

Social Distancing in the Courtroom

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April 3, 2020 (Version 1.0.1)

Preface

This paper outlines the first steps courts can take to address social distancing in their courtrooms. The paper continues and describes additional, more advanced options that use remote conferencing technology to restrict and even eliminate access to the courtroom and thereby implement social distancing requirements.

Social distancing should be taken to mean reducing or eliminating physical proximity and or contact whenever possible. Social distancing strategies can include but are not limited to:

- reducing the number of places where people are required to gather,
- increasing and in some cases, providing specific mechanisms to enforce physical distances between people when they do gather together,
- reducing the number of physical touch-points when people interact,
- providing physical barriers such as screens to buffer permanently staffed positions.

Further, it should be noted that for court staff, a large percent of their physical interactions may take place with other staff, the Judiciary, and with other workers from inside the court, not with members of the public. Keeping this in mind, the courts must be sure to take inter-staff social distancing into account, as well as distancing between the staff and the public.

Initial Steps

The initial steps a court can take to implement social distancing are the physical measures that have been well documented in the press and have quickly become the norm for anyone using a local grocery store. The general public have already become accustomed to such procedures and will likely in fact be concerned if these basic measures are not found in effect.

These steps include, but are not limited to:

- **Restricting the number of people who may be simultaneously present in the courtroom.** While this seems like an obvious first step, its impact must be carefully considered. While restricting access to the actual courtroom would reduce the number of people in the courtroom, it could also easily increase the number of people waiting in the hallways directly outside the courtrooms. Careful consideration of how to queue the public, along with overflow rooms with sufficient space capacity may be required. Additional staff to coordinate the flow of the public as matters are heard by the court might also be needed. Enhanced remote signage outside the courtroom should be considered to assist in keeping the people in the queue informed about the matters being processed, and about the timing of matters that remain to be processed.
- **Placement of markers to indicate the spacing that people must leave between themselves and other people.** The courtrooms, hallways and any overflow rooms should be marked with indicators to define the appropriate personal space allotted for each person queuing for the courtroom.
- **Personal Protective Equipment (PPE)** must be made available to all staff. PPE must include gloves and face masks for all staff.
- **Placement of plexiglass acrylic screens between staff positions and the public.** As has become the norm at grocery stores and other retail establishments, the courts should consider permanent screens to provide the most basic of physical protection for the staff.

As the current situation is fluid, additional basic measures will be identified and may be implemented on an ongoing basis.

Remote Conferencing Technology

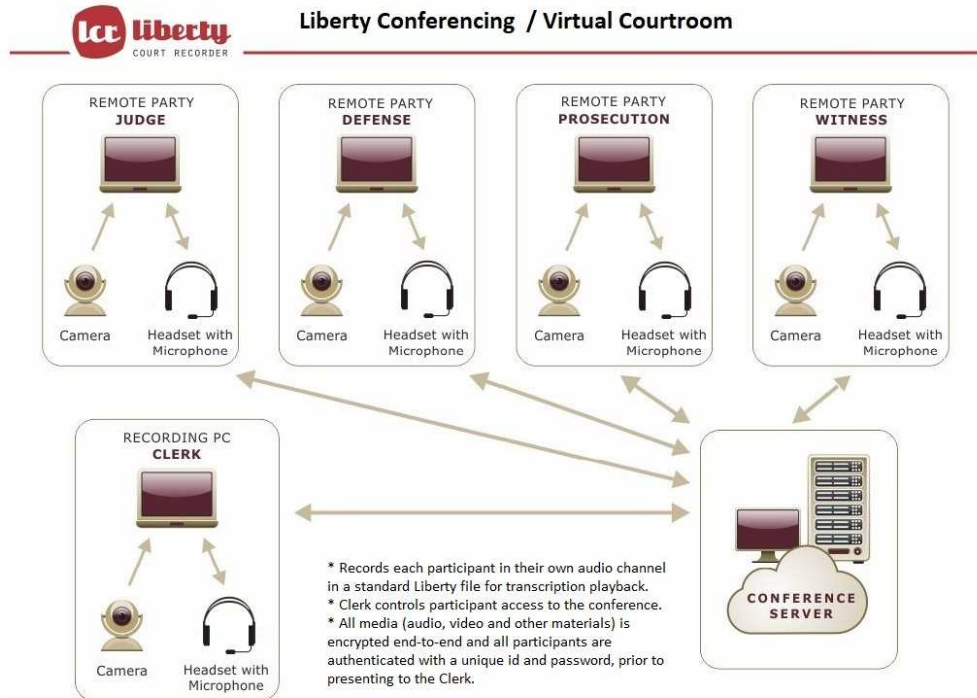
A number of Internet-based technologies are available to facilitate remote courtroom conferencing. As the courts evaluate these facilities, they should look for solutions that:

- **Maintain current courtroom standards**, for example, having individual audio recording channels for each participant. Maintaining individual audio channels is a pre-condition for ensuring that a complete and accurate transcript of the court session can be created. Without separate channels, a recording becomes open to challenge with respect to which party was speaking at a given time. Having separate channels also allows speech-to-text engines to identify the active speaker at any given point in the recording.
- **Allow for the identification and password authentication of all participants.** Ids and passwords should be required for all session participants. Systems that do not have ids and passwords cannot authenticate participants and can leave the court sessions in doubt. Other systems that use a “conference reference number” are open to being “bombed” by unknown, unauthorized users attempting to access the court session. Having authenticated ids also allows for an audit trail of conference times and attendees.
- **Provide end-to-end encryption of all communications** including the audio and video data, all text traffic, and any documents sent through the system.
- **Coordinate with the existing case management systems for case details and contact information.** Information such as the case number should be integrated into the conferencing system to allow court staff to identify participants related to a particular case prior to and during the court sessions.
- **Allow for flexibility in the courtroom configuration**, for example, allow the court to conduct proceeding with all of the participants in the courtroom, some of the participants in the courtroom, or all of the participants outside the courtroom. This complete flexibility allows the courts to use one system to address evolving remote conference and in-courtroom needs.
- **Use common-place devices that are already owned by the vast majority of potential courtroom participants.** Supported devices must include PCs and smart phones. The system cannot use specialized hardware that is unavailable to many potential participants.

Liberty Remote Conferencing System for Courts

The Liberty Court Recorder offers a number of configurations that can assist the courts in implementing social distancing policies. The Liberty Recorder provides integrated conferencing facilities that allow the court to bring participants into the courtroom across an Internet connection.

In the diagram below, a number of remote participants may access the courtroom.



The Liberty solution:

- Records each participant on their own individual audio channel.
- Requires a personalized id and password for each user accessing the conference.
- Provides end-to-end encryption on all of the data passing through the system.
- Coordinates with the existing court management system to create the required ids and password.
- Places the court clerk in a position to control all activities associated with the conference session.

Please contact Liberty Recording at 905-886-7771 for complete details regarding the Liberty Remote Conferencing system for Courts.