



Jury Arrival and Departure

A Statement from the Action Committee

Our Committee exists to support Canada's courts as they work to protect the health and safety of all court users in the COVID-19 context while upholding the fundamental values of our justice system. These mutually sustaining commitments guide all of our efforts.

The [Action Committee on Court Operations in Response to COVID-19](#) has released this Tip Sheet to help guide the safe resumption of court operations in Canada.

This Tip Sheet is informed by [Principles and Perspectives](#) drawn from health and safety experts, the judiciary, governments and courts administrators – each motivated by a shared responsibility to protect the health and safety of Canadians in planning for the resumption of in-court operations.

It applies a phased method of risk identification and risk mitigation recommended by the Public Health Agency of Canada, and previously released by the Action Committee in its [Orienting Principles on Safe and Accessible Courts](#). This involves surveying the various elements of court operations, identifying risks for COVID-19 transmission, and implementing mitigation strategies according to a hierarchy of controls. Physical distancing is the foundation for this hierarchy, followed by engineering controls, administrative controls, and the use of personal protective equipment (PPE), each of which combine to form an integrated and thorough approach to protecting health and safety.

Notice

- This guidance is not exhaustive and is advisory only; it is not intended to replace applicable health and safety laws and regulations, nor does following this guidance ensure compliance with those laws and regulations. Awareness and observation of legal responsibilities must form an integral part of court operations in response to COVID-19. The guidance must be reviewed and adapted by adding good practices and policies to meet local circumstances and needs.
- When putting health and safety measures in place, always consider the hierarchy of controls, continue to evaluate how effective they are, and make changes when needed. Consultation with key stakeholders is also necessary, including workplace health and safety committees.

Process Survey and Risk Identification: Jury Arrival and Departure

The operation of criminal jury processes differs by jurisdiction, location, and court facility. Common elements of jurors' daily arrival to and departure from the courthouse are described below, in order to help define risks and inform appropriate control measures. A more detailed account of these elements is available in the Action Committee's [Phases and Steps of a Criminal Jury Trial](#).

- **Daily arrival to and departure from courthouse** - Jurors are typically responsible for transporting themselves to and from the courthouse for each day of a trial. Although they typically remain together during recesses, they may also leave the courthouse independently (for example, to eat lunch or get fresh air). Jurors typically return to their homes at the end of each day. In certain circumstances, such as trials in remote regions, jurors may be housed in temporary accommodation (such as a hotel) for the duration of a trial.
- **Hazards:** Proximity and exposure to other individuals during commute to and from the courthouse, especially if using public or shared transportation; proximity and exposure to other individuals during breaks, either within or outside the courthouse; proximity and exposure to individuals in jurors' home environments. (Note: hazards relate both to jurors potentially contracting COVID-19 and transmitting it within the courthouse, and to jurors being exposed to COVID-19 within the courthouse and transmitting it to others in their homes and communities.)



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- **Movement to jury room and use of common facilities** - Jurors may access courthouses through common points of entry and exit or be directed to designated entry and exit points. They then proceed to jury rooms, where they congregate as individual (12-14 person) juries before being called into the courtroom. Jury rooms sometimes include male and female washrooms; in other settings, jurors make use of washroom facilities in common use areas of the building.
 - **Hazards:** Proximity between individuals congregating at common entry and exit points; contact with common surfaces while passing through the courthouse (doors, elevator buttons, etc.); proximity between jurors and court personnel, such as security personnel overseeing court entrances and exits; proximity with others and contact with common surfaces when using washrooms.

Mitigating Risks

Accounting for each element of jurors' arrival to and departure from the courthouse, the following control measures could be introduced to reduce risks of COVID-19 transmission and to help protect the health and safety of court users and personnel.

Physical Distancing

- Maintain 2 metres (6 feet) distance between people whenever possible, for example by:
 - Designating special entries and exits for jurors, so as to alleviate congestion at common building access points;
 - Designating separate areas for courthouse entry and exit, in order to encourage directional flow and reduce congregation;
 - Using markers or barriers to create walking paths;
 - Marking floors with distancing cues;
 - Blocking seats in waiting areas or other common spaces that may be used by jurors during breaks.
- Consider using an alternate facility, such as a conference centre, sports complex or arena, or large community centre where available court spaces are insufficient for physical distancing.

Engineering

- Increase building ventilation whenever possible, (e.g., by opening windows) and/or change air filters frequently.
- Consider installing plexiglass barriers or dividers around stations for personnel monitoring courthouse entry and exit points.

Administration

- Conduct health screening upon daily entrance to the courthouse.
- Provide hand sanitizer at all entrances and exits, and on desks and tables.
- Post signage and instructions throughout the courthouse to promote physical distancing and proper hygiene practices.
- Where possible, designate single entry and exit points, so as to coordinate directional flow within the courthouse.
- Consider the feasibility of providing catered breaks and lunches for jurors in order to avoid contamination risks associated with jurors accessing public spaces during the trial. Alternatively, encourage jurors to bring their own food and drinks.
- Create markings on the floor to indicate movement patterns, traffic directions, and places to stand in common assembly areas.
- Provide information to jurors (via a common information package or guidance from a designated court official) on basic precautions to prevent COVID-19 contraction or transmission while outside the courthouse.
- Ask that jurors inform a designated court official of any concerns regarding possible exposure to COVID-19 in their homes or communities, or within the courthouse, during the course of a trial.
- Train designated court officials to respond appropriately to any COVID-19 exposure concerns raised by jurors during a trial, including implementation of augmented health and safety measures where appropriate.



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Personal Protective Equipment (PPE)

- Provide disposable surgical masks daily by making them available upon arrival at the courthouse, with clearly posted instructions on how to safely put on and remove a mask.
- Provide appropriate PPE, such as face shields, to any court personnel who are required to be in close contact with individuals entering or leaving the courthouse (for example, security officers or personnel responsible for conducting health screening).
- Ensure appropriate safety training of any court personnel required to use PPE, consistent with applicable occupational health and safety laws and regulations.

Get further guidance on [protecting court personnel and general practices for sanitation and disinfecting](#) applicable to all court operations.

Resources and References

- Action Committee on Court Operations in Response to COVID-19 Terms of Reference:
<https://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/ac-ca/term.html>
- Action Committee on Court Operations in Response to COVID-19 Core Principles and Perspectives:
<https://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/ac-ca/cpp-pfp.html>
- Action Committee on Court Operations in Response to COVID-19 Safe and Accessible Courts: Orienting principles for Canadian Court Operations in Response to COVID-19 Overview:
<https://www.justice.gc.ca/eng/csj-sjc/ccs-ajc/ac-ca/sac-tsa.html>
- Court Operations Tip Sheet series:
<https://www.ccohs.ca/products/publications/covid19/#courts>
- Public Health Agency of Canada:
<https://www.canada.ca/coronavirus>