

**1.28.010**

is a nuclear free zone by public vote on November 6, 1984.”

C. No county resources shall be used to aid, directly or indirectly, in the manufacture, siting, or testing of nuclear weapons. (Res. 85-29).

**Chapter 1.28**

**STANDARDS FOR CORRECTIONAL FACILITIES**

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**1.28.010 General.**

A. The rules set forth in this chapter shall apply to correctional facilities generally within Whatcom County, but shall not apply to holding facilities, detention facilities, work release facilities or juve-

nile facilities unless they are specifically mentioned in the provisions set forth in this chapter.

B. When the word “shall” is used in this chapter it is used as an imperative and must be considered mandatory; whereas when the term “may” is used in this chapter it is used as directory only and is not mandatory but rather permissive. (Ord. 87-85 (part)).

#### **1.28.020 Definitions.**

The following words and phrases shall have the meaning indicated whenever used in this chapter unless a different meaning is specifically indicated:

A. “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.

B. “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 of persons serving terms not to exceed 90 days.

C. “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 30 days.

D. “Juvenile facility” means a facility separated or removed from any jail or police station, which is in charge of a matron, wherein all children within the provision of RCW Title 13 shall be sheltered. (Ord. 87-85 (part)).

#### **1.28.030 Physical plant standards.**

1. Functional Areas. Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner-to-prisoner privacy, sight and sound surveillance and protection for prisoners and staff.

2. Single Occupancy Cells. Seventy-two square feet or larger with not less than eight-foot ceilings. A single occupancy cell should contain not less than 50 square feet of clear floor space.

3. Day Room Areas. A minimum of 35 square feet per prisoner, but not less than a total of 144 square feet.

4. Dormitories, When Included. A minimum and maximum capacity of eight to 10 males or four

to 10 females and 60 square feet of floor space per prisoner in semiprivate sleeping areas. The dormitory shall also include day room space, and not less than 10-foot ceiling if double bunks are used.

5. Program, Recreation and Exercise Areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area.

6. Kitchen and Dining Facilities. When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day.

7. Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

8. Examining Room, Infirmary and Medical Isolation. Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a hand-washing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

9. When an infirmary is located within the facility space it shall allow a minimum of three feet between the perimeter of each bed and walls, beds and any fixed obstruction; provided, that this three-foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

10. Visitation and Confidential Consultation. Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

11. Detention and correction facilities shall provide adequate facilities for confidential consultation(s).

12. Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

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13. Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

14. Supervisory Stations. Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from an unauthorized access and it shall be capable for controlling access to and facility by the general public.

15. Sight-and-sound surveillance equipment, when used, shall be monitored in the control room or at the control panel and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

16. Booking and Reception Areas. The booking area(s) shall include, but not be limited to, rest-room facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

17. Building Codes. All standards contained in the current Washington building code established by RCW 19.27.030, the electrical wiring provisions of RCW Chapter 19.28, and more restrictive local standards shall be followed in all new jail construction.

18. Materials for Walls, Floors and Ceiling. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire-resistant and nontoxic.

19. Entrances and Exits. Detention and correctional facilities shall have two secure vestibules for ingress and egress.

20. Elevators shall have no less than six feet by four feet inside dimensions.

21. A secure area shall be provided for loading and unloading prisoners.

22. Windows and/or Skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

23. Noise Level. Noise level shall conform to the requirements of Chapter 173-60 WAC (Maximum environmental noise levels).

24. Prisoner living areas, inspection corridors and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

25. Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (30 footcandles at 30 inches minimum, 100 footcandles at 30 inches for medical examining areas, 50 footcandles at 30 inches for work areas).

26. Water Supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

27. Plumbing – Toilets, Lavatories, Showers and Floor Drains. There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

28. A minimum of one shower head shall be provided for every 10 prisoners.

29. Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

30. Heating, Ventilation and Air Conditioning. The systems shall maintain mean temperatures between 65 and 85 degrees Fahrenheit.

31. The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

32. Support Systems – Fire Detection and Suppression. All correction facilities and detention facilities shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within-cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

33. Emergency Power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter, and for the preparation of a light meal.

34. Minimum Security Facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas. (Ord. 87-85 (part)).

**1.28.040 General administration.**

A. The chief law enforcement officer or his designee shall develop and maintain an organizational chart and an operations manual of policies and procedures.

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

C. All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least annually. (Ord. 87-85 (part)).

**1.28.050 Staff positions.**

A. Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

B. 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.

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

D. Appropriate physical fitness standards should be set and enforced for all jail staff. (Ord. 87-85 (part)).

**1.28.060 Training.**

All correctional facilities 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:

1. Agency organization,
2. Admission and release procedures,
3. Security and safety procedures,
4. Contraband control, definition of, etc.,
5. Prisoner discipline,
6. Medical and mental health procedures,
7. Use of force,

8. Confidentiality of jail records;

B. Review of the Washington criminal justice system and 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 qualifications in the use of weapons when jail duties include possession or carrying of a firearm;

E. 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 six months of their employment, as required by WAC 139-36-010, unless such training has already been received;

F. Staff training shall further include such training as required by Section 1.28.290. (Ord. 87-85 (part)).

**1.28.070 Records.**

A. The chief law enforcement officer or his designee for each correctional facility shall establish a records system which shall comply with the requirements of this section.

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

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

D. Individual Prisoner Records. The information required by the booking and release form shall be obtained for each booking and release. Such information will be retained in written form or within computer records. Other information retained in each prisoner's jail records shall include, but not be limited to, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of prisoner's property and remains.

E. Medical. Health care records shall be maintained separately in accordance with Section 1.28.310, to the extent necessary to maintain their confidentiality.

F. Prisoner Access. Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein, and such access may be limited only on substantial grounds of institutional security.

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G. 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 Section 1.28.310 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.

H. Population Reports. Each correction facility shall complete monthly reports on its population and shall be kept in accordance with the record retention schedule.

I. Population Accounting. Each correctional facility should, in addition, maintain an ongoing and a permanent accounting of its population by its own confinement categories, location or classification within the jail.

J. Jail Register. Each jail shall maintain an accurate jail register as required by RCW 70.48.100.

K. Infraction and Disciplinary. The chief law enforcement officer or his designee 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 shall become part of the prisoner's jail record.

L. Incidents and Emergencies. All serious incidents and emergencies shall be recorded. 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 completed assault upon staff or prisoners, fires which result in any property damage or when any person is injured, flooding or other natural disasters or riots.

M. Incident Reports. An incident report shall be completed on any death, completed escape or fire. All such incident reports for a given month shall be maintained on a monthly basis with a monthly population accounting form. A copy of all incident reports shall be retained at the jail.

N. Activity Log. All jails should keep a log of daily activity within the facility for future accountability.

O. Personnel Training. Training records shall be maintained for each staff member employed by a detention or correctional facility.

P. Personnel Performance. Performance records should be maintained for each staff member employed by a detention or correctional facility

and should be kept in their personnel file. (Ord. 87-85 (part)).

### 1.28.080 Emergency procedures.

A. The chief law enforcement officer or his designee 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.

B. 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. (Ord. 87-85 (part)).

### 1.28.090 Fire prevention – Suppression.

A. 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:

1. A fire prevention plan to be part of the operations manual of policies and procedures;

2. A requirement that staff are alert to fire hazards during their daily rounds;

3. 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;

4. A regular schedule for inspections, testing and servicing fire suppression equipment.

B. 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. (Ord. 87-85 (part)).

### 1.28.100 Overcrowding.

A. 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.

B. Existing Jails. The chief law enforcement officer or his designee 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 a humane fashion.

C. Overcrowding. The maximum capacity may be exceeded to the extent that the average daily population for any calendar month does not exceed the established maximum capacity.

D. Any report of conditions of overcrowding required under this section shall be considered as a notice of an emergency suspension of standards.

E. The chief law enforcement officer or his designee 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 or the transfer to other approved facilities when overcrowding occurs as defined in this chapter.

F. In the event of overcrowding caused in part by the existence of state prisoners, the chief law enforcement officer or his designee shall contact the state department of corrections in an effort to have such prisoners removed.

G. In the event of overcrowding caused in part by the existence of federal prisoners, the chief law enforcement officer or his designee shall contact the appropriate federal agency in an effort to have such prisoners removed. (Ord. 87-85 (part)).

#### **1.28.110 Use of force.**

A. The chief law enforcement officer or his designee 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.

B. Only lawful and reasonable force to the person of a prisoner shall be used.

C. Deadly force shall not be used on a prisoner unless the person applying the deadly force 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 believes that other reasonable and available alternatives would be effective.

D. 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 force. The report(s) shall be reviewed by the chief law enforcement officer or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justi-

fied or reasonable force was used. Said determination shall be made a matter of record.

E. 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 on the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

F. 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.

G. 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.

H. 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.

I. 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. (Ord. 87-85 (part)).

#### **1.28.120 Admissions.**

1. General. 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.

2. The delivery officer shall remain at the jail facility until the jail staff has accepted the prisoner.

3. Each prisoner, after completion of booking, shall be advised of his right to, and be allowed to complete, at least two telephone 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.

4. Reasonable provisions for communicating with non-English speaking, handicapped or 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.

5. The booking process should be completed promptly unless the physical or mental condition of the prisoner necessitates delay.

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6. Search/examination, When Allowed. The chief law enforcement officer or his designee shall establish and maintain written policies and procedures regarding pat searches, strip searches and body cavity searches, which shall be consistent with this section.

7. 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.

8. No strip search shall be conducted except pursuant to the written policies and procedures required by subsection 6 of this section.

9. No prisoner, other than a person committed to incarceration by order of a court or a person held for post-conviction incarceration for a criminal offense, shall be strip searched without a warrant except where reasonable suspicion exists. A prisoner taken into custody pursuant to an arrest warrant or other court order issued before the person was arrested or otherwise taken into custody shall not be considered as committed to incarceration by order of a court for purposes of this section unless the court issuing the warrant has determined that the person shall not be released on personal recognizance, bail, or bond. No strip search shall be authorized or conducted unless a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, when appropriate, do not satisfy the safety, security or evidentiary concerns of the jail. Physical examination by licensed medical professionals solely for public health purposes shall not be considered strip searches. A prisoner may be strip searched if:

a. There is reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other things concealed on the body of the person to be searched, that constitute a threat to the security of the facility;

b. There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or

c. There is reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

10. The determination of whether reasonable suspicion or probable cause exists to conduct a strip search shall be based on consideration of all information and circumstances known to the officer authorizing the strip search, including but not limited to the following factors:

a. The nature of the offense for which the person to be searched was arrested;

b. The prior criminal record of the person to be searched; and

c. Physically violent behavior of the person to be searched, during or after arrest;

d. Reasonable suspicion shall be deemed to be present when the prisoner has been arrested for:

i. A violent offense as defined in RCW 9.9a.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 a controlled substance under RCW Chapter 69.41, 69.50, 69.52 or any successor statute.

11. 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:

a. 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;

b. The time, date and place of the strip search; and

c. Any weapons, criminal evidence, other contraband or other thing or health condition discovered as a result of the strip search. Where reasonable suspicion is deemed present because of the nature of the arrest offense, the record shall contain the offense(s) for which the person searched was arrested. In other cases where reasonable suspicion or probable cause is found to be present the report shall also contain:

i. The name of the supervisor authorizing the strip search, and

ii. The specific facts constituting reasonable suspicion to believe the strip search was necessary.

12. 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 Section 1.28.120(6). 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, secu-

riety or evidentiary concerns of the law enforcement agency.

13. Search procedures, to all strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

14. 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, except that a strip search to search for and seize a weapon may be conducted at other than a private location if there arises a specific threat to institutional security that reasonably requires such a search, or if all persons in the facility are being searched for the discovery of weapons or contraband. 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 or when necessary to assure the safety of the prisoner or any person conducting the search.

15. 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 at the request of the person being searched.

16. 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.

17. 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.

18. Body Cavity Searches. A body cavity search may be conducted only pursuant to subsection 1.28.120(11). 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.

19. 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.

20. 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.

21. The officer requesting the body cavity search shall prepare and sign a report, which shall include:

- a. A copy of the warrant and any supporting documents required;
- b. The name and sex of all persons conducting or observing the search;
- c. The time, date, place and description of the search; and
- d. 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.

22. 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 Section 1.28.250.

23. Particularly when force has been used during arrest, all visible injuries should be photographed.

24. Body Vermin. Any person with body vermin shall be treated appropriately.

25. Medical Complaints. Complaints of illness or injury expressed or observed during booking shall be checked promptly.

26. Communicable Diseases. A prisoner suspected of having a communicable disease 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.

27. Personal Property. The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt.

28. Prisoner Weight. Each prisoner's weight should be measured and recorded upon admission.

29. Photographs and Fingerprints. Front-view 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.

30. Copies of fingerprints shall be forwarded to the proper state and federal authorities.

31. Issuances. The correctional facility should establish its own policy on prisoners' use of personal clothing or jail uniforms.

32. 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 Section 1.28.350.



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33. Upon prisoner request, a reasonable supply of writing material shall be furnished to indigent prisoners. (Ord. 87-85 (part)).

### 1.28.130 Preclassification.

A. Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

B. 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.

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

D. No prisoner known or suspected to be a danger to himself may be housed alone without continual direct observation. (Ord. 87-85 (part)).

### 1.28.140 Orientation.

As soon after booking as possible each prisoner shall receive an oral or written orientation. 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 Section 1.28.220;

B. Procedures and conditions regarding classification and reclassification, as provided in Section 1.28.150;

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 Section 1.28.280, and other services;

F. An opportunity to ask and receive answers to questions shall be provided within a reasonable time. (Ord. 87-85 (part)).

### 1.28.150 Classification – Segregation.

A. Classification. The chief law enforcement officer or his designee shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.

B. Upon entry, the on-duty supervisor shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures.

C. 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.

D. Classification Procedures. Each prisoner confined in a detention or correctional facility shall be interviewed at booking for classification determinations.

E. Each prisoner shall be classified as soon as reasonably possible.

F. 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 classification action.

G. A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the chief law enforcement officer or his designee upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the chief law enforcement officer, or a designated staff member.

H. Criteria for Prisoner Classification. The primary criteria for classification shall be safety of the prisoner and the security of the institution.

I. Juveniles. 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 18, who has not been transferred previously to adult courts. Provided, that no person under the chronological age of 16 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 18 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."

J. A juvenile shall not be confined in a jail or holding facility for adults, except:

1. For a period not exceeding 24 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

2. 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.

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

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

M. 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.

N. 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.

O. Administrative Segregation. The chief law enforcement officer shall establish written procedures governing the use of administrative segregation which are consistent with this subsection.

P. Administrative segregation shall only be used when the presence of the prisoner in general population poses a serious threat of death or injury to himself or others, damage to property, or the security or orderly operation of the facility. Written documentation shall be maintained citing the reasons for each case of a prisoner placed in administrative segregation. Written procedures shall permit the prisoner an opportunity to appeal within 72 hours (exclusive of weekends and holidays) the decision of placement in administrative segregation to the person(s) designated as responsible for classification. A hearing shall be conducted whenever a prisoner appeals placement in administrative segregation and the prisoner shall be afforded the same rights as those required for disciplinary hearings. Each prisoner in administrative segregation shall have his case reviewed at least every 30 days by the persons responsible for classification. Prisoners shall be held in administrative segregation only as long as the reason(s) for their initial placement there remains valid. (Ord. 87-85 (part)).

#### **1.28.160 Good time.**

The chief law enforcement officer or his designee shall develop written policies regarding time off for good behavior. Such policies shall insure that good time, when authorized by sentencing

court, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150. (Ord. 87-85 (part)).

#### **1.28.170 Release and transfer.**

A. Release. The releasing officer shall positively determine prisoner identity and ascertain that there is legal authority for the release.

B. The information required at the time of release 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.

E. 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. (Ord. 87-85 (part)).

#### **1.28.180 Transportation.**

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 chief law enforcement officer or his designee of each detention and correctional facility shall develop and maintain written instructions which insure the safety of the prisoners and staff shall be maintained. (Ord. 87-85 (part)).

#### **1.28.190 Staffing.**

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

A. 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 functions or being relieved from direct duties and remaining on call; provided, further, that personal observation of prisoners for purposes of this section or other sections of these standards may be by opposite-sex staffing as long as opposite-sex privacy concerns are given appropriate protection.

B. There shall be continual sight and/or sound surveillance of all prisoners.

C. 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;

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

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 shall not be less frequent than, at least once within every 60-minute period.

E. Personal staff observations of prisoners should be recorded in writing and retained in the jail records.

F. Staff should be alert to prisoner depression, dissension, 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. (Ord. 87-85 (part)).

### 1.28.200 Supervision – Surveillance.

#### A. General Security.

1. All jails shall establish a positive means of identifying prisoners.

2. Perimeter security shall be maintained.

3. Security devices shall be maintained in proper working condition at all times.

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

5. 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.

#### B. Contraband Control.

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

2. When housed in a correctional facility, work-release prisoners and prisoners who have regular contact with other prisoner classifications or entrance to areas frequented by other prisoners shall be subject to search.

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

4. 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. (Ord. 87-85 (part)).

### 1.28.210 Critical articles.

A. All detention and correctional facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

B. Weapon lockers shall be located outside of the booking and confinement areas.

C. Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas.

D. Keys and Locking Devices. Key regulations shall be established by the chief law enforcement officer and read and initialed by all staff.

E. A control point shall be designated for key cataloguing and logging the distribution of keys.

F. 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.

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

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

I. 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.

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

K. Jail facility keys shall never be issued to a prisoners.

L. 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.

M. 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.

N. Kitchen Utensils, Tools and Toxic Substances. Dangerous kitchen utensils and tools shall be marked for identification, recorded and kept in a secure place.

O. 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. (Ord. 87-85 (part)).

### 1.28.220 Prisoner rights.

A. The chief law enforcement officer or his designee shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners,

which rules shall designate major and minor infractions.

B. 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.

C. Rules of Conduct.

1. 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.

2. 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. (Ord. 87-85 (part)).

### **1.28.230 Discipline.**

A. Disciplinary Committee.

1. The chief law enforcement officer or such person's designee or designees, shall hear and decide all charges or major violation of facility rules and impose sanctions.

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

B. Disciplinary Procedures.

1. Any charges pending against a prisoner shall be acted on as soon as possible and no later than 72 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.

2. At least 24 hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with Section 1.28.220C. If the prisoner is illiterate, the infraction report shall be read to him.

3. 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 this 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 rules. All disciplinary proceedings shall be recorded.

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

C. The above provisions do not preclude imposition of administrative segregation, according to procedures required by Section 1.28.150, or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding; provided, that each 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.

D. Corrective Action or Forms of Discipline.

1. Nonpunitive corrective action should be the first consideration in all disciplinary proceedings.

2. 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.

E. Acceptable forms of discipline shall include the following:

1. Loss of privileges;

2. Removal from work detail or other assignment;

3. Recommendation of forfeiture of good time credit; and

4. Transfer to the maximum security or segregation section.

F. Limitations on Punishment.

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

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

3. 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.

### 4. Restrictions on Visitation.

a. Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation.

b. Under no circumstances shall attorney-client visits be restricted.

G. No prisoner shall be held in disciplinary segregation for more than 15 days for any one violation and no more than 30 days for all violations arising out of one incident. Continuous confinement for over 30 days must be approved by the director of the department of corrections or the chief law enforcement officer or such person's designee.

H. Corporal punishment and physical restraint e.g., handcuffs, leather restraints and strait jackets, shall not be used as sanctions. (Ord. 87-85 (part)).

## 1.28.240 Grievance procedure.

The chief law enforcement officer for each jail, correctional facility, detention facility or juvenile facility 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. (Ord. 87-85 (part)).

## 1.28.250 Responsible physician and licensed staff.

A. 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.

B. 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.

C. 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.

D. State licensure and/or certification requirements and restrictions shall apply to health care personnel.

E. 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.

F. Verification of current licensing and certification credentials should be on file in the jail. (Ord. 87-85 (part)).

## 1.28.260 Health care policy and procedures.

A. 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:

1. Receiving screening;
2. Health appraisal data collection;
3. Nonmerchantable medical services;
4. Deciding the emergency nature of illness or injury;
5. Availability of dental referral examination, and treatment;
6. Provision of medical and dental prostheses;
7. First aid;
8. Notification of next of kin or legal guardian in case of serious illness, injury or death;
9. Providing chronic care;
10. Providing convalescent care;
11. Providing medical preventive maintenance;
12. Screening, referral and care of mentally ill and retarded inmates and prisoners under the influence of alcohol and other drugs;
13. Implementing the special medical program;
14. Delousing procedures;
15. Detoxification procedures; and
16. Pharmaceuticals.

B. The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the responsible physician. (Ord. 87-85 (part)).

## 1.28.270 Health screening.

A. 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. The screening shall include inquiry into:

1. Current illness and health problems including those specific to women;
2. Medications taken and special health requirements;
3. Screening of other health problems designated by the responsible physician;
4. Behavioral observation, including state of consciousness and mental status;
5. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;
6. Conditions of skin and body orifices, including rashes and infestations; and
7. Disposition/referral of inmates to qualified medical personnel on an emergency basis.

B. The health appraisal data collection should be completed for each prisoner within 14 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.

C. 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 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.

D. 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. (Ord. 87-85 (part)).

#### **1.28.280 Access to health care.**

A. If medical services are delivered in the jail, adequate equipment supplies and materials shall be provided for the performance of primary health care delivery.

B. At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of Section 1.28.120, explaining the procedures for gaining access to medical services.

C. 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.

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

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

1. In facilities of less than 50 prisoners, at least once per week at a minimum;
2. Facilities of 50 to 200 prisoners at least three times per week; and
3. Facilities of over 200 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.

F. 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 service delivered, as follows:

1. At least once per month in jails with less than 50 prisoners;
2. At least every two weeks in facilities of 50 to 200 prisoners; and
3. At least weekly in facilities of over 200 prisoners.

G. 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.

H. Emergency Care.

1. First aid kit(s) shall be conveniently available in all jails.
2. The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kit(s).
3. Emergency medical and dental care shall be available on a 24-hour basis in accordance with a written plan which includes:

- a. Arrangements for the emergency evacuation of the prisoner from the jail;

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b. Arrangements for the use of an emergency medical vehicle; and

c. Arrangements for the use of one or more designated hospital emergency rooms, other appropriate health facilities, or on-call physician and dentist services. (Ord. 87-85 (part)).

### 1.28.290 Health care training.

A. 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:

1. Awareness of potential medical emergency situations;
2. Notification or observation determination that a medical emergency is in progress;
3. First aid and resuscitation;
4. Call for help; and
5. Transfer to appropriate medical provider.

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

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

D. All persons responsible for the delivery of medications shall have training regarding the medical, security and legal aspects of such activity. (Ord. 87-85 (part)).

### 1.28.300 Medications control.

A. The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

1. 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);

2. 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);

3. A policy regarding the prescription of all medications with particular attention to behavior-modifying medications and those subject to abuse;

4. A policy regarding medication dispensing and administration which shall include, but not be limited to:

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

d. Safeguards with regard to delivery of medications to prisoners, and

e. Disposition of unused medication(s);

5. A policy regarding the maximum security storage and weekly inventory of all controlled substances, nonprescription 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.

B. The person delivering medication(s) shall be accountable for following the orders of medical staff. (Ord. 87-85 (part)).

### 1.28.310 Health care records.

A. The responsible physician shall be responsible for maintaining patient medical 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.

B. 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.

C. 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.

D. 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.

E. The person delivering medications shall record the actual time of the delivery in a manner and on a form approved by the responsible physician. (Ord. 87-85 (part)).

#### **1.28.320 Special medical issues.**

##### **A. Informed Consent.**

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

2. 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 RCW Chapter 71.05 shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within jails.

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

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

##### **C. Special Medical.**

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

2. 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.

3. Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation as required by Section 1.28.190 should be developed by medical staff.

4. Appropriate medical supervised treatment in accordance with written procedures established under Section 1.28.260 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.

D. 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 properly obtained. (Ord. 87-85 (part)).

#### **1.28.330 Access to facilities.**

A. Regular bathing (shower) shall be permitted at least twice each week.

B. Each prisoner shall have access to toilet, sink, drinking water and adequate heat and ventilation. (Ord. 87-85 (part)).

#### **1.28.340 Food.**

##### **A. General Food Requirements.**

1. At least three meals a day shall be served at regular intervals. The morning meal shall be served within 14 hours of the previous day's evening meal.

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

##### **B. Nutritional and Caloric Intake.**

1. 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.

2. Diets ordered by medical staff shall be strictly observed. (Ord. 87-85 (part)).

#### **1.28.350 Clothing – Bedding – Personal items.**

##### **A. Clothing.**

1. Provision shall be made for separate insect-proof clothing storage to prevent migration of lice from infested clothing.

2. 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.

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

##### **B. Bedding.**

1. 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:

- a. One detachable cloth mattress cover and one sheet; or
- b. Two sheets; or
- c. One double-size sheet.



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C. Mattresses shall have a washable surface and be sanitized at least semiannually.

D. Blankets shall be issued upon arrival and shall be washed at frequent intervals to maintain a clean condition, but at least once every 60 days, and always before reissue.

E. Personal Care Items.

1. 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.

2. Toothpaste or powder, toothbrush and comb shall be available for purchase by all prisoners, provided, that prisoners without funds shall have access to these minimum items without cost.

3. Each prisoner shall be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. (Ord. 87-85 (part)).

### 1.28.360 Sanitation.

A. General.

1. 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.

2. 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.

B. Insects, Rodents and Pets.

1. Insects and rodents shall be eliminated by safe and effective means. Prisoners shall be removed from areas in which insecticides and rodenticide are being used.

2. Pets shall not be allowed in the jail facilities.

C. Laundry. Each jail shall arrange for adequate laundry services. (Ord. 87-85 (part)).

### 1.28.370 Services.

A. Commissary.

1. The department of corrections or chief law enforcement officer of each detention or 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.

2. 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.

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

C. 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.

D. Basic Hair Care. All jails shall make reasonable arrangements to provide basic hair care.

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

F. Legal Assistance.

1. 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.

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

G. Religious Services.

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

2. Detention and correctional facilities with an average daily population of 25 or more shall arrange for weekly religious services.

3. Prisoners should be permitted to observe religious holidays and receive sacraments of their faith.

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

H. Counseling, Guidance and Ancillary Services. Counseling services should be available to provide prisoners in detention or correctional facilities with an opportunity to discuss their problems and interests.

I. The chief law enforcement officer may utilize volunteer counseling resources available in the community.

J. Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling.

K. Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body.

L. Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body. (Ord. 87-85 (part)).

**1.28.380 Programs.**

A. Each prisoner shall be allowed three hours per week of physical exercise, to be scheduled no less than three separate days. Outdoor as well as indoor exercise shall be provided.

B. Work Programs. The chief law enforcement officer may establish work programs.

C. Participation in work programs by pretrial detainees shall be voluntary.

D. Education and Training Programs.

1. The 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.

2. Jails should provide courses to prepare qualified prisoners for the General Education Development test, and provide the opportunity to take the test.

E. Leisure-Time Activity Programs.

1. Detention or correctional facilities should provide opportunities for all prisoners to participate in leisure-time activities.

2. 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 program. (Ord. 87-85 (part)).

**1.28.390 Telephone usage.**

A. 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).

B. 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 representation.

C. 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.

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

E. Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours. (Ord. 87-85 (part)).

**1.28.400 Mail.**

A. Newspapers, Books, Periodicals and Other Printed Materials and Photographs.

1. 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.

2. When such materials are withheld from a prisoner:

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

b. 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;

c. A written decision of the review of the denial, including reason(s) shall be given to the prisoner requesting review.

B. General Correspondence.

1. Incoming or outgoing mail shall be retained no more than one business day.

2. 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, provided upon proper showing the number may be increased. Each prisoner shall be permitted to mail out any number of letter to his attorney, and the courts.

3. 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 subdivision C.3 of this section.

4. These rules shall not preclude a prisoner being required to place his name and a return post office address on outgoing mail.

C. Opening or Censoring Mail.

1. 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.

2. 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 chief law enforcement officer or his designee has reasonable grounds to believe that the content of a letter

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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.

3. Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the chief law enforcement officer or his designee 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.

### D. Notice of Disapproval of Prisoner Mail.

1. 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 to the prisoner.

2. When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating 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.

3. 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 chief law enforcement officer or his designee upon written request and shall be promptly informed of this right.

4. A written decision of the review of such denial shall be promptly delivered to the prisoner.

### E. Limitations.

1. Incoming mail of post-conviction 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.

2. Mail to or from attorneys, courts or elected federal, state, county or city officials shall not be read.

3. 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.

### F. Packages.

#### 1. Incoming.

a. If a facility allows prisoners to receive packages, all packages shall be opened and inspected.

b. Packages may be received only if the contents conform to rules adopted by the chief law enforcement officer or his designee, 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.

2. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations.

G. 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 property 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 statutes. (Ord. 87-85 (part)).

## 1.28.410 Visitation.

A. General contact visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution.

B. The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under Section 1.28.150.

### C. Social Visits.

1. The chief law enforcement officer or his designee shall establish and post rules governing regular visits and specifying times therefor.

2. All unsentenced prisoners and sentenced prisoners who have been in custody for more than 30 days shall be allowed a minimum of three hours total visitation per week. Those prisoners who have been in custody for less than 30 days shall be allowed a reasonable amount of visitation.

3. Preference on who visits will be determined by the inmate.

4. Except for immediate family members, visitors 17 years of age and under shall be accompanied by a parent or guardian.

D. The 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.

E. Business and Professional Visits. Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor.

F. By prior arrangement with the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits for business or educational reasons.

G. Law enforcement professionals shall be allowed to interview prisoners at reasonable times and with prior notice, unless it appears circumstances do not permit delay.

H. Visitor Regulations.

1. 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.

2. Any person may refuse a search, but subsequent to such refusal may then be denied entrance.

3. Other reasons for denying entrance to visitors shall include but not be limited to:

a. An attempt, or reasonable suspicion of an attempt to bring contraband into the facility;

b. Obvious influence or effect of alcohol or controlled substances;

c. Request from the prisoner's physician;

d. Request from the prisoner;

e. 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.

I. Whenever a visitor is refused admittance during regular visiting hours, the prisoner shall receive notice of the refusal stating the reason(s) therefor. The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the chief law enforcement officer or his designee upon written request and shall be promptly informed of this rights. A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished to the prisoner who requested such review. (Ord. 87-85 (part)).

and null and void insofar as they are in conflict therewith and shall be modified to conform to such statutory provision. (Ord. 87-85 (part)).

**1.28.420 Severability.**

Should any part of this chapter be declared illegal, the validity of the remaining provisions shall not be affected. And should it appear that any provision of this chapter is in conflict with any statutory provision of the state of Washington, then said chapter provision shall be deemed to be inoperative