

**SPOKANE COUNTY DISTRICT COURT
STATE OF WASHINGTON**

IN THE MATTER OF THE EMERGENCY
RESPONSE TO THE THREAT TO PUBLIC
HEALTH

EMERGENCY ADMINISTRATIVE ORDER

NO. 17 Amendment to Emergency Order No.1

This matter comes before the Court on the public health emergency in Washington State and Spokane County:

WHEREAS, Spokane County District Court continues to operate under a State of Emergency due to the continuing COVID-19 health pandemic;

WHEREAS, the Spokesman-Review reported on Wednesday, January 12th, 2022, that the Intensive Care Units of Spokane County hospitals were at, or nearing, 100% capacity;

WHEREAS, the newly identified Omicron variant of the COVID-19 virus is highly transmittable and may have contributed to the significant increase in the current number of infections in the Spokane County region, impacting the region's healthcare system;

WHEREAS, Court operations are deemed an “essential” function pursuant to the Governor’s pandemic proclamation and Spokane County District Court is governed by the laws of the State of Washington and the Washington Supreme Court’s Emergency Orders;

WHEREAS, Spokane County District Court has implemented safety protocols consistent with public health experts, including but not limited to, the Spokane Regional Health Department to reduce the transmission of the COVID-19 virus;

WHEREAS, the recently identified and highly transmissible Omicron variant of the COVID-19 virus constitutes an unforeseen and unavoidable circumstance necessitating additional precautions be taken until the positivity rate for COVID-19 infections and the impact on the region’s health system improve;

WHEREAS, on Thursday, January 13th, 2022, Governor Jay Inslee announced he would be calling in the National Guard to assist Washington State hospitals which are facing a widespread shortage of workers. Including but not limited to, Providence Sacred Heart Medical Center & Children’s Hospital in Spokane, Washington.

WHEREAS, on Thursday, January 13th, 2022, Governor Jay Inslee announced a four week pause on non-emergency medical procedures at hospitals as the healthcare system struggles with surging COVID-19 caseloads.

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WHEREAS, on July 30th, 2021, Washington State Supreme Court Chief Justice, Steve Gonzalez, informed Presiding Judges that “nothing prevents you as Presiding Judges and Court Administrators from enacting more enhanced restrictions depending upon your local public health metrics or other local conditions”;

WHEREAS, the State of Washington and specifically, Spokane County, has experienced a surge in new COVID-19 cases over the past month; and

WHEREAS, bringing in jurors for in-person trials requires congregating a larger number of people in a concentrated indoor space which can contribute to the spread of COVID-19 even among those who are vaccinated against COVID-19.

NOW, THEREFORE, IT IS HEREBY ORDERED EFFECTIVE TUESDAY, JANUARY 18TH, 2022:

1. All **criminal jury trials** shall be suspended until at least Monday, February 14th, 2022.
2. All **civil jury trials** shall be suspended until at least Monday, February 14th, 2022.
3. Parties scheduled to commence a jury trial between January 18th, 2022 and February 14th, 2022, should report for their scheduled date to address future scheduling unless otherwise authorized by the trial court, in writing, in advance of the scheduled hearing date. All effort should be made to appear via ZOOM/video and/or telephonic to reduce in presence appearance when possible.

4. A continuance of these jury trials is required in the administration of justice. Based upon the Court's finding that the danger posed by COVID-19 is an unavoidable and unforeseen circumstance beyond the Court's control; the Court thereby, finds good cause to continue jury trials. The continuance constitutes an unavoidable circumstance under Cr.RLJ 3.3(e)(8), and the time between Tuesday, January 18th, 2022 and Monday, February 14th, 2022, shall be EXCLUDED when calculating the time for trial. CrRLJ 3.3(e)(3).
5. Any person who is physically ill or in quarantine shall not enter the Courthouse.
6. Staff and visitors are expected to practice good hygiene by washing hand frequently or by using hand sanitizer when hand washing is not practicable.
7. Frequently touched surfaces will be routinely cleaned by disinfectant or other approved methods.
8. All persons entering any Spokane County District Court courtroom and all Spokane County District Court staff entering all courtrooms, or administrative areas, shall be required to wear a mask unless exempted under paragraph #9 below. Individuals *actively* participating in a Court proceeding may remove their masks if they wish. The Court may also direct the removal of masks worn by active participants to facilitate clear communication and due process. "Active participant" includes those seated at counsel tables, witnesses, and the judge.
9. Pursuant to the face covering directive the following individuals do not need to wear a face covering.
 - a) Any child aged two or less;
 - b) Any individual who has a physical disability that prevents easily wearing or removing a face covering;

- c) Any individual who is hearing impaired and uses facial and/or mouth movements as part of communication or an individual who is communicating with a person who is hearing impaired and uses facial and/or mouth movement as part of communication;
- d) Any individual who has been advised by a medical professional that wearing a face covering may pose a risk to that individual for health-related reasons;
- e) Any individual who has trouble breathing, or is unconscious, incapacitated, or otherwise unable to remove the face covering without assistance.

For all hearings currently pending and for hearings on new cases filed during the pendency of this order that are delayed by effect of this order, the delay/continuance shall constitute an excluded period for purposes of Speedy Trial, CrRLJ 3.3, CrRLJ 4.1, IRLJ 2.2, IRLJ 2.4, IRLJ 2.6, and any other applicable court rule.

It is further ordered, all hearings delayed by this order will have notices mailed to the parties of the next scheduled hearing date via US mail. Any party needing to update their mailing address should contact the court clerk at (509) 477-4770 or via email at

Criminal and Infraction Clerk's Office – dccasemgmt@spokanecounty.org

Civil Clerk's Office – dccivil@spokanecounty.org

For all hearings not continued by effect of this rule, Video/ZOOM hearings and telephonic hearings will be permitted to the greatest extent possible to encourage social distancing as recommended by both the Centers for Disease Control and local public health officials. All courthouse locations will remain open. However, the public is encouraged to contact the Court via telephone or email whenever possible. This order may be modified

consistent with the Spokane County District Court's continual assessment of the needs of the community as well as the recommendations of public health officials.

DATED this 14th day of January, 2022



Presiding Judge Aimee Maurer