

2020-03-18-C

**TRIBAL COURT LIMITED OPERATIONS PLAN AND ADMINISTRATIVE STANDING
ORDER SUPPLEMENTAL ORDER RE: CRIMINAL HEARINGS DURING CLOSURE**

MARCH 18, 2020

Pursuant to the Emergency Closure of the Tulalip Tribal Court, these procedures will govern all criminal matters.

Court operations are substantially curtailed to help keep the public and our employees safe during the COVID-19 pandemic. We have entered an unprecedented time and are working hard to understand how best to go forward with court with the growing outbreak of COVID-19 for the Tulalip Tribes and the Tribal Court. We are closely monitoring recommendations and practices from the Centers for Disease Control and Prevention to protect the public's health. To minimize the health impacts of COVID-19 to our community, we are implementing a variety of emergency strategies to increase social distancing and slow the spread of this disease. We understand these actions will have a tremendous impact on all members of our community.

Therefore, the court hereby affirms and declares:

HEALTH EMERGENCY- Recognizing the state of emergency declared by the Tulalip Tribes due to the COVID-19 virus, this supplement to the emergency standing order shall be in effect for Tulalip Tribal Court immediately, and shall remain in effect until rescinded by the Tulalip Tribal Court Chief Judge or Deputy Chief Judge.

This order shall apply to all persons who are transacting business with Tulalip Tribal Court and shall include but is not limited to attorneys, parties, witnesses, and the general public.

1. With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the previously referenced pandemic as mentioned in court orders, emergency declarations by the tribe and the state, and the public health recommendations on distancing, the time period of the continuances implemented by this General Criminal Order will be excluded under the Criminal Rules of the Tulalip Tribes, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to Chapter 2.25 of the Tulalip Tribes Criminal Rules.
2. The Court has found good cause to continue all criminal matters for a minimum of twenty-one (21) days which shall be considered to be an excluded period for purposes of speedy trial. Orders of continuance shall be forthcoming with new dates.

3. The court's jury trial line has been updated to state that all jury trials for the month of March are continued and all jurors called for the month of March are relieved of their jury service. There will be no summons issued for April.
4. No Jury trials will be scheduled until May.
5. All Probable Cause determinations will be made at the telephonic first appearance hearing or arraignment hearing, whichever comes first.
6. Digital signatures shall be authorized for the signing of criminal information and for affidavits of probable cause in all proceedings.
7. In custody matters:
 - A. Criminal in custody hearings, including first appearance on mandatory arrest charges, shall be conducted telephonically.
 - B. In custody defendants shall now be transported from the Snohomish County Jail to the Tulalip Tribal Court holding cells by Tulalip Police Department for their hearing. In custody hearings shall be heard daily beginning at 9am, which is the normal practice for the court. The in custody calendar will be called in its printed alphabetical order.
 - C. The court clerk, who shall be present alone in the courtroom, will moderate the conference call hearing and ensure that the matter is being recorded, as well as ensure that the judge, prosecution, defense counsel and defendant are present on the conference call. Once the moderating clerk has begun the conference call, parties shall call in to join at 360 716 4781 and enter the code given to them by the moderating court clerk.
 - D. Defendants wishing to change their plea to guilty will only be accepted if defense counsel is present with the defendant.
 - E. Family members wanting to listen in to their family member's hearing may contact the court clerk at 360 716 4781, and will be given a code to enter so that they may listen to the hearing. Anyone listening in must observe the typical rules of conduct for in-court hearings, and the court will inquire at the end of the hearing if any family member, alleged victim of a crime, or Tribal Elder wishes to address the court about the matter.
 - F. Prosecution and defense will complete the necessary forms during the telephonic hearing and, once completed, shall be emailed to the court clerk at CourtClerkStaff@tulaliptribes-nsn.gov for judge's signature. Once signed by the judge, the order shall be emailed by the judge to the moderating court clerk for filing and distribution.
8. Any search warrants or probable cause hearings will continue to be sent to the judge on duty that week, which is the normal practice for the judges and prosecution by the Police Department, 24/7.

9. Any party wishing to continue their currently set criminal matter out longer than twenty-one (21) days may execute a speedy trial waiver and request new court dates which will be provided to the parties by the court.
10. In custody defendants who are in Wellness Court, or Probation issues will be addressed in their respective work plans (please see attached).
11. Tulalip Tribes Prosecution team and the UW Defense clinic attorneys will continue to work remotely during the closure per their department's posted work plans (please see attached).

The court staff and judges will continue to monitor the court's and community's needs during this time, making adjustments as needed and provide further updated orders. This is a fluid situation and requires all of us to come together to continue to fulfill our duties and obligations while staying within the guidelines issued by the Center for Disease Control and Prevention, the Tulalip Tribes, the State and Federal governments.

So issued this 18th day of March, 2020.

A handwritten signature in black ink, appearing to read 'Remy Leonard', with a stylized, cursive script.

Remy Stephanson Leonard Deputy Chief Judge
Ron Whitener, Associate Judge
Michelle Demmert, Chief Judge
Leona Colegrove, Associate Judge
Janine VanDusen, Associate Judge
Josh Heath, Associate Judge
Alicia Horne, Court Administrator