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

IN RE:

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

**GENERAL ADMINISTRATIVE
ORDER NO. 2020 – 20**

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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;

WHEREAS, on April 2, 2020, Governor Inslee extended his state-wide mandatory Stay Home order through May 4, 2020;

WHEREAS, on April 29, 2020, Chief Justice Stevens issued a Second Revised and Extended Order Regarding Court Operations, giving further guidance to this Court concerning

1 expansion of suspended operations and extending this Court's authority to adopt, modify, and
2 suspend court rules and orders, as warranted to address this emergency;

3 WHEREAS, on May 1, 2020, Governor Inslee again extended his state-wide mandatory
4 Stay Home order through May 31, 2020;

5 WHEREAS, on May 29, 2020, Chief Justice Stevens issued an Amended Third Revised
6 and Extended Order Regarding Court Operations, which again authorized courts in Washington
7 to adopt measures to protect health and safety during this public health emergency;

8 WHEREAS, Governor Inslee's state-wide Stay Home, Stay Healthy order expired at
9 11:59 pm on May 31, 2020 and the Governor immediately instituted a state-wide Safe Start order
10 requiring significant continued phase-specific public safety restrictions;

11 WHEREAS, on June 5, 2020, Snohomish County was approved to move to Phase Two of
12 the Governor's Safe Start protocol, allowing some easing of public health restrictions, but also
13 continuing restrictions on public gatherings and requiring other continued significant measures to
14 ensure public safety, including a requirement for safe distancing in all indoor and outdoor
15 settings;

16 WHEREAS on October 13, 2020, the Chief Justice issued Order No. 25700-B-646, its
17 Fourth Revised and Extended Order Regarding Court Operations, stating that in all court
18 operations, courts should follow the most protective public health guidance applicable in their
19 jurisdiction, and that individual courts have the authority to adopt more restrictive measures to
20 protect health and safety when necessary and as circumstances warrant;

21 WHEREAS, on November 16, 2020, in response to rapidly increasing state-wide
22 transmission of COVID-19, Governor Inslee re-imposed and/or expanded public health
23 restrictions limiting indoor gatherings, prohibiting certain activities, and closing certain
24 businesses, while again recognizing that Courts provide essential services;

25 WHEREAS public health dictates that the court take certain measures and pursuant to the
authority of Washington Supreme Court Order No. 25700-B-646,

**NOW, THEREFORE, EFFECTIVE NOVEMBER 19, 2020, GENERAL
ADMINISTRATIVE ORDER 2020-16 AND 2020-19 ARE SUSPENDED UNTIL
JANUARY 4, 2021 AND, UNTIL JANUARY 4, 2021, IT IS HEREBY ORDERED :**

1. Everett Municipal Court will continue to remain open during this emergency, at least until further order of this court. Staff are required to report to work unless otherwise directed. Staff who have underlying health issues or are feeling sick, running an elevated temperature, experiencing chills or muscle pain, experiencing a cough, sore throat, headache, new loss of taste or smell, or other respiratory problems are directed to remain at home and take leave in accordance with City policy. While at work staff are required to maintain social distancing requirements and follow emergency health directives as ordered by the Presiding Judge.
2. The Probation Department shall continue to have telephonic/remote meetings with defendants, whenever possible. The Probation Department may continue to have face-to-face meetings, as necessary, if social distancing and other public health safety requirements can be met. MRT classes shall be conducted remotely until January 4, 2021.
3. The Jury Terms of November 30-December 1, December 14-15, and December 28-29, 2020 are cancelled. Bench Trials currently set shall be continued to a date after January 4, 2021.
4. Out-of-Custody Arraignments: Except for DUI/Physical Control or any domestic violence cases set from Sunday jail calendars, all arraignments shall be continued until after January 4, 2021. Arraignments on new DV arrests shall be set to the next court day at 11am. Arraignments on new DUI arrests shall be set to the next Wednesday at 11am. To the extent that this order is in conflict with CrRLJ 4.1 time for arraignment requirements, such rule is hereby suspended and/or modified so long as this order is in effect.
5. Out-of-Custody Criminal hearings: Pretrial/Readiness/Disposition hearings currently set before January 4, 2021, shall be continued until after January 4, 2021. To the extent that this order results in trial dates outside the time for trial limits under CrRLJ 3.3, such rule shall be suspended and/or modified so long as this order is in effect.
6. Competency hearings: Out-of-custody competency hearings will be continued until after January 4, 2021.


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7. **Motions:** All criminal motions currently calendared before January 4, 2021, with the exceptions noted below, are stricken from the calendar and may be re-noted after January 4, 2021. However, the following hearings are determined to be necessary and may be heard on the Wednesday motions calendar, subject to a maximum calendar limitation of ten defendants per calendar:
 - a. Motions to quash non-recallable warrants
 - b. Motions to review pre-trial release conditions
 - c. Protected party motions to rescind/modify No Contact Orders
 - d. Any other motion with the consent of the Court
 8. **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 defendant maximum for the Wednesday motions calendar.
 9. **Show Cause, Prosecutorial Offer of Diversion (POD) review hearings and other probation hearings:** All probation review/revocation hearings currently set before January 4, 2021, shall be continued to a date after January 4, 2021, except that the Court, upon review, may order individual cases to remain set as currently scheduled in the interest of public safety. Probation hearings may also be specially set as needed by the court to address matters affecting public safety.
 10. **Pretrial violation hearings:** Hearings to address pretrial release conditions/alcohol monitoring violations shall be heard on an emergent basis on the Wednesday motions calendar, where space is available, or may be specially set by the Court.
 11. **Mental Health Alternatives Program (MAP) hearings:** MAP hearings will continue to be heard as currently scheduled.
 12. **Jail calendars:** Jail calendars will continue to be heard daily and shall be limited to a maximum of twenty defendants per calendar. In-custody Readiness hearing will also continue to be heard as currently set. With the consent of the Court and subject to this limit, motions for disposition, motions for release, TRO, and bail review may be heard on the jail calendar.

- 1 13. Any continuance of criminal hearings and trials pursuant to this order is required to
2 protect public health in the administration of justice. Based upon the Washington
3 Supreme Court's finding that the serious danger posed by COVID-19 is good cause to
4 continue criminal jury trials, and constitutes an unavoidable circumstance under
5 CrRLJ 3.3(e)(8), the time between the date of this order and the date of the next
6 scheduled trial date are excluded when calculating time for trial. CrRLJ 3.3(e)(3).
- 7 14. Administrative hearings: Administrative hearings (e.g. impound hearings, dog
8 hearings, etc.) may be scheduled on a case-by-case basis by court order, as needed.
- 9 15. Infraction and Parking hearings: Infraction and Parking hearings shall only be heard
10 by mail or via Microsoft Teams until January 4, 2021, subject to calendar limits set
11 by the court, as needed. Any contested hearings requiring live witnesses shall be
12 continued to a date after January 4, 2021. Matters may be reset as needed by the
13 Court to meet calendar limits. The time for hearing periods set out in IRLJ 2.6 are
14 suspended and all continuances pursuant to this order shall be excluded periods.
- 15 16. For any hearings and trials reset pursuant to this order, the Court will provide notice
16 of new hearing dates to the City, defense counsel, and unrepresented defendants.
17 Defense counsel shall provide notice to defendants of new court dates provided
18 pursuant to this order.
- 19 17. Remote appearance is required, where possible and unless otherwise ordered by the
20 court, for all hearings not suspended by this order. Except for jail calendars,
21 Microsoft Teams will be used for all calendars and hearings. Microsoft Teams video
22 links, phone-in instructions and meeting ID numbers will be provided to all attorneys
23 and unrepresented defendants/respondents by court staff. A defendant's presence
24 may also be waived by the court where appropriate and upon defense motion. Where
25 court matters must be heard in person, social distancing and other public health
measures must be strictly observed.
18. 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
cause for a domestic violence offense, stalking offense or harassment offense. Such
order may be served upon the defendant by mail.

1 19. Other Ex Parte Orders: Agreed Orders of any kind may be presented for ex parte
2 review. Where possible, such orders should be filed at least 24 hours prior to any
3 pending court date. Defense counsel is not required to obtain signatures from
4 defendants on orders to continue criminal matters while this order is in effect.

5 20. Cases with outstanding bench warrants: Unless a case-specific exception is noted by
6 the Court when issuing a bench warrant, any defendant with an outstanding warrant in
7 this court may appear at the front counter to get a new court date and such warrant
8 will be recalled. Warrant recall fees are waived while this order remains in effect.

9 DATED this 17th day of November, 2020.

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