

Title 289 WAC

JAIL COMMISSION

Chapters

289-02	Introduction and definitions.
289-04	Organization and methods of operation.
289-06	Access to public records.
289-12	Physical plant standards.
289-13	Jail construction funding procedures.
289-14	Custodial care standards--Administration.
289-16	Custodial care standards--Operations.
289-18	Custodial care standards--Security and discipline.
289-20	Custodial care standards--Health and welfare.
289-22	Custodial care standards--Services and programs.
289-24	Custodial care standards--Communication.
289-30	Custodial care standards enforcement procedures.

Chapter 289-02 WAC

INTRODUCTION AND DEFINITIONS

WAC

289-02-010	General.
289-02-020	Definitions.
289-02-030	Classification change.

WAC 289-02-010 General. The rules set forth in this title are adopted by the state jail commission pursuant to and for purposes of fulfilling the mandates of the City and County Jails Act, chapter 70.48 RCW. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-010, filed 6/27/79.]

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.

(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. [Statutory Authority: Chapter 70.48 RCW and 1979 1st ex.s. c 232. 79-12-058 (Order 5), § 289-02-020, filed by 11/28/79. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-020, filed 6/27/79.]

WAC 289-02-030 Classification change. Under authority cited in RCW 70.48.050(1)(c) the commission shall classify each jail and each jail shall function in compliance with the provisions of its classification as defined in RCW 70.48.020 and the applicable administrative codes.

A jurisdiction may request a change of classification by submitting a written request to the commission stating the qualification therefor. The commission shall act on the request within ninety days. Upon denial of the request the appeal process as outlined in RCW 70.48.080(4) may be used.

Before granting a change in any jail classification the commission shall determine that the requesting jail meets all standards for the requested classification. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-030, filed 6/27/79.]

Chapter 289-04 WAC

ORGANIZATION AND METHODS OF OPERATION

WAC

289-04-010	Purpose.
289-04-020	Organization—Commission.
289-04-030	Organization—Staff.
289-04-040	Operations and procedures.

WAC 289-04-010 Purpose. These rules are adopted to comply with the requirements of RCW 42.17.250 requiring each agency to adopt rules describing its organization and procedures. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-010, filed 6/27/79.]

WAC 289-04-020 Organization—Commission. (1) The State Jail Commission is an eleven member commission appointed by the governor and confirmed by the state senate pursuant to RCW 70.48.030. one of whose members is the secretary of the Department of Social and Health Services or his designee, at least seven of whom must be elected city, town, or county legislative or executive officials, at least two of whom must represent minorities, and at least four of whom must reside east of the crest of the Cascade Range. The chairperson of the commission is appointed by the governor and a vice-chairperson is elected by the commission.

(2) With the exception of the initial appointments to the commission, each member serves a three year term; vacancies are filled through appointment by the governor for the unexpired term. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-020, filed 6/27/79.]

WAC 289-04-030 Organization—Staff. (1) The staff of the commission consists of the director and such necessary secretarial, administrative, and jail inspection personnel as are authorized by the commission.

(2) The director shall perform the following duties under the general authority and supervision of the commission:

- (a) Act as administrative arm of the commission;
- (b) Coordinate the policies of the commission and the activities of all commission employees and other persons who perform ministerial functions for the commission; and
- (c) Act as liaison between the commission and other public agencies. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-030, filed 6/27/79.]

WAC 289-04-040 Operations and procedures. The office of the commission and its staff is located at 110 East 5th Street, Olympia, WA 98504. The commission functions through public meetings to be held at least four times each year. Meetings are scheduled as necessary by the chairperson or called upon the request of a majority of the commission members and notice of such meetings will be given in accordance with RCW 42.30-.110. Minutes are kept of all public meetings of the commission and are available for public inspection or copying under the provisions of WAC 289-08. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-040, filed 6/27/79.]

Chapter 289-06 WAC

ACCESS TO PUBLIC RECORDS

WAC

289-06-010	Purpose.
289-06-020	Public records available.
289-06-030	Public records officer.
289-06-040	Office hours.
289-06-050	Requests for public records.
289-06-060	Copying.
289-06-070	Exemptions.
289-06-080	Review of denials of public records requests.
289-06-090	Records index.
289-06-100	State jail commission—Communications.
289-06-110	Adoption of form.

WAC 289-06-010 Purpose. The purpose of this chapter is to insure the full access of the public to the public records held by the State Jail Commission in compliance with the provision of chapter 42.17 RCW. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-010, filed 6/27/79.]

WAC 289-06-020 Public records available. All public records of the commission are deemed to be available to the public for inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.260, RCW 42.17.310, and WAC 289-06-070. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-020, filed 6/27/79.]

WAC 289-06-030 Public records officer. The commission's public records shall be in charge of the director who shall be responsible for implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-030, filed 6/27/79.]

WAC 289-06-040 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purpose of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-040, filed 6/27/79.]

WAC 289-06-050 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the director or designated staff member, at the office of the commission during customary office hours. The request shall include the following information:

- (a) The name of the person(s) requesting the record;
- (b) The time of day and calendar date on which the request is made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the director or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-050, filed 6/27/79.]

WAC 289-06-060 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of fifteen cents per page of copy for providing copies of public records and for use of the commission's copy equipment. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-060, filed 6/27/79.]

WAC 289-06-070 Exemptions. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 289-06-050 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The director or designated staff member will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-070, filed 6/27/79.]

WAC 289-06-080 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the director or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the director or other staff member denying the request shall refer it to the chairperson of the commission. The chairperson shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within thirty days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the thirtieth day following denial of inspection, whichever occurs first. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-080, filed 6/27/79.]

WAC 289-06-090 Records index. (1) The commission shall establish a current index which will provide identifying information as to the following records issued, adopted or promulgated from its inception: (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in any adjudications;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the commission;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies,

and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or other; and

(f) Correspondence and materials referred to therein, by and with the commission relating to any regulatory, supervisory or its enforcement responsibilities, whereby it determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-090, filed 6/27/79.]

WAC 289-06-100 State jail commission--Communications. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 70.48 RCW and its rules pursuant thereto, requests for copies of the commission's decisions and other matters, shall be addressed as follows: State Jail Commission, 110 East 5th Street, Olympia, WA 98504. [Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-100, filed 6/27/79.]

WAC 289-06-110 Adoption of form. The State Jail Commission hereby adopts for use by all persons requesting inspection and/or copies of records the form set out below, entitled "request for public records".

STATE JAIL COMMISSION REQUEST FOR PUBLIC RECORDS

Date _____ Time _____

Name _____

Address _____

Description of Records (see index):

I certify that the information obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies _____

Number of pages _____

Per page charge \$ _____

Total charge \$ _____

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-110, filed 6/27/79.]

Chapter 289-12 WAC PHYSICAL PLANT STANDARDS

WAC

289-12-010	Purpose.
289-12-020	Approval of site selection and design plan.
289-12-030	New facilities.
289-12-040	Remodeled facilities.

WAC 289-12-010 Purpose. The purpose of this chapter is to provide minimum standards for substantial remodeling of existing jails or constructing new jail facilities and for evaluating and measuring conformance of existing jails for degree of compliance with physical plant standards in accordance with RCW 70.48.050 through 70.48.080. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-010, filed 6/27/79.]

WAC 289-12-020 Approval of site selection and design plan. (1) No new jail shall be built or existing jail substantially remodeled without site and construction plan approval by the commission.

(2) All architectural plans for new construction or substantial remodeling shall adequately describe expansion capabilities and such description shall include mechanical and electrical services to the expansion points.

(3) Site and construction plans for a jail, which otherwise meet the requirements of these physical plant standards, will generally be approved for state funding with a ratio of sixty percent single cells to forty percent dormitories. Approval of jail plans providing for a greater or lesser ratio of single cells may be granted within the discretion of the commission upon a showing of necessity under the specific circumstances. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-020, filed 6/27/79.]

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.

(A) Single occupancy cells shall be seventy-two square feet or larger with not less than eight foot ceilings. In no event shall a single occupancy cell contain less than fifty square feet of clear floor space.

(B) Day room areas shall have a minimum of thirty-five square feet per prisoner, but in no instance shall the

day room space be less than one hundred forty-four square feet.

(C) Dormitories, when included, shall have a minimum and maximum capacity of eight to ten males or four to ten females and shall allow sixty square feet of floor space per prisoner in semi-private sleeping areas, shall include day room space, and shall have not less than ten foot 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.

(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.

(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 prisoners. Separate facilities shall be provided for each sex.

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

(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.

(5) Work release. Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-030, filed 6/27/79.]

WAC 289-12-040 Remodeled facilities. Plans for substantially remodeling existing jail facilities shall conform to the minimum standards for physical plants, except where variances are approved by the commission. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-040, filed 6/27/79.]

Chapter 289-13 WAC

JAIL CONSTRUCTION FUNDING PROCEDURES

WAC

289-13-010	Purpose.
289-13-020	Application—General.
289-13-030	Applications for funding.
289-13-040	Review of funding applications—Initial.
289-13-050	Final review of funding applications—General.
289-13-060	Final review of funding application—Capacity.
289-13-070	Final review of funding applications—Level of funding.
289-13-080	Determination of priorities.
289-13-090	Reimbursement of qualifying applicants.
289-13-100	Encumbrance of funds for new projects.
289-13-105	Appeals from funding decisions.
289-13-110	Authorization to proceed—Time limits.
289-13-120	Schematic design package—Contents.
289-13-130	Authorization to prepare final plans and specifications (construction documents).
289-13-140	Final plans and specifications—Bid and contract provisions.
289-13-150	Final plans and specifications—Form of submission.
289-13-160	Preliminary provisional allotment of state funds.
289-13-170	Contractor affirmative action plan.
289-13-180	Bid data and document requirements following bid opening.
289-13-190	Final allotment of state funds.
289-13-200	Disbursement of funds for construction or remodeling of jail facilities—Administration of payments from state funds under direction of director.
289-13-210	Payments from state jail improvement and construction account.
289-13-220	Change orders.
289-13-230	Disbursement of funds for construction of jails—Final payments on contracts.

WAC 289-13-010 Purpose. The rules set forth in this chapter shall govern all applications for state funding of new construction and/or substantial remodeling of detention and correctional facilities, including the allocation and disbursement of all funds appropriated or re-appropriated to the state jail commission for such purpose under chapter 70.48 RCW and the physical plant standards adopted pursuant thereto and incorporated in chapter 289-12 WAC. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-010, filed 10/4/79.]

WAC 289-13-020 Application—General. (1) Any governing unit within the state is eligible to submit an application for state funding of the substantial remodeling and/or new construction of a jail which it currently operates and which has been classified by the state jail commission as a detention or correctional facility within the meaning of WAC 289-02-020(4) and (6), whether or not it has previously submitted an application to the commission for initial consideration. A governing unit which does not currently operate a detention or correctional facility may submit an application for classification of a new jail as a detention or correctional facility or for reclassification of an existing jail. Any such request shall be governed by WAC 289-02-030.

(2) Two or more contiguous governing units may apply for state funding of a consolidated detention or correctional facility. Whenever any jail is operated by a governing unit which includes a combination of cities

and/or counties one such city or county shall be designated as primarily responsible for the operation of said jail. An application for funding of a consolidated jail shall be submitted jointly by the governing units involved. Such application shall include a draft of a jail services contract in accordance with RCW 70.48.090 as amended by chapter 232, Laws of 1979 ex. sess., and a statement of conditional intention to enter into such contract executed by the governing units involved.

(3) Governing units which have appropriated and spent or encumbered funds for substantial remodeling or construction of detention or correctional facilities after February 16, 1974 and before June 23, 1977, are entitled to consideration for state funding on the same basis as any other governing unit requesting such funding and may make application for state funding of such facilities as provided under the provisions of this chapter.

(4)(a) All governing units requesting state funding of jail construction and/or substantial remodeling hereunder shall complete and submit a standard application form as prescribed by the commission, together with all supporting information and the documents specified therein. The deadline for the submission of such applications for inclusion in the commission's first determination of approved funding levels and priorities under WAC 289-13-050 shall be January 31, 1980.

(b) Any governing unit which fails to submit an application for such funding on or before January 31, 1980, may submit an application by July 31, 1980. Any governing unit which fails to submit an application by such latter date shall be deemed to not be seeking such assistance. A governing unit's failure to apply for state funding shall not affect the mandatory effect of the applicable physical plant standards.

(c) A governing unit which operates an existing detention and correctional facility which is in substantial compliance with the physical plant standards may apply for a variance from specific provisions of the standards with which the facility does not currently comply. Such application shall be in the form prescribed by the commission and shall be submitted by January 31, 1980.

(5) A governing unit which has received a commitment of federal or other nonstate funding for the construction and/or remodeling of a detention or correctional facility shall submit its construction plans to the commission, by January 31, 1980, for review of projected jail capacity and compliance with state physical plant standards. Federal or other nonstate funding shall not affect the mandatory effect of the applicable physical plant standards in such a facility.

(6) Any funds allocated to a governing unit or units for jail construction and/or substantial remodeling under the provisions of this chapter shall constitute full funding of the cost of implementing the physical plant standards within the meaning of RCW 70.48.070: *Provided*, That this provision shall not preclude the disbursement of funds for such purpose on a staged or phased basis as requested by the governing unit or units at the time of the application and in accordance with conditions established by the commission at the time of its determination of level of funding and priority.

(7) No governing unit which receives state funding hereunder, or which receives federal or other nonstate funding for such purpose, shall be eligible for further state funding under chapter 70.48 RCW and these rules for a period of ten years from the date of completion of any project approved hereunder. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-020, filed 10/4/79.]

WAC 289-13-030 Applications for funding. (1) The commission shall adopt and distribute by October 15, 1979, a standard application form to be used by all governing units which are requesting state funds for jail construction and/or remodeling under chapter 70.48 RCW and the provisions of these rules or which are seeking variances from the physical plant standards as applied to their facilities. The commission shall also adopt and distribute by the same date jail population statistical guidelines and architectural guidelines to be applied in preparing the application.

(2) The application shall contain the following elements:

(a) General information on governing unit and jail facility, including classification;

(b) Information affecting jail capacity determination including:

(i) Jail population projection to the year 2000 with supporting documentation as required by the commission. In general, the projected jail capacity shall be based upon current incarceration rates as applied to population projections by age group, using the most current population forecasts of the Population, Enrollment, and Economic Studies Division of the Office of Financial Management and applying a peaking factor not to exceed 1.29 standard deviations above the mean average daily population: *Provided*, That such population projections shall consider projected population over the entire period in question using five-year increments: *And provided further*, That there will be provision for challenging state population and incarceration rate figures and substantiating alternative projections.

(ii) Supporting historical information on the jail population, including crime rate information, average daily population figures for the prior five-year period, detailed information on the jail population over an average year for the jail in question and for other jails within the governing unit.

(iii) Description of existing and planned programs within the governing unit which affect jail population, including work release and pre- and post-trial diversion programs as well as arrest, prosecution, and sentencing practices.

(c) Specific jail facility plans, including:

(i) General description of plans with regard to the jail in question including nature of building or remodeling plans and relationship to other jails within the governing unit and to other criminal justice facilities;

(ii) Description of all existing jails within the governing unit, and of the feasibility of remodeling any or all of those facilities to meet part or all of the projected jail population;

(iii) Description of feasibility of operating consolidated jail facilities with other governing units, providing specific information prescribed by the commission in the application;

(iv) Narrative description of planned facility, including total square feet and division of square feet between cells, dormitories, day rooms, and ancillary areas of jail, and specific housing plan for projected population by each major classification;

(v) Description of project site, its availability, and alternative sites and effect of site change on plans;

(vi) Description of expansion capability of the jail within a range specified in the architectural guidelines;

(vii) Complete statistical and construction cost analysis in a form prescribed by the commission;

(viii) Projected time schedule for entire project, including design, bids, commencement of construction, completion, and occupancy;

(ix) Operational plan for planned facility, including staff and budget requirements for meeting mandatory custodial care standards within such facility. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-030, filed 10/4/79.]

WAC 289-13-040 Review of funding applications--Initial. (1) Each project which is submitted for state funding under WAC 289-13-020 shall be initially reviewed by the director of the state jail commission to determine:

(a) Whether the facility for which funding is sought is currently classified as a detention or correctional facility or, if not, whether it is either an existing facility which should properly be reclassified as a detention or correctional facility or represents a necessary jail facility which should properly be classified as a detention or correctional facility; and, if so,

(b) Whether the plans submitted meet the applicable mandatory physical plant standards set forth in chapter 289-12 WAC for the projected capacity adopted by the governing unit submitting the application.

(2) Initial review of submitted applications shall be completed and applying governing units provided written notice of initial acceptance or rejection for consideration, on either basis, within forty-five days of receipt of the application. Notice of rejection shall state the specific reason(s) for rejection and the terms on which a project may be resubmitted.

(3) Any governing unit whose application is rejected on initial review due to noncompliance with the physical plant standards shall have thirty days in which to resubmit an application which meets such standards.

(4) Acceptance of an application for consideration for state funding upon this initial review shall be based solely upon the verification that the application is in the form specified by the commission and contains all required information, the classification of the facility, and plan compliance with the physical plant standards. Such initial review shall be based upon the capacity projected by the governing unit in question and shall not constitute, or in any way imply, approval of such project for

state funding or the approval of any specific details of the project as submitted. Final approval and determination of funding shall take place only pursuant to the review process set forth in WAC 289-13-050: *Provided*, That the director may grant exceptions from application requirements where it is determined that such requirements cannot be met and in such cases may require additional corroborating documentation. In such cases, additional time for submission of the completed application may be granted by the commission. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-040, filed 10/4/79.]

WAC 289-13-050 Final review of funding applications--General. (1) The commission shall complete its final review of all projects which are accepted for consideration under the initial review process set forth in WAC 289-13-040 and provide written notification of the commission's final determination with respect to approved funding level and priority for available funding as determined under WAC 289-13-080 no later than April 30, 1980, for those applications which are received by January 31, 1980, and no later than October 31, 1980, for those applications which are received by the final application deadline of July 31, 1980.

(2) During the course of its review the commission, or its director, may request necessary additional or explanatory information. In addition, the commission or its director may schedule a conference with a particular governing unit or two or more contiguous governing units to review their application(s) as well as the feasibility and desirability of alternative plans, including consolidated jail facilities. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-050, filed 10/4/79.]

WAC 289-13-060 Final review of funding application--Capacity. (1) Projects which are given initial approval for funding consideration shall first be reviewed to determine the capacity for which the facility may be considered for state funding. For such purpose, the capacity of individual jail facilities will be computed using population projections to the year 2000.

(2) In verifying and setting the capacity of a planned jail facility for purposes of state funding, the commission shall consider all relevant information, including data supplied to it by the office of financial management with regard to the governing unit's population projections, current incarceration rates as applied to population projections by age group, and peaking factors not to exceed 1.29 standard deviations above the mean average daily population as well as all information obtained in the application in accordance with WAC 289-13-030(2)(b).

(3) To assist governing units in determining their jail population projections, the commission shall adopt jail population statistical guidelines to be followed in preparing all funding applications.

(4) Each governing unit shall have an opportunity in its application for funding to present information relating to the accurate projection of its jail population and to set forth reasons why the population projections of the

Office of Financial Management's Population Enrollment and Economic Studies Division may not accurately forecast such projected population.

(5) Following the commission's review and determination of each jail's projected capacity, its decision shall be reviewed with the office of financial management in accordance with section 9, chapter 232, Laws of 1979 ex. sess., to insure the accuracy of the data relied upon. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-060, filed 10/4/79.]

WAC 289-13-070 Final review of funding applications—Level of funding. (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

(2) The following elements will be considered in determining the necessary minimum cost of construction or substantial remodeling projects:

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: *Provided*, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the Department of General Administration, Division of Engineering and Architecture as adapted to the particular governing unit's organization and structure: *Provided Further*, That the commission will provide to each governing unit a list of known minority and female architect and engineer firms to which an announcement of each governing unit's selection process shall be sent, and all such firms shall be given a full and equal opportunity to participate in any such process commenced following receipt of such list. All such fees shall generally be evaluated in accordance with the Prime Architect and Engineer Fee Schedule set forth in the State of Washington Capital Budget Instructions for the 1979-81 biennium.

(b) Initial architectural consultant fees required to prepare preliminary jail facility plans for presentation to the commission, upon demonstration of the necessity for such services apart from the work normally associated with the prime architect and engineer: *Provided*, That the applying governing unit provides adequate indication of a consultant selection process free of conflict of interest and which insures the selection of a qualified person or firm. All such fees shall be evaluated on the basis of a fee schedule to be developed by the commission. Service by a person or firm as an initial architectural consultant does not preclude such person or firm's selection as the prime architect for a particular jail facility.

(c) Site survey and soil testing as necessary prior to construction.

(d) Construction costs, including, but not specifically limited to:

(i) Clearing of site and disposal of debris;
(ii) Demolition of existing structure where there is an adequate showing of justification for construction on an occupied rather than vacant site;

(iii) Necessary earthwork;

(iv) Drainage, water and sewer work;

(v) Necessary fire protection design features, including fire extinguishing and alarm systems;

(vi) Walkways and driveways;

(vii) Service vehicle and visitor parking;

(viii) Power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;

(ix) Necessary security features which constitute permanent fixtures of the structure, including:

(A) Standard security hardware;

(B) Electronically controlled gates and doors as conditions require (with mechanical override);

(C) Electronically controlled door locking devices for prisoner rooms operated from centralized consoles;

(D) Closed circuit television (C.C.T.V.), surveillance systems where required, EXCEPT THAT C.C.T.V. will not be funded for general prisoner population cells or dormitories;

(E) Intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and

(F) Equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.

(x) Standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;

(xi) Minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;

(xii) Minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030(2)(a)(iv)(A) and (B);

(xiii) Separate staff facilities within the architectural guidelines to be adopted by the commission.

(3) Energy conservation design features which may increase initial construction or remodeling costs shall not be precluded from consideration for state funding when properly supported by a life cycle cost analysis as required by chapter 39.35 RCW.

(4) Costs which will not be considered for state funding purposes include:

(a) Any architect and engineering fees or other costs that are not directly related to and specifically required for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;

(b) Site acquisition;

(c) Landscaping, art works, or any decorative features of design or construction which are not necessary costs

of jail construction or substantial remodeling to meet the physical plant standards;

(d) Movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;

(e) Court room or facilities solely related to court activities;

(f) Any portion of elevator construction cost not related to jail operation: *Provided*, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multi-storied structure in which the jail is located, such cost shall be prorated;

(g) The cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail;

(h) Any other design features, equipment, or furnishings not specifically required to implement the mandatory physical plant standards at minimum cost in a specific facility.

(5) The commission will adopt and distribute to each governing unit, not later than October 15, 1979, specific architectural guidelines which shall govern its review of all projects accepted for final consideration. Such guidelines will specify the total square footage of ancillary areas which will generally be funded within jails in addition to the necessary cells, dormitories, and day room areas required under the physical plant standards for the specific capacity set by the commission, expressed in ranges and subject to appropriate adjustment by the commission in each specific case.

(6) Detention and correctional facilities shall be funded on the basis of a ratio of sixty percent single cells to forty percent dormitory cells under the specific capacity set by the commission, EXCEPT THAT the commission may grant exceptions to such requirement when a request for such exception is contained in the final application and is adequately supported by the specific circumstances set forth therein.

(7) In allocating funds for jail construction and/or substantial remodeling the commission shall review all projects submitted to ensure that the number of square feet allowed per bed is generally consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(8) The level of funding for the construction and/or substantial remodeling of detention and correctional facilities for which their governing units appropriated and spent or encumbered funds after February 16, 1974, and before June 23, 1977 and for which a funding application has been filed in accordance with WAC 289-13-020(3) shall be determined in accordance with the above provisions and in the same manner as all other jail funding applications.

(9) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the

local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-070, filed 10/4/79.]

WAC 289-13-080 Determination of priorities. (1)

At the same time as it determines the level of funding to be assigned to each jail construction and/or substantial remodeling project accepted for consideration, the commission shall establish the priority which each project will be accorded in disbursing state funds which have been appropriated for such purpose.

(2) Those governing units which have appropriated funds for substantial remodeling or construction of a detention or correctional facility between February 16, 1974, and June 23, 1977, which have entered into a construction contract prior to June 1, 1979, and which have applied for and been assigned a specific level of funding under WAC 289-13-060, shall have first priority for available state funds: *Provided*, That the specific level of funding will be determined on the same basis as that for all other facilities and funds shall be disbursed only as work is completed: *Provided further*, That any application by such a governing unit for additional new construction and/or substantial remodeling for which the governing unit did not appropriate and spend or encumber funds during the above stated dates shall be reviewed with the request for reimbursement of funds already appropriated for purposes of determining capacity and assigning a level of funding, with the priority for payment of any difference between the total level of funding authorized for the facility and the funds previously appropriated by such governing unit being determined in the same manner as the priority of all other projects: *And provided further*, That any such project shall be required to meet the physical plant standards except as variances may be granted therefrom by the commission.

(3) The priority of all other projects which have been assigned a specific level of funding under WAC 289-13-070 shall be set by the commission after considering all such projects together in light of the following factors:

(a) The nature and extent of the jail's present physical plant deficiencies which may be detrimental to the health, welfare and security of prisoners and staff as assessed on the basis of the physical plant standards set forth in chapter 289-12 WAC.

(b) The impact of such deficiencies upon the governing unit's ability to comply with the mandatory custodial care standards set forth in chapters 289-14 through 289-24 WAC.

(c) The frequency and extent of overcrowding within the facility, particularly with respect to its impact on sleeping area conditions and upon the facility's ability to properly classify and segregate its jail population.

(d) The existence of any court orders or pending legal proceedings relating to conditions within the jail which were filed prior to June 1, 1979.

(e) The extent to which the governing unit or units making application have considered and implemented effective programs for pre- and post-trial alternatives to incarceration: *Provided*, That no priority shall be assigned a governing unit which does not include a plan relating to such programs in its final application.

(f) Whether the governing unit or units making application have given full consideration to the feasibility of a consolidated jail facility or facilities and the cost-effectiveness of the proposed facility or facilities with respect to both construction and operational costs. [Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-080, filed 10/4/79.]

WAC 289-13-090 Reimbursement of qualifying applicants. Following its determination as to the level of funding for any applicant governing unit which has proceeded to construction and which is entitled to first priority for funding under WAC 289-13-080(2), the director shall proceed to request an opinion from the state finance committee as to the legal conditions or terms, if any, to be placed upon payment of the determined level of state funding and shall subsequently direct that the state treasurer make payment in accordance with such advice: *Provided, however*, That the director is authorized to withhold direction for payment from any such governing unit pending its full compliance with all commission orders governing implementation of mandatory custodial care standards within the particular detention or correctional facility involved: *Provided, further*, That any such governing unit shall also be required to verify its compliance with the same conditions applicable to all other state funded jail construction projects as set forth in this chapter. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-090, filed 4/2/80. Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-090, filed 10/4/79.]

WAC 289-13-100 Encumbrance of funds for new projects. Within thirty days of its written notification of final funding decisions, as provided in WAC 289-13-050, the commission shall issue written notification by registered mail with return receipt requested to those governing units for which funds currently available will be encumbered and disbursed in accordance with other rules set forth in this chapter. Other applicants shall be notified in the same manner as to the status of their applications and their right to proceed under WAC 289-13-160. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-100, filed 4/2/80.]

WAC 289-13-105 Appeals from funding decisions.

(1) Any applicant governing unit which is aggrieved by the funding decision contained in the written notice provided to it under WAC 289-13-100 may request reconsideration of such decision by filing a written request therefor with the director within fourteen days of its receipt of such notice. Such reconsideration shall constitute an "appeal" from such decision within the meaning

of RCW 70.48.060(3)(v) and shall be conducted in accordance with the provisions of this rule: *Provided*, That reconsideration of any commission funding decision under the provisions of this rule does not constitute a "contested case" within the meaning of RCW 34.04.010(3) or for purposes of the procedures set forth within chapter 34.04 RCW.

(2) Review of any request for reconsideration by the commission will be reviewed by the commission on the basis of written submissions. Any request shall contain a detailed statement as to any new factual matters regarding the decision on the application which have not previously been submitted to the commission and any argument as to the correctness of the decision under the applicable statutes and commission rules. The chairman shall call a meeting of the commission to occur within fourteen days of the receipt of such request and the director shall notify the applicant and commission of such time at least five days prior thereto, sending each member of the commission a copy of the request. All other applicants shall be provided a written notice of any such proceeding and may submit a written statement with regard thereto.

(3) Commission action on reconsideration shall occur at the public meeting scheduled therefor and will be based entirely upon any written submissions received; additional oral argument will not be received. The commission decision on any request for reconsideration at such meeting will be reduced to written form by the director, and a notice thereof signed by the commission chairman shall be mailed by registered mail with return receipt requested to the governing unit in question. Such notice shall constitute a final funding decision by the commission subject only to such statutory review as would apply to any funding action. [Statutory Authority: Chapter 70.48 RCW. 80-15-027 (Order 8), § 289-13-105, filed 10/8/80.]

WAC 289-13-110 Authorization to proceed—Time limits. (1) Schematic drawings. Issuance of the commission's decision to encumber funds for specific projects under WAC 289-13-100 shall constitute formal authorization to the specified governing units to proceed to prepare schematic drawings and adjusted cost estimates based thereon which shall be submitted to the director for approval within four months or such longer period as shall be designated in the authorization, for good cause shown. At the time schematic drawings are submitted, the director shall be authorized to adjust the prior funding decisions by no greater than three percent. Requests for greater adjustments and requests for increases which are denied by the director shall be submitted to the commission for review.

(2) Final plans and specifications. Following approval of schematic drawings and adjusted cost estimates as provided in subsection (1) of this section, the director shall issue authorization to governing units for which funds have been encumbered to proceed to prepare final plans and specifications, and each such governing unit shall submit final plans for review and approval by the director within six months of such authorization. Failure

to meet such schedule shall result in removal of the project from those for which existing funding is encumbered: *Provided*, That upon showing of good cause, the director may extend such deadline by no longer than six months: *Provided further*, That the director may adjust the last previously authorized level of funding at this stage only within the three percent design contingency allowance and any larger requests or any requests for increases which are denied by the director will be submitted to the commission for review.

(3) Bidding. Any governing unit for which funds have been encumbered hereunder shall advertise for bids for construction of the project within two months of the issuance date of the document approving its final plans and authorizing it to proceed. In the event of failure by a governing unit to advertise for bids within the time limit herein specified, the authorization herein described shall be declared null and void and the funds reserved thereunder shall revert to the state fund from which the reservation was made and become available for reservation or allotment toward the financing of such other jail project or projects as the commission shall determine: *Provided*, That an extension of time may be granted by the director when failure to act within the specified time is due to conditions judged by him to be beyond the control of the governing unit: *Provided further*, That in the event final plans and specifications for the project have been completed and advancement of the project is precluded by conditions beyond the control of the governing unit, it nonetheless may request consideration of state assistance in costs of architectural and engineering services incurred through preparation of final plans and specifications, pending the availability of additional state jail bond moneys: *Provided*, That such reimbursement shall be subject to the provisions of WAC 289-13-070(2)(a). [Statutory Authority: Chapter 70.48 RCW 80-04-113 (Order 6), § 289-13-110, filed 4/2/80.]

WAC 289-13-120 Schematic design package--
Contents. The materials submitted with schematic drawings of a project authorized to proceed under WAC 289-13-110(1) shall include the following and such other supporting documents as prescribed by the director at the time of issuance of such authorization:

- (1) Complete set of schematic drawings.
- (2) Signed or certified copy of contract between governing unit and the architect. (A separate contract is required for each specific project).
- (3) A statement from the governing unit as to the process employed for selecting its architect/engineer to insure compliance with WAC 289-13-070(2)(a).
- (4) Site documents as follows:
 - (a) Opinion by prosecuting attorney or other legal counsel relating to fee simple title including legal description of site: *Provided*, That where title is not established in fee simple, such counsel's statement shall describe the process and schedule for obtaining such title;
 - (b) Statement of approval by the state department of health or local health agency having jurisdiction;

(c) Statement of approval by such local planning commission or authority as may be established within the governing unit;

(d) Description of steps taken to include participation of community and surrounding governing units in planning, in compliance with WAC 289-12-030(1)(a);

(e) Statement of approval by state department of ecology when the site and/or building plan is located within a flood plane of a river or major stream (refer to chapter 86.16 RCW);

(f) Statement indicating compliance with the provisions of chapter 197-10 WAC and such other applicable rules of the council on environmental policy as may now or hereafter be adopted. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-120, filed 4/2/80.]

WAC 289-13-130 Authorization to prepare final plans and specifications (construction documents). Upon approval of schematic drawings, supporting documents, and adjusted level of funding, the director will issue authorization to the governing unit in question to proceed with preparation of final plans and specifications and will make a provisional reservation of state funds for architectural and engineering services consistent with the provisions of WAC 289-13-070(2): *Provided*, That such provisional reservation of funds and authorization shall be subject to the following conditions:

(1) The provisional reservation of funds is a guarantee of state participation in the costs of architectural and engineering services incurred in the preparation of preliminary plan and final plans and specifications and any part of such provisional reservation not required for this purpose shall revert to the state fund from which the provisional reservation is made.

(2) A prerequisite to payment of such costs shall be completion of final plans and specifications, except where exemption from such requirement is granted by the commission. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-130, filed 4/2/80.]

WAC 289-13-140 Final plans and specifications--
Bid and contract provisions. Upon receipt of authorization to so proceed, a governing unit shall prepare final plans and specifications in accordance with the following provisions:

(1) Separate or combined bids. Separate and/or combined bids may be received for general construction, mechanical work and electrical work. Separate contracts or a combined contract for the construction of the entire project may be awarded on the basis of whichever is most advantageous to the governing unit and to the state in accordance with bids received.

(2) Cash allowance. A cash allowance item shall not be a part of specifications nor included in any contract which involves state funds.

(3) Fire insurance coverage on structure under contract. The general conditions incorporated in the specifications shall provide that the governing unit and/or the

contractor shall effect and maintain fire insurance coverage on the structure under contract equal to one hundred percent of the insurable value thereof including materials in place or on the premises for use in the construction.

(4) Bidder's guarantee requirements. Each bidder on a project approved for state assistance must submit with his bid a certified check or a cashier's check equivalent to at least five percent of the amount of the bid, or a bid bond. To facilitate the procuring of a certified check or a cashier's check prior to the determination of the amount of his bid, a contractor may submit a certified check or a cashier's check based on five percent of the architect's estimated cost of the work on which said contractor proposes to submit a bid.

(5) Governmental agency approvals of final plans and specifications.

(a) The final plans and specifications for the construction of a new detention or correctional facility or any addition to or alteration of such an existing detention or correctional facility or for any of the utilities connected with it shall be subject to the the approval of the state fire marshal or his designated representative, the state electrical inspector, the health agency having jurisdiction and, when applicable, the state department of ecology, with respect to compliance with pertinent rules and regulations established by said agencies.

(b) Each governing unit receiving funds under this chapter shall cause to be prepared a life cycle cost analysis for new jail buildings, and for additions to and modernization of existing jail buildings to be planned and constructed, said life cycle cost analysis to be in compliance with provisions of chapter 39.35 RCW, and such other requirements and guidelines as may now or hereafter be adopted. Such analysis shall be subject to approval of the office of energy management and conservation, department of general administration.

(c) The governing unit shall receive written approval of final plans and specifications by the agencies set forth in (a) above prior to the call for bid. Any exceptions indicated by such agencies shall be corrected and so noted on the final plans and specifications or shall be corrected by issuance of addenda to the specifications and/or revised drawings.

(6) Compliance with pertinent public works statutory provisions. Specifications for all projects shall provide for compliance with statutory provisions relating to public works including but not limited to the following:

(a) Chapter 18.27 RCW relating to registration of contractors.

(b) Chapter 39.08 RCW relating to contractor's bond.

(c) Chapter 39.12 RCW relating to prevailing wages on public works.

(d) Chapter 39.16 RCW relating to resident employees on public works.

(e) Chapter 39.25 RCW relating to offshore items.

(f) Chapter 49.28 RCW relating to hours of labor.

(g) Chapter 49.60 RCW relating to law against discrimination.

(h) Chapter 70.92 RCW relating to provisions for the aged and physically handicapped.

The architect shall certify to the director that the final plan and specifications (construction documents) are in full compliance with the aforementioned statutes, provisions of chapter 19.27 RCW, and any and all other pertinent statutes relating to construction of public buildings applicable to jail construction. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-140, filed 4/2/80.]

WAC 289-13-150 Final plans and specifications—

Form of submission. (1) The governing unit shall submit one copy of the final plans and specifications to the commission for review and approval together with one copy each of the supporting documents listed below:

(a) Form for certification of construction documents and final cost estimate of project, completed and signed by architect(s).

(b) Signed copy, or photocopy of letters of approval by governmental agencies in accordance with provisions of WAC 289-13-120.

(c) Signed statement by architect(s) of analysis of square foot area.

(d) Life cycle cost analysis.

(e) Such other documentation as shall be specified by the director in authorizing preparation of final plans and specifications.

(2) The governing unit shall obtain approval of final plans and specifications by the director prior to the call for bids on any project to be financed in part or all by state funds. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-150, filed 4/2/80.]

WAC 289-13-160 Preliminary provisional allotment of state funds.

(1) In the event that funds authorized by the legislature currently are not available to the commission for preliminary allotment to a governing unit under this chapter and it is determined upon review as provided that the project is eligible for state assistance under chapter 70.48 RCW the commission may (a) authorize the governing unit to proceed at its own financial risk with advancement of an approved project pending availability of an appropriation for state funding of such project; (b) grant a preliminary provisional allotment of state funds and approval of final plans and specifications; and (c) authorize the governing unit to call for bids: *Provided*, That if and when such an appropriation is made available to the commission, a governing unit which is authorized to proceed with such advancement action and subsequently expends local funds in lieu of state funds for commission approved project costs shall be entitled to reimbursement for such expended local funds: *Provided further*, That such reimbursement shall be subject to the following conditions:

(2) Compliance with rules. The governing unit shall comply with all rules and regulations of the commission otherwise applicable to a project approved for financing with available state funds.

(3) Governing unit certification. Prior to the award of contracts, the governing unit shall certify to the commission by resolution that (a) sufficient local funds are available to finance the entire cost of the project; (b) the

governing unit will assume full financial responsibility for completion of the project; and (c) it is understood that if and when state funds are available for such purpose, the governing unit shall be entitled to reimbursement in accordance with the provisions of this chapter.

(4) Preliminary provisional allotment of state funds not commitment of state funds. The authorization documents shall direct attention to the fact and the transmittal letter shall state explicitly that the approval and authorizations described therein do not constitute a commitment of state funds.

(5) Reimbursement contingency. Payment of state funds in reimbursement of local funds expended in lieu of state funds provisionally approved for the project shall be contingent upon availability of funds under the statutory authority or appropriation designation cited in the appropriate allocation documents or the availability of funds appropriated in lieu thereof. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-160, filed 4/2/80.]

WAC 289-13-170 Contractor affirmative action plan. (1) Each person or firm submitting a bid for jail work shall include with such bid an affirmative action plan which shall include:

(a) Identification of women and minority group firms available to participate in the jail project and the women and minority group workforce available for employment by the contractor and subcontractors.

(b) The minimum participation by such firms and individuals which can reasonably be achieved in the particular project, which shall be, in the case of minority group members, no less than the proportion of minority group members in the governing unit's population and, in the case of women, no less than 15% of the total positions and subcontracts.

(c) A detailed plan for meeting these goals within the construction time-table set forth in the bid.

(2) Approval of such affirmative action plan by a subcommittee of the commission established for such purpose shall be a prerequisite to the director's authority to authorize awarding of a bid to such contractor under WAC 289-13-180.

(3) For purposes of this section, "minority group members" means: Ethnic persons residing in the United States, including American Indians, Asian Pacific Americans, Black Americans, Mexican Americans and Native Americans, but does not include nonethnic women. The term "women" includes both ethnic and nonethnic women. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-170, filed 4/2/80.]

WAC 289-13-180 Bid data and document requirements following bid opening. (1) After bids have been opened, the governing unit shall by resolution designate the successful bidder or bidders and transmit to the commission one copy each of the documents listed below:

(a) Statement of project cost signed by the chairman of the board of county commissioners, county executive, or mayor.

(b) Certified copy of each advertisement for bids.

(c) Certified tabulated statement of all bids received including bids on alternates, if any, with complete firm names and addresses of bidders. Each alternate listed must be designated by number and descriptive title conforming to the number and title set forth in the specifications. The certification must be made by the architect or authorized representative of the governing unit.

(d) Statement of analysis by architect of square foot area and square foot cost, said statement to bear the signature of the architect.

(e) Copies of all addenda to specifications.

(f) The affirmative action plan submitted with the bid in accordance with WAC 289-13-170.

(2) Authorization required for contract award.

(a) A contract, or contracts, for construction of a jail project approved by the commission for state financing from available state funds may not be entered into by the governing unit until authorization therefor has been received from the director.

(b) A contract, or contracts, for construction of a jail project provisionally approved by the commission for state financing pursuant to WAC 289-13-160 and for which state funds have not been made available may not be entered into by the governing unit until authorization therefor has been received from the director.

Any such governing unit shall proceed in the same manner as any governing unit for whose project funds are currently available. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-180, filed 4/2/80.]

WAC 289-13-190 Final allotment of state funds. Upon analysis of bids received, determination of the amount of state funds allowable under statutory provisions and commission rules and determination that funds are available for state funding of all or part of the proposed project, the director will make a final allotment of state funds for specified costs of construction and architectural and engineering services and authorize the governing unit to award contracts: *Provided*, That such allotment and authorization shall be subject to the conditions and regulations herein in subsections (1), (2) and (3) set forth:

(1) Negotiation of jail building contracts. The director shall approve for financing only those contracts where the original contract price for the construction has been established by competitive bids and where the contract contains an acceptable affirmative action plan as required by WAC 289-13-170.

(2) Any part of a final allotment of state funds not required for completion of a jail building project in accordance with the financial program as set forth in the authorization document shall revert to the state fund from which the allotment was made and used for other approved projects.

(3) Award of contract or contracts.

(a) Upon receipt of authorization by the director, the governing unit may proceed with award of contract or contracts for construction of the designated project, which contract or contracts shall be in conformity with the analysis of bids as set forth in the authorization document and in accordance with the bids received on approved plan and specification for the project.

(b) Once such authorization has been given, the governing unit shall have forty-five days within which to enter into said contract in order to retain its allotment status.

(c) Immediately following the awarding of contract or contracts, governing unit shall forward one signed or certified copy of each such construction contract to the commission. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-190, filed 4/2/80.]

WAC 289-13-200 Disbursement of funds for construction or remodeling of jail facilities--Administration of payments from state funds under direction of director.

(1) The director is hereby authorized and directed to administer the disbursement of state funds allotted by the commission to governing units for detention and correctional facility construction and/or remodeling, said disbursements to be in compliance with procedural regulations established by the commission, applicable statutory requirements and such other requirements as the director may determine to be necessary.

(2) The director shall keep a complete and accurate record of each allotment of state funds made to a governing unit and of all disbursements, unpaid balances and other matters connected therewith. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-200, filed 4/2/80.]

WAC 289-13-210 Payments from state jail improvement and construction account. (1) Payment to governing units for jail work authorized under this chapter shall be on the basis of work completed and shall be made to the governing unit upon presentation no more frequently than once per month of properly executed state invoice vouchers approved by the director on the basis of the architect's certification of work completed and certification of approval by duly authorized representatives of the governing unit. Any such request for payment shall include the governing unit's certification of the contractor's compliance with the approved affirmative action plan required under WAC 289-13-170 and such supporting documentation as may be required by the director.

(2) Continued reservation of state funds for a specific governing unit shall be based upon substantial compliance with the work schedule established at the time of final allotment under WAC 289-13-080 and may be terminated by the commission where the specific project does not proceed in accordance therewith: *Provided*, That exceptions to such schedule may be granted upon showing of unavoidable delay. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-210, filed 4/2/80.]

WAC 289-13-220 Change orders. (1) Any change order which will affect the governing unit's ability to complete an approved project within the funding allocation made therefor, or which alters the planned facility's full compliance with physical plant standards must be submitted to the director for approval.

(2) The director may approve any change order which will not result in an increase in funds expended for the project in question beyond the moneys allocated, including the full contingency allowance. Denial of any requested change order or one which exceeds such amount shall be submitted to the commission for action. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-220, filed 4/2/80.]

WAC 289-13-230 Disbursement of funds for construction of jails--Final payments on contracts. In accordance with provisions of chapter 60.28 RCW as now or hereafter amended, relating to public works contracts, final payment on a contract from retained percentage funds shall not be made until thirty days have elapsed following final acceptance by the governing unit of the work as completed.

After the expiration of the aforementioned statutory thirty-day period, final payment shall be made contingent upon receipt of properly executed state invoice voucher and supporting documents in accordance with the regulations and procedures set forth in subsections (1) through (3) of this section and such other procedures as may be prescribed by the director in compliance with statutory and jail commission regulations.

(1) Acceptance of building, improvement or work as completed. (a) Upon completion of work by a contractor, or contractors, the architect and the governing unit's designated representatives shall inspect the building, improvement or work to determine compliance with plan and specifications.

(b) The architect, upon determining that the jail improvement or work has been completed satisfactorily, shall recommend through the issuance of a letter of inspection addressed to the governing unit acceptance as completed satisfactorily. Separate letters shall be written concerning the work of each contractor.

(c) The governing unit upon determining that the building, improvement or work has been completed satisfactorily, shall through formal resolution officially accept such building, improvement or work as completed satisfactorily. A separate resolution shall be made concerning the work of each prime contractor.

(2) Documents required for final payment. Final payments on contracts shall be subject to receipt by the director of the documents listed below and such other evidence of final completion of contracts as the director in compliance with pertinent statutory provisions and/or rules and regulations of the commission may determine to be necessary.

(a) Documents to be submitted immediately following official final acceptance of building, improvement or work. The original and one copy of each of the following

documents shall be submitted immediately following official final acceptance by the governing unit of the jail improvement or work:

- (i) Properly executed state invoice voucher;
- (ii) Architect's letter of inspection;
- (iii) Governing unit's resolution of final acceptance signed by its chief elected officer or bearing the certification of authorized representatives thereof;
- (iv) Architect's certificate of final amount due and payable to contractor.

(b) Documents to be submitted at anytime during the thirty-day period following official final acceptance by the governing unit of the building, improvement or work;

Contractor's final affidavit of wages paid bearing certification of the state department of labor and industries.

(c) Documents to be submitted immediately after the expiration of the thirty-day period following final acceptance of building, improvement or work. One copy of each of the following documents shall be submitted immediately after the expiration of the thirty-day period following final acceptance by the governing unit of the building, improvement or work;

Certification by the governing unit officials that no liens have been filed, or a certified list of all valid liens in event liens have been filed.

(3) Certification by state department of revenue, state department of employment security and state department of labor and industries of payment of taxes.

(a) In compliance with applicable statutory provisions, final payment on a contract for public works shall not be made by the director until he has received from the state department of revenue, state department of employment security and the state department of labor and industries certification that all taxes due or to become due from the contractor with respect to such contract have been paid in full.

(b) Final payments on construction contracts from state funds allotted to a governing unit for jail construction shall be contingent upon receipt of the aforementioned certification in accordance with the following procedure:

(i) Upon receipt of all documents required immediately following official acceptance of building, improvement or work as in subsection (2) of this section provided, the director shall notify the state department of revenue, state department of employment security and the state department of labor and industries that the construction contract has been completed; and

(ii) As provided by statute, the state department of revenue, state department of employment security and the state department of labor and industries, upon determination that all state taxes due or to become due on the contract have been paid in full, will so certify to the director and transmit a copy of such certification to the governing unit concerned. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-230, filed 4/2/80.]

Chapter 289-14 WAC CUSTODIAL CARE STANDARDS— ADMINISTRATION

WAC

289-14-005	Introduction to custodial care standards.
289-14-010	General administration.
289-14-020	Staffing.
289-14-030	Records.

WAC 289-14-005 Introduction to custodial care standards. (1) The provisions of chapters 289-14 through 289-24 WAC incorporate custodial care standards applicable to all jails except where specifically indicated otherwise. Each standard is designated as either mandatory or advisory.

(2) The adoption of the mandatory custodial care standards is intended to meet minimum legal requirements relating to prisoner health, welfare, and security and does 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 jail.

(3) All of the standards have been designated as advisory only with respect to holding facilities. The determination of which of the standards, if any, should be mandatory for holding facilities will be specifically addressed by the state jail commission at a future time. [Statutory Authority: Chapter 70.48 RCW and 1979 1st ex.s. c 232. 79-12-058 (Order 5), § 289-14-005, filed by 11/28/79. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-005, filed 6/27/79.]

WAC 289-14-010 General administration. The department of corrections or the chief law enforcement officer of all jails shall develop and maintain an organizational chart and an operations manual of policies and procedures.

WAC 289-14-010 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-010, filed 6/27/79.]

WAC 289-14-020 Staffing. (1) General staffing standards.

(a) At all times in all jails, at least one staff member of the same sex as the prisoner(s) shall be awake, alert, and directly responsible for supervision and surveillance.

(b) There shall be continual sight and/or sound surveillance of all prisoners. Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes, and further provided that a staff member shall personally observe persons confined at least once each thirty minutes.

(c) Staff shall be alert to prisoner depression, dissension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law. When such symptoms are discovered, such persons shall be closely observed.

WAC 289-14-020(1) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(2) Determination of staff positions.

(a) The department of corrections or chief law enforcement officer shall define the responsibilities and designate the qualifications for each staff position.

(b) Qualifications for detention and correctional facility staff hired on or after the effective date of these minimum standards shall include, but not be limited to, a high school diploma, or equivalent.

(c) All jail staff personnel shall be selected on merit and retained on proven ability to perform.

(3) Training requirements. All detention and correctional facility personnel shall receive preservice and in-service training.

WAC 289-14-020(2) and (3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-020, filed 6/27/79.]

WAC 289-14-030 Records. The department of corrections or chief law enforcement officer for each jail shall establish a records system which shall comply with the requirements of this section and any subsequent rules adopted by the state jail commission.

(1) Individual prisoner records:

(a) The booking and release forms common to all jails shall be retained in each prisoner's file or within computer records.

(b) The individual prisoner records maintained by the jail administrator may include a record of all contacts or actions related to a prisoner's health by nonmedical staff and a summary of all referrals to medical staff for treatment, as well as such specific medical information regarding each prisoner as would be required to perform authorized emergency procedures in the absence of medical staff. The records of medical staff communications with and treatment of prisoners shall be separately maintained in accordance with WAC 289-20-010(2)(w).

(c) Other information retained in each prisoner's jail record shall include, but not be limited to, court orders, personal property receipts, infraction reports, reports of disciplinary actions and/or unusual occurrences, a work record and, in case of death, disposition of prisoner's property and remains.

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

(e) Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein.

(f) When a prisoner is transferred to another facility, a copy of his records shall be forwarded to and accepted by the receiving facility. Records to be transferred shall include, but not be limited to, the prisoner's booking form, his health record, court orders, reports of disciplinary actions, and work record.

(2) Incident, infraction and disciplinary records. Each department of corrections or chief law enforcement officer shall maintain a written record of all incidents which result in property damage or bodily harm, or serious threat of property damage or bodily harm. Major infraction reports and disciplinary actions under chapter 289-16 WAC shall become part of the prisoner's jail record.

(3) Activity log. All jails shall keep a log of daily activity within the facility for future accountability.

WAC 289-14-030(1)-(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(4) Fiscal records and population accounting.

(a) Each detention and correctional facility shall maintain fiscal records which clearly indicate facility operation and maintenance costs according to generally accepted accounting principles.

(b) Each detention and correctional facility shall establish a prisoner population accounting system which reflects the daily population and a complete breakdown by confinement categories.

WAC 289-14-030(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) Personnel records. Performance and training records shall be maintained for each staff member employed by a detention or correctional facility.

WAC 289-14-030(5) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-030, filed 6/27/79.]

Chapter 289-16 WAC

CUSTODIAL CARE STANDARDS—OPERATIONS

WAC

289-16-010	Admissions.
289-16-020	Classification/segregation.
289-16-030	Release and transfer.
289-16-040	Transportation.

WAC 289-16-010 Admissions. (1) General.

(a) The receiving officer shall determine that the arrest and placement of each prisoner is being accomplished by a duly authorized officer, and a copy of all documents that purport to legally authorize the confinement shall become part of the prisoner's jail record.

WAC 289-16-010(1)(a) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(b) If only one jail facility officer is on duty, the delivery officer shall remain until the prisoner is locked into the confinement area.

WAC 289-16-010(1)(b) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(c) A staff member of the same sex as the prisoner shall be present during admission and shall conduct the search of the prisoner.

WAC 289-16-010(1)(c) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(d) The admission form prescribed by the state jail commission shall be completed.

WAC 289-16-010(1)(d) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(e) Each prisoner, after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form.

(f) Reasonable provisions for communicating with non-English speaking, handicapped and illiterate prisoners shall be provided concerning the booking process, rules of the facility, privileges and other information pertinent to his rights and well-being while confined.

(g) The admission process shall be completed promptly unless the physical condition of the prisoner necessitates delay.

WAC 289-16-010(1)(e)-(g) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(2) Search/examination.

(a) Each prisoner shall be searched for contraband. Such search shall be conducted in a private area and in a manner which protects the prisoner's dignity to the extent possible.

WAC 289-16-010(2)(a) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(b) The strip search of a prisoner shall include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries; "health tags"; and body vermin. All physical markings and "health tag" identifications shall be recorded and made immediately available to the appropriate jail employees and the medical professionals responsible for care of the prisoner under chapter 289-20 WAC. If feasible, and particularly when force has been used during arrest, all visible injuries shall be photographed.

(c) Any person with body vermin shall be treated appropriately in accordance with chapter 289-20 WAC.

(d) Complaints of illness or injury shall be checked promptly by a qualified medical professional in accordance with the medical procedure established under WAC 289-20-010(1)(d).

(e) A prisoner suspected of having a communicable disease shall be isolated without delay. Arrangements shall be made for his immediate transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain the medically prescribed treatment. (See definitions.)

WAC 289-16-010(2)(b)-(e) MANDATORY for detentional and correctional facilities; advisory for holding facilities.

(f) The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt. Prisoners should be weighed upon admission and release.

WAC 289-16-010(2)(f) MANDATORY for detentional and correctional facilities; advisory for holding facilities.

(3) Clothing. At the discretion of the department of corrections or the chief law enforcement officer, the prisoner may wear clothes provided by the facility or his own clothing.

WAC 289-16-010(3) ADVISORY for all jails.

(4) Fingerprints and photographs.

(a) Front and side-view identification photographs of each prisoner shall stipulate the arresting agency and the date of arrest.

(b) Copies of fingerprints shall be forwarded to the proper state and federal authorities.

WAC 289-16-010(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) Issuances and orientation.

(a) On completion of admission, the prisoner shall be given clean bedding, towel, washcloth, and other necessary personal care items as authorized under WAC 289-20-030(3).

WAC 289-16-010(5)(a) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(b) Upon prisoner request, a reasonable supply of writing material shall be furnished.

WAC 289-16-010(5)(b) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(c) As soon after booking as possible, each prisoner shall receive an oral orientation. Orientation should include available information regarding the prisoner's confinement and answers to any questions the prisoner may have.

(d) During oral orientation each prisoner shall be advised of his responsibilities and facility rules and privileges.

WAC 289-16-010(5)(c) and (d) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(6) Temporary cell assignment. Prior to a classification determination, each prisoner shall be confined in a single occupancy cell whenever possible.

WAC 289-16-010(6) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-16-010, filed 6/27/79.]

WAC 289-16-020 Classification/segregation. (1) Classification.

(a) In all correctional facilities, as distinct from detention facilities, a classification committee consisting of at least two staff shall be established for classification of prisoners sentenced to that facility.

(b) The department of corrections or chief law enforcement officer shall establish a classification procedure for each detention facility. Whenever possible, no less than two detention facility staff members shall be responsible for classification determinations.

(c) For each prisoner confined in a detention or correctional facility, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility, and regulations for association within and outside the confinement area.

(d) As specified by WAC 289-18-050, 289-22-020(4), and 289-24-040, persons responsible for classification determinations shall also hear disciplinary cases, review literature screening appeals, and recommend diminution of sentence and alternatives to confinement.

(2) Classification procedures.

(a) Each prisoner confined in a detention or correctional facility shall be interviewed by the persons responsible for classification determinations.

(b) The prisoner shall be informed of the classification housing assignment decision and the basis for that decision.

(c) A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the department of corrections or chief law enforcement officer upon making a written request, and shall be promptly informed of this right. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(d) Because classification is an on-going process, a procedure for reclassification shall be developed and each prisoner informed of the conditions prerequisite to reclassification. All classification determinations shall be reviewed in accordance with such procedure every thirty days.

(3) Criteria for prisoner classification (all jails).

(a) Juveniles (seventeen years of age and under) shall always be segregated from visual and oral communication with adult prisoners.

(b) In all jails, females shall always be segregated from visual and oral communication with male prisoners except under direct supervision of a staff person.

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

(d) Prisoners on work release or weekend confinement programs, and any other prisoners who have regular contact outside the jail shall be segregated from other prisoner categories and may be housed in a dormitory or semi-open facility.

(e) Other factors to be considered in classification may include, but shall not be limited to age, type of crime, pre-vs. posttrial status, and offender sophistication.

WAC 289-16-020 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-020, filed 6/27/79.]

WAC 289-16-030 Release and transfer. (1) Release.

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

(b) The release form common to all jails shall be completed.

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

(d) Each prisoner discharged shall receive a visual body check to detect changes from his admitting physical record.

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

WAC 289-16-030(1) and (2) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(3) In cooperation with the county coroner or medical examiner each facility shall establish procedures for release of a deceased prisoner's body and personal property.

WAC 289-16-030(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-030, filed 6/27/79.]

WAC 289-16-040 Transportation. The department of corrections or the chief law enforcement officer of each detention and correctional facility shall develop written instructions to include the following minimum standards:

(1) Vehicles for the transportation of jail prisoners considered dangerous shall have a divider between the driver's seat and other seat areas.

(2) Prisoners being transported may be handcuffed, placed in a restraining belt, or handcuffed to other prisoners of the same sex.

(3) No prisoner shall be handcuffed to a vehicle.

(4) Prisoners shall not be left in an unattended or unsupervised vehicle.

WAC 289-16-040(1)-(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) A female shall accompany any female prisoner transported in a vehicle, and a male shall accompany male prisoners.

WAC 289-16-040(5) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-16-040, filed 6/27/79.]

Chapter 289-18 WAC

CUSTODIAL CARE STANDARDS--SECURITY AND DISCIPLINE

WAC

289-18-010	Supervision and surveillance.
289-18-020	Critical articles.
289-18-030	Emergency procedures.
289-18-040	Emergency suspension of custodial care standards.
289-18-050	Discipline.

WAC 289-18-010 Supervision and surveillance. (1) General security standards.

(a) All jails shall establish a positive means of identifying prisoners.

(b) Perimeter security shall be maintained.

(c) Security devices shall be maintained in proper working condition at all times.

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

(2) Prisoner counts. Detention and correctional facilities shall develop a system for taking and recording prisoner counts. This procedure shall be followed at shift changes and at other regular or irregular times.

(3) Contraband control.

(a) Any item or person entering or leaving a jail shall be subject to search.

(b) When housed in a jail facility, work release prisoners and prisoners who have regular contact outside the jail shall not be permitted contact with other prisoner classifications or entrance to areas frequented by other prisoners.

(c) There shall be irregularly scheduled searches for contraband in detention and correctional facilities and all areas frequented by prisoners at least once per week.

(d) Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization. Non-English speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language.

WAC 289-18-010(1)-(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-010, filed 6/27/79.]

WAC 289-18-020 Critical articles. (1) Weapons and keys to weapon lockers shall not be permitted in confinement and booking areas.

(2) Keys.

(a) Key regulations shall be established by the department of corrections or chief law enforcement officer and read and initialed by all staff.

(b) A control point shall be designated for key cataloging and logging the distribution of keys.

(c) There shall be at least two sets of jail facility keys, one set in use and the other stored for use in the event of an emergency.

(d) All keys not in use shall be stored in a secure key locker inaccessible to prisoners.

(e) Emergency keys shall be "red tagged" and placed in the designated emergency section of the key locker.

(f) Keys to locks on doors inside the security area of a jail shall be on a separate ring from keys to locks on doors or gates to the outside of the jails. At no time should both rings be carried by a person inside the jail simultaneously.

(g) Keys shall be accounted for at all times and the distribution certified at each shift change.

(h) Jail facility keys shall never be issued to a prisoner.

(3) Protective equipment. Protective equipment, tear gas, and any other chemical suppressing agent shall be kept in a secure area, inaccessible to prisoners and unauthorized persons, but quickly accessible to officers of the facility.

(4) Kitchen utensils, tools, and toxic substances.

(a) Dangerous kitchen utensils and tools shall be marked for identification, recorded, and kept in a secure place.

(b) Toxic substances shall be kept in locked storage, and use of toxic substances shall be strictly supervised. Such substances, including cleaning supplies, shall be stored in a separate area from food supplies.

WAC 289-18-020(1)-(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-020, filed 6/27/79.]

WAC 289-18-030 Emergency procedures. (1) The department of corrections or the chief law enforcement officer shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility. Such plan shall be formulated in cooperation with the appropriate supporting local government units.

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

(3) All serious incidents and emergencies shall be recorded on forms provided by the commission. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to any death which occurs within a jail, attempted suicides, any unusual prisoner medical problem, epidemics, attempted or completed escapes, any assault upon staff or prisoners, dangerous contraband within the jail, serious fires, flooding or other natural disasters, riots or strikes, and any acts of terrorism or physical violence.

WAC 289-18-030(1)-(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(4) Only lawful and reasonable force to the person of a prisoner shall be used. Such force shall be used only after obtaining the prior approval of the senior jail officer on duty, and a record of the event shall be made in the jail log. Only in cases of self defense, to prevent escape, to prevent injury to a person (including the prisoner himself), or to prevent the commission of a crime shall prior approval not be necessary for the use of such force. The extent of such force shall always be limited to the extent it is reasonably necessary to accomplish its purpose.

WAC 289-18-030(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) Prisoners shall not be deprived of their clothes, blankets, or personal care items unless there are reasonable grounds to believe that the prisoner will misuse such articles to damage property, inflict bodily harm to himself or others, or substantially compromise the security of the jail. Such deprivation shall be used and continued only if there is no other practical way to control the prisoner. Approval of the senior jail official on duty must be obtained prior to the removal of such items, and the removal shall be reported to the medical staff. A record of such deprivation shall be made in the jail log

and an explanation of the incident shall become part of the prisoner's jail record.

WAC 289-18-030(5) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-030, filed 6/27/79.]

WAC 289-18-040 Emergency suspension of custodial care standards. Nothing in these standards shall be construed to deny the power of any department of corrections or chief law enforcement officer to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety of any jail or any of its prisoners or staff, or the public. Only such standards as are directly affected by the emergency may be suspended and the department of corrections or chief law enforcement officer shall notify the state jail commission in the event of such a suspension within twenty-four hours.

WAC 289-18-040 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-040, filed 6/27/79.]

WAC 289-18-050 Discipline. (1) General.

(a) The department of corrections or chief law enforcement officer shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners, which rules shall designate major and minor infractions.

(b) Printed rules and possible disciplinary sanctions shall be posted conspicuously throughout the jail. Non-English speaking prisoners shall be informed of the rules either orally or by posted signs in the appropriate language.

(c) All 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.

(2) Minor infractions. Minor violations of the rules may be handled informally by any staff member by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner.

(3) Discipline for major infractions.

(a) Disciplinary hearing.

(i) In correctional facilities, the classification committee shall have the power to hear and decide all charges of major violation of facility rules and to impose sanctions.

(ii) In detention facilities, the chief law enforcement officer or department of corrections shall designate no less than two staff members to hear and decide all charges of major violation of facility rules and to impose sanctions.

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

(b) Procedures.

(i) Any charges pending against a prisoner shall be acted on as soon as possible and no later than forty-eight hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction.

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-18-050(1)(c). If the prisoner is illiterate, the infraction report shall be read to him.

(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 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 judgment;

(C) 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

(D) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer in accordance with appeal 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.

WAC 289-18-050(1)-(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(4) Corrective action or forms of discipline.

(a) Nonpunitive corrective action shall be the first consideration in all disciplinary proceedings.

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

(c) Acceptable forms of discipline shall include 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.

WAC 289-18-050(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) 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.

WAC 289-18-050(5)(a) MANDATORY for detention and correctional facilities; advisory for holding facilities.

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

WAC 289-18-050(5)(b) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(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.

WAC 289-18-050(5)(c) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation.

WAC 289-18-050(5)(d)(i) ADVISORY for all jails.

(ii) Under no circumstances shall attorney-client visits be restricted.

WAC 289-18-050(5)(d)(ii) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing.

WAC 289-18-050(5)(e) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions. Reasonable physical restraint when necessary for medical reasons shall be medically directed, except that in an emergency reasonable physical restraint may be used to control a grossly disturbed or violent prisoner, but medical review and direction shall be promptly obtained.

WAC 289-18-050(5)(f) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-050, filed 6/27/79.]

Chapter 289-20 WAC

CUSTODIAL CARE STANDARDS--HEALTH AND WELFARE

WAC

289-20-010	Health care.
289-20-020	Food.
289-20-030	Clothing, bedding and personal items.
289-20-040	Sanitation.
289-20-050	Fire suppression.

WAC 289-20-010 Health care. (1) General. Prisoners shall receive adequate medical and health care.

(2) Specific standards.

(a) A physician licensed in the state shall be responsible for the organization and operation of the jail's medical services pursuant to a written agreement between the governing unit responsible for the jail, the chief law enforcement officer or department of corrections, as designated by the governing unit and the responsible physician or qualified medical authority.

(b) The physician shall be solely responsible for the practice of medicine within the jail; however, security regulations applicable to jail personnel shall also apply to the medical personnel.

(c) The responsible physician or medical authority shall submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the chief law enforcement officer or department of corrections.

(d) Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following (* indicates does not apply to the first seventy-two hours exclusive of weekends and holidays):

- (i) Receiving screening;
- (ii) Health appraisal data collection;*
- (iii) Nonemergency medical services;*
- (iv) Deciding the emergency nature of illness or injury;
- (v) Dental screening, hygiene, examination and treatment;*
- (vi) Provision of medical and dental prostheses;*
- (vii) First aid;
- (viii) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (ix) Providing chronic care;*
- (x) Providing convalescent care;*
- (xi) Providing medical preventive maintenance;*
- (xii) Screening, referral and care of mentally ill and retarded inmates;
- (xiii) Implementing the special medical program;
- (xiv) Delousing procedures;
- (xv) Detoxification procedures; and
- (xvi) Pharmaceuticals.

(e) State licensure and/or certification requirements and restrictions shall apply to health care personnel. Verification of current licensing and certification credentials shall be on file in the jail.

(f) The work of qualified medical personnel shall be governed by written job descriptions which should be approved by the responsible physician.

(g) Treatment by medical personnel other than a physician shall be performed pursuant to a written standing or direct order.

(h) All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care. In the case of minors, the informed consent of parent, guardian or legal custodian applies where required by law. In all cases, the responsible physician shall give a clear statement to the prisoner patient of his diagnosis and treatment except where the physician determines such explanation would be detrimental to the patient's welfare.

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

(j) First aid kit(s) shall be conveniently available in all jails. The responsible physician should approve the contents, number, location and procedure for periodic inspection of the kit(s).

(k) Receiving screening shall be performed on all prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form approved by the jail commission. The screening includes inquiry into:

(i) Current illnesses and health problems including those specific to women;

(ii) Medications taken and special health requirements;

(iii) Screening of other health problems designated by the responsible physician;

(iv) Behavioral observation, including state of consciousness and mental status;

(v) Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;

(vi) Condition of skin and body orifices, including rashes and infestations; and

(vii) Disposition/referral of inmates to qualified medical personnel on an emergency basis.

(l) The health appraisal data collection shall be completed for each prisoner within fourteen days after admission to the facility in accordance with the adopted standard operating procedures. Laboratory and diagnostic tests to detect communicable disease including venereal diseases and tuberculosis, other tests and examinations as appropriate, and a standardized medical examination with appropriate comments about mental and dental status shall also be completed within fourteen days.

(m) Health history and vital signs shall be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data shall be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems shall be made by a physician or designated qualified medical personnel. All health appraisal data shall be recorded on the health data forms approved by the responsible physician.

(n) At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of section WAC 289-16-010(f), explaining the procedures for gaining access to medical services.

(o) Prisoners' medical complaints shall be collected daily and acted upon by the medically trained personnel. An appropriate priority shall be established and treatment by qualified medical personnel follow.

(p) Sick call.

(i) Sick call shall be conducted by a physician and/or other qualified medical personnel and shall be available to each prisoner as follows:

(A) In facilities of less than fifty prisoners, at least once per week at a minimum;

(B) Facilities of fifty to two hundred prisoners at least three times per week; and

(C) Facilities of over two hundred prisoners at least five times per week.

(ii) When sick call is not conducted by a physician, the responsible physician shall arrange for the availability of a physician at least once each week to respond to prisoner complaints regarding services which they did or did not receive from other medical providers; further, regardless of complaints, the responsible physician shall review the medical services delivered, as follows:

(A) At least once per month in jails with less than fifty prisoners;

(B) At least every two weeks in facilities of fifty to two hundred prisoners; and

(C) At least weekly in facilities of over two hundred prisoners.

(q) Emergency care.

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

(A) Arrangements for the emergency evacuation of the prisoner from the jail;

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

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

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

(ii) Jail personnel shall be trained in basic 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 incorporate the following steps:

(A) Awareness of potential medical emergency situations;

(B) Notification or observation-determination that a medical emergency is in progress;

(C) "First aid" and resuscitation;

(D) Call for help; and

(E) Transfer to appropriate medical provider.

(iii) At least one person per shift within sight or sound of the prisoner shall have training in receiving screening and basic life support cardiopulmonary resuscitation (CPR).

(r) Medical and dental prostheses and emergency dental care shall be provided when the health of the inmate-patient would otherwise be adversely affected as determined by the responsible physician.

(s) Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and retardation and shall report any such symptoms to medical personnel for appropriate evaluation and treatment.

(t) A special program shall exist for prisoners requiring close medical supervision. A written individual treatment plan for each of these patients shall be developed by a physician which includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients.

(u) Appropriate medically-supervised treatment shall be given in the jail to prisoners determined to be under the influence of alcohol, opiates, barbiturates and similar drugs when such care is not provided in a community health facility.

(v) Medications.

(i) The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

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

(B) A policy that jails 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);

(C) A policy regarding the prescription of all medications with particular attention to behavior-modifying medications and those subject to abuse;

(D) A policy regarding medication dispensing and administration which shall include, but not be limited to:

(1) Nonmedical jail personnel delivering medication(s) to prisoners (RCW 69.41.030);

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

(3) Packaging of medication(s); the packaging shall clearly indicate name of the medication, time for administering and the name of the prisoner. Each dosage shall be packaged in separate containers;

(4) Disposition of unused medication(s);

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

(ii) The person administering medication: Shall have training from the responsible physician and the chief law enforcement officer or department of corrections responsible for the jail; shall be accountable for administering medications according to orders; and shall record the administration of medications in a manner and on a form approved by the responsible physician.

(w) Records.

(i) The responsible physician shall be responsible for maintaining patient medical record files in accordance with rules adopted by the state jail commission. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical

encounters and terminations of treatment from long term or serious medical or psychiatric treatment.

(ii) The responsible physician shall insure the confidentiality of each prisoner's medical record file and such file shall be maintained separately from and in no way be part of the prisoner's other jail records. The responsible physician or medical staff designated by him shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner of other prisoners, management of the jail, or maintenance of jail security and order.

(iii) A copy or summary of the medical record file shall routinely be sent to any jail or correctional institution to which a prisoner is transferred at the time of such transfer. A copy of such file or parts thereof shall also be transmitted upon the written authorization of a prisoner to designated physicians and medical facilities.

(x) Regular bathing (shower) shall be permitted at least twice each week.

WAC 289-20-010 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-20-010, filed 6/27/79.]

WAC 289-20-020 Food. (1) General.

(a) 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.

(b) Jails may arrange for prepared meal service or serve frozen packaged meals, provided these meals conform to the other requirements of this section.

(c) Meals shall be served in a reasonable manner, hot food served hot, cold food served cold.

(d) Prisoner meals shall be served on health department approved trays or dishes. Stainless steel or plastic eating utensils shall be provided.

(2) Nutritional and caloric intake.

(a) Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant available in the community to insure that diets approximate the dietary allowances specified.

(b) Diets ordered by medical staff shall be strictly observed.

(3) Food service operations.

(a) Food service operations in jails shall conform to the sanitation rules and regulations set forth in chapter 248-84 WAC.

(b) All prisoners and other persons working in the food service shall be free from infectious disease.

(c) In all jails, a paid staff member responsible for kitchen supervision and food preparation, shall obtain a food and beverage workers permit (chapters 248-86 and 248-87 WAC). Under supervision of this staff member, prisoners may assist in the kitchen and need not acquire a food and beverage workers permit. Local health departments may have more stringent requirements which, if ordered by them, shall be followed.

WAC 289-20-020 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-20-020, filed 6/27/79.]

WAC 289-20-030 Clothing, bedding and personal items. (1) Clothing.

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

(b) Prisoners shall be issued clean outer garments at least once a week; clean undergarments and socks shall be issued more frequently.

(c) If prisoners are required to wear clothing issued by the facility, detention and correctional facilities shall, as necessary, clean and sanitize personal clothing prior to storage.

(2) Bedding.

(a) Prisoners shall be issued clean bed linens and mattress covers upon arrival and at least once a week thereafter.

(b) Mattresses shall have a washable cover and shall be sanitized at least semi-annually.

(c) Blankets shall be washed at frequent intervals to maintain a clean condition, but at least once every sixty days, and always before reissue.

(3) Personal items.

(a) Personal care items issued to each prisoner in detention and correctional facilities shall include, but not be limited to, soap, towel, washcloth, toothpaste or powder, toothbrush, and comb. Female prisoners shall be supplied with necessary feminine hygiene items.

(b) Each prisoner shall be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security.

WAC 289-20-030 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-20-030, filed 6/27/79.]

WAC 289-20-040 Sanitation. (1) General.

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

(b) The housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage.

(c) Each prisoner shall clean his own living area daily. Convicted prisoners may be required to clean other space within the confinement area and pretrial detainees may be permitted to do so voluntarily.

(2) Insects, rodents, and pets.

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

(b) Pets shall not be allowed in jail facilities.

(3) Laundry. Each jail shall have adequate laundry facilities which meet the standards of WAC 289-12-030(2)(a)(vi) or shall arrange for adequate laundry services.

WAC 289-20-040 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-20-040, filed 6/27/79.]

WAC 289-20-050 Fire suppression. The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a fire suppression plan which shall include, but not be limited to:

(1) A fire prevention plan to be part of the operations manual of policies and procedures;

(2) Daily fire prevention inspections by facility staff;

(3) Fire prevention inspections at least semi-annually by the fire department having jurisdiction. Recommendations resulting from inspections shall be promptly implemented; and

(4) A regular schedule for inspections, testing and servicing fire suppression equipment.

WAC 289-20-050(1)-(4) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-20-050, filed 6/27/79.]

Chapter 289-22 WAC

CUSTODIAL CARE STANDARDS—SERVICES AND PROGRAMS

WAC

289-22-010 Services.
289-22-020 Programs.

WAC 289-22-010 Services. (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each detention and correctional facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at least once a week at local stores.

(b) Commissary items shall include books, periodicals, and newspapers.

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

(d) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted.

WAC 289-22-010(1) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(2) Barber/beauty shop services. All jails shall make reasonable arrangements to provide basic hair care.

WAC 289-22-010(2) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(3) Library services. In conjunction with state and/or local library service units, each jail shall make provision for library services.

WAC 289-22-010(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(4) Legal assistance.

(a) When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing meaningful legal papers, a jail shall provide access to necessary law books and reference materials.

WAC 289-22-010(4)(a) MANDATORY for detention and correctional facilities; advisory for holding facilities.

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

WAC 289-22-010(4)(b) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(5) Religious services.

(a) To the extent possible, upon request from a prisoner, the jail facility shall arrange religious services.

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

(c) To the extent possible, prisoners shall be permitted to observe religious holidays and receive sacraments of their faith.

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

WAC 289-22-010(5) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(6) Counseling, guidance, and ancillary services.

(a) Counseling services shall be available to provide prisoners in detention and correctional facilities with an opportunity to discuss their problems, interests, and program.

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community.

(c) To the extent possible, professionals shall serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling.

(d) Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body.

(e) Counseling services shall be voluntarily received unless ordered by the appropriate court or the disciplinary review body.

(f) To the extent possible, prisoners being discharged shall receive assistance in obtaining employment, housing, acceptable clothing, and transportation.

WAC 289-22-010(6) ADVISORY for all jails.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-22-010, filed 6/27/79.]

WAC 289-22-020 Programs. (1) Work programs. The department of corrections or chief law enforcement officer may establish work programs except that participation in nondisciplinary work programs by pretrial detainees shall be voluntary.

(2) Education and training programs.

(a) Correctional facilities.

(i) The department of corrections or chief law enforcement officer of each correctional facility shall arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens, and other available community, state, and federal resources.

(ii) Paid staff member(s) shall have designated responsibility for supervision of the education and training programs.

(iii) Approved correspondence courses shall be available at the prisoner's request and expense.

(iv) Correctional facilities shall provide courses to prepare qualified prisoners for the "General Education Development" test.

(b) Detention facilities.

(i) Each detention facility shall provide courses to prepare qualified prisoners for the "General Education Development" test.

(ii) Detention facilities shall encourage participation in other education and training programs available locally.

(3) Leisure time activity programs.

(a) To the extent possible, detention and correctional facilities shall provide opportunities for all prisoners to participate in leisure time activities of their choice and abilities. Such activities may include athletic programs, hobbies and crafts, table games, radio and television, motion pictures, cards, puzzles, checkers and chess.

WAC 289-22-020(1), (2), and (3)(a) ADVISORY for all jails.

(b) Detention and correctional facilities shall arrange for at least one hour of physical exercise per day outdoors, weather permitting.

WAC 289-22-020(3)(b) MANDATORY for detention and correctional facilities; advisory for holding facilities.

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

(4) Alternative to confinement programs. With the concurrence of the department of corrections or chief law enforcement officer, the disciplinary hearing body may recommend an alternative to confinement to the court of jurisdiction.

WAC 289-22-020(3)(c) and (4) ADVISORY for all jails.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-22-020, filed 6/27/79.]

Chapter 289-24 WAC CUSTODIAL CARE STANDARDS-- COMMUNICATIONS

WAC

289-24-010	Introduction.
289-24-020	Communication with staff.
289-24-030	Telephone usage.
289-24-040	Mail.
289-24-050	Visitation.

WAC 289-24-010 Introduction. (1) Communication between prisoners and persons outside any jail, and communication between prisoners and staff, shall be encouraged for the purposes of retaining constructive community relationships, stimulating intellectual pursuits, assisting in the attainment of vocational or educational goals, and facilitating legal inquiries.

(2) Communication is deemed a right rather than a privilege and the specific protections afforded communication under this chapter may be abridged only when there are reasonable grounds to believe that facility security or the welfare of the prisoners or staff is endangered.

WAC 289-24-010 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-010, filed 6/27/79.]

WAC 289-24-020 Communication with staff. (1) Communication from prisoner to staff shall be encouraged and respected.

(2) Requests for an audience with staff shall be honored as soon as reasonably possible.

WAC 289-24-020 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-020, filed 6/27/79.]

WAC 289-24-030 Telephone usage. (1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

(2) Telephone usage hours shall include time during the normal work day and time during the evening.

(3) Except for a reasonable number of telephone calls to a prisoner's attorney, or immediate family, calls shall be at the prisoner's expense or collect.

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

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

WAC 289-24-030 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-030, filed 6/27/79.]

WAC 289-24-040 Mail. (1) Newspapers, books, periodicals, other printed materials, and photographs.

(a) Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials may be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff.

(b) When such materials are withheld from a prisoner for the reasons set forth in (a) of this subsection:

(i) The prisoner shall receive immediate written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;

(ii) The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right;

(iii) A written decision of the review of the denial, including reason(s), shall be given to the prisoner requesting review.

WAC 289-24-040(1) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(2) Correspondence.

(a) General.

(i) Incoming or outgoing mail shall be retained no more than one day.

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense or with postage purchased from the prisoner welfare fund, provided upon proper showing the number may be increased. Each prisoner may mail out any number of letters to his attorney, the courts, and elected federal, state, and county officials.

(iii) No restriction shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond.

(iv) These rules shall not preclude a prisoner being required to place his name and a return post office address on outgoing mail.

(b) Pretrial detainees.

(i) Except by order of a court of competent jurisdiction, outgoing mail of pretrial detainees (prisoners not on parole hold, not subject to probation revocation, or not currently under sentence) shall be neither opened nor read.

(ii) Incoming mail of pretrial detainees (as described above) may be opened only for the purpose of inspecting for contraband and afterwards shall be resealed and delivered directly and immediately to the addressee. Such mail shall not be read.

(iii) Whenever feasible, it is recommended that this mail be opened in the presence of the addressee.

(c) Post-conviction prisoners.

(i) 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 institutional security.

(ii) Incoming mail shall not be read or censored, but may be opened and inspected for contraband, cash, and checks. Mail shall be resealed for delivery to the addressee.

(d) Contraband and other property received in mail.

(i) Contraband which is not illegal may be destroyed upon the prisoner's written request or returned collect to the sender.

(ii) Dangerous or illegal contraband and the accompanying letter shall be turned over to proper authorities.

(iii) A receipt for permissible items received in the mail, including money or checks shall be signed by a staff member and a copy thereof promptly delivered to the prisoner.

(e) Notice of disapproval of prisoner mail.

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

(ii) When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name.

(iii) When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right.

(iv) A written decision of the review of such denial shall be promptly delivered to the prisoner.

(f) Limitations.

(i) Incoming mail of post-conviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, or county official, shall be opened only in the presence of the addressee.

(ii) Mail to or from attorneys, courts or elected federal, state, or county officials shall not be read.

(iii) There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts.

WAC 289-24-040(2) MANDATORY for detention and correctional facilities; advisory for holding facilities.

(3) Packages.

(a) Incoming.

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

(ii) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be completed at the time of delivery to the addressee.

(b) Outgoing.

(i) Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations and shall be mailed at prisoner's expense.

WAC 289-24-040(3) MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-040, filed 6/27/79.]

WAC 289-24-050 Visitation. (1) General.

(a) Open visitation shall be allowed whenever feasible, but prisoners requiring greater security shall be provided with visiting facilities which do not allow physical contact.

(b) The degree of security required for each prisoner during visitation shall be determined by those persons responsible for classification under WAC 289-16-020.

(2) Social visits.

(a) The department of corrections or chief law enforcement officer shall establish and post rules governing social visits and specifying times therefore.

(b) Each prisoner shall be allowed a minimum of three hours total visitation per week.

(c) Immediate family, i.e., wives, husbands, children, parents, brothers, sisters, grandparents, aunts, and uncles, and any persons so related through marriage, shall be given preference for allowed visitation time unless the prisoner specifies otherwise.

(d) Except for immediate family members, visitors seventeen years of age and under shall be accompanied by a parent or guardian.

(e) The department of corrections or chief law enforcement officer may grant special visitation privileges to visitors who have traveled long distances, to visitors for hospital prisoners, and for other unusual circumstances.

(3) Business and professional visits.

(a) Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor.

(b) By prior arrangement with the department of corrections or the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits by his employer, doctor, dentist, tax consultant, banker, investment or insurance broker, with educators from a bona fide school or job training facility, and with employment consultants.

(c) Law enforcement professionals shall be allowed to interview prisoners at reasonable times and with prior notice, unless it appears circumstances do not permit delay.

(4) Visitor regulations.

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

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

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

(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 other visitors.

(d) Whenever a visitor is refused admittance, the prisoner shall receive notice of the refusal stating the reasons therefore. The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right. A written decision of the reviewing body's determination stating the reason(s) therefor shall be furnished the prisoner who requested such review.

WAC 289-24-050 MANDATORY for detention and correctional facilities; advisory for holding facilities.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-050, filed 6/27/79.]

Chapter 289-30 WAC CUSTODIAL CARE STANDARDS ENFORCEMENT PROCEDURES

WAC

289-30-010	Purpose.
289-30-020	Custodial care standards—Compliance.
289-30-030	Inspection of jail facilities.
289-30-050	Commission review of compliance.

WAC 289-30-010 Purpose. The provisions of chapter 289-30 WAC are adopted pursuant to RCW 70.48.050 to ensure that all jails in the state meet the requirements of chapter 70.48 RCW and the mandatory custodial care standards adopted pursuant thereto and set forth in chapters 289-14 through 289-24 WAC or such other mandatory standards as may hereafter be adopted by the commission. [Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080. 79-11-001 (Order 3), § 289-30-010, filed 10/4/79.]

WAC 289-30-020 Custodial care standards—Compliance. In accordance with RCW 70.48.070, as amended by chapter 232, Laws of 1979 1st ex. sess., the mandatory custodial care standards previously adopted by the commission shall be subject to commission enforcement beginning October 1, 1979. [Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080. 79-11-001 (Order 3), § 289-30-020, filed 10/4/79.]

WAC 289-30-030 Inspection of jail facilities. (1) The commission shall, through designated jail inspectors, conduct an annual inspection of each jail within the state to be completed no later than December 31 of 1979 and December 31 of each succeeding year. Additional inspections of specific facilities may be conducted as may appear necessary to ensure compliance with applicable mandatory custodial care standards or as requested by the governing unit in question.

(2) By October 1, 1979, and at least thirty days prior to the annual inspection for each subsequent year, the commission will distribute to each governing unit a copy of the jail inspection report form which will be used by the designated jail inspector in conducting the inspection

in order to permit governing unit review prior to such inspection.

(3) The director shall submit the findings of commission jail inspectors to the commission in written form and send a copy of such findings to the governing unit whose facility is the subject of such report. Governing unit exceptions to, or comments on, such report shall be sent to the commission within thirty days of its receipt thereof. [Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080. 79-11-001 (Order 3), § 289-30-030, filed 10/4/79.]

WAC 289-30-050 Commission review of compliance. (1) Following its receipt of the compliance inspection report and comments thereon by the governing unit in question, the commission shall issue with respect to all detention and correctional facilities:

(a) A notice of compliance if the standards are being met;

(b) A notice of noncompliance, specifying the manner in which the jail does not comply with the standards and the time limits within which the standards are to be met; or

(c) A notice of partial compliance or conditional compliance if the commission determines that the standards will be complied with if certain conditions or restrictions are imposed, which order shall state specifically what those conditions or restrictions are and shall set forth a time schedule for compliance therewith.

(2) Action to enforce such orders, if required, shall be in accordance with the provisions of RCW 70.48.080. [Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080. 79-11-001 (Order 3), § 289-30-050, filed 10/4/79.]