

Governor's Proclamation 20-80-Halting Transports to DOC

On December 17, 2020, in order “to assist DOC in mitigating the spread of COVID-19,” Governor Inslee issued [Proclamation 20-80](#), temporarily suspending all transports of incarcerated individuals from local jails to the Washington State Department of Corrections (DOC) without advance notice to DOC and prior DOC consent. The proclamation is effective from Friday, December 18, 2020 through January 3, 2021. It includes the following directive:

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).*[emphasis added]*

Washington State DOC is experiencing a high rate of COVID-19 in a number of its facilities.¹ Current information for DOC COVID-19 Data is found on DOC’s website, [here](#). The information on the DOC website includes aggregate totals for number of individuals incarcerated diagnosed with COVID, the aggregate number of staff diagnosed with COVID, and aggregate number of deaths due to COVID to both groups. It is not a current snapshot of the number of individuals presently infected and sick with COVID-19 at each facility. A current snapshot is available for the total number of incarcerated individuals who are in isolation or quarantine.

Proclamation 20-80 temporarily suspends the following statutes:

[RCW 72.02.230](#) Persons to be received for classification and placement.

The division of prisons shall receive all persons convicted of a felony by the superior court and committed by the superior court to the reception units for classification and placement in such facility as the secretary shall designate. The superintendent of these institutions shall only receive prisoners for classification and study in the institution upon presentation of certified copies of a judgment, sentence, and order of commitment of the superior court and the statement of the prosecuting attorney, along with other reports as may have been made in reference to each individual prisoner.

[RCW 70.48.240](#) Transfer of felons from jail to state institution—Time limit.

¹ On Dec. 21, 2020, the DOC COVID website reports there are 2337 current/active cases, 1,313 recovered cases, and 5 deaths among incarcerated individuals.

A person imprisoned in a jail and sentenced to a state institution for a felony conviction shall be transferred to a state institution before the forty-first day from the date of sentencing.

This section does not apply to persons sentenced for a felony who are held in the facility as a condition of probation or who are specifically sentenced to confinement in the facility.

Payment for persons sentenced to state institutions and remaining in a jail from the eighth through the fortieth days following sentencing shall be in accordance with the procedure prescribed under this chapter.

RCW 36.63.255 -Transfer of convicted felon to state institution pending appeal.

Any person imprisoned in a county jail pending the appeal of his or her conviction of a felony and who has not obtained bail bond pending his or her appeal shall be transferred after thirty days but within forty days from the date judgment was entered against him or her to a state institution for felons designated by the secretary of corrections: PROVIDED, That when good cause is shown, a superior court judge may order the prisoner detained in the county jail beyond said forty days for an additional period not to exceed ten days.

Proclamation 20-80 edits the following statute to remove the words “receiving and” from the following statute:

RCW 72.02.200 - Reception and classification units.

There shall be units known as reception and classification centers which, subject to the rules and regulations of the department, shall be charged with the function of ~~receiving and~~ classifying all persons committed or transferred to the institution, taking into consideration age, type of crime for which committed, physical condition, behavior, attitude and prospects for reformation for the purposes of confinement and treatment of offenders convicted of offenses punishable by imprisonment, except offenders convicted of crime and sentenced to death.

Recent news coverage of COVID 19 in prisons and jails:

- [As COVID-19 spreads in Washington’s prisons, advocates call for better conditions, release of inmates | The Seattle Times](#) Dec. 15, 2020
- [Inmate at Airway Heights Correction Center dies of COVID-19 | Coronavirus | khq.com](#) Dec. 18, 2020
- [First COVID-19 related death reported at Airway Heights Corrections Center](#) Dec. 18, 2020
- [Judge: Oregon inmates’ COVID-19 lawsuit can proceed | The Seattle Times](#)
- [COVID-19 spikes follow in prisons after inmate transfers | The Seattle Times](#)
- [1 in 5 prisoners in the US has had COVID-19, 1,700 have died | The Seattle Times](#)