

IN THE MUNICIPAL COURT FOR THE CITY OF EDMONDS,
SNOHOMISH COUNTY, STATE OF WASHINGTON

IN THE MATTER OF EMERGENCY RESPONSE) FIRST REVISED
TO A THREAT TO PUBLIC HEALTH) ADMINISTRATIVE ORDER
) NO. 23-B
)

WHEREAS, on February 29, 2020, Governor Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Trump declared a national emergency due to the COVID-19 outbreak across the United States; and

WHEREAS, during this state of emergency, the Centers for Disease Control and Prevention and the Washington State Department of Health have recommended increasingly stringent social distancing measures of at least six feet between people, and encouraged vulnerable individuals to avoid public spaces; and

WHEREAS, the City of Edmonds Mayor Nelson on March 5, 2020 issued a proclamation declaring a state of emergency in the City of Edmonds in response to COVID-19, and on March 13, 2020 ordered closure of walk-in services to most City departments as an additional safety measure; and

WHEREAS, the Washington State Supreme Court's Second Revised and Extended Order Regarding Court Operations No. 25700-B-618 provided guidance to the courts on when and how criminal and civil matters may be conducted and hearings held during this health emergency; and

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

NOW, THEREFORE, EFFECTIVE MAY 20, 2020, EXCEPT WHERE ORDER EXPRESSLY APPLIES RETROACTIVELY, IT IS HEREBY ORDERED:

- 1) COURT ACCESS REQUIREMENTS: All persons physically coming to court must comply with the following:
 - (a) Anyone who is sick should not be coming to court; they should notify their attorney if they are represented; if they represent

themselves, they should notify the court by phone, email or fax prior to their scheduled court hearing.

- (b) All visitors are required to use hand sanitizer immediately prior to entering the court area.
 - (c) All visitors must have their temperature checked by court security prior to entering the court area. Anyone with a temperature of 100.4 degrees Fahrenheit or higher, the reading considered a fever by the Centers for Disease Control and Prevention (CDC), will not be allowed to enter the court area. If the person is someone scheduled for a hearing, security will notify the court clerk that the person appeared but is ill and will not be entering the court area.
 - (d) All visitors must wear a mask that covers the nose and mouth area. The court may ask defendants or witnesses to temporarily remove their mask for identification purposes. Attendees must bring their own masks. The court will have a limited supply of masks to provide to the indigent if needed. Anyone who has health issues that would prevent them from wearing a mask must appear remotely if they are a participant in the hearing, or observe court from the livestream available on the court's website if they are observing and not a participant.
 - (e) Seating in the courtroom has been reduced to allow for six-foot social distancing recommended by health experts. Attendees are to comply with the configuration of the seating and not move the arranged seating without permission of the court.
 - (f) Court staff must wear masks when in public common areas, including the courtroom.
 - (g) Court security must wear a mask when interacting with others or when in the public common area outside of the barrier protected security station.
- 2) ALL PENDING CRIMINAL AND CIVIL MATTERS: The court shall schedule remote hearings starting May 13, 2020 with the following restrictions:
- (a) REMOTE PROCEEDINGS: Effective May 13, 2020, all parties, including witnesses, scheduled for hearings must appear remotely by video or audio, unless otherwise permitted or ordered by the court to appear in person. The court shall livestream the remote hearings. A link to the livestreamed court

hearings shall be posted on the court's website where the public may observe court proceedings. No one shall record the remote hearings or the livestreamed capture of the court hearings. The court's audio recording continues to be the official record of the hearings and available on the court's website. Should there be a need for the court to ask for a response from those in the court room, those watching livestream who wish to respond shall be instructed to join the court hearing to express their opinion. The court shall designate a specific amount of time to allow observers to join the meeting and state their response prior to the court's ruling.

- (b) OUT-OF CUSTODY ARRAIGNMENTS: Except for DUI/Physical Control or Domestic Violence cases, which shall be heard in the normal course, *all* other cases filed between March 18, 2020 and July 3, 2020 *may* be deferred until a date 45 days after filing of charges. 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).
- (c) MOTIONS: The court shall contact parties who had previously noted motions that were stricken because of the court's emergency order continuing all non-emergency in-person hearings, and notify them that they need to re-note their motion if they still wish to have their motion heard.
- (d) IN-PERSON HEARINGS: Matters that require in-person attendance but should in the interest of justice be heard immediately, may be held in-person provided that such hearings strictly comply with current public health mandates. Any request for such hearing should be served on opposing counsel and submitted by motion with a declaration explaining the need to have an in-person hearing scheduled. The court retains the authority to require a defendant appear in person in the interest of justice without a motion from either party. Probation has the authority to schedule an in-person hearing in the interest of justice without submitting a motion. If defendant is represented, defense attorney shall be responsible for delivering court orders to the defendant in the courtroom for in-person hearings. Unless otherwise authorized by the court, defendants shall not approach clerk's desk or the bench.

- 3) NOTICES: Unless otherwise ordered by the court, the court shall provide notice of new hearing dates and instructions on how to access remote

hearings to defense counsel and unrepresented defendants. Defense counsel shall provide notice to defendants and respondents of new court dates.

- 4) **AGREED MOTIONS:** The court will continue to consider submitted agreed motions and orders, which may be submitted by email or fax.
- 5) **PROBATION/PRE-TRIAL SUPERVISION:**
 - (a) All defendants required to check in with probation shall do so by phone or video. Defendants are responsible to call into probation at their scheduled probation meeting times.
 - (b) Moral Reconciliation Therapy (MRT) sessions may be conducted by video conferencing, effective date May 13, 2020. Defendants technically unable to participate in video conferencing MRT session, shall check in with probation by phone weekly.
 - (c) Probation may schedule in-person meetings when the state is in phase two of the governor's re-opening plan, but strict compliance with the court's access requirements referred to in this order must be followed, with the exception when probation needs to obtain a PBT reading.
- 6) **FRONT COUNTER:** The court's front clerk's window will continue to be closed to the public until the governor declares that the state has moved into phase two of the re-opening plan. Court continues to remain open and reachable through phone, email, mail and fax.
- 7) **PASSPORTS:** The court will not be able to provide passport services until both front clerk's window is able to reopen and court is staffed at a level to be able to provide quality passport services. The court will update its website when passport services are again available.
- 8) **PAYMENTS:** Payments will continue to be accepted online, by mail, and via the court's drop box. While the state is in phase one of the re-open plan, the court staff will also take payments over the phone. The court continues to process petitions for legal financial obligations relief. Petitioners may submit their requests through the online process on the court's website. Anyone who is not able to navigate the court's online petition process may contact the court to request a paper petition.
- 9) **WARRANT QUASH:** Until the court's front clerk's window reopens:
 - (a) all requests for warrant quashes must be made through defense attorney, unless defendant is unrepresented; and

(b) all requests for warrant quash must be made through written motion.

10) SIGNATURES: As articulated in the Supreme Court Order 25700-B-618, the court will accept electronic signatures. The court will not require defendant or respondent to sign *court* orders or notices. Instead, the order, docket, and audio record of the court hearing can document that notice was provided to the defendant or respondent. Any hearing that requires defendant or respondent to make a declaration under penalty of perjury under the laws of the state of Washington shall be conducted by the court with the defendant verbally on the record.

11) INFRACTIONS: Those with pending infractions, who have requested a court hearing, will now be scheduled for a remote hearing, effective May 8, 2020. Respondents continue to have the option of submitting a written hearings request on line or by mail. Anyone who receives an 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. Respondents can continue to respond by mail, place their response in the drop box outside of the courthouse, or respond by submitting a written hearings request online within the time frame required.

12) JURORS: Following the guidance of the CDC, anyone who receives a summons for jury duty who meets the following conditions may have an increased risk of severe illness from COVID-19. Thus, those who meet the following categories should indicate so in their juror questionnaire, submit it as soon as possible, and asked to be excused from jury duty. The conditions are:

- (a) People 65 years and older
- (b) People who live in a nursing home or long-term care facility
- (c) People of all ages with underlying medical conditions, particularly if not well controlled, including:
 - (i) People with chronic lung disease or moderate to severe asthma
 - (ii) People who have serious heart conditions
 - (iii) People who are immunocompromised
 - (iv) People with severe obesity (body mass index [BMI] of 40 or higher)
 - (v) People with diabetes
- (vi) People with chronic kidney disease undergoing dialysis
- (viii) People with liver disease

Jurors who have been summoned should continue to call the jury confirmation line prior *as directed* in the summons. If the court is not holding trials, that line will provide that updated information. When trials are held, jurors will be seated six feet apart from each other and anyone else in the courtroom who do not have a physical barrier separation. Per Supreme Court order jury trials have been suspended until at least July 6, 2020.

- 13) This order will stay in effect until otherwise ordered by the court, or until superseded by a Washington State Supreme Court order. This Order and other applicable emergency orders may be deemed part of the record in affected cases for purposes of appeal without the need to file the orders in each case, and all time frames previously extended may be deemed further extended by this order. This revised Order supersedes the court's March 13, 2020 order, its March 16, 2020 order, and its emergency local rule EDM-CrRLJ 3.4(c) adopted on March 6, 2020.

DATED this ___30th___ day of ___May_____, 2020__.



Presiding Judge