



GUIDANCE TO MAYOR'S COURTS COVID-19 Public Health Emergency

The COVID-19 pandemic has created unprecedented times for the judiciary and the bar of Ohio. Now, more than ever, it is imperative that the judiciary, the bar, and all justice system partners, including mayor's courts, work together to ensure access to the courts while also minimizing COVID-19 transmission to the public, litigants, bar, and court staff. While there is no one solution appropriate for every court, there are a number of options that may be considered under existing authority.

EFFORTS TO MINIMIZE PHYSICAL APPEARANCES AT COURT

- Granting continuances for non-essential court appearances (an essential proceeding may be defined as one in which relief is necessary to protect a person's health, safety, housing, or to prevent some other imminent, serious harm that cannot be remedied if allowed to occur); or, in the alternative, rescheduling of non-essential court appearances as phone or video conferences.
- Leverage technology, such as video conferencing, web-based meeting platforms, and telephone, to conduct arraignments, hearings, pre-trials, treatment team meetings, probation meetings, mediations, and to provide interpreter services, etc.
- Waive appearances for pretrial hearings.
- Extend deadlines for court-ordered classes, community service, and community-control conditions that require in-person attendance.
- Cancel or postpone probation/community-control-violation hearings if the alleged violation is not a new criminal offense.

ACCESS TO THE COURTS

- Courts should continue to allow in-person filing of cases, particularly if e-filing is not available.
- For hearings and trials that take place in person, have participants comply with social distancing protocols as much as is practical.

FINES, BAIL, BONDS, AND WARRANTS

- At bail hearings, issue recognizance bonds, unless there is clear and convincing evidence that recognizance release would present a substantial risk of harm.
- Temporarily refrain from issuing a capias warrant for failure to appear for traffic violations, minor misdemeanor, and non-violent misdemeanor offenses.
- Generally, refrain from issuing capias arrest (bench) warrants and instead reschedule court appearances.
- Impose sentences with a presumption the sentence will be noncustodial, unless there is clear and convincing evidence that release would present a substantial risk of harm.
- If a fine is imposed, the mayor or magistrate shall determine whether a defendant is able to pay any fine.

INCARCERATED INDIVIDUALS

- Use discretion to release individuals held in jail.
- Release incarcerated individuals who are in a high-risk category for being infected with the virus (e.g., the elderly, those with asthma, cancer, heart disease, lung disease, and diabetes) unless there is clear and convincing evidence that release would present a substantial risk of harm.
- For individuals incarcerated for non-violent misdemeanor offenses, release and place them on community-control sanctions, including GPS or electronic monitoring, unless there is clear and convincing evidence that release would present a substantial risk of harm.

Resources Available at
sc.ohio.gov/coronavirus

COMMUNICATION

- Provide updates on access to the municipal building and case updates via the local court or city webpage, social media, etc.
- Provide public notification that hearings are available for emergency actions.
- Send a memorandum to or call a virtual meeting with local attorneys, law enforcement, and other justice partners to make expectations clear.
- Post signs outside the municipal building to give current status updates.
- Coordinate with the county or city public health department.
- Regularly communicate with the court's funding authority to keep it informed of the court's current status and administrative operational decisions.
- Communicate with staff about essential operations and policies and keep them informed of expectations.
- Regularly check the Supreme Court's Coronavirus website for updated resources: sc.ohio.gov/coronavirus.