

FILED
IN COUNTY CLERK'S OFFICE

JAN 12 2022

PIERCE COUNTY, WASHINGTON
CONSTANCE R. WHITE, County Clerk
BY KMA DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON,
COUNTY OF PIERCE**

IN RE THE MATTER OF THE RESPONSE
BY PIERCE COUNTY SUPERIOR COURT
TO THE PUBLIC HEALTH STATE OF
EMERGENCY IN WASHINGTON STATE

Emergency Order: 22-02

EMERGENCY ORDER #22-02
EMERGENCY ORDER REGARDING
INMATE TRANSFERS

The health conditions that have impaired Court proceedings around the State remain. For all the reasons previously stated in prior emergency orders related to the public health crisis brought on by COVID-19 issued by the Washington State Supreme Court, Pierce County Superior Court and various proclamations by Governor Inslee, Washington State Courts are still in the midst of a public health emergency. Specifically, the Omicron Variant of COVID-19 presents new and unresolved challenges to the general health and welfare of the citizenry and the justice system in particular. The Court has been characterized as an "essential function" by Governor Inslee.

The Pierce County Corrections Buerau operates the Pierce County Jail (Jail). The Jail is characterized as a "congregate care" setting based on the high density of people housed and working in a relatively confined space. On occasion inmates of the Jail are transferred to other locations for various purposes. Frequently those transfers are accompanied by a court order

1 temporarily altering previously imposed conditions of release and allowing for a detention
2 outside the Jail for a defined period of time. On occasion, those inmates on temporary placement
3 have contracted COVID-19 prior to return to the Jail.

4 The Pierce County Corrections Bureau working with Superior Court, and with the
5 guidance of the Tacoma-Pierce County Health Department, Pierce County Department of
6 Emergency Management, the Washington State Department of Health, and the United States
7 Centers for Disease Control and Prevention has worked diligently to create safe and stable Jail
8 correctional housing.

9
10 In the continued and expanding effort to reduce the incidents of close contact between
11 employees of Pierce County Corrections Bureau and inmates under the control of the Jail and
12 any other entity or agency accessing the Jail, the Jail has implemented certain procedures that
13 attempt to minimize the spread of COVID-19 within the Jail. The use of video and audio
14 technology has allowed for remote hearings that limit the amount of movement in and out of the
15 Jail. Restrictions on bookings have limited the inmate population within the Jail and reduced the
16 transient nature of its population. Through these precautions together with masking, social
17 distance and hygiene procedures, the Jail has managed the health and safety of the inmates and
18 Corrections Staff since the health emergency was declared. The expectation is that those safety
19 procedures should and will continue as they have until no longer necessary.
20

21 **NOW, THEREFORE** it is hereby **ORDERED**, pursuant to the authority of
22 Washington Supreme Court Orders No. 257000-B-631, No. 25700-B-626, No. 25700-
23 B-642, and No. 25700-B-646 and the authority as the Presiding Judge of Pierce County
24 Superior Court, that the following shall be in effect:

25 **A. Findings:** The Court incorporates by reference findings of fact and

1 procedural recitations in its previous Orders, and considers the public health
2 emergency broadly, as well as the particularized effect within Pierce County,
and further,

3 **B. Incorporation Into The Record:** As with all prior orders of the Supreme
4 Court of Washington, and prior orders of this Court, this Order is deemed part
5 of the record in affected cases for the purposes of appeal without the need to
6 file this order in each case. If necessary to make clear that there is a basis for
7 this Pierce County Superior Court emergency order, the Court hereby
incorporates into this emergency order all Supreme Court and Pierce County
Superior Court orders promulgated in response to the COVID-19 health crisis
together with any relevant Proclamation by Governor Inslee.

8 **C. Expansion of Temporary Inmate Transfer orders:** When any Order that directs
9 the temporary transfer of an inmate of the Pierce County Jail to a separate facility
10 establishes a return date for the inmate, that return date shall expand in the event
11 the inmate is exposed to or contracts COVID-19 requiring isolation or quarantine
12 while on transfer. The expansion of time shall be for the purpose of completing
13 said isolation or quarantine prior to transport back to the Jail and shall correspond
14 to the isolation or quarantine period required under the CDC congregate care
15 guidelines in effect at the time of the relevant exposure or positive COVID-19
16 test.

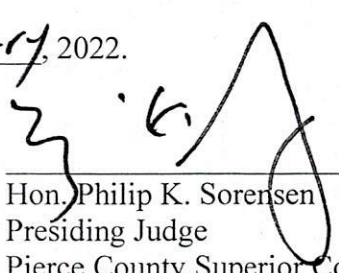
17 Any temporary Pierce County emergency protocol adopted and published may be
18 updated or modified as necessary and shall be reduced to writing and transmitted to the relevant
19 entities for publication on the Pierce County Superior Court, Washington Administrative Office
20 of the Courts and Tacoma-Pierce County Bar Association websites as they become available.

21 DATED this 12 day of January, 2022.

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Hon. Philip K. Sorensen
Presiding Judge
Pierce County Superior Court