

COVID-19: RECOMMENDED PRECAUTIONARY MEASURES

JURY MANAGEMENT MANUAL

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Authored By:

Ministry of the Attorney General Recovery Secretariat

CONTENTS

CONTEXT	4
Use of Non-Courthouse Locations.....	4
FOUNDATIONAL PRECAUTIONARY MEASURES FOR JURIES	5
Journey Mapping and Risk Identification.....	5
Role of Joint Health and Safety Committees (JHSC) during Recovery.....	5
The Hierarchy of Controls	6
Physical Distancing.....	7
Facility and Room Capacity	7
Plexiglass Barriers	8
Hand Hygiene.....	8
Enhanced Cleaning	8
Face Coverings.....	9
Definition	9
Personal Protective Equipment (PPE).....	10
Definitions.....	10
Monitoring of Safe Practices	11
Signage.....	11
Decals and Markings	11
Communication.....	11
Entrance Protocol.....	12
Communication of a Probable or Confirmed COVID-19 Case.....	13
JURY SELECTION	15
Jury Assembly Room (or Courtrooms).....	15
Registration Area.....	15
Jury Selection Support Staffing	15
Upon Selection of Jurors.....	16

Trial17

Preparing the Jury Deliberation Room	17
Jury Deliberation Room (JDR)	17
Preparing the Courtroom	18
Communication with Jurors	19
Trial Support Staffing	19
Daily Preparation during Trial	19
Review of Precautionary Measures	20
Daily Protocol	20
Movement of Jurors throughout Courthouse	20
Providing Judicial Support	21
DELIBERATION / SEQUESTERING	22
Deliberation / Sequestering Support Staffing	22
Food Service	22
Overnight Sequestering	22
JURY DISCHARGE	23

CONTEXT

Beginning in September 2020, jury events (e.g. jury selection and jury trials) will resume at some courthouses across the province. In planning for these events, it is of the utmost importance to ensure that individuals who are summoned to a jury selection, jurors and staff involved in supporting juries are made aware of, understand and have confidence in the measures put in place to protect their health and safety.

To support the recovery of jury events, the ministry has created this resource specific to jury management, sharing the steps that have been, and will be taken to:

- Prepare courthouses to resume jury events
- Mitigate the risk of COVID-19 transmission during jury events
- Ensure access to justice

The Ministry of the Attorney General (MAG) is responsible for resuming jury events across Ontario. The implementation of precautionary measures must take into consideration many factors that may affect how jury events are resumed at each site.

This resource addresses precautionary measures specific to jury management and acts in coordination with the broader [Guidebook of COVID-19 Precautionary Measures for Resuming Court Operations](#). All content within the guidebook remains consistent for jury events.

The content of this resource was informed by the [materials developed by the Action Committee on Court Operations in Response to COVID-19](#).

Use of Non-Courthouse Locations

The ministry may utilize non-courthouse locations to support functions of the jury process. Where this occurs, the facilities will undergo a risk assessment and will have all appropriate precautionary measures in place consistent with what is indicated below for courthouses.

FOUNDATIONAL PRECAUTIONARY MEASURES FOR JURIES

Journey Mapping and Risk Identification

- In advance of a jury event, mapping of the daily journey of individuals attending for jury selection and/or jurors throughout the courthouse will be undertaken. This process will be used to identify risks and the appropriate processes or precautionary measures to be introduced. Where possible, certified JHSC committee members will be involved. It may also be helpful to involve staff who are experienced in jury management and jury events in this process.
- Key areas for consideration should include but are not limited to: entrance to the courthouse, registration, travel to and within the Jury Assembly Room (JAR) and the Jury Deliberation Room (JDR), travel to and within the courtroom, and washrooms.
- The journey mapping process may also be used to identify the best path of travel throughout the courthouse for jurors. The path should be inclusive of alternative routes to address accessibility needs.
- As the path of travel is mapped out it is important to identify where face coverings are required and/or where personal protective equipment (PPE) may be required for areas where two-metre distancing is not possible and/or no other hierarchy of controls exist. Signage may be placed at key points to indicate "Attention Jurors: PPE is required beyond this point".

Role of Joint Health and Safety Committees (JHSC) during Recovery

The role of the JHSC at courthouses remains consistent throughout the response to and recovery from the COVID-19 outbreak. JHSC representatives will continue to be involved in reviewing the courthouse environment for risks and discussing the measures that are being introduced.

Resources to support JHSC representatives can be found at the following links:





[Guide for health and safety committees and representatives](#)

[Maintaining an Effective JHSC During Emergency Situations COVID 19 Fact Sheet](#)

The Hierarchy of Controls

Public Health Ontario and the Ministry of Labour, Training and Skills Development (MLTSD) recommend employing a hierarchy of control measures to effectively mitigate risks identified through the site assessment process. This approach reflects the requirements of applicable provincial occupational health and safety legislation and has been used to identify the appropriate precaution measures to support jury matters.

The principle of the hierarchy of controls has been used to identify opportunities to mitigate risk. In jury events the following approaches may be employed to address the risk of transmission of COVID-19.

Type of control	Description and Example
 ELIMINATION Remove the hazard	<p>Remove the hazard.</p> <ul style="list-style-type: none">Individuals will be asked not to attend the courthouse if they are unwell and will be provided with contact information to use should they be unable to attend.Individuals will be required to maintain physical distancing within the courthouse.Jurors may be positioned throughout the courtroom (e.g. in the jury box public gallery or body of the courtroom) to allow physical distancing to be maintained.
 SUBSTITUTION Replace the hazard	<p>Substitute hazardous substance for a less hazardous one.</p> <ul style="list-style-type: none">Not applicable to COVID-19
 ENGINEERING Design out the hazard	<p>Isolate emission source. Use of barriers.</p> <ul style="list-style-type: none">In some locations, additional plexiglass barriers may be introduced in the jury box, as well as elsewhere in the courtroom
 ADMINISTRATIVE Safe Work Policies, Procedures and Practices	<p>Work procedures and processes such as: process changes, procedures and practices, change to tools used.</p> <ul style="list-style-type: none">Hand hygiene program

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- Administrative actions including but not limited to: training, compliance enforcement, hours of operation, signage, capacity for room/building, active screening.
-



PPE selected to address the route of entry for the hazard. In the case of COVID-19 protection for the nose, eyes and mouth against droplet transmission.

- Where physical distancing cannot be maintained and an engineered barrier is not in place, PPE will be issued to jurors.
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Physical Distancing

- Whenever possible, physical distancing of two metres should be maintained between individuals.
- Where physical distancing is not possible, other control measures will be introduced, such as engineered controls or the use of PPE.
- Individuals will be called to attend to the courthouse in group sizes where physical distancing can be maintained throughout the process, group sizes will adhere to provincial direction regarding gathering caps.
- Movement of individuals within the courthouse will be limited to the degree possible.

Facility and Room Capacity

- Maximum occupancy levels have been identified for the courthouse, courtrooms, Jury Assembly Room (JAR), and Jury Deliberation Room (JDR) to support physical distancing measures.
 - The maximum capacity will be clearly indicated at the entrance to the courthouse and near entrances to rooms. Where possible, seating in excess of the room capacity will be taped off or removed.
- The courtroom, JAR, and JDR occupancy will be monitored by designated individuals.
- Where the JAR or JDR capacity is exceeded, an alternate space should be identified in consultation with the presiding judge that has adequate capacity.

Plexiglass Barriers

- In addition to plexiglass barriers installed in courtrooms as described in the broader guidebook, barriers may also be installed in the jury box.
- Where plexiglass barriers are not installed, physical distancing will be maintained, or PPE will be issued to jurors.

Hand Hygiene

- Jurors will be required to practice hand hygiene and respiratory etiquette throughout their time at the courthouse and to use hand sanitizer:
 - When entering the courthouse, courtroom, JAR and JDR
 - Before and after handling documents or resources
 - Before donning and after doffing PPE
- Jurors should avoid touching the face, eyes, nose or mouth with unwashed hands.
- Hand sanitizer will be available in the JAR, JDR and the courtroom. Should a juror require hand sanitizer where it is not readily available, they may ask court staff to provide it.
- Signage will be posted to remind jurors of proper hand hygiene and respiratory etiquette.
- Hands must be washed with soap and water if visibly soiled.

Enhanced Cleaning

- Daily enhanced cleaning is performed up to three times per day at courthouses in response to the high degree of public-facing interaction (See [Guidebook of COVID-19 Precautionary Measures for Resuming Court Operations](#) for details).
- Enhanced cleaning involves cleaning with Health-Canada approved disinfectant cleaners.
- The jury box in the courtroom will be cleaned between proceedings by cleaning crews hired by CBRE for government-owned locations and by landlord cleaning crews for leased locations (i.e., Day Porters as per local arrangements).

- Enhanced cleaning will occur up to three times daily at a minimum, however, if court recesses, lunch break, etc. occur more than three times, the space will be cleaned when vacated.
- To ensure the preservation of the confidentiality of the JDR and the materials therein, enhanced cleaning will only occur at the request of jurors via court staff during the day but will be cleaned at the end of the day.

Face Coverings

Definition

A non-medical-grade barrier (i.e., cloth mask) is designed to be worn over the nose and mouth to prevent the wearer from spreading infectious droplets to others. Face coverings are a source control measure and are not classified as PPE.

- Face coverings do not replace the need for PPE in situations where physical distancing cannot be maintained or a plexiglass barrier is not in place.
- Individuals attending to the courthouse for jury selection and jurors are required to wear face coverings in all areas, except for:
 - When required to wear PPE
 - Within or behind a physical barrier or shield
- Face coverings will be provided to individuals called to a jury selection and to jurors. Should individuals wish to bring their own face covering they are permitted to do so; however, they must be reasonable and appropriate for the courtroom (i.e., clean, non-threatening, no profanity, etc.) and should be worn and handled appropriately in alignment with Ministry of Health direction.
- Individuals may be unable to place and remove a face covering without assistance, and/or wear face coverings for a number of reasons including a physical or mental condition, medical condition (e.g. respiratory disease) or other accommodation in accordance with the Ontario Human Rights Code. Where an individual is unable to wear a face covering, they may seek a deferral from jury service.

Personal Protective Equipment (PPE)

Definitions

Face Mask

A medical-grade protective barrier (i.e., surgical mask) designed to be worn over the nose and mouth to protect the wearer from exposure to infectious droplets. It meets international testing standards for medical grade equipment and is referenced by Public Health Ontario and Health Canada as appropriate PPE in response to COVID-19.

Eye Protection

A protective barrier designed to be worn over the eyes to protect the wearer from exposure to infectious droplets. It meets international testing standards for medical grade equipment and is referenced by Public Health Ontario and Health Canada as appropriate PPE in response to COVID-19.

- Where PPE is indicated, the wearer must don both a face mask and eye protection (e.g. goggles or face shield) to protect all mucous membranes.
- PPE is not a substitute for other important infection prevention and control practices such as physical distancing and hand hygiene.
- PPE and PPE training materials will only be provided to individuals attending for jury selection and jurors in circumstances where the risk of COVID-19 exposure cannot be eliminated or sufficiently reduced by other control methods such as physical distancing or plexiglass barriers.
- Where PPE is indicated:
 - Individuals will be provided two masks per day, and one face shield for the duration of their time as a juror that can be cleaned each time prior to donning using cleaning products and paper towel provided (provided that the face shield) is indicated for repeat use).
 - Court staff supporting the jury should always have extra PPE on hand in the event it is required by a juror.
- Individuals may be unable to place and remove PPE without assistance, and/or wear PPE for a number of reasons including a physical or mental condition, medical condition (e.g. respiratory disease) or other accommodation in accordance with the Ontario Human Rights Code. Where an individual is unable to wear PPE they may seek a deferral from jury service.

Monitoring of Safe Practices

- Monitoring personnel are in place at entrances and throughout the facility to ensure adherence to safe practices.
- The jury will be supported by court staff for the duration of the time in the courthouse. The court staff will assist in ensuring that safe practices are adhered to by jurors.

Signage

Signage will be installed throughout the courthouse, including both the JAR and the JDR that indicates:

- Maximum occupancy
- Entrances and exits (where possible)
- COVID-19 Information
- Practice hand hygiene and respiratory etiquette
- Physical distancing requirements
- Wear face covering at all times
- Decals and Markings
- Decals and markers should be installed to support the maintenance of physical distancing and one-directional movement within both the JAR and the JDR.
- Physical distancing should be marked on the floor around:
 - Chairs
 - Tables
 - Credenzas
 - Whiteboards
 - Flipcharts
- Path of travel through rooms should be marked out from entrance to exit.

Communication

- A two-page communication is sent to potential jurors as part of the summons package that outlines measure that are in place to address the risk of COVID-19 in courthouses.

- Individuals attending for jury selection and jurors are directed to the [Jury Duty information page](#) which in turn links to the [Reopening Courtrooms information page](#).
- Individuals are provided with contact information for questions or concerns about jury duty. The contact information lists the local court and the Provincial Jury Centre. Staff at each location have been given questions and answers related to jury duty and COVID-19.
- Individuals attending for jury selection are directed to an online juror pre-screening and check-in tool, which includes information and questions that will identify if an individual may require a deferral from jury duty due to COVID-19 related vulnerabilities. This tool also allows individuals to identify accessibility or accommodation requests.
- Where possible, individuals should watch the juror orientation video provided in the online juror pre-screening and check-in tool prior to coming to the courthouse.
- Individuals attending for jury selection and jurors will be supported by court staff throughout their time at the courthouse. These staff members will assist in answering any questions that jurors may have throughout the process.

Entrance Protocol

- Jurors will continue to undergo security screening in keeping with local practices.
- All attendees to the courthouse are required to complete active daily screening prior to entering the courthouse.

Screening must be completed by all persons seeking to enter the courthouse, including staff and members of judiciary.

Screening Process:

The following screening methods are available:

1. In advance of leaving home or office: On the date of the anticipated attendance at a court location a person can access the COVID-19 screening questionnaire by following this internet URL link:
 - English: <https://covid-19.ontario.ca/courthouse-screening/>

- French: <https://covid-19.ontario.ca/depistage-tribunaux/>
- 2. Upon arriving at the courthouse: A person will be directed via entrance signage to use a mobile device to scan the quick response Code (QR-Code) which will lead them to complete the COVID-19 screening questionnaire online.
- 3. No Mobile Device: Upon arriving at the courthouse, a person will be directed via entrance signage to complete a paper-based alternative version of the screening questionnaire, located near the courthouse entrance.

If the individual is deemed admissible:

- They will be required to:
 - Don a face covering (they will be provided one if they did not bring their own)
 - Use hand sanitizer
 - Maintain physical distancing of two metres (six feet) from other individuals

If the individual is deemed inadmissible:

- If they are an individual attending for jury selection, they will be asked to not to enter/attend the courthouse and to contact the Sheriff's Office list on their summons to seek a deferral of jury service. If an individual has no means to contact the Sheriff's office, the active screening attendant will assist with contacting the Sheriff's office.
- If they are a juror, they will be asked to immediately contact the Sheriff's Office (or Jury Office) so that the court staff assigned to the proceeding can notify the presiding judicial official

Communication of a Probable or Confirmed COVID-19 Case

If an individual called to jury selection or a juror becomes unwell with COVID-19 symptoms while at the courthouse, they will be required to:

- Notify the court staff supporting the jury or jury selection process.

- Leave the courthouse as soon as possible with the reminder that duties and responsibilities as a member of the jury are to be maintained.
- Self-isolate if unable to leave immediately. A room will be prepared in the event that a juror requires isolation for any reason including presenting with COVID-19 symptoms while at the courthouse. Enhanced cleaning will occur in this room as required.
- Use the [Ontario Self-Assessment Tool](#), and/or contact [Telehealth](#), or their health care provider to seek guidance and testing if recommended.

In the event of a suspected or positive case of COVID 19 at the courthouse, the Ministry Emergency Operations Centre (MEOC) at mag-eoc@ontario.ca will be contacted and advised. The MEOC will assist management in following the approved operational guidelines which include immediately consulting with the local public health department for advice and advising staff and stakeholders.

Public Health will conduct any required contact tracing and will communicate directly with any individual identified through their process. Local management will follow all direction as provided by Public Health with regard to any infection prevention and control measures, including enhanced cleaning.

The continuation of the jury event will be determined at the discretion of the presiding judge.

JURY SELECTION

Jury Assembly Room (or Courtrooms)

- Supplies within the JAR may include but are not limited to:
 - Open garbage cans with liners
 - Bottled water
 - Surface cleaner
 - Paper towels
 - Hand sanitizer
 - Kleenex
 - Extra face coverings and PPE
- An area will be set up near the entry to the JAR that may include:
 - Chairs and table for court staff
 - Hand sanitizer
 - Extra face coverings and PPE
 - Juror kits for storage of PPE

Registration Area

- All individuals will be required to complete daily COVID-19 screening and show the results of their screening prior to entry whether entering through the public entrance or a separate entrance.
- Supplies at the registration area may include but are not limited to:
 - Desk with plexiglass or staff will be wearing PPE
 - Hand Sanitizer
 - Pencils/pens
 - Signage
- Pens and pencils should be single use or wiped down between use.

Jury Selection Support Staffing

- Jury selection will be supported by court staff who will:
 - Wear appropriate face covering or PPE when indicated
 - Support the movement of individuals from the JAR to the courtroom and back
 - Support compliance with physical distancing measures

- Provide jurors with hand sanitizer before entering the courthouse, JAR, and courtroom(s)
- Provide directions for seating
- Provide directions for belongings

Upon Selection of Jurors

Confirmed jurors should be moved to an area where physical distancing and any other necessary measures can be maintained.

TRIAL

Preparing the Jury Deliberation Room

Jury Deliberation Room (JDR)

- Supplies within the JDR may include but are not limited to:
 - Open garbage cans with liners
 - Bottled water
 - Surface cleaner
 - Paper towels
 - Hand sanitizer
 - Kleenex
 - Extra face coverings and PPE
 - Tables
 - Chairs
 - TVs (where necessary)
 - Whiteboards or flip charts
- Each juror will be assigned a seat and spot at the table will be labelled with assigned juror numbers. Assignment will be tracked.
- Each juror will be provided with a supply basket labelled with their number that may include but is not limited to:
 - Whiteboard eraser
 - Whiteboard markers
 - Pad
 - Pens
 - Pencils
 - Eraser
 - Small hand sanitizer
 - Kleenex
 - Set of PPE (medical mask and face shield) if indicated
 - PPE training / instructions
 - Extra face covering
- Jurors will be provided with cleaning products to wipe down their area, supplies and materials at the beginning and end of day and throughout the day at their discretion.
- To ensure the preservation of the confidentiality of the JDR and the materials therein, enhanced cleaning will only occur at the request of jurors via court staff during the day but will be cleaned at the end of the day. In advance of cleaning staff entering the JDR, jurors will be asked to remove/store any sensitive materials or information relevant to their deliberations. Court staff will be available to assist in ensuring the JDR is ready and appropriate for entrance of cleaning personnel.

Preparing the Courtroom

- Each location will determine the most appropriate seating arrangement for jurors in consultation with the presiding judge. Appropriate precautionary measures such as physical distancing, plexiglass barriers, or PPE will be implemented and/or maintained.
- The arrangement of jurors within the courtroom is subject to local judicial direction. Any arrangement within the courtroom will ensure that precautionary measures are in place that support health and safety and are consistent with the direction of the Chief Medical Officer of Health.
- Courtroom arrangements and associated precautionary measures may include but are not limited to:
 - Physical distancing: Seating jurors throughout the courtroom to allow for physical distancing to be maintained. This may include extending the length of the jury box, or removal of the jury box entirely to allow for proper placement of juror seating. In this arrangement, jurors would be required to wear face coverings within the courtroom. Physical barriers would not be introduced, and PPE would not be required for jurors.
 - Plexiglass barriers: Plexiglass barriers may be introduced to the jury box to introduce an engineered control where physical distancing cannot be maintained. In this arrangement jurors would be required to wear face coverings and may be required to wear PPE at times when entering and exiting the jury box, and when standing.
 - PPE: Jurors may be provided with PPE to wear at any point when physical distancing cannot be maintained, and a plexiglass barrier has not been introduced.
- In all arrangements, each juror seat will be labelled with the juror number and each juror seat will be equipped with a kit to be placed at the feet of the juror or under their seat in a tray. The kit will contain:
 - Pad
 - Pens
 - Small hand sanitizer
 - Kleenex
 - Bottled water
 - Spare face covering

Communication with Jurors

- With the support of the presiding judge, court staff will provide jurors information about the processes and precautionary measures in place to support their health and safety.
- This information may include but is not limited to:
 - Morning routine and entrance protocol (including accessing the screening tool)
 - Courthouse contacts
 - Review of foundational precautionary measures listed above
 - If PPE is indicated: provision of PPE training and opportunity to practice donning and doffing PPE
 - Tour of areas that will be accessed by jurors and daily path of travel
 - Travelling through secure corridors
 - Entering and exiting the courtroom and jury box
 - Entering and exiting the JDR
 - Washroom protocols
 - Fresh air protocols
 - Exhibit handling protocols
 - Cleaning and disposal of supplies resources

Trial Support Staffing

- Each jury will be supported by court staff who will:
 - Support escorting the jury throughout the courthouse
 - Act as a floater/runner
 - Support adherence to prevention measures outlined above
 - Support the presiding judge

Daily Preparation during Trial

- Subject to local practices, each day of the trial, prior to the arrival of jurors, court staff will:

- Attend to the juror entrance (where applicable) or the agreed upon meeting area
- Wear face coverings or PPE, if indicated
- Bring any necessary supplies with them including face coverings and/or PPE for jurors if it is indicated

Review of Precautionary Measures

- On the first day of the trial, a review of the topics covered during the walkthrough (listed above) will be provided by court staff.
- The presiding judge may also choose to use their opening statement as an opportunity to highlight health and safety protocols, and to identify courtroom personnel available to answer questions and provide ongoing guidance.

Daily Protocol

- Subject to local practices:
 - Each morning court staff will review juror's supplies and restock as necessary.
 - Court staff will meet jurors at the pre-arranged location and time to:
 - Escort jurors throughout the courthouse
 - Provide face coverings and/or PPE where indicated
 - Ask jurors to use hand sanitizer regularly including at the entrances to the JDR and the courtroom

Movement of Jurors throughout Courthouse

- Court staff and jurors will don face coverings or PPE if indicated.
- Jurors will maintain physical distancing of two metres between individuals.
- Court staff will escort jurors and support adherence to precautionary measures and consistent with local practices.
- Once jurors are seated in the courtroom, court staff will remain available to jurors. Seats will be placed where physical distancing can be maintained if a plexiglass barrier is not in place. If physical distancing cannot be maintained or a plexiglass barrier is not in place, PPE will be donned.

Providing Judicial Support

- Subject to local practice/direction:
 - Court staff supporting the judge will meet them outside of courtroom in the secure corridor to escort the judge into the courtroom. Physical distancing of two metres between individuals will be maintained. If physical distancing cannot be maintained during this process, PPE will be donned.

DELIBERATION / SEQUESTERING

Where a jury is sequestered, the adherence to precautionary measures within the JDR will continue.

Deliberation / Sequestering Support Staffing

Subject to local practices, juries that are deliberating/sequestered will be supported by court staff who:

- Remain available for assistance and additional supplies
- Act as a floater/runner

Food Service

- Areas should be identified for jurors to eat where physical distancing can be maintained.
- Where feasible, meals should be brought to the courthouse rather than having jurors leave for meals.

Overnight Sequestering

- If jurors are required to sequester overnight, they may need to travel between the courthouse and their accommodations. At all times they will be asked to continue to abide by general precautionary measures as directed by Public Health Ontario including hand hygiene, respiratory etiquette, physical distancing, and wearing a face covering when indicated.
- The ministry will work with hotels to ensure that measures are in place to address health and safety for jurors while sequestered overnight.

JURY DISCHARGE

- Upon being discharged, jurors will dispose of all PPE (if issued) at the courthouse.
- Supplies that were used by the jury will be wiped down with cleaning products by court staff.
- If at any point after being discharged, a juror experiences symptoms of COVID-19 they should immediately self isolate and use the [Ontario Self-Assessment Tool](#), and/or contact [Telehealth](#), or their health care provider, or their local public health unit to seek guidance and testing if recommended.
- MAG will support any requests from Public Health to assist in contact tracing that may involve juror information, ensuring confidentiality is maintained.