

## **COVID-19 Operating Plan for the Municipal Court, City of Burkburnett, Texas**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judge, and other individuals entering the buildings housing the courts, the Municipal Court of the City of Burkburnett, Texas, will implement the following protective measures.

### **General**

1. The facilities used for court operations are located within the Burkburnett Justice Center building, a single-story building with public access limited to an outer vestibule; admission beyond that point, to the area used and controlled by the Police Department, and to the separate area used by the court, is controlled electronically. This Operating Plan shall apply to the area within the building used for court operations (“court area”) and the courtroom.
2. The Judge and staff will comply with the Emergency Orders issued by the Supreme Court of Texas and Court of Criminal Appeals, including conducting in-person proceedings according to the guidance issued by the Office of Court Administration regarding social distancing, maximum group size, and other restrictions and precautions.
3. The Judge and staff will use all reasonable efforts to communicate remotely or electronically. Remote participation in proceedings is not possible or practicable for the vast majority of this Court’s participants; all in-person proceedings shall be governed as set out herein.
4. The Judge and staff will maintain regular communication with the local health authority, and adjust this operating plan as necessary in accord with conditions in Wichita County.
5. Non-essential in-person proceedings will be scheduled to commence no sooner than June 1, 2020.

### **Judge and Court Staff Health**

1. The Judge and court staff who can perform the essential functions of their job remotely will telework when possible.
2. The Judge or court staff who feel feverish or have measured temperatures equal to or greater than 99.6° F, or with new or worsening signs or symptoms of COVID-19 such as cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, loss of taste or smell, diarrhea, or having known close contact with a person who is confirmed to have COVID-19, will not be permitted to enter the building and should seek medical advice.
3. Judge and Court Staff Monitoring Requirements:
  - a. The Judge and court staff will be screened before entrance to the court facilities in the same manner as other participants.
  - b. In the event that the Judge or any staff member experiences or exhibits the conditions described in paragraph 2, above, he or she will (i) immediately report same to the Judge and/or other staff members, (ii) leave the building, and (iii) be excused from further performance of duties until such time as the condition no longer presents a danger to others.

4. Judge and court staff will be required to wear face coverings, practice social distancing, and practice appropriate hygiene recommendations at all time.

### **Scheduling**

1. The following court schedules are established to reduce occupancy in the court area:
  - a. Court sessions shall be scheduled during the hours between 9:00 a.m. and 4:00 p.m. on appropriate dates.
  - b. Separate sessions shall be scheduled for the arraignment “First Appearance” docket, the subsequent appearance and “Show Cause” docket, and the Juvenile docket.
  - c. Each docket shall be scheduled, and Defendants notified to appear, in segments of each docket at specific times, in periods of 30 minutes, with no more than 25 Defendants per segment. This number may be adjusted from time to time, in accord with experience of absenteeism.

### **Vulnerable Populations**

1. Individuals who are over age 65 and individuals with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and those whose immune systems are compromised such as by chemotherapy for cancer or other conditions requiring such therapy are considered to be vulnerable populations.
2. All notices to Defendants and witnesses will include a notice that individuals who are in vulnerable populations may contact the court to request accommodations; a notice with this information will be posted on the court’s website and in conspicuous locations around the court area (a copy of which is attached).
3. A Defendant (or his or her attorney) in the vulnerable populations who are scheduled for court will be accommodated, upon request, by being rescheduled for appearance at least 14 days in the future, or, if acceptable to the Defendant, by seating at a distance than six feet from other persons.
4. Other persons whose appearance has been requested (e.g., witnesses or other participant) and is in the vulnerable population should notify the Clerk, and, upon request, will be accommodated by either (a) rescheduling the appearance, (b) being excused from appearance, if appearance is deemed unnecessary by the City Attorney and the Defendant (or his or her attorney), or (c) appearance by electronic means, including telephone.

### **Social Distancing**

1. Public entry to the court area will be limited to the south exterior doorway.
2. Non-participants (such as family members, friends, children, and observers) will not be permitted in the court area; provided, however, that each juvenile defendant shall be accompanied by one parent or guardian.
3. All persons not from the same household who are permitted in the court area will be required to maintain adequate social distancing of at least 6 feet.

4. There are no public restrooms or breakrooms in the court area. Offices, restrooms, and breakrooms outside the court area are not open to the public; access thereto from the court area is controlled by electronic locks, and public entry will not be allowed.

### ***Gallery***

1. The maximum number of persons permitted in the courtroom will have been determined and posted. The maximum capacity of the courtroom will be monitored and enforced by court staff.
2. Seating in the courtroom will be arranged so as to provide appropriate social distancing, so that rows, or individual seats, are separated by at least six feet, in arrangements which will provide the safest environment as well as providing a separate seating area for the vulnerable population who elect to enter the courtroom.

### ***Well***

1. In the courtroom, the counsel tables, witness stand, judge's bench, and clerk, court reporter, and bailiff seating have been arranged in such a way so that there is social distancing of at least 6 feet between each space.

### **Hygiene**

1. Non-contact hand sanitizer dispensers will have been placed at the sole public entrance to the court area and courtroom.
2. Tissues will have been placed near the entrance to the courtroom, at counsel tables, at the witness stand, and on the judge's bench.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" will be posted at the sole public entrance to the court area.

### **Screening**

1. Admission to the vestibules and office areas not used for court business will be governed by the policies and rules adopted by the City of Burburnett and the Burburnett Police Department.
2. The Bailiff (or, if unavailable, a staff member) will monitor the entrance to the court area, and will ask persons seeking admission if they are feeling feverish; have a cough, shortness of breath, or difficulty breathing; or have been in close contact with a person who is confirmed to have COVID-19. Persons who respond "yes" to any of these questions will be refused admittance to the court area.
3. The Bailiff (or staff member) will use an infrared thermometer to determine the temperature of the person seeking admission to the court area. Persons whose temperature equals or exceeds 100.0° F will be refused admission to the court area.
4. Persons entering the court area will not be permitted to bring personal property other than identification, keys, and documents necessary for use during the proceeding.

5. The Bailiff (or staff member) who is screening individuals entering the court area will use personal protective equipment to include, as a minimum, appropriate face covering and disposable gloves.
6. No inmates from the city or county jail shall be transported to or admitted into the court area.

#### **Face Coverings**

1. Individuals will be encouraged to bring cloth face coverings with them. The court will not provide face masks.
2. All individuals entering the court area will be asked to wear face coverings at all times. Persons who have no face covering, or who refuse to wear same, will be required to sit or stand in a separate area.
3. Individuals who will be required to be in the court area for over 1 hour, including the Judge and staff, will be required to wear, at a minimum, non-medical grade face masks while in the court area.

#### **Cleaning**

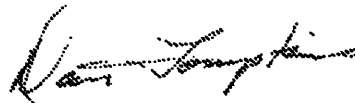
1. Building cleaning staff will clean the common areas of the building at least every 24 hours.
2. Cleaning staff or court staff will clean the courtroom between every docket session, between morning and afternoon proceedings, and at the end of each day the courtroom is used.
3. Cleaning staff will have been provided cleaning supplies shown to be effective with this coronavirus.
4. Cleaning staff will have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

#### **OTHER**

1. Participants, court staff, and any other attendee will be instructed to alert the court if the person has, or knows of another person present who has, COVID-19 or flu-like symptoms, or a fever, cough or sneezing.

I have attempted to confer with the other city departments in the building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and Mayor of Burkburnett, documentation of which is attached to this plan. I will ensure that Judge and court staff covered by this Operating Plan conduct proceedings consistent with the plan.

Date: May 12, 2020



---

Dan Tompkins, Municipal Court Judge  
City of Burkburnett, Texas

VERIFICATION OF CONSULTATION

This is to verify that Judge Dan Tompkins has consulted me and discussed issues and means of implementation of measures to meet the requirements of the Office of Court Administration Guidelines, as appropriate to the operations and facilities of the Burkburnett Municipal Court.

Date: May 16, 2020

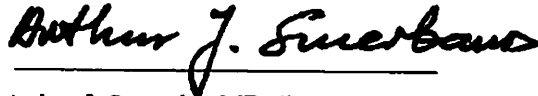


\_\_\_\_\_  
Mayor, City of Burkburnett, Texas

Date: May 14th, 2020

Wichita Falls/Wichita County  
Public Health District

By:



\_\_\_\_\_  
Arthur J. Szczerba, MD, FAAFP, CMD  
Local Health Authority  
Wichita Falls-Wichita County  
Public Health District

## **NOTICE TO DEFENDANTS – NEW COURT RULES**

In accordance with orders of the Texas Supreme Court, Texas Court of Criminal Appeals, and Texas Office of Court Administration, the following rules for the safety of staff and public will govern court sessions until cessation of the COVID-19 situation.

**IF YOU ARE OVER AGE 65, OR HAVE serious underlying health conditions (such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, and compromised immune system), you are considered to be among the “vulnerable populations”. You may contact the court in advance to request a new appearance date at least 14 days in the future, or, if you prefer, to be seated at a distance more than six feet from other persons.**

In order to preserve adequate “social distancing”, the Court has limited seating. Court sessions are scheduled at intervals, for groups of limited numbers.

**PLEASE ARRIVE SHORTLY BEFORE YOUR SCHEDULED TIME.** If you arrive early or late, you may have to wait while another group is allowed in.

**YOU MUST COME ALONE** unless you are under 18 years of age (accompanied by one parent or guardian). Only Defendants will be allowed to enter.

**DO NOT BRING PERSONAL ITEMS.** You will not be allowed to bring papers, briefcases, or other personal items to Court (unless necessary to the case, such as proof of insurance, registration, Driver’s Safety Course, etc.) If possible, please email such papers to the Court before your appearance date.

At the entry door, the Bailiff will take your temperature and ask a series of questions regarding symptoms.

**YOU WILL NOT BE ALLOWED TO ENTER THE COURTROOM** if your temperature equals or exceeds 100.0° F or if you have a cough, shortness of breath, or difficulty breathing, or have been in close contact with a person who is confirmed to have COVID-19. Call the Court at least the day before your scheduled appearance to get a new court date.

**YOU SHOULD ALERT THE BAILIFF OR JUDGE** if you have, or know of another person present who has, COVID-19 or flu-like symptoms, or a fever, cough, or sneezing,

Upon entry to the Courtroom, you will be required to use the provided hand sanitizer. A mask or facial covering is encouraged but not required. However, if you arrive without facial covering, you will be required to sit or stand away from other attendees.

Seating in the Courtroom must maintain appropriate distancing; do not move or rearrange the chairs. When your case is called. stand back from the Judge, Bailiff, and the dividing rail.

**WE MUST ALL WORK TOGETHER TO ASSURE THE SAFETY OF EVERYONE  
FOR AS LONG AS THE THREAT TO PUBLIC HEALTH REMAINS.**