

# COVID-19 and Washington State Courts

## Public Health Risk Reduction Recommendations

### Introduction

In response to the Governor's State of Emergency Proclamation on February 29, 2020, the Washington State Supreme Court issued various orders, modifying and curtailing some court proceedings, to protect court staff members, litigants, and the public from acquiring or transmitting COVID-19. Now several months into the pandemic and recognizing the need to resume more courthouse based operations, the Supreme Court requested technical support in the development of guidance aimed at minimizing COVID-19 health risks associated with in-person court proceedings. More specifically, the Supreme Court is seeking public health guidance for:

- Consistently implementing specific strategies for reducing the risk of possible COVID-19 transmission within the courts; and
- Protecting the health of court staff members, jurors, litigants and the public during jury trials and other court proceedings requiring in-person court appearances.

This document aims to provide public health guidance and summarize L&I workplace requirements focused on reducing the risk of COVID-19 transmission associated with jury trials and other in-person court proceedings throughout Washington state. Like all businesses, courts are required to have a written COVID-19 response plan that outlines proposed strategies to address COVID-19 risks in the workplace. The guidance and strategies presented below address these needs and focus on:

- Mechanical and engineering controls;
- Administrative controls;
- Changes in workplace practices;
- Use of personal protective equipment; and
- Technology and physical courtroom changes to increase person-to-person distancing.

The strategies presented align with Department of Health (DOH), federal Centers for Disease Control and Prevention (CDC) recommendations, and state Department of Labor & Industries (L&I) requirements. They are not specific to any particular court facility. Individual courts are expected to evaluate, document and implement recommended strategies most applicable to

their specific setting to efficiently and effectively reduce risks associated with COVID-19 transmission. Consultation may be available to address one-off issues for which outlined guidance and strategies are inappropriate or not feasible.

## Background

On January 20, 2020 the first COVID-19 case in the United States was confirmed in Snohomish County, Washington. On February 29 Governor Inslee declared a state of emergency, and directed the implementation of the state's comprehensive emergency management plan to address the spread and impact of COVID-19. Following the issuance of various proclamations aimed at progressively slowing the spread of COVID-19 through social distancing, the governor issued the "Stay Home, Stay Healthy" proclamation on March 23, 2020. This proclamation ordered the closure of all non-essential businesses. This proclamation excluded court business which was recognized as "essential". Consistent with the governor's proclamations to protect public health, the Washington Supreme Court issued various orders aimed at protecting court staff members, litigants, jurors, and the public from COVID-19. Beginning March 18, 2020, the court suspended all civil and criminal jury trials and other non-emergent court proceedings, where social distancing could not be maintained. More recent orders have continued to encourage remote proceedings when appropriate, while allowing for phasing in of in-person proceedings; jury trials are planned to resume starting July 6, 2020.

The courts have unique opportunities and challenges to address the COVID-19 public health risks associated with in-person court proceedings. The Governor's proclamations (Stay Home – Stay Healthy and Safe Start-Stay Healthy) acknowledge that courts are essential services and that the Judicial Branch is a separate branch of government operating under the direction of the Chief Justice. The Supreme Court has otherwise adopted and implemented COVID-19 orders and recommendations to protect the health of staff and others, consistent with the Governor's proclamations. Having been recognized by the governor as an essential service, the courts have latitude in their adherence to prescriptive guidelines, such as gathering sizes; which significantly impact court activities and for which viable alternatives are lacking ([\*governor proclamation 20-25.4 issued 5.31.20\*](#)).

COVID-19 related challenges to in-person court proceeding stem from the volume of court activities and the physical nature of court facilities. In Washington state, 39 superior courts and 148 courts of limited jurisdiction hold jury trials. Several thousand trials take place each year, and the backlog of trials that have been postponed since March 19, 2020 is quickly mounting. The average age of county courthouses in Washington state is 94 years and ranges from 53 – 133 years. Court facilities were not designed for the current volume of foot traffic, the volume of court proceedings, or the easy incorporation of modern communication technology. Jury trials typically occur in courtrooms where jurors, court staff members, and litigants are in close proximity. Jurors especially are typically seated shoulder to shoulder during trials, and deliberate in small conference rooms. Moreover, unlike other business settings, people often have no choice but to attend court proceedings, when summoned or when seeking legal redress.

The courts' fundamental duty is to uphold the rule of law through the administration of justice in civil, criminal, and administrative matters for the peaceful resolution of conflict. As a social construct, our rule of law, and hence the courts, are foundational to social welfare. At the heart of the justice system is the jury trial. To that end, it is important that jury trials and other in-person court proceedings be safely resumed at the earliest possible time through the implementation of strategies that balance COVID-19 public health risks and the societal and personal value of these proceedings.

## Epidemiology of COVID-19

Initially identified in December 2019 in China, COVID-19 (*also known as: severe acute respiratory syndrome coronavirus-2 or SARS-CoV-2*) has spread worldwide, infecting approximately 8 million people and contributing to the death of nearly 450,000 people as of this writing. Like other SARS viruses (SARS-CoV and MERS-CoV), COVID-19 is a zoonotic viral disease, believed to have migrated to the human population from live bats and/or pangolins sold at a public market for food.

COVID-19 was first detected in Washington State on January 20, 2020, and subsequently in all major cities across the United States. From that first detected case, COVID-19 quickly spread across Washington State. To date, more than 72,000 cases have been confirmed and nearly 1,900 deaths have been recorded equating to a death rate of ~25 persons per 100K population.<sup>1</sup> Nationwide, more than 180,000 deaths have been attributed to COVID-19, with death rates ranging from 180 per 100K in New Jersey to 3 per 100K in Hawaii.<sup>2</sup>

The transmission of COVID-19 from person to person is believed to occur primarily via inhalation of droplet spray from talking, coughing and sneezing. Close personal contact (shaking hands, etc.) and hand contact with contaminated surfaces, especially hard surfaces, is also believed to contribute to the spread of the disease. Symptoms associated with active cases of COVID-19 may appear two to 14 days after exposure to the virus, and range widely from non-discernable to severe. Reported symptoms may include:

- Cough
- Shortness of breath or difficulty breathing
- Fever
- Chills
- Muscle pain
- Sore throat
- New loss of taste or smell
- *Less common symptoms: gastrointestinal symptoms such as nausea, vomiting, or diarrhea.*

1. <https://www.doh.wa.gov/Emergencies/NovelCoronavirusOutbreak2020COVID19/DataDashboard>

2. <https://www.statista.com/statistics/1109011/coronavirus-covid19-death-rates-us-by-state/>

It is reported that infected people may be contagious for two or more days before symptoms appear (presymptomatic), and seven to 10 days after symptoms subside. Carriers may also be fully asymptomatic. Published reports suggest that asymptomatic COVID-19 carriers may comprise as much as 40 - 50 percent of an infected population and that about half of all cases are acquired from individuals with no symptoms. Unlike seasonal influenza, which has a case fatality rate of about 0.1 percent, the rate for COVID-19 is currently about 3.3 percent in the United States, down from an initial high of approximately 6 percent, according to Johns Hopkins University. People at higher risk for severe COVID-19 include those with underlying health conditions (e.g., chronic lung disease, moderate to severe asthma, serious heart conditions, and diabetes), especially individuals >60 years old. Because COVID-19 is new in the human population, the science and public health understanding of this disease are evolving. For up to date information on COVID-19, see: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>. Current case counts, percent positivity and other valuable public health data for Washington state and individual counties are available from the state Department of Health (DOH) at: <https://www.doh.wa.gov/Emergencies/Coronavirus> .

## Public Health Response to COVID-19

The first case of novel coronavirus (COVID-19) in the United States was confirmed in a resident of Snohomish County who had recently returned from Wuhan, China. As a result of this finding, DOH began routine communicable disease contact tracing. The agency also initiated public health emergency response activities to monitor and control the pending outbreak. Based on available scientific medical and public health information from the initial outbreak in China, Governor Inslee, under advisement from the DOH, CDC and others, issued emergency proclamations aimed at:

- 1) Protecting the health of people 60 years of age and older, especially people with underlying health conditions and those living in congregant and long-term care facilities; and
- 2) Reducing the speed of the outbreak to preserve hospital capacity necessary to address critical needs.

To address these two primary objectives, DOH, in coordination with local public health agencies, issued general public health guidance and recommendations that focused on social distancing, frequent hand washing, use of hand sanitizer, and sanitizing frequently touched surfaces that may be contaminated with the COVID-19 virus. Governor Inslee issued proclamations that mandated specific actions to reduce the risk of exposure to COVID-19 from staff members and visitors at assisted living facilities and long-term care facilities. The governor issued subsequent proclamations to close schools and to restrict other large gatherings aimed at reducing the transmission of COVID-19 among the general population. To address the increasing rate of community transmission of COVID-19, the governor issued the “Stay Healthy, Stay Home” order. A complete list of the governor’s proclamations is available here: <https://www.governor.wa.gov/office-governor/official-actions/proclamations> . Information and

recommendations for families, workers and businesses, as well as links to data and the latest COVID-19 news, are available at: <https://coronavirus.wa.gov/>.

## COVID-19 Risk Considerations

On March 18, 2020, the state Supreme Court suspended all jury trials and many other in-person court proceedings, in response to the COVID-19 outbreak and in response to the Supreme Court's desire to protect the health of staff members and courtroom participants. The following guidance is intended to offer and inform court actions to reduce the risk of COVID-19 person-to-person transmission in the courts, especially with regard to jury trials, and to provide a level of community confidence that the courts are taking effective precautions to protect public health and to reduce the risk of COVID-19 transmission.

While similar jurisdictional courts share similar risk factors (e.g., number of jurors), each court is unique with regard to: size, seating area, entrances and exits, waiting areas, ventilation, etc. Therefore, it is up to each individual court to determine which strategies will comprise the constellation of activities necessary to reduce COVID-19 risk. Additionally, individual courts will need to tailor the actions outlined below to their particular setting and needs. For technical assistance, courts may contact their local public health department or L&I to request a consultation to address conditions specific to that court.

When considering COVID-19 transmission risk within a particular court jurisdiction, an important consideration is the rate of COVID-19 occurrence within the community served. The greater the amount of COVID-19 in a community, the higher the risk that a COVID-19 carrying member of the community will be summoned to participate in a jury trial or an in-person court proceeding. The rate of COVID-19 is likely to fluctuate over time and across communities as social distancing measures are relaxed and/or communities become apathetic.

## Resumption of In-Person Court Proceedings

The governor's [Safe Start Washington plan](#) (Proclamation 20-25.3 and 20-25.4) provides prescriptive goals for counties to progress through four phases towards their resumption of normal (pre-COVID-19) economic and social activities, and takes into account the metrics below. However, as noted in the *Background* section above, courts have been deemed essential and not strictly bound to the metrics or limitations outlined in each phase of the Safe Start Washington Plan. Although the specific allowances and requirements of the phases have changed over time, the phase categories provide an indication of the overall COVID-19 public health risk within a county. Courts should consider the county phase and underlying metrics when defining strategies and mandates, as part of their COVID-19 response plan, to protect staff and other court participants from contracting or transmitting COVID-19 during or associated with in-person court proceedings.

- ✓ COVID-19 disease activity (number and trends in COVID-19 cases and mortality),
- ✓ Health care system readiness (hospital capacity, number of ventilators and PPE availability),

- ✓ Testing capacity and availability (geographic distribution of testing, laboratory capacity, test kit availability, and number of tests performed per day),
- ✓ Case investigation and contact tracing (staffing availability, case management plans, rate of case investigations, availability of Isolation and/or quarantine facilities), and
- ✓ Ability to protect high-risk populations (number of outbreaks in congregate settings, demographic data to identify and monitor high-risk populations).

As counties are approved to progress from Phase 1 towards Phase 4, increasing social and economic activities will be allowed to resume under the *Safe Start Plan*, as long as positive trends are sustained and required safety precautions are implemented. For the courts, it is anticipated that more in-person proceedings will generally resume in Phase 2 and beyond. Specific safety precautions established for the professional business sector, which most closely aligns with court activities, can be found at the following URL:

<https://www.governor.wa.gov/sites/default/files/COVID19Phase2ProfessionalServicesGuidance.pdf>, and include:

- ✓ Employee education about the coronavirus and how to prevent transmission,
- ✓ Maintaining physical distancing of at least six feet when feasible,
- ✓ Use of cloth facial coverings or other prevention measures, when social distancing is infeasible or not effective,
- ✓ Frequent hand washing and use of hand sanitizer,
- ✓ Cleaning and sanitizing of frequently touched surfaces, and
- ✓ Employee screening for signs/symptoms of COVID-19.

## Primary Risk Reduction

Primary risk reduction strategies aim to prevent the introduction of COVID-19 into court facilities. These strategies focus on identifying and restricting entrance of symptomatic and presymptomatic COVID-19 carriers into the courts. These strategies are not unique to the courts nor to COVID-19, but are especially applicable due to the severity and transmissibility of this disease. Strategies to accomplish this are foundational to overall risk reduction and vary by constituent group: court staff members, jury pool, litigants, and spectators; because of their interactions outside and within the courtroom. These strategies include the following:

- ❖ **Court Staff**
  - ✓ Increase knowledge of COVID-19 symptoms
  - ✓ Increase education and training on communicable disease prevention
  - ✓ Relax sick-leave use policies, where restrictive, and encourage the appropriate use of sick leave
  - ✓ Enable and encourage telework in support of social distancing

#### ❖ **Jury and Jury Pools**

- ✓ Education on court actions to keep people healthy
- ✓ Increase knowledge of COVID-19 symptoms and disease prevention, along with electronic health self-assessment at time of summons
- ✓ Pre-jury pool appearance electronic health assessment follow-up notice/reminder
- ✓ Health screening for symptoms consistent with COVID-19 or contact with a confirmed case within the past 14 days when reporting for jury duty
- ✓ Daily jury health screening for COVID-19 like symptoms and no confirmed case-contact within the past 14 days

#### ❖ **Litigants**

- ✓ Increase knowledge of COVID-19 and court concerns
- ✓ Seek the use of web-based resolution modalities when possible
- ✓ Daily screening for COVID-19 like symptoms and no confirmed case-contact during the previous 14 days

#### ❖ **Spectators**

- ✓ Restrict in-person attendance of court proceedings to the extent possible
- ✓ Establish and promote web-based viewing and other distant viewing options of court proceedings to limit potential exposures

Across all constituent groups, education and self-disclosure of potential COVID-19 health risks, including recent contacts, are among the most important activities for limiting COVID-19 introduction into the courts. Overcoming the social and cultural stigma associated with health status self-reporting, along with reducing potential legal and financial barriers, will require creative thinking and technical consideration for efficient and sustainable implementation. Requiring the use of facial coverings upon entering a court facility, along with the use of hand sanitizer, are also critical activities that help to reduce the risk of COVID-19 transmission. Creating routine strategies and implementing a comprehensive communication/marketing plan that increases COVID-19 awareness and encourages health status self-disclosure, in addition to promoting personal protection and hand hygiene, will be essential to offset individual tendencies toward ambivalence and indifference.

While the use of temperature checks is a common practice at some businesses and public gathering locations such as airports, body temperature as an indicator of COVID-19 infection is problematic and a rather coarse triage practice due to lack of sensitivity and specificity. The questionable accuracy of measurement equipment, combined with the high prevalence of asymptomatic COVID-19 carriers, impacts the overall value of body temperature as an indicator of infection. While courts are not discouraged from such screening, the value and cost should be considered and fully understood. The following link provides additional information.

<https://www.who.int/news-room/articles-detail/updated-who-recommendations-for-international-traffic-in-relation-to-covid-19-Outbreak#:~:text=Temperature%20screening%20alone%2C%20at,tracking%20of%20incoming%20travellers.>

## Secondary Risk Reduction

Secondary strategies for reducing COVID-19 risks in the courts focus on reducing the possible transmission of COVID-19 from presymptomatic and asymptomatic disease carriers to uninfected individuals during in-person court proceedings. These strategies should aim to reduce the potential transmission of COVID-19 from the time people enter a court facility until they depart. These strategies involve administrative controls, sanitary practices, and mechanical/engineering controls, and include the following:

**Air filtration:** when possible, heating, ventilation, and air conditioning filters should be upgraded to a minimum efficiency reporting value (MERV) 13 (high-level) to improve air filtration, or the highest filtration rate possible for the facility's existing heating, ventilation, and air conditioning system.

**Cloth facial coverings:** cloth face masks help to reduce the spread of airborne droplet spray associated with talking, coughing and sneezing. The use of face masks should be required of all people entering court facilities and is considered a best practice measure even when maintaining social distancing.

**Cohorting:** creating and restricting the interaction of cohorts, such as juries and possibly other court staff, will help to prevent the spread and possible impact to overall court proceedings in the event that a positive case of COVID-19 is identified in a court.

**Education and communication:** educational materials focusing on the use of facial coverings, social distancing, and hand sanitizer use, should be prominently and frequently displayed to promote and reinforce these new social norms. Educational materials will also build confidence among court staff members and court participants. The courts are advised to consult with the Governor's Office on developing and implementing a comprehensive outreach/marketing and communication plan to educate and inform all court participants.

**Face shields:** the use of face shields alone is currently viewed as serving no purpose or providing any protection from the transmission of COVID-19 in the courtroom work environment. Additional details can be found here:

<https://content.govdelivery.com/accounts/WADLI/bulletins/29a9e76> .

**Hand hygiene:** the required use and availability of EPA approved hand sanitizer that contains at least 60% alcohol immediately upon entering court facilities is essential for reducing the spread of COVID-19 and other viruses. Common hand sanitizer dispensers should be conspicuously displayed, especially near common touch points such as elevators, doors, and counters. The ready availability of common hand sanitizer dispensers and tissues is recommended for good personal sneeze and cough hygiene.

**Masks:** use of KN-95, cloth or equivalent masks for jurors, front line office staff, and others is currently mandated in all business settings, regardless of physical distancing. KN95 masks provide a higher level of protection than cloth or surgical masks, yet do not require an L&I Respiratory Protection Plan. Mask use should be mandated for all individuals when indoors in congregant areas of a building and where social distancing cannot be strictly maintained.

L&I has concluded that witnesses do not need to be masked while testifying if physical distancing can be maintained and others in the vicinity are masked.

**Physical barriers/partitions:** the installation of Plexiglas or other clear partitions between court staff, jurors, etc., and the use of KN-95 or similar mask reflects a best practice for the protection of staff health from COVID-19. Consultation with L&I is recommended when considering this option. Such barriers provide a more permanent solution for reducing inter-personal exposure via droplet spray, but also require periodic sanitizing.

**Physical space:** when existing physical space does not allow for strict physical distancing, the courts are encouraged to investigate possible procedural changes, including the use of alternate physical space for jury assembly, jury selection and even the conduct of trials.

**Social distancing:** maintaining a distance of at least six feet between people reduces the airborne transmission via coughs and sneezes of viral respiratory diseases, including COVID-19. Installing markers to indicate six-foot intervals has become common practice at entryways and other congregating areas in and around businesses. Increased distancing due to crowding can also be addressed through improved scheduling, schedule staggering, and extending hours.

**Surface sanitizing:** surfaces, especially common touch points such as doors, railings, counters, chair arms and backs, etc., should be frequently cleaned with an [EPA approved disinfectant](#) to reduce COVID-19 transmission risk. Within the courtroom, surfaces such as the witness stand, defense and prosecution tables should be cleaned and disinfected between proceedings and as often as necessary to prevent possible COVID-19 transmission.

**Technology:** incorporate modern technology to enable web viewing of court proceedings, eliminate wait times, improve scheduling, and increase efficiencies. Courts should seek consultation on the most effective uses of modern technology to reduce crowding, improve web-based communications/viewing, and increase operational efficiencies.

**Traffic flow:** when possible, direct the flow of people so that people's movements flow in the same direction to reduce crowding and contact time. This could include the use of alternate stairways, (one for up, one for down) and doors to promote unidirectional flow patterns. Regarding elevators, the number of people should be restricted to prevent crowding and increase distancing.

**Ventilation:** while scientific findings are yet to be published, the American Society of Heating, Refrigerating and Air-Conditioning Engineers, and its European counterpart, the Federation of European Heating, Ventilation and Air Conditioning Associations, acknowledge that indoor air dilution from increased fresh air ventilation likely helps reduce COVID-19 transmission, especially in congested indoor spaces such as deliberation rooms, staging areas and small court rooms.

In addition to the above primary and secondary prevention strategies for reducing COVID-19 transmission risk in the courts, further discussion focused on the jury selection process and jury proceedings is warranted. Courts that typically convene very large jury pools may need to consider significant changes in their procedures, venue or both; to accommodate masking, hand sanitizing and physical distancing requirements of participants from arrival through jury

selection. Refined scheduling and sequential staging of smaller jury pools within the confines of existing or alternate facilities, should be considered to reduce crowding and promote physical distancing during voir dire. Promoting the unidirectional flow of people within a facility is recommended to reduce individual contact times and aid in transmission risk reduction. Additionally, the wearing of a face mask and use of hand sanitizer upon entrance into court facilities should be promoted and mandated as fundamental public health actions to effectively lower COVID-19 transmission risk and protect all who enter a facility. In shared buildings, it's critical that all business occupants adopt uniform prevention policies and practices to preserve the health of all.

Within the courtroom, staggered and or dispersed juror seating, use of physical barriers, increased room ventilation, and frequent hand and surface cleaning/disinfection with an EPA approved disinfectant, are recommended strategies to reduce public health COVID-19 related risks and are consistent with L&I's COVID-19 general requirements and prevention strategies (see below). Deliberation rooms, along with frequently contacted surfaces should be cleaned and disinfected between courtroom activities to prevent the potential spread of COVID-19 between groups or individuals. As an example, frequently contacted surfaces around the jury box should be cleaned whenever the jury departs and the witness box cleaned between witnesses. Other high contact surfaces, such as restroom door handles, should be cleaned frequently throughout the day. Courts should review their individual practices from the standpoint of possible COVID-19 transmission and seek alternatives, such as the use of individual-supplied or disposable coffee cups.

The above strategies are presented as examples for reducing health risks associated with COVID-19 under the Governor's Safe Start Washington plan. These strategies are not meant to be all-inclusive nor address the specific nuances associated with localized implementation. The presented strategies are intended to spur new ideas and innovative strategies that are more locally applicable and sustainable. When considering investments in technology and other modernization strategies, courts should also consider the long-term value and benefits to overall court operations and efficiencies. As the risks associated with COVID-19 diminish and counties are approved to move into Phase 3 and subsequently Phase 4, courts may be able to scale back some risk reduction interventions that more heavily affect court procedures.

## Protecting Court Employees from COVID-19

While public health recommendations are provided above, the Washington State Department of Labor & Industries (L&I) requires employers to provide a safe and healthy workplace for their employees. With regard to the courts, this includes all regular court staff, as well as jurors. L&I requirements focus on employee social distancing, use of personal protective equipment, handwashing, surface cleaning and prevention education. These requirements are summarized in *Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplaces* released in April 2020 and available at: <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>.

Labor and Industries requires court employees to wear at least a cloth facial covering or better (KN95) within the workplace, which includes the court room, deliberation rooms and where at

least six foot physical distancing is likely to be a challenge. As with other employers, Courts likely include varying work-place conditions, which have differing levels of health risk and require differing levels of personal protection and hazard mitigation strategies. For example, [L&I guidance](#) defines a medium risk environment as one where employees “Work inside in structure/office where at least six foot distance is mostly maintained, but with job tasks that require sustained several minutes of six foot distance broken several times a day without sneeze guards or other mitigations.” Medium risk work environments require employees to use “Non-cloth disposables: dust mask, KN95 or other non-approved foreign-system NIOSH-style filtering facepiece respirators, or non-FDA approved procedure masks.” A cloth face mask is not sufficient in this environment.

Courts’ written COVID-19 plan should emphasize that jurors and other court staff be socially distanced by six feet as often as possible, that staff always wear masks, and that proper hand hygiene be emphasized. In situations where the available courtroom does not allow for six feet of separation or in deliberation rooms, L&I recommends that jurors never be less than three feet apart, find ways to minimize or eliminate contact less than 6 feet apart, wear a mask that matches the risk level at all times, and take more frequent breaks that are socially distanced by six feet.

Courts are encouraged to review additional L&I requirements and recommendations, and to seek L&I consultation on the applicability of specific requirements in individual settings. Like other aspects of this pandemic, L&I requirements are evolving and subject to change with new information.

## Responding to a Positive Case of COVID-19 in the Court

Although courts are taking extra precautions to prevent exposure to COVID-19, there is still a risk of exposure from an asymptomatic or presymptomatic carrier. If a court learns about a person with confirmed COVID-19 who was in their courthouse, they should call their local public health agency. Local public health will respond and make recommendations to the court to prevent further spread of the disease.

It is more likely that a court will be notified by public health of a confirmed COVID-19 case. A case is confirmed when a patient is tested and the test result is positive for COVID-19. When a case of COVID-19 is confirmed, the local public health agency will initiate case contact tracing to identify all potentially exposed people. If the infected person were a regular court employee or a juror, the court would be notified and all identified close contacts of the infected person would be required to self-quarantine for two weeks to prevent disease spread to others. Because of the potentially significant impact on the courts of a COVID-19 case, investing in COVID-19 education and cohorting prevention strategies, is highly recommended.

As COVID-19-related public health risks are unavoidable, acknowledging these risks and stressing individual responsibility to minimize them should be a primary focus. These risks vary by jurisdiction and over time, and are reflected in the underlying rate of COVID-19 within a jurisdiction. As of August 28, 2020, rates for the prior two weeks range from zero cases per

100,000 population in Columbia and Wahkiakum Counties to more than 500 cases per 100,000 population in Grant and Adams counties.<sup>3</sup> Although the risk in a particular county may be small, it should be acknowledged at orientations, in trainings, and in briefing materials. Ensuring that all court staff members, jurors, and litigants understand how their personal decisions can affect overall community risk – and therefore risk to the courts – is an essential proactive step over which the courts have control.

<sup>3</sup>[https://www.governor.wa.gov/sites/default/files/WACountiesCaseRate.pdf?utm\\_medium=email&utm\\_source=govdelivery](https://www.governor.wa.gov/sites/default/files/WACountiesCaseRate.pdf?utm_medium=email&utm_source=govdelivery)

## Conclusions

The COVID-19 pandemic has impacted the fabric of our culture in unimaginable ways, including the courts with regard to in-person proceedings. Consistent with the Governor’s Safe Start Washington Plan and L&I workplace requirements, we recommend primary and secondary public health prevention strategies that aim to prevent the introduction of COVID-19 into the courts, and to reduce the risk of transmission within the courts. These strategies focus on: health screening, distancing and physical barriers, use of masks, hand and facility sanitizing, and education.

Although court processes are generally similar across jurisdictions, court facilities vary greatly. The underlying risk of COVID-19 transmission also varies greatly between jurisdictions, based on the prevalence of COVID-19 within a community. Therefore, the recommendations outlined in this report are provided for general consideration. It is up to each individual court to determine which strategies will comprise the constellation of activities that will most effectively reduce their overall COVID-19 risk. Additionally, each individual court will need to tailor its actions to its particular setting and needs. To help tailor strategies, courts may seek technical consultation from their local public health agency and/or from L&I. With our increase in knowledge, COVID-19 related policies, recommendations and requirements will change, and courts are encouraged to remain vigilant.

## More COVID-19 Information and Resources

Stay up-to-date on the [current COVID-19 situation in Washington](#), [Governor Inslee’s proclamations](#), [symptoms](#), [how it spreads](#), and [how and when people should get tested](#). See our [Frequently Asked Questions](#) for more information.

The risk of COVID-19 is not connected to race, ethnicity or nationality. [Stigma will not help to fight the illness](#). Share accurate information with others to keep rumors and misinformation from spreading.

- [WA State Department of Health 2019 Novel Coronavirus Outbreak \(COVID-19\)](#)
- <https://lni.wa.gov/safety-health/safety-topics/topics/coronavirus>
- [WA State Coronavirus Response \(COVID-19\)](#)
- [Find Your Local Health Department or District](#)

- [CDC Coronavirus \(COVID-19\)](#)
- [Stigma Reduction Resources](#)

**Have more questions about COVID-19?** Call our hotline: **1-800-525-0127**. For interpretative services, **press #** when they answer and **say your language**. (Open from 6 a.m. to 10 p.m.) For questions about your own health, COVID-19 testing, or testing results, please contact your health care provider.

To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 ([Washington Relay](#)) or email [civil.rights@doh.wa.gov](mailto:civil.rights@doh.wa.gov).

**Addendum:**

**Court Guidance Revisions**

Revision Date & Page Number	Revision Summary
8/4/20, P1. P3. P7. P8. P9. P10. P11.	<ul style="list-style-type: none"> <li>- Courts are required to have a written COVID-19 response plan</li> <li>- Statistics updated to current values as of August 4, 2020</li> <li>- Litigants – added “Seek the use of web-based resolution modalities ...”</li> <li>- Face shields – revised to reflect L&amp;I COVID-19 guidance</li> <li>- Physical barriers – revised to reflect L&amp;I COVID-19 guidance</li> <li>- Social distancing – clarification added, three foot distancing removed</li> <li>- Removed language pertaining to clear Plexiglas partitions</li> <li>- Added language – face coverings, health risk and 6 foot distancing</li> <li>- Added language – medium risk, COVID-19 plan, L&amp;I requirements</li> </ul>
8/28/20, P3. P5. P8. P11.	<ul style="list-style-type: none"> <li>- Minor editing throughout the document</li> <li>- Statistics updated to current values and citations included</li> <li>- “Phased Resumption...” revised text to clarify applicability</li> <li>- “Face shields” web link provided to additional L&amp;I information</li> <li>- End of page, updated county rates</li> </ul>