



.....
Court System
.....

.....
COVID-19
.....

PLAYBOOK

Prepared by the
Global Center for Health Security

AUTHORS



GLOBAL CENTER FOR HEALTH SECURITY

The Global Center for Health Security encompasses all biopreparedness, infectious disease, and special pathogens research, education, and clinical care at the University of Nebraska Medical Center (UNMC) and its clinical partner, Nebraska Medicine. This includes the Nebraska Biocontainment Unit and the Training, Simulation, and Quarantine Center, which features the nation's only federal quarantine unit and simulated biocontainment patient care units for advanced experiential training.

AUTHORS

Theodore J. Cieslak, MD, MPH

Medical Director, Quarantine Unit
Medical Co-Director, Biocontainment Unit
Associate Director, Center for Biosecurity,
Biopreparedness and Emerging Infectious
Diseases
UNMC College of Public Health

Rachel Lookadoo, JD

Director, Legal and Public Health Preparedness,
Center for Preparedness Education
UNMC College of Public Health

Hon. John M. Gerrard, JD

Chief United States District Judge,
District of Nebraska

Jocelyn Herstein, PhD, MPH

Director, Sub-Saharan Africa Region
Global Center for Health Security

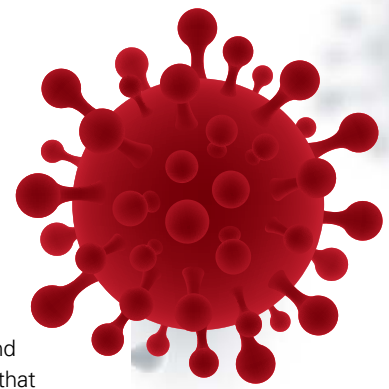
Michelle Schwedhelm, MSN, RN

Executive Director, Emergency Management
& Clinical Operations
Global Center for Health Security

This guide is intended to provide best practices and recommendations for courthouses to minimize the risk that COVID-19 presents to employees and the community and to reduce disruptions to business operations. This is a guide only and should be adapted to the context of each organization and its employees.

Users of this guide should work in coordination with local public health departments to tailor their use of the guide to their specific situations and needs. The information provided in this guide does not, and is not intended to, constitute medical or legal advice and is provided for informational and educational purposes only. The recommendations in this guide reflect the best available information at the time this guide was prepared. All recommendations are consistent with CDC environmental services recommendations. For more information, please visit; https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html?deliveryName=USCDC_2067-DM26911 [cdc.gov]

Adherence to the recommendations in this guide does not guarantee that there will be no outbreak or further spread of COVID-19, and we do not assume responsibility for any injury or damage to persons.



BACKGROUND

Coronavirus Disease 2019, or COVID-19, has caused a global pandemic affecting virtually every facet of life in the United States and across the globe. The U.S. court system has not escaped these effects and, in fact, owing to their reliance on interpersonal interaction, have been somewhat uniquely impacted. Essential to a functioning democracy, the courts are especially vulnerable to COVID-19, given challenges posed by constitutional imperatives, the intense nature of many of these interpersonal interactions, the requirements of voir dire, and myriad other factors. A diverse litigant and defendant population adds cultural, linguistic, and socioeconomic challenges to social distancing and other public health interventions.

COVID-19 is primarily spread person-to-person by close contact (within 6 feet) through respiratory droplets produced when an infected person sneezes, coughs, or talks and indirectly when a person touches an object ("fomite") or surface contaminated with SARS-CoV-2, the virus that causes COVID-19, and then touches their nose, mouth, or eyes. The virus can also be transmitted through the fecal-oral route.

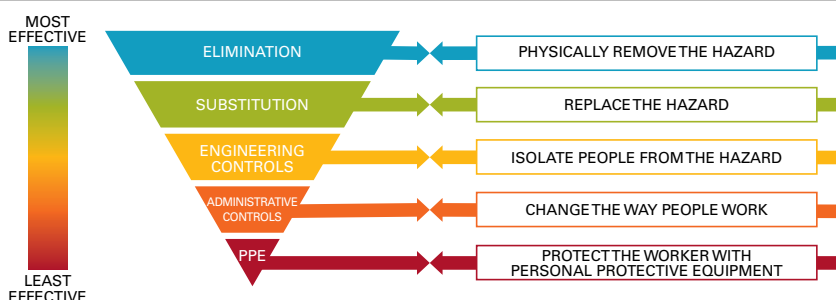
In a pandemic setting, the health of each defendant, litigant, juror, and observer is critical to the health of the community and to maintaining faith and trust in the judicial system. Moreover, the health of judges, attorneys, and court personnel is crucial to the continued operation of that system. Preventing the spread of the outbreak means addressing the health needs of these personnel. To be sure, this should not be left for the legal community to shoulder alone, but rather it should be a combined effort involving national and local public health authorities working alongside the courts. These efforts should be made an urgent public health priority because infection among individuals involved in legal proceedings could also lead to community infection, eventually affecting further spread in the entire population's health.

This guide is intended to provide best practices and recommendations for courts to minimize the risk that COVID-19 poses to individuals and the community and to reduce disruptions to court operations. As with any infection prevention and control measures, the foundation of successful implementation requires a culture of safety to exist where all stakeholders have equitable ownership of the safety of the community and a culture that allows all members to identify potential hazards without fear of reprisal. In healthcare environments, this is practiced when all stakeholders (patients, staff, technicians, nurses and physicians) are equitably engaged in risk and intervention assessment and all have a responsibility and mechanisms to identify potential risks and process improvements without reprisal. Likewise, mitigation of risks posed by COVID-19 within the court system will rely on full adoption of this culture of safety by all levels of judicial leadership and management.

Safety measures in many industries are guided by National Institute of Occupational Safety and Health (NIOSH)'s hierarchy of controls, a hazard mitigation framework that outlines controls in decreasing order of effectiveness from engineering controls, to administrative controls, to personal protective equipment (PPE) (see Figure 1). While this framework was designed with industrial entities in mind, many of its basic principles are applicable to all workplaces, including the courts. Specifically, the latter three steps, involving the application of engineering and administrative controls, along with the proper use of personal protective equipment, are applicable to the mitigation of contagious risk within the court system. This is a guide only and should be adapted to the context of each facility. Facilities should work in coordination with local public health departments to tailor specific situations and needs to each facility.

Contact gchs@unmc.edu for questions or comments.

Figure 1: Hierarchy of controls



<https://www.cdc.gov/niosh/topics/hierarchy/>



ENGINEERING CONTROLS

Engineering Controls are controls that place a barrier between the individual and the virus. They are not dependent on a person's knowledge, practice, or compliance; therefore, they reduce the opportunity for human error.



PHYSICAL BARRIERS

When possible, use physical barriers to separate judges, attorneys, defendants, litigants, and other individuals present in the court from one another and thereby minimize the opportunities from person-to-person transmission of COVID-19. Some strategies for installing physical barriers include:

- ☑ Determine where it is possible to place a physical barrier between individuals (e.g., in the jury box)
- ☑ Identify opportunities to place physical barriers in critical locations (e.g. between attorney and client at the defense table, between judge and those approaching the bench, in jury pool waiting areas, at cafeteria lunch tables or other communal areas, etc.)
 - » Extending partitions several inches past the end of the table provides an additional measure to prevent individuals from leaning back and extending over to space of person sitting next to them
- ☑ Identify opportunities to place a physical barrier (e.g., plastic sheeting) in hallways to guide unidirectional employee and public traffic and limit crossover



VENTILATION

- ☑ Wherever possible, exhaust courtroom air and deliver clean air; if re-circulation is required, this should be done in concert with appropriate filtering (HEPA) or sterilization measures (e.g., UV)
 - » This is especially relevant in high traffic and high-density areas, including jury pool waiting areas, courtrooms where voir dire is occurring, and other areas where congregation occurs.
- ☑ Wherever possible, create unidirectional, laminar airflow
- ☑ The use of fans in the courthouse should be minimized or curtailed. If fans can be removed, this should be considered. If fans must be used within the facility, ensure that they blow clean air toward breathing zones and are used to create unidirectional airflow
 - » Turbulent airflow from fans may contribute to re-aerosolization of viral particles from surfaces

ADMINISTRATIVE CONTROLS

Administrative controls are considered less effective than engineering controls but are the most common control measures available for COVID-19. These include policies, procedures, training, and workplace practices. Ineffective policies or practices or inconsistent compliance may heighten exposure risks for all.



WORKFORCE POLICIES

Strategies that encourage employees to stay home when ill are fundamental to reducing transmission of COVID-19 in any workplace setting and to the effectiveness of other control measures. In addition, courts should have concrete procedures in place that detail actions to take if an employee tests positive for COVID-19 and requirements for these employees to return to work upon recovery.

- ☑ Institute flexible workplace and sick leave policies appropriate for all employees
 - » Ensure these policies are communicated to all employees and adhered to by all levels of supervision and court leadership
 - » Unemployment and disability compensation are not adequate sick leave policies for COVID-19 for personnel.
- ☑ Institute a no-penalty approach for court personnel taking sick leave
 - » Ensure that staff managers understand the need to be flexible and not penalize individuals for using these benefits
- ☑ Recognize certain critical job responsibilities may incentivize employees to come to work sick (caseloads, the need to clear a docket, etc.)
- ☑ Develop standard operating procedures (SOPs) that detail actions to be taken if a court employee or visitor is tested for COVID-19 and/or tests positive for COVID-19 or is exposed to an individual positive for COVID-19. This should include:
 - » Process to contact relevant employees who may have been exposed
 - » Cleaning and disinfecting surfaces to limit employee exposure
 - » Working with local authorities to take appropriate steps for contact tracing
- ☑ Develop a return to work policy in coordination with the local public health department
- ☑ Identify workplace coordinators for COVID-19 issues and their workplace impact
 - » Coordinators (typically, Human Resources experts) should be known and accessible to all
 - » They should serve as the main source of information and primary person(s) to answer questions related to COVID-19
- ☑ Develop plans to operate with a reduced workforce



UNIVERSAL MASK POLICY

A policy should be implemented for all persons entering the courthouse to wear a face mask/face covering at all times. It is common for an individual to have COVID-19 and be able to transmit the disease to others in close contact while showing no signs or symptoms. As a result, the Centers for Disease Control and Prevention has issued guidelines recommending all persons wear face coverings in public settings where other social distancing measures cannot be achieved. This policy may be reviewed as levels of disease spread and prevalence change.



There are different types of face coverings. It is highly recommended that all courthouse entrants be provided procedural (surgical) masks. Cloth face-coverings may provide an acceptable alternative if an adequate supply of surgical masks is not available.

Provide information to employees on proper face covering use (more information is contained in the personal protective equipment section on [page 9](#)).

ENVIRONMENTAL CLEANING AND DISINFECTION

Current evidence suggests that the virus that causes COVID-19 can remain viable on surfaces for hours to days. As such, sound environmental cleaning and disinfection is a key factor in preventing COVID-19 transmission. Daily and routine cleaning and disinfection should be conducted to minimize surface contamination in common areas and on high-touch surfaces.

Develop Standard Operating Procedures (SOPs)

- ✓ Develop an SOP for enhanced cleaning and disinfection of common contact areas
- ✓ Identify common high-touch surfaces (e.g., tables, door handles, microwaves, railings) and develop a checklist to ensure frequent sanitization throughout the day
 - » Dedicate additional staff, as available, with the only responsibility to disinfect high-touch surfaces
- ✓ In the event an employee tests positive for COVID-19, develop an SOP for cleaning and disinfecting impacted areas (e.g., courtroom, washrooms, court offices, waiting areas, etc.)
- ✓ Develop a process for routine deep cleaning of common areas, either daily/nightly or, at minimum, weekly

Maintain adequate supplies

- ✓ Place hand sanitizer dispensers throughout the courthouse, particularly at entrance, exits, and transition areas
 - » The more accessible hand sanitizer dispensers are, the more they will be used
 - » Touchless hand sanitizer dispensers are preferred to manual dispensers (e.g., pumps)
- ✓ Assess supply of cleaning supplies, sanitizers, and disinfectants and encourage practical use
 - » Note: Follow manufacturer recommendations; some disinfectants may be caustic and require gloves and ventilation
- ✓ Provide readily available sanitizing wipes, soap, and paper towels in cafeterias and other communal areas
- ✓ Use only **EPA-registered disinfectants** for use against SARS-CoV-2

Minimize touching of items by multiple individuals

- ✓ Identify common shared supplies and develop procedures to sanitize between users
- ✓ Minimize the number of personnel using the same supplies
- ✓ Use no-touch receptacles and sanitizing stations when possible

Environmental Cleaning and Disinfection Resources

CDC guidance for cleaning and disinfecting facilities

www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility

EPA list of registered disinfectants effective against the virus that causes COVID-19

www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2

OSHA general guidance for environmental cleaning and decontamination for COVID-19

www.osha.gov/SLTC/covid-19/controlprevention



ACTIVE SCREENING

In order to prevent the transmission of COVID-19 in courthouses, all individuals should be screened at entry. As courthouses already employ metal detectors to screen for weapons, disease screening could follow on naturally from weapons screening. Ideally, a hand hygiene station, equipped with alcohol-based hand sanitizer and masks, will be positioned at the entrance to the courthouse, before metal detection. After accomplishing hand hygiene and donning a mask, visitors would then proceed through the metal detector. Once through, the entrant would undergo a temperature check and then be asked a brief series of questions. Designated point(s) of entry should be used to facilitate screening of every employee or visitor prior to entry. Visual markers (e.g., tape, spray paint) should be added and spaced out every six feet to prevent individuals from crowding during screening process. Provide masks at the earliest possible point during the screening process, ideally prior to screening and prior to or immediately upon entering the facility.

Screening Questions

- ✓ Develop and implement screening questions to be conducted routinely as individuals enter the courthouse. Examples could include:
 - » Have you been in contact with someone confirmed as having, or suspected to have, COVID-19 in the last 14 days?
 - » Are you currently experiencing any flu-like symptoms (e.g., fever, cough, shortness of breath)?
 - » Have you recently lost your sense of taste or smell?
- ✓ These questions can be asked verbally or by referring to posters of symptoms in the languages spoken by personnel and other individuals present in the court during this process. A poster created by the CDC is included at the end of this document and may be reproduced and displayed at screening points.

Temperature Screening

- ✓ Implement temperature screening prior to entering the facility
- ✓ Train screener on how to administer temperature checks
- ✓ Validate screener has adequate PPE and, as applicable, maintains social distancing during testing
 - » Where able, separate screeners with a physical barrier or divider
- ✓ If using an infrared temperature screening tool, ensure proper validation prior to use

Secondary Screening

- ✓ Secondary screening is warranted when an individual provides a positive response to any of the screening questions or has a temperature over 100°F (38°C); in most cases, such screening will require the involvement of skilled medical or public health personnel. As such, it will likely not take place in the courthouse environment. Primary screeners should be prepared to deal with individuals who fail the initial screening process and should be able to refer them to appropriate medical or public health authorities.



SOCIAL DISTANCING

Social distancing is a strategy to reduce the spread of COVID-19 by limiting interactions with others. Court proceedings that can be conducted virtually are encouraged. When an in-person courtroom appearance is required, participants should maintain a distance of at least six feet from others whenever possible. Physical barriers (e.g., plexiglas partitions) may be installed where applicable. Additional measures designed to promote social distancing in courtrooms are noted on the next page.



- ☑ Develop a policy to limit the number of courtroom visitors
- ☑ Use tape on floors, wherever lines form, to designate spots 6 feet apart (e.g., jury pool waiting areas, courtrooms where voir dire will occur, screening areas, clerk's offices, points at which PPE is distributed)
- ☑ If office staff are required onsite, maintain the 6 foot distancing practice in all work areas
- ☑ Create walk-up windows for employees needing assistance from clerks



COHORTING AND PERSONNEL WORKFLOW/MOVEMENT

- ☑ Limit crossover in entrances, hallways, and common spaces by adjusting personnel workflow
 - » Limit the number of persons in a hallway or entryway at one time
 - » As able, limit contact with high-touch surfaces (e.g., keep doors open to allow movement without touching knobs when possible and when it doesn't impact zoning regulations)
- ☑ As able, promote unidirectional flow through common areas



COMMUNICATION/EDUCATION

Communicating to and educating court personnel and visitors is a critical component of risk management and ensures that accurate information on COVID-19 is provided to these individuals. Educational materials should be available in all relevant languages.

- ☑ Post multilingual signage throughout courthouse outlining risk-minimizing behaviors. Examples include:
 - » Hand-washing reminders and procedures
 - » COVID-19 symptoms and how to stop the spread
 - » Facility screening process/requirements
 - » Cough/sneeze etiquette
- ☑ Provide easy to understand information such as videos, posters and infographics in the languages spoken by courthouse visitors.
 - » Video and image-based infographics avoid translation error and enhance communication with individuals regardless of literacy or language proficiency
 - » Facilities should engage language and culture experts to ensure appropriate and effective communication
- ☑ Provide information to court personnel on self-monitoring of COVID-19 symptoms and guidance for quarantine/self-isolation, including sick leave policies and procedures
- ☑ Provide resources and education to personnel and other individuals present at the court on social distancing outside of the courthouse
- ☑ Refresh staff on proper hand hygiene and glove practices and refraining from touching their face
- ☑ As available, share information and training resources via onsite televisions
- ☑ Group communication and information distribution via text-message blast or email distribution lists can enhance penetration of messaging
- ☑ An individual (perhaps a bailiff) might be assigned to act as "COVID Cop" during each court proceeding, monitoring for breaks in protocol, breeches in PPE, and other safety-related problems.

Communication and Education Resources

CDC printable posters for COVID-19 awareness and stopping transmission:

www.cdc.gov/coronavirus/2019-ncov/communication/print-resources.html?Sort=Date%3A%3Adesc&Audience=Community%20Settings

CDC resources/posters in languages other than English:

wwwn.cdc.gov/Pubs/other-languages?Sort=Lang%3A%3Aasc

CDC consumer-based COVID-19 videos, including a YouTube channel with educational videos in Spanish:

www.cdc.gov/coronavirus/2019-ncov/communication/videos
www.youtube.com/playlist?list=PLvrp9iOILTQZdKZTcAaYdyu4wKmhGCJNc

WHO printable posters for hand washing procedures:

www.who.int/gpsc/5may/resources/posters/en/

Short educational videos for the Hispanic/Latino communities are available on COVID-19 prevention, staying home, and staying safe when a family member is diagnosed with COVID-19:

www.youtube.com/watch?v=t4ILXhyTMJQ&feature=youtu.be
www.youtube.com/watch?feature=youtu.be&v=wHIH1_Fhl2M&app=desktop#menu
www.youtube.com/watch?v=fGVKhqiTgdU&feature=youtu.be

UNMC Center for Reducing Health Disparities videos on mental health in the time of social distancing and, nutrition and healthy eating during the pandemic:

www.latinocenter.org/wp-content/uploads/2020/03/zoom_0.mp4
www.youtube.com/watch?v=YHbQuwb46UQ&feature=youtu.be

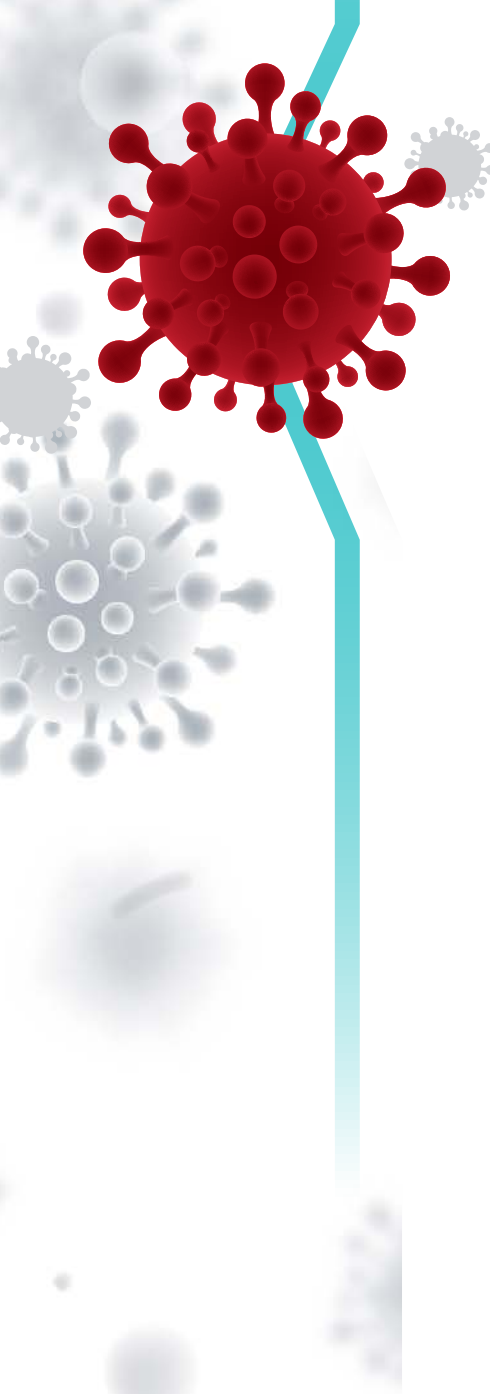
U.S. Citizenship and Immigration Services has released a statement ensuring that COVID-19 testing and treatment will not be used against individuals in a public charge determination:

www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge

GENERAL GUIDANCE FOR PERSONNEL PROTECTION AT HOME AND IN THE COMMUNITY

Although the court system cannot always control activities outside of the courthouse, resources and education can be provided to personnel regarding safe social distancing measures and protective measures against COVID-19 during transport to/from the courthouse and at home. A strategy for disseminating educational materials should be developed in coordination with local public health departments.

- ☑ Provide personnel with information on safe **social distancing practices**
- ☑ Provide information to personnel and other individuals present in the court on self-monitoring of **COVID-19**
 - » Encourage them to stay home if they have ANY symptoms of COVID-19
- ☑ Communicate flexible leave policies to employees and regularly reinforce that communication
- ☑ Know how to connect with the **local public health department**
- ☑ Promote basic **protective measures against COVID-19**
 - » Wash hands with soap and water for at least 20 seconds frequently
 - » Avoid touching eyes, nose, and mouth
 - » Avoid contact with people who are sick
 - » Clean and disinfect frequently touched surfaces in the home (e.g., doorknobs, tables, phones)



- » Follow guidance of local and state public health on staying home, avoiding non-essential errands and social gatherings, and respecting the ten-person limit
- » Avoid going to the grocery store except when necessary
- ☑ Masks and face-coverings outside of the workplace
 - » Encourage personnel to wear face-coverings outside of the courthouse (e.g., transport, at home)
 - » Encourage personnel to wear face-coverings during transport to the courthouse
 - › If using cloth face-coverings, provide personnel information on **cleaning and use of cloth face-coverings**
 - » Personnel should be careful not to touch their eyes, nose, or mouth during removal
 - » Perform hand hygiene immediately after removal
- ☑ Carpooling
 - » Encourage personnel to minimize carpooling to work, when possible
 - » As much as possible, limit the number of people per vehicle and space out seating
 - » Encourage personnel to perform hand hygiene prior to entering the vehicle and as soon as they get to work or home
 - » Remind carpoolers of risk-minimizing personal behaviors such as cough etiquette and avoiding touching their faces



TESTING

- ☑ Develop a testing strategy in coordination with local public health officials
- ☑ If an individual is suspected or confirmed to have COVID-19, quarantining and testing should be prioritized among close contacts of the confirmed case
- ☑ Work with local and state public health officials to conduct testing of priority cases



PERSONAL PROTECTIVE EQUIPMENT

PPE is considered the least effective method to protect individuals due to its reliance on the user; if the user wears improperly, or the PPE fails, the worker is exposed. However, this does not mean PPE is not important. Personnel in many settings should be provided appropriate PPE and trained on its correct use.

Appropriate PPE should be provided to all personnel. Per the Universal Mask policy recommendation (Page 5), all individuals entering the courtroom should be provided a procedure mask, when available, upon entrance to the facility due to close contact with other employees. Cloth masks may not provide the needed protection for individuals but are an alternative if procedure masks are unavailable.

Employers should validate that all employees wear PPE properly and correctly. The mask should cover both the mouth AND nose. Personnel should avoid touching the front of the mask and should not allow the mask to hang around the neck. If necessary, identify auditors/observers to help ensure compliance. Careful compliance to proper mask use is essential. Proper hand hygiene after facial coverings are removed should be emphasized. When taking off the mask to eat or drink, remove by the ear loops and place on a paper towel with the exterior side of mask down. Do not touch the front of the mask, as the front is contaminated. The mask should not be pushed under the chin to rest on the neck.

Checklist or instructions informing proper donning and doffing of PPE should be posted in the languages spoken by personnel and other individuals present in the courtroom and include visual images. Doffing of PPE to reduce disease transmission is especially critical: checklists should ensure hands are clean/sanitized when taking off masks.

Provide masks at the earliest possible point during the screening process. Provide a hand sanitizer dispenser at the point of mask distribution so personnel and visitors don masks with clean hands. Measures should also be developed to distribute daily cycled PPE to avoid unnecessary touching by multiple individuals.

Personal Protective Equipment Resources

OSHA Guidance for Prevention and Control

www.osha.gov/SLTC/covid-19/controlprevention

The Association for Professionals in Infection Control (APIC) Procedure Mask Poster
"Do's & Don'ts"

www.apic.org/Resource_/TinyMceFileManager/consumers_professionals/APIC_DosDontsofMasks_hiq.pdf

The National Emerging Special Pathogens Training and Education Center Webinar on Varying Masks

www.youtube.com/watch?v=gcc8kVb7n_Y&feature=youtu.be&fbclid=IwAR3HhZ_xTimaMqzSFTHTa-B2NsHX4as2EPQ1XmoqHtVRqPJBDUjrMzEoDE

CDC Understanding the Difference between N95s and Procedure Masks

www.cdc.gov/niosh/npptl/pdfs/UnderstandDifferenceInfographic-508.pdf

CDC Information on cleaning and use of cloth masks

www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf





SPECIAL SITUATIONS



COURTHOUSE ENTRY

Courthouses serve as gathering places for individuals from throughout a given jurisdiction. As such, courtroom entry points are particularly problematic, presenting an opportunity for close interpersonal encounters. Moreover, many entrants will not be masked until a mask is provided to them during the entry/screening process.

In order to mitigate risk in this setting, masks should be readily available at courthouse entry points and should be provided to visitors at the earliest possible point in the entry process, ideally prior to entry into the courthouse itself. Hand sanitizing stations could also be erected at this point.

Once masked and following hand sanitizing, visitors could then safely proceed through metal detection and security screening. Health screening (involving a temperature screen, as well as a series of questions, as detailed previously) would then be conducted; only afebrile individuals answering “no” to all screening questions would be permitted to progress further into the courthouse.

During the entry process, individuals should remain at least six feet apart. Guide lines (taped or painted) on the floor can be used to delineate six foot intervals.



JURY SELECTION AND THE VOIR DIRE PROCESS

Jury trials present increased opportunities for COVID-19 transmission. Prevention and mitigation efforts should begin with the jury summons. All jury summons should contain information relating to court processes, such as entry screening, universal masking policies, and social distancing measures. Jurors should have the opportunity to defer jury duty if they are experiencing COVID-19 symptoms, have been exposed to someone who has tested positive for COVID-19, or are at high risk of infection by virtue of age or underlying health conditions.

Jury pool waiting areas should be set up so that potential jurors can sit at an appropriate distance from each other (perhaps even waiting in their cars while awaiting summoning via cellphone). When participating in voir dire, limit the number of potential jurors who can be called into the courtroom at a time. Consider dividing the jury panels into smaller groups to be called into the courtroom at separate times. When screening a jury panel, questioning should not occur at the bench, to ensure that sufficient physical distance is maintained.



MOVEMENT OF DEFENDANTS BY LAW ENFORCEMENT PERSONNEL

The movement of defendants into the courtroom by law enforcement personnel involves close and potentially confrontational interpersonal contact. In view of the higher degree of risk associated with such situations, it would be prudent to mask both parties. Moreover, law enforcement personnel might be afforded face shields or goggles to be worn over their masks as well as gloves. Finally, hand sanitizer should be made readily available to law enforcement personnel and ideally could be carried on their person.



THE JURY BOX

In the event of jury trials, every effort should be made to ensure that jurors are sufficiently distanced from each other. If possible, Plexiglas barriers should be installed in the jury box to minimize contact between jurors. If unable to install barriers, seat jury in a larger area of the courtroom, such as the gallery, where they can maintain an appropriate distance from each other. Remote technology should not be used for jury trials.



ILLNESS AMONG TRIAL/PROCEEDING PARTICIPANTS

Daily screening upon entry to the courthouse should preclude most situations wherein a participant in a trial or other proceeding would develop fever or other signs of illness in the midst of the proceeding. Nonetheless, court officers should be prepared for such an eventuality. To mitigate the risk of a mistrial in such circumstances, judges should use their discretion to determine if additional alternate jurors beyond the typical amount may be needed.

In the event that any proceeding participant develop subjective fever, persistent cough, or shortness of breath, an immediate halt should be called to the proceeding and the symptomatic individual should be sequestered pending an assessment. This assessment should include a temperature and an inquiry as to the nature of symptoms (specifically asking about cough and shortness of breath). The finding of fever (temperature >100.4 F or 38 C) or an affirmative answer to questions about cough or shortness of breath should prompt the involvement of public health authorities. Ideally, a rapid viral assay can be performed. If this test is negative for COVID-19, and the individual is critical to the proceedings, these might proceed, assuming the concurrence of health authorities. If this test is positive for COVID-19, the afflicted individual should be barred from further participation in the proceeding. If the presence of the person is critical, the proceeding should be delayed until such time that they recover and are cleared by health authorities.

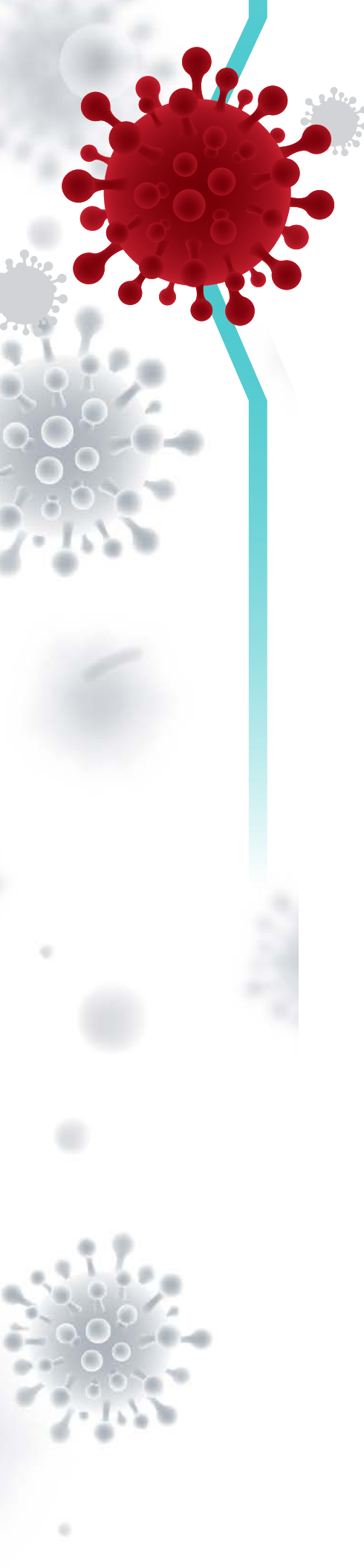


OTHER COURT CONSIDERATIONS

In all circumstances where individuals may be grouped together, appropriate social distancing measures must be taken. For example, any meetings that would typically occur in judge's chambers should be held virtually, if possible. If meetings cannot be held virtually, attendees should maintain appropriate physical distance and wear face coverings. Additionally, bench conferences should be prohibited, in order to maintain social distancing.

If there is a law library present in the courthouse, physical distance should be maintained and available desks/tables should be limited to those that are appropriately spaced apart. Physical materials, such as reference books, periodicals, or legal/regulatory materials, should not be distributed or circulated, unless disinfection of the materials can be ensured. When possible, these resources should be made available electronically.

The court should provide communication about updated court processes (including masking policy, entry screening, etc.) to any individuals who may conduct business in the court. This could include, but is not limited to, attorneys, litigants, pro se individuals, parties to a trial, potential jurors, police/security officers, and third party vendors. This information should be made available on the court website, and disseminated along with court summons, where relevant.



ADDITIONAL COVID-19 RESOURCES

CDC Interim Guidance for Businesses and Employers

www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

CDC Basic Information on COVID-19

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html

CDC Guidance for Critical Infrastructure Workers with COVID-19 Exposure

www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html

OSHA Guidance for Preparing Workplaces for COVID-19

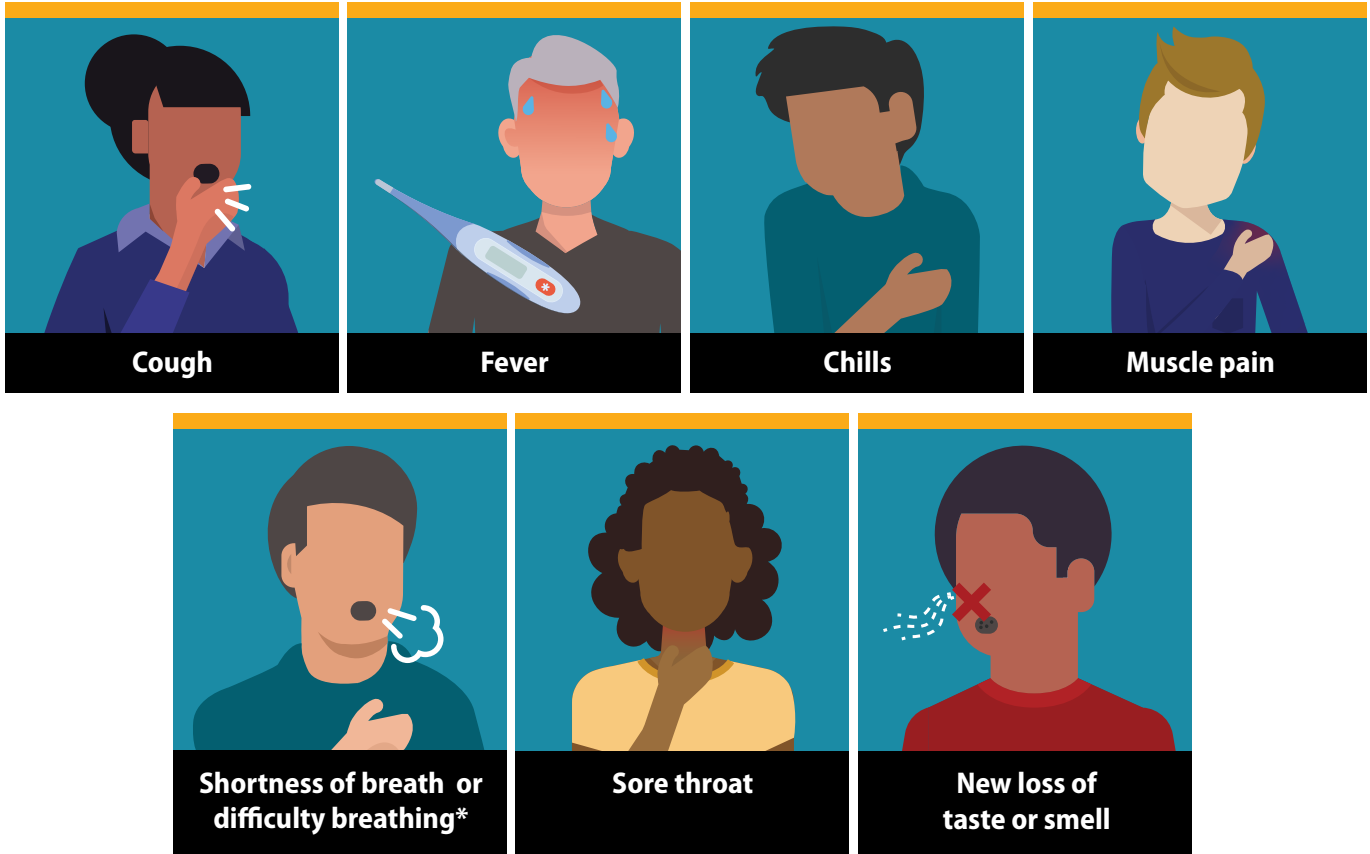
www.osha.gov/Publications/OSHA3990.pdf

OSHA Guidance for Prevention and Control

www.osha.gov/SLTC/covid-19/controlprevention.html

Symptoms of Coronavirus (COVID-19)

Know the symptoms of COVID-19, which can include the following:



Symptoms can range from mild to severe illness, and appear 2-14 days after you are exposed to the virus that causes COVID-19.

***Seek medical care immediately if someone has emergency warning signs of COVID-19.**

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion
- Inability to wake or stay awake
- Bluish lips or face

This list is not all possible symptoms. Please call your medical provider for any other symptoms that are severe or concerning to you.



cdc.gov/coronavirus

317142-A May 20, 2020 10:44 AM



**GLOBAL CENTER
FOR HEALTH SECURITY**