

**Municipal Court of Washington
for the City of Pasco**

In re:

COURT OPERATION UNDER THE
EXIGENT CIRCUMSTANCES
CREATED BY COVID-19 AND THE
RELATED CORONAVIRUS

ADMINISTRATIVE ORDER No. 20-03;
SUPERCEDING ALL PREVIOUS
ADMINISTRATIVE ORDERS

WHEREAS, the Washington State Supreme Court has adopted Order Nos. 25700 – B – 602 through B – 622, granting emergency authority to this court to adopt, modify and suspend court rules and orders, and taking further actions concerning court operations, as warranted to address the current state of emergency;

WHEREAS, Governor Inslee, in Proclamation 20-07, expanded his previously issued order for protection against COVID – 19 by issuing a statewide emergency proclamation temporarily shutting down restaurants, bars and entertainment and recreational facilities until March 31, 2020.

WHEREAS, that proclamation prohibits all gatherings with over 250 participants; while implementing stringent social distancing measures and other previously announced criteria for public health and social distancing;

WHEREAS, subsequent proclamations have extended the emergency orders to April 30, 2020;

WHEREAS, the Benton Franklin County Health District continues to report positive for COVID – 19 test results;

WHEREAS, it appears that the current restrictions on large gatherings and social distancing are having a positive effect on slowing the spread of the COVID – 19;

WHEREAS, this Court and the City of Pasco, in their continuing assessment of the needs of the community, the safety and health of the public and its employees, has determined that the previous orders should be modified and amended to meet those changing needs;

IT IS HEREBY ORDERED:

IN GENERAL

1. EFFECTIVE Monday, May 4, 2020, 12:01 am the previously imposed closures and social distance requirements will be extended until 11:59 pm on June 1, 2020.
2. The courtroom remains open to the public, and the doors unlocked, during every hearing that is conducted. Proper social distancing, including the wearing of masks, will be observed. Taking into consideration the size of Pasco Municipal Courtroom A and the social distancing guidelines/requirements, no more than 20 people, including the judge, clerks, attorneys, defendants and spectators will be allowed in the courtroom at one time.
3. The Pasco Municipal Court Clerk's Office remains open and available to assist the public, other departments and agencies via telephone and email. The clerk's office will continue to take payments via N-Court in the lobby and checks and money orders through the mail. Beginning Monday May 4, 2020, the public window will be open during the following hours: Monday, Tuesday and Wednesday from 1:30 pm to 3:30 pm. Thursday and Friday from 9:00 am to 12:00 pm effective through June 1, 2020, at which time the situation and need will be reassessed. Clerks will be answering the phones during regular office hours from 8:30 am to 12:30 pm and 1:30 pm to 4:00 pm Monday through Friday, except holidays.
4. During hearings conducted either in person, because the defendant is in custody, or telephonically or by video, original signatures will not be required on documents, except for Statements of Defendant on Plea of Guilty. For in person hearings, the judge will confirm on the record that the document was reviewed by the defendant and a copy is being provided to the defendant. The document will be marked with the phrase "Served in Court" or "Acknowledged in Court" as appropriate. Attorneys can file, by fax or electronically, documents with photocopied or electronic signatures so long as the document with the copy or electronic signature is accompanied by a statement executed by the attorney of record that the signature is either his/her signature or that of his client. The attorney will retain the original for filing if necessary. The Court will confirm on the record in the telephonic or video hearing the assertion that the defendant or attorney signed the proposed document.

WITH RESPECT TO CRIMINAL MATTERS

5. All jury trials currently scheduled in May will be rescheduled to a date beginning July 8, 2020. Counsel are encouraged to communicate with each other to reach an agreement regarding new dates and notify the court at least one week prior to the trial readiness hearing currently scheduled. If the parties cannot reach an agreement, the court will conduct a telephonic or video hearing, depending on the capabilities at the time, to address the trial date at the scheduled trial readiness hearing.
6. Out of custody criminal matters will be reset to a date after June 1, 2020 and the Clerk will provide notice to the prosecutor defense counsel and unrepresented defendants. Defense Counsel shall provide notice of the new date to their clients. If the parties reach an agreement regarding the resolution of a case prior to the new date and want to enter a disposition in the case, they may contact the clerk assigned to that regular docket to schedule a telephonic or video hearing to enter the disposition.
7. Out of custody arraignments filed between March 18, 2020 and July 3, 2020 will be deferred until a date 45 days after the filing of the charge. Out of custody arraignments set in May will be reset to a date in either June or July and the Defendant will be notified of the new date.
8. A continuance of criminal cases is required in the administration of justice, pursuant to the findings set forth in Washington Supreme Court Order No. 25700-B-618, good cause exists and the time between the date of this order and September 1, 2020 shall be EXCLUDED when calculating time for trial.
9. Obtaining signatures from defendants for orders continuing existing matters places significant burdens on attorneys, particularly public defenders and all attorneys that must enter correctional facilities to obtain signatures in person. Therefore, those matters can be continued 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 June 1, 2020.
 - b. The Clerk shall provide notice of the new hearing dates to defense counsel and unrepresented defendants.
 - c. Defense Counsel shall provide notice to their client of the new court date.
10. Bench Warrants will be issued for violations of conditions of release. However, warrants will not be issued for failures to appear unless necessary for the immediate preservation of public or individual safety.
11. In custody arraignments will be held daily as usual.

12. In custody pretrial hearings will be heard each week on Mondays and Tuesdays with the daily in custody arraignments. If a client is in custody after the initial arraignment, bail was not argued but has been set, and defense counsel wants to address conditions of release or bail, they are encouraged to first contact the prosecutor. The court will sign, ex-parte, agreed orders modifying conditions of release. If an agreement cannot be reached, defense counsel can contact the clerk responsible for their particular docket and schedule a telephonic or video hearing to address conditions of release. The hearing may be expedited without requiring a motion to shorten time.

WITH RESPECT TO CIVIL INFRACTIONS (INCLUDING TRAFFIC, NON-TRAFFIC AND PHOTO)

13. All Prehearing Conferences and Contested hearings shall be reset to a date after June 1, 2020. If the defendant elects, the matter can be set for a decision on written statements. The clerk will provide notice of the new date to the attorney of record and unrepresented defendants. The notice shall include information regarding the option for a decision on written statements. The attorney of record shall notify their client of the new court date.
14. All mitigation hearings currently set in May, shall be reset for a decision on written statements. Any request for mitigation hearing in a case filed between April 30, 2020 and July 6, 2020 will be set for a decision on written statements. The clerk will provide notice of the court date which will be set with sufficient time for the defendant to provide, in writing, the circumstances he or she wants the judge to consider in mitigation. If no such information is received, the judge will make a decision based on the information contained in the court records.

WITH RESPECT TO PROBATION CASES

15. The Pasco Municipal Court Probation Department will be closed until June 1, 2020, at which time the situation and need will be reassessed. All Defendants reporting in person will be required to check in by telephone. Although the office is closed, the phone is being answered by the Probation Department.

WITH RESPECT TO DEFENDANTS ORDERED TO REPORT TO JAIL TO SERVE A SENTENCE

16. Defendants convicted of a nonviolent offense, such as DWLS, Trespass, Theft, Disorderly Conduct, and allowed to report to jail at a date after sentencing, with a report

date between April 30, 2020 and June 1, 2020, may contact, via telephone, the Clerk's office to reschedule the time to complete their sentence.


WITH RESPECT TO WORK CREW

17. Defendants rescheduled to complete or scheduled to report for work crew between the dates of March 11, 2020 and June 1, 2020 will be rescheduled to a date after August 1, 2020. The defendant should contact the Clerk's Office if their contact information has changed since the date of sentencing. The Clerk will send notice of the new report date.

This court may amend or modify these orders consistent with the City's and the Court's continual assessment of the needs of the community as well as the recommendation of the Governor's Office, City Manager and public health officials.

Dated: _____

May 1, 2020



Pasco Municipal Court Judge