

DES MOINES MUNICIPAL COURT
KING COUNTY, WASHINGTON

IN THE MATTER OF:

EMERGENCY RESPONSE TO PANDEMIC) ADMINISTRATIVE ORDER
OUTBREAK OF THE CORONAVIRUS DISEASE)
(COVID-19) IN WASHINGTON STATE) NO. 20-05
)

THIS ADMINISTRATIVE ORDER is being issued in response to the current pandemic outbreak of the Coronavirus Disease 2019 (COVID-19). Washington State has been “ground zero” for this disease in the United States. As of today, there are over 1,014 confirmed cases of the disease in Washington State, including 562 confirmed cases and 46 deaths in King County alone.

On February 29th, 2020, Governor Jay Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state and directed that the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented.

On March 1st, 2020, King County Executive Dow Constantine signed a Proclamation of Emergency due to the number of confirmed cases of COVID-19 in King County thus enabling King County government to take extraordinary measures.

On March 4th, 2020, the Chief Justice of the Supreme Court has issued an emergency order in response to the public health emergency that affects trial court operations in Washington State. Specifically, the Washington State Supreme Court adopted Order No. 25700-B-602, granting emergency authority to this court to “adopt, modify, and suspend court rules and orders, and to take further actions concerning court operations, as warranted to address the current state of emergency.”

On March 5th, 2020, Des Moines City Manager Michael Matthias signed a Proclamation of Emergency declaring that the increased number of confirmed cases of COVID-19 constitute a civil emergency. And on Friday, March 13th, the President of the United States declared a national emergency due to the COVID-19 pandemic.

This Court's decision to take emergency action is based upon the aforementioned actions by federal, state, and local governments, as well as the following: the significant number of identified and projected cases of COVID-19 in Washington State, the increasing number of fatalities attributed to the disease, as well as the current and evolving recommendations of the Washington State and King County Departments of Health and the Centers for Disease Control and Prevention relating to social distancing efforts. The Court finds that the current and unprecedented public health crisis demands immediate action by the Court to protect the health and welfare of those who access the court, court staff, and the general public.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Effective Date.

The Court filed its first "Emergency Response to a Threat to Public Health" on March 4th, 2020 (Admin. Order 20-02). This latest Order (20-05) amends and supersedes Admin. Orders 20-02, 20-03, and 20-04, and is, therefore, effective as of March 4, 2020.

2. Screening Upon Entry to Building.

Until further notice, any party appearing in Des Moines Municipal Court is expected to adhere to the six-foot social distancing rule and maintain, as practicable, this distance from court staff, attorneys, and other defendants. Any party who feels ill, or has been in recent contact with an ill person, should not enter the building. Some or all individuals may be subject to a screening for fever. Anyone exhibiting symptoms inside the building will be ordered to leave.

3. Changes to Criminal Calendar.

- a. All out of custody criminal matters are to a date after May 31st, 2020. The Court will review in chambers written requests to advance the hearing date from the continued hearing date upon a showing of good cause.
- b. For those matters currently pending, the time period between now and the rescheduled court date is excluded from speedy trial calculation pursuant to CrRLJ 3.3(e)(8).
- c. For those matters currently pending arraignment, CrRLJ 4.1 (governing time limits for scheduling arraignment), is hereby suspended until further notice.
- d. Notice of hearings rescheduled as a result of this Order shall be sent to the defendant via first class mail to the most current address on record with the Court.

- e. The Court reserves the right to maintain or schedule arraignments, pretrial hearings, or probation review/revocation hearings between today's date and May 31st, 2020, in cases involving immediate threats to public safety, including but not limited to: domestic violence (DV) and DUI/physical control offenses.
- f. Jury trials:
 - (1) All jury trials are suspended for the months of March, April, and May.
 - (2) All jury trials currently scheduled for March, April, or May will be continued to the June jury trial term.
 - (3) The prosecuting attorney and the defense attorneys are encouraged to submit agreed orders continuing currently scheduled jury trials beyond the June term.
- g. In-custody criminal matters:
 - (1) Hearings involving defendants held in custody will be conducted by video only. The Court will no longer transport defendants to court from SCORE or any other detention facility.
 - (2) The Court will continue to hold hearings by video at SCORE Monday through Friday at usual times.
 - (3) CrRLJ 3.4(d)(2), requiring parties' agreement to conduct plea hearings by video, is suspended until further notice.

4. Bench Warrant Quash Procedures.

- a. Outstanding Bench Warrants Under \$5,000.
 - (1) All defendants with an outstanding bench warrant for less than \$5,000 may submit a written request to quash the bench warrant. The request may be submitted by fax at 206-870-4397, email at court@desmoineswa.gov, or by first class mail to DMMC Warrant Quash, 21630 11th Ave. South, Ste. C, Des Moines, WA 98198.
 - (2) The written request must include the case number(s), defendant's full name, date of birth, and a valid mailing address.
 - (3) Upon receipt, the Court will set a new court date and quash the warrant.
- b. Outstanding Bench Warrants over \$5,000 but Under \$10,000.
 - (1) If a defendant has an outstanding bench warrant for \$5,000 or more and the case **does not** involve a charge of domestic violence or DUI/Physical Control, he or she may submit a written request to quash the warrant pursuant to subsection (a), above.
 - (2) If a defendant has an outstanding bench warrant for \$5,000 or more and the case **does** involve a charge of domestic violence or DUI/Physical Control, the defendant must turn himself or herself into jail. The defendant will then be placed on the SCORE video calendar the next judicial day.

c. Outstanding Bench Warrants over \$10,000.

If a defendant has an outstanding bench warrant of \$10,000 or more, regardless of the charge, the defendant is required to report to jail and turn themselves in on the warrant. The defendant will then be placed on the SCORE video calendar the next judicial day.

d. Exceptions.

The Court reserves the right, in its discretion, to deny a written request to quash a bench warrant if it finds that doing so poses a threat to public safety, regardless of the charge.

5. Changes to DMMC Probation Department Procedures.

a. All probation appointments will be conducted by telephone, unless otherwise directed.

Probation clients must contact probation for reporting instructions at (206)870-6593.

Unless otherwise noted in this section, defendants are expected to comply with all conditions of probation as set by Order of the Court.

b. Compliance reports or other documents may be filed with the Probation Department via fax at (206) 870-4397, email at probation@desmoineswa.gov, or first class mail to DMMC Probation, 21630 11th Ave. South, Ste. C, Des Moines, WA 98198.

c. The court is immediately suspending all random urinalysis testing conducted through the DMMC probation department.

d. DUI Court Participants.

(1) This section applies only to those defendants who are participants in DMMC's therapeutic DUI Court and does not apply to pending DUI matters or convicted DUI offenders who are not participants in DUI Court.

(2) DUI Court hearings are suspended until further notice and the Court's jurisdiction is tolled, suspending operation of RCW 3.50.330 until further notice. The Court will send out a notice of court date to all DUI Court participants by first class mail.

(3) Subject to the exceptions noted herein, all DUI Court participants are expected to maintain compliance with all conditions of probation imposed at time of entry into DUI Court, including but not limited to curfew checks by phone which will continue as usual.

(4) Random urinalysis conducted through the Court, attendance at MRT Programs, and home visits are suspended until further notice.

(5) DUI Court participants are ordered to follow the direction of your treatment provider regarding attendance at group or individual sessions or sober support meetings.

6. Requests to Strike or Modify DV No-contact or Anti-harassment Orders.

a. Effective immediately, all hearings on motions to lift or modify a domestic violence (DV) no-contact or an anti-harassment order issued by this court will be conducted by written statement. The protected party must submit a written statement to the Court via email, first

- class mail, or fax. The Court will review the statement in chambers and enter a written order denying, lifting, or modifying the order.
- b. The Court reserves the right to conduct the hearing on the record in person, by video or telephone, with notice to all parties.
 - c. A “Motion to Recall or Modify a DV No-contact or Anti-harassment Order” may be accessed online at <https://www.desmoineswa.gov/476/Municipal-Court>. Once completed, the motion may be filed with the court by fax at (206) 870-4387, email at court@desmoineswa.gov, or first class mail to DMMC, 21630 11th Ave South, Ste. C., Des Moines, WA 98198.
 - d. The Victim’s Advocate for the City of Des Moines may be contacted by telephone at (206) 870-6514.

7. Hearings on Civil Infractions (Including Traffic, Vehicle Impound, Abatement, and Animal Control Cases).

- a. Hearings on Traffic Infractions (Including Camera Tickets).
 - (1) Effective immediately, the Court is suspending all in-person mitigation or contested hearings on civil traffic infractions (including camera tickets) until further notice. For those cases currently scheduled for a hearing, you may submit a written statement contesting a violation or requesting mitigation by email, first class mail, or fax.
 - (2) All requests for in-person mitigation or contested court hearings on civil traffic infractions received on or after March 17th, 2020, shall be rescheduled for a hearing by written statement pursuant to IRLJ 3.5.
 - (3) Unless a traffic infraction is in default, Court clerks are hereby authorized to reduce fines (or dismiss, where noted) upon request for the violations identified in table 1-A and 1-B (attached hereto). Once the request is granted, no further hearing will be scheduled and the defendant must pay the reduced fine within 30 days or enter into a payment plan with the court within that 30 day period. Requests made pursuant to this section for a dismissal or reduction in fine must be made in writing and filed with the court via email, first class mail, or fax.
- b. Abatement Hearings.

Pre-hearing conferences and contested hearings on all abatement matters will be continued to a date after May 31st, 2020. The Court will review agreed orders continuing or resolving cases in chambers.
- c. Vehicle Impound Hearings.

Hearings to contest a vehicle impound will be by written statement until further notice. All time frames outlined in RCW 26.55.120 are suspended. The Court will review all petitions filed in chambers and may, in its discretion, schedule an in court hearing.

d. Hearings on Animal Control Cases.

Hearings on animal control violations, including animal impound cases, will be continued to after May 31st, 2020.

e. Suspension of Applicable Court Rules.

IRLJ 2.2, IRLJ 2.4, and IRLJ 2.6, or any other applicable court rule governing the timing and scheduling of in-person infraction hearings, is hereby suspended until further Order of the Court.

f. Notice of Hearing Provided to Defendant.

For all hearings continued by this Order, notices will be mailed to the parties via first class mail. Any party needing to update a mailing address should contact the court clerk at (206) 878-4597 or by email at court@desmoineswa.gov.

8. Closure of Des Moines Municipal Court Clerk's Office Window.

- a. From March 16th through March 31st, 2020, the Court Clerk's window will be closed to the general public. This closure is subject to extension as circumstances require.
- b. Court staff will report to work as usual, unless otherwise authorized.
- c. During this closure court payments may be made online, by phone via N-Court, or sent by first class mail. Pleadings and other Court documents may be filed by email, fax, or first class mail.
- d. The Court Clerk's Office will remain available by telephone, fax, and email; and incoming mail will continue to be processed as usual, until further notice.

Mailing Address: DMMC, 21630 11th Ave. South, Ste. C, Des Moines, WA 98198

Telephone: 206-878-4597

Fax: 206-870-4387

Email: court@desmoineswa.gov

9. Commitment to Restoring Court Operations.

The Court recognizes that judicial services are essential to the community and any interruption in services will be disruptive and stressful for members of the public, defendants, attorneys, and crime victims. For that reason, the Court is committed to restoring full operations as soon as it is safe to do so. In the meantime, the court will continue to pursue alternative ways to provide court services, including on-line access, as well as telephone and video conferencing. Restoration of in-person services will be resumed once we can ensure a safe environment via cleaning protocols and social distancing in accordance with guidelines provided by King County and Washington State Public Health Departments and the Centers for Disease Control and Prevention (CDC).

10. Modification, Amendment, or Rescission of this Order.

The Court reserves the right to modify, amend, or rescind this Order as circumstances require.

DATED this 18th day of March, 2020.

A handwritten signature in black ink, appearing to read "Lisa Leone", written over a horizontal line.

Hon. Lisa Leone, Presiding Judge

Table 1-A
Administrative Reduction of Fines for Traffic Infractions

CHARGE	REDUCED PENALTY
No Valid Operator's License with Identification (RCW 46.20.015)	Provide the court with proof of valid driver's license: fine reduced to \$150
No Valid License on Person (RCW 46.20.017)	Provide the court with proof of valid driver's license: charge dismissed
Failure to Provide Proof of Motor Vehicle Insurance (RCW 46.30.020)	Provide the court with proof of motor vehicle insurance in force on the date of the violation: charge dismissed with \$25 cancellation fee (RCW 46.30.020(2)) Provide the court with proof of current motor vehicle insurance (even if not insured on date of violation): fine reduced to \$150
Vehicle Registration Violation (Expired less than two months) (RCW 46.16A.030)	Provide the court with proof of current vehicle registration and this is defendant's first offense: charge dismissed Provide the court with proof of current vehicle registration and this is defendant's second or subsequent offense: fine reduced to \$90
Vehicle Registration Violation (expired over two months) (RCW 46.16A.030)	Provide the court with proof of current vehicle registration: fine reduced to \$100
Equipment Violation (RCW 46.37.040, et. seq.)	Provide the court with proof of repair / compliance and the charge will be dismissed

Table 1-B
Administrative Reduction of Fines for Automated Traffic Safety Camera Violations

CHARGE	REDUCED PENALTY
Red Light Camera Violations (RCW 46.61.050(1))	Fine reduced to: \$85
Speeding in School Zone – Camera Violation (up to 10 mph over speed limit) (RCW 46.61.440)	First offense, fine reduced to: \$125
Speeding in School Zone – Camera Ticket (10 mph over or more over the speed limit) (RCW 46.61.440)	Requires hearing by written statement