



Seattle Municipal Court and Municipal Legal System Response to COVID-19

In the interest of public health and safety, Seattle Municipal Court (SMC) has actively coordinated our response to the novel coronavirus (COVID-19) outbreak with our municipal legal system stakeholders including the Seattle City Attorney's Office, King County Department of Public Defense, King County Jail, other local courts, and the Seattle Police Department. We have made operational changes based on guidance from Public Health – Seattle & King County and orders from Mayor Durkan, Governor Inslee and Chief Justice Stephens.

Critical to our operational decisions is ensuring that we protect the health and safety of court staff, attorneys, providers, court participants and the public while preserving individual liberties and our constitutional obligations.

SMC prioritized public health by limiting in-person business at the courthouse as early as March 9, 2020 by rescheduling all in-person hearings for infractions (parking, traffic camera, moving violations, etc.) to adjudication by mail. In-person infraction hearings will be resumed when court operations normalize. Seattle Youth Traffic Court hearings have been rescheduled for May and June and will be held online via Zoom. We have also taken the following actions related to ticket fines and fees:

- Eliminated the \$3.60 transaction fee for online and telephone payments.
- Suspended the default penalty for tickets that are not responded to within 15 days.
- We are not referring any outstanding tickets/fines to collections.

On March 11, 2020, jury trials were suspended until further order of the court.

On March 13, 2020, the court began granting agreed continuance requests on out-of-custody matters for non-mandatory hearings, eliminating the need for individuals to appear unnecessarily.

On March 14, 2020, pursuant to [General Administrative Order 2020-05](#), court operations were significantly limited and the court portion of the Seattle Justice Center was closed. In-person Probation and Day Reporting has been suspended and no new cases are being assigned to Probation. Community service and work crew obligations have been extended and work crew activities have been suspended.

On March 19, 2020, Presiding Judge Willie Gregory issued [General Administrative Order 2020-06](#) instituting our consolidated in-custody only calendar at Courtroom 2 of the King County Jail (KCJ2). This is in accordance with order [No. 25700-B-606](#) of The Supreme Court of Washington. This calendar runs Monday through Saturday and ensures that in-custody individuals continue to have opportunity to present motions for release and that their cases progress as quickly as possible under these emergency circumstances. All out-of-custody hearings affected by this emergency court closure, including out-of-custody arraignments, have been continued to the next available calendar no sooner than May 4, 2020.

On April 15, 2020, Presiding Judge Willie Gregory issued [General Administrative Order 2020-07](#) continuing our limited court closure until further order of the court and in accordance with order [No. 25700-B-615](#) of The Supreme Court of Washington. The consolidated in-custody only calendar in KCJ2 continues Monday – Saturday. Additionally, in the interest of public health and safety signatures are not required on any forms, notices, orders or pleas handled on this calendar. New out of custody filings on criminal matters were suspended and will be filed when the court resumes regular operations. With uncertainty on when the court will resume regular operations, all out of custody hearings scheduled between March 16 through July 31, 2020 have been cancelled including out of custody arraignments. A new court date will administratively be set when the court resumes regular operations. All jury trials have been cancelled and the court will determine when to resume jury trials after regular operations resume.

SMC has worked collaboratively with the City Attorney’s Office (CAO) and Department of Public Defense (DPD) to reduce the jail population as much as possible. Since the emergency limited court closure on March 16, the number of people held pretrial on bail dropped from 138 to 28 as of April 10. The population of people serving SMC sentences decreased to 27 as of April 10, down from 36 at the beginning of March.

In March, SMC judges considered over 160 motions for release related to higher COVID-19 risk due to age or underlying health conditions. Most motions for release were agreed to by both defense and prosecution. SMC judges granted the motions right away without need for a hearing. In rare cases in which there was disagreement between the parties, the cases were then set for the in-custody calendar as soon as feasible and judges made release decisions after hearing from the parties.

Table 1: Motions for release filed, March 1-March 31, 2020

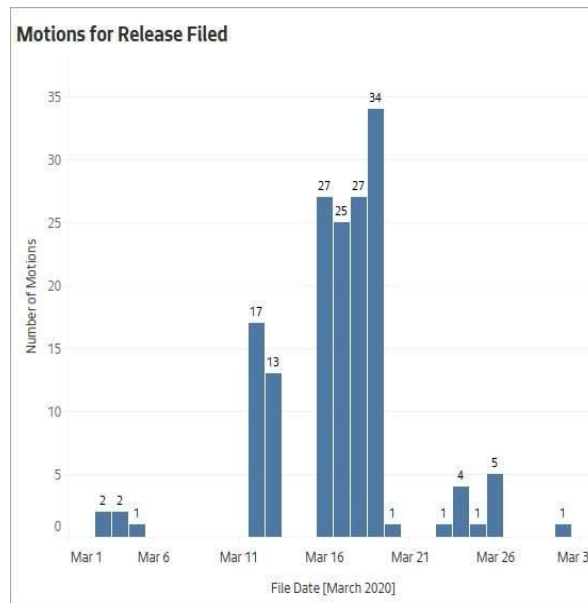
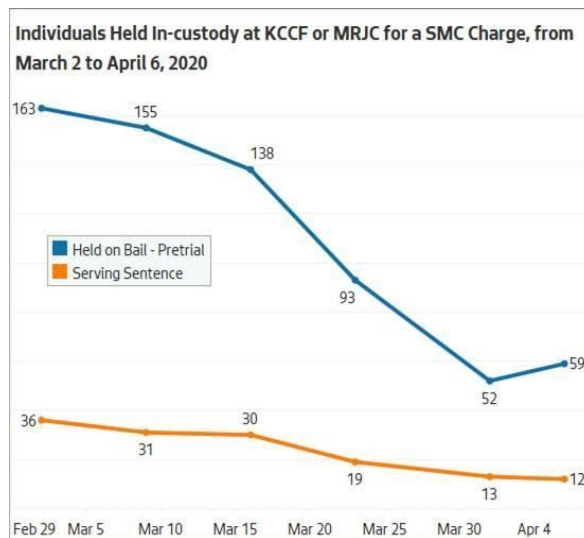


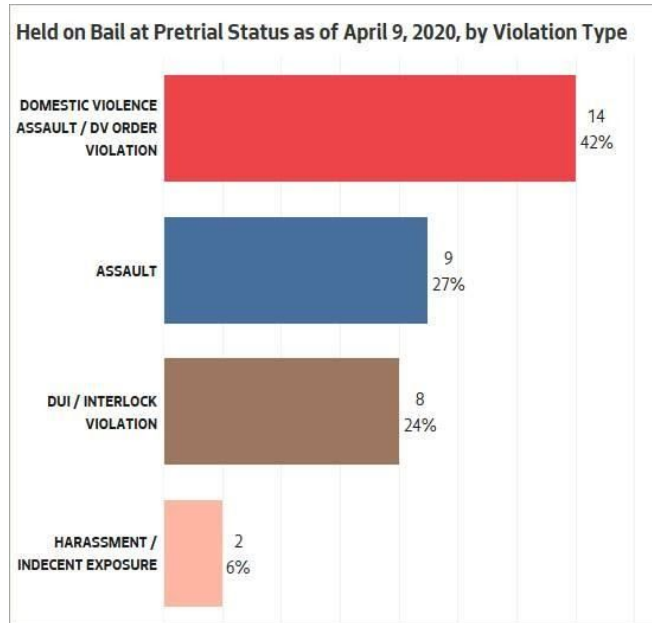
Table 2: Individuals held in-custody on a Seattle Municipal charge, March 2 – April 6, 2020*



*Data from King County Department of Adult & Juvenile Detention

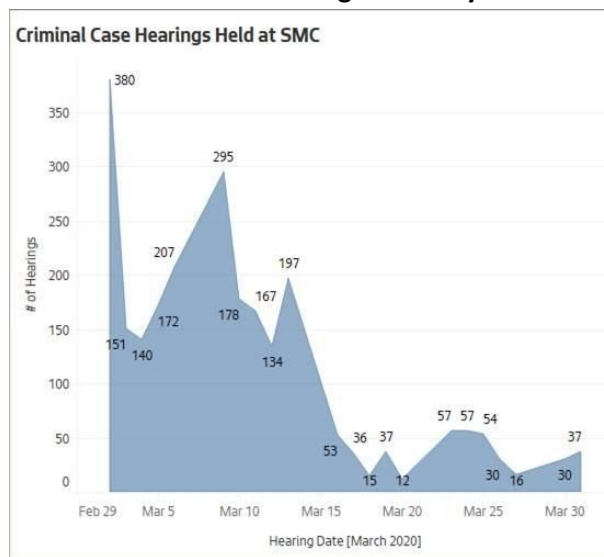
SMC judges have worked with defense attorneys and prosecutors to find solutions to keep people out of jail for lower public safety risk offenses. Individuals who are released are set for their next court appearance, no earlier than May 4, 2020, and referred to a list of nearby services if they need support. As of April 9, all individuals held on bail pretrial were held for high public safety risk charges including domestic violence assault, protection order violations, assault (non-DV), DUI and ignition interlock violations, harassment and indecent exposure. Additionally, SMC proactively contacted individuals scheduled to serve their jail sentence during March and April to reschedule for a later date.

Table 3: Number of individuals held pretrial on a Seattle Municipal Court charge as of April 9, 2020



Limiting court operations to only a consolidated in-custody calendar has drastically reduced SMC’s hearing volume. The chart below does not include dozens of off-record motions for release hearings (see Table 1 above).

Table 4: Seattle Municipal Court Criminal Case Hearings February 29 – March 30, 2020



SMC Courtroom Operations

All courtroom operations have been consolidated to an in-custody only calendar in King County Jail Courtroom 2 (KCJ2). The calendar runs Monday-Saturday each week. All out-of-custody cases have been continued until the court re-opens.

The court conducts electronic probable cause (PC) findings Monday-Friday for new arrests. Cases where PC is found, and bail is set are then set for in-custody arraignment the following morning.

Defense attorneys meet with their clients privately in advance of their hearings, through a barrier, so that social distancing is maintained. In order to reduce the number of people physically present in the courtroom, City prosecutors are appearing telephonically for KCJ2 proceedings. Signatures are not being required on court documents during this time in order to minimize contact between participants.

Due to the logistical challenges of maintaining social distancing for court participants and staff throughout the court process, there are a limited number of cases (about 15-20) that can be heard on the record each day at KCJ2. SMC is prioritizing hearings for people who are being held only on SMC charges, so that they can be released directly if their SMC charges are resolved.

SMC COVID-19 Response Timeline

- March 9: SMC begins limiting operations by rescheduling all in-person hearings for infractions (parking, traffic camera, moving violations, etc.) to adjudication by mail, and rescheduling Seattle Youth Traffic Court hearings
- March 11: SMC suspends jury trials
- March 13: SMC began granting agreed continuance requests on out-of-custody matters for non-mandatory hearings
- March 14: Pursuant to [General Administrative Order 2020-05](#), SMC significantly limits operations and closes the court portion of the Seattle Justice Center
 - Probable cause findings and arraignment for in-custody individuals were handled electronically and/or telephonically for 1 week.
 - In-person Probation and Day Reporting suspended, and no new cases are being assigned to Probation
 - Community service and work crew obligations have been extended and work crew activities have been suspended
 - For ticket fines and fees, SMC eliminated the \$3.60 transaction fee for online and telephone payments, suspended the default penalty for tickets that are not responded to by their due date, and stopped referring any outstanding tickets/fines to collections
- March 19: Pursuant to [General Administrative Order 2020-06](#), the court resumed emergency limited court closure operations consolidated to in-custody only appearances at Courtroom 2 of the King County Jail
 - All out-of-custody hearings are being continued to the next available calendar no sooner than May 4, 2020
 - Probation counselors are set up to telework and begin reconnecting with probation and day reporting clients via phone
- April 15: Pursuant to [General Administrative Order 2020-07](#), the court extended emergency limited court operations until further order of the court.
 - Operations are consolidated to in-custody only appearances at Courtroom 2 of the King County Jail, Monday – Saturday.
 - No signatures are required.

- New out of custody criminal filings are suspended including out of custody arraignments.
- Out of custody hearings scheduled between March 16 and July 31 are cancelled and will be administratively set when the court resumes regular operations.
- Jury trials are cancelled and a timeframe for resuming will be determined after the court resumes regular operations.