

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

MAR 17 2020

PATRICK KEANEY
Clerk, U.S. District Court

By

Deputy Clerk

AUTHORIZATION FOR THE UNITED)
STATES MARSHALS SERVICE TO) General Order No. 20-7
MONITOR COURT ACCESS BY PERSONS)
IN CUSTODY)

GENERAL ORDER

This Order is being issued in response to the recent outbreak of the coronavirus known as COVID-19 in the Eastern District of Oklahoma. On March 13, 2020, President Trump declared a National Emergency in response to COVID-19, which the World Health Organization has declared a pandemic. On March 15, 2020, the Governor of the State of Oklahoma declared a public health emergency throughout the State. The U.S. Center for Disease Control has advised people to take precautions in light of the COVID-19 virus outbreak and recommends social distancing to reduce exposure and slow the spread of COVID-19.

Given the fact that persons in custody live in close quarters without the ability to practice social distancing, and that many persons in custody are within a particularly vulnerable population, the Court directs the United States Marshals Service (USMS) to institute the following protocol to mitigate exposure to COVID-19 by Court staff, interpreters, counsel, USMS and contract personnel, and the general public:

1. All in-custody persons, including those from any detention facility under contract with the USMS in the Eastern District of Oklahoma, who are subject to being transported to the Ed Edmondson Federal Courthouse ("Courthouse") for court proceedings shall be screened by the USMS, or its contract personnel, prior to transport from such detention facility to the Courthouse.
2. The screening shall include asking the following questions, with the assistance of an interpreter if necessary:
 - a. Are you currently sick or experiencing flu-like symptoms (fever, cough, difficulty breathing or shortness of breath)?

- b. Have you traveled outside the State of Oklahoma or outside the United States in the last 14 days?
 - c. Have you been in contact with anyone who has traveled outside State of Oklahoma or outside the United States in the last 14 days?
 - d. In the last 14 days, have you been in contact with anyone who has been exposed to COVID-19 or anyone with flu-like symptoms?
3. No information obtained from the screening questions will be communicated to the United States Attorney's Office or otherwise used against the screened person in connection with a criminal proceeding.
4. Screening shall also include determining whether the person has a fever, which is defined for screening purposes as a temperature greater than or equal to 100.4 degrees Fahrenheit. That determination shall be made by the least invasive means possible.
5. If a person responds yes to or refuses to answer any of the screening questions and/or has a fever, the USMS, or its contract personnel, shall not transport that person to the Courthouse and they shall isolate that person in the detention facility as a presumptively contagious person. The USMS shall notify the presiding judge of any presumptively contagious person isolated pursuant to this protocol. The Federal Public Defender will be provisionally appointed as counsel for any presumptively contagious person not otherwise represented by counsel.
6. If the presumptively contagious person was being transported to the Courthouse for a pretrial proceeding, such proceeding will be continued for 14 days.¹ If, at the end of the 14-day period the presumptively contagious person is not exhibiting symptoms of illness, the continued pretrial proceedings will be rescheduled at the

¹ The presiding judge may determine on a case-by-case basis that the 14-day continuance is not warranted.

earliest practicable time. *See, e.g., United States v. Isom*, 588 F.2d 858, 862 (2d. Cir. 1978)(period during which arrestee received medical treatment not counted in computing unnecessary delay); *United States v. Aman*, 624 F.2d 911, 913 (9th Cir. 1980)(delay so that arrestee could receive medical attention permissible). If such person becomes ill and continues to display symptoms of illness at the conclusion of the initial 14-day continuance, the pretrial proceeding shall be continued for up to an additional 14 days.² The Court may, with the consent of the detainee, hold the pretrial proceeding via videoconference during the initial or subsequent 14-day period of delay. Defense counsel shall inform the presumptively contagious detainee that he or she has the right to request a pretrial hearing via videoconference.

7. If the presumptively contagious person was scheduled for transport to the Courthouse for a change of plea, sentencing, suppression hearing, or similar proceeding, such proceeding shall be continued, to be reset by the presiding judge.
8. This General Order shall remain in effect until further order of the Court.

It is so ordered this 17th day of March, 2020.



RONALD A. WHITE
CHIEF JUDGE, UNITED STATES DISTRICT COURT

² The Centers for Disease Control and Prevention established 14 days as the likely incubation period for COVID-19. *See* <https://www.cdc.gov/coronavirus/2019-ncov/faq.html> (“For COVID-19, the period of quarantine is 14 days from the last date of exposure, because 14 days is the longest incubation period seen for similar coronaviruses. Someone who has been released from COVID-19 quarantine is not considered a risk for spreading the virus to others because they have not developed illness during the incubation period.”) (last accessed Mar. 17, 2020).