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

IN RE:

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

**GENERAL ADMINISTRATIVE
ORDER NO. 2022 – 01**

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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, Washington State Supreme Court Chief Justice Debra Stephens (“Chief Justice Stephens”) 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, Chief Justice 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 statewide mandatory Stay Home order through May 4, 2020;

WHEREAS, on April 29, 2020, Chief Justice Stephens 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 statewide mandatory
4 Stay Home order through May 31, 2020;

5 WHEREAS, on May 29, 2020, Chief Justice Stephens 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 statewide Stay Home, Stay Healthy order expired at
9 11:59 p.m. on May 31, 2020 and the Governor immediately instituted a statewide Safe Start
10 order 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, Chief Justice Stephens issued Order No. 25700-B-646,
17 its 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 statewide
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, on December 30, 2020, Governor Inslee extended public health restrictions,
effective immediately, due to a COVID-19 outbreak surge that he found, based on evidence of
how the virus is spread and risk factors that increase the risk for person-to-person COVID-19
transmission, puts Washington's people, health system and economy in as dangerous a position
as was faced in March 2020;

1 WHEREAS, Governor Inslee’s December 30, 2020 extension of public health restrictions
had an expiration date of 11:59 p.m. January 11, 2021 unless otherwise extended;

2 WHEREAS, Governor Inslee modified and extended public health restrictions
3 indefinitely, based on a new phased reopening plan, and on March 22, 2021, Snohomish County
4 entered Phase III of the reopening plan; and

5 WHEREAS, the Governor, on June 30, 2021, has ordered a full reopening of all
Washington counties and removed most pandemic restrictions due the wide availability of
6 effective vaccines; and

7 WHEREAS, while the state of emergency, as declared by the Governor, remains, there
8 has been a significant improvement in the number and severity of COVID-19 cases throughout
9 the State of Washington, and the Governor and Snohomish Health District have rescinded the
indoor mask mandate, effective March 12, 2022; and

10 WHEREAS, COVID-19 continues to circulate in Snohomish County and the public
11 health precautions authorized by the Washington Supreme Court continue to permit that this
12 Court take certain measures to protect the safety of court participants and the public, and
13 pursuant to the authority of Washington Supreme Court Orders described herein;

14 **NOW, THEREFORE, EFFECTIVE MARCH 14, 2022, GENERAL**
15 **ADMINISTRATIVE ORDERS 2021-02 AND 2021-03 ARE RESCINDED AND IT IS**
16 **HEREBY ORDERED:**

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- 18 1. Everett Municipal Court will continue to remain open during this emergency until
19 further order of this Court. Staff who are feeling sick or exhibiting any new
20 symptoms of illness are directed to remain at home and take sick leave in accordance
21 with City policy. Staff with a known exposure to COVID-19 shall consult with Court
Administration, Human Resources (HR), and shall abide by all applicable public
22 health directives.
 - 23 2. Masks are strongly recommended, but not required, in the courthouse. Staff are not
24 required to wear masks while working but are strongly encouraged to wear a mask
when not seated at their workstations.

- 1 3. Probation Counselors may continue to allow telephonic/remote meetings with
2 defendants and may exercise their discretion when deciding whether to require in
3 person meetings. MRT classes shall transition to an in-person format.
- 4 4. Jury Trial procedures will continue to be governed by General Administrative Order
5 (GAO), 2020-16, as amended effective March 14, 2022, until further order of the
6 Court. To the extent that this Order is inconsistent with the provisions of GAO 2020-
7 16, this Order shall control.
- 8 5. Out-of-Custody Arraignments:
 - 9 a. Wednesday and Friday 8:30/9:30am Arraignment calendars shall be limited to
10 twenty defendants per calendar. Arraignments on new DV arrests shall be set
11 to the next court day at 11:30am. Arraignments on new DUI arrests shall be
12 set to the next Wednesday at 8:30am. DUI and DV cases filed by the City
13 Prosecutor's Office shall be set to the next available 8:30/9:30am arraignment
14 calendar that allows for proper summons to be issued to the defendant. To the
15 extent that this order is in conflict with CrRLJ 4.1 time for arraignment
16 requirements, such rule is hereby suspended and/or modified so long as this
17 order is in effect.
 - 18 b. In person appearance is required for arraignments, unless arraignment has
19 been properly waived, in accordance with CrRLJ 4.1 and applicable statutes.
- 20 6. Out-of-Custody Criminal hearings:
 - 21 a. Pretrial and Readiness calendars shall be subject to a forty defendant per
22 calendar limit. In-custody defendants shall not count toward these calendar
23 limits. Where necessary to maintain these limits, initial case settings for
24 pretrial and trial dates for out-of-custody defendants may be set beyond the
25 time for trial limits in CrRLJ 3.3 and cases already set may also be continued
by the court beyond such limits. Based upon the Supreme Court's finding that
the serious danger posed by COVID-19 is good cause to continue criminal
trials, and constitutes an unavoidable circumstance under CrRLJ 3.3(e)(8), to
the extent that this order results in trial dates outside the time for trial limits

1 under CrRLJ 3.3, such rule shall be suspended and/or modified so long as this
2 order is in effect.

3 b. Defendants are encouraged to appear through counsel for all Pretrial hearings
4 and Readiness hearings unless otherwise ordered by the Court, in accordance
5 with CrRLJ 3.4. Remote appearance via Microsoft Teams is also permitted
6 for Pretrial and Readiness hearings.

7 c. Defense counsel is not required to obtain signatures from defendants on orders
8 to continue criminal matters while this order is in effect. Ex parte review is
9 authorized and preferred for agreed orders.

10 d. In person attendance is required for all disposition hearings, including
11 Changes of Plea, entry of Court Monitored Deferrals and Prosecutorial Offers
12 of Diversion (PODs), and entry of Deferred Prosecutions. Changes of Plea,
13 entry of Court Monitored Deferrals and Prosecutorial Offers of Diversion,
14 may be heard at Pretrial, Readiness and Disposition/Motion calendars, unless
15 otherwise ordered by the Court. Any entry of a Deferred Prosecution shall be
16 noted for an available Wednesday Motion calendar.

17 7. Language Assistance Calendars: In person appearance by the defendant, interpreter
18 and attorneys is required for Language Assistance calendars. Language Assistance
19 calendars shall be subject to a fifteen defendant per calendar limit. Remote
20 interpreter hearings may be special set by the Court as needed.

21 8. Competency hearings: Out-of-custody competency hearings will be set to Monday
22 morning disposition/motions calendars, subject to a fifteen defendant per calendar
23 limit. In person appearance is required for competency hearings.

24 9. Motions: Motion calendars shall be subject to a fifteen defendant per calendar limit,
25 except where cases beyond that limit are approved by the Court. The following
hearings are determined to be especially time-sensitive and shall have preference over
other types of motion hearings:

- 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 emergency motion with the consent of the Court

10. 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. If the Court finds the defendant not in compliance at the initial review hearing, in person attendance is required for any further firearm compliance hearings. Initial review hearings do not count toward the fifteen defendant maximum for the Wednesday motions calendar.
11. Pretrial violation hearings: Hearings to address pretrial release conditions/alcohol monitoring violations may be specially set by the Court. Defendants must appear in person for pretrial violation hearings.
12. Mental Health Alternatives Program (MAP) hearings: MAP staffing will be conducted remotely until further order of the Court. MAP hearings will continue to be heard as currently scheduled and MAP participants must appear in person, unless remote appearance is permitted by the Court for good cause shown.
13. Jail calendars: Jail calendars will continue to be heard daily. With the consent of the Court, motions for disposition, motions for release, TRO, and bail review may be heard on the jail calendar.
14. Show Cause, Probation Revocation hearings and other probation hearings: In person appearance is required for all probation hearings. Appearance through counsel is not permitted. All probation calendars shall be subject to a twenty defendant per calendar limit. Personal appearance for future hearings is waived for any defendant who has fully complied with the terms of their POD agreement. The City may present an ex parte motion to dismiss any POD where all requirements have been completed.
15. Any continuance of criminal hearings and trials pursuant to this order is required to protect public health in the administration of justice. Based upon the Washington Supreme 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). For any case continued under the terms of this order, the entire period of the continuance shall constitute an excluded period when calculating time for trial. CrRLJ 3.3(e)(3).

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16. 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. In person appearance is required, unless otherwise agreed by the parties and authorized by the Court.

17. Infraction and Parking hearings:

- a. Contested Hearings: In person appearance is required for all unrepresented respondents. Contested hearing calendars shall be subject to a limit of ten unrepresented respondents.
- b. Mitigation Hearings: Mitigation and NVOL infraction/relicensing calendars shall be subject to a thirty respondent per calendar limit. Mitigation hearings may be conducted in person and remotely via Microsoft Teams.
- c. Parking Infraction Hearings: Parking calendars shall be subject to a thirty respondent calendar limit. Parking hearings may be conducted in person or remotely via Microsoft Teams.
- d. Matters may be reset as needed by the Court to meet calendar limits. The time for hearing periods set out in IRLJ 2.6 are suspended and all continuances pursuant to this Order shall be excluded periods. Parking, mitigation and contested hearings may continue to be conducted by mail, upon request.

18. For any 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 shall provide notice to defendants of new court dates provided pursuant to this order.

19. Unless otherwise specified by this order or otherwise ordered by the Court, in person appearance, or appearance through counsel pursuant to CrRLJ 3.4, is required for all criminal and infraction hearings. Where remote appearance is specifically permitted by this order, Microsoft Teams will be utilized by the court. Microsoft Teams video links, phone-in instructions and meeting ID numbers will be provided to attorneys and unrepresented defendants/respondents by court staff. A defendant's presence may also be waived by the court where appropriate and upon defense motion. For all

1 in person hearings, social distancing, and other public health measures must be
2 strictly observed.

3 20. The Court may increase or decrease any of the calendar limits set by this Order when
4 necessary to address growing case backlogs or when necessary to ensure compliance
5 with current public health and safety guidelines from the Centers for Disease Control,
6 the Washington Department of Health, or local health department.

7 21. Ex Parte No Contact Orders: The Court may enter an ex parte No Contact Order
8 where a citation or complaint is filed with the Court and the Court finds probable
9 cause for a domestic violence offense, stalking offense or harassment offense. Such
10 order may be served upon the defendant by mail.

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

15 23. Bench Warrants: Bench warrants issued in the amount of \$5000 or less are recallable
16 at the front counter upon payment of a \$50 bench warrant recall fee. Motions to
17 quash non-recallable warrants may be set on Monday and Wednesday Motions
18 calendars, subject to the calendar limits specified in this order.

19 DATED this 12th day of March, 2022.

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HON. AMY KAESTNER
PRESIDING JUDGE