Spokane Municipal Court **City of Spokane, State of Washington**	
IN RE THE MATTER OF: THE RESPONSE BY SPOKANE MUNICIPAL COURT TO THE PUBLIC HEALTH EMERGENCY IN THE STATE OF WASHINGTON	**No: 2020-10** **THIRD SUPERSEDING EMERGENCY ORDER RE: PROBATION OPERATIONS**

This matter comes before the Court on the public health emergency in Washington State. The actions set forth herein will take effect on Monday, March 16, 2020 and will remain in effect until further order of the Court, unless otherwise stated herein. If a date is stated herein, the stated date may be extended by further Court Order.

1. On February 29, 2020, Governor Jay Inslee declared a state of emergency due to the Public health emergency posed by the coronavirus 2019 (COVID-19).

2. 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, that states, in part, as follows:

   "WHEREAS, during this state of emergency, it may become necessary for courts in these counties to close, relocate or otherwise significantly modify their regular operations; and WHEREAS, the presiding Judges in these counties need sufficient authority to effectively administer their courts in response to this state of emergency, including to adopt, modify, and suspend court rules and orders as warranted to address the emergency conditions, 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. The Presiding Judges of the Washington courts are authorized to adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current public health emergency;
   2. Each court shall immediately transmit copies of emergency local rules adopted or modified to address the public health emergency to the Administrative Office of the Courts in lieu of the requirements of General Rule 7;
   3. Each court that closes pursuant to this Order or General Rule 21 shall sign an administrative order closing the court, file the original with clerk of the affected court, and notify the Administrative Office of the Courts as soon as practicable"

3. WHEREAS on March 18, 2020, Washington Supreme Court Chief Justice Debra Stephens entered Order No. 25700-B-606 Order resulting in various delays in civil and criminal cases beyond April 24, 2020, and modifying rules regarding, time for trial, commencement date calculations, settings of arraignment, the issuance of ex parte NCO, waving various signature requirements from defendants, and delaying all civil matters;

4. WHEREAS on March 13, 2020 President Donald J. Trump declared a national state of emergency related to COVID-19 and expanded the declaration on March 16, 2020, by issuing guidelines limiting assemblies of groups over 10 people;

5. WHEREAS on March 13, 2020, Governor Jay Inslee expanded a previously declared emergency in several western Washington counties to the entire State of Washington ordered and ordered all K-12 public schools closed until April 24, 2020;

6. WHEREAS on March 14, 2020, the Spokane Regional Health District determined that there are presently three confirmed cases of COVID-19 in Spokane County and likely more; and

7. WHEREAS on March 15, 2020, the Court was notified by the Spokane County Detention Services that it has declared a state of emergency and is requesting all jurisdictions that use its detention facilities to consider all mechanisms for reducing the population in that facility and minimizing jail transport requirements;

8. WHEREAS on April 2, 2020, Governor Jay Inslee issued Proclamation 20-25.1 extending the provisions of Proclamation 20-05 and 20-25 related to the Governor's Stay Home – Stay Healthy policy until May 4, 2020;

9. WHEREAS on April 6, 2020, Governor Jay Inslee issued Proclamation 20-09 closing schools through the end of the current school year; and

10. WHEREAS on April 13, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-615, extending provisions of the Court's previous emergency order until May 4, 2020.

11. WHEREAS on April 29, 2020, the Washington State Supreme Court issued Revised and Extended Order Regarding Court Operations No. 25700-B-618, extending provisions of the Court's previous emergency order until July 6, 2020.

Given the significant number of projected cases of COVID-19 likely to occur in the City of Spokane and the severity of the risk posed to the public, court personnel and litigants, and given the recommendations from local, state, and federal public health officials;

IT IS HEREBY ORDERED that pursuant to the authority of Washington State Supreme Court Order No. 25 700-B-602, No. 25700-B-606, No. 25700-B-615, No. 25700-B-618 and the authority as Presiding Judge of the Spokane Municipal Court, Spokane Municipal Emergency Order 2020-02, Spokane Municipal Court Emergency Order 2020-04, and Spokane Municipal Court Emergency Order 2020-08, are hereby modified as follows, effective immediately:

1. Effective immediately, the Probation Department is suspending all face-to-face contact with court ordered individuals except for those individuals outlined below in accordance to evidence based practices as:
   a. Required to report for Electronic Monitoring operational requirements including the installation, repair, and removal of EM equipment or as otherwise directed by EM staff.

   b. Required to report for pre/post-conviction intake where a defendant's signature is required by order and conditions of the court.

   c. Required to report for entry of post-conviction sentencing and probation agreement by and through the probation department.

d. Required to report due to public safety concerns in relation to a defendant's High Risk and High Need level and an inability to be monitored via electronic communication and case planning (see SCRAM Mobile TouchPoint requirements).

2. The Municipal Court and Probation Department shall incorporate best practices in consideration of the spread of COVID-19 and crisis including:

   a. **Immediately limit office visits for people on probation.** In order to avoid unnecessary travel and congregating in waiting rooms where the virus may spread, the probation department shall forgo reporting altogether for those who pose lower risk and/or have people under supervision report via telephone, on-line or by postcards. Research on, and experience with, computerized reporting has found that lower-risk individuals in particular perform well on computerized reporting.

   b. **Suspend or severely limit technical violations for the duration of the coronavirus crisis.** Research has not found an association between technical violations and favorable public safety or rehabilitative outcomes. Further, probation revocations for technical violations are a significant contributor to jail and prison churn. Incarceration for technical violations should be immediately suspended or drastically curtailed legislatively or administratively to reduce the possibility of unnecessarily carrying the virus into correctional facilities or from such facilities into the community. Given the limited research support for re-incarceration for technical violations, the public safety and rehabilitation outcomes of reducing violations should then be carefully evaluated before technical violations are reinstated to pre-crisis levels.

   c. **Reduce intake onto probation to only those who absolutely need to be under supervision.** The court and probation department should limit placing people under supervision to only those who need, and can benefit from, community supervision. Courts and probation authorities should release people from supervision as soon as possible who are low risk or who have shown through their performance on probation or parole that they no longer need to be under supervision. Persons currently on probation for more than two years who are in compliance should be considered for immediate discharge from supervision.

   d. **Reduce the terms of probation to only as long as necessary to achieve the goals of supervision.** Most reoffending occurs in the first 18-24 months of supervision, suggesting that probation terms longer than that engender costs with diminishing benefits. Legislatures, courts, and probation authorities should limit supervision terms to 18-24 months and allow people to further earn time off for compliance with conditions.

   The above two recommendations focuses probation resources on the those who can truly benefit from community supervision, while limiting the travel, office visits and incarceration that increases COVID-19 exposure of persons under supervision.

e. **Train staff to provide clear, accurate and understandable information to probation clients.** Supervision staff shall inform their clients of proper precautions, recommended by public health officials, against virus spreads such as staying home when sick, covering coughs and sneezes, frequently washing hands with soap and water and cleaning frequently touched surfaces.

3. The Municipal Probation Supervisor shall comply with all Municipal Court and/or City of Spokane staff telecommute options to minimize exposure of the COVID-19 and ensure the needs of the Court and public safety measures are maintained including:
    a. The Probation Department shall maintain at a minimum, a staffing level that meets required operational needs including: at least one clerk/specialist, one alpha probation officer, and one electronic monitoring officer as scheduled by the supervisor.

    b. Suspend all programs and classes provided by the Probation Department including the Alive at 25 Defensive Driver Course until June 1, 2020, or by any continued date ordered by the court.

    c. Suspend all Portable Breathe Tests as previously ordered by the court or required by probation until June 1, 2020, or by any continued date ordered by the court or as required by probation.

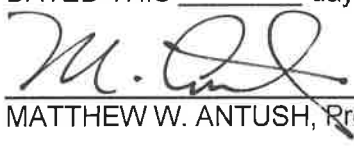
    d. Suspend all Public Defender Financial Screenings during the period of time ordered by the court.

    e. Enroll all eligible defendants assessed as Moderate/High Risk and Moderate/High Need into the SCRAM Mobile TouchPoint phone application to ensure appropriate probation supervision occurs without face-to-face interaction.

    f. Maintain social-distancing for all mandatory face-to-face contacts as required under court order or probation requirements.

4. This Order may be amended or withdrawn as warranted to address the on-going public health emergency.

DATED THIS 1st day May of 2020



MATTHEW W. ANTUSH, Presiding Judge