



**District Court of the State of Washington
for Snohomish County**

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PRESIDING JUDGE
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COURT COMMISSIONER
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KATHRYN F. KOEHLER

Administrative Order 20 – 09B

**Snohomish County District Court
Emergency Order**

On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus (COVID - 19). On March 4, 2020 Chief Justice Debra Stephens of the Washington State Supreme Court adopted Order No. 25700-8-602, granting emergency authority upon all Washington courts to "adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency."

On March 11, 2020 the Governor imposed additional restrictions prohibiting gatherings of more than 250 people within King, Snohomish, and Pierce County due to the danger of continued spread of the virus and the increasing danger the virus presents to the health care system in the region;

On March 13, 2020 the Governor 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.

On March 18, 2020 the Supreme Court issued Court Order 25700-B-606. On March 19, 2020 the Supreme Court issued Corrected Order 25700-B-607 and on March 20, 2020 issued Amended Order 25700-B-607.

On March 23, 2020 the Governor issued a Stay Home, Stay Healthy Proclamation that closed all non-essential business through April 24, 2020. On April 2, 2020 this order was extended through May 4, 2020.

On April 13, 2020 the Supreme Court amended and extended Amended Order 25700-B-607 through May 4, 2020 by entering Order 25700-B-615.

On April 29, 2020 the Supreme Court entered a new order extending and amending previous orders: Second Revised and Extended Order Regarding Court Operations No. 25700-B-618.

Accordingly, pursuant to the authority given this Court through Washington State Supreme Court Orders 25700-B-602, 607, 615, and 618, and authority granted to the Presiding Judge of the Snohomish County District Court pursuant to GR 29, This Emergency Order is effective May 18, 2020, and shall remain in effect unless renewed, modified or rescinded by the Snohomish County District Court Presiding Judge. All Divisions of the Snohomish County District Court will remain open, pending further Order of the Court.

Order

1. Changes to Protection Order and Compliance Hearings

The following matters will continue to be heard in all Divisions:

- (a) All civil protection order hearings for Unlawful Harassment, Domestic Violence, Stalking, Sexual Assault and Extreme Risk Protection Orders will be calendared at 8:30 AM.
- (b) All compliance hearings pursuant to RCW 10.21.055 and weapons surrender orders pursuant to Chapter 9.41. RCW will be calendared on the normal motions calendar for each division (see 2(c)(v) below).
- (c) All ex parte petitions will be determined based solely on the petition unless otherwise directed by a Judicial Officer.
- (d) All hearings will be conducted telephonically or via an approved video platform unless it is not possible. If telephonic, the petitioner and respondent must provide a phone number, if possible, where they can be reached at the time of the hearing. If a video platform, the petitioner and respondent must provide an email, or other means of contact, so that the log-in information can be provided to them.
- (e) The granting of an ex parte order is, by definition, an emergency as contemplated by Supreme Court Order 25700-B-618, sections 3 and 4.

2. Criminal Hearings

- (a) The Time for Trial provisions of CrRLJ 3.3 suspended until further Order of the Court and the time between this Order and September 1, 2020 is an excluded period for calculating time for trial pursuant to Supreme Court Orders 25700-B-602 607, 615, and 618.
- (b) Arraignments: All arraignments will be continued until after June 1, 2020. Time for Arraignment provisions of CrRLJ 4.1 are suspended until further Order of the Court pursuant to Supreme Court Order 25700-B-602, 607, 615, and 618. Arraignment on out of custody criminal offender cases filed between March 18, 2020 and July 3, 2020 may be deferred until a date 45 days after the filing of charges. Good cause exists under CrR 4.1 and CrRLJ 4.1 to extend the arraignment dates. The new arraignment date shall be considered the “initial commencement date” for purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1). All direct file cases by cities that contract with the District Court will be continued to a date after June 1, 2020 and the court will summons the defendant for the new date.
- (c) Motions: All criminal motions currently calendared, with the exceptions noted below, are stricken from the calendar and may be re-noted after June 1, 2020. The following hearings are determined to be necessary and may be heard on the normal motions calendar (see

section (v) below) in all Divisions subject to a maximum calendar limitation of ten per session and/or designed to insure appropriate social distancing if the hearings are in person:

Motions to quash warrants.

Motions regarding bail.

Motions for TRO from custody.

Motions to review pre-trial release conditions.

Any other Motion with the consent of a Judicial Officer.

- (i) All hearings are to be held telephonically or on an approved video platform unless it is not possible. The moving party and the responding party must supply the same information required in 1(d) above.
 - (ii) CrRLJ 8.1(c) still applies to all hearings with the exceptions outlined in the Supreme Court Orders for in custody matters. The court will accept agreed orders in lieu of a hearing.
 - (iii) The Court waives the \$50 walk-in warrant quash fee for all warrants below \$5,000.
 - (iv) The Court will allow telephonic and video plea hearings subject to knowing, intelligent, and voluntary waivers entered by the Defendant. The Court further waives the requirement of the Defendant's signature on the Judgment and Sentence subject to a proper record of the Defendant understanding the Judgment and Sentence and waiving the signature thereon.
 - (v) Normal motions calendars are as follows: Cascade at 1:15 PM on Mondays; Everett at 9:30 AM on Mondays; Evergreen at 9:00 AM on Tuesdays; South at 9:00 AM on Mondays.
- (d) Readiness: Pre-trial Readiness matters will be stricken and are continued until after June 1, 2020. The Court will send out new dates on all matters that have been struck pursuant to this order.
- (e) Jury Trials: All jury trials currently calendared are continued to a trial term after July 6, 2020.
- (f) Probation Review Hearing: All probation review hearings currently calendared are continued to a date after June 1, 2020.

3. Traffic Infraction Hearings

All traffic infraction hearings currently calendared in response to a defendant's request for a personal appearance are continued to a date after June 1, 2020. New hearing notices will be sent by the Court. Hearings currently calendared for appearance on written statements pursuant to IRLJ 3.5 will continue to be heard. Time for Hearing provisions of IRLJ 2.6 are suspended until further Order of the Court pursuant to Supreme Court Orders 25700-B-602, 607, 615, and 618. The Court will accept, and in fact encourages, agreed orders.

4. Civil Proceedings

Civil Motions, Change of Name, Small Claim Mediation Hearings, Small Claim Trials, Vehicle Impound Hearings and all other civil proceedings not otherwise addressed in this Order that are currently noted for hearing before June 1, 2020 are continued. Civil Motions may be re-noted by the moving party after June 1, 2020. All other civil matters will be re-set for hearing after June 1, 2020 by the Court.

5. Jail Calendars and Mental Health Court

- (a) This Order does not apply Mental Health Court. Judicial Officers hearing the Mental Health Court calendars may make such Orders as are necessary to protect the health and safety of all participants and the public.
- (b) Jail calendars are subject to Supreme Court Order 25700-B-618.
- (c) No jail transports to Cascade, Everett, Evergreen, or South Division will occur absent the approval of a Judicial Officer.


6. Rules

Any Snohomish County District Court Local Rules or State Court Rules that are inconsistent with the provisions of this Administrative Order are suspended during the effective time of this Order.

7. Other

- (a) For purposes of this Order, 'Judicial Officer' means a Snohomish County District Court Judge or Snohomish County District Court Commissioner. The sole exception for this is that pro tem judges may determine the appropriateness of wearing masks during court proceedings pursuant to Attachment A.
- (b) Any civil or criminal matter may be heard upon the approval of a Judicial Officer.
- (c) This Administrative Order is subject to Supreme Court Amended Order 25700-B-618 and any provisions in conflict with Amended Order 25700-B-618 are superseded.
- (d) Criminal motions may be heard on days other than on a normal motions calendar upon approval of a judicial officer.
- (e) The Court will accept the following online classes that were taken during the time Emergency Orders were in effect: DUI victim panels; ADIS classes; theft awareness classes; anger management classes; and the MADD DV victim panel and any other DV panel that has been approved by the Probation Supervisor.
- (f) Attachment A addresses masks, face coverings and social distancing. Due to the possibility of rapid policy changes, Attachment A may be subject to change without notice.
- (g) Attachment B lists Zoom hearings and those hearings being held in-person in the courtroom. Due to the possibility of rapid policy changes, Attachment B may be subject to change without notice.

Dated this 28th day of May, 2020



Judge Douglas J. Fair
Presiding Judge
Snohomish County District Court

Attachment A

Face Covering Policy.

Findings

This face covering policy incorporates the findings set forth in District Court Administrative Order 20-09B, any emergency orders following that order, as well as the following findings. Pursuant to GR 36(a) a “safe courthouse environment is fundamental to the administration of justice. Employees, case participants and members of the public should expect safe and secure courthouses.” This face covering policy recognizes the independent authority of the Courts to provide a safe environment for all participants as well as the need for a policy that safeguards the fairness of the fact-finding process.

The courthouse and courtrooms are open to the public. Employees, case participants, and members of the public are present in the same common areas and courtrooms in confined spaces. People who have the novel coronavirus and are currently infectious may appear totally asymptomatic. Social distancing is encouraged through markings on the floor where waiting lines occur, by closing off some seating areas, and signage placed throughout the courthouses.

However, it not possible to maintain social distancing at all times. An employee, case participant or member of the public exposed to COVID-19 at the courthouse would negatively impact the ability of the Court to perform essential public safety and administration of justice functions.

The Center for Disease Control (CDC) and the Washington State Department of Health recommend that, during the current COVID-19 pandemic, individuals wear a covering over the mouth and nose to protect themselves and others. See [coronavirus.wa.gov](https://www.coronavirus.wa.gov). No other reasonable alternatives are available to mitigate the risk of exposure to COVID-19 within the courthouse other than social distancing and the required use of mouth and nose coverings.

Authority of the Court

GR 36(a) vests in the Courts the authority to establish reasonable protocols to protect the safety of employees, case participants and the public. Additionally, Washington State and Federal cases support the authority of the courts to adopt reasonable procedures and rules regarding safety. See *State v. Hartzog*, 96 Wn.2d 383 (1981); *Jacobson v. Massachusetts*, 197 U.S. 11 (1905).

Snohomish County District Court - Face Mask Policy

Effective June 1, 2020 and during the duration of emergency orders addressing the COVID-19 pandemic, all persons entering the courthouse at the Cascade, Evergreen and South Divisions of Snohomish County District Court are required to wear a face covering that covers their mouth and nostrils. A clear face shield that covers the entirety of the face from ear to ear and to below the chin will comply with this requirement. For the Everett Division, this policy applies to the courtrooms and the District Court lobby and work areas.

The required face covering must be worn at all times unless an exception established by this policy applies or as determined by a judicial officer. Persons without required face coverings will be denied entry to the courthouse at the Cascade, Evergreen and South Divisions. In the Everett Division persons without facemasks will be denied entry to the courtrooms, lobby and work areas. The court is not required to provide a face covering except as noted below.

Exceptions:

- (1) The District Court will provide face coverings for jurors, witnesses, those persons in need of ADA accommodations, and District Court employees.
- (2) At the discretion of a judicial officer, a face covering may be removed to ensure effective communication, to enable compliance with ADA requirements and to implement any accommodations necessary to ensure the fairness of the proceedings and avoid prejudice to any person.
- (3) A judicial officer may direct that witnesses' face coverings be removed during testimony.
- (4) Any person who provides verifiable proof that their medical provider has determined that their health and safety is put at risk by wearing a face covering is exempt from this policy. Special accommodations for ADA issues will be addressed on a case-by-case basis.
- (5) Children under the age of 2 years are not required to wear a face covering.
- (6) District Court employees will be provided three (3) cloth facemasks or one (1) shield per employee at their request. Employees in a private space such as in an

office or break room with no one else present is not required to wear a mask or face covering as long as they remain alone. Employees will be given short breaks at regular intervals to allow them access to a private area where they can safely remove their masks. Removal of the mask will also be allowed for the purposes of eating and drinking and shall be no longer than necessary to consume food or drink.

Attachment B

Virtual Hearings (Zoom)

Arraignment (commencing in June-July, 2020)

Non-contested probation compliance hearings

Civil motions

Ex-parte motions

Contested infractions

Mitigation hearings

Name changes

Non-testimonial motions

Disposition hearings

Pre-trial/confirmation hearings

In person hearings

Vehicle impound

Contested infractions at the discretion of the judicial officer

Contested probation hearings at the discretion of the judicial officer

Full order hearings

Evidentiary hearings on the motion calendar

Bench trials (including small claims trials)

Compliance review hearings for firearms/IID/SCRAM