



Whatcom County

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Agenda Bill Master Report

File Number: AB2025-183

File ID:	AB2025-183	Version:	1	Status:	Adopted
File Created:	02/13/2025	Entered by:	SHarris@co.whatcom.wa.us		
Department:	Sheriff's Office	File Type:	Ordinance		
Assigned to:	Council Criminal Justice and Public Safety Committee			Final Action:	03/11/2025
Agenda Date:	03/11/2025			Enactment #:	ORD 2025-013
Related Files:					

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TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 1.28 Standards for Correctional Facilities

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Sheriff's Office staff will introduce proposed changes to WCC 1.28 Standards for Correctional Facilities which has been suspended since 2019.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
02/25/2025	Council	INTRODUCED FOR PUBLIC HEARING	Council Criminal Justice and Public Safety Committee
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	
03/11/2025	Council Criminal Justice and Public Safety Committee	DISCUSSED	
03/11/2025	Council	ADOPTED	
		Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremier	
		Nay: 0	

Attachments: Staff Memo, Proposed Ordinance, Notice of Hearing after 2.25.2025

PROPOSED BY: **SHERIFF'S OFFICE**
INTRODUCTION DATE: **FEBRUARY 25, 2025**

ORDINANCE NO. 2025-013

AMENDING WHATCOM COUNTY CODE 1.28 TO UPDATE THE CORRECTIONAL FACILITIES OPERATIONAL STANDARDS

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

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

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

WHEREAS, the identical standards in Whatcom County Code (WCC) 1.28 are in need of amendment to comply with current laws and standards:

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that WCC 1.28 is hereby deleted in its entirety and replaced with the following, adopted as set forth in Exhibit A, attached hereto.

ADOPTED this 11th day of March, 2025.

ATTEST

Cathy Halka, Clerk of the Council

APPROVED AS TO FORM:

Brandon Waldron (via email)
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Kaylee Galloway
Kaylee Galloway, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Satpal Sidhu
Satpal Sidhu, County Executive

☒ Approved () Denied

Date Signed:

-EXHIBIT A-

Chapter 1.28

Operational Standards for Adult Correctional Facilities

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1.28.010 Purpose and statutory authority.

- (1) The standards set forth in this title are adopted by the Whatcom county council pursuant to, and for purposes of fulfilling, the mandates of RCW 70.48.071.
- (2) The adoption of these standards is intended to meet minimum federal and state constitutional requirements relating to health, safety, and welfare of inmates and staff and specific federal and state requirements and to provide for the public's health, safety, and welfare.
- (3) Adoption of these standards is intended as general guides to staff and are not intended to create liberty interests in or for any person.
- (4) None of the time limits which appear in these standards are intended to be jurisdictional. Failure to comply with any time limit shall not deprive the Sheriff of the power to act in any way authorized by the standards.

1.28.020 Definitions.

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

- (1) "Alternative confinement" means work release, work crew, electronic home monitoring, day reporting or other alternatives to in-custody confinement as ordered by a court.
- (2) "Contraband" means any substance or item not specifically permitted by the jail or corrections administration.
- (3) "Electronic home monitoring" means a program of partial confinement wherein the individual is confined in a private residence subject to electronic surveillance.
- (4) "Inmate" means a person being held for a criminal offense or judicial order prior to trial or sentencing; as well as a person serving a sentence of confinement or other alternative (e.g. electronic home monitoring).
- (5) "Jail" means a facility designed, staffed and used for temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial; as well as for housing of adult persons sentenced to a period of confinement in jail pursuant to Washington state law.
- (6) "Public records" include any writing or recording which contains information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or returned by any state or local agency regardless of its physical form or characteristics.
- (7) "Sheriff" means the Whatcom County Sheriff, or authorized designee.
- (8) "Work release program" means a program for the housing of special populations of sentenced persons who do not require the level of security normally provided in jail facilities including, but not limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.503; provided, that it shall also mean a program of scheduled release from the physical confines of the jail for the purpose of employment, seeking employment, school or other approved activities.

1.28.030 General administration.

- (1) The Sheriff shall develop and maintain an organizational chart and an operation manual of policies and procedures consistent with the provisions of this chapter.
- (2) Such chart and manual shall be available to all staff.
- (3) All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least yearly.
- (4) Nothing in these standards shall be construed to deny the power of the sheriff to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any Sheriff's Office facility, prisoners, staff, or the public. Only such standards as are directly affected by the emergency may be suspended. The sheriff shall notify the executive and council of such suspension.

1.28.040 Staff positions.

- (1) Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.
- (2) All jail staff shall be selected in accordance with Chapter 41.14 RCW and/or other applicable legal requirements.

1.28.050 Training.

- (1) The jail shall provide preservice orientation to each newly hired jail staff member prior to being assigned to duty, regardless of their previous training or experience. Such training may be provided either by existing, qualified, jail staff or other qualified persons, and must be verified by a written outline, and shall include, but not necessarily be limited to:
 - (a) Review and understanding of all policies and procedures relating to their job responsibilities, specifically:
 - i. Agency organization;
 - ii. Admission and release procedures;
 - iii. Security and safety procedures;
 - iv. Contraband control, definition of, etc.;
 - v. Inmate discipline;
 - vi. Medical and mental health procedures;
 - vii. Use of force;
 - viii. Confidentiality of jail records.
 - (b) Review of the Washington criminal justice system and these custodial care standards as they relate to jail duties.
 - (c) Identification and understanding of the function of agencies whose authority may extend to the jail's inmates.
 - (d) Appropriate training and qualification in the use of weapons when jail duties include possession or carrying of a firearm.
- (2) All persons directly responsible for the supervision of inmates shall successfully complete the Washington State Criminal Justice Training Commission (CJTC) basic correctional officer academy (COA) within the first six months of their employment, as required by WAC 139.
- (3) The jail shall develop a policy and procedure to comply with the Prison Rape Elimination Act (PREA) established by the US Department of Justice (28 C.F.R. Part 115).

1.28.060 Records.

- (1) The Sheriff shall establish a records system which shall comply with the requirements of this section.
- (2) All jail facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100.
- (3) The information required by the booking and release form shall be obtained for each booking and release. Such information will be retained in written form or within computer records. Other information retained in each inmate's jail records shall include, but not be limited to, court orders, personal property receipts, information reports, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of inmate's property and remains.
- (4) Health care records shall be maintained separately to the extent necessary to maintain their confidentiality.
- (5) Each inmate shall be permitted reasonable access to their jail record, or reasonable access to information contained therein; provided, that such access may be limited only by law.
- (6) When an inmate is transferred to another facility, copies or summaries of all health records regarding medical problems shall be transferred to the receiving facility; provided, that the requirements of governing laws regarding confidentiality are followed. Applicable court orders shall be transferred. Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution.
- (7) The jail shall complete periodic reports on its population.
- (8) The jail should, in addition, maintain an ongoing and permanent accounting of its population by confinement categories, location, or classification within the jail.
- (9) The jail shall maintain an accurate jail register as required by RCW 70.48.100.
- (10) The jail shall maintain a written or digital record of all incidents which result in substantial property damage or bodily harm, or serious threat of substantial property damage or bodily harm. Major infraction reports and disciplinary actions shall become part of the inmate's jail record.
- (11) All serious incidents and emergencies shall be recorded on an incident report, a copy of which shall be retained. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to, any death which occurs within the jail, attempted suicides, epidemics, attempted or completed escapes, any attempted or completed assault upon staff or inmates, fires, riots, flooding or other natural disasters.
- (12) The jail should keep a log of daily activity within the facility for future accountability.
- (13) Training records shall be maintained for each staff member employed by the jail.
- (14) Performance records should be maintained for each staff member employed by the jail.

1.28.070 Emergency procedures.

- (1) The Sheriff shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of

the inmates after removal from the area or facility. Such plan should be formulated in cooperation with the appropriate supporting local stakeholders.

- (2) Emergency plans shall always be available to the officer in charge of the jail, and all personnel shall be aware of, and trained in, the procedures.

1.28.080 Fire prevention/suppression.

- (1) The Sheriff shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:
 - (a) A fire prevention plan to be part of the operations manual of policies and procedures;
 - (b) A requirement that staff are alert to fire hazards during their daily rounds.
 - (c) Fire prevention inspections requested at least annually of the fire department having jurisdiction; provided, that when such inspections cannot be obtained from such fire department, the facility shall provide such inspections by an independent, qualified source.
 - (d) A regular schedule for inspections, testing and servicing fire suppression equipment.
- (2) Results of all fire prevention inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports.

1.28.090 Population levels.

- (1) The Sheriff shall set the maximum capacity for the jail facilities. This capacity shall reflect a judgment as to the maximum number of inmates who may be housed within the facilities in a humane fashion. Additionally, the maximum capacity should be established with consideration for the safety and well-being of both staff and inmates, ensuring that overcrowding does not compromise security or living conditions.
- (2) Population levels at all facilities shall not exceed a level at which the bureau is able to adequately provide for the basic human needs of the prisoners, including provision of adequate personal safety, medical care, shelter, food, sanitation and clothing. These criteria shall be monitored on an ongoing basis.

1.28.100 Use of force.

- (1) The Sheriff shall establish and maintain policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.
- (2) Only lawful and reasonable force as defined by law shall be used. In no event will physical force be used as punishment.
- (3) Deadly force shall not be used on an inmate unless the person applying the deadly force follows applicable laws.
- (4) A written report on the use of force or deadly force shall be made. A written report shall be made by each staff member involved or observing the use of such force.
 - a. In cases of deadly force, the report shall be reviewed by the Sheriff, who shall initiate an investigation or review of the incident and decide whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record and filed with the Office of Professional Standards.

1.28.110 Admissions.

- (1) The receiving officer shall determine that the arrest and confinement of each inmate is being accomplished by a duly authorized officer, and a copy of all documents that purport to legally authorize the confinement shall become part of the inmate's jail record.
- (2) Each inmate, after completion of booking, shall be allowed reasonable access to a telephone for the purpose of contacting a person or persons of their choice who may be able to come to their assistance.
- (3) Reasonable provisions shall be made for communicating with non-English-speaking, handicapped or illiterate inmates concerning the booking process, rules of the facility, privileges afforded to inmates and other information pertinent to inmate rights and well-being while confined.
- (4) The booking process should be completed within a reasonable time taking into consideration the physical or mental condition of the inmate or any other relevant factors.
- (5) The Sheriff shall establish and maintain written policies and procedures regarding strip searches and body cavity searches, which shall be consistent with the provisions of Chapter 10.79 RCW as now or hereinafter enacted.
- (6) Each inmate shall be searched for contraband in a manner consistent with this section and written policies and procedures established hereunder, as is necessary to protect the safety of inmates, staff and facility security.
- (7) Particularly when force has been used during arrest, all visible injuries should be photographed.
- (8) Any person with body vermin shall be treated appropriately in accordance with established health care procedures.
- (9) An inmate suspected of having a serious infectious disease shall be isolated until seen by medical personnel. After being seen by medical personnel, the inmate shall be treated, including isolation, as recommended by such personnel. If not seen by a physician initially, such inmate shall be seen by a physician as soon as reasonably possible. The physicians shall review the recommended treatment and make such revisions as appear medically warranted. The condition of a prisoner placed in isolation shall be reviewed periodically by the physician to determine whether isolation should be continued.
- (10) The admitting officer shall record and store the inmate's personal property with a witnessed receipt. A copy of such receipt shall be provided to the inmate prior to their transfer or release.
- (11) Front and side-view identification photographs of each inmate shall be taken at booking and retained either electronically or in hard-copy formats.
- (12) Copies of fingerprints shall be forwarded to the proper state and federal authorities.
- (13) The jail shall establish a policy on inmates' use of personal clothing or jail uniforms.
- (14) In accordance with applicable laws, the Sheriff shall establish and maintain policies and procedure regarding suicide prevention protocols to ensure the safety and well-being of all inmates. This includes regular screening upon intake to identify individuals at risk for suicide, as well as continuous monitoring and appropriate mental health interventions for those identified as vulnerable. Jail staff will be trained to recognize the signs of suicidal ideation, and appropriate steps will be taken to provide immediate care, including notification of medical or mental health professionals.

1.28.120 Preclassification.

- (1) Prior to classification, reasonable precautions shall be taken to ensure the safety and welfare of inmates and the security of the institution.
- (2) Inmates who, upon screening, appear to have serious and potentially dangerous history with drugs, including alcohol, or signs of serious mental illness, as evidenced by their self-reported history and/or obvious/overt behavior shall be observed. Persons qualified and trained to evaluate such inmates shall be contacted.

1.28.130 Orientation.

- (1) As soon after booking as possible, each inmate shall receive an oral, video or written orientation. The orientation shall provide information regarding the inmate's confinement including, but not limited to:
 - (a) Rules of inmate conduct; including possible disciplinary sanctions.
 - (b) Procedures and conditions regarding classification and reclassification.
 - (c) Staff expectations of inmate responsibilities, including, if applicable, cleaning of inmate living areas;
 - (d) inmate rights and privileges; and
 - (e) The means of access to health care.
- (2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time.

1.28.140 Classification/segregation.

- (1) The Sheriff shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.
- (2) Classification staff shall be designated as responsible for classification of inmates confined in the jail in accordance with written procedures; provided, that this does not preclude designation of alternate persons to serve in the classification staff's absence; and provided further, that certain classification functions, such as initial cell assignment, may be delegated to non-classification staff.
- (3) For each inmate confined in the jail, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility.
- (4) Each inmate shall be classified as soon as reasonably possible.
- (5) The primary criteria for classification shall be the safety of the inmate and the security of the institution.
- (6) Factors to be considered in classification shall include, but are not limited to, age, type of crime detained for, pretrial versus post-trial status, and offender sophistication, criminal history, and past behavior in a jail or correctional facility.
- (7) Female inmates should be segregated from visual communication and physical contact with male inmates except under the direct supervision of a staff person.
- (8) Written classification procedures shall include provisions for the separation of certain inmates for their own protection, for purposes of investigation, and for the security of the facility.
- (9) Documentation shall be maintained for each case of administrative segregation.

1.28.150 Goodtime (earned early release).

- (1) The Sheriff shall develop written policies regarding recommendations for time off for good behavior. Such policies shall ensure that good time recommendations, when requested by sentencing courts, are given on a consistent basis, and in accordance with applicable laws.

1.28.160 Release and transfer.

- (1) Prior to any release, the releasing officer shall positively verify the inmate's identity and ascertain that there is a legal authority for the release.
- (2) All inmates being released shall sign a witnessed receipt for personal property returned.
- (3) In addition to the release procedures designated above, the releasing officer shall determine that the receiving unit or person has the authority to accept custody of an inmate who is being transferred.

1.28.170 Transportation.

- (1) The Sheriff shall maintain written policy and procedures for transportation of inmates outside of the jail facility. Said policy shall emphasize safety and security.

1.28.180 Staffing.

- (1) The Sheriff shall create a staffing plan that is appropriate for the facility or facilities in operation.
- (2) Such plan shall be reviewed whenever there is a significant change in infrastructure or at least every 2 years.
- (3) At all times in the jail, all staff members shall be awake, alert and responsible for supervision and surveillance of inmates.
- (4) Staff should be alert to inmate depression, dissension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law.

1.28.190 Supervision/surveillance.

- (1) The jail shall establish a positive means of identifying inmates.
- (2) Perimeter security shall be maintained.
- (3) Security devices shall be maintained in proper working condition.
- (4) No inmate shall be permitted to have authority over other inmates.
- (5) The Sheriff shall develop a system for taking and recording inmate counts.
- (6) Any item or person entering or leaving the jail shall be subject to search.
- (7) Inmates who have regular contact outside the jail shall not be permitted contact with other inmate classifications or entrance to areas frequented by other inmates, unless first subject to search.
- (8) There shall be irregularly scheduled searches for contraband in the jail facility and in all areas frequented by inmates.

1.28.200 Critical articles.

- (1) The jail facility shall establish written procedures to ensure that weapons be inaccessible to inmates at all times.
- (2) Weapon lockers shall be located outside of the booking and confinement areas.

- (3) The manner in which jail keys are to be used shall be included in the policies and procedures manual established by the Sheriff.
- (4) All keys not in use shall be stored in a secure key locker inaccessible to inmates.
- (5) Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.
- (6) Jail facility keys shall never be issued to an inmate.
- (7) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or a failure of the system.
- (8) Protective equipment and other chemical suppressing agents shall be kept in a secure area, inaccessible to inmates and unauthorized persons, but quickly accessible to officers of the facility.
- (9) Dangerous kitchen utensils and tools shall be marked for identification, recorded and kept in a secure place.
- (10) Toxic substances shall be kept in a locked storage, and use of toxic substances shall be strictly supervised. Such substances, including cleaning supplies, shall be stored in a separate area from food supplies.

1.28.210 Inmate rights.

- (1) The Sheriff should establish a written statement of inmate rights which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules, regulations and sanctions, communication such as telephone calls, and access to necessary medical care. The written statement of inmate rights shall be included in the inmate handbook given to the inmate at the time of orientation.
- (2) The Sheriff shall establish uniform rules and disciplinary sanctions to guide the conduct of all inmates. The rules shall designate major and minor infractions.
- (3) Printed rules and possible disciplinary sanctions shall be given to each inmate and/or posted conspicuously throughout the jail. Non-English-speaking inmates shall be informed of the rules either orally, in writing, or by posted signs in the appropriate language.

1.28.220 Inmate rules of conduct.

- (1) All major infractions of the rules shall be reported in writing by the staff member observing or discovering the infraction. Such reports shall become a part of the inmate's jail record.
- (2) Minor infractions of the rules may be handled informally by any staff member by reprimand, warning, or minor sanction as defined by policy and procedures of the jail. Such incidents may become part of the inmate's record.

1.28.230 Discipline.

- (1) Nonpunitive corrective action should be the first consideration in all disciplinary proceedings.
- (2) Punitive measures imposed shall be appropriate to the severity of the infraction and based on considerations of the individual(s) involved.
- (3) Acceptable forms of discipline shall include, but not be limited to, the following:
 - (a) Loss of privileges;
 - (b) Removal from work detail or other assignment;
 - (c) Recommendation of forfeiture of "good time" credit;

- (d) Transfer to the maximum security or segregation section.
- (4) No inmate or group of inmates shall be given authority to administer punishment to any other inmate or group of inmates.
- (5) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.
- (6) Correspondence privileges shall not be denied or restricted, except in cases where the inmate has violated correspondence regulations, or court order. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts or the department of corrections or chief law enforcement officer be suspended.
- (7) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. Attorney client visits shall not be unreasonably restricted.
- (8) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and straitjackets) shall not be used as sanctions.

1.28.240 Grievance procedures.

- (1) The Sheriff shall develop and maintain procedures regarding inmate grievances. Such procedures should provide for identification of persons to whom grievances are to be directed, for timely review of grievances, and for notification and recordation regarding the grievances.

1.28.250 Designated health authority and licensed staff.

- (1) The facility shall have a designated health authority with responsibility for health care services pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator or agency. When this authority is other than a physician, final medical judgments shall rest with a single designated responsible physician licensed in the state of Washington.
- (2) Matters of medical and dental judgment shall be the sole province of the designated health authority; security regulations applicable to facility personnel shall also apply to health personnel.
- (3) The designated health authority should submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the Sheriff; or upon request from the Sheriff.
- (4) State licensure and/or certification requirements and restrictions shall apply to health care personnel.
- (5) All medical personnel shall practice within the scope of their license. Where applicable, treatment shall be performed pursuant to a written standing or direct order from a medical practitioner.
- (6) Verification of current licensing and certification credentials should be on file in the jail.

1.28.260 Written procedures for medical services.

- (1) There shall be on file in the jail a written procedure which provides that necessary medical services are to be available twenty-four hours a day by one or more of the following:
 - (a) A licensed physician;
 - (b) A health care professional supervised by a licensed physician; or
 - (c) A hospital or clinic.

1.28.270 Health care policies and procedures.

- (1) Written standard operating procedures approved by the designated health authority shall consist of but not be limited to the following:
 - (a) Receiving screening;
 - (b) Health appraisal data collection;
 - (c) Nonemergent medical services;
 - (d) Deciding the emergency nature of illness or injury;
 - (e) Availability of dental referral examination, and treatment;
 - (f) Provision of medical and dental prostheses;
 - (g) Screening, referral and care of mentally ill inmates, inmates with disabilities, and inmates under the influence of alcohol and other drugs;
 - (h) Implementing special medical programs (e.g. close medical supervision)
 - (i) Detoxification procedures
 - (j) Pharmaceuticals.
- (2) The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the designated health authority.

1.28.280 Health screening.

- (1) Receiving screening shall be performed on all inmates upon admission to the facility and the findings recorded. The screening shall include inquiry into:
 - (a) Current illness and health problems including those specific to women;
 - (b) Medications taken and special health requirements;
 - (c) Screening of other health problems designated by the responsible physician;
 - (d) Behavioral observation, including state of consciousness and mental status;
 - (e) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics; and
 - (f) Condition of skin and body orifices, including rashes and infestations.
- (3) The health appraisal data collection should be completed for each inmate within fourteen days after admission to the facility in accordance with the adopted standard operating procedures.
- (4) Such health appraisal should include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status; provided, that such appraisal is not intended to be a standard "annual physical" but rather such minimum physical and mental status review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals should be included within such appraisal.

1.28.290 Access to health care.

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

- (2) At the time of admission to the facility, inmates shall receive written communication, explaining the procedures for gaining access to medical services.
- (3) Inmate's medical complaints shall be collected daily and acted upon by the medically trained personnel. Priority shall be established and appropriate treatment by qualified medical person shall follow.
- (4) Work release prisoners shall be allowed to see their own physicians outside of the jail facility and shall be responsible for their own medical expenses.
- (5) Sick call shall be conducted by physician and/or other qualified medical personnel and shall be available to each inmate at least three times per week.
- (6) When sick call is not conducted by a physician, the responsible physician shall arrange for the availability of a physician at least once each week to respond to inmate complaints regarding services which they did or did not receive from other medical providers.
- (7) Medical and dental shall not be denied when the health of the inmate-patient would otherwise be adversely affected as determined by the designated health authority.
- (8) First aid kit(s) shall be conveniently available to jail and medical staff.
- (9) Emergency medical and dental care shall be available on a twenty-four-hour basis in accordance with a written plan which includes:
 - a. Arrangements for the emergency evacuation of the inmate from the jail.
 - b. Arrangements for the use of emergency medical vehicle.
 - c. Arrangements for the use of one or more designated emergency hospital room(s), other appropriate health facilities or on call physician and dental services.

1.28.300 Health care training.

- (1) Jail personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross prior to employment or during the probationary period.
- (2) At least one person per shift shall have training in life support cardiopulmonary resuscitation (CPR).
- (3) Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and developmental disabilities.
- (4) All persons responsible for the delivery of medications shall have training regarding the medical, security, and legal aspects of such activity.

1.28.310 Medications control.

- (1) The designated health authority operating procedures for the proper management of pharmaceuticals shall include:
 - (a) A policy regarding the prescription of all medications with particular attention to behavior-modifying medications and those subject to abuse.
 - (b) A policy regarding medication dispensing and administration which shall include, but not be limited to:
 - (i) Disposition of medication(s) brought in by inmates at the time of admission to the facility;
 - (ii) Ensuring that all medications are kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original container which is labeled by their manufacturer. Medications shall not be

- transferred from such containers except for the preparation of a dose administration;
 - (iii) Safeguards with regard to delivery of medications to inmates; and
 - (iv) Disposition of unused medication(s).
 - (c) A policy regarding the maximum-security storage and weekly inventory of all controlled substances, nonprescription medication(s), syringes, needles and surgical instruments.
- (2) The person delivering medication(s) shall be accountable for following the orders of medical staff.

1.28.320 Health care records.

- (1) The designated health authority shall be responsible for maintaining patient medical record files. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education as to prescribed medication and/or treatment, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment. The health care records are the property of the Sheriff's office.
- (2) The designated health authority shall ensure the confidentiality of each inmate's medical record file and such file shall be maintained separately to the extent necessary to maintain their confidentiality.
- (3) The designated health authority shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the inmate or other inmates, management of the jail, or maintenance of jail security and order.
- (4) A copy or summary of the medical record file shall be sent to the jail or correctional institution to which an inmate is transferred at the time of such transfer or as soon as practical thereafter. A copy of such file or parts thereof shall also be transmitted upon the written authorization of an inmate to designated physicians and medical facilities.
- (5) The person delivering medications shall record the actual time of the delivery in a manner using a format approved by the designated health authority.

1.28.330 Special medical issues.

- (1) All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for inmate care.
- (2) No inmate shall be given medical treatment against their will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the inmate, or, in the case of serious mental disorders, to prevent imminent danger to the life of themselves or to the lives of others. All procedures required by Chapter 71.05 RCW shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within the jail.
- (3) In all cases, the responsible physician shall give a clear statement to the inmate patient of their diagnosis and treatment.
- (4) Upon discovery, jail staff shall report any symptoms of inmate mental illness or developmental disability to medical personnel or mental health professionals for evaluation and treatment.
- (5) A written individual treatment plan for each inmate/patient requiring close medical supervision shall be developed by a medical practitioner. The individual treatment plan shall include

direction to medical and nonmedical personnel regarding their roles in the care and supervision of these patients.

- (6) Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation should be developed by medical staff.
- (7) Appropriate medically supervised treatment in accordance with written procedures shall be given to inmates determined to be mentally ill or under the influence of alcohol, opiates, barbiturates and similar drugs.
- (8) Reasonable physical restraint, when necessary for medical reasons, shall be medically directed, except in the instance of a medical emergency, where reasonable physical restraint may be used to control a grossly disturbed or violent inmate, absent medical direction; provided, that the review and direction of the health care staff or local mental health professionals shall be promptly sought.

1.28.340 Access to facilities.

- (1) Regular bathing (shower) shall be permitted at least twice each week.
- (2) Each inmate shall have access to toilet, drinking water, and adequate heat and ventilation.

1.28.350 Food.

- (1) At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.
- (2) The jail may arrange for prepared meal service or serve frozen packaged meals, provided these meals shall be served in a reasonable manner, hot food served hot, cold food served cold.
- (3) Menus shall be reviewed by a qualified nutritionist or dietician to ensure that diets approximate recommended dietary allowances.
- (4) Diets ordered by medical staff shall be strictly observed.

1.28.360 Clothing/bedding and personal items.

- (1) The jail shall ensure that the laundering of inmates' outer garments is made available to them at least once a week, and that the laundering of inmates' undergarments and socks is made available to them at least twice a week.
- (2) The jail facility shall, if necessary, clean and sanitize personal clothing prior to storage.
- (3) Mattresses shall have a washable surface and sanitized when appropriate.
- (4) Blankets shall be issued upon arrival and shall be washed at frequent intervals to maintain a clean condition.
- (5) No inmate shall be required to sleep directly on the floor.
- (6) Personal care items issued to each inmate in the jail facility shall include, but not be limited to, soap and towel. Female inmates shall be supplied with necessary feminine hygiene items.
- (7) Toothpaste or powder, toothbrush and comb shall be available for purchase by all inmates. inmates without funds shall have access to these minimum items without cost.
- (8) Each inmate should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security.

1.28.370 Sanitation.

- (1) The jail shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, or other matter detrimental to health.

- (2) Staff should insure that inmates clean their own living area daily.
- (3) Insects and rodents shall be eliminated by safe and effective means. Inmates shall be removed from areas in which insecticides and rodenticide are being used.
- (4) The jail shall provide adequate laundry services.

1.28.380 Services.

- (1) The Sheriff shall establish, maintain and operate a commissary or contract for such service.
- (2) Payments for commissary purchases shall be made by debit on a trust account maintained for the inmate. All expenditures from an inmate's account shall be accurately recorded and receipted.
- (3) The Sheriff shall make reasonable arrangements to provide basic hair care.
- (4) In consultation with state and/or local library service units, the jail should make provision for library services.
- (5) The Sheriff shall arrange for access by the inmates to an adequate law library or adequate professional legal assistance.
- (6) Upon request from a inmate, the jail facility shall arrange confidential religious consultation.
- (7) Inmates should be allowed to express deeply held religious beliefs in accordance with the Religious Land Use and Institutionalized Persons Act (RLUIPA).
- (8) Counseling services should be available to provide inmates in jail facilities with an opportunity to discuss their issues, interests, and progress.
- (9) The Sheriff may utilize volunteer counseling resources available in the community.
- (10) Inmates shall not be required to receive counseling services unless ordered by the appropriate court.

1.28.390 Programs.

- (1) The Sheriff may establish work programs.
- (2) Participation in work programs by pretrial inmates shall be voluntary, and shall be at the discretion of the Sheriff.
- (3) Paid staff member(s) may be designated responsibility for supervision of any education and training programs.
- (4) The Sheriff may provide courses to prepare qualified inmates for the "General Education Development" test, and provide the opportunity to take the test.

1.28.400 Communications.

- (1) The Sheriff shall establish rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).
- (2) Telephone usage hours shall not preclude reasonable access to a telephone to contact the inmate's attorney or legal representative.
- (3) Telephone conversations may be monitored, recorded or spot-checked except for calls made to the inmate's attorney or legal representative.
- (4) Reasons for calls shall be the personal concern of the inmate, except in consideration of requests for emergency calls beyond normal telephone hours.

1.28.410 Mail.

- (1) Inmates may 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 mail. Such materials shall be denied an inmate only if such denial furthers a substantial governmental interest in jail security or the welfare of inmates or staff.
- (2) When materials identified in subsection (1) of this section are withheld from an inmate:
 - (a) The inmate shall receive appropriate written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;
 - (b) The affected inmate may have such decision reviewed by utilizing the grievance process;
 - (c) A written decision of the review of the denial, including reason(s), shall be given to the inmate requesting review.
- (3) Incoming or outgoing mail shall not be unduly delayed. Inmates shall be permitted to mail out any number of letters. Inmates without funds shall be permitted to mail up to two letters per calendar week at public expense. Each inmate shall be permitted to mail out any number of letters to their attorney and/or the courts. No restriction shall be placed on the number of letters an inmate may receive or of the persons with whom he may correspond, except by court order of a court of competent jurisdiction, or as provided under subsection (5) of this section. These rules shall not preclude an inmate being required to place their name and a return post office address on outgoing mail.
- (4) No general restriction of the number of letters inmates may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy. Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks and may be perused for content when the responsible staff person designated by the Sheriff has reasonable grounds to believe that the content of a letter may prevent a clear and present danger to institutional security, or violates state or federal law.
- (5) When an inmate is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the inmate.
- (6) When an inmate is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The inmate shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name.
- (7) When an inmate is prohibited from sending or receiving mail, the affected inmate may have such decision reviewed utilizing the grievance process. A written decision of the review of such denial shall be delivered to the inmate.
- (8) Incoming mail of inmates that is clearly marked as coming from an attorney, court, or elected federal, state, county or city official shall be opened only in the presence of the addressee. Mail to or from attorneys, courts or elected federal, state, county, or city officials shall not be read. There shall be no additional restrictions on inmate correspondence for disciplinary or punishment purposes, unless the inmate has violated rules as to correspondence. Upon proper showing of the alleged violation, the inmate's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts.

- (9) Outgoing packages of inmates' personal property shall be inspected to ensure ownership and compliance with United States postal regulations.
- (10) All incoming packages shall be opened and inspected. Items which are not permitted by jail rules may be placed in the inmate's personal property box, or returned collect to the sender. A receipt for permissible items received in the mail, including money or check, shall be signed by a staff member and a copy thereof delivered to the inmate. Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under applicable statute.

1.28.420 Visitation.

- (1) The Sheriff shall establish and post rules governing visitation and specifying times therefore.
- (2) Each inmate should be allowed a minimum of two hours total visitation per week.
- (3) Preference on who visits will be determined by the inmate, subject to subsection (1) of this section.
- (4) Visitors seventeen years of age and under shall be accompanied by a parent or legal guardian.
- (5) The duty sergeant may grant special visitation privileges to visitors who have traveled long distances, and for other unusual circumstances.
- (6) Each inmate shall be allowed confidential visits from their attorney or legal assistants and clergy or religious representatives.
- (7) Law enforcement professionals shall be allowed to interview inmates at reasonable times, unless it appears circumstances do not permit delay.
- (8) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted at the entrance to the facility and at the entrance to the visiting area.
- (9) Any visitor may refuse a search but, subsequent to such refusal, may then be denied entrance.
- (10) Other reasons for denying entrance to visitors shall include but not be limited to:
 - (a) An attempt, or reasonable suspicion of an attempt, to bring contraband into the facility;
 - (b) Being under the obvious influence or effect of alcohol or controlled substances;
 - (d) Reasonable grounds to believe a particular visit would present a substantial danger to jail security or management or the welfare of inmates, staff or other visitors.

1.28.430 Transportation for work release participants.

- (1) The use of personal automobiles shall be governed by written policy of the Sheriff, which shall ensure that the work release participant has a valid Washington State driver's license and minimum liability insurance coverage.

1.28.440 Employment restrictions.

- (1) The work release program shall comply with RCW 70.48.210 as to its work release participants.

1.28.450 Accountability for participants in the work release program.

- (1) The work release participants shall be confined in the jail whenever the work release participant is not employed and between the hours of employment, unless excused by supervising jail staff to seek approved necessary medical attention or employment opportunities.

- (2) A current schedule of the times during which work release participants are authorized to be absent from the facility shall be maintained.
- (3) To ensure strict accountability as to the whereabouts of each work release participant, the jail shall have a sign-in/sign-out system which records the date and time of departure and expected return, destination, reason for leaving the jail and time of actual return.
- (4) The jail shall establish and follow written policies and procedures to verify attendance of work release participants at the place for which absence from the jail is authorized.

1.28.460 Searches of work release participants.

- (1) Work release participants shall be subject to search each time they enter or leave the jail.
- (2) The jail shall have written policies and procedures regarding the use of breathalyzers, urine analysis, and other means to detect the use of alcohol or unauthorized drugs.