

FILED
COUNTY CLERK

2022 FEB -2 AM 7: 25

WHATCOM COUNTY
WASHINGTON

IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF WHATCOM

CASE NO. 20-2-00001-37

IN THE MATTER OF RESPONSE TO PUBLIC)	
HEALTH RISK DUE TO COVID-19 PUBLIC HEALTH)	AMENDED
EMERGENCY)	TWENTY-EIGHT
)	ADMINISTRATIVE ORDER
		February 1, 2022

WHEREAS, on February 29, 2020, Governor Jay Inslee proclaimed a state of emergency due to the novel coronavirus disease (COVID-19) outbreak in Washington; and on March 13, 2020, President Donald Trump declared a national emergency due to the COVID-19 outbreak across the United States; and on February 24, 2021 President Joe Biden continued the national emergency; and

WHEREAS on August 12, 2021, the Whatcom County Superior Court re-issued a courtroom mask mandate and on August 23, 2021, Governor Inslee re-issued a statewide mask mandate for indoor public spaces in response to the continued and rampant spread of COVID-19; and

WHEREAS the Center for Disease Control (CDC) continues to rate Whatcom County at a high level of COVID-19 transmission despite numerous public health measures such as mask wearing, social distancing and the wide availability of vaccines; and

WHEREAS in light of the arrival of a more highly-transmissible "Omicron Variant" of COVID-19, and the continued presence of the "Delta Variant" in our community, and given that Whatcom County Superior Court operates in a high-risk environment which suggests that prior public health measures alone are insufficient at maintaining public safety while conducting case and calendar management;

WHEREAS, Whatcom County has recently experienced a steep rise in COVID-19 transmission. Local hospitalizations have likewise seen a significant increase in admissions, with St. Joseph's hospital in Bellingham now making an urgent request for Whatcom County residents to "take the precautions that we know will help keep hospitalizations down.";

WHEREAS, court hearings at the Whatcom County Courthouse are often compulsory in nature and participants are often required to sit in crowded courtrooms for extended periods of time during court appearances, which poses an involuntary risk of transmission of the virus for many individuals in the courtroom if precautions are not taken;

WHEREAS, Whatcom County residents are entitled to continued access to Whatcom County Superior Court. To ensure such continued access, Whatcom County Superior Court has developed the availability of "remote access" to court hearings for both participants and members of the public; and

WHEREAS this Court has the authority to take actions that are reasonably necessary for the efficient administration of justice and the fulfillment of its statutory and constitutional duties:

NOW, THEREFORE, pursuant to the Court's authority to administer justice and to ensure the safety of courts, personnel, litigants, and the public, during this public health emergency, it is hereby ORDERED:

A. DEFERRING SOME OUT-OF-CUSTODY ARRAIGNMENTS

1. In order to minimize the number of people in the courtroom during first appearance/arraignment calendars, the Whatcom County Prosecuting Attorney's Office is encouraged to delay first appearance/arraignment hearings for defendants who are out of custody and have been ordered to court by summons until no earlier than April 1, 2022. The Prosecutor's Office is directed to notify those defendants by mail of any change in court date. Any delay, due to this order, in bringing said defendants before the court shall not affect the allowable time for arraignment under CrR 4.1, CrRLJ 4.1 and JuCR 7.6.
2. For purposes of establishing the time for trial under CrR 3.3(c)(1), CrRLJ 3.3(c)(1) and JuCR 7.8(c)(1), the "initial commencement date" shall be the date that the defendant is arraigned, even if that date is delayed by this order.
3. This amended order is intended to clarify the court's Twenty-Eight Administrative Order, entered on January 14, 2022. Section A of that order is hereby rescinded and replaced by this Section A.
4. Any orders, findings, or conclusions entered as a consequence of this Order, as well as the Court's prior Orders, may be considered to incorporate the findings contained herein.

B. LIMITING IN-PERSON APPEARANCES:

The Court hereby directs all court users to appear remotely for scheduled hearings in the manner prescribed by the Court, except as follows:

1. Individuals that do not have sufficient computer access to achieve a meaningful remote appearance in court may continue to attend in-person. This includes those without a Zoom enabled device and/or without sufficient internet bandwidth to effectively communicate with the court.
2. Individuals that can demonstrate good cause why remote access prevents them from a meaningful appearance in court may continue to attend in-person.
3. Individuals permitted in-person accommodations under GR 33.
4. Individuals participating in emergent civil matters, including, but not limited to; writs of habeas corpus, shelter care hearings and protection order hearings. Remote appearances remain strongly encouraged.
5. Defendants in criminal proceedings who, for any reason, cannot appear remotely.
6. On criminal dockets with substantial representation by public attorneys; 1-2 attorney representatives from each of the Whatcom County Prosecutor's Office and the Whatcom County Public Defender's Office are permitted to attend in-person for the purpose of facilitating all paperwork in court. All other public attorneys and their clients shall utilize the remote appearance procedure offered by the Court, unless otherwise allowed and provided for by this Order.
7. Whatcom County Superior Court proceedings will remain open to the public for in-person attendance and remote attendance consistent with this Order.

C. MASKS AND SOCIAL DISTANCING REQUIRED: During all allowable in-person appearances, the court will strictly impose its previous mask wearing mandate (masks must cover the mouth and nose at all times) and require social distancing of at least 6 ft. for all non-household members IN EVERY Superior Court courtroom.

This Court's prior Administrative Orders remain in full force and effect to the extent they are not inconsistent with this Order

AMENDED this 1st day of February, 2022.


ROBERT E. OLSON, Presiding Judge