

**KLICKITAT/SKAMANIA COUNTY SUPERIOR COURT
SUPPLEMENTAL - DOH SAFETY PLAN**

This Policy is adopted and made effective September 25, 2020

WHEREAS, Governor Inslee has proclaimed a state of emergency due to the coronavirus disease (COVID-19) outbreak in Washington and President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended stringent social distancing measures and other public health requirements; and

WHEREAS, the Court is required to establish a plan to address issues related to COVID-19 and the court established a plan addressing work place safety measures effective August 17, 2020; and

WHEREAS, the Court finds it necessary to supplement the August 17, 2020 DOH Safety Plan to address COVID-19 safety concerns as they relate to court hearings and jury trials procedures;

NOW, THEREFORE, the following Supplemental Superior Court Policy will be in effect until further notice and IT IS HEREBY ORDERED:

Supplemental Klickitat/Skamania Superior Court Policy

I. COURT HEARINGS

A. Face Coverings: All persons shall be required to wear a mask or face covering that covers both the nose and mouth while in the courtroom, unless directed otherwise by the Presiding Judge.

1. If persons attending court proceedings don't have a mask, staff will provide them with a disposable mask.
2. If a person wanting to attend court proceedings refuses to wear a mask while in the areas requiring a mask to be worn, the following procedure should be followed:
 - i. The judge presiding over the docket/hearing should be advised,
 - ii. The person will be instructed to wait in the hallway (and while in the hallway to continue to social distance) or in their car (if they wait in their car they need to provide a cell phone number to contact them at the end of the docket/hearing). Persons refusing to wear a mask shall have their matters heard at the end

of the docket/hearing when all other litigants have left the courtroom.

3. If a person advises that they are unable to wear a mask due to medical reasons, staff shall treat this similar to an ADA accommodation. Staff will provide the person with a face shield that does not obstruct their breathing. If the person refuses to wear a face shield, staff shall follow the steps provided in section I.A.2 above.

B. Social Distancing: Persons attending court proceedings will be instructed to sit in the areas marked with a blue or red “X” on the benches in the gallery seating area in order to comply with social distancing rules recommended by the CDC and our local health official. Persons attending court proceedings may be requested to remain in an area outside of the courtroom until their hearing commences to help ensure adequate social distancing in the courtroom.

C. Witness Testimony: This section shall apply to in-person witness testimony during court hearings and trials.

1. Prior to testifying in a jury trial, witness shall be required to have their temperature taken by court personnel before entering the courtroom. If the witness has a temperature above 100.4, the witness will not be allowed to testify in the courtroom.
2. Witness shall be required to wear a mask or face covering prior to entering the courtroom.
3. Witness shall use hand sanitizer prior to approaching the bench and being sworn in.
4. Witness shall be allowed to remove their mask or face covering during their testimony.
 - i. If testimony is during a non-jury trial hearing and the witness requests to be allowed to continue to wear their mask and/or opaque face covering, all parties and the court shall be required to approve the request. If any party or the court denies the request, the witness shall be ordered to wear a non-opaque face covering or clear face shield.
 - ii. If testimony is during a jury trial, the witness will be required to wear a non-opaque face covering, e.g., face shield. If witness does not have a non-opaque face covering, the court shall provide a clear face shield.

5. No person shall approach a witness until requesting permission to approach the witness.
6. Person approaching a witness to provide them with an exhibit shall first put on gloves before handling the exhibit.
7. If the witness will be required to handle the exhibit, the witness shall be required to put on gloves. Gloves will be available at witness stand.

II. JURY TRIALS

A. Juror Reporting Procedure

1. Jurors will be instructed not to report for jury service when they call in to the jury line if they have exhibited COVID-19 symptoms within the past 14 days or reside with someone exhibiting COVID-19 symptoms within the past 14 days.
2. Jurors will be required to wear a mask prior to beginning the process of checking in for service. If the prospective juror does not have a mask, a mask will be provided.
3. Prior to signing in, jurors will have their temperature taken. If the juror has a temperature over 100.4, the juror will be excused immediately.
4. If the juror does not have a temperature over 100.4, the juror will be required to fill out the Supplemental Juror Questionnaire – COVID-19 form.
 - i. If the prospective juror indicates that they have an underlying medical condition placing them at risk for COVID-19, they may request a deferral, which the court shall grant.
 - ii. If the prospective juror or person they reside with indicates that they exhibit any symptoms related to COVID-19 or have not been cleared due to prior to positive test, they will be excused from service for that trial.
5. Jurors not excused during the screening portion of the check-in process will be signed in by the Clerk and directed to an area where they will be socially distanced until the selection process begins.

B. JURY SELECTION PROCESS

1. Jurors shall be socially distanced during the selection process.

2. Jurors shall wear masks or face covering during the selection process.
3. All persons in the courtroom during the selection process, including attorneys and court staff shall wear masks or face coverings during the selection process, unless authorized by the Presiding Judge to remove mask or face covering to ensure that a proper record is made of the proceedings.
4. Jurors may be directed to proceed to an area of the court with a wireless microphone for answering questions if directed to by the Presiding Judge to ensure that a proper record is made of the proceedings.
5. At the conclusion of the jury selection process, all areas where jurors were seated shall be cleaned via either being wiped down with sanitizing wipes or cleaned with disinfectant fogger/sprayer.
6. Hand sanitizer and wipes shall be available throughout the courtroom.

C. JUROR SERVICE

1. Empaneled jurors will be provided with a KN95 mask along with a paper bag to store the mask in overnight.
 - i. If jurors serve more than 2 days, the jurors will be provided a new KN95 mask and paper bag at the conclusion of their service on the second day of service. A new KN95 mask and paper bag shall be provided at a minimum of every 2 days for empaneled jurors.
2. Chairs within the jury room shall be socially distanced and numbered for empaneled jurors use during breaks and deliberations. Notices shall be placed within jury room advising jurors to sit in chair corresponding to their jury number.
3. Portable screens may be placed between chairs within the jury room if adequate social distancing is unavailable.
4. A box of gloves shall be available in the jury room during deliberations for the jurors to use to handle exhibits. Notices shall be placed in the jury room advising jurors to wear gloves when handling any exhibits.
5. During juror deliberations, and weather permitting, windows shall be opened to allow for additional ventilation and air flow within the jury deliberation room. Air purifiers and/or humidifier may be used within the jury room.

6. No coffee service, lunch service, or games/books will be available in the jury room. Jurors may bring their own covered water bottle. Jurors will be advised that they will not be allowed to fill their water bottle at the courthouse. Empaneled jurors shall be provided a separate paper bag with their juror number on it with a water and a snack during each half day of service.
7. Hand sanitizer and wipes shall be available throughout the courtroom and jury room.
8. Courtroom, including witness stand, attorney tables and jury box, and jury room shall be cleaned at the conclusion of each day of trial.

D. EXHIBITS

1. Parties shall use best efforts to limit the need for witnesses to handle exhibits. Court encourages the parties to digitally display exhibits to the extent practicable.
2. No person shall approach a witness until requesting permission to approach the witness.
3. Person approaching a witness to provide them with an exhibit shall first put on gloves before handling the exhibit.
4. If the witness will be required to handle the exhibit, the witness shall be required to put on gloves. Gloves will be available at witness stand.
5. A box of gloves shall be available in the jury room during deliberations for the jurors to use to handle exhibits. Notices shall be placed in the jury room advising jurors to wear gloves when handling any exhibits.

Dated: 9-25-2020



Randall C. Krog, Judge