

**IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF IDAHO**

ORDER RE: COURTHOUSE AND COURTROOM RISK REDUCTION PROTOCOLS	ADMINISTRATIVE ORDER H22- DW.13
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On February 17, 2022, the Idaho Supreme Court issued an “EMERGENCY ORDER REGARDING COURT SERVICES” which assigned to the Administrative District Judge of each district the responsibility to ensure appropriate measures are instituted in each courthouse to reduce the risk of transmission of the coronavirus to persons participating in a court proceeding or conducting court business. In an effort to resume normal court operations while continuing to protect the safety of court personnel and the public, court operations in the First Judicial District shall be governed by the following rules until further order.

On February 18, 2022, the undersigned issued its Order Re: Courthouse and Courtroom Risk Reduction Protocols, Administrative Order H22-DW.8, setting forth the metrics for generally determining the risk level for courthouse operation in the First Judicial District. Since that time, the number of positive COVID-19 tests have continued to decrease statewide. However, the 7-day moving average incidence rate per 100,000 in population based on IDHW COVID-19 Case, Laboratory, and Hospital Data Dashboard has sharply increased in the past ten days. In addition, the IDHW COVID-19 Case, Laboratory, and Hospital Data Dashboard recently changed or added the State-Assigned COVID-19 Community Levels as shown by the State of Idaho map with all 44 counties depicted to reflect a low (green), medium (yellow), or high (orange) community level by county. The graphic explains: “Data entry delays due to the surge in cases January 10 – February 5 may increase the CDC Community Levels. The Idaho Department of Health and Welfare has calculated revised community levels based on current case counts; the resulting community levels are shown above [in the State of Idaho map graphic with each county depicted in green, yellow, or orange]. As outstanding laboratory reports are processed, the discrepancies are expected to decrease.”

Panhandle Health District publishes County Risk Levels for the five counties the district covers, which are the five counties in the First Judicial District of Idaho. Panhandle Health updates the risk levels weekly and publishes a graphic for each county with one of four risk levels: low (green), minimal (yellow), moderate (orange), and substantial (red). The metrics used for each risk level are published on Panhandle's website at <https://panhandlehealthdirstrict.org/covid-19/>.

The metrics below will generally determine the risk level for courthouse operation in the First Judicial District:

1. Red Level:

- a. The county is at high risk (orange level) as depicted on the IDHW map graphic, and/or the county is at substantial risk (red level) as depicted on the Panhandle Health District graphic, **AND**
- b. COVID-19 vaccines and/or boosters are not readily available or effective at preventing hospitalization and death from COVID-19, **AND**
- c. The health district in which the courthouse is located is operating under crisis standards of care.

2. Yellow Level:

- a. The county is at medium risk (yellow level) as depicted on the IDHW map graphic, and/or the county is at moderate risk (orange level) as depicted on the Panhandle Health District graphic, **AND**
- b. COVID-19 vaccines and/or boosters are readily available and effective at preventing hospitalization and death from COVID-19, **AND**
- c. The health district in which the courthouse is located is not operating under crisis standards of care.

3. Green Level:

- a. The county is at low risk (green level) as depicted on the IDHW map graphic, and/or the county is at minimal risk (yellow level) or low risk (green level) as depicted on the Panhandle Health District graphic, **AND**
- b. COVID-19 vaccines and/or boosters are readily available and effective at preventing hospitalization and death from COVID-19, **AND**

- c. The health district in which the courthouse is located is not operating under crisis standards of care.

Court operations during the three risk levels are as follows:

1. Red Level:

- a. Jury trials are not permitted;
- b. All persons are required to wear a mask while in a courthouse on court business. In addition, all persons, not of the same household, must observe a minimum of six feet of social distancing from other persons;
- c. Only mandatory persons may attend in-person hearings. Mandatory persons include the Judge, court clerks, court reporter, the parties, counsel for both parties, interpreter, witnesses, and court security.
- d. Courthouse signage shall be conspicuously posted at all public entry points of a courthouse or other locations designated for court business indicating that all persons entering the courthouse on court business must wear a mask and must practice social distancing. Furthermore, signage shall prohibit persons from entering the courthouse or other locations designated for court business if they have been asked to self-isolate by any doctor, health agency or hospital, have been diagnosed with COVID-19 or are experiencing any symptoms associated with COVID-19.

2. Yellow Level:

- a. Jury trials will proceed;
- b. All persons are required to wear a mask while in a courthouse on court business. In addition, all persons, not of the same household, must observe a minimum of six feet of social distancing from other persons;
- c. Criminal and civil proceedings may proceed in-person at the discretion of the presiding judge.
- d. Courthouse signage shall be conspicuously posted at all public entry points of a courthouse or other locations designated for court business indicating that all persons entering the courthouse on court business must wear a mask and must practice social distancing. Furthermore, signage shall prohibit persons from entering the courthouse or other locations designated for court business if they have been

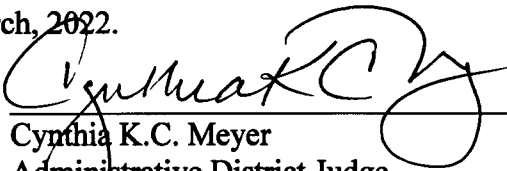
asked to self-isolate by any doctor, health agency or hospital, have been diagnosed with COVID-19 or are experiencing any symptoms associated with COVID-19.

3. Green Level:

- a. Jury trials will proceed;
- b. Persons are not required to wear masks or socially distance while in a courthouse on court business however, the presiding judge has full authority to order masking and social distancing during court proceedings.
- c. Criminal and civil proceedings may proceed in-person at the discretion of the presiding judge.
- d. Courthouse signage shall be conspicuously posted at all public entry points of a courthouse or other locations designated for court business indicating that all persons entering the courthouse on court business are strongly encouraged to wear a mask and practice social distancing. Furthermore, signage shall prohibit persons from entering the courthouse or other locations designated for court business if they have been asked to self-isolate by any doctor, health agency or hospital, have been diagnosed with COVID-19 or are experiencing any symptoms associated with COVID-19.

Each of the courthouses in the First Judicial District may operate at a different risk level at any given time and the risk levels shall be updated every week. As set forth by the Idaho Supreme Court, judges presiding over jury trials shall retain discretion to determine whether to order greater safety protocols than the county's current risk levels indicate.

IT IS SO ORDERED this 16th day of March, 2022.


Cynthia K.C. Meyer
Administrative District Judge
First Judicial District