

State of Washington

CORRECTIONS STANDARDS BOARD
(name of governing body)

(agency name, if applicable)

Resolution No.

Administrative Order No. 84-510

(1) Be it resolved by the CORRECTIONS STANDARDS BOARD
acting at Cavanaugh's River Inn - North 700 Division - Spokane, WA 99202
(place)

that it does adopt the annexed rules relating to:
Adoption of WAC 289-10 Physical Plant Standards for Special Detention Facilities
WAC 289-26 Custodial Care Standards for Special Detention Facilities
WAC 289-28 Custodial Care Standards for Work Release Facilities
WAC 289-02-050 Classification and Uses of Special Detention and Work Release
Amendments to WAC 289-02-020 Definitions

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 84-17-139
filed with the code reviser on 8/22/84. These rules shall take effect:
[X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
[ ] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, find that
an emergency exists and that this order is necessary for the preservation of the public health, safety, or general
welfare and that observance of the requirements of notice and opportunity to present views on the proposed action
would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026' that "every agency shall incorporate the most specific, but
in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b),
or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.
(b) This rule is promulgated pursuant to RCW which directs that the

(agency)
has authority to implement the provisions of
(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the
CORRECTIONS STANDARDS BOARD
(agency)

as authorized in RCW 70.48.050(3)(c) and section 7, Chapter 110, Laws of 1984

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public
Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register
Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to
the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 5, 1984

OCT 12 1984

By Robert W. Cote

Robert W. Cote, Executive Secretary
Title

CODE REVISER'S OFFICE
WSR 84-21-043

## Chapter 289-10 WAC

## PHYSICAL PLANT STANDARDS FOR SPECIAL DETENTION AND WORK RELEASE FACILITIES

NEW SECTION

WAC 289-10-100 PURPOSE. The purposes of this chapter are to provide minimum physical plant standards for the conversion of existing public or private structures or construction of new special detention and work release facilities primarily designed, staffed, and used for the housing of special populations of sentenced persons classified as low-risk, minimum security prisoners, and to provide minimum physical plant standards for work release facilities.

NEW SECTION

WAC 289-10-110 REMODELED OR NEW SPECIAL DETENTION AND WORK RELEASE FACILITIES. No facility shall be classified as a special detention or work release facility or occupied by prisoners prior to board certification that the facility meets physical plant standards except for board approved variances pursuant to WAC 289-13-235. The governing unit shall submit written documentation by the cognizant local building department (as defined by RCW 19.27.050) that the facility complies with all applicable codes.

NEW SECTION

WAC 289-10-200 DESIGN PLANS. (1) No new special detention or work release facility shall be built or any existing public or private structure remodeled without construction plan review by board staff at the design development stage, as defined by the American Institute of Architects, to ensure compliance with physical plant standards and all applicable codes.

(2) Any plans for the use of a vacated detention or correctional facility that has been replaced by a new state-funded jail must receive specific approval by the board in accordance with WAC 289-13-235(2) (b) (certification of new jail facility).

(3) Special detention and work release facilities shall provide complete structural and physical segregation of special detention and work release prisoners from persons confined in holding, detention, or correctional facilities, except as may be necessary during the booking process. This does not preclude the establishment of a special detention or work release facility within the confines of a building that is classified as a holding, detention, or correctional facility as long as all other provisions of this chapter are met.

NEW SECTION

WAC 289-10-300 DESIGN CRITERIA. Special detention and work release facilities shall be designed to provide adequate confinement,

reasonable prisoner to prisoner privacy, sight and sound surveillance, protection and safety for staff, community, and prisoners.

NEW SECTION

WAC 289-10-310 FUNCTIONAL AREAS. Rooms/dormitories. Sleeping areas shall be designed to provide reasonable privacy, necessary furnishings, and closet/locker space for the storage of personal items, and shall be located separate and distinct from other living areas.

Each single room, multiple occupancy room and dormitory shall provide a minimum of sixty square feet per prisoner not including leisure time activity space.

NEW SECTION

WAC 289-10-320 LEISURE TIME ACTIVITY SPACE. There shall be leisure time activity space with necessary ancillary furnishings, which shall provide a minimum of thirty-five square feet per prisoner, but not less than a total of one hundred twenty square feet. This may include program and exercise areas as described in WAC 289-10-350. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-330 VARIANCES ROOM/DORMITORIES AND LEISURE TIME ACTIVITY SPACE. Less square feet for rooms, dormitories or leisure time activity space will be considered by using the criteria for review established by WAC 289-12-035(3) relating to guidelines for review of plans not meeting physical plant standards.

NEW SECTION

WAC 289-10-340 SEGREGATION. Separate sleeping, toilet, and bathing areas shall be provided for males and females which includes physical, sight and reasonable sound separation.

NEW SECTION

WAC 289-10-350 PROGRAM AND EXERCISE AREAS. (1) There shall be space for group meetings and training programs. Such space may be for multi-purpose use.

(2) If the facility plans to house prisoners over thirty days who are not authorized to leave the facility at least five days per week, or forty hours per week, outdoor and indoor exercise areas shall be provided.

NEW SECTION

WAC 289-10-360 KITCHEN AND DINING FACILITIES. (1) When kitchen facilities are included, such facilities shall meet the requirements of chapter 284-84 WAC, relating to food service sanitation.

(2) Dining areas shall be physically separate and apart from sleeping areas and shall have sufficient seating capacity.

NEW SECTION

WAC 289-10-370 VISITATION AND CONFIDENTIAL CONSULTATION. (1) If visiting is permitted, adequate space and seating capacity shall be provided.

(2) There shall be adequate space for confidential consultation(s).

NEW SECTION

WAC 289-10-380 LAUNDRY. If laundry services are provided within the facility, such facilities shall be adequate for sanitary washing and drying of the prisoners' laundry, and physically separate areas shall be provided for storage and sorting of soiled laundry and clean laundry.

NEW SECTION

WAC 289-10-390 STORAGE. There shall be secure areas for the safekeeping of prisoner personal clothing, property, records, medications, and prescription drugs and necessary equipment and supplies.

NEW SECTION

WAC 289-10-400 SUPERVISORY STATIONS. Sufficient space and equipment for the facility supervisor and staff shall be provided.

NEW SECTION

WAC 289-10-410 CONTROL STATIONS. If control stations are to be included in the facility, they shall be secure from any unauthorized access by prisoners and public and shall be capable of controlling unauthorized access to the facility by the general public.

NEW SECTION

WAC 289-10-420 SURVEILLANCE AND LOCKING EQUIPMENT. Sight and sound surveillance equipment, when used, shall be monitored in an area not readily accessible to hearing or viewing by prisoners or the general public. Remote control locking devices, when used, shall be in an area inaccessible to prisoners or the general public.

NEW SECTION

WAC 289-10-430 ADMISSION AND RECEPTION AREAS. An admission area shall be provided with necessary ancillary facilities and furnishings.

NEW SECTION

WAC 289-10-440 MEDICAL EXAMINING ROOM. If medical examinations are performed in the facility, space shall be provided with sight and sound privacy and ancillary equipment and furnishings, including sufficient secure storage for medical equipment and supplies.

NEW SECTION

WAC 289-10-500 BUILDING CODES. New or substantially remodeled special detention and work release facilities shall comply with the following:

(1) Chapter 19.27 RCW, State Building Code Act and the National Codes and Standards adopted by reference, in RCW 19.27.030, for new or substantially remodeled facilities, including:

(a) Uniform Building Code, including Group 1 Occupancies, Division 3, or Group R Occupancies which ever is deemed appropriate by local authority.

(b) Uniform Mechanical Code.

(c) Uniform Fire Code.

(d) Uniform Plumbing Code.

(e) Standards for access by the physically handicapped or elderly as provided in RCW 70.92.100 and regulations adopted thereunder.

(f) Thermal performance and design standards set forth in RCW 19.27.210 through 19.27.290.

(2) Codes deemed applicable by the cognizant local building department, for existing facilities which are not substantially remodeled.

(3) Chapter 19.28 RCW, Electricians and Electrical Installations.

(4) The National Fire Protection Association (NFPA) Life Safety Code.

(5) Other more restrictive mandatory local standards, codes or ordinances deemed applicable by local building authority.

NEW SECTION

WAC 289-10-510 WINDOWS AND/OR SKYLIGHTS. Windows and/or skylights shall be sufficient to provide reasonable natural light to living areas. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-520 TOILET--WASH BASIN. Special detention and work release facilities shall provide one toilet which should be enclosed with partitions and doors, and one wash basin with hot and cold running water for every eight prisoners.

NEW SECTION

WAC 289-10-530 SHOWER/BATHING. Special detention and work release facilities shall provide one shower or bathing facility with hot and cold running water for every ten prisoners. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-600 EMERGENCY POWER. There shall be emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one elevator, where one exists, and to provide minimum lighting within the facility.

AMENDATORY SECTION (Amending Order 5, filed 11/28/79)

WAC 289-02-020 DEFINITIONS. The following words and phrases shall have the meaning indicated whenever used in this title unless a different meaning is specifically indicated.

(1) "Clear floor space" means floor area which is unobstructed by any permanent fixture.

(2) "Contraband" means any substance or item not specifically permitted by a jail administration.

(3) "Commission" or "state jail commission" refers to the commission established pursuant to RCW 70.48.030.

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

(5) "Day room" means a multipurpose area separate and distinct from a sleeping area, but adjacent thereto, designed primarily for prisoner leisure time activity exclusive of physical exercise activity.

(6) "Detention facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(7) "Dormitory" means a secured sleeping and living area occupied by more than one prisoner.

(8) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

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

(10) "Jail" means any holding, detention, or correctional facility as defined herein, or any farm, camp, or work release facility established and operated in conjunction with a jail.

(11) "Living area" includes single cells, dormitories, ((and)) day room area and leisure time activity space.

(12) "Major urban" refers to a county or combination of counties which contains a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

(13) "Medium urban" refers to a county or combination of counties which contains a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(14) "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.

(15) "Rural" refers to a county or combination of counties which does not contain a city having a population of more than ten thousand based on the 1978 projections of the office of financial management.

(16) "Single cell" means a secured sleeping area occupied by only one prisoner, and which is physically and visually separated from other prisoner sleeping areas on three of its four sides.

(17) "Communicable disease" means micro-organisms that are easily transferable from one body to another creating a condition which must be reported to the health department.

(18) "Work release program" means a program of scheduled release from the physical confines of a city or county jail, special detention

facility or work release center for the purpose of employment, seeking employment or school.

(19) "Work release facility" means any building or designated portion of a building primarily designed, staffed, and used for the housing of persons participating in a work release program.

(20) "Leisure time activity space" means day room area, program area and exercise area.

(21) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(22) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

#### NEW SECTION

WAC 289-02-050 CLASSIFICATION AND USES OF SPECIAL DETENTION AND WORK RELEASE FACILITIES. (1) The corrections standards board shall classify each special detention facility as a "72-hour" or "1-year" special detention facility pursuant to WAC 289-02-030.

(2) The corrections standards board shall classify each work release facility as a work release facility, pursuant to WAC 289-02-030.



## Chapter 289-28 WAC

## CUSTODIAL CARE STANDARDS FOR WORK RELEASE FACILITIES

NEW SECTION

WAC 289-28-100 APPLICABILITY. Work release facilities shall comply with the standards in chapter 289-28 WAC, the standards in chapter 289-26 WAC (Custodial Care Standards for Special Detention Facilities) and the standards in chapter 289-10 WAC (Physical Plant Standards for Special Detention Facilities).

NEW SECTION

WAC 289-28-200 ELIGIBILITY FOR WORK RELEASE. (1) Prisoners may be eligible for work release by court order pursuant to RCW 70.48.210(3).

(2) When the chief law enforcement officer (or director of corrections) or designee recommends a prisoner for work release this shall be pursuant to written criteria, which consider at a minimum the prisoner's good conduct and the security risk that he or she presents.

NEW SECTION

WAC 289-28-210 ORIENTATION. A written agreement which specifies the rules and conditions of work release program eligibility shall be signed by each prisoner and witnessed by staff signature.

NEW SECTION

WAC 289-28-220 TRANSPORTATION. The use of personal automobiles shall be governed by written policy which shall ensure that the prisoner has a valid Washington state driver's license and minimum liability insurance coverage.

NEW SECTION

WAC 289-28-230 EMPLOYMENT RESTRICTIONS. Work release facilities shall comply with RCW 70.48.210(3)(b), prohibiting work release prisoners from working in an establishment where there is a labor dispute.

NEW SECTION

WAC 289-28-300 PRISONER MONEY ACCOUNTS. (1) The accounting system for prisoner money shall be described by written policy and procedure, which shall be available to prisoners. All deposits, payments, and expenditures shall be recorded and receipted.

(2) The chief law enforcement officer (or director of corrections) or designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the facility, and share of the administrative expenses, as required by RCW 70.48.210 (3) (d).

(3) Support payments for the prisoner's dependents, if any, shall be made as directed by the court.

(4) With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Consent to payment of restitution may be imposed as a condition of work release when authorized or required by court order. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

NEW SECTION

WAC 289-28-400 ACCOUNTABILITY FOR PRISONERS. (1) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours of employment unless the court directs otherwise.

(2) A current written schedule of the times during which prisoners are authorized to be absent from the facility shall be maintained.

(3) To ensure strict accountability, as to the whereabouts of each prisoner, the facility shall have a sign-in/sign-out sheet recording the date and time of departure and expected return, destination, reason for leaving the facility and time of actual return. Each entry shall be initialed by the responsible staff on duty.

(4) The facility shall establish and follow written policies and procedures to verify attendance of prisoners at the place for which absence from the facility is authorized.

NEW SECTION

WAC 289-28-410 SEARCHES. (1) Prisoners shall be subject to search each time they enter or leave the facility.

(2) The facility shall have written policies and procedures regarding the use of breathalizers, urine analysis, and other means to detect the use of alcohol or unauthorized drugs.

## Chapter 289-26 WAC

## CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES

NEW SECTION

WAC 289-26-005 INTRODUCTION TO CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES. (1) The provisions of chapter 289-26 WAC incorporate custodial care standards applicable to special detention facilities as defined under WAC 289-02-020 and 289-02-050, and to work release facilities. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) The mandatory custodial care standards for special detention facilities are intended to meet minimum legal requirements for health, welfare, and security for low-risk prisoners (including work release prisoners) considering the length of stay and the prisoner classification involved. They do not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular facility.

NEW SECTION

WAC 289-26-100 GENERAL ADMINISTRATION. There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility. These may be included in policies and procedures for a jail of which the special detention facility is a part.

NEW SECTION

WAC 289-26-120 TRAINING. (1) All authorized persons responsible for the confinement of a prisoner shall receive an orientation to the policies and procedures of the facility relative to their duties. On the job training shall be provided as deemed appropriate by the chief law enforcement officer or department of corrections.

(2) All special detention facility staff whose primary responsibility is the supervision of prisoners shall meet the training and education standards established by the Washington state criminal justice training commission.

NEW SECTION

WAC 289-26-130 RECORDS. (1) Confidentiality. All facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(2) Individual case records. An individual file or record shall be kept for each prisoner.

(3) Medical.

(a) Any prisoner medical information other than that included in the prisoner's individual file under WAC 289-26-130(2) shall be maintained separately to the extent necessary to maintain confidentiality.

(b) Any medical problems experienced by a prisoner while in the facility shall be recorded and such records maintained. Information concerning medical problems shall be transmitted at the time the prisoner is transported to another jail, hospital, or other facility.

(4) Jail register. Each special detention facility shall keep a jail register as required by RCW 70.48.100.

(5) Population accounting. Each special detention facility shall submit reports on its population on at least a monthly basis, on forms provided by the corrections standards board. (Not applicable - 72 hour)

(6) Incidents and infractions. Written records shall be maintained for all incidents which result in major property damage or bodily harm, and for all instances where major disciplinary sanctions are imposed.

(7) Incident reports. The corrections standards board shall be notified within seven business days of any death, completed escape or serious fire. Reports of such incidents shall be retained.

(8) Activity log. A log of daily activity should be kept within the facility. WAC 289-26-130(7) ADVISORY.

(9) Personnel. Performance and training records should be maintained for each staff member employed by the facility. WAC 289-14-130(8) ADVISORY.

#### NEW SECTION

WAC 289-26-200 EMERGENCY PROCEDURES. (1) The department of corrections or chief law enforcement officer shall establish and maintain written emergency procedures as appropriate for the specific facility.

(2) The emergency plans shall outline the responsibilities of special detention facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility.

(3) Emergency plans shall always be available to the authorized person in charge of the facility.

(4) All personnel shall be trained in the emergency procedures.

#### NEW SECTION

WAC 289-26-210 FIRE PREVENTION AND SUPPRESSION. The department of corrections or chief law enforcement officer shall establish and maintain a written fire prevention, suppression, and evacuation plan.

#### NEW SECTION

WAC 289-26-220 USE OF FORCE. (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with WAC 289-28-220.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner

poses an immediate threat of death or grievous physical injury to an officer or employee of the facility or any other person, or prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

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

(8) No neck hold shall be used, except by persons instructed in the use of the carotid sleeper hold, its dangers and in the dangers of the choke hold. Refresher training shall be provided on at least an annual basis.

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

#### NEW SECTION

WAC 289-26-300 CAPACITY. (1) The director of the local department of corrections or chief law enforcement officer shall propose a maximum capacity for each special detention facility, except where such facility's capacity is already included within a jail facility with an established capacity under WAC 289-15-225. Notice of such proposed maximum capacity shall be delivered to the corrections standards board at least sixty days prior to the opening of a facility.

(2) The board shall establish a maximum capacity at its next regularly-scheduled public meeting. It shall be the responsibility of the board to establish cause for revising the maximum capacities proposed by the governing unit in question. Special detention facilities will be deemed adequate to house up to the number of prisoners which would result in an average net living space of ninety-five square feet per prisoner in each of the living areas of the facility.

#### NEW SECTION

WAC 289-26-310 CROWDING. Facilities shall provide one bed and an average net living area (as defined in WAC 289-02-020(11)) of at least ninety-five square feet for each prisoner. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300.

NEW SECTION

WAC 289-26-320 OVERCROWDING. No prisoner shall be required to sleep on a mattress on the floor or directly on the floor.

NEW SECTION

WAC 289-26-400 ADMISSIONS. (1) Authorized confinement. No prisoner shall be confined without proper legal authority.

(2) Prisoner property. At the time of admission, if the prisoner's personal property is taken from him, authorized facility staff shall record and store such items, and issue the prisoner a receipt.

(3) Bedding and personal care items. At a reasonable time after admission to the facility, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-26-780.

NEW SECTION

WAC 289-26-410 LOW-RISK CLASSIFICATION. Special detention facilities shall primarily house low-risk, minimum custody sentenced prisoners, as determined by court order or written classification procedures consistent with WAC 289-16-130 (1) through (3).

NEW SECTION

WAC 289-26-420 ORIENTATION. (1) As soon after admission to the facility as possible each prisoner shall receive an oral or written orientation. The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

(a) Rules of prisoner conduct, including possible disciplinary sanctions, as provided in WAC 289-26-620;

(b) Staff expectations of prisoner responsibilities, including, if applicable, cleaning of prisoner living areas;

(c) Prisoner rights and privileges;

(d) The means of access to health care as required by WAC 289-26-720;

(2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time.

NEW SECTION

WAC 289-26-430 CLASSIFICATION/SEGREGATION CRITERIA. To the extent possible in the available physical plant, the following classification criteria shall be used.

(1) Juvenile.

(a) No juvenile shall be held in a special detention facility without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been remanded to superior court jurisdiction: PROVIDED, That no person under the chronological age of sixteen shall

be held in a special detention facility in which adult prisoners are also being held.

(b) All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Justice Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with these requirements, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-26-430 (1) (b) ADVISORY.

(2) Female prisoners shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.

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

#### NEW SECTION

WAC 289-26-440 GOOD TIME. The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time, when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 9.92.150 and 70.48.210. WAC 289-26-430 ADVISORY. (Not applicable - 72 hour)

#### NEW SECTION

WAC 289-26-450 RELEASE AND TRANSFER. (1) Release:

(a) The releasing officer shall determine prisoner identity and ascertain that there is legal authority for the release;

(b) The information required on the release forms shall be recorded for each prisoner released from the facility;

(c) All prisoners being released shall sign a witnessed receipt for personal property returned.

(2) Transfer. In addition to the release procedures designated in this section, the releasing officer shall determine that the receiving unit or person, if any, has the authority to accept custody.

#### NEW SECTION

WAC 289-26-460 TRANSPORTATION. When special detention facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the facility, the department of corrections or chief law enforcement officer shall develop and maintain written instructions which insure the safety and security of the prisoners and staff.

NEW SECTION

WAC 289-26-500 STAFFING. (1) General staffing. At all times at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance.

(2) Same sex staffing. A staff member of the same sex as the prisoner shall be available in a reasonable time for all custodial activities which involve intimate physical contact or activities which are commonly afforded reasonable protection against opposite sex observation or supervision except where the health, safety, and security of the individual or the staff member would be jeopardized: PROVIDED, That personal observation of prisoners for this or other sections of these standards may be by opposite sex staff so long as opposite sex privacy concerns are given appropriate protection.

(3) Surveillance.

(a) Staff shall be available to respond face-to-face to any prisoner within three minutes.

(b) To ensure the welfare of the prisoner, staff shall personally observe each prisoner in the facility at least three times within an eight hour period. All prisoner checks shall be recorded in writing and retained in the facility records.

NEW SECTION

WAC 289-26-510 SUPERVISION AND SURVEILLANCE. (1) Prisoner identification. All special detention facilities shall establish a means of identifying prisoners.

(2) Prisoner authority. No prisoner shall be permitted to have authority over other prisoners.

(3) Prisoner counts. In addition to staff observations a system shall be maintained for taking and recording the count of prisoners in the facility at least once during an eight-hour period.

(4) Contraband control. All special detention facilities shall establish and maintain a written procedure regarding searches of prisoners, visitors, and the facility to prevent the introduction of contraband. All special detention facilities which permit visiting shall post a sign displaying the penalty for the introduction of contraband. (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160.)

(5) Strip searches and body cavity searches of the prisoner shall conform to WAC 289-16-100 (5) through (9).

NEW SECTION

WAC 289-26-520 CRITICAL ARTICLES. (1) All special detention facilities shall ensure that weapons shall be inaccessible to prisoners at all times.

(2) Keys and locking devices.

(a) There shall be at least two sets of facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

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

(c) 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 failure of the system.



NEW SECTION

WAC 289-26-600 INTRODUCTION. Where any disciplinary rules or sanctions exist, the facility must comply with the applicable provisions of this chapter, or with the rules and regulations of the state department of corrections regarding prisoners' rights, discipline and grievance procedures. Compliance with such rules and regulations of the department shall be deemed full compliance with this section and WAC 289-26-610 through 289-26-640.

NEW SECTION

WAC 289-26-610 PRISONER RIGHTS. Each special detention facility shall establish written policies and procedures regarding prisoner rights, available to prisoners, which shall include, but not be limited to access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment and freedom from discrimination based on race or sex.

NEW SECTION

WAC 289-26-620 PRISONER RULES OF CONDUCT. (1) Rules established. No discipline shall be imposed except pursuant to written facility rules made available to prisoners. Reasonable efforts shall be made to inform non-English speaking prisoners of such rules.

(2) Prisoners informed. Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the facility.

(3) Major infractions. When discipline involving transfer from the facility, segregation or solitary confinement, or loss of good time is imposed for an infraction the following shall apply:

(a) Major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(b) Disciplinary committee.

(i) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of major violation of facility rules and impose sanctions.

(ii) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-26-620 (3) (b) (ii) ADVISORY.

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

(c) Disciplinary procedures.

(i) Any charge pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means a disciplinary hearing or a decision not to impose any sanction requiring a hearing. Provided that a hearing may be postponed for good cause. Such postponements shall be approved by the chief law enforcement officer or director of corrections or designee. The inmate shall be notified in writing of the postponement and the reason therefor.

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with subsection (3) (a) of this section. An inmate may waive this

requirement in writing. If the prisoner is illiterate, the infraction report shall be read to him or her.

(iii) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(A) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(B) The prisoner shall be allowed to appear on his or her own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(C) A prisoner who is unable to represent himself or herself in such a hearing shall be informed of his or her right to be assisted by another person in understanding and participating in the proceedings;

(D) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(E) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules.

(iv) All disciplinary proceedings shall be recorded.

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

#### NEW SECTION

WAC 289-26-630 DISCIPLINE. (1) Corrective action or forms of discipline.

(a) When punitive measures are imposed, such measures shall be in accordance with law and recommended sanctions, and appropriate to the severity of the infraction.

(b) Acceptable forms of discipline shall include, but not be limited to, the following:

(i) Loss of privileges;

(ii) Removal from work detail or other assignment;

(iii) Recommendation of forfeiture of "good time" credit;

(iv) Transfer to the maximum security or segregation section.

(2) Limitations on punishment.

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

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

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

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the facility unrelated to visitation. WAC 289-26-630 (2) (d) (i) ADVISORY.

(ii) Under no circumstances shall attorney-client visits be restricted as a disciplinary sanction.

(e) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

NEW SECTION

WAC 289-26-640 GRIEVANCE PROCEDURES. The department of corrections or chief law enforcement officer for each special detention facility should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for notification of action taken regarding the grievance. WAC 289-26-640 ADVISORY. (Not applicable - 72 hour)

NEW SECTION

WAC 289-26-700 WRITTEN PROCEDURES FOR MEDICAL SERVICES. (1) There shall be on file in the facility a written procedure which provides that necessary medical services will be provided 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.
- (2) Licensing and certifications. Medical services shall be provided only by licensed or certified health care providers.

NEW SECTION

WAC 289-26-705 HEALTH CARE POLICIES AND PROCEDURES. Written standard operating procedures shall consist of but not be limited to the following:

- (1) Admission screening;
- (2) Nonemergency medical services;
- (3) Deciding the emergency nature of illness or injury;
- (4) First-aid;
- (5) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (6) Detoxification procedures; and
- (7) Pharmaceuticals.

NEW SECTION

WAC 289-26-710 HEALTH SCREENING. Receiving screening shall be performed on all prisoners upon admission to the facility. If the results of receiving screening indicate a medical problem that may be detrimental to the health or safety of the prisoner, but is of a non-emergency nature, then the prisoner shall be seen within a reasonable time by a physician or nurse to determine the need for further diagnosis or treatment.

NEW SECTION

WAC 289-26-720 ACCESS TO HEALTH CARE. (1) Written procedures for gaining access to medical services shall be made available to each prisoner.

(2) Prisoner complaints of injury or illness, or staff observations of such shall be acted upon by staff as soon as reasonably possible. Prisoners shall be provided with medical diagnosis or treatment as necessary.

(3) Work release prisoners shall be allowed to see their own physician. WAC 289-26-720(3) ADVISORY.

(4) Emergency care:

(a) Standard first-aid kits shall be conveniently available to all jails.

(b) Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

(i) Arrangements for the emergency evacuation of the prisoner from the special detention facility;

(ii) Arrangements for the use of an emergency medical vehicle;

(iii) Arrangements for the use of one or more designated hospital emergency rooms or other appropriate health facilities;

(iv) Arrangements for emergency on-call physician and dentist services when an emergency health facility is not located in a nearby community;

(v) Arrangements for emergency mental illness care for prisoners.

NEW SECTION

WAC 289-26-730 HEALTH CARE TRAINING. (1) Special detention facility personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall include but not be limited to:

(a) Awareness of potential medical emergency situations;

(b) Action to take on notification or observation that a medical emergency is in progress;

(c) First-aid and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

(2) At least one person per shift shall have training in receiving screening.

(3) At least one person available per shift shall have training in basic life support cardiopulmonary resuscitation (CPR).

(4) All persons delivering medication shall be properly trained.

NEW SECTION

WAC 289-26-735 PUBLIC HEALTH. (1) Body vermin. Any person with body vermin shall be treated appropriately.

(2) Communicable diseases. Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated.

NEW SECTION

WAC 289-26-740 MEDICATIONS CONTROL. (1) If stock prescriptive medication is maintained within the special detention facility, standard operating procedures for the proper management of pharmaceuticals shall include:

(a) A formulary specifically developed for the facility. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);

(b) A policy that special detention facilities with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);

(2) The standard operating procedures for medication dispensing and administration shall include, but not be limited to, policies regarding:

(a) Disposition of medication(s) brought in by prisoners at the time of admission to the facility;

(b) The medications system, which shall ensure that all medications shall be kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original container labeled by their manufacturer. Medications shall not be transferred from the original container except for the preparation of a dose administration;

(c) Safeguards with regard to delivery of medications to prisoners; and

(d) Disposition of unused medication(s).

(3) The standard operating procedures shall include a policy regarding the maximum security storage and weekly inventory of all controlled substances, prescription medication(s), and any syringes, needles and surgical instruments.

NEW SECTION

WAC 289-26-750 HEALTH CARE RECORDS. (1) Prisoner file maintenance. Prisoner medical files shall contain all receiving screening forms, notations of place, date and time of in-facility medical encounters and notation of terminations of treatment from long term or serious medical/psychiatric treatment, if applicable. When treatment is given in the facility, the file shall contain notations of all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications.

(2) Prisoner file confidentiality.

(a) Medical records shall be maintained separately from other facility records to the extent necessary to protect their confidentiality.

(b) Except for medical emergencies or by court order medical records shall not be released to other persons or agencies without the written authorization of the prisoner.

(3) The responsible physician or medical care provider shall communicate information obtained in the course of examination and care to facility authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the facility, or maintenance of facility security and order.

(4) The person delivering medications shall record the actual date and time of the delivery.

NEW SECTION

WAC 289-26-760 SPECIAL MEDICAL ISSUES. (1) Informed consent. All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(2) Special medical.

(a) Facility staff suspecting prisoner mental illness shall notify the appropriate mental health authorities.

(b) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-26-705 shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates, and similar drugs when such care is not provided in a community health facility.

NEW SECTION

WAC 289-26-765 ACCESS TO FACILITIES. (1) Each prisoner shall be permitted regular bathing (shower) at least twice each week. (Not applicable - 72 hour)

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

NEW SECTION

WAC 289-26-770 FOOD. (1) Meal service. 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) Nutritional and caloric intake.

(a) Meals shall be nutritious and provide for appropriate caloric intake.

(b) Menus shall be reviewed at least annually by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified. (Not applicable - 72 hour)

(c) Medically and dentally ordered diets shall be strictly observed.

NEW SECTION

WAC 289-26-780 CLOTHING, BEDDING AND PERSONAL ITEMS. (1) Clothing.

(a) Provisions shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing.

(b) Each facility shall ensure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and socks are laundered and made available to them at least twice a week, or shall make laundry facilities available to residents. (Not applicable - 72 hour)

(2) Bedding. Prisoners shall be issued clean bedding within a reasonable time following admission to the facility. Bedding shall include, but not be limited to:

(a) A mattress which shall have a washable surface which shall be sanitized at least semi-annually or more often if needed;

(b) A mattress cover and one sheet, or two sheets, which shall be washed weekly or more often as needed, and always before reissue;

(c) A blanket which shall be washed at frequent intervals to maintain a clean condition, and always before reissue.

(3) Personal care items.

(a) Personal care items issued to each prisoner held in excess of six hours shall include, but not be limited to, soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.

(b) Toothpaste, toothbrush and comb shall be provided for all prisoners held in excess of twelve hours. Such items shall be available for purchase or shall be issued as needed: PROVIDED, That indigent prisoners shall have access to these minimum items without cost.

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede facility management or security. WAC 289-26-780

(3) (c) ADVISORY.

#### NEW SECTION

WAC 289-26-790 SANITATION. (1) General sanitation.

(a) All special detention facilities shall be kept in a clean and sanitary condition, free from any accumulation of matter detrimental to health.

(b) The housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage. (Not applicable - 72 hour)

(c) Each prisoner shall clean his or her own living area daily.

(d) Insects and rodents shall be eliminated by safe and effective means.

(3) Laundry. Each facility shall arrange for adequate laundry services.

#### NEW SECTION

WAC 289-26-800 SERVICES. (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each facility shall establish, maintain, and operate a commissary, provide prisoners with a list of approved items to be purchased at cost at least once a week at local stores, or provide alternative access to purchase of commissary type items. Available items shall include books, periodicals, and newspapers. (Not applicable - 72 hour)

(b) Proceeds from a special detention facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

(2) Special detention facilities shall permit prisoners to keep money on their persons, or shall maintain a cash account for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted.

(3) Basic hair care. Reasonable arrangements should be made to provide basic hair care. WAC 289-26-800(3) ADVISORY. (Not applicable - 72 hour)

(4) Reading materials. Each special detention facility should provide for reading materials and library services. WAC 289-26-800

(4) ADVISORY.

(5) Legal assistance.

(a) Special detention facilities shall permit access to professional legal assistance or necessary law books and reference materials

for purposes of preparing and filing legal papers. (Not applicable - 72 hour)

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers. (Not applicable - 72 hour)

(6) Religious services.

(a) Upon reasonable request from a prisoner, the facility staff shall permit confidential religious consultation. (72 hour - WAC 289-22-800 (6) (a) ADVISORY.)

(b) Special detention facilities with an average daily population of twenty-five or more prisoners who cannot leave the facility for religious services should arrange for weekly religious services. WAC 289-26-800 (6) (b) ADVISORY. (Not applicable - 72 hour)

(c) Prisoners shall be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-26-800 (6) (c) ADVISORY. (Not applicable - 72 hour)

(d) Attendance at religious services shall be voluntary.

(7) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in special detention facilities with an opportunity to discuss their problems. (Not applicable - 72 hour) WAC 289-26-800 (7) (a) ADVISORY.

(b) The special detention facility should utilize volunteer counseling resources available in the community. (Not applicable - 72 hour) WAC 289-26-800 (7) (b) ADVISORY.

#### NEW SECTION

WAC 289-26-810 PROGRAMS. (1) Prisoners held over thirty days, who are not authorized to leave the facility, at least five days per week, or forty hours per week, shall have the opportunity for inside and outside exercise.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. WAC 289-26-810 (2) ADVISORY.

(3) Education or training programs. The special detention facility should allow the prisoner to contact or be contacted by community representative of education or training programs, and should permit participation in such programs where this is allowed under the terms of the prisoner's sentence. WAC 289-26-810 (4) ADVISORY.

(4) Leisure time activity programs. Special detention facilities should provide opportunities for all prisoners to participate in leisure time activities, inside or outside the facility. WAC 289-26-810 (5) ADVISORY.

#### NEW SECTION

WAC 289-26-900 TELEPHONE USAGE. (1) Prisoners shall have reasonable access to telephones. Usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner. (Not applicable - 72 hour)

(2) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls. (Not applicable - 72 hour)

(3) Appropriate protection of access to an attorney shall be maintained for prisoners without funds. Established social telephone usage shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative. (Not applicable - 72 hour)



(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. Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours. (Not applicable - 72 hour)

#### NEW SECTION

WAC 289-26-910 MAIL. (1) Publications.

(a) Prisoners shall generally be permitted to receive such mail, books, newspapers, periodicals and other printed materials or photographs as are lawfully delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in facility security or the welfare of prisoners or staff. (Not applicable - 72 hour)

(b) If such materials are withheld from a prisoner, the facility shall comply with WAC 289-24-110 (1) (b), regarding appeal from withholding of publications.

(2) Correspondence.

(a) Incoming or outgoing mail shall be retained no more than one business day. (Not applicable - 72 hour)

(b) Prisoners shall be permitted to mail any number of letters, including letters to attorneys, the courts and elected officials. Prisoners without funds shall be permitted to mail up to three letters per calendar week at the expense of the facility: PROVIDED, That no limit may be set to the number of letters sent to the prisoner's attorney or the courts. (Not applicable - 72 hour)

(c) No restrictions shall be placed on the number of letters a prisoner may receive or of classes of persons with whom he or she may correspond, except by court order or pursuant to the procedures specified in WAC 289-24-110 (2) (c). (Not applicable - 72 hour)

(d) 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 department of corrections or chief law enforcement officer has reasonable grounds to believe that the contents of a letter may present a clear and present danger to facility security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

(e) Except by court order, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to facility security or violates state or federal law.

#### NEW SECTION

WAC 289-26-920 VISITATION. (1) Contact visitation shall be provided within the facility for each prisoner unless the prisoner is permitted to visit with others away from the facility. (Not applicable - 72 hour)

(2) Special detention facilities may, if authorized by legal authority, permit prisoners to leave the facility for the purpose of: Medical/dental treatment, attend to civil or legal matters, or to conduct business and to participate in activities related to their approved program. Authorization to leave the facility shall be governed by written policy and procedures. (WAC 289-26-920(2) ADVISORY)

(3) Business and professional visits. Each prisoner shall be allowed confidential visits from his or her attorney or legal assistants, his or her pastor and business, educational and law enforcement professional at reasonable hours.

(4) Visitor regulations.

(a) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted.

(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:

(i) An attempt, or reasonable suspicion of an attempt, to bring contraband into the facility.

(ii) Obvious influence or effect of alcohol or controlled substances.

(iii) Request from the prisoner's physician.

(iv) Request from the prisoner.

(v) Reasonable grounds to believe a particular visit would present a substantial danger to jail security, or management, or to the welfare of prisoners, staff, or visitors.

(d) If a visitor is refused admittance during regular visiting hours:

(i) The prisoner shall receive notice of the refusal stating the reasons therefor.

(ii) The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body or the facility administrator upon written request and shall be promptly informed of this right.

(iii) A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review.