

From: Cornell, Adam
Sent: Thursday, March 12, 2020 6:20 PM
To: SPA-Criminal <SPA-Criminal@co.snohomish.wa.us>
Cc: Held, Michael <Michael.Held@co.snohomish.wa.us>; Cummings, Jason <jcumings@co.snohomish.wa.us>; Kane, Jamie <Jamie.Kane@co.snohomish.wa.us>
Subject: Judge Weiss Order / Impact + Solutions Re: Pre-Trial Defendants
Importance: High

Colleagues,

Earlier this afternoon, Chief Criminal Deputy Matt Baldock and I met with Corrections Bureau Chief Jamie Kane, Corrections Captain Dave Hall, Director of OPD Jason Schwarz, and Public Defender Director Kathy Kyle. The purpose of the meeting was to address the impact of Judge Weiss's Order on jail staff, inmates, and other criminal justice participants.

Bureau Chief Kane and Captain Hall expressed deep concern for the health and safety of his staff and the health and safety of vulnerable defendants in the custody of our jail. He also shared concern regarding anticipated limited jail resources. Matt and I were joined by Jason and Kathy in sharing those concerns. Notwithstanding those concerns, Matt and I are mindful of our obligation to protect our community and hold offenders accountable—which we will continue to be focused on. Nevertheless, in light of our pending health emergency, we have to balance that obligation with the health needs of inmates in categories of high-level susceptibility to the virus per Center for Disease Control guidelines. Matt and I also have to consider increasingly limited jail resources that are likely to get more limited in light of the Governor's recent decision to cancel school in Snohomish County until April 24th. For the reasons stated above, and with the wholehearted support of the Corrections Bureau, I am adopting a temporary policy limited to **some defendants charged with non-violent and non-sex offenses who do not have pending warrants**. The policy is as follows:

For pre-trial defendants who are charged with a non-violent and non-sexual assault offense and have no other pending warrants, there should be a presumption of agreed release of the defendant with offense-related conditions—upon proper notice and filing by defense counsel—in the following circumstances:

- Defendant has compromised health as determined by Corrections Bureau medical staff.
- Defendant is in a high-risk age group as defined by the Central for Disease Control guidelines.
- Defendant is charged with a misdemeanor or gross misdemeanor that is not a DUI or a DV-related offense.
- Defendant is charged with simple Possession of a Controlled Substance and has limited prior felony charges.
- Defendant would presumptively be eligible for one of our alternative justice programs.

Every case is different and the laboring oar is on counsel for the defendant to make their case. You may exercise your thoughtful discretion by agreeing to release in other cases of those not charged with a

violent or sex offense or DUI. Please direct questions to your Lead or Chief Criminal Deputy Matt Baldock.

On another note, late this afternoon, in a meeting with other criminal justice stakeholders that I convened to address COVID-19 related issues, Matt and I learned that as a part of his emergency Order, Presiding Judge Weiss intends to strike all out of custody matters to be held in C-304 the week of 3/16. There was discussion about whether this practice would be extended, but for now it's just one week. Obviously, this means we will have to resummons defendants as new hearings are scheduled—and re-subpoena witnesses. To make sure that necessary hearings do not fall through the cracks, please be diligent about communicating with staff and including relevant notes in JustWare.

I am including staff and victim advocates in this email because it will inevitably result in a spike in bail review motions and other work related to rescheduling hearings.

Adam

Adam Cornell
Prosecuting Attorney



Snohomish County
3000 Rockefeller Avenue, MS 504
Everett, WA 98201
Office: 425.388.3333

Administrative Assistant: Heather Hottinger | heather.hottinger@snoco.org | 425.388.7002