

**IN THE CHANDLER MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA**

IN THE MATTER OF LIMITING COURT)	
OPERATIONS DURING A PUBLIC HEALTH)	Administrative Order
EMERGENCY)	ORDER 2020-06
_____)	(Replacing Order 2020-04)

Due to concern for the spread of COVID-19 in the general population, the Arizona Supreme Court issued Administrative Order Nos. 2020-47, 2020-48, 2020-60, 2020-70, 2020-75 and 2020-79 authorizing limitations of court operations during this public health emergency. Additionally, the Presiding Judge of Maricopa County Superior Court, as directed by the Supreme Court’s Administrative Orders, issued Administrative Orders 2020-36, 2020-39, 2020-43, 2020-55, 2020-65, 2020-69 and 2020-78 that provide guidance to limiting physical access to all court facilities in Maricopa County by limiting in-person proceedings.

The Chandler Municipal Court has remained open to serve the public throughout this crisis. However, in an effort to avoid in-person proceedings during this public health emergency, as directed by Chief Justice Brutinel and Presiding Judge Welty, the Chandler Municipal Court expanded the use of remote technologies to allow for public access to the court to the greatest extent possible, consistent with core constitutional rights while protecting the health and safety of participants and the public.

The Arizona Supreme Court’s most recent Administrative Order (No. 2020-79) provides further direction to the Arizona Judicial Branch regarding the transition to resuming certain operations beginning June 1, 2020. In accordance with Administrative Order No. 2020-79, the Presiding Judge of Maricopa County Superior Court has issued Administrative Order 2020-78 giving guidance to all courts in Maricopa County on how to proceed with the transition to resume certain court operations.

Given the ongoing threat to public safety, certain limitations and changes of court practices and operations continue to be necessary. In accordance with the Arizona Supreme Court and the Maricopa County Superior Court's Administrative Orders, starting June 1, 2020 the Chandler Municipal Court will begin to gradually expand operations, consistent with the aforementioned orders, to allow certain in-person proceedings while continuing to leverage the use of technology to give the public remote access to the court.

THEREFORE, IT IS ORDERED that Administrative Order 2020-04 is replaced by this Order.

IT IS FURTHER ORDERED that beginning June 1, 2020 Chandler Municipal Court will continue to hold hearings via audio or video appearances and remains available to process all case types and non-appearance proceedings. It remains the presumption that proceedings be conducted via audio or video unless both authorized by this order and deemed necessary by the assigned judicial officer.

IT IS FURTHER ORDERED that all in-person proceedings will be scheduled for a specific date and time with no less than thirty-minute time slots. Multiple in-person court proceedings in the same courtroom will not be scheduled for the same date and time. No more than three courtrooms will be scheduled for any date and time. The court will manage the scheduling of court proceedings.

IT IS FURTHER ORDERED that no more than 10 persons are allowed in the courtroom and gathering of more than 30 persons in one location must be approved by the Presiding Judge or his designee and must include social distancing measures.

IT IS FURTHER ORDERED as follows:

- (a) No jury trials are to be scheduled prior to June 15, 2020.
- (b) All in-custody matters will proceed with the direction that audio or video appearances are to be utilized where feasible until further notice.
- (c) All arraignments for out-of-custody defendants are to be conducted via audio or video, where feasible, until further notice.

- (d) All post arraignment non-trial settings for out-of-custody defendants are to be conducted via audio or video until further notice.
- (e) Beginning June 1, 2020, any case continued from arraignment will not be scheduled prior to July 1, 2020 (specific date and time to be set by the court; notice will be sent to the parties).
- (f) All non-jury trials for out-of-custody defendants currently scheduled for June 1, 2020 through June 14, 2020 are vacated and will be reset for a status conference after June 14, 2020 (specific date to be set by the court; notice will be sent to the parties).
- (g) All civil hearings currently scheduled through June 30, 2020 are to be rescheduled for a specific date and time (specific date to be set by the court; notice will be sent to the parties).
- (h) All in-custody probation violation hearings and all in-custody probation disposition hearings will proceed in-person unless otherwise ordered by the court.
- (i) All out-of-custody probation violation hearings and probation disposition hearings will proceed in-person or by audio or video appearance, as directed by the court.
- (j) For all criminal cases subject to this Order, time is excluded for the purpose of calculating time under Rules 8 and 27, *Rules of Criminal Procedure*, between March 18, 2020 and August 1, 2020, subject to further direction of the Arizona Supreme Court.
- (k) For persons held in-custody: initial appearances, arraignments, in-custody probation violation hearings, and conditions of release are not excluded from calculations of time.
- (l) The time for conducting probation revocation arraignments under Rule 27.8 (a)(1), *Rules of Criminal Procedure* is extended to twenty (20) days after the summons is served or after the probationer's initial appearance under Rule 27.7, if either of those occurs through July 3, 2020, subject to further direction of the Arizona Supreme Court.
- (m) All Protective Order proceedings will proceed with the direction that they are to be conducted via audio or video where feasible until further notice.

- (n) All changes of plea may proceed via audio or video until further notice. Court shall require defendant to be fingerprinted within a certain time-frame.
- (o) All mental health court hearings currently scheduled through July 1, 2020 will proceed with the direction that audio or video appearances are to be utilized where feasible until further notice.
- (p) Probation officers are authorized, and directed to, use social distancing and technology of all types, to the greatest extent possible, to supervise those on probation.
- (q) All non-essential functions currently scheduled to be conducted in the Court are cancelled until further notice.
- (r) All diversion classes currently scheduled for through June 30, 2020 are continued for eight weeks.

IT IS FURTHER ORDERED due to the limitation on the number of in-court proceedings allowed at any given time, all in-person proceedings set through July 31, 2020 are to be set based on the following prioritization:

1. All in-custody proceedings requiring in-person appearance.
2. All Criminal Jury and Non-Jury Trials.
3. All Probation Violation Hearings.
4. All Criminal Evidentiary Hearings.
5. All out-of-custody arraignments and post arraignment proceedings.
6. All Civil Traffic In-Person Contested Hearings.
7. All Parking In-Person Contested Hearings.
8. All out-of-custody Ordinance violation proceedings.

IT IS FURTHER ORDERED in-person proceedings will be limited to attorneys, parties, victims, witnesses, court personnel, and other necessary persons, where necessary to maintain the recommended social distancing within a court facility.

IT IS FURTHER ORDERED that participants attending in-person proceedings should minimize the time they are inside the court and shall not enter the courthouse

more than thirty minutes prior to the start of the proceeding and immediately exit upon the conclusion of the hearing. Jurors may enter the courthouse at any time during their date of service; however, after entering the courthouse, the jurors should remain in spaces specifically designated for jurors.

IT IS FURTHER ORDERED that all judicial branch employees and judicial officers shall wear a mask or face covering when they are in a court facility. The only exception is when they are at their workspace they may remove their mask or face covering if they are not required to interact with the public and they are more than six feet away from any other person.

IT IS FURTHER ORDERED that all other persons entering a courthouse are required to wear a mask or face covering at all times that they are inside the facility. Any person who refuses to wear a mask or face covering as directed by court personnel will be denied access to the facility. If a participant is denied physical access to the courthouse for refusing to wear a face covering, the participant must contact the Court to determine whether the person can participate in the proceeding using an audio or video connection.

IT IS FURTHER ORDERED that the public is subject to a health screening protocol upon entrance to a courthouse. Any person who does not pass the health screening protocol shall be denied entrance into the facility. If a participant is denied physical access to the courthouse, the participant must contact the Court to determine whether the person can participate in the proceeding using an audio or video connection or to reschedule the appearance.

IT IS FURTHER ORDERED that during in-courtroom proceedings, the judicial officer may authorize the temporary removal of masks or face coverings for the purposes of witness testimony, defendant identification, making an appropriate record, or other reasons deemed necessary by the judicial officer, provided that appropriate social distancing or other protective measures are followed.

IT IS FURTHER ORDERED all persons with scheduled appearances are required to notify the Court of any COVID-19 symptoms or suspected exposure and to refrain from entering the Court.

IT IS FURTHER ORDERED all persons entering the Court without a scheduled appearance are required to notify the Court of any COVID-19 symptoms or suspected exposure and to refrain from entering the Court.

IT IS FURTHER ORDERED the Chandler Municipal Court Administrator is the designee to make operational decisions for the Court and will oversee the implementation of safety measures and social distancing in accordance with this Administrative Order and all other relevant Administrative Orders, including the most recent Arizona Supreme Court issued Administrative Order No. 2020-79. This does not change the express or inherent authority given to the Presiding Judge.

IT IS FURTHER ORDERED the Chandler Municipal Court Administrator has authority to deny access to the court facilities to anyone who does not comply with safety measures and social distancing requirements of this Administrative Order and the most recent Arizona Supreme Court issued Administrative Order No. 2020-79.

IT IS FURTHER ORDERED all proceedings occurring within the Chandler Municipal Court are to be conducted in a manner consistent with the Arizona Supreme Court issued Administrative Order No. 2020-79 and Maricopa County Superior Court Administrative Order 2020-78.

IT IS FURTHER ENCOURAGED that all parties continue to work towards the resolution and settlement of the cases subject to this Order.

DATED this 27th day of May 2020.



David R. Fuller
Presiding City Magistrate