

April 13, 2021

Via email

St. Louis County Circuit Court
Attn: Corona Virus Committee
105 South Central Avenue
Clayton, Missouri 63105

RE: City of Dellwood Continuity of Operational Plan

Dear Committee Members:

Pursuant to Administrative Order #30, Judge Burton's letter dated May 5, 2020 to Municipal Judges and Court Administrators in St. Louis County, and the approved Phase Three Reopening Checklist, the City of Dellwood Municipal Court submits the following Continuity of Operational Plan (COOP) for your review.

- 1. Prior to conducting in person hearings, the Court will certify that the Presiding Judge of St. Louis county has moved St. Louis County Courts to Operating Phase Three.***
- 2. The Court has reexamined its local orders and COVID-19 notices to ensure in-person court proceedings are conducted in compliance with social distancing protocols and occupancy rate limitations.***
- 3. The Court will make accommodations to vulnerable litigants, witnesses, victims, attorneys and other individuals involved in court proceedings to participate in the proceedings remotely or postpone their required presence at the court facility.***
- 4. The Court will utilize all available technologies, including teleconferencing and video conferencing, whenever possible to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.***
- 5. The Court will permit vulnerable judicial employees to return to work but supervisors shall make reasonable accommodations to address those vulnerabilities. The Court will insist that judicial employees stay home if they a) are subject to a quarantine or isolation order or are living with or caring for such an individual; b) have been advised by a health care provider to self-quarantine or are living with or caring for an individual who has been advised to self-quarantine; c) are experiencing symptoms of COVID-19 and seeking medical treatment, or are living with or caring for such an individual.***

6. The Court will comply with all CDC/Department of Public Health directives relating to quarantining and contact tracing whenever COVID is detected.

7. The municipal division's plan for social distancing to protect court personnel and the public.

IN PERSON COURT APPEARANCES WILL BE CONDUCTED AS FOLLOWS:

The security checkpoint will be located in the lobby just inside the front door of the City of Dellwood administration building. There will be one security officer stationed at this location. There will be another security officer and/or court personnel located just outside the front door conducting screenings of individuals prior to entering the court facility. This screening will include at a minimum, a temperature check and virus related questions as prescribed by the St. Louis County Department of Public Health ("DPH"). If an individual has a temperature above 100.4F, he/she will not be allowed to enter the building. If the individual passes the virus screening, he/she will be allowed into the lobby area where the second officer will conduct a security check. If the lobby area is at maximum capacity, the person will wait outside in a designated line in the courtyard area and along the sidewalk in front of the building. The line and standing locations will be marked to ensure social distancing is maintained.

The lobby area will be marked with signs and tape indicating where the person should proceed after the security check point. No more than thirteen (5) people will be allowed in the lobby at one time and no more than six (10) attorneys and twenty-one (40) defendants will be allowed in the courtroom at a time. Court personnel will serve as gatekeepers by keeping track of the number of people in the lobby and in the courtroom to ensure the maximum number of people described above is not exceeded. Unless specifically authorized by the Judge, only defendants will be allowed in the courtroom.

A notice of rights is posted in the lobby outside the courtroom and also inside the courtroom on two large screens behind the bench.

Chairs will be at least 6 feet apart and social distancing signs will be placed around the building. Defendants will be seated in the order they appear and enter the courtroom at a distance of six (6) feet apart. The courtroom will be marked with signs and tape indicating where the person should proceed as they enter.

When a person's name is called, he/she will approach the bench. The location will be marked so that the person knows exactly where to stand. Upon entering his/her plea, court personnel will provide pre-printed forms with either a new court date or the amount of fines and costs and will place it on a table for the person to pick up before exiting the building. There will be no hand-to-hand transactions between court personnel and defendants. After a person is called before the Judge, the seat will be sanitized and wiped down before the next person is seated.

The defendant will then exit the courtroom. If they are paying that day, they will see the

cashier at the window in the lobby. This area will be marked with tape on the ground to provide social distancing of six (6) feet. Upon exiting the building, security will allow the next person into the lobby.

The Court room and chairs will be disinfected after each docket.

8. Compliance with CDC and DPH directives for preventing the spread of COVID-19 including, but not limited to: cleaning and disinfecting public areas, providing face masks and gloves for staff and making available hand sanitizer for all visitors.

The building will be thoroughly sanitized prior to court. The lobby area and courtroom will have hand sanitizer at each entry point and at the table near the bench. Court personnel will sanitize any surfaces used by the defendants in connection with their appearance.

Anyone who enters the court facility will be required to wear a mask. The court will provide employees with masks, hand sanitizer and ensure that employees have no contact with the public except through glass as previously provided. Hand sanitizer and masks for defendants will be provided upon request.

If an employee or individual discloses they have been exposed by COVID-19 within two weeks prior to the court date, the employee will not be permitted to work on that court date and will not be permitted to work future court dates until he/she has been tested for the disease and he/she provides the City with documentation that he/she tested negative. If a defendant was exposed within two weeks of the court date, he/she will be given a continuance and not allowed in the building. Determinations for employees and individuals who have been exposed to COVID-19 beyond two weeks from the court date will be made on a case by case determination by the Judge in consultation with the City, CDC and DPH.

9. Alternate means for court operations such as video-conferencing, Zoom hearings, staggered dockets, additional dockets.

The Court's notices to represented defendants contain information related to contacting the prosecuting attorney to discuss recommendations and trials. The Court's website contains information for defendants related to scheduling hearings with the Judge as well as procedures for requesting continuances and warrant recalls. On scheduled court nights, defendants are notified by letter that their court date will be continued to a specified date unless he/she would like to speak with the judge via teleconference on the night of court.

If in person hearings have not been approved by August, 2020, the Court will conduct Zoom hearings and continue with them until in-person hearings are allowed again. Defendants will be sent a notice containing detailed information on how to participate in the hearing via Zoom/WebEX. They will also be provided with a waiver of appearance and consent to participate via Zoom/WebEX to be sent back to the Court prior to the court date.

Additional dockets will be considered once the circuit reaches Phase 3, as well as staggering rescheduled dockets, as appropriate so as to avoid overcrowding. These additional dockets will likely have designated times for Zoom/WebEX appearances, attorney appearances and trials.

10. Notification to litigants of court protocols to instill confidence in the courts providing a safe place to appear.

Upon being approved to begin in-person hearings, the Court will send a notice to defendants that will include the following:

IMPORTANT NOTICE REGARDING SCHEDULED COURT DATE

Enclosed you have received notice of your rescheduled court date, which had previously been suspended due to the Coronavirus also known as COVID-19. The Presiding Judge of St. Louis County had suspended all in person hearings for all Municipal Courts until St. Louis County Courts reach Operating Phase Three. The City of Dellwood Municipal Court is currently in compliance with Centers for Disease Control (“CDC”) and Department of Public Health (“DPH”) regulations and has been approved by the Presiding Judge in St. Louis County to resume in-person hearings.

Out of an abundance of caution during these in-person proceedings, and to promote the safety and health of the public and court personnel, the following protocols will be followed:

- Any person entering the court facility must first pass a virus screening. This screening will include a temperature check. Anyone with a temperature above 100.4F will not be allowed in the building and their case will be continued. The person will also be asked to answer virus check public safety questions. These questions are designed to protect everyone in the building and to prevent the spread of the disease.
- Non-essential persons shall not accompany defendants inside the lobby or courtroom. If a defendant considers another person essential, notify security personnel.
- Defendants are required to appear with a face mask and it must be worn at all times while in the lobby and courtroom.
- Hand sanitizing stations will be provided.
- Flow of social distancing movement (six feet apart) throughout the building will be enforced.

All of these steps have been taken to insure your personal safety when coming to our court.

Please continue to check www.courts.mo.gov for further COVID-19 alerts from Missouri courts. You can also visit <https://www.cityofdellwoodmo.com/> for any updates specific to the City of Dellwood Municipal Court.

PLEASE NOTE:

This is a rescheduled court date and if you fail to appear, a warrant may be issued for your arrest. If you have any pre-existing conditions or any concerns which make you

vulnerable to COVID-19, you are required to request, in writing, a new court date or request a video conference with the judge at least 24 hours prior to your court date. You may do this by emailing this request to the Court Administrator, Amelia Parker, at aparker@cityofdellwood.com. A suggested format is set forth below:

Dear Judge,

I cannot make the in person court, but I am requesting a video appearance for that same date and time.

*FULL NAME:

*COURT DATE:

*DATE OF BIRTH:

*CASE NUMBER:

I understand that this video conference will serve as my appearance.

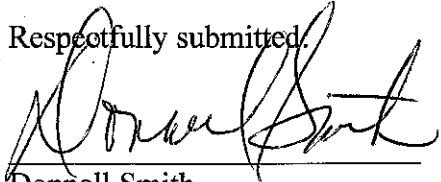
Prior to your video conference please review your Rights in Court. Those rights can be found at

<https://www.cityofdellwoodmo.com/>You will receive notification via the address you provided of your scheduled video conference court date and time. **YOU WILL BE RESPONSIBLE FOR LOGGING IN PURSUANT TO THE INSTRUCTIONS YOU WILL RECEIVE.**

The City of Dellwood Municipal Court has consulted with local judiciary partners in formulating this plan and will continue to rely on health officials or departments and CDC guidance to adapt court operating decisions to local health conditions.

If you need any additional information or we need to modify our plan, please do not hesitate to contact me. My office number is 314-361-2500 or I can be reached by email at donnell.smith@smithlawpractice.com.

Thank you,

Respectfully submitted,

Donnell Smith
City of Dellwood Municipal Judge