

Chapter 10.110 RCW
INDIVIDUALS IN CUSTODY—HEALTH CARE SERVICES

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RCW 10.110.010 Officer defined. For purposes of this chapter, "officer" means a law enforcement officer, corrections officer, or guard supplied by a law enforcement or corrections agency. [2015 c 267 § 6.]

RCW 10.110.020 Individuals in custody for violent offense or sex offense—Officer to accompany or secure. Any individual in custody for a violent offense or a sex offense as those terms are defined in RCW 9.94A.030 who is brought by, or accompanied by, an officer to a hospital must continue to be accompanied or otherwise secured by an officer during the time that the individual is receiving care at the hospital. However, this section does not apply to an individual being supervised by the department of corrections if the individual's custody is the result solely of a sanction imposed by the department of corrections, the indeterminate sentence review board, or the court, in response to a violation of conditions. [2015 c 267 § 1.]

RCW 10.110.030 Individuals receiving medical care—Requirements for not being accompanied or secured. (1) An individual receiving medical care under this section need not continue to be accompanied or otherwise secured if:

- (a) The individual's medical care provider so indicates; or
- (b) The officer determines, using his or her best judgment, that:
 - (i) The individual does not present an imminent and significant risk of causing physical harm to themselves or another person;
 - (ii) There is no longer sufficient evidentiary basis to maintain the individual in custody; or
 - (iii) In the interest of public safety, the presence of the officer is urgently required at another location and the officer determines, using his or her best judgment and in consultation with his or her supervisor, if available on duty, that the public safety interest outweighs the need to accompany or secure the individual in the hospital.

(2) (a) In the event that a medical care provider determines the individual need not be accompanied or otherwise secured pursuant to subsection (1)(a) of this section, the officer has no ongoing duty to accompany or otherwise secure the individual for the duration of their treatment by the hospital. When a medical care provider indicates that a person need not be accompanied or otherwise secured, the hospital

must notify the officer or the officer's designee when the individual is expected to be released by the hospital.

(b) If, after a medical provider indicates that the individual need not be accompanied or otherwise secured pursuant to subsection (1)(a) of this section, the individual demonstrates behavior that presents an imminent and significant risk of causing physical harm to themselves or others and the physical condition of the individual renders the individual capable of causing physical harm to themselves or others, the hospital may request the presence of an officer to guard or otherwise accompany the individual, in which case subsection (1)(a) and (b) of this section still apply.

(3) In the event the officer determines the individual need not be accompanied or otherwise secured pursuant to subsection (1)(b)(i) or (ii) of this section, the officer must notify the medical care provider that the officer is leaving the individual unattended or unsecured, in which case the hospital has no duty to notify the officer when the individual is, or expected to be, released from the hospital.

(4) In the event that the officer is urgently required at another location pursuant to subsection (1)(b)(iii) of this section, the officer must notify the medical care provider or, if an immediate departure is required, other hospital staff member that the officer is leaving the individual unattended or unsecured and make a reasonable effort to ensure a replacement officer or other means of accompanying or securing the individual as soon as reasonably possible under the circumstances. The hospital must notify the officer or the officer's designee if the individual is, or is expected to be, released from the hospital prior to the officer or a replacement officer returning to resume accompanying or otherwise securing the individual.

(5) Except for actions or omissions constituting gross negligence or willful misconduct, the hospital and health care providers as defined in chapter 18.130 RCW are immune from liability, including civil liability, professional conduct sanctions, and administrative actions resulting from the individual not being accompanied or secured. [2015 c 267 § 2.]

RCW 10.110.040 Treatment in hospital emergency department. In a case where an individual accompanied or otherwise secured by an officer pursuant to chapter 267, Laws of 2015 is waiting for treatment in a hospital emergency department, the hospital shall see the patient in as expeditious a manner as possible, while taking into consideration best triage practices and federal and state legal obligations regarding appropriate screening and treatment of patients. [2015 c 267 § 3.]

RCW 10.110.050 Civil liability. The provisions of chapter 267, Laws of 2015 do not constitute a special relationship exception to the public duty doctrine. Officers and their employing departments and agencies and representatives are immune from civil liability arising out of the failure to comply with chapter 267, Laws of 2015, unless it is shown that, in the totality of the circumstances, the officer, employing department, agency, or representative acted with gross negligence or bad faith. [2015 c 267 § 4.]

RCW 10.110.060 No changes to standard of care—Restraints on pregnant women or youth. Nothing in this chapter changes the standards of care with regard to the use of restraints on pregnant women or youth in custody as codified in chapters 70.48 and 72.09 RCW. [2015 c 267 § 5.]