

PROPOSED BY: SHERIFF'S DEPARTMENT
INTRODUCTION DATE: _____

ORDINANCE NO. _____

REPEALING WHATCOM COUNTY CODE 1.28, STANDARDS FOR CORRECTIONAL FACILITIES, IN ITS ENTIRETY

WHEREAS, in 1987, Chapter 70.48 (RCW) of the *Revised Code of Washington* and Title 289 (WAC) of the *Washington Administrative Code* were amended to implement the new City and County Jails Acts; and

WHEREAS, RCW 70.48.071 specifically provided "...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..." Title 289 WAC, adopted the State jail commission standards for correctional facilities; and

WHEREAS, to conform with new legislation, Whatcom County adopted the same State standards under Title 289 WAC in its entirety, as Whatcom County Code (WCC) 1.28, previously codified as 15.28 (effective Dec 1987-current) *Standards for Correctional Facilities*; and

WHEREAS, in 2006 all sections of Title 289 WAC- *Corrections Standards* were repealed and decodified as they were outdated and/or are no longer effective; and

WHEREAS, Whatcom County adopted Title 289 WAC in its entirety, therefore Whatcom County Codes under Chapter 1.28 are also outdated and/or no longer effective; and

WHEREAS, Whatcom County Sheriff's Office is unable to comply with the standards and requirements under WWC 1.28 as codified, thus exposing Whatcom County to potential civil liability; and

WHEREAS, Whatcom County Sheriff's Office requests to repeal WWC 1.28 in its entirety, with the exception of the following language to be incorporated herein and as set-forth under Exhibit A, attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that current Whatcom County Codes Chapter 1.28 be repealed and replaced with the language set-forth in Exhibit A.

ADOPTED this ____ day of, 2023.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Approved vis email 1/19/23 BW-LR

Brandon Waldron, Civil Deputy Prosecutor

Satpal Sidhu, County Executive

() Approved () Denied

Date Signed: _____

Exhibit "A"

Chapter 1.28

STANDARDS FOR CORRECTIONAL FACILITIES

1.28.010 General

A. The rules in this chapter shall apply to "Adult Correctional Facilities" within Whatcom County. "Adult Correctional Facilities" shall be defined as facilities 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, and/or facilities used for housing adult persons being held while awaiting adjudication of a criminal offense.

B. When the word "shall" is used in this chapter, it is used as an imperative and must be considered mandatory. When the term "may" is used in this chapter, it is used as directory only and is not mandatory but rather permissive.

1.28.11 Operational standards

A. The Whatcom County Sheriff shall have the express authority to adopt any and all operational standards, rules, and procedures for the Whatcom County Sheriff's Office Corrections Bureau as needed. The Sheriff may adopt, revise, implement and/or update these standards at any time and as needed to conform with federal, state, and local laws and regulations.

B. These standards are collectively established within the *Sheriff's Office General Policies*, the *Sheriff's Office Corrections Bureau Operational Policies and Procedures*, and the *Medical Policies and Procedures* of the Jail Health Program. All operational standards and any amendments thereafter shall be retained by the Whatcom County Sheriff's Office.

The policies that codify the new standards will be published and regularly updated on the Sheriff's Office page on the Whatcom County web site.

C. All operational standards related to the physical plant, regulated by the International Building Code and/or federal, state or local laws, shall be maintained and enforced by County Administrative Services.