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**EVERETT MUNICIPAL COURT
SNOHOMISH COUNTY, WASHINGTON
OFFICE OF THE PRESIDING JUDGE**

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IN RE:

**CORONAVIRUS/COVID-19
PRECAUTIONARY MEASURES V**

**GENERAL ADMINISTRATIVE
ORDER NO. 2020 – 08**

This Court finds that there is a public health emergency caused by the spread of Coronavirus/COVID-19 in all Washington counties, including Snohomish County, and that an order to suspend certain court rules and to take further actions concerning court operations is needed to promote the safety of court employees, court participants and the general public; and

WHEREAS, on March 4, 2020, the Chief Justice issued Order No. 25700-B-602 in response to this public health emergency that affects the operation of trial courts in Washington, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, as warranted to address this emergency;

WHEREAS, on March 13, 2020, Governor Jay Inslee ordered the closure of all schools in the State and, on March 16, 2020, ordered closure of all bars, restaurants and clubs in the State, in addition to limiting gatherings to no more than 50 people.

WHEREAS, on March 18, 2020, Washington State Supreme Court Chief Justice Debra Stephens issued Order No. 25700-B-606, requiring this Court to adopt additional measures to address this public health emergency and giving this court authority to adopt more restrictive measures, as needed,

**NOW, THEREFORE, EFFECTIVE MARCH 19, 2020, UNTIL THIS ORDER IS
RESCINDED OR MODIFIED, IT IS HEREBY ORDERED:**

- 1 1. Everett Municipal Court will continue to remain open during this emergency, at least
2 until further order of this court. Staff are required to report to work unless otherwise
3 directed. Staff who have underlying health issues or are feeling sick, running an
4 elevated temperature, or experiencing a cough or other respiratory problems are
5 directed to remain at home and take leave in accordance with City policy.
- 6 2. The Probation Department shall convert any face-to-face meetings with defendants on
7 probation to telephonic meetings, unless impossible. The Probation Department may
8 continue to have face-to-face meetings, as necessary, if social distancing and other
9 public health safety requirements can be met.
- 10 3. The Jury Terms of March 23-24, 2020, April 6-7, 2020, and April 20-21, 2020, are
11 cancelled.
- 12 4. Out-of-Custody Arraignments: All out-of-custody arraignments currently scheduled
13 shall be continued until after April 30. All out-of-custody arraignments not already
14 scheduled, shall be set at least 60 days out from the date of violation when notice is
15 served on the defendant. In cases where defendant is summoned for arraignment,
16 such arraignment shall be scheduled at least 60 days out from date of filing. Good
17 cause exists under CrRLJ 4.1 to extend the arraignment dates. The new arraignment
18 date shall be considered the “initial commencement date” for purposes of establishing
19 the time for trial under CrRLJ 3.3(c)(1).
- 20 5. Prosecutorial Offer of Diversion (POD) review hearings: POD review hearings shall
21 be continued to a date after April 30, 2020. Personal appearance for future hearings
22 is waived for any defendant who has fully complied with the terms of their POD
23 agreement. The City may present an ex parte motion to dismiss any POD where all
24 requirements have been completed.
- 25 6. Criminal hearings: Pretrial hearings, readiness hearings, pretrial licensing hearings
and trial call hearings currently set before April 30, 2020, shall be stricken and are
continued until after April 30, 2020.
7. Competency hearings: Out-of-custody competency hearings shall be continued until
after April 30, 2020, except that the court, upon review, may order individual cases to

1 remain set as currently scheduled if the court finds that a public safety emergency
2 exists. **In-custody competency hearings will continue to be heard on the jail calendar.**

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8. **Motions:** All criminal motions currently calendared before April 30, 2020, with the exceptions noted below, are stricken from the calendar and may be re-noted after April 30, 2020. However, the following hearings are determined to be necessary and may be heard subject to a maximum calendar limitation of ten hearings:
 - a. Motions to review pre-trial release conditions
 - b. Protected party motions to rescind/modify No Contact Orders
 - c. Any other emergency motion with the consent of the Court
 9. **Order to Surrender Weapons compliance hearings:** Firearms compliance hearings will remain as currently set and will continue to be set for review on the Wednesday motions calendar. Such hearings do not count toward the ten hearing maximum for the Wednesday motions calendar.
 10. **Probation Review Hearings:** All probation review/revocation hearings currently set before April 30, 2020, are continued to a date after April 30, 2020, except that the Court, upon review, may order individual cases to remain set as currently scheduled if the court finds that a public safety emergency exists. Such continuances will toll jurisdiction for post-conviction cases and Court Monitored Deferral (CMD) cases. Probation hearings may also be specially set as needed where the court finds that a public safety emergency exists.
 11. **Pretrial violation hearings:** Hearings to address pretrial release conditions/alcohol monitoring violations may be specially set by the Court upon a finding that a public safety emergency exists.
 12. **Mental Health Alternatives Program (MAP) hearings:** MAP hearings and MAP staffing will be suspended until after April 30, 2020. Participants must continue to abide by all other program requirements, including treatment, and must continue to contact the MAP liaison as required.
 13. **Administrative hearings:** Administrative hearings (e.g. impound hearings, dog hearings, etc.) may be scheduled on a case-by-case basis by court order, as needed.

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14. Per the Chief Justice's order No. 25700-B-606, continuance of these criminal hearings and trials is required in the administration of justice. Based upon that court's finding that the serious danger posed by COVID-19 is good cause to continue criminal jury trials, and constitutes an unavoidable circumstance under CrRLJ 3.3(e)(8), the time between the date of this order and the date of the next scheduled trial date are excluded when calculating time for trial. CrRLJ 3.3(e)(3).
 15. For all hearings and trials reset pursuant to this order, the Court will provide notice of new hearing dates to the City, defense counsel, and unrepresented defendants. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters while this order is in effect. Defense counsel shall provide notice to defendants of new court dates provided pursuant to this order.
 16. Telephonic appearances are allowed for all scheduled criminal hearings between now and April 30, 2020, subject to the following requirements based on telephonic/recording equipment limitations:
 - a. Defense counsel and defendant must be available at the same phone number to allow for client/attorney confidentiality.
 - b. For interpreter matters, the interpreter, defendant and defense attorney must be together in one location and must be available at the same phone number.
 - c. For multi-party hearings and hearings with witnesses, such as protected party motions to rescind/modify No Contact Orders, the protected party or one witness may appear telephonically, and all other parties must be present in person.
 17. Jail calendars: Jail calendars will continue to be heard daily via video and shall be limited to a maximum of twenty defendants per calendar. With the consent of the Court and subject to this limit, motions for release, TRO, and bail review may be heard on the jail calendar.
 18. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed.
 19. Ex Parte No Contact Orders: The Court may enter an ex parte No Contact Order where a citation or complaint is filed with the Court and the Court finds probable

1 cause for a domestic violence offense, stalking offense or harassment offense. Such
2 order may be served upon the defendant by mail.

3 20. Cases with outstanding bench warrants: Between now and April 30, 2020, any
4 defendant with an outstanding warrant in this court may appear at the front counter to
5 get a new court date and such warrant will be recalled. Warrant recall fees are
6 waived while this order remains in effect.

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8 DATED this 19th day of March, 2020

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12 **HON. AMY KAESTNER**
13 **PRESIDING JUDGE**
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