



Jury Summons

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 Summons

The operation of criminal jury processes differs by jurisdiction, location, and court facility. Common elements of the jury summons process are summarized 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](#).

- **Form and method of transmission** - A summons is a letter sent in the mail asking the recipient to go to a courthouse and participate in a jury selection process.
 - **Hazards:** COVID-19 can be transmitted through contaminated paper mail; receipt of summons may provoke anxiety about the safety of attending the courthouse for jury selection.
- **How recipients are identified** - Recipients are selected randomly from a list of qualified jurors, who have been previously identified through a combination of random selection from existing government databases and completion of mailed questionnaires.
 - **Hazards:** Random community selection may include individuals at high risk of COVID-19 exposure; attendance of these persons at the courthouse could result in transmission.



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- **Options upon receipt** - Compliance with a summons is mandatory. However, there are alternatives for persons with clear reasons why they cannot serve on a jury to defer or be excused from service without having to attend a selection process (e.g., by contacting the courthouse in writing with supporting documents).
 - **Hazards:** COVID-19 transmission through contaminated paper mail; failure to understand or be provided with options to decline jury service may cause unnecessary attendance at courthouse, including by persons with COVID-19 exposure.
- **Passage of time before attending courthouse** - There is likely to be a significant passage of time (several weeks) between receipt of a summons and the date on which the recipient is required to participate in a jury selection process.
 - **Hazards:** Recipients may be exposed to COVID-19 after receiving summons and still attend at courthouse, thus raising transmission risk.

Mitigating Risks

Accounting for each element in the jury summons process, 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

- Consider how the jury summons can be formulated to ensure that no persons attend the courthouse unnecessarily and thus add to volume and exposure risks. Options may include:
 - Providing clear, actionable guidance for recipients to decline jury service remotely (by telephone, return mail, or electronically) due either to risk of COVID-19 exposure or to traditional grounds of deferral or excusal;
 - Provide clear information to recipients on risk factors for COVID-19 exposure (recent health symptoms, travel, or proximity to ill persons) that can be reported as reasons for declining jury service;
 - Provide recipients with the ongoing ability to contact the courthouse and decline jury service should they become ill or be exposed to COVID-19 during the period leading up to their attendance date.

Engineering

- Not applicable at this stage.

Administration

- Consider using a health screening assessment questionnaire to identify individuals who may have COVID-19; if the individual screens positive, they are not to attend the courthouse.
- Consider whether any elements of the summons process can be replaced by electronic alternatives, such as email or text messaging, to avoid the use of paper mail and facilitate easier communication.
- Develop a communication package for all summons recipients, providing:
 - Clear options and instructions for declining jury service without attending the courthouse (as described above under Physical Distancing);
 - Guidance for contacting the courthouse should the recipient contract or become exposed to COVID-19 prior to their attendance date (as described above under Physical Distancing);
 - Reassurance of health and safety measures in place at the courthouse, including any advance guidelines to prepare for attendance at court (for example, direction to wear a face mask, bring hand sanitizer, arrive within a specific timeframe, or arrive at a specific entrance to the court facility).
- Consider enclosing a leaflet or brief statement with the jury summons to encourage hand washing after handling mail.
- Implement administrative guidelines and appropriate training for court personnel who receive and process return mail from summons recipients (concerning the use of face masks, sanitizing surfaces, and any other health and safety measures).



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Personal Protective Equipment (PPE)

- Provide appropriate protective equipment and training on safe donning and doffing to court personnel responsible for handling return mail (face masks, and/or other measures as appropriate).

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>