

OPERATIONAL PLAN GUIDELINES FOR COURT APPROVED PARTICIPANTS FROM OUTSIDE NOVA SCOTIA

BACKGROUND

The [Health Protection Act Order](#) made by the province's Chief Medical Officer of Health was amended to permit people from outside Nova Scotia to participate in legal proceedings in Nova Scotia courthouses when required, without the need to self-isolate for 14 days, so long as they are well and showing no symptoms of COVID-19. In those instances, increased measures and restrictions are necessary to ensure the health and safety of all court participants.

The Courts of Nova Scotia have developed these Guidelines to assist with designing an on-site operational plan to safely manage in-person appearances of participants from outside Nova Scotia, when these requests are approved by a Judge.

APPLICATION

It is critical that the [Nova Scotia Public Health and COVID-19 Response](#), the [Courts of NS COVID-19 Preventative Measures](#) and its [Recovery Plan and Guidelines](#) are followed to reduce the risk of COVID-19 exposure to the public. Any change or update to the [Health Protection Act Order](#) may result in changes to these operational plan Guidelines.

The first step is to make an advance request to the presiding judge and the Court Administrator to have a participant attend from outside Nova Scotia. This request must be made at least 10 clear days in advance of the proceeding.

- If the presiding judge agrees to the request for participant attendance from outside Nova Scotia, pursuant to the exemption, then the operational plan will be applicable.
- The operational plan will only be implemented when all other measures are not possible, including prior 14-day isolation or videoconferencing.

For additional considerations and restrictions applicable to the Supreme Court (Family Division) and Provincial Family Court, please refer to the [COVID-19: Notice #11 – Atlantic Bubble](#) dated Friday, Oct. 9, 2020.

Operational plans are coordinated by the Court Administrator and must be in place for each case where an individual from outside Nova Scotia will be attending a courthouse. Every plan must consider all relevant factors specific to that case, for example: time, date, duration in the building, available resources and all other proceedings occurring in the courthouse.

GENERAL REQUIREMENTS BEFORE THE START OF EACH CASE		
Action	Who is Responsible	Details of implementation including communication
Advance Request made to the Court	Crown, Counsel, or Self-represented litigant	<p>Send request to both the presiding judge <u>and</u> Court Administration at the courthouse of the following:</p> <ol style="list-style-type: none"> 1. name of the participant (party, counsel or witness), 2. date(s) the participant is required to be in the courthouse and duration of participation (how long). <p>This information is to be provided in writing as soon as possible* and not less than 10 clear days in advance to all of the following:</p> <ul style="list-style-type: none"> • to the presiding judge • to the Court Administrator and, • <i>as applicable</i>, to the Registrar, Prothonotary, Conciliator, Staff JP, Clerk or other Court Officer of the court affected <p>*NOTES: Parties or Counsel must make any request to the Court and Court Administration a minimum of 10 clear days in advance of the proceeding, that a party, counsel or witness seeks to participate in person, who is coming from outside Nova Scotia.</p> <p>If the presiding judge agrees to the request, in consultation with Court Administration regarding the courthouse capacity and other factors, the advance notice provides time for Court Administration and Sheriff Services to consider all other proceedings occurring at the courthouse and make the necessary arrangements to help the participant avoid unnecessary contact with others in the courthouse.</p>
Communicate Operational Plan to Sheriff and Court Staff	Court Administrator Sheriff Services	<p>Communication in writing will be provided to the presiding judge(s) and any other individuals in the courthouse who may be directly impacted by the presence of someone from outside Nova Scotia, at least one day prior to court proceedings, and reiterating:</p> <ul style="list-style-type: none"> • preparations for court proceeding • specific protocols and procedures in place to respond to particular case, for example: <ul style="list-style-type: none"> ○ revised entrances, exits, movement and floor traffic management plans (see below) being used by Sheriffs ○ revised use of rooms within courthouse, including interview rooms and washrooms ○ cleaning and sanitizing regimens • requirements to continue regular personal protective protocols and procedures

Action	Who is Responsible	Details of implementation including communication
Self-assessment each day <u>before coming</u> to the courthouse	All Court Participants and Attendees, including Staff	<p>Self-screen and isolate if symptomatic:</p> <ul style="list-style-type: none"> • follow Public Health advice: https://novascotia.ca/coronavirus/ <ul style="list-style-type: none"> ○ Self-screen using the 811 Assessment tool to determine if ill or experiencing COVID-19 or cold/flu symptoms <p>If symptomatic before arrival at site, the individual must not attend the courthouse and must immediately:</p> <ul style="list-style-type: none"> ○ Complete the online assessment <ul style="list-style-type: none"> ▪ Please visit https://when-to-call-about-covid19.novascotia.ca/en for up-to-date information on COVID-19 symptoms <p>If indicated by online assessment, contact</p> <ul style="list-style-type: none"> ○ 811 for direction and to arrange testing, and ○ Court Administration to advise that they cannot attend.
Physical Distancing, Non-medical masks, Hand washing or disinfecting while attending courthouse	All Court Participants and Attendees, including Staff	<ul style="list-style-type: none"> • Continue to self-monitor and follow Public Health advice • Maintain 2 metres of physical distancing • Wear a non-medical mask in designated public locations and as directed to offer additional protection • Remember that masks do not replace the need for physical distancing measures and hand washing or disinfecting • Follow all signage and other safety instructions

PREPARATORY BUILDING OPERATIONS AND CLEANING REGIMENS		
Action	Who is Responsible	Details of implementation including communication
Risk assessment and planning of responses	Court Administrator	<p>As necessary, use the Building Mitigations of the Nova Scotia Courts COVID-19 Recovery Plan and Guidelines June 2020: and include the following considerations:</p> <ul style="list-style-type: none"> • maximize fresh air ventilation while taking into account outdoor temperature and humidity • Identify where and when regular and additional cleaning, sanitizing or disinfecting are required and who is responsible

TRANSPORT, ENTRANCES & EXITS, MOVEMENT & TRAFFIC MANAGEMENT		
Action	Who is Responsible	Details of implementation including communication
Develop and Implement plans for: entrances, exits, and movement	Court Administrator Sheriff Services	Coordinate arrangements for separate entrance, where possible, for arrival and exit of participants from outside Nova Scotia that are separated from the public and from staff. Determine best time to enter and exit (before court starts and after it ends for the day when the least amount of people are moving throughout the building).
Escort while in the Courthouse	Court Administrator Sheriff Services	Arrangements to be made for a Sheriff escort or designated court staff person to ensure individual(s) from outside Nova Scotia follow all details of the operational plan, including wearing proper PPE, distancing from other court participants and staff, entering and exiting at appropriate times and using designated rooms.
Traffic flow planning	Court Administrator Sheriff Services	<ul style="list-style-type: none"> • Determine movement and traffic flow of participants from outside Nova Scotia within the courthouse to minimize potential contact with staff and other people present in the courthouse <ul style="list-style-type: none"> • identification of <ul style="list-style-type: none"> ○ entrances, exits and public areas to be avoided ○ designated times and clearance processes <ul style="list-style-type: none"> ▪ for example, Deputy Sheriffs may move participants in and out of the courthouse or through an area within the courthouse after it is cleared to do so <p>A Deputy Sheriff will shut down “regular” movement on travel routes prior to movement of participants from outside Nova Scotia until completed in all areas.</p>
Courtroom use – time and crowd management	Court Administrator Court Reporter Sheriff Services	<p>The Courtroom that will be in use for the proceeding involving participants from outside Nova Scotia will be opened by the Court Reporter an additional period of time (for example, 20 to 30 minutes) prior to court starting.</p> <p>Allowing the Deputy Sheriffs to seat individuals directly into the courtroom and avoid crowds gathering in the lobby areas will minimize risk and best control capacity limits.</p> <p>A Deputy Sheriff will remain in the courtroom once anyone is admitted inside.</p>

CONTINUATION OF MITIGATIONS FROM RECOVERY PLAN & GUIDELINES ,		
Action	Who is Responsible	Details of implementation including communication
Screening of all participants upon arrival at courthouse	Sheriff Services	<p>Screening is conducted in accordance with the <i>NS Sheriff Services COVID-19 General Operational Plan Safety in The Workplace</i> as updated.</p> <p>If a person is symptomatic upon arrival, the Sheriff must:</p> <ul style="list-style-type: none"> • Remove the person from the area and isolate from others in a designated separate room immediately • Direct the person to call 811 for further instruction and • Advise Court Administrator of circumstances (response addressed below)
Use of PPE	Court Administrator	<p>Non-medical mask (NMM) supplies must be secured to address the requirements of Update Re: Masks In Courthouses dated August 31, 2020.</p> <p>This is consistent with section 5.18(f) of the Restated Order of the Chief Medical Officer of Health made under the <i>Health Protection Act</i> dated September 3, 2020.</p>
Safety Practices when advised of a symptomatic individual during the proceeding	Sheriff Services and Court Staff	<p>If symptomatic at screening or at any time during the day:</p> <ul style="list-style-type: none"> • Immediately remove the person from the area and isolate from others in a designated separate room. • Contact 811 for further instruction. • Direct the person to return to the place they are staying, contact 811 and remain in isolation until their testing appointment. • The person may be directed by 811 to be tested (Public Health does not arrange this for individuals). <p>Advise Court Administrator of circumstances.</p>
Process and Response when advised of a symptomatic individual	Court Administrator with Public Health	<p>Upon an individual contacting 811, arranging testing, and testing positive, NS Public Health will inform on the testing, conduct contact-tracing, and advise the Court Administrator as required.</p>

Action	Who is Responsible	Details of implementation including communication
<p>Process and Response when advised of a symptomatic individual</p>	<p>Court Administrator with Public Health and presiding judge</p>	<p><u>On direction of the presiding judge after consultation with Public Health facilitated by the Court Administrator, the court proceeding continues or is adjourned, while testing and results are determined.</u></p> <p>Public Health will provide direction, based on the circumstances, including when and how a matter can best proceed.</p>
<p>Communications with Public Health</p>	<p>Court Administrator</p>	<p>Court Administrator provides the list of persons participating in the proceeding to Public Health as requested. This list shall include the following for each person participating:</p> <ul style="list-style-type: none"> ▪ full name and contact information ▪ time(s) they were at the court location for the trial <p>Public Health will advise the Court Administrator on next steps for those that have been exposed in the court location for the proceeding and the Court Administrator will advise the presiding judge.</p> <ul style="list-style-type: none"> ▪ The next steps are dependent on the particular circumstances ▪ If a person tests positive, then Public Health becomes involved with the case follow-up and the contact-tracing. <p>Public Health contacts the case and reviews potential exposure and then calls all contacts directly with instructions to guide them through the appropriate processes, including 14-day monitoring for symptoms, cleaning measures and who to inform.</p> <p>Refer to Courts of Nova Scotia Recovery Plan and Guidelines for other communication guidelines including public liaison work and addressing concerns and complaints.</p>

COURTROOM PROCEDURES		
Action	Who is Responsible	Details of implementation including communication
Courtroom cleaning regimens	Court Administrator	<p>Using the Building Mitigations of the Nova Scotia Courts COVID-19 Recovery Plan and Guidelines June 2020 to identify:</p> <ul style="list-style-type: none"> • where regular and additional cleaning, sanitizing or disinfecting are required; • when this is to occur; and • who is responsible. <p>to ensure stringent cleaning of every area where the participants from outside Nova Scotia have contact.</p>
Courtroom preparation and maintenance	Court Reporter	<p>Responsible for the following tasks:</p> <ul style="list-style-type: none"> • double check that all supplies are stocked in the courtroom well in advance of the matter proceeding. <ul style="list-style-type: none"> ○ If anything is missing or needed, advise their Supervisor. • ensure the witness stand is disinfected between witnesses. (may call in cleaner to do this but should be prepared to do it themselves). • ensure their workstation, any shared items and the judge's desk are disinfected after a proceeding finishes to ensure this is done between each proceeding.
Courtroom management during proceeding	Court Reporter	<p>Follows Courts of Nova Scotia Recovery Plan and Guidelines for the following:</p> <ul style="list-style-type: none"> • General Document Handling • Distributing documents and exhibits to judge, parties, counsel and witnesses • Swearing or affirming Witness: also following supplementary procedural materials on oath and affirmation administration <p>Maintains a list of participants and records when each person was present during the court proceeding.</p> <ul style="list-style-type: none"> ➤ for contact tracing purposes the information sheet is required to have the following information for each person participating: <ul style="list-style-type: none"> ○ full name and contact information ○ time(s) they were at the courthouse

SAMPLE OPERATIONAL PLAN

OPERATIONS PLAN- WEEK OF OCTOBER___ (UPDATED SEPT 28, 2020)

Thursday ____ . Courtroom XXX.	<ul style="list-style-type: none"> Four lawyers from outside of Nova Scotia (hereinafter called “ONSLs”)
Sheriffs	
Court Administrator (CA)	
Judicial Assistant Supervisor (JAS)	
Building Operator TIR (TIR)	
Cleaner	

- **ONSLs and escorting sheriffs will be in full PPE**
- **All movement in and out of TLC will be through Sheriff garage doors to minimize potential contact with staff and others**
- **Sheriffs will shut down movement on travel routes prior to movement until completed in all areas of travel.**

ONSL – October x Courtroom XX

1. Entrance

- a) Four ONSLs will be arriving [time to be confirmed and communicated by Sheriff] at sheriff’s garage door on the lower parking level. They will enter through the side door avoiding cells and into the public 1st floor area.
- b) Four ONSLs will be meet by a 1 Sheriff assigned to them for duration of visit.
- c) Sheriff will escort ONSL the 1st floor interview room or directly to the court [will be confirmed by Court if can go straight to Courtroom]

2. Bathroom Usage for ONSLs

- a) The public bathroom on 5th floor will be blocked off for ONSL use only. Public will be told of washrooms on 7th and 3rd floor. Staff will be told use washrooms in secure area (CA, JAs and Executive Office).
- b) The 5th floor public bathroom will be disinfected at the end of the day only (Cleaner). Regular night cleaning will take place.
- c) Deputy Sheriff dedicated to the 5th floor lobby and can enforce non-public use of the toilet.

3. Transport of ONSLs in Courthouse

- a) ONSLs will be transported from 1st floor interview room using the prisoner elevators up to 5th floor. They will use side entrance into courtroom. Entrance will be disinfected after entry (Cleaner).

4. Elevators

- b) Prisoner elevator will be disinfected after each transport of ONSL. Sheriffs will contact CA to advise cleaning needed. CA will notify Cleaner will be notified.
- c) Prisoner elevator will be disinfected at the end of the day (Cleaner). Regular night cleaning will take place.

5. Building Operations

- a) TIR should notify all trades expected to be working in Sheriff garage area to avoid bumping into ONSL. However, all movement will be taking place on secure side with Sheriff clearance. Exposure is very low for Trades. (TIR send out email if he deems necessary based on work planned for TLC)
- b) Ventilation – the Recovery Plan and Guidelines requires that HVAC/Ventilation for owned and leased buildings of TIR complies with the Public Health OH&S guidance
 - make sure ventilation systems are working properly and change filters more frequently
 - increase ventilation rates for makeup air, supply air, and exhaust systems (within system design specifications) and percentage of fresh clean air (CA will notify the judiciary)

6. Symptomatic ONSLs

Regular protocols will kick in. If ONSLs say they have a physical symptom (not just the travel out of bubble issue screening fail). Sheriffs will have them wait outdoors prior to entry into the building through Sheriff garage and seek further instruction from presiding judge. If inclement weather, they will put ONSLs, one each in the two interview rooms on 1st floor and seek instruction from Presiding judge.

*If any room is used symptomatic person, Sheriffs to notify CA. CA will notify TIR for full decontamination overnight.

7. Courtroom Doors & Crowd Control

- a) There is a full docket every day this week. **All courtrooms that will be in use will be opened by the JA 25 minutes prior to court starting.** [awaiting confirmation whether can place ONSL in Court earlier than 25 min before] from CA

Allowing the sheriffs to seat individuals directly into the courtroom and avoid crowds gathering in the lobby areas will minimize risk and best control capacity limits. A sheriff will remain in the courtroom once anyone is admitted inside. (Reminder Memo to be sent to JAs by JAS with open 25 min early request and explanation about crowd control and full dockets as reason.)

8. Courtroom Procedures

- a) All JAs must double check that they have all COVID-19 supplies in the entire courtroom well in advance of their matters (on JA desk and on counsel tables). If anything is missing or needed advice their Supervisor. (JAS to send reminder memo to JAs)
 - b) All swearing in books of faith etc. MUST be placed in Ziplock case ahead of time. This will speed up any disinfecting in between matters and witnesses. JAs will be responsible to do this between witnesses if Cleaner is busy cleaning other high touch areas. week (JAs send reminder memo to JAs).
 - c) JAs will be responsible to ensure their workstation and shared items and the judge's desk are wiped off/ sprayed after their matter to ensure it is done between matters. (JAs memo)
 - d) JAs will be responsible to ensure the witness stand is sprayed with vortex between witnesses. (Use same process of calling Cleaner as did before but because its busy they should be prepared to do it themselves). JAS memo
 - e) The court will be disinfected at the end of the matter (Cleaner). Special instructions will be followed regarding disinfecting of Lexan (confirmation coming from Lahey Glass to CA and JAs who will forward to TIR)
-