



**SHORELINE
CITY COUNCIL**

June 5, 2020

Will Hall
Mayor

Keith Scully
Deputy Mayor

Susan Chang

Doris McConnell

Keith A. McGlashan

Chris Roberts

Betsy Robertson

The Honorable Susan Mahoney
Office of the Presiding Judge
516 3rd Ave, Room W-1034
Seattle, WA 98104

Judge Mahoney:

The purpose of this letter is to [request](#) the calendars that have been set for hearings in King County District Court courthouses for June be allowed to be conducted remotely by video or telephone for all parties and counsel, or in the alternative, be canceled and rescheduled to a date after July 1, 2020 and held by video or other remote means. The cities who contract with King County District Court continue to strongly believe at this time that in-person hearings should only be conducted in rare instances, and only when it cannot be done remotely and is therefore absolutely necessary.

On May 20, 2020, the Cities of Shoreline and Kenmore wrote to your office to request consideration of the expansion of the Court's video conferencing capabilities for hearings at the Shoreline Court due to the ongoing COVID-19 public health emergency. Many surrounding cities have been utilizing this method for their calendars. Following receipt of this letter, the Court explained that it was not possible to conduct hearings via video at the Shoreline Court due to 1) a lack of IT infrastructure and support, 2) a lack of time to train staff, and 3) concerns about equity and social justice raised by the Court's Executive Committee related to defendants appearing via video.

On Sunday, May 31, 2020, King County District Court issued the Emergency Administrative Order 07-2020 (AO 07-2020) stating that video capability would be available on July 1, 2020. The Administrative Order also sets forth other requirements for out-of-custody criminal proceedings that raises many obstacles and questions regarding the actual ability to utilize video hearings, before and after July 1, 2020. In fact, the Order's only exemption to hearings being in person appears to be if a request for "special accommodations" is made in "writing, and properly filed, with a reason set forth in support of the request, no less than two (2) business days prior to the scheduled hearing." We have concerns with using a special accommodation process that is limiting, cumbersome, and uncertain and conflicts with the language and intent of the Washington State Supreme Court's most recent

revised Order, which clearly authorizes and encourages courts to conduct hearings either telephonically or via video court during this pandemic.

We respectfully disagree with the Court's previously stated reasons and subsequent Administrative Order that restricts the use of video or telephonic hearings. We have been told by multiple parties that the Auburn, Redmond, Bellevue, Kent, Seattle, and Shoreline courts already have the IT infrastructure to conduct video hearings. We understand that the Court currently uses Zoom at the Seattle Court successfully for both in-custody and civil hearings and that the Court has successfully addressed IT security hurdles by purchasing Zoom licenses that meet the Court's security needs. Additionally, it is our understanding that the Court IT staff has already begun training staff and judges. Since many judges have already been in Seattle covering the in-custody calendar, they have already been trained.

Most importantly, equity issues and social justice concerns support, rather than undercut, the need for video or telephonic hearings in District Court. King County Metro is operating with approximately 37% fewer buses, 30% fewer transit operators, and 19% fewer service trips than typical weekday service. Schools, as well as many childcare options, are closed until at least September. For those able to find childcare, forcing that person to weigh infection risks associated with such childcare so that they can attend a hearing in-person, rather than by telephone or video, discriminates against those without childcare options within their house or family unit. Additionally, many low-income people are either newly unemployed, underemployed, alternatively employed, or considered essential employees during this public health crisis, meaning in-person hearings may require them to take time off from work to travel to court and may divert them from focusing on efforts to secure their basic needs.

King County has the highest rates of positive COVID-19 rates in Washington State, having just exceeded 8,000 tested cases, and has the highest death rate due to COVID-19 since the pandemic began. The Executive Summary of the King County Public Health Dashboard provides that the rates for nearly all communities of color are higher with statistical significance than Whites. Hospitalized cases follow the same disproportional trend. Forcing already vulnerable populations to attend Court in person is simply not equitable.

We also have concerns about the safety measures listed in the Court's Administrative Order. The Amended Order states that the Court will not be providing personal protective equipment to defendants and will only conduct "additional" cleaning by wiping down surfaces in the courtroom "between calendars." It also provides no safety protocols for lessening exposure for those individuals that must go through screening. Finally, there is no guidance in the Administrative Order regarding social distancing or cleaning for areas such as restrooms. While the Courts may be an essential function, those that attend court are not just Court employees, but citizens that in the present case are being compelled to enter court buildings. Their safety, as well as the safety of court employees, is a paramount duty that we do not believe is being met.

The cities respectfully request that the Court adopt a procedure that provides for the use of video and telephonic court for all out-of-custody criminal proceedings, except in exceptional cases. If no agreement can be reached about the use of video, we would like to let you know we will seek dispute resolution under the Interlocal Agreement for the Provision of District Court Services and seek expedited review due to the emergency COVID-19 pandemic situation and the potential harm to our staff and our citizens of conducting calendars in the courtroom. We hope this provides any clarity necessary to move us all forward in a unified direction.

We understand that you will be scheduling a meeting for Tuesday, June 9, 2020 with the cities and King County to further discuss the use of video and remote technology and we look forward to this discussion. We hope we can focus our time and attention on working together to put in place the technology and systems necessary to make the process meet everyone's needs.

Sincerely,

Nancy Backus
Mayor
City of Auburn

Brian J. Wilson
City Manager
City of Burien

Robert W. Jean
Interim City Manager
City of Carnation

Regan Bolli
City Manager
City of Covington

Rob Karlinsey
City Manager
City of Kenmore

Daniel T. Satterberg
King County Prosecuting
Attorney

Angela Birney
Mayor
City of Redmond

Debbie Tarry
City Manager
City of Shoreline