

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Re-opening of Courts on July 6, 2020

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Further to All Chiefs Memos 20-0016, 20-0021 and 20-0094, I am sharing additional information regarding the precautions that policing personnel should take when courts re-open on July 6, 2020.

As part of a phased approach, the Ministry of the Attorney General is implementing precautionary health and safety measures in each courthouse to prevent the spread of COVID-19. The Ministry of the Attorney General is also actively working with all justice partners to implement a transparent and orderly return to operations. A list of the courthouses that are expected to be re-opened as of July 6 are listed in the chart on page 4.

In addition, court security personnel will continue to be expected to perform their duties pursuant to Part X of the *Police Services Act*. Completing the screening questionnaire for members of the public will be a prerequisite to entering the courthouse. A notice will be posted on the public-facing internet site informing of active screening protocols at court locations.

Transportation of Persons in Custody

With the re-opening of the courts, policing personnel will be required to resume transportation of accused persons to court from correctional facilities. Correctional facilities have taken precautionary measures to limit the spread of COVID-19 in their facilities.

For further detail, please see attached *In-Person Court Appearances Guidance* document that is intended to be used in correctional facilities to support the protection of the health and well-being of correctional staff and persons in custody (please note that as the situation evolves, this document may be updated).

The Ministry of the Solicitor General (ministry) will be relying on policing personnel to ensure that risk of transmission of the virus is minimized during the transportation process and appearance in court (e.g., ensuring physical distancing is implemented in court holding cells between persons in custody).

It is critically important for police services boards and chiefs of police who have the responsibility for the transportation of persons in custody to implement all the following advice:

- Conduct active screening for policing personnel and any individual taken into custody and to follow any appropriate measures for those that screen positive for COVID-19.
 - Active screening involves an individual being required to answer questions pertaining to COVID-19 (*please refer to All Chiefs Memo 20-0016*).
 - If a person screens positive on site, they should be instructed to wear a surgical / procedure mask (if physically tolerated).
 - Those persons should also be advised to perform hand hygiene and ensure that used masks are not left in common areas or transportation vehicles.
 - The individual should be secluded immediately and placed in a room or transportation vehicle with the door closed, where possible and appropriate, to avoid contact with other persons in custody in common areas of the court.
- Keep daily records of policing personnel, transported individuals, and others who may be involved in the transport process to facilitate contact tracing in the event of a confirmed COVID-19 case or outbreak.
- When conducting a point of interaction risk assessment, policing personnel should consider that transmission of COVID-19 can occur through direct or indirect contact and through droplets.
- Take extra precautionary measures during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts:
 - Encourage respiratory etiquette (i.e., covering mouth and nose with a tissue and immediately discarding the tissue into a receptacle, cough or sneeze into the crook of elbow or use tissues that are immediately discarded in the appropriate receptacle followed by performing hand hygiene);

- Maintain a minimum of two (2) metres (6 feet) of distancing between people throughout their journey;
 - When maintaining a two-metre distance on transport vehicles is not practical or possible, putting in place proper personal protective equipment (PPE) should be emphasized for persons in custody (i.e., surgical/procedure masks, gloves, eye protection such as goggles or face shield, physical barriers between those using the transport vehicle);
 - Use physical markers (such as seat and floor decals) between seats in transport vehicles, where possible; and
 - Avoid physical contact, where possible.
- Enhanced cleaning measures for transportation vehicles and commonly touched surfaces on vehicles (e.g., the steering wheel, the seatbelt, the seats, interior rear-view mirror and interior and exterior door handles) before and after every transport and ensuring the use of a cleaning agent, approved for use in Canada by Health Canada (i.e., cleaning and disinfectant products that have a Drug Identification Number (DIN)), designed to kill bacteria, fungi and viruses on hard surfaces within 10 minutes of application or fewer.
 - To the extent possible, maintain the availability of alcohol-based hand sanitizer or disinfectant wipes upon entrance and exit to the vehicle.
 - Develop a hygiene, cleaning and disinfection protocol for transport vehicles and maintain frequent cleaning routine for all high-touch surfaces such as door handles, handrails, and countertops should be cleaned frequently.
- Endeavour to minimize the number of individuals in custody that are travelling together in any transport vehicle considering, to the extent practical, best public health practices, which include:
 - Physical distancing of two metres or more;
 - Avoid mixing individuals transported from correctional facilities with other individuals taken into custody at the court. If mixing of individuals cannot be prevented, precautionary measures such as the use of PPEs should be taken;
 - Avoiding contact with people who are sick or those have been tested and are awaiting test results; and
 - Washing hands often with soap and water or hand sanitizer and ensuring that in-custody person(s) have also used hand sanitizer before they enter the transport vehicle and again before entry and upon exiting the courtroom.

Police services boards and chiefs of police should prepare for any increased requests and allocate the appropriate resources needed to facilitate the administration of justice in a timely manner, including staffing court facilities with additional policing personnel.

Policing personnel are also reminded to continue to take the necessary extra precautions to protect themselves from COVID-19 exposure during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts.

In addition, policing personnel should be performing frequent hand hygiene between each transportation of person(s) in custody and use PPE (e.g., surgical/procedure masks, gloves and eye protection) as they interact with persons in custody and members of the public attending court facilities.

For additional information, please consult the attached *Guidebook – Precautionary Measures for Re-opening Courts* from the Ministry of the Attorney General. As the situation with COVID-19 continues to evolve, the guidebook will be reviewed and updated further.

Resumption of Trials and Preliminary Inquiries on July 6, 2020, at Specified Court Locations

The Ontario Court of Justice will resume hearing criminal trials and preliminary inquiries on July 6, 2020, in a limited number of courtrooms in all courthouses that are part of Phase One of the Ministry of the Attorney General's plan.

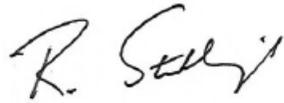
All trials and preliminary inquiries involving accused persons who are in custody and who are out of custody will proceed as scheduled in the following Ontario Court of Justice locations:

Region	Courthouses
Central East	Barrie, Newmarket, Oshawa (Durham), Lindsay
Central West	Brampton, Brantford, Hamilton, Milton, Orangeville, St Catharines
East	Belleville (Quinte), Cornwall, Kingston, Ottawa, Pembroke
Northeast	North Bay, Sault Ste Marie, Sudbury
Northwest	Thunder Bay
Toronto	Toronto North (1000 Finch Ave W), Toronto East (1911 Eglinton Ave E), Toronto West (2201 Finch Ave W), 311 Jarvis St, College Park (444 Yonge St), Old City Hall (60 Queen St W)
West	Chatham, Guelph, Kitchener (Waterloo Region), London, Owen Sound, Sarnia, St Thomas (Elgin County), Windsor

The Ministry of the Attorney General will introduce engineering controls and PPE to ensure the safety of entry personnel at courthouses.

I trust this information will be of use to you. Thank you again for your continued collaboration during these challenging times.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, slightly slanted style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachments