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FILED / ENDORSED
MAR 30 2020
By K. Swift, Deputy Clerk
K. Swift

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

ORDER

**ARRAIGNMENTS AND PRELIMINARY HEARINGS
REMOTE VIDEO TECHNOLOGY**

The United States Centers for Disease Control and Prevention and the State of California have recognized that the world, country, and this state face a life-threatening pandemic caused by the COVID-19 virus. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 requiring all Californians to stay home, subject to very limited exemptions for persons engaged in essential services. The Sacramento County Health Officer likewise issued that day a "Public Health Order" requiring "all individuals living in this county to stay at their place of residence except for essential activities." The CDC, the California Department of Public Health, and local county health departments have imposed increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces. As a result, the Chief Justice of the California Supreme Court issued a statewide order on March 23, 2020, acknowledging that courts cannot comply with these health restrictions and continue to operate as they have in the past because court proceedings require gatherings of court staff, parties, attorneys and others well in excess of the numbers allowed for gathering under the current

1 executive health orders. Many court facilities in California, including this court, are not equipped
2 to effectively allow the social distancing and other public health requirements needed to protect
3 people involved in court proceedings and to prevent the further spread of COVID-19.

4 On March 28, 2020 the Judicial Council of California unanimously recommended that the
5 Chief Justice take action, pursuant Governor Newsom's Executive Order N 38-20, to permit
6 courts to conduct judicial proceedings and court operations through the use of all available
7 technology in order to protect the health and safety of the public, court personnel, judicial
8 officers, litigants, and witnesses. This temporary relief includes the court's use of video, audio,
9 and telephonic means for remote appearances, reporting, and interpreting in judicial proceedings,
10 the electronic exchange and authentication of documentary evidence, and the use of e-filing and
11 e-service. The Chief Justice expressly extended this relief to arraignments and preliminary
12 hearings.

13 Therefore, this Court hereby finds that the public interest of protecting those involved in
14 traditional in-custody arraignment and preliminary hearing proceedings and preventing the further
15 spread of COVID-19 outweighs the defendant's right to be physically present in court for these
16 hearings.

17 Therefore, **IT IS HEREBY ORDERED:**

18 Effective **April 1, 2020** and until rescinded, all in-custody arraignments and preliminary
19 hearings shall be accomplished through the use of interactive video technology to minimize the
20 physical proximity of all participants. This remote video technology shall allow all participants,
21 including the judge, witnesses, defendant, defense and prosecuting attorneys to fully see and hear
22 each other. Counsel will be permitted to personally appear with their client but have the option to
23 appear remotely with their client's consent. Additionally, the defendant shall have the ability to
24 confidentially communicate with his/her attorney during the hearing. The hearing shall be
25 reported by a Certified Court Reporter.

26 The public will have access to a video live stream of these proceedings
27 (<http://www.youtube.com/user/SacCountyCourts>), unless otherwise ordered closed to the public.

28 The Court finds that these measures are necessary to obey the present health orders and

1 maximize health protection to all participants, while also providing to defendants full and
2 expeditious due process through the closest alternative to physical presence in the courtroom.

3 **THIS ORDER IS EFFECTIVE APRIL 1, 2020. THIS ORDER MAY BE**
4 **AMENDED AS CIRCUMSTANCES REQUIRE.**

5 DATED: March 30, 2020



A handwritten signature in black ink, appearing to read "Russell L. Hom", written over a horizontal line.

7 **RUSSELL L. HOM**
8 **PRESIDING JUDGE OF THE SUPERIOR COURT**

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