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March 13, 2020

MEMORANDUM FOR DISTRIBUTION

In re: Interim Measures to Reduce Court Appearances

Dear Counsel,

Recognizing the need for social distancing as a substantial part of the effort to mitigate the spread of the COVID-19 virus, my team has devised a number of options to reduce the need for appearances in court by counsel or your clients. Below is the plan being implemented:

- Goals:**
- (1) Mitigate risk of COVID-19 exposure among SAS-Washington personnel, to include the potential spread of the virus to others by SAS-Washington personnel;
 - (2) Ensure continuity of operations and balance needs of public safety with demands of public health, with respect to the safety of court staff, court officers, offenders, victims, witnesses, and other persons involved in the criminal justice system
- Methods:**
- (1) Minimize exposure with outside personnel and limit appearances in court;
 - (2) Collaboratively resolve or address court matters without physical appearance of counsel or defendants in court room; and
 - (3) Limit the need for transport of offenders to and from prison facilities to reduce risk of exposure among transport officers and the prison population.

Action Steps to Limit Court Appearances

- Through March 31, 2020 it is our strong preference that **all criminal status and calendar call hearings be addressed through written filings**, allowing the court to react in writing or entry order as appropriate. Judge Morrissey has indicated support for this approach. If necessary, communication with the court by phone or video teleconference may be utilized. It is requested that you complete and return the attached

spreadsheet with comments/updates by March 18, 2020. The State will arrange for filing of each status with the court.

- We encourage the utilization of in office video-conferencing or phone to appear in hearings (we validated the ability to connect the courtroom simultaneously to the attorney room conference room, and State's Attorney's Office. **My office is likely to participate in emergencies and arraignments via remote means.**
- Please **assess your April pre-trial and jury draw schedule.** It is our intent to schedule cases for resolution during distinct/open blocks when there will be minimal other persons present at court (e.g. avoid mass gathering of defendants as occurs on pre-trial dates), or file for continuance in cases where cases are not trial ready. The ultimate goal is to avoid a large concentration of people during pre-trial. A list of pretrial cases is also enclosed with this letter.
- Please consider continuing non-time sensitive cases requiring trial where defendants are not incarcerated and do not object to continuance.
- Finally, my office will liberally stipulate to continuances in circumstances where defendants may be ill or caring for others who are ill. We will also extend time sensitive offers as appropriate, and encourage pleas by waiver in fine resolution cases.

Conclusion

This is a unique challenge where the day to day needs of public safety must be reconciled with the necessity of public health. My office will remain staffed and equipped to address critical public safety and justice system needs, while also taking these measures and others to encourage social distancing and mitigation as COVID-19 exposure in our community increases. Thank you for your cooperation, and please do not hesitate to contact our office if you have questions or concerns.

Very Respectfully,



Rory T. Thibault
State's Attorney

Encls.

As

Distribution:
Counsel with cases pending March 16 – March 31, 2020
John Campbell, Esq.
Executive Director, SAS