

IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF DOUGLAS

IN THE MATTER OF: Emergency Response to a) EMERGENCY
Threat to General Public Health and Welfare,) ADMINISTRATIVE ORDER
Caused By the Coronavirus Disease 2019) NO. 3
("COVID-19"))
2020-5002-09-A

WHEREAS, 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;

WHEREAS, our community has experienced a recent increase in the number cases of COVID-19 and public health officials are strongly recommending residents avoid social contact to the extent possible in an attempt to slow the transmission of the disease;

WHEREAS, the Court finds that based on the current COVID 19 positive rate in Douglas County the health and safety of the public, the parties to any litigation in this Court, the employees of the Court and the employees within the law enforcement community are at risk by said pandemic; and

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. Pursuant to General Rule (GR) 21(a) and Washington State Supreme Court Order No. 25700-B-002 dated March 4, 2020, the Presiding Judge of Douglas County,

1 Washington is authorized to adopt, modify, and suspend court rules and orders and to take
2 further actions concerning court operations, as warranted, to address the current public health
3 emergency.

4 2. Pursuant to the Washington State Supreme Court's Second Revised Order,
5 the time between April 29, 2020 and September 1, 2020 shall be excluded when calculating
6 time for trial.

7 3. This Court hereby incorporates by this reference any and all findings set forth
8 in this Court's previously issued Emergency Administrative Order Nos. 1 and 2; the
9 Washington Supreme Court's various COVID-19 related Orders in response to the COVID-
10 19 public health emergency including Order No. 25700 entered March 4, 2020 through Order
11 No. 25700-B-631 entered June 18, 2020; and all findings of public health authorities or other
12 third parties as referenced in such Orders issued by this Court or by the Washington Supreme
13 Court.

14 4. The provisions of this Court's Emergency Administrative Order No. 2 shall
15 remain in full force and effect except as revised by the terms of this Emergency
16 Administrative Order No. 3.

17 5. This Court adopts and/or incorporates by this reference the findings and
18 recommendations of the Washington State Department of Health (DOH) in its publication
19 COVID-19 and Washington State Courts, Public Health Risk Reduction Recommendations
20 (updated August 28, 2020). Said DOH publication states in part that "[t]he following
21 guidance is intended to offer and inform court actions to reduce the risk of COVID-19
22 person-to-person transmission in the courts, especially with regard to jury trials, and to
23 provide a level of community confidence that the courts are taking effective precautions to

1 protect public health and to reduce the risk of COVID-19 transmission.” Id., at p. 5. Said
2 DOH publication further states: “Courts should consider the county phase and underlying
3 metrics when defining strategies and mandates, as part of their COVID-19 response plan, to
4 protect staff and other court participants from contracting or transmitting COVID-19 during
5 or associated with in-person court proceedings.” Id. Said DOH publication further states:
6 “For the courts, it is anticipated that more in-person proceedings will generally resume in
7 Phase 2 and beyond.” Id., at page 6.

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9 6. This Court also finds that Douglas County is currently in Modified Phase 1
10 of the Governor’s 4-Phase Safe Start Plan (i.e., Douglas County is not in Phase 2 or beyond
11 per DOH guidelines for in-person hearings). The goal established by the Governor for a
12 county’s transition to the next phase of reopening is 25 positive cases per 100,000 population
13 over a two-week period. Douglas County’s most recent COVID-19 case count was 320.1
14 per 100,000 population for the two-week period ending September 2, 2020 per the Chelan-
15 Douglas Health District’s website.

16 7. This Court also finds that the Douglas County Courthouse located in
17 Waterville, Washington is not currently able to safely and appropriately accommodate jury
18 trials at this time. For example, given the space available in the courtroom it would be
19 impossible to accomplish social distancing with a minimum of six feet of separation at all
20 stages of trials and otherwise comply with established COVID-19 protocols. Steps are being
21 taken to prepare a potential alternative site for jury trials and bench trials, but such work is
22 not anticipated to be completed prior to September or October 2020 barring unforeseen
23 delays.

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8. The Court finds that the serious danger posed by the virus COVID-19 is good cause to continue criminal jury trials and bench trials and constitutes an unavoidable circumstance affecting the time for trial beyond the control of the court or of the parties pursuant to CrR 3.3(e)(8).

9. Based on the above finding of good cause to continue criminal jury trials and bench trials due to unavoidable circumstances, the Court Orders that (a) there shall be no criminal jury trials or bench trials scheduled to begin in this Court prior to October 22, 2020, (b) any previously scheduled Trial Setting hearings in criminal cases shall go forward as scheduled unless an agreed Order is entered prior to such Trial Setting hearing, and (c) the time between the entry of this Order and the next scheduled trial date is EXCLUDED when calculating time for trial. (CrR 3.3(e)).

AMENDMENT OF THIS ORDER

10. The Superior Court anticipates the need to amend and/or supersede this Order as the COVID-19 public health emergency continues to develop and more information becomes available.

DATED this 3rd day of September, 2020.



BRIAN C. HUBER
Judge of the Superior Court