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POLICY MEMORANDUM

Interim Policy on Operations during Declared State of Emergency (COVID-19) (Effective March 16, 2020)

In light of the declared state of emergency by the President and Governor, my office is taking a number of steps to mitigate the risk of spread of COVID-19. This interim guidance is effective through April 16, 2020 and may be extended or expanded as circumstances change. A summary of WCSAO internal efforts, changes in conjunction with the court, and policy directives to your agencies for the handling of cases.

Internal Policy Modifications

- WCSAO has shifted to minimal staffing; SA Thibault and DSA Gozzi will be present, with the support of one administrator. Other DSAs and staff will be working from home. Attorneys and staff will be available for assistance, but will not be physically present at the office.
- WCSAO is adopting a no-visitors policy. All depositions and meetings will be conducted by remote/telephonic means. To the maximum extent possible, case filings and discovery should be transmitted electronically. Law enforcement visits to the office should be limited to those absolutely necessary.
- WCSAO personnel will appear exclusively by video-teleconference or phone for court hearings. Most routine matters are being addressed through written filings or are being continued. Cases involving heightened public safety considerations will still be addressed by the court (e.g. lodgings).
- Policy on Family Court matters has been less developed versus criminal court at this point. We will work with our partners in DCF to implement protocol that minimizes court appearances by all parties.

External Policy Guidance & Procedures

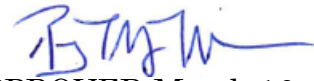
We must balance the present public health considerations with the continuing obligation to assure public safety. Recognizing that COVID-19 will likely be a long-term event and given the need to maintain continuity of operations in the justice system, your cooperation is requested in implementing the following actions:

- For regular (defined as non-listed, non-violent offenses) Thursday arraignment citations, **please do not cite offenders for any date prior to June 4, 2020.**¹ This includes violations of conditions of release that do not directly impact public safety, e.g. missed check-ins.
- **Continue to flash-cite and lodge individuals as appropriate** for listed offenses, violent offenses, or violations of conditions of release that directly impact public safety, e.g. contact with or harassment of a victim. There should be no change in circumstances where conditions of release or bail are necessary for public safety or future appearances.
- If your department arrests or transports an individual who is sick, reports recent sickness, or who otherwise presents as a COVID-19 risk, please alert our office and court staff before transporting the person to court.
- **Initiate the re-citation of certain offenders for dates after June 1, 2020,** consistent with the guidance provided above. Re-citation may be achieved by regular means, or telephonic means with e-mail confirmation to our office. Understanding this is a deviation from regular practice, non-appearances will be dealt with through judicial summons or arrest warrants. Critically, we will need to document the date and time that an offender was notified of the new date if not re-cited in hand. This measure is intended to reduce court appearances during the state of emergency, especially those situations where 20-30 people may congregate in court at the same time.
- To the maximum extent possible, **please transmit cases and discovery to us via electronic means for processing.** Even if a case is cited for June or later, please send us the case packet electronically as soon as it is ready. This will allow us to charge the case and keep the paperwork flowing, even if personal appearance of the offender is deferred.
- **Upon arrest of any individual on a warrant, please contact our office during business hours or the on-call SA/DSA after hours.** The court has indicated that *de minimus* warrants (e.g. \$200 arrest warrants for cases in diversion) will likely be quashed and orders to re-cite issued. The handling and lodging of warrants involving individuals with listed, violent, or serious offenses is not expected to change, however, please consult with a SA/DSA concerning disposition of each unique case. Please note that the Department of Corrections appears to be making efforts to minimize new additions or transfers within prisons.

¹ This included driving while intoxicated offenses, which necessarily carries the risk that the State will default on civil suspension hearings.

Conclusion

I expect the challenges presented by the state of emergency and COVID-19 response to be highly dynamic, and likely to require further changes. We have been working in conjunction with the court and Department of State's Attorneys & Sheriffs to ensure appropriate steps are taken to protect public health, while also ensuring essential public safety functions centered on the court remain effective.



APPROVED March 16, 2020