

1 SPONSORED BY: _____
2 PROPOSED BY: Prosecutor's Office
3 INTRODUCTION DATE: _____
4

5
6 ORDINANCE NO. 2020-_____

7
8 SUSPENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL
9 FACILITIES OPERATIONAL STANDARDS

10
11 **WHEREAS**, in 1977, chapter 70.48 RCW, the City and County Jails Act, was initially
12 adopted; and

13
14 **WHEREAS**, in 1979, the Washington State Correctional Facilities Standards were
15 developed by the Corrections Standards Board and codified in Title 289 of the Washington
16 Administrative Code (WAC) as a guide to counties and cities to satisfy the mandates under the
17 Act; and

18
19 **WHEREAS**, in 1987, a new section, RCW 70.48.071, was added to chapter 70.48 RCW
20 that specifically mandated that “units of local government that own or operate adult correctional
21 facilities shall, individually or collectively, adopt standards for the operation of those facilities no
22 later than January 1, 1988...”; and

23
24 **WHEREAS**, to comply with RCW 70.48.071, the Whatcom County Council adopted the
25 standards in Title 289 WAC by enacting Ordinance No. 87-85 in December 1987, later codified
26 as Whatcom County Code (WCC) 1.28 - *Standards for Correctional Facilities*; and

27
28 **WHEREAS**, in 2006, Title 289 WAC was decodified without replacement as it was
29 obsolete and the Corrections Standards Board ceased to exist; and

30
31 **WHEREAS**, the identical standards in WCC 1.28 are likewise obsolete; and

32
33 **WHEREAS**, RCW 70.48.071 authorizes the County to establish operational standards
34 for its own correctional facilities in either its code, through the correctional facilities department
35 policies and standards, or a combination thereof; and

36
37 **WHEREAS**, the Whatcom County Sheriff's Office correctional facility operational
38 standards are collectively established through various documents, including, but not limited to,
39 written general policies, corrections bureau operational policies and procedures, medical policies
40 and procedures, the Sheriff's Office Rules and Regulations Manual, and the Uniform Building
41 Code; and

42
43 **WHEREAS**, the Whatcom County Council temporarily suspended WCC 1.28 for up to
44 twelve months on July 8, 2019; and

45
46 **WHEREAS**, the COVID-19 pandemic has resulted in drastic disruption of Whatcom
47 County Sheriff's Office operations; and

48
49 **WHEREAS**, an additional twelve month suspension of WCC 1.28 would allow the
50 Whatcom County Sheriff's Office to complete the review and revision creation process for
51 Corrections policies, and to coordinate with the Law and Justice Committee and Whatcom

52 County Council to address and concerns, questions, or suggestions, and to provide Whatcom
53 County Information Technology appropriate time to publish the final standards on the Whatcom
54 County website; and
55

56 **WHEREAS**, the Whatcom County Council deems it necessary to extend the suspension
57 of WCC 1.28 for up to an additional twelve (12) months to provide adequate time for the Law
58 and Justice Committee and the County Council to review the correctional facilities operational
59 standards and proposals.
60

61 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that WCC
62 1.28 is hereby suspended in its entirety for up to an additional twelve months, and that the
63 Whatcom County Sheriff's Office correctional facility operational standards, as described above,
64 continue to be temporarily adopted in place of WCC 1.28.
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66 **BE IT FINALLY ORDAINED** that the following notation shall be included in the
67 County Code in place of WCC 1.28:
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69 *Whatcom County Code Chapter 1.28 is temporarily suspended for up to twelve months,*
70 *beginning July 8, 2020. The Whatcom County Sheriff's Office correctional facility standards, as*
71 *collectively established through various documents, including, but not limited to, written general*
72 *policies, corrections bureau operational policies and procedures, the Sheriff's Office Rules and*
73 *Regulations Manual, and the Uniform Building Code, are temporarily adopted in its place.*
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77 ADOPTED THIS _____ DAY OF _____, 2020.
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79
80 ATTEST: WHATCOM COUNTY COUNCIL
81 WHATCOM COUNTY, WASHINGTON
82

83
84 _____
85 Dana Brown-Davis, Clerk of the Council Council Chair
86

87 APPROVED AS TO FORM APPROVED () DENIED ()
88

89
90
91 _____
92 Deputy Prosecuting Attorney Satpal Sidhu, County Executive