

IMPORTANT INFORMATION ABOUT RESUMPTION OF JURY TRIALS IN SNOHOMISH COUNTY

On July 13, 2020, Snohomish County Superior Court resumed jury trials. In order to ensure the safety of jurors, staff and the public, the Court invited Dr. Chris Spitters and his team from the Snohomish Health District to discuss our proposed plans to safely resume jury trials during the COVID-19 pandemic. After our plans met with their approval, the Court put in place the following safety measures.

Courthouse: Many parts of Snohomish County Superior Court are being remodeled. This creates opportunities and challenges for modifying our operations during the COVID-19 pandemic.

- Entrance: The new courthouse entrance is much larger than the former entrance and allows for better social distancing for entrants passing through courthouse security.
- Elevators: The new elevators are larger than the old ones. Each elevator is marked with signage indicating a maximum of four people at one time. Additionally, since these elevators are brand new, they are more reliable and faster than the old ones.
- Public Stairway: The courthouse has a new public stairway that allows for easy access between all floors of the courthouse.
- Juror Assembly Room (JAR): The new JAR is larger than the former one. Its primary purpose will now be for jury selection as it allows for more people to be present with proper social distancing.
- Social Distancing in Public Spaces: Seating and walkways have been marked throughout the courthouse to promote proper social distancing.
- Enhanced cleaning: There is nightly enhanced cleaning of all public areas of the courthouse.
- Hand sanitizer and approved cleaning agents Public health practices emphasize frequent and proper hand washing. Individuals in the courthouse are encouraged to wash their hands frequently with the use of soap and warm water for a minimum of 20 seconds. Bathroom facilities are available on every floor to allow for frequent hand washing. Additionally, hand sanitizer and approved cleaning agents are available in public areas throughout the courthouse.
- Face masks: All adults and children over the age of two must wear face masks in courthouse facilities. If an individual has a medical reason to use another type of face barrier or cannot wear one at all for health reasons, an accommodation will be made for the medical condition. If a person arrives at the courthouse without a face mask, one will be provided.
- Signs: Signs in English and Spanish are placed throughout the courthouse and campus buildings that instruct individuals about essential public health practices, including hand washing, social distancing, mask wearing as well as what to do if a person has flu-like symptoms.

Jury Orientation: Along with their jury summons, each potential juror receives a letter from the Presiding Judge of Snohomish County Superior Court that details the precautions the Court is taking in response to the COVID-19 pandemic as well as options for deferring their jury service. A copy of that letter is attached. Jury orientation will be held on Mondays at the Edward D. Hansen Conference Center connected to the Angel of the Winds Arena (AOW). On entry, each person reporting for jury duty will be asked health questions specifically related to COVID-19 symptoms. The AOW can hold up to

approximately 200 people at one time for jury orientation with proper social distancing. Everyone must wear a mask unless they have a medical condition that prevents them from doing so safely. Jurors will be able to wear their own masks at orientation and KN95 masks will be available to any juror on request at orientation. Additionally, gloves will be available to any juror on request. There will be plenty of hand sanitizer for jurors to use, and thermometers will be available for any juror wishing to check their own temperature.

While at AOW, Jurors will be given further directions as to where they will need to report to for the jury selection process. Generally, they will need to report to the JAR or the Drewel meeting rooms (Drewel) on the same day as juror orientation. However they may be released for the day and told to return to one of these locations on a day later in the week.

Voir Dire and Jury Panel: If jury selection is to start the same day as jury orientation, the jurors will walk from AOW to the main courthouse.

When jurors are taken to or are asked to report to the JAR all jurors will first report to the JAR and then they will be brought to the trial courtroom 13 or so at a time to be asked questions related to their qualifications for jury service. The jurors not brought to the courtroom for questioning will remain in the JAR until it is their time to be questioned for jury service. The JAR can accommodate approximately 42 jurors with social distancing.

Drewel can hold 35 jurors with social distancing. Trials assigned to Drewel will have jury selection completed in Drewel but the trial will take place in a courtroom in the main courthouse. All jurors must go through security screening at the main courthouse before going to the Drewel meeting rooms or being brought to a courtroom. Once all jurors have been screened, a bailiff will walk the jurors from the courthouse to Drewel. After going through security, the jurors should go to the area in between the courthouse and the Mission Building on the first floor (the location of the old courthouse entrance) and remain until all jurors have returned and the bailiff is prepared to bring the entire group back to Drewel. When more jurors are present than social distancing inside permits, on good weather days, some jurors will be brought outside on the west side of the building, and on poor weather days, some jurors will be moved under the awning on the east side. They will be observed by court personnel at all times. With this process being followed, jurors will not need to be re-screened when they return to Drewel. If a juror leaves Drewel they will need to be rescreened. This rescreening may include a search of their bags and belongings and their being searched with a handheld wand. Jurors who are placed in Drewel will need to return to the main courthouse for rescreening after lunch and for any subsequent days that jury selection is still ongoing in Drewel. Jurors using the facilities at Drewel will not need to be rescreened so long as they are observed in the hallway and do not leave the building.

Jury Trial Courtrooms: All courtrooms were measured to allow for social distancing for a minimum of 13 jurors. It was determined 6 of our 12 courtrooms can properly allow for social distancing for 13 or more jurors. All jury trials needing 13 or more jurors will be tried in these courtrooms only.

Jurors will be seated in the gallery. The seats which are available to be used and the juror number of the person to be seated in that seat will be labeled. Generally, the judge, court clerk, and court reporter will remain in their usual locations. Some law clerks may need to be located in a different location within the courtroom. Witnesses will also generally use the regular witness stand. Because the jury will be seated in the gallery and the witness will be in the witness chair, the intent is to have at least one

monitor near the gallery for the jurors to have an enhanced ability to view the testimony of the witnesses.

Members of the public will be permitted to sit in the jury box with proper social distancing. If necessary, and at the discretion of the trial judge, the trial may be livestreamed for public viewing. Alternatively, if there is not enough seating in the courtroom for any person wishing to observe the trial, the Court may provide each person wanting to observe the trial with a Zoom invitation to be able to observe the trial.

Extra staff will be assigned to the courtroom to clean high touch areas and the area where the witness will be seated. A short recess might be taken for this purpose after each witness, if necessary.

Jurors will be given a new KN95 mask for each day of trial and deliberations. Jurors are encouraged to wash their hands frequently and hand sanitizer will be readily available. Gloves are available on request. Instead of communal water pitchers, bottled water will be available to the jurors instead.

Livestreaming: Additional cameras will be placed in the courtroom to facilitate live streaming either to a link where the public will have access, to another courtroom, or to the JAR. Not all trials will be live streamed. Additionally, if a trial is to be livestreamed, at the discretion of the trial judge, certain portions of a trial still may not be live streamed. Trials that are livestreamed to the public will be viewable on a link accessible on the court's website. For more information on this topic, go to <http://snohomishcountywa.gov/5634/Courtroom-Live-Stream>

Microphones: Microphones will be placed on each counsel table. A podium may also be made available and any podium will also have a microphone. Attorneys are expected to remain at counsel table and/or the podium when speaking. The witness and judge will also have a microphone. One or more stationary microphones will also be made available during jury selection.

The foam ball on each microphone will be removed after each witness completes testimony and replaced with a clean foam covering.

Plexiglas Barriers: Movable Plexiglas barriers are available in every courtroom. These barriers provide a transparent separation between people who are unable to consistently social distance in the courtroom. (i.e. the court reporter and the court clerk, the witness and the court reporter.) At the discretion of the trial Judge the barriers can be relocated to support the logistical needs of the particular case. In some cases, there may be a Plexiglas shield in front of the witness. If so, these shields will be cleaned in between the testimony of each new witness.

Face Masks: Generally everyone in the courtroom will be required to wear a face mask or face covering. Once jurors are brought to either Drewel or JAR they will be provided with a KN95 mask that, absent a medical reason for not being able to do so, should be worn during jury selection and during trial. At the end of each day, jurors should throw away any KN95 mask that has been worn. Jurors will be provided a new mask each day.

Judges are permitted to allow individuals to temporarily remove their masks when necessary and appropriate taking into account the guidance provided to the courts for resuming jury trials in Washington State as identified by the Department of Health. When individuals are permitted to remove their KN95 masks, at the discretion of the trial Judge, that person may be permitted to wear a face shield, a mask with a clear covering over the mouth or no mask at all so long as 6 feet of social

distancing can be strictly enforced. Each person permitted to use a face shield will be provided with a new and clean face shield for use.

Each juror will be supplied with a clear plastic pouch or a manila envelope containing a pen and their trial notepad. Juror note pads will never be used in consecutive trials. If they are reused for a subsequent trial, it must be at least one week (7days) after its previous use. Any pens left behind will be properly sanitized prior to any additional use.

Health Screenings: Snohomish County has implemented a protocol for health screenings for all employees which must be completed daily. Individuals reporting for jury duty will be asked health screening questions. Some Judges will ask that the temperatures of their jurors be taken. Individuals who have flu-like symptoms or who have contact with a person testing positive for COVID-19 within the last 14 days will not be permitted to enter the courtrooms until they have quarantined for 14 days without any flu-like symptoms even if they have had a negative Covid-19 test.

Jury Break Room and Deliberations: A “buddy” courtroom will be assigned to each trial courtroom. The intent is to have the two rooms in close proximity to one another. This room will be used for jurors to stay during their breaks and for deliberations. There will be hand sanitizer readily available. Since these are actual courtrooms there are law books and other materials which are blocked off and which shall not be accessed by jurors. Jurors may use the restrooms in the jury rooms of the buddy courtroom during breaks. Bottled water will also be available.

Specific Trial issues: During Motions in Limine or at a pretrial conference, the judge presiding over the trial should address some of the following logistical issues:

- Location of counsel tables
- Effective ways to maintain social distancing (i.e. use of microphones, podiums, etc.)
- Where jury selection will take place
- Courtroom designated for trial and the buddy courtroom identification.
- How jury selection will be conducted. Options may include:
 - Live streaming introductory instruction to JAR or Drewel, then bringing jurors into the courtroom in groups of about 13 for questioning.
 - If jurors are brought into the courtroom for voir dire, continuing to live stream so jurors in JAR can see and hear the questioning of jurors in the courtroom.
 - Use of a jury questionnaire.
- Location of attorneys and where to stand/sit during jury selection, questioning of witnesses and arguments to jury.
- How exhibits will be managed and displayed
- How defense attorneys will communicate with their clients during the trial.

As we continue on with this process things are subject to and likely will change. If you have any suggestions for improvements feel free to contact court Administration at 425-388-3421 or by emailing the Assistant court Administrator Andrew Somers at Andrew.Somers@snoco.org.