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

IN RE:

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

**AMENDED GENERAL
ADMINISTRATIVE ORDER NO.
2020 – 15**

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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

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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;

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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.

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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,

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

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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 **NOW, THEREFORE, EFFECTIVE JUNE 9, 2020, UNTIL THIS ORDER IS
17 RESCINDED OR MODIFIED, IT IS HEREBY ORDERED:**

- 18 1. Everett Municipal Court will continue to remain open during this emergency, at least
19 until further order of this court. Staff are required to report to work unless otherwise
20 directed. Staff who have underlying health issues or are feeling sick, running an
21 elevated temperature, experiencing chills or muscle pain, experiencing a cough, sore
22 throat, headache, new loss of taste or smell, or other respiratory problems are directed
23 to remain at home and take leave in accordance with City policy. While at work staff
24 are required to maintain social distancing requirements and follow emergency health
25 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

1 requirements can be met. Probation may resume MRT classes after June 1, 2020,
2 with remote classes or in-person classes, if a course plan to maintain social distancing
and other public health and safety requirements is approved by the Presiding Judge.

- 3 3. The Jury Terms of May 18-19, June 1-2, June 15-16, and June 29-30, 2020 are
4 cancelled. Bench Trials may be specially set by the Court at the request of the
5 parties. In person appearance is required for Bench Trials, except that witnesses may
6 appear via video with the consent of the Court and parties.
- 7 4. Out-of-Custody Arraignments: Out-of-custody arraignments currently scheduled
8 may proceed, subject to a ten defendant per calendar limit, except where cases
9 beyond that limit are approved by the Court. Unrepresented defendants are required
10 to attend in person, unless telephonic appearance is approved by the Court in
11 advance. Represented defendants may appear remotely with counsel. All out-of-
12 custody arraignments not already scheduled, except DUI/Physical Control and DV
13 cases, shall be set at least 45 days out from the date of violation when notice is served
14 on the defendant. In cases where defendant is summoned for arraignment, except
15 DUI/Physical Control and DV cases, such arraignment shall be scheduled at least 45
16 days out from date of filing. DUI/Physical Control and DV cases, where defendant is
17 arrested and booked over the weekend, shall be set to the first available Monday
18 morning calendar. Good cause exists under CrRLJ 4.1 to extend the arraignment
19 dates. The new arraignment date shall be considered the “initial commencement
20 date” for purposes of establishing the time for trial under CrRLJ 3.3(c)(1).
- 21 5. Show Cause, Prosecutorial Offer of Diversion (POD) review hearings and other
22 probation hearings: In person appearance is required for Probation Revocation
23 hearings. Telephonic/remote appearance is preferred for all other probation hearings,
24 unless in person appearance is specified by the Court. Probation calendars shall be
25 subject to a twenty defendant per calendar limit, except where cases beyond that limit
are approved by the Court. 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
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6. Out-of-Custody Criminal hearings: Pretrial calendars and out-of-custody readiness calendars shall be subject to a twenty-five defendant per calendar limit in order to ensure that the Court can enforce safe distancing for participants, staff and the public. In-custody defendants shall not count toward this calendar limit. Where necessary to maintain these limits, initial case settings for pretrial and trial dates for out-of-custody defendants may be set beyond the time for trial limits in CrRLJ 3.3 and cases already set may also be continued by the court beyond such limits. Telephonic/remote appearance is preferred for pretrial hearings, readiness hearings, pretrial licensing hearings and trial call hearings. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters while this order is in effect. Ex parte review is authorized and preferred for agreed orders (see Other Ex Parte Orders section below). In person attendance is required for Changes of Plea, entry of Court Monitored Deferrals, and entry of Deferred Prosecutions. These matters may be heard on a case-by-case basis on regular criminal hearings calendars with Court approval. Otherwise, such dispositions shall be set to unused Jury Trial days through July 6, 2020, subject to a ten defendant per calendar limit. PODs may be approved for entry remotely, if a signed Jury Trial/Speedy Trial waiver has been provided to the Court.
 7. Competency hearings: Telephonic/remote appearance is preferred for out-of-custody competency hearings. In-custody competency hearings will continue to be heard on the jail calendar.
 8. Motions: Telephonic/remote appearance is preferred, unless in person appearance is required by the Court. Motion calendars shall be subject to a ten defendant per calendar limit, 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 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

- 1 9. Order to Surrender Weapons compliance hearings: Firearms compliance hearings
2 will remain as currently set and will continue to be set for review on the Wednesday
3 motions calendar. If the Court finds the defendant not in compliance at the initial
4 review hearing, in person attendance is required for any further firearm compliance
5 hearings. Such hearings do not count toward the ten defendant maximum for the
6 Wednesday motions calendar.
- 7 10. Pretrial violation hearings: Hearings to address pretrial release conditions/alcohol
8 monitoring violations may be specially set by the Court. Telephonic/remote
9 appearance is preferred, unless in person appearance is required by the Court.
- 10 11. Mental Health Alternatives Program (MAP) hearings: Regular MAP hearings and
11 MAP staffing will be conducted remotely. Participants must continue to abide by all
12 other program requirements, including treatment, and must continue to contact the
13 MAP liaison as required. In person appearance is required for MAP termination
14 hearings.
- 15 12. Jail calendars: Jail calendars will continue to be heard daily via video and shall be
16 limited to a maximum of twenty defendants per calendar. With the consent of the
17 Court and subject to this limit, motions for release, TRO, and bail review may be
18 heard on the jail calendar.
- 19 13. Per the Chief Justice's order No. 25700-B-626, any continuance of criminal hearings
20 and trials pursuant to this order is required in the administration of justice. Based
21 upon that court's finding that the serious danger posed by COVID-19 is good cause to
22 continue criminal jury trials, and constitutes an unavoidable circumstance under
23 CrRLJ 3.3(e)(8), the time between the date of this order and the date of the next
24 scheduled trial date are excluded when calculating time for trial. CrRLJ 3.3(e)(3).
- 25 14. 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.
15. Infraction and Parking hearings: In person appearance is required for unrepresented
respondents and for represented respondents intending to proceed with a full

1 contested hearing. Such in person hearings shall be subject to a ten respondent per
2 calendar limit and subpoenaed witnesses must appear in person. Telephonic/remote
3 appearance is preferred for stipulated/continuance hearings with represented
4 respondents. Telephonic/remote appearance is preferred for mitigation hearings.
5 Mitigation calendars shall be subject to a ten respondent per calendar limit. Matters
6 may be reset as needed by the Court to meet these limits and calendar limits may be
7 modified by the Court as needed. The time for hearing periods set out in IRLJ 2.6 are
8 suspended and all continuances pursuant to this order shall be excluded periods. Both
9 mitigation and contested calendars are also available by mail, upon request.

- 10 16. Where court matters must be heard in person, social distancing and other public
11 health measures must be strictly observed.
- 12 17. For any hearings and trials reset pursuant to this order, the Court will provide notice
13 of new hearing dates to the City, defense counsel, and unrepresented defendants.
14 Defense counsel shall provide notice to defendants of new court dates provided
15 pursuant to this order.
- 16 18. Remote appearance will be accomplished telephonically or through Microsoft Teams.
17 Microsoft Teams will be audio-only, unless otherwise requested and approved by the
18 Court. Microsoft Teams phone-in instructions and meeting ID numbers will be
19 provided to attorneys by court staff.
- 20 19. Ex Parte No Contact Orders: The Court may enter an ex parte No Contact Order
21 where a citation or complaint is filed with the Court and the Court finds probable
22 cause for a domestic violence offense, stalking offense or harassment offense. Such
23 order may be served upon the defendant by mail.
- 24 20. Other Ex Parte Orders: Agreed Orders of any kind may be presented for ex parte
25 review. For consideration, such orders must be filed at least 48 hours prior to any
pending court date. Defense counsel is not required to obtain signatures from
defendants on orders to continue criminal matters while this order is in effect, if
defense counsel attests to review of the waiver with the defendant.
21. Cases with outstanding bench warrants: Unless a case-specific exception is noted by
the Court when issuing a bench warrant, any defendant with an outstanding warrant in

1 this court may appear at the front counter to get a new court date and such warrant
2 will be recalled. Warrant recall fees are waived while this order remains in effect.

3 DATED this 11th day of June, 2020.

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6 **HON. AMY KAESTNER**
7 **PRESIDING JUDGE**
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