



United States District Court for the District of Columbia

PUBLIC SUMMARY

Continuity of Operations Plan during the COVID -19 Pandemic

Introduction

This Court has developed a Continuity of Operations (COOP) Plan for managing court operations and proceedings during the COVID-19 pandemic. This public summary is to provide litigants, the media, visitors, and others having business before this Court, with useful information about this Court’s approach to protecting public health and the safety of those with business in the courthouse.

In developing the COOP plan, the health and welfare of Court staff, employees of other agencies operating within the courthouse, jurors, witnesses, parties in cases before the Court, visitors, and the general public, remained of paramount importance. At the same time, the implications for the rights of criminal defendants and other litigants from restrictions on court operations compels the need to restore normal operations as soon and as safely as possible.

Limits on Court Operations in the Early Stages of the COVID-19 Pandemic

The District of Columbia and the greater metropolitan area entered into a large-scale community shutdown in March 2020, following the local and national declarations of a state of emergency due to the COVID-19 pandemic. Those declarations were soon followed by the closing of local businesses and public schools, “stay-at-home” orders across the greater metropolitan area, cancellations of public events, bans on mass gatherings, restrictions on mass transit, and other actions designed to slow the spread of COVID-19.

Beginning in mid-March 2020, this Court took a number of actions in response to this critical situation, in accordance with public health guidance, including: restricting access to the Courthouse; closing the public counters at the Clerk's Office; strongly encouraging telework for all non-essential Court employees; postponing all jury trials and other in-court proceedings; suspending grand jury sessions and impanelments; and cancelling naturalization and attorney admissions ceremonies as well as all other public events at the courthouse. *See* <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements>. In addition, working with the Circuit Executive's Office, enhanced cleaning protocols were adopted for public and non-public areas of the courthouse; personal protective equipment was provided to on-site staff; hand sanitizer dispensers and appropriate signs regarding facial covering and social distancing requirements were installed throughout the courthouse; and the cafeteria was closed.

This Court is actively engaged in planning for the gradual resumption of full court operations and in-person court proceedings. To that end, a task force comprised of three district court judges, a magistrate judge and the Clerk of Court was appointed to consider the impact of COVID-19 on the resumption of jury trials and grand juries, and to identify issues to be addressed and make recommendations to the full Court. An infectious disease expert was hired to make recommendations regarding implementing public health and safety guidance within the courthouse and courtroom settings. Protocols have been developed for the resumption of in-person court proceedings, jury trials and other important issues.

As this Court looks toward the phased resumption of full operations, key functions have continued throughout this crisis. The Clerk's Office has continued to accept and process electronic case filings, as well as drop-box filings from *pro se* litigants and to process restitution payments and applications for attorney admissions. The Judges of this Court have continued to issue decisions in cases before them and, although in-person court proceedings have been suspended since mid-March, to preside over both criminal and civil proceedings (other than trials), using audio and video conferencing. Public and media access to audio and video conference proceedings has been provided via public access audio lines established by the Court. The Magistrate Judges of this Court have continued to process criminal investigative applications and to handle arraignments and detention hearings for newly arrested defendants.

Critical Considerations

In moving toward the restoration of full operations, this Court will follow a phased approach similar to that being used by local, state and federal governments in resuming normal community activities and business operations. The phases of this Court's plan are necessarily specific to the needs and business of this Court and the physical facilities of the courthouse. As a result, this Court will operate in a more restrictive posture than the local community, based on circumstances particular to the Court and the courthouse environment.

Four primary considerations will determine at any given time whether the Court will move to a less restrictive phase, remain in its current phase, or return to a more restrictive phase: (1) Facility Exposure Risk, including whether there have been any confirmed or suspected cases of COVID-19 within the Courthouse community in the prior 14 days; (2) Community Case Analysis, including trends in the number of COVID-19 cases and extent of community transmission of the virus, and the percentage of COVID-19 positive tests in the District of Columbia metropolitan area over the last 14 days; (3) Community Actions and Restrictions, including whether community restrictions have been imposed, eased, or re-implemented over the last 14 days by local and regional government authorities; and (4) Court and Facility Readiness, including whether all safeguards necessary to support transition to a less restrictive phase are in place within the courthouse.

Progression through the phases may not be one-directional. A return to a more restrictive phase may be necessary if conditions warrant. This Court's COOP Plan will remain in effect until national suppression of the COVID-19 pandemic or development of an effective treatment or vaccine permits the full restoration of regular court operations.

The Phased Approach to Restoration of Full Court Operations

The Court has identified three phases in the gradual restoration of full operations. Set forth below are the Court's expectations with respect to Court operations within each phase. As of July 14, 2020, this Court remains in Phase One, having entered this phase in mid-June.

Phase One

- Access to the Courthouse will remain limited

- Clerk's Office operations will remain limited and public counters closed
- Court employees will continue to telework to the extent possible
- All jury trials will remain suspended
- In-person court proceedings will remain suspended, unless urgent; video and audio conferencing of court proceedings will continue
- Grand jury sessions will resume in limited fashion with appropriate precautions
- Naturalization ceremonies remain postponed, although small naturalization ceremonies may be authorized if necessary
- Attorney admissions ceremonies remain cancelled, with applications processed on the papers
- Public health and safety restrictions and precautions will continue within the Courthouse facility
- Cafeteria will remain closed

Phase Two

- Restrictions on access to the Courthouse will be reviewed for possible adjustments
- Clerk's Office operations may remain limited, but the number of personnel working on-site will likely increase
- Telework will continue to be encouraged for Court employees, particularly for vulnerable individuals, to the extent feasible
- All jury trials will remain suspended, with the possible exception of any urgent criminal trials that must occur in order to avoid constitutional or Speedy Trial Act violations
- In-person court proceedings may be permitted as necessary, as determined by the presiding Judge, but only with precautions in place and limitations on numbers of individuals in a courtroom; audio and video conferencing of proceedings will continue to be encouraged
- Grand jury sessions will continue in a limited fashion
- Naturalization ceremonies will remain postponed, although necessary small ceremonies may be authorized
- Attorney admissions ceremonies will remain cancelled, with applications processed on the papers

- Public health and safety restrictions and precautions will continue within the Courthouse facility
- Cafeteria may reopen with appropriate precautions

Phase Three

- Access restrictions to the Courthouse, including enhanced screening and limitations on visitors, will be reviewed and adjusted
- The Clerk's Office will resume full operations
- Telework will continue to be encouraged and permitted for Court employees, particularly for vulnerable individuals, to the extent feasible
- Jury trials may resume, with appropriate precautions in place and modifications to courtroom spaces
- In-person court proceedings may resume, with appropriate precautions in place, and video and audio conferencing of proceedings may continue as authorized
- Grand jury sessions will continue; grand jury impanelments may resume with appropriate precautions
- Naturalization ceremonies may resume, with appropriate precautions
- Attorney admissions ceremonies may resume, with appropriate precautions

Complete Restoration of Court Operations

The Court will only move to a complete restoration of full and unrestricted court operations upon on a successful review of the relevant factors and a public health announcement that COVID-19 has been suppressed within the United States and/or an effective treatment or vaccine is available.

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