

Process for In-Person Court Appearances

Introduction

In March of 2020, courthouses were closed due to the COVID-19 pandemic. In partnership with the Ministry of the Attorney General, the Ministry of the Solicitor General (the ministry) moved all court appearances to video or telephone in order to reduce the movement of inmates in and out of the institutions.

On July 6, 2020, as the province continues its path to recovery, both the Superior Court of Justice and the Ontario Court of Justice will reopen their courts on a limited basis. The ministry will be working with our justice partners to facilitate the attendance of inmates at court as required.

Given the nature of our institutional environments, as well as the robust health and safety guidance that has been established to limit COVID-19 risk exposure for our inmates and staff, it is critical that the reintroduction of in-person court hearings is done in line with best infection prevention and control practices.

Guiding Principles

- Inmates in intake or isolation units will only attend court by video.
- Inmates are unfit for in-person court if they:
 - Have tested positive for COVID-19 and have not been cleared by Corporate Health Care;
 - Are awaiting a COVID-19 test result;
 - Have been determined to be medically unfit by health care;
 - Report illness prior to leaving and health care is not able to assess prior to leaving the institution;
 - Are currently housed in medical isolation or in an intake unit.
- Inmates who report illness will be assessed by health care and made unfit for court, if appropriate.
- Health Care will receive a court list minimally 24 hours in advance, where possible, and provide one-on-one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
- Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
- Upon return to the institution, inmates will be monitored through a point of care assessment to determine level of exposure risk while outside the institution.

- Ministry of the Attorney General and police services guidelines will be expected to be followed while in the custody of police services and at the courthouse.
- While in transit or in court, inmates should:
 - Be wearing a level 1 surgical mask at all times if unable to be 2 metres apart from others with no physical barrier, and
 - Have access to hand hygiene (either sink, soap and water or hand sanitizer) throughout the process.
- A replacement mask should be provided for inmates should the mask become contaminated, soiled or wet.
- Institutions should maintain regular contact with local police services to ensure that guiding principles are followed.
- Inmates must be screened by Correctional Staff per Inmate Screening for Symptoms of ILI upon return from court.
- Inmates returning from court will also have additional questions asked by correctional staff using the Return from Court Risk Assessment to assess exposure risks and health care will be contacted, where indicated.
- The information gathered from the ILI screening and Court Risk Assessment may generate a change in housing requirements (e.g., intake unit or isolated) and the individual may need to be monitored for 14 days from their Court appearance.
- Logs must be kept for those who make court appearances and ideally all persons cohorted for transport or at court along with contact information, in case exposure is identified and contact follow up becomes necessary.

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1. Prior to leaving the institution

- a) Health Care staff will review the court list 24 hours in advance and provide one to one health teaching on how and when to use a mask, the importance of physical distancing and not touching your face, proper hand hygiene and cough etiquette, and the importance of reporting illness.
- b) Inmates will be provided with the required PPE (level 1 surgical mask) for use while out of institution.
- c) The institution must provide notification as per policy to the Ministry of the Attorney General if the inmate will not be appearing at court.
- d) Correctional staff will give each inmate leaving the institution one (1) level 1 surgical/procedural mask which is to be worn at all times if unable to be 2 metres apart from others with no physical barrier.

2. At the courthouse

- a) Inmates will follow all police services guidelines while in their custody.
- b) Inmates will follow all Ministry of the Attorney General guidelines while at the courthouse. This includes, but is not limited to:
 - Wearing a mask as required;
 - Keeping physical distance; and
 - Sanitizing/washing hands as appropriate.

3. Returning to the institution

- a) Each inmate must be screened by correctional staff each time they return to the institution using the Inmate Screening for Symptoms of ILI and the Return from Court Risk Assessment.
- b) If the inmate does not pass the screening, correctional staff are to follow the Correctional Officer Influenza-Like Symptom Screening Algorithm for Inmates.
- c) Inmates who pass screening and are determined to not be an exposure risk may be returned to the unit they had been housed in prior to leaving. They are not to proceed to the intake unit.

Local Direction for (Add Institution Name)

- i. Each institution should add any specific steps that their institution needs to take, due to operational requirements. These steps must be reviewed by the Regional Office and cleared by the Central Response Team (CRT) before implemented.*