FOR PUBLIC DISTRIBUTION

2020 PHASED RE-ENTRY PLAN (COVID-19)

No American institutions are more vital than the courts. Courts of law enforce the rules and norms that allow free people to live together in community. Courts stand ready to protect our lives, our liberties and our property; to defend our civil rights; and to protect us from the actions of those who would undermine public safety. The work of our courts is fundamental to the functioning of society.

As the COVID-19 crisis has unfolded over the past few months, all courts, including the United States District Court for the Southern District of New York, have continued to work for justice. But because of the pandemic, we have worked almost exclusively from home, and in a manner very different from our normal operations. We have had to be creative about how we did things, and certain of our most essential functions, including holding trials, we could not perform at all.

As the first wave of the pandemic recedes, we need to reopen our doors to the public and move toward a restoration of the full range of services that courts provide. We are committed to doing this in a way that provides maximum safety to those who work in our courthouses and those who visit them. We will be guided by the best possible scientific and medical advice. That is why we will reopen gradually, as conditions in the eight counties that make up the Southern District permit.

The information below explains how we intend to restore our essential services in the courthouses. It outlines what will happen in four phases of operation – from Phase I, which has already begun, with some of our back office staff reporting to their regular duty stations, until Phase IV, when we can resume normal operations, albeit with security and health protocols in place until health officials assure us that the pandemic is over.

This document also describes the many new protocols that we are putting in place for your protection. It represents hundreds of hours of thoughtful work and research by our Chief Unit Executives – District Executive Edward Friedland, Clerk of Court Ruby Krajick, Chief of Pretrial Services Scott Kowal, Chief of Probation Michael Fitzpatrick – and members of their managerial staffs. I hope it answers many of the questions you must have at this difficult and puzzling time.

I regret that I cannot tell you exactly when each phase will commence. We will move carefully, always monitoring for enhanced risk, and stepping back when necessary to preserve the health and safety of our employees, our users, and the public.

With your cooperation, we will restore the full functioning of this, the first federal court to open for business in the United States and continue together our quest for justice for all.

On behalf of all the judges and staff of “The Mother Court,” I look forward to welcoming you back to our courthouses.

Colleen McMahon
Chief Judge

NEW HEALTH AND SAFETY PROTOCOLS FOR
COURTHOUSES IN THE SOUTHERN DISTRICT OF NEW YORK

The health and safety of everyone who comes to our courthouses – employees, lawyers, litigants, jurors, the press, contractors, law enforcement personnel, and interested members of the public – is our first priority. After considering guidance from Dr. Amira Roess, an epidemiologist at George Mason University, as well as leading health organizations, including the Centers for Disease Control and New York State, New York City and Westchester County public health guidelines, the Southern District of New York adopts the following health and safety protocols for everyone's protection. These protocols will remain in effect as long as public health guidance requires them. The SDNY may modify these protocols as necessary. Please visit https://www.nysd.uscourts.gov/covid-19-coronavirus for the latest information as it relates to SDNY's COVID-19 response.

Before You Come to the Courthouses of the Southern District of New York:

We need your help in the fight against the COVID-19 virus. If you are not feeling well, or have any symptoms associated with COVD-19 that are not explained by allergies or some other underlying condition, including:

- cough
- shortness of breath or difficulty breathing
- fever or chills
- nausea or vomiting
- muscle or body aches
- headache
- sore throat
- new loss of taste or smell
- extreme fatigue
- congestion or runny nose
- diarrhea

you must stay home; you may not come to the courthouse. In addition, if you have been exposed to someone who has COVID-19 within the last 14 days, do not come to the courthouse. You must stay home; you may not come to the courthouse.

You must also review the Courthouse Access-Related Standing Orders to further determine if you are eligible for entry into an SDNY Courthouse. The Orders can be found on the court's website under "SDNY Response to COVID-19" so that you can review them before traveling to the courthouse.

If you are supposed to report to the courthouse for official business – whether you are a lawyer, witness, litigant, juror, contractor, etc.; contact the person who directed you to report if you are not feeling well, showing symptoms of the virus, or live with someone who does. You can ask to

participate in a proceeding remotely, or to adjourn the proceeding or reschedule the meeting.

SDNY employees have been instructed to report anyone who exhibits COVID-19 symptoms in the courthouse to a Unit Executive or a manager. We encourage our visitors to do the same. You can report your concerns to covid_response@nysd.uscourts.gov.

As You Enter the Courthouses of the Southern District of New York:

Every person who comes to one of our courthouses, for any reason, must pass through the following screening process:

1) You will be asked a few screening questions about your COVID-19 status and possible recent COVID-19 exposure. If your answers indicate that you may have COVID-19 or that you may have recently been exposed to COVID-19, you will not be permitted to enter. On the day you are coming to the courthouse, you can go to this web address to register and fill out the mandatory questionnaire ahead of time: https://www.nysd.uscourts.gov/sites/default/files/2020-10/QR%20Sign%20-%20Public_Media_v.5.pdf

2) Your temperature will be taken, using a contactless thermometer. If your temperature is 100.4 degrees or higher, you will not be permitted to enter the courthouse.

3) You must wear a mask that covers your nose and mouth. If you do not have a mask, a screener will provide one. No one will be admitted without a mask. Gaiters, bandannas, or masks with valves/vents are not acceptable face coverings. Anyone who does not have an approved mask will be provided one.

4) You must apply hand sanitizer, which will be available at all courthouse entrances.

5) You will place personal items that need to be screened through an x-ray machine in a single-use plastic bag, which will be discarded after each use. Court staff will not handle personal belongings.

6) You will place any electronic device that must be checked in a single-use plastic bag that will be handed to a Court Security Officer.

During Your Time in the Courthouse:

While you are in the courthouse, you must comply with the following rules. Failure to abide by these rules is grounds for immediate removal from the courthouse.

Face Coverings: You must wear an approved mask that covers your nose and mouth in all public areas of the courthouse (including but not limited to; hallways, public counters, elevators and courtrooms) or in areas where more than two persons are working, unless an SDNY staff member has granted you permission to remove your mask.

Social Distancing: You must adhere to safe social distancing rules by standing or sitting at least six feet away from other individuals.

To accomplish this, we have changed the look of many areas in our courthouse. We have removed chairs from the Jury Assembly room so potential jurors can sit six feet apart. Courtrooms are being reconfigured in order to provide for proper social distancing. Markings are placed in the well of the courtroom, at counsel tables and in the public seating gallery, to indicate where people may stand or sit. There are fewer seats in public galleries, and overflow courtrooms or public call-in phone numbers are used when necessary.

Jury trials are to take place in our largest courtrooms in each courthouse. Jury boxes are being

enlarged and juror chairs separated by at least six feet for safe social distancing. Plexiglass dividers are being to be installed around the witness box and may be placed elsewhere in courtrooms if recommended by our public health experts. Further, additional technologies are being considered upon recommendation from health experts, including, but not limited to, HEPA filters and other air purifying technologies. Counsel tables are separated to ensure attorneys, litigants, and defendants are properly distanced; seating is limited; some lawyers may have to sit in the gallery.

In addition, plexiglass barriers have been erected in key locations to enhance the safety of those transacting business with the Court – including public counters, frequently visited desks and workstations – to enhance the safety of those transacting business with the Court and the SDNY employees who assist them.

If you are standing in line, you must keep six feet away from any person around you unless you are taking care of a small child or assisting someone with special needs. Elevator capacity is limited as posted to no more than three people, all of whom must wear masks. Markings are placed on floors in highly trafficked areas, indicating where it is permissible to stand or walk.

Doors: Whenever possible, doors used by the public, including restroom doors, will be left ajar, so that no one needs to touch door handles to gain entry.

Hand Washing and Sanitizing: You are expected to practice appropriate hygiene, which includes frequent handwashing with soap and water for at least 20 seconds and the use of hand sanitizer when handwashing is not possible. Hand sanitizers are placed throughout the courthouses, especially in highly trafficked areas like courtroom entrances, employee work areas, and public counters. You should wash your hands after touching surfaces like elevator call buttons, door handles, public counters, and workplace equipment. You should also wash your hands after using the restroom, sneezing, blowing your nose, eating or drinking, going on break, or interacting with the public. All restrooms have plenty of soap and paper towels, which will be regularly replenished.

Cleaning: Cleaning crews are available throughout the day to sanitize heavily trafficked spaces and to disinfect courtrooms after they are used. Cleaning supplies are available in courtrooms, restrooms and other places where court business takes place.

Instructional Signage: There are health and hygiene reminders at all entrances and throughout the courthouses. This signage will remind you about SDNY rules on masks, social distancing, occupancy restrictions, and hand washing.

Employee Protocols: SDNY employees are our first line of defense against COVID-19. All our employees will be trained in COVID-prevention measures and will at all times be wearing job-appropriate personal protective equipment. We are arranging employee schedules to minimize the number of people in the courthouses at any given time. Most important, SDNY employees are under strict instructions not to report to work if they or anyone with whom they have had close contact tests positive for COVID-19 or exhibits symptoms of the virus.

You can rest assured that our employees take your protection very seriously.

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The information that follows outlines the four-phased reopening plan that we have begun to follow in order to restore services from the courthouses here in the Southern District of New York. You will note that the courthouses are not going back to "business as usual" right away. Moreover, if there are new outbreaks, we will not hesitate to pull services back until it is safe to resume them. At all times we will balance the need to move court calendars with the safety of our courthouse users, and public safety will be paramount.

SDNY PLAN FOR PHASED RESTORATION OF FULL SERVICES

Introduction

In line with guidance from the Administrative Office of the United States Courts, the SDNY is establishing a four-phase plan for restoration of full services at courthouses.

The Office of the District Executive will oversee implementation of this plan, in consultation with the Chief Judge and Chairs of the Court's Committees on Security, House and Space, Criminal Law and Probation, and the Clerk's Office. The District Executive will also coordinate with the other Unit Executives – the Clerk of Court and the Chiefs of Probation and Pretrial Services.

The Chief Judge, in consultation with the COVID-19 Response Team, will determine when the SDNY will enter or exit a specific Phase. The Chief Judge and the COVID-19 Response Team will also decide when it may be necessary to reduce services in the event of a new round of viral infections.

Prior to Any Restoration of Courthouse Services:

In anticipation of implementing Phase 1, significant physical modifications were made to courthouse facilities. You will see modifications to the following spaces that were made to promote social distancing and ensure safe environment for everyone:

a) **Employee Work Areas:** Staff areas were measured for compliance with social distancing rules (minimum six feet) and reconfigured where needed to comply with social distancing standards. All employee work areas were equipped with disinfectant and hand sanitizer so that shared equipment can be regularly cleaned during the day and employees can follow recommended hand sanitation practices.

b) **Jury Assembly Rooms:** In Foley Square and White Plains, jury assembly rooms are being reconfigured so that every prospective juror sits at least six feet away from any other person.

c) **Courtrooms:** The largest courtrooms in both Foley Square and White Plains (Courtrooms 23a, 23b, 24a, 24b, 26a, and 26b in the Moynihan Courthouse; Courtrooms 110 and 318 in the Marshall Courthouse; and Courtrooms 218, 520 and 521 in the Brieant Courthouse) are being renovated to allow for jury trials that comply with the guidelines set forth herein. Jury boxes and deliberation rooms and tables are being enlarged to accommodate jurors. Witness boxes will have plexiglass sneeze guards to protect courtroom occupants when needed. Additional technologies will be installed where needed for added safety. Counsel tables are separated, and chairs are being removed so that lawyers can maintain social distance. Portions of public

seating galleries have been repurposed for jurors or for seating for additional lawyers or clients in civil cases. Technology has been added to allow for attorney's and clients to speak to each other while seated at counsel table and remain socially distanced. Benches in the gallery that are designated for public seating are marked for social distancing.

All other courtrooms in Foley Square and White Plains have been measured to ensure compliance with social distancing protocols. Where necessary, furniture and podiums have been relocated.

d) **Mail Room:** Plexiglass barriers have been installed in the mail room to protect staff from individuals who are delivering or picking up mail and packages.

e) **Public Hallways:** Floors have been marked to indicate where people can stand in line for elevator or counter service.

f) **Hand Sanitizer:** Dispensers have been installed throughout the courthouses and disinfectants and paper towels placed in all shared spaces, including podiums, witness boxes, and restrooms.

g) **Disinfectant:** Disinfectants and paper towels have been placed in all shared spaces, including podiums, witness boxes, and restrooms.

Phase I:

During Phase 1, the SDNY will have minimal staffing in each courthouse. The courthouses remain closed to the general public except for emergency matters and the filing of papers in drop boxes.

During Phase I, you can expect the following services from court units:

Judicial Proceedings:

a) Judicial Proceedings, except for emergency matters, are held remotely.

b) Ceremonial Sessions are suspended.

c) Naturalization Ceremonies are suspended.

Clerk's Office:

a) All Attorney Admissions are performed on paper.

b) The Foley Square Clerk's Office:

1) All managers and supervisors are on-site.

2) The front office staff reports to work on a rotating basis.

3) Criminal and Civil Case Operations work with minimal staff on-site, with most functions performed remotely.

4) Incoming mail is processed three days a week.

5) The following units have some staff members working on-site:

a) Pro Se Intake Unit
b) Finance and Cashiers (Civil Case Opening)
c) Office of Clerk of Court
d) Miscellaneous Case Operations
e) Judicial Services (Jury, Records Management and Open and Closed Records)

6) Computer Systems has some staff members on-site, on a rotating schedule.

7) Interpreters Unit has some administrative staff on-site on a rotating schedule. Court interpreting services are conducted remotely.

8) Mediation Unit has some staff on site on a rotating schedule. All mediations are conducted remotely.

9) Supply Room has some staff on-site on a rotating schedule.

10) Jury staff is preparing to qualify new jurors.

11) Courtroom Deputy Clerks work as directed by the judge to whom they are assigned.

c) The White Plains Clerk's Office operates as follows:

1) Managers and supervisors are on-site.
2) Criminal and Civil Case Operations work with minimal staff on site, with most functions being performed

remotely.

3) Mail is processed daily.
4) Some Clerk's Office staff members are on-site on a rotating basis.
5) Computer Systems staff work on site.
6) Interpreters Unit works remotely.
7) Courtroom Deputy Clerks work as directed by the judge to whom they are assigned.

District Executive Office:

a) District Executive Management Staff work on-site.

b) District Executive Front Office Staff report to work on a staggered-hour rotating schedule.

c) Mailroom services are provided three days per week (Monday, Wednesday and Friday). The mailrooms are open from 9:00 AM to 4:00 PM.

d) Issuance and renewals of Attorney Service Passes are done by mail only. For information on Attorney Service Passes, contact: alexa_fisher@nysd.uscourts.gov.

e) Audio/video staff work on-site on a staggered-hours rotation schedule.

f) Telecommunications staff work on-site.

g) Court Reporters work on-site on an as-needed basis. Otherwise, court reporting operates remotely.

h) Property, Procurement, Accounts Payable and Space and Facilities staff work on-site on a staggered-hours rotating schedule.

Pretrial Services Unit:

a) **Bail Investigations:** Bail interviews are conducted by telephone. Bail reports are disseminated electronically by Pretrial Services and must be shredded and discarded by counsel in compliance with local rule: *See* Standing Order in *In re Coronavirus/COVID- 19 Pandemic*, M 10-468 (CM).

b) **Bail Hearings:** Bail-related court proceedings are covered remotely by teleworking officers.

c) **Supervision:** Defendants under Pretrial Services supervision are to report if directed to do so.

d) **Staffing Levels:** Pretrial Services has a duty manager on-site in the Foley Square courthouse to support Phase I operations. A small number of Pretrial officers work on a rotating basis from the courthouse; all other officers work remotely.

For any inquiries or requests related to the processing of new arrests or supervision of pretrial defendants please contact Pretrial Services bail investigation department at (212) 805-4344.

Probation Department:

a) The Chief Probation Officer, or one of the Deputy Chief Probation Officers are on-site in Foley Square. A Deputy Chief Probation Officer is on- site in White Plains two days a week.

b) **Presentence Division:** To limit the number of employees reporting to the courthouses during Phase 1, no more than two Probation Officers are on-site each day. All interviews are conducted telephonically.

c) Supervision Division:

1) Two Probation Officers are on-site each day in Foley Square. One Probation Officer is on-site in White Plains each day.

2) An intake team consisting of four employees is on-site to schedule appointments for supervisees who have been released but have not reported for intake. Five appointments are scheduled each day, beginning at 11:00 AM, and continuing until 3:00 PM, on an hourly basis.

3) Regular intake will resume for all new cases.

4) Fieldwork/home visits are conducted for supervisees who were released after the COVID-19 restrictions were put in place. Field work for other high-risk cases take place with the approval of a deputy chief probation officer.

5) Office visits by persons under supervision are conducted with the approval of a deputy chief probation officer.

Phase II:

During Phase II, the courthouses are reopened to the public. Courtrooms may be used for conferences, hearings, and bench trials. Subject to BOP and USMS restrictions, prisoners will be produced to courtrooms or the cellblock and attorney visitation will be permitted in the cellblock and/or holding cells.

During Phase II, you can expect the following services:

Judicial Proceedings:

a) Subject to the discretion of individuals judges, courtrooms are opened for conferences, hearings, pleas, sentencings, and bench trials. However, proceedings may also be held remotely, and judges are encouraged to use video and teleconferencing whenever possible.

b) For criminal proceedings: Defendants who are out on bail should report for scheduled proceedings. The USMS will produce incarcerated defendants to the courthouse, and in the discretion of the district judge, to the courtroom.

c) For all proceedings: litigants (in civil cases), family members of the defendants or victims (in criminal proceedings), and the press have first priority for seating in a courtroom. All seating will conform to SDNY social distancing rules. Overflow courtrooms will be utilized when necessary to accommodate seating limitations. Courtroom deputies should continue to provide a call-in line for all courtroom proceedings.

d) Ceremonial Sessions remain suspended.

e) Naturalization Ceremonies remain suspended.

Clerk's Office:

a) The Clerk's Office will be open from 8:30 AM until 4:00 PM. Public counter hours will from 9:30 AM to 1:00 PM in the following units:

1) Pro Se Intake Unit
2) Finance and Cashiers Unit (Civil Case Opening)
3) Miscellaneous Case Operations Unit (Attorney Services, MDL, Orders and Judgments, Appeals)
4) Mediation

b) Between 8:30 - 9:30AM and 1:00 - 4:00PM, a reduced staff will engage in back office functions.

c) All other operations will continue as in Phase I.

District Executive's Office:

a) The District Executive Office will be open for full services to the public and staff from 8:30 AM until 4:00 PM.

b) Otherwise, the District Executive's Office will continue as in Phase I.

Pretrial Services Unit:

All Pretrial operations will continue as in Phase I. Pretrial Services will have minimal staff in the office, including a duty manager, necessary to support Phase II courthouse operations.

Probation Department:

All Probation operations will continue as in Phase I, with the same on-site staffing.

Phase III:

During Phase III, jury trials will slowly begin to resume. All jury trials in both Foley Square and White Plains will be conducted in the large courtrooms (Courtrooms 23a, 23b, 24a, 24b, 26a, 26b in the Moynihan Courthouse; Courtrooms 110 and 318 in the Marshall Courthouse; and Courtrooms 218, 520 and 521 in the Brieant Courthouse.) All incarcerated defendants will be produced to courtrooms for all proceedings.

During Phase III, you can expect the following services from court units:

Judicial Proceedings:

a) Courtrooms are opened for proceedings at the sole discretion of the presiding judge. Jury trials are only conducted in specially designated courtrooms.

b) Limited ceremonial events for up to 6 persons are permitted in spaces designated by the District Executive's Office. Any such event must be approved by the District Executive's Office, which will condition acceptance on adherence to health and safety protocols.

c) Naturalization Ceremonies remain suspended in the courthouse, although judges may hold them in other locations, including at 26 Federal Plaza.

Clerk's Office:

All Clerk's Office operations continue as in Phase II, except that additional staff may be asked to come in on a staggered-hours basis on a rotating schedule.

District Executive Office:

All District Executive operations continue as in Phase II.

Pretrial Services:

COVID-19 Bail Investigation and Supervision Operations and staffing levels continue with additional staff on-site, as needed, for in-person court coverage and increased supervision reporting.

Probation Department:

a) All probation operations continue as in Phase II.

b) RISE Court sessions may resume as agreed by the Chief of Probation and the presiding judge.

Phase IV:

During Phase IV, we will be at our "new normal." It will not be quite like the "old normal," in that some operations will continue to be performed remotely until we are sure that the pandemic is safely behind us. But all functions suspended at the outset of the COVID-19 outbreak will be reinstated, albeit on a limited basis.

During Phase IV, you can expect the following services from court units:

Judicial Proceedings:

a) Jury trials resume in all courtrooms; criminal jury trials may continue to be held in only in oversized courtrooms, after consulting public health guidelines.

b) Ceremonial Sessions may resume, but with restrictions on the number of attendees.

c) Naturalization Ceremonies may resume at the courthouses, but with restrictions on the number of attendees.

d) Moot courts and other public uses resume, but any such event(s) must be scheduled through the District Executive's Office, which will condition acceptance on adherence to health and safety protocols.

Clerk's Office:

a) The Clerk's Offices in both Foley Square and White Plains are open for services to the public from 8:30 AM until 5:00 PM. Public counters are staffed throughout the day, from 8:30 until 5:00 PM.

b) All back-office operations continue as in Phase III.

District Executive Office:

All District Executive's Office operations continue as in Phase III, except that the office will be open until 5:00 PM.

Pretrial Services:

Bail Investigation and Supervision Operations resume with the following changes:

a) **Bail Investigations:** Bail interviews are conducted either face-to-face with plexiglass barriers or telephonically after an in-person introduction.

*Standard (hard copy) dissemination and collection of bail reports resumes.

b) **Staffing Levels:** On-site staffing levels are enhanced to meet the needs of the Court.

c) **Other Services:** Young Adult Opportunity Program sessions and Focus Forward classes resume in the courthouses with strict adherence to health and safety protocols.

Probation Department:

a) The Probation Department resumes full operations in all courthouses.

b) RISE Court sessions resume if they have not already done so.