Bellingham Municipal Court
Local Court Rules

Table of Rules

RULE 1 Delegating Authority to Cancel Warrants and FTA'S, and Rescind Delinquent Charges
RULE 2 Mandatory Appearance and Pleadings by Attorneys
RULE 3 Trial by Jury/Pre-Trial Conference/Readiness Hearing
RULE 4 Motions And Applications - Notice - Service
RULE 5 Jury Settings
RULE 6 Written Juror Instructions
RULE 7 Voir Dire
RULE 8 Requirements for Payment of Jury Fees Upon Cancellation of Jury Trial
RULE 9 Civil Infraction - Hearing on Mitigating Circumstances
RULE 10 Civil Infraction - Decision on Written Statements
RULE 11 Telephonic Testimony At Contested Hearings
RULE 12 Payment of Fines And Penalties
RULE 13 Weapons in Court Building Prohibited
RULE 14 Court Files and Audio Tapes-Inspection and Copying Procedures
RULE 15 Bail
RULE 16 Cases of Broad Public Import
RULE 17 Emergency Closures
RULE 18 Oaths of Interpreters and Prosecutors
RULE 19 Jail and Jail Alternatives
Rule 20 Electronic Filing of Law Enforcement Reports

RULE 1
DELEGATING AUTHORITY TO CANCEL WARRANTS AND FTA'S, AND RESCIND DELINQUENT CHARGES

In addition to the Judge, Court Commissioner, and Court Administrator, the following Court personnel are hereby granted authority to allow the rescheduling of time payments, to cancel arrest warrants issued for Failure to Pay fines or costs as agreed; and to rescind delinquent charges on warrants and FTA's reported to the Department of Licensing: Acting Court Administrator, Judicial & Support Services Manager.

RULE 2
MANDATORY APPEARANCE AND PLEADINGS BY ATTORNEYS

1) Pursuant to CrRLJ 3 & 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or traffic offense, if said appearance or plea is made in writing or made in open court unless the defendant is charged with any offense of domestic violence, assault in the fourth degree, harassment, indecent exposure, driving while under the influence or physical control, in which instances the defendant must appear personally before the Court for arraignment in order to properly determine any pre-trial conditions of release, or bail, which may be appropriate.

2) Unless previously commenced by an appearance made in open Court, when a written appearance is authorized it shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance, waiving an arraignment, but without plea, shall be considered a plea of not guilty, made in writing, or in open Court, and obviates the need for further arraignment and waives any defects in the complaint other than failure to state a crime. Telephonic requests or notice by defendant or defense counsel shall not constitute an arraignment, appearance or plea, and shall not commence the time periods under CrRLJ 3.3.

3) Personal appearance at arraignment by a defendant charged with any offense of domestic violence, assault in the fourth degree, harassment, indecent exposure, driving while under the influence or physical control is mandated by law. The "next Court day" for this Court means the next regularly scheduled Court session at least one calendar day after the violation date of the citation.

[Effective September 1, 2012]

RULE 3
TRIAL BY JURY/PRE-TRIAL CONFERENCE/READINESS HEARING

1) In every criminal case in which the defendant pleads not guilty, the Clerk shall set a date for a pre-trial conference. The purpose of said conference is for presentation of motions, completion of plea bargaining, and to set a trial date and readiness hearing. Discovery shall be provided to the party requesting same at least two (2) working days PRIOR TO said conference. Unless the pre-trial conference is continued to another date or the case is resolved at the hearing, the Clerk will set a jury trial and readiness hearing. If the right to jury trial is waived, however, the Clerk shall set a bench trial date and no readiness hearing is required.

2) If the defendant fails to appear at the pre-trial conference without good cause, forfeiture of bail will be ordered and the Court will order a bench warrant for the arrest of the defendant.

3) Within twenty-two (22) days prior to an assigned jury trial date there shall be held a readiness hearing. At such hearing, it shall be mandatory that the prosecuting authority, the defense counsel, and the defendant be present. At such hearing, the following matters will be concluded: 1) All plea bargaining, 2) Exchange of witness lists, 3) Providing of any discovery not previously exchanged at the pre-trial conference, and 4) Motions on legal issues arising subsequent to the pre-trial conference or on issues arising due to new evidence.

4) At the readiness hearing, the parties will notify the Court that they are ready or not ready for trial. If both parties state that they are ready for trial, the case will subsequently be tried by jury unless waived by the defendant, or concluded by a guilty plea, or a dismissal of the charge(s), except as provided in paragraphs (5), (6), and (7) below.

5) If, after the readiness hearing, the defendant decides to plead guilty, the plaintiff moves to dismiss, or if either party seeks a continuance of the trial date, the parties shall notify the other party and the Chief Clerk, or designee, no later than noon on the court day prior to the scheduled jury trial nor later than noon on the Friday before the scheduled jury trial if the defendant is in custody. The Chief Clerk shall then set the matter for a plea hearing or a motion hearing on the afternoon calendar on the court day prior to the scheduled jury trial date, or on the jail calendar for the same date if the Defendant is in custody.

6) A failure of the defendant to be present at the readiness hearing will result in the issuance of a bench warrant for failure to appear, forfeiture of bail, and the striking of the jury trial date.

7) Final Confirmation Required: After the readiness hearing, but no later than noon on the court day before the jury trial is scheduled to begin nor later than noon on the Friday before the jury trial is scheduled to begin if the defendant is in custody, both parties shall notify the Chief Clerk, or designee, that the case is ready to proceed to trial. If either party fails to confirm that the trial is ready to proceed by that time, the Chief Clerk, or designee, shall set the matter for a status conference on the afternoon calendar of the court day prior to the scheduled jury trial, or on the jail calendar for the same date if the defendant is in custody, and both parties shall appear for the status conference. If either party fails to appear for the status conference, the jury trial date shall be stricken and a bench warrant may be issued.

8) Any case confirmed for trial under paragraph (7) that does not proceed to trial may subject the culpable party/parties to such sanctions, including but not limited to, jury costs, witness fees and other terms, as deemed appropriate by the Judge/Commissioner.

9) A bench warrant issued for failure to appear at a jury trial or status conference will not be quashed absent a clear and convincing showing of extraordinary circumstances that justify such a failure to appear.

10) If any attorney fails to appear for a scheduled conference, hearing, or trial, the Court may assess costs and/or sanctions against the attorney.

11) The requirements of this rule can be waived only by the Judge/Commissioner.

Amended Effective September 1, 2008

RULE 4
MOTIONS AND APPLICATIONS - NOTICE - SERVICE

1) Note for Motion. Except as provided by paragraph 4, either party may note a motion upon the motion calendar in writing, with proper and timely notice to opposing counsel. Motions may only be noted on other calendars with the prior permission of the Judge or Commissioner for good cause shown. Each note for motion form shall include an estimate of the amount of time the party believes the motion will take. Motions improperly noted may be stricken by the Clerk.

2) Memoranda. Memoranda relating to motions shall not exceed ten (10) pages, not including attachments and exhibits. Requests for waiver of page limitations may be granted for good cause shown, and may be heard ex parte. Copies of any statutes, ordinances, reported cases, or other authorities the advocate deems important to his or her argument shall be attached to the memoranda. Parties are encouraged, but not required, to electronically file a "courtesy copy" of their written memoranda by e-mailing the Judge and Commissioner with electronic copies sent to opposing counsel.

3) Motion Hearing Procedures. Oral argument on motions shall be limited to five (5) minutes for each side, exclusive of testimony, unless the assigned Judge or Commissioner determines otherwise.

4) Motion to Rescind or Modify a No Contact Order or Anti-Harassment Order. A motion to rescind or modify a no contact order or anti-harassment order shall be noted in the following manner: 1) The motion shall be noted on the domestic violence calendar if the defendant and victim are not in custody, or if the defendant and/or victim are incarcerated at the Whatcom County Jail, upon the Thursday in-custody calendar, (2) the motion may be noted by the victim advocate on behalf of the victim, the city attorney's office, the court, a pro se defendant, or the defendant's attorney, (3) the moving party

shall provide written notice to the opposing party at least five court days prior to the hearing date, and (4) the moving party shall complete and file a written "Request to Rescind or Modify No Contact Order" to note the hearing. Any victim or alleged victim requesting such a hearing shall be referred to the victim advocate in the City Attorney's Office for assistance in completing this process.

RULE 5
JURY SETTINGS

A matter set for jury may be heard by the Judge or Commissioner. A party wishing to file an affidavit of prejudice must do so before any discretionary ruling, and prior to the pre-trial date.

RULE 6
WRITTEN JUROR INSTRUCTIONS

When a jury is to be instructed in writing, proposed instructions shall be submitted on plain paper with no mark identifying the attorney or party. The original, which shall be free of citations of authority, and one copy with the citation of authority, shall be submitted to the Court at the readiness hearing.

RULE 7
VOIR DIRE

The voir dire examination of jurors shall be conducted under the direction and control of the Court with the following guidelines:

1) It is expected that voir dire, in most cases, will consume one hour of time or less. Generally, the Struck Jury Method of voir dire will be used.

2) The Court shall ask all general questions and thereafter shall give leave to the respective parties to ask such supplementary questions as may be deemed proper and necessary by the Court. The parties may submit all proposed general questions in writing prior to voir dire.

3) The Court may intervene without objection in instances of inappropriate questioning and may limit the amount of time each party has to examine a juror or jury panel.

RULE 8
REQUIREMENTS FOR PAYMENT OF JURY FEES UPON CANCELLATION OF JURY TRIAL

If a defendant who has been charged with a criminal violation has requested a jury trial, and if that jury panel is summoned and the Court has incurred the expense, or will incur the expense because the jury has been brought in, and if the defendant waives his or her right to a jury trial less than 48 hours prior to the date for which the jury trial had been scheduled, or otherwise causes the excusal or release of the jury from hearing the case, the defendant shall be responsible for payment to the Court of the amount of the actual costs incurred by the Court for jury fee payments and mileage reimbursements. Provided, however, that the Judge/Commissioner presiding over the case specifically determines that payment of those fees and costs shall be waived for good cause shown.

Any such jury fee costs imposed by the Court for payment and reimbursement of jury fees and mileage reimbursement shall be paid by the defendant as a condition of suspended sentence, if any, or as otherwise directed by the Court.

RULE 9
CIVIL INFRACTION - HEARING ON MITIGATING CIRCUMSTANCES

A defendant requesting a reduction of a civil infraction penalty may have such determination based on his or her prior record and/or on other relevant information available to the Court without an explanation of the event cited. The amount of the reduction shall be set by the Court in a written order, maintained in the Clerk's office,

and available upon request.

The civil infractions which are disposable by a reduced bail forfeiture, shall be established by the Judge/Commissioner. A public list of those civil infractions, bail amount, and any conditions applicable shall be maintained in the Clerk's office and be available upon request.

RULE 10
CIVIL INFRACTION - DECISION ON WRITTEN STATEMENTS

1) Generally. The Court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 90 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

2) Factual Determination. The Court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

3) Disposition. If the Court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 3.3.

4) Notice to Parties. The Court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed, and the date by which such payment shall be made to the Court.

5) No Appeal Permitted. There shall be no appeal from a decision on written statements, and the decision of the Judge/Commissioner shall be final for all purposes.

RULE 11
PROCEDURE AT CONTESTED HEARINGS

1) Speed Measuring Device Experts. When any speed measuring device expert is required to testify in a contested infraction hearing, the expert may testify by telephone, unless otherwise ordered by the Court. The party required to produce such evidence shall be responsible for arranging the expert's telephonic testimony and advising the Court Clerk prior to the scheduled time for the contested hearing.

2) Handling of Requests for Contested Hearings After Failure to Respond. 1f a defendant who has failed to respond to a notice of infraction, as required by RCW 46.63.070 and Rule 2.4 of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), requests that the Court set his/her case for a contested hearing, the Court Clerk shall be authorized to set a date for a contested hearing, and retrieve pleadings and/or correspondence from the Department of Licensing reflecting the failure to respond or appear, if any was sent, only upon the following conditions:

a) The defendant, within one week of the date by which a request for a contested hearing should have been received by the Court, delivers to the Court an envelope containing his/her request for a contested hearing, with a postmark clearly indicating that the envelope was addressed and mailed to the Court within the time frame for requesting contested hearings pursuant to statute and Court rule, and with the envelope indicating that it was returned to the defendant, for whatever reason; or,

b) The Court, within one week of the date by which a request for contested hearing should have been received by the Court, receives in the mail an envelope containing the defendant's request for a contested hearing, with the envelope showing a postmark clearly indicating that the envelope was mailed to the Court within the time frame for requesting contested hearings pursuant to statute and Court rule.

In all other cases, the defendant shall not be entitled to a contested hearing, and the disposition of the infraction shall be dealt with as provided by statute or Court rules for failure to respond or appear.

3) Discovery Demands. Any party alleging a violation of the rules of discovery set forth in IRLJ 3.1(b) shall document service of the discovery demand upon the opposing party by either providing a copy of the discovery demand with a stamp from the opposing party indicating the demand was received in a timely manner or by providing a return receipt from the U.S. Postal Service or private postal carrier documenting that the opposing party was served with the discovery demand in a timely manner. Discovery demands made to the City in infraction matters shall be directed to the prosecution unit of the Office of the City Attorney, which shall date-stamp all discovery demands when received.

4) Subpoenas for Bellingham Police Officers--Alternative Procedure. Subpoenas may be requested and served as provided by state law and court rules. In the alternative, defendants in contested infraction cases may serve subpoenas upon officers of the Bellingham Police Department in the following manner:

a) A subpoena may be requested and obtained from the court clerk;

b) The defendant, or his or her attorney or agent, may effectuate service of the subpoena upon the officer by serving the subpoena upon an

employee of the Criminal Division of the Bellingham City Attorney's Office in that office at least seven days before the scheduled contested hearing;

c) The Bellingham City Attorney's Office shall date-stamp the subpoena, provide a stamped copy to the person serving the subpoena, and transmit the original subpoena to the officer at the Bellingham Police Department;

d) All subpoenas served pursuant to this alternative procedure shall indicate that the subject of the subpoena shall appear to testify one hour after the commencement of the calendar upon which the case is scheduled;

e) The City of Bellingham has consented to this alternative procedure. A subpoena served pursuant to this alternative procedure shall be deemed valid unless objected to in a timely fashion for good cause shown; and

f) This alternative procedure does not apply to requests for Speed Measuring Device experts employed by or contracted with the Bellingham Police Department.

5) City Attorney. Pursuant to IRLJ 3.3, the City Attorney's Office need not appear in any contested infraction unless requested by the Judge or Commissioner.

6) This rule is not intended to supersede or conflict with any statutes concerning procedures for infractions or the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).

[Effective September 1, 2012]

RULE 12
PAYMENT OF FINES AND PENALTIES

1) Infractions. Any person who has been served with a notice of infraction and who desires to use option (1) as provided in IRLJ 2.4(b)(1), may arrange time payments on the monetary penalty according to the policy then in force. Infraction penalties imposed shall be paid at the conclusion of any requested hearing unless payments are authorized by the Judge/Commissioner.

2) Attorney and Jury Fees - Reimbursement. The Court may require partial or full reimbursement to the City for the cost of court appointed counsel, interpreters, and/or jury fees from those defendants the Court finds able to pay such.

3) Jail Costs - Reimbursement. The Court may require partial or full reimbursement to the City for the cost of jail time, as set by the Whatcom County Sheriff's Department, from those defendants the Court finds are able to pay the same.

4) Revocation of Probation or Imposition of Suspended Jail Time and/or Fines. Probation shall be revoked and previously suspended jail time and/or fines may be imposed for willful failure to pay fines. Any defendant unable to make fine payments in a timely manner shall request judicial review on or before the date such payment is due. Failure to request such a hearing shall be prima facie evidence of a willful failure to pay. Defendants who cannot pay fines and/or costs assessed shall request community service as an alternative to monetary payments.

RULE 13
WEAPONS IN COURT BUILDING PROHIBITED

1) Pursuant to RCW 9.41.300(1)(b), the Court has determined that weapons shall be prohibited from all indoor areas of the Bellingham Municipal Court Building, located at 2014 "C" Street.

2) Exceptions:

   a) Pursuant to RCW 9.41.300(7), paragraph (a) shall not apply to weapons carried by a person engaged in military activities sponsored by the federal or state governments while engaged in official duties, to law enforcement personnel, or to courthouse security officers engaged in official duties;

   b) Paragraph (a) shall not apply to weapons carried by persons proceeding directly and promptly between the exterior doors at the public entrance of the Bellingham Municipal Court Building and any official lock box or public official expressly designated by the City Council for the storage or retention of weapons.

RULE 14
COURT FILES AND AUDIO TAPES - INSPECTION AND COPYING PROCEDURES

1) All documents, including pleadings, filed with the Court and all CD

recordings of court proceedings are presumed to be available for public inspection and/or copying during Court business hours upon request, except as otherwise provided herein.

2) If any party wishes to seal any document, that party must do so by motion to the Court with proper notice to all parties. If the Court finds sufficient cause to seal the document, the Court will direct the Clerk to seal the document and the document will be placed in a sealed envelope in the Court file.

3) No sealed documents will be accepted for filing without a written court order.

4) Sealed documents will not be available for public inspection or copying.

5) Any person may request that a sealed document be unsealed, but must do so by motion to the Court with proper notice to all parties.

6) Social security numbers, mental health evaluations, and medical evaluations pertaining to drug or alcohol dependency shall not be subject to inspection or copying except where the defendant or defendant's attorney so requests, or upon Court order after a showing of good cause.

7) Private records: Pursuant to ARLJ 9(b), the following records are deemed to be "private records" and shall not be subject to inspection or copying unless they have been admitted into evidence, incorporated into a court pleading, or are the subject of a stipulation on the record which places them into public records:

   a) Witness statements and police reports;

   b) Pre-sentence reports and reports related to compliance with conditions of sentence;

   c) Copies of driving records or criminal history records subject to RCW 10.97;

   d) Correspondence received by the Court regarding sentencing and compliance with the terms of probation.

8) Quasi-public records: Pursuant to ARLJ 9(c) and RCW 10.101.020(3), the following records are deemed to be "quasi-public records" and are not subject to inspection or copying, but are subject to inspection or copying by the defendant or the defendant's attorney:

   a) Witness statements;

   b) Pre-sentence reports and reports related to compliance with conditions of sentence;

   c) Copies of driving records or criminal history records subject to RCW 10.97;

   d) Correspondence received by the Court regarding sentencing and compliance with the terms of probation, except when the information is provided on condition it remain confidential or when a finding of good cause is made for its confidentiality.

   e) Any application submitted in support of a determination of indigency.

9) Copying and other charges: Pursuant to RCW 3.50.100 and RCW 3.62.060, the following fees shall be collected:

   a) The charge for copying documents without a seal is fifty cents per page;

   b) The charge for preparing a certified copy of an instrument on file or of record in the clerk's office is five dollars for the first page or portion of the first page and one dollar for each additional page or portion of an additional page;

   c) The charge for certifying any document on file or of record in the clerk's office is five dollars. The charge for authenticating or exemplifying an instrument is two dollars for each additional seal affixed;

   d) The charge for copying a document without a seal or file that is in electronic format is twenty-five cents per page;

   e) The charge for copying electronic recordings of proceedings on compact discs is ten dollars per disc. The charge for any other records copied to compact disc shall be twenty dollars per disc;

   f) The charge for clerk's services for ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional records searches is twenty dollars per hour or per portion of an hour;

   g) For preparing a record for appeal to superior court, a fee of forty dollars including any costs of tape duplication as governed by the RALJ;

   h) There shall be no charge for inspecting any document or CD; and

   i) Payment for copies of CDs and documents shall be received before copies are distributed unless the Clerk, Judge, or Commissioner determines that there is good cause to waive this requirement;

10) Pursuant to ARLJ 9(e), judicial review of disclosure may be requested by the prosecutor, defendant, defense attorney, court staff, or any other interested parties. If such a request is made, the Court may withhold dissemination of the record until a hearing may reasonably be held. Following the hearing, the Court may make such restrictive orders as are necessary.

11) To ensure the integrity of court files and property, unless otherwise authorized in writing by the Judge or Commissioner:

    a) All copying of court files and CDs shall be conducted by court staff;

    b) Inspection of court files shall take place in the designated court file viewing area; and

c) The Clerk shall have the discretion to determine the appropriate location and equipment to be used in reviewing CDs.

Nothing in this rule shall be construed to supersede existing statutes or subsequent amendments thereto.

RULE 15
BAIL

Effective immediately, the following policy shall govern the calculation of bail for all criminal matters:

1) If the Court determines that the defendant is not likely to appear if released on personal recognizance, the Court may require conditions of release, including the posting of cash or bond, as provided by CrRLJ 3.2(b).

2) If the Court determines that the defendant poses a substantial danger to the public to commit a violent crime, intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the Court may require conditions of release, including posting of cash or bond to guarantee performance of release conditions, as provided by CrRLJ 3.2(d). Performance bail shall be posted in the Defendant's name, as required by CrRLJ 3.2(d)(6). Any bond posted to guarantee performance of release conditions ("performance bond") must be approved by the Judge or Commissioner in writing prior to the Defendant's release.

3) If the Court, upon issuing a bench warrant, determines that bail shall be "cash" or "cash only," the defendant may post an appearance bond in the amount of ten times the cash bail requirement in lieu of cash, prior to the defendant's first appearance in Court. If "cash" or "cash only" is not indicated on the bench warrant, the defendant may post either cash or bond in the amount specified.

4) The Court may apply cash bail posted in the defendant's name to pay the defendant's fines, penalties and costs on the present case or on any past due obligations to the Court.

5) In any case for which bail forfeiture in lieu of criminal prosecution has been authorized, bail must be received by the Court before arraignment unless previously authorized in writing by the Judge or Commissioner.

6) This rule shall be retroactively applied to all cases in which bail has previously been set.

LOCAL RULE 16:
CASES OF BROAD PUBLIC IMPORT

1) The assigned Judge or Commissioner may declare, in any case where the resolution of novel legal issues or particularly significant factual disputes have ramifications beyond that of a single case, that the case is a case of broad public import subject to this rule.

2) The Court may order that related or similar motions in cases of broad public import be heard together in the interests of judicial economy, may set cases upon a special motion calendar for that purpose, and may make such orders as the Court may deem necessary to expeditiously and effectively resolve said motions

3) In the interest of an informed citizenry and bar, the Clerk shall solicit and maintain a list of interested attorneys, media representatives, and any other citizens who wish to be notified when the Court reaches a decision in cases of broad public import. When a special or joint broad public import, the Clerk shall notify all members fo the list and provide a brief summary of the nature of the motion. The Court may direct that such notice include an invitation to other attorneys to file related motions for the same time as the special or joint hearing. When a written decision is filed on a case of broad public import, the Clerk shall electronically transmit a copy of the written decision to all members of said list, but only after copies are sent to the attorneys of record in the case.

[Adopted effective August 12, 2004]

RULE 17
EMERGENCY CLOSURES

1) The Judge, Commissioner, and/or Judicial Services Director may declare an emergency closure of the Court when s/he deems that severe weather conditions, natural disaster, or other emergency so requires. The Court will publicize the closure as soon as practical, file a written administrative order closing the Court, and notify the Office of the Administrator for the Courts as soon as practical, pursuant to GR 21.

2) While the emergency persists, no hearings will be held except that the Judge, Commissioner, or Judge Pro Tem of the Court will, if circumstances permit, determine probable cause, set release conditions, and otherwise adjudicate required first appearance hearings for Defendants who are in custody. Such hearings may be held by telephone if deemed necessary due to the emergency.

3) Following an emergency closure, the Judge, Commissioner, and/or Judicial Services Director may declare the Court to re-open when the severe weather conditions, natural disaster or other emergency allows. The Court will publicize the re-opening as soon as practical.

4) All parties other than the City shall contact the Clerk's Office within two (2) business days after the re-opening of the Court has been publicly announced to reschedule any hearings that were not held due to emergency closure. Failure to do so may be deemed a failure to appear.

5) This rule shall only apply to the business of the Court, and shall not be construed to govern activities of the other branches of City government.

Amended Effective September 1, 2008

RULE 18
OATHS OF INTERPRETERS AND PROSECUTORS

Any oaths or affirmations required for certified interpreters and city prosecutors, including the oath or affirmation to testify under penalty of perjury in support of an application for probable cause and the oaths required by RCW 2.42 or RCW 2.43, may be made in writing and shall endure in perpetuity, rather than on a case-by-case basis, unless revoked in writing. Certified interpreters and city prosecutors shall execute oaths or such affirmations made pursuant to this rule in writing with the original filed with the Court.

Amended Effective September 1, 2008

LOCAL RULE 19
JAIL AND JAIL ALTERNATIVES

1) Use of Jail Alternatives. Unless otherwise ordered in writing, a sentence to jail shall permit the defendant to apply for jail alternatives and the defendant may serve the defendant's jail sentence on jail alternatives at the defendant's expense if deemed eligible by the Whatcom County Jail. The Court does not permit its sentences to be served at privately-operated jails or privately-operated jail alternative programs. The Court may consider a defendant's request to serve a jail term at another jail or jail alternative facility administered by a law enforcement agency at the defendant's expense if the defendant is deemed eligible by that law enforcement agency, and the defendant shall prove service of such sentence to the satisfaction of the Whatcom County Jail. The Court will not order the Whatcom County Jail to accept any inmate for any jail alternatives program who is not deemed eligible by the Whatcom County Jail.

2) Temporary Release. Requests for temporary release from custody will only be considered by the Court in cases of urgent medical necessity as recommended by the Whatcom County Jail medical staff or, under circumstances and upon conditions deemed appropriate by the Court, for release to an in-patient treatment facility. The Court will not consider nor grant temporary releases for funerals, work, family care, or any other circumstances.

3) Jail Supervision. The Whatcom County Sheriff, not the Court, is responsible for the operation and supervision of the Whatcom County Jail and jail alternative programs. The Court will not enter any order contrary to the Sheriff's lawful policies regarding the operation of the Jail or jail alternative programs.

[Effective September 1, 2012]

Local Rule 20
Electronic Filing of Law Enforcement Reports

1) Pursuant to GR 30(d)(1)(D)(ii), the Presiding Judge designates Cardinal Tracking Inc. Parking Management (also known as "TickeTrak") software and Longarm software to be "local secured system[s]."

2) Reports electronically entered into the Statewide Electronic Collision & Traffic Online Records

application, the Justice Information Network Data Exchange, the Cardinal Tracking Inc. Parking Management software and/or the Longarm software by law enforcement officers pursuant to GR 30(d)(1)(D)(ii) and/or this rule shall be deemed submitted to and filed with the Court upon entry into these respective secured system(s).

3) This rule shall be effective immediately upon filing with the Administrator of the Courts and shall apply retroactively to any pending cases.