

WASHINGTON STATE STATISTICAL ANALYSIS CENTER

# Criminal Justice Research & Statistics Center

Informing a data-driven justice system

## The Justice Data Warehouse and the COVID-19 Metrics and Indicators

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## Abstract

The global 2020 coronavirus pandemic has had an unprecedented impact on the operations and actions of local, state, and national governments across all areas of criminal justice. The unique characteristics of this pandemic trend toward short- and long-term consequences as significant changes to criminal justice and legal outcomes.

To respond to these impacts, the Washington Statistical Analysis Center (SAC) applied for and received the 2022 State Justice Statistics (SJS) grant from the Bureau of Justice Statistics (BJS). The SAC sought the grant to increase access to statistical data and create new metrics and indicators to enhance the integrated criminal justice database — the Justice Data Warehouse (JDW) — in efforts to strategically and analytically evaluate the pandemic’s impacts in criminal justice. Through this grant, the Washington SAC leveraged and built upon the JDW to expand the data variables by creating COVID-19 metrics and indicators to help assess and account for COVID-19 impacts in the criminal justice and legal system.

## Background

The COVID-19 pandemic impacted national, state, and local government operations across public policy (Ashby, 2020). The American criminal justice system also saw significant effects. Every point of the system has been affected by COVID-19, leading to abrupt changes in the operations of the adult criminal justice system.

### The impact of COVID-19 on the criminal justice system

On January 30, 2020, the Director-General of the World Health Organization (WHO) declared a public health emergency of international concern, its highest level of alarm, due to the 2019 Novel Coronavirus (COVID-19) outbreak. The United States followed the next day with its announcement of a public health emergency in response to the spreading COVID-19 threat. Since then, the pandemic has produced broad county, state, and national impacts that continue through the present.

#### **Law Enforcement**

The effects of the pandemic and the government’s response to it have been far-reaching, affecting all aspects of the criminal justice system. After stay-at-home orders were announced in the U.S., police reported a reduction in calls and reports for service. Arrests and jail bookings also decreased, and overall crime dropped (Ashby, 2020; Lum et al., 2020; Pietrawska et al., 2020; Shayegh & Malpede, 2020).

However, emergency calls for domestic disturbances and violence increased during the stay-at-home orders, including public nuisance complaints. Social distancing and stay-at-home orders kept crime rates statistically low in major cities across the nation. Rather than expand their arrest policies, many law enforcement departments actually limited arrests, relying on expanded citation policies instead. This helped decrease face-to-face interactions with citizens during COVID-19.

#### **Violent Crime**

While social distancing and the stay-at-home orders kept crime rates statistically low in major cities across the U.S., gun assault, violence, and homicides began to increase in late May (Ashby, 2020). However, due to the complexities of social discourse during this period, findings could be skewed. Furthermore, The Centers for Disease Control and Prevention (CDC) showed that while there was a 30%

increase in homicides from 2019 to 2020, homicide rates declined during the first quarter of 2021, with a continued plateau and decline in the first half of 2022.

The Caseload Forecast Council (CFC) and CDC revealed that aggravated assaults and gun assaults reached a peak in the summer of 2020. However, aggravated assaults increased in the first half of 2022 as compared to the first half of 2021, while gun assaults increased slightly from 2020 to 2022.

### ***Drugs and Property Crime***

While drug offense rates had been steady since 2017, there was a sharp decline at the beginning of the pandemic. However, in 2021, drug offense rates sharply increased. In the start of summer 2020, auto thefts increased. While 2021 presented fewer auto thefts, the first six months of 2022 showed another increase in rate. Moreover, while there was a significant decrease in robberies and larceny, robberies increased in the first half of 2022. Meanwhile property crimes decreased from 2020 to 2022. However, it is important to note these findings could be skewed due to the complexities of social discourse during this period.

### ***Courts***

Courts, like many other sectors, faced challenges that included closed courthouses, social distancing needs, a rapid shift to virtual proceedings, and staffing constraints due to illness or quarantine. According to the Court Statistics Project, in 2020, case filings dropped 28%. Overall, all caseloads showed a decrease: incoming civil caseloads declined by 26%, incoming juvenile caseloads declined 24%, incoming criminal caseloads declined 21%, and incoming domestic relations caseloads declined by 20%.

However, increases in civil case filings were found for habeas corpus cases (46%) and mental health filings (15%). Increases in criminal case filings were found in felony elder abuse (10%), felony weapon cases (4%), and felony domestic violence (6%) cases. Overall, juvenile delinquency cases decreased by 27%, with larger drops in drug cases (37%), public order cases (31%), and person cases (29%).

### ***Prisons***

In U.S. prisons, a study by BJS research found that, from the end of February 2020 to the end of February 2021, “the number of people in the custody of state, federal, or privately operated prisons under state or federal contract decreased more than 16%” and “24 states released a total of 37,700 persons from prison on an expedited basis (earlier than scheduled) during the COVID-19 study period.”

In terms of COVID-19 related deaths, the data showed a “crude mortality rate (unadjusted for sex, race or ethnicity, or age) of 1.5 COVID-19-related deaths per 1,000 prisoners from the end of February 2020 to the end of February 2021.” Specific to the U.S. juvenile system, results from the Council of Juvenile Justice Administrators (2022) found that for youth (i.e., children and adolescents under the age of 18), more than half of the jurisdictions reported at least a 20% reduction in secure population, while 20% of the jurisdictions reported at least a 40% reduction. The Washington State Institute of Public Policy (WSIPP) revealed several criminal justice measures decreased significantly after the start of the pandemic. This includes a decrease in fingerprinted arrests and jail bookings.

### ***Justice Statistics Reporting***

In a previous paper by the SAC, Hernandez and Georgoulas-Sherry (2022) revealed there was a decrease from 2018 to 2019 (3.0%) and 2019 to 2020 (9.3%) in incidents reported from the National Incident-Based Reporting System (NIBRS), a decrease from 2018 to 2019 (0.5%) and 2019 to 2020 (19.1%) in Washington Association of Sheriffs & Police Chiefs (WASPC) arrests, and a decrease from 2018 to 2019 (24.7%) and 2019 to 2020 (12.4%) in WASPC bookings.

Furthermore, the SAC applied for and received the 2021 SJS grant from the Bureau of Justice Statistics. Among other projects, the SAC sought the grant to evaluate the impact of COVID-19 on criminal justice data. In this project, findings showed that overall, counts of arrests in Washington state, regardless of category, showed mixed findings: Increased arrests from 2017 to 2018 and 2019 to 2020; but decreased arrests from 2018 to 2019 and then again from 2020 to 2021.

Additionally, from 2020 to 2021, there was an overall 3% decrease in arrests in Washington state. Adult arrests in Washington state experienced overall decreases from 2019 to 2020 (17.8%) and 2020 to 2021 (13.9%). For juvenile arrests, there were overall decreases in 2019 to 2020 (39.1%) and in 2020 to 2021 (33.2%). Furthermore, superior court filings decreased in 2018–2019 (16.2%), in 2019–2020 (21.4%), and in 2020–2021 (15.7%).

Felony jail sentences decreased from 2017 to 2021. While the overall average prison sentence also saw a decrease during that time, in 2019 to 2020, murder, sex crimes, robbery, and drug crimes saw rises. Juvenile dispositions showed substantial decreases from 2019 to 2020 and from 2020 to 2021 by 7.3% and 28.8%, respectively. Lastly, adult prison admissions saw a decline in all admissions (new, re-admit, and other) from 2019 to 2021.

From 2019 to 2020, DOC juvenile admissions and new admissions increased by 126.9% and 11.7%, respectively. Additionally, 2020 to 2021 saw decreases in all juvenile admissions. In another report by the SAC, funded through the same SJS grant, results showed that out of all the counties who participated in the NIBRS, results showed that (1) for NIBRS crimes against society, Jefferson, Kittitas, Lewis, Lincoln, Okanogan, San Juan, Stevens, Walla Walla, and Whitman counties showed increases in from 2019 to 2020; (2) for NIBRS crimes against persons, Adams, Benton, Chelan, Clark, Cowlitz, Douglas, Ferry, Franklin, Garfield, Gray's Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lincoln, Okanogan, Pierce, San Juan, Skamania, Snohomish, Spokane, Thurston, Wahkiakum, and Yakima showed increases in from 2019 to 2020; (3) for NIBRS crimes against property, Benton, Clark, Douglas, Ferry, Garfield, Grant, Gray's Harbor, Kittitas, Okanogan, Pacific, Pend Oreille, San Juan, Wahkiakum, and Yakima showed increases in from 2019 to 2020.

## The criminal justice system's response to COVID-19

In response to COVID-19, various states reduced involvement with the justice system within their typical decision points (e.g., with law enforcement or community supervision officers, in jails, in courts, and/or in prisons). Courts at every level, including civil and criminal, postponed or canceled proceedings and transitioned previously in-person required proceedings to remote means. Carceral systems took steps to limit the intake and transfer of individuals and released individuals who may otherwise have been held in custody. This included those who were at risk, such as elderly and medically vulnerable people. State agencies also administered supervision conditions through various digital (remote) tools (e.g., phones, video conferencing). The COVID-19 pandemic resulted in substantial disruptions to the criminal justice system, as remote hearings, court closures, and reduced physical capacity have impacted the way cases are progressing through the system from arrest to sentencing to custody.

## Timeline: A look back at Washington's COVID-19 response

Washington's response to the pandemic and its effects is far-reaching, affecting all aspects of the criminal justice system.

- January 21, 2020 – The U.S. Centers for Disease Control and Prevention (CDC) confirmed the first U.S. case of COVID-19 in Washington state.
- February 29, 2020 – Gov. Jay Inslee proclaimed a State of Emergency for all counties (Proclamation 20-05 — see [Appendix A](#)).
- March 1, 2020 – The Seattle and King County Public Health Department confirmed the first U.S. COVID-19 related death.

In the criminal justice system, Washington responded with some of the highlighted actions below:

- March 23, 2020 – Gov. Inslee issued Proclamation 20-25 (Stay Home – Stay Healthy). This directed all people to stay home barring any emergency. According to the proclamation, “All people in Washington state shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services” (see [Appendix B](#)).
- April 10, 2020 – Gov. Inslee issued Proclamation 20-45 (Protection Orders and Personal Service) in response to increased domestic violence incidents. This “directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, court personnel, and witnesses” and “additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety” and allow those “threatened or are experiencing violence, harassment, stalking, or abuse face” to safely access the courts and obtain protection orders during the COVID-19 pandemic (see [Appendix C](#)).
- April 14, 2020 – Gov. Inslee issued Proclamation 20-47 (Criminal Justice – Limitation of Actions). This “limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington courts extremely limited and restrict court operations.” Many Washington courts took important steps to ensure continued access to justice and essential court services by holding proceedings remotely, suspending many in-building operations, and communicating emergency rules as necessary. Specifically, with respect to civil, criminal, and juvenile matters, all non-emergency trials were suspended (unless trials were already in session, which were subsequently held remotely) in the beginning of the pandemic. This helped prioritize emergency cases (including emergency civil protection order and restraining order matters) (see [Appendix D](#)).
- April 15, 2020 – Gov. Inslee signed an order that granted emergency commutations to people who committed non-violent offenses. Additionally, Proclamation 20-50 (Reducing Prison Population) temporarily waived or suspended requirements associated with confinement sentences and release procedures. This allowed Washington State Department of Corrections (DOC) to furlough individuals from work release. It also created a Rapid Reentry program to place individuals on electronic monitoring instead of full confinement. As a result, approximately 950 individuals who were incarcerated or assigned to work release were transitioned to community supervision. Correctional departments were challenged to not only protect the health and safety of staff and incarcerated and supervised individuals, but also ensure continuity of facility operations during the pandemic (see [Appendix E](#)).
- December 17, 2020 – Gov. Inslee issued Proclamation 20-80 (DOC – Prison Commitments). This “waived and suspended portions of the transfer statutes.” This helped DOC limit newly committed individuals from the county jails where they reside before commitment to a state correctional facility (see [Appendix F](#)).

Other proclamations could have had indirect or slightly direct impacts on justice-involved populations. For example, some justice-involved individuals could be placed in long-term care (LTC) facilities such as assisted living facilities, enhanced service facilities (ESFs), and adult family homes. Therefore, proclamations surrounding LTCs could have impacted the criminal justice system such as: Proclamation 20-16 (COVID-19: State-wide Limits on Long-Term Care (LTC) - No Visitors); Proclamation 20-17 (COVID-19: Prohibiting Visitors at LTCs); Proclamation 20-33 (COVID-19: Visitation and Remedial Services); and Proclamation 20-52 (COVID-19: Statewide Orders Relating to LTC).

## Current project

With the ever-increasing priority of evaluating the impact of the COVID-19 pandemic, the Washington SAC applied for and received the 2022 SJS grant to better equip Washington with more actionable data on crime, incarceration, community supervision, and related topics by accurately documenting the impact of COVID-19 on the system. By leveraging and building upon the SAC's existing infrastructure of the Justice Data Warehouse (JDW), we can expand the data variables and establish new indicators to denote the impacts of the COVID-19 pandemic.

Through this project, the Washington SAC will improve the criminal justice database to include indicators of various COVID-era policies that created a substantial impact on criminal justice populations. These indicators will help inform future work in research and data analysis in justice programs involving reentry and release as well as offer recommendations to institutional and community corrections agencies on best practices going forward in data collection.

The presence of permanent indicators further ensures that future research can easily account for COVID disruptions using the same standard, without risk of applying different methodologies each time a study includes the pandemic time period. Additionally, this project will strengthen cross-sector research in Washington state, endeavoring to capitalize on the SAC's combined resources and expertise to provide high-quality, objective criminal-justice-related analyses and research. This update allowed for new enhancements and linkages to the data in efforts to create new sources and analysis of relevant COVID-19 metrics. In establishing new metrics and indicators that could indicate COVID-19 impacts, the SAC can help support cataloguing the true changes emerging from the pandemic.

## The Justice Data Warehouse

Like other criminal justice and legal systems in the nation, Washington state is insular; each part of the criminal justice and legal system is broken into silos, which includes federal, state, local, and Tribal agencies. Efforts continue to be made to shift from this siloed approach to a more integrated system.

Similar to other states, Washington also lacks data integration capabilities that would allow for comprehensive assessment of the criminal justice and legal systems' performance and outcomes. This is true at the local and Tribal levels, as well as the state level. For example, measuring performance and outcomes across systems (such as jails, courts and juvenile detention, community supervision, and prison incarceration) are hindered by a lack of integration. Addressing the need for integration and promoting collaboration across different components of the criminal justice and legal system can help bridge these silos and create a more effective system. With this in mind, the SAC, in conjunction with the PSPRC, created the Justice Data Warehouse (JDW) to integrate criminal justice databases together as currently, each agency maintains their own distinct data sets.

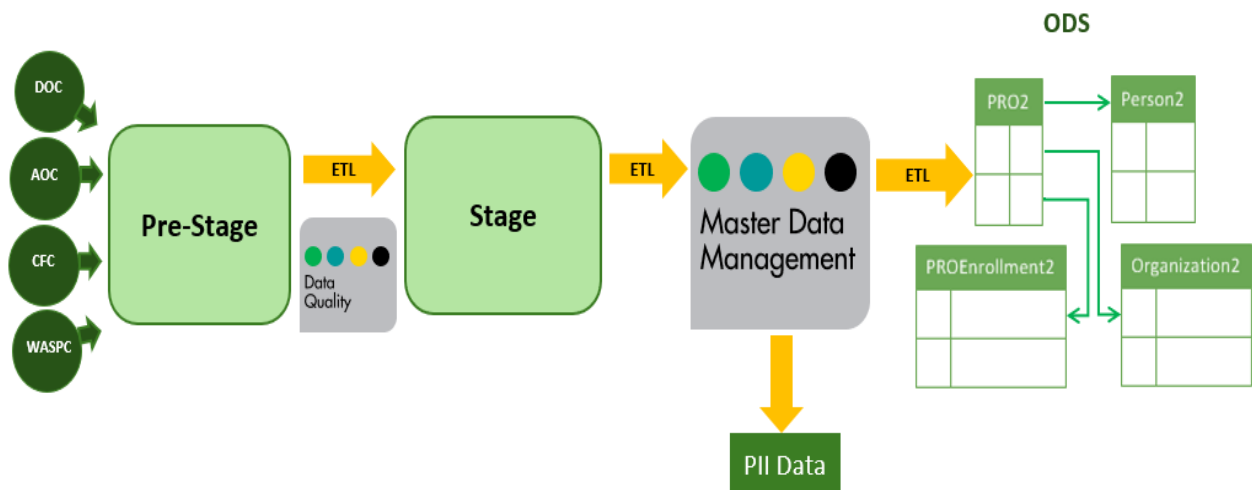
This JDW is a longitudinal criminal justice and legal research repository/data warehouse containing over three decades worth of state data on crime and justice topics, brought together from many different agencies and reporting systems. Table 1 shows the data sets that are integrated into the JDW by agency – Administrative Office of the Courts (AOC), Department of Corrections (DOC), Caseload Forecasting (CFC), and Washington Association of Sheriffs & Police Chiefs (WASPC)’s Jail Booking Reporting System (JBRS) data. To supplement Table 1, [Appendix H](#) shows the data tables that are integrated into the JDW by agency, table name and purpose, years covered, and number of data elements. It also shows the data elements of the JDW by agency, table name, variables name, definition, and data type.

**Table 1. JDW Source Table**

Type of Data	Agency	Description
<b>Carceral and Community Supervision</b>	Washington State Department of Corrections (DOC)	DOC maintains information for people incarcerated in Washington State facilities and for people under community supervision in Washington State.
<b>Court Case Filings – Judicial Information System</b>	Washington State Administrative Office of the Courts (AOC)	AOC maintains statewide electronic court records database for all cases seen by courts in Washington State.
<b>CFC Convictions</b>	Caseload Forecast Council (CFC)	CFC maintains the adult conviction database including data related to the crime, the offender, the sentencing judge, the sentence, and alternatives to incarceration.
<b>Jail Booking and Reporting System (JBRS)</b>	Washington Association of Sheriffs & Police Chiefs (WASPC)	JBRS (RCW 36.28A.040) is a multi-jurisdictional database providing criminal justice agencies an instant, up-to-date database of booking and release records from all city and county jails in Washington state.

The JDW was created by extracting, transforming, and loading the data using the minimum necessary combination of variables needed to uniquely identify a person in a specific dataset dependent on what is available in any given dataset. With these four current data sets, the JDW consists of data from three decision points (i.e., bookings, sentencing, and incarceration/community supervision). Figure 1 illustrates the data flow and loading process for the JDW. The data loading process takes place during the initial ETL (extract, transform, load) step after the pre-stage. The process includes: (1) receiving initial data profile (e.g., did we get what we were expecting, counts), (2) updating ETL/crosswalks, if necessary (e.g., new fields, new codes), (3) loading to STG, verify (e.g., Powercenter, integrated error flags), and (4) loading to MDM, ODS (e.g., Powercenter). The source data is right-sized, and the loading function is then centralized.

**Figure 1. JDW Data Flow and Loading Process**





The JDW linkage process has two key parts: (1) the creation of a Primary Key (PKey) and (2) a Linkage ID (ID). A PKey is the minimum necessary combination of variables needed to uniquely identify a person in a specific data set. The minimum necessary parts of a PKey will depend on what is available in any given data set. A complete PKey will have all the minimum variables required attached to one record. An example of a complete PKey would be someone's first name, middle name, last name, and date of birth having at least a first name, last name, and date of birth.

One way to increase the possibility of improving the matching results is having a tiered PKey system, which requires more information in the data set to attempt. To follow on the example previously used, if a data set were to also have the last four digits of a social security number (SSN), it may be possible to have the first set of PKeys using a person's full name, date of birth, and the last four of the SSN. If the first set of PKeys is incomplete, the second set of PKeys could be a person's full name and date of birth. Identifying and creating a complete PKey is the first step in the linkage process.

Once a complete PKey has been identified and created, an ID is bound to all records with those associated PKeys. The relationship between the PKey and the ID is a "many-to-one" relationship. The linkage process uses both probabilistic and a deterministic matching algorithm. The two matching methods leverage all available data sets in the OFM data warehouse. As the data warehouse expands, the linkage outcomes will change. A series of quality control checks to improve the linkage results are conducted once the matching is done. The linkage checks start with a set of automated rules leading to an as-needed manual review of remaining issues with matching.

Identity matching is conducted through the utilization of Informatica, which provides a central repository of identifiers (e.g., full name, date of birth, and, when available, SSN) over time for each individual source. As shown in Figure 1, the JDW data comes to OFM from each individual data provider, in various formats.

Data then enters the JDW Pre-Stage, where data quality is assessed. At this time, differences between current and previous data sets may be discovered and addressed. Next, data moves to the JDW Stage, where identifiers are cleaned and standardized. For each record, a standard set of identifiers are strung together to create an identity resolution token. These tokens are constructed so that no two people will share the same token. In addition, names are standardized using a rigorous set of rules incorporated into Informatica.

Data then moves to Master Data Management (MDM), where the new data and tokens are merged with existing data already in the JDW. For example, if a person already exists in the data warehouse, their new data (tokens) will be assigned to the existing ID. Once the identity matching is complete and all data has been merged, it is moved into the JDW Operational Data Store (ODS) where it can be used for research projects, data sets, etc. Data in the ODS is public facing and does not include Personally Identifiable Information (PII).

Using integrated administrative data from criminal justice agencies can harness information in meaningful ways that transcend traditional "silos" and allow communities to focus collective attention on important social issues that cross systemic boundaries. As individuals in the criminal justice system frequently interact with other decision points (e.g., policing/arrests, trial/sentencing, and incarceration/community supervision), collecting and analyzing data across multiple criminal justice systems is critical to better understand the impact of the system. As the central cross-sector repository

for Washington state's criminal justice and legal systems, the JDW can be used to house information from federal, state, local, and Tribal agencies, which can consolidate individual- and system-level data.

The JDW was developed to integrate siloed criminal justice data and can be used to support innovative and rigorous research methods that can provide answers to basic research questions as well as practical, applied solutions. Using quantitative tools like the JDW to influence qualitative decision-making, the JDW can tell the story of the people served across this state and the individuals who serve them within state government. This includes developing metrics, monitoring trends, disseminating reports, and delivering presentations to educate state agencies, stakeholders, and impacted communities.

Through the JDW, data can be translated into meaningful information that drives the state's commitment to achieve equitable and just outcomes for Washingtonians. The JDW can be utilized to support legislative requests, program evaluations, operational decisions, and in-depth research. Furthermore, the JDW can help increase the transparency of the criminal justice and legal system to those outside of the system, such as court users, advocates, policymakers and lawmakers, researchers, and all Washingtonians.

The JDW's integration would also allow us to pinpoint data to particular areas of intervention (e.g., overrepresentation of person of color at all stages of the criminal/legal system, disparities in outcomes for marginalized individuals who interact with the criminal legal system, etc.). Additionally, the JDW could also be used to track and improve fairness in areas such as prosecution, adjudication, disposition, sentencing, incarceration, release, and community supervision.

As such, there is a need to continue maintaining and sustaining the data within the JDW, as well as continuing to update it, as needed. With the significant impacts of COVID-19, especially on the criminal justice system, there is a need to create metrics and indicators in efforts to capture the true effects of the pandemic. The new metrics and indicators could also enhance the already rich data resource of JDW for researchers, both within and outside the state. The added variables will add to the ability to develop objective, independent, evidence-based knowledge.

Furthermore, the creation of the new metrics and indicators will improve the uniformity and completeness of efforts to account for COVID-19 in criminal justice data sets, which, in turn, will enhance the usability of the data for analyses and research. This work will expand the utilization of the valuable state asset that is the JDW, as the new indicators will be used to assess evidence-based statutes and policies in the state and the overall impacts of COVID-19.

## Creating COVID-19 metrics and indicators

To create the COVID-19 metrics and indicators, the Washington SAC first completed a review of the statewide rules changes to account for potential changes produced by the pandemic. This included but was not limited to lower-level misdemeanors and offenses that were not being booked for a certain period or general directives that might have led officers to minimize contacts.

Appendix G shows a visualization of the timeline of proclamations that likely impacted justice involved populations in Washington. Proclamations 20-05, 20-16, 20-17, 20-25, 20-33, 20-45, 20-47, 20-50, 20-52, and 20-80 likely directly or indirectly impacted criminal justice and legal procedures and proceedings, which would have likely impacted the data. To assess these anomalies and disruptions, the Washington SAC assessed each variable by determining whether that variable could have been impacted by COVID-19.

Figure 2 shows the background visualization of the COVID-19 metrics and indicators while Figure 3 shows one of the visualizations of the COVID-19 metrics and indicators that can be provided to the researchers.

Figure 2. COVID-19 metrics and indicators

Figure 3. COVID-19 metrics and indicators

	Source	TableName	DataElementName	COVIDIndicator
1	AOC	Bulk_Case_and_Charge_Data	Case_Key	No
2	AOC	Bulk_Case_and_Charge_Data	Court_Code	No
3	AOC	Bulk_Case_and_Charge_Data	Court_Name	No
4	AOC	Bulk_Case_and_Charge_Data	Court_Level	No
5	AOC	Bulk_Case_and_Charge_Data	Court_County	No
6	AOC	Bulk_Case_and_Charge_Data	Case_Number	Directly/Indirectly
7	AOC	Bulk_Case_and_Charge_Data	Case_Type	No
8	AOC	Bulk_Case_and_Charge_Data	Case_Cause	No
9	AOC	Bulk_Case_and_Charge_Data	Case_File_Date	Directly/Indirectly
10	AOC	Bulk_Case_and_Charge_Data	Charge_Document_File_Seq_Num	No
11	AOC	Bulk_Case_and_Charge_Data	Charge_Document_File_Date	Directly/Indirectly
12	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Authority	No
13	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Number	Directly/Indirectly
14	AOC	Bulk_Case_and_Charge_Data	Charge_Law	Directly/Indirectly
15	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Modifier_Number	Directly/Indirectly
16	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Modifier	Directly/Indirectly
17	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Count	No
18	AOC	Bulk_Case_and_Charge_Data	Charge_Law_Seq_Num	No
19	AOC	Bulk_Case_and_Charge_Data	Charge_Violation_Date	Directly/Indirectly
20	AOC	Bulk_Case_and_Charge_Data	Charge_Result	Directly/Indirectly
42	CFC	ExceptionalSentenceReasons	Casenum	Directly/Indirectly
43	CFC	ExceptionalSentenceReasons	ExceptionalReason	No
44	CFC	Sentence	Casenum	Directly/Indirectly
45	CFC	Sentence	Sentencingdate	Directly/Indirectly
46	CFC	Sentence	Cause	Directly/Indirectly
47	CFC	Sentence	CauseNew	Directly/Indirectly
48	CFC	Sentence	County	No
49	CFC	Sentence	CountyCode	No
50	CFC	Sentence	JudgeCode	No
51	CFC	Sentence	Judge	No
52	CFC	Sentence	Verdict	No
53	CFC	Sentence	VerdictID	No
54	CFC	Sentence	FTOW	No
55	CFC	Sentence	Susp	No
56	CFC	Sentence	Total	No
57	CFC	Sentence	Service	No
234	DOC	AdmReleases_XXXX	REL_TO_FCLTY_SHORT_NM	Directly/Indirectly
235	DOC	AdmReleases_XXXX	REL_TO_FCLTY_ID	Directly/Indirectly
236	DOC	AdmReleases_XXXX	REL_TO_CNTY_OMNI_CD_ROLLUP	Directly/Indirectly
237	DOC	AdmReleases_XXXX	REL_TO_CNTY_OMNI_NM_ROLLUP	Directly/Indirectly
238	DOC	AdmReleases_XXXX	REL_TO_ST_CD	Directly/Indirectly
239	DOC	AdmReleases_XXXX	ERDNUMTYPE	Directly/Indirectly
240	DOC	AdmReleases_XXXX	FRST_FLYN_CNVTN_ENT_DT	Directly/Indirectly
241	DOC	AdmReleases_XXXX	FRST_FLYN_CNVTN_CNTY_CD	No
242	DOC	AdmReleases_XXXX	FRST_FLYN_CNVTN_CNTY_DE	No
243	DOC	AdmReleases_XXXX	ERO_NEW	Directly/Indirectly
244	DOC	Crime_XXXX	DOCNUM	Directly/Indirectly
245	DOC	Crime_XXXX	FRSTDTL_ID	No
246	DOC	Crime_XXXX	CSPX_CS_PRX	No
247	DOC	Crime_XXXX	CS_NB	No
248	DOC	Crime_XXXX	CSPX_PRI_CSSTA_CD	Directly/Indirectly
249	DOC	Crime_XXXX	CSSTA_DE	No
250	DOC	Crime_XXXX	CNTY_CD	No
251	DOC	Crime_XXXX	CNTY_NM	No
252	DOC	Crime_XXXX	SNTTYP_CD	No
253	DOC	Crime_XXXX	SNTTYP_DE	Directly/Indirectly
254	DOC	Crime_XXXX	DSTYP_CD	No
255	DOC	Crime_XXXX	DSTYP_DE	Directly/Indirectly
256	DOC	Crime_XXXX	CSVRSN_SNT_DT	Directly/Indirectly
275	DOC	Custody_XXXX	ASGNDT	Directly/Indirectly
276	DOC	Custody_XXXX	CFPID	Directly/Indirectly
277	JBRB	WASPC_RECID_REPORT_20XXXXXX	BOOKING_SID	No
278	JBRB	WASPC_RECID_REPORT_20XXXXXX	SITE_ID	No
279	JBRB	WASPC_RECID_REPORT_20XXXXXX	AGENCY	No
280	JBRB	WASPC_RECID_REPORT_20XXXXXX	STATE_CD	No
281	JBRB	WASPC_RECID_REPORT_20XXXXXX	BOOKING_NBR	No
282	JBRB	WASPC_RECID_REPORT_20XXXXXX	INMATE_NBR	No
283	JBRB	WASPC_RECID_REPORT_20XXXXXX	STATE_ID	No
284	JBRB	WASPC_RECID_REPORT_20XXXXXX	OID	No
285	JBRB	WASPC_RECID_REPORT_20XXXXXX	CREATION_TS	Directly/Indirectly
286	JBRB	WASPC_RECID_REPORT_20XXXXXX	LAST_CHANGE_SESSION_SID	Directly/Indirectly
287	JBRB	WASPC_RECID_REPORT_20XXXXXX	LAST_CHANGE_FILE_NBR	Directly/Indirectly
288	JBRB	WASPC_RECID_REPORT_20XXXXXX	LAST_CHANGE_TS	Directly/Indirectly
289	JBRB	WASPC_RECID_REPORT_20XXXXXX	SSN	No
290	JBRB	WASPC_RECID_REPORT_20XXXXXX	LNAME	No
291	JBRB	WASPC_RECID_REPORT_20XXXXXX	FNAME	No
292	JBRB	WASPC_RECID_REPORT_20XXXXXX	MNAME	No
293	JBRB	WASPC_RECID_REPORT_20XXXXXX	BOOKING_DATE	Directly/Indirectly
294	JBRB	WASPC_RECID_REPORT_20XXXXXX	BOOKING_TS	Directly/Indirectly

Direct impacts are those that are actually caused by COVID-19, while indirect impacts are *potentially* caused by another action or actions that have an established relationship or connection to COVID-19. As this project is not intended to be causal, we combined COVID-19 metrics and indicators to both direct and indirect impacts. There are limitations to determining whether each variable was wholly impacted by COVID-19.

Following review of the policies that impacted significant changes to the criminal justice and legal system, the Washington SAC utilized the source data that is housed in the JDW – AOC, CFC, DOC, and WASPC – to evaluate overall changes to the criminal justice and legal system. For example:

- Due to Proclamation 20-45, AOC data such as “case file date,” “charge violation date,” and “sentence condition imposed,” and CFC data such as “sentencing date” could be directly and/or indirectly impacted, as the proclamation required courts to “make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, court personnel, and witnesses.”
- Proclamation 20-47, which “limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington courts extremely limited and restrict court operations” could have directly and/or indirectly impacted data such as DOC’s “admit date” and “release date.”
- Proclamation 20-50 and 20-80 allowed DOC to furlough individuals from work release, transition individuals to community supervision, and temporarily waive or suspend requirements associated with confinement sentences and release procedures. It also created a Rapid Reentry program to place individuals on electronic monitoring instead of full confinement and helped DOC limit newly committed individuals from the county jails where they reside before commitment to a state correctional facility. As such, much of the admission and release data from DOC, including movement data (from one facility to the next) as well as the admission and release data from WASPC for JBRS, while not directly impacted by COVID-19, could have been indirectly impacted by the pandemic.

This review subsequently supported the Washington SAC’s ability to identify the potential data that could have directly or indirectly been impacted by the pandemic. By creating these COVID-19 metrics and indicators, future users of the JDW will be able to assess anomalies with particular variables and provide a level of identification of impacted data starting from 2020 (and potentially onward), which will be useful for research and data analysis.

## Discussion

COVID-19 had an unprecedented impact on national, state, and local government operations across all domains of public policy – especially the criminal justice system. Every point of the system has been touched by the pandemic. While all criminal justice data has year-to-year differences in policy, law, and trends, the pandemic saw aberrations that were unique in their scope and depth. As such, forward-thinking data stewards must consider the methods available to flag and catalogue COVID-era disruptions if the fidelity of future research is to be protected.

With that in mind, the Washington SAC, which is uniquely positioned in the PSPRC, was able to fill that role in Washington as it maintains an identity-linked criminal justice database. Through the creation of the COVID-19 metrics and indicators, the Washington SAC can protect the quality of contemporary and future studies that involve Washington’s criminal justice data, while laying the groundwork for state and federal partners to quickly identify records pertaining to specific COVID-era events for future research.

While the SAC utilized the COVID-19 metrics and indicators, greater use of the JDW means additional opportunities to determine how the indicators accurately portray cases impacted by COVID-19. Continuous examinations of these data sets can continue to document large disruptions such as changes in criminal justice policy, pauses in court case proceedings, the wide-scale release of inmates, or any significant shifts in offense types or offender demographics, for example. By implementing metrics and indicators to document the impact of COVID-19, the SAC will continue to assist researchers and policymakers in better understanding how COVID-19 may have shifted the window of criminal justice in the past couple of years and potentially evaluate upcoming trends.

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## Appendix A: Proclamation 20-05: COVID-19

JAY INSLEE  
Governor



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### PROCLAMATION BY THE GOVERNOR

20-05

**WHEREAS**, On January 21, 2020, the Washington State Department of Health confirmed the first case of the novel coronavirus (COVID-19) in the United States in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since that time worked to identify, contact, and test others in Washington State potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

**WHEREAS**, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

**WHEREAS**, The CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS**, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19, beginning on January 27, 2020; and

**WHEREAS**, The CDC currently indicates there are 85,688 confirmed cases of COVID-19 worldwide with 66 of those cases in the United States, and the Washington State Department of Health has now confirmed localized person-to-person spread of COVID-19 in Washington State, significantly increasing the risk of exposure and infection to Washington State’s general public and creating an extreme public health risk that may spread quickly; and

**WHEREAS**, The Washington State Department of Health has instituted a Public Health Incident Management Team to manage the public health aspects of the incident; and

**WHEREAS**, The Washington State Military Department, State Emergency Operations Center, is coordinating resources across state government to support the Department of Health and local officials in alleviating the impacts to people, property, and infrastructure, and is assessing the magnitude and long-term effects of the incident with the Washington State Department of Health; and

**WHEREAS,** The worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Washington State significantly impacts the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace.

**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 exists in all counties in the state of Washington, and direct the plans and procedures of the Washington State Comprehensive Emergency Management Plan be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the outbreak.

As a result of this event, I also hereby 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 direct the Washington State 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.

Signed and sealed with the official seal of the state of Washington this 29th day of February, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State



## Appendix B: Proclamation 20-25: COVID-19: Stay Home, Stay Healthy

JAY INSLEE  
Governor



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### **PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05**

**20-25**

#### **STAY HOME – STAY HEALTHY**

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington 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, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-15, 20-16, 20-17, 20-18, 20-19, 20-20, 20-21, 20-22, 20-23, and 20-24, 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**, there are currently at least 2,221 cases of COVID-19 in Washington State and, tragically, 110 deaths of Washingtonians associated with COVID-19; and

**WHEREAS**, models predict that many hospitals in Washington State will reach capacity or become overwhelmed with COVID-19 patients within the next several weeks unless we substantially slow down the spread of COVID-19 throughout the state; and

**WHEREAS**, hospitalizations for COVID-19 like illnesses are significantly elevated in all adults, and a sharply increasing trend in COVID-19 like illness hospitalizations has been observed for the past three (3) weeks; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains 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 as otherwise amended; and that Proclamations 20-05, 20-07, 20-11, 20-13, and 20-14 are amended and superseded by this Proclamation to impose a Stay Home – Stay Healthy Order throughout Washington State by prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations provided herein.

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(1)(h), to help preserve and maintain life, health, property or the public peace, and to implement the Stay Home—Stay Healthy Order described above, I hereby impose the following necessary restrictions on participation by all people in Washington State by prohibiting each of the following activities by all people and businesses throughout

Washington State, which prohibitions shall remain in effect until midnight on April 6, 2020, unless extended beyond that date:

1. **All people in Washington State shall immediately cease leaving their home or place of residence except: (1) to conduct or participate in essential activities, and/or (2) for employment in essential business services.** This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order that all people in Washington State are immediately prohibited from leaving their home or place of residence except to conduct or participate in (1) essential activities, and/or (2) employment in providing essential business services:**

- a. **Essential activities permitted under this Proclamation are limited to the following:**
  - 1) **Obtaining necessary supplies and services** for family or household members and pets, such as groceries, food and supplies for household consumption and use, supplies and equipment needed to work from home, and products necessary to maintain safety, sanitation and essential maintenance of the home or residence.
  - 2) **Engaging in activities essential for the health and safety of family, household members and pets, including things such as seeking medical or behavioral health or emergency services and obtaining medical supplies or medication.**
  - 3) **Caring for a family member, friend, or pet in another household or residence, and to transport a family member, friend or their pet for essential health and safety activities, and to obtain necessary supplies and services.**
  - 4) **Engaging in outdoor exercise activities, such as walking, hiking, running or biking, but only if appropriate social distancing practices are used.**
- b. **Employment in essential business services means an essential employee performing work for an essential business as identified in the "[Essential Critical Infrastructure Workers](#)" list, or carrying out minimum basic operations (as defined in Section 3(d) of this Order) for a non-essential business.**
- c. **This prohibition shall not apply to individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence. These individuals are permitted and urged to leave their homes or residences and stay at a safe alternate location.**
- d. **This prohibition also shall not apply to individuals experiencing homelessness, but they are urged to obtain shelter, and governmental and other entities are strongly encouraged to make such shelter available as soon as possible and to the maximum extent practicable.**

Appendix B shows Proclamation 20-25: COVID-19: Stay Home, Stay Healthy

- e. For purposes of this Proclamation, homes or residences include hotels, motels, shared rental units, shelters, and similar facilities.
2. **All people in Washington State shall immediately cease participating in all public and private gatherings and multi-person activities for social, spiritual and recreational purposes, regardless of the number of people involved, except as specifically identified herein.** Such activity includes, but is not limited to, community, civic, public, leisure, faith-based, or sporting events; parades; concerts; festivals; conventions; fundraisers; and similar activities. This prohibition also applies to planned wedding and funeral events. This prohibition shall remain in effect until midnight on April 6, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that all people in Washington State are immediately prohibited from participating in public and private gatherings of any number of people for social, spiritual and recreational purposes. **This prohibition shall not apply** to activities and gatherings solely including those people who are part of a single household or residential living unit.

3. **Effective midnight on March 25, 2020, all non-essential businesses in Washington State shall cease operations except for performing basic minimum operations.** All essential businesses are encouraged to remain open and maintain operations, but must establish and implement social distancing and sanitation measures established by the United States Department of Labor or the Washington State Department of Health Guidelines. This prohibition shall remain in effect until midnight on April 8, 2020, unless extended beyond that date.

**To implement this mandate, I hereby order** that, effective midnight on March 25, 2020, all non-essential businesses in Washington State are prohibited from conducting all activities and operations except minimum basic operations.

- a. **Non-essential businesses** are strongly encouraged to immediately cease operations other than performance of basic minimum operations, but must do so no later than midnight on March 25, 2020.
- b. **Essential businesses** are prohibited from operating under this Proclamation unless they establish and implement social distancing and sanitation measures established by the United States Department of Labor's Guidance on Preparing Workplaces for COVID-19 at <https://www.osha.gov/Publications/OSHA3990.pdf> and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.
- c. **This prohibition does not apply** to businesses consisting exclusively of employees or contractors performing business activities at their home or residence, and who do not engage in in-person contact with clients.

- d. For purposes of this Proclamation, minimum basic operations are the minimum activities necessary to maintain the value of the business' inventory, preserve the condition of the business' physical plant and equipment, ensure security, process payroll and employee benefits, facilitate employees of the business being able to continue to work remotely from their residences, and related functions.

This Proclamation shall not be construed to prohibit working from home, operating a single owner business with no in-person, on-site public interaction, or restaurants and food services providing delivery or take-away services, so long as proper social distancing and sanitation measures are established and implemented.

No business pass or credentialing program applies to any activities or operations under this Proclamation.

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 23<sup>rd</sup> day of March, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

*/s/*  
\_\_\_\_\_  
Jay Inslee, Governor

BY THE GOVERNOR:

*/s/*  
\_\_\_\_\_  
Secretary of State

## Appendix C: Proclamation 20-45: COVID-19: Protection Orders and Personal Service

JAY INSLEE  
Governor



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

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### PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATION 20-05

20-45

#### Protection Orders and Personal Service

**WHEREAS**, on February 29, 2020, I issued Proclamation 20-05, proclaiming a State of Emergency for all counties throughout the state of Washington 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 20-44, 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 is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses; and

**WHEREAS**, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 and 20-25.1 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

**WHEREAS**, protection from harassment, violence, stalking, abuse, intimidation, and other forms of harm is a vital governmental function, as is protection from the COVID-19 pandemic, and public health agencies indicate that the COVID-19 pandemic and travel restrictions enacted in response to the COVID-19 pandemic will increase the need for various types of protection orders; and

**WHEREAS**, law enforcement agencies, advocates, and service providers nationally have reported an increase in domestic violence reports; and

**WHEREAS**, domestic violence survivors rely on protection orders for their immediate safety and peace of mind. Access to expedient court review, processing, and service of orders is essential to

their safety, and perpetual litigation of protection orders creates additional danger for domestic violence survivors; and

**WHEREAS**, emergency protection orders mitigate the danger of domestic violence survivors' efforts to separate from their abusers and other situations with heightened risk of lethality, making access to emergency protection orders vital to public safety; and

**WHEREAS**, domestic violence survivors and other petitioners obtain emergency protection orders through the state's district, municipal, and superior civil court systems, making predictable, sustained, and consistent access to the court systems also vital to public safety; and

**WHEREAS**, current statutes limit court authority to issue initial or preliminary protection orders effective for more than a short time period, and require personal service of process and full court hearings to extend the effective time of the protection orders; and

**WHEREAS**, directives issued by the Governor, limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited, and

**WHEREAS**, Washington State residents who are threatened or are experiencing violence, harassment, stalking, or abuse face obstacles and restrictions that hinder their ability to safely access the courts and obtain protection orders during the COVID-19 pandemic; and

**WHEREAS**, we must take additional steps to preserve access to our courts, expeditious review and processing, particularly for emergency orders, timely service, and vigorous enforcement of civil protection orders for victims to preserve public safety; and

**WHEREAS**, on March 20, 2020, our Washington State Supreme Court directed courts to make use of available technology whenever possible to conduct judicial proceedings and court operations remotely, in order to continue to provide access to justice and to protect the health and safety of the public, court personnel, jurors, litigants, court personnel, and witnesses; and

**WHEREAS**, in order to support courts in conducting essential court functions, proceedings, preliminary hearings, and full hearings, while at the same time implementing the social-distancing measures necessary to limit the spread of COVID-19, it is necessary to suspend certain provisions of statutes related to protection orders to the extent they create barriers regarding the use of technology. In many cases, technology, including but not limited to video, audio and telephonic means, can be used to conduct judicial proceedings and court operations remotely, and to allow for remote appearances. Technology may also provide the means to e-file documents; to allow service of process by law enforcement through means such as text, email, or other social media; to enable the electronic exchange and authentication of documentary evidence; and to facilitate remote interpreting, remote reporting, and electronic recording to make the official records of actions or proceedings; and

**WHEREAS**, requiring personal service of process and in-person hearings for protection orders may pose a health risk and be impractical due to COVID-19; and

**WHEREAS**, with current technology, courts can modify operations to allow for telephonic and electronic filing of civil protection orders and telephonic and video participation in hearings to provide access without requiring in-person participation; and

**WHEREAS**, statutes currently require personal service of all pleadings and orders, except for service by mail or by publication under specific and very limited conditions, with prior court permission; and

**WHEREAS**, electronic means of service – by email or text message, or through social media applications – are readily available to law enforcement personnel and restrained parties. Electronic communications are instantaneous, inexpensive, and simple to document and preserve; and

**WHEREAS**, service by mail requires a petitioner to physically go to a post office and interact with another person to pay for and initiate a certified mailing, and service by publication is costly and time-consuming and is the least effective method of proving that a respondent had prior knowledge of an order for enforcement purposes; and

**WHEREAS**, personal service by law enforcement remains a priority for all protection orders (domestic violence, sexual assault, stalking, extreme risk, and others), particularly when the restrained person has been ordered to surrender weapons, when the restrained person needs to be vacated from a shared residence, for child custody transfers, or in other cases where public safety demands it; and

**WHEREAS**, waiving certain statutory time restrictions or requirements relating to court-issued initial or preliminary protection orders will enable judges and magistrates to issue protection orders that remain effective for periods of time appropriate to the facts of the individual case; and

**WHEREAS**, waiving certain statutory requirements for personal service and certain statutory requirements for full and in-person hearings that may not be necessary or appropriate for the individual case will minimize personal contacts that could contribute to the spread of COVID-19; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains 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, as



amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that limit the authority of courts to issue initial protection orders for more than a short period of time without full and/or in-person hearings; and to allow for use of alternative means of service, including electronic means of service, while continuing in-person service by law enforcement, when feasible, when courts have ordered firearms to be surrendered and there are concerns about increased risk of lethality, or other important public safety matters arise, including when a respondent is to be removed from a shared residence or child custody matter needs to be addressed.

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.

As a result of this event, 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 in its entirety, except as otherwise provided herein with specific language stricken (for example, “~~personal~~”), until 11:59PM on May 10, 2020:

1. RCW 10.14.070, (Harassment, Hearing—Service), the following stricken language only: Upon receipt of the petition alleging a prima facie case of harassment, other than a petition alleging a sex offense as defined in chapter 9A.44 RCW or a petition for a stalking protection order under chapter 7.92 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ If the petition alleges a sex offense as defined in chapter 9A.44 RCW, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ ~~Except as provided in RCW 10.14.085, personal~~ service shall be made upon the respondent not less than five court days before the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided by RCW 10.14.085.~~ ~~If the court permits service by publication, the court shall set the hearing date not later than twenty-four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 10.14.080 and 10.14.085.
2. RCW 10.14.080(2), (Harassment: Antiharassment protection orders –Ex parte temporary-et al) the following stricken language only:

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted.~~ Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

3. RCW 10.14.080(5), (Harassment: Antiharassment protection orders –Ex parte temporary—et al), the following stricken language only:

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing ~~which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085,~~ personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service ~~or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date not later than twenty-four days from the date of the order.~~ If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.
4. RCW 10.14.085(1)(a) through (d), (Harassment: Hearing reset after ex parte order—Service by publication—et al)
5. RCW 10.14.100, (Harassment: Service of order.), the following stricken language only:
  - (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section.
  - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
  - (3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.

- (4) Returns of service under this chapter shall be made in accordance with the applicable court rules.
- (5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.
- (6) Except in cases where the petitioner has fees waived under RCW 10.14.055 or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
- (7) ~~If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080.~~ Service by publication must comply with the requirements of RCW 10.14.085.
6. RCW 26.09.060(3), (Dissolution Proceedings: Temporary maintenance or child support et al)
- (3) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period ~~not to exceed fourteen days, or upon court order, not to exceed twenty four days if necessary to ensure that all temporary motions in the case can be heard at the same time.~~
7. RCW 26.50.050, (Domestic Violence Protection: Hearing—Service—Time): the following stricken language only:
- Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require an additional attempt at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty four days from the date of the order.~~ The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.

8. RCW 26.50.060(2) and (6), (Domestic Violence Prevention: Relief et al): the following stricken language only:
  - (2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period ~~not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, \*26.10, 26.26A, or 26.26B RCW.~~ With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.
  - (6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following ~~personal service, service by publication, or service by mail~~ and whether the court has approved service by ~~publication or mail of an order issued under this section.~~
  
9. RCW 26.50.070(5), (Domestic Violence Prevention: Ex parte temporary order for protection), the following stricken language only:
  - (5) An ex parte temporary order for protection shall be effective for a fixed period ~~not to exceed fourteen days or twenty four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123.~~ The ex parte temporary order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the ex parte temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123,~~ the respondent shall be personally served with a copy of the ex parte temporary order along with a copy of the petition and notice of the date set for the hearing.
  
10. RCW 26.50.085(1)(a) through (d), (Domestic Violence Prevention: Hearing reset after ex parte order et al), the following stricken language only:
  - (1) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:~~
    - (a) ~~The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;~~
    - (b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~
    - (c) ~~The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and~~
    - (d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.~~

11. RCW 26.50.090, (Domestic Violence Prevention: Order—Service—Fees), the following stricken language only:
- (1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsections (6) ~~and (8)~~ of this section.
  - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
  - (3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
  - (4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
  - (5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
  - (6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.
  - (7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.
  - (8) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.~~
12. RCW 26.50.123(1), (Domestic Violence Prevention: Service by mail), the following stricken language only:
- (1) ~~In circumstances justifying service by publication under RCW 26.50.085(1), if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

13. RCW 74.34.120(1), (2) and (3), (Abuse of Vulnerable Adults: Protection of vulnerable adults—Hearing), the following stricken language only:
- (1) The court shall order a hearing on a petition under RCW 74.34.110 ~~not later than fourteen days from the date of filing the petition.~~
- (2) ~~Personal~~ service shall be made upon the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the respondent have been unsuccessful, the court shall permit service by mail or by publication.~~
- (3) When a petition under RCW 74.34.110 is filed by someone other than the vulnerable adult, notice of the petition and hearing must be ~~personally~~ served upon the vulnerable adult not less than six court days before the hearing. In addition to copies of all pleadings filed by the petitioner, the petitioner shall provide a written notice to the vulnerable adult using the standard notice form developed under RCW 74.34.115. ~~When good faith attempts to personally serve the vulnerable adult have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~
- (4) If timely service under subsections (2) and (3) of this section cannot be made, the court shall continue the hearing date until the substitute service approved by the court has been satisfied.
- (5)(a) A petitioner may move for temporary relief under chapter 7.40 RCW. The court may continue any temporary order for protection granted under chapter 7.40 RCW until the hearing on a petition under RCW 74.34.110 is held.
- (b) Written notice of the request for temporary relief must be provided to the respondent, and to the vulnerable adult if someone other than the vulnerable adult filed the petition. A temporary protection order may be granted without written notice to the respondent and vulnerable adult if it clearly appears from specific facts shown by affidavit or declaration that immediate and irreparable injury, loss, or damage would result to the vulnerable adult before the respondent and vulnerable adult can be served and heard, or that show the respondent and vulnerable adult cannot be served with notice, the efforts made to serve them, and the reasons why prior notice should not be required.
14. RCW 74.34.135(2), reflecting amendments passed by the Legislature in 2020 pursuant to ESSB 6287, Chapter 312, 2020 Laws, and signed by the Governor on April 2, 2020, that are not yet codified in the RCWs (Abuse of Vulnerable Adults: Protection of vulnerable adults—Filings by others—Dismissal of petition or order et al), the following stricken language only:
- (2) An evidentiary hearing on the issue of whether the vulnerable adult is unable, due to incapacity, undue influence, or duress, to protect his or her person or estate in connection with the issues raised in the petition or order, shall be held ~~within fourteen days of entry of the temporary order for protection under subsection (1) of this section. If the court did not enter a temporary order for protection, the evidentiary hearing shall be held within fourteen days of the prior hearing on the petition.~~ Notice of the time and place of the evidentiary hearing shall be ~~personally~~ served upon the vulnerable adult and the respondent not less than six court days before the hearing. ~~When good faith attempts to personally serve the vulnerable adult and the respondent have been unsuccessful, the court shall permit service by mail, or by publication if the court determines that personal service and service by mail cannot be obtained.~~ If timely service cannot be made, the court may set a new hearing date. A hearing under this subsection is not necessary if the vulnerable adult has been determined to be ~~((fully incapacitated over 38 either the person or the estate, or both, under the guardianship laws,))~~ subject to a guardianship.

conservatorship, or other protection arrangement under chapter ((41.88)) 11.130 RCW. If a hearing is scheduled under this subsection, the protection order shall remain in effect pending the court's decision at the subsequent hearing.

15. RCW 7.90.050: (Sexual Assault Protection Order: Petition etal), the following stricken language only:  
Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. ~~If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.~~ The court may issue an ex parte temporary sexual assault order pending the hearing as provided in RCW 7.90.110.
16. RCW 7.90.052(1), (Sexual Assault Protection Order: Service by publication), Subsection (1) is stricken in its entirety.
17. RCW 7.90.053(1), (Sexual Assault Protection Order: Service by mail), the following stricken language only:  
(1) ~~In circumstances justifying service by publication under RCW 7.90.052, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. The service must be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies must be mailed, postage prepaid, one by ordinary first-class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~
18. 7.90.120(1)(a), (Sexual Assault Protection Order: Ex parte orders), the following stricken language only:  
(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period ~~not to exceed fourteen days.~~ A full hearing, as provided in this chapter, shall be set for ~~not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or service by mail is permitted.~~ If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order ~~not to exceed another twenty-four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or~~

~~7.90.053~~, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

19. RCW 7.90.121(4), (Sexual Assault Protection Order: Renewal of ex parte order), the following stricken language only:
  - (4)(a) If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held ~~not later than fourteen days from the date of the order.~~
  - (b) The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
  - (c) The respondent shall be personally served not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. ~~The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty four days from the date of the order.~~
20. RCW 7.90.140, (Sexual Assault Protection Order: Service to respondent), the following stricken language only:
  - (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.
  - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.
  - (3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.
  - (4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~
  - (5) Returns of service under this chapter shall be made in accordance with the applicable court rules.
  - (6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.
  - (7) ~~If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication under RCW 7.90.052 or service by mail under RCW 7.90.053, the court may permit service by publication or service by mail of~~



~~the order of protection issued under this chapter. Service by publication must comply with the requirements of RCW 7.90.052 and service by mail must comply with the requirements of RCW 7.90.053. The court order must state whether the court permitted service by publication or service by mail.~~

21. RCW 7.90.170(3), (Sexual Assault Protection Order: Modification or termination of protection orders), the following stricken language only:
  - (3) The court shall order that a hearing on the motion for termination or modification of the order be held ~~not later than fourteen days from the date of the order.~~ The nonmoving party shall be ~~personally~~ served not less than five days before the hearing. If timely service cannot be made, the court shall set a new hearing date and shall ~~either~~ require additional attempts at obtaining ~~personal~~ service ~~or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053.~~ ~~If the court permits service by mail or service by publication, the court shall set the new hearing date not later than twenty four days from the date of the order.~~
  
22. RCW 7.92.060, (Jennifer Paulson Stalking Protection Order: Petition et al) The following stricken language only:

Upon receipt of the petition, the court shall order a hearing ~~which shall be held not later than fourteen days from the date of the order.~~ The court may schedule a hearing by telephone, ~~to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further stalking behavior.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. ~~Except as provided in RCW 7.92.150, personal~~ service shall be made upon the respondent not less than five court days prior to the hearing. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall require additional attempts at obtaining ~~personal~~ service ~~or other service as permitted under RCW 7.92.150.~~ The court may issue an ex parte temporary stalking order pending the hearing as provided in RCW 7.92.120.
  
23. RCW 7.92.120(5), (Jennifer Paulson Stalking Protection Order: Ex parte temporary order et al), the following stricken language only:
  - (5) An ex parte temporary stalking protection order shall be effective for a fixed period ~~not to exceed fourteen days or twenty four days if the court has permitted service by publication or mail.~~ The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set ~~for not later than fourteen days from the issuance of the temporary order or not later than twenty four days if service by publication or by mail is permitted.~~ ~~Unless the court has permitted service by publication or mail,~~ the respondent shall be ~~personally~~ served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.
  
24. RCW 7.92.150(1) through (7)(e) and (8), (Jennifer Paulson Stalking Protection Order: Protection orders—service to respondent et al), the following stricken language only:
  - (1) An order issued under this chapter shall be ~~personally~~ served upon the respondent, except as provided in subsection (6), ~~(7), or (8)~~ of this section. If the respondent is a minor, the respondent's parent or legal custodian shall also be ~~personally~~ served.
  - (2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent ~~personally~~ unless the petitioner elects to have the respondent served by a private party. If the order includes a requirement under

RCW 9.41.800 for the immediate surrender of all firearms, dangerous weapons, and any concealed pistol license, the order must be served by a law enforcement officer.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter electronically forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. ~~The petitioner shall provide information sufficient to permit notification.~~

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared ~~in person~~ before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) If the respondent was not ~~personally~~ served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing ~~for twenty-four days from the date of entry of the order~~ and may order service by publication ~~instead of personal service under the following circumstances:~~

(a) ~~The sheriff or municipal officer or private process server files an affidavit stating that the officer or private process server was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer or private process server made to complete service;~~

(b) ~~The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the respondent is avoiding service;~~

(c) ~~The server has deposited a copy of the petition, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address;~~

(d) ~~The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome;~~

(e) ~~The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication; and~~

...

(8) ~~In circumstances justifying service by publication under subsection (7) of this section, if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.~~

- (a) Proof of service under this section shall be consistent with court rules for civil proceedings.
- (b) ~~Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.~~

25. RCW 7.94.040(1), (Extreme Risk Protection Orders: Hearings on petition et al), the following stricken language only:
- (1) Upon receipt of the petition, the court shall order a hearing to be held ~~not later than fourteen days from the date of the order~~ and issue a notice of hearing to the respondent for the same.
  - (a) The court may schedule a hearing by telephone ~~pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm.~~ The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.
  - (b) The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.
  - (c) ~~Personal~~ service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five court days prior to the hearing. Service issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely ~~personal~~ service cannot be made, the court shall set a new hearing date and shall ~~either require additional attempts at obtaining personal service or permit service by publication or mail as provided in RCW 7.94.070. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than twenty four days from the date the order issues.~~
  - (d) The court may, as provided in RCW 7.94.050, issue an ex parte extreme risk protection order pending the hearing ordered under this subsection (1). Such ex parte order must be served concurrently with the notice of hearing and petition.
26. RCW 7.94.050(5), (Extreme Risk Protection Orders: Ex parte orders), the following language only:
- (5) In accordance with RCW 7.94.040(1), the court shall schedule a hearing ~~within fourteen days of the issuance of an ex parte extreme risk protection order~~ to determine if a one-year extreme risk protection order should be issued under this chapter.
27. RCW 7.94.060(1), (2) and (6), (Extreme Risk Protection Orders: Service of orders), the following stricken language only:
- (1) An extreme risk protection order issued under RCW 7.94.040 must be ~~personally~~ served upon the respondent, except as otherwise provided in this chapter.
  - (2) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent ~~personally, unless the petitioner elects to have the respondent served by a private party.~~

...

(6) ~~If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte extreme risk protection order, by publication or mail under RCW 7.94.070, or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the extreme risk protection order issued under this chapter as provided in RCW 7.94.070. The court order must state whether the court permitted service by publication or service by mail.~~

**ADDITIONALLY**, while the purposes of this order are to ensure access to justice for victims; to promote public safety and public health; and to relieve the severe strain on our judicial system and law enforcement officers during the COVID-19 crisis, nothing in this order prohibits the use of personal service, including in instances in which it is no longer required under statute. Furthermore, personal service is encouraged whenever possible, but in particular in all cases in which public safety demands personal service.

**ADDITIONALLY**, my Office acknowledges the extraordinary steps already taken by our Supreme Court to encourage or require telephonic and other remote hearings, online filing, and other approaches in order to prevent further outbreak of the virus while maintaining consistent and equitable access to justice. This Order is intended to complement, support, and further those efforts.

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 10th day of April, A.D., Two Thousand and Twenty at Olympia, Washington.

By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State

## Appendix D: Proclamation 20-47: COVID-19: Criminal Justice – Limitation of Actions

JAY INSLEE  
Governor



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### PROCLAMATION BY THE GOVERNOR AMENDING PROCLAMATIONS 20-05

20-47

#### Criminal Justice - Limitation of Actions

**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 20-46, 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 is causing a sustained global economic slowdown, which is causing an economic downturn throughout Washington State with layoffs and reduced work hours for a significant percentage of our workforce due to the closure of nonessential businesses, and has also impacted the ability of essential functions, like our courts, to be fully accessible and operational; and

**WHEREAS**, in response to the COVID-19 pandemic and consistent with directives from public health agencies such as the World Health Organization, the federal Center for Disease Control and Prevention, and the State of Washington Department of Health, the Governor has issued amendatory Proclamations 20-25 and 20-25.1 (“Stay Home, Stay Healthy”) restricting Washington residents’ movement outside their homes; and

**WHEREAS**, directives issued by the Governor, limited court access ordered by the judiciary, directives from public health authorities, and other restrictions enacted in response to the COVID-19 pandemic, make access to Washington State courts extremely limited and restrict court operations; and

**WHEREAS**, current statutes limit prosecutors' and courts' ability to file and process criminal cases during the COVID-19 pandemic, and temporarily waiving and suspending some statutes of limitation and other timelines will help courts maintain the criminal justice system during the COVID-19 pandemic; and

**WHEREAS**, preserving the rights of individuals to petition the court for post-conviction relief is essential to our system of justice, and current statutes also limit an individual's right to seek such relief; and

**WHEREAS**, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains 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, as amended, remains in effect, and that Proclamation 20-05 is amended to waive and suspend specified statutes that limit prosecutors' and courts' ability to file and process criminal cases, and is also amended to waive and suspend statutes that limit an individual's right to seek post-conviction relief, during the COVID-19 pandemic.

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.

As a result of this event, 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 restrict the ability of prosecutors and courts to file and process criminal cases, and will restrict



## Appendix E: Proclamation 20-50: COVID-19: Reducing Prison Population

JAY INSLEE  
Governor



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OFFICE OF THE GOVERNOR

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**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)



## Appendix F: Proclamation 20-80: DOC - Prison Commitments

JAY INSLEE  
Governor



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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.

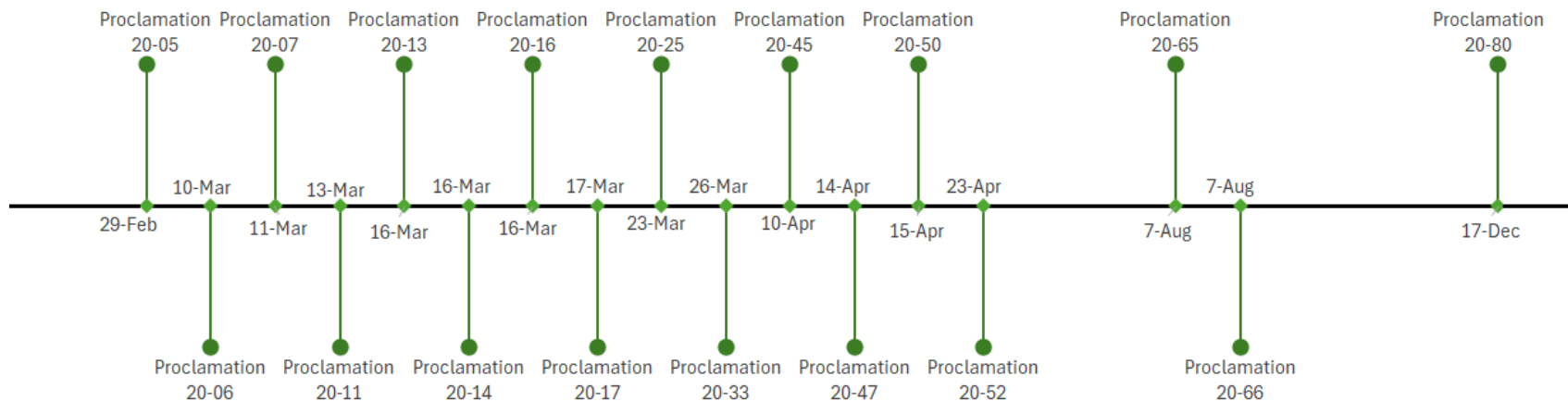
By:

\_\_\_\_\_  
/s/  
Jay Inslee, Governor

BY THE GOVERNOR:

\_\_\_\_\_  
/s/  
Secretary of State

## Appendix G: Timeline of COVID-19 Proclamations Impacting the Criminal Justice and Legal System



**Notes:** Proclamation 20-05: COVID-19; Proclamation 20-06: COVID-19; Proclamation 20-07: COVID-19; Proclamation 20-11: COVID-19: Gatherings Amendment; Proclamation 20-13: COVID-19: Statewide Limits: Food and Beverage Services, Areas of Congregation; Proclamation 20-14: COVID-19: Reduction of Statewide Limits on Gatherings; Proclamation 20-16: COVID-19: Statewide Limits on LTC - No Visitors; Proclamation 20-17: COVID-19: Prohibiting Visitors at LTCs; Proclamation 20-25: COVID-19: Stay Home, Stay Healthy; Proclamation 20-33: COVID-19: Visitation and Remedial Services; Proclamation 20-45: COVID-19: Protection Orders and Personal Service; Proclamation 20-47: COVID-19: Criminal Justice – Limitation of Actions; Proclamation 20-50: COVID-19: Reducing Prison Population; Proclamation 20-52: COVID-19: Statewide Orders Relating to Long-Term Care; Proclamation 20-65 COVID-19: Long Term Care – Workers, Facilities, and Resources; Proclamation 20-66: COVID-19: Long Term Care - Operations and Visitation; Proclamation 20-80: DOC - Prison Commitments

## Appendix H: JDW Overview

Table 1 shows the data tables that are integrated into the JDW by agency, table name and purpose, years covered, and number of data elements, and Table 2 dives deeper by showing the data elements of the JDW by agency, table name, variables name, definition, and data type.

**Table 1. JDW Data Table**

Agency	Table/File Name	Table/File	Purpose	Years Covered	Data Variables	Table Granularity
<b>Administrative Office of the Courts (AOC)</b>	Bulk Case and Charge Data	includes case level data (court name and level; case num, type, and cause; charge date, law and result; sentence information)	01/01/2010-present	26	all cases seen by courts in WA	
<b>Administrative Office of the Courts (AOC)</b>	Bulk Case and Person Data	includes demographic details (name, alias, race/ethnicity, DOB, etc.) and the case (court name and level, case num, type, etc.) associated to them	01/01/2010-present	16	all cases seen by courts in WA	
<b>Caseload Forecast Council (CFC)</b>	Sentence	includes data about information associated with the sentence imposed; each record contains information from a J&S.	01/01/2000-present	34	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state	
<b>Caseload Forecast Council (CFC)</b>	Current Offenses	includes data about current offense; each record represents the individual count level within one sentencing document and contains the sentencing on the current offenses.	01/01/2000-present	13	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state	
<b>Caseload Forecast Council (CFC)</b>	Other Current Offenses	includes data about other the current offense(s); each record represents an offense at the count level for convictions entered or sentenced on the same date as the conviction(s)	01/01/2000-present	5	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state	
<b>Caseload Forecast Council (CFC)</b>	Offender	Includes the demographic information of the person for each sentence imposed in the fiscal year, as reported on J&S	01/01/2000-present	7	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state	
<b>Caseload Forecast Council (CFC)</b>	Historical Offenses	includes data about criminal history; each record within the table represents an offense in the individual's criminal history (convictions existing before the date of the current conviction).	01/01/2000-present	5	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state	



<b>Caseload Forecast Council (CFC)</b>	Exceptional Sentence Reasons	includes data about exceptional sentence reasons; the court may impose a sentence outside the standard sentence range for an offense if it finds that there are substantial reasons justifying an exceptional sentence	01/01/2000-present	2	Individual-level sentenced-based data (J&S) from each county for every felony sentence imposed in the state
<b>Department of Corrections (DOC)</b>	Person_ xxxx	includes data about the DOC individual - demographic details such as name, alias, race/ethnicity, homelessness, etc.	04/01/1953-present	66	Incarcerated Individuals in WADOC jurisdiction
<b>Department of Corrections (DOC)</b>	Programs_ xxxx	includes data about the programs (e.g., SOTAP, PIO) that the DOC individual participate(d/s) in	04/01/1953-present	19	Incarcerated Individuals in WADOC jurisdiction
<b>Department of Corrections (DOC)</b>	AdmitReleases_ xxxx	includes data about a DOC individual's admissions, releases, and movements	04/01/1953-present	45	Incarcerated Individuals in WADOC jurisdiction
<b>Department of Corrections (DOC)</b>	Crime_ xxxx	includes data about a DOC individual's crime/offense related to DOC custody	04/01/1953-present	22	Incarcerated Individuals in WADOC jurisdiction
<b>Department of Corrections (DOC)</b>	Custody_ xxxx	includes data about a DOC individual's custody level information	04/01/1953-present	11	Incarcerated Individuals in WADOC jurisdiction
<b>Washington Association of Sheriffs &amp; Police Chiefs (WASPC)</b>	WASPC_RECID_REPORT_20xx-xx-xx	provides individual level booking and release records from most city and county jails in Washington	09/01/2009-present	35	jail and booking releases on an individual level basis