



## PROTOCOL FOR IN-PERSON HEARINGS DURING COVID 19 PANDEMIC<sup>1</sup>

The COVID-19 pandemic has proven to be the ultimate disruptor in every facet of life, at a personal and professional level. The Judiciary, not being exempted, has faced unprecedented challenges as it relates to its internal operations and its mission of dispensing justice, while ensuring the health and safety of every participant.

Since the pandemic began, an array of measures, protocols and guidelines have been set in place by the United States District Court for the District of Puerto Rico ("USDCPR") to enable continuity of operations. In devising secured operational protocols, we adhered to the Centers for Disease Control and Prevention ("CDC") recommendations and those issued by federal and state agencies.

The Court has gone to great lengths and taken extraordinary measures in securing the health and safety of our court personnel, jurors, the public and members of the Bar. Among our efforts, the USDCPR retained the expert services of epidemiologist Dr. Julio Cádiz, and a thorough inspection of all court sites and work locations at the José V. Toledo and Clemente Ruiz-Nazario Courthouses and the Federico Degetau Federal Building ("FOB") was conducted<sup>2</sup>. Recommendations to prevent exposure to COVID-19 were obtained for all court facilities regarding social distancing, maximum capacity of individuals per area, sanitation procedures and appropriate air flow/air conditioning system. All recommendations have been implemented to ensure the safety and wellbeing of all.

The following document outlines the general approach and protocol for conducting in-person proceedings. The purpose of this document is to provide jury trial participants with an understanding of the precautions that are being taken district-wide to protect jurors, attorneys, court staff and members of the public during a trial.

Handwritten signature of Gustavo A. Gelpí in black ink.

Hon. Gustavo A. Gelpí  
Chief Judge

Handwritten signature of Aida M. Delgado-Colón in black ink.

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

Handwritten signature of María Antongiorgi in black ink.

María Antongiorgi  
Clerk of Court

March 5, 2021

Date

<sup>1</sup> Prepared by María Antongiorgi, Clerk of Court. Revised by the Honorable Aida M. Delgado, Chair of the Court's Security Committee and Honorable Gustavo A. Gelpí, Chief Judge.

<sup>2</sup> A walkthrough of the FOB and the Ruiz-Nazario Courthouse was performed on July 3, 2020. The Toledo Courthouse was inspected on July 6, 2020.

## **Building Preparation:**

### A. Courtrooms:

In-person hearings will be conducted in Courtrooms 2, 3 and 4 of the Clemente Ruíz-Nazario Courthouse (“CRNC”) in Hato Rey and Courtroom 4 of the Toledo Courthouse (“TC”) in Old San Juan.

### B. 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 Minimum Efficiency Reporting Value (MERV) of 13.

### E. Plumbing:

- Flushing of the building’s water system (drinking fountains, toilets, faucets, etc.) is performed daily.

### F. Cleaning:

- Janitorial contracts have been modified and implemented to include specific requirements to be met for COVID 19. Disinfectants identified as effective against COVID 19 are utilized throughout the Clemente Ruíz Nazario and Toledo Courthouses, and the FOB, with high touch surfaces being routinely cleaned.

### G. Hand Sanitizer:

- Hand sanitizer dispensers have been placed throughout the CRNC, TC and the FOB.

## **Vaccination<sup>3</sup>:**

- Court personnel, including Probation and Pretrial Office Staff, has been vaccinated.
- U.S. Marshals Service staff, including Court Security Officers, has also been vaccinated.

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<sup>3</sup> Inoculation was strictly voluntary for all Court and U.S. Marshal Service personnel.

### **Social Distancing:**

- Courtrooms, Jury Rooms, Witness Rooms, Attorney's Lounge, and the Press Room have been measured to ensure compliance with social distancing guidelines. Accordingly, maximum occupancy in each area has been modified in compliance with distancing requirements.
- The presiding judicial officer will issue an order with the specific maximum occupancy permitted for the courtroom.

### **Health Screening for Courthouse Entrance:**

- Temperature screening will be conducted by court personnel prior to entering the Clemente Ruíz Nazario and Toledo Courthouses. A non-contact infrared temperature detector will be used.
- A health screening will also be conducted by court personnel. Individuals who do not pass the temperature check (100°F or more)<sup>4</sup> or respond "yes" to any screening question will be denied entrance to the Courthouses.

### **Facial Masks:**

- Facial masks should be worn at all times and must NOT be removed unless authorized by the presiding judicial officer.
- Bandana, t-shirts masks, neck gaiters and balaclavas are NOT permitted.
- Attorneys MUST ensure strict facial mask compliance by their clients, witnesses, and interpreters.

### **Video Conferencing:**

- Courtrooms are equipped with video conferencing tools. Attorneys in need to present testimonies by video conference shall seek authorization from the presiding judge prior to the hearing. The Court uses the ZOOM for government platform.

### **Courtroom Safety Measures:**

- All courtrooms have been measured to ensure compliance with distancing requirements. Maximum occupancy varies by court and will be notified by the presiding judge.

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<sup>4</sup> According to the CDC, a person is considered to have "fever" when he/she has measured temperature of 100.4°F. Nonetheless, the Court will not permit the entrance on any individual with over 100°F temperature.

- Counsel tables have been also measured. Maximum occupancy per table varies per courtroom and will be notified by the presiding judge. Attorneys will have an assigned seat and microphone to be used at counsel table.
- Walking around the courtroom is prohibited.
- Plexiglasses have been installed around the upper and lower bench, witness stand, interpreter's area, and the lectern.
- Disposable microphone covers will be provided for microphones located at the witness stand and the lectern. Microphone covers will be replaced after each witness/speaker.
- Seat and surface of the witness stand will be cleaned upon conclusion of each witness' testimony.
- Parties must provide transparent face masks to its witnesses, ensuring that facial expressions can be observed during testimonies.
- All surface areas, including the witness stand, lectern, counsel tables and interpreter's area will be cleaned and disinfected between hearings. Cleaning process will be done using CDC approved cleaning supplies.
- Hand sanitizer, anti-bacterial wipes, disposable masks, and gloves will be available in the courtroom.

**Sidebar Conferences:**

- A two-way radio will be used to conduct sidebars. Attorneys are encouraged to bring their own wired headphones. Wireless headphones (Air Pods, Beats, etc.) cannot be used. During a sidebar, all participants will remain in their seats to comply with social distancing requirements.

**Interpreters:**

- Parties should notify in advance if they will be using an interpreter.

**Witnesses Traveling from Abroad:**

- Parties should notify in advance of any witnesses traveling from abroad to provide in-person testimony. The party presenting the witness must instruct the witness to take all necessary safety precautions to avoid exposure to COVID 19.

**Witness Rooms:**

- Witness rooms will have assigned seating in compliance with distancing requirements.
- Parties must inform in advance the number of witnesses to be presented, if any.
- Hand sanitizer, anti-bacterial wipes, masks, and gloves will be available at the witness room.

**Attorney's Lounge:**

- The attorneys' lounge will be opened for in-person hearings. To safeguard distancing requirements, capacity is limited to two (2) attorneys at the time.

**Public/Media:**

- If approved by the presiding judicial officer, members of the media and the public may be present during a hearing. Spaces will be limited to abide by distancing requirements. Members of the press and the public may request access to audio feed, instead of in-person attendance.

**Cafeteria Services:**

- Cafeteria Services will not be available at the FOB.