

FILED

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 IN THE ADMINISTRATIVE MATTER OF:
10 THE SECOND JUDICIAL DISTRICT COURT'S
11 RESPONSE TO CORONAVIRUS DISEASE
12 (COVID-19)

13
14 _____ /
15 **ADMINISTRATIVE ORDER 2020-02(C)(1)**

16 **[MASK PROTOCOL FOR IN-CUSTODY DEFENDANTS DURING HEARINGS]**

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18 WHEREAS the Chief Judge of the Second Judicial District Court (“the SJDC”) and (“Chief
19 Judge”) has authority to make administrative decisions pertaining to the business of the court
20 (WDCR 2(2), NRS 3.025(2)(c));

21 WHEREAS the Court has the inherent power to administer justice fairly and to control its
22 courtrooms and dockets. *Halverson v. Hardcastle*, 123 Nev. 245, 163 P.3d 428 (2007);

23
24 WHEREAS on March 12, 2020, Governor Steve Sisolak (“Governor Sisolak”) declared a
25 state of emergency in Nevada in response to the outbreak of the Coronavirus Disease (COVID-19);

26 WHEREAS as the result of the Declaration of Emergency for COVID-19, Governor Sisolak
27 issued Directives governing activities in Nevada;
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1 WHEREAS the Declaration of Emergency for COVID-19, and all Directives issued are
2 available at: gov.nv.gov/News/Emergency_Orders/Emergency Orders (last accessed 11/12/2020);

3 WHEREAS the Chief Judge continues to enter Administrative Orders (“AO(s)”) on court
4 matters as the COVID-19 pandemic ensues. All AOs are available at washoecourts.com/
5 Main/AdminOrders (last visited 11/12/2020);

6 WHEREAS this AO is intended to be consistent with the Declaration of Emergency in
7 Nevada and to effectuate Governor Sisolak’s issued Directives resulting from the Declaration of
8 Emergency and subsequent renewals or extensions of said Directives;

9 WHEREAS this AO is intended to be consistent with the May 12, 2020, Statement from the
10 National Council of Juvenile and Family Court Judges Regarding Safe Courts and Access to Justice
11 During COVID-19 (“the NCJFCJ Statement”)¹ and AO 2020-05(A) which adopted the NCJFCJ
12 Statement’s protective guidelines;

13 WHEREAS this AO is also intended to be consistent with the Center for Disease Control and
14 Prevention guidelines;²

15 WHEREAS on June 11, 2020, the Chief Judge entered AO 2020-02(C) establishing hearing
16 docket days and times for in-custody defendants;

17 WHEREAS on November 10, 2020, Governor Sisolak made his “Stay at Home 2.0,”
18 announcement (“SH 2.0”); gov.nv.gov/news/Press/Press_Releases/11/10/2020 (last visited
19 11/12/2020); @GovSisolak, TWITTER (Nov. 10, 2020, 6:00 – 6:17 p.m.), [https://twitter.com/
20 GovSisolak/status/1326345073043279873](https://twitter.com/GovSisolak/status/1326345073043279873), in which Governor Sisolak announced, in addition to
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27 ¹ NCJFCJ.org/wp-content/uploads/2020/05/NCJFCJ_Statement_Regarding_Court_Safety_COVID-
28 19_Final.pdf (last visited 10/27/2020).

² The CDC guidelines are available at cdc.gov/coronavirus/2019-ncor/community/organizations (last visited 11/12/2020).

1 other recommendations, it remains critical to wear masks, to reduce the recent increase in COVID-19
2 cases;

3 WHEREAS on June 11, 2020, the Chief Judge issued Administrative Order 2020-02(C)
4 prescribing a schedule for hearing in-custody criminal dockets via simultaneous audiovisual
5 transmission;
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7 WHEREAS the SJDC's audiovisual hearings are conducted in accordance with the Nevada
8 Rules Governing Appearance by Audiovisual Transmission Equipment, Part IX via Zoom.us
9 platform;
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11 WHEREAS during the COVID-19 pandemic to facilitate court business, the Washoe County
12 Sheriff (the "Sheriff") provides designated courtrooms and hearing rooms at the Washoe County
13 Sheriff's Office("WCSO")/Washoe County Detention Facility (collectively "Detention Facility")
14 from which the in-custody defendants appear in lieu of transporting in-custody defendants to and
15 from the SJDC facility in an effort to reduce the spread of COVID-19;
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17 WHEREAS the Chief Judge deems it critical and understands the Sheriff also deems it critical
18 to address the recent increased spread of COVID-19 by taking collaborative action to allow in-
19 custody defendants to be heard, while protecting the health of the deputies, other WCSO staff and the
20 in-custody defendants;
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22 WHEREAS in response to the on-going pandemic, the Sheriff ordered all inmates under his
23 supervision wear facial masks when outside of their cells, including when appearing before the Court;
24 and,
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26 WHEREAS pursuant to Nevada Rules Governing Appearance by Audiovisual Transmission
27 Equipment, Part IX-A.(B), Rule 5(a), during audiovisual hearings "[t]he court must ensure that the
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1 statements of participants are audible and visible to all other participants and the court staff and that
2 the statements made by a participant are identified as being made by that participant.”

3 **Accordingly, and good cause appearing therefor, this Administrative Order 2020-**
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5 **02(C)(1) follows:**

6 IT IS HEREBY ORDERED in order to protect the health of deputies, other WCSO staff and
7 in-custody defendants, when an in-custody defendant appears for a hearing in the SJDC via
8 audiovisual transmission, upon request of the judicial officer, an in-custody defendant will lower his
9 or her mask, after the judicial officer requests confirmation no deputies or other persons are within
10 six (6) feet of the in-custody defendant. If a request is made, deputies may require the in-custody
11 defendant wear a clear plastic face shield while the mask is lowered. The Court will take efforts to
12 minimize the time during which an in-custody defendant’s mask is lowered. The Chief Judge
13 understands deputies shall utilize any and all sanitizing protocols they deem appropriate after an in-
14 custody defendant completes his or her court appearance.
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17 All provisions of prior AOs shall remain in full force and effect except as specifically
18 modified or supplemented by this or other subsequent AOs.

19 This AO shall be reviewed at appropriate intervals, as determined by the Chief Judge, in
20 collaboration with the Sheriff, based on the changing circumstances relating to the COVID-19
21 pandemic.
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23 IT IS SO ORDERED.

24 DATED this 17th day of November, 2020.

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26 
27 SCOTT N. FREEMAN
28 CHIEF JUDGE