

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF PUERTO RICO**



**THIRD AMENDED PROTOCOL FOR IN-PERSON
PROCEEDINGS AND TRIALS DURING COVID-19
PANDEMIC**

Effective April 4, 2022

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO



THIRD AMENDED PROTOCOL FOR IN-PERSON HEARINGS AND TRIALS¹

On March 7, 2022, and due to the continued decrease in COVID's positivity rate in Puerto Rico, Executive Order No. 2022-019 (EO 22-019) was issued by the Governor of Puerto Rico, adopting the Centers for Disease Control and Prevention (CDC) latest guidelines, and easing most COVID-19 related restrictions, including the lifting of mask mandate requirements. EO 22-019 left to each employer, public or private, the discretion and decision making to implement the COVID-19 safety measures deemed appropriate for its operation.

After a thorough review of the EO 22-019 and local and federal agencies' recommendations, the following guidelines are issued for in-person proceedings and trials to be held in the District of Puerto Rico. These guidelines also consider the Bureau of Prisons (BOP) and the US Marshal Service (USMS) Protocols. These new guidelines shall become effective on **April 4, 2022**.

The following document outlines the general approach for conducting in-person proceedings in our District. As we transition into re-opening the Court with unlimited number of in-person proceedings, this document will serve to provide all participants with an understanding of our new guidelines and protocols, as well as the precautions being taken district-wide to protect jurors, attorneys, court staff and members of the public.

A handwritten signature in blue ink, consisting of the letters "RAM" in a stylized, cursive font.

Hon. Raúl Arias-Marxuach
Chief Judge

A handwritten signature in blue ink, appearing to read "Aida M. Delgado-Colón" in a cursive script.

Hon. Aida M. Delgado-Colón
Chair, Security Committee

A handwritten signature in blue ink, appearing to read "María Antongiorgi" in a cursive script.

María Antongiorgi, Esq.
Clerk of Court

March 22, 2022
Date

¹ Prepared by María Antongiorgi, Clerk of Court. Revised by the Hon. Aida M. Delgado, Chair of the Court's Security Committee and Hon. Raúl Arias-Marxuach, Chief Judge.

BUILDING PREPARATIONS

The Clemente Ruíz Nazario and the José V. Toledo U.S. Courthouses ("the Courthouses"):

- A. Courtrooms to be used for in-person proceedings:
 - All courtrooms at the Clemente Ruíz Nazario U.S. Courthouse.
 - All courtrooms on the 4th floor of the Federico Degetau Federal Office Building (FOB).
 - Courtrooms 4 and 6 at the José V. Toledo U.S. Courthouse in Old San Juan.
- B. Facial Masks Requirement:
 - Facial masks are mandatory to enter the Courthouses and the FOB. See District of Puerto Rico's [*Continued Application of Policy of Mandatory Use of Face Masks or Coverings in the Federico Degetau Federal Office Building and Hato Rey Complex of March 7, 2022 and the Continued Application of Policy of Mandatory Use of Face Masks in the José A. Toledo U.S. Courthouse in Old San Juan of March 10, 2022.*](#)
- C. HVAC Systems:
 - Daily inspections of the ventilation systems are being performed.
 - Equipped with a UV Light Disinfection System, killing 99.9% of pathogens.
 - Air conditioning systems are being turned on two (2) hours earlier than usual to increase air exchanges.
 - The amount of air exchanges is 9-12 per hour.
- D. Air Filtration MERV Rating:
 - All existing dynamic air filtration systems provide a Minimum Efficiency Reporting Value (MERV) of 13.
- E. Plumbing:
 - Flushing of the building's water system (drinking fountains, toilets, faucets, etc.) is performed weekly.
- F. Cleaning:
 - Janitorial contracts have been modified and implemented to include specific COVID-19 related requirements. Disinfectants identified as effective against COVID-19 are utilized throughout the Courthouses and the FOB, with high touch surfaces being routinely cleaned.
- G. Hand Sanitizer:
 - Hand sanitizer dispensers have been placed throughout the Courthouse and the FOB.

SOCIAL DISTANCING:

- Although CDC guidelines no longer require social distancing, the USDC-PR will continue to follow social distancing of three (3) feet in most areas, including public seating areas.

FACIAL MASKS:

- Facial masks should be worn at all times, including inside the courtrooms.
- Bandana, t-shirt masks, neck gaiters and balaclavas are NOT permitted.
- Attorneys MUST ensure strict facial mask compliance by their clients, witnesses, and interpreters.

IN-PERSON PROCEEDINGS:

- All visitors and members of the public entering the Clemente Ruíz Nazario and the Toledo U.S. Courthouses are required to wear facial masks or coverings, regardless of vaccination status.
- Effective April 4, 2022, judicial officers may hold an unlimited number of in-person proceedings per day, as in pre-pandemic times. All U.S. district and magistrate judges will hold proceedings at their assigned courtrooms.
- There will be no limit as to the number of in-custody defendants that may be brought to Court.
- The calendar for in-person proceedings will no longer be in effect after April 3, 2022.
- The VTC calendar will remain in place. Judicial officers are encouraged to continue the use of VTC.
- The on-duty magistrate judge will continue to hold initial appearances and other duty-related proceedings exclusively by VTC.
- At the discretion of the presiding judge, court staff may remove their facial masks during court proceedings. Even if allowed by the presiding judge, the removal of face masks or coverings is strictly voluntary. The use of a face shield is highly recommended, particularly in courtrooms with partial or no plexiglass.
- At the discretion of the presiding judge, attorneys may remove their masks when addressing the court or a witness. When not addressing the court, the use of a face mask is mandatory.
- In-custody defendants are not allowed to remove their face masks during court proceedings, even when addressing the court.
- Witnesses/parties requiring the assistance of an interpreter are not allowed to remove their face masks while testifying. A clear mask will be provided.

- The survey monkey used by attorneys to inform the name and vaccination status of those attending court proceedings will no longer be required after April 3, 2022.
- Three (3) feet of social distancing will continue to be followed in each courtroom.
- To comply with social distancing requirements, in-person proceedings will continue to be set at staggered times.
- To comply with social distancing requirements, courtroom capacity limits will be observed.
- Family members and members of the public attending a hearing at the Clemente Ruíz Nazario Courthouse must wait at the courthouse's atrium until the time of the hearing.
- Family members and members of the public attending a hearing on the 4th floor of the FOB (magistrate judge's area) must wait at the 4th floor waiting area ("fishbowl") until the time of the hearing.
- Family members and members of the public attending hearings at the Toledo Courthouse must wait in the designated area in front of the courtroom until the time of the hearing.
- Children under 12 years old are not allowed in the courtrooms. Attorneys are to keep their client's relatives informed.

TRIALS:

- Trials can resume without limitations, including multi-defendant/party trials.
- Jury selection will be held in any of the courtrooms in the Clemente Ruíz Nazario U.S. Courthouse, instead of the atrium.
- Potential jurors must wear a facial mask during the jury selection process.
- Three (3) feet social distancing guidelines will be followed during the jury selection process.
- Jurors must always wear a facial mask, regardless of vaccination status.
- Jurors will be seated in the jury box.
- At the discretion of the presiding judge, court staff may remove their facial masks during trials. Even if allowed by the presiding judge, the removal of face masks or coverings is strictly voluntary. The use of a face shield is highly recommended, particularly in courtrooms with partial or no plexiglass.
- At the discretion of the presiding judge, attorneys may remove their masks when addressing the court, a witness, or a jury. When not addressing the court, the use of a face mask is mandatory.

- Witnesses/parties requiring the assistance of an interpreter are not allowed to remove their face masks while testifying. A clear mask will be provided.

VIDEO CONFERENCING:

- Courtrooms are equipped with video conferencing tools. Attorneys that need to present testimonies by video conference shall seek authorization from the presiding judge prior to trial. If in need, attorneys are to coordinate for the timely training and efficient use of VTC to minimize disruption of court proceedings.

COURTROOM SAFETY MEASURES:

- Disposable microphone covers will continue to be provided for microphones located at the witness' stand and the lectern.
- Clear face masks will be provided to witnesses, ensuring that facial expressions can be observed by the parties/jury.
- All surface areas, including the lectern, counsel tables and interpreter's area should be cleaned after each proceeding by those using them.
- Hand sanitizer, anti-bacterial wipes, disposable masks, and gloves will continue to be available in the courtroom.

SIDEBAR CONFERENCES:

- Sidebar conferences may be held at the side of the bench.

INTERPRETERS:

- Parties should notify the Court in advance if they will be retaining services of an interpreter.

WITNESSES TRAVELING FROM ABROAD:

- Witnesses traveling from abroad need not provide a COVID-19 negative test.

ATTORNEYS' LOUNGE:

- The attorneys' lounge will be accessible during in-person proceedings and/or trials. Full capacity will be allowed.

PUBLIC/MEDIA:

- Press room will be open for in-person proceedings.
- If approved by the presiding judicial officer, members of the media and the public may request access to audio feed, instead of in-person attendance. For more information on how to request access to audio feed, please click on the following link:
<https://www.prd.uscourts.gov/sites/default/files/documents/notices/Final%20Policy%20on%20Media%20Requests%20VTC%20Hearings%205.29.2020.pdf>

CAFETERIA SERVICES:

- Even though cafeteria services are no longer available at the FOB, vending machines offering a variety of sandwiches, snacks and cold drinks are available at the former cafeteria space. There is also a designated seating area and microwaves ovens for those who wish to eat on-site.
- There is also a *Blind Stand Convenience Store* located at the 7th floor of the FOB offering snacks and soft drinks.