

State of Washington

(name of governing body)

CORRECTIONS STANDARDS BOARD
(agency name, if applicable)

Resolution No. _____

Administrative Order No. 86-07

(1) Be it resolved by the CORRECTIONS STANDARDS BOARD,
acting at the Red Lion Bayshore Motel, Port Angeles, Washington
(place)

that it does adopt the annexed rules relating to:

Modification of Physical Plant standards for local jails (Chapter 289-12 WAC), the definition of "day room" (WAC 289-02-020(5)), and Physical Plant standards (Chapter 289-10 WAC) and Custodial Care standards (Chapter 289-26 WAC) for local jail Special Detention and Work Release facilities to modify the square footage required per prisoner in dormitory areas. Adoption of a procedure for granting variances allowing for lesser square-footage requirements.

June 24

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

This action is taken pursuant to Notice No. 86-14-021
filed with the code reviser on July 16, 1986. 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 70.48.050
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

_____ (agency)
as authorized in RCW _____.

(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 8/8/86, 19____
STATE OF WASHINGTON
FILED
By [Signature]
Executive Secretary
Title

SEP 9 1986

CODE REVISER'S OFFICE

WSR 86-19-016

AMENDATORY SECTION (Amending Resolution No. 84-51, filed 12/12/84)

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))~~ an area to which prisoners have unrestricted access during all or part of a day for leisure, dining, hygiene, or similar activities. This definition does not include areas specifically designed for physical exercise.

(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))~~ day room area occupied by more than one prisoner, provided, that the term "dormitory" shall not include a single cell presently operated as a cell and originally designed for single occupancy.

(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, 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;~~

~~(24))~~ "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))~~ (21) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

~~((23))~~ (22) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus or undergarments of a person or breasts of a female person.

AMENDATORY SECTION (Amending Resolution No. 85-02, filed 7/3/85)

WAC 289-12-030 NEW FACILITIES. (1) Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:

(a) Obtaining the participation of the community and surrounding governing units in site selection and planning; and

(b) Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.

(2) Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)

(a) Functional areas.

(i) Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff. For such purposes, the following are the design criteria for state funding of new construction or renovation of detention and correctional facilities. Modifications thereto shall be considered under the provisions of WAC 289-12-035.

(A) Single occupancy cells ~~((+))~~ shall be seventy-two square feet or larger with not less than eight foot ceilings. A single occupancy cell should contain not less than fifty square feet of clear floor space. Each single occupancy cell or group of single occupancy cells shall provide an adjacent day room which shall provide a minimum of thirty-five square feet per prisoner, but not less than a total of one hundred forty-four square feet.

~~(B) (Day-room-areas:--A-minimum-of-thirty-five-square--feet--per-prisoner;--but--not--less--than--a--total--of--one--hundred--forty--four--square--feet.~~

~~((+))~~ Dormitories, when included ~~((+))~~ shall have a minimum and maximum capacity of eight to ~~((ten))~~ fourteen males or four to ~~((ten))~~ fourteen females ~~((and-sixty-square-feet-of-floor-space-per-prisoner-in-semi-private-sleeping-areas.--The-dormitory-shall-also-include--day-room--space;--as-provided-in--(2)(a)(i)(B)-above;--and))~~. Each dormitory shall provide a sleeping and day room area. The combined space of a dormitory sleeping and day room area shall provide a minimum of eighty-five square feet per prisoner, except for board-approved variances as provided in WAC 289-12-045. The day room portion shall be not less than one hundred forty-four square feet. The sleeping area shall have not less than ((ten)) eight foot, six inch ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

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

(iv) Examining room, infirmary and medical isolation.

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

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the

head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

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

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

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

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

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

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

(b) Structural criteria. Subject to appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following structural criteria shall apply to all state funded new construction or remodeling of detention and correctional facilities:

(i) Building codes. All standards contained in the current Washington state building code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

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

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

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

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum environmental noise levels).

(c) Utilities. Subject to the appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following criteria for utilities will apply to all state funded new construction or remodeling of detention and correctional facilities:

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

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

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

(iv) Plumbing--Toilets, lavatories, showers and floor drains.

(A) There shall be at least one toilet and lavatory for every ((eight)) fourteen prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ((ten)) fourteen prisoners.

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

(v) Heating, ventilation and air conditioning.

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

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

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

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

(3) Minimum security facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

NEW SECTION

WAC 289-12-045 VARIANCES FROM SPACE REQUIREMENTS. (1) Purpose. It is the purpose of this section to establish guidelines for local jurisdictions to apply for a variance from the square footage requirements as set forth in WAC 289-12-030 (2) (a) (i) (B) relating to square

footage per prisoner in day rooms and dormitories in detention and correctional facilities and WAC 289-10-310 relating to square footage per prisoner in living space in special detention and work release facilities. RCW 70.48.070(2) authorizes the corrections standards board to grant variances from the physical plant standards consistent with the intent of the city and county jails act. The rule set forth in this section are consistent with the act's legislative declaration that states "It is the policy of this state that all city and county jails provide a humane and safe environment."

(2) Guidelines. Approval or disapproval of variances and increased capacity will be considered on a case-by-case basis, considering those applications elements cited under subsection (3)(a) through (l) of this section and the following guidelines:

(a) Expansion of capacity and the granting of a variance under this section should be the final reasonable option available to the local jurisdiction for handling the increase in jail population.

(b) The local jurisdiction must provide assurance that all other options, including the use of alternatives to incarceration, completion of state-funded jail expansion space, decreasing the number of out-of-jurisdiction prisoners, not including those prisoners held under contract for other local governing units, and opening a new special detention facility have been satisfactorily considered.

(c) Variances will be approved pursuant to this section in response to overcrowding of local prisoners.

(3) Application. Application for a variance for the purpose of increasing the capacity in a detention, correctional, or special detention facility beyond that allowed by the physical plant standards shall be made jointly by the chief law enforcement officer or director of the local department of corrections and local governing unit. The application shall address, but not be limited to, the following elements:

(a) The specific area or areas of a facility for which a capacity increase is proposed.

(b) The impact on compliance with physical plant standards, e.g., day room space, number of showers and toilets per prisoner, adequacy of ancillary services such as exercise (outdoor and indoor), recreation, visiting, dining, food services, laundry, and program areas.

(c) The anticipated length-of-stay for prisoners to be placed in an area for which capacity has been increased, and the reasons for placing this population in this increased-capacity area.

(d) The amount of time the prisoner would have away from the sleeping area.

(e) The availability of access to day rooms, visiting, exercise areas, and other programs.

(f) The impact on compliance with custodial standards, with particular focus on:

(i) Prisoner monitoring and surveillance, i.e., continual surveillance, observation every hour, and three-minute response time;

(ii) Delivery of medical services;

(iii) Quality and quantity of food;

(iv) Ability to classify properly;

(v) Sanitation, including a specific plan as to how sanitation will be maintained despite the increased population;

(vi) Visiting;

(vii) Indoor and outdoor exercise; and

(viii) Other programs and services.

(g) The impact of the change on other jail populations.

(h) The impact on incidents and violence, including a specific plan as to how violence will be controlled despite the increased population and the increased potential for hostility and tension.

(i) Assurances from the jurisdiction that increasing capacity would not cause the staff-to-prisoner ratio to be insufficient for purposes of providing a safe, secure, healthful environment.

(j) Certification from local fire officials that the safety of inmates is not being compromised by adding or increasing capacity in all or a portion of the jail.

(k) The impact on transport services, e.g., to court, the hospital, and clinics.

(l) Written policies and procedures on classification and segregation, specifying which area(s) of the jail for which increased capacity is approved, which types of inmates may be placed in an area for which capacity has been increased, who will make this decision, and the length of time an inmate may be held in an area for which capacity has been increased.

(4) Limitations. Variance requests are limited to dormitories and will not be considered for single occupancy cells.

(5) Procedures for review. Requests for approval of variances and increased capacity will be scheduled for public meeting review and approval or disapproval by the corrections standards board.

(6) Conditions on approved variances. The corrections standards board, on approval of a variance, may impose such conditions as it deems appropriate. These may include, but are not limited to, any or all of the following conditions:

(a) Quarterly reports on the impact of the increased capacity which may include, but not be limited to:

(i) Number of inmates placed in an area for which capacity has been increased;

(ii) Average length of stay;

(iii) Number and nature of incidents that have occurred;

(iv) Noncompliance with custodial care standards;

(v) Certification that the staff-to-prisoner ratio is or is not sufficient for purposes of providing a safe, secure, healthful environment.

(b) Specific conditions to ensure that the health, welfare and security of persons confined in the jail is maintained.

(7) Prior variances. Variances previously granted by the board shall remain in effect unless specifically modified or terminated by the board at the time a variance pursuant to this section is granted.

(8) Termination. A variance may be terminated by the board if increased capacity is determined to cause an adverse impact on the health, welfare, and security of persons confined in the jail. In the event of a variance termination, the board may enter such orders as it deems appropriate to safeguard the health and safety of prisoners and the public, including but not limited to any combination of the following:

(a) Requiring submission of a plan to either release excess prisoners or provide another adequate facility for the housing of excess prisoners, or both;

(b) Requiring the removal of beds from the affected dormitory area; and

(c) Requiring the jurisdiction to provide other alternative means to ensure a reduction of the population.

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

WAC 289-10-310 ((FUNCTIONAL--AREAS)) LIVING SPACE. ((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.) (1) One year special detention and work release facilities shall provide living space which meets the following requirements:

(a) Sleeping areas shall be designed to provide reasonable privacy, necessary furnishings, and closet/locker space for the storage of personal items.

(b) A day room area as defined in WAC 289-02-020 (5), which shall be provided with necessary furnishings.

(c) The combined space of the sleeping and day room areas shall not be less than seventy-five square feet per prisoner, except for corrections standards board approved variances as provided in WAC 289-12-045.

(2) Seventy-two hour special detention facilities shall provide sleeping areas designed to provide reasonable privacy, necessary furnishings, and closet/locker space for the storage of personal items. Each single room, multiple occupancy room, and dormitory shall provide not less than sixty square feet per prisoner.

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

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)) fourteen prisoners.

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

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)) fourteen prisoners. (Not applicable - 72 hours.)

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 289-10-320 LEISURE TIME ACTIVITY SPACE.

WAC 289-10-330 VARIANCES ROOM/DORMITORIES AND LEISURE TIME ACTIVITY SPACE.

AMENDATORY SECTION (Amending Order 86-02, filed 8/27/85)

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 ~~((sixty))~~ an average net living space of seventy-five 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))~~ of the living areas of the facility, except for board-approved variances as provided in WAC 289-12-045. 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.