

County of Santa Clara

Public Health Department

976 Lenzen Avenue
San José, California 95126
(408) 885-4214



December 11, 2020

VIA EMAIL

Presiding Judge Deborah Ryan
Superior Court of California, County of Santa Clara
191 North First Street
San José, California 95113
DRyan@scscourt.org

Dear Presiding Judge Ryan,

Thank you for the opportunity to continue to collaborate with the Santa Clara County Superior Court on COVID-19 infection prevention. Following up on my colleague Dr. Sarah Rudman's visit to the Hall of Justice earlier this year and the ongoing dialogue between the Public Health Department and court system stakeholders since that time, I was pleased to be able to tour the Hall of Justice on November 3rd, 2020, and participate in a video discussion with the judges on November 6th.

Because Dr. Rudman's visit occurred several months ago, and was a prospective visit in advance of the Superior Court reopening for more in-person proceedings, my tour was useful so that Public Health could review adherence to existing infection control policies and assess the need for any additional recommendations.

My recommendations based on my November 3rd visit are listed below.

- 1. Reduce Volume of In-Person Proceedings:** Unfortunately, our community is currently in an exponential growth phase of the COVID-19 pandemic (i.e., a "winter surge"), and we have far surpassed the highest case counts and hospitalizations of COVID-19 we have ever had historically in Santa Clara County. This surge may last for the next two to three months. Against that backdrop, from a public health standpoint I recommend reducing the volume of in-person court proceedings as much as possible.

I know the Superior Court and its partners have already worked hard to minimize in-person appearances by extending statutory trial deadlines, holding civil appearances telephonically or by videoconference, setting up the technology required so that even incarcerated persons can make video appearances in criminal cases, and more. I also understand that certain litigants (especially in criminal cases) may have a right to appear in-person for their court hearings if they do not choose to waive that right. But if it is possible to make further reductions, I urge the Superior Court and its partners to work together to minimize as much as possible the volume of in-person proceedings. Continuing to limit courthouse access so that no one other than parties, counsel, and witnesses can attend any in-person proceeding, as you

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ordered in March and again on December 1, also remains a very important measure to reduce crowding.

2. **Entryways:**

- a. *Symptom Checking:* I recommend that the Court post large COVID-19 Symptoms posters at each entryway to the courthouse. The County provides posters on its website that anyone can print and post: <https://www.sccgov.org/sites/covid19/Pages/learn-what-to-do-flyers.aspx>). I further recommend posting a deputy at each entryway to point to the poster and ask every employee or visitor entering whether they have any symptoms. No one who answers “yes” to having any symptom should be permitted to enter.
- b. *Face Coverings:* The staff person posted at the entryway should also ensure everyone entering the facility is wearing a face covering over their mouth and nose. Staff should have a supply of surgical masks on hand for anyone who attempts to enter without a face covering, or with a face covering that does not comply with Court policy (e.g., a neck gaiter or a mask with an exhalation valve).

3. **Ventilation:** Adequate ventilation is critical to making indoor spaces safer. Therefore, I recommend the following:

- a. *Exterior Doors:* If possible, prop open all exterior doors at all times during business hours to ensure the air inside can flow out of the building. This helps prevent the virus building up inside the air in the building.
- b. *Interior Doors:* I was told during our conversation that the courthouse windows are not operable. Several of the judges asked me, however, about propping open doors leading into courtrooms to improve ventilation inside the courtrooms and interior hallways. I recommend doing so if possible.
- c. *Hallways/Waiting Areas:* Propping open courtroom doors may require prohibiting or limiting people from waiting in the hallways outside of the courtrooms, to ensure court proceedings are not disrupted by conversations or other noise. Crowding in the hallways outside courtrooms is also a public health concern, and I did observe some crowding during my visit. The Court’s new procedures on metering and capacity limitations (issued on December 7) should help address this concern for public spaces like hallways, but if people are permitted to wait in these hallways, I recommend specifically limiting each hallway to a maximum occupancy of 6 people. This may require implementing a new waiting system, such as directing people to wait for their court hearings inside an empty courtroom (which should also

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have maximum occupancy limits and enforcement of face covering and social distancing requirements).

- d. *HVAC System:* To further improve ventilation in the courthouses, I recommend (1) ensuring that the HVAC system is always running (i.e., that it does not turn off if it reaches a set temperature) to ensure constant airflow; (2) confirm that the airflow was increased 20%; and (3) installing HVAC filters rated MERV 13 or higher, if they are not already in place. The Public Health Department's recent *Guidance for Ventilation and Air Filtration Systems (COVID-19)* (available at <https://www.sccgov.org/sites/covid19/Pages/business-guide.aspx#ventilation>) provides more information.
4. **Elevators:** Dr. Rudman recommended that the maximum occupancy in the Hall of Justice elevators be limited to three people at a time for the larger main elevators, and two people at a time for the smaller rear elevators. She recommended posting signs outside the elevator banks on each floor notifying the public of these occupancy limits, but I did not see signage during my visit. I recommend posting signage to ensure occupancy limits inside elevators are followed, and also pointing arrows toward the stairwells to encourage people to use those instead.
 5. **Break Rooms:** Consistent with Public Health Department recommendations or requirements for other workplaces, and building on Dr. Rudman's recommendation to close food carts/cafeteria spaces, I strongly recommend that the Superior Court close all break rooms except to use the refrigerator or microwave. Because they involve being in proximity with others without a face covering on, employee break rooms are one of the single most significant drivers of workplace COVID-19 transmission that we have observed. With break rooms closed, employees should be required to eat at their own desks/workspaces or in their vehicles or outdoors (which is preferred if possible). If employees want to eat with coworkers, they should be permitted to do so only outdoors with at least 6 feet of distance between them.
 6. **Jury Selection Room:** I understand that due to the continued rise of community transmission of COVID-19, the Court, as of December 7, has temporarily ceased civilian jury duty from December 7 to December 31, and I wholeheartedly agree with this decision. When jury duty resumes, I recommend the Court reduce the number of people in the jury selection room to a maximum occupancy of 20. In addition, I recommend reducing the number of people permitted to wait in the 2nd floor hallway outside of the jury selection room to 6-8. I also recommend that the Court consider placing air filtration devices with HEPA filters inside these areas and in any other rooms and hallways that are more heavily occupied.
 7. **Enforcement:** Of course, Dr. Rudman's and my recommendations, as well as the Court's orders on COVID-19 infection prevention, are effective only if everyone working or doing business in the courthouses follows them. To that end, I believe

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consistent enforcement throughout the Superior Court facilities is critical. I recommend that judges enforce face covering and social distancing requirements inside their courtrooms, and that deputies or other designated staff enforce these and other rules in courthouse spaces outside of the courtrooms.

- 8. Staff Testing and Precautions:** Finally, I recommend the Superior Court encourage all staff to be tested for COVID-19 on a monthly basis (and up to once every two weeks, if they wish). In addition, consistent with other workplaces in the County, the Court should instruct all staff not to come to work if they have symptoms of COVID-19, or had close contact with someone with confirmed COVID-19 infection (particularly if they live with the person, as cohabitation creates such significant and prolonged contact).

My colleagues and I greatly appreciate your ongoing commitment to public safety in the face of the current pandemic and your willingness to partner with the Public Health Department. I was very pleased to see that on November 3rd you issued an Amended General Order Regarding Face Coverings Required In Courthouses, which adopted the Public Health Department's latest recommendations regarding appropriate face covering use as mandatory requirements to enter Superior Court facilities. Your latest Order limiting courthouse access to essential parties, and announcement of Court metering procedures and capacity requirements to limit the population in the courthouses to safe levels, also show real leadership through rapid action that will save lives. I look forward to continuing to partner with you on protecting the health and safety of everyone who uses our court system, and would be happy to answer any questions you have about the above recommendations.

Sincerely,

A handwritten signature in black ink that reads "G Han MD, MPH". The signature is stylized and cursive.

George Han, MD, MPH
Deputy Health Officer