

**Spokane Municipal Court
City of Spokane, State of Washington**

IN RE THE MATTER OF:
THE RESPONSE BY SPOKANE
MUNICIPAL COURT TO THE PUBLIC
HEALTH EMERGENCY IN THE STATE OF
WASHINGTON

No: 2020-09

**SECOND SUPERSEDING
EMERGENCY ORDER RE:
COURT OPERATIONS**

CRIMINAL MATTERS

This matter comes before the Court as a result of the public health emergency in Washington State. The actions set forth herein will take effect on Monday, March 16, 2020, and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the Public health emergency posed by the coronavirus 2019 (COVID-19).
2. On March 4, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-602, in response to the declared public health emergency in Washington State, that states, in part, as follows:

“WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and

WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions,

NOW THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of court personnel, litigants and the public, IT IS HEREBY ORDERED THAT:

1. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with the clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable”

4. WHEREAS on March 18, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-606 Order resulting in various delays in civil and criminal cases beyond April 24, 2020, and modifying rules regarding, time for trial, commencement date calculations, settings of arraignment, the issuance of ex parte NCO, waving various signature requirements from defendants, and delaying all civil matters;
3. WHEREAS on March 13, 2020, President Donald J. Trump declared a national state of emergency related to COVID-19 and expanded that declaration on March 16, 2020, by issuing guidelines limiting assemblies of groups over 10 people;
4. WHEREAS on March 13, 2020, Governor Jay Inslee expanded a previously declared emergency in several western Washington counties to the entire State of Washington and ordered all K-12 public schools closed until April 24, 2020;
5. WHEREAS on March 14, 2020, the Spokane Regional Health District determined that there are presently three confirmed cases of COVID-19 in Spokane County and likely more; and
6. WHEREAS on March 15, 2020, the Court was notified by the Spokane County Detention Services that it has declared a state of emergency and is requesting all jurisdictions that use its detention facilities to consider all mechanisms for reducing the population in that facility and minimizing jail transport requirements;
7. WHEREAS on April 2, 2020, Governor Jay Inslee issued Proclamation 20-25.1 extending the provisions of Proclamations 20-05 and 20-25 related to the Governor's Stay Home – Stay Healthy policy until May 4, 2020;
8. WHEREAS on April 6, 2020, Governor Jay Inslee issued Proclamation 20-09 closing schools through the end of the current school year; and
9. WHEREAS on April 13, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-615, extending provisions of the Court's previous emergency order until May 4, 2020.
10. WHEREAS on April 29, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-618, extending and revising provisions of the Court's previous emergency.

Given the significant number of projected cases of COVID-19 likely to occur in the City of Spokane and the severity of risk posed to the public, court personnel and litigants, and given the recommendations from local, state, and federal public health officials;

IT IS HEREBY ORDERED that pursuant to the authority of Washington State Supreme Court Order No. 25700-B-602, No. 25700-B-606, No. 25700-B-615, No. 25700-B-618, and the authority as Presiding Judge of the Spokane Municipal Court, Spokane Municipal Court Emergency Order 2020-02, Spokane Municipal Court Emergency Order 2020-05, Spokane Municipal Court Emergency Order 2020-06, are hereby modified as follows, effective immediately.:

A. General Provisions Effective Immediately

1. The Court is suspending application of CrRLJ 3.3 and CrRLJ 4.1 in accordance with the provisions of Washington State Supreme Court Order No. 25700-B-618,
2. For those matters rescheduled, the time period between now and the rescheduled court date is excluded from speedy trial calculation pursuant to CrRLJ 3.3(e)(8).
3. For those defendants who fail to appear for hearings, no bench warrants will be ordered in the absence of the party requesting such bench warrant, demonstrating that failure to issue said warrant will constitute a manifest danger to public safety, and the hearings at which the defendant failed to appear will be rescheduled until a date on or after July 1, 2020, pursuant to CrRLJ 3.3(e)(8).

Pursuant to SPMCrRLJ 3.4 (a)(1), the requirement for defendant to physically appear at all scheduled hearings is hereby suspended. Counsel for defendants with court dates before May 25, 2020, are discouraged from having their clients appear for hearings where an action other than a guilty plea and/or imposition of sentence, or an arraignment on a domestic violence or DUI/Physical Control charge. Inmates will not be transported from the jail to courtrooms for any hearing where a sentence will not be imposed or modified. Further, the parties are encouraged to consider the use of video conferencing for all proceedings, as is authorized by SPMCrRLJ 3.4 (d) and SPMGR 19(a)(1) and/or teleconferencing appearances as authorized by SPMGR19(a)(2), as - has been amended by Spokane Municipal Court Emergency Order No 2020-01.

4. The Court is modifying the process for the indigency screening and appointment of legal counsel at public expense.
 - a. The provisions of SPMCrRLJ 3.1(d)(1)(a) remain in full effect.
 - b. All individuals currently appearing before the Court pro se, and those cited with misdemeanors or gross misdemeanor offenses during the pendency of this order will automatically be provisionally appointed legal counsel in accordance with the provisions of RCW 10.101.020(4). Such provisional appointments shall continue during the time period this emergency order remains effective.
 - i. The court is suspending the operation of RCW 10.101.020(5) and such provisional appointments shall be without fee.
 - ii. The Clerk of the Court shall notify the defendant of such appointment under the terms of this Emergency Order and provide contact information for the City Public Defenders' Office.
 - iii. If a defendant retains private counsel, such private counsel may appear via a Notice of Substitution of Counsel, properly served on the plaintiff and the public defender then assigned to the case, without order or permission of the assigned judge.

B. Administrative Continuances

1. With the exception of the hearings identified below, all in person case hearings currently set shall be administratively continued until after May 25, 2020.
 - a. The Clerk of the Court is directed to enter such continuances in the Court's case management systems and provide written notice of the new hearing date.
2. Matters not subject to automatic administrative continuance:
 - a. In our out of custody appearances where the parties have indicated a case resolution will be entered, which will be handled according to the provisions of paragraph C below.
 - i. The parties should schedule all pleas/resolutions with the Judicial Assistant, and notify MCAAdmin of the anticipated resolution, so any inmate can be placed on the transport list for the resolution hearing.
 - b. DUI 1st Appearances/Arraignments, which will be handled according the provisions of paragraph C below.
 - c. Domestic Violence 1st Appearances/Arraignments, which will be handled according the provisions of paragraph C below.
 - d. Matters assigned to Community Court, DUI Court, Veterans Court, and Mental Health Court, hearings for which will continued to be scheduled under policies and procedures promulgated by the judges assigned to those specialized dockets.

C. Procedures & Process for Hearings on Criminal Matters:

1. Arraignments:
 - a. Arraignments for all criminal matters not involving DV and DUI charges will be set under the provisions CrRLJ 4.1, as modified by Washington State Supreme Court Order No. 25 700-B-606, for hearing after May 25, 2020.
 - b. At arraignments, a trial date will be set in accordance with the provisions of CrRLJ 3.3(b) and the Court will issue a Preliminary Case Scheduling Order identifying the trial date set and such pretrial hearings as the Court may deem necessary and appropriate.
 - c. Following consultation with the opposing party, the parties are encouraged to file a proposed Amended Case Scheduling Order setting forth the parties' best estimate for a case schedule that accommodates the given circumstances and impact of the declared health emergency as it may present itself at that time.
2. Pretrial Conferences:
 - a. All Pretrial Conferences are to be administratively continued as provided in Section B1 of this order.

3. Motions:

- a. Motions to recall or quash bench warrants, recall or modify no contact orders, amend bail or release conditions, or other issues not filed pursuant to CrRLJ 3.6 shall be heard in chambers, upon written motion without argument. The Court will issue its finding by written order stating the reasons for its ruling. The Court will determine the need for a suppression procedure hearing on a case by case basis pursuant to CrRLJ 3.6.
- b. All other criminal motions shall be stricken from the calendar as scheduled and the Clerk of the Court is directed to reset them as may be administratively practical after May 25, 2020.


4. Trials:

- a. No trials will be set before the week of July 1, 2020
 - b. All trials presently scheduled before July 6, 2020, will be rescheduled until an administratively practical time after July 6, 2020, and the time excluded from speedy trial calculation pursuant to CrRLJ 3.3(e)(8).
5. Jail Release Docket: The 1:00 pm jail release docket is hereby suspended and the Clerk of the Court will undertake all procedural and policy amendments to allow defendants being released from custody to receive notification of court dates at the time of release.

The Court reserves the right to maintain or schedule any in person hearing type it may deem necessary in cases involving threats to public safety, including but not limited to domestic violence offenses and driving while under the influence / physical control and to require the physical presence of the defendant at such hearings.

- D. Rules: Any Spokane Municipal Court Local Rules or State Court Rules that are inconsistent with the provision of this Emergency Order are suspended during the effective time of this Order.
- E. This Order may be amended or withdrawn as warranted to address the on-going public health emergency.

DATED THIS 18th day of May 2020



MATTHEW W. ANTUSH, Presiding Judge