JAY INSLEE
Governor

STATE OF WASHINGTON
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PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-80
DOC – Prison Commitments

WHEREAS, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout Washington State as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed person-to-person spread of COVID-19 in Washington State; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, I have subsequently issued several amendatory proclamations, exercising my emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, I issued Proclamations 20-25, et seq., first entitled "Stay Home – Stay Healthy," in which I initially prohibited all people in Washington State from leaving their homes except under certain circumstances, which I later amended to "Safe Start – Stay Healthy" County-By-County Phased Reopening, gradually relaxing those limitations based on county-by-county phasing, and on November 16, 2020, again amended 20-25, et seq., to "Stay Safe – Stay Healthy – Rollback of County-By-County Phased Reopening Responding to a COVID-19 Outbreak Surge," in response to a large surge of new cases of COVID-19, increased hospitalizations and ongoing COVID-19 related deaths in Washington State; and

WHEREAS, despite this guidance, positive COVID-19-related cases and hospitalizations have been on a steady rise since early September; and, most alarmingly, since the latter part of October through the first two weeks of December, 2020, COVID-19 cases have significantly increased in Washington, and COVID-19-related hospitalizations have risen sharply, putting our people, our health system, and our economy in as dangerous a position as we faced in March 2020; and

WHEREAS, the Department of Corrections is currently experiencing a significant spike in COVID-19 cases, including at the intake and reception center for new incarcerations at the Washington Corrections Center, where the COVID-19 pandemic protocols require that newly committed individuals be isolated for 14 days upon arrival; and

WHEREAS, given that there are COVID-19 outbreaks at nearly all major correctional facilities across the state, transfers between facilities have essentially been halted to help mitigate the spread of the virus, resulting in overpopulation at the Washington Corrections Center, which is significantly complicating efforts to combat the pandemic; and

WHEREAS, language in RCW 72.02, RCW 70.48, and RCW 36.63 require counties to transfer, and the Department of Corrections to receive, newly committed individuals from the county jails in which they reside prior to commitment to a state correctional facility, despite the inability to safely house such individuals, making it is necessary to waive and suspend portions of those statutes to allow the Department of Corrections to control the current outbreak; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington State, and remain a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, as a result of the above-noted situation, and under Chapters 38.08, 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect, and that Proclamation 20-05 is amended to waive or suspend specified statutes that prevent, hinder or delay necessary action in coping with the unprecedented demands being placed on our health care system by the COVID-19 pandemic and to prohibit certain activities to help preserve and maintain life, health, property or the public peace by retaining individuals recently committed to a state correctional facility in a county jail to allow for a temporary suspension of new intakes at the two state prison receptions centers.

I again direct that the plans and procedures of the *Washington State Comprehensive Emergency Management Plan* be implemented throughout state government. State agencies and departments are directed to continue utilizing state resources and doing everything reasonably possible to support implementation of the *Washington State Comprehensive Emergency Management Plan* and to assist affected political subdivisions in an effort to respond to and recover from the COVID-19 pandemic.

I continue to order into active state service the organized militia of Washington State to include the National Guard and the State Guard, or such part thereof as may be necessary in the opinion of The Adjutant General to address the circumstances described above, to perform such duties as directed by competent authority of the Washington State Military Department in addressing the outbreak. Additionally, I continue to direct the Department of Health, the Washington State Military Department Emergency Management Division, and other agencies to identify and provide appropriate personnel for conducting necessary and ongoing incident related assessments.

FURTHERMORE, based on the above situation and under the provisions of RCW 43.06.220(2)(g), I also find that strict compliance with the following statutory and regulatory obligations or limitations will risk reducing the availability of essential services and prevent, hinder, or delay the response to the COVID-19 pandemic State of Emergency under Proclamation 20-05, and that the portion or language of each statutory and regulatory provision specified below is hereby waived and suspended, until 11:59 PM on January 3, 2021:

1. RCW 72.02.230 – in its entirety;
2. RCW 70.48.240 – in its entirety;
3. RCW 36.63.255 – in its entirety;
4. RCW 72.02.200 - only the words: “receiving and”; and

FURTHERMORE, in recognition of the above findings, and to help preserve and maintain life, health, property or the public peace under RCW 43.06.220(1)(h), I prohibit, until 11:59 PM on January 3, 2021:

1) All public agencies from transporting any individual to a state correctional facility without the advance permission of the Department of Corrections, and
2) The Department of Corrections from receiving any individual from any public agency without receiving advance notice and providing advance permission for the transport of that individual to a state correctional facility.

Nothing in this proclamation is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

Violators of this of this order may be subject to criminal penalties pursuant to RCW 43.06.220(5).

Signed and sealed with the official seal of the state of Washington on this 17th day of December, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State