

# EXECUTIVE ORDER



DISTRICT OF COLUMBIA

<b>Subject:</b> <b>Coronavirus 2019: District of Columbia Superior Court Guidelines</b>
<b>Number</b> <b>EO-20-035</b>
<b>Effective Date</b> <b>June 24, 2020</b>
<b>Related to:</b> GO-PCA-701.01 (Courts and Hearings) GO-PCA-701.06 (Court Appearance Notifications) GO-PCA-702.01 (Arrest and Bench Warrants) GO-PCA-702.03 (Search Warrants)
<b>Rescinds:</b> Listed in Part III. Rescission

## I. PURPOSE

Due to the coronavirus (COVID-19) emergency, the District of Columbia Superior Court chief judge issued orders extending the period during which deadlines are tolled or extended for all statutory and rules-based time limits in the DC Code and the Superior Court Rules. The court's order will remain in effect until otherwise ordered by the court. The purpose of this executive order is to provide updated procedures related to the DC Superior Court's COVID-19 public health emergency guidelines and the new process for remote preliminary hearings. Detailed information regarding the operating status of the Superior Court can be found at <https://www.dccourts.gov/coronavirus>.

## II. PROCEDURES

### A. Preliminary Hearings

1. Preliminary hearings in detained cases, when requested by defense counsel, are now being conducted via a WebEx video link.
2. Members will be notified of remote preliminary hearings by the assigned Assistant United States Attorney (AUSA). Instructions for using WebEx for testifying are available on the MPD Coronavirus Updates intranet page.
3. Members testifying via WebEx shall submit a completed PD Form 140 (Court Attendance Record) to the Court Liaison Division (CLD) adminbox ([cld.adminbox@dc.gov](mailto:cld.adminbox@dc.gov)). The electronic PD Form 140 can be found on Online Forms and at <https://dcgov.seamlessdocs.com/f/PD140>.
4. The assigned AUSA will send an email to the CLD adminbox certifying the member's participation in the hearing.

## B. Bench Warrant Suspensions

1. Members are reminded that all misdemeanor bench warrants issued in Criminal Misdemeanor (CMD), Criminal Traffic (CTF), and District of Columbia Criminal (CDC) cases are suspended and shall not be enforced. The only exceptions are bench warrants issued in misdemeanor sex offenses (any age victim), indecent exposure cases, and domestic violence misdemeanor (DVM).
2. Notwithstanding the court's order:
  - a. The government can still charge a defendant with a Bail Reform Act violation, as appropriate;
  - b. The bench warrant is not removed from the case; and
  - c. A judge may order that a specific bench warrant be executed and/or quashed.
3. For the purposes of determining eligibility for citation release, a suspended bench warrant shall not disqualify an arrestee.

## C. Remote Warrant Requests

1. When applying for a new warrant, members are reminded to ensure that their name, badge number, and element are on the first page of the affidavit. Members shall ensure that all pages of the affidavit are signed before submitting the affidavit to the court. Unsigned affidavits will not be processed by the court.
2. When filing a warrant return to the court, members shall sign the return portion before emailing to [DCCriminalWarrants@dcsc.gov](mailto:DCCriminalWarrants@dcsc.gov). Members shall ensure that their contact information is included in the body of the email but not on the affidavit since the affidavit is a public document.
3. If the search warrant is for a buccal swab, the officer shall write "buccal warrant" in the subject line of the email.
4. Members requesting emergency warrants after business hours (0830-1630) shall submit the warrant to the on-duty emergency judge. Requests shall be routed through the Mayor's Command Center/Homeland Security and limited to emergency warrants (e.g., search warrant requests for a scene held by law enforcement or arrest warrant for an individual who poses an imminent danger to the community).
5. The only exception to the above procedure is for warrants for a buccal swab which require members to receive a physical copy of the

warrant. For buccal swab warrants, judges will ensure that a physical copy of the warrant is provided to the member by making a copy that the member can retrieve in the judge's courtroom or chambers.

#### D. Domestic Violence Cases

1. Members are reminded the DC Superior Court Domestic Violence Division (DVD) Clerk's Office is available remotely during business hours (0830-1700) at (202) 879-0157 or [domesticviolencemanagement@dcsc.gov](mailto:domesticviolencemanagement@dcsc.gov).

2. The Domestic Violence Intake Centers are closed but victims can be connected with resources through the DC Survivors and Advocates for Empowerment (SAFE) Critical Response Team at (800) 407-5048 which is available 24/7.

3. Civil Protection Orders (CPOs)

Members are reminded that requests for temporary protection orders (TPOs) are heard remotely. All existing TPO expiration dates shall be extended to the future date consistent with a scheduling order issued by the presiding judge. All existing CPO expiration dates shall be extended to June 19, 2020 (unless otherwise ordered by the court). These existing CPOs will expire on June 19, 2020 unless a motion to extend is filed in advance.

4. Emergency Temporary Protective Orders (ETPO)

- a. Members are reminded that the ETPO process is accessible 24 hours a day for urgent situations. A DC SAFE advocate will write the petition or the victim will write the petition. DC SAFE will contact the court who will have a judge review the petition and determine if a hearing will be held. If a hearing will be held, the SAFE advocate will send the petitioner to the Seventh District and connect the judge with the petitioner and a Seventh District watch commander or on-duty official (the rank of sergeant or above).
- b. The court will send the final order and packet with petition and notice to the Seventh District watch commander or desk sergeant and to [oncalladvocates@dcsafe.org](mailto:oncalladvocates@dcsafe.org). The court will also provide a return of service form for MPD to serve the protection order.
- c. Members with questions about domestic violence procedures may contact Lieutenant Angela Cousins of the MPD Domestic Violence Unit (202-727-7137). Members may also contact Kylie

Hogan at [kylie@dcsafe.org](mailto:kylie@dcsafe.org), Jenny Wesberry at [jwesberry@dcsafe.org](mailto:jwesberry@dcsafe.org), or the DC SAFE Crisis Response Team at (800) 407-5048 with questions or concerns.

### III. RESCISSION

**Rescinds:**

EO-20-016 (Coronavirus 2019: Remote Warrant Procedures), Effective Date April 21, 2020  
 TT-03-044-20 (DC Superior Court Operations Adjustments), Issued March 16, 2020  
 TT-03-073-20 (DC Superior Court), Issued March 25, 2020  
 TT-03-083-20 (DC Superior Court Suspension of Certain Bench Warrant Enforcement), Issued March 27, 2020



Peter Newsham  
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PN:KDO:MOC:SMM

<i>Amendment #</i>	<i>Page #</i>	<i>Description of Change</i>	<i>Effective Date of Change</i>	<i>Name and Title of Authorizing Member</i>
1	2	Revised email address	8/26/2020	Maureen O'Connell, Director, Policy and Standards Branch