



COVID-19 *and the* COURTS

2020 A Survey of Ohio Judges,
Court Administrators and Attorneys



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INTRODUCTION

On March 14, 2020, Ohio Governor Mike DeWine declared a state of emergency in Ohio due to the threat and spread of the COVID-19 virus in the state.¹ As the nationwide situation and virus-spread projections worsened in Ohio, the director of the Ohio Department of Health issued a stay-at-home order to take effect March 23, 2020.² The order essentially closed all “non-essential” businesses and services, disrupting nearly every industry and area of day-to-day life.

The impact to the criminal justice system included unique challenges as courts, jails, and prisons had to immediately adjust practices to comply with Department of Health guidelines while maintaining public safety and administering justice. In an effort to document the historic and profound circumstances of the pandemic, the Ohio Criminal Sentencing Commission (the Commission) developed a survey for judges and attorneys to record their responses about changes to operations and practices.

The survey was designed with several purposes in mind: to document what is happening “on the ground” in the court system during the pandemic, to identify the challenges in implementing changes in response to COVID-19 and other situations in the future, and to understand how courts adapted and responded to the COVID-19 pandemic and share those innovative practices.

Background

On March 13, 2020, Ohio Chief Justice Maureen O’Connor sent a letter³ to all judges in the state advising courts to remain open for business during the state of emergency. Judges were urged to adopt measures to reduce the number of people entering courthouses to comply with guidance from the Ohio Department of Health and local health departments.

The next week, the Ohio Attorney General released an opinion enabling courts to suspend jury trials as a precautionary measure while maintaining compliance with federal and state speedy-trial regulations.⁴ The day following this opinion, Chief Justice O’Connor advised courts to limit operations to emergency and time-sensitive issues. She further recommended limiting eviction and foreclosure proceedings given the inevitable economic slowdown.⁵

Courts adapted to this new reality, using technology in new ways. With the unprecedented reliance on technology to operate, Chief Justice O’Connor authorized the Supreme Court of Ohio to award nearly \$6 million in technology grants to local courts to assist in establishing and refining remote capabilities for court proceedings.⁶

1 Executive Order 2020-01D. <https://coronavirus.ohio.gov/static/publicorders/Executive-Order-2020-01D.pdf>

2 Director’s Stay-at-Home Order; March 22, 2020. <https://coronavirus.ohio.gov/static/DirectorsOrderStayAtHome.pdf>.

3 Chief Justice O’Connor’s Letter to Ohio Judges Regarding Coronavirus Guidance; March 13, 2020. <https://www.supremecourt.ohio.gov/coronavirus/resources/letterOhioJudges.pdf>.

4 Attorney General Opinion 2020-02, March 18, 2020. <https://www.ohioattorneygeneral.gov/getattachment/fd7d4227-4940-4580-b570-1cadbd01038e/2020-002.aspx>.

5 Yeager, Anne. “Chief Justice Guides Local Courts Amid the Coronavirus Crisis.” Court News Ohio, 23 March 2020. http://www.courtnewsOhio.gov/bench/2020/localCourtGuidance_032320.asp.

6 Yeager, Anne. “Chief Justice’s Program Funds \$6 million in Technology Grants for Local Courts,” Court News Ohio, May 1, 2020. http://www.courtnewsOhio.gov/happening/2020/remoteTechGrants_050120.asp.

On March 27, 2020, Chief Justice O’Connor issued a tolling order that included the waiver of in-person appearance or service requirements, thereby allowing appearance or service via technology.⁷ Around the same time, House Bill 197⁸ was signed into law. This legislation addressed emergency relief for Ohioans during the COVID-19 pandemic, including the tolling of certain time limits for courts, such as criminal statutes of limitations and speedy-trial requirements.⁹

Survey Sample and Response Rates

In an effort to understand the impact of COVID-19 on court processes, an electronic survey was sent to all judges and court administrators of courts handling criminal matters (including common pleas, municipal, county, and juvenile courts), criminal defense attorneys, and prosecutors.¹⁰ Table 1 displays the proportion of respondents in each role.

| Role | Number | Percentage |
|------------------|------------|---------------|
| Court | 292 | 79.8% |
| Prosecutor | 16 | 4.4% |
| Defense Attorney | 58 | 15.8% |
| Total | 366 | 100.0% |

Table 1. Survey Respondents, by Role.

Courts

In total, 785 electronic survey invitations were sent to all judges and court administrators for municipal and county courts, common pleas general division courts, and juvenile courts with valid email addresses on file with the Supreme Court of Ohio. The original invitation was sent on May 27, 2020. A reminder was sent on June 11, 2020, and the survey closed on June 19, 2020. In total, 292 court respondents completed the survey, for a response rate of 37 percent. Further, 215 of the court respondents (73.6 percent) were judges, and 77 (26.4 percent) were court administrators or deputy court administrators.

Table 2 displays the number of respondents who work in each of the court types. Some common pleas courts in Ohio have more than one subject-matter jurisdiction, including five courts that combine general division matters and juvenile court. Attorneys often practice in multiple types of courts; therefore, the “percent” columns for prosecutors and defense attorneys add to more than 100 percent.

⁷ [March 27, 2020 Administrative Actions, 2020-Ohio-1166.](#)

⁸ [https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-197.](https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-197)

⁹ Am. Sub. HB No. 197, Section 22. [https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-1166.pdf.](https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2020/2020-Ohio-1166.pdf)

¹⁰ The survey instrument sent to courts, with full responses per question, is found in Appendix A. Complete responses to open-ended questions by court respondents are in Appendix D.

| Court Type | COURTS | | PROSECUTORS | | DEFENSE ATTORNEYS | |
|-------------------------------|------------|---------------|-------------|---------------|-------------------|---------------|
| | Number | Percentage | Number | Percentage | Number | Percentage |
| General Division | 112 | 38.4% | 16 | 100.0% | 54 | 93.1% |
| General Division and Juvenile | 5 | 1.7% | -- | -- | -- | -- |
| Juvenile | 72 | 24.7% | 11 | 68.8% | 36 | 62.1% |
| Municipal and County Courts | 103 | 35.3% | 9 | 56.3% | 47 | 81.0% |
| Total | 292 | 100.0% | 16 | 100.0% | 58 | 100.0% |

Table 2. Survey Respondents by Court Type.

Prosecutors

The survey distributed to the judges and court administrators was adapted for prosecutors and sent to the executive director of the Ohio Prosecuting Attorneys Association, who forwarded it on to prosecutors in mid-June 2020. The survey closed on July 20, 2020. Given this method of distribution, a reminder was not sent and calculating a response rate is more difficult. In total, 16 prosecutors completed the survey. If each county prosecutor’s office received the survey invitation, the response rate for prosecutors is 18 percent. A copy of the survey sent to prosecutors, with full responses per question, is found in Appendix B. Complete responses to open-ended questions by prosecutors is in Appendix E.

Defense Attorneys

The survey adapted for prosecutors also was used for defense attorneys. The survey distribution for defense attorneys was more challenging because the surveys were sent through two different sources, one through the Ohio Association of Criminal Defense Lawyers (OACDL) and the second went directly to a list of attorneys provided by the Ohio Public Defenders office (OPD). The survey invitations sent through the OACDL went to a list of 699 attorneys on June 15, 2020 and invitations to the OPD emails were sent on June 22, 2020. The survey closed for both on July 20, 2020. A total of 38 completed surveys were returned, a 5-percent response rate.

Additionally, the list of attorneys provided from OPD included 92 names and email addresses for public defenders, OPD contract attorneys, and other attorneys who primarily practice criminal defense work in multiple counties. Another 20 responses were collected from this list of respondents (a 22-percent response rate). The defense attorney survey and complete responses per question is in Appendix C, with full open-ended responses in Appendix F. Table 3 displays the type of defense counsel of each of the 58 respondents.

| Type of Defense Counsel | Number | Percentage |
|--|-----------|-------------|
| Assigned Counsel | 10 | 17.2% |
| County Public Defender/Assigned Non-Profit | 24 | 41.4% |
| Private Counsel | 21 | 36.2% |
| Other | 3 | 5.2% |
| Total | 58 | 100% |

Table 3. Defense Respondents by Type of Counsel.¹

¹ “Other” types of counsel include assistant Ohio public defender and a private attorney who also takes some court-appointed cases. One respondent did not specify.

Survey Responses by County

The survey collected responses from judges or court administrators working in courts located in 82 of 88 counties in Ohio (93.2 percent of counties). Responding defense attorneys worked in 61 of 88 counties (69.3 percent of counties), and prosecutors in 16 counties. Overall, 85 of 88 counties are represented by respondents in this survey. The only counties not represented in the responses are Holmes, Madison, and Miami. Figure 1 displays the type of respondents from each county.

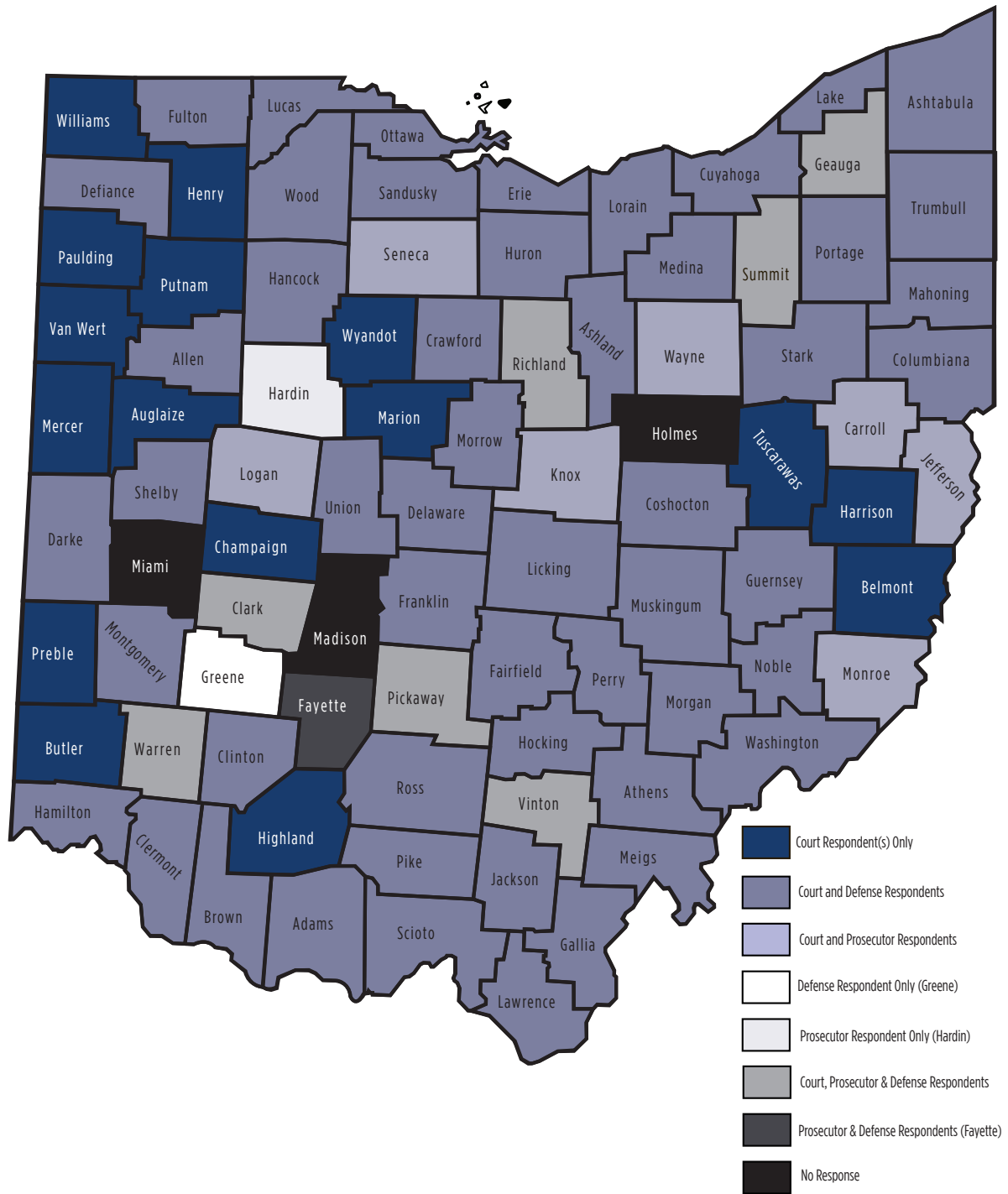


Figure 1. Type of survey respondent(s) by county.

Follow-up interviews

One of the last questions on the survey asked if respondents consented to being contacted for a follow-up interview. If they agreed, respondents were asked for their name and contact information. Out of 292 court respondents, 169 (57.8 percent) agreed to be interviewed. While we are grateful for the high number of those willing to participate in follow-up interviews and we would have been delighted to contact everyone who expressed interest, constraints on time and resources did not make that possible. The attorneys who consented to follow-up interviews were not contacted at the time of this writing.¹¹ In-depth analysis of the follow-up interviews can be found in the addendum to this report.

For this report we contacted 42 judges and court administrators for a follow-up interview. Due to difficulties with scheduling, ultimately 19 judges and court administrators were interviewed. While this is not a large number, the responses provided robust information and tended to be very similar among respondents, suggesting that the number of interviews was large enough to adequately represent respondents.¹² Individuals contacted for follow-up interviews were randomly selected from a stratified sample, assuring appropriate representation by geography, county population, and court type.¹³

Interviews were conducted between July 15, 2020 and August 6, 2020 by Commission staff and a team of interns via Zoom, and recorded with the permission of the respondents. Notes were taken on the interviews at the time and analyzed for common themes. Portions of the recordings were transcribed from saved audio files as necessary for reporting. Quotes included in this report were edited only for readability, including language in brackets to clarify meaning, protect confidentiality, or (in one case) replace profanity.

Survey Results

While courts were never closed, the tolling order and moratorium on certain types of proceedings (like evictions) reduced activities and services during the spring and summer months of 2020. At the end of April 2020, Governor DeWine unveiled the Responsible Restart Ohio plan, outlining when and how certain industries could start getting back to business.¹⁴ The reopening occurred in phases, stretching from May 1 through August. At the time the survey was designed and distributed, the number of new cases of COVID-19 each day in Ohio was relatively stable.¹⁵

What follows are the results of the survey questions for all respondents. Responses are divided by the topic of the survey question, either reported in the aggregate (all 366 respondents) or divided by role (court administrator or judge, prosecutor, or defense attorney) as appropriate.

11 39 of 58 defense attorney respondents (67.2 percent) and 12 of 14 (85.7 percent) of prosecutor respondents volunteered for an interview.

12 Often referred to as a point of “theoretical saturation.” See Strauss, Anselm L. 1987. *Qualitative Analysis for Social Scientists*. Cambridge, UK: Cambridge University Press.

13 Qualitative researchers often use stratified sampling methods coupled with random selection to have a more purposeful selection of respondents, rather than leaving selection solely to chance. This type of purposeful sampling provides a higher likelihood that conclusions from the interviews represents the average survey respondent. See Maxwell, Joseph A. 1996. *Qualitative Research Design: An Interactive Approach*. Thousand Oaks, CA: Sage Publications.

14 <https://coronavirus.ohio.gov/wps/portal/gov/COVID-19/responsible-restart-ohio/News-Releases/>.

15 As was the case in the state until about mid-June, when cases started rising and surpassing the levels in the spring.

Modifying Operations and Practices

KEY POINTS

- Courts adopted a number of modifications to existing procedures in order to maintain operations and protect the health of the public and their staff during the COVID-19 pandemic.
- Courts often modified procedures for addressing jail sentences, community-control violations, supervision check-ins, mandatory drug testing, and the issuing of arrest warrants by rescheduling or making facility adjustments (either rearranging and altering existing space or relocating). This suggests that remote alternatives for these specific operations were more challenging to implement or not as feasible compared to other functions.
- Technology was not used by the majority of court respondents to conduct any of the listed non-hearing functions virtually, with the exception of supervision check-ins.
- Compared with prosecutors consulting with victims, defense attorneys were more likely to use technology to consult with their clients.
- Though many attorneys worked from home during the pandemic, the majority were able to access necessary court services online, such as access to records and online dockets.

This section addresses modifications made to general court operations and specific non-hearing activities due to the COVID-19 pandemic. Adjustments attorneys made to their work, including changes to their office and meeting with clients and victims and their perception of the number of hearings being held is at the end of the section.

Court Operations

A primary objective of the survey was to understand how courts operated during the COVID-19 pandemic. The survey asked all respondents to select the changes their court (or the courts in which they practiced) adopted in order to comply with health-department guidance and to protect the well-being of their staff, the bar, and the public.

Figure 2 displays each of the precautionary measures identified by a majority of respondents and the percent that indicated their courts practiced the identified precautionary measure.

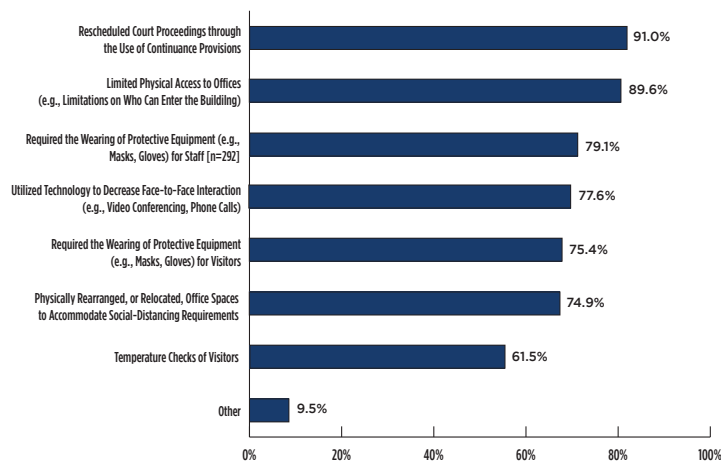


Figure 2. Changes to Court Operations due to COVID-19 Pandemic, All Respondents [n=366].

The rescheduling of court proceedings was the measure most often utilized, according to respondents. This is consistent with public health recommendations to limit person-to-person interaction whenever possible.

In order to protect the staff and public by limiting interaction, courts increased their use of continuance provisions consistent with the tolling orders in House Bill 197, the opinion of the attorney general, and the guidance from the chief justice. This was particularly important with detained or incarcerated individuals as they could be exposed to the virus in court and take it back to the prison or jail (if the virus was not already in the facility).¹⁶

For those who answered “other,” many indicated their court took measures to decrease the number of people in the building at any one time, with strategies such as staggering dockets and the schedules of court staff or limiting court hours. For example, one respondent listed several ways that they limited visitors to the court:

“[We] accepted misdemeanor pleas by phone, limited seating to an ‘X’ taped on the seats, limited [the] number of people in the building by only admitting those with scheduled cases and warrants, reviewed all cases prior to court date, and [did not] bring people in the building unless something [was] going to happen on the cases.”

Several courts mentioned that they instituted increased sanitation measures in addition to providing and requiring the wearing of masks.

Modifications to Non-Hearing Functions in Courts

Judges and court administrators were asked about the changes made for particular types of non-hearing court functions. Respondents indicated if functions were rescheduled, suspended, completed through the use of technology, rearranged, relocated, or if there were no changes.

Figures 3 through 10 display the percentage of court respondents who indicated they made the designated changes for any of the functions listed.

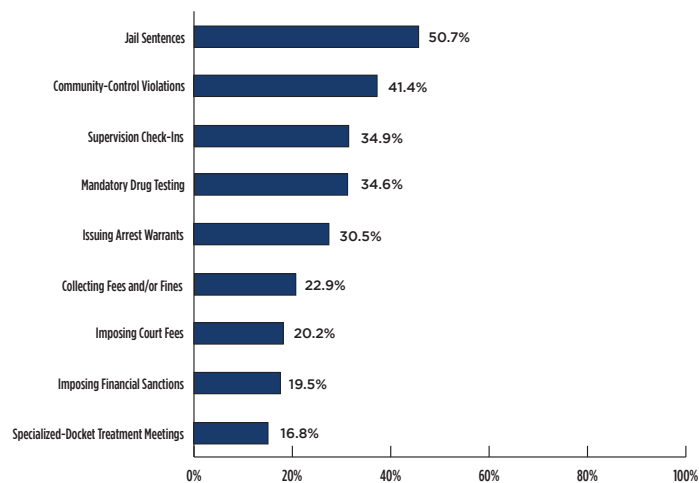


Figure 3. Percentage of Court Respondents Indicating They Rescheduled or Postponed Types of Non-Hearing Court Functions [n=292].

16 See <https://www.vera.org/projects/COVID-19-criminal-justice-responses/COVID-19-data> for more detail on coronavirus in jails.

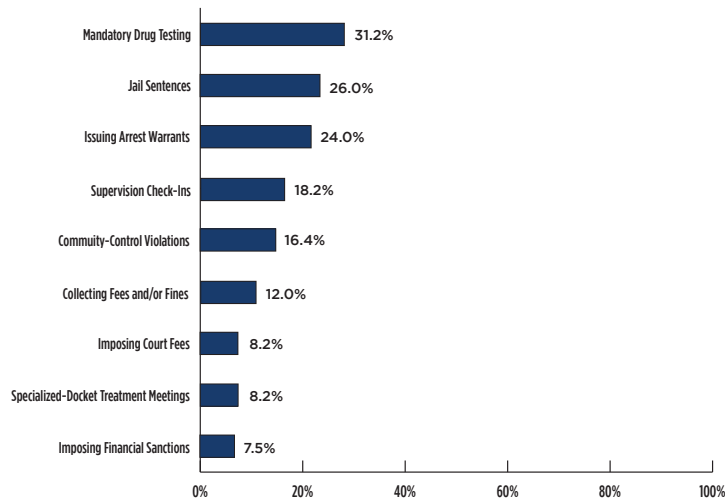


Figure 4. Percentage of Court Respondents Indicating They Suspended Types of Non-Hearing Court Functions [n=292].

Figures 3 and 4 display the types of court functions that were rescheduled, postponed, or suspended. While more respondents answered that they rescheduled or postponed certain functions rather than suspended them, there is a similarity in when the operation was delayed.

The five most frequently selected functions are the same in both figures. This suggests that many courts may not have a good alternative to person-to-person interaction for the imposition of jail sentences, community-control-violation hearings, supervision check-ins, mandatory drug testing, and the issuing of arrest warrants. Further, given the circumstances, these functions may have been reprioritized.

“Jail sentences” was the option the largest number of respondents said was rescheduled or postponed in their court. There may be multiple reasons for this, including concern about the virus in the jail. Additionally, jails were forced to hold defendants who otherwise would have been transferred to a prison facility because the Ohio Department of Rehabilitation and Correction suspended new male prison admissions between mid-April and May 18, 2020.¹⁷ Thus, when transfer to prison is not an immediate option, it starts a domino effect: those persons awaiting transfer to prison remain in jails and those persons who otherwise would have been placed in a jail could not get in, potentially leading to the postponing and rescheduling of arrest or imposition of a jail term.

As one municipal court administrator explained, the suspension of jail sentences and jails closing for intake caused a number of issues,

“We do have a lot of people in the county who have realized that warrants aren’t being served. They can’t be picked up on their warrants because of the jail restrictions, so our appearance rates have gone down significantly for a lot of our criminal cases where people realize that there is no reason for them to appear because the jail isn’t going to take them on a warrant that there is really going to be no negative consequences from ignoring orders from the court. We’re kind of building a backlog of cases I would say due to the people that aren’t showing up for court because of the jail restrictions in our county.”

17 Ohio Department of Rehabilitation and Correction, personal communication. October 15, 2020.

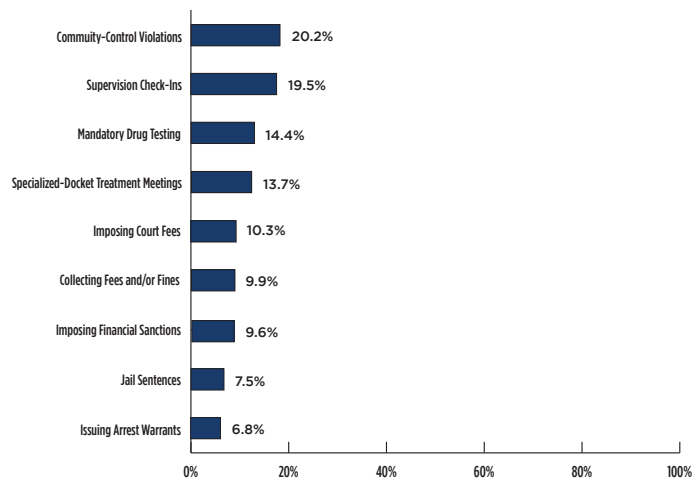


Figure 5. Percentage of Court Respondents Indicating They Physically Rearranged or Altered Facilities for Types of Non-Hearing Court Functions [n=292].

Though one option was for courts to reschedule or temporarily postpone functions, another was to physically adjust the courthouse space — by altering the facilities, relocating to larger spaces, and/or requiring the wearing of personal-protective equipment (PPE) — and adjusting practices so that in-person operation could occur with less risk to participants.

Fewer respondents indicated they opted for these alternatives, displayed in Figures 5 through 7, compared to rescheduling or postponing. However, many of the functions for which the physical adjustments were often adopted overlapped with the types of functions that were rescheduled — specifically, community-control-violation hearings, supervision check-ins, and mandatory drug testing. This suggests again that reasonable, remote alternatives for these functions were more challenging to implement or not as feasible compared to other proceedings or functions.

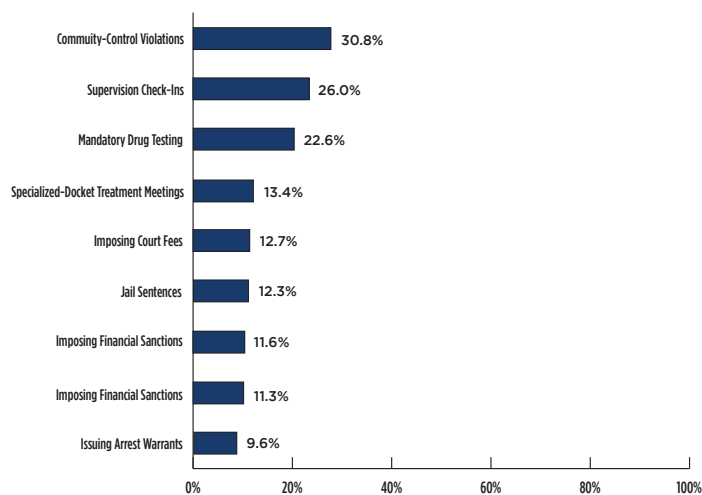


Figure 6. Percentage of Court Respondents Indicating They Required the Wearing of Protective Equipment for Types of Non-Hearing Court Functions [n=292].

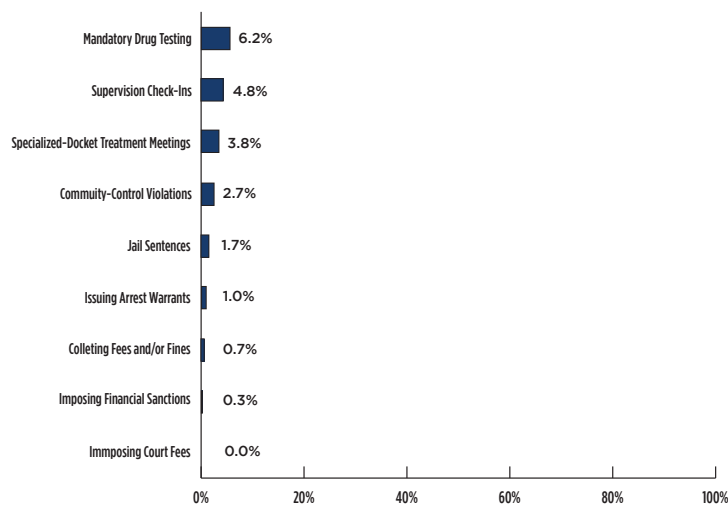


Figure 7. Percentage of Court Respondents Indicating They Relocated Types of Non-Hearing Court Functions [n=292].

One alternative to in-person interactions is the use of technology to complete many court functions. While a popular modification by many courts, there was a large difference in the use of technology by type of task, as shown in Figure 8. For example, while over 55 percent of respondents indicated their courts used technology for supervision check-ins, only five percent used technology to assist with mandatory drug testing.

Interestingly, two of the three most common uses for technology among the respondents — supervision check-ins and community-control-violation hearings — also were the most common functions for other alternatives, such as rescheduling and physical adjustments. The multiple methods used suggests that courts approached such tasks on a situational, case-by-case basis.¹⁸ For example, remote supervision check-ins may have been less effective for some probationers.

Many of the functions that were not high on the list of other modifications, such as imposing and collecting fines and fees, were the functions that respondents most often said there were “no changes” due to the COVID-19 pandemic, as shown in Figure 9.

18 Another possibility could be a lack of financial support, resulting in a lack of resources for technological help with operations. However, of the 130 respondents who did not select “utilize technology” as a change they made for dealing with supervision check-in, only 14 indicated (later in the survey) that lack of financial support was a roadblock for adopting and implementing changes. Another often-cited roadblock, related to resources, was the delayed availability of needed technology and/or the information technology assistance to get the technology set up and operating properly.

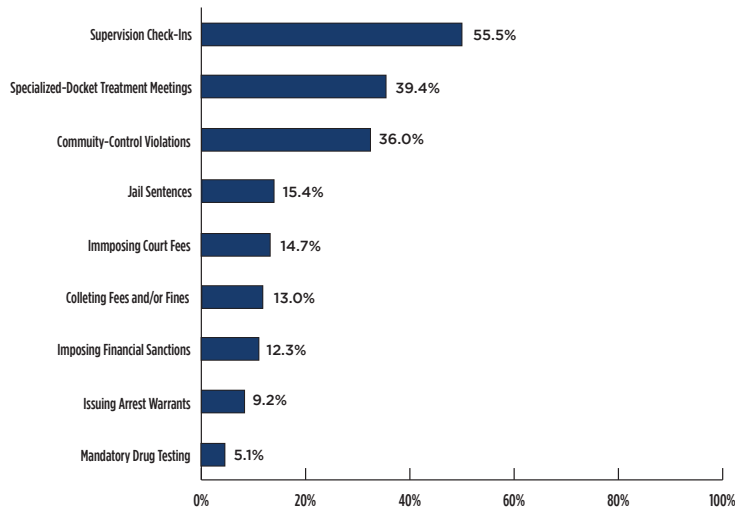


Figure 8. Percentage of Court Respondents Indicating They Utilized Technology for Types of Non-Hearing Court Functions [n=292].

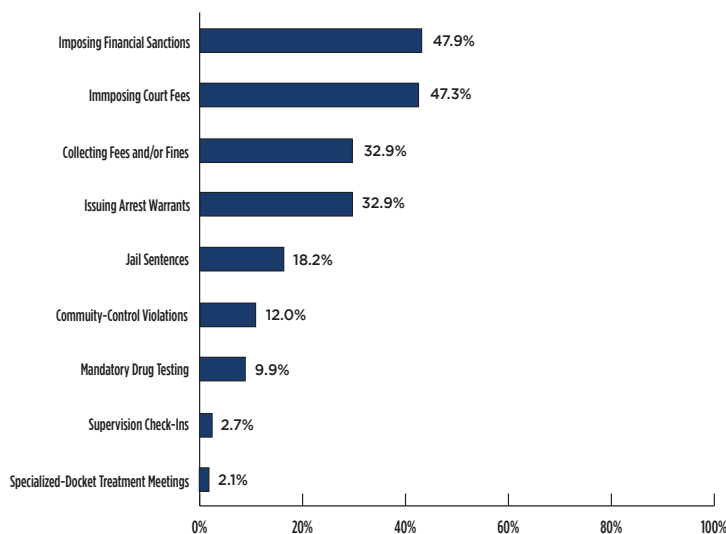


Figure 9. Percentage of Court Respondents Indicating that There Were No Changes for Types of Non-Hearing Court Functions [n=292].

Court respondents were given the opportunity to elaborate on their responses about the changes made for specific types of criminal hearings or to add any other changes made. Fifty-one respondents (17.4 percent) added information.

While many changes cited were approaches addressed in the earlier questions but for different types of hearings (for example, “used Zoom for non-trial hearing”), nine respondents reported modifying hearing procedures based on specific types of offenses and offenders. For instance, one respondent said “We did authorize an expansion of [appearance] waivable traffic offenses, such as speeding in excess of 15 mph over the limit and other generally non-waivable offenses.”

Courts were asked specifically about their use of text-messaging notification prior to and during the COVID-19 pandemic, as shown in Figure 10. While the majority (65 percent) were not using text-messaging notification at the time of response, 23 percent were looking to implement it. More than 24 percent were using text notifications prior to the pandemic, another 11 percent of respondents

started using the notifications as a new practice during the pandemic. Open-ended responses illuminated how some courts used text notifications, including to notify defendants of appearances, notify litigants when a hearing is starting, to stay in contact with attorneys and defendants, and to inform parties when to enter the building in order to better control foot traffic and building capacity.

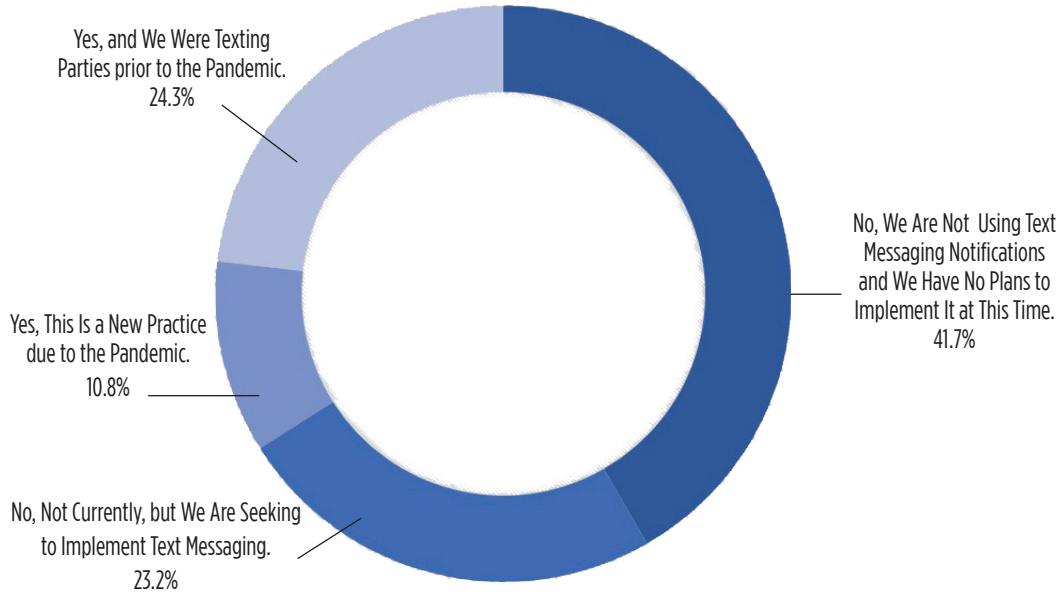


Figure 10. Use of Text-Messaging Notifications during the COVID-19 Pandemic, Court Respondents [n=259].

Of those who responded that they used text-messaging notification during the pandemic, nearly 37 percent indicated they definitely will continue the practice when the pandemic is over, as shown in Figure 11. Only 5 percent (three respondents) said they probably would not continue with the notifications, but the respondents did not explain why.

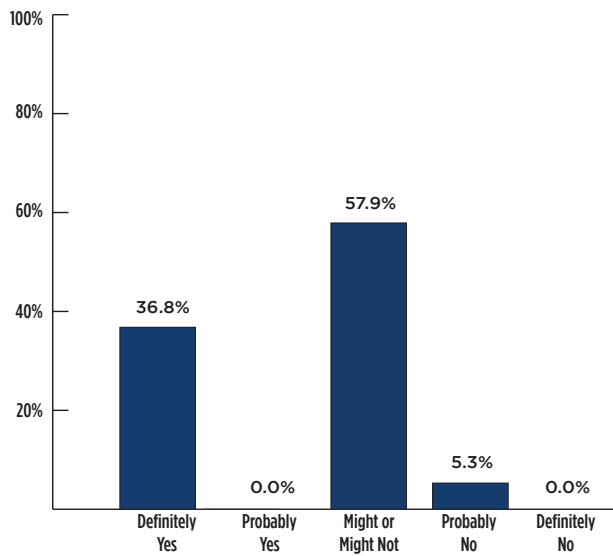


Figure 11. "If Your Court Is Using Text Messaging, Will They Continue When The Pandemic Is Over?" Court Respondents [n=57].

Changing Practices for Attorneys

Attorneys adjusted their practice during the COVID-19 pandemic due to changes within the court, as well as within their own offices. Asked how their offices were adapting amid concerns about COVID-19, prosecutors and defense attorneys were most likely to say that their offices were taking measures to decrease face-to-face contact with clients, victims, and parties.

Specifically, as shown in Figure 12, the most common adaptations were to limit physical access to the office, reschedule proceedings, and utilize technology. A much larger percentage of prosecutors said their staff was encouraged to work from home than that of defense attorneys, the only measure that highlighted a large difference between the two.

| | Prosecutors [n=16] | Defense Attorneys [n=58] |
|--|-----------------------|-----------------------------|
| Limited Physical Access to Offices (e.g., Limitations on Who Can Enter the Building) | 100.0% | 79.3% |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 88.0% | 81.0% |
| Utilized Technology to Decrease Face-to-Face Interaction (e.g., Video Conferencing, Phone Calls) | 93.8% | 91.4% |
| Physically Rearranged, or Relocated, Office Space to Accommodate Social-Distancing Requirements | 18.8% | 31% |
| Temperature Checks of Visitors | 18.8% | 17.2% |
| Temperature Checks of Staff | 37.5% | 29.3% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Staff | 43.8% | 46.6% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Visitors | 31.3% | 46.6% |
| Staff Was Encouraged to Work from Home | 93.8% | 48.3% |
| Other | 12.5% | 8.6% |

Figure 12. Adaptations of Prosecutor and Defense Offices due to the COVID-19 Pandemic.

While fewer defense attorneys replied that the staff in their office was encouraged to work from home, a larger percentage, compared with prosecutors, transitioned to primarily working from home during the COVID-19 pandemic, shown in Figure 13. This apparent inconsistency may be due to the wording of the question, as nearly 38 percent of defense-attorney respondents identified themselves as private attorneys and it is possible they do not have “staff.” This is supported in Figure 14, as fewer defense attorneys answered they had staff transitioning to working from home.

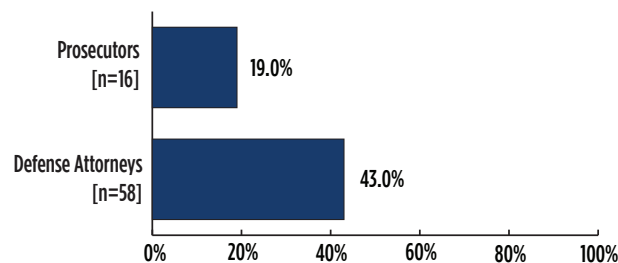


Figure 13. Percentage of Respondents Transitioning from Primarily Working in an Office to Primarily Working from Home.

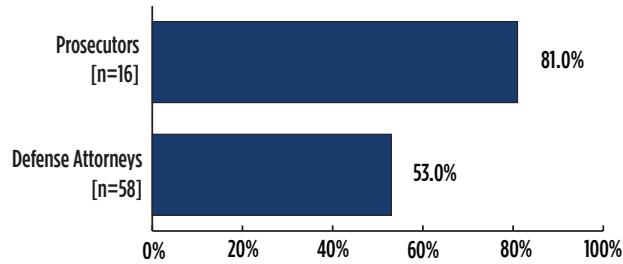


Figure 14. Percentage of Respondents Reporting They Had Staff Transitioning to Primarily Working at Home.

For those who made the transition to working from home, the same proportion of all attorneys (39 percent) found the transition “extremely” or “somewhat” easy as found transitioning to working at home “extremely” or “somewhat” difficult. In part, difficulties to transitioning to working from home may be due to access to resources. As attorneys, successfully working from home requires access to computers, networks, and reliable internet among other things. However, one-half or less of each attorney group reported that additional resources were required in order for staff to work from home effectively (Figure 15).

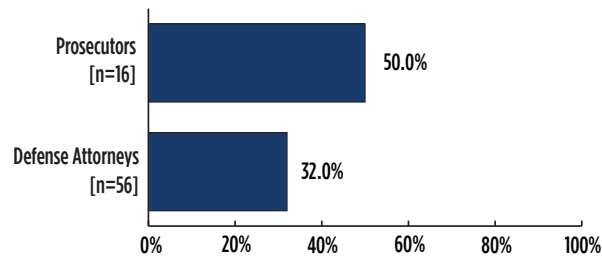


Figure 15. Percentage of Respondents Reporting Additional Resources Were Required for Staff to Work from Home.

Attorneys rely on information from courts and interactions with courts to adequately perform their duties. Figure 16 displays the percentage of responding attorneys who were offered access to specific court services, thereby making it easier to fulfill their responsibilities.

| | Prosecutors [n=16] | Defense Attorneys [n=58] |
|---|--------------------|--------------------------|
| Online Dockets | 79.3% | 81.3% |
| Online Access to Court Records | 65.6% | 68.8% |
| Electronic Filing | 67.2% | 31.3% |
| Regular Operating Hours for Clerks' Offices | 37.9% | 43.8% |
| Waiver or Extension of Filing Deadlines | 48.3% | 68.8% |
| Other | 3.4% | 6.3% |

Figure 16. Percentage of Attorneys Offered Access to Specific Services at the Courts during the COVID-19 Pandemic.

As with courts, technology was vital for attorneys to continue their work with clients, victims, and courts during the COVID-19 pandemic. Figure 17 displays the different ways prosecutors and defense attorneys used technology for certain aspects of their job. The percentage of respondents using technology for each task was similar between the two groups, though there are a few noticeable differences.

Defense-attorney respondents indicated they are more likely to use technology to consult with clients than prosecutors are to use it to consult with victims. We can surmise that this is likely because client consultation is a requirement and, thus, a much larger part of the involvement with the case for defense attorneys. Victims may be consulted at various points in the case. However, they may want to limit involvement in a case, and there are many aspects to a case for a prosecutor that may not involve consulting with the victim.

| | Prosecutors [n=16] | Defense Attorneys [n=58] |
|--|-----------------------|-----------------------------|
| Consulting with Clients/Victims | 56.3% | 69.0% |
| Discussion/Negotiation with Opposing Counsel | 50.0% | 58.6% |
| Discovery | 37.5% | 29.3% |
| Trial Preparation | 37.5% | 19.0% |
| Interviews | 31.3% | 44.8% |
| Other | 31.3% | 29.3% |
| Office Staff Meetings | 25.0% | 31.0% |
| Case Review with Law Enforcement | 25.0% | -- |

Figure 17. Percentage of Attorneys Using Technology for Specified Tasks.

Client Visitation

Defense attorneys have clients who are both out-of-custody and incarcerated. As shown in Figures 18 and 19, the approaches attorneys took to client visitation was similar, regardless of the client’s custody status. Between 60 and 70 percent of responding attorneys utilized technology to meet with clients remotely and about 50 percent of attorneys said meetings were rescheduled or postponed due to the pandemic.

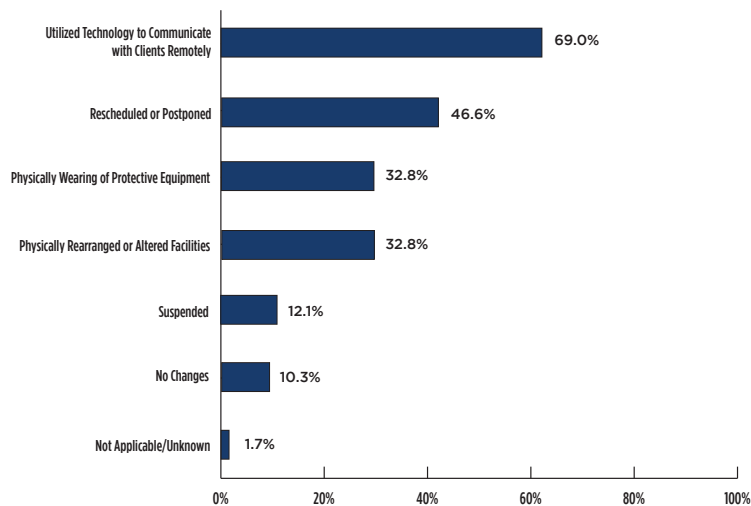


Figure 18. Changes to Meeting Out-Of-Custody Clients during the COVID-19 Pandemic [n=58].

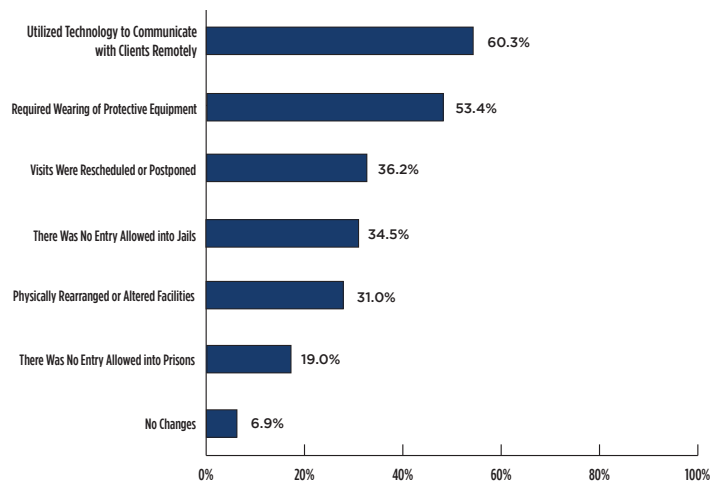


Figure 19. Changes to Incarcerated Client Visitation during the COVID-19 Pandemic [n=56].

Nearly 35 percent of defense-attorney respondents indicated that entry to the jail for client visitation was restricted or prohibited, and 19 percent said the same of prisons. In a follow-up question, no defense attorneys visited clients incarcerated in a prison, though 55 percent visited clients in jails (Figure 20). While legal visits in prison were never suspended, the suspension of other types of prison visitation between April 15, 2020 and May 18, 2020 may have necessitated attorneys to find alternative means to meet with their clients.¹⁹

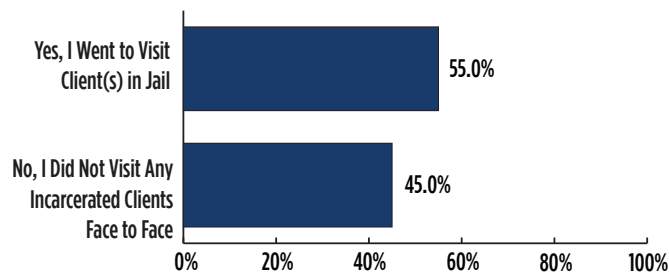


Figure 20. Visitation with Incarcerated Clients during COVID-19 Pandemic [n=56].

Victim Participation

Prosecutors did not need to figure out ways to meet with clients during the pandemic. However, they needed to make modifications for victim participation in criminal cases. Figure 21 displays the different approaches prosecutors took and experienced to allow for victim participation in different types of hearings.

Across the board, the most common change was the required wearing of personal-protective equipment, such as masks. This most frequently happened for sentencing hearings. As this is often the final stage of involvement for victims (excluding any considerations of release), this type of

¹⁹ See Ohio Department of Health Order, March 25, 2020. https://coronavirus.ohio.gov/wps/wcm/connect/gov/1daa7e2b-9478-4b36-9fc6-348821668d60/Health+Director+Order+Limit+Access+Jails+and+Detention+Facilities.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_M1HGGIK0N0JO00QO9DDDDM3000-1daa7e2b-9478-4b36-9fc6-348821668d60-n6XVhyS.

hearing may be considered particularly important for them to be present.

The use of technology to communicate with victims was more common during plea and bond hearings. As one judge elaborated during a follow-up interview, the use of technology in the courtrooms helped encourage victim participation in his court:

“...A number of times, we’ve just had the victim call in and we have the equipment so what they say can be piped in through the room and everyone can hear. So victims have participated that didn’t want to come into the courtroom because of COVID are able to participate in sentencing. Talking to them afterward, they liked it and thanked the judge for allowing them to participate that way. Victims are feeling they can fit it in to their scheduled and appear.”

| | Pleas | Bond | Sentencing | Release |
|--|-------|-------|------------|---------|
| Rescheduled or Postponed | 37.5% | 18.8% | 37.5% | 12.5% |
| Suspended | 12.5% | 6.3% | 12.5% | 0.0% |
| Utilized Technology to Communicate with Clients Remotely | 37.5% | 37.5% | 25.0% | 6.3% |
| Physically Rearranged or Altered Facilities | 31.3% | 18.8% | 31.3% | 12.5% |
| Relocated Proceedings | 0.0% | 0.0% | 0.0% | 0.0% |
| Required Wearing of Protective Equipment | 43.8% | 37.5% | 50.0% | 18.8% |
| No Changes | 18.8% | 12.5% | 25.0% | 31.3% |
| Not Applicable/Unknown | 0.0% | 6.3% | 0.0% | 0.0% |
| Other | 0.0% | 0.0% | 0.0% | 0.0% |

Figure 21. Modifications Made for Victim Participation during COVID-19 Pandemic, by Hearing Type [n=16].

Hearings and Non-Hearing Activities

Given the tolling of time constraints on cases and the suspension of jury trials, as well as other changes occurring in the criminal justice system during COVID-19, the survey asked attorneys to compare the number of hearings they participated in from March through June 2020 to the same time period in 2019.

As shown in Figure 22, a small number of prosecutors reported a “much” or “moderately” higher number of hearings for judicial release, clemency, and requests for parole than the previous year. As COVID-19 spread in prisons, there were increased efforts to release eligible prisoners and, therefore, it was possible that the number of release-type hearings would be much higher than usual in 2020.

For the responding prosecutors, that does not seem to be the case. For nearly all other hearing types, the majority of respondents answered that the number of hearings in 2020 was “moderately” or “much” lower. Nearly half of responding prosecutors reported “about the same” number of bond and sentencing hearings as 2019.

| | Much Higher | Moderately Higher | About the Same | Moderately Lower | Much Lower | Unknown/ Not Applicable |
|---------------------|-------------|-------------------|----------------|------------------|------------|-------------------------|
| Arraignments | 0.0% | 0.0% | 15.4% | 61.5% | 23.1% | 0.0% |
| Pretrial | 0.0% | 0.0% | 23.1% | 46.2% | 30.8% | 0.0% |
| Bond | 0.0% | 0.0% | 46.2% | 46.2% | 0.0% | 0.0% |
| Motion | 0.0% | 7.7% | 30.8% | 53.8% | 7.7% | 0.0% |
| Sentencing | 0.0% | 0.0% | 53.8% | 38.5% | 7.7% | 0.0% |
| Jury Trials | 0.0% | 0.0% | 30.8% | 7.7% | 46.2% | 15.4% |
| Judicial Release | 7.7% | 7.7% | 30.8% | 23.1% | 7.7% | 23.1% |
| Clemency | 7.7% | 7.7% | 7.7% | 7.7% | 0.0% | 69.2% |
| Requests for Parole | 15.4% | 7.7% | 7.7% | 7.7% | 0.0% | 61.5% |

Figure 22. Number of Hearings Prosecutors Report during the COVID-19 Pandemic Compared to 2019, by Hearing Type [n=13].

The results are similar for defense attorneys (Figure 23), though an even smaller proportion indicated more hearings (of any type) increased from 2019 to 2020. Defense attorneys also were more likely than prosecutors to identify that nearly all types of hearings were “much lower” in 2020, compared to the previous year.

| | Much Higher | Moderately Higher | About the Same | Moderately Lower | Much Lower | Unknown/ Not Applicable |
|------------------|-------------|-------------------|----------------|------------------|------------|-------------------------|
| Arraignments | 0.0% | 0.0% | 17.0% | 28.3% | 49.1% | 1.9% |
| Pretrial | 0.0% | 1.9% | 34.0% | 30.2% | 34.0% | 0.0% |
| Motion | 0.0% | 0.0% | 18.9% | 32.1% | 45.3% | 3.8% |
| Sentencing | 0.0% | 0.0% | 28.3% | 37.7% | 34.0% | 0.0% |
| Jury Trials | 0.0% | 0.0% | 5.7% | 7.5% | 81.1% | 3.8% |
| Judicial Release | 0.0% | 9.4% | 30.2% | 17.0% | 20.8% | 18.9% |
| Clemency | 0.0% | 0.0% | 1.9% | 0.0% | 5.7% | 88.7% |

Figure 23. Number of Hearings Defense Attorneys Report during the COVID-19 Pandemic Compared to 2019, by Hearing Type [n=53].

While the numbers of hearings may be lower than usual during the COVID-19 pandemic, attorneys reported spending more time, compared to 2019, working on non-hearing materials, displayed in Table 4. The specific activities necessarily differed between prosecutors and defense attorneys, but nearly every attorney responded that the time spent on non-hearing activities was at least “about the same,” though the largest group of responses among prosecutors and defense attorneys was that the time spent was “much” or “moderately” higher than in 2019.

| | PROSECUTORS [n=14] | | DEFENSE ATTORNEYS [n=53] | | |
|------------------------|-------------------------------------|---|--------------------------|--------------------------|--------------------------|
| | Speedy Trial Waivers and SOL Issues | Appellate Work Responding to Judicial-Release Motions | Inmate Correspondence | Judicial-Release Filings | Requests for Commutation |
| Much Higher | 14.3% | 35.7% | 20.8% | 17.0% | 9.4% |
| Moderately Higher | 42.9% | 35.7% | 24.5% | 35.8% | 3.8% |
| About the Same | 42.9% | 28.6% | 41.5% | 32.1% | 9.4% |
| Moderately Lower | 0.0% | 0.0% | 3.8% | 0.0% | 0.0% |
| Much Lower | 0.0% | 0.0% | 5.7% | 3.8% | 3.8% |
| Unknown/Not Applicable | 0.0% | 0.0% | 3.8% | 11.3% | 71.7% |

Table 4. Amount of Time Spent on Non-Hearing Activities during COVID-19 Pandemic, Compared to the Same Time in 2019.

Changes to Hearings

KEY POINTS

- Courts that altered pretrial procedures during the COVID-19 pandemic were most likely to do so by holding remote pretrial hearings or increasing reliance on pretrial supervision rather than by incarceration and bail.
- The most frequently used modification by courts in order to hold hearings during the pandemic was to utilize technology for remote hearings. This was the most selected option for initial appearances, arraignments, plea, bond, and judicial-release hearings.
- Though not the most utilized option, technology alternatives also were used with sentencing and community-control-violation hearings, indicated by over 50 and 40 percent of court respondents, respectively.
- Preliminary hearings and grand jury proceedings were more likely to be rescheduled, postponed, or required the wearing of protective equipment in order to have the proceedings in person.
- Jury trials were most likely to be rescheduled through the use of continuance procedures. Only five attorneys reported participating in jury trials from mid-March 2020 through the time of the survey (May and June 2020).

Though the number of court hearings of most types is lower than previous years, according to attorneys, some hearings still are occurring within courts during the COVID-19 pandemic with modifications. At the time of the survey, some courts resumed in-person hearings after suspending or postponing them during the stay-at-home orders. The following survey items asked all respondents about the changes made by courts and/or their offices for each type of hearing in the criminal justice process, in order to continue moving cases forward. Follow-up questions were asked of specific groups as they applied to the hearing type.

Initial Hearings

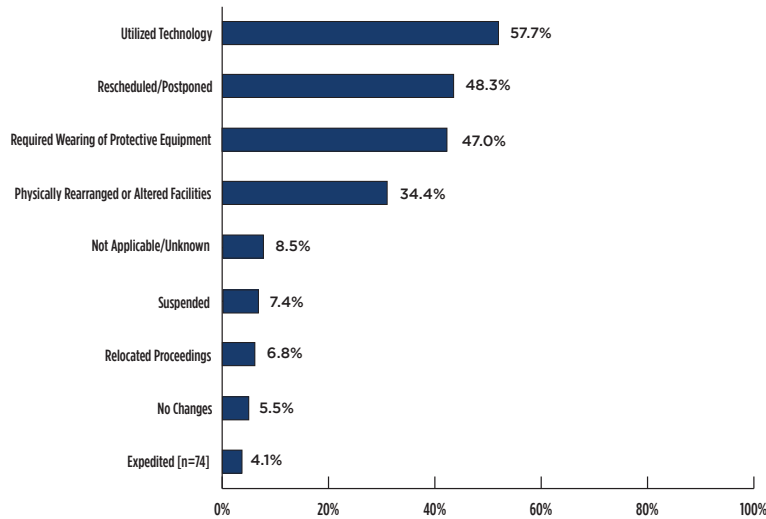


Figure 24. Changes Made by Courts for Initial-Appearance Hearings during the COVID-19 Pandemic, All Respondents [n=366].

The most common modification made for initial appearance hearings, according to responding courts and attorneys, was the use of technology, as shown in Figure 24. While nearly 58 percent of respondents report the use of technology for initial appearances, nearly 50 percent say those appearances were postponed or rescheduled. Few respondents said that initial appearances were relocated, expedited, or had no changes.

Preliminary Hearings

Compared to initial-appearance hearings, there were different responses for preliminary hearings. Nearly one-third of respondents said that this type of hearing was not applicable or the specific changes were unknown (Figure 25). The second most common modification was the required wearing of protective equipment. Similar to initial appearances, it was rare for preliminary hearings to have no changes, be expedited, or relocated.

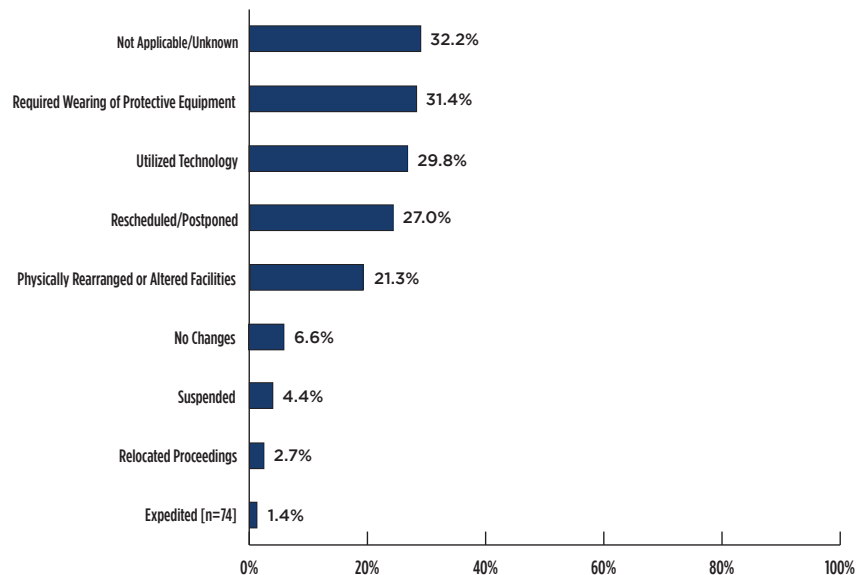


Figure 25. Changes Made by Courts for Preliminary Hearings during the COVID-19 Pandemic, All Respondents [n=366].

Prosecutor Changes Affecting Preliminary Hearings

Prosecutors were asked follow-up questions about changes that could affect preliminary hearings. First, they were asked if they increased the number of cases dismissed for future indictment, rather than holding a preliminary hearing or requesting a direct indictment. Sixty percent of respondents answered “probably” or “definitely” not (Figure 26).

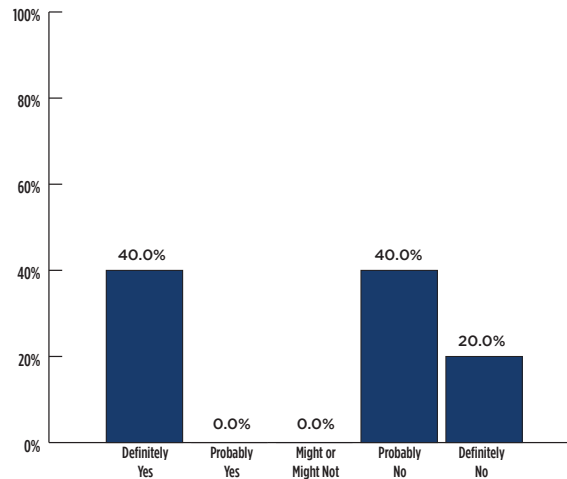


Figure 26. “During the Pandemic, Have You Increased the Number of Cases Being Dismissed for Future Indictment rather than Holding Preliminary Hearings or Requesting Direct Indictments?” Prosecutors [n=15].

Additionally, prosecutor respondents were asked if changes were made in determining whether to accept or reject cases during the pandemic. Five of the respondents (31.3 percent) indicated that such changes were made while, 11 (68.8 percent) responded that no such changes were made. Of the five prosecutors who answered affirmatively, they elaborated that changes included evaluating the seriousness of allegations when arresting, evaluating public safety, and that certain cases were dismissed for direct indictment. For example, one prosecutor explained:

“Those cases where someone was not arrested were held for further complaint or direct indictment at a later date. Seriousness nature of allegation, risk, etc. were factors that determined whether case was directly filed or arrested. If officers arrested someone, obviously the system had to work as normal.”

Changes to Pretrial Procedures by Courts

More than 80 percent of responding courts indicated that they altered their pretrial procedures during the COVID-19 pandemic. However, there does not seem to be a dominant type of change to courts’ pretrial procedures, as shown in Figure 27.

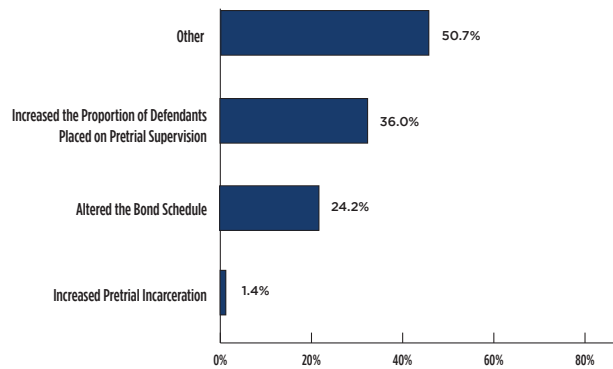


Figure 27. Changes to Pretrial Procedures during the COVID-19 Pandemic, Court Respondents [n=211].

Of the 39 courts that indicated they altered their bond schedule, nearly one-half (17 courts) explained that they increased use of a personal recognizance (PR) /own recognizance (OR) bond during the pandemic. Additionally, 10 courts limited cases that required monetary bond. One suburban, municipal court judge explained in an interview that, in addition to doing more OR bonds, they were sometimes foregoing bonds altogether.

“We do a lot of telephone arraignments, especially for misdemeanor traffic. And so they’re not even putting a bond on them. That’s a huge change. Because if you’re on the phone, it would be on the honor system to post bond, so we’ve forgone a lot of bonds.”

Of the 107 court respondents who answered “other,” 103 elaborated in an open-ended question and those responses varied. The most common response (61.2 percent) indicated that they conducted remote pretrial hearings, either via telephone or video conferencing. Additionally, about 14 percent lowered bonds. Other changes made by the courts included reduced drug testing, increased electronic monitoring/house arrest and granting more continuances.

While the majority of open-ended responses and interviews about pretrial changes were favorable, it was not universal. One common pleas judge opined that the “culture of accountability” of the court relaxed during the COVID-19 pandemic:

“I would say that we certainly saw more incidence of drug use while on bond. I mean, I don’t know that I could quantify it, but anecdotally, we got more reports of it. I would say, though, that I think the culture changed, the culture of the court. Meaning, I was relying on sending my message through an attorney to the offender. And, when you don’t require people to appear to court and don’t hold them accountable face-to-face, there tends to be a relaxation in the culture of the court proceedings. And we had a lot of people cancel their appointment with pretrial services, kind of using COVID as the excuse. But those same people would overdose, which would tell me that they were just choosing who they wanted to see. I mean, if you can overdose and obtain your drug from somebody, it’s not a matter of you not wanting to go see that person because you’ve chosen to not want to come see the court, not wanting to go see your pretrial services officer, yet you’ve made the choice to go see your drug dealer.”

For those who utilized technology, most were positive about the changes and planned on keeping the technology changes for future pretrial proceedings.

The juvenile courts interviewed found the move to virtual hearings particularly successful. One juvenile court judge talked about the many advantages they found to remote pretrials:

“We’ve noticed that people are on time, they’re prepared, we get work done very quickly. Especially in a juvenile court, when many of the individuals that we’re working with may have transportation challenges, we’re not requiring them to get on a bus, change buses, go from one place to another, to walk through security, to go upstairs to the court just to find out that we’re just going to get dates and then they have to reverse the process and go home. Or, you know, families need to take a day off of work to participate in a pretrial. One of the things that we’ve noticed by doing it by telephone or Zoom, a lot of our parents — in juvenile courts, we deal with a lot of kids, but we deal with their parents as well — are able to take the pretrial from work, they don’t have to take a day off. They can take a break, go to a break room, get on the call, handle their business and go back to work. Which certainly benefits families, makes it a lot less burdensome, so the practice has changed almost completely doing it either by phone or zoom.”

Moreover, as another juvenile judge noted about doing virtual hearings that youth, in particular, are very comfortable with the video conferencing,

“It’s worked far better than I ever expected, so I’ve kind of been converted. Although, I still probably have a slight preference for getting them in the room. I find I get a better sense — what I find is kids are very comfortable with it. Probably due to the amount of screen time they spend. They are very transparent with it, maybe even more so because they’re in their own environment, especially if they’re at home. But even in hearings where kids are in detention, they seem to be quite transparent.”

Grand Jury

Courts and prosecutors were asked about changes to the grand jury process. As expected, a majority of respondents, those at municipal, county, and juvenile courts, answered that this question was not applicable for them (Figure 28). Of the remaining options, the most common change for grand juries was to physically rearrange or alter facilities, followed by rescheduling or postponing grand jury proceedings. These responses suggest that the grand jury process is not easily amenable to the use of technology.

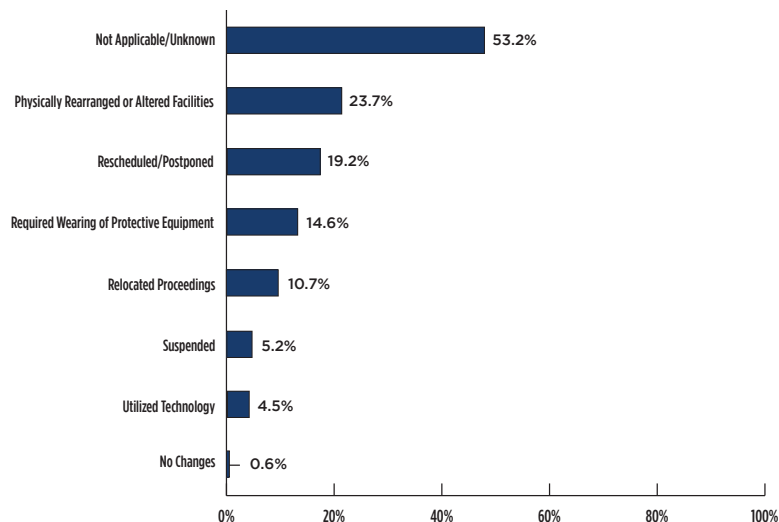


Figure 28. Changes Courts Made to Grand Jury Procedures during the COVID-19 Pandemic, Court and Prosecutor Respondents [n=304].

Prosecutor Changes Affecting Grand Jury

Fifty percent of responding prosecutors indicated that cases were prioritized for presentation to the grand jury for direct indictments during the COVID-19 pandemic. Of those eight respondents who answered that cases were re-prioritized, slightly more indicated a reprioritization in the use of warrants versus summons upon indictment, as shown in Figure 29.

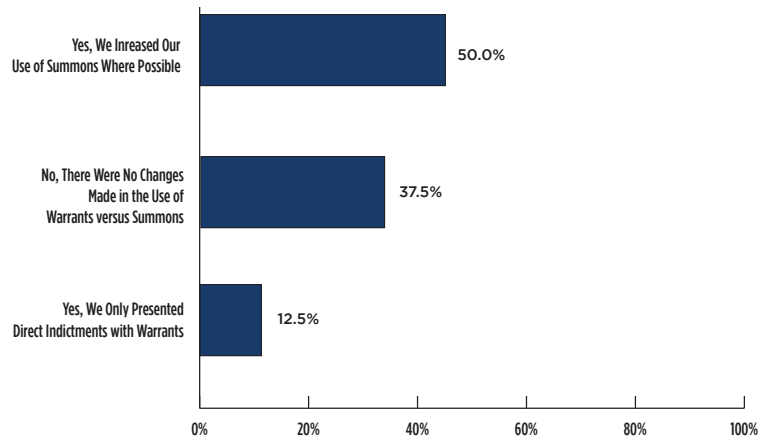


Figure 29. Reprioritization of the Use of Warrants Versus Summons upon Indictment, for Those Indicating that Cases Were Reprioritized for Presentation to the Grand Jury during the COVID-19 Pandemic, Prosecutor Respondents [n=8].

Arraignments, Plea Hearings, and Bond Hearings

Court and attorney respondents reported courts taking similar approaches for arraignments, plea hearings, and bond hearings (Figures 30 through 32), which suggests these types of hearings are more conducive to the utilization of technology. Despite the widespread use of technology for these types of hearings, one urban municipal court judge pointed out that the logistics for arraignments were often difficult:

“Video arraignments have been a real nightmare and headache. You’d think in this day and age it’d just be plug and play. We have a number of interested parties and stakeholders, the prosecutor, the public defenders, the private bar, the court itself of course, and [number omitted for confidentiality] judges on our court. And the Sheriff’s department, which has to house the prisoners and provide cooperation in setting things up at their end and instead of loading 80 prisoners up on a couple of buses and bringing them down to the courthouse, now they have to corral those prisoners 10 at a time to bring them down to the place where the video camera is and then take those 10 out and bring the next 10 in and do some kind of rotation.”

Very few respondents indicated there were “no changes” to arraignment, plea, and bond hearings. About 50 percent of respondents indicated that arraignments and plea hearings were postponed or rescheduled, however only 22 percent indicated the same for bond hearings.

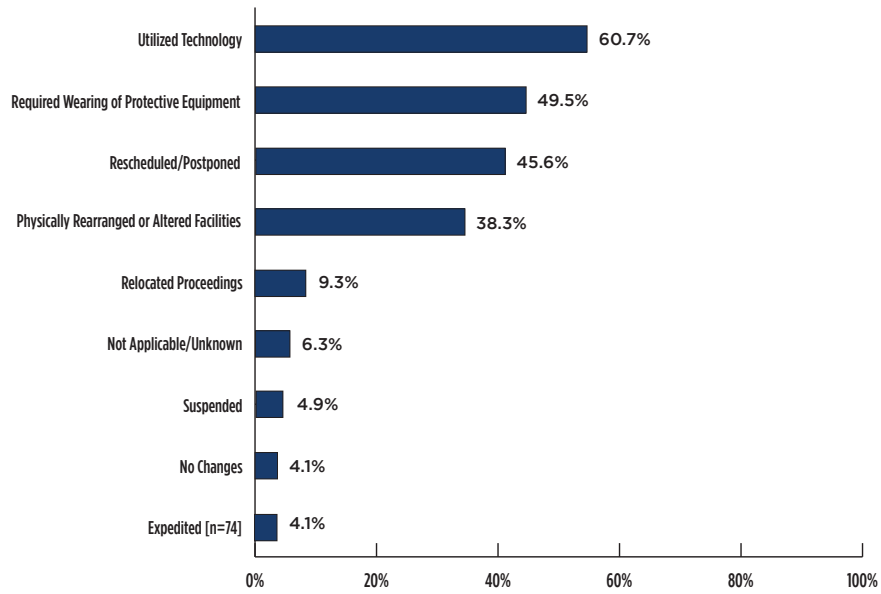


Figure 30. Changes to Arraignments during the COVID-19 Pandemic, All Respondents [n=366].

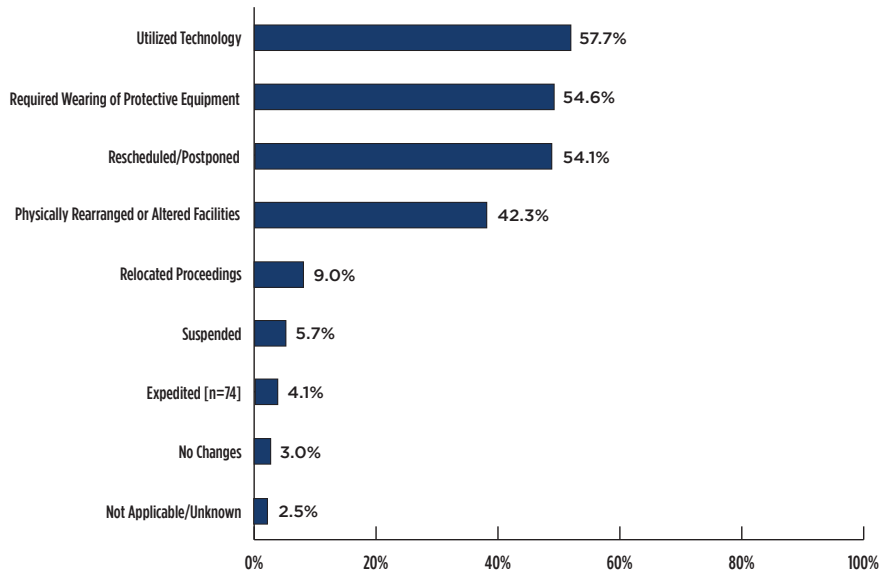


Figure 31. Changes to Plea Hearings during the COVID-19 Pandemic, All Respondents [n=366].

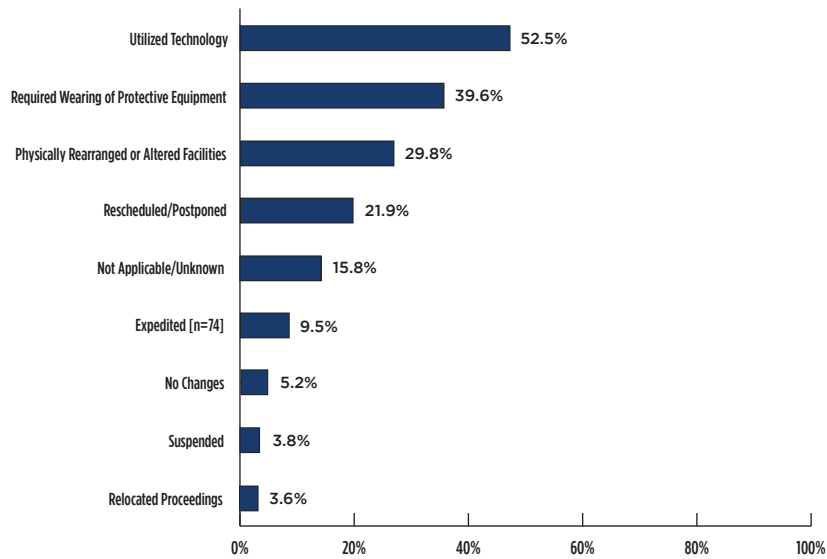


Figure 32. Changes to Bond Hearings during the COVID-19 Pandemic, All Respondents [n=366].

Sentencing Hearings

According to all survey respondents, sentencing hearings were rescheduled or postponed slightly more than the other types of hearings (Figure 33). For those not rescheduled or postponed, nearly 54 percent of respondents identified required wearing of protective equipment during sentencing hearings and 42 percent said facilities were physically rearranged or altered, suggesting that sentencing hearings occurred in person.

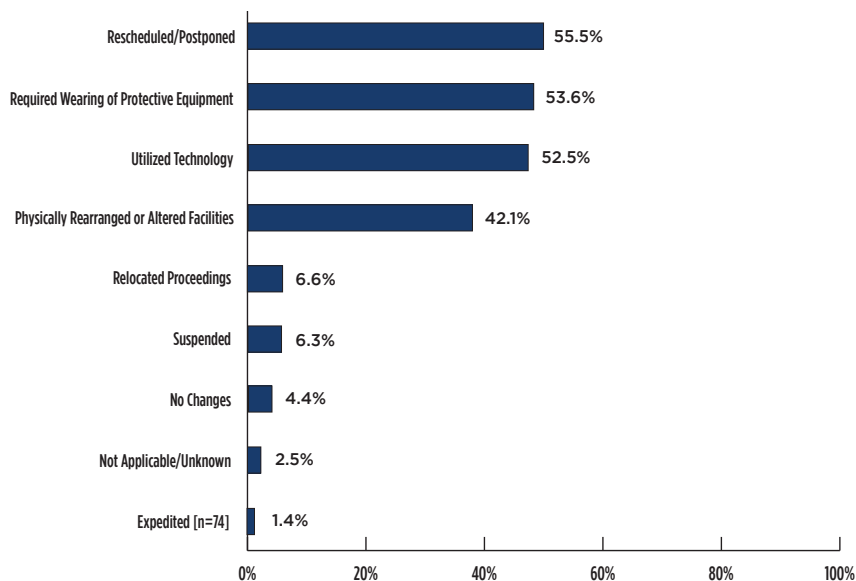


Figure 33. Changes to Sentencing Hearings during the COVID-19 Pandemic, All Respondents [n=366].

Community Control Violation or Revocation Hearings

The most common modification made for community-control-violation or revocation hearings during the COVID-19 pandemic was to reschedule or postpone, as shown in Figure 34. However,

it was nearly as common to use technology and require the wearing of protective equipment. Few respondents indicated that these hearings were suspended, relocated, not changed, or expedited.

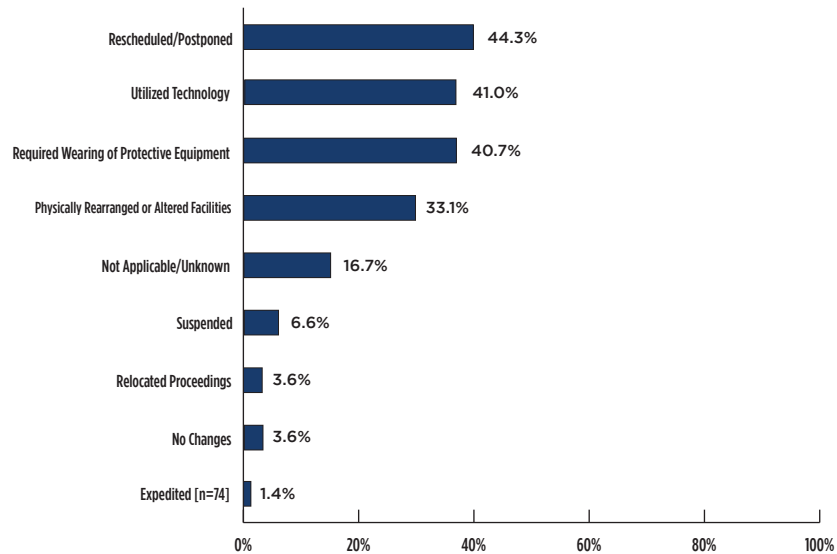


Figure 34. Changes to Community-Control Violation or Revocation Hearings during the COVID-19 Pandemic, All Respondents [n=366].

Judicial Release

During the pandemic, judicial release²⁰ sometimes was utilized as release mechanism. Figure 35 reflects changes made for judicial-release hearings. While the largest group of respondents indicated that this hearing type was not applicable, the next most common response indicated the use of technology for such hearings. Nearly 18 percent of respondents that said judicial-release hearings were postponed or rescheduled.

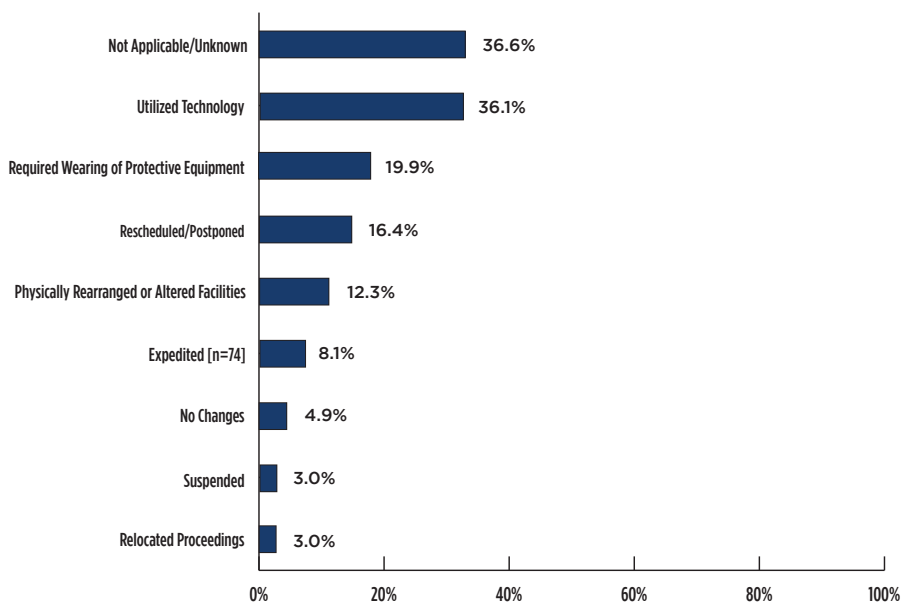


Figure 35. Changes to Judicial-Release Hearings during the COVID-19 Pandemic, All Respondents [n=244]

²⁰ Judicial release pursuant to R.C. 2929.20 is a reduction in a prison term granted by the sentencing judge wherein the defendant is released from prison and placed on a community control (probation) sanction(s). If the offender is revoked from that community control, they can be returned to prison for the remainder of their original sentence.

A follow-up question asked court administrators and judges how much COVID-19 influenced decisions about judicial release. As Figure 36 shows, concerns of COVID-19 did not play much of a role in release decisions; nearly 60 percent of respondents said the virus only played “a little” role or “none at all.”

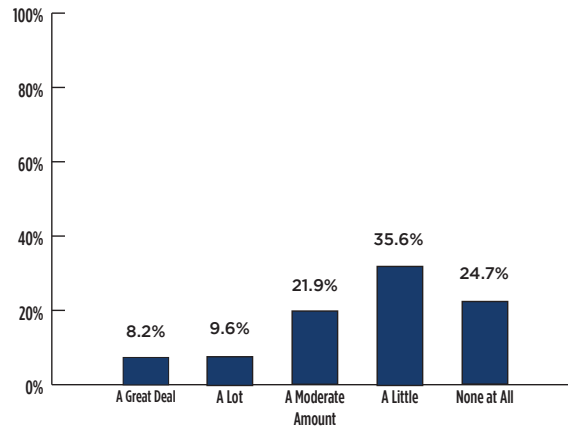


Figure 36. “How Much Has A Consideration of the Risks of COVID-19 Influenced Judicial-Release Decisions?” Court Respondents [n=73].

As one common pleas general division judge explained in a follow-up question, as time went on, the concerns about judicial release were less straightforward:

“It worked both ways, before the prisons became infected, it was a factor to avoid infections and consider early release. Once the prisons became infected, it was a detrimental factor as to release into the general population with the potential the inmate may be infected.”

Two other common pleas judges expressed similar concerns about releasing potentially ill inmates into the public.

Jury Trials

Due to concern about gathering large numbers of citizens together for jury panels, *voir dire*, and how to best proceed after a jury was selected, jury trials were a special consideration during the COVID-19 pandemic. The passage of House Bill 197, the opinion of the attorney general, and guidance by Chief Justice O’Connor allowed for the postponement of trials without violating speedy trial rights and state-promulgated time guidelines. However, the measures for tolling time contained an expiration date of July 30, 2020, and as the survey was conducted, courts were preparing for the end of these orders. Additionally, some courts did not want to continue postponing cases out of concern for the rights of the accused. As one court administrator stated in her follow-up interview, “[The] tolling order bought people some time, but doesn’t help anyone who is sitting in jail. [It] gave ‘relief’ to courts, but people need to get relief from jail.”

Changes in Jury Trials by Courts

The responses by court administrators and judges as shown in Figure 37 show that the most frequent change to jury trials was to reschedule or postpone them, making use of the provisions in House Bill 197 and other guidance. For those jury trials that occurred, rearranging or altering facilities and requiring the wearing of protective equipment were the most frequently utilized options.

While the use of technology was not identified as a common change for jury trials, the survey found that 46 percent of court respondents said their court allows witnesses in criminal proceedings to appear virtually in order to give testimony, while 54 percent of respondents said that was not used in their court.

| | Trial with Speedy-Trial Concern | Trial without Speedy-Trial Concern | Trial with Victim Present | Trial without Victim Present |
|---|---------------------------------|------------------------------------|---------------------------|------------------------------|
| Rescheduled/Postponed | 42.4% | 53.8% | 30.2% | 29.4% |
| Utilized Technology | 7.3% | 7.3% | 4.2% | 4.2% |
| Physically Rearranged or Altered Facilities | 15.6% | 14.5% | 9.2% | 8.0% |
| Relocated Proceedings | 4.6% | 5.3% | 2.3% | 2.3% |
| Required Wearing of Protective Equipment | 14.5% | 16.0% | 11.1% | 8.8% |
| No Changes | 1.5% | 1.5% | 1.5% | 0.8% |
| Unknown/Not Applicable | 14.1% | 1.5% | 41.6% | 46.6% |

Figure 37.Changes Made to Jury Trials during the COVID-19 Pandemic by Courts [n=266].

Though the question about jury trials divided cases with and without speedy-trial concerns, there was not a large difference between the two regarding the changes made during the pandemic. However, according to responding attorneys, only four cases went to trial after a refusal by the defendant to assent to a continuance and/or speedy-trial waiver during the pandemic.

Changes in Jury Trials According to Attorneys

Responses by attorneys about changes to jury trials coincides with the responses of courts, as about three-quarters of respondents said jury trials were continued by the court (Figure 38). The other most-common changes were continuances based on the request of one or both parties.

| | Prosecutors [n=13] | Defense Attorneys [n=58] |
|---|--------------------|--------------------------|
| Continued at the Request of the State | 38.5% | 10.3% |
| Continued at the Request of the Defendant | 53.8% | 20.7% |
| Continued by Agreement of the Parties | 53.8% | 37.9% |
| Continued by the Court, Sua Sponte | 76.9% | 74.1% |
| Suspended | 38.5% | 27.8% |
| Utilized Technology | 0.0% | 0.0% |
| Physically Rearranged or Altered Facilities | 15.4% | 15.5% |
| Relocated Proceedings | 0.0% | 6.9% |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 15.4% | 19.0% |
| No Changes | 7.7% | 1.7% |
| Not Applicable/Unknown | 7.7% | 3.4% |

Figure 38.Ways in Which Jury Trials Changed during the COVID-19 Pandemic, According to Attorneys.

Only two prosecutors (17 percent of respondents) and three defense attorneys (6 percent of respondents) reported participating in any jury trials since the beginning of the pandemic. More than half of defense respondents thought that concerns about COVID-19 lead to an increase in cases being resolved by plea or dismissal that would have gone to trial, compared to about 36 percent of prosecutors (Figure 39).

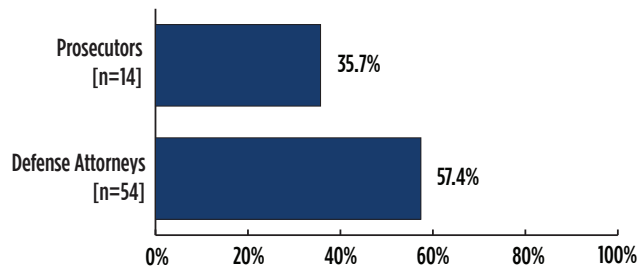


Figure 39. Percentage of Attorneys Indicating They Thought Concerns about COVID-19 Lead to an Increase in Cases Being Resolved by Plea or Dismissal that Would Have Otherwise Gone to Trial.

Pandemic-Related Violations or Crimes

KEY POINTS

- Less than 20 percent of all respondents were involved with any cases involving pandemic-related violations or crimes at the time of answering the survey.

All survey respondents were asked if they were involved with any cases (either brought before them, prosecuting, or representing a defendant) of persons violating pandemic-related restrictions or committing crimes, such as violations of health department orders, hoarding supplies, or price gouging. Only 18 percent (45 respondents) replied affirmatively. Of those that were party to such a case, the sanctions the defendant received are displayed in Figure 40. The majority of matters were not concluded at the time of the survey.

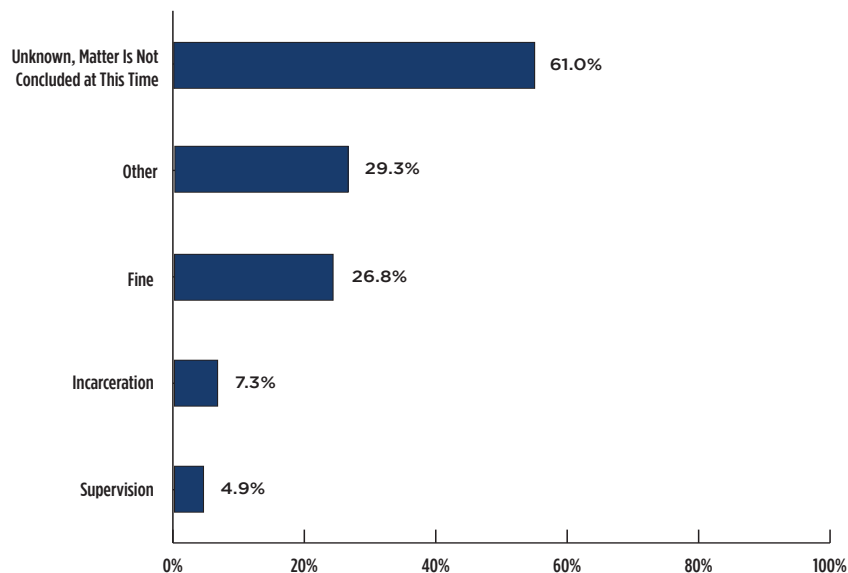


Figure 40. Type of Sanction for Cases Involving Pandemic-Related Crimes, All Respondents [n=45].

Twelve respondents answered “other” in response to sanctions for pandemic-related crimes. Four of those indicated that the cases were dismissed, one received a sanction of community service, another diversion, one was still pending, and five “other” responses did not specify the sanction.

Cooperation with Criminal Justice Partners

KEY POINTS

- Cooperation with other criminal justice partners was rated highly among each group of respondents. The “excellent” or “good” responses were the largest group of responses for each partner listed, not including for “not applicable” or “don’t know” responses.

“Normal” criminal-justice-system operation requires cooperation from all system actors, and in the midst of a pandemic it is particularly important for all to work together. The survey asked respondents how they rated the cooperation of their criminal justice partners.

Figures 41 through 43 display the percentage of each group of respondents that said the cooperation of the other groups was “excellent” or “good.” The denominator for each response is indicated in the chart (“*n*”) and does not include those who responded “not applicable” or “don’t know.”

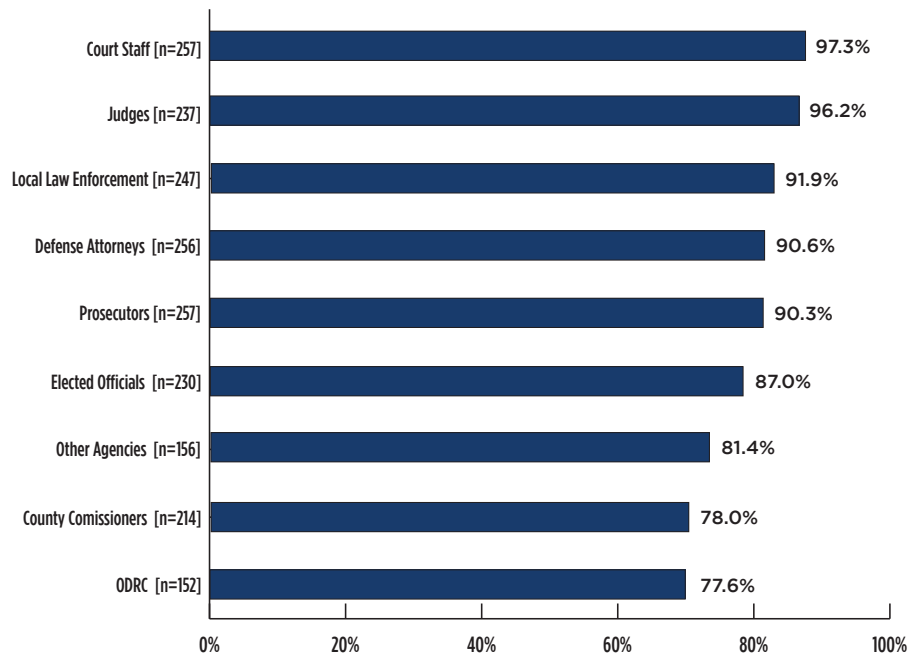


Figure 41. “Excellent” or “Good” Cooperation with Court Respondents during the COVID-19 Pandemic.

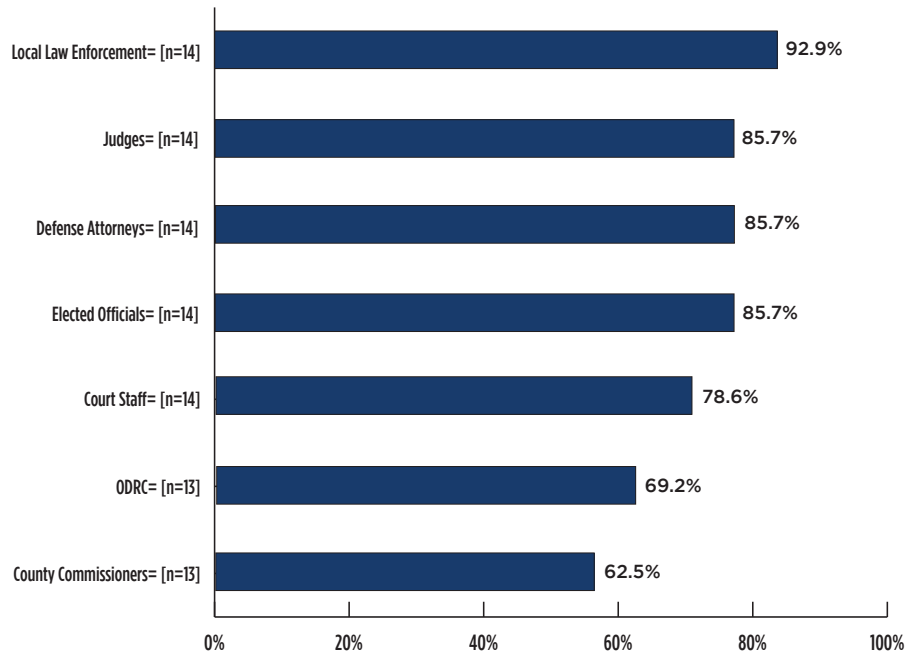


Figure 42. “Excellent” or “Good” Cooperation with Prosecutor Respondents during the COVID-19 Pandemic.

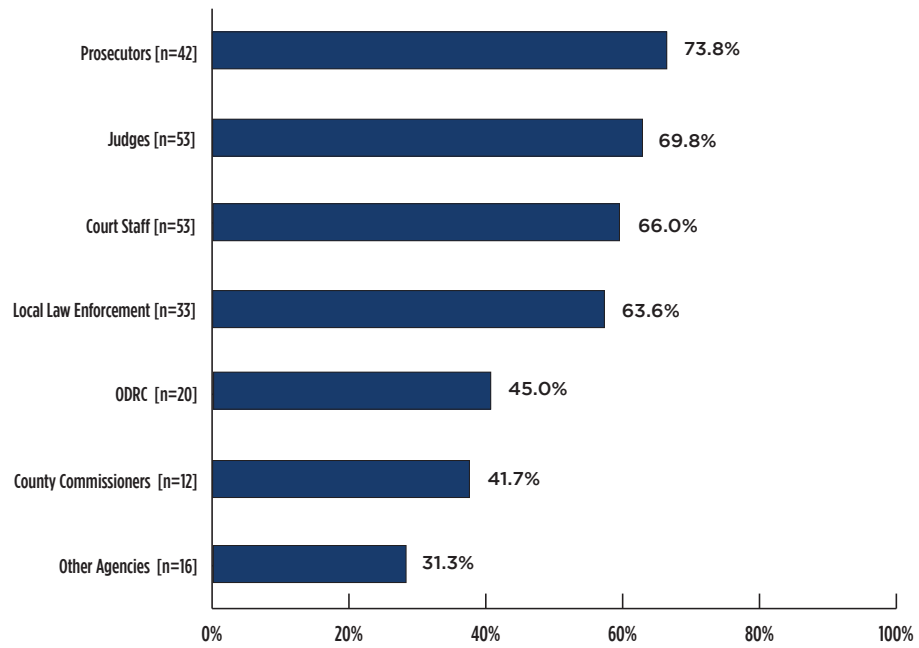


Figure 43. “Excellent” or “Good” Cooperation with Defense Respondents during the COVID-19 Pandemic.

Roadblocks

KEY POINTS

- Resources were mentioned as roadblocks to implementing changes within courts, but the resources often were not financial. Many courts ordered equipment that was back ordered or could not be installed for several weeks.
- Problems with technology also were roadblocks for attorneys, including technology in courts and working from home.
- Responses to the pandemic varied by court and some attorneys noted that inconsistency presented more challenges.

Survey respondents were asked what obstacles or roadblocks they encountered while changing or implementing and adopting new procedures during the pandemic.

Roadblocks According to Courts

The responses from court administrators and judges were similar to those of the attorneys, with “other” reasons identified as roadblocks by the largest percentage of respondents (Figure 44). Lack of responsiveness from probationers or defendants or lack of funding or resources identified as roadblocks by 24 and 20 percent of respondents, respectively.

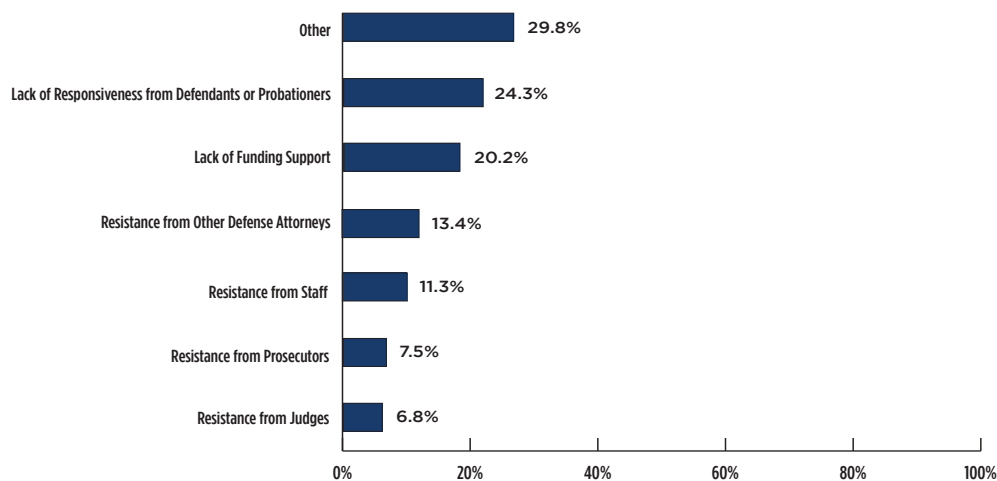


Figure 44. Roadblocks in Adopting and Implementing New Procedures during the COVID-19 Pandemic, Court Respondents [n=292].

Among those who answered “other,” one-third identified a lack of resources as primary roadblocks. Not specifically financial resources, but it was reported that supplies, such as disinfectant and PPE, were not readily available during the pandemic.

Technology resources were a frequently cited roadblock, particularly among interviewees. Nine of the 19 interviewed indicated their resource difficulties involved information technology (IT) capabilities and availability or the installation of the technology or equipment, rather than the

financial resources to obtain the equipment. One municipal court judge relied on non-IT court staff and himself to implement new technology:

“My court reporter has been the primary resource for setting [technology] up. I have some proficiency myself and can find solutions, but not an IT-level proficiency. The IT department is the citywide IT department and they are busy with the entire city’s issues and we get a fraction of their time.”

A court administrator at a common pleas court reiterated some of the frustrations with a lack of IT expertise in the court, saying:

“Can the Supreme Court just have a huge grant fund to give courts their own IT department? That would be great. Our county has an IT department and we have a good relationship and they are helpful to the extent they can, but everyone needs it. We got the Supreme Court grant for video screens installed in each court room. The money was given in April, but we just got them installed two weeks ago (late July). We got things done just by doing what they could without calling IT, just because they were swamped. They have a hiring freeze. If you want something done now, then you’re going to have to figure it out. If you want something done a few months down the line, they’re great. So much we do is based on a [case management system (CMS)], but unless you know about the CMS, it is difficult. We had one person in house last year that is head of IT, but he had know-how with CMS. No one else knows how to do it. We need assistance by people who get it.”

Many respondents reported they did not rely heavily on technology prior to the COVID-19 pandemic and the sudden shift put a great deal of pressure on existing resources for which they were not prepared. As one municipal court judge explained in an interview:

“My entire computer network has gone down three times. So, now we are trying to access some of the coronavirus relief funds to replace my entire system. The thought of doing that in the middle of all this other stuff is kind of a nightmare, but my computer system was never designed to do this, and money is always an issue in municipalities, so we kind of just keep it going and we just can’t do that anymore. All of my probation officers are working remotely, all of these hearings, trying to get people online to do things. Trying to get people to interact with the clerk’s office – that’s been a huge...antiquated computer system and no money to fix it. But, I’m hopeful that I’m going to access some relief funds that were given to the city.”

Interview respondents also frequently mentioned problems accessing sanitizing equipment and plexiglass (used for dividers where distancing was problematic), and difficulty organizing vendors, installation, and/or training.

In a follow-up interview, one municipal court judge discussed difficulties, not with technology or new procedures, but how to balance those with responsibilities of the court — specifically public transparency,

“With the social distancing and the reduced area we had to work with, we did post [that] only necessary parties would be admitted. That’s been good because it does thin everything down just to the parties that are necessary. The flip side of that is that when people say, you know, the transparency and openness of the

courts and that's a restriction so we are trying to do what we can to initiate live streaming of the court actions so that the people that now have to wait outside or can't come with them would be able to get online and be able to see what happens live. We're still working on that. It's in progress."

The judge continued to express unease with using social media (such as YouTube or Facebook) to live stream proceedings, concluding, "We're looking at how to get it out to people, but not have it as a forum for [complaining]."

A common pleas judge in a rural county faced obstacles with in-person procedures and balancing the expectations of the local community with recent statewide mandates to wear masks indoors:

"I will tell you, [omitted for confidentiality] County, there is some pushback about wearing the masks here because they haven't seen the effects of the pandemic like they have if you were in Franklin County. I mean that's a hotspot."

The judge goes on to explain the difficulty in managing the two perspectives:

"You don't want to be divisive, but you want to be aware of the unique circumstances of your own court and not just stop justice entirely in this community where it's just not being affected like it is in other areas. That's an issue and we're still facing that."

Roadblocks According to Attorneys

Figure 45 displays the results for prosecutors and defense attorneys. Few attorneys found judges or court staff as an obstacle to adopting or making changes. Twenty-three percent of prosecutors identified resistance from defense attorneys while 19 percent of defense attorneys reported resistance from prosecutors as a roadblock. Probation departments, lack of resources, and "other" were identified as the biggest roadblocks from both groups.

| | Prosecutors [n=13] | Defense Attorneys [n=58] |
|---|-----------------------|-----------------------------|
| Resistance from Judges | 7.7% | 0.0% |
| Resistance from Other Court Personnel | 7.7% | 15.5% |
| Resistance from Staff | 7.7% | 3.4% |
| Resistance from (Other) Defense Attorneys | 23.1% | 6.9% |
| Resistance from (Other) Prosecutors | 0.0% | 19.0% |
| Lack of Responsiveness from Probation Departments | 30.8% | 19.0% |
| Lack of Resources | 23.1% | 22.4% |
| Other | 30.8% | 24.1% |

Figure 45. Roadblocks Encountered in Adopting and Implementing New Procedures during the COVID-19 Pandemic.

The "other" responses from defense attorneys largely involved problems with technology in courts and at home. Additionally, seven of the 14 open-ended responses included a frustration with inconsistency among judges and courts. As one respondent noted:

"It has been on a court-by-court basis. Some courts have been amazing. Some have been much less so. Due to staffing issues, some court staff and probation departments have been fairly inaccessible, but some adapted wonderfully. Likewise, the behavior of judges, prosecutors, and defense attorneys has been as varied as the responses generally around the country. "

Preparation and Perception of Safety

KEY POINTS

- Court respondents felt prepared to make judicial decisions involving COVID-19 or a similar public health emergency.
- A slight majority of defense attorneys (52 percent) indicated they felt adequately prepared to proceed with a case if their client had symptoms or tested positive for COVID-19.
- A majority of attorneys felt safe performing their job duties during the pandemic.

Preparation by Courts

The COVID-19 pandemic is a situation few anticipated. While courts had various emergency measures in place prior to the pandemic, few, if any, institutions were truly “prepared” for the specific challenges it posed. Though not specifically addressing the COVID-19 pandemic, the Supreme Court of Ohio issued the “Judicial Guide to Public Health” in January 2020, and updated the guidance in April 2020.²¹

This said, when asked if they felt adequately prepared to make judicial decisions involving COVID-19 or a similar public health emergency, court respondents answered overwhelmingly positively, nearly 87 percent answering “definitely” or “probably” yes (Figure 46). This response suggests that as courts navigated COVID-19 and demonstrated the flexibility required to deal with the myriad of challenges associated with it, they are confident in their ability to respond to future emergencies.

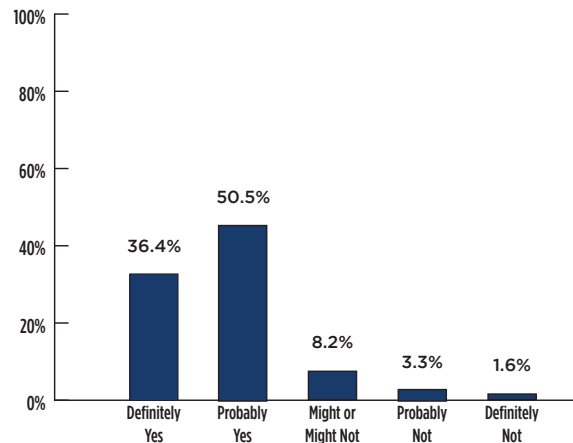


Figure 46. “Overall, Did You (or Do You) Feel Adequately Prepared to Make Judicial Decisions involving COVID-19 or a Similar Public Health Emergency?” Court Respondents [n=184].

21 <http://www.sc.ohio.gov/Publications/JCS/PublicHealthJudicialGuide.pdf>.

Preparation and Safety According to Attorneys

Attorneys necessarily had different concerns when thinking about preparation for working through the challenges posed by COVID-19. In particular, defense attorneys were in the unique position, among survey respondents, of working directly with clients. Fifty percent of defense respondents said they (or their office) developed a response plan for clients who specifically complained of or presented with symptoms of COVID-19 and they “definitely” or “probably” felt prepared to proceed if their client presented with symptoms or tested positive for COVID-19 (Figure 47).

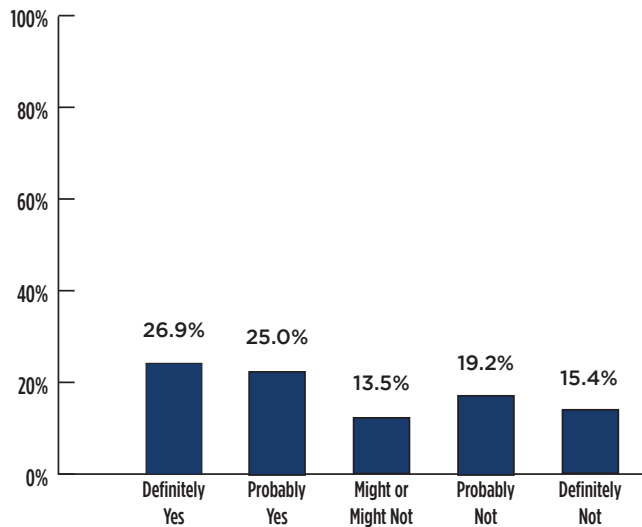


Figure 47. “Overall, Did You (or Do You) Feel Adequately Prepared to Proceed if your Client May Have Symptoms of or Test Positive for COVID-19?” Defense Respondents [n=52].

Of the 52 defense attorneys who responded to the question about preparation, 22 answered the follow-up open-ended question, “What, if anything, could make you feel better prepared in the event of a client that may test positive for COVID-19?” One half of the follow-up responses expressed a desire for consistent guidelines from courts and/or proceeding in a way that strictly prevented contact between counsel and those testing positive for COVID-19.

Somewhat related to preparation, both defense attorneys and prosecutors were asked the degree to which they agreed with the statement, “I feel safe performing my job duties during the pandemic.” As shown in Figure 48, the majority of both groups “strongly” or “somewhat” agree with the statement, however defense attorneys agree to a lesser degree overall. This is not surprising as defense attorneys are not only potentially exposed to the virus in court proceedings (alongside court staff and prosecutors), they also are necessarily in contact with their clients outside of the courtroom.

| | Prosecutors [n=14] | Defense Attorneys [n=52] |
|----------------------------|--------------------|--------------------------|
| Strongly Agree | 42.9% | 25.0% |
| Somewhat Agree | 21.4% | 32.7% |
| Neither Agree nor Disagree | 14.3% | 11.5% |
| Somewhat Disagree | 21.4% | 23.1% |
| Strongly Disagree | 0.0% | 7.7% |

Figure 48. “I Feel Safe Performing My Job Duties during the Pandemic.”

Twenty-five respondents followed up on this question with an open-ended response. Those who somewhat or strongly agreed generally cited precautions being taken by their offices and the courts in which they practiced. One defense attorney who strongly agreed that they felt safe, expanded by saying:

“The county commissioners and IT department moved very quickly in March to provide support and technology to move all employees possible to work-at-home arrangements, and provided all services and equipment necessary to make the workplace, conference rooms, and courtrooms safe. Although the meetings with clients are mostly by phone or computer now, we are extra-attentive to them, and meet in person only when necessary to review evidence. The next jury trial is scheduled to take place in a local community theater with room to spread everyone out, and every venue has taken precautions to protect everyone. Our office is in an old house with many rooms, and I was able to arrange for all of our employees to work in their own individual room, so that masks are only necessary in the common areas. Working from home is still encouraged, though most prefer to come in. “

The counsel who somewhat or strongly disagreed that they felt safe performing their job duties cited a lack of consistent, required protective measures taken in courts. For example, an attorney that somewhat disagreed that they felt safe performing their job duties said:

“There has been a haphazard response to the virus in some courts and by some others in our local justice system. Many clearly doubt the virus is a real health threat or the need for preventive measures. Our attorneys have been on the firing line, in lockups with inmates who were wearing no protection and on top of each other. We were finally able to get some masking of them but there have been too many in-person hearings in some courts and masking advice or requirements are scoffed at by some.”

Moving Forward

KEY POINTS

- More than 75 percent of courts are not keeping data on outcomes of new pandemic procedures, making it difficult to evaluate their effectiveness.
- A majority of each group of respondents is planning to adopt some pandemic procedures permanently.
- Nearly 90 percent of follow-up responses, among court respondents, indicated they plan to continue the use of technology in court proceedings and conferences.

In the face of a viral pandemic, courts were forced to prioritize their most necessary functions and determine how to best conduct those operations safely. The COVID-19 pandemic did not end in June or July 2020, when some administrative measures expired. As many respondents mentioned, the situation continues to evolve.

The statutory tolling of cases ended on July 30, 2020, and most courts are attempting to resume normal function while complying with health department guidance and keeping the public and their staff safe. Courts, which generally are more measured in adopting technological tools,²² quickly pivoted to the widespread, creative use of technology and remote options to continue to serve the public.

The survey asked courts about looking beyond COVID-19 and the return of “normal.” First, there was a question about data. Specifically, are there courts that have the appropriate information to evaluate the effectiveness of many of the new measures that were adopted? Three-quarters of the respondents indicated that they were not collecting any information on the effectiveness of recent operational changes.

Further breaking down the 25 percent of respondents who indicated they were collecting data on their new approaches, more than 16 percent of all respondent courts also had data on previous methods in order to compare post-COVID methods to pre-COVID methods (Figure 49).²³

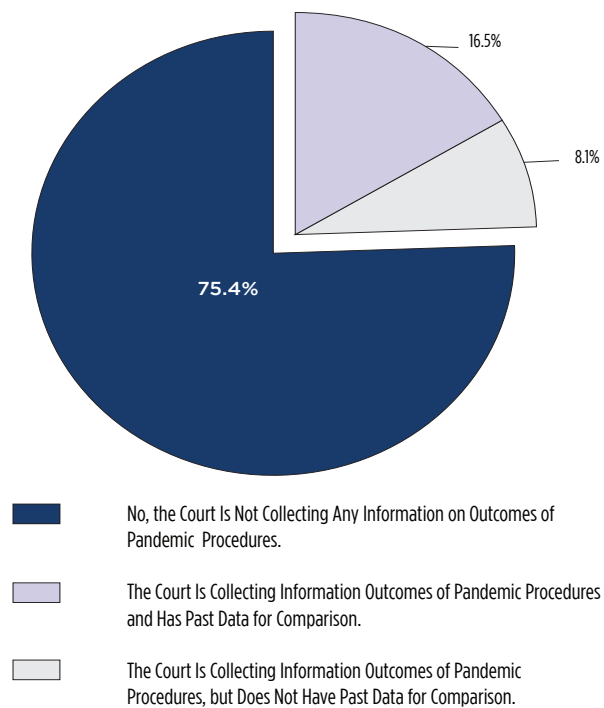


Figure 49. Courts Collecting Data to Evaluate Pandemic Changes.

Regardless of whether courts are evaluating the new procedures, the survey asked all respondents if there were changes made due to the pandemic that they plan to adopt permanently. The overwhelmingly affirmative responses (Figure 50) suggest that some of the necessary adaptations made in the face of the pandemic may be positive changes. It is likely that attorneys were slightly less likely to respond “yes” to the permanent adoption of changes than courts, because they, themselves, reported making fewer changes. More often, they worked within the changes made by the courts.

22 Prescott, JJ. 2017. “Improving Access to Justice in State Courts with Platform Technology.” *Vanderbilt Law Review* 70: 1993-2049.

23 List of courts with pre- and post-COVID data listed in Appendix G.

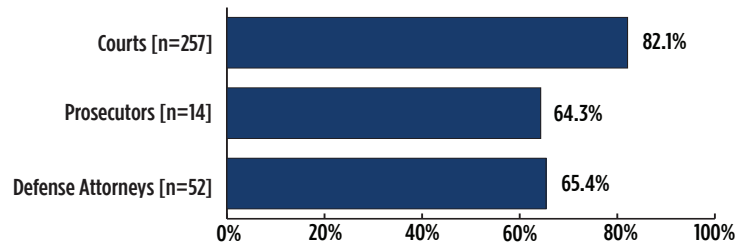


Figure 50. Percentage of Respondents Indicating They Will Adopt Some COVID-19 Pandemic Changes Permanently.

Some judges interviewed mentioned that the pandemic pushed the court to adopt newer, improved methods of operating. As one judge of a large common pleas court elaborated:

“We [all the judges in the court] have a criminal docket and we all have them spread out during the week. Mine happens to be on a Tuesday morning. You know, it wouldn’t have been unusual, pre-COVID for me to have 50 people, whether in the courtroom or just outside the courtroom, for a docket. That never made sense! We all did it, but it doesn’t make any sense. So, now we have everybody staggered depending on what they’re in court for...[omitted for confidentiality] So, instead of what we would have done in the past, everybody just shows up at 9:30, and when your lawyer is ready and you’re ready, we’ll take your case. We’re trying to spread them out more. I will tell you, it seems to be much more efficient because there seems to be less pressure on the lawyers, frankly, to run around and talk to 10 people at one time. They seem to have a little bit more time to get things resolved. So, it is actually working much better.”

Other judges noted they plan to maintain the changes made during the pandemic in order to limit the spread of the virus. However, they did not necessarily see the changes as positive or negative based on outcomes, as one municipal court judge explained:

“What my feeling is — the same answer with that answer I gave you with the people that don’t appear. The people that are going to disrespect the rest of the community and the law, they’re going to disrespect it whether they’re appearing in person or appearing virtually. Those are the people once again, we can’t get ahold of them. This is just what they do.”

Respondents who indicated they will adopt some COVID changes permanently had the opportunity to state what changes, specifically, they were adopting (or thought should be adopted). Thirty-one defense attorneys and nine prosecutors gave follow up responses. Twenty-eight of the 40 comments expressed a desire to continue the use of technology for a variety of purposes, such as for arraignments, pretrial proceedings, and consultation with incarcerated clients. The second most-common response among attorneys was to continue to allow remote working.

Technology also was on top of the list of changes courts plan to adopt after things return to “normal.” A total of 195 court respondents (76 percent) answered the follow-up question about specific permanent changes. One municipal court judge used this time as an opportunity to move toward e-filing, something he wanted to do, but had been met with resistance,

“I was looking to do a move to digital for recordkeeping anyway. So this was a nice way to tell those that were dragging their feet, the personnel in the clerk’s office is a big barrier to because of the desire to be static and not have change, but we are pushing their comfort levels in order to implement the change. This has been nice to say you don’t have a choice, we have to move away from reliance on paper.”

Nearly 90 percent of follow-up responses indicated they plan to continue the use of technology in court proceedings and conferences. Of those, more than 38 percent specifically mentioned utilizing video and phone options for arraignments and pretrial hearings.

Some courts planned to continue the use of technology for certain hearing types, but looked forward to returning in-person for others, as explained by one suburban county court judge:

“I will likely continue doing arraignments by video or telephone if the defendant wants to. I think it serves its purpose and I think we can still get that done through those means. Pretrials, specific hearings on motions, I’m going to probably prefer that those go back to being in person hearings just because I think a defendant needs to understand the brevity and the gravity of what is occurring and it’s hard for that to occur over video or telephone.”

Both attorneys and court respondents pointed to increased efficiency as a reason for the permanent adoption of technology changes. As one court administrator responded, “More criminal proceedings by GoToMeeting and by telephone. Less time wasted in the courtroom.”

Others indicated that technology allowed easier access to court proceedings for parties. For example, as one municipal court judge said:

“Continue providing the option to litigants to call in or use video services. We found that we had fewer continuances due to lack of attendance at hearings by the litigants when the option to attend via phone/video was provided to them. Plus, it enables them to continue working and to handle the hearing on their break. We do not want the parties to lose their job due to attending court hearings and this helps them avoid using sick/vacation time or getting into trouble with their employer. Plus, our parties often have transportation issues and are unable to secure a ride to the court, with the video/phone option they were able to participate if they chose to do so in that manner.”

In one of the interviews, a juvenile court judge seemed to sum up many of the sentiments expressed in the survey (and the interviews) about changes made during the COVID-19 pandemic, saying, “In hindsight, I’m embarrassed we didn’t think to do this sooner, that it took a pandemic to modernize and do things.”

CONCLUSION

Responses from attorneys, court administrators, and judges in most of Ohio’s counties gave a clearer picture of how the criminal justice system adapted (and continues to adapt) to the challenges posed by the COVID-19 pandemic. Quick actions and guidance issued by the chief justice, attorney general and the general assembly allowed courts to consider alternative methods of operation and provided flexibility with respect to time requirements of proceedings.

Responses indicate that many courts used the guidance issued to reschedule or postpone some operations. Further, this strategy often was used in conjunction with other approaches, such as using technology when possible and appropriate, requiring protective equipment (such as masks), and changing practices to comply with recommended social or physical distancing guidelines.

Though it sometimes is difficult to see this pandemic in any sort of positive perspective, the majority of respondents indicated that some changes, specifically technological, made during this time were for the better and they would like to adopt them permanently. This ultimately could lead to a more efficient judicial system with greater access to justice. The Commission will continue to monitor and evaluate these outcomes as data is available.

As one municipal court judge said, “We’re all learning together and we’ll all get through it together as well.”

APPENDIX A:
COVID-19 COURT SURVEY & RESULTS

COURT OPERATIONS DURING THE COVID-19 PANDEMIC

The Ohio Criminal Sentencing Commission is compiling the different ways courts have adapted to the challenges of the COVID-19 pandemic. The brief questions included in this survey will establish a baseline understanding of the different approaches and will allow us to create a record of the changes courts made and be a resource for the future.

The staff of the Sentencing Commission will be continuing this research and, if possible, follow up on responses. There is an opportunity at the end of the survey to indicate if you would like to participate in a short follow-up conversation.

As you go through the survey, please use the “Next” and “Back” buttons at the bottom right of your screen to navigate forwards or backwards through the survey. Using the back button on your browser will take you to the beginning of the survey and will not save your responses.

Thank you for your help, and for all of your work during this difficult time.

Please identify the type of court in which you work. Select all that apply.

| Primary Role | Number | Percentage |
|-------------------------------|--------|------------|
| General Division | 112 | 38% |
| General Division and Juvenile | 5 | 2% |
| Juvenile | 72 | 25% |
| Municipal and County Courts | 103 | 35% |
| Total | 292 | |

Please identify your primary role in this court.

| Primary Role | Number | Percentage |
|----------------------------|--------|------------|
| Court Administrator | 76 | 26.0% |
| Deputy Court Administrator | 1 | 0.3% |
| Judge | 215 | 73.6% |
| Total | 292 | |

In what ways did your court adapt operations during the COVID-19 pandemic? Select all that apply. Please note: “COVID-19 pandemic” or “pandemic” mentioned in this survey refers to the time period beginning with the March 13, 2020 letter from Chief Justice O’Connor to the present.

| Adaptations | Number | Percentage |
|---|--------|------------|
| Limited Physical Access to Courthouse (e.g., Limitations on Who Can Enter the Building) | 268 | 91.8% |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 266 | 91.1% |
| Utilized Technology to Decrease Face-to-Face Interactions (e.g., Video Conferencing, Phone Calls) | 270 | 92.5% |
| Physically Rearranged, or Relocated, Proceedings to Accommodate Social-Distancing Requirements | 223 | 76.4% |
| Temperature Checks of Visitors | 177 | 60.6% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Staff | 231 | 79.1% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Public | 213 | 72.9% |
| Other, Please Specify | 35 | 12.0% |
| Total | 292 | 100.0% |

The following set of questions ask about changes made for specific types of court operations. If you do not know about these changes, or they do not pertain to your work, please select “Not Applicable/Unknown.”

Note: “Speedy trial concern” refers to cases in which the speedy trial date is approaching or there is a refusal by the defendant to waive the speedy trial time.

Please indicate the ways in which your court adapted each of the specific situations of **JURY TRIALS** during the COVID-19 pandemic, if at all. Select all that apply.

| | Trial with Speedy-Trial Concern | Trial withOUT Speedy Trial Concern | Trial with Victim Present | Trial without Victim Present |
|---|---------------------------------|------------------------------------|---------------------------|------------------------------|
| Rescheduled/Postponed | 111 | 141 | 79 | 77 |
| Utilized Technology | 19 | 19 | 11 | 11 |
| Physically Rearranged or Altered Facilities | 41 | 38 | 24 | 21 |
| Relocated Proceedings | 12 | 14 | 6 | 6 |
| Required Wearing of Protective Equipment | 38 | 42 | 29 | 23 |
| No Changes | 4 | 4 | 4 | 2 |
| Unknown/Not Applicable | 37 | 4 | 109 | 122 |
| Total | 225 | 258 | 15 | 140 |

If your court made other accommodations for jury trials or you would like to elaborate on any response, please specify here:

See Appendix D.

Please indicate the ways in which your court adapted each of the specific types of **CRIMINAL HEARINGS** during the COVID-19 pandemic, if at all. Select all that apply.

HOW DID YOUR COURT CHANGE:

Initial Appearances?

| | |
|---|-----|
| Rescheduled/Postponed | 141 |
| Suspended | 13 |
| Utilized Technology | 172 |
| Physically Rearranged or Altered Facilities | 110 |
| Relocated Proceedings | 21 |
| Required Wearing of Protective Equipment | 147 |
| No Changes | 13 |
| Not Applicable/Unknown | 25 |

Preliminary Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 79 |
| Suspended | 9 |
| Utilized Technology | 94 |
| Physically Rearranged or Altered Facilities | 65 |
| Relocated Proceedings | 9 |
| Required Wearing of Protective Equipment | 88 |
| No Changes | 15 |
| Not Applicable/Unknown | 105 |

Grand Jury?

| | |
|---|-----|
| Rescheduled/Postponed | 51 |
| Suspended | 13 |
| Utilized Technology | 11 |
| Physically Rearranged or Altered Facilities | 60 |
| Relocated Proceedings | 25 |
| Required Wearing of Protective Equipment | 38 |
| No Changes | 2 |
| Not Applicable/Unknown | 164 |

Arraignments?

| | |
|---|-----|
| Rescheduled/Postponed | 141 |
| Suspended | 11 |
| Utilized Technology | 180 |
| Physically Rearranged or Altered Facilities | 121 |
| Relocated Proceedings | 26 |
| Required Wearing of Protective Equipment | 152 |
| No Changes | 10 |
| Not Applicable/Unknown | 21 |

Plea Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 161 |
| Suspended | 13 |
| Utilized Technology | 172 |
| Physically Rearranged or Altered Facilities | 128 |
| Relocated Proceedings | 28 |
| Required Wearing of Protective Equipment | 160 |
| No Changes | 9 |
| Not Applicable/Unknown | 9 |

Bond Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 65 |
| Suspended | 10 |
| Utilized Technology | 152 |
| Physically Rearranged or Altered Facilities | 93 |
| Relocated Proceedings | 11 |
| Required Wearing of Protective Equipment | 123 |
| No Changes | 13 |
| Not Applicable/Unknown | 50 |

Sentencing Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 163 |
| Suspended | 16 |
| Utilized Technology | 158 |
| Physically Rearranged or Altered Facilities | 130 |
| Relocated Proceedings | 22 |
| Required Wearing of Protective Equipment | 162 |
| No Changes | 11 |
| Not Applicable/Unknown | 9 |

Revocation Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 121 |
| Suspended | 15 |
| Utilized Technology | 121 |
| Physically Rearranged or Altered Facilities | 97 |
| Relocated Proceedings | 12 |
| Required Wearing of Protective Equipment | 119 |
| No Changes | 10 |
| Not Applicable/Unknown | 55 |

Judicial-Release Hearings?

| | |
|---|-----|
| Rescheduled/Postponed | 43 |
| Suspended | 9 |
| Utilized Technology | 100 |
| Physically Rearranged or Altered Facilities | 32 |
| Relocated Proceedings | 10 |
| Required Wearing of Protective Equipment | 58 |
| No Changes | 13 |
| Not Applicable/Unknown | 120 |

If your court made other accommodations for any type of **CRIMINAL HEARING** or you would like to elaborate on any response, please specify here:

See Appendix D.

Please indicate the ways in which your court adapted each of the specific types of **COURT OPERATIONS** during the COVID-19 pandemic, if at all. Select all that apply.

HOW DID YOUR COURT ADJUST:

Imposing Court Fees?

| | |
|---|-----|
| Rescheduled/Postponed | 9 |
| Suspended | 24 |
| Utilized Technology | 43 |
| Physically Rearranged or Altered Facilities | 30 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment | 36 |
| No Changes | 138 |
| Not Applicable/Unknown | 29 |

Imposing Financial Sanctions (i.e., Fines)?

| | |
|---|-----|
| Rescheduled/Postponed | 57 |
| Suspended | 22 |
| Utilized Technology | 36 |
| Physically Rearranged or Altered Facilities | 28 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipment | 33 |
| No Changes | 140 |
| Not Applicable/Unknown | 28 |

Collecting Fees and/or Fines?

| | |
|---|----|
| Rescheduled/Postponed | 67 |
| Suspended | 35 |
| Utilized Technology | 38 |
| Physically Rearranged or Altered Facilities | 29 |
| Relocated Proceedings | 2 |
| Required Wearing of Protective Equipment | 39 |
| No Changes | 96 |
| Not Applicable/Unknown | 41 |

Issuing Arrest Warrants?

| | |
|---|----|
| Rescheduled/Postponed | 89 |
| Suspended | 70 |
| Utilized Technology | 27 |
| Physically Rearranged or Altered Facilities | 20 |
| Relocated Proceedings | 3 |
| Required Wearing of Protective Equipment | 28 |
| No Changes | 96 |
| Not Applicable/Unknown | 10 |

Jail Sentences?

| | |
|---|-----|
| Rescheduled/Postponed | 148 |
| Suspended | 76 |
| Utilized Technology | 45 |
| Physically Rearranged or Altered Facilities | 22 |
| Relocated Proceedings | 5 |
| Required Wearing of Protective Equipment | 34 |
| No Changes | 53 |
| Not Applicable/Unknown | 16 |

Specialized-Docket Treatment Meetings?

| | |
|---|-----|
| Rescheduled/Postponed | 49 |
| Suspended | 24 |
| Utilized Technology | 115 |
| Physically Rearranged or Altered Facilities | 40 |
| Relocated Proceedings | 11 |
| Required Wearing of Protective Equipment | 37 |
| No Changes | 6 |
| Not Applicable/Unknown | 107 |

Mandatory Drug Testing?

| | |
|---|-----|
| Rescheduled/Postponed | 102 |
| Suspended | 91 |
| Utilized Technology | 15 |
| Physically Rearranged or Altered Facilities | 42 |
| Relocated Proceedings | 18 |
| Required Wearing of Protective Equipment | 66 |
| No Changes | 29 |
| Not Applicable/Unknown | 29 |

Supervision Check-ins?

| | |
|---|-----|
| Rescheduled/Postponed | 102 |
| Suspended | 53 |
| Utilized Technology | 162 |
| Physically Rearranged or Altered Facilities | 57 |
| Relocated Proceedings | 14 |
| Required Wearing of Protective Equipment | 76 |
| No Changes | 8 |
| Not Applicable/Unknown | 17 |

Community-Control Violations?

| | |
|---|-----|
| Rescheduled/Postponed | 102 |
| Suspended | 53 |
| Utilized Technology | 162 |
| Physically Rearranged or Altered Facilities | 57 |
| Relocated Proceedings | 14 |
| Required Wearing of Protective Equipment | 76 |
| No Changes | 8 |
| Not Applicable/Unknown | 17 |

If your court made other accommodations for any type of court operation or you would like to elaborate on any response, please specify here:

See Appendix D.

Due to the pandemic, does your court allow witnesses in criminal proceedings to appear virtually to give their testimony (e.g., via Skype, Zoom, etc.)?

| | Number | Percentage |
|-----|--------|------------|
| Yes | 113 | 46% |
| No | 131 | 54% |
| | 246 | |

During the pandemic has your court used text messaging to communicate with parties regarding hearing arrangements (e.g., video conferencing, telephonic hearings, rescheduled hearings, etc.)?

| | |
|---|-----|
| Yes, and We Were Texting Parties Prior to the Pandemic | 63 |
| Yes, This Is a New Practice due to the Pandemic | 28 |
| No, Not Currently, but We Are Seeking to Implement Text Messaging | 60 |
| No, We Are Not Using Text Messaging Notifications and We Have No Plans to Implement It at This Time | 108 |
| Total | 259 |

DISPLAY THIS QUESTION: If During the pandemic has your court used text messaging to communicate with parties regarding hear... = Yes, this is a new practice due to the pandemic.

Or During the pandemic has your court used text messaging to communicate with parties regarding hear... = No, not currently but we are seeking to implement text messaging.

Is your court planning on continuing to use text message notifications when things return to “normal,” after the pandemic?

| | |
|--------------------|----|
| Definitely Yes | 21 |
| Probably Yes | 0 |
| Might or Might Not | 33 |
| Probably Not | 3 |
| Definitely Not | 0 |
| Total | 57 |

Does your court have an adequate number of face masks for court staff?

| | Number | Percentage |
|-----|--------|------------|
| Yes | 245 | 95% |
| No | 12 | 5% |
| | 257 | |

Does your court have an adequate number of face masks to provide to the public?

| | Number | Percentage |
|-----|--------|------------|
| Yes | 170 | 67% |
| No | 84 | 33% |
| | 254 | |

Did your court work with the Ohio Emergency Management Agency (EMA) to obtain masks?

| | Number | Percentage |
|-----|--------|------------|
| Yes | 131 | 54% |
| No | 113 | 46% |
| | 244 | |

Has your court altered their pretrial procedures during the COVID-19 pandemic?

Note: "Pretrial procedures," as used here, refers to procedures for dealing with people who have been arrested, but their resulting charges have not yet been resolved through a dismissal, plea, or trial.

| | |
|----------------|-----|
| Yes | 211 |
| No | 29 |
| Not Applicable | 20 |
| Total | 260 |

DISPLAY THIS QUESTION: If Has your court altered their pretrial procedures during the COVID-19 pandemic? Note: "Pretrial p... = Yes

In what ways have pretrial procedures changed during the pandemic?

| | |
|----------------|-----|
| Yes | 211 |
| No | 29 |
| Not Applicable | 20 |
| Total | 260 |

DISPLAY THIS QUESTION: If In what ways have pretrial procedures changed during the pandemic? = Altered the bond schedule.

Please explain how your court's BOND SCHEDULE has been altered during the pandemic:

See Appendix D.

DISPLAY THIS QUESTION: If Please identify your primary role in this court. = Judge And Please identify the type of court in which you work. Select all that apply. = Common Pleas, General Division Court

How much has a consideration of the risks of COVID-19 influenced judicial-release decisions?

| | |
|-------------------|----|
| A Great Deal | 6 |
| A Lot | 7 |
| A Moderate Amount | 16 |
| A Little | 26 |
| None at All | 18 |
| Total | 73 |

DISPLAY THIS QUESTION: If Please identify your primary role in this court. = Judge

And Please identify the type of court in which you work. Select all that apply. = Common Pleas, General Division Court

Please explain your answer:

See Appendix D.

How would you rate the level of cooperation you received from each of the following criminal justice partners accommodate the COVID-19 changes?

| | Excellent | Good | Average | Poor | Terrible | Not Applicable/ Don't KNow | Total |
|-----------------------|-----------|------|---------|------|----------|----------------------------|-------|
| Judges | 193 | 35 | 7 | 2 | 0 | 14 | 251 |
| Court Staff | 225 | 25 | 7 | 0 | 0 | 0 | 257 |
| Prosecutors | 171 | 61 | 19 | 5 | 1 | 0 | 257 |
| Defense Attorneys | 161 | 71 | 22 | 2 | 0 | 1 | 257 |
| Local Law Enforcement | 165 | 62 | 17 | 3 | 0 | 9 | 256 |
| County Commissioners | 119 | 48 | 35 | 6 | 6 | 42 | 256 |
| Elected Officials | 131 | 69 | 26 | 3 | 1 | 25 | 255 |
| ODRC | 68 | 50 | 26 | 2 | 6 | 102 | 254 |
| Other Agencies | 77 | 50 | 23 | 5 | 1 | 94 | 250 |

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic?

| | |
|--|----|
| Resistance from Judges | 20 |
| Resistance from Prosecutors | 22 |
| Resistance from Staff | 33 |
| Resistance from Other Defense Attorneys | 39 |
| Lack of Funding Support | 59 |
| Lack of Responsiveness from Defendants or Probationers | 71 |
| Other | 87 |

Are there any changes made to operations during the COVID-19 pandemic that you are considering adopting during “normal,” non-emergency times?

| | |
|-------|-----|
| Yes | 211 |
| No | 46 |
| Total | 257 |

DISPLAY THIS QUESTION: If Are there any changes made to operations during the COVID-19 pandemic that you are considering ad... = Yes

Please explain what changes you are considering adopting and why:

See Appendix D.

Did you, or do you plan to, collect any information about the outcomes of pandemic procedures (for example, if you altered pretrial practices, are you going to record the number of defendants that failed to appear)?

| | |
|-------|-----|
| Yes | 63 |
| No | 187 |
| Total | 250 |

DISPLAY THIS QUESTION: If Did you, or do you plan to, collect any information about the outcomes of pandemic procedures (fo... = Yes

Are you able to compare the pandemic information to pre-pandemic practices (e.g. practices at the same time last year)?

| | |
|-------|----|
| Yes | 41 |
| No | 20 |
| Total | 61 |

DISPLAY THIS QUESTION: If Please identify your primary role in this court. = Judge

To your knowledge, were there defendants in your court (virtually or physically) charged with violating pandemic-related restrictions (e.g. violations of health department orders, hoarding supplies, price gouging)?

| | |
|-------|-----|
| Yes | 144 |
| No | 38 |
| Total | 182 |

DISPLAY THIS QUESTION: If To your knowledge, were there defendants in your court (virtually or physically) charged with vio... = Yes

What type of sanction did those individuals receive? Select all that apply.

| | |
|---|----|
| Supervision | 7 |
| Incarceration | 3 |
| Fine | 11 |
| Other | 7 |
| Unknown, Matter Is Not Concluded at This Time | 23 |
| Total | 46 |

DISPLAY THIS QUESTION: If Please identify your primary role in this court. = Judge

Overall, did you (or do you) feel adequately prepared to make judicial decisions involving COVID-19 or a similar public health emergency?

| | |
|--------------------|-----|
| Definitely Yes | 67 |
| Probably Yes | 93 |
| Might or Might Not | 15 |
| Probably Not | 6 |
| Definitely Not | 3 |
| Total | 184 |

Please add any additional information about particular successes or challenges you faced during this time:

See Appendix D.

The Commission will be documenting the different ways courts responded, and continue to respond, to COVID-19 through the summer of 2020. This survey is designed to get a basic level of information, but we would like to talk with you more.

Do we have your permission to contact you for a follow-up interview about changes to operations due to COVID-19?

- Yes
- No
-

DISPLAY THIS QUESTION: If The Commission will be documenting the different ways courts responded, and continue to respond,... = Yes

Please supply your name and contact information:

- Name: _____
- Phone: _____
- Email Address: _____

DISPLAY THIS QUESTION: If The Commission will be documenting the different ways courts responded, and continue to respond,... = Yes

What is the best method to reach you?

- Phone
- Email
- Zoom video conference



APPENDIX B:
COVID-19 PROSECUTOR SURVEY & RESULTS

PROCEDURAL CHANGES DURING THE COVID-19 PANDEMIC

The Ohio Criminal Sentencing Commission is surveying judges, court administrators, prosecutors, and criminal defense attorneys about the impact of the COVID-19 pandemic on court operations and the judicial system. This brief survey will establish a baseline understanding of the impact and allow us to document the changes made and develop a resource for use in the future.

The Sentencing Commission staff will continue to research and follow up on responses. There is an opportunity at the end of the survey to indicate if you would like to participate in a short follow-up conversation.

As you go through the survey, please use the “Next” and “Back” buttons at the bottom right of your screen to navigate forwards or backwards through the survey. Using the back button on your browser will take you to the beginning of the survey and will not save your responses.

Thank you for your help, and for all of your work during this difficult time.

Please identify the jurisdiction in which you practice. Select all that apply.

| Court Type | Number | Percentage |
|-----------------------------|--------|------------|
| General Division | 16 | 100.0% |
| Juvenile | 11 | 68.8% |
| Municipal and County Courts | 9 | 56.3% |
| Total | 16 | |

Select the county(ies) in which you practice.

| County | Number | Percentage | County | Number | Percentage |
|---------------------------|----------|-------------|--------------|----------|-------------|
| Carroll | 1 | 6.3% | Monroe | 1 | 6.3% |
| Clark | 1 | 6.3% | Pickaway | 1 | 6.3% |
| Fayette | 1 | 6.3% | Richland | 1 | 6.3% |
| Geauga | 1 | 6.3% | Seneca | 1 | 6.3% |
| Hardin | 1 | 6.3% | Summit | 1 | 6.3% |
| Jefferson | 1 | 6.3% | Vinton | 1 | 6.3% |
| Knox | 1 | 6.3% | Warren | 1 | 6.3% |
| Logan | 1 | 6.3% | Wayne | 1 | 6.3% |
| Total: 16 Counties | | | | | |

In what ways did your office adapt operations during the COVID-19 pandemic? Select all that apply.

Please note: “COVID-19 pandemic” or “pandemic” mentioned in this survey refers to the time period beginning with the March 13, 2020 letter from Chief Justice O’Connor to the present.

| Office Adaptations | Number | Percentage |
|--|--------|------------|
| Limited Physical Access to Courthouse (e.g., Limitations on who Can Enter the Building) | 16 | 100.00% |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 14 | 87.5% |
| Utilized Technology to Decrease Face-to-Face Interaction (e.g., Video Conferencing, Phone Calls) | 15 | 93.8% |
| Physically Rearranged, or Relocated, Proceedings to Accommodate Social-Distancing Requirements | 3 | 18.8% |
| Temperature Checks of Visitors | 3 | 18.8% |
| Temperature Checks of Staff | 6 | 37.5% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Staff | 7 | 43.8% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Visitors | 5 | 31.3% |
| Staff Was Encouraged to Work from Home | 15 | 93.8% |
| Other, Pleases Specify | 2 | 12.5% |

For which of the following aspects of your work did you use technology (e.g., Zoom meeting, conference calls, etc.) during the pandemic?

| Use of Technology | Number | Percentage |
|--|--------|------------|
| Trial Preparation | 6 | 40.0% |
| Interviews | 5 | 33.3% |
| Discovery | 6 | 40.0% |
| Case Review with Law Enforcement | 4 | 26.7% |
| Consulting with Victims | 9 | 60.0% |
| Discussion/Negotiation with Opposing Counsel | 8 | 53.3% |
| Office Staff Meetings | 4 | 26.7% |
| Other, Please Specify | 5 | 33.3% |
| Total | 15 | 100.0% |

During the pandemic, did you transition from working primarily at the office to primarily working from home?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 3 | 18.8% |
| No | 13 | 81.3% |
| Total | 16 | 100.0% |

DISPLAY THIS QUESTION: If during the pandemic, did you transition from working primarily at the office to primarily working.. = Yes

How easy did you find the transition to working from home?

| | |
|----------------------------|---|
| Extremely Easy | 0 |
| Somewhat Easy | 0 |
| Neither Easy nor Difficult | 2 |
| Somewhat Difficult | 1 |
| Extremely Difficult | 0 |
| Total | 3 |

Do you have staff who transitioned to primarily working from home during the pandemic?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 13 | 81.3% |
| No | 3 | 18.8% |
| Total | 16 | 100.0% |

Were additional resources required to enable staff to work from home?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 8 | 50.0% |
| No | 8 | 50.0% |
| Total | 16 | 100.0% |

If there were specific challenges you or your office faced in transition to primarily work from home, please explain here:

See Appendix E for responses.

Which of the following services were available to access filings, records, and other necessary information at the courts in which you practice during the pandemic? Select all that apply.

| | Number | Percentage |
|---|--------|------------|
| Online Dockets | 13 | 81.3% |
| Online Access to Court Records | 11 | 68.8% |
| Electronic Filing | 5 | 31.3% |
| Regular Operating Hours for Clerks' Offices | 7 | 43.8% |
| Waiver or Extension of Filing Deadlines | 11 | 68.8% |
| Other, Please Specify | 1 | 6.3% |
| Total | 16 | 100.0% |

In what ways did the handling of COURT APPEARANCES change during the COVID-19 pandemic? Select all that apply.

| | Number | Percentage |
|--|--------|------------|
| Limited Physical Access to Courthouse (e.g., Limitations on who Can Enter the Building) | 12 | 75.0% |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 15 | 93.8% |
| Utilized Technology to Decrease Face-to-Face Interaction (e.g., Video Conferencing, Phone Calls) | 14 | 87.5% |
| Physically Rearranged, or Relocated, Proceedings to Accommodate Social-Distancing Requirements | 11 | 68.8% |
| Temperature Checks upon Entry to Courthouse | 10 | 62.5% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) | 10 | 62.5% |
| Other, Pleases Specify | 0 | 0.0% |
| Total | 16 | 100.0% |

Please indicate the ways in which processes were impacted for each of the specific types of **CRIMINAL HEARINGS** during the COVID-19 pandemic, if at all. Select all that apply.

HOW DID PROCESSES CHANGE FOR:

Initial Appearances?

| | |
|---|----|
| Suspended | 2 |
| Expedited | 0 |
| Utilized Technology | 10 |
| Physically Rearranged or Altered Facilities | 5 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 5 |
| No Changes | 1 |
| Not Applicable/Unknown | 1 |

Preliminary Hearings?

| | |
|---|---|
| Rescheduled or Postponed | 4 |
| Suspended | 0 |
| Expedited | 0 |
| Utilized Technology | 0 |
| Physically Rearranged or Altered Facilities | 5 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 6 |
| No Changes | 2 |
| Not Applicable/Unknown | 3 |

DISPLAY THIS QUESTION: If Preliminary hearings? != No changes.

Or Preliminary hearings? != Not Applicable/Unknown.

During the pandemic, did the number of cases being dismissed for future indictment increase (rather than holding preliminary hearings or requesting direct indictments)?

| | Number | Percentage |
|--------------------|--------|------------|
| Definitely Yes | 6 | 40.0% |
| Probably Yes | 0 | 0.0% |
| Might or Might Not | 0 | 0.0% |
| Probably Not | 3 | 20.08% |
| Definitely Not | 6 | 40.0% |
| Total | 16 | 100.0% |

Were changes made in the ways to determine whether to accept or reject cases during the pandemic?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 5 | 31.3% |
| No | 11 | 68.8% |
| Total | 16 | 100.0% |

DISPLAY THIS QUESTION: If Were changes made in the ways to determine whether to accept or reject cases during the pandemic? = Yes

Please explain.

See Appendix E for responses.

How was the process for Grand Jury changed?

| | |
|---|----|
| Rescheduled or Postponed | 8 |
| Suspended | 3 |
| Expedited | 0 |
| Utilized Technology | 3 |
| Physically Rearranged or Altered Facilities | 13 |
| Relocated Proceedings | 8 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 7 |
| No Changes | 0 |
| Not Applicable/Unknown | 0 |

DISPLAY THIS QUESTION: If How was the process for Grand Jury changed? != Not Applicable/Unknown.

Were cases re-prioritized for presentation to the grand jury for direct indictments?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 8 | 50.0% |
| No | 8 | 50.0% |
| Total | 16 | 100.0% |

DISPLAY THIS QUESTION: If Were cases re-prioritized for presentation to the grand jury for direct indictments? = Yes

Please explain:

See Appendix E for responses.

DISPLAY THIS QUESTION: Were cases re-prioritized for presentation to the grand jury for direct indictments? = Yes

During the pandemic, was there a re-prioritization in the use of warrants versus summons upon indictment?

| | |
|--|---|
| Yes, We Only Presented Direct Indictments with Warrants | 1 |
| Yes, We Increased Our Use of Summons Where Possible | 4 |
| No, There Were No Changes Made in the Use of Warrants versus Summons | 3 |
| Other, Please Specify | 0 |
| Total | 8 |

DISPLAY THIS QUESTION: If During the pandemic, was there a re-prioritization in the use of warrants versus summons upon ind... != No, there were no changes made in the use of warrants versus summons.

Please explain:

See Appendix E for responses.

HOW DID PROCESSES CHANGE FOR:

Arraignments?

| | |
|---|----|
| Rescheduled or Postponed | 6 |
| Suspended | 2 |
| Expedited | 0 |
| Utilized Technology | 10 |
| Physically Rearranged or Altered Facilities | 5 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 3 |
| No Changes | 2 |
| Not Applicable/Unknown | 0 |

Plea Hearings?

| | |
|---|----|
| Rescheduled or Postponed | 6 |
| Suspended | 1 |
| Expedited | 1 |
| Utilized Technology | 10 |
| Physically Rearranged or Altered Facilities | 7 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 7 |
| No Changes | 1 |
| Not Applicable/Unknown | 0 |

Bond Hearings?

| | |
|---|----|
| Rescheduled or Postponed | 4 |
| Suspended | 1 |
| Expedited | 2 |
| Utilized Technology | 11 |
| Physically Rearranged or Altered Facilities | 5 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 5 |
| No Changes | 1 |
| Not Applicable/Unknown | 1 |

Sentencing Hearings?

| | |
|---|---|
| Rescheduled or Postponed | 8 |
| Suspended | 2 |
| Expedited | 0 |
| Utilized Technology | 9 |
| Physically Rearranged or Altered Facilities | 6 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 7 |
| No Changes | 2 |
| Not Applicable/Unknown | 0 |

Probation Violation or Revocation Hearings?

| | |
|---|----|
| Rescheduled or Postponed | 10 |
| Suspended | 2 |
| Expedited | 0 |
| Utilized Technology | 7 |
| Physically Rearranged or Altered Facilities | 7 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 6 |
| No Changes | 1 |
| Not Applicable/Unknown | 1 |

Judicial-Release Hearings?

| | |
|---|---|
| Rescheduled or Postponed | 7 |
| Suspended | 1 |
| Expedited | 0 |
| Utilized Technology | 4 |
| Physically Rearranged or Altered Facilities | 3 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 2 |
| No Changes | 2 |
| Not Applicable/Unknown | 2 |

If there were other accommodations made for any type of criminal hearing or you would like to elaborate on any response, please specify here:

See Appendix E for responses.

Please indicate the ways in which processes for JURY TRIALS changed during the COVID-19 pandemic, if at all. Select all that apply.

| | |
|---|----|
| Continued at the Request of the State | 5 |
| Continued at the Request of the Defendant | 7 |
| Continued by Agreement of the Parties | 7 |
| Continued by the Court, Sua Sponte | 10 |
| Suspended | 5 |
| Utilized Technology | 0 |
| Physically Rearranged or Altered Facilities | 2 |
| Relocated Proceedings | 0 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 2 |
| No Changes | 1 |
| Not Applicable/Unknown | 1 |

Did any of your cases go to trial after a refusal by the defendant to assent to a continuance and/or speedy trial time waiver?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 2 | 14.3% |
| No | 12 | 85.7% |
| Total | 14 | 100.0% |

DISPLAY THIS QUESTION: If Did any of your cases go to trial after a refusal by the defendant to assent to a continuance and... = Yes

Please explain the situation.

See Appendix E for responses.

Have you participated in any jury trials since the pandemic restrictions began?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 2 | 14.3% |
| No | 12 | 85.7% |
| Total | 14 | 100.0% |

If there were other adaptations for jury trials or you would like to elaborate on any response, please specify here:

See Appendix E for responses.

In your opinion, did concerns regarding COVID-19 lead to an increase in cases resolved by plea or dismissal that would have otherwise gone to trial?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 5 | 35.7% |
| No | 9 | 64.3% |
| Total | 14 | 100.0% |

DISPLAY THIS QUESTION: If In your opinion, did concerns regarding COVID-19 lead to an increase in cases resolved by plea or... = Yes

Please explain:

See Appendix E for responses.

Please indicate the ways in which accommodations were made to allow for VICTIM PARTICIPATION in hearings during the COVID-19 pandemic, if at all. Select all that apply.

| | Rescheduled or Postponed | Suspended | Utilized Technology | Physically Rearranged Facilities | Relocated Proceedings | Required Wearing of Protective Equipment | No Changes | Not Applicable/Unknown | Other |
|---------------------|--------------------------|-----------|---------------------|----------------------------------|-----------------------|--|------------|------------------------|-------|
| Plea Hearings | 6 | 2 | 6 | 5 | 0 | 7 | 3 | 0 | 0 |
| Bond Hearings | 3 | 1 | 6 | 3 | 0 | 6 | 2 | 1 | 0 |
| Sentencing Hearings | 6 | 2 | 4 | 5 | 0 | 8 | 4 | 0 | 0 |
| Judicial Release | 2 | 0 | 1 | 2 | 0 | 3 | 3 | 5 | 0 |

DISPLAY THIS QUESTION: If Please indicate the ways in which accommodations were made to allow for VICTIM PARTICIPATION in... = **Plea Hearings** [Other:]

Or Please indicate the ways in which accommodations were made to allow for VICTIM PARTICIPATION in... = **Bond Hearings** [Other:]

Or Please indicate the ways in which accommodations were made to allow for VICTIM PARTICIPATION in... = **Sentencing Hearings** [Other:]

Or Please indicate the ways in which accommodations were made to allow for VICTIM PARTICIPATION in... = **Judicial Release Hearings** [Other:]

If you selected “Other” for any of the hearing types in the previous question, please explain.

See Appendix E for responses.

If you have any general observations about how plea bargaining, sentencing, and release considerations changed during the COVID-19 pandemic, please include them here:

See Appendix E for responses.

The next two questions ask you to compare the estimated time spent on specific types of work during the pandemic to the same time period last year.

Please consider the time period for the pandemic to be mid-March 2020 through the present and compare to roughly the same time period in 2019.

Compared to this time last year, how much time did you dedicate to motion work for speedy trial waivers and statute of limitations issues during the pandemic?

| | Number | Percentage |
|----------------|--------|------------|
| Much More | 2 | 14.3% |
| Somewhat More | 6 | 42.9% |
| About the Same | 6 | 42.9% |
| Somewhat Less | 0 | 0.0% |
| Much Less | 0 | 0.0% |
| Total | 14 | 100.0% |

How much time did you dedicate to responding to motions of judicial release during the pandemic compared to last year at this time?

| | Number | Percentage |
|----------------|--------|------------|
| Much More | 5 | 35.7% |
| Somewhat More | 5 | 35.7% |
| About the Same | 4 | 28.6% |
| Somewhat Less | 0 | 0.0% |
| Much Less | 0 | 0.0% |
| Total | 14 | 100.0% |

Compared to the same time period in 2019, do you consider the number of hearings you have participated in during the pandemic to be higher, lower, or about the same?

| | Excellent | Good | Average | Poor | Terri ble | Not Applicable/ Don't Know |
|---------------------|-----------|------|---------|------|-----------|-------------------------------|
| Arraignments | 0 | 0 | 2 | 8 | 3 | 0 |
| Pretrial Hearings | 0 | 0 | 3 | 6 | 4 | 0 |
| Bond Hearings | 0 | 0 | 6 | 6 | 0 | 0 |
| Motion Hearings | 0 | 1 | 4 | 7 | 1 | 0 |
| Sentence Hearings | 0 | 0 | 7 | 5 | 1 | 0 |
| Jury Trials | 0 | 0 | 4 | 1 | 6 | 2 |
| Judicial Release | 1 | 1 | 4 | 3 | 1 | 3 |
| Requests for Parole | 2 | 1 | 1 | 1 | 0 | 8 |
| Clemency Hearings | 1 | 1 | 1 | 1 | 0 | 9 |

How would you rate the level of cooperation from each of the following criminal justice partners in accommodating COVID-19 changes?

| | Excellent | Good | Average | Poor | Terri ble | Not Applicable/ Don't Know |
|---|-----------|------|---------|------|-----------|-------------------------------|
| Judges | 7 | 5 | 1 | 1 | 0 | 0 |
| Court Staff | 9 | 2 | 3 | 0 | 0 | 0 |
| Defense Attorneys | 3 | 9 | 2 | 0 | 0 | 0 |
| Local Law Enforcement | 6 | 7 | 0 | 1 | 0 | 0 |
| County Commissioners | 4 | 3 | 3 | 2 | 1 | 1 |
| Elected Officials | 5 | 7 | 1 | 1 | 0 | 0 |
| Department of Rehabilitation & Correction | 4 | 5 | 1 | 2 | 1 | 1 |
| Other State Agencies | 1 | 4 | 2 | 0 | 1 | 5 |
| Other, Please Specify | 0 | 0 | 0 | 0 | 0 | 1 |

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic?

| | Number |
|---|--------|
| Resistance from Judges | 1 |
| Resistance from Other Court Personnel | 1 |
| Resistance from Staff | 1 |
| Resistance from Defense Attorneys | 3 |
| Resistance from Other Prosecutors | 0 |
| Lack of Responsiveness from Defenants or Probationers | 4 |
| Lack of Funding or Other Resources | 3 |
| Other, Please Specify | 4 |

Given the COVID-19 accommodations made by you, your office, and courts in which you practice, and considering your interactions with witnesses, colleagues, court staff, and others please indicate how much you agree or disagree with the following statement:

I feel safe performing my job duties during the pandemic.

| | Number | Percentage |
|----------------------------|--------|------------|
| Strongly Agree | 6 | 42.9% |
| Somewhat Agree | 3 | 21.4% |
| Neither Agree nor Disagree | 2 | 14.3% |
| Somewhat Disagree | 3 | 21.4% |
| Strongly Disagree | 0 | 0.0 |
| Total | 14 | 100.0% |

Please explain:

See Appendix E for responses.

Are there any changes made to operations during the COVID-19 pandemic that you are considering adopting during “normal,” non-emergency times?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 9 | 64.3% |
| No | 5 | 35.7% |
| Total | 14 | 100.0% |

DISPLAY THIS QUESTION: If Are there any changes made to operations during the COVID-19 pandemic that you are considering ad... = Yes

Please explain what changes you are considering adopting and why:

See Appendix E for responses.

Have you prosecuted defendants for pandemic-related crimes (e.g., violations of health department orders, hoarding supplies, price gouging)?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 4 | 28.6% |
| No | 10 | 71.4% |
| Total | 14 | 100.0% |

DISPLAY THIS QUESTION: If Have you prosecuted defendants for pandemic-related crimes (e.g. violations of health department... = Yes

What type of sentence was imposed? Select all that apply.

| | Number |
|---|--------|
| Incarceration | 0 |
| Fine | 0 |
| Supervision | 0 |
| Unknown, Matter Is Not Concluded at This Time | 4 |
| Other, Please Specify | 0 |

Please add any additional information about particular successes or challenges you faced during this time:

See Appendix E for responses.

The Commission will be documenting the different ways courts responded, and continue to respond, to COVID-19 through the summer of 2020. This survey is designed to get a basic level of information, but we would like to talk with you more.

Do we have your permission to contact you for a follow-up interview about changes to operations due to COVID-19?

- Yes
- No

DISPLAY THIS QUESTION: If The Commission will be documenting the different ways courts responded, and continue to respond,... = Yes

Please supply your name and contact information:

- Name: _____
- Phone: _____
- Email Address: _____

DISPLAY THIS QUESTION: If The Commission will be documenting the different ways courts responded, and continue to respond,... = Yes

What is the best method to reach you?

- Phone
- Email
- Zoom video conference



PROCEDURAL CHANGES DURING THE COVID-19 PANDEMIC

The Ohio Criminal Sentencing Commission is surveying judges, court administrators, prosecutors, and criminal defense attorneys about the impact of the COVID-19 pandemic on court operations and the judicial system. This brief survey will establish a baseline understanding of the impact and allow us to document the changes made and develop a resource for use in the future.

The Sentencing Commission staff will continue to research and follow up on responses. There is an opportunity at the end of the survey to indicate if you would like to participate in a short follow-up conversation.

As you go through the survey, please use the “Next” and “Back” buttons at the bottom right of your screen to navigate forwards or backwards through the survey. Using the back button on your browser will take you to the beginning of the survey and will not save your responses.

Thank you for your help, and for all of your work during this difficult time.

Please identify the jurisdiction(s) in which you practice. Select all that apply.

| | Number | Percentage |
|---------------------------|--------|------------|
| Municipal or County Court | 47 | 81.0% |
| Common Pleas | 54 | 93.1% |
| Juvenile | 36 | 62.1% |
| Total | 58 | |

Please select the role that best describes you.

| | Number | Percentage |
|--|--------|------------|
| Assigned Counsel | 10 | 17.2% |
| County Public Defender/Assigned Non-Profit | 24 | 41.4% |
| *Other, Please Specify | 3 | 5.2% |
| Private Counsel | 21 | 36.2% |
| Total | 58 | 100% |

*Other, Please Specify

No Response

Assistant Ohio Public Defender

Private; However, I Do Take Some Court-Appointed Cases

Select the county(ies) in which you practice.

Hold down the “CTRL” key and your selection to choose more than one county.

| County | Number | County | Number | County | Number | County | Number |
|------------|--------|-----------|--------|------------|--------|------------|--------|
| Adams | 2 | Erie | 2 | Lawrence | 1 | Pike | 4 |
| Allen | 1 | Fairfield | 4 | Licking | 5 | Portage | 2 |
| Ashland | 1 | Fayette | 1 | Lorain | 3 | Richland | 2 |
| Ashtabula | 1 | Franklin | 10 | Lucas | 5 | Ross | 4 |
| Athens | 2 | Fulton | 2 | Mahoning | 3 | Sandusky | 2 |
| Brown | 1 | Gallia | 1 | Medina | 3 | Scioto | 3 |
| Clark | 1 | Geauga | 2 | Meigs | 1 | Shelby | 1 |
| Clermont | 1 | Greene | 1 | Montgomery | 2 | Stark | 5 |
| Clinton | 1 | Guernsey | 2 | Morgan | 2 | Summit | 3 |
| Columbiana | 3 | Hamilton | 1 | Morrow | 2 | Trumbull | 4 |
| Coshocton | 2 | Hancock | 1 | Muskingum | 2 | Union | 3 |
| Crawford | 1 | Hocking | 1 | Noble | 1 | Vinton | 1 |
| Cuyahoga | 4 | Huron | 1 | Ottawa | 1 | Warren | 1 |
| Darke | 1 | Jackson | 4 | Perry | 1 | Washington | 3 |
| Defiance | 1 | Lake | 2 | Pickaway | 5 | Wood | 2 |
| Delaware | 5 | | | | | | |

In what ways did your office adapt operations during the COVID-19 pandemic? Select all that apply.

Note: “COVID-19 pandemic” or “pandemic” mentioned in this survey refers to the time period beginning with the March 13, 2020 letter from Chief Justice O’Connor to the present.

| | Number | Percent |
|--|--------|---------|
| Limited Physical Access to Offices (e.g., Limitations on Who Can Enter the Building) | 46 | 79.3% |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 47 | 81.0% |
| Utilized Technology to Decrease Face-to-Face Interaction (e.g., Video Conferencing, Phone Calls) | 53 | 91.4% |
| Physically Rearranged, or Relocated, Office Spaces to Accommodate Social-Distancing Requirements | 18 | 31.0% |
| Temperature Checks of Visitors | 10 | 17.2% |
| Temperature Checks of Staff | 17 | 29.3% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Staff | 27 | 46.6% |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) for Visitors | 27 | 46.6% |
| Staff Was Encouraged to Work from Home | 28 | 48.3% |
| *Other, Please Specify | 5 | 8.6% |

*Other, Please Specify

Staggered Office-Staff Work Days

Some of These Were Enacted by the Court and County Commissioners We Abide by Them

Limited Hours; Work from Home; Communicated with Clients, Courts, Opposing Counsel, etc. via electronic medium

None

Cleaning and Disinfecting a Meeting Room after Each Meeting

For which of the following aspects of your work, below, did you use technology (e.g. Zoom meeting, conference calls, CCT, etc.) during the pandemic?

| | Number | Percent |
|--|--------|---------|
| Trial Preparation | 11 | 19.0% |
| Interviews | 26 | 44.8% |
| Discovery | 17 | 29.3% |
| Consulting with Clients | 40 | 69.0% |
| Discussion/Negotiation with Opposing Counsel | 34 | 58.6% |
| Office Staff Meetings | 18 | 31.0% |
| *Other, Please Specify | 17 | 29.3% |

*Other, Please Specify

Hearings

Telephone Pretrials

Meetings with Judges, Commission Members, Community Groups

Court Appearances

Court Hearings (Non-Testimonial)

Court Hearings

Arraignments and Plea Hearings

Court Proceedings

Court Hearings

Bond Hearings

Court Appearances

Pretrials, Admissions

Commission Meetings, NAPD Meetings, Gideon's Promise Meetings

Court Hearings (Pretrials, Revocations and Plea Hearings; Held Remotely)

Drug Court Meetings

Hearings by Video Conference

During the pandemic, did you transition from working primarily at an office to primarily working from home?

| | Number | Percent |
|-------|--------|---------|
| Yes | 25 | 43.1% |
| No | 33 | 56.9% |
| Total | 58 | 100.0% |

DISPLAY THIS QUESTION: If During the pandemic, did you transition from working primarily at an office to primarily working... = Yes

How easy did you find the transition to working primarily from home?

| | Number |
|----------------------------|--------|
| Extremely Easy | 5 |
| Somewhat Easy | 6 |
| Neither Easy nor Difficult | 4 |
| Somewhat Difficult | 7 |
| Extremely Difficult | 3 |
| Total | 25 |

Do you have staff who transitioned to primarily working from home during the pandemic?

| | Number | Percent |
|-------|--------|---------|
| Yes | 30 | 52.6% |
| No | 27 | 47.4% |
| Total | 57 | 100.0% |

Were additional resources required for staff to work from home?

| | Number | Percent |
|-------|--------|---------|
| Yes | 18 | 32.1% |
| No | 38 | 67.9% |
| Total | 56 | 100.0% |

If there were specific challenges you or your office faced in transitioning to primarily work from home, please explain here:

See Appendix F.

Please indicate the ways in which you adapted CLIENT CONSULTATIONS (for out-of-custody clients) during the COVID-19 pandemic, if at all. Select all that apply.

| | Number | Percentage |
|---|--------|------------|
| Rescheduled or Postponed | 27 | 46.6% |
| Suspended | 7 | 12.1% |
| Utilized Technology to Communicate with Clients Remotely | 40 | 69.0% |
| Physically Rearranged or Altered Facilities | 19 | 32.8% |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 19 | 32.8% |
| No Changes | 6 | 10.3% |
| Not Applicable/Unknown | 1 | 1.7% |

If you made any other adaptations for client consultations or you would like to elaborate on any response, please specify here:

See Appendix F.

Please indicate the ways in which INCARCERATED CLIENT VISITATIONS were altered during the COVID-19 pandemic, if at all. Select all that apply.

| | Number | Percentage |
|---|--------|------------|
| There Was No Entry Allowed into Prisons | 11 | 19.0% |
| There Was No Entry Allowed into Jails | 20 | 34.5% |
| Visits Were Rescheduled or Postponed | 21 | 36.2% |
| Utilized Technology to Communicate with Clients Remotely | 35 | 60.3% |
| Physically Rearranged or Altered Facilities | 18 | 31.0% |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 31 | 53.4% |
| No Changes | 4 | 6.9% |
| Not Applicable/Unknown | 0 | 0.0% |

Did you make any visits to incarcerated clients during the COVID-19 pandemic? Select all that apply.

| | Number | Percentage |
|---|--------|------------|
| Yes, I Went to Visit Client(s) in Jail | 31 | 55.4% |
| Yes, I Went to Visit (Clients) in Prison | 0 | 0.0% |
| No, I Did Not Visit Any Incarcerated Clients Face-to-Face | 25 | 44.6% |
| TOTAL | 56 | 100.0% |

If you made any other adaptations for incarcerated client visitations or you would like to elaborate on any response, please specify here:

See Appendix F.

Which of the following services were offered to you in order to access filings, records, and other necessary information at the courts in which you practice during the pandemic? Select all that apply.

| | Number | Percentage |
|---|--------|------------|
| Online Dockets | 46 | 79.3% |
| Online Access to Court Records | 38 | 65.5% |
| Electronic Filing | 39 | 67.2% |
| Regular Operating Hours for Clerk's Offices | 22 | 37.9% |
| Waiver or Extension of Filing Deadlines | 28 | 48.3% |
| *Other, Please Specify | 2 | 3.4% |
| *Fax (2) | | |

In what ways did the handling of COURT APPEARANCES change during the COVID-19 pandemic? Select all that apply.

| | |
|--|----|
| Limited Physical Access to Courthouse (e.g., Limitation on Who Can Enter the Building) | 48 |
| Rescheduled Court Proceedings through the Use of Continuance Provisions | 52 |
| Utilized Technology to Decrease Face-to-Face Interaction (e.g., Video Conferencing, Phone Calls) | 53 |
| Physically Rearranged, or Relocated, Proceedings to Accommodate Social-Distancing Requirements | 40 |
| Temperature Checks upon Entry to Courthouse | 38 |
| Required the Wearing of Protective Equipment (e.g., Masks, Gloves) | 53 |
| Other, Please Specify | 0 |

Please indicate the ways in which you adapted your practice each of the specific **TYPES OF HEARINGS** during the COVID-19 pandemic, if at all. Select all that apply.

HOW DID YOU CHANGE YOUR APPROACH TO:

Initial Appearances?

| | |
|--|----|
| Suspended | 12 |
| Expedited | 3 |
| Utilized Technology | 29 |
| Physically Rearranged or Altered Facilities | 11 |
| Relocated Proceedings | 4 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 20 |
| No Changes | 6 |
| Not Applicable/Unknown | 5 |

Preliminary Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 16 |
| Suspended | 7 |
| Expedited | 1 |
| Utilized Technology | 15 |
| Physically Rearranged or Altered Facilities | 8 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 21 |
| No Changes | 7 |
| Not Applicable/Unknown | 10 |

Arraignments?

| | |
|--|----|
| Rescheduled or Postponed | 20 |
| Suspended | 5 |
| Expedited | 3 |
| Utilized Technology | 32 |
| Physically Rearranged or Altered Facilities | 14 |
| Relocated Proceedings | 8 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 26 |
| No Changes | 3 |
| Not Applicable/Unknown | 2 |

Plea Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 31 |
| Suspended | 7 |
| Expedited | 2 |
| Utilized Technology | 29 |
| Physically Rearranged or Altered Facilities | 20 |
| Relocated Proceedings | 4 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 33 |
| No Changes | 1 |
| Not Applicable/Unknown | 0 |

Bond Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 11 |
| Suspended | 3 |
| Expedited | 5 |
| Utilized Technology | 29 |
| Physically Rearranged or Altered Facilities | 11 |
| Relocated Proceedings | 2 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 17 |
| No Changes | 5 |
| Not Applicable/Unknown | 7 |

Sentencing Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 32 |
| Suspended | 5 |
| Expedited | 1 |
| Utilized Technology | 25 |
| Physically Rearranged or Altered Facilities | 18 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 27 |
| No Changes | 3 |
| Not Applicable/Unknown | 0 |

Probation Violation or Revocation Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 31 |
| Suspended | 7 |
| Expedited | 1 |
| Utilized Technology | 22 |
| Physically Rearranged or Altered Facilities | 17 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 24 |
| No Changes | 2 |
| Not Applicable/Unknown | 5 |

Judicial-Release Hearings?

| | |
|--|----|
| Rescheduled or Postponed | 10 |
| Suspended | 1 |
| Expedited | 6 |
| Utilized Technology | 28 |
| Physically Rearranged or Altered Facilities | 10 |
| Relocated Proceedings | 1 |
| Required Wearing of Protective Equipmet (e.g., Facial Coverings) | 13 |
| No Changes | 3 |
| Not Applicable/Unknown | 12 |

If you made other accommodations for any type of hearing or you would like to elaborate on any response, please specify here:

See Appendix F.

Please indicate the ways in which you adapted your practice for JURY TRIALS during the COVID-19 pandemic, if at all. Select all that apply.

| | |
|---|----|
| Continued at the Request of the State | 6 |
| Continued at the Request of the Defendant | 12 |
| Continued by Agreement of the Parties | 22 |
| Continued by the Court, Sua Sponte | 43 |
| Suspended | 16 |
| Utilized Technology | 0 |
| Physically Rearranged or Altered Facilities | 9 |
| Relocated Proceedings | 4 |
| Required Wearing of Protective Equipment (e.g., Facial Coverings) | 11 |
| No Changes | 1 |
| Not Applicable/Unknown | 2 |

Did any of your cases go to trial after a refusal by the defendant to assent to a continuance and/or speedy trial time waiver?

| | Number | Percent |
|-------|--------|---------|
| Yes | 2 | 3.8% |
| No | 50 | 96.2% |
| Total | 52 | 100.0 |

Have you participated in any jury trials since pandemic restrictions began?

| | Number | Percent |
|-------|--------|---------|
| Yes | 3 | 5.6% |
| No | 51 | 94.4% |
| Total | 54 | 100.0% |

If you made any other adaptations for jury trials or you would like to elaborate on any response, please specify here:

See Appendix F.

In your opinion, did concerns regarding COVID-19 lead to an increase in cases being resolved by plea or dismissal that would have otherwise gone to trial?

| | Number | Percent |
|-------|--------|---------|
| Yes | 31 | 57.4% |
| No | 23 | 42.6% |
| Total | 54 | 100.0% |

DISPLAY THIS QUESTION: If In your opinion, did concerns regarding COVID-19 lead to an increase in cases being resolved by p... = Yes

Please explain, if possible.

See Appendix F.

If you have any general observations about how plea bargaining, sentencing, and release considerations changed during the COVID-19 pandemic, please include them here:

See Appendix F.

Compared to 2019, do you consider the number of the specific hearing types that you have participated in during the pandemic to be higher, lower, or about the same?

| | Much Higher | Moderately Higher | About the Same | Moderately Lower | Much Lower | Unknown/Not Applicable |
|-------------------|-------------|-------------------|----------------|------------------|------------|------------------------|
| Arraignments | 2 | 0 | 9 | 15 | 26 | 1 |
| Pretrial Hearings | 0 | 1 | 18 | 16 | 18 | 0 |
| Motion Hearings | 0 | 0 | 10 | 17 | 24 | 2 |
| Sentence Hearings | 0 | 0 | 15 | 20 | 18 | 0 |
| Jury Trials | 0 | 0 | 3 | 4 | 43 | 2 |
| Judicial Release | 0 | 5 | 16 | 9 | 11 | 10 |
| Clemency Hearings | 0 | 0 | 1 | 0 | 3 | 47 |

Please consider the pandemic to be mid-March 2020 through the present and compare to roughly the same time period in 2019.

Compared to 2019, do you consider the number of the following non-hearing work activities you have participated in during the pandemic to be higher, lower, or about the same?

| | Much Higher | Moderately Higher | About the Same | Moderately Lower | Much Lower | Unknown/Not Applicable |
|--------------------------|-------------|-------------------|----------------|------------------|------------|------------------------|
| Inmate Correspondence | 11 | 13 | 22 | 2 | 3 | 2 |
| Judicial Release Filings | 9 | 19 | 17 | 0 | 2 | 6 |
| Requests for Commutation | 5 | 2 | 5 | 0 | 2 | 38 |

How would you rate the level of cooperation you received from each of the following criminal justice partners in accommodating COVID-19 changes?

| | Excellent | Good | Average | Poor | Terrible | Not Applicable/Don't Know |
|---|-----------|------|---------|------|----------|---------------------------|
| Judges | 22 | 15 | 11 | 3 | 1 | 0 |
| Court Staff | 22 | 15 | 13 | 1 | 2 | 0 |
| Prosecutors | 17 | 18 | 13 | 2 | 3 | 0 |
| Local Law Enforcement | 11 | 20 | 10 | 0 | 1 | 11 |
| County Commissioners | 11 | 10 | 6 | 0 | 6 | 19 |
| Elected Officials | 0 | 5 | 6 | 0 | 1 | 39 |
| Drug Treatment Center | 7 | 11 | 12 | 8 | 2 | 12 |
| Mental Health Facilities | 6 | 12 | 11 | 7 | 2 | 14 |
| Victim Advocates | 3 | 9 | 13 | 3 | 1 | 23 |
| Guardians ad Litem (GALs) | 2 | 11 | 5 | 3 | 0 | 31 |
| Department of Rehabilitation & Correction | 0 | 13 | 7 | 8 | 6 | 18 |
| Other State Agencies | 2 | 5 | 8 | 2 | 1 | 35 |
| Other, Please Specify | 0 | 5 | 8 | 2 | 1 | 35 |

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic?

| | |
|---|----|
| Resistance from Judges | 20 |
| Resistance from Other Court Personnel | 9 |
| Resistance from Staff | 2 |
| Resistance from Other Defense Attorneys | 4 |
| Resistance from Prosecutors | 11 |
| Lack of Responsiveness from Probation Departments | 11 |
| Lack of Resources | 13 |
| Other, Please Specify | 14 |

Did you, or your office, develop a response plan for clients who specifically complained of or presented with symptoms of COVID-19?

| | Number | Percent |
|-------|--------|---------|
| Yes | 26 | 50.0% |
| No | 26 | 50.0% |
| Total | 52 | 100.0% |

Overall, did you (or do you) feel adequately prepared to proceed if your client may have symptoms of or test positive for COVID-19?

| | Number | Percentage |
|--------------------|--------|------------|
| Definitely Yes | 14 | 26.9% |
| Probably Yes | 13 | 25.0% |
| Might or Might Not | 7 | 13.5% |
| Probably Not | 10 | 19.2% |
| Definitely Not | 8 | 15.4% |
| Total | 52 | 100.0% |

What, if anything, could make you feel better prepared in the event of a client that may test positive for COVID-19?

See Appendix F.

Given the COVID-19 accommodations made by you, your office, and various courts in which you practice, and considering your interactions with clients, witnesses, families, and others please indicate how much you agree or disagree with the following statement:

I feel safe performing my job duties during the pandemic.

| | Number | Percentage |
|----------------------------|--------|------------|
| Strongly Agree | 13 | 25.0% |
| Somewhat Agree | 17 | 32.7% |
| Neither Agree nor Disagree | 6 | 11.5% |
| Somewhat Disagree | 12 | 23.1% |
| Strongly Disagree | 4 | 7.7% |
| Total | 52 | 100.0% |

Please explain:

See Appendix F.

Are there any changes made to operations during the COVID-19 pandemic that you are considering adopting during “normal,” non-emergency times?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 34 | 65.4% |
| No | 18 | 34.6% |
| Total | 52 | 100.0% |

DISPLAY THIS QUESTION: If Are there any changes made to operations during the COVID-19 pandemic that you are considering ad... = Yes

Please explain what changes you are considering adopting and why:

Have you represented defendants charged with pandemic-related crimes (e.g. violations of health department orders, hoarding supplies, price gouging)?

| | Number | Percentage |
|-------|--------|------------|
| Yes | 3 | 5.8% |
| No | 49 | 94.2% |
| Total | 52 | 100.0% |

DISPLAY THIS QUESTION: If Have you represented defendants charged with pandemic-related crimes (e.g. violations of health d... = Yes

What type of sentence was imposed? Select all that apply.

| | Number |
|---|--------|
| Incarceration | 0 |
| Fine | 0 |
| Supervision | 0 |
| Unknown, matter is not concluded at this time | 2 |
| *Other, please specify | 1 |
| | |
| *Other: Dismissed | |

Please add any additional information about particular successes or challenges you faced during this time:

See Appendix F.

The Commission is documenting the different ways members of the justice system responded, and continue to respond, to COVID-19 through the summer and fall of 2020. This survey is designed to get a basic level of information and talking with you more would be helpful.

Do we have your permission to contact you for a brief follow-up conversation about changes due to COVID-19?

- Yes
- No
-

DISPLAY THIS QUESTION: If The Commission is documenting the different ways members of the justice system responded, and con... = Yes

Please supply your name and contact information:

- Name: _____
- Phone: _____
- Email Address: _____

DISPLAY THIS QUESTION: If The Commission is documenting the different ways members of the justice system responded, and con... = Yes

What is the best method to reach you?

- Phone
- Email
- Zoom video conference

APPENDIX D: OPEN-ENDED RESPONSES, COURT RESPONDENTS

Responses organized by question and alphabetically within question. Responses have been edited minimally for readability.

In what ways did your court adapt operations during the COVID-19 pandemic?
Other, please specify:

Accepted misdemeanor pleas by phone, limited seating to an X taped on the seats, limited number of people in the building by only admitting those with scheduled cases and warrants, reviewed all cases prior to court date, and don't bring people in the building unless something is going to happen on the cases.

- Added plexiglass barrier on bench.
- Any suffering symptoms were not allowed to enter. Anyone who was physically close to someone who tested positive for the coronavirus was quarantined until cleared by testing.
- Applied temporary moratorium.
- Assigned sanitation for all areas after someone has occupied these areas or spaces.
- brief health questions.
- Changed pre-trial process to be completed by prosecutor and counsel outside of court and submitted.
- closed court early to the public to institute disinfecting policy.
- Disposable thermometers have been on order and never received for parties entering court.
- Except in cases involving violence or ongoing harm to the community, the court has been issuing summons rather than arrest warrants. For outstanding warrants, the court has advised the community that it will not proceed on contempt proceedings for defendants who voluntarily appear at court to address the issues.
- For public recommended face coverings did not mandate, but maintained social distancing
- Have Masks available for those who want them and do not have them. Sanitizing station. Cleansing between morning and afternoon sessions.
- I obtained and reviewed the published risk assessments to become knowledgeable. I referred often the Judicial Conference public health benchbook. I review on a daily basis the American Enterprise Institute COVID-19 Local Risk Index. I talked frequently to my wife and friends in medicine to make sure what I was seeing “on paper” was consistent with what was really happening in the county.
- Increased use of electronic forms.
- Initially we only heard cases of those incarcerated.
- Install partitions and plexiglass.
- Installed plexiglass in front of bench, court reporter and bailiff.
- Limited hours.

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- Limited hours open to general public 9 a.m. to 11 a.m.
 - Limited number of days with a docket & jury trials & bench trials.
 - Non-essential staff worked remotely from home. Essential staff rotated in cleaning any areas of the courtroom, hallways, door knobs, etc. that were in contact with any party that had to appear for hearings at court (etc. emergency hearings).
 - Not gloves.
 - Plexiglass dividers, cleaning in between hearings, marked spots to sit in the public hallways.
 - Provided face masks at the front door of the courthouse for those who had none upon arriving. Provided hand sanitizer.
 - Rearranged staff schedules.
 - Removed cloth seating; Disinfected areas.
 - Requested facial coverings for the public.
 - Sanitizing sprays, wipes.
 - Signage for social distancing, protective shields where social distancing not practical; staff working from home; release from jail both pre and post convictions for persons in vulnerable and age classifications; accepted fines and costs on cases permitting waivers on some cases even though they are not typically offenses that would qualify for waivers.
 - Staggered staff hours.
 - Stop P.O. office visits and Home visits.
 - Temperatures are taken at the discretion of Court Security of people entering the building. Staff log temperatures daily.
 - The use of electronic filing and a paperless court.
 - Utilizing plexiglass as a barrier.
 - We asked parties to take their temperature before entering the Court facility. We also asked parties to sanitize their hands before entering the courtroom or conference rooms.

If your court made other accommodations for jury trials or you would like to elaborate on any response, please specify here:

- 1. When you say rescheduled a trial “without victim present” that question is unfair because the victim still has input although not physically present. We do not reschedule any case where an interested victim is involved without input (typically from the prosecutor) and notice to the alleged victim. Please do not disseminate this poll question in the wrong context. It would not further the interest of justice or tell the whole truth. Thank you. 2. Why do the questions “Physically Rearranged or Altered Facilities,” “Utilized Technology,” “Required wearing of protective equipment” make sense with the choices between Trial with a speedy trial concern and Trial without a speedy trial concern and Trial with victim present and Trial without victim present? What is the aim of the question? Why would there ever be a difference. The issue is the health and safety of the

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- participants and has little if anything to do with speedy trial. I would venture to say that out of the thousands and thousands of cases in the all of the Municipal and County courts that very very few have had speedy trial implications. We utilized technology, required wearing of protective equipment and rescheduled cases in both instances although I cannot cite one case where we have had a speedy trial concern. No one has asked for a speedy trial. All defendants waive time. We do not force them to waive time. They almost always would rather have the case extended. This experience does not apply to our court.
- Relocated jury selection to city council room across hall from courtroom, then moved back to courtroom Looking into buying thermal imaging for temperatures.
 - All JTs cancelled from March 8 through June 9, 2020. Plan to resume June 16, 2020.
 - All juries postponed.
 - All jury trials continued until further notice.
 - All jury trials have been stayed/rescheduled through administrative order of the court at least through May and this date will likely be extended.
 - All jury trials were continued. We did not have a jury trial during the quarantine period.
 - All scheduled jury trials were initially rescheduled without incident, but have settled since.
 - Any early jury trials were continued, however there were only a few. We are in the process of identifying how we will handle jury trials when they occur.
 - As a Juvenile Court Judge, a Jury trial is very rare. I had one scheduled for June 23 but continued it with the consent of the parties. I am not yet up against the speedy trial deadline but if the case is not resolved at the next pretrial, I will schedule the Jury trial. I hope to use one of the General Division Courtrooms that has been outfitted for a jury trial if it must proceed.
 - Between March 9th and May 30th defendants were given the options of changing their plea, waiving their rights to a jury and having a bench trial, or requesting a continuance. The Court began presiding over jury trials on June 1st. The Court requires masks, is providing hand sanitizer on all table and cleaning the courtrooms daily. We are social distancing the jurors by calling in smaller groups and in batches. The Court has had to increase the number of summons issues to jurors to ensure a panel that is large enough. Social distancing is very difficult for us. Even in my large courtroom that seats 100 we can only social distance 25 people. This has extended the time required to seat a jury, requires much more time of our bailiffs to organize the groups, handle transfers and their other daily duties.
 - Called additional jurors so that we could excuse more jurors in the front end. Sent questionnaires through the mail before trial.
 - Chief Justice O'Connor tolled speedy trial issues therefore we have continued all jury cases to date without speedy trial concerns.
 - Continued jury trials until June 30. Monitoring COVID-19 stats each day. Held Grand Jury with social distancing and facial covering but limited number of days. Held grand jury over from January term to avoid exposing new group. Sent questionnaires to all potential jurors concerning COVID19 issues. Excused jurors concerned with their health

and safety over COVID19. Continued trials at defendants' requests thus waiving time limits. Requiring copies of exhibits used and not handling exhibits during trial.

- Early in the pandemic we rescheduled all jury trials. As of July 1, we will be resuming jury trials as long as the numbers remain flat with COVID19. We will be rearranging our courtrooms and utilizing other rooms in the courthouse to hold our jurors as well as the use of plexiglass and masks.
- For all jury trials where defendants had NOT waived speedy trial, I set these cases for a final virtual pretrial so as to determine the likelihood that they were in fact prepared to go forward and to ensure that all discovery had been exchanged and to place any plea offers on the record. At each of these hearings, the defense and prosecution agreed to continue the jury trial date for an additional 90 days in light of the pandemic as the defendants were out on bond - in the hopes of reaching a resolution the court would accept.
- Fortunately, our court only had one jury trial scheduled and the defendant took a plea the week before. We did have one emergency grand jury - the jurors were required to submit to temperature checks and wear a facial covering. They did not sit in the jury box, they were seating in the gallery and the 6-foot physical distancing rule was observed.
- Going forward jury selection will be held offsite. Once selected, the proceeding will move to the courthouse.
- Had no jury trials set at this time period.
- Have not yet conducted a jury trial during the pandemic, but the changes noted above are being made in anticipation of resuming jury trials.
- Haven't had any jury trials yet.
- I don't understand this question. We have not held any jury trials since the public health emergency declaration. As for speedy trial, the tolling statute and change in the superintendence rules combined with the Court's declaration on sua sponte continuances that the delay is reasonable pursuant to R.C. 2945.72(H) have rendered speedy trial concerns moot temporarily.
- I have not conducted a jury trial since the onset of the COVID-19 pandemic, but have a criminal indictment that must be tried commencing July, 14 because the defendant remains confined in jail without bail allowed under R.C. 2937.222. Consequently, the attorneys and I have established protocols that incorporate all of the recommended procedures regarding facial coverings, social distancing, etc., which will result in drastic rearrangement of jury seating, live streaming to the public, and dramatic changes in the jury selection process.
- I have not had a jury trial in my court since the declaration of a public health crisis. We have two jury trials scheduled in July. They may be continued at the request of the defendant. If not, we will limit access, take temperatures, maintain social distancing and require face coverings.
- In our court, we did not have any speedy trial concerns. All defendants that were concerned about having a jury trial signed time waivers.
- Juries are on call. Voir dire done in a different location.
- Jury trials are scheduled to resume in my court after June 15.

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- Jury Trials have currently been continued. We are looking at August probably to start them. Biggest issue to me appears to be the issue of Social Distancing for the venire during jury selection after that we can socially distance the jurors during trial and deliberations
 - Jury trials suspended until August 1, 2020.
 - No jury trials scheduled.
 - No Jury trials were pending before the court.
 - No jury trials were scheduled in juvenile court
 - Not applicable to our court as we do not hold jury trials.
 - Note: We have not yet had a jury trial since the declaration of the COVID-19 emergency. The adaptations shown above are anticipated.
 - Our court will be relocating voir dire for trials to a community location, modifying existing courtrooms for trials, and utilizing protective equipment and technology
 - Presently we are working to conduct jury trials safely. The most difficult part for now is making sure a venire of 30-50 prospective jurors can be summoned to court safely, with social distancing being just one of the issues. Courtroom use as the jury room is also being considered.
 - Scheduled jury trials with speedy trial concerns thus far have resolved via pleas.
 - State confirmed with victim. First trial is three weeks away.
 - There were no jury trials during the COVID-19 pandemic.
 - There were no Jury Trials scheduled.
 - Those with speedy trial concerns were still continued with an emergency tolling order. However, we intend to begin criminal jury trials once again in July.
 - We are fortunate in that we did not have any jury trials scheduled during the pandemic so far. We just scheduled one for August and so I am beginning to prepare for that one now.
 - We are installing plexiglass shields on benches where prospective jurors sit during voir dire, we have marked with an x the locations in the courtroom for prospective jurors as well as jurors are to sit which are six feet apart. We have limited the number of persons who can be present and require them to sit in the seats marked with an x.
 - We are juvenile court, we do not have jury trials.
 - We currently have a trial scheduled for June 9 that appears to be going forward. We have inserted a special note on how the court is handling health concerns, the procedures we will use, that face coverings and social distancing is required. We have received a couple of calls from prospective jurors about prior COVID exposure, but no refusals to serve... yet.
 - We did not hold any jury trials March 20-May 29. None of the cases had speedy trial issues due to age or defendant demands. We have made arrangements for jury trials to resume in June and reviewed the planned procedures with the local health department.
 - We do not have jury trials.

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- We had no Jury Trials scheduled.
 - We have a large courtroom. I had the Clinton County Director of Health over and inspect the reconfiguration of the courtroom to allow physical distancing. She approved. Given the limitation placed on public spectators, both she and I believed masks would not be mandatory. We had masks available and in our letter to prospective jurors included our temporary order reflecting our plan. Any prospective juror who had safety concerns was automatically excused. We commenced our first jury trial on May 26 without a hitch.
 - We have a two-judge municipal court; we are alternating so that no two cases have jury trials on the same day. On venire, were arranging so that the potential jurors are called at different times to avoid a bottleneck at the door. Also, we have coordinated our schedules so that if there are too many jurors present to be unable to safely accomplish physical distancing, the overflow would wait in the other courtroom.
 - We have made provisions to conduct jury selection in Veterans' Memorial Auditorium, relocated the jury room to a much larger room where social distancing can take place, and to relocate chosen jurors from the jury box to the back of the courtroom, where additional speaker have been installed. We have only had 1 jury trial go forward in June. There were no speedy trial concerns. Trials set in March, April and May were continued to June and after and we are moving through the docket at a normal rate now.
 - We have not done any jury trials since the shutdown order went into effect.
 - We have not had a jury trial go forward. We have, however, set up a procedure for voir dire and accommodating a jury once selected, without relocating.
 - We have not had a jury trial yet, but are making plans to do so. We sent out a survey to all jurors to gauge their willingness to come to the court with the safety precautions we are implementing. We are also looking into relocated proceedings for a trial with 5 co-defendants but have not yet finalized those plans.
 - We have not had any jury trials scheduled or delayed during the ongoing pandemic.
 - We have not had any jury trials to this point during the pandemic. I have plans to begin jury trials in my courtroom on July 31, 2020 and thereafter.
 - We have not scheduled any jury trials at this time.
 - We have not yet conducted any jury trials since the State of Emergency was declared.
 - We have only needed to continue one jury trial of an out of custody defendant during this time frame. That case is presently sent for a jury trial on June 9th and will go forward with physically rearranged or altered facilities. Protective equipment will be required by all parties.
 - We made arrangements to use a building at our fairgrounds. That defendant pled guilty at a final pretrial, however, and the jury trial did not happen. We have stopped all the restrictions now, and are doing business as usual again.
 - We moved to a bigger courtroom space that was not being utilized. We had to get new recording equipment and had to rearrange logistics of getting jury pool safely into the room for voir dire. We rearranged furniture in courtroom to accommodate social distancing.

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- We only have one court that would allow for public access due to social distancing and jurors are simply not obeying summons and those that do want off of jury duty making it nigh on to impossible to have jury trials.
 - We thankfully had no jury trials scheduled.
 - We will not be having jury trials until July. We have not really been impacted by rescheduling trials at this point. Most were resolved without the necessity of a trial.

If your court made other accommodations for any type of criminal hearing or you would like to elaborate on any response, please specify here:

- Modified bond schedules.
- All pre-trials converted to telephonic status conferences/scheduling conferences thru May. Limited pre-trials in June but holding some as agreed to by the parties and counsel.
- Allow victims to appear by phone.
- At the beginning, we held most all of our criminal proceedings virtually except for trials and some suppression hearings that digital presentation of evidence would not work or counsel would not agree to. When the courthouse was limited in access, we did set up a laptop with simple instructions on how to join their hearing by Zoom. This allowed individuals who did not have access to a phone or computer to participate. We are now able to accommodate a mix of in-person appearances and appearances via Zoom, so those that are comfortable coming into the courtroom are able to and those that are not do not have to.
- Attorneys are not supposed to appear in person only to get a new date--they are supposed to call.
- Bench trials have been held in person utilizing social distancing, masks for everyone participating and rearranging courtroom furniture. The trials have been streamed live on TVs for purposes of protecting a defendant's right to a public trial.
- Certain rows for seating were taped off. Treatment providers are no longer permitted in court and have been assigned socially distant seating areas. Providers are required to wear masks. Not more than 10 persons at a time are permitted in court, including the judge and staff. The Courtroom and common areas are disinfected daily. Attorneys and their clients must wear masks along with court staff. No observers are permitted in court, only litigants, witnesses, attorneys and the like. Seating has been arranged for distancing purposes.
- Converted numerous motion hearings to out-of-court settlement conferences, resulting in several cases being resolved by the prosecutor and defense, followed by the submission of a written plea agreement.
- Created emergency rule to allow all motions to be filed by email or website so any issue could be raised by any person without allowing the person to court. Our court was limited to custodies only, everything else was continued, but there was a standard motion to be heard, in person, during the crisis, so no person who made a request to be heard timely was denied.

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- During the first couple weeks of the emergency we had very few court participants available for hearings other than those in-custody for video arraignments which continued with no changes other than liberal bond policies. The court asked the county prosecutors and defense bar to conference prior to scheduled preliminary hearings (that we scheduled expeditiously to help keep the jail census down) so they could be concluded with minimal in-courthouse time. We had only telephone pretrials, then scheduled in person pleas where appropriate. As it became clear that facial coverings could aid in transmission reduction, we required all parties wear them and checked temperatures and questioned all who would enter the court. We continued court trials and pleas throughout this emergency, but instituted a “delayed entry” approach to jail sentences to protect the jail population. We are just now seeing our cases pick up and have jury trials about to commence.
 - Each Judge only permitted to hold court two days a week to accommodate social distancing.
 - Grand Jury was suspended because no jurors appeared! Defense asked for preliminary hearings, which we don’t hear, due to rapid indictment. Prosecutor objected to preliminary hearings. All 14 judges decided to deny preliminary hearings because defense issues were covered in the emergency order tolling of speedy trial statutes. Grand jurors are responding to summonses now, and so GJ has resumed.
 - Hearings in my courtroom are done with social distancing and facial coverings. A large number of hearings are held either by telephone or videoconference.
 - If a defendant is arrested on probation violation warrant or other arrest warrant and bond hearing or arraignment cannot be reasonably scheduled this court is setting bond without a hearing so that bond will be set.
 - Implemented video hearings for youth in detention so that youth do not need to be transported outside of the detention home for hearings but allows us to ensure timely hearings. Also, we set up “Zoom rooms” in the courthouse for families who may not have the technology to otherwise participate in scheduled delinquency hearings.
 - Judges staggered schedules in order to utilize space and technology only available in some courtrooms. This also minimized burden on other court personnel and resources.
 - Made allowances for in custody prelims to be scheduled on a specified date to accommodate defense and prosecution, and arranged for prior notice if a full hearing is likely to allow for transport if needed so the defendant can be present, otherwise, conduct via video.”
 - Nothing additional as to hearings. However, cases of incarcerated individuals were reviewed and many were released.
 - Once we had our technology up to speed, we held some hearings for youth in placement via video and only essential parties in the courtroom. We limited the number of parties in the courtroom. If too many participants, we had the overflow in an additional courtroom via video as well.
 - Other than suspending jury trials, the Court’s schedule did not alter much. For events that required the defendant to attend in person, we altered scheduling to allow for more time between hearings. For pretrials, we allowed counsel to appear by phone. When appropriate, video conferencing was used.

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- Our court has not had the ability to utilize technology for the most part, other than telephone conferences and Zoom on our computers. We received a grant for a new digital recording system/video conferencing for 2020, but the company kept rescheduling due to the pandemic. It was finally installed on May 13th and 14th, but they were not able to complete the video conferencing due to electrical and IP address issues on our end, therefore we have had to use alternate resources.
 - Phone calls were made to defendants and postcards sent advising that arraignments would be telephonic. Phone calls were made in court and on the record. Probation officers then recalled defendants to set up pay plans or other probation requirements.
 - Pre-trial hearings were initially continued. I sat down with the assist Pros assigned to my courtroom and the Public Defender for the county to work out ways in which to get the cases moving. From that meeting an Order has been issued for them to be done at another location (Pros. office, PD office, etc..) and in a forum they agree upon (Zoom, skype, in person, etc.). Then a Report of the Pre-trial is to be filed with the Court within 72 hours (on a form by the Court). Failure of the Defendant to be involved in the pre-trial with his/her attorney could result in a sanction (contempt, bond revoke, etc.) Judicial Releases were done via telephonic method. Having any Jury Trials at this point seems almost impossible considering the size of my courtroom and jury room. In the past I have conducted a Jury Trial 'off-site' (at a local union hall), but that doesn't seem feasible at this juncture. Any 'off-site' venue would have to agree to have people (jurors, witnesses, attorneys, etc..) come into their premises. And, with the concern of COVID possibly spreading, not many of those venues would want people there. There are just many problems with going forward with any Jury Trials.
 - Pursuant to Criminal Rule 10, my Court has made repeated use of the absent arraignment process with the cooperation of the prosecutor and the public defender. Also, and with their consent and cooperation, we will retain the same grand jury panel selected in January so as to eliminate the need for the selection of a new panel from a large group of citizens to be present, pursuant to Criminal Rule 6(G). The grand jury proceedings will occur privately of course in the courtroom so as to permit proper spacing with protective equipment.
 - Telephone pretrials between prosecutors and Attorneys and/or pro se defendants. When plea deal has been resolved, we make a change of plea appointment like doctor's office, as opposed to a 9 AM cattle call. We also got approval from all of our prosecutors for pro se's on 2 point moving violations to give them a no point muffler violation if they were willing. This eliminated a significant amount of the pro se defendants on regular traffic tickets, because most of them are looking for a no point resolution.
 - Telephone scheduling conferences were conducted with counsel to determine revised case schedules.
 - The South Euclid Municipal Court utilized WebEx videoconferencing technology beginning on March 20th and continues to use this for each type of hearing scheduled, including but not limited to the court's specialized Mental Health docket where we hosted our first virtual Mental Health docket graduation in May 2020. On several occasions, litigants and attorneys have thanked the court for our efforts to swiftly resolve their misdemeanor cases while remaining mindful of the need to keep them and court staff and justice partners safe and healthy. Active probationers are required to report

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- by telephone or email while the court works to earn a grant for funding for a probation “kiosk” that will allow for better “contactless” reporting and document production while also maintaining social distancing. Meanwhile, court staff report onsite 3 days a week to complete tasks that can only be accomplished by physically appearing at the court.
- Took gradual approach: did not shut down completely and then open up completely. Prioritized hearings/cases, and introduced more and more using technology, and then eventually in-person hearings with social distancing measures.
 - Use of plexiglass partitions for courtroom proceedings Limited access to the courthouse to participants only.
 - Used telephone conferencing before we had the video system installed.
 - Used Zoom Conferencing for a Pregnant Attorney. So, the attorney appeared by video conferencing on five different cases and the Defendant executed a waiver of the physical presence of counsel.
 - Used Zoom for non-trial hearing.
 - We are in the process of creating a written denial form to alleviate appearances for arraignment when a youth is charged but has not been detained in our detention continuum.
 - We are installing Plexiglas shields in the courtroom and elsewhere in the court facility. We have given all the option to object to the proceedings going forward due to pandemic concerns. Thus far, no one has requested that a hearing be postponed.
 - We bought masks and made them available at the front door of the building. We bought commercial sanitizer equipment and product to use in all our facilities. We bought a horrific amount of hand sanitizer.
 - We conducted pre-trials, bond hearings, revocation hearings and scheduled trials only for criminal defendants who were prisoners. In order to do so, we rearranged the court facility and required everyone to have their face covered.
 - We continued all arraignments for non-violent offenses where the defendant was not incarcerated. We had existing capabilities for video arraignments from our jail. I have held a few hearings in the courtroom with people present but not many. We converted pre-trials from in the courtroom to by phone. We will be implementing modified operations starting June 1 to hold backlogged criminal and traffic arraignments both in person and by video (Zoom) from the council chambers on a different floor than the courtrooms. We have continued report to jail dates for most defendants and have limited the number of probation revocations to a minimum.
 - We did authorize an expansion of waivable traffic offenses, such as speeding in excess of 15 mph over the limit and other generally non-waivable offenses.
 - We did most of the initial discovery pretrial type of matters via phone between counsel and if needed with the court. We set out trials and hearings that involved witnesses but allowed pleas to continue in person at the court.
 - We do not conduct criminal matters, only juvenile, civil and probate.
 - We don't do preliminary hearings.

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- We established a temporary courtroom on the ground floor of our building for just the parties and counsel. Everyone was screened and wore a mask. This prevented the public from entering our offices and waiting areas. Sometimes we ask people to wait in their cars before entering the courtroom.
 - We have established an online arraignment option; modified arrest procedures for failure to appear and other non-violent offense warrants; installed video and improved telephonic conference equipment in all courtrooms; installed a video kiosk in our vestibule (between double entry doors) for public video access; we use video or audio for all non-evidentiary hearings unless any party or counsel objects. Beginning June 1st, we will begin to hold in-person evidentiary hearings in our largest (main) courtroom only, with mandatory distancing and masks, limit 10 persons including court staff.
 - We have limited the number of cases/defendants in the courtroom at any given time and have used video/telephonic conferencing whenever possible.
 - We have recently changing our current order to allow for masks for persons entering the courthouse encouraging them to wear them, but are not making it mandatory. Physical distancing is mandatory. For the staff, they are mandated to wear masks in the public areas. We have also put down tape and other floor signs to show the distancing required. No attorneys are allowed in the well of the courtrooms. Along with the ongoing Orders, we have reduced the provisions of the orders to a readable public notice that has been posted and sent out to the media. We have kept the Allen County Health Dept. and other entities using our courts the Orders as they are entered.
 - We installed plexiglass barriers on counsel tables.
 - We only have juvenile court jurisdiction.
 - We permitted email filings through a standardized form for people (victim, defendant, prosecutor or defense counsel) to request a hearing be expedited while we were in limited operations.
 - We physically delivered PSI's to the home of a criminal defense attorney who was pregnant so that she did not have to report to our office to view the PSI.
 - We took advantage of the Supreme Court's extended technology grant and had the systems installed two weeks before answering this survey. The system at our local jail was just installed last week. My Court plans on conducting all hearings, save for final offers, pleas and trial, via video conferencing. Up to this point, we have only conducted post-arraignment pretrials by video.
 - We utilized face-time, zoom, put up physical barriers, limited people in the courtroom, required face coverings in the courtroom. We also scheduled so that hearings were spread out over time (example, every 15 minutes) and did not have as many set for the same hour.
 - We went totally virtual hearings since the pandemic started and it has been going very well.

If your court made other accommodations for any type of court operation or you would like to elaborate on any response, please specify here:

- All aspects of the court's operations were modified due to the public health crisis in an effort to provide for the safety of staff, public, parties, attorneys and law enforcement.
- Alternating work schedules, essential access only, limited hours for specific functions, limit access to building, utilizing internal mail system.
- Bench warrants - issued letters to allow a reschedule of missed hearings, warrants then issued if they failed to appear on the 2nd option to reschedule. Any reports to jail for sentence, the jail handled rescheduling report dates
- Clerk of courts had half of her staff in on alternating weeks for the months of March/ April. Bailiff and Probation staff levels remained the same.
- Hearings were continued to a later date as available; Oral fluid tests were used in place of urinalysis samples; Individuals entering the building were limited to defendants, victims, and attorneys and for scheduled hearings only or to make payments; All were eventually required to wear masks; All entering the court were eventually subjected to temperature readings; Probationers were encouraged to call or email for information since they were not permitted to enter except for hearings and payments.
- I did not answer question regarding changes made for issuing of warrants above. This is because the available options were not appropriate. We became much more selective in our issuance of warrants and reviewed all outstanding warrants for the same reason.
- In an effort to minimize the number of people in the building at any given time, this court is investing in a handheld notification system, similar to that used in restaurants, that will alert a person when his/her case is being called so that waiting can be outside of the building. It is hopeful that using this system will also make case management more efficient, especially for pretrial conferences.
- Increased percentage of defendants on OR bond and defendants on community control to reduce incarceration. Worked closely with county sheriff to minimize risk of infection to the jail population.
- It has been challenging in our court due to technology issues and old case management system. Our court has no imaging or digital capability therefore one must physically appear at the court to view any filings.
- Mediations through video conferencing.
- Meetings with probationers done remotely with technology.
- None.
- Obtained laptop computers through a court tech grant for use by probation officers in working remotely.
- Police department, sheriff and OAPA changed policies eliminating personal contact, so testing of drug treatment program was eliminated, resulting in large increase in drug usage and violation behavior.
- Probation violations were often cited to court instead of arrested.

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- Purchased restaurant style pagers for defendants/parties to be given upon checking in to the court. The pager was activated and parties returned to their cars until paged for their hearing. Most cases were processed 1 at a time and this allowed for ease of transition from one case to the next without delay.
 - Stopped accepting cash payment of fines. Continued fine payment deadlines. Reduced staff by changing work schedules.
 - Supervision check-in: We suspended all in person check in and required remote check by phone. Community Control Violation: Rather than have persons remain in jail until their court date many were released. Hearings were continued in some situations and in others sanctions were imposed for the violation.
 - The clerk of courts did reduce hours and staggered employees' days so there was some limited access to making payments. Court Services did suspend home visits and office visits for a short time but required defendants to call in. The court held over the Grand Jury for an additional month so that we did not need to call in a new group. The court set PR bonds on more cases than normal to keep the jail population down.
 - The court was advised by the sheriff that the Jail population needed to be reduced so they could afford space for 'quarantining.' Also, they did not want to receive any prisoners from prison for hearings (Judicial Releases, new indictments, etc.). Finally, that the prisons were not taking sentenced defendants to prison (at some point). So, I had to continue the probation-violation hearings, Agreed prison sentence recommendations, and conduct Judicial Release hearings telephonically.
 - The court was closed to the public. We operated Monday, Wednesday and Friday with a rotating staff in case of exposure to Covid-19. Our fines could be paid online, through phone payment or by mail. The probation department had phone appointments and check-ins. Drug screening was suspended, but is now implemented using oral swabs to avoid contact. Specialized Dockets were staffed through video conferencing using the Court's LifeSize system and the court sessions have been done using Zoom. Charges and warrants are still processed, but our regional jail will only incarcerate felons and violent misdemeanors.
 - The judge only issued arrest warrants for those that were a threat to public safety and suspended the others.
 - The question about imposing court fees and fines does not seem to match the responses
 - The restrictions at our county jail have rendered us unable to issue bench warrants for probation violations or failure to appear in court. Instead, we are rescheduling cases in hopes that the person will show up at the second date. Jail restrictions are also affecting the way we sentence people for nonviolent crimes, because we are unable to send nonviolent defendants to jail. In cases where we do sentence people to jail, we have to set the jail dates out months from the date the case was tried in court.
 - This court operates a mental health and recovery program for those eligible for ILC. The counseling provider has appropriately altered its program to minimize contact while maintaining an effective presence. I receive biweekly reports of progress but I have suspended in person reviews until advisable. I have scheduled some reviews

when compliance becomes an issue. I have my bailiff use my home thermometer to take temperatures of counsel and defendants. I have restricted third party access to the courtroom, and admit one defendant at a time.

- Those questions were tough to answer. For example, I didn't issue many arrest warrants due to the crisis, but I had to issue a few for defendants who had higher felony level crimes pending against them, but failed to participate in virtual hearings and cut off communication with their attorneys. Another example are the fines, I didn't change anything because I rarely issue fines in my court. So, the answers I provided were the best I could give under the available options.
- We conducted all hearings in the largest courtroom (Judge's) the two smaller magistrate courtrooms were not used except for interviews by probation or drug & alcohol counselor. All juvenile-probation contacts for the first two months were telephonic contacts each day
- We encouraged online payments and placed markings outside of the payment area so individuals would remain six feet apart. Limited persons who have access to the clerk's office and Judge's office. Installed plexiglass at the payment counter. Reduced hours and rotated staff. Suspended the community service program. Lastly, we posted all rules at entry point and throughout the complex.
- We have had the participants in our drug courts come in physically, but staggered their appearances so as to only have half of the participants in any given week. This has helped us to maintain contact with the participants and at the same time provide for their safety. This has been successful, as we have not had any relapses as a result of the interruptions caused by the corona virus.
- We installed plexiglass shields at reception counters, require masks to be worn by all persons. We provide masks and gloves if needed which were obtained from our County Emergency Management Agency. We provide disinfectant and paper towels at counsel tables to be used after each hearing. We have deep cleaning daily. We limit number of persons who can be at hearings and trials and where they can sit during hearings.
- We issued regular press releases, announcements on the court website, announcements on the city administration and city police social media, and produced a video explaining changes and updated protocols.
- We only have Juvenile court jurisdiction.
- We placed drop boxes at front door security station for collection of fines, fees and documents. We implemented credit cards over phone for collection of fees also. Our grand jury hearings were being held off-site at alternate location, but reporting was so decreased, we had to post-pone most of those. Probation required weekly phone-in reporting, and all probationers were subject to random home visits and drug screenings.
- We set up a table with a plexiglass barrier at the entrance of the building, and checked every person's temperature. We only allowed people in wearing a mask, and turned away any person not scheduled to attend court. We did not allow friends and family to accompany scheduled participants.
- We switched from urine tests to oral swab test for drug testing. In some cases, we had probation officers go to the home of the probationer, leave the drug test on the door, return to the car, call the probationer and have them exit the house and conduct the oral

swab test standing next to the PO's car. We actually increased home visits this way... though they obviously were heavily modified in that the PO did not go in the house. For those we were unsuccessful with the modified home visits, we had them come to the courthouse and conduct the oral swab test through a window, thereby reducing foot traffic in the courthouse.

- We utilized Zoom technology for mediations and other civil matters.
- While we have been issuing arrest warrants for defendants who fail to appear, we set bond as a recognizance on the warrant for all non-violent offenses.
- With regard to warrants, we did issue a temporary order to the Clinton County Sheriff providing the arresting officer discretion in most cases to summon the individual to court.
- With the specialized docket, I spent March and April contacting the participants by phone. Then in May we had the participants come to court by appointment after the court closed for the day so that they only people in the courthouse were the participant, security, probation officer and the judge (only 3 in the courtroom with masks). Now that the court is reopen for full hours we are continuing by appointment.

In what ways have pretrial procedures changed during the pandemic? - Other, please specify:

- A majority of pretrials were telephonic with no one appearing at the court until disposition. We had a many more pleas in absentia on minor misdemeanor violations.
- All are handled via Ring Central (Zoom platform).
- All pretrials are by phone.
- All pretrials done virtually. We just implemented a new local rule to allow for a status telephone conference with counsel to limit people coming to the courthouse.
- All pretrials handled by phone or email, no defendants present-for those repped by counsel. For unrepped defendants, those cases have been continued.
- All pretrials were conducted by telephone between the prosecutor and the attorney.
- All Rule 21 conferences (pretrials) take place by telephone.
- Allowed electronic appearances by Attorneys, prosecutors, defendants, witnesses.
- Being held through use of technology when possible.
- Check ins have been virtual. Not requiring drug testing before court.
- Conducted initial pretrial hearings by phone.
- Conducted pretrial hearings on Zoom.
- Continuances have been liberally granted. We have conducted most of the pretrial conferences via telephone unless the person wanted to be seen in person.
- Converted to telephone as much as possible.
- Decreased pretrial incarceration by 30% to create isolation/quarantine space in the jail.
- Decreased youth detention and increased release.

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- Defendants checked-in with pretrial officer by phone instead of in person and conducted reduced drug testing.
 - Defendants not required to be present, did them electronically with attorney and prosecutor.
 - Depending on the case, telephone conferences are being held; juvenile pretrials have been at the court.
 - Directed prosecutor and defense counsel to conduct pretrial conferences by communicating between themselves without direct court involvement and with defendant not being required to appear at the court.
 - Do not deal with adult criminal cases.
 - Due to limited to nonexistent jail space more defendants were released on signature bonds with the use of EMHA, GPS and SCRAM.
 - Encouraged law enforcement to not require bond and give a court date; held many pretrials by phone to reduce numbers at the courthouse.
 - Exclusive use of recognizance, so far.
 - Fewer cases were filed and fewer youth were held. Only the most serious alleged delinquent youth were held.
 - Fewer monetary bonds.
 - Fewer pretrials.
 - Generally lower bond and higher use of electronic monitoring to decrease jail population.
 - Greater use of GPS.
 - Hearings were continued whenever possible.
 - If applicable, PT were changed into PT phone conferences.
 - Increase electronic.
 - Increased releases on their own recognizance. Increased release to treatment facilities where appropriate as alternative to cash bond.
 - Juvenile court this does not apply.
 - Juvenile detention hearings conducted via technology.
 - Less active/in person reporting.
 - Less requirements for reporting bond. Less drug testing. More releases on bond.
 - Let out defendants on bond that normally would not have. And, unfortunately, some have re-offended and have not been apprehended. A real concern if this continues.....
 - Lowered bonds resulting in more bond violation behavior.
 - Many pretrials are conducted by telephone.
 - More attorney pretrial conferences or motions to appear in absentia.
 - More use of technology.

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- Most criminal pretrials are now by phone and defendants are not required to be present in court until it is certain the case will be resolved by way of a plea. Jury trials in criminal cases are currently only hold, with appropriate time waivers, until our entire court (4 general division judges) feel we can safely proceed with juries and the public knows of our COVID protocols. We are aiming for trials in late June or early July.
 - Most juveniles in detention were released at the beginning of the COVID-19 emergency and we have attempted to avoid detention except in the most serious cases. Essentially all of our detainees are now being held on charges of murder, rape, gross sexual imposition, aggravated robbery or felonious assault.
 - Most pretrial procedures were conducted by phone conference or Video conference.
 - Most were continued and rescheduled and now they are appearing in the temp courtroom
 - Moved pre-trial hearings from required appearances to telephone conferences and decreased the proportion of defendants placed on pretrial supervision.
 - Much of the monitoring is by phone.
 - Not applicable.
 - Only those charged with offenses of violence, for the most part, are being arrested. All others, for the most part, are being summoned.
 - Only violent offenders and felony offenders were held at the jail pending appearance.
 - Our pre-trial proceedings are classified as hearings.
 - Permitting more defendants to report via telephone.
 - Phone reporting; suspended drug testing
 - Pretrial conferences involving the prosecutor, defense counsel, and judge are done exclusively by telephone.
 - Pretrial hearings handled by phone. fewer warrants issued. More continuances granted.
 - Pretrials are being conducted by telephone or video.
 - Pretrials are being conducted electronically.
 - Pretrials are conducted via telephone.
 - Pretrials are held virtually. Defendants are scheduled once they contact the court and provide information that allows the court to schedule their hearing.
 - Pretrials conducted via telephone or postponed.
 - Pretrials done by phone or video.
 - Prosecutor doing PT via telephone with defense counsel.
 - Reduce pretrial incarceration. Limited the number of defendants that need to appear for pretrials proceedings.
 - Reduced the number of juveniles admitted to the detention home.
 - Reporting done by zoom instead of face to face.
 - Reporting to pretrial supervision via technology.
 - Required fewer appearances and allowed appearances by video when possible.

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- Reviewed each case and defendants released on OR bond in most cases. We excused appearances at pre-trials and provided for phone pre-trials with attorneys and pro-se individuals.
 - Stopped in-chambers conferencing. All conferencing is done in the courtroom.
 - Substantial increase in house arrest with electronic monitoring.
 - Suspended drug testing.
 - Suspended pretrial services operations.
 - Suspended/rescheduled or telephone communication.
 - Telephone and WebEx pretrials.
 - Telephone check-ins, video meetings.
 - Telephone pretrials.
 - Telephone pre-trials.
 - Telephone pretrials with in-person hearings deferred.
 - Telephone pretrials with the attorneys of record.
 - Telephone pretrials-see prior answer.
 - Through Zoom.
 - To me, this question meant how do we conduct pretrials. The three options do not apply to our court. We have utilized telephonic pretrials and video hearing pretrial with few exceptions. The exceptions include suppression hearings.
 - Turned pretrials into phone conferences. We have very few defendants on pre-trial supervision. We didn't formally alter our bond schedule but there is an informal presumption for recognizance bonds.
 - Use of telephone conferences with the court and lawyers to discuss procedural matters. Defendant not required to appear.
 - Use of video technology.
 - Used electronic monitoring and house arrest; GPS also used rather than detention.
 - Used more OR bond.
 - Used more zoom, phone and technology for pretrial conferences.
 - Used technology to remotely conduct pre-trial conferences.
 - Utilized telephone conferencing.
 - Video arraignments.
 - Video bond hearing, denial of request for detention.
 - Videoconferencing.
 - Virtual pretrials.
 - We continued arraignments and initial appearances through our existing video conferencing system for incarcerated individuals. We have in-person pre-trials and preliminary hearings for incarcerated defendants. In person arraignments were suspended

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- or rescheduled. We also sent a letter with the option for a written not guilty plea for non-mandatory appearance cases (non-OVI traffic offenses, non-violent misdemeanors, etc.) with a self-addressed stamped envelope. All existing cases defense and prosecution were notified to do out-of-court pretrials and submit resolutions to be set for hearings as needed. We have been scheduling cases for resolution individually to comply with social distancing and number of people in the room requirements.
- We did not bring people to the courtroom, instead they stayed in a large community room where there was room to spread out. Their lawyers attended pretrial conferences and reported back to them later. Only plea hearings happened in the courtroom.
 - We did them remotely.
 - We do formal pre-trial conferences in the courtroom to allow distancing, instead of in chambers.
 - We have divided the schedule into 4 segments of time slots throughout day to allow for social distancing.
 - We have focused on reducing our jail population, so more defendants are likely to be out-of-custody with pre-trial supervision.
 - We have simply moved all pre-trials to telephone or video.
 - We modified scheduling to reduce crowding; modified attendance requirements; and are having parties wait outside of building until their case is called.
 - WebEx.

Please explain how your court's bond schedule has been altered during the pandemic:

- A "bond schedule" per se has not been altered, but many defendants who would typically be held in custody pretrial because of their risk score (we use a validated risk assessment bond tool) have been let out to decrease the number of inmates. Essentially only offenders charged with violent felonies are being held now.
- Arresting agency can issue recog on failure to appear warrants on a temporary basis.
- bond hearings held via video, re-served new court dates "We don't actually have a bond schedule. However, the court is more likely to issue PR bonds to keep the jail population down.
- Bonds set individually, but generally more likely to be recognizance or house arrest.
- Court considers the events and additional condition to ensure public safety.
- Do not use a "schedule" for felonies, but released almost all on OR, resulting in increased violation behavior.
- Each judge assessed bond on defendants held on misdemeanor cases, with an eye towards releasing as many as practical. Minor misdemeanors and 4th degree misdemeanors are now OR
- Exclusive use of recognizance, to date.
- Gave O R bonds to some that had surety bonds. Had to do this because the Jail population had to be reduced for 'quarantining' others that couldn't be released. Also, if someone

was arrested, I conducted the Arraignment immediately (either that day or the next day), and reduced the bond that was issued with the Indictment (by the Administrative Judge). Unfortunately, some have violated the bond - and have not been apprehended. A real concern for the Court...!

- GPS and EMU monitors were used more extensively to allow defendants to remain out of custody during the pendency of their cases.
- Granted more recognizance bonds to keep jail population low.
- Greater emphasis on those conditions that make individuals higher risk for COVID-19. Reducing types of offenses that require monetary bond prior to appearance in court
- I gave more OR, supervised OR house arrest options than normal to avoid illness in Pretrial incarceration.
- I set more bonds for defendants that were going to be sentenced to probation but were not ready to plea.
- increased ability of arresting officers to grant OR. changed schedule to increase OR bonds in general.
- Informed law enforcement that OR bonds or require no bond should be the norm with non-violent misdemeanors during the pandemic.
- Instead of posting bond - person may get an OR Bond or EMHA in lieu of incarceration.
- Leaned more into SOR and electronic monitoring and more against cash bonds.
- Less in person testing and appearances.
- Liberally granted OR releases unless charge involved violence or a firearm.
- More individuals were given PR bonds than would have been and more were given PR bonds without electronic monitoring.
- More personal bonds on f4, 5.
- More personal bonds to reduce jail population.
- Nonviolent offenses were summoned in rather than having to post a monetary bond.
- On a very few occasions I have had to increase bond due to the defendant's failure to meet the terms and conditions of bond supervision. (e.g., violations of Scram, GPS)
- Our court has been using more electronic monitoring for those that may not be able to make a cash bond. We have been also placing more individuals on a PR bond.
- PR bonds for non-violent offenses.
- Reduced.
- Reduced bonds.
- Release non-victim defendants with a court date.
- Released non-violent offenders by lowering bonds and/or utilizing electronic monitoring.
- See previous response.
- Use of unsecured appearance bonds and weekly or daily reporting.

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- Warrants were ordered with an unsecured appearance bond.
 - We are trying to keep the least amount of people incarcerated as possible.
 - We had virtually eliminated bond schedules prior to pandemic.
 - We set unsecured bonds for most defendants unless it involved a violent offense, there was a victim at risk, or the defendant was causing a danger to the public.
 - We used to require pre-trial release on all drug cases and mandatory testing but due to health concerns with probation department now we either give PR bonds or low cash or surety bonds.

How much has a consideration of the risks of COVID-19 influenced judicial release decisions? Please explain your answer:

- A judicial release motion should be predicated on the merits of the motion, not the possibility of exposure to the COVID-19 virus. The likelihood of being an asymptomatic or symptomatic carrier of the COVID-19 virus is as great in some living environments as being in the general population of a correctional institution. Instead, the Court looks to the reason(s) the offender was sentenced to prison, the offender's criminal history and history on bond or community control, and the likelihood that the offender will follow court orders of judicial release as well as ODH "stay at home" orders and ODH recommended protocols in order to determine whether the offender is a risk to the public safety or public health. I granted judicial release to a COVID-19 infected offender because on the merits of his motion I believed that he would follow court orders of release as well as any public health orders.
- Basic standard for judicial release has remained the same, but have given increased consideration to pre-existing medical conditions and given some consideration in close call situations.
- Court was worried about releasing defendants for various reasons: Bringing defendant into small rural community from COVID-infested prison, Bringing defendant into community without good alcohol/drug services due to COVID issues, leaving defendants in prison that is COVID-infested
- For low-level felons who are in the age range or have conditions that are deemed more dangerous, I have given additional consideration to their motions.
- For the past 4-5 years, I have worked hard to not send lower level offenders, F-5, F-4, non-violent, non-sex offenders, to prison in the first place. When these classes of offenders commit multiple community control violations, then I consider prison placement. Consequently, most of the judicial release requests I have received are from more serious offenders, violent and sex offenders. I also have to consider the impact JR will have on our probation staff and their ability to handle these folks as their caseloads have spiked because we have more people being supervised and not incarcerated. I have used the ODRC videoconferencing process to conduct JR hearings at the institutions. Also, some of the lower-level inmates that file are in a TC setting.
- For those whose sentence was close to over it made sense to release them early. For all other cases being released on judicial release was based upon the type of the offense, the institutional report, recidivism and any risk information available.

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- Had to develop new procedures and judicial releases have been somewhat delayed as a result.
 - I am granting more than I otherwise would and I am getting them scheduled sooner.
 - I granted some Judicial Releases, and set the ‘conditions of CCS’ for a later date. However, there were a lot of defendants that filed ‘canned COVID based’ Judicial Release Motions when they didn’t even qualify (i.e., mandatory sentences, not have any health issues, etc.). Troublesome when ‘canned’ forms are distributed to prisoners to fill out and file - it further burdens the court with more when it is trying to deal with the pandemic and its operations.
 - I have not changed my evaluation of judicial release requests. However, if the offense is a low-level felony and the criminal history indicates no threat of violence, it is considered.
 - I typically have promised judicial release orders to a man or woman within the sentencing context, so the decision has been made at the time of the plea and sentencing and the release is uninfluenced by the pandemic. That having been said, I have granted an early termination of a 16-year sentence recently based on the defendant’s age, and the fact that he had served the entirety of the sentence less six months. COVID-19 considerations played into the decision as well. The prosecutor allowed me to modify the sentence resulting in the early release. Mandatory post-release controls remain, however.
 - I view it as a responsible jurist to protect the public as well as my staff. I do not think the health concerns are exaggerated.
 - If an inmate is close to the end of his or her term, and it was a nonviolent offense, the person might get judicial release (usually not agreed sentences).
 - If the inmate was convicted of a sex offense, or offense with mandatory time, or if they were convicted of several different case numbers and they had been given numerous opportunities to be on community control, they will probably not be granted judicial release. Also, if their institution record is bad, I will not grant their judicial release.
 - If they are a high-risk category it weighs in on consideration for granting, especially if they have a medical condition. However, because the public is not tested at large there is no way to determine if releasing those inside prison increases risk of inflicting those outside prison. The Court may consider release early a non-violent offender, however, almost all of this court’s prison sentences are for violent offenders and the Court has declined release on motions simply based on COVID. Releasing a large number of violent offenders convicted of burglary, breaking and entering, thefts, etc., and telling them to put on masks in public does not appear to do anything to increase public safety or to curb any COVID spread. And it is always contrary to the plea agreement struck by the state and defense which is generally a more lenient sentence than they would have otherwise received.
 - It did not affect my decision to impose incarceration; the law was not changed to make people who are not otherwise eligible now eligible; if they are incarcerated and positive, should I release them to infect the public at large? Is there a place to quarantine them if they are released? The governor can pardon everyone and anyone in prison he pleases; I’m constrained by the statutes that govern judicial release.
 - It has been more of a consideration for those individuals who would be detained in the county jail or sent to prison.

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- It has more influence when considering judicial release for “at risk” inmates, i.e., elderly or sick,
 - It is a consideration if the person has a condition putting him or her at higher risk.
 - It worked both ways, before the prisons became infected, it was a factor to avoid infections and consider early release. Once the prisons became infected, it was a detrimental factor as to release into the general population with the potential the inmate maybe infected.
 - It’s up to the department of corrections to safely house those prisoners that this court does not wish to give judicial release.
 - Not likely to bring someone back from prison who may otherwise be eligible.
 - One was granted mostly for health issues.
 - Released one defendant 60 days early and tried treatment for another quicker than planned.
 - Reviewed everyone eligible. Requests increased ten-fold. Release double normal numbers taking COVID19 into consideration for high-risk of death due to COVID19 inmates. Released by telephonic hearings directly from prison rather than returned to courtroom for hearings.
 - Some weight given including due to age of defendant and severity of offense and length of incarceration.
 - The ODRC is in better position to balance risk from COVID-19 to inmates than the Court. If ODRC recommended release, court presumed release was proper. If not, court considered COVID-19 a factor amongst all other factors.
 - The risk of the virus has been a big concern for me and the men and women I put in prison.
 - The state owns several shuttered facilities suitable for housing prisoners, including an empty 400+ bed facility right here in this county sitting empty. Inmates sentenced to prison are there for good reason. They are in the State of Ohio’s care, and the State is responsible for their care and safety. The state has the space to relocate or distance inmates in these empty facilities; release is not the only option, nor is the appropriate option merely because of illness in a facility. Only the reasons listed in the judicial release statute are appropriate for consideration when considering judicial release.... conditions in an ODRC facility are not among the statutory factors for consideration.
 - There are many more applications for judicial release. I have held more hearings and more granted judicial releases this year compared to last year at this time, largely in an attempt to honor the Governor’s request to carefully consider early releases for prisoners due to COVID-19.
 - Unless judicial release was contemplated or appropriate otherwise, judicial release motions with mention of COVID-19 issues are not being granted. ODRC and the Governor have jurisdiction over those matters. Health issues are specifically addressed by the judicial release statute R.C. 2929.20(N) and require ODRC to make a determination of imminent danger of death, medical incapacitation or suffering from a terminal illness.
 - We are trying to work with the state penal system to lower the amount of incarceration.

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- Willing to factor COVID-19 issues into a request. Some DRC released individuals were serving sentences imposed by this Court, and no objection was raised.

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic? - Other, please specify

- Another judge has not taken the pandemic as seriously as required. Our local health department has been mostly ineffective, opining on the very day that Gov. DeWine started the shutdown that the pandemic was a media overblown and created nonissue. The Commissioners agreed. I called them out and it was an hour later that the Governor issued his orders.
- Availability of resources: Although we now have masks and cleaning supplies and are having plexiglass shields installed, it took time to order and put this all in place. In the meantime, cases have been continued and new cases are being filed. We anticipate more problems down the road due to cases on top of cases that could not be resolved due to the delays. The cases keep coming but there is no place to put them. The inability to have jury trials has and will continue to bottleneck the difficult cases.
- Communication - as we were handling matters different from other courts and attorneys were following what the other courts were doing. In addition, we were having to change our plans sometimes daily.
- County commissioners closed the 911 Dispatch Center on short notice which prevented posting bonds after hours. The court had to work around the closure with only a few hours’ notification.
- Delayed understanding of risks associated COVID-19 and limited interest in how those affect court proceedings.
- Department of health at the county level provided little to no guidance.
- Depended upon individual attitudes on the legitimacy of the pandemic and our responses as a state.
- Difficulty in obtaining PPE supplies and difficulty in a timely delivery of PPE supplies we could obtain.
- Difficulty procuring PPE, cleaning supplies.
- During the time that I have been in office, the court has experienced very little support from local leadership. The South Euclid Municipal Court was one of the FIRST courts in Cuyahoga County to begin a virtual docket following the March 17th stay-at-home order announcement. In an effort to ensure continued access to justice, this virtual docket has continued with the court being awarded more than \$10,000 to upgrade computers - some of which were nearly 9 years old. Nonetheless, after prominently posting the court’s administrative order on all entrance doors, the courts website, all social media outlets with the local bar association and ultimately with the Ohio Supreme Court directly - which contained clear instruction on how to access the court, request a hearing on the virtual docket as well as how to report to probation and other important details - all since March 20th - a Council member who is also a practicing attorney in the State of Ohio contacted the Ohio Supreme Court and falsely claimed that “the (South Euclid Municipal) court has been CLOSED since March” - as if the judge and court’s employees had been home and collecting paychecks, doing nothing for several months. This resulted

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- in the court being contacted by the Ohio Supreme Court to inquire about this claim. A clear impediment to doing the job of justice.
- Elected prosecutor sent his entire staff home resulting in difficulty getting continuances signed and cases worked. They wanted court to continue all cases in mass without regard for defendant's constitutional rights. Contradiction between jurisdictions as to whether pleas and/or sentencings required defendant to appear in person or whether video was sufficient.... lack of guidance from higher courts on this matter. Change from urine to oral swab test has is much more expensive and had burned through budgeted funds much quicker.... S.Ct. provided tech funds, but not drug testing funding.
 - EMA when contacted regarding masks said we were considered the 4th tier of essentials along with law enforcement. They were not expecting any requests and said statewide EMA felt the same on that issue.
 - Emergency Management said we were not essential and would not work with us.
 - Getting supplies such as hand sanitizers, cleaning supplies.
 - I did not really have to deal with any "roadblocks." To date, everyone has been accommodating and cooperative (and appreciative).
 - I have not experienced any roadblocks from any participant in the criminal justice process involving me and my operation of this courtroom.
 - I'm aware of certain strategies being recommended - such as staff rotation to encourage social distancing and reduce risk to staff - and being refused by the clerk of courts. It sounds like there was not total agreement by administration, which possibly delayed implementation.
 - In the first 4-8 weeks, lack of technical resources (laptops, webcams, masks) available to implement changes. Much of that has been resolved now.
 - Inability of attorneys to adapt quickly to changing orders or to actually read the orders to know how to proceed.
 - Inability of defense attorneys to "think outside the box" and adapt old procedures in order to increase contact with clients prior to first telephone pretrials.
 - Inconsistent recommendations from public health authorities and resistance by defense attorneys to making efforts to contact their clients with new court dates, etc., coupled with a demographic/population that does not adapt well to the use of technology or any change.
 - Initially we had trouble securing protective gear. Our EMA eventually came through with assistance, after the letter issued by the Chief Justice encouraged us to insist on assistance.
 - Issues with DYS transporting youth for sex offender registration.
 - It is too early to tell how much resistance will come from prosecutors and defense counsel until we are able to reschedule more proceedings beginning June 1 in our court.
 - It just took time to get the equipment and technology.

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- Jurors simply don't want to be part of judicial system at this time.
 - Lack of infrastructure and internet availability to many in my county.
 - Lack of IT personnel/support.
 - Lack of resources/ supplies.
 - Lack of supplies.
 - Limitations on the jail population caused by staff reductions due to the corona virus and the need for social distancing.
 - Local EMA said Courts were not emergency responders and would not share masks. Left us to find them ourselves.
 - Met with very little opposition.
 - Most of the attorneys worked very well with the changes, but there were some that struggled to adjust to the technology changes, or who did not seem to accomplish much during the pandemic.
 - Not all attorneys want to wear masks. Have to continue remind them.
 - Not being able to obtain items such as webcams, Clorox wipes, thermometers.
 - ODRC was resistant to utilize any type of conferencing technology that was different from technology that they have previously used in their operations.
 - Of note, I rated elected officials' cooperation as "poor" because they have failed to exercise any leadership in how our shared municipal building should implement changes in operations. While they have largely deferred to the court, more active participation and guidance would've been nice.
 - Oh Sup Ct gave funding, but webcams, sneeze guards etc. are on back order.
 - One staff member is against wearing a mask at any time and commissioners think the crisis is not as critical as others might.
 - Other government organizations that provide services that we are charged for repeatedly failed to communicate changes in service levels. Lucas County Common Pleas Court (electronic monitoring and drug testing), Court Diagnostic Treatment Center (competency exams), Northwest Ohio Psychiatric Hospital (admittance restrictions dictated from state level)
 - Outdated technology.
 - Overreaction from state leaders.
 - Public perception.
 - Really none so far, some staff reluctance but nothing major.
 - Resistance from the clerk of courts.
 - Some lack of technological resources. Delays in receiving products such as plexiglass shields, masks and hand sanitizer(initially)
 - Some local attorneys objected to the mask requirement to enter the courthouse.
 - Some supplies are still almost non-existent, such as disinfectant spray and sanitizing wipes.

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- Some technical difficulties at one ODRC institution resulting in failed attempts at two hearings.
 - That we never changed operations during the “shutdown.” Then, things started opening up, and all of a sudden, we had to start wearing masks and social distancing. We had been working for the past month our regular court schedule and then they tightened the procedures. Didn’t make sense. Also, other elected officials refuse to wear masks in other county departments, yet the Supreme Court has an order that we have to wear masks. To me, there are just too many chiefs in this. There are too many mandates when each court has a different risk level.
 - The inability to acquire items, such as plexiglass, sanitizer, etc. has been the biggest roadblock.
 - The most unfortunate roadblock was the Board of County Commissioners who demanded a 10% cut in budgets across the board. They had no concern for the operation of a juvenile court and detention facility or my offer to review the budget in the late summer. I ultimately cut approximately 5% from my budget, which meant furloughing employee pay. I then had to put on funding orders to prevent them from taking additional money from the budget. We now face losing staff to other higher paying jobs. The commission’s response was to plead their case of non-cooperation with the courts to the local newspaper. All this time spent on the controversy over budget took away from the focus of adopting and implementing new procedures in this ever-changing environment.
 - The public not understanding the revised procedures.
 - There is a general lack of technology (even if funding is available) because of the volume of criminal defense cases in our large urban county.
 - This biggest difficulty that we had was in getting the same equipment that everyone else was looking for so there were some delays in delivery.
 - Timing and availability of resources. Things have been changing quickly and that is difficult to do in a court. Additionally, we share things such as IT with other county elected officials, and they are also addressing their own issues.
 - Totally unable to have psych evals/risk assessments from the doctors we must hire as there is no psych ward or way to have prisoners seen other than by private doctors who would not come to see defendants (and still are not) during this time period.
 - Various problems with the technology we are presently using, we are awaiting the response on grant submitted for updated technology for the court.
 - We are a smaller rural court. Funding for PPE is an issue, as well getting the necessary PPE.
 - We have had disagreement over requiring face masks in particular.
 - We were unable to get accurate information from the Ohio Department of Health regarding the current status of the perceived threat. They only gave information about negative events, and vastly exaggerated the danger. They would not provide any information about recovered persons or declining threat.
 - We’ve utilized most of our budget for the year for supplies for masks, hand sanitizer and sanitizing wipes. We’ve also had persons making masks for the public with paper towels and rubber bands.

Are there any changes made to operations during the COVID-19 pandemic that you are considering adopting during “normal,” non-emergency times? Please explain what changes you are considering adopting and why:

- All jail hearings will be by video. telephone pretrials video hearings for all jail inmates to eliminate transportation expenses.
- Allowance for more technology for certain types of hearings rather than in-person appearances.
- Allowing more telephone pretrials, utilizing the handheld notification system, continuing to use the text notifications are three examples of procedures that will become the “new” normal for this court.
- Allowing written pleas in minor misdemeanor cases.
- Appearing remotely via Zoom or phone.
- Conduct more pretrial hearings and attorney conferences by electronic means.
- Conducting civil pre-trial hearings by telephone.
- Conducting hearings by video, and allowing witnesses to testify by video, now that our court has all the technology to do so.
- Continue conducting video hearings when the defendant is incarcerated, continue conducting conferences via Zoom.
- Continue providing the option to litigants to call in or use video services. We found that we had fewer continuances due to lack of attendance at hearings by the litigants when the option to attend via phone/video was provided to them. Plus, it enables them to continue working and to handle the hearing on their break. We do not want the parties to lose their job due to attending court hearings and this helps them avoid using sick/vacation time or getting into trouble with their employer. Plus, our parties often have transportation issues and are unable to secure a ride to the court, with the video/phone option they were able to participate if they chose to do so in that manner.
- Continue the use of video conferences for court proceedings.
- Continue to aggressively clean and sanitize the courthouse on a regular basis.
- Continue to conduct certain types of hearings virtually.
- Continue to direct prosecutors and defense counsel to communicate between themselves without requiring the defendant to appear at the Court for the initial pretrial conference.
- Continue to hold more hearing by video/telephone conferencing. Continue to restrict access to parts of the building. Continue increased sanitation. Increase pretrial supervision. Continue to resolve cases pending in this court for defendant’s who are serving prison sentences.
- Continue to perform video pretrials and hearings.
- Continue using WebEx for certain hearings .
- Continue video witnesses in cases. Continue plexiglass shielding from public. Continue some video for some face to face for probation.
- Continue with remote hearings.

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- Continue with shielding. Continue with relocation of jury selection and jury room.
 - Continue/expand use of technology for pretrials and discovery hearings. Continue/expand use of written not guilty pleas and time waiver for initial arraignments of non-violent offenses.
 - Continued use of technology for docket and witness testimony.
 - Continued use of technology. Zoom meetings and telephonic pretrials and probation reporting.
 - Continued use of telephone and video arraignments.
 - Continuing doing marriage license by appointment
 - Continuing some hearings via technology.
 - Continuing the use of remote access on some of our cases. Still being developed.
 - Continuing to hold proceedings by video conference; continue to hold certain pretrials by telephone.
 - Continuing to utilize remote video hearings when appropriate; allowing e-mail filing.
 - Defendants do not have to appear in person for their pretrials. Pretrials can be conducted via phone or email.
 - Detention Hearing to continue using Zoom.
 - Electronic hearings.
 - Expanded use of remote video hearings for initial hearings and use of Zoom for parties that have hard time attending hearings, work, live far away.
 - Fax/Email filings, Limiting in person contact except for trials/contested hearings. All other hearings will proceed as a virtual hearing.
 - Fewer criminal pretrials in court.
 - Greater use of technology to conduct selected proceedings electronically, all made possible by the grant we just received from the Supreme Court program for funding.
 - Greater use of technology. This is especially true with video conferencing. With a grant from the Supreme Court, I was able to increase the usefulness of our existing video equipment.
 - Greater use of video conferencing and telephone for hearings.
 - Greater use of video conferencing for proceedings where appropriate and all parties consent
 - Greater use of ZOOM for many procedural Hearings. Staggering of plea appointments.
 - Having more non-evidentiary hearings via Zoom.
 - Having parties make appointments to apply for marriage licenses. More remote work by probation officers and other appropriate court staff. More use of Zoom and other teleconferencing equipment. Allowing more e-mailing filings.
 - Hearings by telephone or Zoom might become more frequent.

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- Historically pretrials have been done in the courtroom between defense counsel and the prosecutor. We are ordering pretrials be completed outside of the court between the parties and submitted in writing, either filed in person or electronically. Also, the use of technology with dated and time stamped court documents from myself (judge) outside of court.
 - I am considering continuing our procedure of having initial pretrial/status conferences by phone.
 - I ceased use of video conferencing.
 - I have always used the telephone to facilitate conferences with lawyers, etc. I have obviously increased and expanded this during the pandemic, and intend to continue doing so should the pandemic abate prior to the end of my final term on 1/1/2021. I am not terribly sanguine of the possibility.
 - I plan on using virtual hearings at all time in the future in order to reduce local costs associated with prisoner transports.
 - I think we might go to pretrial matters being done by the attorneys on their own with court intervention as needed. I think that most of the time pretrials become babysitting of the attorneys and only rarely do the attorneys come prepared and ready to enter a plea or discuss matters.
 - I will not likely require attorneys to always appear in person for criminal pretrials. Phone contact has worked well and has actually been more efficient for me.
 - I will use video more and also conduct civil pretrials and such by phone more readily than before.
 - I'd like to move to a majority of pretrials conducted electronically. Unless there is likely to be a plea, there has not been much lost by allowing the defendant and attorneys to stay out of the courthouse. It seems as if the attorneys are more focused when they do appear in court after electronic pretrials. I would also like to keep the heat on the attorneys for Preliminary hearings so they are more prepared when they appear in court instead of "just opening the file" when they get to the courthouse.
 - If we obtain technology sufficient to do so, I am considering continuing to limit in-person contact for the first pre-trials.
 - Incorporate the use of Zoom and other technology when appropriate.
 - Increase use of technology i.e., video conferencing.
 - Increase use of video for arraignments, hearings on in custody defendants, keep modified bond schedule in place.
 - Increased ability to conduct bond hearings, text messaging for appearances, more pretrial services
 - Increased disinfecting of the premises, social distancing and potentially the permanency of protective barriers.
 - increased remote working, video conferencing. would like to implement texting capabilities to stay in contact with attorneys and defendants
 - Increased use of technology as is necessary and available.

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- Increased use of technology for certain proceedings will likely be implemented.
 - Increased use of technology when feasible.
 - Increased use of video (Zoom) technology for certain proceedings.
 - Leaving some of the equipment changes in place, i.e., plexiglass in clerk's office, use of video conferencing for custody pretrials.
 - Less need for personal appearances in criminal case settings other than pleas/sentencing. More reliance on technology to facilitate on the record proceedings with the consent of all parties.
 - Less people and social distancing during criminal days so there is not as much congestion.
 - Lessening probation contact with low risk clients. Minimizing the number of people who come into the courtroom for proceedings. Increasing the use of technology.
 - Limiting the amount of people scheduled to reduce crowds, less "cattle call" mentality.
 - Many initial pretrials where a resolution is unlikely be conducted by phone. i.e., scheduling
 - May retain some version of staggering dockets amongst judges, staggering docket hearing times, mandating that all non-motion pretrials be done by phone or email.
 - May use technology more frequently for pretrial conferences. Allow appearances by video more frequently on request.
 - Modified dockets to spread out appearances rather than have a "cattle call." Modify drug court so that everyone does not appear at the same time. More phone pretrials and conferences. More appearances by video from jail when not a plea or sentencing - I am not comfortable doing either of those remotely.
 - More conferences by phone when the defendant is not required to be present.
 - More criminal proceedings by GoToMeeting and by telephone. Less time wasted in the courtroom. Attorneys need to be ready when the case is called.
 - More frequent use of video conferencing.
 - More remote hearings. Will continue to use videoconferencing from the jail. Will still allow telephone pretrial hearings and as agreed. Will continue physical distancing for the foreseeable future.
 - More telephone and WebEx PT.
 - More telephone conferences, rather than in person proceedings.
 - More telephonic and video conferencing.
 - More use of technology to handle pretrial hearings to save time and reduce court appearances.
 - More use of technology, more remote work and remote hearings.
 - More use of teleconference capability
 - More use of video conference appearances.

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- More use of video for arraignments and for visitation of juveniles who are confined
 - More use of video for hearings and mobile connection options. May also look to limit traffic more unless essential business and also limit non-party access when applicable.
 - More use of videoconference proceedings.
 - More use of videoconferencing since we obtained a Supreme Court grant.
 - More use of virtual appearances by the parties, witnesses and attorneys.
 - More use of virtual meetings rather than merely by phone.
 - More video conferencing.
 - More video conferencing.
 - More video conferencing, as well as video hearings to become more frequent.
 - More video court cases, was able to get equipment with Supreme Court Tec.
 - More video hearing from the jail.
 - More Zoom/utilizing technology.
 - More Zoom pleas and sentencings and JR hearings.
 - Moving all civil pretrials and all criminal/traffic scheduling hearings to telephone/video conferences and limiting the number of people permitted in the lobby and courtroom.
 - No in person pretrial when atty available or Zoom possible with non-attorney matters.
 - No more cattle call; use of technology.
 - Not all interaction needs to be in-person to be effective. In working with juveniles, transportation can be a burden for employed parents. Many court proceedings and much supervision can be conducted without the need for an actual fact-to-face meeting.
 - Occasional video proceedings from the jail.
 - Potentially will continue to hold pretrials via phone or video conferences as they are only scheduled for 1/2 hour. It prevents a lot of unnecessary time off work for clients, etc. and prevents distancing problems in our lobby.
 - Pretrials electronic only.
 - Pretrials by telephone. Appearance by parties via Zoom or Poly com when incarcerated. More efficient.
 - Pretrials using Zoom.
 - Primarily use of videoconferencing when jail inmates are involved, such as arraignments, bond hearings, and community control probable cause hearings. Sentencing for F-5 or F-4 offenders may also be handled this way with counsels' approval. I consider offenses at the F-3 level and higher to be more serious and I have these inmates physically present in my courtroom.
 - Probation department will likely use more remote supervision in the future. Court will likely have more phone conferences.
 - Receipt of more filings via email. Changing the method in which jurors are called to service.

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- Remote conferencing for all litigants unless in person is necessary.
 - Remote hearings.
 - Requiring motion practice to bring any issue before the court. Dramatic reduction in pretrial detention. Early review of cases 2 weeks before scheduled date.
 - Sanitizing as much as possible and remaining diligent on all safety matters for staff as well as the public. Seating, sending texts to litigants when hearing is commencing, directing them to courtroom, remote video court check-ins, conference call hearings, remote video supervision checks.
 - Skype MM traffic hearings, online submission of continuances and waiver payments.
 - Sneeze guards up at public counters. Only allowing direct parties to the case in the court.
 - Some pretrials may continue virtually. we may live stream some hearings, but not sure yet.
 - Staggering the docket times to accommodate social distancing and to allow litigates to appear at various times of the day.
 - Technology.
 - Technology efficiencies that we experienced that are likely to be adopted long term.
 - Telephone initial pretrials
 - Telephone pretrials.
 - Telephone pretrials.
 - Telephone pre-trials have worked well and I would like to continue to utilize those going forward. COVID-19 forced me to use video from our local jail as well as ODRC and I will continue to do so
 - Telephone/video arraignments and pretrials.
 - Telephonic and zoom will continue wherever possible.
 - Telephonic hearings for judicial release directly from prison.
 - Telephonic pretrial in certain cases
 - Text reminders will be continued. We are also likely to have some remote work being performed by probation staff.
 - Texting notices to defendants.
 - The of video conferencing for many initial pretrials and some out of town witnesses.
 - The pretrials off site, by phone, seem to be very productive and we will continue that practice. Seems to save time and therefore keeps schedules on track.
 - The use of video hearings from the jail. The system works really well and it will save a lot of resources and increase the safety standard of all involved.
 - The use of virtual technology on specialty dockets and court involved students.
 - There is benefit to not having persons appear for an initial pretrial in person. Telephonic pretrials and video appearances when they make sense will keep the crowd thinned out and be safer not only for the COVID-19 issue but for other health and safety and security

concerns regarding crowds. It makes sense to keep personal appearances at a minimum in the future.

- These involve early intervention in the various driving under suspension cases which clutter our docket. We've now implemented a process where staff review BMV records, and prepare a roadmap for the defendant to correct any suspension to secure a valid license. The prosecutor then sent that info in a letter to defense counsel or pro se defendant, along with a proposal to amend the charge to a lesser offense upon securing that valid license. This does seem to be speeding up the disposition of these cases.
- Use of more technology where appropriate.
- Use of restaurant style pagers will continue. Staff likes these options but so do defendants/parties and witnesses.
- Use of technology appearances for pretrials, probationers, and nonessential hearings.
- Use of technology for inmates at state correctional facilities (i.e., arraignments, pretrial conferences, judicial release hearings and if the inmate desires, pleas and sentencings).
- Use of telephone pre-trials early on in cases (even criminal cases) will likely continue.
- Use of video conferencing for certain hearings.
- Use of video conferencing with the local jail and DRC. Correctional facilities have improved greatly in their ability provide remote conferencing service and flexibility.
- Use of video/phone for certain hearings/conferences, use of clear shields.
- Using new teleconferencing equipment to set up video interpreter services, video arraignments, video pretrials for prisoners, staggering dockets to avoid 9:00 am "cattle call."
- Using technology for probation services more than we were before.
- Using Zoom and technology for hearings more than before.
- Utilization of Zoom for hearings on a more regular basis.
- Utilize more video conferencing. We have a permanent station now set up close to front door for video conferencing, next to bailiff desk for added security and structure, both can be used by the attorney and client. We have purchased a sanitizing machine that is user friendly and will continue to use. We have weekly bar meetings, via video conferencing that we will continue on monthly basis with the local bar and court staff to discuss hot topics or any new changes.
- Utilizing more teleconferencing and continue to find ways to release individuals on bond in order to keep jail capacity at a minimum
- Utilizing technology in more situations (such as Zoom pretrials).
- Utilizing video for detention hearings.
- Video arraignments are likely to be permanent.
- Video arraignments for defendants who are in custody.
- Video arraignments for out of county/out of state residences, video hearings with out of county prisoners, video pretrials to continue.

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- Video arraignments for prisoners. Teleconferencing for pretrials for civil and criminal matters.
 - Video arraignments. Our sheriff has long encouraged us to do so and now we are seeing, firsthand, how it works.
 - Video conferencing for detained youth hearings, Zoom/remote option for pretrial and other appearances for families/parties/attorneys, text notification of hearings.
 - Video conferencing various forums (civil/limited criminal/probation) for convenience.
 - Video hearings more regularly.
 - Video pretrials.
 - Video technology for pre-trials and scheduling conferences has been very successful in streamlining and allowing parties to participate. Also, has created more transparency in proceedings that were not previously conducted on the record.
 - Video/telephone conferencing certain pretrial conferences/preliminary hearings with defendants as well as our Treatment Court Team and participants. In many cases, with incarcerated individuals, their public defender is at the county jail “courtroom” and can conduct those hearings, in addition to the arraignments already completed by video; it decreases transportation issues. Easier for treatment court team for weekly meetings - we will continue to meet in person but on a monthly schedule.
 - Videoconferencing & telephonic usage for some court processes; example a parent does not have to miss work to for a hearing. Meetings held via videoconferencing- more efficient
 - Virtual technology for defendants in prison and others.
 - We currently are using a pay window to work with visitors and considering keeping this in place rather than visitors coming directly into our office. By doing this, it keeps the staff safe from people standing in the office coughing and sneezing on the staff.
 - We generally want to make it easier for the public to do as much as possible without coming to our building. We want to implement e-filing and a few other things to reduce traffic in the court.
 - We have accelerated plans for video arraignments that will remain in place.
 - We have had great success with remote pre-trial conferences in both juvenile and probate cases. This will continue. We have also had good success with remote juvenile traffic cases. Video hearings have allowed the court to maintain personal contact with juvenile offenders. This has also worked well for review hearings for all of our cases. Our Alternative Docket review hearings have worked well via Zoom, although we lose some of the effect of the “group review” we had with in person hearings. Our Treatment Team continues to participate remotely, via Zoom. This has improved efficiency and allowed us to maintain our program.
 - We have had several changes we are considering continuing. The first is far less physical transportation of prisoners from our county jail and increasing the use of video conferencing services. Another would be the increased use of recognizance/summons forms for law enforcement to use when encountering individuals with warrants from our court. We are considering permanently adopting the change in personnel at our court

entrance. This would be accomplished by re-assigning existing court security personnel that previously did prisoner transport. In all candor, we are keeping all options open as far as changes we made and changes we might continue.

- We have had some preliminary discussions with the sheriff's and prosecutor's office on maintaining some of the video hearings and focus on keeping non-violent offenders out of the jail.
- We have moved more of the paperwork to digital medium, which will continue beyond the pandemic. Basically, this allow filings/entries delivered to the clerk's office to be provided to the judge digitally for review/signing. While this process is still being fine-tuned, it is clear that it will be worth continuing beyond the pandemic.
- We have received grant from the Supreme Court to implement video arraignments.
- We have started video arraignments.
- We implemented a traffic bureau so that first-time juvenile traffic offenders can pay their ticket to avoid coming to court. We implemented a status telephone conference to determine the status of the case by phone rather than in person. We will continue to do virtual pre-trials, arraignments, review hearings, and dispositions when appropriate, particularly with out-of-town, court-appointed counsel. This will reduce the amount of attorney fees paid for court appointed counsel who have offices out of town and can charge driving time. Mental health counseling has taken place in detention virtually which we may continue as it reduces the time the counselor has to take to get to our center. Continue to do some meetings virtually as the virtual has allowed more people to attend.
- We might continue to offer Zoom as an option for participating in some of our hearings, particularly for parties or attorneys who live more than an hour from the courthouse.
- We plan to continue to conduct first pretrials by telephone and will allow the parties to elect to conduct other non-evidentiary hearings by video, such as change of plea. We may also allow defendants in certain types of cases to continue to utilize the video arraignment option. We plan to re-evaluate our need to transition to a paperless filing and case management system.
- We plan to continue using video technology for most all matters where a defendant is in prison or jail, except appearing for a jury trial. We also plan to continue to allow persons at greater risk to their health to appear at hearings by video, including attorneys, witnesses, spectators, press and victims. We have set up our first ever security station in our court facility largely for COVID health checks, but which will continue as a security only station after COVID is no longer a security risk. This has been something the courthouse has needed for a long time and the COVID crisis is helping make it a reality.
- We plan to utilize Zoom a lot more.
- We set up a video link to the jail and will continue to use it when possible.
- We upgraded some video capabilities; maybe for judicial release hearings.
- We will be using remote hearings more and more. The online hearings are going very well!

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- We will be utilizing technology for a lot more hearings since we received the Ohio Supreme Court technology grant.
 - We will conduct more hearings electronically.
 - We will continue to use technological options for non-evidentiary court proceedings to minimize contact and exposure to disease and to make those appearances more convenient for the parties and counsel. We also believe this will free up docket time for those hearings that do require the personal attendance of the parties and counsel.
 - We will continue to use Zoom hearings as requested from defense counsel. We are currently using the Judge's court room for arraignments and have alternated the Judge's schedule.
 - We will continue to use, when appropriate, video conferencing and other tele-services.
 - We will likely continue to do initial appearances and pretrials electronically unless there is an objection by a party. We have found the practice to be efficient and effective.
 - We will use video technology more in the future - we received the Supreme Court's remote technology grant and will be installing the equipment and programs required for video arraignments, detention hearings, interactive webinars, and Zoom meetings and trainings, etc. Court staff will also have remote access and will be able to do work from home or when they are away at training conferences.
 - Will continue to do zoom hearings where parties have moved out of state.
 - Will continue to operate with some plexiglass dividers left up. Will continue use of technology where appropriate.
 - Would like more technology.
 - Zoom - received grant to purchase equipment needed.
 - Zoom hearings in uncontested probate and civil cases, mediation hearings, marriage licenses, telephone appearances for counsel and parties for pretrial and review hearings
 - Zoom Technology for pretrials as well as probation meetings.

What type of sanction did those individuals [charged with violating pandemic restrictions] receive? Select all that apply. - Other, please specify

- Community service.
- Dismissed.
- Dismissed per plea bargain.
- Diversion is available for first time offenders.
- generally dismissed with plea to other charges.
- Still pending.

Please add any additional information about particular successes or challenges you faced during this time:

- Again, based on the lack of technology in our court, this pandemic has been extremely challenging and stressful for all involved. I believe had our court been more up-to-date in our case management system, this entire pandemic would have been much easier.
- Are biggest challenge will be conducting jury trials. We have to find a remote location to pick our jury then use social distancing in our courtroom.
- As we have 4 general division judges, I was one of two that modified our criminal dockets to accommodate transporting inmates from our jail which is two miles from our courthouse. We moved these dockets to start a 1 p.m., rather than the customary 8:30 morning dockets. it has taken a while to get this adjusted, especially for the attorneys. The videoconferencing is a plus and should have been done years ago, but old habits die hard, so to speak. the real challenge will be reengaging jury trials. Our courthouse is on the smaller side, especially for the jury waiting rooms. We will have a very difficult time if more than one jury trial is scheduled to start on the same date. I am hopeful we can move forward on this as there are criminal jury trials that are stacking up like planes waiting to take off!!
- Disposable face masks needed for public.
- During certain portions of the pandemic, we did not punish parties for failure to appear since changes were not completed during those times. It would be difficult to track those scenarios
- Getting all of our judicial officers on the same page has been a challenge. Some are more “casual” about the risks than others. We have worked out compromises that have allowed us to work cooperatively thus far. Court Security has been put on the front line and could have used PPE much sooner. Fortunately, to date, we have had no known cases among courthouse staff. Modifications to the physical arrangement of our offices has been much overdue. Our probate office counter will have a screen installed that will increase security and afford a higher degree of separation from the public. Our Public Access terminal has been relocated to the hallway outside the Probate Office and has helped reduce traffic. Persons entering our offices are required to wear facial coverings, which we provide if needed. Marriage license applications and requests for certified marriage licenses have been moved online and applicants only come in to the court to actually issue the license once it is prepared. We accept payments online whenever possible.
- Good idea to gather data at this time. Well done, Sentencing Commission!
- Had no problems with anyone on any court case. Judge and staff worked together to be safe for all. Took temperatures before the rest of the court house offices.
- Handling drug court by Zoom has been relatively easy and effective. We share a building with the city administration and department offices. The building is old and too small. I just left a meeting with the service director about shared use of space that we need to implement traffic and criminal arraignments without defendants coming to the courtroom. The Tax Department uses council chambers as a waiting room for people coming to the building for assistance in filling out their city tax returns. They are mad at us for monopolizing the chambers and we are resentful that they can’t make adjustments to how they serve the public.

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- I am blessed with an excellent and supportive staff who really worked together as a team to be quick to adapt to the evolving situation.
 - I believe the Supreme Court essentially performed well. However, I believe I adopted local rules and procedures before any substantial specific guidance. One thing to bear in mind is that municipal courts (even small ones like the one I preside over) are very busy and see greater traffic in shorter periods of time and in smaller spaces than most other courts. This creates unique challenges to make sure the court continues as efficiently as possible.
 - I had an idea the shutdown was coming from some steering committees I am on. We prioritized who needed to remain incarcerated of the existing inmates in case we were requested to release inmates by the jail, which we were. The staff implemented a procedure to handle incarcerated inmates, fresh arrests and preliminary hearings. Law enforcement worked well with us as far adjusting appearance dates for citations and summons. The big challenge was maintaining continuity of the specialized dockets for testing, meetings and treatment. The other challenge was trying to determine how and when to open. We are still running a modified schedule with rotational staffing to avoid losing the whole staff because of one exposure. We are now catching up on all the existing arraignments and new cases and resolving pending cases. Most defense attorneys file time waivers in this court unless the defendant is incarcerated, so the cooperation with the parties has been excellent. My staff is wonderful. We are just trying catch up and change our operations going forward in case the restrictions or COVID-19 remains an issue for future operations.
 - I have been operating a ‘cellar court’ since March 17. I am ready to go back to court.
 - I much appreciate the technology grant provided by the Supreme Court. We will continue to look for opportunities to use technology to decrease courtroom appearances, probation check ins at the court and other uses to streamline and limit contact with the court as appropriate. My staff has been amazing and adaptable during this challenging time. The biggest challenge is the lack of support and interest in our operation by our Board of County Commissioners. This should be a time of cooperation and out of the box thinking to assist in meeting the challenges we are facing and will continue to face.
 - I practiced environmental and public health law for 25+ years before taking the bench.
 - I think for the daily changes to the pandemic and the information that was thrown at us, we as a court system handled this crisis well.
 - I would like to see the Supreme Court lift their mandates on courts, because while our court is complying with the order and our judges are wearing masks and social distancing, other courts are not and if the judges themselves are not wearing masks and following the order, it really demeans the order of the court. Some judges take these orders seriously, and others refuse to comply. For this reason, these orders need to be revoked and courts need to look at their county risk level and be given the choice of how to operate.
 - I’m very proud of our staff and their commitment to continuing to serve our community as the chief Justice has requested us to do. One of the biggest challenges is dealing with defendants on pretrial bond and/ or post sentence supervision. Another hurdle will be

when we are faced with our first jury trial. I suspect it cannot be handled at my facility due to spacing requirements.

- In particular, the COVID crisis sheds a light on pre-trial incarceration, the need for increased pre-trial electronic monitoring alternatives and the desirability of the use of judicial release to reduce jail and prison populations. The challenge of jury trials in a large county remains, and is unresolved.
- IT department has been extremely creative in adapting technology. Supreme Court tech grant much appreciated.
- It is difficult to gauge at this time because court operations have been limited during this time. Once we begin moving towards more expanded operations will we be able to tell whether the changes we have made will be successful.
- I've been very frustrated and perplexed by the BMV's extended shutdown, even after most other offices have been open and operating. This contributes to the continuing clogging of the court's docket with various unresolved driving under suspension cases.
- Jail could not adapt for atty non-contact confidential visits.
- Jury trials seem impossible at this time (previously explained), releasing defendants (on reduced bonds due to jail overcrowding) from incarceration that continue to pose a risk to the community (re-offending) is a big concern. One defendant had 3 encounters with law enforcement in a few days brazenly told one officer that they could not arrest him because of the COVID pandemic.
- Keeping up with the frequent changes put into place by the Ohio Dept. of Health to deal with the crisis and how to quickly adapt.
- Lack of technology for remote access was extremely detrimental to our ability to respond to emergency
- My staff has been wonderful in accommodating all the changes required by both me and the Judge. Everyone seemed to step up and see the need to help do whatever we could to keep at least some cases moving through our court during the pandemic. We finally opened our building back up to the public this week and we are working hard to maintain social distancing and everyone is coming together to get the job done!
- None at this time.
- Obtaining consistently accurate and reliable information.
- One particular challenge has been to implement any type of screening of the public into the courthouse. The Commissioners have required face coverings, so the deputies enforce that, but most of the other court divisions, commissioners, deputies and justice partners in the building do not buy into the concept of implementing screening upon entering the building. So, we have been trying to figure out how to implement this just on our floors and areas. Additionally, we were only just able to find thermometers in stock last week.
- Operating a very busy court in an antiquated building that was not constructed as a court house, with many small spaces, narrow hallways, no jury space, poor ventilation, etc., has been and continues to be our biggest challenge.

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- Other than the challenge of conducting jury trials, I believe our court was well prepared to handle this situation
 - Our administrative judge showed good leadership during the pandemic and continues to think about how the justice system can effectively operate during these difficult times.
 - Our city does not have its own IT dept, everything is contracted out. I am not really “techy” so I had a hard time figuring out what I could even do with additional technology. I had never even heard of Zoom until March of 2020.
 - Our court lobby is very small and can only accommodate 8 visitors at a time in order to comply with social distancing. We implemented a security tent in the parking lot as a pre-check-in point and have a bailiff stationed in the lobby to control the traffic flow. We are currently using a texting app to notify defendants when to enter the building.
 - Planning and implement reconfiguration of courtroom.
 - Reopening is harder than shutting down. Some Judges no longer fear the virus and want to reopen at full capacity now, feel that we are moving too slowly. Other judges prefer a gradual opening...initially we heard up to 4 lock up cases 2x/week on alternating days, to reduce courthouse volume in a downtown Cincinnati courthouse. We then agreed to hear 4 additional non-lock up cases 2X /week. Effective June 1 we will hear up to 20 cases, 2x/week, with all non-motion pretrials done remotely. 3/14 judges have stated they want 5 days of dockets, because we are moving too slowly. They say “ are you holding us back until we get a vaccine in 18 months?” Landlords are furious that we are unable to resume evictions due to CARES Act concerns. Tempers are raw.
 - Rural court challenges during pandemic are drastically different from urban court challenges. It is not one size fits all.
 - The biggest challenge has been drug testing people on community control. Several used during the time of little contact. The greatest success has been the identification of ways to improve court safety by keeping people out of the courthouse thru zoom and telephone hearings.
 - The grants provided by the Supreme Court were extremely helpful. In addition, our county had weekly calls for all elected officials which allowed us to share information.
 - The jury is still out.
 - The messages from the Ohio Supreme Court were mixed and confusing. The Chief’s decision NOT to declare an emergency and use her emergency powers and citing the lack of a unified court system left us on our own to navigate many issues. Yet her “guidance” letters included words like “must” to require us to require masks, for example. “Guidance” would include phrases like “you should consider,” NOT “must.” The decision in Forsthoefel dismissing the action was not authored, even though a dissent was filed. It was not “per curiam” band while dismissing the action, included orders of what the judge MUST do in excusing all jurors who had concerns. There was no indication whether that ruling was applicable to other cases, or was case specific. Was this intended to be rule of law for all to follow? The Governor’s order (including Dr. Amy Acton’s orders) specifically exempted the judiciary, so the Chief’s advisory letters referring to those orders added to more confusion. It could have been much clearer if she

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- had exercised her emergency powers and ordered stays and other procedures. At the trial level, this has been unnecessarily made difficult, with some people over-thinking what we are to do. We are cautiously proceeding, using willing jurors, starting at the end of June with petit juries, and have proceeded with grand jurors only as deemed necessary by the prosecutor. I just feel we were abandoned by the judicial leadership to fend for ourselves.
- The ongoing support and guidance from the Ohio Supreme Court and from the Judges Associations have been crucial to our success at responding on all levels to this pandemic. This is a one-judge court. Without outside support, the challenges would have been overwhelming. With the guidance and support, we managed a well-organized and sensitive response that, I think, provided calm and confidence to our community.
 - The passionate and varying positions of the requirement of face masks and other protective measures is a challenge. Even within office different employees have different levels of compliance.
 - The real challenges will come in the future, as budget struggles for small communities occur due to reduced tax revenue combined with increased costs to deal with the pandemic. State and federal governments have given assistance to individuals during this time (stimulus checks, etc.)they should consider aiding local government. The biggest challenge we face as a small community in a turn of the century courthouse, is SPACE... my courtroom is 22 foot by 28 foot. There is no way to social distance a jury in that space...The state needs to look at providing funding for facilities large enough to continue needed operations while complying with health protocol.
 - The two biggest challenges are always gaining cooperation from/communication with defendants/public defenders and sorting through the conflicting and inconsistent information distributed by other government agencies and the media.
 - There is a continuing concern regarding staff. If a staff member or the family member of a staff member tests positive for COVID-19 the issue is what measures to take with the remaining staff. We have a very small court. Even though we have split shifts in the clerk's office and have had some employees in the probation department work from home if key staff members are either positive or even "quarantined" the effect on the court could be devastating. There are many unanswered questions. Should the staff member who has a "positive test" family member stay home and for how long? If for 14 or 21 days when does the 14- or 21-day period begin? What if the staff member had contact with other members of the public (users of the court, e.g., attorneys, litigants, witnesses etc.) - who has to be notified? Who is quarantined? Are there rules for this? The uncertainty makes it difficult to plan and is worrisome. The Governor and Health Director on May 20 issued an "Urgent Health Advisory." There are only two paragraphs in the advisory. The advisory states that elderly and vulnerable are urged to stay home and all others are recommended to stay home. How can we comply with the spirit of the order and require persons to appear or even ask persons to appear? And if the cases keep coming and we keep continuing cases what happens to the backlog? Where are we headed with all this?
 - This survey has taken 17 minutes.
 - We altered the clerk's office staff. Half the staff worked 2 days and was off 2 days. Probation/Diversion and grant staff worked from home when possible. This worked our well as to reduce the number of people in the clerk's office as some of them sit very

close together. Filings and hearing were at a minimum thereby reducing the workload. Probation and Diversion used telephonic reporting and zoom meeting with counselors and case managers. Only serious violations were filed when a warrant was required.

- We appreciate the Supreme Court for providing written guidance well in advance of the shutdown. We appreciate the support we received for our tech upgrades while this was happening. We are grateful that this turned out to be a false alarm. We are disappointed that the department of health has counted ANY hospitalization or death as a result of the Chinese virus. We are disappointed that they will not release numbers of persons discharged from hospital, nor numbers of persons recovered. We are disappointed that we are still unable to provide testing for key employees. This gave--and still gives a false picture of the severity and threat we faced.
- We are a juvenile court so I answered you questions the best I could even though the questions were for adult courts. We have been close to fully operational.
- We had tremendous cooperation with the other judges in the courthouse, the sheriff and the county commissioners. The prosecutors and defense attorneys have been willing to follow the lead of the judiciary. Things have run abnormally smoothly and we really haven't had any resistance from courthouse employees or members of the public on the mandate to wear masks throughout the workday.
- We have received a little push-back from the public regarding only having persons with specific court needs to enter the building, but the vast majority not only understand but have commented on feeling safe within the court.
- Webinars offered by the judicial college were very helpful.
- We've been utilizing cloud-based video applications for years to conduct most criminal pretrial proceedings, and were utilizing it on a greater scale for sentencings, community control violation hearings and other post-conviction proceedings prior to the COVID-19 restrictions, so we were not greatly impacted by the restrictions. The greatest impact to my court operations resulted from the reluctance of a magistrate to adopt remote hearing processes for domestic relations proceedings even though they were being regularly used with the criminal and civil docket, as well as the screening, masking, gloving, sanitizing and spacing requirements that were necessary to pull off a jury trial.
- Will not be able to determine success until civil caseload (evictions, civil caseload including summary judgment, etc. back on schedule). Criminal/Traffic has been smooth as could be hoped for.



APPENDIX E:
OPEN-ENDED RESPONSES, PROSECUTOR RESPONDENTS

Responses organized by question and alphabetically within question. Responses have been edited minimally for readability.

In what ways did your office adapt operations during the COVID-19 pandemic? Select all that apply. Other, please specify:

- Staff self-check temperatures.
- Used administrative leave to alternate employees.

For which of the following aspects of your work did you use technology (e.g., Zoom meeting, conference calls, etc.) during the pandemic? Other, please specify:

- Appellate arguments.
- Judicial release proceedings.
- Meetings for organizations, committees.
- Pleas, dispos, arraignments.
- Zoom for grand jury.

If there were specific challenges you or your office faced in transition to primarily work from home, please explain here:

- As an essential office, the work still needed to get done and a physical presence within county office was necessary. Court did not have technology available at the beginning of pandemic to conduct business remotely. Poor internet connectivity also hindered efficient transition to work from home or office.
- Certain staff members lacked adequate Internet capacity. Additionally, certain job functions were more easily able to be performed in the office than at home.
- equipment, cooperation with the court
- Expense of buying additional laptop computers and VPN for administrative staff to work from home. Assistant prosecutors already had laptops, but also needed VPNs.
- Lack of VPN, allowing staff full access to their work computers and files.
- The staff alternated days spent in the office vs. spent at home. We have new case management software that made it easier to access case information. I worked every day at the office because I have very limited access to internet at my home.
- We are rural, with a total of nine employees. 40% of them live in locations where regular internet access is not available other than through a wireless device, which the office does not pay for. We would have had to pay cell phone bills to make such items “hot spots.”
- We had to get our IT department to enable VPN connections onto the county server, but other than that, it was a fairly easy transition.

Which of the following services were available to access filings, records, and other necessary information at the courts in which you practice during the pandemic? Select all that apply. - Other, please specify: - Text

- Access to online case management system

In what ways did the handling of COURT APPEARANCES change during the COVID-19 pandemic? Select all that apply. - Other, please specify:

- No answers.

Were changes made in the ways to determine whether to accept or reject cases during the pandemic? Please explain.

- Arrests were limited to violent felonies only.
- Evaluated public safety interests in each case to determine necessity of preliminary hearing versus dismissal prior to indictment.
- Many cases were dismissed for direct indictment and many individuals were released on recognizance bonds. Our public defenders were willing to sign continuances on many cases to ensure that there were no issues with time.
- Those cases where someone was not arrested were held for further complaint or direct indictment at a later date. Seriousness nature of allegation, risk, etc. were factors that determined whether case was directly filed or arrested. If officers arrested someone, obviously the system had to work as normal.
- We implemented a lot of “catch and release” on low-level drug felonies where people were arrested in traffic stops. This was done for the main purpose of reducing the jail population during the pandemic. We are now starting to process the backlog through direct indictment.

Were cases re-prioritized for presentation to the grand jury for direct indictments? Please explain.

- Cases involving violent offenses & sex offenses continued to be presented to grand jury, others were held until recently.
- During the pandemic, we did not indict any non-violent F4 or F5 drug cases, non-supports, or welfare frauds. We tried to present only those cases that “had” to be presented, i.e., violent defendant, defendant in jail and needed to stay there, etc.
- In jail defendant cases were given priority over not in jail. Violent crimes were given priority over non-violent.
- More serious cases presented. Less serious cases postponed.
- We are having our first grand jury, since March, on June 18. We are just looking at those individuals currently in jail for this grand jury. Our next grand jury will be in approximately six weeks or sometime around the first of August.

During the pandemic, was there a re-prioritization in the use of warrants versus summons upon indictment? Please explain.

- Combined grand jury into longer, less frequent sessions.
- Except for two sessions immediately following the stay-at-home orders, we have proceeded with grand jury using Zoom. Eight of the nine voting jurors would appear remotely via video conference, and the foreperson and alternate juror would personally appear during the sessions. We have one courtroom in the county that was uniquely capable of doing this because of the software/camera/microphone system in it.
- Mainly low level (F4 & F5) drug offenses.
- Self-explanatory.
- Sessions were merely continued to the next regular meeting date and the grand jury was used if there were cases in need; otherwise cases were held and presented at another session
- We moved grand jury proceedings to a larger room where the participants could distance themselves, masks were offered but not utilized by most after march session.
- We only used warrants on F2 and higher cases, or offenses of violence and sex offenses.

If there were other accommodations made for any type of criminal hearing or you would like to elaborate on any response, please specify here:

- Defense counsel and defendant were made to sit at opposite ends of the table.
- In preparation for a jury trial, plexiglass barriers were obtained.
- We suspended court for a couple of weeks and then only did the hearings that were pressing such as bond hearings, VOPs, etc. Otherwise, we got continuances for everything else and since we hadn't had grand jury since March, there were no arraignments.
- We used physical distancing for jury trials and non-jury trials.

If there were other adaptations for jury trials or you would like to elaborate on any response, please specify here:

- Although we had plans in place to use an alternative site (a ballroom in the county veterans memorial building) for jury trials to ensure social distancing. Both of those scheduled trials were continued.
- Limitations on space make it difficult to bring in prospective jurors and still accommodate social distancing and to maintain efficient voir dire
- We are planning our first jury trial since the pandemic began for June 29. It will be a one-day trial with only one witness. We choose it to be a learning experience as to how to deal with jurors, witnesses and officers. Additionally, our jury box has been retro fitted to include plexiglass between each chair.
- We have a trial in two weeks, jury selection is being moved to a larger room, the jurors will be given the option of being seated somewhat socially distant, and masks will be offered but no other changes are anticipated.

In your opinion, did concerns regarding COVID-19 lead to an increase in cases resolved by plea or dismissal that would have otherwise gone to trial? Please explain.

- Defendants did not want a trial. We had concerns about witnesses appearing.
- DUS traffic cases were dismissed due to no BMV; truancy cases were dismissed due to no school
- More likely to offer less severe sentencing recommendations.
- One of the factors in a recent resolution was the difficulty in conducting a jury trial during the COVID-19 pandemic, but it was only one of several factors that persuaded the State to agree to a plea agreement for lesser charges than those for which the defendant was indicted.

If you have any general observations about how plea bargaining, sentencing, and release considerations changed during the COVID-19 pandemic, please include them here:

- Courts and attorneys have become a lot more savvy regarding technology - particularly videoconferencing.
- For courts & prosecutors with minimal technological advances, it was a nightmare. Government offices in general in small counties need to upgrade their technology across the board. This should have been an eye opener for how far we are below the curve using technology in small rural counties.

How would you rate the level of cooperation from each of the following criminal justice partners in accommodating COVID-19 changes? - Other, please specify:

- No answers.

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic? - Other, please specify:

- Lack of funds from county; commissioners sticking heads in sand; all office holders bickering over their “essentialness.”
- Other offices in the courthouse.
- Some minor disagreements with the judges regarding certain things, but nothing too significant.

We’re probably going to be litigating a speedy trial challenge based on H.B. 197.

Given the COVID-19 accommodations made by you, your office, and courts in which you practice, and considering your interactions with witnesses, colleagues, court staff, and others please indicate how much you agree or disagree with the following statement:

I feel safe performing my job duties during the pandemic. Please explain your answer.

- Being a prosecutor is fraught with safety issues every day & given my county's lack of emphasis on court house safety, it was no shock.
- I believe I can do my job; however, I do not believe jury trials can be performed in a safe manner even with some accommodations.
- Our office is in a separate building from the courthouse and other offices. Therefore, we have very limited personal contact with other offices. Further, everyone has his or her own office and we alternated when staff was here.
- Working remote 2 days a week and in the office 3 days a week I recognized my exposure to be greater than those working remote 4 days a week. The refusal or failure to wear masks by others bothered me also.

Please explain what changes you are considering adopting [during non-pandemic times] and why:

- Cell phone number access to VA for public; additional work at home rotations/projects for employees still experiencing child care, school issues;
- Changes to the arraignment process. Our judges have always held in person arraignments on every case. We started doing the majority via pleading and the rest via video. I have wanted these changes for years. Hopefully the Judges will continue to do it this way.
- Hand washing, sanitizing regularly.
- Limiting access to our office.
- More use of video technology.
- Our courts will be using more video technology to avoid prisoner transports.
- Remote working.
- Requesting video arraignment in all cases.
- There are certain efficiencies we were able to implement with our grand jury process that may continue.

Please add any additional information about particular successes or challenges you faced during this time:

- Funding for technology for offices (not courts) is a concern. I used a ton of FOJ money to try to be able to function. Obviously, those funds are no longer available for their normal expenses.
- Office holder expectations for routine opinions were a negative as so much time was spent drafting policies, MOUs for LE, Health dept, etc. that normally would not have been a use of time
- Teleworking (working from home) has worked remarkably well during this difficult time.



APPENDIX F:

OPEN-ENDED RESPONSES, DEFENSE ATTORNEY RESPONDENTS

Responses organized by question and alphabetically within question. Responses have been edited minimally for readability. Only questions that do not have responses included in Appendix C are included here.

If there were specific challenges you or your office faced in transitioning to primarily work from home, please explain here:

- Access to the database was solved through providing a secure portal for employees.
- After initial period of time - there was a balance of staff working at home and from office. We are office of seven and only 1 person could be in office at a time. Now it is two.
- Band width was the most prevalent issue.
- Childcare.
- Communication, consistency, drop in productivity.
- Establishing reliable, consistent connectivity through the VPN. Problems accessing network drives.
- I don't have staff.
- In the office there is a shared printer, so it is easy for them to share tasks. During the two months of the stay-at-home order, only one staff member was in the office, and generally carried more of the duties. For this reason, we rotated this position from one week to the next. It was also difficult to manage the office while communicating by email, and there were many misunderstandings early on.
- Laptop computers updated enough to run office programs.
- N.A. Business as usual.
- Some of my office went into office regularly others did not.
- Some staff did not have the necessary equipment, so that had to be provided. Remote access to client files had to be made more available. Monitoring case statuses with younger staff became more time-consuming as the ability to have meaningful discussions is unquestionably different in-person than it is by phone/video. Working in many different jurisdictions means learning and adjusting to different procedures in each and every court. For some staff, including myself, working from home meant working disjointed hours while trying to tend to child care/education and client needs while trying to stay up on administrative needs and court procedure developments.
- Technological challenges.
- The lack of home technology was the primary hurdle. Staff had old home laptops or no laptops. Some had only one laptop that had to be shared with their spouses doing children doing online school. Access from home to our main server was limited and spotty. We also had difficulty getting calls from clients in jail because, for at least 14 days when the entire office had to quarantine, no staff was in the office to take the calls. Another problem for some staff members was poor home internet service.

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- Unlike lawyers, staff were almost totally inexperienced at working from home. So, their transition took time.
 - We did work from home but it was not primarily done in that originally we were 1/2 in office and then 1/2 at home. We alternated days to keep people separated. Challenges were maintaining contact with full staff.
 - We have an online database, remote access to our network and Westlaw, so with a laptop or just a smartphone, we can do our “office” work remotely. We had adjustments mentally like everyone.
 - We live in a rural area so some of us had internet issues and cell phone service issues.

If you made any other adaptations for client consultations or you would like to elaborate on any response, please specify here:

- Consultations occurred outside of the office in an open-air environment. (My front door.)
- Currently, in-person meetings are still suspended unless absolutely necessary. We use phone/video conferencing as much as possible.
- Most things completed by phone calls.
- Social distancing.
- Utilized phone calls for clients to join video hearings - simply put the phone on speaker close to the microphone to allow the client to attend and participate without having them come to court or my office.
- Utilized video or phone conference if the client requested. Only 1 did during the pandemic so it was business as usual.
- We did a lot of phone interviews because our building was closed to the public. We did remain open, however, so that clients could stay in touch with their counsel. Face masks were not required during the closure but they will be encouraged when our building reopens to the public on July 1. To try and keep visits to the office limited we will continue to use phone appointments rather than office appointments when appropriate.
- We put a desk and chairs in a storage room across the hall from our main offices so that we could meet with clients if necessary without bringing them into our offices. We used protective gear and sterilized the area after each meeting.

If you made any other adaptations for incarcerated client visitations or you would like to elaborate on any response, please specify here:

- Currently in the process of working with key stakeholders to create and implement a process to enable attorneys to have desktop access to inmates through video conferencing. * Face-to-face contact with inmates was temporarily suspended, but will soon be resumed with protective shields installed in rooms to help ensure the health and safety of all who participate, and masks will also be mandatory.
- Beginning not too long into the lockdown, we have been having face-to-face conferences with clients after convincing the sheriff to turn off the recording device and allow us to use the non-contact windows and phones to do so. No contact meetings have been allowed at the jail.

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- Brought my own PPE, including hand sanitizer.
 - I did visit in holding cells prior to court appearances.
 - I have not, but my staff has been in to see our clients in jail. We have been unable to see our clients in prison and some institutions have made communication incredibly difficult.
 - Is the pandemic over?
 - Limited my time where practicable. sat further away in the conference rooms. No physical contact. Wore masks.
 - No contact visits. No way to share discovery documents. No privacy.
 - Only non-contact, non-confidential visitation was allowed. It was completely useless. It is inexcusable to prevent attorneys from having confidential conversations with their incarcerated clients.
 - The problem I am having is meeting with a jailed client who I can only see through glass and am forced to speak with over a phone. All of the discovery is provided electronically and I am unable to have my client see and hear the video/audio recordings under these conditions.
 - There was one no contact visit where a telephone was made available for an interview.
 - Used phone calls to the jail - arranged with the sheriff.
 - Used video to communicate.
 - Visits were restricted to no-contact. Privacy was compromised by this.
 - We established a free line from the county jail to my office so that those in the jail could call us to stay in contact. We also worked with the courts and the jail to reduce the jail population.
 - We spoke with them through visitors' window and phone at jail. But could visit anytime. These were not recorded by the jail.
 - We visited with clients in jail through glass partitions.

In what ways did the handling of COURT APPEARANCES change during the COVID-19 pandemic? Select all that apply. - Other, please specify:

- No answers,

If you made other accommodations for any type of hearing or you would like to elaborate on any response, please specify here:

- Change depended on resources and decision on individual counties. Delaware was able to transition to zoom and fax or e-filing while more rural counties like Logan, Athens, Madison, and Crawford remained on in person proceedings resulting in many continued hearings - indeed an emergency custody hearing in Madison set for yesterday 6-24 was continued to July because the courthouse shutdown after a positive test. As the attorney I am powerless to change under-funded jurisdictions and their decisions on how to manage this pandemic.
- Courts required clients to be with attorney in attorney's office or capias would issue, if that client did not have video technology,

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- Pandemic is not past-tense - it is still ongoing!
 - Something that was not mentioned was additional cleaning was implemented. The courts have had staff wipe down tables and chairs between hearings. We also wipe down counters at the office.
 - The clerk's offices cut their hours and municipal court clerk began limiting access for attorneys to documents online (because of concerns with revealing personal identifiers and Marsy's Law) and recently, closed their office on nights and weekends, both of which have made matters more difficult for our clients and our representation. We have success overall using video like Zoom, but have not utilized it as much as could be because of resistance from the jail (e.g., lack of space and not allowing inmates to handle cellphones) and some judges.
 - The two major impacts have been with custodial visits and jury trials. While accommodations have been offered, they are not adequate for providing a sanitary environment or confidential communications. Also, current discussions do not bode well for conducting a jury trial. While the facial masks and plexiglass barriers provide some measure of protection, it also creates barriers to the necessary engagement counsel typically relies upon in assessing witnesses and prospective jurors. Wearing mask all day, or having jurors sit in virtual isolation booths is both uncomfortable and distracting.
 - Utilized JailSmartMail e-mail with incarcerated clients as well as video conferencing with inmates.
 - Wore face masks during suppression hearings.

If you made any other adaptations for jury trials or you would like to elaborate on any response, please specify here:

- Common pleas general division have remodeled several courtrooms to install plexiglass shields in the jury box, at counsel table, and the bench to provide added health and safety protection for those involved in courtroom proceedings.
- Dividers for courtrooms are being installed.
- For the first time in 40 years actually did a court trial.
- I was counsel to a cooperating witness so I was in a limited capacity. It was a trial to the bench. The courtroom was moved to the largest courtroom and rearranged to provide maximum distance possible. All wore masks except the one speaking so the court reporter could see the movement of the mouth of the speaker. The witness testified from the jury box. Plastic shields were placed between the defendants and their counsel. They had to lean back to talk around them.
- One case was to start trial on 06/23/2020, just prior to start of jury selection defendant entered a plea.
- Very difficult to get a jury that isn't concerned and therefore distracted by the current hysteria.

In your opinion, did concerns regarding COVID-19 lead to an increase in cases being resolved by plea or dismissal that would have otherwise gone to trial? Please explain the situation.

- Better offers. More bills of information with agreed upon charges.
- Cases that were once more serious to prosecutors seemed less so once the pandemic hit, just to get rid of cases. Makes you wonder if they were that serious in the first instance.
- Clients often received lenient offers to dispose of cases.
- I believe the state was ultimately concerned about lurking speedy trial issues, and I think that at times clients wanted to resolve cases rather than be in a state of limbo. Having a case pending while this is all going on is an added stressor for people. As such, we have concentrated on trying to settle matters.
- I can't say for sure the cases would definitely have gone to trial but some misdemeanor and juvenile cases seem to resolve for a variety of different COVID-related reasons: (1) Client more comfortable doing plea and/or sentencing virtually rather than in court in front of judge; (2) prosecutor's sentencing recommendation did not include jail time or called for credit for time served and immediate release; (3) sentencing dates set out later.
- I think the uncertainty of when things would get back to "normal" motivated both the state and the defense to plea bargain in earnest.
- In my opinion, some prosecutors were more willing to work out plea deals because of unresolved cases starting to accumulate.
- Individuals that were willing to plea, especially those already in prison received really good deals. Prosecutor and court afraid of stacked docket after restrictions lifted.
- Leverage is unequal. Some trials were moved 6 months or more and a defendant needs legal clarity to move on with life and care for family.
- many lower degree felonies with accompanying misdemeanors were resolved by amendment and agreement to request and impose no incarceration except in OVI cases.
- Non-violent robberies were plead down to get them resolved and most F5 and 4s were given deals that couldn't be refused.
- Prosecution offered more favorable deals.
- Prosecutor was more likely to resolve a case due to the pandemic; bench warrants were also not issued during that time.
- Prosecutors were less hesitant to get rid of weak cases.
- Some cases the State did not want to continue for months on end, so they resolved
- The prosecutor understood that he was building a backlog of grand jury cases during the delays, and needed to clear as much of the docket as possible. So, he changed his practice to send written offer letters early in cases, which helped them to resolve. We were also able to get him to send us discovery right after the preliminary hearing rather than waiting for the delayed grand jury, so that we could identify conflicts. If there were none, we were able to prepare early or start negotiating a Bill of Information.

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- To ensure the health and safety of all litigants, witnesses, possible jurors, and the community at large, all were encouraged to realistically assess their cases, and if possible, move toward possible resolution short of formal trial proceedings.
 - Wanted out of jail, where the infection was spreading.

If you have any general observations about how plea bargaining, sentencing, and release considerations changed during the COVID-19 pandemic, please include them here:

- Able to get many bond reductions and recog bonds because of the virus in the jail.
- All defendants were granted bond unless the offense was violent.
- Better release decisions consistent with the recommendations of bail reform, better use of community resources and treatment as a sentencing option; better plea-bargaining decisions by prosecutors focusing less on punishment and more on treatment.
- Cases not getting resolved because the lack of trials. There is no sense of urgency if one is out on bond. Can't get a trial for those incarcerated and the offers are not worth taking. Clients in jail are getting punished because of the COVID-19 since they cannot get a jury trial.
- Contrary to the media reports, I knew of no mass exodus of inmates. While some or a few were released, most were not.
- Delaware Co. Judges have offered flexibility and grace. Several rural courts have struggled to communicate clearly leading to confusion and fear.
- Huge bargaining power to the government. Court's utilized 2945.72(H) and postponed anything they could.
- I saw the biggest decrease in jail sentences, because the jails are local. Courts were afraid to overburden their sheriff. Most courts did not care about the prisons and were openly hostile to releasing prisoners because of COVID-19.
- In my jurisdiction court greatly reduced number of youth in detention. Lowest number ever.
- In our jail, some clients with very little time remaining on their sentences were released early. Municipal court requirements that pretrial negotiations be completed by the date of the pretrial resulted in an earlier exchange of discovery, earlier communication with clients and an earlier resolution in the case. At times, more lenient recommendations for jail sentences or no jail sentences resulted in easier resolutions. These factors impacted juvenile and municipal court cases but not felony cases.
- In some cases, plea bargaining may have become more reasonable during the pandemic. I have heard stories from other attorneys about great deals they obtained, but we have not seen as much of an uptick in resolutions. As to release, courts have denied the vast majority of requests.
- Judges granted pre-trial release more liberally.
- No effect.
- No one that didn't absolutely have to go into a confined facility didn't.

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- Pandemic put pressure on both sides to resolve cases.
 - Prosecutors in Fairfield County were much quicker to offer reasonable resolutions instead of the usual back and forth that we usually go through.
 - Prosecutors in larger counties have looked for ways to resolve cases with increasing frequency.
 - Releasing as many defendants as possible (with the exception of one Judge).
 - See prior answer.
 - Sentencing by video seem to engender longer sentences. In-person appearances seem to have a more humanizing influence on the judge.
 - Some cases that likely would have resulted in a plea have not been resolved because the court has waived speedy trial and delayed trial dates. There is a lack of pressure to resolve the case since the trial date is not imminent.
 - State has not modified their approach as a result of COVID-19.
 - The courts and prosecutors are more agreeable to lower bonds and releases of clients including those in the penitentiary because of the pandemic.
 - The major problem has been the inability to have a meaningful conversation with clients who are incarcerated. You are forced to choose between a process that risks confidentiality or no communication at all. COVID-19 has imposed unintended consequences delaying our system of justice and placing clients at risk of this dreaded disease.
 - There have been none.
 - There were some releases from jail and prison for virus-related reasons, but not many. Plea bargaining and sentencing were not generally affected.

What, if any, “roadblocks” did you encounter in adopting and implementing new procedures during the pandemic? - Other, please specify:

- Don’t understand the question. I wasn’t adopting any new procedures. I was trying to work around all the fearful sheep to do my job.
- Home and court technology .
- In some counties.
- It has been on a court-by-court basis. Some courts have been amazing. Some have been much less so. Due to staffing issues, some court staff and probation departments have been fairly inaccessible, but some adapted wonderfully. Likewise, the behavior of judges, prosecutors, and defense attorneys has been as varied as the responses generally around the country.
- Judges from municipal and juvenile court were less inclined to work collaboratively with other stakeholders to develop and implement new procedures to address health and safety concerns.
- Judges wanted to postpone everything and not replying to emails, when that was given as preferred method of communication.

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- Lack of video capability to allow clients to review discovery.
 - Multiple judges requested that defense counsel place themselves at risk to avoid having client in courtroom with judge and prosecutor. Judge requested that counsel sit in a holding cell with client and video into a hearing so the defendant would not be in the courtroom. Judge requested that all defendants go to the defense attorney's office and video call in with defense attorney while judge and prosecutor were in court. Multiple judges objected to basic safeguards put in place by defense counsel. Judge told defense counsel he would not be told how to run his courtroom after defense counsel refused to appear in court with COVID-19 exposed inmates. Defense counsel was willing to hold hearing by video.
 - None.
 - None.
 - Resistance from judges to allowing remote hearings to avoid in-person contact with inmates in lockup. Resistance from jail to utilizing technology more because of a claimed lack of space for inmates to access video and refusal to allow inmates to use cellphones for communication for security reasons.
 - Some judges were great. Others were jerks. Probation doesn't even sign up probationers by phone. You cannot get COVID over the phone last I checked.
 - Some people were just so fearful they seem immobilized.
 - Technology for access to inmates in the county or local incarceration was inadequate to handle the surge.

What, if anything, could make you feel better prepared in the event of a client that may test positive for COVID-19?

- All parties of our criminal justice system worked closely to deal with the many, unique issues that arose as a result of COVID-19. If a client had symptoms or tested positive for COVID-19, clients were told not to come to court, pending court hearings would be continued, jailed clients would have gone to quarantine, staff and court personnel having the requisite contact with the client would have been quarantined by county health requirements, contact would have been made with medical personnel, etc.
- An agreement to reschedule any proceeding at the request of counsel if the client or witnesses present with COVID problems.
- Any person with symptoms of COVID-19 will have to be avoided.
- any type of plan put in place by my office.
- Anyone with a positive test had their cases continued until no longer positive.
- Availability to test all participants every day.
- Having a consistent expectation as to the response from the court. As of now, there is no consistency.
- Health insurance.
- I'm not concerned about it.

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- If a client tests positive, then further proceedings should be suspended until a negative test is obtained.
 - If the jails and law enforcement could reveal said concerns or results without fear of a HIPPA violation.
 - Judges and ODRC need to be more responsive to counsel.
 - More concern for the client than a vague non-serious illness. If one works in the criminal justice system one is exposed to everything all of the time. Quit if that is intolerably frightening.
 - More information. Jails have told us NOTHING. We do not know if there is COVID or not, whether we risk transmitting it or not. Some courts did their very best to follow the Supreme Court. Others did what they wanted and if COVID was as real and as contagious as it seems to be, put people at risk just to move their dockets. Courts also could give us more info. They would put out orders, then not follow them. Very difficult to deal with and explain to clients and families.
 - Not sure who can tell if anyone. Client confidentiality issues.
 - Prepared for what??
 - Release on bond and continuance.
 - The ability to consult directly with the client through video conferencing in a private setting to discuss options as to how to proceed.
 - Transparent and known guidelines from public health officials and courts.
 - Wait until he/she recovers.
 - We have not had any issues with that scenario. All of our judges, prosecutors and jail personnel would cooperate in that instance to avoid spread of the virus, I am certain. Most of our issues have been related to skepticism regarding the need for preventive measures and the seriousness of the virus, in my opinion.
 - Would not proceed.

Given the COVID-19 accommodations made by you, your office, and various courts in which you practice, and considering your interactions with clients, witnesses, families, and others please indicate how much you agree or disagree with the following statement:

I feel safe performing my job duties during the pandemic. Please explain.

- Although all staff have been issued personal safety equipment to help ensure their health and safety when interacting with clients and witnesses, there is a general reluctance to engage with people or perform investigative duties outside the confines of the courthouse complex. Although the jails are about to resume attorney visits with inmates, previously they were suspended due to COVID-19. We were only able to talk to inmates via non-private phone calls, so case preparation was severely hampered and impaired.
- Few people are wearing masks in our common pleas court and there is no formal requirement for it to wear them.

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- Have to interact at work with large amounts of individuals, many of whom do not take COVID-19 seriously.
 - I feel like courthouse reopened and court started back to normal timeline too soon. Cases have risen since starting back.
 - I had the virus in early March, so I believe/hope I have some adaptive immunity.
 - I have been willing to accept the risk with the precautions I have regularly taken, i.e., wearing a mask, maintaining proper social distancing (except when needing to speak confidentially with a client in the courtroom). I have been somewhat disappointed that most court personnel have not worn masks, although they did make reasonable efforts to maintain proper social distancing.
 - I think the safeguards should be the same in all counties. It is/was not. Some counties were stricter than others. There is no “rhyme or reason” to how it is/was administered. I personally believe the Courts should have been given much more instruction and direction on how to handle this pandemic. Other than ruling that speedy trial rights were briefly suspended, there was no direction or implementation of a universal plan.
 - I was just lucky to work in a county where there were very few cases of the virus.
 - It’s a disease with almost 99% survivability. Over half who get it are asymptomatic and another 30-40% symptoms are mild. I’m not concerned about catching it. Before this is over we all will likely be exposed.
 - It’s difficult to judge given the many uncertainties about this disease. Reasonable precautions are prayerfully taken.
 - Masks, continuances, emailing from staff, all contributed to helping in an impossible situation.
 - My court was wonderful. My office did nothing! 90 percent never wore masks. Even early on people sat at conference table without masks in chairs next to one another. Several were “deniers.”
 - Our office is not at high risk based on age/health of the people involved. we are not required to do any in person hearing if we do not want too.
 - Some individuals take the pandemic more seriously than others. We cannot control those around us, so we do the best that we can while defending our clients.
 - Sustained contact with large groups of people is inherently higher risk than little or no contact.
 - The county commissioners and IT department moved very quickly on March to provide support and technology to move all employees possible to work-at-home arrangements, and provided all services and equipment necessary to make the workplace, conference rooms, and courtrooms safe. Although the meetings with clients are mostly by phone or computer now, we are extra-attentive to them, and meet in person only when necessary to review evidence. The next jury trial is scheduled to take place in a local community theater with room to spread everyone out, and every venue has taken precautions to protect everyone. Our office is in an old house with many rooms, and I was able to arrange for all of our employees to work in their own individual room, so that masks are

only necessary in the common areas. Working from home is still encouraged, though most prefer to come in.

- The courts are not handling the pandemic in a consistent way. Some require masks, most don't. One court requires security deputies to take your temp and they are not wearing masks when they are within 2 and 1/2 feet of you doing that. Court personnel in one court have scoffed and been disdainful of social distancing from clients during plea hearings. Even if court requires masks, court personnel not always wearing them or wearing them 1/2 way. I know of a judge who told another attorney to have his client show up for court even though she said she was sick and then when she was taken into custody, the jail had her tested and she was positive. Now that attorney is in 14 quarantine. One court requires signing in at the security desk, which I have refused to do as my name is on the docket (a), so I can be traced in that way, but I am not writing my name on some list asking for my phone number and purpose of my visit to the court (b) as I believe that is a violation of my right to privacy.
- There has been a haphazard response to the virus in some courts and by some others in our local justice system. Many clearly doubt the virus is a real health threat or the need for preventive measures. Our attorneys have been on the firing line, in lockups with inmates who were wearing no protection and on top of each other. We were finally able to get some masking of them but there have been too many in-person hearings in some courts and masking advice or requirements are scoffed at by some.
- There was no enforcement of masks or sanitizer and therefore had no idea if parties were complying with CDC recommendations.
- We took safety measures and our staff said they felt safe. I felt safe. Going to courts with cowboy judges who did not follow COVID protocols and not knowing what is going on in jails were the drawbacks.
- While we have taken steps to prevent the transmission. Most of the judges, their staffs and prosecutors have not. Defense counsel and the defendant are generally the only individuals wearing masks in the courtroom. We had multiple judges ask defense counsel to place themselves in dangerous positions, so the judge and prosecutor were not inconvenienced.

Please explain what changes you are considering adopting [post-pandemic] and why:

- I will work more from home if/as permitted by my agency to reduce inefficient commute times 2. I will utilize technology more often to communicate with jailed clients 3. I will conduct more business over the telephone 4. I will file more pleadings electronically.
- A continued push for remote pretrials, especially those early-stage pretrials in which discovery is still being exchanged. Although individual courts will control this, it is a much more efficient use of the court, prosecutor, and defense time to continue to conduct these remotely as much as possible.
- Attorneys having desktop access to inmates in a confidential setting via video conferencing. More professional staff having convertible tablets to enable them to work remotely from home or in general.
- Avoid handshakes; increase reliance upon technology; increase vigilance.

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- Continue certain interactions by Zoom.
 - Continuing with the CDC recommendations until vaccine or extensive testing.
 - Encouraging courts and court staff in remote communication.
 - First of all, I do not agree that the “virus crisis” is over, so I am continuing most of the social distancing/work from home procedures. Second, I want to see how using telephone conferences with clients will be effective in the long term for letting clients believe that they are getting personal attention to their cases and/or whether clients who are bond will “disconnect” with our office and “drift away” unless they are required to come to our office to discuss their cases.
 - For clients who might have to travel a long distance to meet, depending on the subject matter I might try to make it more convenient with Zoom or some other conferencing software.
 - Greater use of telephone appointments with clients. Additional video conferencing capabilities.
 - I am using text messages to communicate with clients. I am using video to communicate with DRC inmates.
 - I like meeting on phone or video first.
 - Less time in the office.
 - More use of teleconferencing .
 - More use of Zoom for client meetings.
 - No public restrooms. No use of office phones. Public must stay in designated areas.
 - Remote hearings, conferences and working has been helpful. To the extent it doesn’t compromise the quality of our representation, we may continue with them.
 - The ability to video conference with inmates; it makes it easier to discuss a client’s case while they are in custody because we cannot speak with them in any private way during regular court proceedings.
 - The Fairfield County jail has implemented video conferencing with inmates. Getting in to see clients has always been a problem there and this has truly made things 100% easier. It is literally like night and day.
 - The use of video hearings should be kept and expanded.
 - To my surprise, the initial phone meetings with clients have gone much better than the face-to-face meetings did. We will probably continue doing this, reserving personal appointments for later preparations and evidence viewing. In addition, working from home is no longer theoretical. We did it for 2 months. We can make it an option going forward.
 - Using more technology to do change of pleas and potentially sentences virtually.
 - Utilization of Zoom meetings helps clients who cannot make an office appointment during normal hours.
 - Utilizing technology for arraignments and initial appearances.

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- Utilizing technology for pretrials, arraignments. Scattering pretrials throughout the week.
 - Video chats with inmates.
 - Video communication for everything.
 - We are attempting to obtain funding to update our home and office technology to accommodate remote work. We are redesigning our incoming call routing in our current phone system to make it more efficient, more adaptable to changes in the work environment and more accessible to attorneys working remotely. I hope that the COVID-19 pretrial negotiation procedures and earlier exchange of discovery in municipal courts continues and that more pretrials and court conferences can be achieved virtually as both are time saving and more efficient procedures.
 - We are considering continued to do hearings by video for clients in prison. They generally do not want to be transported to court, since that involves being moved the local county jail. When they are transported they often miss programming, have items stolen from their cells or get relocated.
 - Wearing masks/face coverings to all court appearances for the next couple years.
 - Zoom technology is convenient and useful in pre-trial proceedings.

Please add any additional information about particular successes or challenges you faced during this time:

- General challenges are the refusal of many judges and prosecutors to take the COVID-19 Pandemic seriously. Most judges and prosecutors are not wearing masks in court. Many courts continued having all hearings in person. Many prosecutors opposed all judicial release motions and most judges did not grant any for inmates who were at high risk.
- Given that I am vulnerable (age and underlying health concerns) and we yet do not know if the virus is airborne, I do not trust the precautions being made to begin jury trials and have considered simply withdrawing from cases until either a cure or a vaccine is available.
- I had a very easy experience. I regularly appeared in court and felt safe. I wore a mask, used sanitizer and plain common sense.
- It is a rare situation when a criminal proceeding needs to occur during a pandemic. they can and should almost always be delayed unless the client is in jail or prison and the delay leads to higher risk.
- Judges viewed this as an extended paid vacation.
- Like many public defenders, I had to speak with many relatives of incarcerated clients concerning getting judicial release. Unfortunately, none of my motions for judicial release were granted.
- One obvious effect of this pandemic has been to maintain an adequate flow of income.
- Only issue has been financially. The courts shut down initially so cases were not coming to completion so we couldn't bill for appointed cases. Almost everyone was out of work so even the private clients did not have money to pay attorneys. I am self-employed, so I didn't qualify for any of the government loan programs.

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- Our courts and our office remained open throughout the crisis. Many surrounding courts shut down but not here, although hearings were continued. The prosecutor initially, didn't change and some courts didn't either, although most did. It was very scary for some time as attorneys were going into lockup each morning with inmates who were not socially distanced or wearing a mask and, although some judges didn't change their requirement for personal appearance much, the prosecutor and most of the bench did and were proactive in addressing issues related to virus spread. It seemed like some didn't appreciate the concerns we had regarding personal contact, however.
 - Processing paperwork was different. It took a while to get accustomed to that. We adjusted when we would see clients if we absolutely had to meet in person.
 - There is a difficulty in balancing constitutional rights with safety. Some courts are very receptive to meaningful discussions as to what this should look like, while others are flippant. Unified orders would go a long way in ensuring consistent application of rules, but those orders must be carefully tailored against a myriad of considerations. Each decision will have unintended consequences. Further, the ODRC needs to take steps to create an accessible, consistent method by which attorneys can engage in confidential, remote communications with their clients. Confidential, remote communication should become a permanent fixture.

APPENDIX G:
LIST OF COURTS WITH PRE- AND POST- COVID-19 DATA

The courts listed below answered “yes” to both of the following survey questions:

- *Did you, or do you plan to, collect any information about the outcomes of pandemic procedures (for example, if you altered pretrial practices, are you going to record the number of defendants that failed to appear)? AND*
- *Are you able to compare the pandemic information to pre-pandemic practices (e.g. practices at the same time last year)?*

Courts (listed alphabetically by county):

Adams County Court of Common Pleas

Lima Municipal Court

Champaign County Court of Common Pleas, General Division

Coshocton County Court of Common Pleas, Probate and Juvenile Division

Cleveland Municipal Court

Cuyahoga County Court of Common Pleas, Juvenile Division

Euclid Municipal Court

Cuyahoga County Court of Common Pleas, General Division

Parma Municipal Court

Delaware County Court of Common Pleas, Probate and Juvenile Division

Erie County Court of Common Pleas, General, Domestic Relations, and Probate Division

Franklin County Municipal Court

Gallipolis Municipal Court

Hamilton County Court of Common Pleas, Juvenile Division

Hancock County Court of Common Pleas, General and Domestic Relations Division

Jefferson County Court of Common Pleas, Probate and Juvenile Division

Lake County Court of Common Pleas, Juvenile Division

Toledo Municipal Court

Mahoning County Court of Common Pleas, General Division

Youngstown Municipal Court

Mahoning County Court of Common Pleas, Juvenile Division

Montgomery County Court of Common Pleas, General Division

Montgomery County Court of Common Pleas, Juvenile Division

Morrow County Court of Common Pleas

Shelby Municipal Court

Ross County Court of Common Pleas, Probate and Juvenile Division
Sandusky County Court #2
Stark County Family Court
Stark County Court of Common Pleas, General Division
Summit County Court of Common Pleas, General Division
Summit County Court of Common Pleas, Juvenile Division
Warren Municipal Court
Union County Court of Common Pleas, General and Domestic Relations Division
Van Wert Municipal Court
Warren County Court of Common Pleas, General Division
Marietta Municipal Court
Wayne County Court of Common Pleas, Probate and Juvenile Division
Williams County Court of Common Pleas, Probate and Juvenile Division
Bowling Green Municipal Court

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