JAY INSLEE
Governor

STATE OF WASHINGTON
OFFICE OF THE GOVERNOR
P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111 • www.governor.wa.gov

PROCLAMATION BY THE GOVERNOR
AMENDING PROCLAMATION 20-05

20-50
Reducing Prison Population

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 amendatory Proclamations 20-06 through 20-49, 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, has broadly spread throughout Washington State, significantly increasing the threat of serious associated health risks statewide; and

WHEREAS, the COVID-19 pandemic has resulted in the requirement to practice safe distancing as described by the Centers for Disease Control and Prevention and the Washington State Department of Health to avoid contracting the virus; and

WHEREAS, although the Department of Corrections has taken aggressive action to mitigate the risk of COVID-19, current statutory barriers limit the Department's ability to respond swiftly to the COVID-19 emergency, including the ability to achieve safe distancing for individuals incarcerated in correctional facilities, by quickly reducing, where possible, the current population of incarcerated individuals at Washington State correctional facilities, a barrier that has become more challenging because there are currently correctional facility staff and incarcerated individuals who have become infected with COVID-19; and

WHEREAS, on March 30, 2020, to reduce the incarcerated population in Washington, I issued Emergency Proclamation 20-35, which removes a requirement to arrest and incarcerate certain individuals who have violated the terms of their community supervision. The Department of Corrections is also now using its administrative authority to release individuals incarcerated on past violations.

WHEREAS, the Centers for Disease Control and Prevention reports that groups at higher risk of severe illness or death from COVID-19 are those over 65 years of age, and people of any age who have certain chronic underlying health conditions; 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 assist in relieving these demands on our health care system, and to help preserve and maintain life, health, property or the public peace by granting the governor greater authority to more broadly and efficiently wield his clemency authority to reduce the prison population.

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, except as otherwise provided herein, until 11:59 PM on May 15, 2020:

1. RCW 10.01.120 – only the following: ", upon the petition of the person convicted,"

2. RCW 9.94A.565(1) – only the following: "on an individual case-by-case basis"

3. RCW 9.94A.728(1)(d) – only the following: ", upon recommendation from the clemency and pardons board,"

4. RCW 72.09.710(1)

5. RCW 72.09.712(1), (2)

6. RCW 9.94A.729(5)(b) – only the following: "that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community"

7. RCW 9.94A.729(5)(c) – only the following: ", including proposed residence location"

8. RCW 9.94A.733(1) – the following only: "No more than the final six months of" and "However, an offender may not participate in the graduated reentry program under this section unless he or she has served at least twelve months in total confinement in a state correctional facility."

9. RCW 9.94A.733(2) – the following only: "and must assist the offender's transition from confinement to the community."

10. RCW 9.94A.734(4)(a)

11. RCW 9.94A.736(2)(c) – the following only: "through in-person contact"

12. RCW 9.94A.728(1)(c)(iii)

13. RCW 9.94A.728(1)(e) – the following only: "No more than the final twelve months of"

14. RCW 9.94A.728(1)(f) – the following only: "No more than the final six months of"

15. RCW 72.66.036

16. RCW 72.09.270(8)(a), (b), (c)

FURTHERMORE, though this emergency proclamation waives certain statutory notification requirement provisions, for individuals whose releases otherwise would have required the Department of Corrections to provide community or victim/witness notifications, the Department of Corrections must still make reasonable efforts to provide notification to the relevant parties at least 48 hours in advance of the individual's release from custody.

FURTHERMORE, I direct the Department of Corrections to continue to explore actions to identify other incarcerated individuals for potential release through Rapid Reentry, furlough, commutation, or emergency medical release, as eligible and needed.

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 15th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State