

ORIGINAL FILED

MAY 25 2021

KALISPEL TRIBAL COURT
CUSICK, WA

KALISPEL INDIAN COMMUNITY
KALISPEL INDIAN RESERVATION
KALISPEL TRIBAL COURT

IN THE MATTER OF KALISPEL TRIBAL
COURT'S RESPONSE TO THE COVID-19
PUBLIC HEALTH EMERGENCY

ADMINISTRATIVE ORDER
REGARDING COURT OPERATIONS.

NO. 2021-1

WHEREAS, the Kalispel Tribe of Indians issued a Public Health Emergency Declaration adopted by council Resolution dated March 18th, 2020 declaring a state of emergency due to the Coronavirus/COVID-19 in response to the public health emergency that affects its Tribal government and enterprise operations; and

WHEREAS, by Resolution of the Kalispel Tribal Council, emergency authority has been granted to this Court to adopt, modify, and suspend court rules and orders, and to take further action concerning court operations as warranted to address the current state of emergency and the health and safety of the public; and

WHEREAS, pursuant to this Court's prior orders, the Court had taken important steps to protect public health while ensuring continued access to justice and essential court services, including by strictly observing social distancing measures, holding proceedings remotely, suspending many in-building operations, and promulgating emergency rules as necessary; and

ADMINISTRATIVE ORDER

Kalispel Tribal Court
P.O. Box 96
Usk, Washington 99180
(509) 445-1664/(877) 700-7072
Fax: (509) 445-4039

1 **NOW, THEREFORE**, Court operations are essential, as recognized by the Kalispel
2
3 Indian Community of the Kalispel Reservation's Law and Order Code to conduct essential court
4
5 operations, to include not only trials and other hearings, but also clerk's office operations,
6
7 facilities planning, technology improvements, and the general administration of justice, and
8
9 hereby confirms the need for further direction from this Court by issuing an order that revises
10
11 and supersedes its prior orders;
12

13 **IT IS HEREBY ORDERED:** The previous Administrative Orders (No. 2020-1 and
14
15 2020-2) suspending all in-person hearings, and civil and criminal jury trials, and limited court
16
17 operations is lifted effective **July 1, 2021**.
18

19 This Administrative Order shall apply to all persons who are required to appear before
20
21 Kalispel Tribal Court for any and all hearings, pre-trials or trials, and shall include, but is not
22
23 limited to, attorneys, spokespersons, parties, witnesses, and jurors.
24

25 The Judge, upon proper filing of a Motion/Declaration to appear telephonically or
26
27 virtually, shall use his/her discretion as to whether counsel, petitioner, defendant, or respondent
28
29 may appear telephonically or virtually at a scheduled in-person hearing.
30
31

32 The Court shall provide notice of in-person hearing dates to the prosecutor, defense
33
34 counsel and unrepresented defendants. Further, defense counsel shall provide notice to
35
36 defendants and respondents that from and after July 1, 2021 that they are required to appear in
37
38 person to all court hearings. The Judge may exercise discretion in deciding whether a bench
39
40 warrant should issue for failure to appear for criminal or juvenile offender court hearings,
41
42 pretrials, or violations of conditions of release. However, in exercising such discretion, courts
43
44 shall consider the following before issuing a warrant: a) Is a warrant necessary for the immediate
45
46
47
48

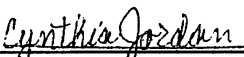
49 ADMINISTRATIVE ORDER
50

Kalispel Tribal Court
P.O. Box 96
Usk, Washington 99180
(509) 445-1664/(877) 700-7072
Fax: (509) 445-4039

1 preservation of public or individual safety? b) Is there a record that the subject of the warrant has
2
3 received actual notice of the previously scheduled court hearing or reporting requirement? c) Is
4
5 there a viable alternative for securing appearance such as the re-issuance of a summons or
6
7 another means of notifying the subject that an appearance is required and re-setting the hearing
8
9 date? Judicial officers shall give serious consideration to the risk of COVID-19 transmission
10
11 whenever a person is arrested and placed in detention, including whether the subject of the
12
13 warrant is in a high-risk category for exposure to COVID-19.
14
15

16 In all court operations, the court shall follow the most protective public health guidance
17
18 applicable and should continue operating policies and procedures used for public health and
19
20 safety whenever appropriate to prevent the further spread of COVID-19.
21
22

23 **DATED this 24th day of May 2021.**
24
25

26 
27 Cynthia Jordan
28 **Cynthia Jordan, Judge**
29 **KALISPEL TRIBAL COURT**
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

49 ADMINISTRATIVE ORDER
50

Kalispel Tribal Court
P.O. Box 96
Usk, Washington 99180
(509) 445-1664/(877) 700-7072
Fax: (509) 445-4039