** with the other tenants in your building to ensure uniform practices throughout the facility.
- **Isolate persons who become symptomatic** while in the court facility until they are able to leave and remove others from any rooms they have occupied.
- **Consult a public health or medical professional** if you have questions or need help adapting these guidelines to your unique circumstances.

2



Provide Notice to the Public of Increased Health and Safety Measures



Modify the existing hearing notice to include that the court has taken certain health and safety measures to limit the transmission of COVID-19.

2 Continued next page

2 Provide Notice to the Public of Increased Health and Safety Measures *continued*

Add information to the existing hearing notice about how to contact the court to request a continuance in the event that the noticed party:

- ✓ Is currently infected with COVID-19 or in quarantine due to exposure to a person with COVID-19.
- ✓ Is a member of an immune-compromised or medically fragile population (or living in a household with someone who is immune-compromised or medically fragile).
- ✓ Is over age 65.
- ✓ Has small children but does not have child care due to COVID-19.

Include information about how to request a reasonable and necessary accommodation in advance of arriving to court, such as an interpreter.

Post adequate signage to provide the public with instructions on how to comply with health and safety measures.

Post signage and floor decals to direct the flow of foot traffic throughout the court facility.



3 Provide Healthy and Safe Access to the Courtroom



SCREENING

Establish a process to screen individuals for COVID-19 before entering the court building and the courtroom.

Ask a series of questions to each individual before or upon entry to the building, such as:

- ? Whether or not they have traveled to or from any areas in which COVID-19 is particularly active.
- ? If they have, within the past ten days, experienced symptoms of COVID-19, including: cough, shortness of breath or difficulty breathing, fever above 100.0 degrees, chills, muscle pain, sore throat, headache, or new loss of taste or smell.
- ? If they have been in contact with someone known to have COVID-19 within the last 14 days.
- ? If they have been tested for the virus and the result of such test.
- ? If possible, take the temperature of each individual seeking to enter the building with a no-contact thermometer and deny entry to anyone with a fever of 100.0 degrees or higher. Persons reporting a fever above 100.0 degrees in the past 72 hours should also be denied entry.
- ? Any person denied entry for health reasons should have his or her case continued and be advised to seek medical evaluation and testing.
- ? The following information should 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.

STAGING

Individuals should not congregate in common areas while waiting to access the courtroom.

Design a process to facilitate social distancing while individuals wait to enter the courtroom, such as:

- ✓ Floor or sidewalk markings to keep individuals six feet apart.
- ✓ Outdoor distancing so individuals can spread out.
- ✓ Waiting in cars.
- ✓ Set up a tent where individuals can wait in compliance with social distancing measures.
- ✓ Call or send a text message when it's time to enter the building.

FLOW

Control the route that people will take through your building to access the courtroom to encourage social distancing, such as:

- ✓ Roping or taping off certain seating areas or hallways.
- ✓ Placing arrows on the floors to direct foot traffic.
- ✓ Requiring people to enter through one door and exit through another.
- ✓ Limiting elevator capacity to facilitate social distancing (e.g., two person maximum) and offering the stairs as an alternative route.



Maintain a Healthy and Safe Courtroom

Maintain a six foot distance in the courtroom between individuals who do not reside together to facilitate adequate social distancing.

✔ Limit Courtroom Capacity

Do not schedule more individuals to arrive at the courtroom (including staff) than the square footage of the courtroom can accommodate to allow for social distancing.

One way to calculate room capacity is to use the area of a circle with a radius of six feet, which is equal to approximately 113 square feet per person.

Continue to conduct virtual hearings by video conference or teleconferencing whenever possible.

Consider providing a live YouTube, Facebook, Zoom or other link to individuals who want to see what is going on in the courtroom but cannot be present due to room capacity.

Rotate individuals in and out of the courtroom as quickly as possible to limit contact.

Use microphones capable of picking up audio from a safe distance or clean close proximity microphones after each use. Court employees should wear gloves and hold handheld microphones if used.

Limit contact with shared documents and exhibits as much as possible. Present documents and exhibits electronically if possible and appropriate.

Conduct bench conferences in a room that provides for adequate social distancing (defendant may need to waive his or her presence if necessary).

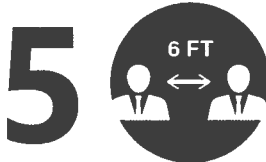
Disinfect the courtroom after each proceeding or as frequently as practicable.

✔ Consider Staggered Scheduling

Under normal circumstances, it is common to have large calendar calls in many courts where many people report at one time.

To maintain adequate social distancing, stagger the arrival of persons participating in proceedings to ensure that a large number of individuals do not arrive at the same time.

For example, if a courtroom can accommodate twelve people, do not schedule your normal 50 person calendar for 8:30 a.m. Rather, schedule the first group of 12 for 8:30 a.m. and the second group of 12 for 10:00 a.m., etc.



Healthy and Safe Court Employees

Implement staggered shifts for all court employees and implement teleworking for all possible court employees.

Discourage employees from sharing phones, desks, offices, surfaces, or other equipment.

Provide for adequate spacing between employee workstations to facilitate social distancing.

Provide a separate entrance to the court facility for employees, if possible.

If six feet of separation is not possible, consider options like plexiglass barriers and frequently disinfecting shared surfaces, such as table tops, door knobs, elevator buttons, pens, security bins, etc.

Require all employees to wear face coverings at all times.

Consider temperature checks of employees when employees report to work each day with a no-contact thermometer.

Require employees who exhibit signs of illness to stay home or seek medical attention.

Provide courtroom employees with adequate personal protective equipment, including face coverings.

Courtroom employees should be trained on best practices to prevent infection, including frequent hand washing for at least 20 seconds with soap and water.

Clean and disinfect offices daily or as frequently as possible.



Healthy and Safe Jurors and Potential Jurors

The number of jurors and potential jurors should be limited to the amount a room or facility can accommodate with social distancing and other infection control measures.

Potential jurors:

- ✓ Likely to have more conflicts than prior to COVID-19 (e.g., childcare, looking for work, or working in the medical field).
- ✓ Will likely have health concerns about being around a group of strangers.

Jury selection may take longer due to social distancing and other infection control measures.

Jury holding and deliberations:

- ✓ Likely cannot take place in a typical jury room due to size.
- ✓ Use a larger room, such as the courtroom or another large meeting room to facilitate social distancing.
- ✓ Turn off video and audio recording in the room if the jury is deliberating there.
- ✓ Limit jury deliberations to two hours at a time with 15-minute breaks to go outside into fresh air and/or separate from each other. Jurors should not deliberate for more than eight hours per day.

Provide individual boxed lunches and bottled water to jurors. Vending machines should be wiped down regularly and have a hand sanitizing station nearby.

Juror transportation: If jurors are shuttled to the court facility, provide for proper spacing in transport vehicles and sanitize vehicles after each use. Jurors should stay six feet apart while waiting for the shuttle.

Require all jurors to wear a mask or face covering while in the court facility and the juror shuttle, if applicable. If wearing a mask would make it difficult to evaluate the demeanor of jurors or otherwise negatively impact a litigant's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.



Healthy and Safe Inmates and Detainees

- ✓ **Use video conferencing** for proceedings whenever possible.
- ✓ **Screen inmates and detainees** for COVID-19 symptoms before transport to court.
- ✓ **Work with law enforcement** to provide for proper spacing in transport vehicles and masks for inmates and detainees during transport. Stagger arrivals and departures to facilitate spacing in transportation vehicles and holding areas.
- ✓ **Sanitize transport vehicles** after use.
- ✓ **Label holding areas** to provide for social distancing.
- ✓ **Sanitize holding areas**, restraints, and other commonly used items after each use.
- ✓ **Make hand sanitizer available** to inmates and detainees.
- ✓ **Require** all inmates and detainees to wear a mask or face covering while in the court facility. If wearing a mask would negatively impact an inmate or detainee's right to a fair hearing, consider transparent face shields, physical distancing, or other infection control measures in consultation with a public health or medical professional.
- ✓ **Ensure** deputies who are required to be in close proximity to inmates and detainees have face coverings and gloves.