

CHIEF JUSTICE
DONALD W. LEMONS

JUSTICES
S. BERNARD GOODWYN
WILLIAM C. MIMS
CLEO E. POWELL
D. ARTHUR KELSEY
STEPHEN R. MCCULLOUGH
TERESA M. CHAFIN

SENIOR JUSTICES
CHARLES S. RUSSELL
LAWRENCE L. KOONTZ, JR.
LEROY F. MILLETTE, JR.

SUPREME COURT OF VIRGINIA



100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455
WWW.VACOURTS.GOV

CLERK
DOUGLAS B. ROBELEN
EXECUTIVE SECRETARY
KARL R. HADE
CHIEF STAFF ATTORNEY
K. LORRAINE LORD
REPORTER OF DECISIONS
KENT SINCLAIR
STATE LAW LIBRARIAN
GAIL WARREN

September 23, 2020

The Honorable Steven S. Smith, Judge
Prince William Circuit Court
Circuit Court Chambers
9311 Lee Avenue
Manassas, VA 20110

Dear Judge Smith:

A panel of three Justices in consultation with the Office of the Executive Secretary has approved your plan for the resumption of jury trials in the Prince William Circuit Court. You may begin jury trials effective today, provided the jury trial is consistent with and in strict conformity with the plan. This approval is subject to a change in circumstances including failure to carry out the plan you have submitted.

Sincerely,

A handwritten signature in blue ink, reading "Donald W. Lemons".

Donald W. Lemons



CHAMBERS OF
STEVEN S. SMITH
JUDGE

THIRTY-FIRST JUDICIAL CIRCUIT OF VIRGINIA

PRINCE WILLIAM COUNTY
CITIES OF MANASSAS AND MANASSAS PARK

CIRCUIT COURT CHAMBERS
9311 LEE AVENUE
MANASSAS, VIRGINIA 20110
TELEPHONE: (703) 792-6010

September 23, 2020

Chief Justice Donald W. Lemons
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219-2334

Re: Resubmission of Prince William County Plan for the Resumption of Jury Trials

Dear Chief Justice Lemons:

Attached please find a clean copy and a redline copy of our Resubmitted Plan for the Resumption of Jury Trials. Based on the conversation we had with your law clerk Ms. Mynes on Monday, we made the required changes to our Plan. We also attached photos of the large juror room that is currently under construction (Appendix 7), and a proposed letter to prospective jurors (Appendix 8). We are resubmitting our plan via email today.

We look forward to receiving approval from the Supreme Court. If we can provide additional information or assistance, I hope you will feel free to contact me or Judge Angela L. Horan.

Sincerely,

cc: Judge Angela Horan
Clerk of the Circuit Court, Jacqueline Smith
Sheriff Glendell Hill
County Executive Christopher Martino
Deputy County Executive Michelle Casciato
Chief Judge Robert Coleman, 31st District General District Court
Chief Judge D. Scott Bailey, 31st District Juvenile and Domestic Relations District Court
Prince William County Bar Association President Tracey Lenox
Prince William County Emergency Operations Center

Thirty-First Judicial Circuit's Plan for
the Resumption of Jury Trials

Submitted by Steven S. Smith,
Chief Judge

August 17, 2020

Resubmitted

September 23, 2020

TABLE OF CONTENTS

1. Commencement and Term of Plan	5
2. Methodology.....	5
3. Statement of Criteria for Resuming and Stopping Jury Trials	6
A. Data	7
B. Facilities, Personnel, and Equipment	8
C. Four Core Safety Aspects of the Plan	10
D. Stopping Jury Trials	12
4. Prioritization of Jury Trials.....	13
5. Facilities and Courtrooms to be Used.....	14
6. Pretrial Considerations and Pretrial Conferences	16
7. Summoning and Screening Prospective Jurors Regarding COVID-19 Issues	17
A. Screening through Use of Supplemental Questionnaire	17
B. Screening Upon Entry to the Courthouse.....	23
8. Jury Selection	23
9. Trial	25
A. Face Masks/Clear Face Covering/Clear Face Shields.....	25
B. Social Distancing.....	26
C. Use of Jury Box in Place of Witness Stand.....	26
D. Staggering the Arrival of Witnesses:	26
E. Location of Jurors	26
F. Location of Counsel or Pro Se Litigants for the Presentation of the Case.....	27
G. Location of Other Courtroom Participants.....	27
H. Sidebars	27
I. Presentation of Evidence	28
J. Provision of Trial Breaks for the Jury	28
K. Deliberations	28
10. Juror Movement In and About the Courthouse	29
A. Parking	29
B. Entering the Courthouse.....	29
C. Arrival Time.....	29

D.	Juror Check-In.....	29
E.	Lunches and Breaks.....	29
F.	Bathrooms	29
11.	Cleaning.....	30
A.	Dedicated Facilities Management Individuals	30
B.	Cleaning Substance	30
C.	Areas to be Cleaned by the Assigned Individuals.....	30
D.	Frequency of Cleaning	31
E.	<i>Voir Dire</i> Considerations.....	31
F.	Hand Sanitizers for Jurors and Witnesses.....	31
G.	Hand Washing by Jurors and Other Courtroom Attendees.....	32
H.	Face Masks/Clear Face Coverings/Clear Face Shields	32
I.	Elevators	32
J.	Bathrooms.....	32
K.	Vinyl, Plastic and Wood Chairs	32
12.	Security	33
13.	Education and Signage	33
14.	Plan of Action/Communication in the Event of an Emergent COVID-19 Exposure.....	33
A.	Gathering Information.....	33
B.	Action Plan.....	33
C.	Communication Plan.....	35
15.	Acknowledgments	35

APPENDICES

Appendix 1 (Rendering of Courtroom 4)

Appendix 2 (Floorplan Showing Hallway)

Appendix 3 (Photos of Courtroom 4)

Appendix 4 (Photos of Jury Areas)

Appendix 5 (Photos of Floor Markings and Signs)

Appendix 6 (County Protocol for Exposure)

Appendix 7 (Photos of Jury Room Under Construction)

Appendix 8 (Letter from Chief Judge to Prospective Jurors)

1. Commencement and Term of Plan

Upon approval of this Plan by the Virginia Supreme Court, we are prepared to implement it within thirty (30) days. The 30-day implementation period will allow us to send the juror informational packet, advise prospective jurors of the safety protocols that will be implanted under this Plan, and screen jurors for COVID-19 concerns. It will also afford adequate time for our participating agencies to complete the construction called for by this Plan and confirm that they have the supplies, personnel and independent contractors described in this Plan available to discharge their responsibilities by the implementation date.¹

During implementation, the Plan will be reviewed periodically by the Chief Judge. The Plan shall remain in effect according to its approved terms until the threat of COVID-19 in Prince William County has subsided, as per Order or instruction of the Virginia Supreme Court. We will seek prior approval from the Supreme Court before undertaking any expansion of this Plan, and we will not make any significant modifications to it without prior approval from the Supreme Court.

2. Methodology

This Plan for Resuming Jury Trials in Prince William County was developed by the Judges of the Thirty-First Circuit in consultation with the Prince William County Health Director, the Clerk of the Circuit Court, the Sheriff of Prince William County, the Prince William County Adult Detention Center, the Commonwealth's Attorney, the Public Defender, the Bar Association of Prince William County, and various agencies reporting to the County Executive of Prince William County. *See* Acknowledgments, Paragraph 16, below.² We planned with the goal of resuming jury trials to be conducted as safely as possible for all participating in light of this community's COVID-19 pandemic status. We recognize our responsibility to begin safe jury trials as quickly as possible within resources we already have or which we know we can access by the proposed start date of this Plan.

We conclude that in order to maintain public safety in the courthouse for those who are here for any purpose, certain conditions must be created in the building and certain behavior requirements must be enforced. This plan for the resumption of jury trials therefore includes the following conditions and requirements as assumptions, and provides detail about how these conditions and requirements will be met specifically in jury cases:

¹ Since we submitted the first version of the Plan on August 17, 2020, we have been in contact with the agencies listed in the Plan to begin implementation. The agencies have confirmed that all the undertakings of this Plan will be in place within thirty-days of receiving approval from the Virginia Supreme Court.

² In putting our plan in writing, we gratefully acknowledge the work and assistance of the judges of the Fairfax County Circuit Court, in particular that of Chief Judge Bruce D. White and Judge Randy Bellows, in sharing their draft with us.

- All persons within the courthouse must be pre-screened before entry, and it must be clear that anyone feeling ill will be excused, even if they had previously been summoned to attend by the Court.
- All persons must be required to social distance by at least six feet.
- All persons shall wear an appropriate mask or shield. Should a person be permitted by the Court to remove the face covering briefly, a distance of at least 10 feet will be maintained from that person by everyone else.
- All public spaces within the courthouse shall be cleaned thoroughly and frequently. The court will impose frequent breaks for participants to encourage hand washing, and hand sanitizer will be made available throughout the courthouse.

Efforts shall be made to advise and educate the public of the risk of the virus, the health requirements for entry to the courthouse, the need to maintain social distancing, wear masks and wash hands frequently while in the courthouse, and how to quickly obtain permission to be excused from attendance by the Court due to reasonable concerns about COVID-19.

We also conclude, given our limited resources to ensure safety under current pandemic conditions, that we can only conduct one jury trial at a time. Even though we may be able to increase our capacity if we can make modifications to other courtrooms, it will be impossible for us to resume our pre-pandemic schedule for jury trials until COVID-19 is no longer a significant risk to the public. Therefore, cases awaiting jury trials will have to be prioritized in light of our reduced capacity. Therefore, we do not propose to resume jury trials in civil cases under this plan until we address the pending priority criminal cases, and in no event until January of 2021 at the earliest. The Court's prioritization scheme for criminal jury trials is outlined in Paragraph 4, below.

3. Statement of Criteria for Resuming and Stopping Jury Trials

The Supreme Court, in its memorandum entitled *Guidance and Considerations for the Resumption of Jury Trials* (June 29, 2020) (hereafter "*Memorandum*") stated that the plan submitted to the Supreme Court should include "a statement of criteria the judges have considered to determine if they can safely conduct jury trials in their courts...." *Memorandum* at 5. The memorandum also stated that "the courts should work to mitigate risk as much as possible, but the Jury Task Force understands that the safety measures will not completely eliminate risk." *Memorandum* at 6.

The criteria that we have used to determine whether we can safely conduct jury trials in Prince William County fits into three categories:

First, we have examined Virginia Department of Health and Prince William County Health Department data to ascertain the current status of the pandemic in the Commonwealth and Prince William County.

Second, we have examined whether we have the facilities, the personnel, and the equipment “to mitigate risk as much as possible....”

Third, we have examined whether the proposed plan: (1) consistently maintains social distancing; (2) consistently requires some form of face covering to prevent the spread of the Covid-19 virus; (3) provides ready and rapid decisions on juror requests for their service to be deferred or excused when they identify themselves as particularly vulnerable to COVID-19 as well as those individuals who live with or care for particularly vulnerable persons; and (4) provides cleaning protocols to mitigate the spread of the virus before and during a jury trial.

Finally, in addition to examining the criteria for resuming jury trials, we have examined the criteria for stopping the resumption of jury trials.³

A. Data

We have reviewed current data on the pandemic in Virginia generally and Prince William County in particular.

According to the UVA COVID-19 Model Weekly Update for August 7, 2020, “Fourteen health districts [of Virginia’s 35 health districts] are experiencing surges,” and Prince William County, among six jurisdictions, is experiencing a new surge or a “re-emerging surge.” “On current course, Virginia is projected to have almost 7,200 weekly confirmed cases by late August.” Further, the Model reports, the reproduction rate has been volatile as cases have surged. Early estimates have tended to underestimate the reproduction rate. Portions of the model specific to Prince William and the City of Manassas forecast new cases occurring at increasing rates through the remainder of August, with the rate of increase slowing in early September.

As of **August 12, 2020**, the current data provided by the Virginia Department of Health for the Commonwealth as a whole is:

- Total Cases: 102,521
- Total Hospitalized: 8,532
- Total Deceased: 2,352

³ The Circuit Court is taking steps to implement the regulations titled *Emergency Temporary Standard—Infectious Disease Prevention, SARS-COV-2 Virus That Causes COVID-19*, which were recently adopted by the Virginia Department of Labor and Industry. A multi-step analysis of job tasks performed by all judicial employees is required as part of the implementation, and different protocol will be required based upon the identified risk levels of those job tasks of judicial employees. The Court will apprise the Supreme Court of Virginia of any modifications to the proposed plan that are required as a result of these emergency regulations.

- New Cases Today: 776

The seven-day moving average for the Commonwealth as of **August 12, 2020**, was 741 new cases.

The data for Prince William County, which includes the independent cities of Manassas and Manassas Park, as of **August 12, 2020** is 1,067 new cases.

- Total Cases: 11,793
- Total Hospitalized: 978
- Total Deceased: 206
- Total New Cases in the Northern Region: 203⁴

On July 1, 2020, Prince William County entered Phase 3 of the Forward Virginia Plan. In formulating this plan, we have followed the Guidelines published by the Commonwealth for Phase 3. From this data, we conclude that even though Prince William County has entered Phase 3, the COVID-19 pandemic in the Commonwealth and in Prince William County, Manassas, and Manassas Park remains a source of the utmost concern and will require substantial alteration of the Court’s usual jury procedures in order for the Court to protect the safety of “jurors, attorneys, clerks, judges, court staff, members of the press, and others present from the risk of the spread of COVID-19 from in-person court proceedings.” *Memorandum* at 5.

We recognize that this remains a dynamic situation. The Court will continue to monitor the data on a regular basis for the purpose of determining whether it is necessary to modify its plans, which may include increasing or reducing the number of jury trials it can safely conduct or suspending jury trials entirely if conditions warrant.

B. Facilities, Personnel, and Equipment

The Plan recognizes the space constraints within the courthouse and specifically on the third level where jury trials will be held. The Prince William County Department of Facilities and Fleet Management, Buildings and Grounds Division, has consulted with the judges to determine which courtrooms lend themselves to jury trials while meeting the conditions and assumptions outlined above, specifically the requirement for six feet of separation between jurors and other participants. A two-page rendering of seating configurations in Courtroom Four is attached as Appendix 1. Page one of the rendering depicts the layout needed to achieve the necessary twenty-four juror panel for peremptory strikes with six feet of separation between all seats, and page two of the rendering depicts the layout needed to conduct a trial with fourteen jurors (twelve jurors and two alternates). We are working with Prince William County to install large monitors on the walls or in the ceiling of the gallery section and upgrade the sound system in Courtroom 4 to improve, to the extent possible, the ability to see and hear proceedings in the

⁴ The Northern Region includes Alexandria, Arlington, Fairfax County, Fairfax City, Falls Church, Loudoun County, Manassas City, Manassas Park, and Prince William County.

well for every juror seat in the courtroom.

In addition, the courthouse has five jury rooms that together can accommodate the prospective jury panel with social distancing.⁵ A floor plan showing the location of the jury rooms is attached as Appendix 2. During the jury selection process, the Court anticipates using multiple jury rooms as waiting areas for jurors. The Court is removing the existing wall between two existing jury deliberation rooms to create a larger room that a twelve person jury hearing a case in Courtroom 4 can use for lunches, breaks and deliberations while maintaining six feet of separation among the jurors. Photographs of the demolition work in progress as of September 23, 2020 are attached as Appendix 7. The work should be completed, and the room finished by September 30. If the planned renovation is not completed within 30-days of approval of this Plan, we will begin jury trials and at the conclusion of each trial, the jurors will remain in Courtroom 4 for deliberations. Since it will not be necessary for them to remain together as a twelve-person jury during breaks and lunches the jurors will use the existing unaltered jury rooms for all breaks and lunches. The next jury trial will not begin until the preceding jury using Courtroom 4 for deliberations is discharged.

If jurors wish to purchase lunch in the courthouse, there is a small cafeteria in the basement to which they can be escorted by a bailiff and escorted back to eating areas that can be provided in the controlled access jury rooms, or in the larger jury deliberation room. These rooms provide access to bathrooms, as well as a kitchen area with a microwave and refrigerator to store lunches jurors may bring to the courthouse. The courthouse also has an outdoor plaza located at the rear entrance to the building, where socially distant seating will be established. Jurors may use that area to eat lunch as well. Should jurors wish to leave the courthouse during lunch breaks, they may do so, provided that anyone who leaves the premises will be asked to complete the entrance protocol described in this Plan before being readmitted to the courthouse.

There are other rooms in the courthouse that can be used to stream court proceedings to spectators, the press, family members, and others. For each jury trial, we will designate a specific location for the public, press, family members, and other observers to watch the trial. (These individuals will not be permitted in the courtroom where the trial is being conducted because the jury will be in the gallery.) Observers will be required to maintain social distancing and masking requirements while in the room designated for streaming of the trial(s). We have the technological capacity to stream court proceedings – including *voir dire* and other trial proceedings to these other areas. We anticipate using the jury assembly area for this purpose, if it is not in use for jury selection. If it is in use for jury selection, then the video will be streamed

⁵ Prince William County agencies responsible for renovation of the courthouse have been asked to remove the existing wall between the rooms marked as 330 and 331 of Appendix 2. This will provide an enlarged space (approximately 543 square feet), sufficient for a jury of 12 to maintain social distance while deliberating. These two rooms together constitute one of the five available jury waiting areas referred to above. The other four are the rooms labeled on Appendix 2 as Room 326 (322 square feet), 332 (296 square feet), “Jury Assembly” (911 square feet) and “Grand Jury” (288 square feet). A floor plan showing the square footage of these rooms is attached as part of Appendix 2.

for observers to the smaller Grand Jury Room. If the Grand Jury Room is also in use for jury selection, another courtroom or conference room will be used temporarily for streaming the proceedings to observers until the jury is seated. Once the jury is seated, and particularly if we have used a courtroom temporarily for observers, we will clean the Jury Assembly Room and/or Grand Jury Room after the jurors have left and direct observers to the cleaned room(s) so we can put the courtroom back into use for other cases.

With respect to personnel, we have worked with the Clerk of the Court and the Sheriff, and their staffs, to address the COVID-19 pandemic. We believe we collectively have the personnel to meet the requirements, including cleaning, security, and IT, detailed in this Plan to conduct public jury trials in a safe manner.

With respect to Personal Protective Equipment (“PPE”), we will not bring prospective jurors into the Courthouse until we have secured the PPE supplies referenced elsewhere in this Plan, including masks, disposable face shields, disposable gloves, hand sanitizer, and cleaning supplies.

As to issues related to air filtration, we have consulted with Curtis Brenner, Maintenance Operations Superintendent, Prince William County Department of Facilities and Fleet Management, Buildings and Grounds Division. We have been advised of the following:⁶

The courthouse HVAC system is a water sourced Cooling and Condensation Boiler system with roof top units, cooling towers, air handlers and variable air volume (VAV) boxes. The air handlers are the main source of cooling, fresh air, exhaust and building air flow. The system has an energy management system that works in coordination with the air handling units takes the outdoor air temperature to determine how much or how little air comes into the building and also how much or how little air is exhausted. The amount of fresh air entering the building is determined by a series of calculations by the energy management system. The Facilities Management Division monitors the system on a regular basis and can make override adjustments to the system at many levels. Building engineers are, on an ongoing basis, balancing the need to limit humidity in the building, which creates mold growth, with taking in as much outside air as possible which would inhibit spread of the virus.

C. Four Core Safety Aspects of the Plan

There are four core safety aspects of the Plan to resume jury trials.

⁶ We have been advised that the filters are changed every three months and are scheduled to be changed this month. The cooling towers and other equipment are cleaned on a regular basis. Our filters have a MERV 8 rating with MERV 13 being suggested for COVID. The larger filter numbers provide increased filtration, but put a strain on the system it is not designed to handle. That strain of increased filtration will cause the system to break down. The Department Facilities and Fleet Management is currently working on a program for engineers to evaluate the HVAC systems in all Prince William County government buildings, including the courthouse.

First, at all times, the Plan contemplates maintenance of social distancing by all jury trial participants, including prospective jurors, selected jurors, witnesses, attorneys, defendants, clerks, and judges.⁷ Sheriff deputies will also maintain social distancing except when security requirements preclude them from doing so.

Second, all persons, including witnesses, must wear face coverings. The witness stand, however, is sufficiently distanced (at least 10 feet away) from any other person in the courtroom to allow the witness to take the face covering down and testify with face exposed. If a lawyer or bailiff needs to approach a witness to hand him something, the Court will instruct the witness to recover his or her face covering before allowing the approach.

If face coverings impair the ability of a lawyer to communicate with the witness or with the Court, the Court may grant the attorney permission to remove his or her face covering as necessary, ensuring that the attorney remains physically distant from other persons in the courtroom.

A criminal defendant may be asked to remove his face covering during *voir dire* to ensure that prospective jurors can see him and indicate whether any know him or recognize him. He may also be asked to lower his face covering briefly for the purpose of enabling a witness to see his face and answer whether the witness can identify the defendant.

If face coverings impair the ability of a lawyer and his client to communicate at counsel table (and alternate methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient), the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court expects counsel to maintain social distancing with co-counsel and his or her client at all times.

Jurors will wear face coverings at all times, but the Court expects to permit individual jurors to lower the cover briefly if requested by counsel, while ensuring proper social distancing of at least 10 feet from all other persons.

Sidebars may be conducted at the bench, with a plexiglass shield separating the judge from the lawyers, or alternatively in the jury deliberation room immediately behind the courtroom.

If a mask must be removed for any reason (*voir dire*, identification, etc.), the distance between the unmasked person and all others should be more than 10 feet, as recommended by the Virginia Department of Health.

⁷ The Court recognizes that the defendant and defense counsel must be able to communicate confidentially in the courtroom and, therefore, our plan contemplates that there will be times during the trial when the defendant and defense counsel will be unable to maintain at least a 6 foot social distance.

This Plan contemplates the wearing of face masks or face shields by all trial participants (other than witnesses while testifying as described above) at all times, except when the judge authorizes the temporary and brief removal of a face mask or shield for exceptional reasons.⁸

Third, the Plan contemplates that prospective jurors will be deferred or excused from jury service if they notify the court that they or someone they live with, or someone they provide direct care to, is particularly vulnerable to the COVID-19 virus, or if the juror has had an exposure to the COVID-19 virus that requires deferral of jury service for the protection of others, or if the juror seeks exemption due to a continuous care obligation, such as for a child age 16 or younger, pursuant to Virginia Code Section 8.01-341.1. We will solicit this information from jurors as early as possible in the summoning process and provide quick responses to those who seek deferral or to be excused without the prospective juror coming to the courthouse.

Finally, the Plan that we propose contemplates substantial and frequent cleaning protocols to mitigate the spread of the virus on surfaces. This cleaning will take place before, during, and after each day of trial.

D. Stopping Jury Trials

There are three aspects to this section:

First, when should the Court stop a specific jury trial due to an emergent COVID-19 exposure.

Second, when should the Chief Judge stop all jury trials due to a resurgence of the virus in Prince William County; and

Third, under what circumstances should the Chief Judge close the Courthouse entirely for cleaning purposes.

With respect to the first issue, Section 14 of this plan addresses how the Court will respond to jurors or other trial participants who become ill with symptoms consistent with COVID-19, or tests positive for the COVID-19 virus, or who are in close contact with someone who has become ill with symptoms consistent with COVID-19 or tests positive for the virus. We have consulted with the Prince William Health Director, Dr. Allison Ansher, in developing our protocol for addressing these situations.

With respect to the second issue, we will carefully monitor publicly available information provided by the Virginia Department of Health for evidence of resurgence. We will consult on an as needed basis with the Prince William County Health Department. The Chief Judge will determine, with as much prior consultation with the Supreme Court as possible under the

⁸ This is a non-exhaustive list of potential “exceptional circumstances” that might warrant a judge in permitting the temporary and brief removal of a face mask or shield: (1) for an in-court identification proceeding; (2) when a speaker cannot be heard or understood without removal of a face mask or shield; and (3) when a witness for documented medical reasons cannot wear a face mask or shield. At all times, social distancing of more than 10 feet will be maintained when a participant is not wearing a face mask.

circumstances, whether the resumption of jury trials needs to be suspended. Reinstatement of “stay-at-home” Executive Orders or returning to Phase 1 or Phase 2 reopening status, will almost certainly require suspension of jury trials.

With respect to the third issue, we recognize that circumstances may require the Chief Judge to close the Courthouse entirely for a period of time for deep cleaning. We will consult with the Prince William County Emergency Operations Center (“also referred to as “Response Center” in this Plan) should circumstances arise that require the Chief Judge to consider such an action. In the event that the entire courthouse must be closed for a deep cleaning while a jury trial is ongoing, the trial will be suspended and will resume upon the reopening of the courthouse.⁹ We do not contemplate that such a closure will be for more than a few days. If the courthouse can safely be reopened in stages, we will prioritize those facilities necessary for resumption of the jury trial. In the event of a shutdown of the Courthouse or a delay in the Jury trial the Court will utilize procedures outlined in Section 14 of this plan to notify necessary individuals (parties to the case, jurors, staff, other agencies in the Courthouse which could be affected, etc.).

4. Prioritization of Jury Trials

The Court’s highest jury trial priority is to try cases involving incarcerated defendants,¹⁰ as well as jury cases that have statutory priority,¹¹ and other jury trials that must be conducted within a specified time period absent good cause.¹² At present, there are a number of defendants in the Prince William Adult Detention Center who are awaiting jury trials. But for the COVID-19 pandemic, many of these cases would have been tried already.

It is our intent to give the earliest available trial dates to those defendants who have been incarcerated the longest, recognizing that this may not be possible in every case for a variety of reasons, including the unavailability of necessary witnesses.

The second highest priority is to try felony jury trials involving non-incarcerated defendants.

⁹ Should the Emergency Operations Center advise deep cleaning, the Department of Facilities and Fleet Management will likely pinpoint specific areas and spray those areas with disinfecting fog. Should this process be done for the entire building, no more than a day will be required to complete it. If specific areas are cleaned in this manner, only a few hours will be needed to accomplish it.

¹⁰ The Adult Detention Center has advised that it does not now have any confirmed COVID-19 cases in the Adult Detention Center.

¹¹ *See*, for example, Virginia Code Section 37.2-821 (Civil Commitment trials “shall be given priority over all other pending matters before the court and heard as soon as possible....”).

¹² *See*, for example, Virginia Code Section 37.2-908 (Sexually Violent Predator trials to be conducted within 120 days after probable cause hearing, unless good cause shown or by agreement of the parties).

The third highest priority is to try misdemeanor jury trials involving non-incarcerated defendants.

Civil jury trials will resume after the criminal jury trial priorities have been achieved, and in no event before January 1, 2021.¹³

5. Facilities and Courtrooms to be Used

With all of the above in mind, we conclude that only Courtroom 4 can be used for jury trials at this time.¹⁴ Therefore, only one jury trial can be conducted at a time at the outset of this Plan.¹⁵ Courtroom 4 is large enough to accommodate *voir dire* as well as trial. We are creating one jury deliberation room large enough to accommodate twelve jurors; the construction is ongoing and will be completed by September 30. Any jury hearing a case in Courtroom 4 will use this deliberation room, so that Courtroom 4 can be put back into service immediately to begin another case. As previously noted, if for some reason we do not foresee at this time, the large jury deliberation room is not completed, the jury sitting in Courtroom 4 will use Courtroom 4 for deliberations.

Given that only one jury trial can be conducted at a time, the trial week will be expanded from Monday through Thursday, although a jury still in deliberations will be asked to report to the courthouse on Friday.

In order to ensure social distancing during jury selection, Courtroom 4 and the large jury deliberation room will be used. Should the venire be larger at any given time than thirty-six, which is the combined socially-distant occupancy of those two areas, the Grand Jury Room, and rooms 326 and 332 shown on Appendix 2 will also be used as needed. All of these rooms will

¹³ This jury resumption plan would also apply to civil jury trials. As stated, it is anticipated that civil jury trials will not begin for a considerable amount of time, given the need to first try criminal jury trials involving incarcerated and non-incarcerated defendants. However, we also anticipate that some of the challenging issues presented by conducting jury trials in the midst of the COVID-19 pandemic may be somewhat ameliorated when we begin civil jury trials by the following considerations: (1) the number of jurors required will be reduced; and (2) considerable evidence may be presented by video pursuant to various rules and statutes. *See, e.g.*, Rule 4:7 and 1:27 of the Rules of the Supreme Court of Virginia and Virginia Code.

¹⁴ We are exploring changes to Courtroom 5 to determine if, through demolition and reconstruction, its layout can be expanded to conduct felony jury trials with appropriate social distancing. We must determine whether Courtroom 5 can be rebuilt to provide sufficient security for all participants. If this can be accomplished, we will contact the Supreme Court to seek approval for an expansion of this Plan.

¹⁵ We are currently discussing how best to schedule jury trials to maximize our use of Courtroom 4, and any other courtroom we can bring online under COVID conditions, to begin to address the backlog of jury trials that have already been continued due to the pandemic. We must also address the fact that by March of 2020, multiple jury trials had already been scheduled for most days well into 2021. How we will schedule to meet these objectives is beyond the scope of this Plan, which focuses on how any jury trial can be conducted safely.

contain distanced, marked seating, and all rooms will be posted with occupancy for COVID-19 purposes. The chairs will be prepositioned at the proper distance. Signs will be posted, and jurors will be instructed not to move the chairs and to sit in the same chair throughout their time in the jury rooms during jury selection. Signs will be posted, and jurors will be instructed that masks will be worn at all times. Hand sanitizer will be made available in each room used for jury selection, and signs will be posted concerning the need for frequent hand washing.

Photographs of Courtroom 4 are included at Appendix 3. This courtroom allows twenty-four jurors to be placed in the gallery and the jury box for *voir dire*. See Appendix 1. Upon selection of the jury, the trial will proceed in Courtroom 4. It is our intention that the larger deliberation room be used by the jury for breaks, lunch recesses, and deliberations if it is completed by the implementation date of this plan. If it is not completed by the implementation date of this plan, jury rooms 326, and 332, both of which seat eight socially distanced, will be made available for the jury's use for breaks and lunch recesses. See Appendix 2. Without the large deliberation room, deliberations will occur in Courtroom 4. The benches will be marked in Courtroom 4 to provide for social distancing. Jurors will be asked to use the same seat, and the seating will be cleaned twice each day, during recesses, and after *voir dire*.

The COVID occupancy of all rooms to be used by the jury will be prominently posted at the door of each room. Only that number of chairs, pre-positioned in the room, will be placed in the room, with signs and instructions given not to move the chairs. Jurors will be given a number and asked to place their number on a chair in one of the recess or deliberation areas (as well as in the courtroom), and the juror will be asked to use the same chair throughout each relevant phase of the trial. Photos of the rooms labelled as 330 and 331 (the rooms proposed to be combined into a larger deliberation room), and the rooms labelled as 326, 332, the Jury Assembly Room and the Grand Jury room in their existing state as of August 13, 2020, are attached as Appendix 4.

As previously stated, jurors will have several options for lunch. First, they can leave the Courthouse, but this will require that they go through the entrance protocol again upon their return. Second, jurors can bring lunch, and eat in one of the areas set aside for jury breaks on the third floor. Third, jurors can purchase lunch in the courthouse cafeteria in the basement of the courthouse and return to the third floor to eat in one of the jury assembly rooms. Third, the Courthouse has an open-air courtyard where the seating will be marked for social distancing. Jurors can use any available seat should they wish to sit outside. The plaza is visible from the rear door of the courthouse and we do not anticipate requiring jurors who have been observed eating lunch in appropriate seating in the plaza to go through the entrance protocol to re-enter the building, but this will be left to the discretion of the Sheriff.

Spectators for the jury trial will be able to observe the trial through a video feed. This feed will be set up in another courtroom, jury assembly room, or a courthouse conference room depending on availability. The location for viewing the trial will be established in advance of jury selection, the occupancy of the room will be posted, and the seating in the room will be arranged by social distancing. Hand sanitizer will be provided, and signage will be posted regarding maintaining social distance (occupants are not allowed to move the seats), the mask

requirement and importance of frequent hand washing. Seating will have signs indicating whether the seat has been cleaned. Occupants will be asked to sit only on those chairs with a “clean” sign and will be asked, when they choose a seat, to turn in the “clean” sign to a designated person or location in or near the room or place it on the floor under the seat. This will alert the cleaning staff to clean the seat when it becomes vacant and replace the “clean” sign before anyone else uses it.

Signage will be used to ensure social distancing throughout the courthouse to include:

- “DO NOT SIT” signs on chairs and couches that cannot be removed or readily cleaned, to ensure proper social distancing.
- Numerical signs denoting as many as fourteen jurors in the courtroom and in the jury recess rooms so that the jurors sit in the same place each time.
- Signs by elevators requiring no more than two people in the elevator at a time.
- Signs throughout the courthouse reminding visitors of social distancing and mask requirements and the importance of frequent hand washing.
- Any queue lines in the courthouse will require markings on the floor to ensure social distancing.

Photographs of floor markings and current signage in the courthouse pertaining to social distancing appear at Appendix 5.

6. Pretrial Considerations and Pretrial Conferences

Beginning with the implementation date of this Plan, and in each week while this Plan is effective, the Court will hold pretrial conferences for all jury cases scheduled for the following week. These conferences will be held on Wednesdays at 1:00 p.m. The purpose of these conferences will be to determine whether the parties are ready to proceed in each case, to determine which case will proceed to jury selection on the following Monday, and the order of cases that will be taken up thereafter as resources become available that week. It will also be the purpose of pretrial conferences to address and resolve as many preliminary issues as possible in order to begin the trial immediately upon completion of jury selection and minimize, to the extent possible, the time the jury spends waiting during other phases of the trial. Jury instructions shall be exchanged at the pretrial conference. Other matters to discuss shall include any outstanding objections to evidence or motions in limine, handling of exhibits, necessity for interpreters, defendant’s clothing, video or audio concerns and any other matters that would normally be discussed before opening statements. All participants will be reminded of the need to advise witnesses of the safety requirements imposed by the Court in view of COVID-19 and to determine a schedule for the arrival time of witnesses.

The Commonwealth’s Attorney will be responsible for filing motions to set pretrial conferences for all jury trials scheduled to begin on or after the implementation date of this Plan.

7. Summoning and Screening Prospective Jurors Regarding COVID-19 Issues

If we resume jury trials before February 1, 2021, we will be drawing from the pool of jurors established by the 2020 Jury Questionnaire, as qualified by the jury commissioners. Due to the suspension of jury trials since March 16, 2020, 3453 jurors remain in the pool.¹⁶

COVID-19 screening of prospective jurors from the pool established by the jury commissioners will be conducted in two phases, each of which are designed to protect vulnerable individuals and to mitigate the spread of the virus.

A. Screening through Use of Supplemental Questionnaire

The first phase consists of soliciting responses to a supplemental questionnaire that will be sent to summoned jurors three (3) weeks in advance of their service. The Court will send out a letter from the Chief Judge describing the safety procedures being taken under our approved Plan and the supplemental questionnaire. Before the pandemic, we sent jury summons to thirty-five groups of twenty jurors for each month of the jury term, or to 700 jurors, anticipating a potential need to seat between ten and twelve juries a week. Under this Plan, which contemplates seating at most three juries per week (operating only one courtroom for this purpose), we will ask that jury summons be sent to that same number, or 700 jurors.

Three weeks before the commencement of the jury service shown on the juror's summons, the jury clerk will mail each member of the summoned jury pool a packet of information, including the supplemental COVID-19 questionnaire and a letter from the Chief Judge¹⁷ to inform the jurors of our safety plan for the court. This questionnaire is to be returned to the jury clerk within 10 days. The text of the questionnaire is as follows:

¹⁶ For the jury term that began on February 1, 2020, and will expire on January 31, 2021, we sent 12,664 Jury Questionnaires through the Office of the Executive Secretary. The jury commissioners deemed 4912 qualified and available for service. This was an unusually low response rate. In June of 2020, we requested, through OES, that Questionnaires be sent to approximately 16,000 people, which we hope will yield a jury pool for 2021 of around 8000, which is what we believe would be sufficient for full jury operations in all courtrooms. However, we expect the pandemic to produce another year with a low response rate. A pool of around 4000 would at least be more than sufficient in light of our space limitations for holding jury trials for the foreseeable future.

¹⁷ See Appendix 8 (Letter from Chief Judge to prospective jurors).

SUPPLEMENTAL JUROR QUESTIONNAIRE

The Prince William County Circuit Court has taken substantial steps to reduce the risk of the spread of COVID-19 in the courthouse complex. This includes requiring all staff and visitors to wear masks, maintain 6 feet social distancing, wash hands frequently, and to stay home if experiencing symptoms. Additional cleaning protocols will be implemented during Jury Trials. All persons entering the courthouse are required to have their temperature taken. Any individual who declines the temperature scan will be denied entrance into the courthouse.

Detailed information regarding the Prince William Circuit Court's Jury Resumption Plan, as approved by the Supreme Court of Virginia, may be found at the following link:

<https://pwcjury.courts.state.va.us>

IF YOU HAVE QUESTIONS OR CONCERNS REGARDING THIS QUESTIONNAIRE, PLEASE CALL THE JURY DEPARTMENT AT 703-792-6047.

It is important that prospective jurors monitor themselves prior to leaving home for any possible symptoms of COVID-19 including fever or chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion, runny nose, nausea, vomiting, or diarrhea. Immediately contact our **Jury Department at 703-792-6047** if you are experiencing any of these symptoms or have any other concerns about your jury service.

You must complete and submit this information 10 days prior to your reporting date by one of the following methods:

- 1. Submit online at:** <https://pwcjury.courts.state.va.us>
- 2. Mail:** Jury Clerk, Clerk of Circuit Court, Circuit Court Jury Department, 9311 Lee Avenue, Manassas, Virginia 20110
- 3. Email:** circuitcourt@pwcgov.org
- 4. Fax:** 703-792-5746

Complete in BLACK Ink Only

Individuals who are, or might be, at increased risk of severe COVID-19 may request a deferral of your jury service at this time. **This includes individuals age 65 years old or older.** It also includes individuals with certain conditions, as described on the next page of this questionnaire.

According to the Centers for Disease Control and Prevention (CDC), individuals with certain conditions are at increased risk of severe COVID-19. These conditions are:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Immunocompromised state (weakened immune system) from solid organ transplant
- Obesity (body mass index [BMI] of 30 or higher)
- Serious heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies
- Sickle cell disease
- Type 2 diabetes mellitus

According to the Centers for Disease Control and Prevention (CDC), individuals with certain conditions might be at an increased risk of severe COVID-19. These conditions are:

- Asthma (moderate-to-severe)
- Cerebrovascular disease (affects blood vessels and blood supply to the brain)
- Cystic fibrosis
- Hypertension or high blood pressure
- Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
- Neurological conditions
- Liver disease
- Pregnancy
- Pulmonary fibrosis (having damaged or scarred lung tissues)
- Smoking
- Thalassemia (a type of blood disorder)
- Type 1 diabetes mellitus

Please certify below if a deferral from jury service is requested, either because

(1) you meet one of the criteria listed above;

(2) you live with or provide direct care to a person who meets one of the criteria listed above; or

(3) you, or someone you live with or provide direct care to, has another underlying medical condition that puts this person at a higher risk of developing serious health complications from COVID-19.

___ I hereby certify, under penalty of perjury, that I meet the criteria for deferral described above and request deferral from jury service at this time.

In addition, please answer the following questions with **YES** or **NO**:

1. Have you traveled internationally within the last 14 days? _____

2. Are you currently experiencing, or have you experienced in the past 14 days, any of the following conditions: fever or chills; cough; shortness of breath; difficulty breathing (other than a pre-existing non-COVID diagnosis); fatigue; muscle or body aches; headache; new loss of taste or smell; sore throat; congestion; runny nose; nausea; vomiting; or diarrhea? _____
3. In the past 14 days, have you been in close proximity to anyone who was experiencing any of the above-listed symptoms? _____
4. In the past 14 days, have you been directed to quarantine, isolate or self-monitor? _____
5. In the past 14 days, have you been diagnosed with COVID-19? _____
6. In the past 14 days, have you had contact with anyone who has been diagnosed with COVID-19? _____
7. In the past 14 days, have you resided with anyone who has been diagnosed with COVID-19? _____
8. Are you presently awaiting the results of a COVID-19 test? _____
9. Do you interact with individuals at work who are at high-risk of exposure to COVID-19? _____
10. Do you work in a long-term care facility or other health care environment? _____
11. Are you unable to wear a face covering for medical reasons? _____

A "YES" ANSWER TO ANY OF THE FOREGOING QUESTIONS WILL RESULT IN A DEFERRAL OF YOUR JURY SERVICE TO A LATER DATE.

CONTINUOUS CARE OBLIGATION

Please indicate if you wish to claim an exemption from jury service for the following reason: *I am necessarily and personally responsible during normal court hours for providing the continuous care required by (i) a child or children age 16 or younger of whom I have legal custody, or (ii) a person having a physical or mental impairment.*

Do you meet this criteria? Yes/No: _____

If Yes, do you wish to claim an exemption from jury service? Yes/No _____

Date

Signature

Juror Bar Code Number

Upon receipt by the Court of the responses to the questionnaires, the Court will send confirmation to prospective jurors who request a deferral, due to a COVID-19 reason listed, that we have deferred their jury service. If the prospective juror contacts the court after submitting

their responses to the questions to advise us that they now seek a deferral for any the COVID-19 reasons listed, we will quickly respond to them with confirmation that their requested deferral is granted.

We anticipate that a high number of jurors will seek deferral. The reason we anticipate such a high rate of deferral is that the questionnaire contains four different justifications for deferral: (i) particularly vulnerable jurors; (2) particularly vulnerable family members or persons cared for by the juror; (3) individuals exposed to COVID-19 or at risk of having been exposed; and (4) individuals with childcare responsibilities meeting statutory exemption requirements. With respect to this fourth category, we would note that Prince William County Public Schools has announced that the Fall Quarter of public school will be all virtual, which will undoubtedly result in jurors seeking exemptions who did not seek exemptions in 2019 when they first filled out the standard questionnaire.¹⁸ In addition, we expect some additional jurors to be deferred or excused for non-COVID-19 related reasons, or to simply fail to appear for duty.¹⁹

Jurors subject to summons are randomly assigned to numbered groups with approximately twenty (20) members each. As jurors are deferred or excused based on their request, the membership in the groups will reduce, and that reduction will be tracked. Our protocol requires jurors to call in the night before the day of the week their group is subject to call to confirm whether they are, or are not, required to report the next day. In other words, the pool of jurors who are summoned and not deferred is not necessarily the pool of jurors who will be instructed to actually report to court. As outlined above, our plan is to require a certain number of jurors to actually report for each jury trial. This should provide a sufficient number of jurors for the actual jury selection process of twelve jurors and two alternates. Groups will be called, based on the numbers available in the group, to yield a venire of the appropriate size, given the anticipated length of the trial and the type of case to be tried see below.²⁰

¹⁸ The standard Questionnaire was provided to jurors in August 2019 for the 2020 term. In 2019, 12,841 questionnaires were sent. Ultimately, 4912 jurors were qualified for the 2020 term by the jury commissioners.

¹⁹ We expect to follow our standard protocol with respect to jurors who do not show up after being summoned and who have not previously been deferred or excused. That protocol is as follows: First, we send out “Failure to Appear” letters to jurors who did not show up when scheduled. The letters direct the juror to reschedule their service within 21 days. Second, if the juror does not reschedule their service, the jury staff goes ahead and reschedules the juror for a second time. Third, if the juror does not show up a second time, and has not contacted the jury office to seek deferral or excusal, the juror information is forwarded to the Chief Judge for issuance of Rule to Show Cause.

²⁰ The summons each juror receives tells that juror the number of the group to which that juror has been assigned for the duration of the summons. Before the pandemic, jurors randomly assigned to groups 100 through 113 were subject to call for trials starting on Mondays during the period of service shown on the summons. Jurors randomly assigned to groups 200 through 211 were subject to call for trials starting on Tuesdays during that same period; and jurors randomly assigned to groups 300 through 311 were subject to call. If, for example, 5 jurors of the original 20 assigned to group 100 had their service excused or deferred, group 100 would contain 15 jurors throughout the duration of the summoned period. If the jury clerk determined that a trial starting on a Monday requires a venire of 45 people, and decided to call

During 2020, we estimate that between 1/6 and 1/7 of the summoned jurors who were called to report for trial duty on a particular day failed to appear, whether those failures to appear were the result of previously granted deferrals or not. Currently, we estimate that this attrition rate will grow, due to COVID-19, to 1/3 of all jurors called to report who did not previously seek deferral, and this is the assumption we are applying. As we implement this Plan, if this assumption proves incorrect, we will make the necessary adjustment in deciding how many groups of jurors to call to yield a sufficient venire to seat a jury.

Based on our past experience with seating juries through the *voir dire* process, we have divided cases into three classes for the purposes of determining how many groups of summoned and screened jurors to call for in for jury duty for a particular trial.

For single-day trials of felonies, which do not involve murder or do not involve sex crimes, we plan to call sufficient groups to yield forty-five jurors, expecting thirty to report for to the courthouse on trial day for jury selection.²¹ In our experience, we can seat a jury of twelve in this type of case if thirty jurors appear.

For multiple day trials of felonies, which are not murder or do not involve sex crimes, we expect to call enough groups to yield sixty jurors, expecting between forty and forty-five to report.²² In our experience, forty to forty-five is a sufficient number of prospective jurors to seat a jury of twelve with one or two alternates in a multi-day case if the trial does not involve murder or sex crimes.

For felonies involving murder or sex crimes, and which will take more than one day to try, we expect to summon and screen ninety jurors, expecting sixty to report for duty.²³ Our experience leads us to conclude that we can seat a jury of twelve with two alternates, even for a multi-day trial involving sex crimes or murder if sixty jurors report.²⁴

group 100 in for duty, those 15 in group 100 would count toward making up the venire, and additional groups subject to call on Monday would be called to make up the remaining 30 needed. We intend to follow this same procedure under this Plan, anticipating that we will need to call in more groups than normal to make up a venire, because the groups will be depleted due to COVID-19 deferrals to a greater extent than they have been depleted in the past.

²¹ Before the pandemic, we would summon 35 jurors and could expect 30 or more to report for duty.

²² Before the pandemic, we would summon 50 jurors and could expect 40 to 45 to report.

²³ Before the pandemic, we would summon 75 and could expect 60 to report.

²⁴ In unusual cases, motions might be filed and the court might be asked to call in a larger venire, due to the length of subject matter of the case. We would adjust the procedure to call the number of groups to yield the venire called for by court order in such cases.

B. Screening Upon Entry to the Courthouse

The second phase of screening will occur at the time a prospective juror arrives at the Courthouse. Prospective jurors – like anyone else seeking entrance to the Courthouse – will have their temperature taken to confirm that they do not have a fever of 100 degrees or more. In addition, before being permitted to enter the Courthouse, prospective jurors will be asked a series of questions to determine their potential exposure to COVID-19.²⁵ If a juror is denied admittance to the courthouse because he or she cannot pass screening, the Deputy Sheriff performing the screening will notify the jury clerk, and advise the juror that their service is deferred until they receive a new jury summons. The Deputy Sheriff will also advise the juror to call the jury clerk with any questions or to confirm the deferral.

8. Jury Selection

Through the use of Courtroom 4, and the jury rooms identified in Appendix 2, the courthouse can accommodate a venire of sixty people. We will not call more than sixty jurors to the courthouse at one time. For those cases (multi-day trials involving murder or sex crimes, or where an order of the court requires calling more than sixty people to make up a venire), jury selection will be divided into two sections – a morning section and an afternoon section, occurring on the same day.

On a day when more than sixty jurors will be called, the first set of groups will be called to report at 8:00 a.m. We will refer to this set of groups as Section A. The second set of groups, Section B, will be called to report to the courthouse at 1:00 p.m.

The jury information packet which was mailed by the jury clerk three weeks in advance of the first day of a juror's service will include a map of the courthouse which directs jurors where to park and where to enter the building. The jurors will park in the juror's parking lot and will enter the building through the back entrance into the basement lobby. A Deputy Sheriff will be stationed in the juror parking lot to give the jurors further direction on which courthouse entrance to use.

As the jurors enter the building in the basement lobby, they will have their temperatures taken, be asked the series of COVID -19 screening questions and will be provided approved PPE's to wear if they have reported without them. The Deputy Sheriff will instruct the jurors to report by elevator (occupancy of the elevators is limited to two people at a time) or the stairs to the jury room on the third floor of the building. Once on the third floor, the jurors will find signs directing them to proceed to the jury assembly room. The floors on the third floor will be

²⁵ The questions to be posed are as follows:

1. Have you experienced any of the following symptoms in the last 14 days: Fever, Cough, Respiratory Illness, Difficulty Breathing?
2. Have you been in close contact with anyone that has shown any of the signs listed above in the last 14 days?
3. Have you been in close contact with anyone who has tested positive for COVID-19 in the last 14 days?

marked for social distancing should jurors have to wait in line to get into either the jury assembly room or check in. In addition, the Clerk has purchased touchless kiosks for juror sign in. One is about to be installed in the jury assembly room, and two will be installed at the elevators on the third floor. This should minimize wait time, and therefore, lines, for juror check-in.

The Clerk has purchased three kiosks to allow jurors to use touchless technology to check in. One such kiosk is about to be installed in the jury assembly room, and two are on order and will be installed near the elevators. These kiosks should reduce the potential for long wait times, which in turn should reduce congestion in the hallway and at the entrance to the jury assembly room. However, the floor will be marked so that jurors can maintain social distancing during the check-in process.

Once a juror has checked in and entered the jury assembly room, the jury clerks will give him or her a number to carry throughout the jury selection process. Once a sufficient number of jurors is checked in to be seated in the first of the jury rooms the Clerk intends to use to organize the venire, they will be taken by the sheriff to the assigned jury room to await further instruction. The Clerk intends to organize the venire in such a way that the movement of jurors among the rooms is minimized.

When Section A has been checked in, the first twenty-four of them will be taken to Courtroom 4 and seated. The remaining members of Group A will be seated in other designated jury areas to begin the selection process.²⁶ The attorneys will have been provided a list of prospective jurors before trial. Counsel will know the name and number given to each juror as well as employment information. The defendant, their counsel and the Commonwealth's attorney will be present in the courtroom when the first twenty-four members of the jury pool are brought in. The defendant will have been arraigned before the jury arrives. The first twenty-four jurors will be sworn in for *voir dire*. As selection begins and jurors in Courtroom 4 are excused for cause, they will be asked to report to the jury clerk that they have been excused and leave the Courthouse immediately thereafter. Their seat in Courtroom 4 will be cleaned, and the next numbered juror, waiting in one of the jury rooms, will be called in to take the seat of the excused juror. Speaker phones will be provided in the rooms where members of Group A are waiting, so that they can hear the *voir dire* as it proceeds.

²⁶ In the past, the Court has brought in an entire prospective jury panel for *voir dire*. That will not now be possible, however, due to the need to maintain a proper social distancing of at least six feet. Therefore, the Court contemplates bringing in fewer jurors at a time for *voir dire*, which will require at least two and perhaps more panels of jurors. Since a second panel will be seated in the same seats as a first panel, it will be necessary for the benches to be cleaned between panels. Further, in the past, after a juror was struck he or she was asked to remain in the back of the courtroom until *voir dire* was completed and then struck jurors would be collectively sent back to the Jury Assembly Room for possible reassignment to "strike" juries. Going forward, all struck jurors will be immediately excused so that they can promptly leave the Courthouse.

If the morning *voir dire* process yields a jury panel sufficient to seat a jury after peremptory strikes are taken, then counsel will be asked to take their strikes and the trial will begin when the jury is sworn. The jury clerk will notify Section B that it is not required to report at 1:00 p.m. If, however, the morning *voir dire* process fails to yield a panel after those jurors who appeared have been excused, then those jurors from Section A who have not been excused will be instructed to return the next day at 9:00 a.m. for the conclusion of jury selection. They will be admonished appropriately against discussing the case or doing any independent research, warned that they are under oath for the purpose of responding to *voir dire* questions and advised that the court will inquire the next day about their compliance with overnight instructions. When the jurors leave, the courtroom will be cleaned.

When Group B arrives at the courthouse at 1:00 p.m., the same procedures for entry screening, jury check-in and seating will be followed. The Clerk will swear the number of jurors seated in the first positions in Courtroom 4 equal to the number needed to make up a panel for peremptory strikes. *Voir dire* will proceed until both sides are satisfied that the remainder of the panel has been identified. All jurors will then be excused, with those on the panel told to report the next morning at 9:00 for the conclusion of jury selection and start of the trial. They will be instructed and admonished as the morning group was. When the jurors leave, the courtroom will be cleaned.

Court will begin at 9:00 a.m. the following day. Jurors will check in and be taken to Courtroom 4 after the defendant and counsel are seated. Counsel will take the appropriate number of peremptory strikes, and after the resolution of any motions about the peremptory strikes, the jury will be sworn in and the trial will commence.

9. Trial

A. Face Masks/Clear Face Covering/Clear Face Shields

During the trial all parties in the courtroom shall be required to wear proper face masks or shields that cover the mouth and nose areas. This includes the judge, jury,²⁷ court clerks, attorneys, interpreters, witnesses, the defendant, and anyone else who may be in the courtroom.²⁸ The face mask or shield requirement includes such times as when attorneys are examining

²⁷ We recognize that some jurors may have medical reasons that preclude the wearing of face masks or shields. Given that a principal purpose of a face mask or shield is to protect others, if a juror is unable to wear a face mask or shield for medical reasons, the juror will be deferred from jury service

²⁸ The Court also recognizes that there may be circumstances where a necessary witness, or counsel, or a party in a civil case, or the defendant in a criminal case, is unable to wear a face mask or shield for medical reasons. The Court will address these issues on a case-by-case basis, with safety always being the predominant concern.

witnesses and addressing the jury. The Court may authorize the temporary removal of a face mask or shield for exceptional reasons.²⁹

Jurors, defense counsel, the Assistant Commonwealth's Attorney, and the defendant will have the option of: (1) wearing a face mask brought from home; (2) wearing a clear disposable mask provided by the Court; (3) wearing a surgical-type disposable mask provided by the Court; or (4) wearing a disposable transparent face shield provided by the Court.

B. Social Distancing

All people in the courtroom and in any rooms allocated for use of the jury during the proceedings shall observe social distancing throughout the trial.

C. Use of Jury Box in Place of Witness Stand

To comply with social distancing guidelines, witnesses will not testify from the existing witness stand, but will instead testify from the existing jury box.³⁰ The existing jury box will provide ample space for a witness to testify because the jurors will be seated in the gallery. The chair(s) of the jury box shall be wiped down by the witness prior to that witness seating himself or herself. Cleaning solution of wipes will be placed near the jury box for this purpose. The audio microphone in the jury box will either be fitted with a removable, disposable cover that will be replaced after each witness, or shall be cleaned after each witness with the cleaning solution or wipes on the witness stand. No foam-covered microphones will be used; they must either be covered with a disposable cover that is replaced, or the microphone must be modified so that it can be effectively cleaned before and after each use.

D. Staggering the Arrival of Witnesses:

Counsel will be directed during the pre-trial conference to give their witnesses specific arrival times to minimize the number of people in the courthouse and near the courtroom. Upon arrival, witnesses will wait in the hallway at a social distance from all other persons, unless a witness room is designated by the Court for security or privacy purposes.

E. Location of Jurors

When in the courtroom, jurors and prospective jurors will be seated on the courtroom benches in the gallery. The benches will have numbers affixed to them that are located at least six feet apart from one another. Jurors and prospective jurors shall be assigned a corresponding number and shall sit where their number is located. Similarly, in the jury recess/deliberations room, the benches will have numbers affixed to them that are located at least six feet apart from

²⁹ See Note 7 for a non-exhaustive list of what might be deemed "exceptional reasons."

³⁰ Witnesses in criminal cases will appear in person, unless the parties agree to permit a remote appearance for certain witnesses. A remote appearance must meet the requirements of Virginia Code Section 19.2-3.1 (*Personal appearance by two-way electronic video and audio communications; standards.*)

one another. Those numbers will correspond with juror numbers. For example, Juror 1 will sit at the location marked “1”.

F. Location of Counsel or Pro Se Litigants for the Presentation of the Case

Counsel and *pro se* litigants shall question witnesses from counsel’s table. Counsel’s tables will be placed to provide six feet of separation for any person sitting or standing at the tables. Upon request, the Court will provide counsel and *pro se* litigants with a portable podium to place on counsel’s table. Counsel may face the jury from the well of the Court, with proper social distancing maintained, during *voir dire* and opening statement and closing argument.

Attorneys seated at counsel table, will be seated six feet apart and will remain six feet apart. The defendant and his or her counsel will be seated six feet apart at counsel table and will remain six feet apart except for brief consultation. The court will grant recesses for consultation lasting longer than a few minutes.

G. Location of Other Courtroom Participants

- Witnesses: Witnesses who are testifying will be seated in the area formerly used as the jury box in Courtroom 4 and will be located at least ten feet from all other participants, since witnesses will be permitted to remove masks while testifying.
- Court reporter: The Court reporter will sit in front of the judge, in a location 10 feet away from other participants.
- Court clerks: Court clerks will remain in their current location, unless social distancing cannot be maintained.
- Deputy Sheriffs: The Deputy Sheriffs will maintain social distancing, except when security protocols require that the Deputy Sheriffs be closer to a defendant.
- Interpreters: Interpreters will use electronic devices to interpret so that social distancing can be maintained.

H. Sidebars

Sidebars will be held beside the judge’s bench or in the hallway behind the courtroom. The defendant, attorneys and court reporter shall be present. All motions to be taken outside the presence of the jury will require the jurors to retire to the individual assembly rooms behind courtroom six or to an overflow courtroom, if available, with seating marked for social distancing.

I. Presentation of Evidence

Evidence will be handled in such a way as to minimize handling, and to eliminate any need for jurors to pass evidence among themselves.

Counsel will pre-mark all exhibits to minimize handling. No tangible evidence may be submitted without accompanying photograph(s) for the record and to be published to the jury.. If tangible evidence is introduced in any case, counsel will be required to provide photographs of the item for both the record and to be treated as documents are treated for submission to the jury. The Court will also provide an exhibit table in a jury room or other area accessible to the jurors, but to which the Court otherwise controls access, for the display of tangible evidence to the jury. The jurors, practicing social distancing, will be allowed to walk up to the exhibit table and view the evidence. The jurors will be discouraged from touching/handling tangible evidence, but the Court will nevertheless provide disposable gloves should jurors wish to touch the evidence and hand sanitizer for their use immediately after removing the gloves. They will also be advised to wash their hands after handling evidence.

With respect to documentary evidence (including photographs of tangible evidence), a copy of each document will be made for each juror so that each juror has his or her own set of documentary evidence to review.

J. Provision of Trial Breaks for the Jury

To the extent possible, judges will take breaks in the trial every 75 minutes to provide jurors with opportunities to wash their hands. Jurors will take breaks in the jury rooms, which will be set aside for their use for the duration of the trial. In order to ensure the privacy and security of the jury, no one other than jurors will be permitted in the jury recess rooms, except for cleaning personnel when the jury is not present and Sheriff personnel escorting jurors to and from the rooms.

K. Deliberations

Jury deliberations for trials conducted in Courtroom 4 will take place in the new jury deliberation room if it is available on the implementation date of this Plan. The room will not be used for any other purpose until the jury is excused. In the event the jury deliberation room has not been completed by the implementation date of this Plan, the jury will deliberate in Courtroom 4. In order to ensure the privacy and security of jury deliberations proceeding in Courtroom 4, no one other than jurors will be permitted in Courtroom 4 once deliberations have begun, except for cleaning personnel when the jury is not present and Sheriff personnel escorting jurors to and from the room. The windows in the doors leading to the hallway will be covered with opaque material and recording devices within the courtroom shall be turned off. Jurors will be given individual copies of the jury instructions.

10. Juror Movement In and About the Courthouse

It is our intent, to the extent possible, to limit juror contact with the general public in the courthouse. To that end, we will ensure that the jurors have exclusive use of the courthouse rear entrance and basement lobby during the times they are expected to report to and leave the courthouse. Once they arrive, they will be directed to the third floor, and once there, public access to the rooms used for jury assembly, breaks, and the courtroom itself will be limited.

A. Parking

Jurors will park in the designated area in the courthouse parking lot. A map will be included in the packet of information sent to jurors showing the location of the designated parking areas, and appropriate signage will be posted to assist jurors in locating the parking area set aside for them. Additional signage will be added coming from the parking lots, and near the main entrance to the courthouse directing jurors to report to the rear entrance to the courthouse.

B. Entering the Courthouse

Jurors will undergo the same COVID-19 screening required by anyone that wishes to enter the courthouse. If a juror cannot enter due to this screening, he or she will be instructed to call jury intake to reschedule their service.

Hand sanitizer stations have been set up around the courthouse.

Jurors must wear face masks upon entering the courthouse and while in the courthouse. If a juror does not have a face mask, one will be provided by the Court.

C. Arrival Time

In general, jurors will be asked to report to the courthouse at 8:00 a.m. for jury selection and at 9:00 a.m. once a jury is impaneled and hearing a case. Should an afternoon venire be summoned, those jurors will be asked to report for selection at 1:00 p.m. *See* Paragraph 8, above.

D. Juror Check-In

Upon arrival, jurors will be asked to report to the jury assembly room on the third floor. Once there, they will be able to use a touchless kiosk to check in.

E. Lunches and Breaks

Jurors may bring their own lunch; a refrigerator and microwave oven will be available for their use. Jurors may purchase lunch in the courthouse cafeteria, located in the basement. The jurors can eat their lunches in jury areas on the third floor set aside for their use during breaks, or in any seating available in the outdoor plaza outside the rear door of the courthouse. Further, a juror may leave the courthouse for lunch, but will be expected to complete the entry protocol before coming back into the building.

F. Bathrooms

Three bathrooms are available on the same hall as the jury rooms. Door handles, toilet handles and faucets in these bathrooms shall be cleaned during the trial throughout the day by the assigned persons.

11. Cleaning

The courthouse, including the elevators and all public spaces, is cleaned by the custodial staff every night.

A. Dedicated Facilities Management Individuals

Prince William County's Department of Facilities Management and Fleet has committed to provide two full-time porters for each jury trial. If contract forces are used for this work, assigned individuals will be required to pass the background check required of all contractors working in the courthouse. The porters will be assigned to clean the touch surfaces of the courtrooms, jury assembly rooms, bathrooms and other facilities used in connection with each jury trial. This is in addition to other individuals responsible for cleaning the courthouse during the day and evening. Facilities Management will advise the Court of the steps they will put in place to assure documentation/accountability for the cleaning, such as requiring their employees or contractors to complete daily cleaning logs.

B. Cleaning Substance

The cleaning substance to be used shall be an EPA-registered cleaner/disinfectant.

C. Areas to be Cleaned by the Assigned Individuals

The cleaning areas for the assigned individuals will consist of the courtroom, the jury deliberation room, the jury assembly room, jury recess rooms, public viewing room(s), any court designated witness waiting rooms, bathrooms used by the jurors, and elevators and stairways used by the jurors. The cleanings shall include spraying and wiping down handrails, buttons and handrails on the elevators, bathrooms, doors, tables, and seating areas throughout the trial.

Anything touched in the courtroom, jury assembly room, jury recess/deliberations room and public viewing room needs to be disinfected with wipes after each use. Because there is no practical way for the assigned individuals to determine everything that is touched, the assigned personnel need to wipe down these areas periodically as part of standard operating procedure.

In addition, judges need to be mindful of the need to disinfect areas in the courtroom after use and arrange for this if the assigned individual is not in the courtroom. Judges also must be aware of the contact time for the cleaner/disinfectant being used, as the manufacturer's directions will indicate the length of time that the cleaning substance must be on a surface before the surface is disinfected.

In the courtroom, the following areas will be cleaned before use each day and at least once during the day. Most of the cleaning and disinfecting that occurs during the day will take place during the lunch recess. Those areas within the courtroom that will be cleaned and disinfected include (but are not limited to):

- All parts, front and back, of the benches where the jury is sitting
- Witness stand, microphone and chair
- Counsel tables and chairs
- Clerk's area and chairs
- Judge's bench and chair
- Doors and doorknobs
- Lecterns
- Jury box, rails and chairs, especially in the area where the court reporter is sitting.
- Attorney booths and other areas used for confidential consultation during the trial

This cleaning will be in addition to the provision of hand wipes in these areas so that participants can wipe the areas down periodically and/or after each use.

D. Frequency of Cleaning

Cleaning personnel will clean touch surfaces in the courtroom at least once every 75 minutes while jurors are on breaks or lunch. The Court intends to take frequent breaks, at least once every 75 minutes, not only to allow jurors opportunities to wash their hands, but also to provide opportunities for cleaning touch surfaces. At least once every two hours, and after every break, cleaning personnel will clean the chairs and touch surfaces in the jury rooms, bathrooms used by jurors, and any other area where jurors congregated outside the courtroom.

E. *Voir Dire* Considerations

In the past, the Court has brought in an entire prospective jury panel for *voir dire*. That will not now be possible, however, due to the need to maintain a proper social distancing of at least six feet. Therefore, the Court contemplates bringing in fewer jurors at a time for *voir dire*, which will require at least two, and perhaps more, panels of jurors. Since a second panel will be seated in the same seats as a first panel, it will be necessary for the benches to be cleaned between panels. Further, in the past, after a juror was struck, he or she was asked to remain in the back of the courtroom until *voir dire* was completed and then struck jurors would be collectively sent back to the Jury Assembly Room for possible reassignment to "strike" juries. Going forward, all struck jurors will be immediately excused so that they can promptly leave the courthouse.

F. Hand Sanitizers for Jurors and Witnesses

Hand sanitizer and disinfectant wipes will be located at the witness stand/jury box in the courtroom and in the seating areas used by jurors. They will also be available in the jury assembly room, jury recess/deliberations room, any court designated witness waiting room, and

the rooms used for public viewing. All trial participants will be encouraged to use hand sanitizers frequently and to use the disinfectant wipes to clean areas where they have been seated.

G. Hand Washing by Jurors and Other Courtroom Attendees

We will recess at least once per 75 minutes, and jurors will be reminded to use breaks to wash their hands. Jurors will be escorted in a socially distant manner by deputy sheriffs to the bathrooms designated for use by jurors during the trial. Jurors will be asked to socially distance within any public bathrooms they might use in the courthouse as well. The bathrooms devoted to their use on the third floor are single occupancy.

H. Face Masks/Clear Face Coverings/Clear Face Shields

During trial, all people in the courtroom at all times are required to wear face masks or shields that cover the mouth and nose areas. This includes the judge, jury, court clerks, attorneys, interpreters, the defendant, and anyone else who may be in the courtroom. The face mask or shield requirement includes such times as when attorneys are examining witnesses and addressing the jury. The Court may authorize the temporary removal of a face mask or shield for exceptional reasons. The only exception will be for witnesses once they are seated in the witness stand/jury box while they are testifying.

Jurors, defense counsel, the Assistant Commonwealth's Attorney, and the defendant will have the option of: (1) wearing a face mask brought from home; (2) wearing a clear disposable mask provided by the Court; (3) wearing a surgical-type disposable mask provided by the Court; or (4) wearing a disposable transparent face shield provided by the Court.

All witnesses will be required to wear either transparent face masks or shields, in order to facilitate the jury's ability to assess credibility.

I. Elevators

No more than two people shall use an elevator at the same time in the courthouse. Every person must wear a face mask. The elevators will be cleaned every two hours.

J. Bathrooms

Three bathrooms will be used by jurors for each trial. They are located in the jury area on the third floor. The door handles, toilet handles, and faucets in these bathrooms will be cleaned and disinfected several times throughout the day by the assigned cleaning personnel.

K. Vinyl, Plastic and Wood Chairs

All cloth chairs currently in the jury rooms will be replaced with the appropriate number of chairs, placed for social distancing, made of vinyl, plastic, and/or wood. These chairs will be wiped down after each use. An individual is not permitted to sit on a chair unless it has been being cleaned and disinfected with a wipe after the prior user.

12. Security

Security, as always, during the trials shall be provided by the Sheriff's Department through the bailiffs who are responsible for courtroom security. Ensuring that all persons participating in a jury trial practice six feet of social distancing and wear a face covering is an essential task for the Sheriff's Department in providing security, and Sheriff will assume primary responsibility for this. Each bailiff shall wear a proper mask during the proceedings and practice adequate social distancing. All transports of the defendant by the bailiffs shall take place outside the jury's view. The jail transports the defendant to the courthouse basement and the sheriffs/bailiffs are responsible for the vertical transport of the defendant to the courtrooms. There are holding cells beside courtroom four that have a transport elevator to the jail personnel on the basement floor. The sheriffs/bailiffs will be responsible for taking the inmate's temperature once they are received from the jail and seeing to it that an incarcerated defendant has a mask before the entering the courtroom.

13. Education and Signage

Signage is located throughout the courthouse informing the public about adequate social distancing, hand washing, and proper COVID-19 etiquette. Signs regarding hand washing are in the restrooms for the jurors and in all common spaces. Signage is in both Spanish and English.

We will work with the Prince William County Office of Communications, which has offered its assistance, in providing public information through the County's cable channel, website, and social media as to the screening requirements for entry to the courthouse and the safety measures in place at the courthouse to limit the spread of COVID-19.

14. Plan of Action/Communication in the Event of an Emergent COVID-19 Exposure

A. Gathering Information

The jury clerk will compile and maintain a list of the contact information for all prospective jurors who appear for jury duty. The list will include the jurors' mobile phone numbers and email addresses. After the court empanels the jury, the courtroom clerk will make and maintain a list including the mobile phone numbers and email addresses of all sworn jurors, the Commonwealth's Attorney or Plaintiff's Attorney and their witnesses, Defense Attorney and its witnesses (in a criminal case the Defense attorney should provide the contact information for witnesses to the Clerk before or directly after they are called to testify), the parties, the court reporter, and the interpreter, if necessary. In the event of a COVID-19 exposure, these lists will facilitate rapid contact by the court with jurors and individuals present during the trial as set forth in this Paragraph 14.

B. Action Plan

If the Court learns that during a jury trial or at any time within two weeks after the conclusion of a jury trial that any person who participated in that trial has received a confirmed

COVID-19 diagnosis, or experienced symptoms consistent with COVID-19, or has been exposed to someone with a confirmed diagnosis of COVID-19, the Court will take the actions set forth below to isolate the person from other participants to limit the spread of COVID-19, to notify those who came in contact with the person due to participation in the trial and other entities and authorities who should be told, to ascertain the correct advice and information to give to the person as well as others who may have been exposed, and to decide on the extent of cleaning that must be done to limit the spread of disease. Jurors will be instructed on the basic outline of these actions at the outset of any trial, and general information about the protocol in place for courthouse exposures will be posted on signage in jury rooms.

(1) The presiding judge will be told immediately whenever a person participating in jury trial has been potentially exposed to COVID-19. If the report is made while the trial is in progress, the presiding judge will tell the potentially exposed person to stay home if they have not already reported to the courthouse and that their presence is excused until the Court notifies them further. If the person is present in the courthouse at the time their positive status or exposure is reported, the presiding judge will tell the person immediately to go home and that their attendance is excused until the court notifies them further. The person will be advised that the County's exposure protocol will be followed, and they can expect to hear further from the Court or the Prince William Health Director, but that the person should nevertheless immediately contact their own health care provider.

If the person having been exposed to COVID-19 is a judicial employee, in addition to the above protocol, that person will be replaced by another judicial employee for the remainder of the trial. The Court will adhere to the protocol required by the regulations titled Emergency Temporary Standard—Infectious Disease Prevention, SARS-COV-2 Virus That Causes COVID-19, which were recently adopted by the Virginia Department of Labor and Industry.

(2) The presiding judge will then immediately notify the Chief Judge and the Sheriff.

(3) Any room or areas where a person identified as being exposed to COVID-19 visited will be cleaned, vacated, and left empty for 24 hours as recommended by OES and the CDC guidelines.

(4) The Sheriff will gather information and report the exposure through Prince William County's Exposure Control Program protocols. Appendix 6 is a graphic depiction of the now-established Courthouse Exposure Protocols for COVID-19. The second page shows the detail of the internal operation of the County's Response Center, which will be activated upon contact from the Sheriff.

(5) The Response Center will advise the Sheriff, who will in turn advise the Chief Judge, of recommended actions to (a) continue isolation for the affected person, (b) communicate recommendations for testing to the affected person, (c) notify others who have potentially been exposed to the affected person and (d) recommend any further cleaning, in addition to that already done under subsection (e), above, based on the circumstances of the exposure, which could involve closing portions or all of the courthouse.

If the Response Center recommends that participants in the jury trial be isolated, which will require a suspension of the trial, the Court will conduct a hearing with the parties as soon as possible consistent with the specific direction for isolation given by the Response Center (example: the hearing cannot be held immediately if the Response Center recommends that the Judge or counsel or the Defendant self-quarantine), outside the presence of the jury, to determine next steps in the trial. Upon request of the parties the court will consider all legally available options that will allow the trial to continue.

At the same time that the Sheriff is engaged with Response Center under subsections 4 and 5, above, the Chief Judge will provide parallel notification to other agencies and entities in the courthouse pursuant to section C, below. Some entities will be notified by both the Sheriff as a result of direction from the Response Center and by the Chief Judge, depending upon where and how the exposure occurred.

C. Communication Plan

In addition to notifying the individuals or agencies as set forth above in section B, the Chief Judge will notify the following agencies of any and all exposures occurring in Circuit Court at any time, whether or not it occurs during a jury trial:

1. The Clerk of the Circuit Court, who will in turn notify:
 - (a) Jurors (pursuant to section B, above)
 - (b) Individuals present during any trial or hearing in which a person who has been exposed was involved, be it jury or non-jury, including but not limited to the attorneys, witnesses, the court reporter, the interpreter etc.
2. The Chief Judges of the General District and Juvenile and Domestic Relations District Courts, who will in turn notify their Clerks.
3. The Superintendent of the Adult Detention Center
4. The Commonwealth's Attorney
5. The Public Defender's Office
6. The Prince William County Bar Association
7. Prince William County Probation and Parole
8. Prince William County Office of Criminal Justice Services
9. Prince William County Magistrate's Office

15. Acknowledgments

This plan was developed with consultation with and/or input from the following agencies and individuals within Prince William County Government and the Prince William Court System. Their invaluable assistance was greatly appreciated. They are as follows:

Prince William County Health Director Doctor Allison Ansher

Clerk of the Circuit Court Jacqueline Smith, Deputy Clerks Jillian Richards and Susana Machado, and Jury Assembly Clerks Maria McCaleb and Sarah Bonini,

Sheriff of Prince William County Glendell Hill, Captain Willie Hardeman, First Sergeant Angelo Meletis and Sergeant Matthew Mihalovich, and Information Technology Coordinator Shane McDonald

Prince William County Executive, Deputy County Executive Michele Casciato, Risk Manager Lori Gray, CEM Emergency Management Coordinator Brian Misner, Communications Director Sherrie Johnson and Deputy Communications Director Nikki Brown, Property Management – Facilities Manager Alycia Martini, Security Manager Buildings and Grounds Don Flory, Facilities Management Supervisor Laurel Rolley, Buildings and Grounds Superintendent Curtis Brenner, Property Manager Ali Haddad, Facilities Management Director Matthew Villarreal,

Prince William County Commonwealth’s Attorney, Amy Ashworth, and Assistant Commonwealth’s Attorney Katie Pavluchuk

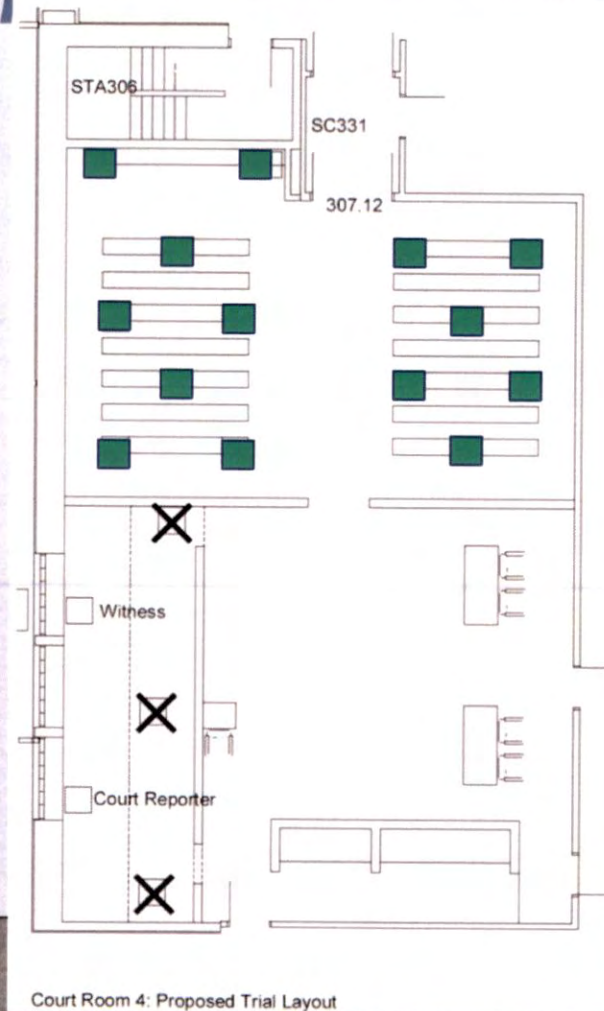
Prince William County Public Defender, Chief Public Defender Tracey Lenox

Prince William County Bar Association, President Tracey Lenox

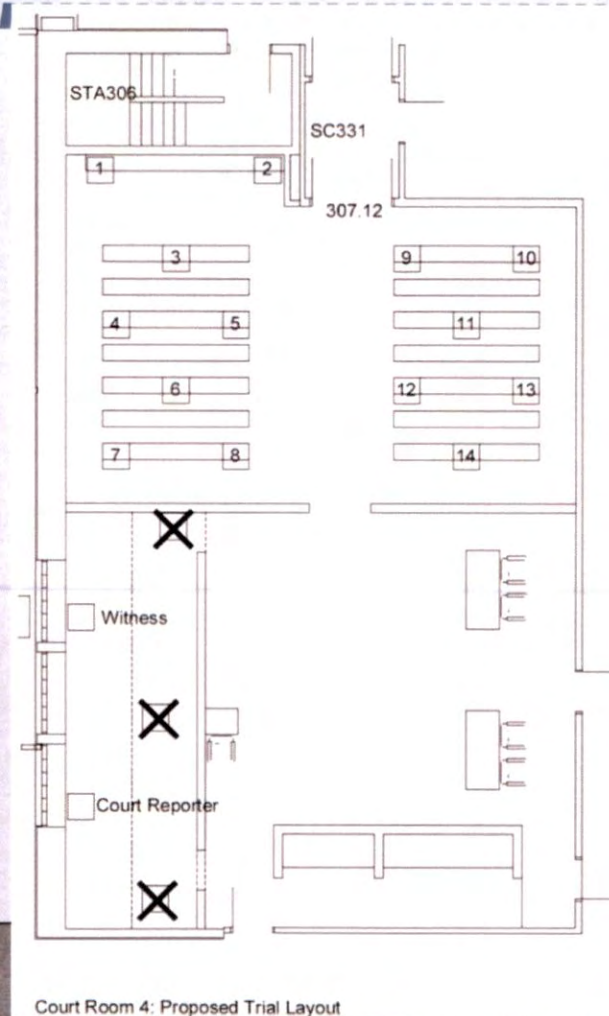
Prince William County Adult Detention Center, Major Mandy Lambert

We express our deep appreciation to all stakeholders who provided input regarding the resumption of jury trials. We have adopted many of the recommendations provided by stakeholders and they have made an invaluable contribution to our work. Ultimately, however, we – the judges of the Prince William County Circuit Court – are responsible for the final jury resumption plan submitted to the Supreme Court of Virginia.

Court Room 4: Jury Trial Layout (14)



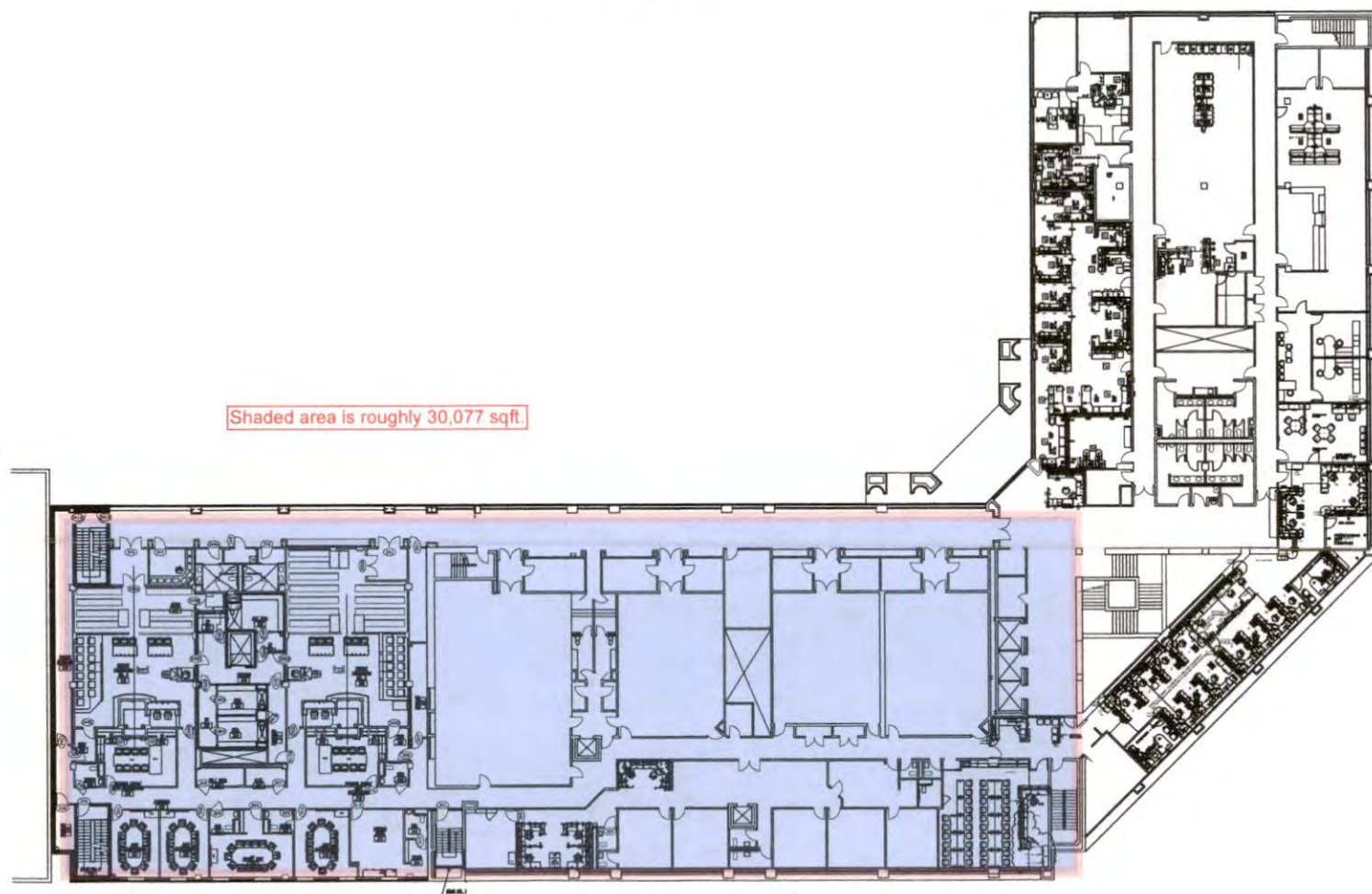
Court Room 4: Jury Trial Layout (numbering)



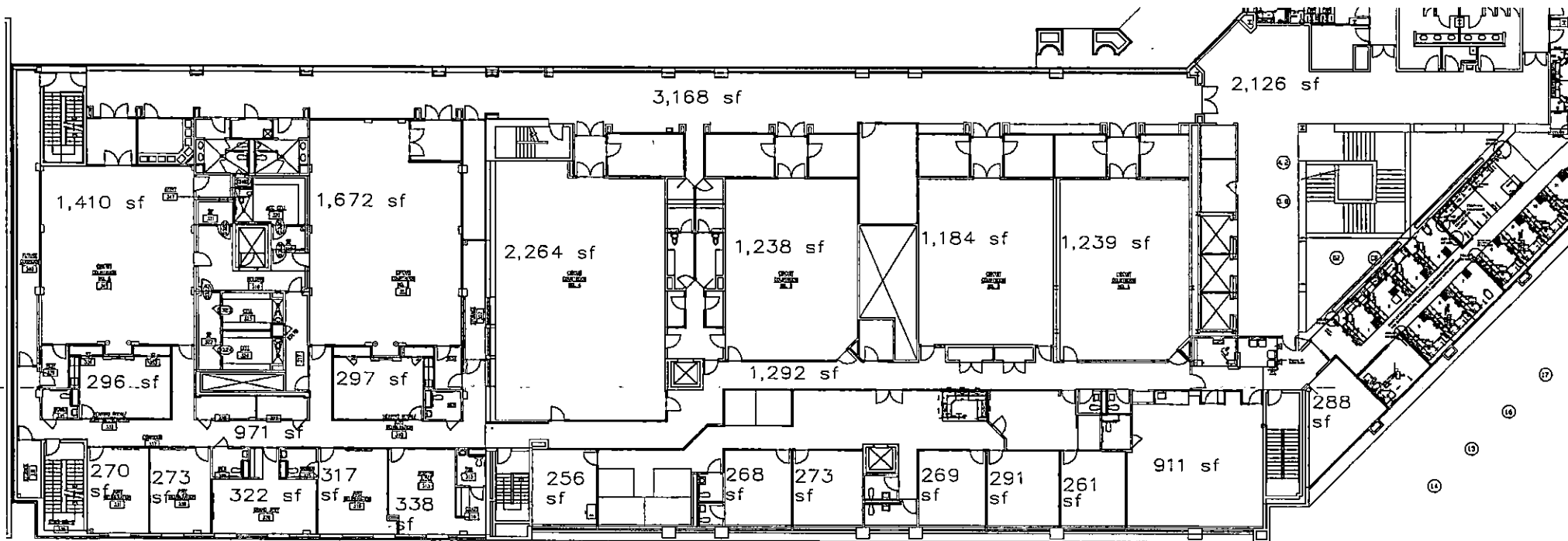
Court Room 4: Jury Voir Dire (24)

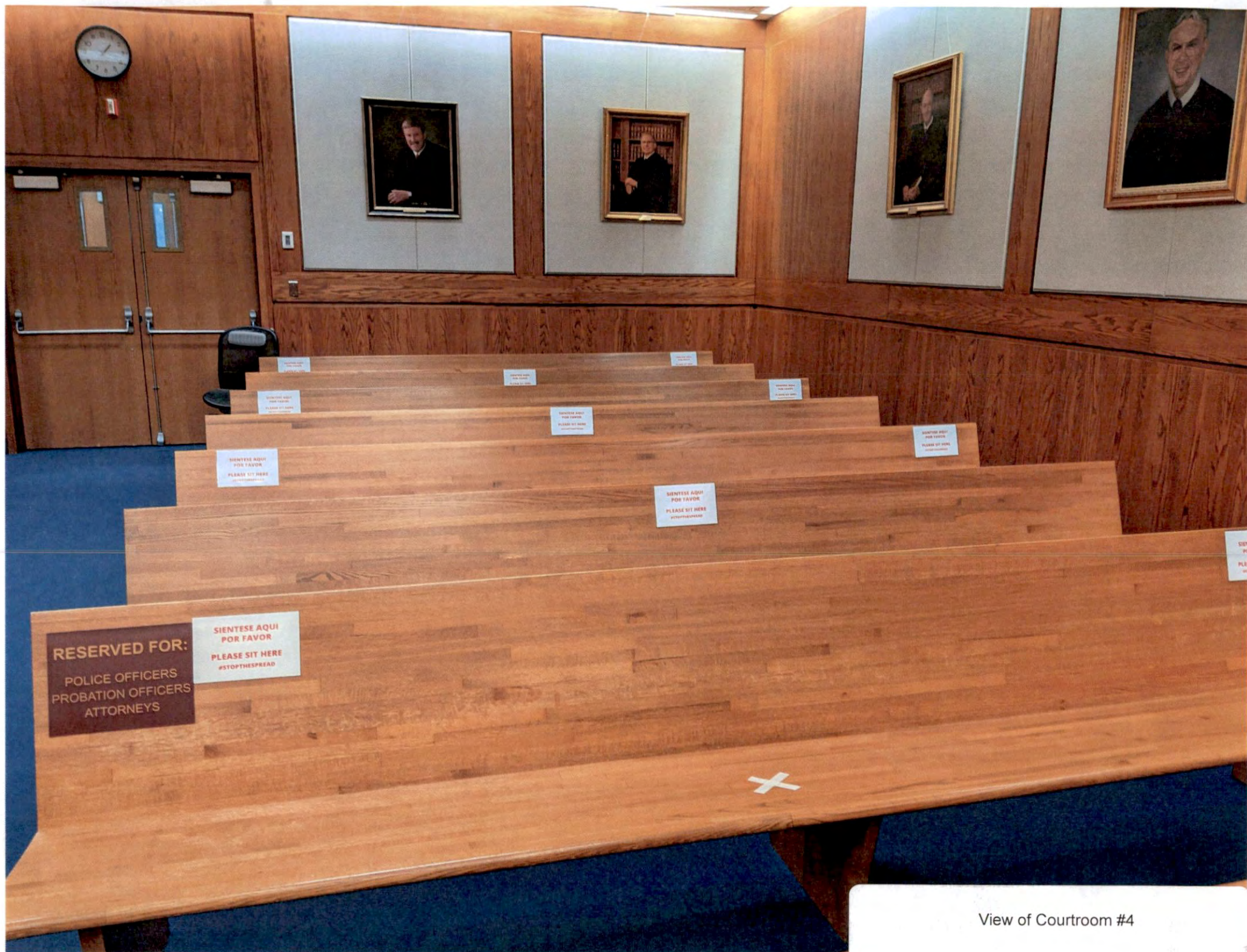


JUDICIAL CENTER - 3RD FLOOR PLAN
BUILDING #108



Floor Plan of Jury Hallway
*Reduced for scanning purposes





View of Courtroom #4



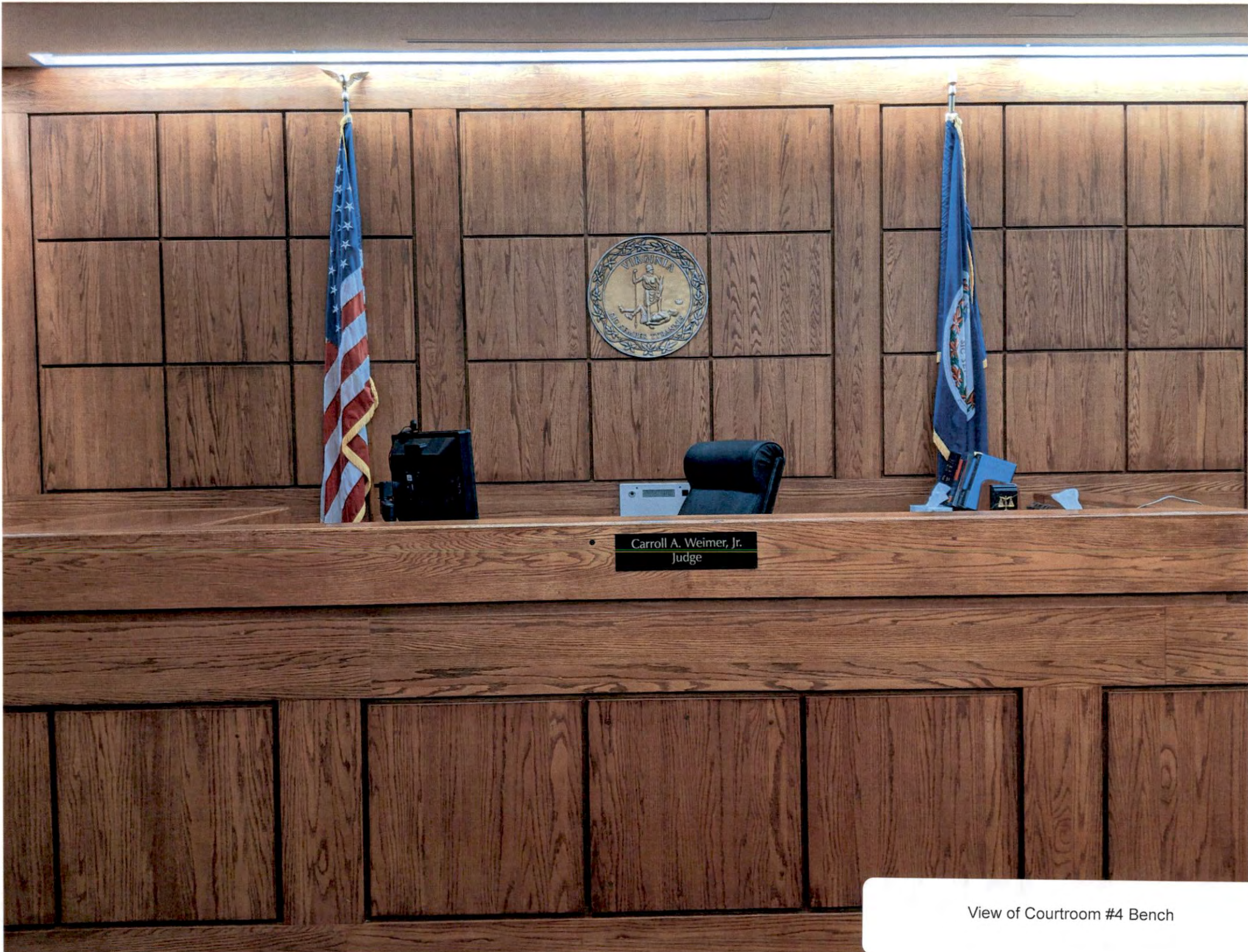
View of Courtroom #4



View of Jury Box in Courtroom #4



View of Courtroom #4



View of Courtroom #4 Bench



View of Courtroom #4



View of the Jury Assembly Room



View of the Jury Assembly Room



View of the Jury Room #326



View of the Jury Room #330



View of the Jury Room #330



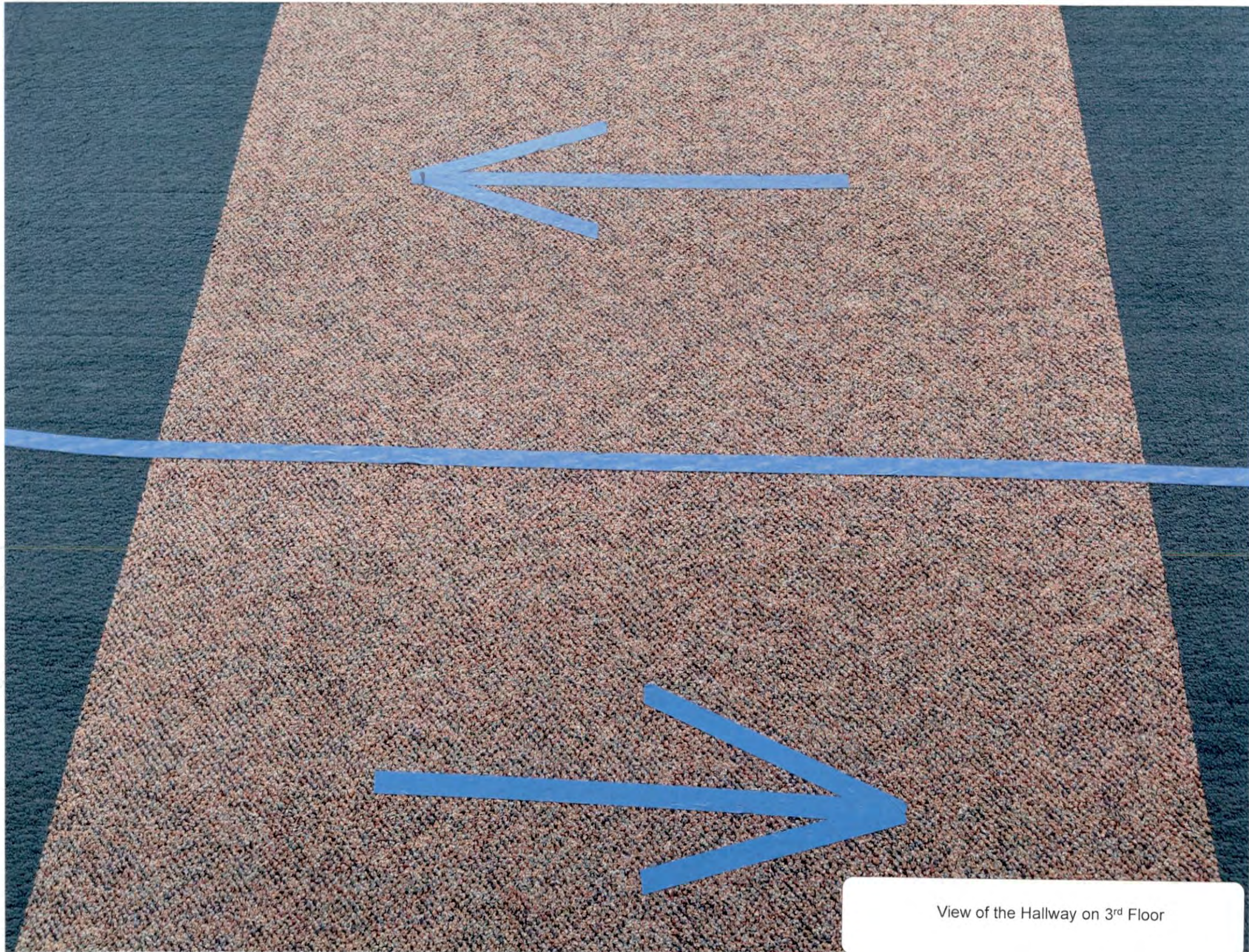
Grand Jury Room



Room #331



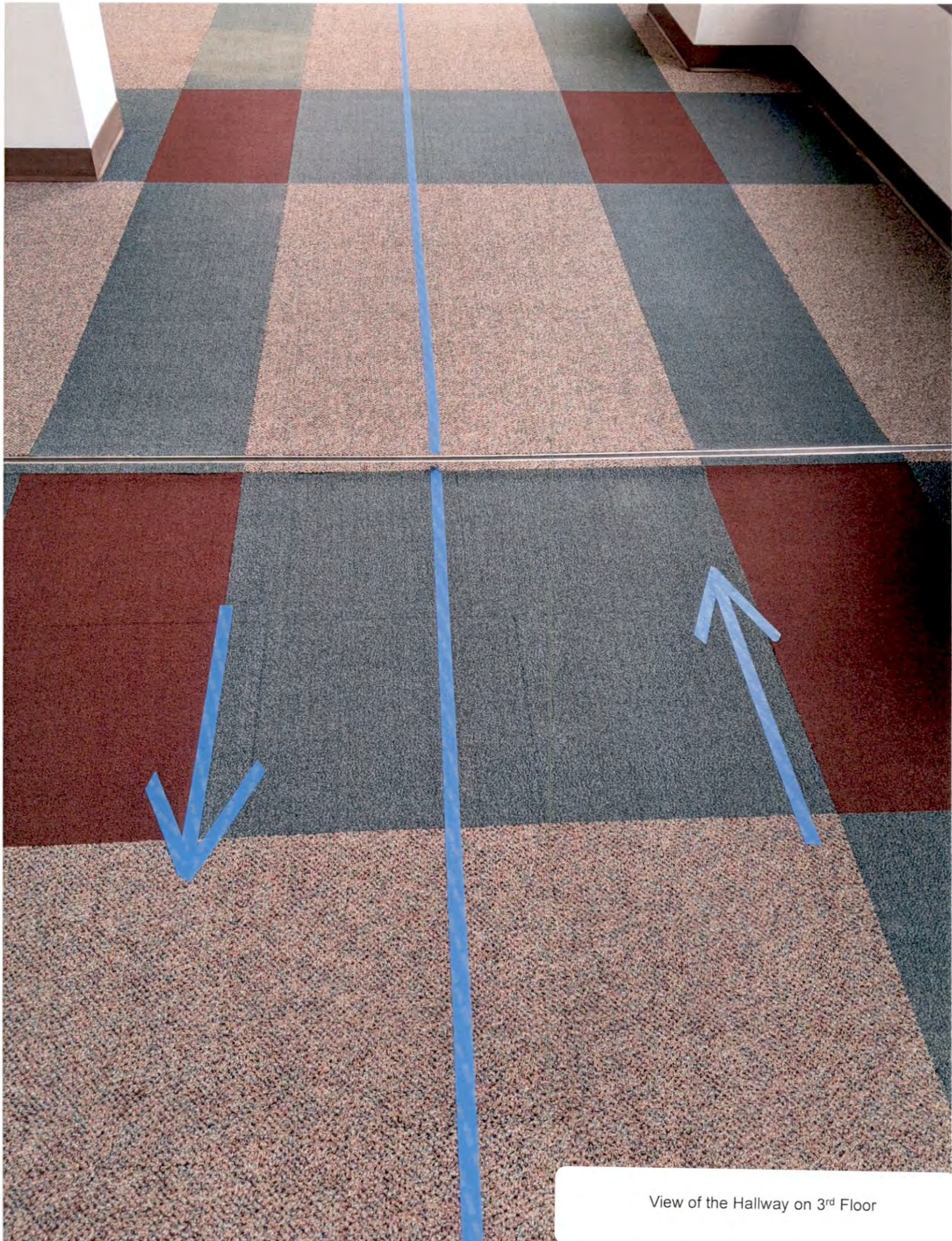
Room #332



View of the Hallway on 3rd Floor



View of the Hallway on 3rd Floor



View of the Hallway on 3rd Floor

**PLEASE TAKE NOTICE THAT BY
ORDER OF THE SUPREME COURT
OF VIRGINIA, ONLY THE
FOLLOWING PERSONS ARE
ALLOWED IN THE COURTROOM:**

**ATTORNEYS, PARTIES, NECESSARY
WITNESSES AND MEMBERS OF THE
PRESS.**



View of Hand Sanitizer Station

CORONAVIRUS (COVID-19) INFORMATION

INFORMACIÓN SOBRE CORONAVIRUS (COVID-19)

COVID 19
ENFERMEDAD DEL CORONAVIRUS

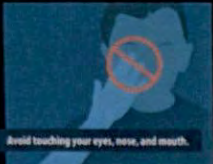
STOP THE SPREAD OF GERMS

Help prevent the spread of respiratory diseases like COVID-19.

Avoid close contact with people who are sick.



Cover your cough or sneeze with a tissue, then throw the tissue in the trash.



Avoid touching your eyes, nose, and mouth.



Clean and disinfect frequently touched objects and surfaces.



Stay home when you are sick, except to get medical care.



Wash your hands often with soap and water for at least 20 seconds.



For more information, www.cdc.gov/COVID19

COVID 19
ENFERMEDAD DEL CORONAVIRUS

DETENGA LA PROPAGACIÓN DE LOS MICROBIOS

Ayude a prevenir la propagación de virus respiratorios como el nuevo COVID-19.

Evite el contacto cercano con las personas enfermas.



Cállense la nariz y la boca con un pañuelo desechable al toser o estornudar y luego bételo a la basura.



Evite tocarse los ojos, la nariz y la boca.



Limpie y desinfecte los objetos y las superficies que se tocan frecuentemente.



Quédese en casa si está enfermo, excepto para buscar atención médica.



Lávase las manos frecuentemente con agua y jabón por al menos 20 segundos.



Para obtener más información, www.cdc.gov/COVID19-es

COVID 19
CORONAVIRUS
VISIBLE

Patients with COVID-19 have experienced mild to severe respiratory illness.

Symptoms* can include

FEVER



COUGH

*Symptoms may appear 2-14 days after exposure.

SHORTNESS OF BREATH



Seek medical advice if you develop symptoms, and have been in close contact with a person known to have COVID-19 or if you live in or have recently been in an area with ongoing spread of COVID-19.



For more information: www.cdc.gov/COVID19-symptoms

COVID 19
ENFERMEDAD DEL CORONAVIRUS

Los pacientes con COVID-19 han presentado enfermedad respiratoria de leve a grave.

Los síntomas* pueden incluir

FIEBRE



TOS

*Los síntomas pueden aparecer de 2 a 14 días después de la exposición.

DIFICULTAD PARA RESPIRAR



Consulte a un médico si presenta síntomas y ha estado en contacto cercano con una persona que se sepa que tiene el COVID-19, o si usted vive o ha estado recientemente en un área en la que haya propagación en curso del COVID-19.



Para obtener más información: www.cdc.gov/COVID19-es



PRINCE WILLIAM
COUNTY

For more information: | Para más información:
vdh.virginia.gov/coronavirus
(877) ASK-VDH3
pwcgov.org/emergency



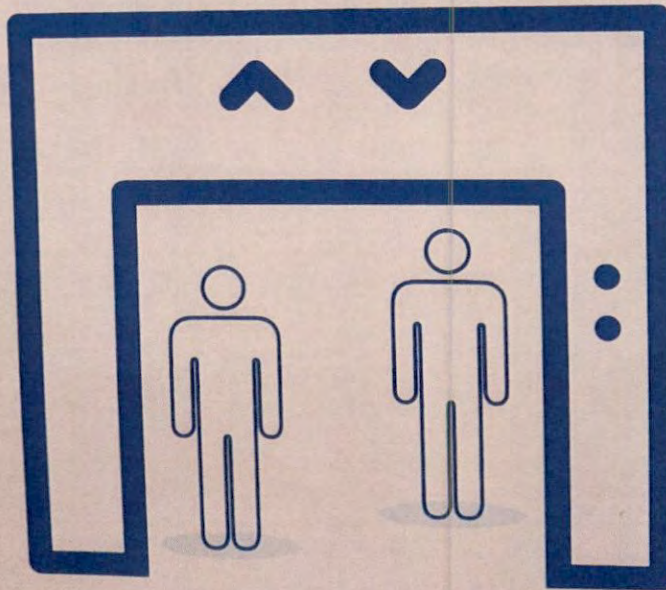
PRINCE WILLIAM
COUNTY

COVID-19

For the safety of visitors and staff, please practice safe physical distancing on elevators.

Physical Distancing on Elevators

No more than two people



For more information and the latest updates, visit pwcgov.org/covid19

If you have any general questions regarding the Novel Coronavirus, you can call **1-877-ASK-VDH3**.

COVID-19 Service Update

Circuit Court Civil Matters - Third Floor
Circuit Court Criminal Matters - Third Floor
Gun Permits - Third Floor

Law Library - CLOSED

Land Records - Lower Level (LL on elevator)
Marriage License - Lower Level (LL on elevator)
Notary - Lower Level (LL on elevator)

Limit 2 People
on Elevator

View of the inside of Elevators



Circuit Courtroom 4 →

Circuit Courtroom 3 →

DO YOUR PART
PLEASE STAY
6FT
APART

View of the Hallway outside the Courtrooms on the 3rd Floor



View of the CDC "Wash Your Hands" poster



View of the Elevators on the 3rd Floor

GENERAL DISTRICT COURT CASES

IF YOU ARE APPEARING TODAY FOR
YOUR SCHEDULED COURT DATE, WE
ARE AWARE THAT YOU MAY NOT BE IN
THE COURTROOM AT THE EXACT TIME
YOUR CASE IS SCHEDULED. WE ARE
SOCIAL DISTANCING AND ONLY A
CERTAIN AMOUNT OF PEOPLE ARE
CALLED IN TO THE COURTROOM AT A
TIME. YOUR CASE WILL BE PASSED
UNTIL YOU ARE PRESENT IN COURT.
YOU WILL NOT BE TRIED AND/OR
CONVICTED IN YOUR ABSENCE.



Where Court Order Applies

1. Any person who is not security personnel shall enter the courthouse premises to permit individuals from entering the courthouse if they have, within the last 14 days:

1. Been directed to quarantine (14 days or 10 contacts)
2. Been diagnosed with, or have had contact with someone who has been diagnosed with COVID-19
3. Experienced a fever, cough, or shortness of breath
4. Been sick or have in close contact with any person in the above mentioned categories.

The court and security personnel shall direct each individual to contact the clerk's office by telephone or other remote means to inform the clerk of their location before the court so they may receive further instructions regarding appropriate arrangements for court access.

Contact: 763-793-4878
Clerk: 763-793-4348, Criminal: 763-793-4341
Jury: 763-793-4348

For Everyone's Protection

FACE COVERINGS REQUIRED FOR ENTRY

FOR ALL PERSONS AGED 10 AND OVER

Face coverings should cover mouth and nose



The requirement to wear a face covering does not apply to the following:

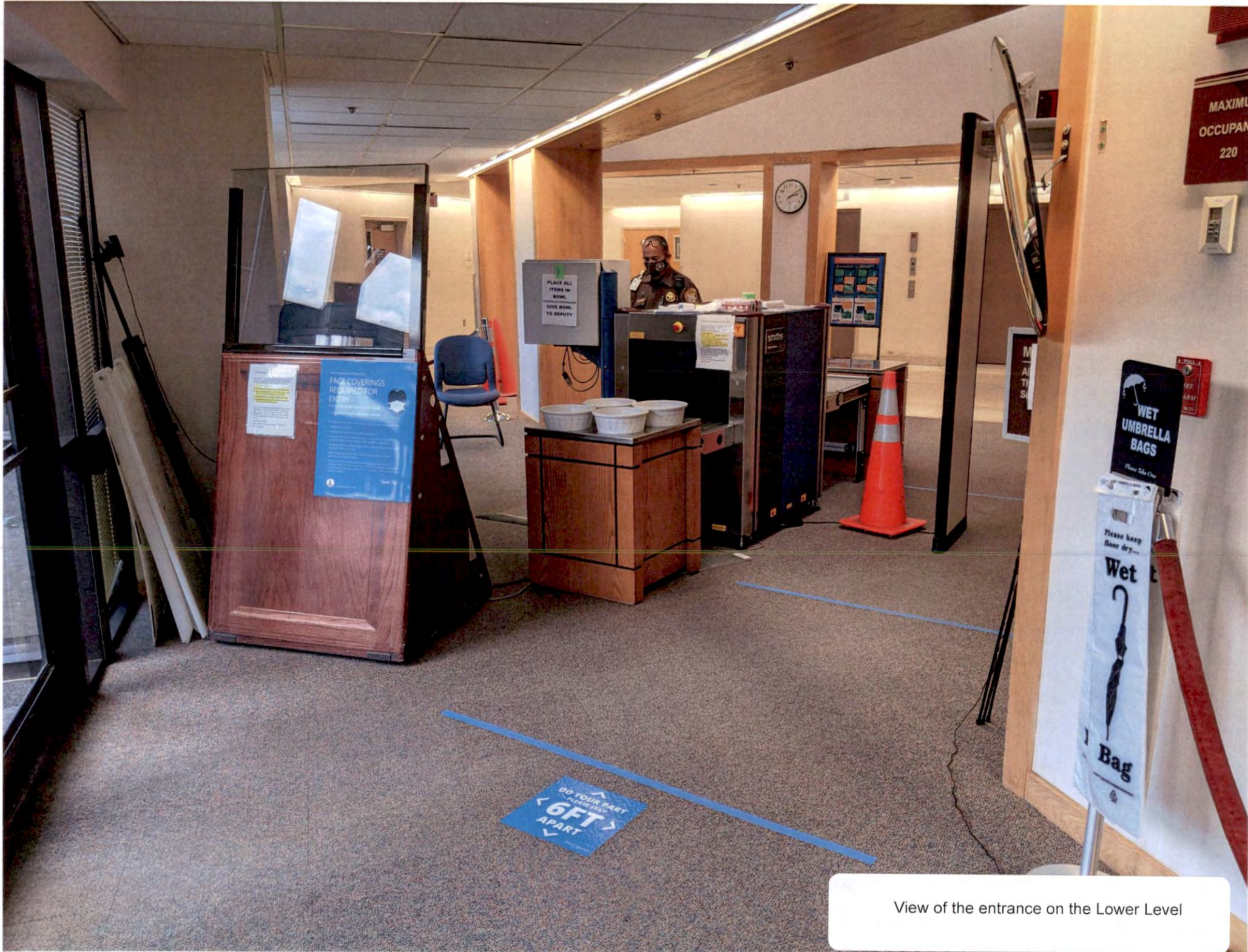
1. While eating or drinking
2. Individuals exercising or using exercise equipment
3. Any person who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance
4. Any person seeking to communicate with the hearing impaired and for which the mouth needs to be visible
5. When temporary removal of the face covering is necessary to secure government or medical services
6. Persons with health conditions that prohibit wearing a face covering

Nothing in this Order shall require the use of a face covering by any person for whom doing so would be contrary to his or her health or safety because of a medical condition.

 Executive Order 83 (2/2/20)

Thank You

View of the entrance on the Lower Level



View of the entrance on the Lower Level

PLEASE TAKE NOTICE THAT BY
ORDER OF THE SUPREME COURT
OF VIRGINIA, ONLY THE
FOLLOWING PERSONS ARE
ALLOWED IN THE COURTROOM:
ATTORNEYS, PARTIES, NECESSARY
WITNESSES AND MEMBERS OF THE
PRESS.

**UPDATED COVID-19 INFORMATION
FOR THE CIRCUIT COURT CLERK'S
OFFICE**



Due to the current COVID-19 (Coronavirus) situation, we have modified the location of some of our services for the protection of our staff and Circuit Court customers.

**Land Records & Public Services Center:
Lower Level (LL)**

Located at the service window in GDC Archives.
- Services Include: Marriage Licenses,
Records Request, Notary, Land Records Drop-off

**Civil, Criminal, and Probate Matters:
3rd Floor | Room 310**

- Civil Services: Concealed Handgun Permits, Divorces,
Name Changes, Espousements,
Restoration of Driving Privileges
- Criminal Services: Payments, Payment Arrangements,
Restricted Licenses, Attorney Filings

Law Library: TEMPORARILY CLOSED

Clerk of Court: Jacqueline Smith, Esquire
Phone: 703-792-8013 | Email: CircuitCourt@pvc.org | 3rd Floor |
Connect with us on Facebook, Instagram, and Twitter @PVCircuitCourt

CORONAVIRUS (COVID-19) INFORMATION

INFORMACIÓN SOBRE CORONAVIRUS (COVID-19)

COVID 19
CORONAVIRUS DISEASE

STOP THE SPREAD OF GERMS

Help prevent the spread of respiratory diseases like COVID-19.

Avoid close contact with people who are sick.

Cover your cough or sneeze with a tissue, then throw the tissue in the trash.

Avoid touching your eyes, nose, and mouth.

Clean and disinfect frequently touched objects and surfaces.

Stay home when you are sick, except to get medical care.

Wash your hands often with soap and water for at least 20 seconds.



For more information: www.cdc.gov/COVID19

COVID 19
ENFERMEDAD DEL CORONAVIRUS

DETENGA LA PROPAGACIÓN DE LOS MICROBIOS

Ayude a prevenir la propagación de virus respiratorios como el nuevo COVID-19.

Evite el contacto cercano con las personas enfermas.

Cubrase la nariz y la boca con un pañuelo desechable al toser o estornudar y luego bótelos a la basura.

Evite tocarse los ojos, la nariz y la boca.

Limpie y desinfecte los objetos y las superficies que se tocan frecuentemente.

Quédese en casa si está enfermo, excepto para buscar atención médica.

Lávase las manos frecuentemente con agua y jabón por al menos 20 segundos.



Para obtener más información: www.cdc.gov/COVID19-es

COVID 19
CORONAVIRUS DISEASE

SYMPTOMS OF CORONAVIRUS DISEASE 2019

Patients with COVID-19 have experienced mild to severe respiratory illness.

Symptoms* can include

FEVER

COUGH

*Symptoms may appear 2-14 days after exposure.

SHORTNESS OF BREATH

Seek medical advice if you develop symptoms, and have been in close contact with a person known to have COVID-19 or if you live in or have recently been in an area with ongoing spread of COVID-19.



Call the Prince William Health Division at (703) 795-6000 or (703) 795-1700. In addition, you can contact the 24/7 Call Center at 1-800-456-4600.

For more information: www.cdc.gov/COVID19-symptoms

COVID 19
ENFERMEDAD DEL CORONAVIRUS

SÍNTOMAS DE LA ENFERMEDAD DEL CORONAVIRUS 2019

Los pacientes con COVID-19 han presentado enfermedad respiratoria de leve a grave.

Los síntomas* pueden incluir

FIEBRE

TOS

*Los síntomas pueden aparecer de 2 a 14 días después de la exposición.

DIFICULTAD PARA RESPIRAR

Consulte a un médico si presenta síntomas y ha estado en contacto cercano con una persona que se sepa que tiene el COVID-19, o si usted vive o ha estado recientemente en un área en la que hay propagación en curso del COVID-19.



Llame al Centro de Salud Prince William al (703) 795-6000 o (703) 795-1700. Además, puede contactar con el 24/7 Centro de Atención al 1-800-456-4600.

Para obtener más información: www.cdc.gov/COVID19-es

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

IN RE: ALL PERSONS ENTERING)
PRINCE WILLIAM COUNTY COURTHOUSE)
DURING THE COVID-19 PANDEMIC)

MANDATORY FACE COVERING ORDER

In view of the ongoing COVID-19 pandemic, and in accordance with recommendations of the Centers for Disease Control and Prevention and the Virginia Department of Health, and in order to protect the health of all persons entering the courthouse, and in accordance with the direction of the Supreme Court of Virginia that the courts of the Commonwealth take "reasonable steps to minimize the risk of the spread of COVID-19," the Court issues the following order:

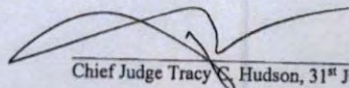
Effective June 1, 2020, all persons entering the Prince William County Judicial Center must wear a face covering that covers the nose and mouth. The face coverings need not be surgical masks or N-95 respirators but may be cloth face coverings fashioned from household items (such as cotton scarves) or made at home from common materials. The requirement for face coverings includes judges, attorneys, deputy sheriffs, court reporters, employees, members of the public, contractors, and all others who work in or visit the courthouse. The face covering must be worn at all times within the courthouse, including courtrooms, elevators, public and private corridors and any other shared spaces. Employees may remove their face mask in their work area if they are able to maintain social distancing from other individuals. Within a courtroom, the presiding judge may authorize removal of a face covering in order to facilitate a proceeding as long as social distancing can be maintained. Individuals without face coverings will not be permitted to enter the courthouse and individuals who do not continuously wear their face covering while in the courthouse as required by this order will be subject to removal from the courthouse.

As recommended by the Virginia Department of Health, this order does not apply to children under two, or individuals who have difficulty breathing, or who cannot remove a face covering without help, or have other medical issues that make the wearing of a face covering unsafe.

The terms of this Order shall be prominently displayed at all entrances to the Judicial Center and disseminated to the public through County agency websites and the press.

This order shall remain in effect until further order of the Court.

So ordered, this 20th day of May, 2020.



Chief Judge Tracy S. Hudson, 31st Judicial Circuit



View of the entrance on the Lower Level



View of the entrance on the Lower Level



View of the sidewalk that leads to the Lower Level entrance

PWC Courthouse Exposure Protocols COVID-19

Report

- Report all employee and/or visitor suspected COVID-19 exposures to the Sheriff's Office
- Sheriff's Office will gather information and report the exposure through PWC's Exposure Control Program protocols

Contact

- Sheriff's Office will contact the On-Duty Fire Safety Officer
- On-Duty Fire Safety Officer contacts the County's Occupational Health physician and when necessary the Infectious Disease Physicians to determine work restrictions/isolation and/or notifications
- On-Duty Fire Safety Officer contacts the Health Department

Notify

- Sheriff's Office will notify other tenants/agencies of the potential exposure (this will be based on the guidance by the On-Duty Fire Safety officer in consultation with the physician and the Health Department)

Reporting Work Related Exposures

- REPORT all work-related infectious pathogen exposures
- Contact Fire & Rescue System On-Duty Safety Officer
 - Call 703.792.6500 (non-emergency 911 #)
 - State this is for a PWC employee exposure
 - Ask to speak to the Fire Safety Officer



Reporting Non-Work Related COVID-19 Exposure

- REPORT non-work related COVID-19 exposures only
- Contact Fire & Rescue System On-Duty Safety Officer / DICO
 - Call 703.792.6500 (non-emergency 911 #)
 - State this is for a PWC employee exposure to COVID-19
 - Ask to speak to the Fire Safety Officer



Juror's Room
(Under Construction)



Juror's Room
(Under Construction)



THIRTY-FIRST JUDICIAL CIRCUIT OF VIRGINIA

Prince William County
Cities of Manassas and Manassas Park
9311 Lee Avenue, Third Floor
Manassas, Virginia 20110
Telephone: (703) 792-6171

Judges

Steven S. Smith
Carroll A. Weimer, Jr.
Tracy C. Hudson
Kimberly A. Irving
James A. Willett
Angela L. Horan

Dear Prospective Juror:

During the COVID-19 pandemic courts across the country have grappled with the same issue: how do we provide justice and protect the rights of individuals, while safeguarding the health and safety of all who enter our courthouses. On March 16, 2020, the Supreme Court of Virginia entered an order declaring a judicial emergency due to the COVID-19 pandemic. The order called for the suspension of non-emergency hearings including jury trials to protect the health and safety of the court employees, litigants, judges and the public. The Supreme Court of Virginia recently extended the period of judicial emergency through October 11, 2020. Over the last few months, the Prince William Circuit Court gradually increased operations in part using virtual platforms such as Webex and Polycom. Other hearings and bench trials have resumed in person using social distancing and required facial coverings.

Jury Trials are essential to the open administration of justice in the Commonwealth of Virginia. In June, the Supreme Court of Virginia created a Task Force to address the reinstatement of jury trials throughout the Commonwealth and required all circuit courts to submit their plans for the resumption of jury trials by August 17, 2020. Prince William County Circuit Court submitted its Jury Resumption Plan that was reviewed and approved on _____, 2020. Jury trials will begin in Prince William County Circuit Court thirty-days after the approval of the Plan. Having received your summons, I hope you will be willing to answer the call to serve. Diverse juries are critical components of fair and just trials. I want to assure you that every reasonable precaution will be taken to enhance the health and safety of all jurors, attorney, court staff, and the public during jury selection and the trial to follow.

As the Court resumes jury trials, several steps will be taken to protect you and your fellow jurors, such as:

- Each juror will receive a COVID-19 supplemental questionnaire three (3) weeks in advance of their service.
- Smaller groups of jurors will be brought in at different times to ensure the safe and social distance seating in the courtroom.

- Each person arriving at the courthouse will have their temperature checked via a handheld touchless thermometer and will be asked a series of questions to determine their COVID-19 exposure before being allowed to enter the courthouse.
- Masks are required to be worn in the courthouse. While jurors are encouraged to bring their own mask, the court will provide disposable masks for those who do not have one.
- Hand sanitizer will be readily available throughout the courthouse, and disposable latex gloves will be available upon request.
- Increase cleaning and sanitization will occur at least every two (2) hours in the courtroom, juror rooms, juror bathrooms, and all touch areas that the jurors utilize.
- At the beginning of jury selection, and throughout the trial the court will provide jurors with disposable clear plastic masks, and a clear plastic shield.
- A communication plan has been developed to quickly contact jurors by phone and/or email in the event of a reported COVID-19 exposure at the courthouse.
- Juror breaks, lunches, and deliberations will occur in our recently expanded juror room that has been arranged using appropriate social distancing markers.

Jurors deemed to be in the high-risk category for COVID-19, who are unable to serve for safety reasons, or who are experiencing hardship brought on by the pandemic may have their jury service postponed. Please follow the instructions in the summons to request a deferral. **Anyone who is experiencing COVID-19 symptoms on the date scheduled to appear should not report** but should call the Court at 703-792-6047 to explain their non-appearance.

The right to a jury trial is one of the corner stones of our democracy. While I understand that some of you will be unable to serve at this time, only those with serious hardship and genuine concern should seek to be excused.

To those of you who can serve and are looking for a way to participate in the justice system and safeguard a most important tenant of democracy, the right to a jury trial, we welcome you to Prince William County Court. I am committed to making your experience as a juror safe. Thank you in advance for your service to our community.

Sincerely,

Steven S. Smith

Chief Judge, Prince William County Circuit Court