



COVID-19

PROVINCIAL COURT OF ALBERTA ANNOUNCES SAFETY MEASURES TO EXPAND IN-PERSON HEARINGS

June 26, 2020

The Provincial Court of Alberta is very mindful of the need to both expand in-person access to the Court, while at the same time protecting the health and safety of court users and the public and to contain the spread of COVID-19.

Effective July 6, 2020, we are expanding, in all base point locations, the number of criminal, family and youth, and civil matters that can be heard in-person during the COVID-19 pandemic. At the same time, supported by Alberta Justice and Solicitor General (responsible for court administrations) and Alberta Infrastructure (responsible for court facilities), strict health and safety measures will be put in place for physical distancing, mask wearing, modifying courtrooms and other spaces, and enhanced cleaning. ***Courtrooms which have those measures in place by July 6, 2020 will be opened for in-person hearings while the balance of base point trial courtrooms will be opened once all health measures have been implemented in those courtrooms.***

The Resolution and Court Administration Services Division of Alberta Justice and Solicitor General has developed a “COVID-19 Facility Preparedness Guidelines and Materials” to detail the health measures and cleaning protocols that will be put in place to ensure the Courts can safely conduct more in-person hearings.

This protocol outlines the health and safety measures that currently exists or that will be put in place initially in base court locations and then in circuit point locations, subject to any changes as necessary.

The Provincial Court will continue to monitor the situation on an ongoing basis. The Court thanks all stakeholders who have provided support and input regarding the resumption plans. Managing the physical distancing and other health and safety protocols will require the effort and cooperation of all court users and we thank you in advance for your patience and cooperation.

Limiting the Number of Persons Having Access to Courthouses

Access to Provincial Courts will continue to be restricted to participants who are necessary to the proceedings before the Court which includes counsel, accused, witnesses, complainants and support person, members of the media, parties to actions, and support workers.

In addition, most docket courts, Case Management Offices (CMO), and certain other hearings will, for now, continue to be dealt with remotely by videoconference or teleconference.

Screening at the Courthouse Entrance

All persons attending courthouses are required to participate and cooperate with the COVID-19 health and safety protocols.

This includes:

- (a) wearing a mask or protective face covering,
- (b) maintaining physical distancing (2 meters),
- (c) sanitizing hands upon entry to the courthouse and any courtrooms, and
- (d) following all other recommended health and safety protocols and directions.

Alberta Sheriffs will be screening people at the entrance of the courthouse to ensure that:

- (a) the individual's presence is required in court; and,
- (b) that it is safe for them to attend.

Sheriffs will also be monitoring physical distancing in the courtrooms while on their routine patrols throughout the courthouse.

Do not attend the courthouse if you have travelled outside Canada in the previous 14 days or are experiencing symptoms of COVID-19 or have been directed by public health officials, 811 or a doctor to self-isolate.

Court Users with Symptoms of the Virus

Counsel and self represented parties must confirm at the beginning of the court hearing (and each day after that if more than one day) that to their knowledge, no one, including counsel, the party/accused or any witnesses has any symptoms that may be related to COVID-19 or been in

contact with a person who has the virus. The Alberta Health Services website sets out the symptoms of COVID-19.

Prior to any proceeding, counsel or parties must determine if any potential witness is reluctant to attend court due to health-related concerns or for other reasons related to the virus. If you become aware of this information in advance of the scheduled proceeding, parties should arrange to discuss whether the witness can give evidence by other means, such as by affidavit or testimony by telephone or videoconferencing, etc.

Limiting the Number of People in Courthouses, Waiting Areas and Courtrooms

In courtrooms, elevators, public washrooms and waiting areas, maximum capacity limits will be established to ensure physical distancing. In courtrooms, for example, capacity is limited to the number of persons that can sit within a courtroom while maintaining 2 meters of social distancing. In waiting areas, capacity is limited to the number of people that can sit or stand while maintaining the same physical distancing.

Counsel are encouraged to obtain a designation of counsel on all indictable offences.

The Case Management Office (CMO) will operate on a remote basis only at this time.

Courtroom Layout

The physical layout of the courtroom, including the location of counsel and the witness will be arranged where possible to allow a safe physical distance between all participants. Physical distancing between all parties in the courtroom may be achieved by plexiglass barriers, movement of furniture, signage, stanchions and tape on the floor or courtroom seats. The ability to move within the courtroom is restricted for physical distancing purposes and signage directions must be followed.

Communication between Counsel, Parties and the Clerk

Counsel must consider how they intend to confer with co-counsel and their clients in the courtroom while maintaining a safe physical distance. Counsel should seek direction from the presiding Judicial Officer to talk with co-counsel or their client by text message or another method that would not normally be acceptable in court. Counsel should not approach the clerk unless safe physical distancing is maintained.

Water

There will be no water available in the courtroom during a proceeding. Counsel, parties, interpreters, and witnesses may bring their own water in containers. Persons who bring their own water bottles should either dispose of the water bottle in a waste receptacle or take the water bottle with them upon leaving the courtroom. Sheriffs will provide water for in-custody accused.

Parties, Public and Media

In order to maintain a safe physical distance in the public gallery between members of the media, parties and the public, the number of available seats will be reduced.

Whenever possible, and in particular where those compelled to come to court are symptomatic, hearings or proceedings with some parties appearing virtually should be considered to minimize the number of people in any given space.

Facial Masks and Coverings

Everyone entering a courthouse in Alberta will be required to wear a mask or protective face covering in the public areas of the courthouse. Whether a mask is worn in the courtroom will be left to the parties but will be subject to the ultimate discretion of the presiding Judicial Officer (Judge or Justice of the Peace). Where safe physical distancing cannot be met, the Judicial Officer require the wearing of a mask. The Judicial Officer may request removal of a mask where necessary in order for the participant's evidence or submissions to be heard and understood. Participants should be aware that the Judicial officer, the sheriff, the court clerk and counsel may or may not wear a mask in the courtroom because of the level of protection provided by plexiglass at their location in the courtroom.

Giving Evidence

Evidence may be given in court by swearing an oath to tell the truth with raised hand or by Affirmation to tell the truth. There will be no Bible or other religious book or sacred objects available in the courtroom.

Documents, Exhibits and Books of Authorities

- a) Pre-trial and case management conferences will include a discussion about measures to reduce the number and quantity of physical exhibits entered, including a discussion around whether documents can be provided electronically.
- b) Parties are strongly encouraged to limit and review the number of documents submitted both at pre-trial conferences and during hearings to essential documents.
- c) Parties are strongly encouraged to limit the size of their books of authorities and written submissions.
- d) Whenever possible, all documents should be submitted electronically to the Court, via the clerk's office. Exceptions may be identified by the Assistant Chief Judges who may specify certain types of documents should be emailed directly to Judges' Chambers.

- e) Counsel and self-represented parties must use hand sanitizer available in the courtroom to sanitize their hands before and after handling any documents.
- f) Disposable gloves are also available in courtrooms for anyone who wishes to use them. Instructions for the safe use and disposal of gloves will be displayed and must be followed.
- g) Disposable pens will be supplied.
- h) Documents and exhibits are to be placed on a table or tray marked "Document/Exhibit Transfer Table (or Tray)" before the clerk or Judicial Officer enter the courtroom. If this is not possible, at the time the document or exhibit is to be handed up, counsel or self-represented parties must place it in the document tray and then return to the counsel table at which point the clerk will pick it up and hand it to the judge or witness.

Cleaning and Sanitation

- a) Protocols are in place for enhanced cleaning of courthouses and courtrooms during this COVID-19 period to ensure that high touch areas in courtrooms, common areas and public washrooms are cleaned frequently. The courtroom will be cleaned at the end of each court day, including the witness box, accused box, counsel tables, court clerk desk, the judicial bench, public seating areas, and all other areas of the courtroom where people sit. Additional cleanings will occur over the lunch hour and throughout the day when there are breaks in the proceedings and upon request.
- b) High touch surface areas including the witness box (the microphone, horizontal surfaces of the stand, armrests, and handrails) will be sanitized after each witness finishes their testimony and at the end of each court day.
- c) In order to facilitate the cleaning of counsel tables, counsel will be required to remove their materials from the courtroom each night. If this is not possible or practical (e.g., because of the volume of materials), counsel should pack up their materials into boxes and store them underneath the counsel table. Hand sanitizer and sanitation wipes and/or spray will be available at the judicial bench, counsel tables, the witness stand, and the clerk's desk. All people attending court will be expected to use hand sanitizer frequently and will be required to apply sanitizer upon their entry to the courtroom.
- d) Hand sanitizer and sanitizing wipes will be provided at locations around the courthouse and in courtrooms for the use of all courtroom participants.