

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON
IN AND FOR WHATCOM COUNTY

IN THE MATTER OF THE RESPONSE BY THE COURT
TO THE PUBLIC HEALTH EMERGENCY COVID-19
RE:

District Court Probation Procedures

Temporary Administrative Order
No. 2020 - 03

WHEREAS, the World Health Organization has determined the spread of the new coronavirus (COVID-19) has now reached worldwide pandemic levels; and

WHEREAS, people within Washington State and Whatcom County have been diagnosed with COVID-19; and

WHEREAS the Governor of the State of Washington has declared a State of Emergency due to the COVID-19 outbreak, and the Whatcom County Executive has declared a Public Health Emergency for the County due to the COVID-19 outbreak; and

WHEREAS, the Whatcom County Health Department, per Dr. Greg Stern, has issued new recommendations to slow the spread of COVID-19 within Whatcom County which include, among other actions, the cancellation or postponement of non-essential public gatherings and that certain higher risk target populations should stay at home away from large groups of people as much as possible; and

WHEREAS, the calling together of prospective jurors and the jury selection process necessarily requires exposure to large groups of people which is a medically contraindicated activity under the current states of emergency; and

WHEREAS, the Washington State Supreme Court has adopted Order No. 25700-B-602 which grants this court emergency authority to adopt, modify, and suspend court rules and orders, and to take further actions as deemed warranted to address the current COVID-19 public health emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED:

Until further Order of the Court, those defendants who report to District Court Probation that they meet any of the following criteria shall be excused or rescheduled from reporting in person for appointments and substance testing:

1. Have chronic health condition such as heart disease, lung disease, lung disease or diabetes;

2. Have a weakened immune system;
3. Are pregnant;
4. Are age 60 or older and do not wish to report in person, or
5. Are sick or have recently been in contact with someone who is sick

WHEN A DEFENDANT MEETS THE CRITERIA ABOVE, IT IS FURTHER ORDERED:

1. A staff member will document in the chronological record why a defendant states they are unable to report;
2. Defendants reporting in-person who exhibit signs or symptoms of illness will be provided with their Probation Officer's phone number and instructed to leave the office;
3. A Probation Officer may conduct, in lieu of an in-person appointment, a telephonic interview for all appointments, including but not limited to regular reporting and intake appointments;
4. A Probation staff member will schedule future reporting activities for a defendant according using a timeframe that is appropriate to each defendant's individual circumstances;
5. In lieu of obtaining personal signatures from defendants upon, but not limited to, probation agreements and intake document(s) in which a signature is traditionally required, a staff member will read the document(s) to the defendant during a telephonic interview. The staff member will initial and date the document(s), placing the original in the defendant's file and mailing a copy to the defendant;
6. Defendants requesting to be excused from court hearings will be referred to the District Court Clerk's Office, or the Court Clerk's Office of the sentencing court;
7. When determined appropriate by the Probation Officer supervising the test, unobserved urinalysis samples will be accepted;
8. Defendants determined to be high risk by the Ohio Risk Assess System (ORAS) or the Adult Static Risk Assessment (ASRA) will be prioritized for in-person appointment when they appear;
9. Defendants determined to be low or medium risk may be rescheduled by phone;
10. Until further ordered, Probation Department group meetings of defendants, including but not limited to DVMRT and Domestic Violence check in groups are cancelled, and/or
11. Defendants unable to attend treatment because the agency has temporarily ceased operations due to CORVIN 19, will be excused from those treatment requirements until such time as the agency resumes treatment activities.

DATED this 13th day of March, 2020.



David M. Grant, Presiding Judge