

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

ADMINISTRATIVE ORDER NO. 2020-02


IN THE MATTER OF THE

Pursuant to Idaho Supreme Court Response to COVID-19 Emergency Order. The 2nd Judicial District is moving to Level 2: Reduced Operations as outlined in the memo dated March 12, 2020 (See Attachment A).

The following protocols are being adopted and/or guidance given on criminal cases pending in the Magistrate Division in Nez Perce County. To maintain consistent court operations district wide, please use the Nez Perce County example to develop protocols applicable to your county and resources available (See Attachment B).

IT IS SO ORDERED.

Dated March 16, 2020.



JAY P. GASKILL
Administrative District Judge

Attachment A

DISTRICT COURT
SECOND JUDICIAL DISTRICT
STATE OF IDAHO

JAY P. GASKILL
DISTRICT JUDGE

NANCY TOWLER
COURT REPORTER



RESIDENT CHAMBERS
NEZ PERCE COUNTY COURTHOUSE
P.O. BOX 896
LEWISTON, IDAHO 83501-0896
(208) 799-3053
email: jaygaskill@co.nezperce.id.us

To: Everyone Who Works in our 2nd Judicial District Courthouses
From: Jay Gaskill, Administrative Judge
Date: March 12, 2020
Re: COVID-19 and courthouse operations

Idaho in general and the 2nd Judicial District are still assessed as a low threat for the coronavirus. However, we are working with all agencies and the judiciary to prepare in case operations need to change quickly at the courthouse.

Watch for local communication from your County Commissioners and Emergency Coordinators. Please forward any communication and information you feel may have an impact on our court personnel through-out our district.

COMMUNICATION

Please understand all communication in regards to changes in 2nd Judicial District Court Operations will come directly from the Administrative District Judge and will be assessed and handled here at the local level.

LEVEL 1: BUSINESS AS USUAL

This is our current state of operations. Even with many employees calling in sick, we will continue at this stage of courthouse operations until we can no longer continue.

Under this stage, every person who is feeling ill should stay home from work.

Effective IMMEDIATELY: Every person who is symptomatic (coughing, fever, body aches, chills, sneezing, etc.) must stay home from work.

Effective IMMEDIATELY: The County Jails will not transport symptomatic people to the courthouse. It is being looked at to suspend ICAR 43 so potentially all inmates could appear via video conference and not need to be transported to the courthouse regardless of degree of charge.

Effective IMMEDIATELY: **Every person** returning from a country or other area designated as high-risk (level 3 or higher) on this website link below, must self-quarantine for 14 days before returning to work in the courthouse. The self-quarantine requirement applies regardless of whether you are symptomatic or not.

<https://wwwnc.cdc.gov/travel/notices#travel-notice-definitions>

LEVEL 2: REDUCED OPERATIONS

At this stage of operations, the court will only carry out the “critical court functions.” The public will not be permitted on court floors or court operations areas except for certain specified circumstances. (as outlined on Supreme Court Order #5)

The number of court staff, court clerks, court reporters, and judges will be reduced. “Reduced Operations” means skeleton crew for the courts, security, prosecutors, and public defenders.

Reduced operations will include a mix of actual court hearings and virtual (IT – supported) hearings. Whether we are largely operating in the courthouse or largely operating online remains to be seen. This could change from day to day and we will have to move forward as circumstances change.

Although jury trials are not listed as a critical function, if there is a truly exceptional case that needs to be heard by a jury within the time for speedy trial, we will attempt to make that happen. The Grand Jury will not run during reduced operations

LEVEL 3: COURTHOUSE CLOSURE

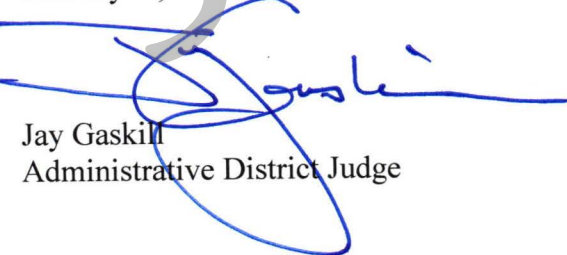
Court operations will close only by order of the Administrative District Judge if: (1) the Governor orders us to close it; (2) the Public Health Department orders us to close it; (3) the Board of County Commissioners request a courthouse closure; (4) the Idaho Supreme Court orders us to close it; or (5) the courthouse building becomes contaminated by a person with a confirmed case of coronavirus being in the courthouse.

The length of the courthouse closure will depend on the reason it is being closed.

If the courthouse is closed, we will attempt to run all of the critical functions online with IT support. Right now our main effort is to make sure we are “IT ready” to lift the court into virtual reality if the need arises. Hopefully, it does not.

I will send you updates as warranted, but in the meantime, send me any questions/concerns and please follow all the local emergency coordinator and CDC recommendations in trying to prevent the spread of the COVID-19 virus.

Thank you,



Jay Gaskill
Administrative District Judge

**PRIORITIZATION OF CATEGORY 1 FUNCTIONS
(MISSION CRITICAL)**

Category 1 (Critical) functions are those functions that must remain operational when the court is closed.

Priority	Mission Critical Function	Time Limitation (if applicable)
1	Initial Appearance, Probable Cause (I.C.R. 5); Arraignments (I.C.R. 10)	IA - 24 hrs (48 hrs –PC); Within 30 days
2	Preliminary Hearings (I.C.R. 5.1)	14 days (i.c.) or 21 days (n.i.c.) of initial appearance
3	Arrest and Search Warrants (I.C.R. 4; I.C.R. 41)	On-going and 24/7/365
4	Shelter Care Hearings (I.J.R. 39)	Within 48 hours of removal
5	Adjudicatory Hearings (CPA) (I.C. § 16-1619)	Within 30 days of filing of petition
6	Civil Protection Orders – Ex Parte (I.C. § 39-6306)	On-going during court hours
7	Involuntary Commitment Hearings (I.C. § 66-326)	Within 5 days of detention order
8	Juvenile Detention Hearings (I.J.R. 7) – Juvenile Evidentiary Hearings (I.J.R. 15)	Within 24 hours; 45 days (i.c.), 90 days (n.i.c.)
9	Expedited Enforcement of Child Custody Determinations (I.C. § 32-11-308) (e.g. parental abduction)	“next judicial days after service of the order, unless that date is impossible”
10	Requests for Medical Treatment of Minors (I.C. § 16- 1627)	On-going 24/7/365
11	Parental Override Requests for Medical Treatment of Minors (I.C. § 16-1627)	On-going 24/7/365
12	Temporary Restraining Orders (I.R.C.P. 65)	14 days
13	Process Incoming Time Sensitive Documents Filed/Delivered to Court	On-going during court hours
14	Secure/Maintain Records	On-going during court hours

15	Maintain Complete Records of Continuances	Whenever a case is reset and during court hours
16	Secure Funds Received	On-going during court hours
17	Maintain Communication Systems to Alert Judges, Employees, Justice Partners and the Public	On-going 24/7/365

SUPERSEDED

PRIORITIZATION OF CATEGORY 2 FUNCTIONS (ESSENTIAL)

Category 2 (Non-Critical but Essential) functions are those functions next in priority to the Category 1 (Critical) functions. Category 2 functions are services that must be fulfilled in addition to functions identified in Category 1.

Priority	Essential Function	Time Limitation (if applicable)
1	Reduced Dockets (Restrict Access to Courthouse to Prevent Spread of Disease)	
2	Petitions for Judicial Review - Quarantine/Isolation Orders (I.C. § 56-1003(7))	
3	Speedy Trial Adjudication (I.C. § 19-3501)	6 months
4	Sentencings/Rider Reviews (I.C.R. 33)	
5	Bail/Bond Hearings (I.C.R. 46)	
6	Problem Solving Courts Review Hearings	
7	Problem Solving Courts (Treatment, Classes, and Check-in)	
8	Temporary Guardian/Conservator Hearings – (I.C. §§ 66-404A; 15-5-310; 15-5-207; 15-5-407A)	5 - 10 days
9	Cases Reset or Vacated - Process Documentation	
10	Jury Pool	
11	Transcript Requests	
12		
13		
14		

Attachment B – (Nez Perce County Example)

Please be advised that pursuant to Idaho Supreme Court Order entered March 13, 2020 in response to the COVID-19 Emergency, the following protocols are being adopted and/or guidance given on criminal cases pending in the Magistrate Division in Nez Perce County:

- Telephone Appearance. Participation in hearings by telephone for counsel and litigants is strongly encouraged. No motion to appear by telephone will be required for either counsel or defendants. Phone numbers should be provided in advance by phone or email.
- Bail Reviews. The Court has been requested to take efforts to decrease the Nez Perce County Jail population, and will review motions to reduce bail and/or for release on own recognizance as they are received.
- Preliminary Conferences. For preliminary conferences, cases where the defendant is in custody will be taken up on the record after the conclusion of the video arraignment calendar with defendants appearing by video conference. Defense counsel may appear in person in the courtroom, or by video conference from the jail as they prefer. Counsel should be prepared for the court to review each defendant's custody status.
- Pretrial Conferences. For pretrial calendars, all cases where the defendant is in custody will be taken up on the record. Defense counsel may appear in person in the courtroom, or by video conference from the jail as they prefer. Counsel should be prepared for the court to review each in-custody defendant's custody status. In-person appearances for represented out-of-custody defendants are waived for pretrial conferences.
- Continuances. The Court will be liberally granting requests for continuances with the presumed default continuance to be 6 weeks. The Court's strong preference is for continuances to be requested in writing, either through green sheet or written motion, rather than orally in order to minimize in-person court appearances.
- Sentencing. Cases set for sentencing will be reviewed on a case-by-case basis.
- Weekend Jail. For defendants with upcoming weekend jail to be served the court will be open to Motions to Continue those dates in an attempt to limit the traffic in and out of the jail.