

MUNICIPAL COURT FOR CITY OF KAUKAUNA  
OUTAGAMIE COUNTY, STATE OF WISCONSIN

23 June 2020

**Operational Plan for In-Person Court Appearances**

Kaukauna Municipal Court holds court appearances during business hours almost each Tuesday. Of these scheduled appearances, typically up to approximately 5-10 defendants appear, and others pay before court or do not appear at all. In order to resume court appearances, I propose the following operational plan to provide maximum safety of court personnel and defendants in light of the COVID19 pandemic. This Operational Plan is temporary and ONLY effective from June 23, 2020 until further order of the Court.

**Kaukauna Municipal Court COVID-19 Operating Plan**

Recognizing the need to ensure the health and safety of litigants, attorneys, visitors, court staff, Judges, and other individuals entering the courtroom, the Kaukauna Municipal Court will implement the following protective measures:

**Court Proceedings:**

1. Kaukauna Municipal Court will begin hearing non-essential in-person court proceedings no sooner than **July 7, 2020**.
2. Trials will be held at the Kaukauna Municipal Court on Tuesdays beginning at 1:00 pm.
3. Initial appearance hearings will be held at the Kaukauna Municipal Court on Tuesdays at either 9:00 am or 4:00 pm.
4. The Judge and her staff will conduct trials and initial appearances in the courtroom using a podium distanced more than 6 feet away from the bench and from the gallery seating area.
5. We will allow no more than 10 individuals to be in the courtroom at one time.
6. Payments of fines will be accepted with cash, a check or money order through the US mail, by phone, or online.
7. Those who fail to appear at their scheduled initial appearances and trials will be found guilty by default and given 60 days to pay their fine.

**Doors:**

The doors to the courtroom will be propped open to minimize the need for sanitizing frequently touched door handles. The municipal courtroom is a dual-purpose room, and is used as the city council chambers outside of court hours. The City of Kaukauna has already implemented measures to sanitize the building, including the courtroom/council chambers, beyond that of which will be conducted by Kaukauna court staff.

### **PreTrial Conferences:**

1. Defendants who wish to plead not guilty to their charge will be scheduled for a pretrial conference with the City Attorney. The defendants and/or the defendant's attorney can make their plea of not guilty via email or mail.
2. Court staff will assign a pretrial date/time and mail out a Pretrial Notice to the defendant and/or the defendant's attorney.
3. The defendant and/or the defendant's attorney will be instructed the pretrial conference will not be held in person and will be held via telephone.
4. The City Attorney will call the defendant and/or the defendant's attorney on their scheduled pretrial conference date and time.
5. If the City Attorney and defendant and/or the defendant's attorney cannot agree on a solution to the citation, a court trial will be scheduled.
6. Failure to appear for the pretrial conference will result in default.

### **Trials:**

1. All persons who are present in the courtroom or court offices shall wear a face covering. The only exception is for a witness if the court makes a finding on the record that it is necessary to remove the face covering for purposes of determining the credibility of the witness. This requirement will be posted at the entrance of the courtroom. If citizens appear without a face covering, their matter will be rescheduled to a different date.
2. Trial seating shall be reconfigured to comply with social distancing requirements. The City attorney shall remain at the normal location. Defense attorneys/defendants shall sit across from the City attorney. Defense attorneys and their clients must comply with social distancing. The witness chair is at least 10 feet from the Judge's seat. The witness chair is at least 10 feet, if not further, from the defense table and the City attorney's table.
3. All surfaces touched by litigants will be wiped down between each appearance. The defense table/chairs will be cleaned after each case. The witness area/chair will be cleaned after each witness. Hand sanitizer is available in the courtroom.

### **Judge and Court Staff Health:**

1. The Judge and her court staff will wear face masks, practice social distancing and practice appropriate hand hygiene recommendations.

### **Social Distancing:**

1. The maximum number of persons permitted in the courtroom waiting area will be limited to no more than 10 persons at a time.
2. Court staff will monitor the entrance to assure the limits are kept, and will notify the police department if limits are not kept. (The police department is on the other side of the building).

3. All persons not from the same household will be required to maintain adequate social distancing of at least 6 feet.
4. We are asking the defendants to come alone to their court appearances, if possible. If someone does come with them, they are asked to wait outside in the hallway or in their vehicle.
5. Seating in the courtroom (individual chairs) will be placed at least 6 feet apart.

**Hygiene:**

1. Hand sanitizer dispensers will be placed at the entrance of the courtroom where the officer is seated and at the front counter of the courtroom where the Judge and her court staff are seated for public use. The Judge and her court staff will each have hand sanitizer dispenser placed at their respective seats.
2. Lysol Disinfecting Wipes will be placed at the entrance of the building and on the front counter of the courtroom for public use. Lysol Disinfecting Wipes will be placed where the Judge and her staff are seated.
3. All counter space around the court office will be cleaned and disinfected after each defendant.

**Face Coverings:**

1. All individuals entering the courtroom will be required to wear face coverings at all times and required to wear them during court proceedings. If an individual refuses to wear a mask, and/or is unable to, a good cause inquiry will be made.
2. All Individuals will be required to bring face coverings with them. If they do not, they will be rescheduled and/or allowed to make their plea via email or mail.
3. If a person seeking entry in response to a summons refuses to wear a mask for an intake hearing, that person shall be given one adjourned date for appearance, or a good cause finding is made that an alternative to an in-person appearance is necessary. There will be no adjournment of a trial due to a party, attorney or witness refusing to wear a mask unless there is a good cause finding that an adjournment is necessary.
  - a. “Good cause” for being unable to wear a mask may include (but is not limited to) underlying health issues. If you need alternatives to wearing a mask, please contact the court as soon as possible so that we can make reasonable accommodations (i.e., participating by phone or by other electronic communicative methods).

**Drop Box:**

We have a drop box to allow defendants to drop off payments, pleas and/or extension requests.

**Cleaning:**

1. The City of Kaukauna’s cleaning staff will clean the common areas of the courtroom after trials and initial appearances have been completed.
2. The City of Kaukauna’s cleaning staff have been provided cleaning supplies shown to be effective with this coronavirus.
3. The City of Kaukauna’s cleaning staff have been trained on proper cleaning techniques and provided appropriate personal protective equipment.

**Vulnerable Populations**

1. Reasonable accommodations will be made to provide for any vulnerable individuals with serious health conditions. Those whose immune systems may be compromised or affected in some manner will be eligible for assistance and such individuals will receive accommodations according to their specific requirements. Please contact the court as soon as possible to make arrangements.
2. Court staff will arrange for needed assistance and will consider all individuals when making necessary adjustments.

**Distribution**

Following approval of this operational plan by the Eighth Judicial District Chief Judge, a copy of this plan shall be posted at the public entrance of the courtroom and shall also be posted on the website for the City of Kaukauna.

Carley N. Windorff  
Municipal Judge