

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

IN RE: PARTIAL SEQUESTRATION OF
GRAND JURIES 19-1, 19-5 AND 20-1 FOR
PURPOSES OF PROVIDING LUNCH AND
MINIMIZE RISK OF EXPOSURE TO AND
COMMUNITY TRANSMISSION OF
COVID-19

Standing Order 20-55 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of the circumstances created by the COVID-19 pandemic,
including—

1. In-person proceedings have been suspended in this Court until at least July 15, 2020 and all jury trials have been suspended in this Court until at least August 1, 2020 due to concerns about in-person gatherings in light of prevailing public health and safety guidance. *See In re: Further Extensions of Postponed Court Proceedings in Standing Order 20-9 and Limiting Court Operations in Exigent Circumstances Created by the COVID-19 Pandemic*, Standing Order 20-29 (BAH) (May 26, 2020);
2. All grand jury sessions have been suspended in this District since March 17, 2020, *see id.* ¶ 7.
3. Due to law enforcement investigative needs, at the request of the United States Attorney's Office for the District of Columbia, Grand Juries 19-1, 19-5 and 20-1 will resume active grand jury sessions during the week of June 29, 2020.
4. During and after the week of June 29, 2020, operations within the E. Barrett Prettyman United States Courthouse and the William B. Bryant Annex will continue to be subject to

special restrictions designed to mitigate the risk of spreading COVID-19, and the cafeteria will remain closed. *See, e.g., id.* (outlining “special conditions and accommodations to ensure compliance with all pertinent health and safety guidance from local and federal health authorities,” such as “restricting access” to the Courthouse); *In Re: Restrictions on Courthouse Visitors*, Standing Order No. 20-8 (BAH) (March 13, 2020); *In Re: Use of Face Coverings or Masks in Public Areas of the E. Barrett Prettyman Courthouse and the William B. Bryant Annex During COVID-19 Pandemic*, Standing Order No. 20-26 (BAH) (April 27, 2020).

5. The Court has taken special precautions to protect the health and safety of grand jurors, including: (1) arranging a larger meeting space for grand juries so that physical distancing can be maximized, with seats measured and marked; (2) requiring all visitors to the Courthouse, including grand jurors, to maintain appropriate physical and social distancing, including in restrooms and elevators, which will be marked with appropriate signage; (3) designating specific entrances and elevators for use by grand jurors only at particular times; (4) requiring all visitors, including grand jurors to wear facial coverings or masks while in the Courthouse, and providing grand jurors with masks and requiring their use during grand jury sessions and breaks, and requiring other participants in grand jury sessions to also wear masks or facial coverings; (5) providing hand sanitizer and disinfecting wipes at the grand jury meeting rooms and throughout the Courthouse; (6) reducing the frequency of grand jury sessions so that no grand jury meets more than once per week; (7) extending the terms of each grand jury by six months in order to avoid an immediate need for additional grand jury impanelments; (7) arranging for the use of videoconferencing as feasible for grand jury witnesses and attorneys; (8) providing

enhanced cleaning for spaces used by grand jurors and limiting use of the those spaces to grand juries only; (9) providing on-site parking for grand jurors; (10) asking grand jurors to complete a health self-assessment before reporting to the Courthouse for grand jury service; and (11) proving a questionnaire to grand jurors so that they may communicate concerns and issues about grand jury service to the Court.

6. Notwithstanding being advised of the above precautions, a number of grand jurors have expressed concerns about the resumption of grand jury service and their health and safety, and those of their families, given the ongoing COVID-19 pandemic. Such concerns have prompted some grand jurors to request to be excused, some of which requests have been granted with appointment of alternate grand jurors in their stead.
7. The Court finds that it is necessary to partially sequester Grand Juries 19-1, 19-5 and 20-5 on the days of their service during lunch breaks, in order to minimize additional, unnecessary health risks that would accrue if some or all of the jurors were to leave the Courthouse during lunch breaks and then return, and to assuage the concerns of grand jurors about further risk. In addition, the Court finds that lunch and other breaks must be limited in duration in order to maximize the time spent in session each day, given that each grand jury will now meet only one day per week instead of two.
8. The Court is authorized, under 28 U.S.C. § 1871(e), to order the provision of the “actual cost of subsistence” to grand jurors, rather than the subsistence allowance normally paid to jurors pursuant to 28 U.S.C. § 1871(d), when “a jury is ordered to be kept together and not to separate” for their “convenience and comfort.” 28 U.S.C. § 1871(e).

9. The Court further finds that to effectuate partial sequestration of Grand Juries 19-1, 19-5 and 20-5, the lunches for the members of these grand jurors should be provided and paid for directly by the Court, in accordance with 28 U.S.C. § 1871(e).

Accordingly, it is hereby

ORDERED that the members of the Grand Juries 19-1, 19-5 and 20-1 are ordered to be partially sequestered and kept together in the Courthouse during scheduled lunch breaks on the days of their service; and it is further

ORDERED that the Clerk of Court shall provide lunch to the members of Grand Juries 19-1, 19-5 and 20-1 on their days of service, and pay for the cost of such lunches directly, in accordance with 28 U.S.C. § 1871(e), and in lieu of the lunch subsistence allowance normally payable under 28 U.S.C. § 1871(d).

ORDERED that this partial sequestration order shall take effect June 29, 2020 and shall remain in effect until September 14, 2020 or until the cafeteria in the Courthouse re-opens for business, whichever date is earlier.

SO ORDERED.

Date: June 30, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge