

AUG 12 2020

**OPERATING PLAN FOR JURY TRIALS IN THE COURTROOM  
OF THE CROOK COUNTY COURTHOUSE  
SIXTH JUDICIAL DISTRICT OF WYOMING**

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CLERK OF THE DISTRICT COURT  
BY \_\_\_\_\_

Due to the COVID-19 pandemic, much of our Nation, and our State, have been brought to a near standstill. COVID-19 has affected everyone and nearly every aspect of our lives, including the Wyoming Court system, especially jury trials. Generally, the Wyoming Supreme Court has recommended that no courts conduct jury trials until August 3, 2020

Regardless of when a trial is held, it is incumbent on the trial court to have a plan to best ensure the health and safety of our jurors while still providing a fair trial. Although no person or government agency can guarantee that any of us will not be exposed to COVID-19, this Court can, and must, take all reasonable precautions to ensure the safety of our citizens who serve on our juries, as well as other necessary to conduct a jury trial. Each courthouse, and each courtroom, faces different challenges. Additionally, each community may be affected differently by COVID-19, including the number of cases and severity of infections.

Recognizing the unique characteristics of each courtroom and community, and drawing on guidance from the Centers for Disease Control (CDC), the State Public Health Officer local Public Health Officers, and various courts throughout the country, following is the operating plan for the Courtroom in the Crook County Courthouse proposed by and for Judge Thomas W. Rumpke and Judge Matthew F.G. Castano. The Courts developed this operating plan in coordination with State and local Public Health directives and guidance including the use of social distancing and barriers (including face coverings), as well as proper hygiene, both personal and for ensuring that facilities remain properly cleaned and disinfected. This plan is consistent with directives and guidance as evidenced by the approval of the plan by the Crook County Public Health Officer, Dr. James Larsen II, M.D.

<b>PRE-COURTHOUSE SCREENING</b>		
Courts should take efforts to ensure that vulnerable populations are not compelled to come to the courthouse and to educate potential jurors on the precautions each courtroom is taking to protect jurors health and safety		
	<b>Supplemental juror questionnaires</b>	
		<p>The Court will send supplemental juror questionnaires four to five weeks in advance of trial. (<i>See Attachment A</i>).</p> <p>It is important to have this questionnaire sent early to allow response time so as to pre-screen persons with health conditions that may excuse them due to COVID-19</p> <p>The Court will share responses with the parties. The Court will have an on-the-record discussion, which shall include the defendant in a criminal case.</p> <p>If both parties agree, dismiss the potential juror for cause before trial date.</p> <p>If the parties do not agree, if possible, the Court will decide whether the potential juror is excused. The Court will have the Clerk of District Court or the Clerk of the Circuit Court as appropriate notify the person immediately to avoid having the at-risk person appear at the courthouse</p> <p>If a potential juror brings the supplemental questionnaire to the courthouse the day of trial, Court screening personnel will notify the Court, the Court will immediately confer with the parties on the record, and decide whether to excuse the potential juror.</p>
	<b>Safety Precaution Information</b>	
		<p>The Court will send an informational letter with the supplemental juror questionnaire, which explains the safety precautions the Court has taken, in advance of trial, and will take during the trial.</p> <p>Attachment B is the Court's informational letter</p> <p>In addition, the Court will post these precautions at the front door of the Crook County Courthouse.</p>

<b>COURTHOUSE PROTECTIONS</b>		
Social distancing, barriers, personal protective equipment (PPE), health screenings, and changes in facilities and operations can all help protect potential jurors and minimize the risk of exposure while at the courthouse. There are things within the courthouse/rooms that courts may adjust to help the facility itself protect juror health and safety		
	<b>Facilities (Ventilation)</b>	
		Research indicates that proper air flow can help limit the spread of COVID-19.
		<p>The Court will leave the courtroom doors open to greatest the extent practicable given other courthouse activities, except for when conducting sidebars with venire members.</p> <p>This will help with air circulation and avoid persons involved in the trial process from having to touch additional surfaces (i.e., door handles).</p> <p>When doors must be opened and closed, only bailiffs or court screening personnel, equipped with gloves and face coverings, will open and close doors.</p>
	<b>Coordination/Scheduling</b>	
		<p>The Court will coordinate with the other District Courts and the Circuit Courts regarding trial calendaring</p> <p>The Court will stagger trial start dates/time so that only one court within the Courthouse will be conducting <i>voir dire</i> at a time.</p>
<b>VOIR DIRE</b>		
<i>Voir dire</i> poses special problems due to the number of people that will be congregating at the courthouse. In addition, <i>voir dire</i> is the first time potential jurors will interact with court personnel so neither group may know what to expect.		
	<b>Court Procedures Information</b>	
		<p>The Court will post signs at the courthouse entrance that instruct potential jurors to report to the juror screening area on the second floor at the top of the stairs. This notice will let potential jurors know that they will:</p> <p>Have their temperature taken;</p> <p>Have to answer some health questions, and;</p>

		Be provided a face covering and may also have sterile gloves if they request them.
	<b>Social Distancing</b>	
		<p>Courtroom 1 cannot seat 30-40 prospective jurors. The gallery of the courtroom allows for 24 persons to be seated at proper social distance.</p> <p>Therefore, the Court will summon 18 potential jurors at a time.</p> <p>The first set of 18 potential jurors will be summoned for 8:00 a.m.</p> <p>The Court will qualify jurors and conduct basic, preliminary <i>voir dire</i> from approximately 8:15 – 8:45.</p> <p>Each side will be given 30 minutes to conduct <i>voir dire</i>. (8:45 – 9:45)</p> <p>Court will conduct sidebars arising during <i>voir dire</i> from approximately 9:45 – 10:15.</p> <p>The Court will excuse the first sub-panel.</p> <p>Between panels, county staff will use disinfecting spray on all common surfaces including, but not limited to, gallery, counsel tables, podium (if used), and microphones.</p> <p>Arrange for additional court screening personnel in common areas to direct each subpanel to maintain social distance in common areas.</p> <p>Arrange for proper spacing of chairs in hallways and sufficiently large meeting rooms where <i>voir dire</i> may take place</p> <p>In the alternative, the Court may conduct <i>voir dire</i> in the community room within the basement of the courthouse.</p> <p>If the court uses the community room, the entire venire may be present and socially distanced.</p> <p>When Court excuses each sub-panel, the Court will notify potential jurors that the Court will call them between 2:00 and 3:00 p.m. to let them know whether they have been selected for jury service.</p> <p><b>CIRCUIT COURT VARIANT:</b> The Circuit Court calls a venire of 24 persons and the gallery of the courtroom when combined with additional seating in the jury box will allow the entire venire to be seated for <i>voir dire</i>.</p>
	<b>Health (Screening)</b>	
		The Court will conduct health screenings when jurors arrive at the courthouse. Court security has agreed to provide Court screening personnel for when jurors arrive at the courthouse. Court screening personnel will:

		<p>Take the temperature of each potential juror before allowing the juror to enter the courtroom.</p> <p>If a potential juror has a temperature over 100°F, the potential juror will not be admitted to the courtroom and will be asked to return to their vehicle and await further instruction from the Court.</p> <p>Court screening personnel will ask COVID-19 screening questions. Complete Health screening form for each panel of jurors (Attachment C).</p> <p>If a potential juror answers in the affirmative to any health screening question, the potential juror will not be admitted to the courtroom and will be asked to return to their vehicle and await further instruction from the Court.</p> <p>The Court will remind venire members to notify a bailiff or the Court of any changes in their health condition</p> <p>If there is a change in health condition that relates to COVID-19 symptoms, the Court must be prepared to implement its Infectious Event Outline (below)</p>
	<b>Hygiene/Personal Protective Equipment (Screening)</b>	
		<p>The Court will ensure that each venire member sanitizes their hands before entering the courtroom</p> <p>After hands are sanitized, court screening personnel will provide each venire member a face covering (mask) and gloves (if requested).</p> <p>Court and court screening personnel must also instruct venire members how to put on, and take off, face coverings and disposable gloves</p> <p>Court screening personnel or bailiffs will wear face coverings (i.e., masks) and gloves throughout <i>voir dire</i> process</p> <p>The Court will train court screening personnel and bailiffs on proper procedure for putting on/taking off PPE (masks and gloves) (see below)</p> <p>The Courts informational letter instructs potential jurors to leave water bottles at home.</p> <p>As an accommodation, a cooler of bottled water will be available inside the courtroom door where venire members may obtain a bottle of water after sanitizing their hands</p>
	<b>Social Distancing Within the Courtroom</b>	

	Once in the courtroom, courts must ensure social distancing, face coverings, or a combination of both. As a minimum, either social distancing or a protective barrier must be used.	
		<p>The Court will only allow as many venire members in the courtroom as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>The Court will mark the gallery in the courtroom for six feet spacing.</p> <p>The second-to-last row shall remain vacant.</p> <p>The last row can accommodate up to four people (two on each side) for public access.</p> <p>Court screening personnel will maintain information on all members of the public entering courtroom for contact tracing purposes</p> <p>Includes name, address, telephone number, and date and time of entry.</p> <p>All members of the public will be screened like potential jurors (temperature checks and health screening forms).</p>
	<b>Health Screening in the Courtroom</b>	
		<p>The Court will instruct bailiffs to monitor venire sub-panels for signs of COVID-19 symptoms</p> <p>This will require some training on spotting symptoms</p> <p>Court screening personnel or bailiffs will ask COVID-19 screening questions and take temperatures at the beginning of each day when public, venire and/or jury members are in the courtroom</p>
	<b>Hygiene/ Personal Protective Equipment in the Courtroom</b>	
		<p>Bailiffs will be wearing masks and gloves when using a microphone for venire members to respond to questions.</p> <p>Potential jurors will be encouraged to wear their court-provided face covering while in the courtroom.</p> <p>If it becomes necessary for a potential juror to address the Court, the Court will:</p> <p>First, ask venire members to “speak up” and avoid use of microphone to avoid transmission vector</p>

		<p>If it becomes necessary to use the microphone, the Court and bailiffs will instruct (and require) that each venire member wear a face covering when responding to questions during <i>voir dire</i> if using a microphone.</p> <p>Bailiffs will either:</p> <p>Remove a disposable microphone cover from the handheld microphone after each, and/or;</p> <p>Sanitize microphones with Purell (EPA Reg No. 84368-1).</p> <p>Purell is on List N of disinfectants approved by the EPA to address corona virus. Purell has a one (1) minute wet time, which bailiffs will use.</p> <p>All persons entering and leaving the courtroom must sanitize their hands each time they re-enter the courtroom.</p> <p>Court/courthouse staff will clean the courtroom between venire sub-panels.</p> <p>The Court currently has the following disinfectants from List N available for morning and afternoon cleaning:</p> <table> <tr> <th>Name</th><th>EPA Reg. No.</th><th>Wet Time (min)</th></tr> <tr> <td>Purell</td><td>84368-1</td><td>1</td></tr> <tr> <td>Clorox Cleaner</td><td>67619-17</td><td>5</td></tr> <tr> <td>Perk Wipes</td><td>6836-340</td><td>10</td></tr> <tr> <td>Rediquat</td><td>10324-85</td><td>10</td></tr> <tr> <td>Cidequat</td><td>1839-83</td><td>10</td></tr> </table> <p>All cleaning must be done by persons wearing face coverings and gloves</p> <p>Cleaning personnel must first clean with soap and water or equivalent (i.e., bleach wipes)</p> <p>After initial cleaning, surfaces must be disinfected with List N disinfectant</p>	Name	EPA Reg. No.	Wet Time (min)	Purell	84368-1	1	Clorox Cleaner	67619-17	5	Perk Wipes	6836-340	10	Rediquat	10324-85	10	Cidequat	1839-83	10
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	<b>Sidebars</b>																			
	Social distancing at sidebars presents substantial problems. The following are the procedures the Court will use to allow for safe, but effective sidebars.																			
		The Court reporter will be stationed in the jury room in the courthouse. If a potential juror wishes to have a private conversation, the judge, attorneys and the potential juror (and the Defendant if they request) will go to the jury room outside the hearing of the rest of the venire																		

		<p><u>All parties will wear face coverings into the jury room. Once in the jury room, all participants will remain socially distanced, but may remove their face coverings.</u></p> <p>Only the Court will open and close the all doors when escorting venire members in, and out, of the courtroom for sidebar process</p> <p>Bailiffs may encourage venire members to go outside (weather permitting) during any breaks.</p> <p>CIRCUIT COURT VARIANT: The Circuit Court uses an electronic recording system rather than a court reporter, as such for side bars all participant will approach the bench and will wear face coverings. In the alternative if an extended discussion is necessary, the courtroom will be cleared of all non-necessary personnel and the matter will proceed with usual social distancing.</p>
	<b>Calling the jury</b>	
		<p>The Clerk will call the jurors chosen to serve and ask them to report to the juror screening area at the top of the steps by a time certain (probably about 3:30).</p> <p>Court screening personnel or bailiffs will repeat temperature checks and health screening with each juror as they return</p> <p>Clerk of Court will notify the remainder of the venire members that are free to go about their business as they have not been selected to serve on this jury</p>
<b>SEATING THE JURY</b>		
		Once the court has completed the <i>voir dire</i> process, the Court must determine how to safely seat the jury. Due to the layout of Courtroom 1, the Court will socially distance the jury during the trial.
	<b>Social Distancing</b>	
		<p>The Court will seat the jury in the gallery maintaining social distancing.</p> <p>To orient the courtroom toward the gallery and provide a line of sight between the jury and witnesses, the Court will have witnesses testify from the jury box using a wireless microphone (if necessary).</p> <p>If the witness uses a microphone, the Court will:</p> <p>Have disposable microphone covers, which a bailiff will remove from the microphone after each use, and/or;</p> <p>Clean the microphone using the cleaning protocol described above after each witness.</p>



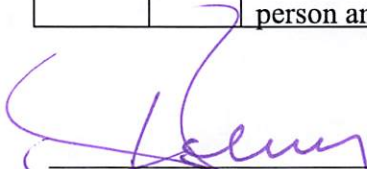
		CIRCUIT COURT VARIANT: The Circuit Court seat a jury of six persons and as such the jury box is large enough to afford social distancing for those six jurors.
	<b>Recesses</b>	
		<p>The traditional jury rooms are not large enough to socially distance jury members (whether six or 12). Therefore, the Court will use the community room in the basement of the courthouse for jury recesses and deliberation</p> <p>CIRCUIT COURT VARIANT; The jury room is large enough to afford social distancing for a six person jury based upon a calculation of 36 square feet per person.</p>
	<b>Social Distancing</b>	
		<p>The community room will be marked for social distancing during the void dire process</p> <p>Jury members will be required to wear face coverings whenever moving in the courtroom since it is not feasible to maintain strict social distancing when the jury members are moving within the courtroom l.</p>
	<b>Public Access</b>	
		<p>State and Federal Constitutions require public access to the trial proceedings. In light of the limited space within courtrooms, court should consider marking off areas for public access when using the gallery to seat a jury. The unused rows in the Courtroom will be available for public access.</p> <p>CIRCUIT COURT VARIANT: Since the jury will be seated in the jury box, the gallery with the exception of the first row will be available for the public with seats designated to assure social distancing.</p>
	<b>Social distancing</b>	
		<p>The courtroom will utilize the first five rows for juror seating. The sixth row will remain vacant. The remaining rows will be available for public access.</p> <p>All persons entering the courtroom will undergo health screening (temperature checks and health questions).</p> <p>In addition, persons attending the trial shall maintain social distance from others present in the courtroom</p>

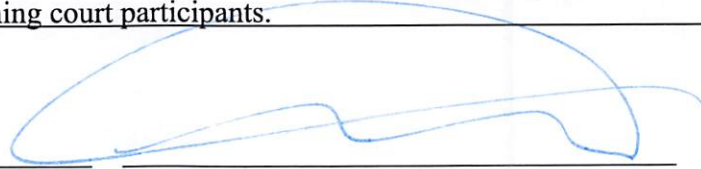
<b>CONDUCTING THE TRIAL</b>		
	<p>Conducting a trial necessarily requires close, personal interaction between the participants of the trial. Not only will lawyers need to talk to their client, but attorneys in the well may need to converse regarding issues that arise during the trial. In addition, the court must ensure that common areas are disinfected during the trial to protect the health and safety of all participants.</p>	
	<b>Social Distancing</b>	
		<p>Generally, all participants, including attorneys and client, must maintain social distancing. When unable to social distance, all participants must wear a face covering (mask).</p> <p><u>Attorneys/Clients</u> - if they need to communicate closer than six feet apart, must wear a face covering. This type of communication may be necessary to facilitate a fair trial</p> <p>To facilitate confidential communication, lawyers and clients may use their cell phones, tablets, or other electronic device at counsel's table to communicate with one another.</p> <p>Still no recording.</p> <p>Attorneys and their clients may only use electronic devices for communicating with one another about the current case.</p> <p>If counsel and defendants cannot/will not maintain social distance, then face coverings must be worn.</p> <p>Jurors will be encouraged, but not required, to use face coverings during trial</p> <p>Jurors will be required to wear their court-provided face covering when leaving the courtroom to retire to the jury room.</p>
	<b>Hygiene</b>	
		<p>The Court will ensure that Courtroom 1 is cleaned and disinfected following morning session and afternoon session.</p> <p>The Court will ensure that courtrooms are disinfected with an EPA approved disinfectant (List N), which is used according to EPA guidance.</p> <p>The Court will also ensure that the jury room is cleaned and disinfected after morning session and afternoon session.</p> <p>Common usage areas, such as the podium and witness microphones, if used, will be disinfected after each use</p> <p>Purell will be used by bailiffs to clean these surfaces during trial.</p>

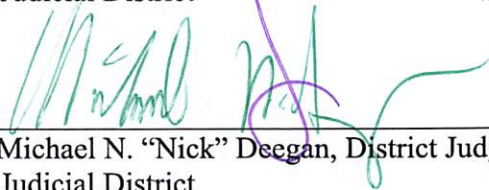
		The court will also utilize disposable microphone covers on common-use microphones.
	<b>Scheduling</b>	
		<p>The Court will limit all sessions to no more than 90 minutes (frequent recesses).</p> <p>Before deliberations begin, the Court will set specific return times to allow the bailiffs to permit jurors to go outdoors during court recesses to get out of a confined area.</p>
	<b>Exhibits and Documents</b>	
		<p>Although there is not much evidence supporting surface transmission of COVID-19. Still, the Courts will use the following procedures for admitting and publishing documents and physical evidence:</p> <p>Any person handling exhibits during trial must sanitize their hands and wear gloves when handling exhibits.</p> <p>When a party seeks to admit an exhibit, the party will retrieve the exhibit and display it to opposing counsel without allowing the jurors in the gallery to see the document.</p> <p>Counsel shall follow normal procedures for seeking admission of the exhibit, except:</p> <p>The proponent of the exhibit shall utilize available technology to display the exhibit to only the witness, or;</p> <p>Ask a bailiff (who will be wearing gloves and a face covering) to hand the exhibit to the witness (no approaching the witness).</p> <p>If a party seeks to have exhibit published, the party may use available technology to publish the exhibit</p> <p>Actual exhibits will be placed on the exhibit table. They will be collected by the court reporter or clerk at the end of session in which the exhibit was admitted. The exhibits will be disinfected by the Clerk or Court Reporter</p> <p>All documents provided to jurors for deliberation shall be provided by a single person assigned by the Court.</p> <p>The person assigned by the Court to pass documents to the jury shall</p> <p>Wear a face covering when providing documents</p> <p>Only handle documents with gloved hands following proper glove protocol</p>

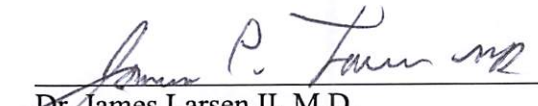
		<p>Sanitize hands first</p> <p>Inspect glove</p> <p>Put hand in glove</p>
	<b>Sidebars During Trial</b>	
		<p>Counsel and the judge will utilize the same procedure described during <i>voir dire</i> sidebars; or,</p> <p>The Court may excuse the jury to conduct sidebar arguments in open court; or,</p> <p>If the Court does not exit to a remote room or excuse the jury and conducts a sidebar at the bench, then:</p> <p>Judge and Attorneys must maintain social distancing;</p> <p>Judge and Attorneys must wear a face covering at sidebars, and;</p> <p>Judge and Attorneys must wear adequate eye protection.</p>

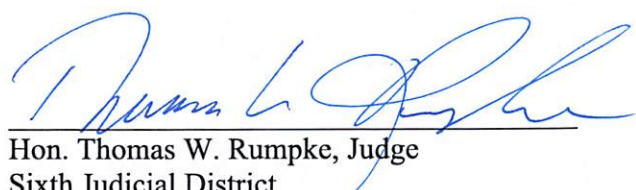
<b>INFECTIOUS EVENT PROTOCOL</b>		
	<b>Trial Participant Ill (In-person Screening)</b>	
		<p>If a person has a temperature, answers any health screening question in the affirmative, or indicates a condition identified on the supplemental questionnaire before entering the courtroom:</p> <p>Obtain mobile telephone number;</p> <p>Instruct the person to return to their vehicle, and;</p> <p>To remain at the courthouse in their vehicle until they are contacted by the presiding judge.</p> <p>Notify local public health official and follow local and State guidance on quarantine</p>
	<b>Trial Participant Ill in the Courtroom</b>	
		<p><b>Ill Person</b> Require the person to wear a face covering and maintain social distance from all others in the courtroom.</p> <p>Keep all trial participants in the courtroom maintaining social distance and a barrier (face covering or otherwise).</p> <p>Contact local public health and follow recommendations and protocol as to ill person and remaining court participants.</p>

  
Hon. John R. Perry, District Judge  
Sixth Judicial District

  
Hon. Matthew F.G. Castano, Circuit Court Judge  
Sixth Judicial District

  
Hon. Michael N. "Nick" Deegan, District Judge  
Sixth Judicial District

  
Dr. James Larsen II, M.D.  
Chief Public Health Officer  
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