



# **Circuit Court for Baltimore City**

## **Amended COVID-19 Response Plan for the Progressive Resumption of Full Function of Judiciary Operations**

December 23, 2020

## **Introduction**

Due to the rapid increase of the novel coronavirus (COVID-19) infection rates throughout Maryland, and consistent with the guidance issued by the Centers for Disease Control and Prevention (CDC) and the Maryland Department of Health (MDH), the Chief Judge of the Court of Appeals ordered all courts in the Maryland Judiciary to return to restricted operations to limit the concentrations of individuals and allow for social distancing, consistent with guidance of the CDC or MDH or both, beginning November 30, 2020.

On December 22, 2020 the Chief Judge of the Court of Appeals reiterated the five phases of a progressive return to full operations by the courts in the Maryland Judiciary, court offices, administrative offices, units of the Judiciary, the Offices of the Clerks of the Circuit Courts, and the clerks' offices of the District Court, each phase representing an increase in the level of operation within court locations.

### **Phase I**

Phase I, initially implemented March 16, 2020, through June 5, 2020, is the state of emergency operations consistent with the *Fourth Amended Administrative Order Expanding and Extending Statewide Judiciary Restricted Operations Due to the COVID-19 Emergency*, filed May 4, 2020.

### **Phase II:** November 30, 2020, through March 14, 2021

In Phase II, initially implemented June 5, 2020, through July 19, 2020, November 30, 2020, through January 15, 2021, and now November 30, 2020 through March 14, 2021, courts expand the scope of matters to be heard both remotely and on-site, including matters that were postponed or deferred during restricted operations, as well as matters that must be prioritized. The Offices of the Clerk of the Circuit Court for Baltimore City Court remain shall remain open to the public for emergency purposes and by appointment for other matters. Court activities shall proceed with restrictions to limit the concentration of individuals and allow social distancing, consistent with guidance of the CDC or MDH or both.

### **Phase III:** November 16, 2020, through November 29, 2020

In Phase III, initially implemented July 20, 2020, through August 30, 2020, and November 16, 2020, through November 29, 2020, courts schedule a broader range of matters, including certain non-jury trials and as well as additional prioritized matters, with limited in-person services. The Offices of the Clerk of the Circuit Court for Baltimore City are open to the public. Court activities shall proceed with continued restrictions to limit the concentration of individuals and allow social distancing, consistent with guidance of the CDC or MDH or both.

### **Phase IV**

In Phase IV, initially implemented August 31, 2020, through October 4, 2020, courts resume non-jury trials and contested hearings in criminal, civil, family, and juvenile matters with continued restrictions to limit the concentration of individuals and allow social distancing, consistent with guidance of the CDC or MDH or both.

### **Phase V**

In Phase V, initially implemented October 5, 2020, until November 16, 2020, courts resume full operations, including jury trials, with continued restrictions to limit the concentration of individuals to allow social distancing, consistent with the guidance of the CDC or MDH or both.

### **Action Plan for Circuit Court Facilities**

To prepare for increased court operations at the Circuit Court for Baltimore City, Administrative Judge Audrey J.S. Carrión instituted the COVID-19 Response Plan for the Progressive Resumption of Full Function of Judiciary Operations, observing best practices to protect the safety of court employees and the public, and to enable the phased resumption of all court processes.

Pursuant to the Maryland Court of Appeals *Fifth Amended Administrative Order Extending the Statewide Suspension of Jury Trials and Maintaining Grand Jury Juries*, the Circuit Court for Baltimore City has suspended all jury trials scheduled to begin before April 26, 2021, consistent with the *Seventh Administrative Order Restricting Statewide Judiciary Operations Due to the COVID-19 Emergency*, filed December 22, 2020.

It is acknowledged that the COVID-19 virus will be impacting the community and the courts for a substantial period of time and continued adjustments may be required. Accordingly, this plan may be in place for an extended period. The COVID-19 emergency continues to require the court to reassess the current phase of operations in the phased approach, marking a retreat from full operational functions, while employing safety measures and monitoring local health conditions to continue to support the health and safety of the courthouse family and its justice partners.

This plan recognizes the nature of COVID-19 - that it is spread from person to person, that its symptoms can range from mild (or no symptoms) to severe illness, and that a person can become infected by coming into close contact (within about six feet for a total of fifteen minutes or more) with a person who has COVID-19.<sup>1</sup> The steps the Circuit Court for Baltimore City is taking align with the CDC and State of Maryland guidelines for social distancing, wearing masks, frequent hand washing and frequent touch point cleaning.<sup>2</sup>

Procedures established throughout this plan may need to be modified due to such future orders from the Chief Judge of the Court of Appeals and/or the Governor of the State of Maryland.

The Circuit Court for Baltimore City will continue to follow recommendations regarding medical screening, social distancing and wearing of masks. Each item in this plan will be evaluated at each level of operations.

### **Entry Screening**

1. Screening questions will be administered to everyone who enters the Mitchell Courthouse, 100 N. Calvert Street, Baltimore, Maryland 21202, the Cummings Courthouse (formerly known as Courthouse East), 111 N. Calvert Street, Baltimore, Maryland 21202, or the Judiciary's section of the Juvenile Justice Center, 300 North Gay Street Baltimore, MD 21202 ("courthouses").
2. The need for non-contact thermometer checks will be evaluated at each phase of increased court operations.

3. If an individual is denied access, they will be provided with a contact list in order to make the appropriate court department aware as required.
4. No person who has been diagnosed with and remains ill with COVID-19, or is aware of having been exposed to a person infected with COVID-19 as described in CDC protocols, may enter the courthouses.
5. No person who has attended an indoor gathering of ten (10) or more people within the last ten (10) days may enter the courthouse.
6. No person who has been advised by a doctor, hospital, or local health department to self-quarantine or ordered to quarantine may enter the courthouse during the quarantine period.
7. Any person who appears to be ill with a respiratory illness will be denied entry to the courthouses and, shall be provided information regarding alternative means to address the purpose of that person's intended visit to the court.
8. Any person denied entry to the courthouse and/or his or her attorney, if applicable, who has a scheduled proceeding, event, or services in the courthouses must contact the appropriate office regarding his or her status.

### **Colored Wrist Band Verifications**

1. All court staff, who submit to and pass the daily required COVID-19 non-contact temperature screening, may be issued a colored wrist band by their supervisor to wear for the workday or when work requires traveling between courthouse facilities. Before issuing the wrist band, supervisors must write the current date on the band.
2. The colored wrist band will alert the Sheriff's deputies that the employee's temperature has been taken upon entering duty.
3. The wrist band colors will periodically change. The Sheriff's Office will be notified of the color change by Court Administration.
4. The colored wrist bands are only valid for the current workday.
5. Court staff must return the wrist band to their respective supervisor at the end of each workday to be destroyed.

### **Social Distancing**

1. To the extent reasonably practicable, uniform social distancing of six feet will be instituted in all areas of the courthouse buildings, including but not limited to, public common areas, elevators, restrooms, conference and meeting rooms, galleries, courtrooms, hearing rooms, and waiting areas.
2. Floor markings (tape or decals) and signage have been placed in courtrooms, hallways, and elevators to enforce social distancing.
3. No person may ride on an elevator containing other persons, unless all persons are wearing a face mask, scarf, or other device. Here the social distancing guideline of six feet will be relaxed, however, the maximum elevator capacity is set at two people standing on marked locations. When riding in elevators, individuals are strictly prohibited from talking. There will be signage outside of the elevators indicating: NO TALKING IN ELEVATORS.
4. The Court has installed plexi-glass barriers in its courtrooms, public service areas, and Clerk's Office locations. Courthouse tenants who wish to install plexi-glass in their offices should secure contracting services independent of the Court. However, all scheduled work must be coordinated through Court Administration for proper security access.

## **Wearing of Masks**

1. On December 22, 2020, Chief Judge Barbera issued the *Fifth Administrative Order Clarifying COVID-19 Health Measure in Courthouses and Judicial Branch Facilities*. This Order requires that all persons over the age of two (2) entering the Circuit Court for Baltimore City shall wear a mask that covers the nose, mouth, and chin completely, without vents. Barriers such as face shields and plexi-glass are not substitutes for face coverings or masks and will not fulfill the masking requirement.
2. Masks or face coverings may be lowered to eat, drink, or take oral or nasal medications, but shall be replaced upon completion.
3. In proceedings, the presiding judge or magistrate may require any participant, when speaking, to use a disposable paper mask, a clear mask, or wear a personal barrier shield in lieu of a mask for a limited duration to ensure that the participant is heard or observed, with due consideration given to social distancing and other public health guidelines.
4. Judiciary personnel in single-occupancy enclosed offices may lower their masks while alone with the door closed. However, the mask must be worn if any other person enters the office or the occupant leaves the office.
5. Face masks continue to be required in all public areas, including, but not limited to the following: when delivering mail throughout the courthouse; during all court proceedings; and while riding elevators. Judiciary personnel assigned to common area workspaces must wear masks. All Sheriff Deputies shall wear masks at security screening stations.

The Court, to the extent available, will provide single-use masks for anyone who must enter the courthouses and who is not in possession of a mask. Employees are encouraged to use personal, washable masks when in the courthouses. If anyone refuses to wear the appropriate face covering, they may be denied entry into and/or removed from the building.

## **Filing of Case Documents**

1. Physical Drop Boxes at Mitchell Courthouse, 100 N. Calvert Street, Baltimore, Maryland 21202 will remain open.
2. Virtual Box for the Civil and Criminal discovery filings will remain in effect.

## **Wearing of Gloves**

The decision to wear gloves will be left to individuals working throughout the courthouse, and during all court proceedings. Frequent hand washing by employees is essential.

CDC guidelines regarding How to Protect Yourself & Others provides up to date information.<sup>3</sup> All managers and employees should check this page frequently.

## **Safety Procedures**

It is the goal that all employees, as well as other inhabitants of the courthouse, work in a safe environment. Uniform implementation of the following procedures by each organization occupying offices within the courthouses is required.

## **Staff Safety**

All court departments, stakeholders, and justice partners shall continue to work consistent with the phase of reopening. The number of people in the courthouses should be minimized to the

extent possible. Each organization within the courthouse is encouraged to determine how best to continue teleworking, as appropriate, and to limit the number of employees who can safely practice the six feet social distancing guideline. Alternatively, each organization is encouraged to use staggered shifts or telework schedules to enable social distancing when work environment configuration impedes compliance. Some departments and organizations will be asked to continue working remotely until further notice. Judges and Magistrates will be in chambers with limited rotating staff.

We have asked the leadership from each organization to conduct a workspace survey and immediately begin reconfiguration to ensure six feet of social distance exists between the public and co-workers.

To ensure the safety of employees who directly serve the public, physical barriers have been installed throughout the courthouses. Additionally, hand sanitizer stations have been added at various locations throughout the courthouses.

### **Facilities Modification**

The following determinations have been made:

- **Courtrooms:** Courtroom seating, not including attorney tables, has been restricted to 8-12 people. Some courtrooms will remain closed to accommodate social distancing. All opened courtrooms have been marked for occupancy.
- **Magistrate Hearing Rooms** are approximately one half the size of a courtroom and therefore are restricted to 2-6 people.
- **Courtroom Trial Tables:** the lawyers will be at opposite ends of the two trial tables.
- **Public Common Areas:** installation of signage and removal of seating has been done as necessary.
- **Elevators:** installation of signage has been done along with floor markings indicating where up to two occupants must stand and indicating that there is to be no talking in the elevators.

### **Sanitizing Common Areas**

Accelerated cleaning of high touch areas by Baltimore City contract cleaning staff will continue. Areas include, but are not limited to, doorknobs, elevator buttons, handrails, tabletops, glass barriers, and light switches. These touchpoints shall be cleaned every day during the nightly cleaning. The Court has contracted with a day porter to assist with cleaning during jury trials.

Courthouse staff shall keep office areas sanitized throughout the day as common devices are used. Supplies will be available to enable staff to self-clean following the use of frequently accessed devices such as copiers, phones, desktops, kitchen appliances, etc.

The Administrative Office of the Court has secured the installation of additional wall mounted hand sanitizer stations throughout the courtrooms and public services offices. Upgrades have been made to the ventilation filters to prevent transmission of the COVID-19 virus through heating and air conditioning systems through the installation of MERV-13 filters.

## **Decontamination**

When a COVID-19 exposure has been reported the contaminated location shall be closed and all access shall be denied. The location will be disinfected with cleaning solutions and access will be restricted for a 24-hour period following decontamination.

## **Handling Positive Cases**

If an employee is infected by COVID-19 and has entered the court, upon notification, the organization's representative shall:

1. Contact the infected employee and supervisor to retrace the infected employee's steps and determine who may have been within six feet of contact with the infected employee for more than fifteen minutes (close contact). The supervisor will also track any offices, restrooms, or common areas the infected employee visited.
2. Notify the Baltimore City Health Department. If the infected employee is a State Judiciary employee, contact Human Resources Department, Employee Relations at AOC as well.
3. In coordination with Administrative Judge, Audrey J.S. Carrión, contact by telephone all employees and outside personnel who may have had contact with the infected employee as soon as possible.
4. Advise the employees who had close contact with the infected employee that they shall self-quarantine for ten (10) days and they must follow any directive from Baltimore City Health Department or the municipal health entity in the county in which they reside, Maryland Department of Health, or their healthcare provider. Documentation to be provided, upon request, as consistent with HIPPA and other legal mandates.
5. Coordinate with Court Administration who will communicate with Baltimore City regarding the decontamination and cleaning of the courthouses, with specific attention to all areas visited by the infected employees.

## **Handling Presumptive Cases**

When an employee reports possible exposure to COVID-19, the organization shall designate a representative to confidentially determine:

1. What areas of the workplace the employee visited during the last 48 hours.
2. How long the employee was in contact with the other persons in the workplace: designating the time period by more or less than 5 minutes and obtain a list of persons contacted and whether the cumulative total of any contacts made within a 24-hour period were for 15 minutes or more.
3. How close the employee was to other persons in the workplace: Specifying more than six feet or less than six feet.
4. Whether the employee coughed or sneezed within six feet of other employees and whether any employees present during this episode were wearing masks.
5. Whether there were any other circumstances (riding in same vehicle, shared food, etc.) that could result in community exposure

The above information shall be submitted to the Judiciary's Human Resources Department. If the case turns from presumptive to confirmed, the organization shall:

1. Notify the Baltimore City Health Department and the Judiciary's Human Resources Department, Employee Relations.
2. In coordination with each organization's representative, contact by telephone all employees and outside personnel who may have had contact with the infected employee as soon as possible.
3. Advise the employees who had contact with the infected employee that they shall self-quarantine for ten (10) days following the last date of exposure.
4. Coordinate with Court Administration who will communicate with Baltimore City regarding the decontamination and cleaning of the courthouse with specific attention to all areas visited by the infected employee.

Regardless of testing results any employee who has determined to have been in close contact with someone who has COVID-19 must quarantine for ten (10) days following the last date of exposure and must follow and directive from Baltimore City Health Department or the municipal health entity in the county in which they reside, Maryland Department of Health, or their healthcare provider. A negative COVID-19 test result before the end of the 10-day quarantine period does not rule out possible infection.<sup>4</sup>

### **Incoming Mail (including Packages) and Deliveries**

It has been reported that paper is a low risk transmitter of the COVID-19 virus. Among findings of a National Institute of Health, National Institute of Allergy and Infectious Diseases<sup>5</sup> study on "Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1", SARS-CoV-2, the virus that causes COVID-19 remained viable in aerosols for 3 hours and, "SARS-CoV-2 was more stable on plastic and stainless steel than on copper and cardboard, and viable virus was detected up to 72 hours after application to these surfaces." It is important to note that less than 0.1% of the starting virus material remained on plastic and, "on cardboard, no viable SARS-CoV-2 was measured after 24 hours." However, the CDC encourages individuals wash or disinfect their hands after handling mail or deliveries as "it may be possible that people can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes."<sup>6</sup>

### **Conclusion**

Within public areas of the courthouses, Court Administration will continue to post information on the benefit of frequent handwashing, CDC facts on signs and symptoms, and related procedures. Signage may be increased as necessary. Each organization, stakeholder, or justice partner occupying space within the courthouses should routinely educate employees on the signs and symptoms of COVID-19, encourage employees to stay home or work from home if experiencing any signs or symptoms, perform frequent handwashing, wear masks or other nose and mouth covering, keep areas clean and sanitized, social distance, and comply with guidelines in place for movement throughout the courthouses.

Each organization, stakeholder, or justice partners occupying the courthouse should have a plan for its employees, detailing how that office will navigate each phase as the court continues to reassess the current alignment of the phase of operations consistent with the state of local health conditions.



Our court and justice partners have been performing their daily job functions, holding hearings, and responding to public inquiries in person and remotely. Expansion and improvement occur daily and is expected to continue. The established protocol and previously installed safety measures will allow for movement between phases as necessary.

Furthermore, personnel who are medically vulnerable; or are otherwise vulnerable (over 65 with serious underlying health conditions, such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, or those whose immune systems are compromised, such as by chemotherapy for cancer or other conditions requiring such therapy) should consult with their supervisors regarding their return to the courthouse.<sup>7</sup> Managers should explore appropriate options. We continue to commend the staff of the Circuit Court for Baltimore City for its preparation, creativity, work ethic and leadership during this challenging time.

/s/ Audrey J. S. Carrion  
Audrey J.S. Carrión  
Administrative Judge  
Circuit Court for Baltimore City

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<sup>1</sup> The CDC's definition of "close contact" includes any instances where a person comes "within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period starting from 2 days before illness onset (or, for asymptomatic patients, 2 days prior to test specimen collection) until the time the patient is isolated." This definition can be found at <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html>.

<sup>2</sup> "What you should know about COVID-19 to protect yourself and others", [cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)

<sup>3</sup> Center for Disease Control, Preventing Getting Sick FAQ, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

<sup>4</sup> "If I am a close contact, will I be tested for COVID-19?", *Frequently Asked Questions*. Accessed Nov. 13, 2020. Available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Testing>.

<sup>5</sup> *New England Journal of Medicine* on March 17, 2020. (<https://www.nejm.org/doi/full/10.1056/NEJMc2004973>)

<sup>6</sup> "Am I at risk for COVID-19 from mail, packages, or products?", *Frequently Asked Questions*. Accessed Nov. 13, 2020. Available at <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Prevention>.

<sup>7</sup> NSCS Considerations in Resuming Court Operations, A Pandemic Resource from NCSC, May 1, 2020, Version #1