



Snohomish County

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Criminal Division

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Temporary Health Emergency Policy / Presumptive Pre-Trial Agreed Release for Some Non-Violent and Non- Sexual Assault Offense Inmates

Summary and Intent—To address the ongoing impacts of COVID-19 in our community, on March 12th I convened a group of criminal justice stakeholders in advance of Judge Weiss's expected March 13th Order. The Order has significant implications for jail staff, inmates, and other criminal justice participants, including attorneys and staff in our office as well as impact on the community at large. Participants expressed deep concern for the health and safety of jail staff and of vulnerable defendants in the custody of our jail, and also the ripple effect on criminal justice stakeholders and our community broadly. Participants also expressed concern over the jail's limited resources should COVID-19 spread inside the jail. Chief Criminal Deputy Matt Baldock and I share these concerns.

Notwithstanding those concerns, Chief Criminal Deputy Baldock and I are mindful of our obligation to protect our community and hold offenders accountable—which we will remain focused on. Nevertheless, in light of the public health emergency, we must balance that obligation with the health needs of pre-trial inmates in categories of high-level susceptibility to the virus per Center for Disease Control guidelines. Matt and I must also consider increasingly limited jail staffing resources as families respond to the Governor's recent decision to close Snohomish County schools until April 24th.

For the reasons stated above, I am adopting a temporary policy limited to **some defendants charged with non-violent and non-sex offenses who do not have pending warrants**.

Policy—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.

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--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.

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