



# JUDICIAL BRANCH COVID-19 BEST SAFETY PRACTICES WORK GROUP MINUTES

May 18, 2020

Task Force Best Safety Practices Chair, Kellie Myers, convened the meeting at 10:30 a.m. by WebEx.

The following Task Force COVID-19 Best Safety Practices Work Group were present via WebEx:

- Kellie Myers, District 10 Trial Court Administrator.
- Dr. Erica Wilson, NCDHHS.
- Professor Cheryl Howell, UNC School of Government.
- The Honorable Marsha Johnson, Harnett County Clerk of Superior Court.
- Kinsley Craig, District 27B Trial Court Coordinator.
- The Honorable Jennifer Harjo, New Hanover County Public Defender.
- DeShield Greene, AOC Court Management Specialist.
- Christine Villaverde, AOC Safety and COOP Consultant.

Sheriff James Clemmons, Richmond County, was absent from the meeting.

Trial Court Administrator Myers wished everyone a good morning and said thank you for everyone's attendance. Trial Court Administrator Myers reiterated the purpose of the meeting was to generate a list of questions for best safety practices, obtain answers, and make recommendations to the Task Force about best safety practices that are evidence-based. Trial Court Administrator Myers then thanked Dr. Wilson for her time. Trial Court Administrator Myers reminded everyone that Dr. Wilson was available to provide her best recommendations for Judicial Branch best practices. Trial Court Administrator Myers said that Dr. Wilson's suggestions should help guide us to make recommendations to Madame Chief Justice. Trial Court Administrator Myers announced we would then go over a list of public health questions she had compiled and sent to all members to review before the meeting.

Attorney Harjo raised concerns specific to District Court and the masses of people expected to enter courthouses June 01, 2020; specifically, how to social distance everyone throughout the security process in all common areas and within a courtroom?

## **Public Health Questions and Answers**

Trial Court Administrator Myers asked Dr. Wilson about the appropriate occupancy threshold for courthouses and courtrooms? Dr. Wilson stated that based on normal droplet spread according to all current evidence to protect an individual from coming into contact with COVID-19 particulates the current six feet in all directions of social distancing is appropriate. Dr. Wilson stated that a person's risk





goes up being in a confined space for a prolonged duration of time. There is no “cut off” amount of time that is perfectly safe.

Trial Court Coordinator Craig asked what exactly a “prolonged period of time” is considered by health professionals? Dr. Wilson stated that the general guidance of six feet for social distancing is for casual interactions between individuals for less than 10 minutes and an hour is considered a prolonged period of time. Dr. Wilson said that issues such as air flow within the facility, use of masks, individuals coughing or sneezing, etc. will vary and effect the safety of all. Professor Howell asked what if everyone wears a mask and how would that affect everyone’s safety and exposure risks? Dr Wilson explained there are a Hierarchy of controls outlining safety control measures. Dr. Wilson explained that to eliminate or prevent the spread of COVID-19 within judicial facilities you would need to implement a hierarchy of controls. Dr. Wilson stated that controlling hazards for occupants of a building can be found in what she called the Hierarchy of Controls. The idea behind this hierarchy is that the control methods at the top of the hierarchy are potentially more effective and protective than those at the bottom. Dr. Wilson said there is no way to eliminate the threat but control measures from engineering controls such as plexiglass barriers are best, then the next lower level for safety is administrative controls such as scheduling considerations (ex. staggered work schedules), then down to the lowest level of safety in a building with individuals wearing appropriate PPE. Dr. Wilson stated that PPE is the least effective means of preventing the spread of disease.

Trial Court Administrator Myers asked what protective measures can be taken to protect attorneys and clients? Dr. Wilson stated physical barriers are best and then proper use of PPE is recommended. Dr. Wilson also stressed the importance of washing hands or using hand sanitizer. Dr. Wilson said that it is important to stress that everyone must wear cloth masks for them to be most effective. Dr. Wilson stated that the CDC provides instructions for making effective hand sanitizer since Trial Court Coordinator Craig pointed out that limited supplies are currently available.

Attorney Harjo asked if N95 will protect lawyers who are higher-risk and come into contact often with their clients. Dr. Wilson stated that if masks are not used correctly, they can actually increase an individual’s risk of exposure. Dr. Wilson said that N95 masks should be fitted properly to give you 95 percent protection. Dr. Wilson explained that N95 masks must be fitted to an individual’s face, the wearer should not have facial hair, etc. Trial Court Administrator Myers asked if the Judicial Branch can require everyone to wear a facial covering in order to enter a courthouse? Safety Consultant Villaverde stated that the legalities of mandating everyone entering a courthouse to wear a face covering is currently in discussion. Safety Consultant Villaverde also stated that the AOC is currently looking into training for all employees on properly donning and doffing PPE and that currently all judicial employees will be given 2 N95 masks for use at work. It was recommended that each county would need to communicate with their county administrators for additional PPE for citizens. Dr. Wilson stated the CDC has a website showing people how to make their own face covering with instructions on how to don/doff. Dr. Wilson reminded everyone that the CDC recommends everyone wear a face covering if they are in public and cannot maintain social distancing. Dr. Wilson said she has no specific recommendations on how to obtain masks for the public. Dr. Wilson also said to look at





recommendations for safe practices for a courthouse or courtroom by looking at similar settings of duration and types of exposure.

Trial Court Administrator Myers asked about the advice for taking people's temperatures before entering a courthouse. Dr. Wilson explained that medically a fever is 100.4 and that to be considered fever-free would be below this threshold for 72 hours without medication. Dr. Wilson said there is currently no guidance for mandating taking temperatures of people entering a courthouse. Safety Consultant Villaverde stated that taking a temperature is considered a health screening and you must take into consideration privacy issues and making sure whomever is doing the screening is medically trained. Safety Consultant Villaverde also warned of potential false positives since many citizens walk great distances or walk in the heat to reach a courthouse and could have a temporary rise in body temperature. Trial Court Coordinator Craig also stated that she knew of this happening. Safety Consultant Villaverde advised that there would need to be protocols in place for what to do with an individual that "fails" the screening and these protocols would need to include answers such as would the person be quarantined in a room for a period of time, taken out of the courthouse in a different line so as to maintain social distancing, and how the person could reschedule their court business? Trial Court Coordinator Craig also said she knew of several counties that are utilizing thermal scanners where everyone entering a courthouse walks through the screener but that this would also have issues about privacy.

Trial Court Administrator Myers asked about concerns with the air quality that recirculates throughout all judicial facilities. Dr. Wilson stated that there is certain guidance provided for businesses from the CDC regarding HVAC systems. Safety Consultant Villaverde stated that most commercial building HVAC systems are not set up for HEPA filters and that each judicial facility will have its own unique challenges. It was agreed that each judicial facility will need to have these concerns addressed by local county representatives as to each facilities capacity to ensure safe interior air quality.

Trial Court Administrator Myers asked about concerns with handling paper and wanted to know how long COVID-19 can last on surfaces. Dr. Wilson stated that only one study has been completed on COVID-19 on cardboard and none has been completed on paper. Dr. Wilson said that the virus can live on cardboard for 24 hours. Dr. Wilson said that in general we should all minimize the passing of objects that contain fomites (fomite is any inanimate object that, when contaminated with or exposed to infectious agents, can transfer disease to a new host). This would include papers and pens that normally would be passed back and forth for signing documents. Dr. Wilson recommends that you should wash your hands before and after you touch anything that has these fomites.

Trial Court Administrator Myers asked about the advantages of wearing gloves in a courtroom. Dr. Wilson said that gloves are challenging because many people are not trained properly on their use and wearing gloves can give someone a false sense of security. Dr. Wilson said that people without proper training on wearing gloves often touch their face then they contaminate their gloves then cross-contaminate other objects. Dr. Wilson said that there may be some circumstances that gloves are useful but that people using them would need to be properly trained.





Trial Court Administrator Myers then asked about cleaning and sanitizing practices for courtrooms. Dr. Wilson recommends following CDC guidelines for all high-touch surface areas. Dr. Wilson stated that tables are excellent places for particulates to fall and should be cleaned between each person using it. Dr. Wilson stated that we would need to get recommendations for specific items such as cloth chairs from an environmental health specialist. Dr. Wilson said that areas such as elevators and stairwells and safe occupancy comes down to social distancing and putting into place various engineering and administrative controls and that PPE is a last resort. Safety Consultant Villaverde stated that we will need to consider how to socially distance people in lines waiting for elevators and security, also need to consider one-way traffic on stairs or halls in order to control movement throughout the facility. Dr. Wilson reiterated that we are learning new things every day about the virus and that guidance changes often. Dr. Wilson stressed that everyone should stay vigilant about evolving recommendations.

Safety Consultant Villaverde mentioned that the Fire Marshall will be the best first point of contact for each individual county for safety recommendations (elevators, stairwells, air circulation); there is no way to have a single person or group do this for every court facility, but we can provide a list of things to think about. Dr. Wilson stated that county health departments have varied resources and capabilities and may be unable to review judicial facilities for safety. Safety Consultant Villaverde asked about concerns of shared air within a judicial facility and what is the advice for wearing facemasks at all time while at work to mitigate risk? Dr. Wilson stated that she does not yet know the risks of COVID-19 spreading through ventilations systems but does not think it is very high. Dr. Wilson stated that we should refer to CDC guidelines for businesses.

Clerk Johnson asked if counties with low number of cases will be held to the same standards as counties with higher numbers of confirmed COVID-19 cases? Dr. Wilson stated the Governor's orders will provide guidance and recommendations for everyone to take precautions when there is community spread within their county. Clerk Johnson then asked about a timeline for when we will get these best practices? Clerk Johnson then asked if we were providing universal signage and how we were to make notification to the public about what to expect? Safety Consultant Villaverde stated that AOC is looking at providing proper signage for court facilities and also stated that the Office of General Counsel is researching the legalities of mandating the use of PPE within judicial facilities. Safety Consultant Villaverde said that the AOC is currently investigating how we will train employees on the safe usage of PPE, but that the educational platform has not been decided on yet. Trial Court Administrator Myers expressed that she was glad that the AOC was currently looking into this training.

Court Management Specialist Greene mentioned during the NCSC webinar an advisor stated that plexiglass is not effective and is more for psychological reasons and said that concerns about Legionnaires disease in sitting water of empty buildings is a concern. Dr. Wilson responded that plexiglass has been included in recommendations for meat and poultry facilities by the CDC, but we would need to confirm this. Dr. Wilson also stated that Legionnaires disease is always a concern when reopening empty facilities. Dr. Wilson said that if there is stagnant or low-flow water that taking





standard precautions is reasonable. Dr. Wilson stated that showers or other sprays are higher risk exposure.

Trial Court Administrator Myers asked if anyone else had any thoughts or highlights to add about the NCSC webinar. No other information was added by any group members.

Trial Court Administrator Myers concluded the meeting and advised that the next meeting will be held on May 22, 2020 at 2:00 p.m.

