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**EVERETT MUNICIPAL COURT
SNOHOMISH COUNTY, WASHINGTON
OFFICE OF THE PRESIDING JUDGE**

IN RE:

**CORONAVIRUS/COVID-19
PRECAUTIONARY MEASURES XVI**

**GENERAL ADMINISTRATIVE
ORDER NO. 2021 – 02**

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This Court finds that there is a continued public health emergency caused by the spread of Coronavirus/COVID-19 in all Washington counties, including Snohomish County, and that an Order regarding court hours, mask requirements, appearance requirements, calendar limits and other aspects of court operations is needed to promote the safety of court employees, court participants and the general public; and

WHEREAS, on March 4, 2020, Washington State Supreme Court Chief Justice Debra Stephens (“Chief Justice Stephens”) issued Order No. 25700-B-602 in response to this public health emergency that affects the operation of trial courts in Washington, granting emergency authority to this Court to adopt, modify, and suspend court rules and orders, as warranted to address this emergency;

WHEREAS, on March 13, 2020, Governor Jay Inslee ordered the closure of all schools in the State and, on March 16, 2020, ordered closure of all bars, restaurants and clubs in the State, in addition to limiting gatherings to no more than 50 people;

WHEREAS, on March 18, 2020, Chief Justice Stephens issued Order No. 25700-B-606, requiring this Court to adopt additional measures to address this public health emergency and giving this Court authority to adopt more restrictive measures, as needed;

WHEREAS, on April 2, 2020, Governor Inslee extended his statewide mandatory Stay Home order through May 4, 2020;

1 WHEREAS, on April 29, 2020, Chief Justice Stephens issued a Second Revised and
2 Extended Order Regarding Court Operations, giving further guidance to this Court concerning
3 expansion of suspended operations and extending this Court's authority to adopt, modify, and
suspend court rules and orders, as warranted to address this emergency;

4 WHEREAS, on May 1, 2020, Governor Inslee again extended his statewide mandatory
5 Stay Home order through May 31, 2020;

6 WHEREAS, on May 29, 2020, Chief Justice Stephens issued an Amended Third Revised
7 and Extended Order Regarding Court Operations, which again authorized courts in Washington
to adopt measures to protect health and safety during this public health emergency;

8 WHEREAS, Governor Inslee's statewide Stay Home, Stay Healthy order expired at
9 11:59 p.m. on May 31, 2020 and the Governor immediately instituted a statewide Safe Start
order requiring significant continued phase-specific public safety restrictions;

10 WHEREAS, on June 5, 2020, Snohomish County was approved to move to Phase Two of
11 the Governor's Safe Start protocol, allowing some easing of public health restrictions, but also
12 continuing restrictions on public gatherings and requiring other continued significant measures to
13 ensure public safety, including a requirement for safe distancing in all indoor and outdoor
14 settings;

15 WHEREAS, on October 13, 2020, Chief Justice Stephens issued Order No. 25700-B-646,
16 its Fourth Revised and Extended Order Regarding Court Operations, stating that in all court
17 operations, courts should follow the most protective public health guidance applicable in their
jurisdiction, and that individual courts have the authority to adopt more restrictive measures to
18 protect health and safety when necessary and as circumstances warrant;

19 WHEREAS, on November 16, 2020, in response to rapidly increasing statewide
20 transmission of COVID-19, Governor Inslee re-imposed and/or expanded public health
21 restrictions limiting indoor gatherings, prohibiting certain activities, and closing certain
businesses, while again recognizing that Courts provide essential services;

22 WHEREAS, on December 30, 2020, Governor Inslee extended public health restrictions,
23 effective immediately, due to a COVID-19 outbreak surge that he found, based on evidence of
24 how the virus is spread and risk factors that increase the risk for person-to-person COVID-19
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1 transmission, puts Washington's people, health system and economy in as dangerous a position
2 as was faced in March 2020;

3 WHEREAS, Governor Inslee's December 30, 2020 extension of public health restrictions
4 had an expiration date of 11:59 p.m. January 11, 2021 unless otherwise extended;

5 WHEREAS, Governor Inslee modified and extended public health restrictions
6 indefinitely, based on a new phased reopening plan, and on March 22, 2021, Snohomish County
7 entered Phase III of the reopening plan; and

8 WHEREAS, the Governor, as of June 30, 2021, has ordered a full reopening of all
9 Washington counties and removed most pandemic restrictions due to the wide availability of
10 effective vaccines; and

11 WHEREAS, COVID-19 continues to circulate in Snohomish County and the public
12 health precautions authorized by the Washington Supreme Court continue to permit that this
13 Court take certain measures to protect the safety of court participants and the public, and
14 pursuant to the authority of Washington Supreme Court Orders described herein;

15 **NOW, THEREFORE, EFFECTIVE JULY 6, 2021, GENERAL**
16 **ADMINISTRATIVE ORDER 2021-01 IS RESCINDED AND IT IS HEREBY ORDERED:**

- 17 1. Everett Municipal Court front counter hours shall return to normal operating hours
18 and will be open from 8:00am to noon and 1:00pm to 4:30pm, Monday through
19 Friday. Staff who are feeling sick, running an elevated temperature, experiencing
20 chills or muscle pain, experiencing a cough, sore throat, headache, new loss of taste
21 or smell, or other respiratory problems are directed to remain at home and take sick
22 leave in accordance with City policy. Staff who have close contact with a known
23 positive COVID-19 case shall not report to work and must notify the Court
24 Administrator and City of Everett Human Resources (HR) immediately.
- 25 2. Individual staff members, upon being granted specific permission by HR and
notification of such permission to the court, are not required to wear masks or follow
social distancing requirements in non-public areas of the courthouse. All staff,
regardless of such permission, are required to wear masks and maintain social

1 distancing requirements in the courtrooms, probation offices and secure areas of the
2 lobby when court participants or members of the public are present.

3 3. Mask Requirements for Members of the Public and Court Participants:

4 a. Fully vaccinated members of the public or court participants are not required
5 to wear masks in the non-secure areas of the lobby, but are required to wear
6 masks to pass through security and must wear masks in the secure areas of the
7 lobby, courtrooms and probation offices. Proof of vaccination/screening
8 regarding vaccination will not be required to enter the non-secure lobby areas
9 of the courthouse. Signage regarding masking requirements in the secure
10 areas of the lobby, courtrooms and probation offices shall be prominently
11 posted near the entrances to those areas of the courthouse.

12 b. Members of the public or court participants who are not fully vaccinated must
13 wear masks in all areas of the courthouse. Signage regarding masking
14 requirements for unvaccinated individuals shall be prominently posted near all
15 public entrances.

16 4. Probation Counselors may continue to allow telephonic/remote meetings with
17 defendants and may exercise their discretion when deciding whether to require in
18 person meetings. MRT classes may require in person attendance starting on a date to
19 be determined by the Probation Department. Appropriate safety measures must be
20 adhered to during in person meetings or classes.

21 5. Jury Trial procedures will continue to be governed by General Administrative Order
22 (GAO), 2020-16, until further order of the court. To the extent that this Order is
23 inconsistent with the provisions of GAO 2020-16, this Order shall control.

24 6. Out-of-Custody Arraignments:

25 a. Wednesday and Friday 8:30/9:30am arraignment calendars shall be limited to
twenty defendants per calendar.

b. Arraignments on new DV arrests shall be set to the next court day at 11:30am.
Arraignments on new DUI arrests shall be set to the next Wednesday at
11:30am.

- 1 c. Arraignments on DV and DUI cases filed by the City Prosecutor's Office shall
2 be set to the next available 8:30/9:30am arraignment calendar that allows for
3 proper summons to be issued to the defendant.
- 4 d. Arraignments on all cases that do not involve DV or DUI/Physical Control
5 charges may be scheduled up to ninety days out from the date of violation in
6 order to comply with the calendar limits set forth in this section. To the extent
7 that this order is in conflict with CrRLJ 4.1 time for arraignment requirements,
8 this Court hereby finds (i) that the scheduling of arraignments in accordance
9 with this section is required in the administration of justice, and (ii) that the
10 serious danger still posed by COVID-19 to vulnerable populations constitutes
11 good cause to delay arraignment past the time limits of CrRLJ 4.1.
- 12 e. In person appearance is required for arraignments, unless arraignment has
13 been properly waived, in accordance with CrRLJ 4.1 and applicable statutes.

14 7. Out-of-Custody Criminal hearings:

- 15 a. Pretrial and Readiness calendars shall be subject to a forty defendant per
16 calendar limit. In-custody defendants shall not count toward these calendar
17 limits. Initial case settings for pretrial and trial dates for out-of-custody
18 defendants may be set beyond the time for trial limits in CrRLJ 3.3 in order to
19 comply with the calendar limits set forth in this section, pursuant to the
20 authority granted by the Washington Supreme Court in Order No. 25700-B-
21 658 and with individual findings of "unavoidable circumstances" as defined in
22 CrRLJ 3.3(e)(8) due to COVID-19 or other circumstances. Cases already set
23 for pretrial and readiness calendars may also be continued by the court with
24 findings supporting excluded periods as set forth in CrRLJ 3.3(e).
- 25 b. Defendants are encouraged to appear through counsel for all Pretrial hearings
and Readiness hearings unless otherwise ordered by the Court, in accordance
with CrRLJ 3.4. Remote appearance via Teams is also permitted for Pretrial
and Readiness hearings.

1 c. Defense counsel is not required to obtain signatures from defendants on orders
2 to continue criminal matters while this order is in effect. Ex parte review is
3 authorized and preferred for agreed orders.

4 d. In person attendance is required for all disposition hearings, including
5 Changes of Plea, entry of Court Monitored Deferrals and Prosecutorial Offers
6 of Diversion (PODs), and entry of Deferred Prosecutions. Changes of Plea,
7 entry of Court Monitored Deferrals and Prosecutorial Offers of Diversion,
8 may be heard at Pretrial, Readiness and Disposition/Motion calendars, unless
9 otherwise ordered by the court. Any entry of a Deferred Prosecution shall be
10 noted for an available Wednesday Motion calendar.

11 8. Language Assistance Calendars: In person appearance by the defendant, interpreter
12 and attorneys is required for language assistance calendars unless the defendant is
13 appearing through counsel. Language assistance calendars shall be subject to a
14 fifteen defendant per calendar limit.

15 9. Competency hearings: Out-of-custody competency hearings will be set to Monday
16 morning motion calendars, subject to the limit of fifteen defendants per calendar for
17 those calendars. Defendants must appear in person or through counsel for competency
18 hearings.

19 10. Motions:

20 a. Monday motion calendars shall be subject to a fifteen defendant per calendar
21 limit, except where cases beyond that limit are approved by the Court.

22 b. Wednesday motion calendars shall be subject to a twenty defendant per
23 calendar limit, except where cases beyond that limit are approved by the
24 Court.

25 c. The following hearings are determined to be especially time-sensitive and
shall have preference over other types of motion hearings:

i. Motions to quash non-recallable warrants

ii. Motions to review pre-trial release conditions

iii. Protected party motions to rescind/modify No Contact Orders

iv. Any other emergency motion with the consent of the Court

1 d. Defendants must appear in person for the priority hearings set forth in
2 subsection 10(c) of this Order.

3 e. Unless otherwise required, defendants may appear through counsel for motion
4 hearings.

5 11. Order to Surrender Weapons compliance hearings: Firearms compliance hearings
6 will remain as currently set and will continue to be set for review on the Wednesday
7 motions calendar. If the Court finds the defendant not in compliance at the initial
8 review hearing, in person attendance is required for any further firearm compliance
9 hearings. Initial review hearings do not count toward the twenty-defendant maximum
10 for the Wednesday motions calendar.

11 12. Pretrial violation hearings: Hearings to address pretrial release conditions/alcohol
12 monitoring violations may be specially set by the Court. Defendants must appear in
13 person for pretrial violation hearings.

14 13. Mental Health Alternatives Program (MAP) hearings: MAP staffing will be
15 conducted remotely until further order of the Court. MAP hearings will continue to
16 be heard as currently scheduled and MAP participants must appear in person, unless
17 remote appearance is permitted by the court for good cause shown.

18 14. Jail calendars: Jail calendars will continue to be heard daily and shall be limited to a
19 maximum of twenty defendants per calendar unless necessitated by the number of
20 cases for arraignment. With the consent of the Court and subject to this limit, motions
21 for disposition, motions for release, TRO, and bail review may be heard on the jail
22 calendar.

23 15. Probation Hearings (Show Cause, Revocation, Other) and POD Returns: In person
24 appearance is required for all probation hearings. Appearance through counsel is not
25 permitted. All probation calendars shall be subject to a twenty defendant per calendar
limit. Personal appearance for future hearings is waived for any defendant who has
fully complied with the terms of their POD agreement; otherwise, in person
appearance is required. The City may present an ex parte motion to dismiss any POD
where all requirements have been completed.

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16. The timing of criminal hearings and trials pursuant to this order is required to protect public health and for the administration of justice. Based upon the Washington Supreme 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), for any case continued under the terms of this order, the entire period of the continuance shall constitute an excluded period when calculating time for trial. CrRLJ 3.3(e)(3).

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17. Administrative hearings: Administrative hearings (e.g. impound hearings, dangerous dog appeals, etc.) may be scheduled on a case-by-case basis by court order, as needed. In person appearance is required, unless otherwise agreed by the parties and authorized by the Court.

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18. Infraction and Parking hearings:

- a. Contested Hearings: In person appearance is required for all unrepresented respondents who have not submitted a written statement in accordance with Local Rule 17. Contested hearing calendars shall be subject to a limit of ten unrepresented respondents.
- b. Mitigation Hearings: Mitigation and NVOL infraction/relicensing calendars shall be subject to a thirty respondent per calendar limit. Mitigation hearings may be conducted in person, remotely via Teams, or in chambers in accordance with Local Rule 17.
- c. Parking Infraction Hearings: Parking calendars shall be subject to a thirty respondent per calendar limit. Parking hearings may be conducted in person, remotely via Teams, or in chambers in accordance with Local Rule 17.
- d. To the extent that the timing of infractions scheduling to comply with the calendar limits established by this section, this Court hereby finds (i) that the scheduling of infraction hearings in accordance with this section is required in the administration of justice, and (ii) that the serious danger still posed by COVID-19 to vulnerable populations constitutes good cause to set matters outside the time for hearing periods set out in IRLJ 2.6.

1 19. For any hearings and trials reset pursuant to this order, the Court will provide notice
2 of new hearing dates to the City, defense counsel, and unrepresented defendants.
3 Defense counsel shall provide notice to defendants of new court dates provided
4 pursuant to this order.

5 20. Unless otherwise specified by this order or otherwise ordered by the Court, in person
6 appearance, or appearance through counsel pursuant to CrRLJ 3.4, is required for all
7 criminal and infraction hearings. Where remote appearance is specifically permitted
8 by this order, Microsoft Teams will be utilized by the court. Microsoft Teams video
9 links, phone-in instructions and meeting ID numbers will be provided to attorneys
10 and unrepresented defendants/respondents by court staff. A defendant's presence
11 may also be waived by the court where appropriate and upon defense motion. For all
12 in person hearings, social distancing, mask requirements and other public health
13 measures must be strictly observed.

14 21. The Presiding Judge may order an increase or decrease of any of the calendar limits
15 set by this Order when necessary to address growing case backlogs or when necessary
16 to ensure compliance with current public health and safety guidelines from the
17 Centers for Disease Control, the Washington Department of Health, or local health
18 department.

19 22. Ex Parte No Contact Orders: The Court may enter an ex parte No Contact Order
20 where a citation or complaint is filed with the Court and the Court finds probable
21 cause for a domestic violence offense, stalking offense or harassment offense. Such
22 order may be served upon the defendant by mail.

23 23. Other Ex Parte Orders: Agreed Orders of any kind may be presented for ex parte
24 review. Where possible, such orders should be filed at least 24 hours prior to any
25 pending court date. Defense counsel is not required to obtain signatures from
defendants on orders to continue criminal matters while this order is in effect.

26 24. Bench Warrants: Bench warrants issued in the amount of \$5000 or less are recallable
at the front counter upon payment of a \$50 bench warrant recall fee. Motions to
quash non-recallable warrants may be set on Monday and Wednesday Motions
calendars, subject to the calendar limits specified in this order.

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DATED this 1st day of July 2021.

for 

HON. AMY KAESTNER
PRESIDING JUDGE