

IN THE MUNICIPAL COURT
FOR THE CITY OF PUYALLUP

IN THE MATTER OF) ADMINISTRATIVE ORDER
Emergency Response to Public Health Threat)
(Coronavirus/COVID-19)) NO. 20-12 (amending 20-10;
20-11)

WHEREAS the Chief Justice of the Washington State Supreme Court has issued an emergency order in response to the public health emergency that affects operations of trial courts in Washington State on March 4, 2020; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602, granting emergency authority to this court to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention and the Washington State Department of Health (DOH) recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, on February 29, 2020, Governor Jay Inslee issued Proclamation 20-05, declaring a state of emergency as a result of the public health emergency posed by coronavirus/COVID-19, subsequently issuing a “Stay Home, Stay Healthy” order to curtail spread of the virus; and on November 15, 2020 issued state wide restrictions in response to recent rapid spread of COVID-19 and expanded that order December 10, 2020; and

WHEREAS, the Washington State Supreme Court adopted a fourth revised Order NO. 25700-B-626 on October 13, 2020, allowing the continuance of criminal matters and granting broad authority to individual courts to adopt measures to protect public health and safety in response the COVID-19 public health emergency; then

NOW, THEREFORE, IT IS HEREBY ORDERED:

1) Out of custody arraignments

Due to the increasing COVID-19 case count in Pierce County, as evidenced by record setting days last week (the record case count of Dec. 9 was exceeded by the case count Dec. 10, 2020) as well as the upcoming Christmas and New Year's holidays, the Court finds it necessary to continue out of custody arraignments on all non-DV and non-DUI related offenses until a date after January 12, 2021. ¹

The following exceptions apply:

- Arraignments on DV and DUI related offenses will continue to be heard in person as scheduled by the Court.
- Persons already scheduled for ZOOM hearings on other cases who are charged with a new offense will have their arraignment scheduled at the same time as the ZOOM hearing.
- Persons who previously appeared for an arraignment and had their arraignment rescheduled to screen for Community Court will still be heard on the date given. Those persons may appear via ZOOM on the Community Court calendar in lieu of appearing at the courthouse. The link may be obtained from the Community Court case manager.

All other matters will be heard as set forth in Administrative Order 20-09.

a) Public Health precautions during in person hearings:

No person experiencing symptoms of COVID-19 should appear at the court.

Any person with a hearing scheduled should contact his or her attorney to request a continuance. An unrepresented individual scheduled for a hearing should phone the clerk's office to request a continuance. Any other business

¹ Supreme Court Order 25700-13-646 issued 10/13/20, paragraph 12, allows "continuances of criminal matters."

with the court must be done remotely, by phone, mail or email as long as a person is experiencing symptoms or is quarantined.

Social distancing is required at the courthouse. While inside the courtroom, while waiting to enter the courtroom, or while waiting at the front counter, all persons must keep 6 feet from others. Persons shall observe all social distancing markers and shall depart the courthouse immediately upon concluding court business. Person are not to congregate in the lobby or outside the courthouse doors. No exceptions will be given for family members. Social distancing will be strictly enforced.

Face coverings are required. All persons in line to enter the courthouse and all persons inside the courthouse, including the lobby or front counter area must wear a protective mask or other face covering.² The Court may not provide face coverings, and a person appearing without a face covering may have his or her hearing rescheduled. Any such person will be deemed to have “failed to appear” for speedy trial or for jurisdictional purposes. A warrant will not issue for a “failure to appear” noted for the first occurrence of failing to appear without a face covering.

Any person who cannot wear a cloth or other face covering may wear a face shield. Any request to appear without a face covering for medical reasons must be in writing and accompanied by written documentation from a medical provider affirming the individual’s inability to wear a face covering or face shield.

All persons will be required to use hand sanitizer prior to using the Court’s signature pad for electronic documents and are encouraged to apply hand sanitizer upon entering the courtroom.

All persons entering the courthouse will be subject to a non-intrusive health screening, to include:

- Confirmation they have not recently been exposed to any individual diagnosed with COVID-19 or are subject to quarantine;
- Confirmation they are not currently experiencing any symptoms of COVID-19, including but not limited to: Cough, Fever, Shortness of breath.
- Temperature taken utilizing the Court’s non-contact thermometer – persons with temperatures above 99.1 will not be permitted to enter the courtroom and will have their hearing reset.

² This provision does not apply to children aged 5 or younger; nor does it apply to deaf or hard of hearing persons who communicate by sign language or lip reading.

Paperwork generated during the hearing will be retrieved from the printer station in front of the clerk's desk. Persons are not to approach the in-court clerk's desk until directed to do so by the judge.

Court bailiffs may direct persons to comply with social distancing and other public health precautions. Any person is required to comply with such directives and failure to do so may be grounds for removal from the courtroom.

2) Jury Trials

Jury trials continue to be suspended at least until the February term.

3) Video remote hearings

In the interest of public health and safety, and to protect the staff of Puyallup Municipal Court, the court will continue to hear as many matters as possible virtually, utilizing the Zoom platform, at least through Phase 3 of the phased opening of Pierce County. A person appearing by Zoom video conferencing is deemed to be appearing in open court and all Zoom hearings will be livestreamed on YouTube. Thus, public access will be encouraged via YouTube, and the physical courtroom may not be open to the public.^{3,4} The YouTube channel is accessible on the Court's website.

The provisions of Administrative Order 20-09 continue to apply to all Zoom video hearings and is hereby incorporated by reference.

4) Scheduling of Arraignments:

Arraignment on all cases filed on or after March 18, 2020, may be deferred until a date at least 45 days after the filing of the charges. Such delay is necessary to schedule matters such that the Court is able comply with social distancing measures

³ Article I § 10 of the Washington Constitution requires that "[j]ustice in all cases shall be administered openly." The COVID pandemic has resulted in the need for innovation in the judicial branch and ability to conduct court business with minimal in person contact. Thus, virtual courtrooms are being increasingly utilized. When court is held in the virtual courtroom, it will be livestreamed to the internet to assure public access and compliance with Washington's open courts doctrine.

⁴ Any member of the public who objects to having access only by way of livestream may submit a written request to the judge to attend a hearing in person. Please submit any such request to the Judge to be seated in the physical courtroom at least 2 court days prior to the hearing date.

and limit attendance at court calendars. This order indefinitely suspends the time for arraignment requirements of CrRLJ 4.1(1).

5) Speedy trial

In the interest of public health and safety, it is necessary to limit in person hearings, and video remote hearings are unable to facilitate the same number of in person hearings as the Court can in non-pandemic times. Thus, this order amends Administrative Orders 20-08 and 20-09. This order is intended to apply for the duration of the public health emergency unless amended by future order of this Court:

For all cases where arraignment was held prior to October 15, 2020, this court's prior orders and case specific rulings continue to apply.

Speedy trial determination for cases where arraignment was or will be held on or after 10/15/20 are governed by this order, and this Court now holds as follows:

The new arraignment date shall be considered the "initial commencement date" per CrRLJ 3.3(c)(1) for the purpose of establishing time for trial. However, due to the inability of the Court to safely convene in person hearings for the volume of cases heard regularly in the Court⁵; and the inability of the Court to facilitate as many video-remote hearings as required to meet the Court's current caseload and also comply with the 90 day time for trial rule, this Court finds good cause (as a result of unforeseen and unavoidable circumstances created by the COVID-19 pandemic) to exclude from the calculation of speedy trial the time between the arraignment date and the first scheduled pre-trial hearing. Thus, the time between the date of arraignment and the first scheduled pre-trial hearing is deemed an excluded period for purposes of calculating speedy trial in all matters, and time for trial will effectively commence as of the first pre-trial hearing held where the defendant is present (to include a virtual appearance). CrRLJ 3.3(e)(8); Supreme Court Orders 25700-B-607; 25700-B-618; 25700-B-626.

⁵ The Court finds it necessary to continue to hold arraignments in person due to the need to confirm identity, to provide adequate notice of future hearings, and to obtain signatures on certain documents, such as No Contact Orders.

6) Other matters not specifically addressed by this order

All hearings or court procedures not specifically discussed in this order will continue to operate under Administrative order 20-09, and that order is hereby incorporated by reference.

7) Notices for future dates for all cases delayed by this or prior orders will be mailed to the parties via U.S. mail. The Court may email notices where the parties' email is on file with the Court and the party consents to email service. Any party needing to update a mailing or email address should contact the court by email at courts@PuyallupWA.gov or by phone at (253) 841-5450;

8) For instances not specified above and where applicable to a municipal court, the Supreme Court of Washington Orders No. 25700-B-607; 25700-B-615, 25700-B-618, 25700-B-626 are hereby incorporated by reference;

9) To the extent this Order adopts measures to protect the health and safety that are more restrictive than the Supreme Court's Order, including extensions of time frames under the court rules, this Administrative Order controls (see Supreme Court Order 25700-B-626, paragraph 23).

10) This Administrative Order supersedes Orders 20-02; 20-03; 20-04; 20-06; 20-07; 20-08; 20-09; 20-10; and 20-11. To the extent this order affects any hearings held after March 18, 2020 and prior to the date of this order, it applies retroactively.

11) The Court may extend or revise this order as required by the continuing public health emergency, or it may reassess the need for other protective measures not set forth in this order, and, if necessary, will do so by further order.

DATED this ___14th___ day of _____Dec_____, 2020.



Andrea Beall
Presiding Judge