

**IN THE MUNICIPAL COURT OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN THE MATTER OF
EMERGENCY RESPONSE TO
WASHINGTON STATE ADMINISTRATIVE
OFFICE OF THE COURTS INFORMATION
TECHNOLOGY SERVICE OUTAGE

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TEMPORARY
ADMINISTRATIVE ORDER
No. 2024-01

WHEREAS on November 3, 2024, the Washington State Administrative Office of the Courts (AOC) notified courts across the State of Washington that a significant disruption had occurred to information systems that are hosted by the AOC due to “unauthorized activity on the Washington Courts network”;

WHEREAS Washington Courts, including Bellingham Municipal Court, are unable to access any systems or databases hosted by AOC including but not limited to the Judicial Information System (JIS) and the Abstract of Driving Record (ADR), and therefore have limited or no access to Washington State case information, Washington State criminal history, Washington State Department of Licensing (DOL) records, and Washington State Protection Order history;

WHEREAS, the Revised Code of Washington requires that judicial officers consult certain databases prior to entering certain orders;

WHEREAS, the disruption to AOC systems has had a significant impact on court operations and AOC has not identified a date on which access to all systems will resume;

WHEREAS, because emergency procedures that have been implemented are time consuming and require additional resources, the Court must take steps to limit its operations and modify its processes to ensure that the most time sensitive matters can proceed without delay;

WHEREAS, the Bellingham Municipal Court has limited access to NCIC/III nationwide criminal histories through probation or the prosecuting attorney;

WHEREAS, on November 8, 2024 the Washington State Supreme Court promulgated Emergency Administrative Order No. 25700-B-720 allowing Washington Courts to expand or extend time rules on criminal cases regarding filing, speedy trial, sentencing, and out of custody arraignments, and speedy infraction filings, hearings, and disposition, if the unavailability of the AOC networks and databases hinders the local court's ability to meet said deadlines or process filings submitted by parties, and allowing courts to use other databases to get information not available via JIS or DOL as required by statute;

WHEREAS, the following expansion and extensions of rules are necessary because of the unavailability of the AOC networks and databases in order for Bellingham Municipal Court to meet deadlines, process filings submitted by parties, and effectively decide cases;

NOW THEREFORE, in order to continue the essential work of the Bellingham Municipal Court during the AOC system disruption, Bellingham Municipal Court adopts the following rules and procedures immediately and, on an emergency basis;

SUSPENDED COURT RULES:

1. All court rules, policies, and procedures regarding filing, scheduling, docketing, and transmitting information to AOC are extended by 14 days from the date of this order or until the AOC judicial information systems are restored, whichever is later.
2. All time requirements of CrRLJ 3.3, CrRLJ 4.1, CrRLJ 4.7, IRLJ 2.1, IRLJ 2.6 (both civil infractions and vehicle related violations) and any other court rule, policy or procedure governing 'time' is hereby extended for 14 days from the date of this order or until the AOC judicial information systems are restored, whichever is later.

AFFECTED CASE TYPES:

Because of the inability to access certain information systems, the Court is unable and therefore will not act on the following types of motions/petitions for at least 14 days from the date of this order or until the AOC judicial information systems are restored, whichever is later:

1. Motion to Modify a Pre-trial or Post-conviction No Contact Order or Anti-Harassment Order
2. Granting of a Deferred Prosecution
3. Granting and/or reviewing compliance of a Deferred Finding on an Infraction
4. Any other motion/petition that cannot statutorily be decided without a review of an AOC system or database that cannot currently be accessed.

DISCRETION TO CONTINUE HEARINGS:

The Court relies on AOC informational systems when ruling on many matters, even when it is not statutorily required to do so. The Court retains discretion to continue hearings for which the judicial officer lacks vital information based on the AOC outage. This includes, but is not limited to:

1. Arraignment hearings
2. Jury and Bench Trials
3. Sentencing hearings
4. Sentence Compliance and/or other Review hearings
5. Infraction hearings
6. Deferred Prosecution petitions
7. Deferred Finding Infraction petitions/requests

Therefore, it is hereby ORDERED that this Order will take effect on November 12, 2024, and will remain in effect until further order of this court.

DATED this _____ day of November, 2024.

DEBRA LEV,
Presiding Judge