

**COMMUNICATION AND INCIDENT RESPONSE PROTOCOL:  
NOTIFICATION OF POTENTIAL COVID-19 INCIDENTS AND/OR TESTING  
AT OR RELATED TO COURTHOUSES**

**January 19, 2021**

**BACKGROUND**

Courthouses<sup>1</sup> occupy a unique and essential role in communities. They are a place where people come to access justice relating to a myriad of public and private legal matters that often engage public safety and individual liberty rights. People rely on the right to access courts to resolve their legal disputes in a fair and just hearing, where the rule of law applies. Many people who attend at courthouses, do not choose to be there, rather they are compelled by subpoena or other process to attend. People must have confidence that the courts are safe and accessible.

Due to the unique nature of courts and in recognition of the constitutional role of the judiciary as the third branch of government (the other branches being the executive and legislative branches), as well as the requirement that the courts remain accessible, the following communication and Incident protocol has been established.

**PURPOSE**

The purpose of this protocol is to facilitate communication between public health, the judiciary and the Ministry of Attorney General in situations where there is a COVID-19 incident that impacts or is likely to impact courts or for which further public health action involving the courts is required, and to outline the communication by public health to Court Participants.

Government, in collaboration with the courts, has invested significant resources during COVID-19 to ensure that the courts are safe for people to attend. Timely, accessible and open reporting about the existence of COVID-19 Incidents at courthouses supports the public's confidence that courts are safe to attend. Preserving access to the courts during COVID-19 is essential.

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<sup>1</sup> "Courthouses" is used in this Protocol to refer to all court locations, including circuit court locations.

A key component of this Protocol is that each Regional Health Authority will be responsible for courthouse COVID-19 Incident Investigation, any subsequent Incident Response, timely communication with Court Contacts, and where appropriate, timely communication to other Court Participants such as the public, recognizing that the Health Authorities alone have the information about COVID-19 Incidents, Cases, Exposures, Clusters and Outbreaks.

## **COURTHOUSE AND REGIONAL HEALTH AUTHORITY CONTACTS<sup>2</sup>**

The Court of Appeal, Supreme Court, Provincial Court, and Court Services Branch list of contacts and their email addresses are in *Appendix A* (“Court Contacts”). By way of summary the Court Contacts for each level of Court and Court Services Branch are:

- Provincial Court – (a) Executive Director of Organizational Services and (b) Regional Administrative Judges email (Table 1)
- Supreme Court – (a) Executive Director and Senior Counsel, (b) Chief Justice of the Supreme Court and (c) Associate Chief Justice of the Supreme Court (Table 2)
- Court of Appeal – (a) Executive Director and Senior Counsel and (b) Chief Justice of British Columbia (Table 3)
- Court Services Branch – (a) Assistant Deputy Minister, (b) Chief Sheriff and Executive Director BC Sheriff Service and (c) Regional Distribution List (Table 4)

For any reference in this document to “Court Contacts”:

- Court Services Branch will always be contacted as their staff are in every courthouse.
- *Appendix B* identifies the locations of the Court of Appeal, Supreme Court, Provincial Court and locations shared by more than one Court. *Appendix B* will be used to find the court location and contact the relevant court(s) Court Contacts.

For any reference in this document to “Lead Court Contact” only the person identified in *Appendix A* as the Lead Court Contact need be contacted.

Contact information for the Provincial Health Officer, BC Centre for Disease Control (BCCDC) and the Regional Public Health Contacts are in an *Appendix C* (“Public Health Contacts”). In the

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<sup>2</sup> Appendices A and C are not included in this public version of the protocol as they only contain contact information.

event of a COVID-19 Incident, the Regional Public Health Contact will designate a “Lead Public Health Contact” who will facilitate communication between the court and the Regional Health Authority.

## I. COVID-19 COURTHOUSE GUIDANCE DOCUMENT

A Public Health Guidance document for the prevention of and response to COVID-19 in courthouses is posted at [http://www.bccdc.ca/Health-Info-Site/Documents/COVID\\_public\\_guidance/Guidance\\_Court\\_Settings.pdf](http://www.bccdc.ca/Health-Info-Site/Documents/COVID_public_guidance/Guidance_Court_Settings.pdf).

## II. COVID-19 INCIDENTS IN COURTHOUSES

Definitions:

**“COVID-19 Incidents”**<sup>3</sup> include but are not limited to exposures, cases, clusters or outbreaks involving Court Participants and other persons typically present in the courthouse that impacts or is likely to impact court proceedings/operations or Court Participants in courts, or for which public health action impacting the court proceedings/operations or public notification is required. Public Health action includes but is not limited to Incident Investigation and/or Incident Response.

**“Court Participants”** are persons that are typically present in courthouses that may be involved in a COVID-19 Incident and include but are not limited to sheriffs, court administrative staff, judicial officers, judicial staff, jurors, potential jurors, parties, lawyers, witnesses, accused, interpreters, cleaners, members of public involved in court proceedings or attending at a courthouse.

**“COVID-19 Case”** is a person with a confirmed COVID-19 laboratory test or is diagnosed as a person with COVID-19 symptoms and close contact with a confirmed case, but who has not been tested (epi linked) by a public health official.

**“COVID-19 Exposure”** is a circumstance where a known COVID-19 Case has attended a courthouse while infectious and may have exposed others to COVID-19 and for which additional public health investigations are required to determine whether other persons attending the courthouse at the same time were at risk of COVID-19 infection. A public health

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<sup>3</sup> For defined terms in some instances “COVID-19” will not be used to avoid repetition; however the term itself will be capitalized.

specialist or a medical health officer will determine if a COVID-19 Case exposure results in risk of infection to others.

**“COVID-19 Close Contact”** is a person who has had significant prolonged contact with a COVID-19 Case and is determined to be at increased risk of COVID-19 infection as determined by a public health specialist or medical health officer. Not all persons who have been exposed to or had contact with a COVID-19 case are determined to be a close contact. Close contacts are typically required to self-isolate for 14 days following exposure.

**“COVID-19 Cluster”** is two or more COVID-19 cases who attended the courthouse during their infectious period at the same time and location, as determined by a public health specialist or a medical health officer.

**“COVID-19 Outbreak”** is multiple exposures and resulting COVID-19 cases and during a specified time period where ongoing transmission is likely occurring or has occurred within the courthouse setting, as determined by a public health specialist or a medical health officer.

**“Incident Investigation”** may involve, but is not limited to, case identification, contact tracing, notification, inspections, targeted and mass testing, and in some situations the self-isolation of potentially exposed persons over the course of the Incident Investigation.

**“Incident Response”** includes any action, intervention, or public health measure that impacts or is likely to impact court proceedings, Court Participants and/or courthouses. This may also include, but is not limited to, an Incident Investigation, self-isolation of multiple court participants, and/or recommended changes to courthouse COVID-19 health and safety protocols, as determined by a public health specialist or a medical health officer. A public health specialist or a medical health officer may also recommend to a Court, for the Court’s consideration, that there be a delay in court proceedings or closure of a courthouse.

### **III. TARGETED ACCESS TO COVID-19 TESTING FOR COURT PARTICIPANTS IN RELATION TO ANTICIPATED OR ONGOING COURT PROCEEDINGS**

Situations will arise where special measures to access a COVID-19 test are required for the purpose of facilitating court proceedings including but not limited to:

- A Court Participant is experiencing COVID-19 like symptoms or there is a high degree of real or perceived risk where a clinical assessment including COVID-19 testing is required in order to inform the determination of whether the court proceeding can continue as scheduled;
- A Court Participant will experience significant negative consequence should the court proceedings be adjourned in order to access COVID-19 testing.

In the event the court requires assistance obtaining targeted access to testing of a Court Participant, the appropriate Court Contacts will reach out to the appropriate Regional Public

Health Contact to discuss the specific circumstance requiring facilitated COVID-19 testing, and plan for testing accordingly if warranted.

#### **IV. INCIDENT INVESTIGATION BY A REGIONAL HEALTH AUTHORITY WITHIN ANY COURTHOUSE**

Each Regional Health Authority will be responsible for courthouse COVID-19 Incident Investigation, any subsequent Incident Response, timely communication with Court Contacts, and where appropriate communication to the public.

It is important that each Regional Health Authority use this communication protocol so that there is a consistent approach to communications provincially. Court Contacts, courthouse management (identified by Court Contacts), and where appropriate the Public Service Agency and WorkSafeBC, will be consulted and at minimum kept apprised by the Lead Public Health Contact of the Incident under investigation to maximize transparency and minimize confusion.

##### **1. Incident Identification**

In the event of a COVID-19 Incident in a courthouse, the Lead Public Health Contact will contact the Court Contacts (see *Appendix A*) the day of the Incident. The Court Contacts will identify designates, to ensure that a clear line of communication is established between Public Health and the Courts (including the local court location).

##### **2. Advance Notice For Incident Investigation Related To Potential Covid-19 Cluster, Outbreak, Group Testing Or Site Inspection**

Prior to initiating an Incident Investigation for potential COVID-19 cluster, outbreak, group testing or site inspection at a courthouse the Lead Public Health Contact will notify at least 24 hours in advance (unless the urgency of the situation requires otherwise), by email, the appropriate Court Contacts, the Chief Medical Health Officer for the region, and the Provincial Health Officer of the Incident Investigation.

##### **3. Advance Notice Contents**

The Advance Notice will provide the following information:

- Identify the specific groups being targeted for Incident Investigation unless to do so would be a breach of privacy;
- Basis for the Incident Investigation;
- Location within the courthouse where specific activity such as testing is proposed to take place;
- Date and timing of proposed specific activity such as testing.

- If the Investigation involves group testing at a courthouse the Advance Notice will also include:
  - Instructions for the specific group who are being tested including the location and timeframe for testing;
  - What measures, if any, they are required to undertake (i.e. self isolation) pending outcome;
  - The type of information they will receive from public health (i.e. they will only be contacted by public health if positive for COVID 19);
  - Expected timeline for that reporting; and,
  - Instructions for those who cannot attend the courthouse who require testing.

#### **4. Communication To Court Participants**

Notice of the proposed Incident Investigation will be communicated by the Lead Public Health Contact to those Court Participants that Public Health considers relevant to the Investigation.

The Court may also forward the notice internally to judicial officers and judiciary staff. The Ministry of the Attorney General may also forward the notice internally to Court Services' staff.

The Provincial Health Officer will arrange for BCCDC to post a notice of the proposed investigation on the COVID-19 Courthouse and Circuit Court Notification webpage (see below).

The Lead Public Health Contact may request information through the Lead Court Contact to determine who to communicate with in courthouse management to assist public health in its notification process.

The Courts and the Ministry of the Attorney General may also publicly post, link to and/or communicate the Notice in any fashion they deem is necessary to maintain public confidence in the administration of justice.

#### **V. COMMUNICATION OF OUTCOME OF A COVID-19 INCIDENT INVESTIGATION AND RESPONSE BY A REGIONAL HEALTH AUTHORITY WITHIN ANY COURTHOUSE**

The Lead Public Health Contact will endeavour to provide the Court Contacts, Public Service Agency Medical Director and Provincial Health Officer a letter by email no later than 72 hours after the investigation setting out the following information:

- Brief summary of the outcome of the Investigation, ongoing COVID-19 risk (if any) at a level of detail relevant to the COVID-19 Incident and protecting privacy;
- Recommendations (if any) and required response (if any) with respect to additional courthouse COVID-19 health and safety measures;

- Additional key messages, if any, that the Lead Public Health Contact recommends be communicated to judicial officers, judiciary staff and/or Court Services’ staff;

If it is not possible to provide the letter within 72 hours, the Lead Public Health Contact will inform the Lead Court Contact as soon as possible and within 72 hours of the Incident Investigation and provide a timeline for when the information will be provided.

The content, format, and target audience of the Summary will be determined by the Lead Public Health Contact.

The Provincial Health Officer will arrange for BCCDC to post a notice of the summary of the Incident Investigation and Incident Response on the COVID-19 Courthouse and Circuit Court Notification webpage (see below).

The Courts and the Ministry of the Attorney General may also publicly post, link to and/or communicate the Notice in any fashion they deem is necessary to maintain public confidence in the administration of justice.

## **VI. POSTING OF COURTHOUSE COVID-19 INCIDENTS ON THE BCCDC WEBSITE**

The BCCDC has created a [webpage](#) following type of information will be posted:

- all COVID-19 Exposures where a medical health officer or public health specialist has determined there is a risk of infection to others;
- all COVID-19 Incident Investigations, notices and summaries related to potential COVID-19 Cluster, Outbreak, or group testing; and,
- a site inspection has occurred at a Courthouse.

Information to be posted will include location name, incident date and event, when available the outcome of the Incident Investigation, and a summary of the response should any public health action be required. BCCDC will inform the appropriate Court using the Court Contact list on updates to the websites.

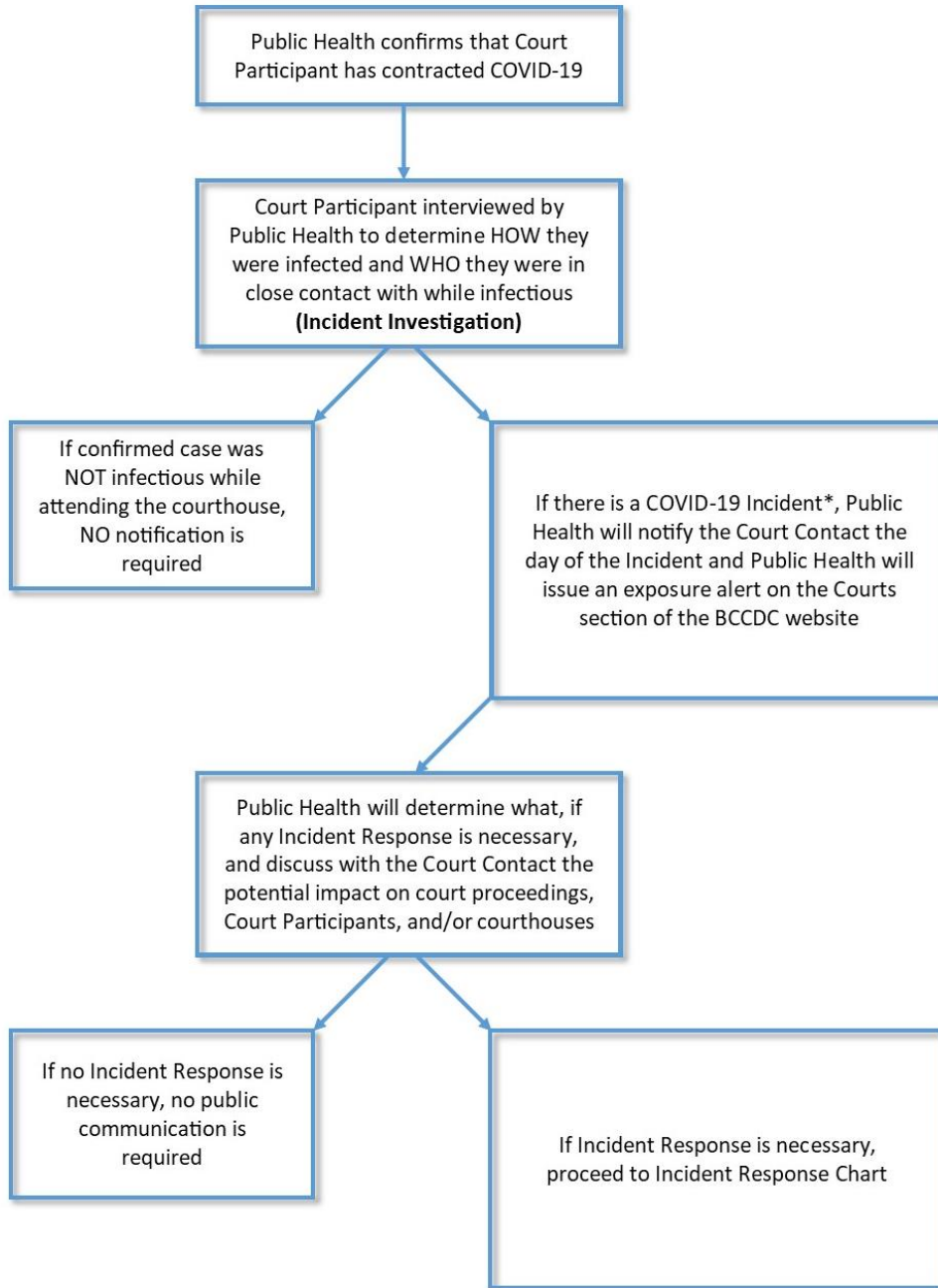
Below is a Communication flowchart providing a high level summary of public health actions and anticipated communications by the Regional Health Authority in the event of a COVID-19 Incident in a courthouse.

## **VII. AMENDMENT OF PROTOCOL**

This Protocol is subject to amendment with the agreement in writing of all parties to this Protocol at any time.

## COMMUNICATION FLOWCHART

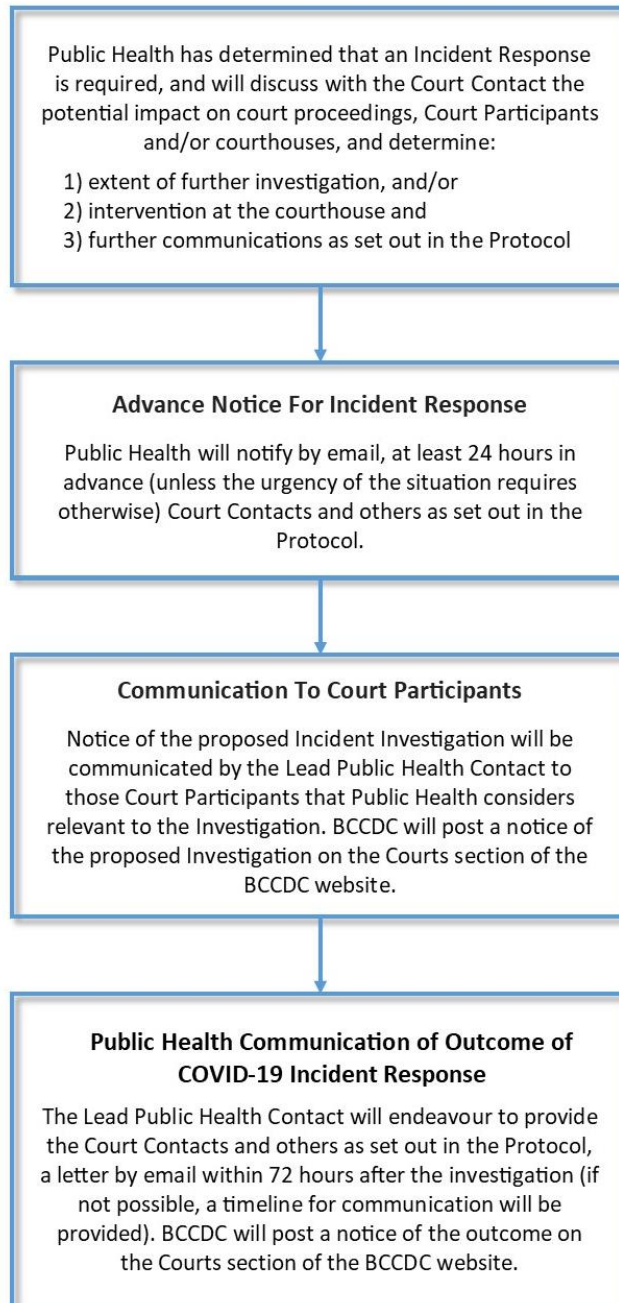
### IS THERE A POTENTIAL COVID-19 EXPOSURE?



**\*COVID-19 Incidents** include but are not limited to exposures, cases, clusters or outbreaks involving Court Participants and other persons typically present in the courthouse that impacts or is likely to impact court proceedings/operations or Court Participants in courts, or for which public health action impacting the court proceedings/operations or public notification is required. Public Health action includes but is not limited to Incident Investigation and/or Incident Response.



## INCIDENT RESPONSE CHART



**Note:** Appendices A and C are not included in this public version of the protocol as they only contain contact information.

## APPENDIX B COURTHOUSE LIST

Region	Court of Appeal	Supreme Court Only	Integrated Court Location (Supreme Court and Provincial Court)	Provincial Court Only
Vancouver Island Region	Victoria		Campbell River	Ganges
			Courtenay	Gold River
			Duncan	Port Hardy
			Nanaimo	Sidney
			Port Alberni	Tofino
			Powell River	Ucluelet
			Victoria	Western Communities
Vancouver Coastal Region	Vancouver Law Courts	Vancouver Law Courts		Downtown Community Court
				Justice Centre
				North Vancouver
				Pemberton
				Robson Square
				Sechelt
				Vancouver
				Bella Bella
				Bella Coola
				Klemtu
			Violation Ticket Centre - VTC	
Fraser Region			Chilliwack	Abbotsford
			New Westminster	Port Coquitlam
			Abbotsford	Richmond
				Surrey
Interior Region	Kamloops		Cranbrook	Clearwater
	Kelowna		Golden	Nakusp
			Kamloops	Creston
			Kelowna	Fernie
			Nelson	Invermere
			Penticton	Sparwood
			Revelstoke	Lillooet
			Rossland	Merritt
			Salmon Arm	Castlegar
			Vernon	Princeton
			Grand Forks	
Northern Region	Yukon		Dawson Creek	Burns Lake
			Fort St John	Valemount
			Prince George	Mackenzie
			Prince Rupert	Chetwynd
			Quesnel	Tumbler Ridge
			Smithers	Atlin
			Terrace	Good Hope Lake (Cassiar)

			Williams Lake	Lower Post
				Queen Charlotte City
				Fort St James
				Fraser Lake
				Kwadacha (Fort Ware)
				Tsay Keh Dene
				Vanderhoof
				Hazelton
				Houston
				Dease Lake
				Kitimat Law Courts
				New Aiyansh
				Stewart
				McBride
				100 Mile House
				Masset
				Anahim Lake