

COVID-19 Operating Plan for the Carrollton Municipal Court

Request for Recertification

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, judges, and other individuals entering the building housing the courts, the Carrollton Municipal Court will implement the following protective measures:

No in-person hearings will be conducted when Dallas County is in the COVID-19 Red Zone Risk Level

General

1. All judges 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.
2. All judges will continue to use all reasonable efforts to conduct proceedings remotely. Until the Emergency Orders of the Supreme Court of Texas pertaining to in-person proceedings are rescinded, amended or expire, or the Supreme Court otherwise expressly permits them, no in-person proceedings will be held unless the judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely. All proceedings will occur remotely unless litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control.
3. The presiding judge of the municipal court will maintain regular communication with the local health authority and mayor and will adjust this operating plan as necessary with conditions in the city.

All judges in the Carrollton Municipal Court, before conducting an in-person hearing shall first determine if an in-person hearing is necessary by following this procedure:

1. The judge shall inform each counsel and pro se litigant that the hearing shall be conducted remotely over Zoom. The judge shall provide each counsel and pro se litigant a phone number or email address to inform the judge if they believe any counsel, their clients, a pro se litigant, any witness, an interpreter, or any other participant (all referred to below as "Participant") cannot participate remotely. The judge or judge's staff shall then determine whether a Participant is unable to participate in the hearing due to any one or more of the following:
 - a. lack of technology which precludes or impedes their ability to participate in the hearing via the Zoom videoconferencing app. Examples of the lack of such technology include:
 - i. lack of access to a computer tablet or other device with internet video capability;
 - ii. lack of access to a cell phone; or
 - iii. lack of access to an internet connection.
 - b. A physical, mental, or other disability that prevents a Participant from being able to effectively operate or utilize the required technology. Examples of such a disability include:

- i. a physical or mental disability that precludes them from effectively operating the technology necessary to access the Zoom videoconferencing app;
 - ii. a physical disability that precludes them from effectively seeing, hearing, or otherwise participating in a Zoom video hearing;
 - iii. the lack of or unavailability of an interpreter who can assist the individual in communicating during a Zoom hearing;
 - iv. incarceration and the incarcerating facility's lack of technological resources or facilities to allow the inmate to participate remotely in the hearing or confer privately with the inmate's legal counsel; or
 - v. if the proceeding is in a specialty court defined by Title 2, Subtitle K of the Texas Government Code (e.g., veteran's court, mental health court, drug court, etc.), the specialty court team determines that there is a risk to the physical or mental well-being of a participant in the specialty court program if the proceeding is not held in person.
- c. A confrontation clause constitutional objection is raised by criminal defense counsel or a pro se litigant, and the judge sustains the objection after conducting a *Haggard v. State* analysis.
 - d. A proceeding where one Participants needs to appear in person due to a need to provide fingerprints, is subject to incarceration, or must meet with multiple departments as a result of the court proceeding, in which case that party may need to appear while the other parties appear remotely.
2. If an individual is unable to participate for one of these reasons, prior to holding an in-person hearing, the judge shall make reasonable efforts to accommodate the individual as set forth in the procedures below.

When an individual is found to be unable to participate in a Zoom videoconference for one of the reasons stated above, prior to holding an in-person hearing, the judge considering the in-person hearing shall make all reasonable efforts to make accommodations that will allow the individual(s) to participate. The accommodations that the judges of the Carrollton Municipal Court shall consider include:

- 1. When an individual does not have adequate technological resources on their own to participate in a Zoom videoconferencing hearing, a judge shall:
 - a. determine whether the court has the ability to provide the individual with a laptop or other device which would allow the individual to participate in the hearing from some segregated location within the court facility while following appropriate COVID-19 precautions and protocols;
 - b. determine if such technological resources can be provided to the individual by some other source (e.g., a participating attorney, a party, a family member, friend, public library, or an appropriate agency of the State of Texas); and
 - c. determine whether the individual could participate in a meaningful manner by telephone (audio only).
- 2. When an individual has physical or mental disabilities that would prevent the individual from operating the technology required, a judge shall:

- a. determine if the individual has legal counsel, family or friends who can assist in operating the required technology; and
 - b. inquire as to what, if any, accommodations could be made which would allow the individual with a disability to participate.
3. When an individual is incarcerated, a judge shall:
 - a. determine whether the facility has the technological resources or facilities to allow the incarcerated individual to participate in the hearing;
 - b. if the facility does not have the technological resources to allow the inmate to participate in a Zoom videoconference, determine whether the inmate could participate in a meaningful manner by telephone (audio only).
4. When an individual is otherwise unable to participate in a hearing via videoconference or by audio only, a judge shall determine whether the individual can effectively participate in the proceeding by a sworn statement made out of court as permitted by the Emergency Orders of the Supreme Court of Texas.
5. If no accommodation is available, the judge shall determine if a continuance is warranted, balancing the risk to public health and safety with the need to resolve the particular case.
6. If no accommodation is available and the judge determines a continuance is not warranted, the judge may permit the hearing to occur in-person under the precautions and protocols in the approved in-person operating plan.

Even if it is determined that a participant is unable to appear remotely, the judge will permit that participant to appear in-person in a courtroom or in a segregated location within the courthouse but will still use all reasonable efforts to conduct the proceeding remotely and require all other participants to appear remotely in compliance with the Texas Supreme Court's Emergency Orders.

Judge and Court Staff Health

1. Judges and court staff who can perform the essential functions of their job remotely will telework when possible.
2. Judges and court staff are required to take their temperature upon entering the Carrollton Municipal Court Building before beginning work. Staff who have measured temperatures equal to or greater than 99.6°F are required to immediately exit the building and contact their supervisor for further instructions.
3. Judges 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.
4. Judges and court staff will be required to wear face coverings which cover the nose and mouth when in common areas in the court building, practice social distancing, and practice appropriate hygiene recommendations at all times.

5. Protective Measures:

- a. Seating in court lobbies and courtrooms has been marked to indicate where it is safe for patrons to sit with social distancing considerations in mind.
 - i. Seating in the courtrooms has been marked on the benches to indicate where defendants may sit.
 - ii. Seating in the court lobbies is constantly monitored to ensure that parties who are not of the same household are social distancing appropriately.
- b. Window clerks work behind protective glass and will work diligently to minimize contact with defendants.
 - i. Window clerks are required to wear masks that cover the nose and mouth at all times.
- c. Protective plexiglass barriers have been installed at the clerk's station and bailiff's station in each courtroom to separate clerks and bailiffs from court participants, as well as between counsel tables for the prosecution and the defense.
- d. Staff has installed signage throughout the court building reminding patrons about the importance of social distancing, wearing face masks, and maintaining proper hygiene.
- e. Hand sanitizer stations have been installed in various locations in the court building for employee and patron use.

Scheduling

1. The following court schedules are established to reduce occupancy in the court building:
 - a. Cases will be docketed as usual, but defendants will be required to either appear remotely via Zoom or to utilize existing convenience options to dispose of citation.
 - i. Available convenience options include on-line payment of fines, online request for deferred disposition or driver's safety course, payment of fines at the kiosk at the entrance of the Municipal Court building, submitting payment and other documents via mail, and payment of fines via text messaging application.
 - ii. Defendants may also appear at the clerks' windows in the court lobby to dispose of citations.
 - iii. In-person proceedings in the courtroom will only be allowed if the judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely but has been unsuccessful and has determined, based on the objective criteria outlined above, that litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control. Such in-person proceedings will be subject to social distancing requirements, health screening, and hygiene standards as outlined in this Operating Plan. Every effort will be made by the judges to conduct dockets remotely when practicable.
 - iv. In-person jury trials will not resume until further notice.

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. The Court will include information on orders setting hearings, dockets notices, and in other communications notifying individuals who are in vulnerable populations of the ability to contact the court to identify themselves as a vulnerable individual and receive accommodations. A notice with this information will be posted on the court's website and in conspicuous locations around the court building.
3. Vulnerable populations who are scheduled for court will be accommodated by allowing liberal resets, individual docketing of cases if there is a disability or lack of technology or utilizing available video or audio or teleconferencing procedures to conduct matters.

Social Distancing

Court Building

1. Social distancing guidelines will only allow for 25% of maximum occupancy in the various areas of the court building at any one time. Court staff will monitor and control the number of people in these areas. Occupancy limits are as follows:
 - a. Lobby adjacent to clerks' windows: 7 people
 - b. Lobby adjacent to courtrooms: 14 people
 - c. Courtroom #1: 25 people*
 - d. Courtroom #2: 27 people*
 - e. Community Room: 25 people

* Given seating arrangements based upon social distancing requirements, and only once in-person proceedings are allowed to resume, only 11 defendants will be allowed to sit in the gallery of each courtroom at any one time. Additional persons that may be in attendance in other areas of the courtrooms could include the judge, the bailiff, court clerks, prosecuting attorney(s), or defense attorney(s).

2. All persons not from the same household who are permitted in the court building will be required to maintain adequate social distancing of at least 6 feet.
3. In-person proceedings in the courtroom will only be allowed if the judge presiding over a proceeding has used all reasonable efforts to conduct the proceeding remotely but has been unsuccessful and has determined, based on the objective criteria outlined above, that litigants or other court participants are unable to successfully participate in a remote hearing for reasons beyond the judge's control. Such in-person proceedings will be subject to social distancing requirements, health screening, and hygiene standards as outlined in this Operating Plan. Every effort will be made by the judges to conduct dockets remotely when practicable. Only individuals with business before the court will be permitted to enter the courtroom unless

an additional person is needed for physical assistance or language translation. A parent or guardian of a juvenile defendant shall appear with the juvenile for a matter involving the juvenile.

4. Public access to court proceedings will be provided through livestream on YouTube.
5. Each restroom has been evaluated to determine the appropriate capacity to ensure social distancing and the maximum capacity has been posted on each restroom door.
6. Public common areas, including breakrooms and snack rooms, have been closed to the public.
7. Staff has placed social distancing signage on doors, windows, and floors throughout the court building.
8. All personal items such as purses, backpacks, bags, and jackets not on an individual's person shall be left in the individual's vehicle or with another person outside the court building when practicable.
9. City marshals or court staff may request that an individual provide a contact number and wait in their vehicle or outside the court building until their case is called if there are occupancy issues in the court building.

Courtroom Gallery

10. The maximum number of persons permitted in the gallery of each courtroom has been determined and posted. The maximum capacity of each courtroom will be monitored and enforced by court staff.
11. The gallery of the courtroom has been marked to identify appropriate social distancing for seating. Seating is limited to every other row and is designated six (6) feet apart.

Courtroom Well

12. In each courtroom, the counsel tables, witness stand, judge's bench, clerk seating and bailiff seating have been arranged in such a way so that there is social distancing of at least six (6) feet between each space. Plexiglass barriers have been placed between counsel tables, and in front of clerk workstations and bailiff workstations.

Hygiene

1. Hand sanitizer dispensers have been placed at the entrances to the building, outside of each courtroom, and in the lobbies adjacent to the clerks' windows and courtrooms.
2. Tissues have been placed near the door of the courtroom, at counsel tables, at the witness stand and on the judges' benches.
3. The Department of State Health Service's "Stop the Spread of Germs Flyer" has been posted in multiple locations in the court building.
4. Defendants will be asked to use provided hand sanitizer prior to using the Court's pens, signature pads, etc.

Screening

1. When individuals attempt to enter the court building, individuals will be required to complete a brief questionnaire to determine whether: 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. Individuals who indicate yes to any of these questions will be refused admittance to the court building.
 - a. Cases may be reset, or due date extensions will be given to defendants who are refused admittance based upon the COVID-19 questionnaire.
2. Staff who are screening individuals entering the court building will be provided personal protective equipment, including face masks, gloves, sanitizing wipes, and hand sanitizer.

Face Coverings

1. All individuals entering the court building, including all court staff, will be required to wear face coverings that must cover the nose and mouth at all times.
2. Individuals will be encouraged to bring cloth face coverings with them, but if the individual does not have a cloth face covering, a disposable face mask will be provided.

Cleaning

1. All touch surfaces will be cleaned and disinfected by court staff as needed.
2. Court building cleaning staff will clean the common areas of the court building so that common spaces are cleaned at least every two hours.
3. Court building cleaning staff will clean the courtrooms at the beginning of the workday, before and after each hearing as needed, and at the end of each day the courtroom is used.
4. Court building cleaning staff have been provided cleaning supplies shown to be effective against COVID-19.
5. Court building cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

Other

- Information flyers have been prepared to inform defendants about all COVID-19 guidelines for visiting the court and will be included in future court mailings and posted at the entrance to the court building.
- Defendants will be asked to not bring additional persons with them to court settings unless they are needed for physical assistance. Additional persons not needed for physical assistance will be asked to remain outside the court building.
- In an effort to avoid needing to enter the Municipal Court building at all, Defendants are encouraged to utilize available convenience options to dispose of outstanding matters, including paying citations on-line, requesting deferred disposition or driver's safety course on-line, paying citations at the kiosk at the entrance of the Municipal Court building, paying

citations by a text message application, or mailing in payments or requests to dispose of citations.

- Judges and court staff will continue to monitor CDC and Texas DHS recommendations as well as directives and guidance from Dallas, Denton and Collin Counties, the Texas Office of Court Administration, and the City of Carrollton leadership.

I have conferred with all judges of courts with courtrooms in the court building regarding this Operating Plan. In developing the plan, I consulted with the local health authority and mayor, documentation of which is attached to this plan. I will ensure that the judges of courts with courtrooms in the court building covered by this Operating Plan conduct proceedings consistent with the plan.

Date: 1/19/2020

A handwritten signature in black ink, appearing to read "Meredith Lyon". The signature is written in a cursive, flowing style.

Presiding Judge of Municipal Court
Carrollton, Texas