

State of Washington

(name of governing body)

CORRECTIONS STANDARDS BOARD

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 86-02

(1) Be it resolved by the Corrections Standards Board acting at the Ridpath Hotel; Spokane, Washington (place)

that it does adopt the annexed rules relating to:

- WAC 289-26-300 Capacity (Special Detention Facilities) and WAC 289-26-310 Crowding (Special Detention Facilities)

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

This action is taken pursuant to Notice No. 85-14-083 filed with the code reviser on July 1, 1985. These rules shall take effect: 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 34.04.026¹ 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

(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.

STATE OF WASHINGTON APPROVED AND ADOPTED August 26, 19 85 FILED AUG 27 1985 By Robert W. Cote Executive Secretary Title

CODE REVISER'S OFFICE WSR 85-18-024

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

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. One year special detention and work release 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)) sixty square feet per prisoner in each single room, multiple occupancy room and dormitory and a minimum of thirty-five square feet per prisoner for leisure time activity space. Seventy-two hour special detention facilities will be deemed adequate to house up to the number of prisoners which would result in sixty square feet per prisoner in each single room, multiple occupancy room and dormitory.

AMENDATORY SECTION (Amending Order 84-51, filed 10/12/84)

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)) consistent with WAC 289-26-300 for each prisoner. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300.