

IN THE POULSBO MUNICIPAL COURT

IN RE THE POULSBO MUNICIPAL COURT
AND THE PANDEMIC OUTBREAK OF THE
CORONAVIRUS DISEASE 2019 (COVID-19)

NO. 2020-2
EMERGENCY ADMINISTRATIVE
ORDER

1. THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19). Washington has been “ground zero” for this disease. As of today, there are over 2221 confirmed cases of the disease in Washington, including 20 confirmed cases in Kitsap County.
2. On February 29, 2020, Washington State Governor Jay Inslee declared a state of emergency due to the public health emergency posed by the spread of the coronavirus disease 2020 (COVID - 19).
3. On March 4, 2020, Chief Justice Debra Stephens of the Washington State Supreme Court adopted Order No. 25700-8-602, granting emergency authority upon all Washington courts to adopt, modify, and/or suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency that affects operations of trial courts in Washington State; and
4. On March 13, 2020, Washington State Governor Jay Inslee ordered the closure of all public and private K-12 schools.
5. On March 13, 2020, the City of Poulsbo issued a Proclamation of Local Emergency. The proclamation allows the City to use all resources necessary to prepare for and respond to an outbreak and to adjust City policies and operations.
6. On March 13, 2020, the President of the United States declared that the COVID-19 outbreak in the United States constitutes a national emergency.
7. On March 16, 2020 Washington State Governor Inslee ordered a prohibition of gatherings of over 50 participants.
8. The Poulsbo Municipal Court is a very small court that requires litigants, attorneys, and court staff to work in extremely close quarters while attending court hearings. Social

distancing is not possible at the Poulsbo Municipal Court. In order to promote the public health goals identified by public officials, and promote the health and safety of users and staff at the court, it is necessary to modify operations and reduce in-person attendance at the Poulsbo Municipal Court during the declared public health emergency.

9. On March 20, 2020, Chief Justice Debra Stephens of the Washington State Supreme Court adopted Amended Order No. 25700-B-607.
10. On March 23, 2020, Washington State Governor Jay Inslee issued Proclamation 20-25, ordering all residents to stay at home or at their place of residence except to conduct or participate in essential activities, and/or (2) for employment in essential business services, effective March 25 - April 6, 2020.
11. Given the significant number of identified and projected cases of the disease in Washington, the severity of the risk posed to the public, the recommendations of the Health Department, the requirements of Order No. 25700-B-607 and the authority granted by said order and by Order No. 25700-B-602, the current situation demands immediate action by the Courts.

PURSUANT TO Order No. 25700-B-607 of The Supreme Court of Washington, as Presiding Judge of the Poulsbo Municipal Court, in the interest of both public safety and public health during the COVID-19 public health crisis

NOW, THEREFORE, it is hereby –

ORDERED that effective immediately and until further Order of the Court –

1. All non-emergency civil matters shall be continued until after May 1, 2020, except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video, or other means that does not require in-person attendance. The matters continued include but are not limited to the following:
 - A. Infraction hearings (both contested and mitigation). To effectuate these

continuances, IRLJ 2.6(a), (b), (d), (e), and (f) shall be suspended. The Court will continue to accept written statements submitted by mail or email pursuant to IRLJ 2.6(c).

B. Impound of vehicle or vessel hearings

C. Impound of animal hearings.

2. All emergency matters, including civil protection and restraining order matters, that must be heard before May 1, 2020, must be heard by telephone, video or other means that does not require in-person attendance, unless impossible. Where court matters must be heard in person, social distancing and other public health measures must be strictly observed. Telephonic, video or other hearings required to be public must be recorded, with the recording preserved for the record.
3. All criminal trials are suspended until after May 1, 2020. For all criminal trials suspended under this provision, May 1, 2020 will be the new commencement date under CrRLJ 3.3.
4. All out of custody criminal matters already pending shall be continued until after May 1, 2020 except those motions, actions on agreed orders, conferences or other proceedings that can appropriately be conducted by telephone, video or other means that does not require in-person attendance.

Arraignment on out of custody cases filed between March 19, 2020 and May 1, 2020 or the first appearance in court after that date shall be deferred until a date 45 days after the 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).

5. The court may enter ex parte no contact orders pursuant to 10.99.040, RCW 10.99.045, RCW 10.14.040, RCW 7.90.150, RCW 9A.46.085, and/or RCW 9A.46.040, when an information, citation or complaint is filed with the court and the court finds that probable cause is present for a sex offense, domestic violence offense, stalking offense, or harassment offense. Ex parte orders may be served upon the defendant by mail. This provision does not relieve the

prosecution of proving a knowing violation of such an ex parte order in any prosecution for violating the order. Good cause exists for courts to extend ex parte orders beyond the initial period until a hearing can be held.

6. All in custody criminal matters shall be continued until after May 1, 2020, with the following exceptions:
 - A. Scheduling and hearing of first appearances, arraignments, plea hearings, criminal motions, and sentencing hearings.
 - B. The court retains discretion in the scheduling of these matters, except that the following matters will take priority:
 - i. Pretrial release and bail modification motions
 - ii. Plea hearings and sentencing hearings that result in the anticipated release of the defendant from pretrial detention within 30 days of the hearing.
 - iii. Parties are not required to file motions to shorten time in scheduling any of these matters.
7. A continuance of these criminal hearings and trials is required in the administration of justice. Based upon the courts findings 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), the time between the date of this court's first order, March 19, 2020 and the date of the next scheduled trial date are EXCLUDED when calculating time for trial. CrRLJ 3.3(e)(3).
8. The Court finds that obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders, and all attorneys who must enter correctional facilities to obtain signatures in person. Therefore, this order serves to continue those matters without the need for further written orders. Additionally:
 - A. Defense counsel is not required to obtain signatures from defendants on orders to continue criminal matters through May 1, 2020.

- B. Courts shall provide notice of new hearing dates to defense counsel and unrepresented defendants.
 - C. Defense counsel shall provide notice to defendants of new court dates
9. Bench warrants may issue for violation of conditions of release from now through May 1, 2020. However, no bench warrant will issue for failure to appear in person for court hearings, unless necessary for the immediate preservation of public or individual safety.
10. Motions for Pre-Trial Release:
- A. The court shall hear motions for pre-trial release on an expedited basis without requiring a motion to shorten time, but only if victims or witnesses can participate on an expedited basis. Const. Art 1 (section 35).
 - B. The court finds that for those identified as part of a vulnerable or at-risk population by the Centers for Disease Control, COVID-19 is presumed to be a material change in circumstances, and the parties do not need to supply additional briefing on COVID-19 to the court. For all other cases, the COVID 19 crisis may constitute a “material change in circumstances” under CrR/CrRLJ 3.2(k)(1) and “new information” allowing amendment of a previous bail order or providing different conditions of release under CrRLJ 3.2(k)(1), but a finding of changed circumstances in any given case is left to the sound discretion of the Court.
 - C. Parties may present agreed orders for release of in-custody defendants which will be signed expeditiously.
 - D. If a hearing is required for a vulnerable or at-risk person as identified above, the court shall schedule such hearing within five days. The court is strongly encouraged to expedite hearings on other cases with due consideration of the rights of witnesses and victims to participate.
11. The Court will allow telephonic or video appearances for all scheduled criminal hearings between now through May 1, 2020, unless impossible. For all hearings that involve a critical stage of the proceedings, the court will provide a means for the defendant to have the

opportunity for private and continual discussion with his or her attorney. Telephonic, video or other hearings required will be recorded, with the recording preserved for the public.

12. "I Can't Afford to Pay" criminal motions will be heard ex parte
13. Defendants shall still be required to comply with any terms of probation during this time period.
14. Bench warrant quash hearings will be conducted by telephone only. The defendant can schedule a bench warrant quash hearing no later than 3pm on Tuesday to be heard telephonically on Wednesday at 9AM. The defendant must provide a valid telephone number. The court will hold the hearing on the record in open court. The Court will call the defendant to conduct the hearing. During this hearing the defendant must provide a current and valid address. The court will mail notice of the next court date.
15. Notices will be mailed to the parties of the next scheduled hearing date via US mail. Any person needing to update their mailing address should contact the court clerk at (360) 779-9846.
16. The Prosecutor and Public Defender shall remain available and on-call through the duration of this Order.
17. Litigants and attorneys are encouraged to contact the Court concerning court dates.
18. All persons coming into the courtroom are required to use hand sanitizer immediately prior to entering the court area. All individuals shall practice, the six-foot social distancing requirements as recommended by health experts. If you are sick, do not come to court; notify your attorney if you are represented. If you represent yourself, notify the court by phone (360) 779-9846, email (poulsbocourt@cityofpoulsbo.com), or fax (360) 779-1584 prior to your scheduled hearing.
19. Litigants and attorneys who feel sick should not enter the Poulsbo City Hall or Poulsbo Municipal Courtroom. Anyone deemed by the Court or staff to exhibit illness symptoms may be ordered to leave the building.
20. This Emergency Administrative Order covers all activities occurring within the Poulsbo

Municipal Court, located in the Poulsbo City Hall, 200 Ne Moe Street, Poulsbo, WA.

21. No part of this order suspends the defendant's right to a public trial, or the general right of the public to be present at court proceedings under the constitutional provisions that require the open administration of justice.
22. This order may be modified or extended as the Court continues to evaluate the impacts of the COVID-19 public health crisis on the safety of the public, Court partners, and employees.
23. The court offices will remain open via telephone, email, and fax. However, the court counters are closed until further notice.
24. The Court will resume regular operations no sooner than Friday May 1, 2020.
25. This order will continue in full force and effect until terminated.
26. This order supersedes the Poulsbo Municipal Courts Emergency Administrative Order No. 2020-1 issued March 19, 2020.

Dated - March 24, 2020

Jeffrey L. Tolman, Presiding Judge
Poulsbo Municipal Court

