

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

SECOND SUPPLEMENTAL ORDER REGARDING
COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC

This Order is the second supplement to the Order issued on March 16, 2020, in response to the recent outbreak of novel coronavirus in the United States and the State of Louisiana.

This Second Supplemental Order applies to initial appearances and arraignments in the **Lafayette Division** of the United States District Court for the Western District of Louisiana.

IT IS ORDERED that the following protocol is implemented immediately:

1. The arresting agency shall use best efforts to transport arrestees to the custody of the USMS for initial appearance and arraignment before an arrestee is detained in any other facility. Regardless of whether the arrestee is transported from another facility or brought in immediately after arrest, the arresting agency and/or its designee shall use best efforts to transfer custody of any arrestees to the USMS as early as possible in a business day. Both the arresting agency and/or its designee and the USMS will utilize prescribed screening methods to evaluate for the presence of, or exposure to, Covid-19.
2. The arrestee shall be confined to the cell block interview room until such time as the interviews by pre-trial services and defense counsel are completed – including the completion of any necessary paperwork, i.e. request for appointment of counsel, financial affidavit, waivers, etc. Defense counsel SHALL ascertain whether the arrestee will consent to initial appearance and arraignment by video conferencing pursuant to F.R.Cr.P. 5(f) and 10(c).
3. At or before the convening of the court proceedings, the arrestee shall be escorted by the USMS to CR 4. All other personnel, any witnesses and the Court will convene in CR 7 where all proceedings will be carried out by video conferencing provided the arrestee consents pursuant to F.R.Cr.P. 5(f) and 10(c). In the event the arrestee does not consent, the Court will conduct the initial appearance and arraignment in CR 4 in accordance with F.R.Cr.P. 5 and 43. However, any further proceedings i.e detention hearings, preliminary

examination, etc. will be conducted in CR 7 with the defendant participating by video teleconference.

4. The Court shall provide the defendant with ample opportunity to communicate privately with counsel in CR 4, in person, using appropriate social distancing practices during any video teleconference proceeding.
5. All parties and counsel shall use best efforts to complete any necessary proceedings on the same day as the initial appearance without causing prejudice to the right of either party to adequately prepare or obtain the presence of witnesses. To the extent a third party custodian will be tendered, Pre-Trial Services shall conduct prescribed screening methods to evaluate for the presence of, or prior exposure to, Covid-19 before any third party custodian enters the courthouse. No visitors will be allowed pursuant to this Court's previous order concerning public access.
6. In the event a defendant has previously had an initial appearance pursuant to F.R.Cr.P. 5 and is subsequently indicted, defense counsel shall use best efforts to obtain a waiver of the defendant's personal attendance at arraignment pursuant to F.R.Cr.P 10(c).

SO ORDERED and SIGNED on this the 19th day of March 2020.


S. MAURICE HICKS, JR.
CHIEF JUDGE