



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Report

File Number: AB2024-096

File ID:	AB2024-096	Version:	1	Status:	Adopted as Amended
File Created:	01/17/2024	Entered by:	SHarris@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Ordinance		
Assigned to:	Council Criminal Justice and Public Safety Committee			Final Action:	02/06/2024
Agenda Date:	02/06/2024			Enactment #:	ORD 2024-006
Related Files:					

Primary Contact Email: sharris@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Ordinance suspending Whatcom County Code 1.28 to update the Correctional Facilities Operational Standards

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/23/2024	Council	INTRODUCED	Council Criminal Justice and Public Safety Committee
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	
02/06/2024	Council Criminal Justice and Public Safety Committee	RECOMMENDED FOR ADOPTION	
		Aye: 3 Buchanan, Byrd, and Scanlon	
		Nay: 0	
02/06/2024	Council	ADOPTED AS AMENDED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	

Attachments: Staff Memo, Proposed Ordinance

ORDINANCE NO. 2024-006

**SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL
FACILITIES OPERATIONAL STANDARDS**

WHEREAS, in 1977, chapter 70.48 RCW, the City and County Jails Act, was initially adopted; and

WHEREAS, in 1979, the Washington State Correctional Facilities Standards were developed by the Corrections Standards Board and codified in Title 289 of the Washington Administrative Code (WAC) as a guide to counties and cities to satisfy the mandates under the Act; and

WHEREAS, in 1987, a new section, RCW 70.48.071, was added to chapter 70.48 RCW that specifically mandated that "units of local government that own or operate adult correctional facilities shall, individually or collectively, adopt standards for the operation of those facilities no later than January 1, 1988..."; and

WHEREAS, to comply with RCW 70.48.071, the Whatcom County Council adopted the standards in Title 289 WAC by enacting Ordinance No. 87-85 in December 1987, later codified as Whatcom County Code (WCC) 1.28 - *Standards for Correctional Facilities*; and

WHEREAS, in 2006, Title 289 WAC was decodified without replacement as it was obsolete and the Corrections Standards Board ceased to exist; and

WHEREAS, the identical standards in Whatcom County Code (WCC) 1.28 are likewise obsolete; and

WHEREAS, RCW 70.48.071 authorizes the County to establish operational standards for its own correctional facilities in either its code, through the correctional facilities department policies and standards, or a combination thereof; and

WHEREAS, the Whatcom County Sheriff's Office correctional facility operational standards are collectively established through various documents, including, but not limited to, written general policies, corrections bureau operational policies and procedures, medical policies and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building Code; and

WHEREAS, the Whatcom County Council temporarily suspended WCC 1.28 for up to twelve months on July 8, 2019, again for an additional eighteen months on July 8, 2021, again for an additional eleven months on March 7, 2023; and

WHEREAS, the Whatcom County Council deems it necessary to reinstate the suspension of WCC 1.28 for up to an additional twelve (12) months to provide

1 adequate time for the Law and Justice Council and the County Council to review the
2 correctional facilities operational standards and proposals.

3
4 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
5 WCC 1.28 is hereby suspended in its entirety for up to twelve (12) months, and that
6 the Whatcom County Sheriff's Office correctional facility operational standards, as
7 described above, are hereby temporarily adopted in place of WCC 1.28.

8
9 **BE IT FINALLY ORDAINED** that the following notation shall be included in
10 the County Code in place of WCC 1.28

11
12 *Whatcom County Code Chapter 1.28 is temporarily suspended for up to an*
13 *additional twelve (12) months, beginning Feb 20, 2024, pursuant to Ord. 2024-006.*
14 *This is the fourth such extension, following:*

- 15 - Ord. 2019-047 which suspended WCC 1.28 temporarily for twelve (12) months.
- 16 - Ord. 2021-039 that extended the temporary suspension eighteen (18) months.
- 17 - Ord. 2023-009 that extended the temporary suspension eleven (11) months.

18 *The Whatcom County Sheriff's Office correctional facility operation standards, as*
19 *collectively established through various documents, including, but not limited to,*
20 *written general policies, corrections bureau operational policies and procedures,*
21 *medical policies and procedures, the Sheriff's Office Rules and Regulations Manual, and*
22 *the Uniform Building Code, are temporarily adopted in its place.*

23
24 **ADOPTED** this 6th day of February, 2024.

25
26 (ATTEST)

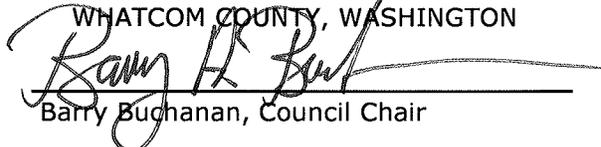
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28 
29 Dana Brown-Davis, Clerk of the Council

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32 APPROVED AS TO FORM:

33
34 /s/Royce Buckingham approved on behalf of attorney
35 Brandon Waldron via email on 2/8/2024/MR

36
37 Royce Buckingham, Civil Deputy Prosecutor

38
39 WHATCOM COUNTY COUNCIL
40 WHATCOM COUNTY, WASHINGTON

41 
42 Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON


Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: February 9, 2024