

# COVID-19: RECOMMENDED PRECAUTIONARY MEASURES

## RESUMING COURT OPERATIONS

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## CONTEXT

During the COVID-19 outbreak, the Ministry of the Attorney General (MAG) has responded swiftly to establish innovative ways of delivering justice remotely and online, which has ensured that matters continue to be heard safely. As the judiciary have resumed scheduling proceedings requiring in-person appearance, the health and safety of all court participants has been the ministry's top priority – this includes ensuring all court participants understand and have confidence in the measures put in place to protect them.

To support the recovery of court operations, the ministry has created this guidebook, sharing the steps that have been taken to:

- Prepare courthouses to resume in-person appearances
- Mitigate the risk of COVID-19 transmission in courthouses
- Ensure access to justice and accessible services

This guidebook addresses precautionary measures specific to courthouses. It does not address aspects of workforce planning or business processes that may also be modified to further mitigate risk.

The recovery of court operations has been phased and continues to occur in alignment with the broader provincial recovery framework and direction provided by Public Health Ontario and the Chief Medical Officer of Health for Ontario.

Reducing the need for in-person attendance to the courthouse continues to be the most effective method of mitigating the risk of transmission of COVID-19. Remote work, the prioritizing of online services, and the modernization of courts will continue to be a key focus during recovery.

MAG divisions continue to work with judiciary, justice sector and facility partners to action the content of this guidebook for their shared sites.

## Provincial Guidance and Medical Direction

The recovery of courthouses has been informed by the most up-to-date guidance from our leading provincial health and safety authorities and continues to evolve.

To inform recovery planning, MAG engaged:

- Dr. Michelle Murti – Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response. Dr. Murti has supported the ministry by providing scientific and technical advice, from a public health

perspective, to apply the Chief Medical Officer of Health's direction in a courthouse environment.

- Mr. Ron Kelusky – Chief Prevention Officer for Ontario from the Ministry of Labour, Training and Skills Development (MLTSD), which is the ministry responsible for the oversight of the Occupational Health and Safety Act (OHSA). Mr. Kelusky has supported the ministry by ensuring that the appropriate precautionary measures are in place to support health and safety in the workplace.

The ministry continues to rely on guidance and direction regarding the response to and recovery from COVID-19 provided by the Ministry of Health, Ministry of Labour, Training and Skills Development (MLTSD).

## Accessibility for People with Disabilities

In planning for recovery, MAG has worked with the ministry Diversity, Inclusion and Accessibility Office (DIAO) to ensure that accessibility measures are considered, and the needs of people with disabilities are accommodated throughout recovery.

The ministry maintains its strong [commitment to accessibility](#). Consideration has been given to ensuring that recovery efforts do not introduce barriers and acknowledges inequities to access, particularly for vulnerable court users. Anyone with a disability who wants to access court services – including a litigant, witness, potential juror or spectator – can request reasonable disability-related accommodations. Accommodation is provided in a way that respects the dignity of the person and is available for all services provided to court users, including those provided remotely, virtually, or in-person.

### Courthouse Accessibility Coordinators

Each courthouse has an on-site Accessibility Coordinator who will work with clients to find the most appropriate accommodations. Accessibility Coordinators are supported by the MAG DIAO.

Judicial officials have authority over court proceedings and what happens in a courtroom. If an accommodation is required for a court proceeding or to participate in jury duty, a judicial official will usually be informed of the request for accommodation and may need to approve it. Some accommodations take time to put in place - clients are asked to contact their respective Accessibility Coordinator well in advance of their attendance.

Contact information for each Accessibility Coordinator is available on the [Court Address](#) webpage.

## Risk Identification

MAG is responsible for 74 base courts consisting of 682 courtrooms. The implementation of the measures within this guidebook have taken into consideration many factors at each site that could affected the ability to resume in-person hearings.

To ensure compliance with obligations under the OHSA, MAG engaged the Public Services Health and Safety Association (PSHSA) to provide support as court operations resumed. PSHSA is funded by MLTSD and works with Ontario's public and broader public sector employers and workers. PSHSA provides training, consulting and resources to reduce workplace risks and prevent occupational injuries and illnesses.

Potential risks were identified through a site assessment completed at each court location coordinated by the PSHSA with the assistance of local managers. The results of these site assessments have been shared with the local joint health and safety committees (JHSC) and justice sector partners.

As part of the site assessment process, "journey mapping" has occurred for the path through the court environment from the perspective of both court users and court personnel. To support planning for recovery, journey mapping has been undertaken at a ministry level, however it has also been carried out through a coordinated process at local sites. This process provided an opportunity to identify risks and mitigation measures from a variety of perspectives.

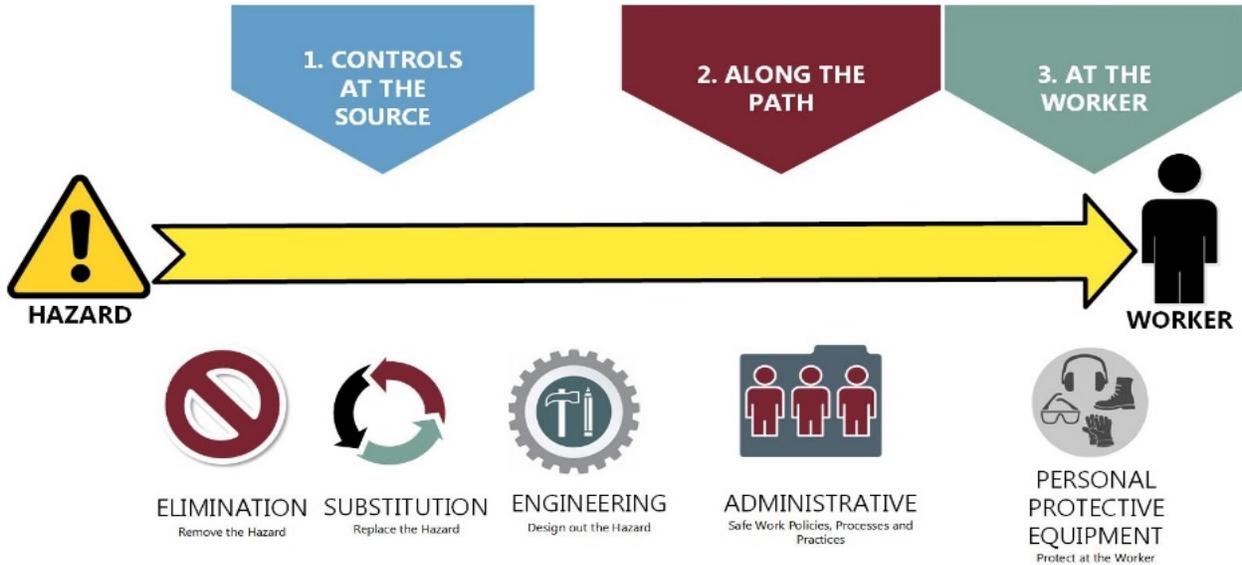
## Risk Mitigation

Public Health Ontario (PHO) and 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 in addressing any issues identified in MAG facilities.

### The Hierarchy of Controls

The principle of the hierarchy of controls has been used to identify opportunities to mitigate risk. The most effective control is elimination (on the left of the diagram below), which is when the hazard has been addressed before it reaches the worker. Towards the right of the diagram, the controls become less effective in eliminating

or removing the hazard before it reaches the workers. Personal protective equipment (PPE) is considered the least effective control.



Elimination of the hazard is the first control measure to be considered.

Consequently, in the context of the COVID-19 pandemic, remote work and virtual/online service are the foundation for any risk mitigation strategy.

The ministry has introduced additional measures, including engineering and administrative controls, and PPE where remote work, virtual/online service and/or physical distancing are not possible.

The table below explains the hierarchy of controls in more detail and, where applicable, provides examples of how they apply to COVID-19.

Type of control	Description and Example
 ELIMINATION <small>Remove the Hazard</small>	Remove the hazard. <ul style="list-style-type: none"> <li>- Working from home</li> <li>- Virtual/online services</li> </ul>
 SUBSTITUTION <small>Replace the Hazard</small>	Substitute hazardous substance for a less hazardous one. -Not applicable to COVID-19
 ENGINEERING <small>Design out the Hazard</small>	Isolate emission source. Use of barriers. <ul style="list-style-type: none"> <li>- Number of air changes per hour in a room</li> <li>- Type of filter on the heating ventilation and air conditioning (HVAC) system</li> </ul>



ADMINISTRATIVE  
Safe Work Policies, Procedures and  
Practices

Work procedures and processes such as: process changes, procedures and practices, change to tools used.

- Hand hygiene program
- Position of furniture to maintain distance

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



PERSONAL  
PROTECTIVE EQUIPMENT  
Protect at the Worker

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.

# I. PREPARING THE COURT ENVIRONMENT

## Preparing the Workforce

MAG has ensured that clear and ongoing information has been made available to all staff and justice sector participants, in advance of courthouses resuming in-person operations. The ministry held multiple townhall events and COVID-19 information sessions, to provide opportunities to learn about recovery efforts and ask questions of MAG senior recovery leaders and medical and health and safety advisors. Staff, justice sector participants and stakeholders broadly have continued to be kept informed about the ministry's recovery efforts and decision making.

Information is shared directly from the Recovery Secretariat, on [Ontario.ca](https://www.ontario.ca) broadly to the public, and internally to staff and managers on the ministry's dedicated [recovery intranet page](#) (note: this is an internal webpage to support employees).

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

The role of the JHSC at courthouses has remained consistent throughout the response to and recovery from the COVID-19 pandemic. JHSC representatives participated in the site assessment process and were provided with a copy of the resulting report along with other key recovery documents.

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](#)

## Physical Distancing

MAG facilities differ from location to location. Measures to maintain physical distancing introduced at one site may not be possible at other sites.

The measures listed below have been introduced wherever possible:

- Remote work and online services will continue to be relied upon to reduce the number of people in the courthouse.
- Layouts for common areas, courtrooms, public counters, and administrative areas have been adjusted where possible, to support the maintenance of physical distancing.
- Measures supporting physical distancing include:

- Signage requesting individuals maintain physical distancing of two metres
- Physical distancing floor decals/queuing markers spaced every two metres in queuing and waiting areas
- Where feasible, the public will be directed away from office areas and judicial chambers
- Administrative procedures to manage flow of individuals where necessary (e.g., one-way hallways/stairways)
- Signage and visual markers to aid in physical distancing of seating in courtrooms, waiting areas and any other rooms
- Where reasonable and possible, removing or “taping off” seating to maintain physical distancing
- Signage and markers to aid in distancing of workstations in administrative areas
- Within the courtroom:
  - Physical distancing will be maintained in keeping with the approach to maintaining general courtroom decorum.
  - At the close of the hearing, court attendees will be asked by court staff to exit the courtroom in a manner that respects physical distancing and avoids overlap with those entering for the next session.
- Where physical distancing is not possible, other control measures have been introduced, such as engineering controls and the use of PPE, as recommended through the site assessment.
- Accessibility Coordinators are available to assist court users in maintaining physical distancing by providing wayfinding and navigation assistance as needed.

## Facility and Room Capacity

- Maximum occupancy levels have been identified for courthouses and rooms/courtrooms within the courthouse to support physical distancing measures.
  - The courthouse maximum capacity is indicated at the front entrance.
  - The room/courtroom maximum capacity is clearly indicated near the room entry. Where possible, seating in excess of the room capacity has been taped off or removed.
- The courthouse and courtroom occupancy is monitored by designated individuals.
- If the courthouse or courtroom capacity is exceeded:

- Courthouse: No additional people will be permitted into the courthouse. If a person in the queue indicates that they are going to miss a scheduled court time, information will be gathered from that individual and provided to the court administration office for sharing with the appropriate parties.
- Courtroom: Those remaining in the hallway will be told that no additional people will be permitted into the courtroom and they may continue to wait provided that physical distancing can be maintained. Note: the admittance of participants in scheduled proceedings will be prioritized over members of public. Counsel may be asked to assist in identifying people who need to be in the courtroom.
- Note: At times, the number of individuals wishing to attend a proceeding may exceed the capacity of the courtroom. Individuals who are attending the courthouse with a support person should advise the courthouse to ensure both persons are included in anticipated attendees.
  - Disability-related needs should [contact the courthouse Accessibility Coordinator](#)
  - Victims and witnesses should advise the Victim, Witness Service Worker

## Plexiglass Barriers

- Plexiglass barriers have been installed to serve as an engineering control where physical distancing of two metres is not possible.
- Installation of barriers has ensured the maintenance of accessibility, security and safety of persons, and the normal operation of proceedings.
- The precise placement of plexiglass was dependent on the configuration of the courthouse and courtrooms. However, common areas for placement may have included:
  - Public counters
  - Along the front and sides of the judicial dais and bench
  - Along the front and sides of in-court personnel workstations
  - Along the front and sides of the tables for defense and Crown attorneys
  - In front of the witness stand
  - Interview rooms
  - In-take offices
- After installation of plexiglass was completed, an assessment of audio systems was undertaken, and adjustments were made to address accessibility and quality of recording.

## Fixed Hand Sanitizer Dispensers

- Fixed hand sanitizer dispensers have been mounted throughout the court facility in high traffic areas. This includes, but is not limited to:
  - Entrances
  - Information desks
  - Courtrooms
- Hand sanitizer stations have been clearly marked, and all court personnel and users are to use hand sanitizer if hand washing is unavailable.
- The refilling of fixed hand sanitizer dispensers is the responsibility of local facilities maintenance, wherever possible. If this is not possible, alternative solutions will be determined.

## Daily Enhanced Cleaning

- Daily enhanced cleaning is being performed up to three times per day at courthouses in response to the high degree of public-facing interaction.
- Infrastructure Ontario (IO), through its service providers, coordinates the daily enhanced cleaning of all high-contact areas where warranted.
- Along with the daily enhanced cleaning, additional one-time enhanced cleaning can be directed by the ministry in response to any occurrences of COVID-19 cases in a specific location.
- Enhanced cleaning involves cleaning with Health-Canada approved disinfectant cleaners.
- Examples of high-touch surfaces include:
  - light switches/power outlets
  - telephones
  - handrails
  - entrance areas
  - glass doors, doors and door frames
  - paper towel/toilet paper dispensers
  - door knobs, door handles, door plates
  - benches
  - sinks, faucets
  - counter tops
  - public service counters
  - elevators, elevator lobby
  - public corridor
  - public washrooms
  - public waiting areas

## Enhanced Cleaning of Courtrooms

- Enhanced cleaning is being done in courtrooms between proceedings by cleaning crews hired by CBRE for government-owned locations and by landlord cleaning crews for leased locations.
- Court staff can engage cleaners by instant message (text/email), when a court proceeding has been completed.
- Cleaning of courtrooms includes cleaning of counsel tables, and the witness and prisoner boxes, between court proceedings or when there may be a change of counsel, witness or prisoner.

## Enhanced Cleaning of Holding Cells

- Cleaning of holding cells (and prisoner transport elevator) is included in the daily enhanced cleaning protocols led by IO.
- Holding cells are being cleaned multiple times per day and between prisoners by a day porter service.

## Cleaning of Workspaces

- In keeping with the Clean Workspace Guidelines provided by Treasury Board Secretariat (TBS), MAG staff are to clean their individual workspaces both in program areas and the courtroom including work surfaces, chair arms, and computer peripherals (such as mouse and keyboard) before and after use, as well as photocopiers/printers and hard file systems before and after each use.

## Cleaning Products

### Definition

A cleaning agent designed to kill bacteria, fungi and viruses on hard surfaces within ten minutes of application or less. It must be approved for use in Canada by Health Canada.

- The use of cleaning products constitutes an administrative control measure that is in place to mitigate risk in court environments.
- The use of disinfectant cleaners in the workplace is intended for personal workstations and other, hard surface items where enhanced cleaning is not occurring/not possible.
- Shared equipment should be disinfected before and after each use.
- As noted above, these products are available in:

- Office areas and courtrooms for use by staff for cleaning of workspaces (in programs areas and the courtroom) and shared or common touchpoints (filing systems, photocopiers, etc.).

## Face Coverings

Face coverings are used as a form of source control to reduce the risk of COVID-19 transmission to others. It is not intended to provide protection to the wearer.

Within the Hierarchy of Controls, face coverings are only considered an administrative control when all staff in a work area are wearing one. If any individual is not wearing a face covering (i.e. due to accommodation) then this measure no longer qualifies as an administrative control. Face coverings should be used in conjunction with physical distancing.

### Definition

A non-medical grade barrier (i.e. cloth mask) designed to fit snugly over the nose, mouth, and chin 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 must comply with current Ministry of Health recommendations.

### Justice Sector Partners and Members of the Public

- In accordance with provincial direction, justice sector partners and members of the public must wear a face covering in the courthouse.
- Court attendees are asked to bring their own face coverings; however, face coverings will be available to those who do not bring their own.
- A limited number of exceptions apply to the mandatory face covering rule whereby individuals will not be required to wear a face covering, specifically:
  - Children under two years of age.
  - Persons under five years of age, either chronologically or developmentally (including adults), who cannot be persuaded to wear a face covering by their caregiver.
  - Persons who have a medical condition that inhibits their ability to wear a face covering.
  - Persons who are unable to put on or remove a face covering without assistance.
  - Persons who are receiving an accommodation according to the *Accessibility for Ontarians with Disabilities Act 2005* or the *Human Rights Code*.
- If a person refuses to wear a face covering, they will be asked to identify the exception that prevents them from wearing a face covering.
- Training on the management of exemptions to wearing a face covering will be provided to staff conducting screening.

- A limited number of exceptions apply to the mandatory face covering rule whereby individuals may temporarily remove their face coverings, specifically:
  - When testifying or making submissions in court if permitted by the presiding judiciary
  - To receive services that require the removal of the face covering to communicate (e.g. Deaf/hard of hearing, lip reading). When this occurs, an engineering (e.g. barrier) or administrative control (e.g. physical distancing) must be in place.
  - To consume food or drink.
  - As may be necessary for health and safety or to provide/receive medical aid.

### Court Personnel

- In accordance with provincial direction, court personnel must wear a face covering when in public areas of the courthouse.
- In accordance with Treasury Board Secretariat (TBS) direction, court personnel must wear face coverings in all common spaces and high traffic areas within an OPS building, such as elevators, kitchen areas, washrooms, and lobbies.
- In accordance with ministry direction, court personnel must also wear face coverings in open-concept administrative areas, high traffic administrative areas, judicial and administrative hallways, and anywhere physical distancing of two metres cannot be consistently maintained and no other control measure is in place.
- Court personnel are also encouraged to wear a face covering in non-mandated locations.
- A limited number of exceptions apply to the mandatory face covering rule whereby court personnel will not be required to wear a face covering, specifically:
  - Have a medical condition that inhibits their ability to wear a face covering.
  - Are unable to put on, or remove a face covering without assistance.
  - Are receiving an accommodation according to the *Accessibility for Ontarians with Disabilities Act 2005* or the *Human Rights Code*.
- The employer will make accommodation for staff who indicate they are unable to wear a face covering for any of the above-noted exceptions.
  - If an accommodated staff member is working in the same work area as others (i.e. open concept administrative area) and no other control measure can be implemented (i.e. plexiglass barrier or physical distancing), then all other employees in that area must wear personal protective equipment at all times while that staff member is present.

- A limited number of exceptions apply to the mandatory face covering rule whereby court personnel may temporarily remove their face coverings, specifically:
  - If the employee is seated at their workstation in an open concept administrative area and no other person is seated or can walk within two metres (six feet) of the individual.
  - To provide services to an individual who requires the ability to see the court personnel's mouth/facial expressions (i.e. Deaf/hard of hearing, lip reading). When this occurs, an engineering (e.g. barrier) or administrative control (e.g. physical distancing) must be in place.
  - If the employee is working alone in an enclosed office.
  - To consume food or drink.
  - As may be necessary for health and safety or to provide/receive medical aid.
- Court personnel may obtain a ministry-provided face covering or they may choose to bring their own face covering. Face coverings must:
  - Be reasonable and appropriate for the workplace (i.e. clean, non-threatening, no profanity, etc.)
  - Be worn and handled appropriately in alignment with Ministry of Health direction.

*Note: It is recommended that judiciary follow similar practices regarding face coverings, with similar exemptions. Face coverings will be provided to judiciary.*

## Personal Protective Equipment (PPE)

The site assessment process applies the hierarchy of controls to determine the appropriate measures to mitigate risks. PPE is intended to be a barrier of last resort. It is deemed necessary in circumstances where the risk of COVID-19 exposure cannot be eliminated or sufficiently reduced by other control measures.

PPE protects the health and safety of the employee wearing it and protects other individuals the employee interacts with, even if the wearer has no symptoms.

PPE is not a substitute for other important infection prevention and control practices such as physical distancing and hand hygiene.

### Definitions

#### Face Mask

A medical-grade protective barrier (i.e., surgical/medical procedure mask) designed to fit snugly over the nose, mouth, and chin 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.

Personal Protective Equipment (PPE)

MAG defines PPE as a face mask and eye protection worn together to protect all mucous membranes.

- MAG has procured and deployed PPE to all court locations in advance of the resumption of in-person appearances.
- Where a risk assessment has determined that PPE is necessary, wearing PPE is mandatory.
- If other PPE is required for a position as per an existing ministry or organizational directive, then that directive’s requirements continue to apply.
- Where the risk assessment does not recommend gloves as required PPE, gloves will be made available at the request of employees as a matter of personal choice. Users must understand the limitations of gloves and that improper usage may introduce additional risk into the workplace. Wearing of gloves does not replace the need for proper hand hygiene.
- If at any time commercial product supply becomes limited or unavailable, distribution will focus on addressing critical needs first. If PPE is not available for situations where it has been identified as necessary, alternate work arrangements will be required in accordance with Occupational Health and Safety legislation.

**PPE Training**

- PPE can become a source of infection if not worn or discarded properly.
- Completion of PPE training is required when PPE is issued, and covers:
  - Safe use
  - Care
  - Limitations of PPE
  - Putting on and taking off PPE
  - Proper disposal
- This training is provided by the employer and complies with Occupational Health and Safety regulations.

## Hand Sanitizer

### Definition

A liquid, gel, or foam used to decrease infectious agents on the hands. It must be approved for use in Canada by Health Canada.

- While frequent handwashing is the recommended course of action to reduce the likelihood of personal infection and transmission, there are circumstances where frequent handwashing may not be possible. In these circumstances hand sanitizer should be used.
- Hand sanitizer is available throughout the courthouse for use by justice sector stakeholders and members of the public and has been provided directly to judiciary and court personnel.
- Members of the public are required to use hand sanitizer upon:
  - Entering the courthouse;
  - Entering the courtroom;
  - Entering the witness box
- Exceptions will be made for those people who indicate they are unable to use hand sanitizer.

## Public Washrooms

- The frequency of cleaning of public washrooms has been increased in alignment with the enhanced cleaning protocol. Enhanced cleaning includes disinfecting of all high-touch areas.
- Where possible, "last cleaned" signage has been displayed.
- To support physical distancing in public washrooms the following measures are in place:
  - Washroom occupancy limited to one person at a time, with some exceptions (e.g. caretakers, support persons, children, etc.)
  - Signage posted indicating:
    - Maintain physical distancing while waiting to enter and within washrooms
    - Practise frequent hand hygiene - wash hands with soap or sanitize hands

## Elevators

- Whenever possible, staff and judiciary should use separate elevators from the public.

- Elevator occupants should have one person press buttons using an implement (e.g., pen) or covering (e.g. paper towel) rather than directly touching the buttons.
- Public elevators are equipped with:
  - Floor decals or markers indicating where to stand to maintain physical distancing
  - Signage indicating maximum occupancy
  - Signage to maintain physical distancing and practise hand hygiene

## Food Service Areas/Lunchrooms

- Cafeterias in government-owned buildings will remain closed for the initial return to work phase/period, in keeping with government health guidelines. Reopening should occur through consultation between property management and local ministry management.
- When cafeteria food service re-opens, vendors will be responsible for ensuring appropriate precautionary measures are in place.
- Employee lunchrooms will follow the corporate guidance provided by Treasury Board Secretariat for the gradual reopening of OPS workplaces.

## Building Systems

Our leading provincial health and safety authorities support that aerosol transmission of COVID-19 can be addressed through a comprehensive package of precautionary measures such as screening, barriers, physical distancing, masking, and improved ventilation – all of which are in our courthouses across Ontario. Through implementation of these measures the reduction in the risk of COVID-19 transmission, inclusive of aerosol transmission, is being achieved.

The following are excerpts from PHO's [document](#) answering frequently asked questions regarding the role of HVAC systems in transmission of COVID-19:

- In general, while there is plausibility of COVID-19 transmission by inhaled virus in air particularly in crowded, poorly ventilated settings, there is limited epidemiological evidence that this occurs. Specifically, the overall scientific evidence does not indicate that transmission of COVID-19 occurs via HVAC systems at this time.
- Enhancing outdoor air ventilation and good maintenance of HVAC systems will complement other public health measures to reduce COVID-19 transmission, e.g., screening, self-isolation when sick, physical distancing, hand hygiene, respiratory source control, environmental cleaning and disinfection.
- Optimization of HVAC systems can be done on the basis of best practices for ventilation, as COVID-19 transmission from HVAC systems has not been

observed. In general, avoiding stagnant air conditions and ventilating indoor environments with fresh outdoor air, whether by increasing the outdoor air ratio of the HVAC system or by opening windows, will dilute exhaled air from the occupants including any infectious particles.

## **HVAC Precautionary Measures**

- On behalf of the ministry, IO Property Services remains committed to implementing all feasible best practices in courthouses.
- IO Property Services is continuing to ensure that building systems, including HVAC, are monitored, maintained, and operating optimally in both government owned and leased buildings.
- All provincially-owned and third-party leased buildings are designed and operated in accordance with the Ontario Building Code, the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) standards and industry best practices.
- IO Property Services is continuing to monitor emerging operational and return-to-work best practices related to the design and maintenance of building systems. Necessary adjustments will be made in owned buildings, as practical, in response to updated recommendations from accredited organizations. IO Property Services is also continuing to work with landlords to maintain shared awareness and reasonable adoption of best practices.

## **Monitoring and Reporting of HVAC Data**

In an effort to provide an additional performance management layer to support optimized HVAC systems functionality within courthouses, IO Property Services has undertaken daily monitoring of select IAQ parameters (CO<sub>2</sub>, temperature and relative humidity) that can provide an indication of the general performance of air quality and ventilation. These IAQ parameters are used to identify, inform and guide any specific review and system adjustment measures necessary, wherever such measures are available or possible. This data is provided broadly to judiciary and justice sector partners.

## **Monitoring of Safe Practices**

### **Front Entrance**

- Monitor the queue – ensure attendees maintain physical distance of two metres when in line awaiting entrance to the courthouse
- Contact court services when an individual is in queue indicated that they may miss their scheduled proceeding
- Provide paper-based copies of screening tool

- Where a person cannot effectively use the electronic based or paper-based screening tools, verbally ask the screening questions of the individual seeking entry recording the answers on his/her behalf on the paper-based and confirm the results
- Confirm results of screening –electronic, paper-based or verbal
- Ask individuals attending a courthouse to volunteer their name and contact information upon entry
- Direct people who are inadmissible to refer to the numbers to call
- Direct individuals to:
  - Wear a face covering
  - Use hand sanitizer
  - Practise physical distancing in the queue and within the facility
  - Adhere to the mandated safe practices identified within the facility
- Provide face coverings to those who do not bring their own
- Monitor capacity of the facility
- Direct people to the Accessibility Coordinator if they require disability-related accommodation or information

## Hallways

- Monitor and enforce adherence to the mandated safe practices
  - Physical distancing
  - Wearing of face coverings

## Courtrooms

- Regularly visit courtrooms to monitor capacity

## II. ATTENDANCE TO THE COURTHOUSE

### Public Communication

MAG has provided ongoing communication, with the goal of ensuring attendees are aware of and prepared to adhere to all the processes in place at courthouses in advance of attending.

This information has been made available through:

- The public-facing [COVID-19: Reopening Courtrooms](#) webpage
- Direct communication with justice stakeholders

### Entrance Protocol – Justice Sector Partners and Members of the Public

An entrance protocol has been established to minimize the risk of COVID-19 transmission in the courthouse. This protocol is a site assessment recommendation and is in alignment with guidance provided by Public Health Ontario.

#### Entrance Signage and Markers

Queuing markers and physical distancing markers have been installed at entrances. Signage at the entrance includes:

- Maintain physical distancing
- Mandatory wearing of masks within the facility
- COVID-19 information
- Active and passive screening
- Maximum occupancy

#### Active Screening for COVID-19 - Justice Sector Partners and Members of the Public

Screening must be completed by all individuals entering a 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, based on the answers provided to the screening questions, a person is deemed inadmissible, or if they refuse to complete the COVID-19 screening questionnaire they will not be permitted to enter the courthouse and will be provided with the following instructions/options:

- If they are an employee, they will be asked not to enter/attend the courthouse and contact their manager.
- If they are an accused, they will be asked not to enter/attend the courthouse and to call their lawyer or duty counsel (local duty counsel contact number provided).
- If they are a witness, they will be asked not to enter/attend the courthouse and to call the number listed on their subpoena, or the Crown's office (local contact number provided).
- Otherwise they will be asked not to enter/attend the courthouse and to contact a local administrative telephone number for assistance.

If, based on the answers to the screening questions a person is deemed admissible they will be allowed to enter the courthouse. Designated individuals will be monitoring the front door. To gain entry, all individuals must show one of the following:

- a. Approval displayed on their mobile device
- b. A printed copy of their survey results
- c. The paper-based alternative screening questionnaire

## Collection of Contact Information

Contact tracing is a function of Public Health. In the event of an outbreak, the ministry may be asked by Public Health to provide a list of names and contact information (phone or e-mail address) of persons in attendance at a court location during a specific timeframe. To support Public Health with their contact tracing, entrance personnel will ask individuals attending a courthouse to volunteer their name and contact information upon entry. All information will be treated as private

and confidential and destroyed after 28 days – a duration equivalent to two COVID-19 incubation periods.

Not providing contact information will have no impact on an individual's admissibility to the courthouse.

## COVID Alert Application

- Ontario is one of the eight provinces where individuals can use the [COVID Alert](#) application to assist in information sharing by reporting a COVID-19 diagnosis.
- The app aims to advise app users of possible exposures before any symptoms appear thereby limiting the spread of COVID-19 and preventing future outbreaks.
- While use is entirely voluntary, all OPS mobile devices are equipped with the app and all OPS staff have been encouraged to use the app.

## Entering the Courthouse

Upon entering the courthouse, the designated monitor will advise the person to:

1. Use hand-sanitizer to clean their hands before entering the facility. For this purpose, dispensers of hand sanitizer are available at entrances.
2. Wear a face covering during the duration of their visit. If the person did not bring their own face covering, one will be provided to them.
3. Adhere to mandatory safe practices in place in the courthouse, including maintaining physical distancing.
4. Only attend those areas of the courthouse necessary and leave the courthouse as soon as their business is concluded.

## Security Screening

- Attendees may undergo security screening, including the screening of belongings, in keeping with regular protocols.
- Engineering controls and PPE are in place to control risks to screening personnel in accordance with the site assessment.

### Cleaning of the Screening Area

- Screening areas are cleaned by local cleaning services as part of the enhanced cleaning protocol.
- Individuals working in the screening area have been provided with appropriate supplies to support them in cleaning their work area and the equipment used for security screening.

## Entrance Protocol - Court Personnel and Judiciary

- To reduce congestion at entryways to the courthouse and courtrooms, where possible:
  - Staff and judiciary should use a separate entrance from the public, and/or
  - Specific entry times should be considered to reduce overlap.

### **Active Screening for COVID-19 – Court Personnel and Judiciary**

- Where court personnel and/or judiciary enter the courthouse through the main/monitored entrance, they are to present their screening result to the designated screening personnel.
- Where court personnel and/or judiciary enter the courthouse through a separate or private entrance, there may not be designated screening personnel present to view their screening results however verification to a manager or designated individual will still be required.
- Court personnel will provide their manager with proof of their screening result either electronically or through a paper-based process. Managers will:
  - Determine the appropriate local process for receiving employee results and communicate the process to staff.
  - Ensure that all personnel within their program area have provided confirmation of their screening results each day when they attend to work.
- Judiciary will confirm that they have completed the screening protocol through a process determined and communicated by their Chief Justice, Regional Senior Judge, Regional Senior Justice of the Peace, or designate.

### **Where a member of the judiciary or court personnel is deemed inadmissible:**

- They are not to enter the courthouse.
- Court personnel:
  - Immediately contact their manager.
  - The manager will notify the MAG Ministry Emergency Operations Centre (MEOC) that an individual has screened inadmissible. The MEOC will provide advice on next steps.
- Judiciary:
  - Immediately contact their Regional Senior Justice, Regional Senior Justice of the Peace, or designate.
  - A judicial representative will advise the chair of the court-based operations emergency management team (CEMT) that an individual has screened inadmissible. The CEMT chair will then contact the MEOC for advice.

### **Active Screening for COVID-19 – Contracted Personnel / Service Providers**

- Contracted personnel are to be advised of the requirement to complete daily screening in advance of attending to the courthouse.
- Where contracted personnel are entering through a monitored entrance, they will be required to show the results of their screening to gain entry.
- Where contracted personnel are entering through an unmonitored entrance, it will be the responsibility of the requesting party (MAG manager or CBRE) to confirm completion of daily screening.
- Where contracted personnel are deemed inadmissible, they will not be permitted to enter the courthouse and should contact the requesting party to advise.

## III. PUBLIC SERVICE COUNTERS

### Precautionary Measures

- Signage has been posted facing both the public and staff indicating:
  - Physical distancing must be maintained
  - Frequent and proper hand hygiene must be undertaken
  - Face coverings are required
- Floor decals and queuing markers have been placed to support physical distancing and route people away from high traffic areas or office entrances/exits where feasible.

### Hours of Operation

- Public counter hours continue to be limited to manage traffic flow.
- Hours will continue to be reviewed and adjusted to ensure adequate access and an eventual return to full service in alignment with reopening.
- As in-person services continue to expand, online methods of service should be promoted before in-person attendance.

### Receiving Payments

- In situations involving payments at the public service counters, staff should:
  - Avoid hand-to-hand exchange of money, bank or credit cards.
  - Encourage card payments, ideally using fixed payment terminals.
  - Hand hygiene should be practised before and after receiving payments.

### Receiving Documents

- Wherever possible, alternate methods for document submission are encouraged.
- Avoid hand-to-hand transmission. Parties remitting documents should be invited to place them on the counter where staff will then retrieve the documents.
- Hand hygiene should be practised before and after handling documents.

## IV. IN THE COURTROOM

Access to the courtroom will require individuals to adhere to the broader safety measures in place:

- Practise physical distancing.
- Practise frequent and proper hand hygiene.
- Wear face coverings.
- Wear PPE when required by the site assessment.

### Courtroom Reconfiguration

The layout of each courtroom has been adjusted, to the degree feasible, to support physical distancing between the members of the court, the clerk/reporter desk, witness box, parties, jurors and the public.

Seating in the courtroom audience has been taped off to maintain physical distancing. Individuals will be asked to return to the same seat after any breaks.

### Movement of Documents and Exhibits

- Wherever possible alternate methods for document sharing and signature should be encouraged (e.g., scanning, endorsing on behalf of parties).
- To maintain physical distancing during the transmission of exhibits or documents, a bin or trolley may be used. Parties remitting items will be invited to place them in the bin or trolley and return to their seat. Court staff will then retrieve the documents or exhibits.
- Hand hygiene should be practised before and after handling documents or exhibits.

### Movement of In-Custody Accused

- MAG has worked closely with the Ministry of the Solicitor General (SolGen) to ensure that consistent precautionary measures are in place for the entirety of the process of in-custody accused appearances.
- If an in-custody accused is in medical isolation on the day of their scheduled appearance, they will not attend in-person and an alternate appearance type will be arranged.
- [Appendix A](#) provides the precautionary measures that will be in place to mitigate risk and screen individuals throughout the prisoner transportation process.

## Public and Media Access to Court Proceedings

- Due to courthouse and courtroom capacity, access to proceedings may be limited.
- Where feasible, remote viewing/listening options for court proceedings may be introduced to allow more members of the public and media to follow court proceedings.
- If interest is known in advance, measures to support members of the public and media viewing court proceedings will be arranged when possible.

## Courtroom Cleaning

- Daily enhanced cleaning of the courtroom is being provided up to three times a day as applicable and determined by court scheduling. Where feasible and at judicial direction, the court schedule may be adjusted to allow time for cleaning to occur.
- Courtroom cleaning responsibilities are as follows:

Courtroom Area	Responsible for Cleaning	Frequency
Dais	Local cleaning services	Before opening court At recess At closing of court
Court staff area	Court staff	Before opening court At recess At closing of court
Crown/Counsel tables, Podium/Lectern – including microphone, etc. (note: with judicial approval, counsel may elect to speak from their table rather than at the podium/lectern)	Local cleaning services	Before using table After concluding at table
Witness box (incl. peripherals – chair, microphone, etc.)	Local cleaning services	Between witnesses
Prisoner box	Local cleaning services	Between prisoners
Jury areas (note: only when a jury is present)	Local cleaning services	Before opening court At recess At closing of court

Note: the provision and cleaning of accessibility peripherals (e.g., assistive listening devices) is coordinated through the Accessibility Coordinator in keeping with general protocols.

## Jury Events

The ministry worked closely with the Superior Court of Justice and justice sector stakeholders to support the recovery of jury events across the province beginning in September 2020.

### Jury Management Manual

To support the implementation of precautionary measures in jury proceedings, the ministry developed the Jury Management Manual which was shared broadly on September 11, 2020 with the judiciary and justice sector participants and stakeholders.

The manual was reviewed and endorsed by leading provincial health authorities in the Chief Medical Officer of Health's office, and the Ontario Ministry of Health and their guidance continues to inform the precautionary measures that have been implemented for both on and off-site jury locations.

### Temporary Off-site Venues to Support Jury Proceedings

In some courthouses there is not adequate space to maintain physical distancing for all jury-related events (i.e. registration, assembly, selection, trial, and deliberation). In these instances, temporary off-site space will be leased by the ministry to ensure that physical distancing can be maintained. In the event physical distancing cannot be maintained, other precautionary measures such as plexiglass barriers or PPE will be in place.

- Risk assessments will be conducted by PSHSA at all temporary off-site jury locations.
- All temporary jury locations will be outfitted with recommended precautionary measures including, but not limited to: hand sanitizer, plexiglass, physical distancing markers, and the provision of PPE, where required.
- All entrants to jury events in off-site venues will be required to wear face coverings, complete an entrance screening check, and provide contact information.

Note: This requirement applies in instances of off-site space being used to ensure continuity of operations in response to courthouses that have been closed for any reason.

## V. ADMINISTRATIVE AREAS

MAG continues to follow the direction provided by TBS regarding precautionary measures for all OPS office spaces as part of the corporate Gradual Reopening of Workplaces guidance.

Managers are responsible for working with JHSCs to ensure appropriate precautionary measures continue to be in place in administrative areas.

These will include:

- Continuing remote work to the degree operationally feasible
- Requiring staff to wear face coverings as outlined in the [Face Coverings](#) section above
- Monitoring adherence to the PPE policy
- Reducing seating capacity
- Reducing office/workspace capacity to support physical distancing
- Implementing clean workplace guidelines
- Posting of signage to promote physical distancing and hand hygiene
- Supplying disinfectant and hand sanitizer
- Cleaning shared use items (e.g., staplers, pens, whiteboard markers, etc.) before and after use
- Only holding in-person meetings when necessary. Conference calls and virtual meetings should be utilized to the degree practicable. Where meetings are required, maintaining physical distancing, and wearing face coverings or PPE, and limiting the duration to the degree possible.

## VI. COMMUNICATION OF PROBABLE OR CONFIRMED COVID-19 CASES

### Justice Sector Partners and Members of the Public

If a justice sector partner or member of the public becomes unwell with COVID-19 symptoms while at the courthouse, they will be asked to:

- Leave the facility immediately
- 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.

### Court Personnel or Judiciary

If court personnel or a member of the judiciary becomes unwell with COVID-19 symptoms while at the courthouse, they will be asked to:

- Leave the workplace as soon as possible.
- Self-isolate if unable to leave immediately (a room will be identified to support self-isolation).
- Notify their manager immediately.
- 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.

### Communication of a Probable or Confirmed COVID-19 Case

MAG will continue to ensure transparency by communicating probable or confirmed cases through an all-staff memo issued by local management that aligns with Public Health recommendations and health and safety regulations. Privacy rights of the person must be respected and therefore no direct or circumstantial identifying information will be included.

MAG also recognizes that members of external stakeholder groups/associations attend courthouses and buildings operated by the ministry and that communication of probable or confirmed COVID-19 cases with these groups is vital in assisting members in making informed health and safety decisions. Therefore, approved memos will also be shared with these external stakeholders/associations.

Public Health will conduct any required contact tracing and will communicate directly with any individual identified through their process.

## APPENDIX A – MOVEMENT OF IN-CUSTODY ACCUSED

These materials provide an overview of the current processes and best practices recommended around the transportation and movement of those accused persons charged with criminal offences who are currently held in correctional facilities and who are required to appear in court, in person, effective from July 6, 2020.

As the restoration of operations continues in the province's courthouses for all levels of court these materials will continue to be reviewed and revised as required.

### Correctional Services – Ministry of the Solicitor General

The materials that relate to Correctional services are prepared by the Assistant Deputy Minister's Office in the Institutional Services in consultation with all relevant program areas including (but not limited to) those that oversee inmate and employee healthcare, supply chain management, cleaning services, and daily operations.

Unless otherwise noted, the healthcare policies and procedures and the actions taken to stop transmission of the COVID-19 virus have been implemented at all provincial adult correctional institutions.

Compliance with policy is monitored locally by senior managers and daily meetings are held with superintendents to discuss implementation status and identify any challenges and develop solutions.

Stocks of critical supplies including PPE and cleaning products at all institutions are monitored daily. Any shortages are reported and addressed immediately.

Inmates have access to both formal and informal complaint procedures to both internal and external oversight bodies for the fair and timely resolution of complaints, concerns and disputes. The formal complaint processes require a timely response and, in some cases, include appeals processes.

All processes relating to screening, PPE or health care were created in consultation with the Ministry of Health and Public Health Ontario.

### **Actions taken within Correctional facilities to stop transmission of COVID-19 virus**

Screening:

- Every individual entering the institution is subject to an active screening process that was developed based on Ministry of Health Screening Guidelines.

- All staff attending the institution are required to sign an affirmation in respect of satisfying a COVID-19 health checklist
- All professional visitors who attend the institution are required to perform a self-assessment
- Personal visitation for inmates has been suspended until further notice. Various additional support measures are being put in place for inmates.
- The ministry has signed a Memorandum of Understanding with the Nishnawbe-Aski Legal Services Corporation (NALSC) and the Nishnawbe Aski Nation (NAN) to support discharge planning and the safe return home of individuals to NAN territories during the COVID-19 pandemic.
- As of May 24, 2020, the ministry began offering voluntary COVID-19 testing to all inmates and all staff members. Testing will be offered at all institutions in a phased approach

## Healthcare policies and procedures

Communicable disease outbreak process:

- If a reportable communicable disease occurs or is suspected, institution officials notify the local Medical Officer of Health, and Ministry provincial health professionals.
- The Medical Officer of Health determines whether to declare an outbreak and provides direction for containment.
- Institution health care staff working collaboratively and under the direction of the local Medical Officer of Health take immediate precautionary containment measures in accordance with operating procedures, including containment strategies which may include medical isolation and decontamination of affected areas.
- When an inmate tests positive they are immediately placed in medical isolation under droplet and contact precautions (or kept in medical isolation if they had been already be placed there pre-testing). The local Public Health Unit leads contact tracing in collaboration with the Ministry of the Solicitor General's Corporate Healthcare and Wellness Branch and the institution's healthcare team. While each case is managed individually, once resolved the individual could be integrated back into the general inmate population.
- Placement in medical isolation is temporary and non-punitive. Inmates placed in medical isolation are managed in accordance with ministry policy and still receive access to court and counsel, fresh air ("yard"), showers, use of telephone, and access to personal belongings as well as canteen.
- Contact tracing is the process used by Public Health Units to identify, educate, and monitor individuals who have had close contact with someone who is

infected with the virus. The ministry works with Public Health units to support contact tracing for both staff and inmates.

## **Medical Care:**

- Standard health care services available from the Ministry include:
  - Primary Care Physicians and Nurse Practitioners – each institution has one or more physicians and/or nurse practitioners who provide primary medical care to patients. There is a primary care practitioner on call during all hours of health care operations.
  - Upon admission to a provincial jail or detention centre, all inmates receive an admission health assessment

## **Process for In-Person Court Appearances**

### Guiding Principles

- Inmates in intake or isolation units will only attend court by video.
- Inmates are unfit for in-person court if they:
  - Have tested positive for COVID-19 and have not been cleared by Corporate Health Care;
  - Are awaiting a COVID-19 test result;
  - Have been determined to be medically unfit by health care;
  - Report illness prior to leaving and health care is not able to assess prior to leaving the institution;
  - Are currently housed in medical isolation or in an intake unit.
- Inmates who report illness will be assessed by health care and made unfit for court, if appropriate.
- Health Care will receive a court list minimally 24 hours in advance, where possible, and provide one-on-one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
- Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
- Upon return to the institution, inmates will be monitored through a point of care assessment to determine level of exposure risk while outside the institution.
- Ministry of the Attorney General and police services guidelines will be expected to be followed while in the custody of police services and at the courthouse.
- While in transit or in court, inmates should be:

- Wearing a level 1 surgical mask at all times if unable to be 2 metres apart from others with no physical barrier, and
- Have access to hand hygiene (either sink, soap and water or hand sanitizer) throughout the process.
- A replacement mask should be provided for inmates should the mask become contaminated, soiled or wet.
- Institutions should maintain regular contact with local police services to ensure that guiding principles are followed.
- Inmates must be screened by Correctional Staff per Inmate Screening for Symptoms of ILI upon return from court.
- Inmates returning from court will also have additional questions asked by correctional staff using the Return from Court Risk Assessment to assess exposure risks and health care will be contacted, where indicated.
- The information gathered from the ILI screening and Court Risk Assessment may generate a change in housing requirements (e.g. intake unit or isolated) and the individual may need to be monitored for 14 days from their Court appearance.
- Logs must be kept for those who make court appearances and ideally all persons cohorted for transport or at court along with contact information, in case exposure is identified and contact follow up becomes necessary.

#### Prior to leaving the institution

1. Health Care staff will review the court list 24 hours in advance and provide one to one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
2. Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
3. The institution must provide notification as per policy to the Ministry of the Attorney General if the inmate will not be appearing at court.
4. Correctional staff will give each inmate leaving the institution one (1) level 1 surgical/procedural mask which is to be worn at all times if unable to be 2 metres apart from others with no physical barrier.

#### At the courthouse

1. Inmates will follow all police services guidelines while in their custody.
2. Inmates will follow all Ministry of the Attorney General guidelines while at the courthouse. This includes, but is not limited to:
  - Wearing a mask as required;
  - Keeping physical distance; and

- Sanitizing/washing hands as appropriate.

#### Returning to the institution

1. Each inmate must be screened by correctional staff each time they return to the institution using the Inmate Screening for Symptoms of ILI and the Return from Court Risk Assessment.
2. If the inmate does not pass the screening, correctional staff are to follow the Correctional Officer Influenza-Like Symptom Screening Algorithm for Inmates.
3. Inmates who pass screening and are determined to not be an exposure risk may be returned to the unit where they had been housed in prior to leaving. They are not to proceed to the intake unit.

## Youth Justice - Ministry of Children, Community and Social Services

The materials that relate to Youth Justice services are prepared by the Assistant Deputy Minister's Office in the Youth Justice Division in consultation with all relevant program areas including (but not limited to) those that oversee young person and employee healthcare, supply chain management, cleaning services and daily operations.

Unless otherwise noted, the healthcare policies and procedures and the actions taken to stop transmission of the COVID-19 virus have been implemented at all provincial youth justice custody/detention facilities.

Compliance with policy is monitored locally by senior managers and licensing compliance (via announced and unannounced inspections).

PPE utilization is monitored, and approved inventory levels are maintained through weekly reporting and replenishment processes.

Young persons, and their legal guardians, have access to both formal and informal complaint procedures to both internal and external oversight bodies for the fair and timely resolution of complaints, concerns and disputes. The formal complaint processes require a timely response and, in some cases, include appeals processes.

The Ministry of Children, Community and Social Services (MCCSS) is responsible for administering the *Youth Criminal Justice Act* in Ontario for young persons who are aged 12-17 years at the time of their offence. The Youth Justice Division, in collaboration with community and inter-ministerial partners, establishes and maintains a broad range of community based and custodial programs and services to address the needs of youth in, or at risk of, conflict with the law.

The Ministry has two types of custody/detention programs for youth, either secure youth centres operated directly by the ministry or open and secure youth centres contracted and operated by a community agency (Transfer Payment Recipients).

\*\*Given current counts in youth justice custody/detention facilities, physical distancing is possible, easily achieved and the preferred prevention method. In situations where physical distancing is not possible, the use of non-medical masks is implemented.

## **Actions Taken within Ministry-operated Youth Justice custody/detention facilities to stop transmission of COVID-19**

### Preventative Actions

- Suspended all personal visitors and cancelled volunteer activities, except spiritual leaders until further notice.
- Professional visits including legal counsel continue, however consideration is given to alternative options such as the use of video conference.
- Approved personal visitors able to continue to maintain contact with youth by phone. Enhanced technology, such as video calling, where operationally available and operationally feasible, is being used to allow virtual visits with family.
- All non-essential reintegration leaves have been restricted until further notice.
- Staff and youth communication materials to support COVID-19 protection measures are in place (i.e. signage, education sessions, physical distancing best practices).
- Modified routines and procedures to promote physical distancing (i.e. limited types of recreational activities, use of visual cues, changed seating in common areas, changed meal routines and discouraging social interactions between staff) have been implemented.

### Screening:

- Anyone entering a ministry-operated youth justice facility including staff, youth, contractors and cleaners, undergo an enhanced screening procedure of having their temperature checked daily.
- If required, staff are provided with full PPE such as when a youth is being admitted to a youth justice facility until a medical screening is completed or if a youth is experiencing COVID-19 related symptoms. Youth are monitored regularly for symptoms of COVID-19 by facility healthcare providers.
- Upon entering a youth justice facility, each employee is offered a surgical face mask to be used during the course of their shift.

- For clarity, the use of these masks does not replace the use of PPE where additional precautions are required, e.g. youth admission screening or if a youth is experiencing COVID-19 symptoms.
- All staff and youth have the voluntary option of wearing cloth (non-medical) masks and are encouraged to wear them when physical distancing practices are not possible.

Healthcare policies and procedures

**Communicable disease outbreak process:**

- The Youth Justice Services Manual is a ministry policy that contains direction for facilities on a variety of issues and circumstances, including direction on communicable diseases.
- Each ministry-operated secure custody/detention facility has a comprehensive Infection Prevention, Management and Control Program, which includes:
  1. Surveillance: health care staff are responsible for the ongoing surveillance, reporting and evaluation of infection-related data to identify suspect or definite increases in the number of cases of infection above the norm.
  2. Policies and Procedures: infection prevention, management and control policies and procedures.
  3. Committee: a multidisciplinary Infection Prevention and Control Committee (IPCC).
- Outbreak Management: the local Medical Officer of Health (MOH) is responsible for declaring an outbreak and making decisions regarding the level of environmental controls and outbreak procedures (modified or full) to be used.
- All staff members are expected to proactively participate in the facility's infection prevention, management and control program to reduce infection risks for young persons, staff and the public.
- In accordance with Ontario Regulation 135/18 and the Health Protection and Promotion Act, the local MOH must be advised as soon as possible if it is believed that a young person in the secure facility has a reportable infection (i.e. COVID-19).
- All ministry-operated secure custody/detention facilities have capacity to separate medically vulnerable youth in a close observation area.
- All ministry-operated facilities are guided by the ministry's COVID-19 Pandemic Plan which provides provisions for mitigating risks associated with the spread of COVID-19 including plans for:
  - Self-isolation
  - Infection Prevention and Control

- Office cleaning
- Screening
- Human Resources and Labour Relations

## **Process for In-Person Court Appearances**

### Health Teaching Protocol for Youth Attending In-person Court:

- The HealthCare Manager/Senior Nurse will receive a court list minimally 24 hours in advance, where possible, and nursing staff will provide health teaching to youth prior to attending in-person court
- If a youth is on droplet and contact precautions or is exhibiting signs or symptoms of COVID-19, the facility is to advise the Court as early as possible, that the youth will be unable to attend in person and alternate arrangements are to be explored.
- Nurses will document completion of health teaching in the HealthCare Record, Part 4.

Prior to in-person court the nurse will review the importance of:

- How and when to perform hand hygiene and proper hand hygiene, including using soap and water for at least 20 seconds or hand sanitizer
- How and when to use a surgical/procedure mask
  - Wear a level 1 surgical/procedure mask at all times during transportation or as directed by local courts and if unable to be 2 metres apart from others with no physical barrier
  - Before putting on a mask, wash your hands with soap and water or hand sanitizer
  - Secure the elastic loops of the mask around your ears. If your mask has strings, tie them securely behind your head
  - Cover your mouth and nose with the mask and make sure there are no gaps between your face and the mask
  - Do not touch the front of the mask while you wear it. Wash your hands with soap and water for at least 20 seconds or use hand sanitizer if you accidentally touch your mask
  - If the mask must be removed, remove the elastic loops of the mask from around your ears or untie the strings from behind your head
  - Hold only the loops or strings and place the mask in a garbage bin
  - Wash your hands with soap and water for at least 20 seconds or use hand sanitizer
  - If the mask becomes contaminated, soiled or wet, request a new mask

- Physical distancing, which means staying at least 2 metres or 6 feet away from other people whenever possible
- Coughing and sneezing into one's sleeve or elbow and not your hands
- Avoiding touching your eyes, nose or mouth, especially with unwashed hands
- Reporting illness to staff in the facility, during transport and in the court house
- All youth returning from in person Court are to be screened as if they were a new intake upon arrival back to the facility.

## **Actions Taken within Transfer Payment Recipient (TPR) Youth Justice custody/detention facilities to stop transmission of COVID-19**

### Preventative Actions

- TPRs have and will continue to implement their own practices to address COVID-19. The ministry continues to work very closely with all facilities to support, monitor and retrieve updates of the steps TPRs have taken. Some of these steps to date include:
  - Enhanced screening procedures for youth upon intake, and of staff and professional visitors upon start of all shifts (e.g. conducting regular temperature checks).
  - Suspension of in-person family visits supplemented with increased phone contact and/or video visitation where operationally available and operationally feasible.
  - Suspension of all non-essential professional visits and community appointments until further notice.
  - In open custody, suspension of all outings to adhere to recommendations made by Public Health officials. Strict limitations have been placed on re-integration leaves.
  - Enhanced cleaning of facilities and sanitization of touch areas and protocols for proper handwashing practices for all staff and youth.
  - Altered staffing schedules in order to minimize the number of staff entering the facility, where operationally feasible.
  - Implementation of physical distancing measures between youth.
  - For open custody/detention, recreational activities have shifted to keep staff and youth on site and appropriate physical distancing is modeled by staff at all times.
  - Facilitating online education programming for youth in partnership with school boards.
  - Identifying closed units that may be opened to accommodate youth requiring isolation.

Screening:

- To assist in actively screening visitors, the Ministry, in partnership with the Ministry of Health, provided a screening tool to be used as a guide, along with a sign to aid in access control. Those who fail screening should not be permitted in the facility. If a new youth is being admitted and does not pass the screening, consideration should be given to deploying enhanced precautions. All staff should use Droplet and Contact Precautions, set out by Public Health Ontario and guidance issued by the Ministry of Health for Group Homes and Co-Living Settings that has been communicated by the ministry to all TPRs, if they come within 2 metres of a suspected or confirmed case, this means enhanced PPE must be worn (surgical mask, eye protection, gown, gloves). The local public health unit needs to be contacted and their direction should be followed.
- Providing all staff and youth with the voluntary option of wearing cloth (non-medical) masks and encouraging them to wear them when physical distancing practices are not possible
- Placement options to protect a vulnerable youth vary and are dependent on facility design. Options may include isolation in a separate unit within a facility with dedicated staff and programming. For youth in open custody facilities, reintegration leaves may be considered where appropriate arrangements can be made outside of the facility, if supported by the youth's probation officer.

Healthcare policies and procedures

**Communicable disease outbreak process:**

- The Ministry recommended that TPRs consider the following in their response to COVID-19:
  - Review and update their existing Business Continuity Plans in order to safeguard and maintain critical business services and to protect the health and safety of staff, clients and the general public.
  - Continue to follow the lead of local public health units and continue to engage with ministry representatives with respect to their unique needs.
  - Consult with their local public health unit if staff or youth experience symptoms of COVID-19.
  - Review the Ministry of Health website, which includes resources on protecting the public and frontline workers.
  - Where it is feasible to do so, consider only allowing essential visitors until further notice.
- In addition to applicable legislative requirements, the ministry requires all TPRs that operate youth justice custody/detention facilities to comply with mandatory

minimum requirements set out in the Youth Justice Service Manual. TPRs own policies expand and clarify the course of action required to comply with ministry standards and will set out the procedures such as specific steps, routine operations or processes required to support the policy. These local policy and procedure manuals support the specific agency requirements. Every member of the staff is responsible for adhering to the standards described in the local manual and the Youth Justice Services Manual.

- Each TPR is required to have contingency plans in place that minimally outline:
  - Roles and responsibilities of staff in the event of an emergency
  - Procedures to be followed in the event of health and safety work refusals
  - Procedures for consultation with local police and emergency planning authorities
  - The requirement for biohazard kits
  - Communicable disease prevention/management

## Police Services

### **Police Transportation of In Custody Accused persons to and from Courthouses**

The following advice and guidelines have been distributed to all police services who have the responsibility for prisoner transportation. This information continues to be reviewed and will be further updated.

### **Transportation of Persons in Custody**

With the re-opening of the courts, policing personnel will be required to resume transportation of accused persons to court from correctional facilities. Correctional facilities have taken precautionary measures to limit the spread of COVID-19 in their facilities.

The Ministry of the Solicitor General (ministry) will be relying on policing personnel to ensure that risk of transmission of the virus is minimized during the transportation process and appearance in court (e.g., ensuring physical distancing is implemented in court holding cells between persons in custody).

It is critically important for police services boards and chiefs of police who have the responsibility for the transportation of persons in custody to implement all the following advice:

- Conduct active screening for policing personnel and any individual taken into custody and to follow any appropriate measures for those that screen positive for COVID-19.

- Active screening involves an individual being required to answer questions pertaining to COVID-19 (please refer to All Chiefs Memo 20-0016).
- If a person screens positive on site, they should be instructed to wear a surgical / procedure mask (if physically tolerated).
  - Those persons should also be advised to perform hand hygiene and ensure that used masks are not left in common areas or transportation vehicles.
  - The individual should be secluded immediately and placed in a room or transportation vehicle with the door closed, where possible and appropriate, to avoid contact with other persons in custody in common areas of the court.
- Keep daily records of policing personnel, transported individuals, and others who may be involved in the transport process will be kept in order to facilitate contact tracing in the event of a confirmed COVID-19 case or outbreak.
- When conducting a point of interaction risk assessment, policing personnel should consider that transmission of COVID-19 can occur through direct or indirect contact and through droplets.
- Take extra precautionary measures during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts, including:
  - Encourage respiratory etiquette (i.e., covering mouth and nose with a tissue and immediately discarding the tissue into a receptacle, cough or sneeze into the crook of elbow or use tissues that are immediately discarded in the appropriate receptacle followed by performing hand hygiene);
  - Maintain a minimum of two (2) metres (6 feet) of distancing between people throughout their journey;
  - When maintaining a two-metre distance on transport vehicles is not practical or possible, putting in place proper personal protective equipment (PPE) should be emphasized for persons in custody (i.e., surgical/procedure masks, gloves, eye protection such as goggles or face shield, physical barriers between those using the transport vehicle);
  - Use physical markers (such as seat and floor decals) between seats in transport vehicles, where possible; and
  - Avoid physical contact, where possible.
- Enhanced cleaning measures for transportation vehicles and commonly touched surfaces on vehicles (e.g., the steering wheel, the seatbelt, the seats, interior rear-view mirror and interior and exterior door handles) before and after every transport and ensuring the use of a cleaning agent approved for use in Canada by Health Canada (i.e., cleaning and disinfectant products that have a Drug

Identification Number (DIN)), which are designed to kill bacteria, fungi and viruses on hard surfaces within 10 minutes of application or fewer.

- To the extent possible, maintain the availability of hand sanitizer or disinfectant wipes upon entrance and exit to the vehicle.
- Develop a hygiene, cleaning and disinfection protocol for transport vehicles and maintain frequent cleaning routine for all high-touch surfaces such as door handles, handrails, and countertops should be cleaned frequently.
- Endeavour to minimize the number of individuals in custody who are travelling together in any transport vehicle considering, to the extent practical, best public health practices, which include:
  - Physical distancing of two metres or more;
  - Avoid mixing individuals transported from correctional facilities with other individuals taken into custody at the court. If mixing of individuals cannot be prevented, precautionary measures, such as the use of PPEs, should be taken;
  - Avoid contact with people who are sick or those have been tested and are awaiting test results; and
  - Wash hands often with soap and water or hand sanitizer and ensure that in-custody person(s) have also used hand sanitizer before they enter the transport vehicle and again before entry and upon exiting the courtroom.

Police services boards and chiefs of police should prepare for any increased requests and allocate the appropriate resources needed to facilitate the administration of justice in a timely manner, including staffing court facilities with additional policing personnel.

Policing personnel are also reminded to continue to take the necessary extra precautions to protect themselves from COVID-19 exposure during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts.

In addition, policing personnel should be performing frequent hand hygiene between each transportation of person(s) in custody and use PPE (e.g., surgical/procedure masks, gloves and eye protection) as they interact with persons in custody and members of the public attending court facilities.

## Ministry of the Attorney General

### COVID-19 Courthouse Site Assessment and Precautionary Measures

- MAG has undertaken a site assessment process led by the Public Services Health and Safety Association (PSHSA).
- Site assessments involved the review of public areas of the courthouse, including courtrooms and cell blocks, and provided recommendations for

appropriate precautionary measures to mitigate the risk of COVID-19 transmission.

- In preparation for resuming attendance of in-custody accused to the courthouse MAG has introduced precautionary measures including:
  - Active and passive screening of all attendees to the courthouse, including staff, and judiciary.
  - Mandated wearing of face coverings for court personnel, justice sector partners and members of the public while in the courthouse (with some exceptions).
  - Use of hand sanitizer at entry.
  - Physical distancing throughout the facility.
  - Enhanced cleaning of the facility three times each day and in between witnesses and accused in the courtroom.
  - Enhanced cleaning of holding cells multiple times each day and between prisoners.
  - Engineering controls – plexiglass barriers.
  - Administrative controls – floor markers, queuing markers, fixed hand sanitizer at key points throughout the facility, best practices for document transmission.
  - Personal protection equipment (PPE) in the form of face masks and eye protection where deemed necessary based on the site assessment.
- When the prisoner attends the courthouse, they will be held in the cellblock. Precautionary measures undertaken by MAG in the cell block will include enhanced cleaning multiple time per day. A day porter service where the holding cell will be cleaned every time there is a different prisoner occupying any given holding cell.
- When the prisoner moves to the courtroom, they will be held in the prisoner box.
- A face covering will be provided to the prisoner when in the courtroom unless otherwise directed by judiciary or police services (may pose a risk to the prisoner).
- Physical distancing markers are in place in the courtroom to assist in maintaining two metres (six feet) around the prisoner.
- Plexiglass is in place in the courtroom where physical distancing may not be possible.
- Face coverings will be worn by staff in public and administrative areas as outlined under the 'Face Covering' section of the guidebook. Where an employee is unable to wear a face covering, physical distancing is not possible, and an engineering control is not in place, staff will wear PPE.