

SUBSTITUTE ORDINANCE

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INTRODUCED BY: Consent
PROPOSED BY: Pros. Attny
DATE: December 3, 1987

ORDINANCE NO. 87-85

AN ORDINANCE CREATING A NEW CHAPTER IN
TITLE 15 OF THE WHATCOM COUNTY CODE ADOPTING
FACILITY STANDARDS FOR THE WHATCOM COUNTY JAIL

WHEREAS, previous to this time the state had
pre-empted the area of facility standards for local as well as
state correctional facilities; and,

WHEREAS, the state has relinquished that pre-empted
and now requires the local jurisdictions to adopt and keep in
place standards for their own correctional facilities; and,

WHEREAS, this Ordinance is now being adopted to comply
with that mandate by creating a new section to Title 15 of the
Whatcom County Code;

NOW, THEREFORE, BE IT ORDAINED that:

A new section to the Whatcom County Code Section 15.28
shall be adopted which shall be entitled STANDARDS FOR
CORRECTIONAL FACILITIES WITHIN WHATCOM COUNTY.

15
TITLE 15.28

STANDARDS FOR CORRECTIONAL FACILITIES WITHIN WHATCOM COUNTY

Chapters

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15.28.380	Programs
15.28.390	Telephone Usage
15.28.400	Mail
15.28.410	Visitation
15.28.420	Severability

1
2 15.28.010 General
3

4 The rules set forth in this title shall apply to
5 correctional facilities generally within Whatcom County, but
6 shall not apply to holding facilities, detention facilities,
7 work release facilities or juvenile facilities unless they are
8 specifically mentioned in these provisions.
9

10 When the word "shall" is used in this Ordinance it is
11 used as an imperative and must be considered mandatory; whereas
12 when the term "may" is used in this Ordinance it is used as
13 directory only and is not mandatory but rather permissive.
14

15 15.28.020 Definitions
16

17 The following words and phrases shall have the meaning
18 indicated whenever used in this title unless a different meaning
19 is specifically indicated.
20

21 "Correctional facility" means a facility operated by a
22 governing unit primarily designed, staffed and used for housing
23 of adult persons serving terms not exceeding one year for the
24 purposes of punishment, correction, and rehabilitation following
25 conviction of a criminal offense.
26

27 "Detention facility" means a facility operated by a
28 governing unit primarily designed, staffed and used for the

1
2 temporary housing of adult persons charged with a criminal
3 offense prior to trial or sentencing and for the housing of
4 adult persons for purposes of punishment and correction after
5 sentencing or persons serving terms not to exceed ninety days.

6
7 "Holding facility" means a facility operated by a
8 governing unit primarily designed, staffed and used for the
9 temporary housing of adult persons charged with a criminal
10 offense prior to trial or sentencing and for the temporary
11 housing of such persons during or after trial and/or sentencing,
12 but in no instance shall the housing exceed thirty days.

13
14 "Juvenile facility" means a facility separated or
15 removed from any jail, or police station, which is in charge of
16 a matron, wherein all children within the provision of R.C.W.
17 Title 13 shall be sheltered.

18
19 15.28.030 Physical Plant Standards

20
21 1. Functional areas: Sleeping and living areas shall
22 be designed to provide adequate confinement, reasonable prisoner
23 to prisoner privacy, sight and sound surveillance and protection
24 for prisoners and staff.

25
26 2. Single occupancy cells: Seventy-two square feet
27 or larger with not less than eight foot ceilings. A single
28

1
2 occupancy cell should contain not less than fifty square feet of
3 clear floor space.

4
5 3. Day room areas: A minimum of thirty-five square
6 feet per prisoner, but not less than a total of one hundred
7 forty-four square feet.

8
9 4. Dormitories, when included: A minimum and maximum
10 capacity of eight to ten males or four to ten females and sixty
11 square feet of floor space per prisoner in semi-private sleeping
12 areas. The dormitory shall also include day room space, and not
13 less than ten foot ceiling if double bunks are used.

14
15 5. Program, recreation and exercise areas. Detention
16 and correctional facilities shall provide adequate indoor
17 program and recreation area(s) and a multipurpose outdoor
18 exercise and activity area.

19
20 6. Kitchen and dining facilities. When kitchen
21 facilities are included, such facilities shall be adequate for
22 the sanitary preparation of three nutritionally balanced meals
23 per day.

24
25 7. Dining area(s) shall allow conversational
26 opportunities in adequate surroundings. Meals shall not be
27 served in cells, except where necessary for the health, security
28 and/or well-being of prisoners and staff.

1
2 8. Examining room, infirmary and medical isolation.
3 Detention and correctional facilities shall provide space to be
4 used as a medical examining room. This space may be
5 multipurpose, but when used as an examining room it shall
6 provide sight and sound privacy and be equipped with natural
7 spectrum fluorescent lighting, a hand washing lavatory with a
8 gooseneck spout, either foot, knee, push plate, electric eye
9 beam, or equivalent faucet controls, and sufficient lockable
10 storage for medical equipment and supplies.

11
12 9. When an infirmary is located within the facility
13 space shall allow a minimum of three feet between the perimeter
14 of each bed and walls, beds, and any fixed obstruction:
15 Provided, That this three foot requirement does not apply to the
16 distance between the head of a bed and the wall. The infirmary
17 shall be equipped with its own lavatory, toilet, shower and
18 bathtub.

19
20 10. Visitation and confidential consultation: Space
21 for visitation shall be included in detention and correctional
22 facilities. Such space shall allow surveillance and the degree
23 of control over physical contact deemed necessary by jail
24 management for visible control, and shall simultaneously provide
25 adequate seating for prisoners and their visitor(s).

26
27 11. Detention and correctional facilities shall
28 provide adequate facilities for confidential consultation(s).

1
2 12. Laundry: If laundry facilities are provided
3 within the jail, such facilities shall be adequate for sanitary
4 washing and drying of the jail laundry. Separate areas should be
5 arranged for storage and sorting of soiled laundry and for the
6 sorting, folding and storage of clean laundry.

7
8 13. Storage: Detention and correctional facilities
9 shall include one or more secure storage area(s) for the storage
10 of prisoner personal clothing and property and for necessary
11 jail equipment and supplies.

12
13 14. Supervisory stations: Sufficient space and
14 equipment for the facility supervisor shall be provided in an
15 area secure from prisoner access. An adequate control room shall
16 be secure from any unauthorized access and it shall be capable
17 for controlling access to the facility by the general public.

18
19 15. Sight and sound surveillance equipment, when
20 used, shall be monitored in the control room or at the control
21 panel and remote control operating devices shall also be in the
22 control room. The control room shall be equipped with a sink and
23 toilet.

24
25 16. Booking and reception areas. The booking area(s)
26 shall include, but not be limited to, rest room facilities with
27 shower, a "strip search" room, holding cell(s) (may be multiple
28 occupancy), telephone, and space for photographing,

1
2 fingerprinting, delousing, intoxication determinations and
3 health screening.

4
5 17. Building codes. All standards contained in the
6 current Washington building code established by RCW 19.27.030,
7 the electrical wiring provisions of chapter 19.28 RCW, and more
8 restrictive local standards shall be followed in all new jail
9 construction.

10
11 18. Materials for walls, floors and ceiling. In all
12 jail facilities, walls, floors and ceilings shall be constructed
13 with materials adequate to attain the degree of security
14 required for each area of the facility. Such materials shall be
15 easily cleanable, provide minimum sound transmission and fire
16 protection. Polyurethane, neoprene or similar type materials
17 shall not be used in padded cells. All paint used in a jail
18 facility shall be fire resistant and nontoxic.

19
20 19. Entrances and exits. Detention and correctional
21 facilities shall have two secure vestibules for ingress and
22 egress.

23
24 20. Elevators shall have no less than six feet by
25 four feet inside dimensions.

26
27 21. A secure area shall be provided for loading and
28 unloading prisoners.

1
2 22. Windows and/or skylights. Windows and/or
3 skylights shall be sufficient to provide natural light to all
4 living areas, yet locations shall assure security from escape
5 and introduction of contraband.

6
7 23. Noise level. Noise level shall conform to the
8 requirements of chapter 173-60 WAC (Maximum environmental noise
9 levels).

10
11 24. Prisoner living areas, inspection corridors, and
12 vestibules shall have secure lights with outside switch control.
13 No electrical conduit shall be accessible from any cell, though
14 each living unit may contain outlets and switches, provided they
15 are unilaterally controllable by staff.

16
17 25. Lighting. Illumination at all times shall be
18 adequate for security and surveillance, and daytime and evening
19 illumination shall be sufficient to permit prisoners to read in
20 their cells (thirty foot candles at thirty inches minimum, one
21 hundred foot candles at thirty inches for medical examining
22 areas, fifty foot candles at thirty inches for work areas).

23
24 26. Water supply. There shall be an adequate supply
25 of sanitary hot and cold water available at all times to
26 prisoners. Hot water for general use shall be adequate.

1
2 27. Plumbing -- Toilets, lavatories, showers and
3 floor drains. There shall be at least one toilet and lavatory
4 for every eight prisoners. Separate facilities shall be provided
5 for each sex.

6
7 28. A minimum of one shower head shall be provided
8 for every ten prisoners.

9
10 29. Floor drains shall be constructed to serve all
11 cells, dormitories and other areas where necessary to facilitate
12 cleaning. Floor drains shall be located outside the cell space
13 to reduce the incidence of tampering and flooding. Plumbing
14 connection and pipes shall be secure from uncontrolled access by
15 prisoners.

16
17 30. Heating, ventilation and air conditioning. The
18 systems shall maintain mean temperatures between sixty-five and
19 eight-five degrees F.

20
21 31. The ventilating system shall provide for the
22 number of air changes per hour as specified in the Uniform
23 Building Code.

24
25 32. Support systems. Fire detection and suppression.
26 All correction facilities and detention facilities shall have
27 smoke and fire detection and alarm equipment. Fire alarm systems
28 shall conform to all state and local fire regulations.

1
2 Sprinklers shall not be required within cells and conflicting
3 requirements of local code provisions are preempted, when all
4 other applicable code provisions relating to fire safety are met
5 and an effective smoke control system is incorporated in the
6 facility design.

7
8 33. Emergency power. All detention and correctional
9 facilities shall be equipped with emergency power sources with
10 sufficient capacity to maintain communications and alarm
11 systems, to move one jail elevator, where one exists, to provide
12 minimum lighting within the facility and perimeter, and for the
13 preparation of a light meal.

14
15 34. Minimum security facilities. Jail facilities
16 shall be constructed to totally separate areas for housing
17 prisoners who are allowed to go outside the jail regularly from
18 all other prisoner areas.

19
20
21 15.28.040 General Administration

22
23 1. The chief law enforcement officer or his designee
24 shall develop and maintain an organizational chart and an
25 operations manual of policies and procedures.

26
27 2. Such chart and manual shall be reviewed by all
28 staff and such review noted by signature prior to any assignment.

1
2 3. All jail policies and procedures should be
3 reviewed and revised as appropriate on a continuing basis but at
4 least annually.

5
6
7 15.28.050 Staff Positions

8
9 1. Written job descriptions shall define the
10 responsibilities and designate the qualifications for each staff
11 position.

12
13 2. Qualifications for correctional officers who have
14 direct responsibility over prisoners and who are hired on or
15 after the effective date of these minimum standards shall
16 include, but not be limited to, a high school diploma, or
17 equivalent.

18
19 3. All jail staff shall be selected in accordance
20 with chapter 41.14 RCW and/or other applicable legal
21 requirements and shall be retained upon proven ability to
22 perform.

23
24 4. Appropriate physical fitness standards should be
25 set and enforced for all jail staff.

26
27 15.28.060 Training

1
2 All correctional facilities shall provide preservice
3 orientation to each newly hired jail staff member prior to being
4 assigned to duty, regardless of his or her previous training or
5 experience, prior to the assignment of any jail duties. Such
6 training may be provided either by existing jail staff or other
7 qualified persons, and must be verified by a written outline,
8 and shall include, but not necessarily be limited to:

9
10 1. Review and understanding of all policies and
11 procedures relating to his/her job responsibilities,
12 specifically:

- 13 a. Agency organization
14 b. Admission and release procedures
15 c. Security and safety procedures
16 d. Contraband control, definition of, etc.
17 e. Prisoner discipline
18 f. Medical and mental health procedures
19 g. Use of force
20 h. Confidentiality of jail records.

21
22 2. Review of the Washington criminal justice system
23 and custodial care standards as they relate to jail duties.

24
25 3. Identification and understanding of the function
26 of agencies whose authority may extend to the jail's prisoners.
27
28

1
2 4. Appropriate training and qualification in the use
3 of weapons when jail duties include possession or carrying of a
4 firearm.

5
6 5. All persons directly responsible for the
7 supervision of prisoners shall successfully complete the
8 Washington state criminal justice training commission basic
9 correctional academy within the first six months of their
10 employment, as required by WAC 139-36-010 unless such training
11 has already been received.

12
13 6. Staff training shall further include such
14 training as required by WCC 15.28.250, Health Care Training.

15
16 15.28.070 Records

17
18 1. The chief law enforcement officer or his designee
19 for each correctional facility shall establish a records system
20 which shall comply with the requirements of this section.

21
22 2. Fiscal. Each detention and correctional facility
23 shall maintain records which clearly indicate facility operation
24 and maintenance costs according to generally accepted accounting
25 principles. Such records shall separate specific jail functions
26 from other department functions.

1
2 3. Confidentiality. All jail facility personnel
3 shall be advised of the statutory provisions for confidentiality
4 of jail records under RCW 70.48.100(2).

5
6 4. Individual prisoner records. The information
7 required by the booking and release form shall be obtained for
8 each booking and release. Such information will be retained in
9 written form or within computer records. Other information
10 retained in each prisoner's jail records shall include, but not
11 be limited to, reports of disciplinary actions and/or unusual
12 occurrences, and, in case of death, disposition of prisoner's
13 property and remains.

14
15 5. Medical. Health care records shall be maintained
16 separately in accordance with 15.28.310 (Health Care Records),
17 to the extent necessary to maintain their confidentiality.

18
19 6. Prisoner access. Each prisoner shall be permitted
20 reasonable access to his jail record, or reasonable access to
21 information contained therein, and such access may be limited
22 only on substantial grounds of institutional security.

23
24 7. Transfer. When a prisoner is transferred to
25 another facility, copies or summaries of all health records
26 shall be transferred to the receiving facility, provided that
27 the requirements of 15.28.310 (Health Care Records) regarding
28 confidentiality are followed. Applicable court orders shall be

1
2 transferred. Summaries or copies of disciplinary records shall
3 be transferred where such information may serve a substantial
4 governmental interest in the safety or security of the receiving
5 institution.

6
7 8. Population reports. Each correction facility
8 shall complete monthly reports on its population and shall be
9 kept in accordance with the record retention schedule.

10
11 9. Population accounting. Each correctional facility
12 should, in addition, maintain an ongoing and a permanent
13 accounting of its population by its own confinement categories,
14 location or classification within the jail.

15
16 10. Jail register. Each jail shall maintain an
17 accurate jail register as required by RCW 70.48.100.

18
19 11. Infraction and disciplinary. The chief law
20 enforcement officer or his designee shall maintain a written
21 record of all incidents which result in substantial property
22 damage or bodily harm, or serious threat of substantial property
23 damage or bodily harm. Major infraction reports and disciplinary
24 actions shall become part of the prisoner's jail record.

25
26 12. Incidents and emergencies. All serious incidents
27 and emergencies shall be recorded. For purposes of this section,
28 the term "serious incidents and emergencies" includes, but is

1
2 not limited to any death which occurs within a jail, attempted
3 suicides, epidemics, completed escapes, any completed assault
4 upon staff or prisoners, fires which result in any property
5 damage or when any person is injured, flooding or other natural
6 disasters or riots.

7
8 13. Incident reports. An incident report shall be
9 completed on any death, completed escape, or fire. All such
10 incident reports for a given month shall be maintained on a
11 monthly basis with a monthly population accounting form. A copy
12 of all incident reports shall be retained at the jail.

13
14 14. Activity log. All jails should keep a log of
15 daily activity within the facility for future accountability.

16
17 15. Personnel training. Training records shall be
18 maintained for each staff member employed by a detention or
19 correctional facility.

20
21 16. Personnel performance. Performance records should
22 be maintained for each staff member employed by a detention or
23 correctional facility and should be kept in their personnel file.

24
25 15.28.080 Emergency Procedures

1
2 1. The chief law enforcement officer or his designee
3 shall formulate written emergency procedures relative to
4 escapes, riots, rebellious, assaults, injuries, suicides or
5 attempted suicides, outbreak of infectious disease, fire, acts
6 of nature, and any other type of major disaster or disturbance.
7 The emergency plan shall outline the responsibilities of jail
8 facility staff, evacuation procedures, and subsequent
9 disposition of the prisoners after removal from the area or
10 facility. Such plan shall be formulated in cooperation with the
11 appropriate supporting local government units.

12
13 2. Emergency plans shall always be available to the
14 officer in charge of the jail, and all personnel shall be aware
15 of, and trained in, the procedures.

16
17
18 15.28.090 Fire Prevention/Suppression

19
20 1. The department of corrections or chief law
21 enforcement officer shall consult with the local fire department
22 having jurisdiction over the facility in developing a written
23 fire prevention and suppression plan which shall include, but
24 not be limited to:

25 a. A fire prevention plan to be part of the
26 operations manual of policies and procedures.
27
28

1
2 b. A requirement that staff are alert to fire
3 hazards during their daily rounds.

4
5 c. Fire prevention inspections at least
6 semi-annually by the fire department having jurisdiction;
7 provided, that when such inspections cannot be obtained from
8 such fire department the facility shall provide such inspections
9 by an independent, qualified source.

10
11 d. A regular schedule for inspections, testing
12 and servicing fire suppression equipment.

13
14 2. Results of all fire department inspections shall
15 be kept on file at the jail, together with records of actions
16 taken to comply with recommendations from such reports.

17
18 15.28.100 Overcrowding

19
20 1. No prisoner shall be required to sleep directly
21 on the floor for any length of time, or on a mattress on the
22 floor in excess of one 72-hour period, unless there are
23 reasonable grounds to believe that such provisions are necessary
24 to prevent the prisoner from damaging property, inflicting
25 bodily harm to himself or others or substantially compromising
26 the security of the jail.

1
2 2. Existing jails. The chief law enforcement officer
3 or his designee shall propose a maximum capacity for each
4 detention or correctional facility within his or her
5 jurisdiction. This capacity shall reflect a judgment as to the
6 maximum number of prisoners who may be housed within the
7 facility in a humane fashion.

8
9 3. Overcrowding. The maximum capacity may be
10 exceeded to the extent that the average daily population for any
11 calendar month does not exceed the established maximum capacity.

12
13 4. Any report of conditions of overcrowding required
14 under this section shall be considered as a notice of an
15 emergency suspension of standards.

16
17 5. The chief law enforcement officer or his designee
18 shall establish, with the cooperation of the presiding judge of
19 the superior court, a procedure for release of prisoners before
20 the end of their term or the transfer to other approved
21 facilities when overcrowding occurs as herein defined.

22
23 6. In the event of overcrowding caused in part by
24 the existence of state prisoners, the chief law enforcement
25 officer or his designee shall contact the state department of
26 corrections in an effort to have such prisoners removed.

1
2 7. In the event of overcrowding cause in art by the
3 existence of federal prisoners, the chief law enforcement
4 officer or his designee shall contact the appropriate federal
5 agency in an effort to have such prisoners removed.

6
7 15.28.110 Use of Force

8
9 1. The chief law enforcement officer or his designee
10 shall establish and maintain written policies and procedures
11 regarding the use of force and the use of deadly force, which
12 shall be consistent with this section.

13
14 2. Only lawful and reasonable force to the person of
15 a prisoner shall be used.

16
17 3. Deadly force shall not be used on a prisoner
18 unless the person applying the deadly force believes that the
19 prisoner poses an immediate threat of death or grievous physical
20 injury to an officer or employee of a jail or any other person,
21 or to prevent the escape of a prisoner arrested for a felony,
22 and that the officer believes that other reasonable and
23 available alternatives would be ineffective.

24
25 4. A written report on the use of such force or
26 deadly force shall be made. In the case of deadly force a
27 written report shall be made by each staff member involved or
28 observing the use of such force. The report(s) shall be reviewed

1
2 by the chief law enforcement officer or his designee who shall,
3 if appropriate, investigate the incident further and make a
4 determination whether appropriate, justified or reasonable force
5 was used. Said determination shall be made a matter of record.
6

7 5. The "carotid sleeper hold" means any hold or
8 restraint specifically designed to inhibit blood flow through
9 the carotid arteries of the neck without inhibiting breathing by
10 compression on the airway in the neck and without compression of
11 the larynx or trachea. The carotid sleeper hold shall be
12 considered to be deadly force.
13

14 6. The "choke hold" means any hold or restraint
15 specifically designed to inhibit breathing by compression of the
16 airway in the neck. The choke hold shall be considered to be
17 deadly force.
18

19 7. The carotid sleeper hold generally presents less
20 danger of causing serious injury or death than the choke hold
21 and therefore is generally preferred over the choke hold in
22 situations where such holds are permissible.
23

24 8. No neck hold shall be used, except by persons
25 instructed in the dangers of the neck holds, its definition as
26 deadly force, and the proper use and constraints of the carotid
27 sleeper hold, by someone specifically trained in the use and
28

1
2 dangers of neck holds. Refresher training shall be provided on
3 at least an annual basis.

4
5 9. Medical attention shall be administered to the
6 prisoner by a qualified medical professional as soon as possible
7 after the use of the carotid sleeper hold or the choke hold.

8
9 15.28.120 Admissions

10
11 1. General. The receiving officer shall determine
12 that the arrest and confinement of each prisoner is being
13 accomplished by a duly authorized officer, and a copy of all
14 documents that purport to legally authorize the confinement
15 shall become part of the prisoner's jail record.

16
17 2. The delivery officer shall remain at the jail
18 facility until the jail staff has accepted the prisoner.

19
20 3. Each prisoner, after completion of booking, shall
21 be advised of his right to, and be allowed to complete, at least
22 two telephone calls to persons of his choice who may be able to
23 come to his assistance. If the prisoner chooses not to place the
24 calls allowed, this information shall be noted on the booking
25 form.

26
27 4. Reasonable provisions for communicating with
28 non-English speaking, handicapped or illiterate prisoners shall

1
2 be provided concerning the booking process, rules of the
3 facility, privileges and other information pertinent to his
4 rights and well-being while confined.

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

9
10 6. Search/examination, when allowed. The chief law
11 enforcement officer or his designee shall establish and maintain
12 written policies and procedures regarding pat searches, strip
13 searches and body cavity searches, which shall be consistent
14 with this section.

15
16 7. Each prisoner shall be searched for contraband in
17 such a manner consistent with this subsection and written
18 policies and procedures established thereunder, as is necessary
19 to protect the safety of prisoners, staff and institutional
20 security.

21
22 8. No strip search shall be conducted except
23 pursuant to the written policies and procedures required by WCC
24 15.28.120(1) of this section.

25
26 9. No prisoner, other than a person committed to
27 incarceration by order of a court or a person held for post
28 conviction incarceration for a criminal offense, shall be strip

1
2 searched without a warrant except where reasonable suspicion
3 exists. A prisoner taken into custody pursuant to an arrest
4 warrant or other court order issued before the person was
5 arrested or otherwise taken into custody shall not be considered
6 as committed to incarceration by order of a court for purposes
7 of this section unless the court issuing the warrant has
8 determined that the person shall not be released on personal
9 recognizance, bail, or bond. No strip search shall be authorized
10 or conducted unless a thorough pat-down search, a thorough
11 electronic metal-detector search, and a thorough clothing
12 search, when appropriate, do not satisfy the safety, security or
13 evidentiary concerns of the jail. Physical examination by
14 licensed medical professionals solely for public health purposes
15 shall not be considered strip searches. A prisoner may be strip
16 searched if:

17
18 (a) There is reasonable suspicion to believe
19 that a strip search is necessary to discover weapons, criminal
20 evidence, contraband, or other things concealed on the body of
21 the person to be searched, that constitutes a threat to the
22 security of the facility;

23
24 (b) There is probable cause to believe that a
25 strip search is necessary to discover other criminal evidence
26 concealed on the body of the person to be searched, but not
27 constituting a threat to facility security; or
28

1
2 (c) There is reasonable suspicion to believe
3 that a strip search is necessary to discover a health condition
4 requiring immediate medical attention.
5

6 10. The determination of whether reasonable suspicion
7 or probable cause exists to conduct a strip search shall be
8 based on consideration of all information and circumstances
9 known to the officer authorizing the strip search, including but
10 not limited to the following factors:
11

12 a. The nature of the offense for which the
13 person to be searched was arrested;
14

15 b. The prior criminal record of the person to be
16 searched; and
17

18 c. Physically violent behavior of the person to
19 be searched, during or after arrest.
20

21 d. Reasonable suspicion shall be deemed to be
22 present when the prisoner has been arrested for:
23

24 1. A violent offense as defined in R.C.W.
25 9.9a.030(17) or any successor statute;
26

27 2. An offense involving escape, burglary, or
28 the use of a deadly weapon; or

1
2 3. An offense involving possession of a drug
3 or a controlled substance under Chapter 69.41, 69.50, 04 69.52
4 R.C.W. or any successor statute.

5
6 11. A written record or records of any strip search
7 shall be maintained in the individual file of each person strip
8 searched, which record(s) shall contain the following
9 information:

10 a. The name and serial number of the officer
11 conducting the strip search and of all others present or
12 observing any part of the strip search;

13
14 b. The time, date and place of the strip search;
15 and

16
17 c. Any weapons, criminal evidence, other
18 contraband, or other thing or health condition discovered as a
19 result of the strip search. Where reasonable suspicion is deemed
20 present because of the nature of the arrest offense, the record
21 shall contain the offense(s) for which the person searched was
22 arrested. In other cases where reasonable suspicion or probable
23 cause is found to be present the report shall also contain:

24
25 1. The name of the supervisor authorizing
26 the strip search; and

1
2 2. The specific facts constituting
3 reasonable suspicion to believe the strip search was necessary.
4
5

6 12. No body cavity search shall be conducted except
7 pursuant to a valid search warrant. No search warrant for a body
8 cavity search shall be sought without prior authorization of the
9 ranking shift supervisor, pursuant to the written policies and
10 procedures required by Standard 15.28.120(3). Before any body
11 cavity search is authorized or conducted, a thorough pat-down
12 search, a thorough electronic metal detector search, and a
13 thorough clothing search, where appropriate, must be used to
14 search for and seize any evidence of a crime, contraband, fruits
15 of crime, things otherwise criminally possessed, weapons, or
16 other things by means of which a crime has been committed or
17 reasonably appears about to be committed. No body cavity search
18 shall be authorized or conducted unless these other methods do
19 not satisfy the safety, security, or evidentiary concerns of the
20 law enforcement agency.
21

22 13. Search procedures, to all strip searches and
23 body cavity searches shall be conducted in a professional manner
24 which protects the prisoner's dignity to the extent possible.
25

26 14. A strip search or body cavity search, as well as
27 presearch undressing or postsearch dressing shall occur at a
28 location made private from the observation of persons not

1
2 physically conducting the search except that a strip search to
3 search for and seize a weapon may be conducted at other than a
4 private location if there arises a specific threat to
5 institutional security that reasonably requires such a search or
6 if all persons in the facility are being searched for the
7 discovery of weapons or contraband. A strip search or body
8 cavity search shall be performed or observed only by persons of
9 the same sex as the person being searched, except for licensed
10 medical professionals or when necessary to assure the safety of
11 the prisoner or any person conducting the search.

12
13 15. No person may be present or observe during a
14 strip search or body cavity search unless the person is
15 necessary to conduct the search or to ensure the safety of those
16 persons conducting the search except at the request of the
17 person being searched.

18
19 16. When a strip search or a body cavity search of a
20 prisoner is conducted, it should include a thorough visual check
21 for birthmarks, wounds, sores, cuts, bruises, scars and
22 injuries; "health tags;" and body vermin. Less complete searches
23 should include the same checks to the extent possible.

24
25 17. Persons conducting a strip search or body cavity
26 search shall not touch the person being searched except as
27 reasonably necessary to effectuate the search of the person.

1
2 18. Body cavity searches. A body cavity search may
3 be conducted only pursuant to subsection 15.28.120(11). Any body
4 cavity search shall be performed under sanitary conditions and
5 conducted by a physician, registered nurse, or registered
6 physician's assistant, licensed to practice in this state, who
7 is trained in the proper medical process and the potential
8 health problems associated with a body cavity search.

9
10 19. When a body cavity search is conducted by a
11 licensed medical professional of the opposite sex, an observer
12 of the same sex as the prisoner should be present.

13
14 20. Nothing in this section prohibits a person upon
15 whom a body cavity search is to be performed from having a
16 readily available person of his or her choosing present at the
17 time the search is conducted. However, the person chosen shall
18 not be a person being held in custody by a law enforcement
19 agency.

20
21 21. The officer requesting the body cavity search
22 shall prepare and sign a report, which shall include:

23
24 a. A copy of the warrant and any supporting
25 documents required;

26
27 b. The name and sex of all persons conducting or
28 observing the search;

1
2
3 c. The time, date, place and description of the
4 search; and,

5
6 d. A statement of the results of the search and
7 a list of any items removed from the person as a result of the
8 search. The report shall be retained as part of the agency's
9 records.

10 22. All physical markings and "health tag"
11 identifications shall be recorded and made available to the
12 appropriate jail employees and the medical professionals
13 responsible for care of the prisoner under WCC 15.28.240.
14

15 22. Particularly when force has been used during
16 arrest, all visible injuries should be photographed.
17

18 24. Body vermin. Any person with body vermin shall be
19 treated appropriately.
20

21 25. Medical complaints. Complaints of illness or
22 injury expressed or observed during booking shall be checked
23 promptly.
24

25 26. Communicable diseases. A prisoner suspected of
26 having a communicable disease shall be isolated without delay.
27 Arrangements shall be made for his immediate transfer to a
28 facility equipped to handle the suspected disease, unless the

1
2 admitting facility can safely and effectively segregate and
3 maintain the medically prescribed treatment.
4

5 27. Personal property. The admitting officer shall
6 record and store the prisoner's personal property and issue the
7 prisoner a witnessed receipt.
8

9 28. Prisoner weight. Each prisoner's weight should be
10 measured and recorded upon admission.
11

12 29. Photographs and fingerprints. Front and side-view
13 identification photographs of each prisoner should stipulate the
14 arresting agency or the booking agency and the date of arrest or
15 the date of the photograph.
16

17 30. Copies of fingerprints shall be forwarded to the
18 proper state and federal authorities.
19

20 31. Issuances. The correctional facility should
21 establish its own policy on prisoners' use of personal clothing
22 or jail uniforms.
23

24 32. At a reasonable time after the completion of
25 booking, each prisoner shall be issued clean bedding, as well as
26 such personal care items as required under 15.28.350 (Personal
27 Care Items).
28

1
2 33. Upon prisoner request, a reasonable supply of
3 writing material shall be furnished to indigent prisoners.
4

5 15.28.130 Preclassification
6

7 1. Prior to classification, reasonable precautions
8 shall be taken to insure the safety and welfare of prisoners and
9 the security of the institution.
10

11 2. Prisoners who, upon screening, appear to have
12 serious and potentially dangerous problems with drugs, including
13 alcohol, or signs of serious mental illness, shall be closely
14 observed. Persons qualified and trained to evaluate such
15 prisoners shall be contacted without delay.
16

17 3. Any prisoner suspected of being assaultive shall
18 be housed separately prior to classification except where
19 continual direct observation is maintained.
20

21 4. No prisoner known or suspected to be a danger to
22 himself may be housed alone without continual direct observation.
23

24 15.28.140 Orientation
25

26 1. As soon after booking as possible each prisoner
27 shall receive an oral or written orientation, consistent with
28 the provisions of WCC 15.28.130(5). The orientation shall

1
2 provide information regarding the prisoner's confinement
3 including, but not limited to:

4
5 a. Rules of prisoner conduct; including possible
6 disciplinary sanctions, as provided in WCC 15.28.220 (Prisoner
7 Rights).

8
9 b. Procedures and conditions regarding
10 classification and reclassification, as provided in 15.28.150
11 (Classification/Segregation).

12
13 c. Staff expectations of prisoner
14 responsibilities, including if applicable, cleaning of prisoner
15 living areas.

16
17 d. Prisoner rights and privileges.

18
19 e. The means of access to health care as
20 required by 15.28.280 (Access to Health Care), and other
21 services.

22
23 f. An opportunity to ask and receive answers to
24 questions shall be provided within a reasonable time.

25
26 15.28.150 Classification/Segregation

1
2 1. Classification. The chief law enforcement
3 officer or his designee shall establish written classification
4 and reclassification procedures which shall be included in the
5 manual of policies and procedures.

6
7 2. Upon entry the on duty supervisor shall be
8 designated as responsible for classification of prisoners
9 confined in the facility in accordance with such written
10 procedures.

11
12 3. For each prisoner confined in a detention or
13 correctional facility those responsible for classification shall
14 determine the degree of security required, housing assignment,
15 program eligibility, and regulations for association within and
16 outside the confinement area.

17
18 4. Classification procedures. Each prisoner confined
19 in a detention or correctional facility shall be interviewed at
20 booking for classification determinations.

21
22 5. Each prisoner shall be classified as soon as
23 reasonably possible.

24
25 6. The prisoner shall be promptly informed of any
26 classification housing assignment decision other than "general
27 population," and of his right to have that decision reviewed
28

1
2 upon making a request. Such notice shall also be given with
3 regard to any classification action.
4

5 7. A prisoner who is dissatisfied with his housing
6 assignment shall be entitled to a review of the decision by the
7 chief law enforcement officer or his designee upon making a
8 written request, and shall be promptly informed of this right.
9 Such request shall be reviewed by the chief law enforcement
10 officer, or a designated staff member.
11

12 8. Criteria for prisoner classification. The
13 primary criteria for classification shall be safety of the
14 prisoner and the security of the institution.
15

16 9. Juveniles. No juvenile shall be held in a jail
17 without sight and sound separation from adult prisoners. For
18 purposes of this standard, a juvenile is a person under the
19 chronological age of eighteen, who has not been transferred
20 previously to adult courts. Provided, That no person under the
21 chronological age of sixteen shall be held in a jail or holding
22 facility for adults. Provided further, That this standard does
23 not preclude or prohibit the housing of remanded pretrial
24 prisoners under the chronological age of eighteen within
25 juvenile detention facilities rather than city or county adult
26 detention facilities. A juvenile shall not be considered
27 "transferred previously to adult court" unless a juvenile court
28 has held a hearing under R.C.W. 13.40.110 or successor statute

1
2 and ordered the juvenile transferred for adult criminal
3 prosecution. The exercise of jurisdiction by a
4 limited-jurisdiction court in traffic, fish, boating or game
5 offenses or infractions pursuant to R.C.W. 13.04.030(6)(c) or
6 successor statute does not constitute a "transfer".
7

8 10. A juvenile shall not be confined in a jail or
9 holding facility for adults, except:
10

11 a. For a period not exceeding twenty-four hours
12 excluding weekends and holidays and only for the purpose of an
13 initial court appearance in a county where no juvenile detention
14 facility is available, a juvenile may be held in an adult
15 facility provided that the confinement is separate from the
16 sight and sound of adult inmates; or
17

18 b. For not more than six hours and pursuant to a
19 lawful detention in the course of an investigation, a juvenile
20 may be held in an adult facility provided that the confinement
21 is separate from the sight and sound of adult inmates.
22

23 11. Females shall be segregated from visual
24 communication and physical contact with male prisoners except
25 under (the) direct supervision of a staff person.
26
27
28

1
2 12. Special problem prisoners who endanger the health
3 and safety of other prisoners (or themselves) shall be
4 segregated and closely supervised.
5

6 13. Prisoners on work release or weekend confinement
7 programs, and any other prisoners who have regular contact
8 outside the jail shall be segregated from other prisoner
9 categories.
10

11 14. Factors to be considered in classification shall
12 include, but are not limited to, age, type of crime, pretrial
13 versus post-trial status, and offender sophistication.
14

15 15. Administrative segregation. The chief law
16 enforcement officer shall establish written procedures governing
17 the use of administrative segregation which are consistent with
18 this subsection.
19

20 16. Administrative segregation shall only be used
21 when the presence of the prisoner in general population poses a
22 serious threat of death or injury to himself or others, damage
23 to property, or the security or orderly operation of the
24 facility. Written documentation shall be maintained citing the
25 reasons for each case of a prisoner placed in administrative
26 segregation. Written procedures shall permit the prisoner an
27 opportunity to appeal within 72 hours (exclusive of weekends and
28 holidays) the decision of placement in administrative

1
2 segregation to the person(s) designated as responsible for
3 classification. A hearing shall be conducted whenever a prisoner
4 appeals placement in administrative segregation and the prisoner
5 shall be afforded the same rights as those required for
6 disciplinary hearings. Each prisoner in administrative
7 segregation shall have his case reviewed at least every 30 days
8 by the persons responsible for classification. Prisoners shall
9 be held in administrative segregation only as long as the
10 reason(s) for their initial placement there remains valid.

11
12 15.28.160 Goodtime

13
14 The chief law enforcement officer or his designee
15 shall develop written policies regarding time off for good
16 behavior. Such policies shall insure that good time when
17 authorized by sentencing courts, is given on a consistent basis,
18 and in accordance with R.C.W. 70.48.210 and 9.92.150.

19
20 15.28.170 Release and Transfer

21
22 1. Release. The releasing officer shall positively
23 determine prisoner identity and ascertain that there is legal
24 authority for the release.

25
26 2. The information required at the time of release
27 shall be recorded for each prisoner released from the facility.
28

1
2 3. All prisoners being released shall sign a
3 witnessed receipt for personal property returned.
4

5 4. Each prisoner discharged should receive a visual
6 body check to detect changes from his admitting physical record.
7

8 5. Transfer. In addition to the release procedures
9 designated above, the releasing officer shall determine that the
10 receiving unit or person has the authority to accept custody.
11

12 15.28.180 Transportation
13

14 When jail facility staff are responsible for prisoner
15 transportation and when the prisoner is still in the custody and
16 under the supervision of the jail, the chief law enforcement
17 officer or his designee of each detention and correctional
18 facility shall develop and maintain written instructions which
19 insure the safety of the prisoners and staff shall be maintained.
20

21 15.28.190 Staffing
22

23 General staffing. At all times in all jails, at least
24 one staff member shall be awake, alert, and directly responsible
25 for supervision and surveillance.
26

27 1. At all times a staff member of the same sex as
28 the prisoner(s) shall be on duty or available within a

1
2 reasonable time, which staff member shall be directly
3 responsible for supervision which involves intimate physical
4 contact or activities commonly afforded reasonable protection
5 against opposite sex observation or supervision: Provided, That
6 this does not preclude jail staff from performing non jail
7 functions or being relieved from direct duties and remaining on
8 call: Provided further, That personal observation of prisoners
9 for purposes of this or other sections of these standards may be
10 by opposite sex staffing as long as opposite sex privacy
11 concerns are given appropriate protection.

12
13 2. There shall be continual sight and/or sound
14 surveillance of all prisoners.

15
16 3. Such surveillance may be by remote means,
17 provided there is the ability of staff to respond face-to-face
18 to any prisoner within three minutes: Provided, That special
19 problem prisoners are subject to the more stringent personal
20 observation and supervision requirements of other sections.

21
22 4. In the absence of unusual behavior or other
23 concerns for prisoner security and health, personal observation
24 of prisoners by staff may be reduced to, but shall not be less
25 frequent than, at least once within every sixty minute period.

26
27 5. Personal staff observations of prisoners should
28 be recorded in writing and retained in the jail records.

1
2 6. Staff should be alert to prisoner depression,
3 dissension, family rejection, loneliness, resistance to staff or
4 programs, and the effects of use of substances prohibited by
5 facility rules or by law. When such symptoms are discovered,
6 such persons should be closely observed.

7
8 15.28.200 Supervision/Surveillance

9
10 1. General security.

11
12 a. All jails shall establish a positive means of
13 identifying prisoners.

14
15 b. Perimeter security shall be maintained.

16
17 c. Security devices shall be maintained in
18 proper working condition at all times.

19
20 d. No prisoner shall be permitted to have
21 authority over other prisoners.

22
23 e. Prisoner counts. Detention and correctional
24 facilities shall develop a system for taking and recording
25 prisoner counts. This procedure shall be followed at shift
26 changes and at other regular or irregular times.

27
28 2. Contraband control.

1
2 a. Any item or person entering or leaving a jail
3 shall be subject to search.
4

5 b. When housed in a correctional facility, work
6 release prisoners and prisoners who have regular contact with
7 other prisoner classifications or entrance to areas frequented
8 by other prisoners shall be subject to search.
9

10 c. There shall be irregularly scheduled searches
11 for contraband in detention and correctional facilities and all
12 areas frequented by prisoners.
13

14 d. Conspicuously posted signs shall display the
15 statutory penalty for giving or arranging to give anything to a
16 prisoner without official authorization (R.C.W. 9A.76.010,
17 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking visitors
18 shall be informed of the statutory penalty either verbally or by
19 posted signs in the appropriate language.
20

21 15.28.210 Critical Articles
22

23 1. All detention and correctional facilities shall
24 establish written procedures to insure that weapons shall be
25 inaccessible to prisoners at all times.
26

27 2. Weapon lockers shall be located outside of the
28 booking and confinement areas.

1
2 3. Whenever possible, keys to weapon lockers should
3 be located outside of booking and confinement areas.

4
5 4. Keys and locking devices. Key regulations shall
6 be established by the chief law enforcement officer and read and
7 initialed by all staff.

8
9 5. A control point shall be designated for key
10 cataloging and logging the distribution of keys.

11
12 6. There shall be at least two sets of jail facility
13 keys, one set in use and the other stored securely but easily
14 accessible to staff for use in the event of an emergency.

15
16 7. All keys not in use shall be stored in a secure
17 key locker inaccessible to prisoners.

18
19 8. Emergency keys shall be marked and placed where
20 they may be quickly identified in case of an emergency.

21
22 9. Keys to locks on doors inside the security area
23 of a jail should be on a separate ring from keys to locks on
24 doors or gates to the outside of the jails. At no time should
25 both rings be carried by a person inside the jail simultaneously.

26
27 10. Keys shall be accounted for at all times and the
28 distribution certified at each shift change.

1
2 11. Jail facility keys shall never be issued to a
3 prisoners.

4
5 12. If electronic devices are used in place of keys,
6 there shall be key or other manual override capabilities
7 available for immediate use in case of an emergency and/or a
8 failure of the system.

9
10 13. Protective equipment. Protective equipment, tear
11 gas, and any other chemical suppressing agent shall be kept in a
12 secure area, inaccessible to prisoners and unauthorized persons,
13 but quickly accessible to officers of the facility.

14
15 14. Kitchen utensils, tools, and toxic substances.
16 Dangerous kitchen utensils and tools shall be marked for
17 identification, recorded, and kept in a secure place.

18
19 15. Toxic substances shall be kept in locked storage,
20 and use of toxic substances shall be strictly supervised. Such
21 substances, including cleaning supplies, shall be stored in a
22 separate area from food supplies.

23
24
25 15.28.220 Prisoner Rights

26
27 1. The chief law enforcement officer or his designee
28 shall establish uniform rules and disciplinary sanctions to

1
2 guide the conduct of all prisoners, which rules shall designate
3 major and minor infractions.
4

5 2. Printed rules and possible disciplinary sanctions
6 shall be given to each prisoner and/or posted conspicuously
7 throughout the jail. Non-English speaking prisoners shall be
8 informed of the rules either orally, in writing, or by posted
9 signs in the appropriate language.
10

11 3. Rules of Conduct.
12

13 a. All major infractions of the rules shall be
14 reported in writing to the supervisor prior to shift change by
15 the staff member observing or discovering the act. Such reports
16 shall become a part of the prisoner's jail record.
17

18 b. Minor infractions. Minor violations of the
19 rules may be handled informally by any staff member by
20 reprimand, warning, or minor sanction as defined by local rules.
21 Such incidents may become part of the prisoner's record only
22 with the approval of the supervisor and verbal notification to
23 the prisoner.
24

25 15.28.230 Discipline
26

27 1. Disciplinary committee.
28

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

6
7 b. Any facility staff member involved in a
8 charge shall not be allowed to participate as a hearing officer
9 with respect to that charge.

10
11 2. Disciplinary procedures.

12
13 a. Any charges pending against a prisoner shall
14 be acted on as soon as possible and no later than seventy-two
15 hours (exclusive of Saturdays, Sundays, and holidays) after
16 observation or discovery of the infraction. Action in this
17 context means either a disciplinary hearing or a decision not to
18 impose any sanction requiring a hearing.

19
20 b. At least twenty-four hours prior to hearing,
21 the prisoner shall receive a copy of the written infraction
22 report made in conformance with 15.28.220(3) (Prisoner Rules of
23 Conduct). If the prisoner is illiterate, the infraction report
24 shall be read to him.

25
26 c. The prisoner alleged to have committed a
27 major infraction shall have, and be promptly advised of, the
28 following rights:

1
2 1. The prisoner shall have the right to be
3 present at all stages of the hearing, except during the
4 decisional deliberations;

5
6 2. The prisoner shall be allowed to appear
7 on his own behalf, to present witnesses, and to present
8 documentary evidence unless the exercise of such rights would be
9 unduly hazardous to institutional safety or correctional goals,
10 in which case the prisoner shall be given a written statement of
11 the reasons for such judgments and the prisoner's record shall
12 contain a statement with regard to such grounds;

13
14 3. A prisoner who is unable to represent
15 himself in such a hearing shall be informed of his right to be
16 assisted by another person in understanding and participating
17 in the proceedings;

18
19 4. The prisoner shall be advised of the
20 decision in a written notice giving the reasons for the
21 disciplinary action, if any, and evidence relied on; and

22
23 5. The prisoner shall be permitted to appeal
24 the disciplinary hearing decision to the department of
25 corrections or the chief law enforcement officer or his or her
26 designee in accordance with appeal procedures established by
27 each facility and included in the printed rules. All
28 disciplinary proceedings shall be recorded.

1
2 d. There shall be a finding of guilt based on
3 the preponderance of evidence before imposition of a sanction.
4

5 3. The above provisions do not preclude imposition
6 of administrative segregation, according to procedures required
7 by 15.28.150 (Classification/Segregation), or other appropriate
8 limitations on freedom of the prisoner involved prior to such
9 disciplinary proceeding: Provided, That each such restriction
10 shall be in accordance with the other provisions in these
11 standards: Provided further, That any such restrictions shall be
12 based on legitimate grounds of institutional security or
13 prisoner safety, and such action shall be noted in the
14 prisoner's records.
15

16 4. Corrective action or forms of discipline.
17

18 a. Nonpunitive corrective action should be the
19 first consideration in all disciplinary proceedings.
20

21 b. When punitive measures are imposed, such
22 measures shall be in accordance with law, and recommended
23 sanctions, appropriate to the severity of the infraction, and
24 based on considerations of the individual involved.
25

26 5. Acceptable forms of discipline shall include the
27 following:
28

- 1
2 a. Loss of privileges;
3 b. Removal from work detail or other assignment;
4 c. Recommendation of forfeiture of "good time"
5 credit; and,
6 d. Transfer to the maximum security or
7 segregation section.

8
9 6. Limitations on punishment.

10
11 a. No prisoner or group of prisoners shall be
12 given authority to administer punishment to any other prisoner
13 or group of prisoners.

14
15 b. Deprivation of regular feeding, clothing,
16 bed, bedding, or normal hygienic implements and facilities shall
17 not be used as a disciplinary sanction.

18
19 c. Correspondence privileges shall not be denied
20 or restricted, except in cases where the prisoner has violated
21 correspondence regulations. In no case shall the correspondence
22 privilege with any member of the bar, holder of public officer,
23 the courts or the department of corrections or chief law
24 enforcement officer be suspended.

25
26 d. Restrictions on visitation.
27
28

1
2 1. Visitation privileges should not be
3 denied or restricted as a sanction for infractions of rules of
4 the institution unrelated to visitation.

5
6 2. Under no circumstances shall attorney
7 client visits be restricted.

8
9 7. No prisoner shall be held in disciplinary
10 segregation for more than fifteen days for any one violation and
11 no more than thirty days for all violations arising out of one
12 incident. Continuous confinement for over thirty days must be
13 approved by the director of the department of corrections or the
14 chief law enforcement officer or such person's designee.

15
16 8. Corporal punishment and physical restraint e.g.,
17 handcuffs, leather restraints, and strait jackets) shall not be
18 used as sanctions.

19
20
21 15.28.240 Grievance Procedure

22
23 The chief law enforcement officer for each jail,
24 correctional facility, detention facility or juvenile facility
25 should develop and maintain procedures for the collection of
26 prisoner grievances. Such procedures should provide for persons
27 to whom grievances are to be directed, for timely review of
28

1
2 grievances, and for written notification of action taken
3 regarding the grievance.
4

5
6 15.28.250 Responsible Physician Licensed Staff
7

8 1. The facility shall have a designated health
9 authority with responsibility for health care services pursuant
10 to a written agreement, contract, or job description. The health
11 authority may be a physician, health administrator or agency.
12 When this authority is other than a physician, final medical
13 judgments shall rest with a single designated responsible
14 physician licensed in the state of Washington.
15

16 2. Matters of medical and dental judgment shall be
17 the sole province of the responsible physician and dentist
18 respectively; security regulations applicable to facility
19 personnel shall also apply to health personnel.
20

21 3. The responsible physician or medical authority
22 should submit a quarterly report on the health delivery system
23 and health environment and an annual statistical summary to the
24 chief law enforcement officer.
25

26 4. State licensure and/or certification requirements
27 and restrictions shall apply to health care personnel.
28

1
2 5. All medical personnel shall practice within the
3 scope of their license. Where applicable, treatment shall be
4 performed pursuant to a written standing or direct order.

5
6 6. Verification of current licensing and
7 certification credentials should be on file in the jail.

8
9 15.28.260 Health Care Policy and Procedures

10
11 1. Written standard operating procedures approved by
12 the responsible physician and governing unit or official
13 designated by it shall consist of but not be limited to the
14 following:

- 15
16 a. Receiving screening;
17 b. Health appraisal data collection;
18 d. Nonmerchantable medical services;
19 d. Deciding the emergency nature of illness or
20 injury;
21 e. Availability of dental referral examination,
22 and treatment;
23
24 f. Provision of medical and dental prostheses;
25 g. First aid;
26 h. Notification of next of kin or legal guardian
27 in case of serious illness, injury or death;
28 i. Providing chronic care;

- 1
- 2 j. Providing convalescent care;
- 3 k. Providing medical preventative maintenance;
- 4 l. Screening, referral and care of mentally ill
5 and retarded inmates, and prisoners under the influence of
6 alcohol and other drugs.
- 7 m. Implementing the special medical program;
- 8 n. Delousing procedures;
- 9 o. Detoxification procedures; and,
- 10 p. Pharmaceuticals.

11

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

15

16

17 15.28.270 Health Screening

18

19 1. Receiving screening shall be performed on all
20 prisoners upon admission to the facility before being placed in
21 the general population or housing area, and the findings
22 recorded on a printed screening form. The screening shall
23 include inquiry into:

24

25 a. Current illness and health problems including
26 those specific to women;

27 b. Medications taken and special health
28 requirements;

1
2 c. Screening of other health problems designated
3 by the responsible physician.

4 d. Behavioral observation, including state of
5 consciousness and mental status;

6 e. Notation of body deformities, trauma
7 markings, bruises, lesions, ease of movement, jaundice, and
8 other physical characteristics;

9 f. Condition of skin and body orifices,
10 including rashes and infestations; and,

11 g. Disposition/referral of inmates to qualified
12 medical personnel on an emergency basis.

13
14 2. The health appraisal data collection should be
15 completed for each prisoner within fourteen days after admission
16 to the facility in accordance with the adopted standard
17 operating procedures: Provided: That this subsection does not
18 apply to prisoners who are able to receive medical care in the
19 community.

20
21 3. Such health appraisal should include, at a
22 minimum, a physical assessment by a licensed health care
23 provider, recording of vital signs and a general review of
24 mental status: Provided, That such appraisal is not intended to
25 be a standard "annual physical" but rather such minimum physical
26 review as is necessary to detect any major problems. As
27 appropriate, laboratory and diagnostic tests to detect
28 communicable disease, including venereal diseases and

1
2 tuberculosis, and other tests and appraisals should be included
3 within such appraisal.

4
5 4. Health history and vital signs should be
6 collected by medically trained or qualified medical personnel
7 who are properly licensed, registered or certified as
8 appropriate to their qualifications to practice. Collections of
9 all other health appraisal data should be performed only by
10 qualified medical personnel. Review of the results of the
11 medical examination, tests, and identification of problems
12 should be made by a physician or designated qualified medical
13 personnel. All health appraisal data should be recorded on the
14 health data forms approved by the responsible physician.

15
16
17 15.28.280 Access To Health Care

18
19 1. If medical services are delivered in the jail,
20 adequate equipment supplies and materials shall be provided for
21 the performance of primary health care delivery.

22
23 2. At the time of admission to the facility,
24 prisoners shall receive a written communication consistent with
25 the provisions of 15.28.120 (Admissions), explaining the
26 procedures for gaining access to medical services.

1
2 3. Prisoners' medical complaints shall be collected
3 daily and acted upon by the medically trained personnel. An
4 appropriate priority shall be established and treatment by
5 qualified medical personnel follow.

6
7 4. Work release prisoners should be allowed to see
8 their own physicians outside of the jail and to receive
9 consistent care within the jail.

10
11 5. Sick call.

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

15
16 1. In facilities of less than fifty
17 prisoners, at least once per week at a minimum;

18
19 2. Facilities of fifty to two hundred
20 prisoners at least three times per week; and,

21
22 3. Facilities of over two hundred prisoners
23 at least five times per week: Provided, That the average daily
24 population may be calculated exclusive of work release prisoners
25 when they receive their care in the community.
26
27
28

1
2 6. When sick call is not conducted by a physician,
3 the responsible physician shall arrange for the availability of
4 a physician at least once each week to respond to prisoner
5 complaints regarding services which they did or did not receive
6 from other medical providers; further, regardless of complaints,
7 the responsible physician shall review the medical services
8 delivered, as follows:

9
10 a. At least once per month in jails with less
11 than fifty prisoners;

12
13 b. At least every two weeks in facilities of
14 fifty to two hundred prisoners; and,

15
16 c. At least weekly in facilities of over two
17 hundred prisoners.

18
19 7. Medical and dental prostheses shall not be denied
20 when the health of the inmate-patient would otherwise be
21 adversely affected as determined by the responsible physician.

22
23 8. Emergency care.

24
25 a. First aid kit(s) shall be conveniently
26 available in all jails.

1
2 b. The responsible physician shall approve the
3 contents, number, location and procedure for periodic inspection
4 of the kit(s).

5
6 c. Emergency medical and dental care shall be
7 available on a twenty-four hour basis in accordance with a
8 written plan which includes:

9
10 1. Arrangements for the emergency evacuation
11 of the prisoner from the jail;

12
13 2. Arrangements for the use of an emergency
14 medical vehicle; and,

15
16 3. Arrangements for the use of one or more
17 designated hospital emergency rooms, other appropriate health
18 facilities, or on-call physician and dentist services.

19
20 15.28.290 Health Care Training

21
22 1. Jail personnel shall be trained in standard
23 first-aid equivalent to that defined by the American Red Cross
24 and usual emergency care procedures prior to employment or
25 during the probationary period. Written standard operating
26 procedures and training of staff shall incorporate the following
27 steps:

1
2 a. Awareness of potential medical emergency
3 situations;

4
5 b. Notification or observation determination
6 that a medical emergency is in progress;

7
8 c. "First aid" and resuscitation;

9
10 d. Call for help; and,

11
12 e. Transfer to appropriate medical provider.

13
14 2. At least one person per shift within sight or
15 sound of the prisoner shall have trained in receiving screening
16 and basic life support cardiopulmonary resuscitation (CPR).

17
18 3. Jail personnel shall be given training regarding
19 the recognition of general symptoms of mental illness and
20 retardation.

21
22 4. All persons responsible for the delivery of
23 medications shall have training regarding the medical, security,
24 and legal aspects of such activity.

25
26 15.28.300 Medications Control

1
2 1. The jail's standard operating procedures for the
3 proper management of pharmaceuticals shall include:

4
5 a. A formulary specifically developed for the
6 facility when stock medications are maintained within the jail.
7 Such formulary shall be in accordance with WAC 360-16-070
8 (clinic dispensary).

9
10 b. A policy that jails with an on-site pharmacy
11 shall adhere to regulations established by the state board of
12 pharmacy. Such policy shall require, as a minimum, a consulting
13 pharmacist for the operation of the pharmacy or the dispensing
14 shall be done by each prescribing physician in person (WAC
15 360-16-070).

16
17 c. A policy regarding the prescription of all
18 medications with particular attention to behavior modifying
19 medications and those subject to abuse.

20
21 d. A policy regarding medication dispensing and
22 administration which shall include, but not be limited to:

23
24 1. Nonmedical jail personnel delivering
25 medication(s) to prisoners;

26
27 2. Disposition of medication(s) brought in
28 by prisoners at the time of admission to the facility;

1
2 3. Packaging of medication(s): The
3 medications system shall insure that all medications are kept in
4 containers which have been labeled securely and legibly by a
5 pharmacist or the prescribing physician, or in their original
6 contained labeled by their manufacturer. Medications shall not
7 be transferred from the original container except for the
8 preparation of a dose administration;

9
10 4. Safeguards with regard to delivery of
11 medications to prisoners; and,

12
13 5. Disposition of unused medication(s).

14
15 e. A policy regarding the maximum security
16 storage and weekly inventory of all controlled substances,
17 non-prescription medication(s), syringes, needles and surgical
18 instruments. Jails that do not have an on-site pharmacy shall
19 provide for a consulting pharmacist to determine that
20 medication(s) have been properly managed.

21
22 2. The person delivering medication(s) shall be
23 accountable for following the orders of medical staff.

24
25 15.28.310 Health Care Records

26
27 1. The responsible physician shall be responsible for
28 maintaining patient medical record files. Such files shall

1
2 contain the completed receiving screening form, health appraisal
3 data collection forms, all findings, diagnoses, treatments,
4 dispositions, prescriptions and administration of medications,
5 notes concerning patient education, notations of place, date and
6 time of medical encounters and terminations of treatment from
7 long term or serious medical or psychiatric treatment.

8
9 2. The responsible physician shall insure the
10 confidentiality of each prisoner's medical record file and such
11 file shall be maintained separately to the extent necessary to
12 maintain their confidentiality.

13
14 3. The responsible physician or medical staff medical
15 staff designated by him shall communicate information obtained
16 in the course of medical screening and care to jail authorities
17 when necessary for the protection of the welfare of the prisoner
18 or other prisoners, management of the jail, or maintenance of
19 jail security and order.

20
21 4. A copy or summary of the medical record file shall
22 routinely be sent to any jail or correctional institution to
23 which a prisoner is transferred at the time of such transfer. A
24 copy of such file or parts thereof shall also be transmitted
25 upon the written authorization of a prisoner to designated
26 physicians and medical facilities.

1
2 5. The person delivering medications shall record the
3 actual time of the delivery in a manner and on a form approved
4 by the responsible physician.
5

6
7 15.28.320 Special Medical Issues
8

9 1. Informed consent.
10

11 a. All examinations, treatments and procedures
12 affected by informed consent standards in the community shall
13 likewise be observed for prisoner care.
14

15 b. No prisoner shall be given medical treatment
16 against his will except as necessary to prevent the spread of
17 communicable disease, to relive imminent danger to the life of
18 the prisoner, or, in the case of serious mental disorders, to
19 prevent imminent danger to the life of his or her person or to
20 the lives of others. All procedures required by chapter 71.05
21 RCW shall be followed in any case of involuntary commitment or
22 involuntary treatment of mentally ill persons within jails.
23

24 c. In case of minors, the informed consent of
25 parent, guardian or legal custodian applies where required by
26 law.
27
28

1
2 2. In all cases, the responsible physician shall
3 give a clear statement to the prisoner patient of his diagnosis
4 and treatment.

5
6 3. Special medical.

7
8 a. Jail staff shall report any symptoms of
9 prisoner mental illness or retardation to medical personnel for
10 appropriate evaluation and treatment.

11
12 b. A special program shall exist for prisoners
13 requiring close medical supervision. A written individual
14 treatment plan for each of these patients shall be developed by
15 a physician which includes directions to medical and nonmedical
16 personnel regarding their roles in the care and supervision of
17 these patients.

18
19 c. Programs for the prevention of suicide, to
20 include early identification of risk, appropriate diagnosis and
21 referral, and close observation as required by 15.28.190
22 (Staffing), should be developed by medical staff.

23
24 d. Appropriate medical supervised treatment in
25 accordance with written procedures established under 15.28.260
26 (Health Care Policy and Procedures) shall be given in the jail
27 to prisoners determined to be mentally ill or under the
28

1 influence of alcohol, opiates, barbiturates and similar drugs
2 when such care is not provided in a community health facility.
3

4
5 3. Reasonable physical restraint when necessary for
6 medical reasons shall be medically directed, except that in an
7 emergency reasonable physical restraint may be used to control a
8 grossly disturbed or violent prisoner, but the review and
9 direction of the health care staff or local mental health
10 professionals shall be properly obtained.
11

12 15.28.330 Access to Facilities
13

14
15 1. Regular bathing (shower) shall be permitted at
16 least twice each week.

17
18 2. Each prisoner shall have access to toilet, sink,
19 drinking water, and adequate heat and ventilation.

20 15.28.340 Food
21

22 1. General food requirements.

23 a. At least three meals a day shall be served at
24 regular intervals. The morning meal shall be served within
25 fourteen hours of the previous day's evening meal.
26
27
28

1
2 b. Jails may arrange for prepared meal service
3 or serve frozen packaged meals, provided these meals conform to
4 the requirements of this section.

5
6 2. Nutritional and caloric intake.

7
8 a. Jail menus shall be reviewed by the local
9 county health department, the county extension service, or other
10 qualified nutrition consultant to insure that diets approximate
11 the dietary allowances specified.

12
13 b. Diets ordered by medical staff shall be
14 strictly observed.

15
16
17 15.28.350 Clothing/Bedding, Personal Items

18
19 1. Clothing.

20
21 a. Provision shall be made for separate insect
22 proof clothing storage to prevent migration of lice from
23 infested clothing.

24
25 b. Each jail shall insure that prisoners' outer
26 garments are laundered and made available to them at least once
27 a week, and that prisoners' undergarments and socks are
28 laundered and made available to them at least twice a week.

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

2. Bedding.

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

- 1. One detachable cloth mattress cover and one sheet; or
- 2. Two sheets; or
- 3. One double size sheet.

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

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

5. Personal care items.

a. Personal care items issued to each prisoner in detention and correctional facilities shall include, but not

1
2 be limited to soap and towel. Female prisoners shall be supplied
3 with necessary feminine hygiene items.

4
5 b. Toothpaste or powder, toothbrush and comb
6 shall be available for purchase by all prisoners: Provided,
7 That prisoners without funds shall have access to these minimum
8 items without cost.

9
10 c. Each prisoner shall be permitted to have a
11 reasonable number of additional personal items, the possession
12 of which does not substantially impede jail management or
13 security.

14
15
16 15.28.360 Sanitation

17
18 1. General.

19
20 a. All jails shall be kept in a clean and
21 sanitary condition, free from any accumulation of dirt, filth,
22 rubbish, garbage, or other matter detrimental to health.

23
24 b. Jail staff shall insure that each prisoner
25 shall clean his own living area daily. Convicted prisoners may
26 be required to clean other space within the confinement area and
27 pretrial detainees may be permitted to do so voluntarily.

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2. Insects, rodents, and pets.

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

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

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

15.28.370 Services

1. Commissary.

a. 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.

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

1
2 2. Proceeds from a jail facility store shall be used
3 for operation and maintenance of the commissary service and/or
4 prisoner welfare expenses.

5
6 3. If jail rules do not permit prisoners to keep
7 money on their persons, payments for commissary purchases shall
8 be made by debit on a cash account maintained for the prisoner.
9 All expenditures from a prisoners account shall be accurately
10 recorded and receipted.

11
12 4. Basic hair care. All jails shall make reasonable
13 arrangements to provide basic hair care.

14
15 5. Library services. In consultation with state
16 and/or local library service units, each jail shall make
17 provision for library services.

18
19 6. Legal assistance.

20
21 a. When adequate professional legal assistance
22 is not available to prisoners for purposes of preparing and
23 filing legal papers, a jail shall provide access to necessary
24 law books and reference materials.

25
26 b. Facility rules shall not prohibit one
27 prisoner from assisting another in the preparation of legal
28 papers.

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7. Religious services.

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

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

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

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

8. Counseling, guidance, and ancillary services.

a. Counseling services should be available to provide prisoners in detention or correctional facilities with an opportunity to discuss their problems and interests.

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

1
2 10. Professionals should serve in an advisory
3 capacity when jail facility personnel or community volunteers
4 engage in counseling.

5
6 11. Counselors may submit written recommendations to
7 the chief law enforcement officer or disciplinary review body.

8
9 12. Prisoners shall not be required to receive
10 counseling services unless ordered by the appropriate court or
11 the disciplinary review body.

12
13
14 15.28.380 Programs

15
16 1. Each prisoner shall be allowed three hours per
17 week of physical exercise, to be scheduled no less than three
18 separate days. Outdoor as well as indoor exercise shall be
19 provided.

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21 2. Work programs. The chief law enforcement officer
22 may establish work programs.

23
24 3. Participation in work programs by pretrial
25 detainees shall be voluntary.

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27 4. Education and training programs.

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a. 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.

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

5. Leisure time activity programs.

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

b. Volunteers may be used to plan and supervise exercise programs and other leisure time activities, but paid staff member(s) should have designated responsibility for supervision of such program.

15.28.390 Telephone Usage

1. The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

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

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

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

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

15.28.400 Mail

1. Newspapers, books, periodicals and other printed materials, and photographs.

a. Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such

1
2 materials shall be denied a prisoner only if such denial
3 furthers a substantial governmental interest in jail security or
4 the welfare of prisoners or staff.

5
6 b. When such materials are withheld from a
7 prisoner:

8
9 1. The prisoner shall receive immediate
10 written notice that the publication is being denied, accompanied
11 by an explanation of the reason(s) for the denial;

12
13 2. The affected prisoner shall be promptly
14 informed of his right to have such decision reviewed by the
15 disciplinary hearing body, the department of corrections, or the
16 chief law enforcement officer upon written request;

17
18 3. A written decision of the review of the
19 denial, including reason(s) shall be given to the prisoner
20 requesting review.

21
22 2. Correspondence.

23 a. General.

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

26
27 2. Except in the case of prisoners without
28 funds, prisoners shall be permitted to mail out any number of

1
2 letters. Prisoners without funds shall be permitted to mail up
3 to three letters per calendar week at public expense, provided
4 upon proper showing the number may be increased. Each prisoner
5 shall be permitted to mail out any number of letters to his
6 attorney, and the courts.

7
8 3. No restriction shall be placed on the
9 number of letters a prisoner may receive or on the persons with
10 whom he may correspond, except by court order of a court of
11 competent jurisdiction, or as provided under 3(c) of this
12 subsection.

13
14 4. These rules shall not preclude a prisoner
15 being required to place his name and a return post office
16 address on outgoing mail.

17
18 3. Opening or censoring mail.

19
20 a. No general restriction of the number of
21 letters prisoners may receive or of classes of persons with whom
22 they may correspond shall be made by facility rule or policy.

23
24 b. Incoming mail shall not be censored, but may
25 be opened and inspected for contraband, cash and checks and may
26 be perused for content when the responsible staff person
27 designated by the chief law enforcement officer or his designee
28 has reasonable grounds to believe that the content of a letter

1
2 may present a clear and present danger to institutional
3 security, or violates state or federal law. Whenever mail is not
4 delivered by the jail staff directly to the prisoner to whom it
5 is addressed, it shall be resealed.

6
7 c. Except by order of a court of competent
8 jurisdiction, outgoing mail shall not be opened unless the
9 responsible staff person designated by the chief law enforcement
10 officer or his designee has reasonable grounds to believe that
11 the content of a letter may present a clear and present danger
12 to institutional security, or violates state or federal law.

13
14 4. Notice of disapproval of prisoner mail.

15
16 a. When a prisoner is prohibited from sending a
17 letter, the letter and a written and signed notice stating the
18 reason for disapproval, and indicating the portion(s) of the
19 letter causing disapproval, shall be given the prisoner.

20
21 b. When a prisoner is prohibited from receiving
22 a letter, the letter and a written signed notice stating the
23 reason(s) for denial and indicating the portion(s) for denial
24 and indicating the portion(s) of the letter causing the denial
25 shall be given the sender. The prisoner shall be given notice in
26 writing that the letter has been prohibited, indicating the
27 reason(s) and the sender's name.
28

1
2 c. When a prisoner is prohibited from sending or
3 receiving mail, the affected prisoner is entitled to have such
4 decision reviewed by the disciplinary hearing body, the chief
5 law enforcement officer or his designee upon written request and
6 shall be promptly informed of this right.

7
8 d. A written decision of the review of such
9 denial shall be promptly delivered to the prisoner.

10
11 5. Limitations.

12
13 a. Incoming mail of postconviction prisoners
14 that is clearly marked as coming from an attorney, court, or
15 elected federal, state, county or city official shall be opened
16 only in the presence of the addressee.

17
18 b. Mail to or from attorneys, courts or elected
19 federal, state, county or city officials shall not be read.

20
21 c. There shall be no additional restrictions on
22 prisoner correspondence for disciplinary or punishment purposes,
23 unless the prisoner has violated rules as to correspondence.
24 Upon proper showing of the alleged violation, the prisoner's
25 mail may be restricted for a limited time, but such restriction
26 shall not apply to attorney-client mail or correspondence with
27 the courts.

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6. Packages.

a. Incoming.

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

2. 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.

b. Outgoing.

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

7. 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 R.C.W. 9A.76.010, shall be turned over to the proper authorities, for handling as evidence,

1
2 for disciplinary action or possible prosecution under R.C.W.
3 9A.76.140, 9A.76.150, 9A.76.150, or other applicable statutes.
4

5
6 15.28.400 Visitation
7

8 1. General.
9

10 a. Contact visitation should be provided for
11 those prisoners determined to present a minimal degree of risk
12 to the safety and security of the institution.
13

14 2. The degree of security required for each prisoner
15 during visitation shall be determined by the person or persons
16 responsible for classification under 15.28.150
17 (Classification/Segregation).
18

19 3. Social visits.
20

21 a. The chief law enforcement officer or his
22 designee shall establish and post rules governing regular visits
23 and specifying times therefor.
24

25 b. All unsentenced prisoners and sentenced
26 prisoners who have been in custody for more than 30 days shall
27 be allowed a minimum of three hours total visitation per week.
28

1
2 Those prisoners who have been in custody for less than 30 days
3 shall be allowed a reasonable amount of visitation.

4
5 c. Preference on who visits will be determined
6 by the inmate.

7
8 d. Except for immediate family members, visitors
9 seventeen years of age and under shall be accompanied by a
10 parent or guardian.

11
12 4. The chief law enforcement officer or his designee
13 may grant special visitation privileges to visitors who have
14 traveled long distances, to visitors for hospitalized prisoners,
15 and for other unusual circumstances.

16
17 5. Business and professional visits.

18
19 a. Each prisoner shall be allowed confidential
20 visits from his attorney or legal assistants and his pastor.

21
22 6. By prior arrangement with the chief law
23 enforcement officer or his designee, a prisoner shall be allowed
24 confidential visits for business or educational reasons.

25
26 7. Law enforcement professionals shall be allowed to
27 interview prisoners at reasonable times and with prior notice,
28 unless it appears circumstances do not permit delay.

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8. Visitor regulations.

a. Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted at the entrances to the facility and at the entrance to the visiting area.

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

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

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

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

3. Request from the prisoner's physician;

4. Request from the prisoner;

5. 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.

1
2 9. Whenever a visitor is refused admittance during
3 regular visiting hours, the prisoner shall receive notice of
4 the refusal stating the reason(s) therefor. The affected
5 prisoner is entitled to have such decision reviewed by the
6 disciplinary hearing body, the chief law enforcement officer or
7 his designee upon written request and shall be promptly informed
8 of this rights. A written decision of the reviewing body's
9 determination stating the reason(s) therefor, shall be furnished
10 the prisoner who requested such review.

11 15.28.420 Severability .

12
13 Should any part of this Ordinance be declared illegal,
14 the validity of the remaining provisions shall not be affected.
15 And should it appear that any provision of this Ordinance is in
16 conflict with any statutory provision of the state of
17 Washington, then said Ordinance provision shall be deemed to be
18 inoperative and null and void insofar as they are in conflict
19 therewith and shall be modified to conform to such statutory
20 provision.

21
22 DATED this 17th day of December, 1987.


23
24
25 WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

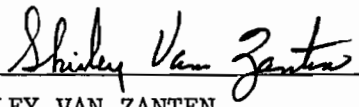
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TOM BURTON, Chair

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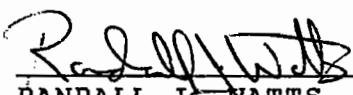
() APPROVED () VETOED


CAROL EBERGSON
Clerk of the Council


SHIRLEY VAN ZANTEN
County Executive

APPROVED AS TO FORM:

December 18, 1987
Date signed by Executive


RANDALL J. WATTS
Chief Civil Deputy
Prosecuting Attorney

Published on December 9, 1987 and December 23, 1987.

Ordinance becomes effective December 28, 1987.