

need may arise, in accordance with chapter 46.09 RCW. This committee may also include representatives from various governmental entities or other interests as deemed appropriate by the interagency committee for outdoor recreation. [Statutory Authority: Chapter 43.99 RCW. 84-17-029 (Order 84-2), § 286-26-020, filed 8/8/84. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-020, filed 12/8/82. Statutory Authority: Chapter 43.99 RCW. 78-03-032 (Order 78-1), § 286-26-020, filed 2/17/78; Order 3, § 286-26-020, filed 7/31/73.]

WAC 286-26-055 Funded projects. (1) Final decision. The interagency committee will review all staff and ORVAC recommendations for off-road vehicle projects. The interagency committee retains the authority and the responsibility to accept or deviate from staff and/or ORVAC recommendations and it alone has the authority to make the final decision concerning the funding of a project.

(2) Project contract/intergovernmental agreement (supplemental agreement). For every funded project, a project contract or intergovernmental agreement (supplemental agreement) must be executed (as applicable). The project contract/intergovernmental agreement (supplemental agreement) shall be prepared by the interagency committee staff subsequent to approval of the project by the committee. The director shall execute the contract/intergovernmental agreement (supplemental agreement) on behalf of the interagency committee and tender the document to the sponsoring agency for execution. Upon execution by the sponsoring agency, the parties will thereafter be bound by the project contract/intergovernmental agreement (supplemental agreement). The sponsoring agency may not proceed with the project until the project contract/intergovernmental agreement (supplemental agreement) has been executed unless specific authorization has been given by the director. [Statutory Authority: Chapter 43.99 RCW. 84-17-029 (Order 84-2), § 286-26-055, filed 8/8/84. Statutory Authority: RCW 43.99.010, 43.99.110, 43.99.080, 43.99.120, 43.99.060, 42.17.370, 46.09.020, 46.09.170 and 46.09.240. 83-01-030 (Order IAC 82-1), § 286-26-055, filed 12/8/82.]

Title 289 WAC

CORRECTIONS STANDARDS BOARD

(Formerly: Jail Commission)

Chapters

289-02	Introduction and definitions.
289-10	Physical plant standards for special detention and work release facilities.
289-12	Physical plant standards.
289-15	Custodial care standards--Safety.
289-16	Custodial care standards--Operations.

289-19	Custodial care standards--Prisoner conduct.
289-22	Custodial care standards--Services and programs.
289-26	Custodial care standards for special detention facilities.
289-28	Custodial care standards for work release facilities.

Chapter 289-02 WAC

INTRODUCTION AND DEFINITIONS

WAC

289-02-020	Definitions.
289-02-050	Classification and uses of special detention and work release facilities.

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, day room area and leisure time activity space.

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

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

(14) "Public records" include any writing or recording which contains information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or returned by any state or local agency regardless of its physical form or characteristics.

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

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

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

(18) "Work release program" means a program of scheduled release from the physical confines of a city or county jail, special detention facility or work release center for the purpose of employment, seeking employment or school.

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

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

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

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

(23) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus or undergarments of a person or breasts of a female person. [Statutory Authority: RCW 10.79.060 - 10.79.110. 85-01-032 (Resolution No. 84-51), § 289-02-020, filed 12/12/84. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-02-020, filed 10/12/84. 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 289-02-050 Classification and uses of special detention and work release facilities. (1) The corrections standards board shall classify each special detention facility as a "72-hour" or "1-year" special detention facility pursuant to WAC 289-02-030.

(2) The corrections standards board shall classify each work release facility as a work release facility, pursuant to WAC 289-02-030. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-02-050, filed 10/12/84.]

Chapter 289-10 WAC

PHYSICAL PLANT STANDARDS FOR SPECIAL DETENTION AND WORK RELEASE FACILITIES

WAC

289-10-100	Purpose.
289-10-110	Remodeled or new special detention and work release facilities.
289-10-200	Design plans.
289-10-300	Design criteria.
289-10-310	Functional areas.
289-10-320	Leisure time activity space.
289-10-330	Variations room/dormitories and leisure time activity space.
289-10-340	Segregation.
289-10-350	Program and exercise areas.
289-10-360	Kitchen and dining facilities.
289-10-370	Visitation and confidential consultation.
289-10-380	Laundry.
289-10-390	Storage.
289-10-400	Supervisory stations.
289-10-410	Control stations.
289-10-420	Surveillance and locking equipment.
289-10-430	Admission and reception areas.
289-10-440	Medical examining room.
289-10-500	Building codes.
289-10-510	Windows and/or skylights.
289-10-520	Toilet—Wash basin.
289-10-530	Shower/bathing.
289-10-600	Emergency power.

WAC 289-10-100 Purpose. The purposes of this chapter are to provide minimum physical plant standards for the conversion of existing public or private structures or construction of new special detention and work release facilities primarily designed, staffed, and used for the housing of special populations of sentenced persons classified as low-risk, minimum security prisoners, and to provide minimum physical plant standards for work release facilities. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-100, filed 10/12/84.]

WAC 289-10-110 Remodeled or new special detention and work release facilities. No facility shall be classified as a special detention or work release facility or occupied by prisoners prior to board certification that the facility meets physical plant standards except for board approved variances pursuant to WAC 289-13-

235. The governing unit shall submit written documentation by the cognizant local building department (as defined by RCW 19.27.050) that the facility complies with all applicable codes. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-110, filed 10/12/84.]

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

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

(3) Special detention and work release facilities shall provide complete structural and physical segregation of special detention and work release prisoners from persons confined in holding, detention, or correctional facilities, except as may be necessary during the booking process. This does not preclude the establishment of a special detention or work release facility within the confines of a building that is classified as a holding, detention, or correctional facility as long as all other provisions of this chapter are met. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-200, filed 10/12/84.]

WAC 289-10-300 Design criteria. Special detention and work release facilities shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance, protection and safety for staff, community, and prisoners. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-300, filed 10/12/84.]

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

Each single room, multiple occupancy room and dormitory shall provide a minimum of sixty square feet per prisoner not including leisure time activity space. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-310, filed 10/12/84.]

WAC 289-10-320 Leisure time activity space. There shall be leisure time activity space with necessary ancillary furnishings, which shall provide a minimum of thirty-five square feet per prisoner, but not less than a total of one hundred twenty square feet. This may include program and exercise areas as described in WAC 289-10-350. (Not applicable - 72 hours) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7.

84-21-043 (Order 84-51), § 289-10-320, filed 10/12/84.]

WAC 289-10-330 Variances room/dormitories and leisure time activity space. Less square feet for rooms, dormitories or leisure time activity space will be considered by using the criteria for review established by WAC 289-12-035(3) relating to guidelines for review of plans not meeting physical plant standards. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-330, filed 10/12/84.]

WAC 289-10-340 Segregation. Separate sleeping, toilet, and bathing areas shall be provided for males and females which includes physical, sight and reasonable sound separation. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-340, filed 10/12/84.]

WAC 289-10-350 Program and exercise areas. (1) There shall be space for group meetings and training programs. Such space may be for multi-purpose use.

(2) If the facility plans to house prisoners over thirty days who are not authorized to leave the facility at least five days per week, or forty hours per week, outdoor and indoor exercise areas shall be provided. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-350, filed 10/12/84.]

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

(2) Dining areas shall be physically separate and apart from sleeping areas and shall have sufficient seating capacity. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-360, filed 10/12/84.]

WAC 289-10-370 Visitation and confidential consultation. (1) If visiting is permitted, adequate space and seating capacity shall be provided.

(2) There shall be adequate space for confidential consultation(s). [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-370, filed 10/12/84.]

WAC 289-10-380 Laundry. If laundry services are provided within the facility, such facilities shall be adequate for sanitary washing and drying of the prisoners' laundry, and physically separate areas shall be provided for storage and sorting of soiled laundry and clean laundry. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-380, filed 10/12/84.]

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

and necessary equipment and supplies. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-390, filed 10/12/84.]

WAC 289-10-400 Supervisory stations. Sufficient space and equipment for the facility supervisor and staff shall be provided. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-400, filed 10/12/84.]

WAC 289-10-410 Control stations. If control stations are to be included in the facility, they shall be secure from any unauthorized access by prisoners and public and shall be capable of controlling unauthorized access to the facility by the general public. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-410, filed 10/12/84.]

WAC 289-10-420 Surveillance and locking equipment. Sight and sound surveillance equipment, when used, shall be monitored in an area not readily accessible to hearing or viewing by prisoners or the general public. Remote control locking devices, when used, shall be in an area inaccessible to prisoners or the general public. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-420, filed 10/12/84.]

WAC 289-10-430 Admission and reception areas. An admission area shall be provided with necessary ancillary facilities and furnishings. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-430, filed 10/12/84.]

WAC 289-10-440 Medical examining room. If medical examinations are performed in the facility, space shall be provided with sight and sound privacy and ancillary equipment and furnishings, including sufficient secure storage for medical equipment and supplies. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-440, filed 10/12/84.]

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

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

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

(b) Uniform Mechanical Code.

(c) Uniform Fire Code.

(d) Uniform Plumbing Code.

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

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

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

(3) Chapter 19.28 RCW, Electricians and electrical installations.

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

(5) Other more restrictive mandatory local standards, codes or ordinances deemed applicable by local building authority. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-500, filed 10/12/84.]

WAC 289-10-510 Windows and/or skylights. Windows and/or skylights shall be sufficient to provide reasonable natural light to living areas. (Not applicable - 72 hours.) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-510, filed 10/12/84.]

WAC 289-10-520 Toilet--Wash basin. Special detention and work release facilities shall provide one toilet which should be enclosed with partitions and doors, and one wash basin with hot and cold running water for every eight prisoners. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-520, filed 10/12/84.]

WAC 289-10-530 Shower/bathing. Special detention and work release facilities shall provide one shower or bathing facility with hot and cold running water for every ten prisoners. (Not applicable - 72 hours.) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-530, filed 10/12/84.]

WAC 289-10-600 Emergency power. There shall be emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one elevator, where one exists, and to provide minimum lighting within the facility. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-600, filed 10/12/84.]

Chapter 289-12 WAC PHYSICAL PLANT STANDARDS

WAC
289-12-030 New facilities.

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

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

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

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

(a) Functional areas.

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

(A) Single occupancy cells: Seventy-two square feet or larger with not less than eight foot ceilings. A single occupancy cell should contain not less than fifty square feet of clear floor space.

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

(C) Dormitories, when included: A minimum and maximum capacity of eight to ten males or four to ten females and sixty square feet of floor space per prisoner in semi-private sleeping areas. The dormitory shall also include day room space, as provided in (2)(a)(i)(B) above, and 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. Subject to appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following structural criteria shall apply to all state funded new construction or remodeling of detention and correctional facilities:

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

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

(iii) Entrances and exits.

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

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

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

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

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

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

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

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

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

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

(A) There shall be at least one toilet and lavatory for every eight 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. Sprinklers shall not be required within cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) Emergency power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where

one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

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

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible. [Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070. 85-14-120 (Resolution No. 85-02), § 289-12-030, filed 7/3/85; 85-05-002 (Resolution No. 85-02), § 289-12-030, filed 2/7/85. Statutory Authority: Chapter 70.48 RCW. 82-20-094 (Order 30), § 289-12-030, filed 10/6/82. Statutory Authority: RCW 70.48.050(5) and 70.48.070(4). 82-08-051 (Order 24), § 289-12-030, filed 4/2/82. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-030, filed 6/27/79.]

Chapter 289-15 WAC

CUSTODIAL CARE STANDARDS--SAFETY

WAC

289-15-130	Use of force. (Holding facilities.)
289-15-210	Fire prevention and suppression. (Detention and correctional facilities.)
289-15-225	Maximum capacities.
289-15-230	Use of force. (Detention and correctional facility.)

WAC 289-15-130 Use of force. (Holding facilities.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

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

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

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

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow

through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

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

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

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold. [Statutory Authority: RCW 70.48.050 (3)(c), 84-16-042 (Order 84-02), § 289-15-130, filed 7/27/84. Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-15-130, filed 3/24/81.]

WAC 289-15-210 Fire prevention and suppression. (Detention and correctional facilities.) (1) The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:

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

(b) A requirement that staff are alert to fire hazards during their daily rounds.

(c) Fire prevention inspections at least semi-annually by the fire department having jurisdiction; provided, that when such inspections cannot be obtained from such fire department the facility shall provide such inspections by an independent, qualified source.

(d) Recommendations resulting from inspections should be promptly implemented WAC 289-15-210 (1)(d) ADVISORY; and

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

(2) Results of all fire department inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports. [Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-15-210, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-15-210, filed 3/18/81.]

WAC 289-15-225 Maximum capacities. Pursuant to WAC 289-15-220, the maximum capacity of each detention and correctional facility within the state of Washington is established at the figure indicated below.

Detention Facilities

Auburn (22)
Bremerton (23)
Issaquah (6)
Olympia (temporary) (19)
Stevens County (22)

Correctional Facilities

Asotin County (16)
Benton County (109)
Chelan County (132)
Clallam County (102)
Clark County (300)
Cowlitz County (91)
Ferry County (22)
Forks (11)
Franklin County (76)
Grant County (54)
Grays Harbor County (74)
Island County (50)
Jefferson County (18)
Kent (20)
King County (1038)
Kitsap County (103)
Kitsap County Work Release (42)
Kittitas County (45)
Klickitat County (30)
Lewis County (68)
Lincoln County (15)
Mason County (34)
Okanogan County (67)
Pacific County (29)
Pend Oreille County (18)
Pierce County (470)
Skagit County (83)
Skamania County (17)
Snohomish County (116)
Snohomish County Work Release (60)
Spokane County (352)
Thurston County (94)
Walla Walla County (44)
Whatcom County (82)
Whitman County (34)
Yakima County (274)

[Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070, 86-02-021 (Order 86-04), § 289-15-225, filed 12/24/85; 85-14-086 (Order 85-03), § 289-15-225, filed 7/1/85; 85-05-001 (Resolution No. 85-01), § 289-15-225, filed 2/7/85; 85-01-034 (Resolution No. 84-52), § 289-15-225, filed 12/12/84. Statutory Authority: RCW 70.48.050 (1)(c), 84-16-041 (Order 84-01), § 289-15-225, filed 7/27/84. Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070(4), 83-20-092 (Order 34), § 289-15-225, filed 10/5/83; 83-04-004 (Order 32), § 289-15-225, filed 1/21/83; 82-11-070 (Order 28), § 289-15-225, filed 5/17/82.]

WAC 289-15-230 Use of force. (Detention and correctional facility.) (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

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

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and that the officer reasonably believes that other reasonable and available alternatives would be ineffective.

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

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

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

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

(8) No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold. [Statutory Authority: RCW 70.48.050 (3)(c), 84-16-042 (Order 84-02), § 289-15-230, filed 7/27/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-15-230, filed 3/18/81.]

Chapter 289-16 WAC

CUSTODIAL CARE STANDARDS--OPERATIONS

WAC

289-16-100	Admissions. (Holding facilities.)
289-16-130	Classification/segregation. (Holding facilities.)
289-16-200	Admissions. (Detention and correctional facilities.)
289-16-230	Classification/segregation. (Detention and correctional facilities.)

WAC 289-16-100 Admissions. (Holding facilities.)

(1) Authorized confinement. No prisoner shall be confined without proper legal authority.

(2) Telephone. Each prisoner, within a reasonable period of time 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: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

(3) Language problems. Reasonable provisions for communication with non-English speaking, handicapped and illiterate prisoners shall be provided.

(4) Booking process. The booking process shall be completed promptly unless extenuating circumstances necessitate delay.

(5) Search/examination, when allowed.

(a) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding pat searches, strip searches, and body cavity searches, which shall be consistent with this section.

(b) Each prisoner shall be searched for contraband in a manner consistent with this subsection and written policies and procedures established thereunder, as necessary to protect the safety of prisoners, staff, and institutional security.

(c) No strip search shall be conducted except pursuant to the written policies and procedures required by (a) of this subsection.

(d) No strip search shall be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed. Reasonable suspicion shall be deemed to be present when a prisoner has been arrested for:

(i) A violent offense as defined in RCW 9.94A.030(17) or any successor statute;

(ii) An offense involving escape, burglary, or the use of a deadly weapon; or

(iii) An offense involving possession of a drug or controlled substance under chapter 69.50 RCW or any successor statute.

No strip search shall be authorized or conducted in these cases unless a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

(e) A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

(i) The name and serial number of the officer conducting the strip search and of all others present or observing any part of the strip search;

(ii) The time, date, and place of the strip search; and

(iii) Any weapons, criminal evidence, other contraband, or health condition discovered as a result of the strip search.

Except where reasonable suspicion is deemed present because of the nature of the arrest offense, this report or these reports shall also contain:

(iv) The name of the supervisor authorizing the strip search; and

(v) The specific facts constituting reasonable suspicion to believe the strip search was necessary.

(f) No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant

for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by (a) of this subsection. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(6) Search procedures, general. The following provisions shall apply to all strip searches and body cavity searches:

(a) Strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

(b) A strip search or body cavity search, as well as presearch undressing or postsearch dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (7)(a) of this section, as permitted by subsection (7)(c) of this section or when necessary to assure the safety of the prisoner or any person conducting the search.

(c) No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except as provided in subsection (7)(c) of this section.

(d) When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries; "health tags"; and body vermin. Less complete searches should include the same checks to the extent possible. WAC 289-16-100 (6)(d) ADVISORY.

(e) Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

(7) Body cavity searches. The following additional provisions shall apply to body cavity searches:

(a) A body cavity search may be conducted only pursuant to subsection (5)(e) of this section. Any body cavity search shall be performed under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

(b) When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present. WAC 289-16-100 (7)(b) ADVISORY.

(c) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(d) The officer requesting the body cavity search shall prepare and sign a report, which shall include:

(i) A copy of the warrant and any supporting documents required;

(ii) The name and sex of all persons conducting or observing the search;

(iii) The time, date, place, and description of the search; and

(iv) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the agency's records.

(8) All physical markings and "health tag" identification should be recorded and made available to the appropriate jail employees and medical professionals responsible for care of prisoner. WAC 289-16-100(8) ADVISORY.

(9) Particularly when force has been used during arrest, all visible injuries should be photographed. WAC 289-16-100(9) ADVISORY.

(10) Body vermin. Any person with body vermin shall be treated appropriately.

(11) Medical complaints. Complaints of illness or injury expressed or detected during booking shall be acted upon promptly by the staff person on duty and the prisoner shall be provided medical treatment as necessary.

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

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

(14) Bedding and personal care items. At a reasonable time after completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-20-180.

(15) Writing paper. Upon prisoner request, a reasonable supply of writing material shall be furnished. [Statutory Authority: RCW 10.79.060 - 10.79.110. 85-01-032 (Resolution No. 84-51), § 289-16-100, filed 12/12/84. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-100, filed 3/24/81.]

WAC 289-16-130 Classification/segregation. (Holding facilities.) (1) Classification procedures. Written classification procedures shall be included in the policies and procedures.

(2) Classification. The department of corrections or chief law enforcement officer, or his designee, shall be responsible for classification in accordance with written procedures.

(3) Classification training. At least one staff person per shift shall be trained in the facility's classification

procedures and shall be responsible for classification. (30 day, 72 hour) (Not applicable - 6 hour)

(4) Classification criteria. To the extent possible in the available physical plant, the following classification criteria shall be used. If (4)(a) through (d) cannot be enforced, arrangements shall be made to immediately transfer the prisoners involved to another facility which can segregate and supervise them.

(a) The primary criteria for classification shall be safety of the prisoner and the security of the institution.

(b) Juvenile.

(i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts: *Provided*, That no person under the chronological age of sixteen shall be held in a jail or holding facility for adults: *Provided further*, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."

(ii) A juvenile shall not be confined in a jail or holding facility for adults, except:

(A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

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

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

(e) Prisoners on work release and weekend confinement programs, and any other prisoners who have regular contact outside the jail should be segregated from other prisoner categories (30 day, 72 hour). WAC 289-16-130 (4)(e) ADVISORY (Not applicable - 6 hour)

(f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post trial status, and offender sophistication. [Statutory Authority: 1985 c 50, 85-18-025 (Order 86-03), § 289-16-130, filed 8/27/85. Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-16-130, filed 3/24/81.]

WAC 289-16-200 Admissions. (Detention and correctional facilities.) (1) General.

(a) The receiving officer shall determine that the arrest and confinement 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.

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

(c) The information required by the commission shall be recorded for each prisoner booked into the facility.

(d) 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.

(e) 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.

(f) The booking process shall be completed promptly unless the physical or mental condition of the prisoner necessitates delay.

(2) Search/examination, when allowed.

(a) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding pat searches, strip searches and body cavity searches, which shall be consistent with this section.

(b) Each prisoner shall be searched for contraband in such a manner consistent with this subsection and written policies and procedures established thereunder, as is necessary to protect the safety of prisoners, staff, and institutional security.

(c) No strip search shall be conducted except pursuant to the written policies and procedures required by (a) of this subsection.

(d) No strip search shall be conducted prior to the prisoner's first court appearance unless there is reasonable suspicion that the person has on his or her person evidence of a crime, contraband, fruits of a crime, things otherwise criminally possessed, a weapon, or other things by means of which a crime has been or reasonably appears about to be committed. Reasonable suspicion shall be deemed to be present when a prisoner has been arrested for:

(i) A violent offense as defined in RCW 9.94A.030(17) or any successor statute;

(ii) An offense involving escape, burglary, or the use of a deadly weapon; or

(iii) An offense involving possession of a drug or controlled substance under chapter 69.50 RCW or any successor statute.

No strip search shall be authorized or conducted in these cases unless a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

(e) A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

(i) The name and serial number of the officer conducting the strip search and of all others present or observing any part of the strip search;

(ii) The time, date, and place of the strip search; and

(iii) Any weapons, criminal evidence, other contraband, or health condition discovered as a result of the strip search.

Except where reasonable suspicion is deemed present because of the nature of the arrest offense, this report or these reports shall also contain:

(iv) The name of the supervisor authorizing the strip search; and

(v) The specific facts constituting reasonable suspicion to believe the strip search was necessary.

(f) No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by (a) of this subsection. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

(3) Search procedures, general. The following provisions shall apply to all strip searches and body cavity searches:

(a) Strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

(b) A strip search or body cavity search, as well as presearch undressing or postsearch dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by subsection (4)(a) of this section, as permitted by subsection (4)(c) of this section or when necessary to assure the safety of the prisoner or any person conducting the search.

(c) No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except as provided in subsection (4)(c) of this section.

(d) When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars

and injuries; "health tags;" and body vermin. Less complete searches should include the same checks to the extent possible. WAC 289-16-200 (3)(d) ADVISORY.

(e) Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

(4) Body cavity searches. The following additional provisions shall apply to body cavity searches:

(a) A body cavity search may be conducted only pursuant to subsection (2)(e) of this section. Any body cavity search shall be performed under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

(b) When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present. WAC 289-16-200 (4)(b) ADVISORY.

(c) Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

(d) The officer requesting the body cavity search shall prepare and sign a report, which shall include:

(i) A copy of the warrant and any supporting documents required;

(ii) The name and sex of all persons conducting or observing the search;

(iii) The time, date, place, and description of the search; and

(iv) A statement of the results of the search and a list of any items removed from the person as a result of the search.

The report shall be retained as part of the agency's records.

(5) All physical markings and "health tag" identifications shall be recorded and made available to the appropriate jail employees and the medical professionals responsible for care of the prisoner under chapter 289-20 WAC.

(6) Particularly when force has been used during arrest, all visible injuries should be photographed. WAC 289-16-200(6) ADVISORY.

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

(8) Medical complaints. Complaints of illness or injury expressed or observed during booking shall be checked promptly in accordance with the medical procedure established under WAC 289-20-220.

(9) Communicable diseases. A prisoner suspected of having a communicable disease as defined in WAC 289-02-020(17) 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.

(10) Personal property. The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt.

(11) Prisoner weight. Each prisoner's weight should be measured and recorded upon admission. WAC 289-16-200(11) ADVISORY.

(12) Photographs and fingerprints.

(a) Front and side-view identification photographs of each prisoner should stipulate the arresting agency or the booking agency and the date of arrest or the date of the photograph. WAC 289-16-200 (12)(a) ADVISORY.

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

(13) Issuances.

(a) Each jail should establish its own policy on prisoners' use of personal clothing or jail uniforms. WAC 289-16-200 (13)(a) ADVISORY.

(b) At a reasonable time after the completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-20-280.

(c) Upon prisoner request, a reasonable supply of writing material shall be furnished. [Statutory Authority: RCW 10.79.060 - 10.79.110. 85-01-032 (Resolution No. 84-51), § 289-16-200, filed 12/12/84. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-200, filed 3/18/81.]

WAC 289-16-230 Classification/segregation. (Detention and correctional facilities.) (1) Classification.

(a) The department of corrections or chief law enforcement officer shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.

(b) A classification committee, or individual shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures: *Provided*, That this does not preclude designation of alternate persons to serve in such individuals' absence: *Provided further*, That certain classification functions, such as initial cell assignment, may be delegated, in writing, to staff not assigned to classification functions.

(c) It is recommended that no less than two facility staff members be responsible for classification determinations when reasonably possible. WAC 289-16-230 (1)(c) ADVISORY.

(d) 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.

(2) Classification procedures.

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

designated staff. Where designated staff conduct the interviews, the information shall be reported to the classification committee, or person responsible in a uniform manner.

(b) Each prisoner shall be classified as soon as reasonably possible.

(c) The prisoner shall be promptly informed of any classification housing assignment decision other than "general population," and of his right to have that decision reviewed upon making a request. Such notice shall also be given with regard to any reclassification action.

(d) 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. Such request shall be reviewed by the department of corrections, chief law enforcement officer, or a designated staff member supervisory to the classification committee, within 72 hours of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(3) Criteria for prisoner classification.

(a) The primary criteria for classification shall be the safety of the prisoner and the security of the institution.

(b) Juveniles.

(i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts: *Provided*, That no person under the chronological age of sixteen shall be held in a jail or holding facility for adults: *Provided further*, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."

(ii) A juvenile shall not be confined in a jail or holding facility for adults, except:

(A) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(B) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

(c) Females shall be segregated from visual communication and physical contact with male prisoners except under the direct supervision of a staff person.

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

(e) 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.

(f) Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post-trial status, and offender sophistication.

(4) Administrative segregation.

(a) Written classification procedures shall include provisions for the separation of certain prisoners for their own protection, for purposes of investigation, and for the security of the facility.

(b) Written documentation shall be maintained for each case of administrative segregation. [Statutory Authority: 1985 c 50. 85-18-025 (Order 86-03), § 289-16-230, filed 8/27/85. Statutory Authority: Chapter 70.48 RCW. 81-08-001 (Order 12), § 289-16-230, filed 3/19/81; 81-07-057 (Order 10), § 289-16-230, filed 3/18/81.]

Chapter 289-19 WAC CUSTODIAL CARE STANDARDS--PRISONER CONDUCT

WAC

289-19-110 Prisoner rules of conduct. (Holding facilities.)
289-19-220 Discipline. (Detention and correctional facilities.)

WAC 289-19-110 Prisoner rules of conduct. (Holding facilities.) (1) Rules established.

(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. (30 day, 72 hour)

(b) Appropriate rules relating to the imposition of discipline, if any, shall be established in writing. (6 hour)

(2) Prisoners informed.

(a) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the jail or conveyed orally to each prisoner. Reasonable efforts shall be made to inform non-English speaking prisoners. (30 day, 72 hour)

(b) Prisoners shall be informed of facility rules and sanctions, if any are established. (6 hour)

(3) Major infractions. If major infractions are handled within the facility, rather than as criminal proceedings, the following shall apply:

(a) 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.

(b) Disciplinary committee.

(i) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of

major violation of facility rules and impose sanctions. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. (30 day) WAC 289-19-110 (3)(b)(ii) ADVISORY. (Not applicable - 72 hour, 6 hour)

(iii) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Disciplinary procedures.

(i) Any charge pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing. (30 day) (Not applicable - 72 hour, 6 hour)

(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 289-19-110 (3)(a). If the prisoner is illiterate, the infraction report shall be read to him. (30 day) (Not applicable - 72 hour, 6 hour)

(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 judgments and the prisoner's record shall contain a statement with regard to such grounds;

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

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

(E) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) All disciplinary proceedings shall be recorded. (30 day) (Not applicable - 72 hour, 6 hour)

(v) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction. (30 day) (Not applicable - 72 hour, 6 hour)

(4) Minor infractions. Minor infractions may be handled by any staff person 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. [Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-19-110, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-08-014 (Order 13), § 289-19-110, filed 3/24/81.]

WAC 289-19-220 Discipline. (Detention and correctional facilities.) (1) Disciplinary committee.

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

(b) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-19-220 (1)(b) ADVISORY.

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

(2) Disciplinary procedures.

(a) Any charges pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing.

(b) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with WAC 289-19-210(3). If the prisoner is illiterate, the infraction report shall be read to him.

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

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

(ii) 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 judgments and the prisoner's record shall contain a statement with regard to such grounds;

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

(iv) 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

(v) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her

designee in accordance with appeal procedures established by each facility and included in the printed rules.

(d) All disciplinary proceedings shall be recorded.

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

(f) The above provisions do not preclude imposition of administrative segregation, according to procedures required by WAC 289-16-230(4), or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding: *Provided*, That every such restriction shall be in accordance with the other provisions in these standards: *Provided further*, That any such restrictions shall be based on legitimate grounds of institutional security or prisoner safety, and such action shall be noted in the prisoner's records.

(3) Corrective action or forms of discipline.

(a) Nonpunitive corrective action should be the first consideration in all disciplinary proceedings. WAC 289-19-220 (3)(a) ADVISORY.

(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.

(4) Limitations on punishment.

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

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

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

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. WAC 289-19-220 (4)(d)(i) ADVISORY.

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

(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 or his or her designee, 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.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not

be used as sanctions. [Statutory Authority: RCW 70.48-.050 (3)(c), 84-21-042 (Order 84-50), § 289-19-220, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-19-220, filed 3/18/81.]

Chapter 289-22 WAC

CUSTODIAL CARE STANDARDS—SERVICES AND PROGRAMS

WAC
289-22-200 Services. (Detention and correctional facilities.)

WAC 289-22-200 Services. (Detention and correctional facilities.) (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, or the facility shall make arrangements to order any such items from publishers and/or local newsstands.

(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 prisoners account shall be accurately recorded and receipted.

(2) Basic hair care. All jails shall make reasonable arrangements to provide basic hair care.

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

(4) Legal assistance.

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

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

(5) Religious services.

(a) Upon request from a prisoner, the jail facility shall arrange religious services or confidential religious consultation.

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

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-22-200 (5)(c) ADVISORY.

(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.

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in detention and correctional facilities with an opportunity to discuss their problems, interests, and program. WAC 289-22-200 (6)(a) ADVISORY.

(b) The department of corrections or chief law enforcement officer may utilize volunteer counseling resources available in the community. WAC 289-22-200 (6)(b) ADVISORY.

(c) Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling. WAC 289-22-200 (6)(c) ADVISORY.

(d) Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body. WAC 289-22-200 (6)(d) ADVISORY.

(e) Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

(f) Prisoners being discharged should receive assistance in obtaining employment, housing, acceptable clothing, and transportation. WAC 289-22-200 (6)(f) ADVISORY. [Statutory Authority: RCW 70.48.050 (3)(c), 84-21-042 (Order 84-50), § 289-22-200, filed 10/12/84. Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-22-200, filed 3/18/81.]

Chapter 289-26 WAC

CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES

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

(2) The mandatory custodial care standards for special detention facilities are intended to meet minimum legal requirements for health, welfare, and security for low-risk prisoners (including work release prisoners) considering the length of stay and the prisoner classification involved. They do not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular facility. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-005, filed 10/12/84.]

WAC 289-26-100 General administration. There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility. These may be included in policies and procedures for a jail of which the special detention facility is a part. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-100, filed 10/12/84.]

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

(2) All special detention facility staff whose primary responsibility is the supervision of prisoners shall meet the training and education standards established by the Washington state criminal justice training commission. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-120, filed 10/12/84.]

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

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

(3) Medical.

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

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

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

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

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

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

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

(9) Personnel. Performance and training records should be maintained for each staff member employed by the facility. WAC 289-14-130(8) ADVISORY. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-130, filed 10/12/84.]

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

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

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

(4) All personnel shall be trained in the emergency procedures. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-200, filed 10/12/84.]

WAC 289-26-210 Fire prevention and suppression. The department of corrections or chief law enforcement officer shall establish and maintain a written fire prevention, suppression, and evacuation plan. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-210, filed 10/12/84.]

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

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

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or

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

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

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

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

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

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

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-220, filed 10/12/84.]

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

(2) The board shall establish a maximum capacity at its next regularly-scheduled public meeting. It shall be the responsibility of the board to establish cause for revising the maximum capacities proposed by the governing unit in question. One year special detention and work release facilities will be deemed adequate to house up to the number of prisoners which would result in sixty square feet per prisoner in each single room, multiple occupancy room and dormitory and a minimum of thirty-five square feet per prisoner for leisure time activity space. Seventy-two hour special detention facilities will be deemed adequate to house up to the number of

prisoners which would result in sixty square feet per prisoner in each single room, multiple occupancy room and dormitory. [Statutory Authority: RCW 70.48.050. 85-18-024 (Order 86-02), § 289-26-300, filed 8/27/85. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-300, filed 10/12/84.]

WAC 289-26-310 Crowding. Facilities shall provide one bed and an average net living area (as defined in WAC 289-02-020(11)) consistent with WAC 289-26-300 for each prisoner. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300. [Statutory Authority: RCW 70.48.050. 85-18-024 (Order 86-02), § 289-26-310, filed 8/27/85. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-310, filed 10/12/84.]

WAC 289-26-320 Overcrowding. No prisoner shall be required to sleep on a mattress on the floor or directly on the floor. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-320, filed 10/12/84.]

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

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

(3) Bedding and personal care items. At a reasonable time after admission to the facility, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-26-780. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-400, filed 10/12/84.]

WAC 289-26-410 Low-risk classification. Special detention facilities shall primarily house low-risk, minimum custody sentenced prisoners, as determined by court order or written classification procedures consistent with WAC 289-16-130 (1) through (3). [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-410, filed 10/12/84.]

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

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

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

(c) Prisoner rights and privileges;

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

(2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-420, filed 10/12/84.]

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

(1) Juvenile.

(a) No juvenile shall be held in a special detention facility without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts: *Provided*, That no person under the chronological age of sixteen shall be held in a special detention facility. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6)(c) or successor statute does not constitute a "transfer."

(b) A juvenile shall not be confined in a jail or holding facility for adults, except:

(i) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

(ii) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

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

(3) Special problem prisoners who endanger the health or safety of other prisoners (or themselves) shall be segregated and closely supervised. [Statutory Authority: 1985 c 50. 85-18-025 (Order 86-03), § 289-26-430, filed 8/27/85. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-430, filed 10/12/84.]

WAC 289-26-440 Good time. The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time, when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 9.92.150 and 70.48.210. WAC 289-26-430 ADVISORY. (Not applicable - 72 hour.) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-440, filed 10/12/84.]

WAC 289-26-450 Release and transfer. (1) Release:

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

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

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

(2) Transfer. In addition to the release procedures designated in this section, the releasing officer shall determine that the receiving unit or person, if any, has the authority to accept custody. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-450, filed 10/12/84.]

WAC 289-26-460 Transportation. When special detention facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the facility, the department of corrections or chief law enforcement officer shall develop and maintain written instructions which insure the safety and security of the prisoners and staff. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-460, filed 10/12/84.]

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

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

(3) Surveillance.

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

(b) To ensure the welfare of the prisoner, staff shall personally observe each prisoner in the facility at least three times within an eight hour period. All prisoner checks shall be recorded in writing and retained in the facility records. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-500, filed 10/12/84.]

WAC 289-26-510 Supervision and surveillance. (1) Prisoner identification. All special detention facilities shall establish a means of identifying prisoners.

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

(3) Prisoner counts. In addition to staff observations a system shall be maintained for taking and recording the

count of prisoners in the facility at least once during an eight-hour period.

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

(5) Strip searches and body cavity searches of the prisoner shall conform to WAC 289-16-100 (5) through (9). [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-510, filed 10/12/84.]

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

(2) Keys and locking devices.

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

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

(c) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or failure of the system. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-520, filed 10/12/84.]

WAC 289-26-600 Introduction. Where any disciplinary rules or sanctions exist, the facility must comply with the applicable provisions of this chapter, or with the rules and regulations of the state department of corrections regarding prisoners' rights, discipline and grievance procedures. Compliance with such rules and regulations of the department shall be deemed full compliance with this section and WAC 289-26-610 through 289-26-640. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-600, filed 10/12/84.]

WAC 289-26-610 Prisoner rights. Each special detention facility shall establish written policies and procedures regarding prisoner rights, available to prisoners, which shall include, but not be limited to access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment and freedom from discrimination based on race or sex. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-610, filed 10/12/84.]

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

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

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

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

(b) Disciplinary committee.

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

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

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

(c) Disciplinary procedures.

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

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with subsection (3)(a) of this section. An inmate may waive this requirement in writing. If the prisoner is illiterate, the infraction report shall be read to him or her.

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

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

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

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

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

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

(iv) All disciplinary proceedings shall be recorded.

(v) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-620, filed 10/12/84.]

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

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

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

- (i) Loss of privileges;
- (ii) Removal from work detail or other assignment;
- (iii) Recommendation of forfeiture of "good time" credit;
- (iv) Transfer to the maximum security or segregation section.

(2) Limitations on punishment.

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

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

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

(d) Restrictions on visitation.

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

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

(e) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-630, filed 10/12/84.]

WAC 289-26-640 Grievance procedures. The department of corrections or chief law enforcement officer for each special detention facility should develop and

maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for notification of action taken regarding the grievance. WAC 289-26-640 **ADVISORY.** (Not applicable - 72 hour.) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-640, filed 10/12/84.]

WAC 289-26-700 Written procedures for medical services. (1) There shall be on file in the facility a written procedure which provides that necessary medical services will be provided twenty-four hours a day by one or more of the following:

- (a) A licensed physician;
- (b) A health care professional supervised by a licensed physician; or
- (c) A hospital or clinic.

(2) Licensing and certifications. Medical services shall be provided only by licensed or certified health care providers. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-700, filed 10/12/84.]

WAC 289-26-705 Health care policies and procedures. Written standard operating procedures shall consist of but not be limited to the following:

- (1) Admission screening;
- (2) Nonemergency medical services;
- (3) Deciding the emergency nature of illness or injury;
- (4) First-aid;
- (5) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (6) Detoxification procedures; and
- (7) Pharmaceuticals. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-705, filed 10/12/84.]

WAC 289-26-710 Health screening. Receiving screening shall be performed on all prisoners upon admission to the facility. If the results of receiving screening indicate a medical problem that may be detrimental to the health or safety of the prisoner, but is of a non-emergency nature, then the prisoner shall be seen within a reasonable time by a physician or nurse to determine the need for further diagnosis or treatment. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-710, filed 10/12/84.]

WAC 289-26-720 Access to health care. (1) Written procedures for gaining access to medical services shall be made available to each prisoner.

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

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

(4) Emergency care:

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

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

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

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

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

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

(v) Arrangements for emergency mental illness care for prisoners. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-720, filed 10/12/84.]

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

(a) Awareness of potential medical emergency situations;

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

(c) First-aid and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

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

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

(4) All persons delivering medication shall be properly trained. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-730, filed 10/12/84.]

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

(2) Communicable diseases. Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-735, filed 10/12/84.]

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

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

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

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

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

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

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

(d) Disposition of unused medication(s).

(3) The standard operating procedures shall include a policy regarding the maximum security storage and weekly inventory of all controlled substances, prescription medication(s), and any syringes, needles and surgical instruments. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-740, filed 10/12/84.]

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

(2) Prisoner file confidentiality.

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

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

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

(4) The person delivering medications shall record the actual date and time of the delivery. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-750, filed 10/12/84.]

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

(2) Special medical.

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

(b) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-26-705 shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates, and similar drugs when such care is not provided in a community health facility. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-760, filed 10/12/84.]

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

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-765, filed 10/12/84.]

WAC 289-26-770 Food. (1) Meal service. At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.

(2) Nutritional and caloric intake.

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

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

(c) Medically and dentally ordered diets shall be strictly observed. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-770, filed 10/12/84.]

WAC 289-26-780 Clothing, bedding and personal items. (1) Clothing.

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

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

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

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

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

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

(3) Personal care items.

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

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

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede facility management or security. WAC 289-26-780 (3)(c) ADVISORY. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-780, filed 10/12/84.]

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

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

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

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

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

(3) Laundry. Each facility shall arrange for adequate laundry services. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-790, filed 10/12/84.]

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

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

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

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

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

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

(5) Legal assistance.

(a) Special detention facilities shall permit access to professional legal assistance or necessary law books and reference materials for purposes of preparing and filing legal papers. (Not applicable - 72 hour)

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

(6) Religious services.

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

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

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

(d) Attendance at religious services shall be voluntary.

(7) Counseling, guidance, and ancillary services.

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

(b) The special detention facility should utilize volunteer counseling resources available in the community. (Not applicable - 72 hour) WAC 289-26-800 (7)(b) ADVISORY. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-800, filed 10/12/84.]

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

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

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

(4) Leisure time activity programs. Special detention facilities should provide opportunities for all prisoners to participate in leisure time activities, inside or outside the facility. WAC 289-26-810(5) ADVISORY. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-810, filed 10/12/84.]

WAC 289-26-900 Telephone usage. (1) Prisoners shall have reasonable access to telephones. Usage hours

shall include time during the normal work day and time during the evening, at least once a week per prisoner. (Not applicable - 72 hour)

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

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

(4) Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order. Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours. (Not applicable - 72 hour.) [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-900, filed 10/12/84.]

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

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

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

(2) Correspondence.

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

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

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

(d) Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks, and may be perused for content when the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the contents of a letter may present a clear and present danger to facility security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

(e) Except by court order, outgoing mail shall not be opened unless the responsible staff person designated by

the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to facility security or violates state or federal law. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-910, filed 10/12/84.]

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

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

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

(4) Visitor regulations.

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

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

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

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

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

(iii) Request from the prisoner's physician.

(iv) Request from the prisoner.

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

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

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

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

(iii) A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-26-920, filed 10/12/84.]

Chapter 289-28 WAC

CUSTODIAL CARE STANDARDS FOR WORK RELEASE FACILITIES

WAC

289-28-100	Applicability.
289-28-200	Eligibility for work release.
289-28-210	Orientation.
289-28-220	Transportation.
289-28-230	Employment restrictions.
289-28-300	Prisoner money accounts.
289-28-400	Accountability for prisoners.
289-28-410	Searches.

WAC 289-28-100 Applicability. Work release facilities shall comply with the standards in chapter 289-28 WAC, the standards in chapter 289-26 WAC (Custodial care standards for special detention facilities) and the standards in chapter 289-10 WAC (Physical plant standards for special detention facilities). [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-100, filed 10/12/84.]

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

(2) When the chief law enforcement officer (or director of corrections) or designee recommends a prisoner for work release this shall be pursuant to written criteria, which consider at a minimum the prisoner's good conduct and the security risk that he or she presents. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-200, filed 10/12/84.]

WAC 289-28-210 Orientation. A written agreement which specifies the rules and conditions of work release program eligibility shall be signed by each prisoner and witnessed by staff signature. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-210, filed 10/12/84.]

WAC 289-28-220 Transportation. The use of personal automobiles shall be governed by written policy which shall ensure that the prisoner has a valid Washington state driver's license and minimum liability insurance coverage. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-220, filed 10/12/84.]

WAC 289-28-230 Employment restrictions. Work release facilities shall comply with RCW 70.48.210 (3)(b), prohibiting work release prisoners from working in an establishment where there is a labor dispute. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-230, filed 10/12/84.]

WAC 289-28-300 Prisoner money accounts. (1) The accounting system for prisoner money shall be described by written policy and procedure, which shall be

available to prisoners. All deposits, payments, and expenditures shall be recorded and receipted.

(2) The chief law enforcement officer (or director of corrections) or designee may collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the facility, court-ordered restitution and victim-compensation payments, and share of the administrative expenses, as set forth in RCW 70.48.210 (3)(d).

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

(4) With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Any balance shall be retained and paid to the prisoner. [Statutory Authority: 1985 c 298. 85-18-023 (Order 86-01), § 289-28-300, filed 8/27/85. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-300, filed 10/12/84.]

WAC 289-28-400 Accountability for prisoners. (1) The work release prisoner shall be confined in a work release facility or jail unless authorized to be absent from the facility for program-related purposes.

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

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

(4) The facility shall establish and follow written policies and procedures to verify attendance of prisoners at the place for which absence from the facility is authorized. [Statutory Authority: 1985 c 298. 85-18-023 (Order 86-01), § 289-28-400, filed 8/27/85. Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-400, filed 10/12/84.]

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

(2) The facility shall have written policies and procedures regarding the use of breathalizers, urine analysis, and other means to detect the use of alcohol or unauthorized drugs. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-28-410, filed 10/12/84.]