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ORIGINAL

ORDINANCE NO. 1397

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADDING A NEW CHAPTER 2.88 TO THE REDMOND MUNICIPAL CODE, ENTITLED "JAIL FACILITIES," WHICH ADOPTS JAIL FACILITY OPERATING STANDARDS; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Redmond, Washington, acknowledges that a recently enacted state law contained in Chapter 462, Laws of 1987, requires cities to adopt jail facility operations standards to replace state standards by January 1, 1988, and

WHEREAS, the state law also requires cities to consider guidelines established collectively by Washington cities and towns, and

WHEREAS, in compliance with the state law, the Association of Washington Cities has adopted the current Corrections Standards Board "Custodial Care Standards" contained in Chapters 289-02 and 289-14 through 24 of the Washington Administrative Code as recommended guidelines for jail facility operations standards, now, therefore

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. There is hereby added a new chapter 2.88 to the Redmond Municipal Code, entitled "Jail Facilities," to read as follows:

2.88.010. The following chapters and sections of the Washington Administrative Code which pertain to 6-hour "holding facilities," as defined therein, which are not classified as advisory, including all future amendments thereto, are hereby adopted by reference pursuant to the requirements of Chapter 70.48 RCW, as amended by Chapter 462, Section 17, Laws of 1987:

- A) Chapter 289-02 WAC Introduction and Definitions
- B) Chapter 289-14 WAC Administration
- C) Chapter 289-15 WAC Safety
- D) Chapter 289-16 WAC Operations
- E) Chapter 289-18 WAC Security

- F) Chapter 289-19 WAC Prisoner Conduct
- G) Chapter 289-20 WAC Health & Welfare
- H) Chapter 289-24 WAC Communications
- I) WAC 289-22-100(6)(c) Counseling
- J) WAC 289-22-110(3) Work Programs

Section 2. The City Clerk is hereby directed to record an authenticated copy of WAC Chapters 289-02 and 289-14 through 289-24 with this ordinance and to maintain not less than one copy of such rules on file in the Office of the City Clerk for use and examination by the public pursuant to RCW 35A.12.140.

Section 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.

APPROVED:

Doreen Marchione
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

Louis A. Schauble
CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: Tom C. Martin

FILED WITH THE CITY CLERK: 12-3-87
 PASSED BY THE CITY COUNCIL: 12-8-87
 PUBLISHED: 12-13-87
 EFFECTIVE DATE: 12-18-87
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Title 289 WAC
CORRECTIONS STANDARDS BOARD
(Formerly: Jail Commission)

Chapters

| | |
|--------|---|
| 289-02 | Introduction and definitions. |
| 289-04 | Organization and methods of operation. |
| 289-06 | Access to public records. |
| 289-10 | Physical plant standards for special detention and work release facilities. |
| 289-12 | Physical plant standards. |
| 289-13 | Jail construction funding procedures. |
| 289-14 | Custodial care standards--Administration. |
| 289-15 | Custodial care standards--Safety. |
| 289-16 | Custodial care standards--Operations. |
| 289-18 | Custodial care standards--Security. |
| 289-19 | Custodial care standards--Prisoner conduct. |
| 289-20 | Custodial care standards--Health and welfare. |
| 289-22 | Custodial care standards--Services and programs. |
| 289-24 | Custodial care standards--Communications. |
| 289-26 | Custodial care standards for special detention facilities. |
| 289-28 | Custodial care standards for work release facilities. |
| 289-30 | Custodial care standards--Enforcement procedures. |

Chapter 289-02 WAC
INTRODUCTION AND DEFINITIONS

WAC

| | |
|------------|---|
| 289-02-010 | General. |
| 289-02-020 | Definitions. |
| 289-02-030 | Classification change. |
| 289-02-040 | Classification and uses of holding facilities. |
| 289-02-050 | Classification and uses of special detention and work release facilities. |

WAC 289-02-010 General. The rules set forth in this title are adopted by the state jail commission pursuant to and for purposes of fulfilling the mandates of the *City and County Jails Act, chapter 70.48 RCW*.

[Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-02-010, filed 6/27/79.]

WAC 289-02-020 Definitions. The following words and phrases shall have the meaning indicated whenever used in this title unless a different meaning is specifically indicated.

(1) "Clear floor space" means floor area which is unobstructed by any permanent fixture.

(2) "Contraband" means any substance or item not specifically permitted by a jail administration.

(3) "Commission" or "state jail commission" refers to the commission established pursuant to RCW 70.48.030.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed and used for housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Day room" means an area to which prisoners have unrestricted access during all or part of a day for leisure, dining, hygiene, or similar activities. This definition does not include areas specifically designed for physical exercise.

(6) "Detention facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(7) "Dormitory" means a secured sleeping and day room area occupied by more than one prisoner, provided, that the term "dormitory" shall not include a single cell presently operated as a cell and originally designed for single occupancy.

(8) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(9) "Holding facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(10) "Jail" means any holding, detention, or correctional facility as defined herein, or any farm, camp, or work release facility established and operated in conjunction with a jail.

(11) "Living area" includes single cells, dormitories, day room area and leisure time activity space.

(12) "Major urban" refers to a county or combination of counties which contains a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(13) "Medium urban" refers to a county or combination of counties which contains a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(14) "Public records" include any writing or recording which contains information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or returned

by any state or local agency regardless of its physical form or characteristics.

(15) "Rural" refers to a county or combination of counties which does not contain a city having a population of more than ten thousand based on the 1978 projections of the office of financial management.

(16) "Single cell" means a secured sleeping area occupied by only one prisoner, and which is physically and visually separated from other prisoner sleeping areas on three of its four sides.

(17) "Communicable disease" means micro-organisms that are easily transferable from one body to another creating a condition which must be reported to the health department.

(18) "Work release program" means a program of scheduled release from the physical confines of a city or county jail, special detention facility or work release center for the purpose of employment, seeking employment or school.

(19) "Work release facility" means any building or designated portion of a building primarily designed, staffed, and used for the housing of persons participating in a work release program.

(20) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(21) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

(22) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus or undergarments of a person or breasts of a female person.

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-02-020, filed 9/9/86. Statutory Authority: RCW 10.79.060 - 10.79.110. 85-01-032 (Resolution No. 84-51), § 289-02-020, filed 12/12/84. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-02-020, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW and 1979 1st ex.s. c 232. 79-12-058 (Order 5), § 289-02-020, filed by 11/28/79. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-020, filed 6/27/79.]

WAC 289-02-030 Classification change. Under authority cited in RCW 70.48.050 (1)(c) the commission shall classify each jail and each jail shall function in compliance with the provisions of its classification as defined in RCW 70.48.020 and the applicable administrative codes.

A jurisdiction may request a change of classification by submitting a written request to the commission stating the qualification therefor. The commission shall act on the request within ninety days. Upon denial of the request the appeal process as outlined in RCW 70.48.080(4) may be used.

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Before granting a change in any jail classification the commission shall determine that the requesting jail meets all standards for the requested classification.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-030, filed 6/27/79.]

WAC 289-02-040 Classification and uses of holding facilities. (1) The corrections standards board shall classify each holding facility as a "6-hour," "72-hour," or "30-day" holding facility, pursuant to WAC 289-02-030. (2) Pursuant to RCW 70.48.050 (1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve up to four 72-hour sentences in a 72-hour holding facility: *Provided*, That no continuous portion thereof exceeds 72 hours and each such portion is followed by a period of nonincarceration which is at least as long as the period of incarceration. (3) Pursuant to RCW 70.48.050 (1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve two 30-day sentences in a 30-day holding facility: *Provided*, That no continuous portion thereof exceeds 30 days and each such portion is followed by a period of nonincarceration of at least seven days.

[Statutory Authority: RCW 70.48.050 (1)(c). 83-24-046 (Order 35), § 289-02-040, filed 12/2/83.]

WAC 289-02-050 Classification and uses of special detention and work release facilities. (1) The corrections standards board shall classify each special detention facility as a "72-hour" or "1-year" special detention facility pursuant to WAC 289-02-030.

(2) The corrections standards board shall classify each work release facility as a work release facility, pursuant to WAC 289-02-030.

[Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-02-050, filed 10/12/84.]

Chapter 289-04 WAC

ORGANIZATION AND METHODS OF OPERATION

WAC

| | |
|------------|----------------------------|
| 289-04-010 | Purpose. |
| 289-04-020 | Organization—Commission. |
| 289-04-030 | Organization—Staff. |
| 289-04-040 | Operations and procedures. |

WAC 289-04-010 Purpose. These rules are adopted to comply with the requirements of RCW 42.17.250 requiring each agency to adopt rules describing its organization and procedures.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-010, filed 6/27/79.]

WAC 289-04-020 Organization—Commission. (1) The state jail commission is an eleven member commission appointed by the governor and confirmed by the state senate pursuant to RCW 70.48.030. one of whose members is the secretary of the department of social and health services or his designee, at least seven of whom

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| Governing Unit | Beds | Funding |
|-----------------------|------------|-------------------|
| Franklin County | 62 | \$ 4,605,092 |
| City of Pasco | <u>40</u> | <u>2,969,072</u> |
| Total | 102 | \$ 7,574,164 |
| Grant County | 65 | \$ 4,322,876 |
| Adams County | <u>10</u> | <u>400,000</u> |
| Total | 75 | \$ 4,722,876 |
| Island County | 46 | \$ 3,518,681 |
| San Juan County | <u>4</u> | <u>305,972</u> |
| Total | 50 | \$ 3,824,653 |
| Jefferson County | 23 | \$ 1,663,247 |
| City of Port Townsend | <u>2</u> | <u>156,498</u> |
| Total | 25 | \$ 1,819,745 |
| King County | 910 | \$44,741,556 |
| City of Seattle | <u>315</u> | <u>15,487,462</u> |
| Total | 1225 | \$60,229,018 |
| Kittitas County | 40 | \$ 2,506,518 |
| City of Ellensburg | <u>5</u> | <u>309,794</u> |
| Total | 45 | \$ 2,816,312 |
| Klickitat County | 24 | \$ 2,185,675 |
| City of Goldendale | 3 | 273,209 |
| City of White Salmon | 1.5 | 136,605 |
| City of Bingen | <u>1.5</u> | <u>136,605</u> |
| Total | 30 | \$ 2,732,094 |
| Lewis County | 63 | \$ 4,765,680 |
| City of Centralia | <u>5</u> | <u>364,223</u> |
| Total | 68 | \$ 5,129,794 |
| Lincoln County | 14 | \$ 1,138,642 |
| City of Davenport | <u>1</u> | <u>81,332</u> |
| Total | 15 | \$ 1,219,974 |
| Mason County | 40 | \$ 3,287,598 |
| City of Shelton | <u>5</u> | <u>414,652</u> |
| Total | 45 | \$ 3,702,250 |
| Pierce County | 342 | \$17,278,025 |
| City of Tacoma | <u>38</u> | <u>1,919,781</u> |
| Total | 380 | \$19,197,806 |
| Skagit County | 68 | \$ 5,822,440 |
| City of Mount Vernon | 5 | 428,121 |
| City of Anacortes | <u>2</u> | <u>171,248</u> |
| Total | 75 | \$ 6,421,809 |
| Snohomish County | 300 | \$14,269,379 |
| City of Everett | <u>37</u> | <u>1,759,890</u> |
| Total | 337 | \$16,029,269 |
| Spokane County | 357 | \$19,038,667 |
| City of Spokane | <u>34</u> | <u>1,814,199</u> |
| Total | 391 | \$20,852,866 |
| Walla Walla County | 39 | \$ 2,777,378 |
| City of Walla Walla | <u>5</u> | <u>336,275</u> |
| Total | 44 | \$ 3,113,653 |
| Yakima County | 235 | \$ 9,812,117 |
| City of Yakima | <u>40</u> | <u>1,670,147</u> |
| Total | 275 | \$11,482,264 |

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(2) Depreciation of proportionate allocation of funding. The proportionate allocation of funding identified under subsection (1) of this rule for particular jurisdictions shall be subject to review and a proportionate decrease on the written request of any of the affected governing units (a) whenever less than the maximum level of funding is expended over the life of the construction; and (b) on an annual basis for ten years from the date of completion of construction of each project applying a twenty-year straight-line depreciation schedule; and (c) when significant changes have occurred in the legal or demographic assumptions on which proportionate allocation of beds and funding have been made which can reasonably be anticipated to prevail throughout the life of the ten-year period.

(Statutory Authority: RCW 70.48.060 and 70.48.090(2). 82-24-067 (Order 31), § 289-13-240, filed 12/1/82.]

Chapter 289-14 WAC CUSTODIAL CARE STANDARDS-- ADMINISTRATION

WAC

| | |
|------------|--|
| 289-14-005 | Introduction to custodial care standards. |
| 289-14-010 | Emergency suspension of custodial care standards. |
| 289-14-100 | General administration. (Holding facilities.) |
| 289-14-120 | Training. (Holding facilities.) |
| 289-14-130 | Records. (Holding facilities.) |
| 289-14-200 | General administration. (Detention and correctional facilities.) |
| 289-14-210 | Determination of staff positions. (Detention and correctional facilities.) |
| 289-14-220 | Training. (Detention and correctional facilities.) |
| 289-14-230 | Records. (Detention and correctional facilities.) |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 289-14-020 | Staffing. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-14-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-14-030 | Records. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-14-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |

WAC 289-14-005 Introduction to custodial care standards. (1) The provisions of chapters 289-14 through 289-24 WAC incorporate custodial care standards applicable to holding, detention or correctional facilities as defined under WAC 289-02-020. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) Within each chapter, paragraphs numbered from 010 to 099 are introductory or definitional in nature and apply to all jails unless otherwise noted. Paragraphs numbered from 100 to 199 apply to holding facilities. Paragraphs numbered from 200 to 299 apply to detention and correctional facilities unless otherwise noted. For this purpose, "holding" and "detention" and "correctional" facilities are defined as set forth in WAC 289-02-020. For purposes of the holding facility standards, a distinction is made between different maximum

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time periods persons are held within such facility, including thirty-day facility, seventy-two hour facility, and six-hour facility.

(3) The adoption of the mandatory custodial care standards is intended to meet minimum legal requirements relating to prisoner health, welfare, and security and does not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular jail.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-005, filed 3/24/81. 81-07-057 (Order 10), § 289-14-005, filed 3/18/81. Statutory Authority: Chapter 70.48 RCW and 1979 1st ex.s. c 232. 79-12-058 (Order 5), § 289-14-005, filed 11/28/79. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-005, filed 6/27/79.]

WAC 289-14-010 Emergency suspension of custodial care standards. Nothing in these standards shall be construed to deny the power of any department of corrections or chief law enforcement officer to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any jail, prisoners, staff, or the public. Only such standards as are directly affected by the emergency may be suspended and the department of corrections or chief law enforcement officer shall notify the state jail commission within three business days of such suspension: *Provided*, That suspension of standards relating to overcrowding is subject to the additional requirements of WAC 289-15-120 and 289-15-220.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-010, filed 3/18/81. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-010, filed 6/27/79.]

WAC 289-14-100 General administration. (Holding facilities.) There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-100, filed 3/24/81.]

WAC 289-14-120 Training. (Holding facilities.)

(1) All authorized persons responsible for the confinement of a prisoner shall receive an orientation to the policies and procedures of the facility relative to their duties. On the job training shall be provided as deemed appropriate by the chief law enforcement officer.

(2) All jail staff whose primary responsibility is the supervision of prisoners shall successfully complete the Washington state criminal justice training commission basic correctional academy within the first year of their employment unless such training has already been received. (30 day) (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-120, filed 3/24/81.]

WAC 289-14-130 Records. (Holding facilities.)

(1) Confidentiality. All holding facility personnel shall

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be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(2) Individual prisoner records.

(a) An individual file or record shall be kept for each prisoner.

(b) If formal booking occurs in the facility, the information should be recorded on a booking form. WAC 289-14-130 (2)(b) ADVISORY

(3) Medical.

(a) Any prisoner medical information other than that included in the prisoner's individual file under WAC 289-14-130 (2)(a) shall be maintained separately to the extent necessary to maintain confidentiality. (30 day, 72 hour) (Not applicable - 6 hour)

(b) Any medical problems experienced by a prisoner while in the facility shall be recorded and such records maintained. Information concerning medical problems shall be transmitted at the time the prisoner is transported to another jail, hospital, or other facility.

(4) Prisoner population accounting. Each holding facility shall keep a jail register as required by RCW 70.48.100.

(5) Infraction and disciplinary. Written records shall be maintained for all incidents which result in major property damage or bodily harm.

(6) Incident reports. The jail commission shall be notified within seven business days of any death, completed escape from the secure area of the facility or serious fire. Reports of such incidents shall be retained.

(7) Activity log. A log of daily activity should be kept within the facility. WAC 289-14-130(7) ADVISORY

(8) Personnel. Performance and training records should be maintained for each staff member employed by the facility. WAC 289-14-130(8) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-130, filed 3/24/81.]

WAC 289-14-200 General administration. (Detention and correctional facilities.) (1) The department of corrections or the chief law enforcement officer of all jails shall develop and maintain an organizational chart and an operations manual of policies and procedures.

(2) Such chart and manual shall be reviewed by all staff and such review noted by signature prior to any assignment.

(3) All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least yearly. WAC 289-14-200(3) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-200, filed 3/18/81.]

WAC 289-14-210 Determination of staff positions. (Detention and correctional facilities.) (1) Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

(2) Qualifications for correctional officers who have direct responsibility over prisoners and who are hired on or after the effective date of these minimum standards shall include, but not be limited to, a high school diploma, or equivalent.

[Title 289 WAC—p 23]

(3) All jail staff shall be selected in accordance with chapter 41.14 RCW and/or other applicable legal requirements and shall be retained upon proven ability to perform.

(4) Appropriate physical fitness standards should be set and enforced for all jail staff. WAC 289-14-210(4) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-210, filed 3/18/81.]

WAC 289-14-220 Training. (Detention and correctional facilities.) (1) All jails shall provide preservice orientation to each newly hired jail staff member prior to being assigned to duty, regardless of his or her previous training or experience prior to the assignment of any jail duties. Such training may be provided either by existing jail staff or other qualified persons, and must be verified by a written outline, and shall include, but not necessarily be limited to:

(a) Review and understanding of all policies and procedures relating to his/her job responsibilities, specifically;

- (i) Agency organization;
- (ii) Admission and release procedures;
- (iii) Security and safety procedures;
- (iv) Contraband control, definition of, etc.;
- (v) Prisoner discipline;
- (vi) Medical and mental health procedures;
- (vii) Use of force;

(viii) Confidentiality of jail records (RCW 70.48.100(2)).

(b) Review of the Washington criminal justice system and the current Washington state jail commission custodial care standards as they relate to jail duties.

(c) Identification and understanding of the function of agencies whose authority may extend to the jail's prisoners.

(d) Appropriate training and qualification in the use of weapons when jail duties include possession or carrying of a firearm.

(2) All persons directly responsible for the supervision of prisoners shall successfully complete the Washington state criminal justice training commission basic correctional academy within the first year of their employment, as required by WAC 139-36-010 unless such training has already been received.

(3) Staff training shall further include such training as required by WAC 289-20-230.

(4) All jails should provide at least twenty hours of in-service training to each correctional officer each year (following academy training for purposes of updating training previously received). WAC 289-14-220(4) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-220, filed 3/18/81.]

WAC 289-14-230 Records. (Detention and correctional facilities.) The department of corrections or chief law enforcement officer for each jail shall establish a records system which shall comply with the requirements of this section.

[Title 289 WAC—p 24]

(1) Fiscal. Each detention and correctional facility shall maintain fiscal records which clearly indicate facility operation and maintenance costs according to generally accepted accounting principles. Such records shall separate specific jail functions from other departmental functions.

(2) Confidentiality. All jail facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(3) Individual prisoner records. The information required by the booking and release form provided by the commission shall be obtained for each booking and release. Such information as prescribed by the commission will be retained in written form or within computer records. Other information retained in each prisoner's jail record shall include, but not be limited to, court orders, personal property receipts, infraction reports, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of prisoner's property and remains.

(a) Medical. Health care records shall be maintained separately in accordance with WAC 289-20-250 to the extent necessary to maintain their confidentiality.

(b) Prisoner access. Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein. Provided that such access may be limited only on substantial grounds of institutional security.

(c) Transfer. When a prisoner is transferred to another facility, copies or summaries of all health records shall be transferred to the receiving facility, provided that the requirements of WAC 289-20-250 regarding confidentiality are followed. Applicable court orders shall be transferred. Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution.

(4) Population reports. Each jail shall complete and submit monthly reports on its population on forms provided by the jail commission.

(5) Population accounting. Each jail should, in addition, maintain an ongoing and a permanent accounting of its population by its own confinement categories, location, or classification within the jail. WAC 289-14-230(5) ADVISORY.

(6) Jail register. Each jail shall maintain an accurate jail register as required by RCW 70.48.100.

(7) Infraction and disciplinary. Each department of corrections or chief law enforcement officer shall maintain a written record of all incidents which result in substantial property damage or bodily harm, or serious threat of substantial property damage or bodily harm. Major infraction reports and disciplinary actions under chapter 289-16 WAC shall become part of the prisoner's jail record.

(8) Incidents and emergencies. All serious incidents and emergencies shall be recorded on forms provided by the commission. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to any death which occurs within a jail, attempted suicides, epidemics, completed escapes, any

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completed assault upon staff or prisoners, serious fires, flooding or other natural disasters or riots.

(9) Incident reports. An incident report on any death, completed escape, or serious fire shall be submitted to the jail commission on the form provided by the commission. All such incident reports for a given month shall be submitted on a monthly basis with the monthly population accounting form. A copy of all incident reports shall be retained at the jail.

(10) Activity log. All jails should keep a log of daily activity within the facility for future accountability. WAC 289-14-230(10) ADVISORY.

(11) Personnel training. Training records shall be maintained for each staff member employed by a detention or correctional facility.

(12) Personnel performance. Performance records should be maintained for each staff member employed by a detention or correctional facility. WAC 289-14-230(12) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-230, filed 3/18/81.]

Chapter 289-15 WAC CUSTODIAL CARE STANDARDS—SAFETY

WAC

| | |
|------------|---|
| 289-15-100 | Emergency procedures. (Holding facilities.) |
| 289-15-110 | Fire prevention and suppression. (Holding facilities.) |
| 289-15-120 | Overcrowding. (Holding facilities.) |
| 289-15-130 | Use of force. (Holding facilities.) |
| 289-15-200 | Emergency procedures. (Detention and correctional facilities.) |
| 289-15-210 | Fire prevention and suppression. (Detention and correctional facilities.) |
| 289-15-220 | Overcrowding. (Detention and correctional facilities.) |
| 289-15-225 | Maximum capacities. |
| 289-15-230 | Use of force. (Detention and correctional facility.) |

WAC 289-15-100 Emergency procedures. (Holding facilities.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written emergency procedures as appropriate for the specific facility.

(2) The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility.

(3) Emergency plans shall always be available to the authorized person in charge of the jail.

(4) All personnel should be trained in the emergency procedures. WAC 289-15-100(4) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-100, filed 3/24/81.]

WAC 289-15-110 Fire prevention and suppression. (Holding facilities.) The department of corrections or chief law enforcement officer shall establish and maintain a written fire prevention, suppression, and evacuation plan.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-110, filed 3/24/81.]

(1986 Ed.)

WAC 289-15-120 Overcrowding. (Holding facilities.) No prisoner shall be required to sleep on a mattress on the floor in excess of seventy-two hours, or directly on the floor for any period of time, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others, or substantially compromising the security of the jail.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-120, filed 3/24/81.]

WAC 289-15-130 Use of force. (Holding facilities.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) on the use of deadly force shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as

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possible after the use of the carotid sleeper hold or the choke hold.

[Statutory Authority: RCW 70.48.050 (3)(c), 84-16-042 (Order 84-02), § 289-15-130, filed 7/27/84. Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-15-130, filed 3/24/81.]

WAC 289-15-200 Emergency procedures. (Detention and correctional facilities.) (1) The department of corrections or the chief law enforcement officer shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility. Such plan shall be formulated in cooperation with the appropriate supporting local government units.

(2) Emergency plans shall always be available to the officer in charge of the jail, and all personnel shall be aware of, and trained in, the procedures.

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-15-200, filed 3/18/81.]

WAC 289-15-210 Fire prevention and suppression. (Detention and correctional facilities.) (1) The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:

(a) A fire prevention plan to be part of the operations manual of policies and procedures;

(b) A requirement that staff are alert to fire hazards during their daily rounds.

(c) Fire prevention inspections at least semi-annually by the fire department having jurisdiction; provided, that when such inspections cannot be obtained from such fire department the facility shall provide such inspections by an independent, qualified source.

(d) Recommendations resulting from inspections should be promptly implemented WAC 289-15-210 (1)(d) ADVISORY; and

(e) A regular schedule for inspections, testing and servicing fire suppression equipment.

(2) Results of all fire department inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports.

[Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-15-210, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-15-210, filed 3/18/81.]

WAC 289-15-220 Overcrowding. (Detention and correctional facilities.) (1) Purpose. The purpose of this section is to provide a means for determining and setting maximum population figures for local detention and correctional facilities. In so doing, the commission recognizes that each facility is unique and that the establishment of rigid criteria for defining and identifying

overcrowding in most existing facilities would be unworkable. However, overcrowding remains a concern of constitutional dimensions within local jails and must be addressed. It is the purpose of these standards to provide a firm approach to preventing overcrowding in new jail facilities and to create a workable and flexible process for addressing overcrowding in existing jails.

(2) No prisoner shall be required to sleep directly on the floor for any length of time, or on a mattress on the floor in excess of one 72-hour period, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others or substantially compromising the security of the jail.

(3) Existing jails.

(a) The director of the local department of corrections or chief law enforcement officer shall propose a maximum capacity for each detention or correctional facility within his or her jurisdiction. This capacity shall reflect a judgment as to the maximum number of prisoners who may be housed within the facility in question in a humane fashion. Notice of such proposed maximum capacity shall be delivered to the state jail commission within 30 days of the final adoption of this revision to this standard. The proposed maximum capacity shall be the maximum capacity of the facility unless revised by the commission.

(b) Within 45 days of the receipt by the jail commission of notice of a proposed maximum capacity for a given facility, the commission shall schedule a public meeting to concur in or revise those capacity figures, pursuant to RCW 34.04.025 through 34.04.058. A written notice of such meeting shall be provided by the director to all known interested parties at least 20 days in advance of such meeting. It shall be the responsibility of the jail commission to establish cause for revising the maximum capacities proposed by the governing unit in question. The commission's concurrence in or revision of proposed maximum capacities shall take into account a detailed analysis of the following factors:

(i) The average amount of cell and day room space which would be available to each prisoner at maximum capacity;

(ii) The number of hours each day prisoners in the area have access to day rooms;

(iii) If the day room access is less than 12 hours each day, the amount of space per prisoner in the cell area;

(iv) The classification and types of prisoners held;

(v) The average length of stay of prisoners held;

(vi) The maximum length of actual stay of prisoners held;

(vii) The nature and amount of physical exercise available to prisoners;

(viii) The amount of access to visitation;

(ix) The amount of other out-of-living area time available to prisoners;

(x) Description of other services and programs available to prisoners, especially those covered by custodial care standards; and

(xi) The number of incidents occurring in the jail in the previous 12 months, classified by the categories of the population accounting form.

(c) In appropriate cases, the commission may establish a maximum capacity figure for an existing jail on an interim basis, when further study as to the circumstances appears necessary to make a final decision, in which case a date no more than six months in the future, shall be specified for a final determination with regard to maximum capacity.

(4) New facilities. The commission shall establish a maximum capacity for each newly constructed detention or correctional facility which is funded at the total fundable capacity set by the commission. Such maximum capacity shall be based upon the physical plant standards set forth in chapter 289-12 WAC.

(5) Overcrowding.

(a) The maximum capacity may only be exceeded to the extent that the average daily population for any calendar month does not exceed the established maximum capacity.

(b) Any holding of prisoners beyond the established maximum capacity in a given calendar month, shall be reported by mailing the monthly population accounting form to the director by the department of corrections or chief law enforcement officer within the first five business days following the month. Each such case [or] [of] overcrowding shall be referred to the commission for possible enforcement action under chapter 289-30 WAC.

(c) Any report of conditions of overcrowding required under this section shall be considered as a notice of an emergency suspension of standards within the meaning of WAC 289-14-010.

(d) An emergency suspension of the overcrowding standard established under this section must be approved by the director.

(e) No emergency suspension of the standards relative to established maximum capacities within any calendar month shall be approved except when the following conditions are met:

(i) Any related suspension of other custodial care standards is also specifically approved;

(ii) All existing diversion programs have been fully utilized;

(iii) All prisoners being held for other jurisdictions have been transferred to those jurisdictions to the extent possible;

(iv) All facilities within adjacent counties have been utilized to the fullest extent reasonably practical and permissible by their classifications; and

(v) The jurisdiction provides the commission within 45 days with a plan setting forth alternatives to incarceration which will be examined and implemented.

(f) Each department of corrections or chief law enforcement officer shall establish, with the cooperation of the presiding judge of the superior court, a procedure for release of prisoners before the end of their term when overcrowding occurs as herein defined.

(g) In the event of overcrowding caused in part by the existence of state prisoners, the director shall contact the

state department of corrections in an effort to have such prisoners removed.

(h) In the event of overcrowding caused in part by the existence of federal prisoners, the director shall contact the appropriate federal agency in an effort to have such prisoners removed.

[Statutory Authority: Chapter 70.48 RCW, 82-01-091 (Order 21), § 289-15-220, filed 12/22/81; 81-08-001 (Order 12), § 289-15-220, filed 3/19/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 289-15-225 Maximum capacities. Pursuant to WAC 289-15-220, the maximum capacity of each detention and correctional facility within the state of Washington is established at the figure indicated below.

| Detention Facilities | Correctional Facilities |
|--------------------------|------------------------------------|
| Auburn (22) | Asotin County (16) |
| Bremerton (23) | Benton County (109) |
| Issaquah (10) | Chelan County (132) |
| Olympia (temporary) (19) | Clallam County (102) |
| Stevens County (22) | Clark County (300) |
| | Cowlitz County (91) |
| | Ferry County (22) |
| | Forks (11) |
| | Franklin County (76) |
| | Grant County (85) |
| | Grays Harbor County (82) |
| | Island County (50) |
| | Jefferson County (20) |
| | Kent (56) |
| | King County (784) |
| | Kitsap County (103) |
| | Kitsap County Work Release (42) |
| | Kittitas County (45) |
| | Klickitat County (30) |
| | Lewis County (68) |
| | Lincoln County (15) |
| | Mason County (34) |
| | Okanogan County (67) |
| | Pacific County (29) |
| | Pend Oreille County (18) |
| | Pierce County (470) |
| | Skagit County (83) |
| | Skamania County (17) |
| | Snohomish County (277) |
| | Snohomish County Work Release (60) |
| | Spokane County (461) |
| | Thurston County (145) |
| | Walla Walla County (44) |
| | Whatcom County (82) |
| | Whitman County (34) |
| | Yakima County (274) |

[Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070, 86-19-015 (Order 86-06), § 289-15-225, filed 9/9/86; 86-09-070 (Resolution No. 86-05), § 289-15-225, filed 4/18/86; 86-02-021 (Order 86-04), § 289-15-225, filed 12/24/85; 85-14-086 (Order 85-03), § 289-15-225, filed 7/1/85; 85-05-001 (Resolution No. 85-01), § 289-15-225, filed 2/7/85; 85-01-034 (Resolution No. 84-52), § 289-15-225, filed 12/12/84. Statutory Authority: RCW 70.48.050 (1)(c), 84-16-041 (Order 84-01), § 289-15-225, filed 7/27/84. Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070(4), 83-20-092 (Order 34), § 289-15-225, filed 10/5/83; 83-04-004 (Order 32), § 289-15-225, filed 1/21/83; 82-11-070 (Order 28), § 289-15-225, filed 5/17/82.]

WAC 289-15-230 Use of force. (Detention and correctional facility.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and that the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold.

[Statutory Authority: RCW 70.48.050 (3)(c). 84-16-042 (Order 84-02), § 289-15-230, filed 7/27/84. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-15-230, filed 3/18/81.]

Chapter 289-16 WAC

CUSTODIAL CARE STANDARDS—OPERATIONS

WAC

289-16-100 Admissions. (Holding facilities.)

[Title 289 WAC—p 28]

| | |
|------------|--|
| 289-16-110 | Preclassification procedures. (Holding facilities.) |
| 289-16-120 | Orientation. (Holding facilities.) |
| 289-16-130 | Classification/segregation. (Holding facilities.) |
| 289-16-140 | Good time. (Holding facilities.) |
| 289-16-150 | Release and transfer. (Holding facilities.) |
| 289-16-160 | Transportation. (Holding facilities.) |
| 289-16-200 | Admissions. (Detention and correctional facilities.) |
| 289-16-210 | Preclassification procedures. (Detention and correctional facilities.) |
| 289-16-220 | Orientation. (Detention and correctional facilities.) |
| 289-16-230 | Classification/segregation. (Detention and correctional facilities.) |
| 289-16-240 | Good time. (Detention and correctional facilities.) |
| 289-16-250 | Release and transfer. (Detention and correctional facilities.) |
| 289-16-260 | Transportation. (Detention and correctional facilities.) |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 289-16-010 | Admissions. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-16-020 | Classification/segregation. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-16-030 | Release and transfer. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-16-040 | Transportation. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |

WAC 289-16-100 Admissions. (Holding facilities.)

(1) Authorized confinement. No prisoner shall be confined without proper legal authority.

(2) Telephone. Each prisoner, within a reasonable period of time after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

(3) Language problems. Reasonable provisions for communication with non-English speaking, handicapped and illiterate prisoners shall be provided.

(4) Booking process. The booking process shall be completed promptly unless extenuating circumstances necessitate delay.

(5) Search/examination, when allowed.

(a) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding pat searches, strip searches, and body cavity searches, which shall be consistent with this section.

(1986 Ed.)

(b) Each prisoner shall be searched for contraband in a manner consistent with this subsection and written policies and procedures established thereunder, as necessary to protect the safety of prisoners, staff, and institutional security.

(c) No strip search shall be conducted except pursuant to the written policies and procedures required by (a) of this subsection.

(d) No strip search shall be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed. Reasonable suspicion shall be deemed to be present when a prisoner has been arrested for:

(i) A violent offense as defined in RCW 9.94A.030(17) or any successor statute;

(ii) An offense involving escape, burglary, or the use of a deadly weapon; or

(iii) An offense involving possession of a drug or controlled substance under chapter 69.50 RCW or any successor statute.

No strip search shall be authorized or conducted in these cases unless a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

(e) A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

(i) The name and serial number of the officer conducting the strip search and of all others present or observing any part of the strip search;

(ii) The time, date, and place of the strip search; and

(iii) Any weapons, criminal evidence, other contraband, or health condition discovered as a result of the strip search.

Except where reasonable suspicion is deemed present because of the nature of the arrest offense, this report or these reports shall also contain:

(iv) The name of the supervisor authorizing the strip search; and

(v) The specific facts constituting reasonable suspicion to believe the strip search was necessary.

(f) No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by (a) of this subsection. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about

to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(6) Search procedures, general. The following provisions shall apply to all strip searches and body cavity searches:

(a) Strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

(b) A strip search or body cavity search, as well as presearch undressing or postsearch dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (7)(a) of this section, as permitted by subsection (7)(c) of this section or when necessary to assure the safety of the prisoner or any person conducting the search.

(c) No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except as provided in subsection (7)(c) of this section.

(d) When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries; "health tags"; and body vermin. Less complete searches should include the same checks to the extent possible. WAC 289-16-100 (6)(d) **ADVISORY**.

(e) Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

(7) Body cavity searches. The following additional provisions shall apply to body cavity searches:

(a) A body cavity search may be conducted only pursuant to subsection (5)(e) of this section. Any body cavity search shall be performed under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

(b) When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present. WAC 289-16-100 (7)(b) **ADVISORY**.

(c) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(d) The officer requesting the body cavity search shall prepare and sign a report, which shall include:

(i) A copy of the warrant and any supporting documents required;

(ii) The name and sex of all persons conducting or observing the search;

(iii) The time, date, place, and description of the search; and

(iv) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the agency's records.

(8) All physical markings and "health tag" identification should be recorded and made available to the appropriate jail employees and medical professionals responsible for care of prisoner. WAC 289-16-100(8) **ADVISORY.**

(9) Particularly when force has been used during arrest, all visible injuries should be photographed. WAC 289-16-100(9) **ADVISORY.**

(10) Body vermin. Any person with body vermin shall be treated appropriately.

(11) Medical complaints. Complaints of illness or injury expressed or detected during booking shall be acted upon promptly by the staff person on duty and the prisoner shall be provided medical treatment as necessary.

(12) Communicable diseases. Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated.

(13) Prisoner property. At the time of booking, if the prisoner's personal property is taken from him, the authorized jail staff shall record and store such items, and issue the prisoner a receipt.

(14) Bedding and personal care items. At a reasonable time after completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-20-180.

(15) Writing paper. Upon prisoner request, a reasonable supply of writing material shall be furnished.

[Statutory Authority: RCW 10.79.060 - 10.79.110. 85-01-032 (Resolution No. 84-51), § 289-16-100, filed 12/12/84. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-100, filed 3/24/81.]

WAC 289-16-110 Preclassification procedures. (Holding facilities.) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-110, filed 3/24/81.]

WAC 289-16-120 Orientation. (Holding facilities.) As soon as reasonable after booking, the prisoner shall be advised of any facility rules and regulations. His questions shall be answered.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-120, filed 3/24/81.]

WAC 289-16-130 Classification/segregation. (Holding facilities.) (1) Classification procedures. Written classification procedures shall be included in the policies and procedures.

(2) Classification. The department of corrections or chief law enforcement officer, or his designee, shall be

responsible for classification in accordance with written procedures.

(3) Classification training. At least one staff person per shift shall be trained in the facility's classification procedures and shall be responsible for classification. (30 day, 72 hour) (Not applicable - 6 hour)

(4) Classification criteria. To the extent possible in the available physical plant, the following classification criteria shall be used. If (4)(a) through (d) cannot be enforced, arrangements shall be made to immediately transfer the prisoners involved to another facility which can segregate and supervise them.

(a) The primary criteria for classification shall be safety of the prisoner and the security of the institution.

(b) Juvenile.

(i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts: *Provided*, That no person under the chronological age of sixteen shall be held in a jail or holding facility for adults: *Provided further*, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."

(ii) A juvenile shall not be confined in a jail or holding facility for adults, except:

(A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(c) Females shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.

(d) Special problem prisoners who endanger the health or safety of other prisoners (or themselves) shall be segregated and closely supervised.

(e) Prisoners on work release and weekend confinement programs, and any other prisoners who have regular contact outside the jail should be segregated from other prisoner categories (30 day, 72 hour). WAC 289-16-130 (4)(e) **ADVISORY** (Not applicable - 6 hour)

(f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post trial status, and offender sophistication.

[Statutory Authority: 1985 c 50, 85-18-025 (Order 86-03), § 289-16-130, filed 8/27/85. Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-16-130, filed 3/24/81.]

WAC 289-16-140 Good time. (Holding facilities.)
The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time, when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150. (30 day)
WAC 289-16-140 ADVISORY (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-16-140, filed 3/24/81.]

WAC 289-16-150 Release and transfer. (Holding facilities.) (1) Release.

(a) The releasing officer shall determine prisoner identity and ascertain that there is legal authority for the release.

(b) The information required on the release forms shall be recorded for each prisoner released from the facility (30 day, 72 hour). (Not applicable - 6 hour)

(c) All prisoners being released shall sign a witnessed receipt for personal property returned.

(2) Transfer. In addition to the release procedures designated above, the releasing officer shall determine that the receiving unit or person has the authority to accept custody.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-16-150, filed 3/24/81.]

WAC 289-16-160 Transportation. (Holding facilities.) When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the department of corrections or chief law enforcement officer shall develop and maintain written instructions which insure the safety of the prisoners and staff.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-16-160, filed 3/24/81.]

WAC 289-16-200 Admissions. (Detention and correctional facilities.) (1) General.

(a) The receiving officer shall determine that the arrest and confinement of each prisoner is being accomplished by a duly authorized officer, and a copy of all documents that purport to legally authorize the confinement shall become part of the prisoner's jail record.

(b) If only one jail facility officer is on duty, the delivery officer shall remain until the prisoner is locked into the confinement area.

(c) The information required by the commission shall be recorded for each prisoner booked into the facility.

(d) Each prisoner, after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form.

(1986 Ed.)

(e) Reasonable provisions for communicating with non-English speaking, handicapped and illiterate prisoners shall be provided concerning the booking process, rules of the facility, privileges and other information pertinent to his rights and well-being while confined.

(f) The booking process shall be completed promptly unless the physical or mental condition of the prisoner necessitates delay.

(2) Search/examination, when allowed.

(a) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding pat searches, strip searches and body cavity searches, which shall be consistent with this section.

(b) Each prisoner shall be searched for contraband in such a manner consistent with this subsection and written policies and procedures established thereunder, as is necessary to protect the safety of prisoners, staff, and institutional security.

(c) No strip search shall be conducted except pursuant to the written policies and procedures required by (a) of this subsection.

(d) No strip search shall be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed. Reasonable suspicion shall be deemed to be present when a prisoner has been arrested for:

(i) A violent offense as defined in RCW 9.94A.030(17) or any successor statute;

(ii) An offense involving escape, burglary, or the use of a deadly weapon; or

(iii) An offense involving possession of a drug or controlled substance under chapter 69.50 RCW or any successor statute.

No strip search shall be authorized or conducted in these cases unless a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

(e) A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

(i) The name and serial number of the officer conducting the strip search and of all others present or observing any part of the strip search;

(ii) The time, date, and place of the strip search; and

(iii) Any weapons, criminal evidence, other contraband, or health condition discovered as a result of the strip search.

Except where reasonable suspicion is deemed present because of the nature of the arrest offense, this report or these reports shall also contain:

(iv) The name of the supervisor authorizing the strip search; and

(v) The specific facts constituting reasonable suspicion to believe the strip search was necessary.

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(f) No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by (a) of this subsection. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(3) Search procedures, general. The following provisions shall apply to all strip searches and body cavity searches:

(a) Strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

(b) A strip search or body cavity search, as well as presearch undressing or postsearch dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (4)(a) of this section, as permitted by subsection (4)(c) of this section or when necessary to assure the safety of the prisoner or any person conducting the search.

(c) No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except as provided in subsection (4)(c) of this section.

(d) When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars and injuries; "health tags;" and body vermin. Less complete searches should include the same checks to the extent possible. WAC 289-16-200 (3)(d) ADVISORY.

(e) Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

(4) Body cavity searches. The following additional provisions shall apply to body cavity searches:

(a) A body cavity search may be conducted only pursuant to subsection (2)(e) of this section. Any body cavity search shall be performed under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

(b) When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present. WAC 289-16-200 (4)(b) ADVISORY.

(c) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(d) The officer requesting the body cavity search shall prepare and sign a report, which shall include:

(i) A copy of the warrant and any supporting documents required;

(ii) The name and sex of all persons conducting or observing the search;

(iii) The time, date, place, and description of the search; and

(iv) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the agency's records.

(5) All physical markings and "health tag" identifications shall be recorded and made available to the appropriate jail employees and the medical professionals responsible for care of the prisoner under chapter 289-20 WAC.

(6) Particularly when force has been used during arrest, all visible injuries should be photographed. WAC 289-16-200(6) ADVISORY.

(7) Body vermin. Any person with body vermin shall be treated appropriately in accordance with chapter 289-20 WAC.

(8) Medical complaints. Complaints of illness or injury expressed or observed during booking shall be checked promptly in accordance with the medical procedure established under WAC 289-20-220.

(9) Communicable diseases. A prisoner suspected of having a communicable disease as defined in WAC 289-02-020(17) shall be isolated without delay. Arrangements shall be made for his immediate transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain the medically prescribed treatment.

(10) Personal property. The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt.

(11) Prisoner weight. Each prisoner's weight should be measured and recorded upon admission. WAC 289-16-200(11) ADVISORY.

(12) Photographs and fingerprints.

(a) Front and side-view identification photographs of each prisoner should stipulate the arresting agency or the booking agency and the date of arrest or the date of the photograph. WAC 289-16-200 (12)(a) ADVISORY.

(b) Copies of fingerprints shall be forwarded to the proper state and federal authorities.

(13) Issuances.

(a) Each jail should establish its own policy on prisoners' use of personal clothing or jail uniforms. WAC 289-16-200 (13)(a) **ADVISORY**.

(b) At a reasonable time after the completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-20-280.

(c) Upon prisoner request, a reasonable supply of writing material shall be furnished.

[Statutory Authority: RCW 10.79.060 - 10.79.110, 85-01-032 (Resolution No. 84-51), § 289-16-200, filed 12/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-16-200, filed 3/18/81.]

WAC 289-16-210 Preclassification procedures. (Detention and correctional facilities.) (1) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

(2) Prisoners who, upon screening, appear to have serious and potentially dangerous problems with drugs, including alcohol, or signs of serious mental illness, shall be closely observed. *Persons qualified and trained* to evaluate such prisoners shall be contacted without delay.

(3) Any prisoner suspected of being assaultive shall be housed separately prior to classification except where continual direct observation is maintained.

(4) No prisoner known or suspected to be a danger to himself may be housed alone without continual direct observation.

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-16-210, filed 3/18/81.]

WAC 289-16-220 Orientation. (Detention and correctional facilities.) (1) As soon after booking as possible each prisoner shall receive an oral or written orientation, consistent with the provisions of WAC 289-16-200 (1)(f). The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

(a) Rules of prisoner conduct; including possible disciplinary sanctions, as provided in WAC 289-19-210;

(b) Procedures and conditions regarding classification and reclassification, as provided in WAC 289-16-230;

(c) Staff expectations of prisoner responsibilities, including if applicable, cleaning of prisoner living areas;

(d) Prisoner rights and privileges;

(e) The means of access to health care as required by WAC 289-20-220, and other services;

(2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time.

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-16-220, filed 3/18/81.]

WAC 289-16-230 Classification/segregation. (Detention and correctional facilities.) (1) **Classification.**

(a) The department of corrections or chief law enforcement officer shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.

(b) A classification committee, or individual shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures: *Provided*, That this does not preclude designation of alternate persons to serve in such individuals' absence: *Provided further*, That certain classification functions, such as initial cell assignment, may be delegated, in writing, to staff not assigned to classification functions.

(c) It is recommended that no less than two facility staff members be responsible for classification determinations when reasonably possible. WAC 289-16-230 (1)(c) **ADVISORY**.

(d) For each prisoner confined in a detention or correctional facility, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility, and regulations for association within and outside the confinement area.

(2) **Classification procedures.**

(a) Each prisoner confined in a detention or correctional facility shall be interviewed by the persons responsible for classification determinations or other designated staff. *Where designated staff conduct the interviews*, the information shall be reported to the classification committee, or person responsible in a uniform manner.

(b) Each prisoner shall be classified as soon as reasonably possible.

(c) The prisoner shall be promptly informed of any classification housing assignment decision other than "general population," and of his right to have that decision reviewed upon making a request. Such notice shall also be given with regard to any reclassification action.

(d) A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the department of corrections or chief law enforcement officer upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the department of corrections, chief law enforcement officer, or a designated staff member supervisory to the classification committee, within 72 hours of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(3) **Criteria for prisoner classification.**

(a) The primary criteria for classification shall be the safety of the prisoner and the security of the institution.

(b) **Juveniles.**

(i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts: *Provided*, That no person under the chronological age of sixteen shall be held in a jail or holding facility for adults: *Provided further*, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under

RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."

(ii) A juvenile shall not be confined in a jail or holding facility for adults, except:

(A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(c) Females shall be segregated from visual communication and physical contact with male prisoners except under the direct supervision of a staff person.

(d) Special problem prisoners who endanger the health and safety of other prisoners (or themselves) shall be segregated and closely supervised.

(e) Prisoners on work release or weekend confinement programs, and any other prisoners who have regular contact outside the jail shall be segregated from other prisoner categories.

(f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post-trial status, and offender sophistication.

(4) Administrative segregation.

(a) Written classification procedures shall include provisions for the separation of certain prisoners for their own protection, for purposes of investigation, and for the security of the facility.

(b) Written documentation shall be maintained for each case of administrative segregation.

[Statutory Authority: 1985 c 50. 85-18-025 (Order 86-03), § 289-16-230, filed 8/27/85. Statutory Authority: Chapter 70.48 RCW. 81-08-001 (Order 12), § 289-16-230, filed 3/19/81; 81-07-057 (Order 10), § 289-16-230, filed 3/18/81.]

WAC 289-16-240 Good time. (Detention and correctional facilities.) The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150. **ADVISORY.**

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-240, filed 3/18/81.]

WAC 289-16-250 Release and transfer. (Detention and correctional facilities.) (1) Release.

(a) The releasing officer shall positively determine prisoner identity and ascertain that there is legal authority for the release.

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(b) The information required on the release forms provided by the commission shall be recorded for each prisoner released from the facility.

(c) All prisoners being released shall sign a witnessed receipt for personal property returned.

(d) Each prisoner discharged should receive a visual body check to detect changes from his admitting physical record. **WAC 289-16-250 (1)(d) ADVISORY.**

(2) Transfer. In addition to the release procedures designated above, the releasing officer shall determine that the receiving unit or person has the authority to accept custody.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-250, filed 3/18/81.]

WAC 289-16-260 Transportation. (Detention and correctional facilities.) When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the department of corrections or the chief law enforcement officer of each detention and correctional facility shall develop and maintain written instructions which insure the safety of the prisoners and staff shall be maintained.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-260, filed 3/18/81.]

Chapter 289-18 WAC

CUSTODIAL CARE STANDARDS—SECURITY

WAC

| | |
|------------|--|
| 289-18-100 | Staffing. (Holding facilities.) |
| 289-18-110 | Supervision and surveillance. (Holding facilities.) |
| 289-18-120 | Critical articles. (Holding facilities.) |
| 289-18-200 | Staffing. (Detention and correctional facilities.) |
| 289-18-210 | Supervision and surveillance. (Detention and correctional facilities.) |
| 289-18-220 | Critical articles. (Detention and correctional facilities.) |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 289-18-010 | Supervision and surveillance. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-18-020 | Critical articles. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-18-030 | Emergency procedures. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-18-040 | Emergency suspension of custodial care standards. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-18-050 | Discipline. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |

(1986 Ed.)

WAC 289-18-100 Staffing. (Holding facilities.)

(1) General staffing. At all times at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance: *Provided*, That this section does not require the presence of such staff when no prisoners are being housed or booked in the facility.

(2) Same sex staffing. A jail staff member of the same sex as the prisoner shall be available in a reasonable time for all custodial activities which involve intimate physical contact or activities which are commonly afforded reasonable protection against opposite sex observation or supervision except where the health, safety, and security of the individual or the staff member would be jeopardized: *Provided*, That personal observation of prisoners for this or other sections of these standards may be by opposite sex staff so long as opposite sex privacy concerns are given appropriate protection.

(3) Surveillance.

(a) There shall be continual sight and/or sound surveillance of all prisoners.

(b) Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: *Provided*, That special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

(c) Each prisoner shall be personally observed by staff at various times. All prisoner checks shall be recorded in writing and retained in the jail records.

(d) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but should not be less frequent than, at least once within every sixty minute period. WAC 289-18-100 (3)(d) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-100, filed 3/24/81.]

WAC 289-18-110 Supervision and surveillance. (Holding facilities.) (1) Prisoner identification. All holding facilities shall establish a means of identifying prisoners.

(2) Perimeter security. Perimeter security shall be maintained within existing physical plant limitations.

(3) Security devices. Minimum necessary security devices shall be maintained in proper working condition at all times.

(4) Prisoner authority. No prisoner shall be permitted to have authority over other prisoners.

(5) Prisoner counts. A system should be maintained for taking and recording prisoner counts as necessary. WAC 289-18-110(5) ADVISORY

(6) Contraband control. All holding facilities shall establish and maintain a written procedure regarding searches of prisoners, visitors, and the facility to prevent the introduction of contraband. All jails which permit visiting shall post a sign displaying the penalty for the introduction of contraband. (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-110, filed 3/24/81.]

(1986 Ed.)

Ordinance No. 1397

WAC 289-18-120 Critical articles. (Holding facilities.) (1) All holding facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

(2) Weapon lockers should be located outside of booking and confinement areas. WAC 289-18-120(2) ADVISORY

(3) Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas. WAC 289-18-120(3) ADVISORY

(4) Keys and locking devices.

(a) Key regulations shall be established by the department of corrections or chief law enforcement officer and read and initialed by all staff.

(b) A control point shall be designated for key cataloging and logging the distribution of keys.

(c) There shall be at least two sets of jail facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

(d) All keys not in use shall be stored in a secure area inaccessible to prisoners.

(e) Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

(f) Keys shall be accounted for at all times.

(g) Jail facility keys shall never be issued to a prisoner.

(h) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or failure of the system.

(5) The department of corrections or the chief law enforcement officer shall establish and maintain written procedures regarding storage of protective equipment and dangerous kitchen utensils, if applicable.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-120, filed 3/24/81.]

WAC 289-18-200 Staffing. (Detention and correctional facilities.) General staffing.

(1) At all times in all jails, at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance.

(2) At all times a staff member of the same sex as the prisoner(s) shall be on duty or available within a reasonable time, which staff member shall be directly responsible for supervision which involves intimate physical contact or activities commonly afforded reasonable protection against opposite sex observation or supervision: *Provided*, That this does not preclude jail staff from performing nonjail-related functions or being relieved from direct duties and remaining on call: *Provided further*, That personal observation of prisoners for purposes of this or other sections of these standards may be by opposite sex staff as long as opposite sex privacy concerns are given appropriate protection.

(3) There shall be continual sight and/or sound surveillance of all prisoners.

(4) Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: *Provided*, That

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special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

(5) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but shall not be less frequent than, at least once within every sixty minute period.

(6) Personal staff observations of prisoners should be recorded in writing and retained in the jail records. WAC 289-18-200(6) ADVISORY.

(7) Staff should be alert to prisoner depression, dis-sension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law. When such symptoms are discovered, such persons should be closely observed. WAC 289-18-200(7) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-200, filed 3/18/81.]

WAC 289-18-210 Supervision and surveillance. (Detention and correctional facilities.) (1) General security.

(a) All jails shall establish a positive means of identifying prisoners.

(b) Perimeter security shall be maintained.

(c) Security devices shall be maintained in proper working condition at all times.

(d) No prisoner shall be permitted to have authority over other prisoners.

(2) Prisoner counts. Detention and correctional facilities shall develop a system for taking and recording prisoner counts. This procedure shall be followed at shift changes and at other regular or irregular times.

(3) Contraband control.

(a) Any item or person entering or leaving a jail shall be subject to search.

(b) When housed in a jail facility, work release prisoners and prisoners who have regular contact outside the jail shall not be permitted contact with other prisoner classifications or entrance to areas frequented by other prisoners.

(c) There shall be irregularly scheduled searches for contraband in detention and correctional facilities and all areas frequented by prisoners.

(d) Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-210, filed 3/18/81.]

WAC 289-18-220 Critical articles. (Detention and correctional facilities.) (1) All detention and correctional facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

(2) Weapon lockers shall be located outside of booking and confinement areas.

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(3) Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas. ADVISORY.

(4) Keys and locking devices.

(a) Key regulations shall be established by the department of corrections or chief law enforcement officer and read and initialed by all staff.

(b) A control point shall be designated for key cataloging and logging the distribution of keys.

(c) There shall be at least two sets of jail facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

(d) All keys not in use shall be stored in a secure key locker inaccessible to prisoners.

(e) Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

(f) Keys to locks on doors inside the security area of a jail should be on a separate ring from keys to locks on doors or gates to the outside of the jails. At no time should both rings be carried by a person inside the jail simultaneously. WAC 289-18-220 (4)(f) ADVISORY.

(g) Keys shall be accounted for at all times and the distribution certified at each shift change.

(h) Jail facility keys shall never be issued to a prisoner.

(i) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or a failure of the system.

(5) Protective equipment. Protective equipment, tear gas, and any other chemical suppressing agent shall be kept in a secure area, inaccessible to prisoners and unauthorized persons, but quickly accessible to officers of the facility.

(6) Kitchen utensils, tools, and toxic substances.

(a) Dangerous kitchen utensils and tools shall be marked for identification, recorded, and kept in a secure place.

(b) Toxic substances shall be kept in locked storage, and use of toxic substances shall be strictly supervised. Such substances, including cleaning supplies, shall be stored in a separate area from food supplies.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-220, filed 3/18/81.]

Chapter 289-19 WAC

CUSTODIAL CARE STANDARDS--PRISONER CONDUCT

WAC

| | |
|------------|---|
| 289-19-010 | Introduction. |
| 289-19-100 | Prisoner rights. (Holding facilities.) |
| 289-19-110 | Prisoner rules of conduct. (Holding facilities.) |
| 289-19-120 | Discipline. (Holding facilities.) |
| 289-19-130 | Grievance procedures. (Holding facilities.) |
| 289-19-200 | Prisoner rights. (Detention and correctional facilities.) |
| 289-19-210 | Prisoner rules of conduct. (Detention and correctional facilities.) |
| 289-19-220 | Discipline. (Detention and correctional facilities.) |
| 289-19-230 | Grievance procedures. (Detention and correctional facilities.) |

WAC 289-19-010 Introduction. It is assumed that disciplinary procedures are usually not applicable to six-hour holding facilities, but where any disciplinary rules or sanctions exist, the facility must comply with the applicable provisions of this chapter.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-010, filed 3/24/81.]

WAC 289-19-100 Prisoner rights. (Holding facilities.) Each holding facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care. (30 day, 72 hour) **WAC 289-19-100 ADVISORY.** (6 hour - see WAC 289-16-120.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-100, filed 3/24/81.]

WAC 289-19-110 Prisoner rules of conduct. (Holding facilities.) (1) Rules established.

(a) The department of corrections or chief law enforcement officer shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners which rules shall designate major and minor infractions. (30 day, 72 hour)

(b) Appropriate rules relating to the imposition of discipline, if any, shall be established in writing. (6 hour)

(2) Prisoners informed.

(a) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the jail or conveyed orally to each prisoner. Reasonable efforts shall be made to inform non-English speaking prisoners. (30 day, 72 hour)

(b) Prisoners shall be informed of facility rules and sanctions, if any are established. (6 hour)

(3) Major infractions. If major infractions are handled within the facility, rather than as criminal proceedings, the following shall apply:

(a) All major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(b) Disciplinary committee.

(i) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of major violation of facility rules and impose sanctions. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. (30 day) **WAC 289-19-110 (3)(b)(ii) ADVISORY.** (Not applicable - 72 hour, 6 hour)

(iii) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer

with respect to that charge. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Disciplinary procedures.

(i) Any charge pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-110 (3)(a). If the prisoner is illiterate, the infraction report shall be read to him. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(A) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(B) The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(C) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;

(D) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(E) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) All disciplinary proceedings shall be recorded. (30 day) (Not applicable - 72 hour, 6 hour)

(v) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction. (30 day) (Not applicable - 72 hour, 6 hour)

(4) Minor infractions. Minor infractions may be handled by any staff person by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner.

[Statutory Authority: RCW 70.48.050 (3)(c). 84-21-042 (Order 84-50), § 289-19-110, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-110, filed 3/24/81.]

WAC 289-19-120 Discipline. (Holding facilities.)**(1) Corrective action or forms of discipline.**

(a) When punitive measures are imposed, such measures shall be in accordance with law, and recommended sanctions, and appropriate to the severity of the infraction.

(b) Acceptable forms of discipline shall include, but not be limited to, the following:

(i) Loss of privileges;

(ii) Removal from work detail or other assignment;

(iii) Recommendation of forfeiture of "good time" credit;

(iv) Transfer to the maximum security or segregation section. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Limitations on punishment.

(a) No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.

(b) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

(c) *Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts, or the department of corrections or chief law enforcement officer be suspended.*

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. WAC 289-19-120 (2)(d)(i) **ADVISORY.**

(ii) Under no circumstances shall attorney-client visits be restricted.

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer or his or her designee, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing. (30 day) (Not applicable - 72 hour, 6 hour)

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-120, filed 3/24/81.]

WAC 289-19-130 Grievance procedures. (Holding facilities.)

The department of corrections or chief law enforcement officer for each jail should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for notification of action taken regarding the grievance. (30 day, 72 hour) WAC 289-19-130 **ADVISORY.** (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-130, filed 3/24/81.]

[Title 289 WAC—p 38]

WAC 289-19-200 Prisoner rights. (Detention and correctional facilities.) Each detention and correctional facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care. **ADVISORY.**

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-19-200, filed 3/18/81.]

WAC 289-19-210 Prisoner rules of conduct. (Detention and correctional facilities.) (1) The department of corrections or chief law enforcement officer shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners, which rules shall designate major and minor infractions.

(2) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously throughout the jail. Non-English speaking prisoners shall be informed of the rules either orally, in writing, or by posted signs in the appropriate language.

(3) All major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(4) Minor infractions. Minor violations of the rules may be handled informally by any staff member by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-19-210, filed 3/18/81.]

WAC 289-19-220 Discipline. (Detention and correctional facilities.) (1) Disciplinary committee.

(a) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees, shall hear and decide all charges of major violation of facility rules and impose sanctions.

(b) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-19-220 (1)(b) **ADVISORY.**

(c) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge.

(2) Disciplinary procedures.

(a) Any charges pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing.

(1986 Ed.)

(b) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-210(3). If the prisoner is illiterate, the infraction report shall be read to him.

(c) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(i) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(ii) The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(iii) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;

(iv) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(v) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed rules.

(d) All disciplinary proceedings shall be recorded.

(e) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

(f) The above provisions do not preclude imposition of administrative segregation, according to procedures required by WAC 289-16-230(4), or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding: *Provided*, That every such restriction shall be in accordance with the other provisions in these standards: *Provided further*, That any such restrictions shall be based on legitimate grounds of institutional security or prisoner safety, and such action shall be noted in the prisoner's records.

(3) Corrective action or forms of discipline.

(a) Nonpunitive corrective action should be the first consideration in all disciplinary proceedings. WAC 289-19-220 (3)(a) ADVISORY.

(b) When punitive measures are imposed, such measures shall be in accordance with law, and recommended sanctions, appropriate to the severity of the infraction, and based on considerations of the individual involved.

(c) Acceptable forms of discipline shall include the following:

(i) Loss of privileges;

(ii) Removal from work detail or other assignment;

(iii) Recommendation of forfeiture of "good time" credit;

(iv) Transfer to the maximum security or segregation section.

(4) Limitations on punishment.

(a) No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.

(b) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

(c) Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts or the department of corrections or chief law enforcement officer be suspended.

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. WAC 289-19-220 (4)(d)(i) ADVISORY.

(ii) Under no circumstances shall attorney-client visits be restricted.

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer or his or her designee, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

[Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-19-220, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-19-220, filed 3/18/81.]

WAC 289-19-230 Grievance procedures. (Detention and correctional facilities.) The department of corrections or chief law enforcement officer for each jail should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for written notification of action taken regarding the grievance. ADVISORY.

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-19-230, filed 3/18/81.]

Chapter 289-20 WAC

CUSTODIAL CARE STANDARDS—HEALTH AND WELFARE

| | |
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| 289-20-290 | Sanitation. (Detention and correctional facilities.) |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 289-20-010 | Health care. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-20-020 | Food. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-20-030 | Clothing, bedding and personal items. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-20-040 | Sanitation. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-20-050 | Fire suppression. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |

WAC 289-20-100 Written procedures for medical services. (Holding facilities.) (1) There shall be on file, in the jail, a written procedure which provides that necessary medical services will be provided twenty-four hours a day by one or more of the following:

- (a) A licensed physician.
 - (b) A health care professional supervised by a licensed physician.
 - (c) A hospital or clinic.
- (2) Security. All providers of medical services in holding facilities shall observe the security regulations which apply to jail personnel.
- (3) Licensing and certifications. Medical services shall be provided only by licensed or certified health care providers.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-20-100, filed 3/24/81.]

[Title 289 WAC—p 40]

Ordinance No. 1397

WAC 289-20-105 Health care policies and procedures. (Holding facilities.) Written standard operating procedures shall consist of but not be limited to the following:

- (1) Receiving screening;
- (2) Nonemergency medical services;
- (3) Deciding the emergency nature of illness or injury;
- (4) First aid;
- (5) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (6) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;
- (7) Detoxification procedures; and
- (8) Pharmaceuticals.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-20-105, filed 3/24/81.]

WAC 289-20-110 Health screening. (Holding facilities.) (1) Receiving screening shall be performed on all prisoners upon admission to the facility, and the findings recorded on a printed screening form.

(2) If the results of receiving screening indicate a medical problem that may be detrimental to the health or safety of the prisoner, but is of a nonemergency nature, then the prisoner shall be seen within a reasonable time by a physician or nurse to determine the need for further diagnosis or treatment.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-20-110, filed 3/24/81.]

WAC 289-20-120 Access to health care. (Holding facilities.) (1) Written procedures for gaining access to medical services shall be given to each prisoner at the time of admission and/or posted conspicuously in the jail. (30 day, 72 hour) (6 hour - WAC 289-20-120(1) ADVISORY)

(2) Prisoner complaints of injury or illness, or staff observations of such shall be acted upon by staff as soon as reasonably possible. Prisoners shall be provided with medical diagnosis or treatment as necessary.

(3) Work release prisoners should be allowed to see their own physician. (30 day, 72 hour) WAC 289-20-120(3) ADVISORY (Not applicable - 6 hour)

(4) Emergency care.

(a) Standard first-aid kits shall be conveniently available to all jails.

(b) Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

(i) Arrangements for the emergency evacuation of the prisoner from the jail;

(ii) Arrangements for the use of an emergency medical vehicle;

(iii) Arrangements for the use of one or more designated hospital emergency rooms or other appropriate health facilities;

(iv) Arrangements for emergency on-call physician and dentist services when an emergency health facility is not located in a nearby community;

(1986 Ed.)

(v) Arrangements for emergency mental illness care for prisoners.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-120, filed 3/24/81.]

WAC 289-20-130 Health care training. (Holding facilities.) (1) Jail personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall include but not be limited to:

(a) Awareness of potential medical emergency situations;

(b) Notification or observation-determination that a medical emergency is in progress;

(c) First aid and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

(2) At least one person per shift shall have training in receiving screening.

(3) At least one person available per shift shall have training in basic life support cardiopulmonary resuscitation (CPR).

(4) All persons delivering medication shall be properly trained.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-130, filed 3/24/81.]

WAC 289-20-140 Medications control. (Holding facilities.) (1) If stock prescriptive medication is maintained within the holding facility, standard operating procedures for the proper management of pharmaceuticals shall include:

(a) A formulary specifically developed for the facility when stock medications are maintained within the jail. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);

(b) A policy that jails with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);

(c) A policy regarding the prescription of all medications with particular attention to behavior modifying medications and those subject to abuse;

(2) The standard operating procedures for medication dispensing and administration shall include, but not be limited to, policies regarding:

(a) Nonmedical jail personnel delivering medication(s) to prisoners;

(b) Disposition of medication(s) brought in by prisoners at the time of admission to the facility;

(c) The medications system, which shall insure that all medications shall be kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original container labeled by their manufacturer. Medications shall not be transferred from the original container except for the preparation of a dose administration;

(1986 Ed.)

(d) Safeguards with regard to delivery of medications to prisoners; and

(e) Disposition of unused medication(s).

(3) The standard operating procedures should include a policy regarding the maximum security storage and weekly inventory of all controlled substances, nonprescription medication(s), and any syringes, needles and surgical instruments. (30 day, 72 hour) WAC 289-20-140(3) ADVISORY (Not applicable - 6 hour)

(4) The person delivering medication shall be accountable for following the order of the prescribing physician. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-140, filed 3/24/81.]

WAC 289-20-150 Health care records. (Holding facilities.) (1) Prisoner file maintenance.

(a) Prisoner medical files shall contain the completed receiving screening form, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment, if applicable. (30 day)

(b) A record of the date, time, place and name of the health care provider shall be retained on file at the jail if any health care services are provided to prisoners. (72 hour, 6 hour)

(2) Prisoner file confidentiality.

(a) Medical records shall be maintained separately from other jail records to the extent necessary to protect their confidentiality.

(b) Medical records shall not be released to other persons or agencies without the written authorization of the prisoner.

(3) The responsible physician or medical care provider shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order. (30 day)

(4) Information regarding known serious health problems shall be communicated to any transferring officer or receiving jail or correctional institution at the time of transfer. (72 hour, 6 hour)

(5) The person delivering medications shall record the actual date and time of the delivery.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-150, filed 3/24/81.]

WAC 289-20-160 Special medical issues. (Holding facilities.) (1) Informed consent. All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(2) Special medical.

(a) Jail staff suspecting prisoner mental illness shall notify the appropriate mental health authorities.

(b) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-20-105 shall be given in the jail to prisoners

determined to be mentally ill or under the influence of alcohol, opiates, barbiturates, and similar drugs when such care is not provided in a community health facility. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-160, filed 3/24/81.]

WAC 289-20-165 Access to facilities. (Holding facilities.) (1) Regular bathing (shower) shall be permitted at least twice each week. (30 day) (Not applicable - 72 hour, 6 hour)

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-165, filed 3/24/81.]

WAC 289-20-170 Food. (Holding facilities.) (1) Meal service.

At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Nutritional and caloric intake.

(a) Jail meals shall be nutritious, and provide for appropriate caloric intake.

(b) Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Medically ordered diets shall be strictly observed.

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-170, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-170, filed 3/24/81.]

WAC 289-20-180 Clothing, bedding and personal items. (Holding facilities.) (1) Clothing.

(a) Provisions shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing. (30 day, 72 hour) (Not applicable - 6 hour)

(b) Each jail shall insure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and socks are laundered and made available to them at least twice a week. (30 day) (Not applicable - 72 hour, 6 hour)

(2) Bedding.

Prisoners shall be issued clean bedding within a reasonable time. Bedding shall include, but not be limited to:

(a) A mattress which shall have a washable surface which shall be sanitized at least semi-annually or more often if needed;

(b) A mattress cover or sheet which shall be washed weekly or more often as needed, and always before reissue;

(c) A blanket which shall be washed at frequent intervals to maintain a clean condition, and always before reissue.

(3) Personal care items.

[Title 289 WAC—p 42]

(a) Personal care items issued to each prisoner held in excess of six hours shall include, but not be limited to, soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items. (30 day, 72 hour) (Not applicable - 6 hour)

(b) Toothpaste, toothbrush and comb shall be provided for all prisoners held in excess of twelve hours. Such items shall be available for purchase or shall be issued as needed: *Provided*, That indigent prisoners shall have access to these minimum items without cost. (30 day, 72 hour) (Not applicable - 6 hour)

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. (30 day, 72 hour) WAC 289-20-180 (3)(c) ADVISORY (Not applicable - 6 hour.)

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-180, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-180, filed 3/24/81.]

WAC 289-20-190 Sanitation. (Holding facilities.) (1) General sanitation.

(a) All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, or other matter detrimental to health.

(b) When the facility is occupied, the housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Each prisoner shall clean his own living area daily.

(2) Insects, rodents, and pets.

(a) Insects and rodents shall be eliminated by safe and effective means.

(b) Pets shall not be allowed in jail facilities.

(3) Laundry. Each jail shall arrange for adequate laundry services. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-190, filed 3/24/81.]

WAC 289-20-200 Responsible physician and licensed staff. (Detention and correctional facilities.) (1)

The facility shall have a designated health authority with responsibility for health care services pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator or agency. When this authority is other than a physician, final medical judgments shall rest with a single designated responsible physician licensed in the state of Washington.

(2) Matters of medical and dental judgment shall be the sole province of the responsible physician and dentist respectively; security regulations applicable to facility personnel shall also apply to health personnel.

(3) The responsible physician or medical authority should submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the chief law enforcement officer or department of corrections. WAC 289-20-200(3) ADVISORY.

(4) State licensure and/or certification requirements and restrictions shall apply to health care personnel.

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(5) All medical personnel shall practice within the scope of their license. Where applicable, treatment shall be performed pursuant to a written standing or direct order.

(6) Verification of current licensing and certification credentials should be on file in the jail. WAC 289-20-200(6) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10). § 289-20-200, filed 3/18/81.]

WAC 289-20-205 Health care policies and procedures. (Detention and correctional facilities.) (1) Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following:

- (a) Receiving screening;
- (b) Health appraisal data collection; WAC 289-20-205 (1)(b) ADVISORY
- (c) Nonemergency medical services;
- (d) Deciding the emergency nature of illness or injury;
- (e) Availability of dental referral examination, and treatment;
- (f) Provision of medical and dental prostheses;
- (g) First aid;
- (h) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (i) Providing chronic care;
- (j) Providing convalescent care;
- (k) Providing medical preventive maintenance; WAC 289-20-205 (1)(k) ADVISORY
- (l) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;
- (m) Implementing the special medical program;
- (n) Delousing procedures;
- (o) Detoxification procedures; and
- (p) Pharmaceuticals.

(2) The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the responsible physician.

[Statutory Authority: RCW 70.48.050(1) and 70.48.070(4). 82-04-088 (Order 22), § 289-20-205, filed 2/3/82. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-205, filed 3/18/81.]

WAC 289-20-210 Health screening. (Detention and correctional facilities.) (1) Receiving screening shall be performed on all prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form approved by the jail commission. The screening shall include inquiry into:

- (a) Current illnesses and health problems including those specific to women;
- (b) Medications taken and special health requirements;
- (c) Screening of other health problems designated by the responsible physician;
- (d) Behavioral observation, including state of consciousness and mental status;

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(e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;

(f) Condition of skin and body orifices, including rashes and infestations; and

(g) Disposition/referral of inmates to qualified medical personnel on an emergency basis.

(2) The health appraisal data collection should be completed for each prisoner within fourteen days after admission to the facility in accordance with the adopted standard operating procedures: *Provided*, That this subsection does not apply to prisoners who are able to receive medical care in the community. WAC 289-20-210(2) ADVISORY

(3) Such health appraisal should include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status: *Provided*, That such appraisal is not intended to be a standard "annual physical" but rather such minimum physical and mental status review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals should be included within such appraisal. WAC 289-20-210(3) ADVISORY

(4) Health history and vital signs should be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data should be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems should be made by a physician or designated qualified medical personnel. All health appraisal data should be recorded on the health data forms approved by the responsible physician. WAC 289-20-210(4) ADVISORY.

[Statutory Authority: RCW 70.48.050(1) and 70.48.070(4). 82-04-088 (Order 22), § 289-20-210, filed 2/3/82. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-210, filed 3/18/81.]

WAC 289-20-220 Access to health care. (Detention and correctional facilities.) (1) If medical services are delivered in the jail, adequate equipment supplies and materials shall be provided for the performance of primary health care delivery.

(2) At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of WAC 289-16-010 (1)(f), explaining the procedures for gaining access to medical services.

(3) Prisoners' medical complaints shall be collected daily and acted upon by the medically trained personnel. An appropriate priority shall be established and treatment by qualified medical personnel follow.

(4) Work release prisoners should be allowed to see their own physicians outside of the jail and to receive consistent care within the jail.

(5) Sick call.

(a) Sick call shall be conducted by a physician and/or other qualified medical personnel and shall be available to each prisoner as follows:

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(i) In facilities of less than fifty prisoners, at least once per week at a minimum;

(ii) Facilities of fifty to two hundred prisoners at least three times per week; and

(iii) Facilities of over two hundred prisoners at least five times per week: *Provided*, That the average daily population may be calculated exclusive of work release prisoners when they receive their care in the community.

(b) When sick call is not conducted by a physician, the responsible physician shall arrange for the availability of a physician at least once each week to respond to prisoner complaints regarding services which they did or did not receive from other medical providers; further, regardless of complaints, the responsible physician shall review the medical services delivered, as follows:

(i) At least once per month in jails with less than fifty prisoners;

(ii) At least every two weeks in facilities of fifty to two hundred prisoners; and

(iii) At least weekly in facilities of over two hundred prisoners.

(6) Medical and dental prostheses shall not be denied when the health of the inmate-patient would otherwise be adversely affected as determined by the responsible physician.

(7) Emergency care.

(a) First aid kit(s) shall be conveniently available in all jails.

(b) The responsible physician should approve the contents, number, location and procedure for periodic inspection of the kit(s). WAC 289-20-220 (7)(b)

ADVISORY
(c) Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

(i) Arrangements for the emergency evacuation of the prisoner from the jail;

(ii) Arrangements for the use of an emergency medical vehicle;

(iii) Arrangements for the use of one or more designated hospital emergency rooms, other appropriate health facilities, or on-call physician and dentist services.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-220, filed 3/18/81.]

WAC 289-20-230 Health care training. (Detention and correctional facilities.) (1) Jail personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall incorporate the following steps:

(a) Awareness of potential medical emergency situations;

(b) Notification or observation determination that a medical emergency is in progress;

(c) "First aid" and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

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(2) At least one person per shift within sight or sound of the prisoner shall have training in receiving screening and basic life support cardiopulmonary resuscitation (CPR).

(3) Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and retardation.

(4) All persons responsible for the delivery of medications shall have training regarding the medical, security, and legal aspects of such activity.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-230, filed 3/18/81.]

WAC 289-20-240 Medications control. (Detention and correctional facilities.) (1) The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

(a) A formulary specifically developed for the facility when stock medications are maintained within the jail. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);

(b) A policy that jails with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);

(c) A policy regarding the prescription of all medications with particular attention to behavior modifying medications and those subject to abuse;

(d) A policy regarding medication dispensing and administration which shall include, but not be limited to:

(i) Nonmedical jail personnel delivering medication(s) to prisoners;

(ii) Disposition of medication(s) brought in by prisoners at the time of admission to the facility;

(iii) Packaging of medication(s): The medications system shall insure that all medications are kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original container labeled by their manufacturer. Medications shall not be transferred from the original container except for the preparation of a dose administration;

(iv) Safeguards with regard to delivery of medications to prisoners; and

(v) Disposition of unused medication(s).

(e) A policy regarding the maximum security storage and weekly inventory of all controlled substances, non-prescription medication(s), syringes, needles and surgical instruments. Jails that do not have an on-site pharmacy shall provide for a consulting pharmacist to determine that medication(s) have been properly managed.

(2) The person delivering medication(s) shall be accountable for following the orders of medical staff.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-240, filed 3/18/81.]

WAC 289-20-250 Health care records. (Detention and correctional facilities.) (1) The responsible physician shall be responsible for maintaining patient medical

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record files. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment.

(2) The responsible physician shall insure the confidentiality of each prisoner's medical record file and such file shall be maintained separately to the extent necessary to maintain their confidentiality.

(3) The responsible physician or medical staff designated by him shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order.

(4) A copy or summary of the medical record file shall routinely be sent to any jail or correctional institution to which a prisoner is transferred at the time of such transfer. A copy of such file or parts thereof shall also be transmitted upon the written authorization of a prisoner to designated physicians and medical facilities.

(5) The person delivering medications shall record the actual time of the delivery in a manner and on a form approved by the responsible physician.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-250, filed 3/18/81.]

WAC 289-20-260 Special medical issues. (Detention and correctional facilities.) (1) Informed consent.

(a) All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(b) No prisoner shall be given medical treatment against his will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the prisoner, or, in the case of serious mental disorders, to prevent imminent danger to the life of his or her person or to the lives of others. All procedures required by chapter 71.05 RCW shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within jails.

(c) In the case of minors, the informed consent of parent, guardian or legal custodian applies where required by law.

(d) In all cases, the responsible physician shall give a clear statement to the prisoner patient of his diagnosis and treatment.

(2) Special medical.

(a) Jail staff shall report any symptoms of prisoner mental illness or retardation to medical personnel for appropriate evaluation and treatment.

(b) A special program shall exist for prisoners requiring close medical supervision. A written individual treatment plan for each of these patients shall be developed by a physician which includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients.

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(c) Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation as required by WAC 289-18-200 (1)(c) and (d), should be developed by medical staff. **ADVISORY**

(d) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-20-205 (1)(l) shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates and similar drugs when such care is not provided in a community health facility.

(e) Reasonable physical restraint when necessary for medical reasons shall be medically directed, except that in an emergency reasonable physical restraint may be used to control a grossly disturbed or violent prisoner, but the review and direction of the health care staff or local mental health professionals shall be promptly obtained.

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-260, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-260, filed 3/18/81.]

WAC 289-20-265 Access to facilities. (Detention and correctional facilities.) (1) Regular bathing (shower) shall be permitted at least twice each week.

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-265, filed 3/18/81.]

WAC 289-20-270 Food. (Detention and correctional facilities.) (1) General food requirements.

(a) At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.

(b) Jails may arrange for prepared meal service or serve frozen packaged meals, provided these meals conform to the other requirements of this section.

(c) Meals shall be served in a reasonable manner, hot food served hot, cold food served cold.

(2) Nutritional and caloric intake.

(a) Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified.

(b) Diets ordered by medical staff shall be strictly observed.

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-270, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-270, filed 3/18/81.]

WAC 289-20-280 Clothing, bedding and personal items. (Detention and correctional facilities.) (1) Clothing.

(a) Provision shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing.

(b) Each jail shall insure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and

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socks are laundered and made available to them at least twice a week.

(c) Detention and correctional facilities shall, if necessary, clean and sanitize personal clothing prior to storage.

(2) Bedding.

(a) Each prisoner shall be issued clean bed linens for the first night's detention and at least once a week thereafter. Bed linens shall include:

(i) One detachable cloth mattress cover and one sheet; or

(ii) Two sheets; or

(iii) One double sized sheet.

(b) Mattresses shall have a washable surface and shall be sanitized at least semiannually.

(c) Blankets shall be issued upon arrival and shall be washed at frequent intervals to maintain a clean condition, but at least once every sixty days, and always before reissue.

(3) Personal care items.

(a) Personal care items issued to each prisoner in detention and correctional facilities shall include, but not be limited to soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.

(b) Toothpaste or powder, toothbrush and comb shall be provided for all prisoners. Such items shall be available for purchase or shall be issued at booking and as needed thereafter: *Provided*, That prisoners without funds shall have access to these minimum items without cost.

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. WAC 289-20-280 (3)(c). **ADVISORY.**

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-280, filed 3/18/81.]

WAC 289-20-290 Sanitation. (Detention and correctional facilities.) (1) General.

(a) All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, or other matter detrimental to health.

(b) Jail staff shall insure that each prisoner shall clean his own living area daily. Convicted prisoners may be required to clean other space within the confinement area and pretrial detainees may be permitted to do so voluntarily.

(2) Insects, rodents, and pets.

(a) Insects and rodents shall be eliminated by safe and effective means. Prisoners shall be removed from areas in which insecticides and rodenticides are being used.

(b) Pets shall not be allowed in jail facilities.

(3) Laundry. Each jail shall arrange for adequate laundry services.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-290, filed 3/18/81.]

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Chapter 289-22 WAC

CUSTODIAL CARE STANDARDS—SERVICES AND PROGRAMS

WAC

| | |
|------------|--|
| 289-22-100 | Services. (Holding facilities.) |
| 289-22-110 | Programs. (Holding facilities.) |
| 289-22-200 | Services. (Detention and correctional facilities.) |
| 289-22-210 | Programs. (Detention and correctional facilities.) |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 289-22-010 | Services. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-22-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |
| 289-22-020 | Programs. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-22-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW. |

WAC 289-22-100 Services. (Holding facilities.)

(1) Commissary.

(a) The department of corrections or chief law enforcement officer of each holding facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at cost at least once a week at local stores. (30 day)

(b) The department of corrections or chief law enforcement officer may provide prisoners with a list of approved items to be purchased at cost. (72 hour) WAC 289-22-100 (1)(b) **ADVISORY.** (Not applicable - 6 hour)

(c) Commissary items shall include books, periodicals, and newspapers.

(d) Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses. (30 day) (Not applicable - 72 hour, 6 hour)

(e) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Basic hair care. Reasonable arrangements should be made to provide basic hair care. (30 day) WAC 289-22-100(2) **ADVISORY.** (Not applicable - 72 hour, 6 hour)

(3) Reading materials. Each jail should provide for reading materials and library services. WAC 289-22-100(3) **ADVISORY**

(4) Legal assistance.

(a) When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers. (30 day) (Not applicable - 72 hour, 6 hour)

(5) Religious services.

(1986 Ed.)

(a) Upon reasonable request from a prisoner, the jail facility staff shall arrange for confidential religious consultation. (30 day) (72 hour – WAC 289-22-100 (5)(a) ADVISORY) (Not applicable – 6 hour)

(b) Holding facilities with an average daily population of twenty-five or more should arrange for weekly religious services. (30 day) WAC 289-22-100 (5)(c) ADVISORY (Not applicable – 72 hour, 6 hour)

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. (30 day) WAC 289-22-100 (5)(d) ADVISORY (Not applicable – 72 hour, 6 hour).

(d) Attendance at religious services shall be voluntary. (30 day) (Not applicable – 72 hour, 6 hour)

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in holding facilities with an opportunity to discuss their problems. (30 day, 72 hour) WAC 289-22-100 (6)(a) ADVISORY. (Not applicable – 6 hour)

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community, provided that the security of the facility is not jeopardized. (30 day, 72 hour) WAC 289-22-100 (6)(b) ADVISORY. (Not applicable – 6 hour)

(c) Prisoners are not required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-22-100, filed 3/24/81.]

WAC 289-22-110 Programs. (Holding facilities.)

(1) Each prisoner should be allowed an opportunity for physical exercise. WAC 289-22-110(1) ADVISORY.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. (30 day) WAC 289-22-110(2) ADVISORY. (Not applicable – 72 hour, 6 hour)

(3) Participation in work programs by pretrial detainees shall be voluntary.

(4) Education or training programs. The department of corrections or chief law enforcement officer may allow the prisoner to contact or be contacted by community representatives of education or training programs. (30 day, 72 hour) WAC 289-22-110(4) ADVISORY. (Not applicable – 6 hour)

(5) Leisure time activity programs. Holding facilities should provide opportunities for all prisoners to participate in leisure time activities. WAC 289-22-110(5) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-22-110, filed 3/24/81.]

WAC 289-22-200 Services. (Detention and correctional facilities.) (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each detention and correctional facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at least once a week at local stores.

(b) Commissary items shall include books, periodicals, and newspapers, or the facility shall make arrangements to order any such items from publishers and/or local newsstands.

(c) Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

(d) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoners account shall be accurately recorded and receipted.

(2) Basic hair care. All jails shall make reasonable arrangements to provide basic hair care.

(3) Library services. In consultation with state and/or local library service units, each jail shall make provision for library services.

(4) Legal assistance.

(a) When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials.

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers.

(5) Religious services.

(a) Upon request from a prisoner, the jail facility shall arrange religious services or confidential religious consultation.

(b) Detention and correctional facilities with an average daily population of twenty-five or more shall arrange for weekly religious services.

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-22-200 (5)(c) ADVISORY.

(d) Attendance at religious services shall be voluntary, and prisoners who do not wish to hear or participate shall not be exposed to such services.

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in detention and correctional facilities with an opportunity to discuss their problems, interests, and program. WAC 289-22-200 (6)(a) ADVISORY.

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community. WAC 289-22-200 (6)(b) ADVISORY.

(c) Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling. WAC 289-22-200 (6)(c) ADVISORY.

(d) Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body. WAC 289-22-200 (6)(d) ADVISORY.

(e) Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

(f) Prisoners being discharged should receive assistance in obtaining employment, housing, acceptable clothing, and transportation. WAC 289-22-200 (6)(f) ADVISORY.

[Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-22-200, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-22-200, filed 3/18/81.]

WAC 289-22-210 Programs. (Detention and correctional facilities.) (1) Each prisoner shall be allowed three hours per week of physical exercise, to be scheduled on no less than three separate days. If weather does not permit outdoor exercise, it shall be provided indoors. Indoor or outdoor exercise areas shall be equipped with appropriate equipment and supplies to permit varied exercise or recreation.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. WAC 289-22-210(2) **ADVISORY.**

(3) Participation in work programs by pretrial detainees shall be voluntary.

(4) Education and training programs.

(a) The department of corrections or chief law enforcement officer should arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens, and other available community, state, and federal resources. WAC 289-22-210 (4)(a) **ADVISORY.**

(b) Paid staff member(s) should have designated responsibility for supervision of the education and training programs. WAC 289-22-210 (4)(b) **ADVISORY.**

(c) Approved correspondence courses should be available at the prisoner's request and expense. WAC 289-22-210 (4)(c) **ADVISORY.**

(d) Jails should provide courses to prepare qualified prisoners for the "General Education Development" test, and provide the opportunity to take the test. WAC 289-22-210 (4)(d) **ADVISORY.**

(5) Leisure time activity programs.

(a) Detention and correctional facilities should provide opportunities for all prisoners to participate in leisure time activities of their choice and abilities. Such activities may include athletic programs, hobbies and crafts, table games, radio and television, motion pictures, cards, puzzles, checkers and chess. WAC 289-22-210 (5)(a) **ADVISORY.**

(b) Volunteers may be used to plan and supervise exercise programs and other leisure time activities, but paid staff member(s) should have designated responsibility for supervision of such programs. WAC 289-22-210 (5)(b) **ADVISORY.**

(6) Alternative to confinement programs. With the concurrence of the department of corrections, or chief law enforcement officer, the disciplinary hearing body may recommend an alternative to confinement to the court of jurisdiction. WAC 289-22-210(6) **ADVISORY.**

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-22-210, filed 3/18/81.]

Chapter 289-24 WAC CUSTODIAL CARE STANDARDS— COMMUNICATIONS

WAC
289-24-010 Introduction.

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289-24-100 Telephone usage. (Holding facilities.)
289-24-110 Mail. (Holding facilities.)
289-24-120 Visitation. (Holding facilities.)
289-24-200 Telephone usage. (Detention and correctional facilities.)
289-24-210 Mail. (Detention and correctional facilities.)
289-24-220 Visitation. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-24-020 Communication with staff. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-24-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-030 Telephone usage. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-24-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-040 Mail. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-24-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-050 Visitation. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-24-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-24-010 Introduction. It is assumed that mail will usually not be sent or received in 72 hour or 6 hour holding facilities, but facilities which do handle mail must comply with the applicable provisions in this chapter.

[Statutory Authority: Chapter 70.48 RCW, Readopted by 81-08-014 (Order 13), § 289-24-010, filed 3/24/81. Prior: Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-24-010, filed 6/27/79.]

WAC 289-24-100 Telephone usage. (Holding facilities.) (1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes). (30 day) (72 hour, 6 hour - WAC 289-24-100(1) **ADVISORY**)

(2) Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner: *Provided*, That established social telephone usage shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative.

(3) Long distance calls shall be at the prisoner's expense or collect: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

(4) Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order.

(5) Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours.

[Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-14-100, filed 3/24/81.]

(1986 Ed.)

WAC 289-24-110 Mail. (Holding facilities.) (1) Newspapers, books, periodicals, other printed materials, and photographs.

(a) Prisoners shall generally be permitted to receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff. (30 day) (Not applicable - 72 hour, 6 hour)

(b) If such materials are withheld from a prisoner:

(i) The prisoner shall receive written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;

(ii) The affected prisoner shall be promptly informed of his right to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request;

(iii) A written decision of the review of the denial, including reason(s), shall be given to the prisoner requesting review. (30 day) (Not applicable - 72 hour, 6 hour)

(2) Correspondence.

(a) General.

(i) Incoming or outgoing mail shall be retained no more than one business day. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters including letters to attorneys, the courts, and elected federal, state, county and city officials. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense: *Provided*, That no limit may be set on the number of letters which may be sent to the prisoner's attorney or to the courts. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) No restrictions shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by order of a court of competent jurisdiction, or as provided under (c) of this subsection. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) These rules shall not preclude a prisoner being required to place his name and return post office address on outgoing mail. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Opening or censoring mail.

(i) No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) Incoming mail shall not be censored, but may be opened and inspected for contraband, cash, and checks and may be perused for content when the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Notice of disapproval of prisoner mail.

(i) If a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) A written decision of the review of such denial shall be promptly delivered to the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(d) Limitations.

(i) Incoming mail of postconviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city officials shall be opened only in the presence of the addressee. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) Mail to or from attorneys, courts, or elected federal, state, county or city officials shall not be read. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts. (30 day) (Not applicable - 72 hour, 6 hour)

(3) Packages. If a facility allows prisoners to send or receive packages;

(a) All packages shall be opened and inspected. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Outgoing. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations. (30 day) (Not applicable - 72 hour, 6 hour)

(4) Contraband.

(a) Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Permissible items received in the mail, including money or checks, shall be recorded by a staff member and notification thereof given to the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, or 9A.76.160, or other applicable statute(s). (30 day) (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-24-110, filed 3/24/81.]

WAC 289-24-120 Visitation. (Holding facilities.)

(1) Security.

(a) Open visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution. (30 day) WAC 289-24-120 (1)(a) ADVISORY. (Not applicable - 72 hour, 6 hour)

(b) The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under WAC 289-16-130. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Social visits.

The department of corrections or chief law enforcement officer shall establish and post rules which permit reasonable opportunities for social visits for each prisoner and specifying times therefor. (30 day) (72 hour - WAC 289-24-120(2) ADVISORY) (Not applicable - 6 hour)

(3) Business and professional visits.

(a) Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor at reasonable hours.

(b) The department of corrections or chief law enforcement officer should allow confidential visits from business, educational and law enforcement professionals. (30 day, 72 hour) WAC 289-24-120 (3)(b) ADVISORY. (Not applicable - 6 hour)

(4) Visitor regulations.

(a) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted.

(b) Any person may refuse a search but, subsequent to such refusal, may then be denied entrance.

(c) Other reasons for denying entrance to visitors shall include, but not to be limited to:

(i) An attempt, or reasonable suspicion of an attempt, to bring contraband into the facility.

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(ii) Obvious influence or effect of alcohol or controlled substances.

(iii) Request from the prisoner's physician.

(iv) Request from the prisoner.

(v) Reasonable grounds to believe a particular visit would present a substantial danger to jail security, or management, or to the welfare of prisoners, staff, or other visitors.

(d) If a visitor is refused admittance during regular visiting hours;

(i) The prisoner shall receive notice of the refusal stating the reasons therefor.

(ii) The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right.

(iii) A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-24-120, filed 3/24/81.]

WAC 289-24-200 Telephone usage. (Detention and correctional facilities.)

(1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

(2) Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner: *Provided*, That established social telephone usage hours shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative.

(3) Calls shall be at the prisoner's expense or collect: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

(4) Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order.

(5) Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-200, filed 3/18/81.]

WAC 289-24-210 Mail. (Detention and correctional facilities.)

(1) Newspapers, books, periodicals, other printed materials, and photographs.

(a) Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff.

(b) When such materials are withheld from a prisoner:

(1986 Ed.)

(i) The prisoner shall receive immediate written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;

(ii) The affected prisoner shall be promptly informed of his right to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request;

(iii) A written decision of the review of the denial, including reason(s), shall be given to the prisoner requesting review.

(2) Correspondence.

(a) General.

(i) Incoming or outgoing mail shall be retained no more than one business day.

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense or with postage purchased from the prisoner welfare fund, provided upon proper showing the number may be increased. Each prisoner shall be permitted to mail out any number of letters to his attorney, and the courts.

(iii) No restriction shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by court order of a court of competent jurisdiction, or as provided under (c) of this subsection.

(iv) These rules shall not preclude a prisoner being required to place his name and a return post office address on outgoing mail.

(b) Opening or censoring mail.

(i) No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy.

(ii) Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks and may be perused for content when the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

(iii) Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law.

(c) Notice of disapproval of prisoner mail.

(i) When a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the prisoner.

(ii) When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the

reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name.

(iii) When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right.

(iv) A written decision of the review of such denial shall be promptly delivered to the prisoner.

(d) Limitations.

(i) Incoming mail of postconviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city official, shall be opened only in the presence of the addressee.

(ii) Mail to or from attorneys, courts or elected federal, state, county, or city officials shall not be read.

(iii) There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts.

(3) Packages.

(a) Incoming.

(i) If a facility allows prisoners to receive packages, all packages shall be opened and inspected.

(ii) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him.

(b) Outgoing. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations.

(4) Contraband. Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. A receipt for permissible items received in the mail, including money or checks shall be signed by a staff member and a copy thereof promptly delivered to the prisoner. Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160, or other applicable statute(s).

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-210, filed 3/18/81.]

WAC 289-24-220 Visitation. (Detention and correctional facilities.) (1) General.

(a) Open visitation should be provided for those prisoners determined to present a minimal degree of risk to

the safety and security of the institution. WAC 289-24-220 (1)(a) **ADVISORY.**

(b) The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under WAC 289-16-230.

(2) Social visits.

(a) The department of corrections or chief law enforcement officer shall establish and post rules governing social visits and specifying times therefor.

(b) Each prisoner shall be allowed a minimum of three hours total visitation per week.

(c) Immediate family, i.e., wives, husbands, children, parents, brothers, sisters, grandparents, aunts, and uncles, and any person so related through marriage, shall be given preference for allowed visitation time unless the prisoner specifies otherwise.

(d) Except for immediate family members, visitors seventeen years of age and under shall be accompanied by a parent or guardian.

(e) The department of corrections or chief law enforcement officer or his designee may grant special visitation privileges to visitors who have traveled long distances, to visitors for hospitalized prisoners, and for other unusual circumstances.

(3) Business and professional visits.

(a) Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor.

(b) By prior arrangement with the department of corrections or the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits for business or educational reasons.

(c) Law enforcement professionals shall be allowed to interview prisoners at reasonable times and with prior notice, unless it appears circumstances do no permit delay.

(4) Visitor regulations.

(a) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted at the entrances to the facility and at the entrance to the visiting area.

(b) Any person may refuse a search but, subsequent to such refusal, may then be denied entrance.

(c) Other reasons for denying entrance to visitors shall include but not be limited to:

(i) An attempt, or reasonable suspicion of an attempt to bring contraband into the facility;

(ii) Obvious influence or effect of alcohol or controlled substances;

(iii) Request from the prisoner's physician;

(iv) Request from the prisoner;

(v) Reasonable grounds to believe a particular visit would present a substantial danger to jail security or management or the welfare of prisoners, staff, or other visitors.

(d) Whenever a visitor is refused admittance during regular visiting hours, the prisoner shall receive notice of the refusal stating the reasons therefor. The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections,

or the chief law enforcement officer upon written request and shall be promptly informed of this right. A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-220, filed 3/18/81.]

Chapter 289-26 WAC

CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES

WAC

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WAC 289-26-005 Introduction to custodial care standards for special detention facilities. (1) The provisions of chapter 289-26 WAC incorporate custodial care standards applicable to special detention facilities as defined under WAC 289-02-020 and 289-02-050, and to work release facilities. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) The mandatory custodial care standards for special detention facilities are intended to meet minimum legal requirements for health, welfare, and security for