IN THE DISTRICT COURT
FOR THE COUNTY OF WALLA WALLA

IN THE MATTER OF EMERGENCY RESPONSE TO PUBLIC HEALTH THREAT	))))	SECOND AMENDED ADMINISTRATIVE ORDER NO. 20-003

WHEREAS, The Chief Justice of the Washington Supreme Court issued a Revised and Extended Order No. 25700-B-615 Regarding Court Operations on April 13, 2020; and

WHEREAS, the Washington State Supreme Court previously issued an Amended Order No. 25700-B-607 in response to the COVID-19 public health emergency that affects operations of courts in Washington State on March 20, 2020; and

WHEREAS, the Washington State Supreme Court previously adopted Order No. 25700-B-602 granting emergency authority to all state courts to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") previously recommended that for an 8 week period, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States; and

WHEREAS, this court conducts various dockets and hearings in which 50 people or more are likely to attend; and

WHEREAS, this court previously adopted Amended Administrative Order No. 20-001 but desires to amend that Amended Administrative Order to be in compliance with the Revised and Extended Order Regarding Court Operations No. 25700-B-615,

NOW, THEREFORE, EFFECTIVE APRIL 15, 2020 UNTIL THIS ORDER IS RESCINDED, IT IS HEREBY ORDERED:

1. CLERKS' AREA: The Clerks' area in the front of the District Courthouse will remain open to the public but for reduced hours, closing each weekday at 2 p.m. However, the court encourages all parties to make payments online, via mail or over the phone. The Clerks will continue to accept filings and provide copies of documents in person, subject to the provisions of this Order, unless and until the court determines that it is necessary to close the Courthouse.

2. PARTY SIGNATURES: The court will not require any defendant's signature on court orders. Instead, the order and docket will note how the party received notice and copy of any applicable order. Counsel, if a party is represented, shall be responsible for hand-delivering court orders to the party.

3. INFRACTIONS: All currently scheduled in-person infraction hearings will be continued to a date certain no sooner than May 5, 2020. The court finds good cause pursuant to IRLJ 6.1 and CRLJ 6 for such continuances. Anyone with a pending infraction will continue to have the option to submit written responses online or by email or mail. Anyone who receives a notice of infraction is still required to respond to the notice of infraction within fifteen (15) days of the date the notice is personally served or, if the notice is served by mail, within eighteen (18) days of the date the notice is mailed. Individuals can respond by mail, by delivering their response to the Clerks' area, or by submitting their response online through the court's website.

4. IN-CUSTODY CRIMINAL HEARINGS: All in-custody hearings regarding pretrial release or other release from detention shall be by video conference from the jail. All other in-custody criminal hearings will be continued to a date certain no sooner than May 5, 2020. Counsel are encouraged, in cases where nothing is to take place other than continuing the hearing, to present agreed motions and orders for ex parte signature by the court.

5. OUT OF CUSTODY ARRAIGNMENTS: All out of custody arraignments shall be continued to a date certain no sooner than May 5, 2020 but no later than 45 days after the filing of the applicable charge. Good cause exists under 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 CrRLJ 3.3(c)(1).

6. ALL OTHER CRIMINAL PROCEEDINGS: All other criminal matters shall likewise be continued to a date certain no sooner than May 5, 2020, except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that do not require in-person attendance. The court will accept agreed motions to continue without the defendant having to appear in court. The court also finds and concludes in accordance with CrRLJ 3.3(f) that all continuances granted or ordered by the court pursuant to this Amended Order are required in the administration of justice and further finds that good cause exists for such continuances and that criminal defendants will not be prejudiced in the presentation of their defenses by any such continuances.

7. PROBATION AND PRE-TRIAL SUPERVISION: All defendants required to check in with Probation are encouraged to do so by telephone, although the Probation Officers may continue to see defendants individually in person pursuant to any schedule that the Probation Officers set. All DV-MRT and Anger Management sessions shall be suspended until a date certain no sooner than May 5, 2020. Defendants ordered to attend such sessions shall check in with Probation by phone or individually in person as scheduled by Probation. Show cause hearings for active probation will continue to be filed but will be scheduled for no sooner than May 5, absent an emergency which warrants a sooner hearing.

8. CRIMINAL JURY TRIALS: Until further Order of this court, no criminal jury trials shall be called. All currently scheduled jury trials shall be continued by the court to a date certain no sooner than May 5. If a defendant claims that his or her ability to present a defense will be compromised by such continuance, steps will be taken to remedy the situation, such as preserving testimony via deposition or other means. Based on the above-referenced Washington Supreme Court Revised and Extended Order, court rules, including but not limited to, CrRLJ 3.3 are suspended.

9. CONTINUANCES REQUIRED IN ADMINISTRATION OF JUSTICE: Continuances of criminal hearings and trials as provided in this Second Amended Order are required in the administration of justice. Based upon the 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), the time between the date of this court's previous Amended Order and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrRLJ 3.3(e)(3)

10. CIVIL MATTERS: The court finds good cause to continue any currently set civil bench trials and small claims hearings to a date certain no sooner than May 5. The clerk will notify the parties of the new trial date. All civil motions or other hearings will be heard by the court at their regularly scheduled date and time, if such hearings can be conducted by telephone or video conference. Otherwise, such motions or other hearings will be rescheduled to a date certain no sooner than May 5, 2020.

11. BENCH WARRANTS: Bench warrants may be issued by the court for violations of conditions of release from now through May 4, 2020. However, the court will not issue bench warrants for failure to appear in person for court hearings or pretrial supervision meetings unless the court determines that it is necessary to do for the immediate preservation of public or individual safety.

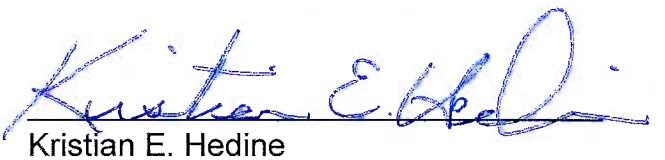
12. CIVIL PROTECTION ORDERS: The court will continue to issue civil protection orders as appropriate, but the court will schedule all in-person hearings related to such orders to a date certain no sooner than May 5, 2020. If any such matter must be heard by the court prior to May 5, 2020, such matter will be heard by telephone, video, or other means that does not require in-person attendance, unless impossible. Where any such matters must be heard in person, social distancing and other public health measures must be strictly observed. Telephonic, video or other hearings required to be public shall be recorded, with the recording preserved for the record.

13. EX PARTE NO CONTACT ORDERS: The court may enter ex parte no contact orders pursuant to RCW 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation, or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision shall not relieve the prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for the court to extend ex parte orders beyond the initial period until a hearing can be held.

14. GENERAL HYGIENE PRACTICES: All persons entering the District Courthouse may be required by Court Security or the Clerks to use hand sanitizer immediately upon entering the Courthouse. All individuals who enter the Courthouse shall practice, when practicable, the recommended six-foot

social distancing recommendations by public health authorities. Anyone who is complaining of, or exhibiting symptoms, that cause concern to the Court Security Officer or the Clerks shall be prohibited from entering the Courthouse. Anyone who has business with the court who is experiencing or exhibiting symptoms of COVID-19 are encouraged to contact the court by phone or email and request a continuance of their court date, which will be routinely granted by the court during the time that this Order remains in effect.

DATED this 15th day of April, 2020.



Kristian E. Hedine
Presiding Judge