

**SPOKANE COUNTY DISTRICT COURT
STATE OF WASHINGTON**

IN THE MATTER OF THE EMERGENCY
RESPONSE TO THE THREAT TO PUBLIC
HEALTH

EMERGENCY ADMINISTRATIVE ORDER

NO. 1 EMERGENCY ORDER RE: PROBATION
DEPARTMENT

This matter comes before the Court on the public health emergency in Washington State and Spokane County:

- As of March 20th, 2020 Spokane County had eleven (11) confirmed cases of COVID-19 with expectations that number will increase.
- As of March 19th, 2020, Spokane County had nine (9) confirmed cases of COVID-19 with expectations that number will increase.
- As of March 17th, 2020, President Donald Trump and the Centers for Disease Control and Prevention (CDC) announced guidelines for the next fifteen (15) days to slow the spread of COVID-19. Those guidelines recommend limiting, as best as possible, all social gatherings to no more than ten (10) people.
- As of March 16, 2020, Spokane County Superior Court suspended all jury summons until April 27th, 2020 and ordered that jury personnel for Spokane County Superior Court call off jurors summoned immediately. The Spokane County Superior Court ordered that the Superior Court would conduct no criminal jury trial until at least April 27th, 2020.
- As of March 16th, 2020, Washington State Governor, Jay Inslee ordered a statewide shutdown of all restaurants, bars, entertainment and recreational facilities. Governor Inslee also prohibited the gathering of more than 50 people. Gatherings of less than 50

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people are prohibited unless previous criteria for public health and social distancing are met.

- As of March 15th, 2020, in King County, Washington there are approximately 420 confirmed cases and 37 deaths. On Friday, March 13th, 2020, Dr. Bob Lutz, Spokane County Health Officer announced three (3) confirmed cases in Spokane County, Washington with expectations that number will increase.
- On March 14th, 2020, the Spokane County District Court was informed that a Spokane County District Court (SCDC) employee had been exposed to COVID-19.
- On March 14th and March 13th, 2020, Dr. Bob Lutz, Spokane County Health Officer recommended measures to slow the spread of COVID-19. Those recommendations included but were not limited to cancelling all scheduled events over 250 attendees for the next 30 days, effective immediately, and social distancing.
- On March 13th, 2020, Washington State Governor, Jay Inslee ordered statewide school closure for six weeks amid the COVID-19 outbreak.
- On March 13th, 2020, President Donald Trump declared a national emergency due to the public health emergency posed by the spread of COVID-19.
- On March 4th, 2020, Chief Justice Debra Stephens of the Washington State Supreme Court adopted Order No. 25700-B-602, granting emergency authority upon all Washington courts to adopt, modify, and/or suspend court rules and order, and to take further actions concerning court operations, as warranted to address the current state of emergency issued as an emergency order in response to the public health emergency that affects operation of trial courts in Washington State.
- On February 29th, 2020, Washington State Governor, Jay Inslee declared a state-wide emergency due to the public health emergency posed by the spread of COVID-19.
- Spokane County District Court's courtrooms are high-volume courtrooms and collectively handle more than 100,000 matters each year for both the County as well as cities that contract with the Court for District Court services. Therefore, it is necessary for the Spokane County District Court to make modifications to the court operations to allow for the orderly transition to a system of work that will allow for implementation of systems and procedures that will meet the concerns and directives required.

Given the significant risk posed to the public, court personnel, and litigants by the exposure and transmission of the COVID-19 and the expectation that COVID-19 cases will continue to increase in Spokane County unless social distancing is utilized, the Court orders the following:

ORDER

IT IS HEREBY ORDERED that pursuant to the authority of Washington State Supreme Court Order No. 25700-B-606 and Amended Order No. 25700-B-607, and the authority as Presiding Judge of the Spokane County District Court the following shall be in effect commencing Friday, March 20th, 2020.

1. **Probation is suspending all face-to-face contact with Court ordered individuals, except for those individuals outlined below in accordance with best practices:**

- Individuals required to report for post-conviction intakes where an individual's signature is required by order and condition of the Court to be met. The probation department will, to the greatest extent possible, obtain any necessary probation participant signatures required by local treatment agencies and/or probation to be provided via email and/or telephone. Email being the preferred method unless impossible.
- Unless determined to be "urgent," by a District Court Judge, all defendants placed on probation will be required to call their probation officer by specified date/time to schedule an intake appointment with their probation officer via telephone. Probation officer contact information may be obtained by visiting <https://www.spokanecounty.org/directory.aspx?did=35> or by calling the Probation Department at (509) 477-4751.

2. **The District Court Probation Department shall incorporate best practices in consideration of the spread of COVID-19 health crisis including, but not limited, to the following:**

- Probation will immediately limit office visits for persons on probation supervision. To avoid unnecessary travel and contact in the waiting room and offices of probation staff, probation shall suspend all face-to-face reporting. Participants will be required to report via telephone, email, or other means available to them. Therapeutic Court Participants may be seen, face-to-face, on a case-by-case basis due to the level of urgency. This will require proper precautions and pre-screening to be done via telephone, if possible, prior to entry to the probation department. All efforts will be made to maintain contact with probation participants via phone, email, mail, or other means available by and through probation staff.

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- Probation will greatly limit “technical violations” such as non-compliance with treatment, positive urinalysis, missed urinalysis, or failure to pay fines and fees. Probation will continue to notify the Court on these technical violations; however, the probation department will not seek additional action unless the violation poses an immediate and urgent risk to public safety, or the health and safety of the probation participant. Probation will make every reasonable effort to conduct supervision of probation department participants through means as identified above.

3. The District Court Probation Department will make efforts to reduce terms of probation supervision to achieve goals met on supervision:

- Probation officers will do a thorough review of probation files to assess those persons on supervision who may be eligible for early termination of probation supervision. For those persons who have shown and demonstrated successful performance on probation and who have proven that supervision is no longer necessary. Under those conditions, probation will recommend that probation be terminated immediately upon approval of the Court.
- Probation will make every effort to appropriately assess and identify those persons who will truly benefit from continued supervision, while at the same time allocating appropriate probation resources, limiting travel, office visits, and incarceration that may increase COVID-19 exposure to persons under supervision as well as court personnel, probation staff, and attorneys.
- Probation will continue to train staff to provide clear and accurate information to probation participants as related to reducing the spread of COVID-19. Including, but not limited to proper precautions and recommendations by public health officials to help limit the spread and transmission of COVID-19. These include, staying home when sick, covering coughs and sneezes, frequently washing hands with soap and water, and cleaning frequently touched surfaces.

4. Spokane County Probation Department services and programs that will be suspended, until at least April 27, 2020, to maintain recommended social distancing are as follows:

- Probation will suspend all classes for Alive @ 25 and the Adult Defensive Driving Course (DDC4). Participants who have already been scheduled/paid for these classes, will be re-scheduled out past mid- May 2020, or continued further based on public health recommendations.
- Probation will suspend all court ordered, in-person, Portable Breath Tests (PBT) until April 27, 2020. Probation may also continue, all in-person PBT tests, beyond that date should social distancing be recommended beyond April 27th, 2020 by public health officials. Persons placed on probation may be ordered by the Court to utilize alternatives

to in-person PBT testing; such as, Smart Mobile, hand-held breath check devices, or other probation authorized testing options.

- Probation will suspend all Deferred Prosecution Orientation groups until April 27, 2020, or to any continued date ordered by the court or recommended by public health officials.
 - The Court authorizes the Spokane County Probation Department accept temporary online, telehealth, or telephonic programs such as AA's and treatment groups, from agencies and providers, as authorized by a probation participant's **treatment provider**. If the treatment agency considers the participant in compliance, the Court shall accept that compliance report. By doing so, the probation department continues to discourage unnecessary travel and possible exposure to COVID-19. At the same time, probation officers can support participants in their sobriety and with complying with conditions of supervision during the COVID-19 pandemic.
5. **The Spokane County District Court Probation Department supervisor shall comply with all District Court and Spokane County telecommute options to minimize exposure to COVID-19 and to ensure that the needs of the Court and public safety are maintained, as best as possible, during this crisis:**
- The Spokane County Probation Department shall maintain at a minimum, a staffing level that meets required, but reduced, operational needs. A formalized telecommuting and in office work schedule has been posted to all staff to deploy as soon as possible. The department manager will continually re-assess the needs of the department, public health concerns, and the Court's needs.
 - To maintain the integrity and trust of Spokane County citizens and the Court, probation staff telecommuting, will report to their team leaders (PO2) and the County Probation Manager as required, via telephone, email, and or skype/Zoom. This is to ensure continuity of operations and continued daily work flow.

It is further ordered, all hearings delayed by this order will have notices mailed to the parties of the next scheduled hearing date via US mail. Any party needing to update their mailing address should contact the court clerk at (509) 477-4770 or via email at

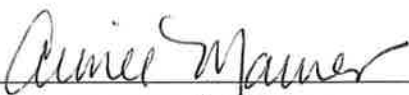
Criminal and Infraction Clerk's Office – dccasemgmt@spokanecounty.org

Civil Clerk's Office – dccivil@spokanecounty.org

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All courthouse locations will remain open; however, the public is encouraged to contact the court via telephone or email. This order may be modified consistent with the Spokane County District Court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 20th day of March, 2020.



Acting Presiding Judge Aimee Maurer

ORDER