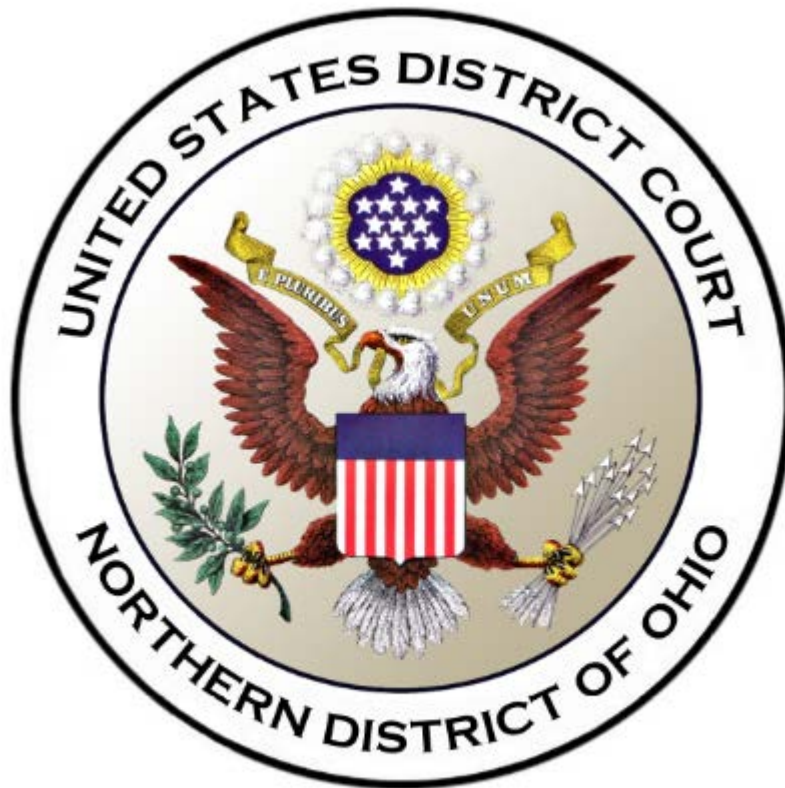


**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**



JURY TRIAL PROTOCOLS - COVID-19 PANDEMIC

United States District Court, Northern District of Ohio

Jury Trial Protocols – COVID-19 Pandemic

The following document outlines the general approach and protocols for conducting civil and criminal jury trials in the Northern District of Ohio. The purpose of this document is to provide jury trial participants with an understanding of the precautions that are being taken district-wide to protect jurors, attorneys, court staff and members of the public during the COVID-19 pandemic. Please note that due to the differences inherent in each courthouse, courtroom or trial, additional safeguards may be implemented as necessary.

BUILDING PREPARATIONS

Operations

In response to the COVID-19 pandemic, listed below are some of the many changes implemented in all courthouses in the Northern District of Ohio:

HVAC Systems

- HVAC and building automations systems are being inspected daily for any issues.
- Outside air flow has been increased to a minimum of 20%.
- System operation schedules have been modified to allow additional air circulation before and after previous operating hours.

Air Filtration Systems

- All air filtration banks have been inspected and sealed, if necessary.
- Air filter upgrades have been applied where applicable.

Plumbing Systems

- A complete flush of water systems is conducted regularly.

Maintenance and Cleaning

- Purell Instant Hand Sanitizer stands have been placed at building entrances and exits and in public lobbies.
- Janitorial contracts have been modified and implemented to include specific requirements to be met for COVID-19. Disinfectants identified as effective against COVID-19 are utilized throughout all buildings, with high touch surfaces being routinely wiped down.

Health Screening for Courthouse Entrance

Temperature Screening

- Non-contact infrared walk-through body temperature detectors will be installed at the building security checkpoint.

INFRARED BODY TEMPERATURE DETECTOR

[WATCH THE VIDEO](#)

- ✔ Zero-contact detection
- ✔ Indoor & Outdoor use
- ✔ Naturally drives traffic
- ✔ High-screening accuracy
- ✔ Visual & sound alarm for abnormal temperature over 100.4°F
- ✔ Screening capability of 70 people per minute
- ✔ Wrist or forehead screening detection
- ✔ User friendly, no maintenance required
- ✔ All-terrain environment design
- ✔ Minimize the spread-of infection
- ✔ 12 months warranty
- ✔ ADA friendly
- ✔ HIPPA Compliant

[INFRARED VS THERMAL IMAGING](#)

Important note:

SafeCheck infrared technology is accurate for indoor or outdoor uses. The environment temperature does not affect SafeCheck reading in any ways. Thermal imaging technology is not accurate due to the fact that the sensor pick up the temperature of the whole body or elements such as a cup of coffee and could only work in very specific temperature controlled environments.

- Court Security Officers (CSOs) will ask screening questions. Individuals who do not pass the temperature check or respond “yes” to any screening question will be denied entrance to the courthouse. Screening questions may include the following:
 - Have you or anyone in your household been diagnosed with COVID-19 within the last 14 days?
 - Do you have any reason to believe you or anyone in your household has been exposed to COVID-19 within the last 14 days?
 - Have you experienced symptoms such as fever, cough, difficulty breathing, chills, muscle aches, sore throat, nausea, new loss of smell or taste within the last 14 days?

I. SUMMONSING A JURY PANEL

Initial Contact

- COVID-19 related Frequently Asked Questions have been added to the Jury Pages of the Court's website.
- Letter to jurors with summons (a sample letter follows) explains procedures, safety measures, etc. Frequently Asked Questions will be printed on the back of the letter.

Supplemental Questionnaires

- Whenever possible, jurors will fill out supplemental questionnaires electronically before the morning of trial to limit the time the jurors spend at the courthouse.

COVID-19 Screening

- The day before trial (or Friday, for a trial beginning on Monday), a recorded message will be sent to all jurors via home phone, cell phone, and e-mail which states the following:
 - This is a message from the United States District Court for the Northern District of Ohio concerning your jury service. You are currently scheduled to report for jury duty on (date) at (time). In order to ensure a safe and healthy environment for everyone, if you are currently experiencing flu-like symptoms, including fever, cough, sore throat, chills, muscle aches, difficulty breathing, nausea, or new loss of taste or smell, you must call the Jury Department as soon as possible at (number) or before reporting.
Thank you.
- Anyone experiencing COVID-19 related symptoms will be deferred for another report date.

Voir Dire

- Security Screening
 - A plastic bag with disposable masks will be delivered to the CSO station the morning of trial to ensure any juror not bringing their own mask has one to wear in the courthouse.
- Check-In Procedures
 - Upon arrival to the designated assembly area, jurors will be provided a large Ziploc bag. The contents will include:
 - A cloth mask;
 - Face shield;

- A sanitizing wipe;
 - Two pens;
 - Small bottle of hand sanitizer;
 - Juror label (sticker);
 - Parking certification;
 - Attendance certificate.
- If any questionnaire is being filled out the morning of voir dire, a sanitized clip board with the questionnaire will also be provided.
 - Boxes will be set up in the room for the return of parking certifications and questionnaires.
 - A modified orientation will be given which explains COVID-19 related procedures, and an opportunity to ask questions will be given.

SAMPLE LETTER WITH SUMMONS



United States District Court, Northern District of Ohio
Sandy Opacich, Clerk of Court
Carl B. Stokes U.S. Court House
801 West Superior Avenue
Cleveland, Ohio 44113

Dear Prospective Juror,

The unprecedented times created by COVID-19 have presented the federal judiciary with many challenges in the way we conduct business. One of those challenges is federal jury service. After thorough review and much consideration, we have begun to resume some sense of normalcy, while adhering to the new set of health and safety standards set forth by the CDC and State Health Officials. Outlined below are the actions the Ohio Northern District has taken to ensure your safety during the entire length of your service as a juror at the United States District Court.

Upon arriving at the Court House on your day of service, here is what you can expect:

- Health screening may take place for admittance into the Court House.
- Face coverings are required in the Court House.
- Social distancing will be observed in all areas, including security screening, jury assembly, courtrooms, deliberation areas, and elevators.
- A deep cleaning/sanitization of the Court House will be completed early each morning and throughout the day.
- Building HVAC systems have been equipped with the highest quality air filters, fresh air will be circulated in accordance with COVID-19 standards and HVAC systems will operate before and after hours to ensure maximum air circulation.
- Juror check-in and voir dire procedures have been modified to minimize personal contact.

In addition, after arriving at the Court, you will be provided with the following items for your personal use while in the Court House:

- A cloth mask with anti-bacterial properties, however, bringing your own is also strongly encouraged;
- A face-shield;
- An anti-bacterial wipe;
- Pens;
- Hand sanitizer.

It is recommended that all jurors bring their own snacks, lunch, and drinks each day of service, as the courthouse cafeteria may be temporarily closed, as are many area restaurants. Bottled water and coffee (Keurig with individual K-Cups, cream, and sugar packets) will be available. You may eat your lunch in the Jury Assembly Area, which provides ample space for proper social distancing.

For your safety and the safety of others, please do NOT enter the Court House if you are ill or experiencing any flu-like symptoms, including headache, fever, sore throat, cough, muscle aches, difficulty breathing, nausea or new loss of taste or smell. Please notify the

Jury Department immediately at 216-XXX-XXXX if you are ill or experiencing any of these symptoms before reporting. For all other types of requests for excuse or deferment, please follow the instructions in the included brochure.

For additional information, please see the Frequently Asked Questions included on the back of this letter or the Court's website. Thank you for your cooperation and participation in this important judicial process.

Sincerely,



Sandy Opacich, Clerk of Court

Frequently Asked Questions

- **Are face masks/coverings required?**
 - Yes, a face covering must always be worn in the Court House. You should bring your own mask to the Court House. You will also be provided with an additional cloth mask with anti-bacterial properties by the Court.
- **What should I do if a medical condition prevents me from wearing a mask?**
 - You should contact the Jury Department at 216-XXX-XXX before your report date.
- **Will I be required to remove my mask during jury selection?**
 - In order to preserve the integrity of the jury selection process, you may be asked to remove your mask. For this reason, the Court will provide you with a full-face shield. You may wear this at any time in place of a mask.
- **What is the Court doing to ensure safety of the public?**
 - Health screening may take place for admittance into the Court House.
 - Face coverings are required in the Court House.
 - Social distancing will be observed in all areas, including security screening, jury assembly, courtrooms, deliberation areas, and elevators.
 - A deep cleaning/sanitization of the Court House will be completed early each morning and throughout the day.
 - Building HVAC systems have been equipped with the highest quality air filters, fresh air will be circulated in accordance with COVID-19 standards and HVAC systems will operate before and after hours to ensure maximum air circulation.
 - Juror check-in and voir dire procedures have been modified to minimize personal contact.
- **Is food available for purchase?**
 - At this time, we recommend bringing your own lunch, snacks, and drinks, as courthouse cafeterias and local restaurants may be closed.
- **Are vending machines available?**
 - Access to vending machines will be limited, as well as availability. Jurors are encouraged to bring snacks and lunch from home.
- **Will water fountains be available?**
 - Water fountains in the building will be turned off. Bottled water will be available.
- **I need to request an excuse or deferment based on COVID-19 related concerns. What should I do?**
 - Please follow the instructions for requesting an excuse or deferral contained in the enclosed brochure. All requests should be made in writing.
- **I, or someone in my household, is feeling ill and it is too late to submit a written request. What should I do?**
 - Please call the Jury Department immediately at 216-XXX-XXXX.

II. VOIR DIRE

Room Set-Up and Audio

- Voir Dire will take place in a room(s) that permits social distancing for prospective jurors. Chairs will be labeled to denote where each juror should sit during check-in and voir dire.
- Tables and chairs will be positioned in the front of the room for attorneys in accordance with social distancing requirements. A free-standing microphone will be positioned at the front of the room.
- Attorneys will be assigned seats and a specific microphone to be used at the attorney table. The courtroom deputy will label seats and microphones accordingly. In addition, attorneys may use the free-standing microphone or request a lapel microphone. If the free-standing microphone is used, the courtroom deputy will replace the disposable microphone cover and wipe down the microphone stand after each speaker.
- The free-standing microphone may be used by prospective jurors should attorneys, the court reporter, and/or judge be unable hear a juror's response to a question. The courtroom deputy will replace the disposable microphone cover and wipe down the microphone stand after each speaker.
- A wireless communication system will be provided for sidebars, a private conversation with a juror, and/or private conversations between attorneys and the defendant. Participants will use a headset provided by the court.

Juror Check-In

- In order to prevent congestion at the courthouse entrance, jurors may be asked to arrive on a staggered timetable.
- Jury Department staff will greet jurors and escort them to the check-in area.
- Juror seats will be labeled alphabetically by last name or juror number, and jurors will be asked to sit in their designated seat.
- The Clerk's Office will provide each juror with a large Ziploc bag containing a cloth mask, face shield, anti-bacterial wipe, hand sanitizer, pens, and juror sticker for use during jury service along with an attendance certificate and parking certification form.
- A Keurig, paper cups with lids, sugar packets, creamer packets, bottled water, and antibacterial wipes to sanitize the Keurig will be provided.

- If any questionnaire is being filled out the morning of voir dire, a sanitized clipboard with the questionnaire will also be placed on the juror's chair.
- Boxes will be set up in the room for the return of parking certifications and questionnaires.
- Juror orientation will include information regarding COVID-19 protocols and requirements.

Jury Selection

- Jurors who are seated in the jury box and are released for cause or challenged will be replaced with the next juror. Prior to the new juror taking the vacated seat, the chair will be sanitized by the courtroom deputy.
- As jurors are released for cause or challenged, there will be no need for them to report back to the Jury Department. Jurors will have everything they need to exit the building once released by the judge.
- Staff will escort selected jurors to the courtroom using the freight elevator, public elevators and/or stairs, ensuring that elevator capacity is limited for social distancing. Once jurors arrive to the appropriate floor, staff will direct jurors to the assigned location for Jury Assembly.
- Hallway floors will be marked by juror number to ensure proper social distancing outside of the courtroom and to ensure that jurors enter the courtroom in a manner to avoid unnecessary contact with each other or other individuals in the courtroom.

Breaks

- Jurors will be released to the designated Jury Assembly area and must return to their designated chairs for breaks.

III. TRIAL

Preparing Courtroom for Trial

- The courtroom will be prepared in advance by the courtroom deputy. Numbers will be affixed to the chairs in the jury box and on the benches in the gallery to denote where each juror will sit to ensure social distancing between jurors. Any unused chairs around the trial tables and courtroom will be removed.
- Listen-only audio participation will also be available for the media and public. If space is available and with the permission of the judicial officer, seating for the media and public may be set up in a vacant courtroom or other overflow area. Seats will be marked to ensure social distancing. Court Security Officers will monitor that social distancing is maintained.
- Attorneys will be assigned seats and at a specific microphone to be used at the attorney table. The courtroom deputy will label seats and microphones accordingly. If necessary, portable plexiglass dividers will be used between individuals seated at attorney tables.
- When addressing the court or the jury, attorneys may use the podium, request a lapel microphone, or use the free-standing microphone located in the front of the courtroom. Microphone covers will be replaced and surface areas at the podium will be cleaned after each speaker.
- It is recommended that attorneys contact the courtroom deputy in advance of the trial to arrange a visit to the courthouse to familiarize themselves with the setup of the voir dire room and courtroom. For example, due to social distancing requirements, jurors may be seated in the gallery and attorneys may be positioned in the courtroom with their backs to the jury. It may be helpful to visit the courtroom in advance to understand how best to position oneself when addressing the jury.
- Hand sanitizer, anti-bacterial wipes, masks, face shields, and gloves will be made available in the courtroom. Disposable microphone covers will be used.

Jury Assembly During Trial

- Once a jury is seated, space will be designated for daily juror assembly. Jurors will have assigned seating, and chairs will be reserved and numbered to denote where each juror should sit and keep personal belongings.
- The Jury Assembly space will be used for daily check-in, for breaks during the trial, and, in some cases, for deliberation.

- A Keurig, paper cups with lids, sugar packets, creamer packets, individually wrapped snacks, bottled water, and antibacterial wipes to sanitize the Keurig will be provided.
- Hand sanitizer, anti-bacterial wipes, masks, and gloves will be available.

Daily Check-In of Jurors

- Daily check-in of jurors will occur in the designated Jury Assembly area. The jury clerk will ensure the folders containing parking and attendance certifications are delivered directly to this area or to the courtroom deputy. The courtroom deputy will send an email to the Jury Department each day confirming juror attendance.
- Seated jurors will not be issued juror badges. Jurors will be issued a supply of juror stickers to be used daily.
- The courtroom deputy will provide jury notebooks to seated jurors. The notebook must be stored in the Ziploc bag the juror received during voir dire. Jurors will place their notebooks in the Ziploc bags at the end of each trial day and place them on their designated seat in the Jury Assembly area. The Jury Assembly area will be secured each evening by the courtroom deputy.

Courtroom Deputy and Court Reporter

As an added precaution, plexiglass will be installed between the court reporter and the courtroom deputy in courtrooms where the appropriate social distancing is not possible.

Witness Testimony

- As an added precaution, plexiglass will be installed around the witness stand. The courtroom deputy will wipe down the witness stand and plexiglass and change the microphone cover after each witness testifies.
- Exhibits will be displayed using the document camera.
- A supply of gloves will be provided on the witness stand if it is necessary for the witness to handle an exhibit.
- Hand sanitizer, anti-bacterial wipes, masks, and gloves will be made available to witnesses.

Sidebar

- During a sidebar, all participants will wear disposable headsets provided by the court. Participants will remain in their seats to maintain social distancing requirements. The defendant will be provided with a disposable headset but no microphone. The defendant will also be provided with a plastic bag to store the headset at his/her designated seat at the end of each day.
- In courtrooms that are not programmed for sidebars as described above, a wireless communication system will be utilized for sidebars. Participants will use headsets provided by the court.
- In some courtrooms, attorneys may bring their own headphones to listen to sidebars while seated at their tables. Headphones must be wired (not wireless/ Bluetooth, AirPods, Beats, etc.) with a standard 1/8-inch mini connector and no microphone. Attorneys are requested to contact the courtroom deputy in advance to verify if personal headphones may be used.

Private Conversations Between Attorneys and Defendant

To maintain social distancing requirements, a wireless communication system will be utilized for private conversations between attorneys and the defendant. The system allows attorneys and the defendant to communicate wirelessly using a headset provided by the court.

Interpreter

TIP can be used for the trial, if needed. If an in-person interpreter is used, headphones must be utilized for social distancing purposes. Attorneys, interpreter, and defendant can talk privately using the “side bar” feature or the wireless communication system.

Lunch Breaks and Refreshments

Attorneys and jurors are encouraged to bring their lunches. Jurors may use the Jury Assembly area for lunch. Attorneys may use the attorney lounge, if available, for breaks, lunch and/or meetings. These rooms are large enough to ensure social distancing. If courthouse cafeterias open, the option of ordering a boxed lunch at the juror’s or attorney’s expense will be provided.

Water will not be provided on trial tables. Attorneys are encouraged to bring individual bottles of water.

During breaks, jurors will be provided prepackaged snacks, bottled water, and/or other individually bottled beverages.

Media/Spectators

If approved by the judicial officer, members of the media and public may view a trial in an overflow courtroom. Seating in the overflow courtroom will be spaced appropriately and marked. CSOs will monitor that required social distancing is maintained in the public seating area(s). Alternatively, the “public hearings” conference call feature can be utilized.

Face Masks/Facial Coverings

Unless otherwise directed by a judge, all individuals in a courtroom must wear a face mask, face shield, or other facial covering at all times. The court will provide a face mask and face shield to jurors. All other trial parties/participants, court staff, and visitors must provide their own face mask or facial covering. Attorneys are strongly encouraged to have a face shield for use when addressing the court, the jury, or questioning witnesses, in addition to a face mask or other facial covering.

Microphones

Wherever practicable, tabletop microphones will be assigned and labeled for use by specific individuals each day. All microphones will be outfitted with disposable sanitary covers which will be changed between speakers.

Plexiglass Barriers

As a precautionary measure, plexiglass barriers will be installed in the witness box, at the podium, and, in some locations, at the lower bench. Plexiglass and surfaces will be sanitized between users.

Daily Cleaning/Sanitation

Courtrooms and common areas used during jury trials will be thoroughly cleaned and disinfected in accordance with CDC guidelines before the beginning of each day. High touch surfaces will be cleaned and disinfected throughout the day.

IV. DELIBERATIONS AND VERDICT

Deliberations

- Jury deliberation will occur in a room that accommodates social distancing.
- JERS will be setup and utilized to view exhibits.
- If the jurors have a question, or when they reach a verdict, the jury foreperson will utilize the telephone to contact the courtroom deputy.

Verdict and Juror Check-Out

At the conclusion of the trial, jurors will be excused by the judge and instructed not to report to the Jury Department. Exit surveys and Certificates of Appreciation will be mailed to jurors to prevent additional contact.