

IN THE MUNICIPAL COURT OF THE CITY OF FERNDALE
IN THE COUNTY OF WHATCOM

IN THE MATTER OF:) ADMINISTRATIVE ORDER
COURT OPERATIONS UNDER THE EXIGENT)
CIRCUMSTANCES CREATED BY A PUBLIC) NO. 2020-001
HEALTH THREAT)

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 granting emergency authority to this court 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;

WHEREAS the court is committed to protecting the health, safety and security of our community as well as protecting the constitutional rights of the accused;

WHEREAS, this Administrative Order is being issued in response to the recent outbreak of Coronavirus Disease (COVID-19) in Western Washington, which has been home to the first reported domestic case of the disease and some of the first significant community impacts from school and business closures;

Given the number of identified and projected cases of COVID-19 in the area and the severity of risk posed to the public, and given recommendations from local public health authorities,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Effective Monday March 16, 2020, all criminal hearings for in-custody defendants normally conducted in the Whatcom County Jail courtroom on Tuesday morning are cancelled pending further order of the court.
2. All criminal defendants currently being held on bail while on pre-trial status for any pending criminal case shall be released on their personal recognizance.

The Whatcom County Jail shall release the defendant on his/her personal recognizance after the defendant has signed a promise to appear in Ferndale Municipal Court, located at 5694 Second Ave. Ferndale WA, at 9:30 AM on the Friday following their release.

3. As to Ferndale defendants who are being held in custody by other courts, the prosecution and defense are encouraged to handle routine matters such as continuances through agreed ex parte orders in order to minimize the need to transport defendants to the courtroom. Any issues involving incarcerated defendants shall be considered on a case by case basis.
4. This order does not affect individuals who have already been sentenced by this court and are serving jail time as a result.
5. If a criminal defendant communicates with his/her attorney prior to court and discloses that they are too ill to attend, their presence shall be excused, and no bench warrant shall be issued. The attorney will be provided with a promise to appear for the client to sign at a later time, outside of court.
6. Litigants, attorneys, and members of the public who disclose that they feel ill shall not be allowed to enter the Ferndale Municipal Court.

The Ferndale Municipal Court shall remain open. Staff in the Clerk's Office will be available by telephone, mail will be received, and the intake desk remains open for filings. The public is encouraged to continue utilizing court services while following all applicable public health guidelines. The court shall continue to have its regular out of custody criminal calendar on Friday mornings at 9:00 AM, and its monthly traffic calendar on the second Thursday of each month at 9:00 AM.

DATED this 16th day of March 2020.



Mark A. Kaiman
Presiding Judge