

**KITSAP COUNTY DISTRICT COURT
STATE OF WASHINGTON**

IN RE THE KITSAP COUNTY COURTHOUSE AND THE
PANDEMIC OUTBREAK OF THE CORONAVIRUS
DISEASE 2019 (COVID-19)

No. 2020-25
EMERGENCY ADMINISTRATIVE ORDER
RE – DISTRICT COURT COVID-19
2020 BUDGET REDUCTION

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19).

Most private sector businesses were ordered closed in mid-March and are now just starting to re-open. Tens of millions of private sector workers in America are unemployed due to the pandemic.

As a result of the closure of businesses, government revenue has been significantly reduced. Kitsap County relies largely on property tax and sales tax to fund its general operations. While the county can weather a mild reduction in one category, a substantial reduction in one or both categories becomes concerning.

On April 24, 2020, the Kitsap County Board of County Commissioners¹ notified county elected officials, department heads and employees that revenue projections showed a general fund reduction of \$7 to \$10 million for the rest of 2020. All county offices and departments, including Kitsap County District Court,² were requested to begin a discussion with the county budget office to explore budget reduction options for the remainder of the year.

District Court has been directed to reduce its remaining 2020 budget by 5%. Unsurprisingly, the considerable portion of District Court expenditures are for personnel. Reducing “discretionary spending”³ to almost zero in many categories still leaves a substantial District Court budget shortfall.

With no budget options remaining, District Court has reduced its supporting personnel by three full-time employees. District Court began the year budgeted for 21 staff. As of July 7, 2020, District Court now only has 18 staff.⁴

¹ Hereafter “Commissioners.”

² Hereafter “District Court.”

³ *E.g.* office supplies, bailiff, medical/dental/hospital, interpreter, professional services, telephones, mileage, travel, per diem, non-employee travel, printing and binding, registration and tuition.

⁴ District Court staff will decrease to 17 employees in a few months upon the anticipated retirement of a 35-year highly valued District Court employee.

District Court is Kitsap County's highest volume court.⁵ The pandemic has significantly affected District Court operations beginning on March 13, 2020.⁶ District Court only recently⁷ reopened courtrooms 104 and 105 which handle out-of-custody criminal cases. Civil cases resumed just two weeks ago on July 6, 2020.⁸ Criminal trials will not resume until September 14, 2020.⁹ Civil trials will not resume until January 19, 2021.¹⁰

Each courtroom capacity has been severely limited to ensure proper social distancing. Many hearings will only be held by Zoom video conferencing to avoid in-person contact in the Kitsap County Courthouse.

At the same time that supporting personnel are being terminated due to unexpected COVID-19 budget cuts, District Court is facing a backlog of thousands of civil and criminal cases which have been continued since March 13, 2020 due to the pandemic.

On June 15, 2020, Washington Supreme Court Chief Justice Debra L. Stephens sent a letter to all Washington presiding judges.¹¹ District courts "shall be open except on nonjudicial days."¹²

Partially closing District Court in response to a budget reduction is not acceptable. The First Amendment to the United States Constitution guarantees that everyone in America has the right "to petition the government for a redress of grievances" which includes the right to petition the judicial branch for relief. As the Chief Justice wrote –

This is an important principle that we must continue to uphold as our branch responds to emergency situations and budget concerns in the coming months.

With these considerations in mind; NOW, THEREFORE, it is hereby ORDERED –

⁵ 28,358 cases were filed in District Court in 2019. Administrative Office of the Courts, *Annual Courts of Limited Jurisdiction 2019 Caseload Reports*, available at <http://www.courts.wa.gov/caseload> (last visited July 14, 2020).

⁶ See Emergency Administrative Order 2020-1 (Mar. 13, 2020) and subsequent emergency orders.

⁷ June 15, 2020.

⁸ Courtroom 203.

⁹ Courtroom 201.

¹⁰ See Emergency Administrative Order 2020-22 (June 9, 2020).

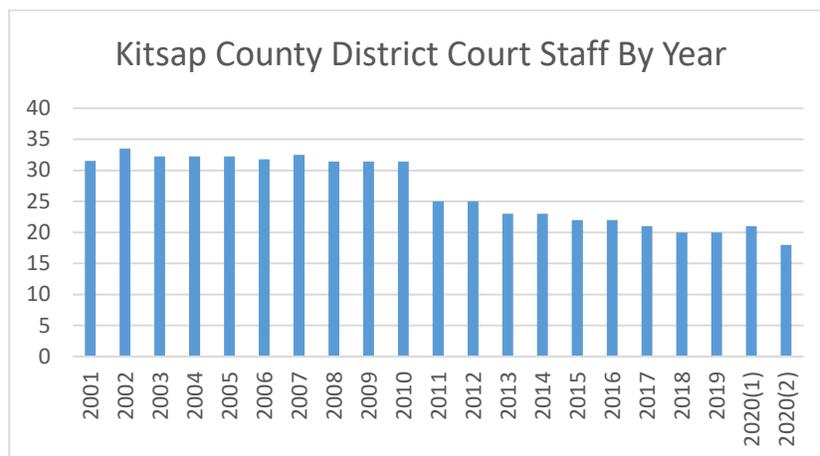
¹¹ The Chief Justice's letter is in Appendix A. Judge Jeffrey J. Jahns is the presiding judge for District Court.

¹² RCW 3.30.040.

1. FUNDING FOR DISTRICT COURT SUPPORTING PERSONNEL

District Court budgets for supporting personnel over the past 20 years show a continual reduction in personnel –¹³

Year	FTEs	Hours/Wk
2001	31.5	1260
2002	33.5	1340
2003	32.25	1290
2004	32.25	1290
2005	32.25	1290
2006	31.75	1270
2007	32.5	1300
2008	31.4	1256
2009	31.4	1256
2010	31.4	1256
2011	25	1000
2012	25	1000
2013	23	920
2014	23	920
2015	22	880
2016	22	880
2017	21	840
2018	20	800
2019	20	800
2020(1)	21	840
2020(2)	18	720

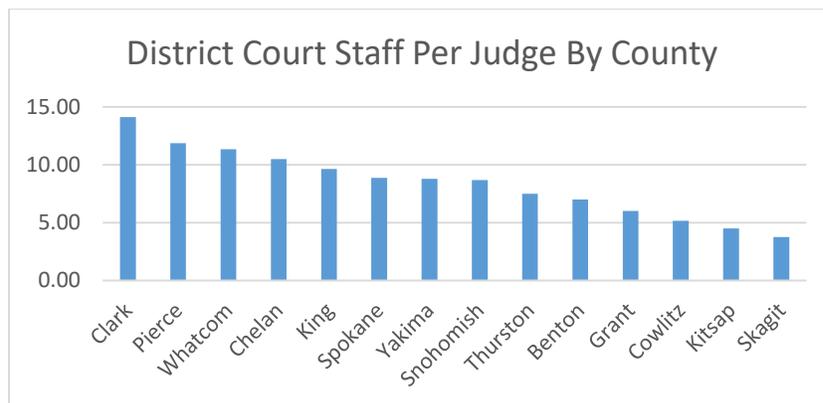


¹³ The second column shows the number of full-time employees (“FTEs”) authorized pursuant to that year’s budget. District court currently has three grant-funded full-time staff for its Behavioral Health Court. Grant-funded staff are permitted to work only on Behavioral Health Court matters, and are not included.

The third column shows the number of work hours per week provided by the support staff budgeted for that year. January through June (2020(1)), and July through December (2020(2)).

A comparison with other Washington district courts and their current staffing levels¹⁴ shows District Court has one of the lowest staff-to-judge supporting personnel ratios in the state –

County	Staff	Judges	Staff/Jdg
Clark	113	8	14.13
Pierce	95	8	11.88
Whatcom	34	3	11.33
Chelan	21	2	10.50
King	241	25	9.64
Spokane	71	8	8.88
Yakima	44	5	8.80
Snohomish	78	9	8.67
Thurston	30	4	7.50
Benton	35	5	7.00
Grant	24	4	6.00
Cowlitz	15	2.9	5.17
Kitsap	18	4	4.50
Skagit	15	4	3.75 ¹⁵



¹⁴ Administrative Office of the Courts, *District Courts – 2019 Staffing Levels*, available at <http://www.courts.wa.gov/caseload/> (last visited July 14, 2020).

¹⁵ In 2018, Skagit County District Court was funded for three judicial officers and 15 support staff (a five staff to judge ratio). In 2019, Skagit District Court’s funding was increased to four judicial officers and 15 support staff.

In 2019, 28,358 cases were filed in Kitsap District Court (7,089.50 cases per judge), and 23,455 cases were filed in Skagit District Court (5,863.75 cases per judge). Administrative Office of the Courts, *Annual Courts of Limited Jurisdiction 2019 Caseload Reports*, available at <http://www.courts.wa.gov/caseload> (last visited July 14, 2020).

2. DISTRICT COURT NO LONGER HAS ADEQUATE FUNDING TO FULFILL ITS CONSTITUTIONAL DUTIES

Kitsap County, along with the rest of the country, remains in the midst of the pandemic. Kitsap County remains in Phase 2 of the Governor's phased re-opening plan. While the county is slowly beginning to partially reopen, the county is nowhere near pre-COVID-19 days. The county's current budget situation is real. The Commissioners prompt action is intended to avoid what could be grave curtailment of county government services later this year.

Working with the Commissioners, District Court met the required goal of reducing its 2020 budget by 5%. This budget reduction halfway through the year results in the loss of funding for three full-time supporting personnel.

At the same time District Court support staff is being reduced by 14%,¹⁶ District Court is now facing a substantial increase in workload for at least the rest of 2020 and perhaps into 2021 due to the backlog of thousands of civil and criminal cases which had to be continued since March 13, 2020 due to the pandemic.

The impact of the mid-year 2020 COVID-19 budget reduction of supporting personnel on District Court is severe –

- **120 hours per week** of support staff labor is eliminated,¹⁷ or put another way
- **14.28% of support staff** is now gone.

The staffing charts show the District Court commitment to be frugal yet wise with the expenditure of taxpayer monies. As Court personnel began to be significantly reduced starting in 2011,¹⁸ District Court responded by re-engineering its paper-only system to an electronic file and document generation system to ensure that judicial services continued to be adequately provided to the public despite fewer staff.

As this year's pandemic hit, District Court continued to remain open and creatively re-engineered in-person court hearings to Zoom video conferencing appearances (when possible) to avoid requiring litigants from having to physically enter the Kitsap County Courthouse. The public can now also observe District Court hearings through livestreaming to substitute for physical entry into a District Court courtroom.

¹⁶ Reducing 21 staff to 18 is a 14.28% reduction in staff. District Court staff will decrease to 17 employees in a few months upon the anticipated retirement of a 35-year highly valued District Court employee.

¹⁷ The termination of three staff results in 120 fewer staff hours per week.

¹⁸ The 2008 recession resulted in elimination of almost all District Court probation staff which has not been replaced.

Technology and innovation, however, can only go so far. District Court provides a service to its many users,¹⁹ and it takes court staff to do so. District Court is simply unable to absorb the loss of 120 hours of staff labor per week by the 14.28% reduction of its workforce.²⁰

The Washington Supreme Court Chief Justice has made clear that the judicial branch must remain open to serve the public because court operations are essential. Partially closing District Court is therefore not an option in response to the COVID-19 reduction in District Court personnel.

District Court has a constitutional duty to hear and decide cases upon a litigant's decision to file an action with the Court. There are no exceptions to this constitutional duty which would enable a court to sua sponte²¹ choose to decline to hear actions due to insufficient court personnel.

Due to the COVID-19 crisis, District Court is no longer adequately funded with supporting personnel to meet the basic needs of the Court which are necessary for “the holding of court, the efficient administration of justice, or the fulfillment of its constitutional duties.”²²

3. TEMPORARY ALTERNATIVES

Kitsap County, with little notice, is facing a significant budget shortfall due to the pandemic. Every elected official and county department is impacted by this unexpected lack of county revenue. No one knows how long the local economy will continue to be weakened.

Kitsap County government exists to serve the public. Every action taken by an elected official is done on behalf of the public because the citizenry is the final arbiter. The first provision in the Washington Constitution succinctly states this principle –

SECTION 1 POLITICAL POWER. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.²³

¹⁹ *E.g.* the public, litigants, prosecutors, defense attorneys, and civil litigation attorneys.

²⁰ A Washington court has inherent constitutional power to determine its basic funding needs as to supporting personnel. A court may exercise this power in the context of court finance when it can show by clear, cogent and convincing proof that the funds sought to be compelled are necessary for – (1) the holding of court; (2) the efficient administration of justice; or (3) the fulfillment of its constitutional duties. *In re Juvenile Director*, 87 Wn.2d 232, 245, 250 (1976); *State v. Perala*, 132 Wn.App. 98, ¶45 (2006) (trial court had inherent judicial power to order payment of attorneys at a reasonable rate who were appointed to replace disbarred public defender because without a public defense system the court could not proceed with its criminal cases).

²¹ “[Latin ‘of one’s own accord; voluntarily’] Without prompting or suggestion, on its own motion.” BLACK’S LAW DICTIONARY 1437 (7th ed. 1999).

²² *Juvenile Director*, 87 Wn.2d at 250.

²³ Const. Art. I, §1.

Despite today’s declaration that District Court is no longer adequately funded with supporting personnel, temporary alternatives must be explored which will allow District Court to continue to hear and decide its highest priority cases.

Given the loss of 120 hours of staff labor per week, the only realistic option is to temporarily suspend hearing some matters, at least until sufficient personnel is restored.

4. CIVIL ACTIONS FILED IN DISTRICT COURT

Since criminal cases generally take precedence over civil cases,²⁴ the District Court will explore civil actions which may be able to be temporarily suspended.

The following list includes the most common civil actions²⁵ the Legislature and Governor have granted District Court jurisdiction to hear –

- Civil actions²⁶
- Civil protection order actions²⁷
- Civil protection order surrender and prohibition of weapons actions²⁸
- Impoundment actions (vehicle and vessel)²⁹
- Infraction actions³⁰
- Name change actions³¹
- Small claims actions³²

²⁴ See, e.g., CrRLJ 3.3(a)(2) – “Criminal trials shall take precedence over civil trials.”

²⁵ Less common District Court civil actions include – forfeiture of firearms (RCW 9.41.098), forfeiture of drug assets (RCW 69.50.505(5)), child trespass notice (RCW 9A.44.193(4)), dangerous dog determination appeal (RCW 16.08.080(4)), and potentially dangerous animal declaration appeal (Kitsap County Code 7.12.010(j)).

²⁶ RCW 3.66.020.

²⁷ RCW 7.90 (sexual assault), 7.92 (stalking), 7.94 (extreme risk), 10.14 (harassment), and 26.50 (domestic violence).

²⁸ RCW 9.41.800 – .810.

²⁹ RCW 46.55.120(2)(b) (vehicle), and 79A.60.045(15) (vessel).

³⁰ District Court has jurisdiction to hear and decide alleged infraction violations of state law – RCW 3.66.010 (generally); 46.08.190 and 46.63.040 (traffic); 7.80.010 (civil); and 7.84.040 (natural resources).

District Court also has jurisdiction to hear and decide alleged civil infraction violations authorized by the Kitsap County Code (“KCC”), including – Kitsap Public Health District violations (e.g. food service regulations and solid waste regulations), ch. 9.52 KCC and ch. 7.05 RCW; zoning code violations, Title 17 KCC; and building and construction code violations, Title 14 KCC.

³¹ RCW 4.24.130.

³² RCW 12.40.010.

5. PRIORITIZING DISTRICT COURT CIVIL ACTIONS

Due to COVID-19 budget reductions, District Court is now tasked with deciding which types of civil actions it is temporarily no longer able to hear because of insufficient staffing. The focus must be on the impact to the public in prioritizing civil actions.³³ District Court is constitutionally required to hear and decide the following civil actions –

- **Civil Protection Order Actions.** The Legislature has repeatedly found the importance of creating civil actions so victims can seek judicial protection from perpetrators.³⁴ Civil protection order actions are District Court’s highest civil action priority.³⁵
- **Civil Protection Order Surrender And Prohibition Of Weapons Actions.** The Legislature created civil protection order surrender and prohibition of weapons actions in response to the heightened risk of lethality to petitioners when respondents become aware of court involvement.³⁶ Weapons surrender and prohibition actions are District Court’s highest civil action priority.³⁷
- **Name Change Actions.** A person’s name has great significance and importance to that person as well as those known to them. Washington has had a name change statute since 1877. District courts have almost sole jurisdiction to grant a person’s name change petition.³⁸ The only limited exceptions to District Court jurisdiction are the grant of power to superior courts to change the name of – (1) a party in a dissolution action,³⁹ (2) a child in an adoption action;⁴⁰ and (3) a domestic violence victim who wants the name change action sealed due to safety concerns.⁴¹

Almost everyone residing in Kitsap County seeking a name change must file a name change action in District Court. Name change actions have been suspended due to the pandemic since March 13, 2020. District Court just began hearing name change actions again on July 6, 2020.

Additional suspension of name change actions would leave no other option available for a person seeking a name change. Name change actions are District Court’s highest civil action priority.⁴²

³³ All 2019 caseload filing data is from Administrative Office of the Courts, *Annual Courts of Limited Jurisdiction 2019 Caseload Reports*, available at <http://www.courts.wa.gov/caseload> (last visited July 14, 2020).

³⁴ RCW 7.90.005 (sexual assault), 7.92.010 (stalking), 7.94.010 (extreme risk), 10.14.010 (harassment), and Laws of 1992, Ch. 111, §1 (domestic violence).

³⁵ In 2019, 392 civil protection actions were filed in District Court. These cases involve an initial ex parte temporary hearing, followed by a full trial on the allegations. These cases are very time consuming because most litigants are unrepresented, and deserve a full opportunity to present their case. As of July 20, 2020, 202 protection order cases have been filed in District Court this year.

³⁶ RCW 9.41.801(1).

³⁷ Whenever a court grants a temporary or full civil protection order, it shall sua sponte consider ordering the surrender and prohibition of weapons. RCW 9.41.800.

³⁸ RCW 4.24.130(1).

³⁹ RCW 26.09.150(3).

⁴⁰ RCW 26.33.250(1)(d).

⁴¹ RCW 4.24.130(5).

⁴² In 2019, 426 name change actions were filed in District Court.

- Civil Actions. RCW 3.66.020 grants jurisdiction to district courts over a plethora of civil actions where the value of the claim or amount at issue does not exceed \$100,000. Civil actions include – contracts; recovery of money; personal injury; damage to property; replevin; penalty; bond for payment of money; fraud in the sale, purchase or exchange of personal property; confession of judgment; writs of garnishment, attachment and replevin; commercial electronic mail; and municipal court collections.

While superior courts also have jurisdiction over these matters, some plaintiffs prefer filing their actions in district courts due to the limited discovery permitted.⁴³ The limitation on discovery may result in a quicker trial date and quicker resolution of the action.

Civil actions are a District Court priority because litigants need access to the courts for prompt resolution of their actions.⁴⁴

- Small Claims Actions. Washington has had a small claims action since 1919.⁴⁵ These actions must be filed in a district court.⁴⁶ Attorneys are generally not permitted to represent litigants in a small claims action.⁴⁷ The amount claimed may not exceed \$10,000 in cases brought by a natural person and \$5,000 in all other cases.⁴⁸

Civil litigation can be complicated. There are many rules litigants must carefully follow or risk rejection of their position. Small claims actions were created to allow plaintiffs seeking no more than the jurisdictional limit to handle their cases on their own. A multiple day or week regular civil case can be handled in an hour or so in District Court. Each party presents its testimony and exhibits and the court thereafter promptly decides the dispute. The hearing itself is deliberately informal, “with the sole object of dispensing speedy and quick justice between the litigants.”⁴⁹ The judge in a small claims action shall give judgment and make such orders as the “judge may deem to be right, just, and equitable for the disposition of the controversy.”⁵⁰

Small claims actions are a District Court priority because litigants need access to the courts for prompt resolution of their relatively minor monetary disputes and only a district court has jurisdiction to hear a small claims action.⁵¹

⁴³ See, e.g., CRLJ 26 and CR 26 – 37.

⁴⁴ In 2019, 4,212 civil actions were filed in District Court.

⁴⁵ Laws of 1919, ch. 187.

⁴⁶ RCW 12.40.010.

⁴⁷ RCW 12.40.080(1).

⁴⁸ RCW 12.40.010.

⁴⁹ RCW 12.40.090.

⁵⁰ RCW 12.40.080(3).

⁵¹ In 2019, 324 small claims actions were filed in District Court.

- Impoundment Actions. A person may challenge a vehicle impoundment when the person’s vehicle is impounded at the direction of law enforcement or impounded by a person having control or possession of private property upon which a vehicle is located.⁵² District courts have sole jurisdiction to hear impoundment actions occurring in unincorporated portions of the county as well as impoundments authorized by the state or its agents.⁵³

Washington’s vessel impoundment statute has a process somewhat similar to vehicle impoundment actions.⁵⁴ District courts have similar sole jurisdiction to hear vessel impoundment actions.⁵⁵

Impoundment actions are a District Court priority because litigants need access to the courts for prompt resolution and only a district court has jurisdiction to hear most impoundment actions.⁵⁶

- Infraction Actions. Infractions are noncriminal violations of the law defined by statute or ordinance.⁵⁷ District Court has jurisdiction to hear several types of infraction actions.⁵⁸ Although a district court’s jurisdiction is generally limited to adult offenders, district courts have jurisdiction over juveniles age 16 or 17 for certain offenses.⁵⁹

Although a violation of law, infraction offenses do not include the possibility of jail as a sanction. The vast majority of infraction sanctions involve only a monetary penalty.⁶⁰ A few infraction offenses include traffic school and/or community service as well as a monetary penalty.⁶¹

An infraction is deemed committed unless a person who is served with the notice of infraction responds to the court within 15 days of personal service, or within 18 days if the notice is served by mail.⁶²

A person may respond to a notice of infraction in one of several ways – (1) pay the monetary penalty entered on the notice of infraction; (2) challenge the determination that the infraction was committed by requesting a contested hearing; (3) admit the infraction was committed but request a hearing to explain mitigating circumstances justifying lowering the monetary penalty entered on the notice of infraction; or (4) submit a written statement either contesting the infraction or explaining mitigating circumstances justifying lowering the monetary penalty.⁶³

⁵² RCW 46.55.010(4); .120(2)(b).

⁵³ RCW 46.55.120(2)(b).

⁵⁴ RCW 79A.60.045.

⁵⁵ RCW 79A.60.045(15).

⁵⁶ In 2019, 41 impoundment actions were filed in District Court.

⁵⁷ Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) 1.1(a).

⁵⁸ Traffic (RCW 46.08.190, 46.63.040(1), and 3.66.010(1)); civil (RCW 7.80.010(1)); and natural resources (RCW 7.84.040(1)).

⁵⁹ RCW 13.04.030(1)(e) (traffic, fish, boating or game offenses, and traffic or civil infractions).

⁶⁰ IRLJ 6.2; RCW 46.63.110(1), (3) (traffic); RCW 7.80.120 (civil); RCW 7.84.100 (natural resources). A court may require the performance of community restitution in lieu of a monetary penalty. IRLJ 3.3(e), 3.4(c).

⁶¹ See, e.g. RCW 46.61.526(5) (negligent driving in the second degree involving a vulnerable victim).

⁶² IRLJ 2.4(a), 2.5.

⁶³ IRLJ 2.4(b). Option 4 permitting a decision by written statement must be approved by local rule. IRLJ 2.4(b)(4). District Court has approved infraction decisions by mail. Kitsap County District Court Local Rule LIRLJ 3.5.1.

A contested or mitigation infraction hearing shall be scheduled for not less than 14 days from the date a written notice of hearing is sent by a court, nor more than 120 days from the date of the notice of infraction.⁶⁴ A decision on written statement shall take place within 120 days after a defendant filed the response to the notice of infraction.⁶⁵

The impact of delaying a contested or mitigation hearing on the person cited with an infraction is negligible because no monetary or other sanction will be imposed during any delay.

The executive branch is certainly entitled to a timely hearing on its allegation that a person violated the law by committing an infraction. While a delay in scheduling infraction hearings may postpone the ability of the executive branch to collect infraction monetary penalties, the impact on the general public is negligible.⁶⁶

Infraction actions are the lowest priority of civil actions District Court is constitutionally mandated to hear and decide.

⁶⁴ IRLJ 2.6(a)(1) (contested hearing), 2.6(b)(1) (mitigation hearing).

⁶⁵ IRLJ 3.5(a)(1) (contested hearing), 3.5(a)(2) (mitigation hearing).

⁶⁶ Courts do not exist as collection agencies for local government. *In re Hammermaster*, 139 Wn.2d 211, 249-50 (1999) (Talmadge, J., concurring).

Cash-register courts with a focus on local government financial interests do not act as a neutral arbiter of the law and are in violation of the Fourteenth Amendment due process and equal protection requirements. United States Department of Justice Civil Rights Division, INVESTIGATION OF THE FERGUSON POLICE DEPARTMENT (Mar. 4, 2015), at 3.

6. ALL INFRACTION HEARINGS ARE SUSPENDED

COVID-19 has had a devastating impact on lives, employment and the American way of life. The Commissioners have promptly responded to the county's looming budget shortfall now in an attempt to maintain public services throughout the rest of 2020.

Infraction actions are the lowest priority actions District Court is constitutionally mandated to hear and decide. Infraction hearings constitute 5.4% of the District Court calendar.⁶⁷ Even though District Court has 14% fewer staff due to the COVID-19 budget reduction, it should be able to temporarily staff the remaining 94.6% of court calendars if all infraction hearings are suspended.

Under court rule, infraction defendants have a right to a hearing within 120 days from the date of the notice of infraction. As a result of the COVID-19 budget reduction, the 120-day hearing requirements of IRLJ 2.6(a)(1) (contested hearings) and IRLJ 2.6(b)(1) (mitigation hearings) are suspended.⁶⁸

Accordingly, effective immediately all in-court District Court infraction hearings are suspended and continued to March 2021 (or later) based upon courtroom maximum caseload requirements.

7. EXPANDED INFRACTION DECISIONS ON WRITTEN STATEMENTS

Although District Court has suspended all in-court infraction hearings, District Court will expand its infraction decisions on written statements. Infraction defendants will be provided an option to seek resolution of their cases by mail rather than having to appear in court in 2021.⁶⁹ Defendants may also choose to accept case resolution offers made by the Kitsap County Prosecutor's Office.⁷⁰

Hopefully, District Court has enough staff to timely process these written requests to resolve infraction matters by mail.

⁶⁷ Per week, District Court is scheduled to hold five morning and three afternoon calendars in courtroom 104, five morning and five afternoon calendars in courtroom 105, five morning and five afternoon calendars in courtroom 201, and five morning and four afternoon calendars in courtroom 203.

District Court has a total of 37 court calendars per week. The infraction calendars are held weekly on Monday afternoon (contested) and Tuesday afternoon (mitigation) in courtroom 203. The two weekly infraction calendars are 5.4% of total calendars District Court hears each week.

⁶⁸ The Chief Justice has granted authority to courts "to adopt measures to protect health and safety that are more restrictive than this Order, as circumstances warrant, including by extending as necessary the time frames in this Order." *In the Matter of Statewide Response by Washington State Courts to the COVID-19 Public Health Emergency* No. 25700-B-626 (Amended Third Revised and Extended Order Regarding Court Operations) (May 29, 2020).

Due to the COVID-19 budget reduction, District Court now lacks sufficient staff to ensure the health and safety of infraction litigants who seek to have their infraction matters heard in person by the Court.

⁶⁹ These options will be included with the Court's notice of hearing which is mailed to infraction defendants who request a hearing.

⁷⁰ The Prosecutor's offers will also be included in the Court's hearing notice.

8. IMPOUNDMENT HEARINGS MOVED TO THURSDAY AFTERNOONS

Impoundment hearings are scheduled on the fourth and fifth Mondays of the month in the afternoon in courtroom 203. Since courtroom 203 is now closed on Monday and Tuesday afternoons due to the COVID-19 budget reduction, impoundment hearings shall be scheduled at 1:30 PM on Thursday afternoons in courtroom 203.

While the Thursday afternoon general civil calendar may become occasionally crowded, impoundment hearings are a District Court priority. No other courtroom 203 calendar is available for impoundment hearings other than the general civil calendar.

9. MODIFIED COURT CALENDAR

The updated Kitsap County District Court Calendar is attached.⁷¹

10. DISTRICT COURT CLERK'S OFFICE HOURS MODIFIED

The District Court Clerk's Office in room 106 opens to the public daily on judicial days from 8:00 AM through 12:15 PM, and 1:15 PM through 4:30 PM.

Due to the COVID-19 budget reductions, District Court is no longer sufficiently staffed to maintain these hours of service to the public. The District Court Clerk's Office hours are hereby modified. The office will now open 30 minutes later. Room 106 will now open daily on judicial days from 8:30 AM through 12:15 PM, and 1:15 PM through 4:30 PM.

11. DISTRICT COURT CONTACT INFORMATION

District Court may be contacted as follows –

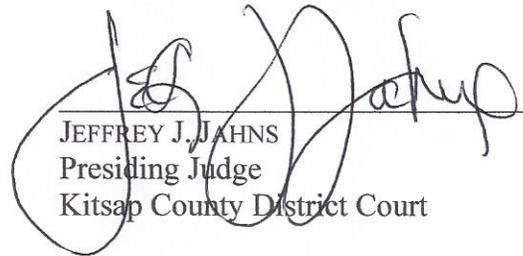
- Website – **www.kitsapgov.com/dc**
- Email – **kcdc@co.kitsap.wa.us**
- Telephone – **(360) 337-7109**
 - Option 1 – Traffic or vehicle matters
 - Option 2 – Civil matters
 - Option 6 – All other matters

⁷¹ Appendix B.

12. THE KITSAP COUNTY COURTHOUSE REMAINS OPEN

The Kitsap County Courthouse remains open to the public on judicial days.

DATED – JULY 21, 2020



JEFFREY J. JAHNS
Presiding Judge
Kitsap County District Court

APPENDIX A

CHIEF JUSTICE LETTER
JUNE 15, 2020

The Supreme Court
State of Washington

DEBRA L. STEPHENS
CHIEF JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2050
E-MAIL Debra.Stephens@COURTS.WA.GOV

June 15, 2020

Dear Presiding Judges,

You have been called to lead our judicial branch in extraordinary times, confronted simultaneously by our society's struggle to overcome racial injustice, a global pandemic that has vastly impacted court services and will require additional resources to ensure access to justice, and looming local and state budget shortfalls.

As we address these challenges, I would like to share with you some thoughts about the importance of preserving the institutional role and independence of the judicial branch of government in our state in these challenging times.

Court operations are essential to our system of government, as recognized most recently by the Governor's proclamations and Supreme Court orders. All Washington courts must remain committed to the constitutional guarantee of open public access to court proceedings at the same time we have necessarily restricted proceedings in response to emergency mandates imposed to protect the health and safety of parties, counsel, victims, witnesses, court employees, members of the public, and judicial officers.

Any restrictions on the openness of court proceedings must be narrowly tailored to respond to the compelling public health needs, and appropriate findings must be made by the courts. I realize present circumstances may result in your court proceedings being impacted by decisions of other branches of government as to when buildings are open, in person or virtually, to serve the public as justice and our constitutional responsibilities require.

It is critical to recognize that the superior court is a state court, not a county department. The court derives its authority from article 4, section 6 of the Washington Constitution, which provides that the superior court "shall always be open, except on nonjudicial days."

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The district court's authority originates in article 4, section 1 of the Washington Constitution, which vests the state's judicial power in a supreme court, superior courts, and such courts "as the legislature may provide." The district court is a court that the legislature has created¹. As such, it is a part of the judicial branch of government and is not a county department. In creating district courts, the legislature has also directed that these courts "shall be open except on nonjudicial days."²

Similarly, municipal courts in cities over four hundred thousand "shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. ..." ³ Other municipal courts "shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town,"⁴ but must be able to operate openly, efficiently and effectively to meet their constitutional and statutory obligations.⁵

In short, the circumstances under which court operations may be closed or curtailed are limited and require findings by the judicial branch. Courts may not be unilaterally closed by the legislative or executive branches. This is an important principle that we must continue to uphold as our branch responds to emergency situations and budget concerns in the coming months.

Likewise, the notion that judicial compensation cannot be reduced during a term of office rests on bedrock principles. The founders of our nation recognized the importance of this principle when they included among their grievances in the Declaration of Independence that King George "made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries."

In Washington, all judges serve for a specific term of office⁶, and our Constitution prohibits their salary from being diminished during that term⁷. This is not merely a personal protection for the judge. It is a foundational principle of judicial independence, which

¹ Ch. 3.38 RCW

² RCW 3.30.040

³ RCW 35.20.020.

⁴ RCW 3.50.110

⁵ See, e.g., RCW 3.50.005

⁶ WASH. CONST. art. IV, § 5 (Superior court); RCW 3.34.070 (District court); RCW 3.50.093 (Municipal court).

⁷ WASH. CONST. art. III, § 25 (state officers); art. IV, § 13 (judicial officers); art. XI § 8 (City, town or municipal officers).

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safeguards the public, who must have confidence that judges can act without fear of economic reprisal. We must not allow the sacrifice of these principles for momentary convenience, even in troubling times.

The Administrative Office of the Courts has developed additional reference materials to assist you on these issues. The information is available on *Inside Courts* under the “Court Closures and Emergency Modifications to Operations” page at: <https://inside.courts.wa.gov/index.cfm?fa=controller.showPage&folder=judgesResources&file=1egalIssuesEconomy>.

It has been my greatest privilege to work closely with many of you during these difficult times. The leadership of our presiding judges has been truly impressive. I am confident that together we can meet these unprecedented challenges while maintaining our core values as an independent branch of government.

Thank you for all you are doing each and every day to ensure that justice is safe, fair, open and accessible for everyone.

Very truly yours,

A handwritten signature in black ink, appearing to read "Debra L. Stephens", with a long, sweeping flourish at the end.

Debra L. Stephens
Chief Justice

APPENDIX B

DISTRICT COURT CALENDAR

KITSAP COUNTY DISTRICT COURT CALENDAR

ROOM	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
104 9:00		Pretrial Hearings & Motions to Revoke (PDA/DP) (20 Maximum)			PDA/DP Compliance & Defendant Motions
104 10:30		Pretrial Hearings & Motions to Revoke (PDA/DP) (20 Maximum)			
104 1:30	DUI/DV Returns & Surrender Compliance & ICATP Motions	DUI/DV Returns & Surrender Compliance & Alternating Weeks – NCO Protected Party Motions	DUI/DV Returns & Surrender Compliance & PT & MR (PDA/DP) (20 Maximum) No Sets 3rd Wed		
105 9:00	Arraignments & Motions to Revoke (Sentences) & Bench Warrant Quashings				
105 11:00	Felony Drop Down CoP (Out of Custody)		In Custody – Dispositions (Video) (8 Maximum)		
105 1:30		In Custody (Video)		DUI/DV Returns & Surrender Compliance In Custody (Video)	
201 9:00	Trials (Trials Set Only On Mondays)	Trials Continued	Trials Continued	Behavioral Health Court [Tentative]	[Human Trafficking Staffing] 10:00 – Alternating Weeks... HT/Felony Diversion
201 11:00	In Custody (Non-Video)				
201 1:30	Trials Continued		[1:30 – BHC Staffing (Tent.)]	Behavioral Health Court	Trials Continued
203 9:00	Name Changes & Unlawful Harassment/Stalking Full Order Hearings (Maximum 5 Per Day) & Surrender Compliance [8:30 Wednesdays – Mandatory Small Claims Mediation (6 Maximum)]				
203 11:00	Unlawful Harassment/Stalking Ex Parte Temporary Order Hearings				
203 1:30	Contested Infractions—Attorney (1st Mon) Pro-Se Traffic (2nd, 3rd Mon) Civil Infractions (4th Mon) Impounds (5th Mon)	Mitigation Infractions (30 Maximum)	1:15 – Small Claims (3 Maximum) (Emergency Impounds) No Sets 3rd Wed	Civil – Preliminary Trial Hearings & Motions Impounds	
203 3:00	Contested Infractions—Attorney (1st Mon) Pro-Se Traffic (2nd, 3rd Mon) Impounds (4th, 5th Mon)	Mitigation Infractions (30 Maximum)			

*Contested Infractions, Attorney – 30 Maximum, Pro Se – 20 Maximum.

**Civil Infractions – Board of Health, Zoning, Animal Control, Fire, Fish & Wildlife, Natural Resources

(Revised 07/21/2020)