

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**IN THE MUNICIPAL COURT OF FEDERAL WAY
KING COUNTY, STATE OF WASHINGTON**

IN THE MATTER OF
THE RESPONSE BY
FEDERAL WAY MUNICIPAL
COURT TO THE PUBLIC HEALTH
EMERGENCY IN WASHINGTON
STATE

GENERAL ORDER 2020-2
AMENDED EMERGENCY ORDER
REGARDING COURT OPERATIONS
IN RESPONSE TO COVID-19

The court entered General Order 2020-1 on March 16, 2020 based on [Washington State Supreme Court Order 25700-B-602](#). [Washington State Supreme Court Order 25700-B-606](#) necessities the filing of this amended order.

AFFECTED FUNDAMENTAL RIGHTS AND COURT RULES

1. The courts of this state are charged under the [Washington State Constitution](#), [Revised Code of Washington](#), and [Court Rules](#) with protecting individual rights, access to the courts, and enforcement of judgments. This Court remains committed to recognizing fundamental constitutional rights and court rules including, but not limited to:
 - a. Due Process - Art. I, Sec. 3 provides that, “*No person shall be deprived of life, liberty, or property, without due process of law*”;

- 1 b. Open and Public Hearings - Art. I, Sec. 10 provides that, “*Justice in all cases shall*
2 *be administered openly, and without unnecessary delay*”;
- 3 c. Trial by Jury - Art. I, Sec. 21 provides that the, “*The right of trial by jury shall*
4 *remain inviolate...* ”;
- 5 d. Rights of the Accused - Art. I, Sec. 22 provides the following rights of the
6 accused:
- 7 i. To appear and defend in person;
- 8 ii. Right to counsel;
- 9 iii. Speedy public trial before an impartial jury.
- 10 e. Right to Speedy Arraignment – A defendant must be arraigned within 14 days
11 under [CrRLJ 4.1\(a\)\(1\) and \(a\)\(2\)](#);
- 12 f. Presence of the Defendant – The defendant in a criminal matter is required to be
13 present for several key hearings to take place. See [CrRLJ 3.4](#);
- 14 g. Right to a Speedy Hearing for Infractions – Under [IRLJ 2.6\(a\)\(1\)](#), a hearing must
15 be held no more than 120 days from the date of the Notice of Infraction.
- 16 2. Art. 1, Sec. 29 of the Washington State Constitution provides that, “*The provisions of this*
17 *Constitution are mandatory, unless by express words they are declared to be otherwise.*”;
- 18 3. The courts, through probation departments, assist in the preservation of the public safety
19 and peace through the proper enforcement of conditions of probation and conditions of
20 release.
21
22
23
24
25

1 **VOLUNTARY COMPLIANCE AND DUE PROCESS**

2 The court’s intent is to encourage voluntary compliance with this order while still
3 maintaining and protecting individual rights. In this regard, to protect the above rights any person
4 with an active case claiming to be aggrieved by this order may electronically file an ex parte
5 motion for relief pursuant to [FWMCLGR 30\(b\)\(4\)](#) as follows:
6

7 Documents may be filed online at <http://cityoffederalway.com/node/3354> or by email at
8 filing@cityoffederalway.com.

9 Alternatively, pleadings and other documents may be filed by fax at (253) 835-3020.

10 Service on the opposing party shall be made in the same manner and at the same time as
11 the filing with the court.

12 The designated contact information for the prosecutor for such service of process is:

13 Email: LATEMP@cityoffederalway.com
14 Fax: (253) 835-2569

15 Service at any other email address or fax number will not be considered adequate service.

16 **ORDER**

17 **I. General Precautions**

- 18 a. Pursuant to RCW 2.28.010 the court orders that all judges, staff, attorneys,
19 security, and members of the public shall follow the precautions as posted
20 throughout the courthouse and as otherwise directed by the Court;
- 21 b. All efforts should be made to do everything paperless. Defendants will be
22 asked to acknowledge receipt of scheduling orders on the record and at the
23 clerk’s window instead of signing the orders. The clerk shall note the service
24 of the order in the docket.
25

1
2
3 **II. Scheduling of all future hearings or trials that are not currently scheduled**

- 4 a. Hearings or Trials for Persons Not in Jail – No civil case, infraction, or
5 out of custody criminal hearing shall be set before April 24, 2020
6 unless authorized or directed by the judge. The judge shall only grant
7 such a request if there are public safety impacts or if there is substantial
8 prejudice caused by the delay;
9
10 b. Hearings or Trials for Persons in Jail – The striking and scheduling of in
11 custody matters shall be pursuant to Paragraph 7 of [Washington State Supreme](#)
12 [Court Order 25700-B-606](#).
13
14 c. All current in custody cases will be heard for possible release of the defendant
15 as soon as practicable;
16
17 d. Attorneys and parties may appear in person or may appear by phone via the
18 phone number provided by the court. Appearance by phone by a defendant
19 will be presumed to be a knowing, voluntary, and intelligent waiver of the
20 right to appear in person unless an objection is noted before commencement of
21 the hearing. Defendants will be brought into open court if they object to
22 appearing via phone. Compliance with precautionary requirements of
23 [Washington State Supreme Court Order 25700-B-606](#) is expected for all in
24 person hearings.
25

1
2
3 **III. Handling of Trials or Hearings that are Currently Scheduled**

4
5 **1. Trials**

6 All trials and other associated hearings between the date of this order and April 24,
7 2020 are stricken pursuant to [Washington State Supreme Court Order 25700-B-](#)
8 [606](#). Defendants will be resummoned for a pretrial on a date after April 24, 2020.

9 **2. Out of Custody Criminal Hearings**

10 Unless otherwise permitted by the court, all out of custody hearings between the
11 date of this order and April 24, 2020 are stricken pursuant to [Washington State](#)
12 [Supreme Court Order 25700-B-606](#). They shall be rescheduled to after April 24,
13 2020.

14
15 **3. Warrants and Warrant Quash Hearings**

- 16 a. The \$100 warrant fee for the immediate quashing of catch and release
17 qualified warrants is waived;
- 18 b. The existing threshold of \$1,600 for non-DUI, non-physical control, and
19 Non-domestic violence warrants to qualify for catch and release or
20 quash at the clerk's window is immediately raised to \$5,000;
- 21 c. Warrant quash hearings for other non-DUI, non-physical control, and
22 Non-domestic violence warrants will be heard immediately ex parte, if
23 possible. The defendant should leave with an order quashing the
24
25

1 warrant and a new court date with service of the scheduling order
2 acknowledged in the docket;

3 i. If an immediate ex parte hearing is not possible then the recall
4 hearing shall be heard ex parte as soon as practicable, but the
5 defendant should still leave with a new court date with service of
6 the scheduling order acknowledged in the docket;

7
8 d. DUI, physical control, and domestic violence warrants will be set for
9 hearing immediately upon the appearance of the defendant at court, if
10 possible. If an immediate hearing is not possible then the recall hearing
11 shall be set for an in person hearing on the next court day;

12
13 e. Arrest warrants specify that officers are “commanded” by the court to
14 arrest the defendant pursuant to the warrant. However, during the
15 duration of this court order officers in the field have the discretion not to
16 serve any non-DUI, non-physical control, and non-domestic violence
17 warrant regardless of the amount so long as they direct the defendant to
18 the court to address the warrant;

19 f. No new warrant will issue in contravention to [Washington State](#)
20 [Supreme Court Order 25700-B-606](#).

21
22 **4. Community Court**

23 a. Community Court operations are suspended until May 7, 2020;

24 b. No new referrals will be accepted until after April 1, 2020;

25

1 c. All defendants will be resummoned to either May 7, 2020 or May 14,
2 2020;

3 i. The clerk is authorized to manage the calendars to assure an even
4 distribution of continued cases.
5

6 **5. All Other Criminal Hearings**

7 a. Speedy arraignment under [CrRLJ 4.1\(a\)\(2\)](#) is hereby suspended for all
8 out of custody arraignments that are not domestic violence, DUI, or
9 physical control;

10 b. Currently scheduled out of custody hearings set on or after March 23,
11 2020, will be rescheduled via summons to after April 24, 2020;

12 i. The clerk is authorized to manage the calendars to assure an even
13 distribution of continued cases.
14

15 c. No pre-trial or review will be set or re-set until after April 24,
16 2020, unless authorized or directed by the judge. The judge shall
17 only grant such a request pursuant to [Washington State Supreme](#)
18 [Court Order 25700-B-606](#);

19 d. There will be a presumption in pre-trial cases that are continued without a
20 waiver of speedy trial with the next court date as commencement that the
21 excluded period ends on April 25, 2020 pursuant to [Washington State](#)
22 [Supreme Court Order 25700-B-606](#);

23 e. No warrants shall issue for failing to appear unless there is a showing of a
24 public safety risk by not compelling the defendant's presence via warrant.
25

1 **6. Infraction Hearings**

- 2 a. All infraction hearings currently scheduled between March 27, 2020 and
3 April 29, 2020 shall be rescheduled to a date after May 1, 2020.
- 4 i. The clerk is authorized to manage the calendars to assure an even
5 distribution of continued cases.
- 6
- 7 b. The notice of the new court date shall include a form allowing the
8 defendant to appear by mail in lieu of the newly scheduled hearing;
- 9 i. A party that feels aggrieved by the court’s order may request to
10 an in-person hearing within 10 days of the date of the order;
- 11 ii. The five-day requirement of FWMCLIR 3.5(a) is suspended
12 until April 30, 2020.
- 13
- 14 c. The time between the date of this order and April 30, 2020 shall not
15 count as time against the right to a speedy hearing under [IRLJ 2.6\(a\)\(1\)](#);
- 16 d. No failures to appear will be entered between now and April 30, 2020.

17 **7. Probation**

- 18 a. Probation appointments for people that are in compliance shall be
19 rescheduled to after May 1, 2020;
- 20
- 21 b. Between the date of this order and April 30, 2020, probation
22 appointments for people that are not in compliance shall be conducted
23 by phone or via electronic means unless the presence of the defendant is
24 necessary to download SCRAM data, to conduct urinalysis, or for other
25 public safety considerations.

