

ELEVENTH JUDICIAL DISTRICT
ADMINISTRATIVE ORDER NO. 172

-DIVISION ONE-
AMENDED PLAN TO CONDUCT IN PERSON
COURTROOM PROCEEDINGS GIRARD COURTHOUSE
AND THE CRAWFORD COUNTY JAIL
(PURSUANT TO KANSAS SUPREME COURT
ADMINISTRATIVE ORDER 2020-PR-099)

The following plan has been implemented to protect the health and safety of court users, staff and judicial officers of the Eleventh Judicial District of Kansas Crawford County District Court, Division One, while continuing to provide access to justice during the COVID-19 pandemic. This plan was reviewed and approved on June 23, 2020, by the Crawford County Health Officer, or his/her designee, Dr. Linda Bean. This plan has been reviewed and revised in accordance with Kansas Supreme Court Administrative Order 2020-PR-099, and reviewed and approved on September 22, 2020, by the Crawford County Health Officer, or his/her designee, Dr. Linda Bean, DO.

All hearings should be conducted remotely, if possible. In those specific cases, wherein the Court and the Defendant and his/her Attorney have determined that it is necessary to conduct an in-person hearing, the following protocol will be adhered to or the matter will not be conducted in-person.

The screening process will entail Court Security verifying body temperature and securing individuals responses to questions necessary to determine contact/travel that places the person at risk of COVID-19 before gaining entry. Based upon responses and body temperature entrance may be denied.

Any person seeking entry into the Courtroom, shall be subject to the following:

- Temperature taken to determine whether person experiencing an elevated temperature at or over 100.4°F; or
- Whether person has been in close contact with someone who has been diagnosed with, or is suspected to have had, COVID-19 within the last 14 days; or
- Whether the person has traveled to any of the following within the previous 14 days:

- To any international location under a global level 3 or 4 health advisory from the United States State Department. For updates, see US travel restriction.
- To high risk areas within the United States currently mandated for self-quarantine by the Kansas Department of Health and Environment. Updates to this list by the Kansas Department of Health and Environment will be included without revision to this order. For updates, see <https://www.coronavirus.kdheks.gov/175/Travel-Exposure-Related-Isolation-Quara>.

The same will be posted at all entrances to the courthouse, court offices and courtroom, as well as, any facility being used by the court for a proceeding within the judicial district. COVID-19 Safety Directives will be posted in employee work areas and distributed to all employees.

Any person denied access to a courtroom, court office, or any facility being used by the court for a proceeding shall be provided a telephone number and/or email address where the person may seek assistance in rescheduling or otherwise completing his/her court business.

1. Access to the District Court in Girard, Kansas, located on the third floor of the Courthouse will be granted to Defendant's, Plaintiff, Defendant, and/or Complaining Witness, Attorneys, Witnesses, court personnel needed to conduct court proceedings. All persons entering the courtroom are subject to the established check-in protocol.
2. Members of the public and/or media may be granted access based upon availability of seating in the courtroom. The court retains the right to restrict access and in such instances court proceedings will be accessible by the public for viewing on Division One You Tube channel at Judge M. Jennifer Brunetti.
3. Court Dockets will be posted daily at the entrance of the Courthouse, available for viewing on the Division One You Tube channel at Judge M. Jennifer Brunetti and will also be available on the Eleventh Judicial District Website, once that site is functional.
4. Those persons attending/participating in the in-court proceeding are encouraged to appear 10-15 minutes before their scheduled court time to ensure sufficient time to properly complete the screening process prior to being granted access to the Courtroom. Those individuals will need to be masked and checked-in by the

security officers on the main level of the courthouse, submit to having their temperature taken and responding to the questions contained above prior to gaining entry into the courthouse.

5. Upon completion of the check-in process, the person will be given a Tyvek bracelet to be worn by the individual while they are in the Courthouse and directed to the third floor to await entry into the Courtroom. It is estimated that the process will take approximately 3-5 minutes to complete, the court is aware that more than one person may be seeking admittance so time must be allowed for the orderly admission of all necessary participants.
6. Social distancing of six-foot or more is required, markings of six-foot distances are in place in areas where people are likely to congregate. Seating on the third floor of the Courthouse comports with six-foot social distancing mandates as does gallery seating in the Courtroom.
7. The number of persons permitted to be on the elevator at one time is posted and must be adhered to by riders. The west staircase is for ascending (up) and the east staircase is for descending (down) to avoid crossing persons while using the stairs.
8. Prior to entering the Courtroom, each person shall wear either a face mask or shield that covers both the person's nose and mouth. The mask/shield must be worn for the duration of the time the person is in the Courtroom and in the public areas of the Courthouse. The person will also have on their wrist the Tyvek bracelet signifying compliance with the check-in process.
9. A person may choose to wear their own face mask or face shield, provided it affords coverage over both the persons nose and mouth. A face mask will be provided by the court or designated court/security personnel if an individual does not have their own mask. Face masks/shields may only be removed upon the permission of the Court.
10. The screenings questions will be prominently displayed upon entry into the Courthouse and posted outside the Courtroom. Prior to gaining entry into the Courtroom, all persons will be required to have been screened. Any Defendant that is denied access will be required to immediately telephone his/her attorney and advise of their inability to safely enter the building/courtroom. Court security will immediately notify the Court of the name of any Defendant denied entry. If you are denied access, you must contact the Clerk of the District Court, telephone

number and email address will be provided. You must contact your Attorney to reschedule your court hearing.

Protecting all court participants is of paramount importance and depends upon our collective efforts of practicing good hygiene and infection control practices, to assist in this endeavor the following will be required of all persons entering the 3rd Floor of the Courthouse and the Courtroom located in Girard, Kansas:

- A. To ensure that members of the public exercise appropriate social distancing in any court-controlled area, individuals are required to exercise social distancing of six-foot in any area where possible congregation could occur. Marker's indicate six-foot distance in the courtroom and available seating in the hallway and courtroom.
- B. Upon entry into the Courtroom, persons will be required to rub their hands with the provided alcohol-based hand sanitizer. Persons will be directed to a seat. The person is required to remain at their designated seat until their attorney or the court directs them otherwise.
- C. Throughout the day, the Courtroom will be cleaned and sanitized to assist and minimize exposure to SARS-CoV-2, the virus that causes COVID-19.
- D. All persons are required to cover coughs and sneezes with tissues, when practical. Tissues, sanitizing wipes and hand sanitizer, as well as, trash cans will be available for use while in the Division One Courtroom. Failure to adhere to this may result in your being removed from the premises.
- E. Cleaning and disinfecting of surfaces in the Courtroom will occur between cases and prior to an individual approaching counsel table or the witness stand. Microphones will be sanitized between witnesses, and each witness will be provided a disposable clear face shield to be worn while testifying.
- F. To the extent possible, the Court will attempt to ensure that congested dockets are avoided and participation will be limited to avoid the same.

It is still the preferred and best practice to conduct hearings remotely when possible.

In Person Court Proceedings at the Crawford County Jail

In order to ensure the safety of inmates at the Crawford County Jail, the Crawford County Sheriff, Danny Smith, has implemented a policy that requires any inmate or detainee that enters the jail or leaves the premises after having been housed at the facility and re-enters, be subject to a 14 day isolation quarantine before that individual is allowed to be placed in general population.

The Court is also acutely aware that the Center for Disease Control (CDC) advises that the risk of exposure to SARS-CoV-2, the virus that causes COVID-19, is lessened if you are outdoors rather than indoors.

As a result, in an attempt to accommodate a Defendant's request for an in-person court hearing in a felony criminal matter, without the necessity of being subject to a fourteen (14) day isolation period, and reduce the strain on the jail in physically having to quarantine individuals, Division One District Court Judge will on a limited basis, when deemed appropriate by not only the court but the prosecutor or his/her designee, and defense counsel; hold court proceedings at the Crawford County Jail located in Girard, Kansas.

The recreational space of the jail has been designated for court proceedings, the space is secured with fencing, located outdoors and is accessible from the parking lot as well as the jail.

The same safety procedures will be adopted for Court held at the Crawford County Jail as is required at the Courthouse including, but not limited to, the following:

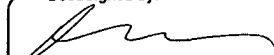
- All participants/attendees will be required to wear a mask and/or face shield; and
- Social distancing of at least six feet (6') will occur; and
- Court will be conducted outdoors in the recreational yard of the Crawford County Jail; and
- Fans may be utilized to assist with movement of the air; and
- Members of the public would be permitted to watch from a designated area but are subject to the same requirements of participants and court personnel, i.e. social distancing and wearing at all times face mask or face shield.

These policies are designed and implemented to ensure the safety of participants to the degree possible during this health pandemic. This plan is being entered to protect the health and safety of court users, staff and judicial officers. It remains the preferred and best practice to conduct hearings remotely when possible. Division One District Court Judge M. Jennifer Brunetti and/or Chief Judge O. Kent Lynch, reserves the right to alter, adjust, or close the courtroom temporarily due to changing COVID-19 conditions, or in light of directives or orders of the Kansas Supreme Court and Chief Justice.

This Plan to accommodate in-person hearings has been prepared in light of Kansas Supreme Court Administrative Order(s) 2020-PR-49, 2020-PR-076, and 2020-PR-099, in consideration of all COVID-19 Safety Directives of the Office of Judicial Administration, applicable orders and/or guidance from Crawford County Public Health Officials, orders issued by Laura Kelly, Governor of the State of Kansas, guidelines available at <http://covid.ks.gov/ad-astra-a-plan-to-reopen-kansas>, Occupational Safety and Health Administration, guidelines from the Kansas Department of Health and Environment; if a conflict within these agencies or offices existed then the court sought to follow the most restrictive provisions.

WHEREFORE, Division One Plan to Conduct In Person Courtroom Proceedings at the Girard Courthouse and the Crawford County Jail pursuant to Kansas Supreme Court Administrative Order 2020-PR-099, is hereby instituted effective September 30, 2020.

DocuSigned by:



CB302C2E83ED468...

Chief Judge Oliver Kent Lynch
Eleventh Judicial District of Kansas

This Order does not pertain to jury trials which are still limited at this time, pending further directions and Orders of the Kansas Supreme Court. This Order recognizes that jury trials are not to proceed unless necessary to preserve a constitutional speedy trial right and compliance with Kansas Supreme Court Orders.