

Title 289 WAC

CORRECTIONS STANDARDS BOARD

(Formerly: Jail Commission)

Chapters

- 289-02 Introduction and definitions.
- 289-04 Organization and methods of operation.
- 289-06 Access to public records.
- 289-10 Physical plant standards for special detention and work release facilities.
- 289-12 Physical plant standards.
- 289-13 Jail construction funding procedures.
- 289-14 Custodial care standards—Administration.
- 289-15 Custodial care standards—Safety.
- 289-16 Custodial care standards—Operations.
- 289-18 Custodial care standards—Security.
- 289-19 Custodial care standards—Prisoner conduct.
- 289-20 Custodial care standards—Health and welfare.
- 289-22 Custodial care standards—Services and programs.
- 289-24 Custodial care standards—Communications.
- 289-26 Custodial care standards for special detention facilities.
- 289-28 Custodial care standards for work release facilities.
- 289-30 Custodial care standards—Enforcement procedures.

Chapter 289-02 WAC

INTRODUCTION AND DEFINITIONS

WAC

- 289-02-010 General.
- 289-02-020 Definitions.
- 289-02-030 Classification change.
- 289-02-040 Classification and uses of holding facilities.
- 289-02-050 Classification and uses of special detention and work release facilities.

WAC 289-02-010 General. The rules set forth in this title are adopted by the state jail commission pursuant to and for purposes of fulfilling the mandates of the City and County Jails Act, chapter 70.48 RCW.

[Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-02-010, filed 6/27/79.]

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

- (1) "Clear floor space" means floor area which is unobstructed by any permanent fixture.
- (2) "Contraband" means any substance or item not specifically permitted by a jail administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20) "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.

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

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

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-02-020, filed 9/9/86. 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 289-02-030 Classification change. Under authority cited in RCW 70.48.050 (1)(c) the commission shall classify each jail and each jail shall function in compliance with the provisions of its classification as defined in RCW 70.48.020 and the applicable administrative codes.

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

Before granting a change in any jail classification the commission shall determine that the requesting jail meets all standards for the requested classification.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-02-030, filed 6/27/79.]

WAC 289-02-040 Classification and uses of holding facilities. (1) The corrections standards board shall classify each holding facility as a "6-hour," "72-hour," or "30-day" holding facility, pursuant to WAC 289-02-030. (2) Pursuant to RCW 70.48.050 (1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve up to four 72-hour sentences in a 72-hour holding facility: *Provided*, That no continuous portion thereof exceeds 72 hours and each such portion is followed by a period of nonincarceration which is at least as long as the period of incarceration. (3) Pursuant to RCW 70.48.050 (1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve two 30-day sentences in a 30-day holding facility: *Provided*, That no continuous portion thereof exceeds 30 days and each such portion is followed by a period of nonincarceration of at least seven days.

[Statutory Authority: RCW 70.48.050 (1)(c). 83-24-046 (Order 35), § 289-02-040, filed 12/2/83.]

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 289-04 WAC

ORGANIZATION AND METHODS OF OPERATION

WAC

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

WAC 289-04-010 Purpose. These rules are adopted to comply with the requirements of RCW 42.17.250 requiring each agency to adopt rules describing its organization and procedures.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-010, filed 6/27/79.]

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

(2) With the exception of the initial appointments to the commission, each member serves a three year term; vacan-

cies are filled through appointment by the governor for the unexpired term.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-020, filed 6/27/79.]

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

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

(a) Act as administrative arm of the commission;

(b) Coordinate the policies of the commission and the activities of all commission employees and other persons who perform ministerial functions for the commission; and

(c) Act as liaison between the commission and other public agencies.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-030, filed 6/27/79.]

WAC 289-04-040 Operations and procedures. The office of the commission and its staff is located at 110 East 5th Street, Olympia, WA 98504. The commission functions through public meetings to be held at least four times each year. Meetings are scheduled as necessary by the chairperson or called upon the request of a majority of the commission members and notice of such meetings will be given in accordance with RCW 42.30.110. Minutes are kept of all public meetings of the commission and are available for public inspection or copying under the provisions of chapter 289-08 WAC.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-04-040, filed 6/27/79.]

**Chapter 289-06 WAC
ACCESS TO PUBLIC RECORDS**

WAC

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

WAC 289-06-010 Purpose. The purpose of this chapter is to insure the full access of the public to the public records held by the state jail commission in compliance with the provision of chapter 42.17 RCW.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-010, filed 6/27/79.]

WAC 289-06-020 Public records available. All public records of the commission are deemed to be available to the public for inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.260, 42.17.310, and WAC 289-06-070.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-020, filed 6/27/79.]

WAC 289-06-030 Public records officer. The commission's public records shall be in charge of the director who shall be responsible for implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-030, filed 6/27/79.]

WAC 289-06-040 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purpose of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-040, filed 6/27/79.]

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

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

(a) The name of the person(s) requesting the record;

(b) The time of day and calendar date on which the request is made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the director or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-050, filed 6/27/79.]

WAC 289-06-060 Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of fifteen cents per page of copy for providing copies of public records and for use of the commission's copy equipment.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-060, filed 6/27/79.]

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

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

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-070, filed 6/27/79.]

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

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

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the thirtieth day following denial of inspection, whichever occurs first.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-080, filed 6/27/79.]

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

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

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

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

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

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

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

(2) The current index promulgated by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-090, filed 6/27/79.]

WAC 289-06-100 State jail commission—Communications. All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 70.48 RCW and its rules pursuant thereto, requests for copies of the commission's decisions and other matters, shall be addressed as follows: State Jail Commission, 110 East 5th Street, Olympia, WA 98504.

[Statutory Authority: Chapter 42.17 RCW. 79-07-066 (Order 1), § 289-06-100, filed 6/27/79.]

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

STATE JAIL COMMISSION
REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records (see index):

.
.
.

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

Signature

Number of copies

Number of pages

Per page charge \$

Total charge \$

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

Chapter 289-10 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	Living 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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-10-320	Leisure time activity space. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-320, filed 10/12/84.] Repealed by 86-19-016 (Order 86-07), filed 9/9/86. Statutory Authority: RCW 70.48.050.
289-10-330	Variations room/dormitories and leisure time activity space. [Statutory Authority: RCW 70.48.050 (3)(c) and 1984 c 110 § 7. 84-21-043 (Order 84-51), § 289-10-330, filed 10/12/84.] Repealed by 86-19-016 (Order 86-07), filed 9/9/86. Statutory Authority: RCW 70.48.050.

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 Living space. (1) One year special detention and work release facilities shall provide living space which meets the following requirements:

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

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

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

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

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-10-310, filed 9/9/86. 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 289-10-340 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 multipurpose 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 fourteen prisoners.

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-10-520, filed 9/9/86. 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 fourteen prisoners. (Not applicable - 72 hours.)

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-10-530, filed 9/9/86. 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	
289-12-010	Purpose.
289-12-020	Approval of site selection and design plan.
289-12-030	New facilities.
289-12-035	Guidelines for review of plans not meeting physical plant standards.
289-12-040	Remodeled facilities.
289-12-045	Variations from space requirements.

WAC 289-12-010 Purpose. The purpose of this chapter is to provide minimum standards for substantial remodeling of existing jails or constructing new jail facilities and for evaluating and measuring conformance of existing jails for degree of compliance with physical plant standards in accordance with RCW 70.48.050 through 70.48.080.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-010, filed 6/27/79.]

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

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

(3) Site and construction plans for a jail, which otherwise meet the requirements of these physical plant standards, will generally be approved for state funding with a ratio of sixty percent single cells to forty percent dormitories. Approval of jail plans providing for a greater or lesser ratio of single cells may be granted within the discretion of the

commission upon a showing of necessity under the specific circumstances.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-020, filed 6/27/79.]

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

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

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

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

(a) Functional areas.

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

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

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

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

(iii) Kitchen and dining facilities.

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

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

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped

with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: *Provided*, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

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

(v) Visitation and confidential consultation.

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

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

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

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

(viii) Supervisory stations.

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

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

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

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

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

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required

for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and nontoxic.

(iii) Entrances and exits.

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) Heating, ventilation and air conditioning.

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

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

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cells and conflicting

requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

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

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

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

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-12-030, filed 9/9/86. 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.]

WAC 289-12-035 Guidelines for review of plans not meeting physical plant standards. (1) Purpose. It is the purpose of this rule, in response to chapter 12, Laws of 1981 2nd ex. sess., to establish guidelines for the review and approval of plans which do not meet the previously-adopted physical plant standards set forth above but which may still satisfy minimal constitutional standards.

(2) General guidelines. In light of recent supreme court decisions, plans for new and/or remodeled state-funded detention or correctional facilities may be submitted to the commission for approval even though such plans contain modifications to the physical plant standards cited above. Such modifications to physical plant standards may include but are not necessarily limited to the following:

(a) Less than 72 square feet per prisoner in single occupancy cells;

(b) Less than 50 square feet per prisoner in dormitories;

(c) Less than 35 square feet per prisoner in dayrooms; and

(d) Multiple occupancy cells of more than one prisoner.

(3) Criteria for review. Based on recent supreme court decisions, the commission's review of plans submitted which contain requests for significant modifications from the physical plant standards shall take into consideration the following elements:

(a) The reasonableness of the proposed square footage per prisoner under (2)(a) through (2)(d) above;

(b) The length of prisoner stay in living areas designed to less than square footage required by WAC 289-12-030;

(c) Amount of out-of-cell opportunities, including but not limited to recreational, educational, and work programs;

(d) Whether modifications being proposed under (2) above will permit adequate classification and segregation of prisoners; and

(e) Whether other areas of the jail incorporate adequate space for necessary support activities and services, for which purpose the jail commission's "jail architectural programming guidelines" shall continue to be the general reference.

(4) Procedures for review. (a) Governing unit requests for approval of plans which include modifications to the physical plant standards as set forth in subsection (2), shall be submitted and approved or denied in accordance with established funding procedures set forth in chapter 289-13 WAC;

(b) Plans submitted by a governing unit for review and approval of modifications to the physical plant standards shall include a detailed statement that contains a sufficient amount of information on items (3)(b) through (3)(e) above to make a determination of adequacy on the plans;

(c) Governing unit requests for approval of plans will be scheduled for public meeting review and approval or disapproval by the full commission.

(5) Approval of plans submitted under this section will be based upon the established funded capacity and maximum budget for specific projects. No plan will be approved under this section which is not supported by a written showing of either (a) reduced construction costs or (b) no increase in construction costs but significant operational savings to the governing unit.

[Statutory Authority: 1981 2nd ex.s. c 12, RCW 70.48.050(5), 70.48.060(3) and 70.48.070(4). 82-11-069 (Order 27), § 289-12-035, filed 5/17/82.]

WAC 289-12-040 Remodeled facilities. Plans for substantially remodeling existing jail facilities shall conform to the minimum standards for physical plants, except where variances are approved by the commission.

[Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-12-040, filed 6/27/79.]

WAC 289-12-045 Variances from space requirements. (1) Purpose. It is the purpose of this section to establish guidelines for local jurisdictions to apply for a variance from the square footage requirements as set forth in WAC 289-12-030 (2)(a)(i)(B) relating to square footage per prisoner in day rooms and dormitories in detention and correctional facilities and WAC 289-10-310 relating to square footage per prisoner in living space in special detention and work release facilities. RCW 70.48.070(2) authorizes the corrections standards board to grant variances from the physical plant standards consistent with the intent of the City and County Jails Act. The rule set forth in this section are consistent with the act's legislative declaration that states "It is the policy of this state that all city and county jails provide a humane and safe environment."

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

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

(b) The local jurisdiction must provide assurance that all other options, including the use of alternatives to incarceration

tion, completion of state-funded jail expansion space, decreasing the number of out-of-jurisdiction prisoners, not including those prisoners held under contract for other local governing units, and opening a new special detention facility have been satisfactorily considered.

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

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

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

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

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

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

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

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

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

(ii) Delivery of medical services;

(iii) Quality and quantity of food;

(iv) Ability to classify properly;

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

(vi) Visiting;

(vii) Indoor and outdoor exercise; and

(viii) Other programs and services.

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

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

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

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

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

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

inmate may be held in an area for which capacity has been increased.

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

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

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

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

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

(ii) Average length of stay;

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

(iv) Noncompliance with custodial care standards;

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

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

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

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

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

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

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

[Statutory Authority: RCW 70.48.050, 86-19-016 (Order 86-07), § 289-12-045, filed 9/9/86.]

Chapter 289-13 WAC

JAIL CONSTRUCTION FUNDING PROCEDURES

WAC

289-13-010	Purpose.
289-13-020	Application—General.
289-13-030	Applications for funding.
289-13-040	Review of funding applications—Initial.
289-13-050	Final review of funding applications—General.
289-13-060	Final review of funding application—Capacity.
289-13-070	Final review of funding applications—Level of funding.
289-13-075	Additional funding.
289-13-080	Determination of priorities.
289-13-100	Encumbrance of funds for new projects.
289-13-110	Authorization to proceed—Time limits.

289-13-120 Schematic design package—Contents.
 289-13-130 Authorization to prepare final plans and specifications (construction documents).
 289-13-150 Final plans and specifications—Form of submission.
 289-13-160 Preliminary provisional allotment of state funds.
 289-13-170 Contractor affirmative action plan.
 289-13-180 Bid data and document requirements following bid opening.
 289-13-190 Final allotment of state funds.
 289-13-200 Disbursement of funds for construction or remodeling of jail facilities—Administration of payments from state funds under direction of director.
 289-13-210 Payments from state jail improvement and construction account.
 289-13-220 Change orders.
 289-13-230 Disbursement of funds for construction of jails—Final payments on contracts.
 289-13-235 Certification of new jail facility.
 289-13-240 Proportionate allocation of funding.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-13-090 Reimbursement of qualifying applicants. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-090, filed 4/2/80. Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-090, filed 10/4/79.] Repealed by 82-01-090 (Order 20), filed 12/22/81. Statutory Authority: Chapter 70.48 RCW.
 289-13-105 Appeals from funding decisions. [Statutory Authority: Chapter 70.48 RCW. 80-15-027 (Order 8), § 289-13-105, filed 10/8/80.] Repealed by 82-01-090 (Order 20), filed 12/22/81. Statutory Authority: Chapter 70.48 RCW.
 289-13-140 Final plans and specifications—Bid and contract provisions. [Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-140, filed 4/2/80.] Repealed by 82-01-090 (Order 20), filed 12/22/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-13-010 Purpose. The rules set forth in this chapter shall govern all applications for state funding of new construction and/or substantial remodeling of detention and correctional facilities, including the allocation and disbursement of all funds appropriated or reappropriated to the state jail commission for such purpose under chapter 70.48 RCW and the physical plant standards adopted pursuant thereto and incorporated in chapter 289-12 WAC.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-010, filed 10/4/79.]

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

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

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

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

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

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

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

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

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

(7) No governing unit which receives state funding hereunder, or which receives federal or other nonstate funding for such purpose, shall be eligible for further state funding under chapter 70.48 RCW and these rules for a

period of ten years from the date of completion of any project approved hereunder.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-020, filed 10/4/79.]

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

(2) The application shall contain the following elements:

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

(b) Information affecting jail capacity determination including:

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

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

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

(c) Specific jail facility plans, including:

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

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

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

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

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

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

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

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

(ix) Operational plan for planned facility, including staff and budget requirements for meeting mandatory custodial care standards within such facility.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-030, filed 10/4/79.]

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

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

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

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

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

(4) Acceptance of an application for consideration for state funding upon this initial review shall be based solely upon the verification that the application is in the form specified by the commission and contains all required information, the classification of the facility, and plan compliance with the physical plant standards. Such initial review shall be based upon the capacity projected by the governing unit in question and shall not constitute, or in any way imply, approval of such project for state funding or the approval of any specific details of the project as submitted. Final approval and determination of funding shall take place only pursuant to the review process set forth in WAC 289-13-050: *Provided*, That the director may grant exceptions from application requirements where it is determined that such requirements cannot be met and in such cases may require additional corroborating documentation. In such cases, additional time for submission of the completed application may be granted by the commission.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-040, filed 10/4/79.]

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

(2) During the course of its review the commission, or its director, may request necessary additional or explanatory information. In addition, the commission or its director may schedule a conference with a particular governing unit or two or more contiguous governing units to review their application(s) as well as the feasibility and desirability of alternative plans, including consolidated jail facilities.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-050, filed 10/4/79.]

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

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

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

(4) Each governing unit shall have an opportunity in its application for funding to present information relating to the accurate projection of its jail population and to set forth reasons why the population projections of the office of financial management's population enrollment and economic studies division may not accurately forecast such projected population.

(5) Following the commission's review and determination of each jail's projected capacity, its decision shall be reviewed with the office of financial management in accordance with section 9, chapter 232, Laws of 1979 ex. sess., to insure the accuracy of the data relied upon.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-060, filed 10/4/79.]

WAC 289-13-070 Final review of funding applications—Level of funding. (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular

detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

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

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: *Provided*, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the department of general administration, division of engineering and architecture as adapted to the particular governing unit's organization and structure: *Provided further*, That the commission will provide to each governing unit a list of known minority and female architect and engineer firms to which an announcement of each governing unit's selection process shall be sent, and all such firms shall be given a full and equal opportunity to participate in any such process commenced following receipt of such list: *Provided further*, That no reimbursement shall be made for fees of any prime architect selected following the effective date of this rule who does not have in effect an affirmative action plan which includes, at a minimum, the same goals as the governing unit's plan with regard to its own employment practices or, if no such governing unit plan exists, which meets or exceeds the participation standard set within WAC 289-13-170 (1)(b): *Provided further*, That all prime architects whose fees are submitted for reimbursement hereunder shall submit a copy of the firm's affirmative action plan, or a statement with regard to its affirmative action practices regardless of the time it was selected. All such fees shall generally be evaluated in accordance with the prime architect and engineer fee schedule set forth in the state of Washington capital budget instructions for the 1979-81 biennium.

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

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

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

(i) Necessary earthwork integral to the construction of the jail itself;

(ii) Drainage, water and sewer work;

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

(iv) Walkways and driveways;

- (v) Service vehicle and visitor parking;
 - (vi) Power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;
 - (vii) Necessary security features which constitute permanent fixtures of the structure, including:
 - (A) Standard security hardware;
 - (B) Electronically controlled gates and doors as conditions require (with mechanical override);
 - (C) Electronically controlled door locking devices for prisoner rooms operated from centralized consoles;
 - (D) Closed circuit television (C.C.T.V.), surveillance systems where required, **except that** C.C.T.V. will not be funded for general prisoner population cells or dormitories;
 - (E) Intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and
 - (F) Equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.
 - (x) Standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;
 - (xi) Minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;
 - (xii) Minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030 (2)(a)(iv)(A) and (B);
 - (xiii) Separate staff facilities within the architectural guidelines to be adopted by the commission.
- (3) Energy conservation design features which may increase initial construction or remodeling costs shall not be precluded from consideration for state funding when properly supported by a life cycle cost analysis as required by chapter 39.35 RCW.
- (4) Costs which will not be considered for state funding purposes include:
- (a) Any architect and engineering fees or other costs that are not directly related to and specifically required for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;
 - (b) Site acquisition and site preparation, including surveys and soil testing, clearing, disposal of debris and demolition of existing structures;
 - (c) Landscaping, art works, or any decorative features of design or construction which are not necessary costs of jail construction or substantial remodeling to meet the physical plant standards;
 - (d) Movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;
 - (e) Court room or facilities solely related to court activities;
 - (f) Any portion of elevator construction cost not related to jail operation: *Provided*, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multistoried structure in which the jail is located, such cost shall be prorated;
 - (g) The cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail: *Provided*, That following completion of design development and a cost analysis based thereon, a

governing unit may request approval of the inclusion of such a structure to provide a secure connection between the jail and related criminal justice facilities, within the maximum level of funding previously established for the project, and the director is authorized to grant such approval subject to said budget restriction;

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

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

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

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

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

(9) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments.

[Statutory Authority: RCW 70.48.260 and 70.48.060(3). 82-11-071 (Order 29), § 289-13-070, filed 5/17/82. Statutory Authority: Chapter 70.48 RCW, 82-01-090 (Order 20), § 289-13-070, filed 12/22/81. Statutory Authority: RCW 70.48.060. 81-03-029 (Order 9), § 289-13-070, filed 1/12/81. Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232. 79-11-002 (Order 4), § 289-13-070, filed 10/4/79.]

WAC 289-13-075 Additional funding. (1) The director shall have authority to and will reimburse all

reasonable expenditures which are necessary to design and build a functional jail facility meeting minimum state physical plant standards where such item does not increase the maximum project budget, including contingency allowance.

(2) It is recognized that specific costs which may be subject to reimbursement under the policy stated above may include the following:

(a) Design

Reimbursable architect costs charged in addition to the basic fee.

Special design studies not normally included in the standard AIA contract but reasonably necessary to complete jail design.

Design costs related to additional work ordered as a result of change orders.

Prime A/E fees previously incurred which were for design work directly applicable to the project and do not increase total fees to be paid beyond maximum set.

Increased design fees for development of drawings for phased construction when not included within basic design contract.

(b) Project management services

The purchase of project management services which saves rather than increases the cost of the project should be subject to reimbursement upon proper documentation. Project management refers to concentrated and intensive coordination and oversight of the project such as is frequently employed to effect phased construction techniques which may not normally be undertaken by the governing unit's own supervising officials.

(c) Specific consultant costs necessary to prepare

Environmental impact statement

Life cycle cost analysis

And similar studies necessary

(d) None of the above enumerated expenses legitimately connected to proper design and construction of a jail facility meeting minimum state standards shall categorically be excluded from consideration for adjustment of project budgets from available contingency allowance except that such adjustment shall not be considered prior to submission of the complete schematic design package and will be granted only upon adequate documentation.

(3) Use of contingency. Unused contingency allowance will not be relinquished without specific action by the commission. This question will be reviewed prior to the end of each biennium at which time governing units will be given notice and an opportunity to comment on any proposed policy. In no case, however, shall such contingency become part of the authorized project budget without specific request and review and approval by the director and/or the commission.

(4) Transfer of moneys between budget items. At the time each project is authorized to proceed to schematic design, a simple budget corresponding to the elements considered in the maximum level of funding analysis will be established and each jurisdiction will have an opportunity to review those budget items and to request adjustments in them.

(5) Those budget categories which were based directly upon the estimates given in the application, and which were not challenged in the maximum level of funding analysis

already made, shall be available for transfer to another budget category up to an amount not to exceed five percent of the funds assigned to such category. Included in this category are: Initial A/E fees, equipment, site preparation, and site costs. The same judgment would appear with regard to adjustments to construction costs made specifically upon detailed information provided by the applicant because of flood plane or other unique circumstances. However, other budget categories reflect the general maximum level of funding analysis and should be subject to adjustment upon reasonable documentation as the project proceeds in accordance with commission rules. Review of this policy will be conducted before the end of the current biennium to determine whether any adjustments should be made.

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-075, filed 12/22/81. Statutory Authority: RCW 70.48.060. 81-03-029 (Order 9), § 289-13-075, filed 1/12/81.]

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

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

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

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

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

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

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

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

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

(f) Whether the governing unit or units making application have given full consideration to the feasibility of a consolidated jail facility or facilities and the cost-effectiveness of the proposed facility or facilities with respect to both construction and operational costs.

[Statutory Authority: Chapter 70.48 RCW and 1979 ex.s. c 232, 79-11-002 (Order 4), § 289-13-080, filed 10/4/79.]

WAC 289-13-100 Encumbrance of funds for new projects. Within thirty days of its written notification of final funding decisions, as provided in WAC 289-13-050, the commission shall issue written notification by registered mail with return receipt requested to those governing units for which funds currently available will be encumbered and disbursed in accordance with other rules set forth in this chapter. Other applicants shall be notified in the same manner as to the status of their applications and their right to proceed under WAC 289-13-160.

[Statutory Authority: Chapter 70.48 RCW, 80-04-113 (Order 6), § 289-13-100, filed 4/2/80.]

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

(2) Final plans and specifications. Following approval of schematic drawings and adjusted cost estimates as provided in subsection (1) of this section, the director shall issue authorization to governing units for which funds have been encumbered to proceed to prepare final plans and specifications, and each such governing unit shall submit final plans for review and approval by the director within six months of such authorization or such longer period as may be set at the time the project budget was established and

authorization to proceed given by the director. Failure to meet such schedule shall result in removal of the project from those for which existing funding is encumbered: *Provided*, That upon showing of good cause, the director may extend such deadline by no longer than six months: *Provided further*, That the director may adjust the last previously authorized level of funding at this stage by an amount which shall not cause the total contingency adjustment to date to exceed six percent and/or the balance of any inflation adjustment specified in the project budget, where applicable, and any larger requests or any requests for increases which are denied by the director will be submitted to the commission for review: *Provided further*, That the director may authorize a project to proceed to bid notwithstanding submission of a dispute with regard to contingency adjustment to the commission for determination.

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

(4) Further adjustments to budget or timetable. Following receipt, review, and acceptance of a bid for jail construction work in accordance with state law and local ordinances, the governing unit shall submit such bid to the director for authorization to proceed to construction should such bid require any adjustment of the project timetable or budget. At this time the director is authorized to grant extensions or modifications of the project timetable and to adjust the project budget up to the full amount of the project contingency allowance established at the time of the original funding notice. Any dispute with regard to the director's determination of allowable contingency adjustment shall be submitted to the commission for determination. When the bid does require any such adjustment, the governing unit shall provide a copy of the accepted bid and proceed to construction of the project without further review by the director. Any request for timetable adjustment which would extend commencement of construction of a project beyond eighteen months will be referred to the commission for approval.

(5) Construction review. During the course of construction, any substantial change from the construction drawings

shall be submitted to the director for review and approval whenever compliance with state physical plant standards is affected or any further adjustment in the previously approved budget may be sought as a result of such change. The director is authorized to approve adjustments in the project budget during the course of construction based upon appropriate documentation of the necessity therefor not to exceed the remaining balance within the twelve percent contingency allowance established at the time of the notice of funding: *Provided*, That submission of change orders which do not substantially alter the project as approved and which do not require adjustment of the approved project budget will be submitted to the director but will not require specific approval: *Provided further*, That the failure to submit a change order for approval prior to completion of the work in question shall not preclude later approval and, when appropriate, adjustment of the project budget.

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-110, filed 12/22/81; 81-11-068 (Order 14), § 289-13-110, filed 5/20/81. Statutory Authority: RCW 70.48.060. 81-03-029 (Order 9), § 289-13-110, filed 1/12/81. Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-110, filed 4/2/80.]

WAC 289-13-120 Schematic design package—

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

- (1) Complete set of schematic drawings.
- (2) Signed or certified copy of contract between governing unit and the architect. (A separate contract is required for each specific project.)
- (3) Opinion by prosecuting attorney or other legal counsel relating to fee simple title including legal description of site: *Provided*, That where title is not established in fee simple, such counsel's statement shall describe the process and schedule for obtaining such title.
- (4) A statement verifying that all preliminary government agency reviews and/or approvals required by local ordinance or state statute have been secured.

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-120, filed 12/22/81; 80-04-113 (Order 6), § 289-13-120, filed 4/2/80.]

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

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

- (2) A prerequisite to payment of such costs shall be completion of final plans and specifications, except where exemption from such requirement is granted by the commission.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-130, filed 4/2/80.]

WAC 289-13-150 Final plans and specifications—
Form of submission. (1) The governing unit shall submit one copy of the final plans and specifications to the commission for review and approval together with one copy each of the supporting documents listed below:

- (a) Form for certification of construction documents and final cost estimate of project, completed and signed by architect(s).
 - (b) Statement that all governmental agency approvals required by local ordinance or state statute prior to construction have been secured or a statement indicating such approval will be secured prior thereto.
 - (c) Signed statement by architect(s) of analysis of square foot area.
 - (d) Such other documentation as shall be specified by the director in authorizing preparation of final plans and specifications.
- (2) The governing unit shall obtain approval of final plans and specifications by the director prior to the call for bids on any project to be financed in part or all by state funds.

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-150, filed 12/22/81; 80-04-113 (Order 6), § 289-13-150, filed 4/2/80.]

WAC 289-13-160 Preliminary provisional allotment of state funds. (1) In the event that funds authorized by the legislature currently are not available to the commission for preliminary allotment to a governing unit under this chapter and it is determined upon review as provided that the project is eligible for state assistance under chapter 70.48 RCW the commission may (a) authorize the governing unit to proceed at its own financial risk with advancement of an approved project pending availability of an appropriation for state funding of such project; (b) grant a preliminary provisional allotment of state funds and approval of final plans and specifications; and (c) authorize the governing unit to call for bids: *Provided*, That if and when such an appropriation is made available to the commission, a governing unit which is authorized to proceed with such advancement action and subsequently expends local funds in lieu of state funds for commission approved project costs shall be entitled to reimbursement for such expended local funds: *Provided further*, That such reimbursement shall be subject to the following conditions:

- (2) Compliance with rules. The governing unit shall comply with all rules and regulations of the commission otherwise applicable to a project approved for financing with available state funds.
- (3) Governing unit certification. Prior to the award of contracts, the governing unit shall certify to the commission by resolution that (a) sufficient local funds are available to finance the entire cost of the project; (b) the governing unit will assume full financial responsibility for completion of the project; and (c) it is understood that if and when state funds

are available for such purpose, the governing unit shall be entitled to reimbursement in accordance with the provisions of this chapter.

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

(5) Reimbursement contingency. Payment of state funds in reimbursement of local funds expended in lieu of state funds provisionally approved for the project shall be contingent upon availability of funds under the statutory authority or appropriation designation cited in the appropriate allocation documents or the availability of funds appropriated in lieu thereof.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-160, filed 4/2/80.]

WAC 289-13-170 Contractor affirmative action plan. (1) Each person or firm submitting a bid for jail work shall include with such bid an affirmative action plan which shall fully meet the requirements of affirmative action guidelines which have been formally adopted by the governing unit in question: *Provided*, That in all cases where the governing unit calling for bids has not established affirmative action plan guidelines, each person or firm submitting a bid shall include with such bid an affirmative action plan which shall include:

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

(b) The minimum participation by such firms and individuals which can reasonably be achieved in the particular project, which shall be:

(i) In the case of all construction subcontracts, a total dollar amount awarded to minority-owned firms which represents the same proportion of the total construction budget as minority group members represent in the governing unit's population as determined from the 1980 census, and/or the most accurate available information, and, in the case of female-owned firms, no less than fifteen percent of the total subcontracts expressed in dollars; and

(ii) In the case of prime contractor employees, no less minority group employees as a proportion of total employees than minority group members represent in the governing unit's population as determined from the 1980 census and/or the most accurate available information, and, in the case of women, no less than fifteen percent of the total workforce.

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

(2) Approval of such affirmative action plan by a subcommittee of the commission established for such purpose shall be a prerequisite to the director's authority to authorize awarding of a bid to such contractor under WAC 289-13-180 in all cases in which the plan submitted with the bid differs in any substantial degree from the governing unit's requirements or the plan requirements outlined above, whichever are applicable.

(3) For purposes of this section, "minority group members" means: Ethnic persons residing in the United States, including American Indians, Asian Pacific Americans, Black Americans, Mexican Americans and Native Americans, but does not include nonethnic women. The term "women" includes both ethnic and nonethnic women.

[Statutory Authority: RCW 70.48.060(3), 81-18-078 (Order 17), § 289-13-170, filed 9/2/81; 81-03-029 (Order 9), § 289-13-170, filed 1/12/81. Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-170, filed 4/2/80.]

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

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

(b) Certified copy of each advertisement for bids.

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

(d) Copies of all addenda to specifications.

(e) A copy of the successful bid or bids.

(2) Authorization required for contract award.

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

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-180, filed 12/22/81; 80-04-113 (Order 6), § 289-13-180, filed 4/2/80.]

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

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

(2) Any part of a final allotment of state funds not required for completion of a jail building project in accordance with the financial program as set forth in the authori-

zation document shall revert to the state fund from which the allotment was made and used for other approved projects.

(3) Award of contract or contracts.

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

(b) Immediately following the awarding of contract or contracts, governing unit shall forward one signed or certified copy of each such construction contract to the commission.

[Statutory Authority: Chapter 70.48 RCW. 82-01-090 (Order 20), § 289-13-190, filed 12/22/81; 81-11-068 (Order 14), § 289-13-190, filed 5/20/81; 80-04-113 (Order 6), § 289-13-190, filed 4/2/80.]

WAC 289-13-200 Disbursement of funds for construction or remodeling of jail facilities—Administration of payments from state funds under direction of director. (1) The director is hereby authorized and directed to administer the disbursement of state funds allotted by the commission to governing units for detention and correctional facility construction and/or remodeling, said disbursements to be in compliance with procedural regulations established by the commission, applicable statutory requirements and such other requirements as the director may determine to be necessary.

(2) The director shall keep a complete and accurate record of each allotment of state funds made to a governing unit and of all disbursements, unpaid balances and other matters connected therewith.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-200, filed 4/2/80.]

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

(2) Continued reservation of state funds for a specific governing unit shall be based upon substantial compliance with the work schedule established at the time of final allotment under WAC 289-13-080 and may be terminated by the commission where the specific project does not proceed in accordance therewith: *Provided*, That exceptions to such schedule may be granted upon showing of unavoidable delay.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-210, filed 4/2/80.]

WAC 289-13-220 Change orders. (1) Any change order which will affect the governing unit's ability to complete an approved project within the funding allocation made therefor, or which alters the planned facility's full

compliance with physical plant standards must be submitted to the director for approval.

(2) The director may approve any change order which will not result in an increase in funds expended for the project in question beyond the moneys allocated, including the full contingency allowance. Denial of any requested change order or one which exceeds such amount shall be submitted to the commission for action.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-220, filed 4/2/80.]

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

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

(1) **Acceptance of building, improvement or work as completed.**

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

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

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

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

(a) Documents to be submitted immediately following official final acceptance of building, improvement or work. The original and one copy of each of the following documents shall be submitted immediately following official final acceptance by the governing unit of the jail improvement or work:

- (i) Properly executed state invoice voucher;
- (ii) Architect's letter of inspection;

(iii) Governing unit's resolution of final acceptance signed by its chief elected officer or bearing the certification of authorized representatives thereof;

(iv) Architect's certificate of final amount due and payable to contractor.

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

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

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

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

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

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

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

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

(ii) As provided by statute, the state department of revenue, state department of employment security and the state department of labor and industries, upon determination that all state taxes due or to become due on the contract have been paid in full, will so certify to the director and transmit a copy of such certification to the governing unit concerned.

[Statutory Authority: Chapter 70.48 RCW. 80-04-113 (Order 6), § 289-13-230, filed 4/2/80.]

WAC 289-13-235 Certification of new jail facility.

(1) Upon notification by a governing unit of completion or substantial completion of a state-funded detention or correctional facility and prior to or within fifteen days of submission of the documentation required for the final state payment under WAC 289-13-230(2), the director or his/her designated staff will inspect the completed facility and based thereon the director shall either issue a certificate authorizing

the facility to house prisoners or a statement of conditions required to be met prior to issuance of such certificate.

(2) In certifying a facility to commence operation, the director will confirm that:

(a) The facility as completed meets all applicable state physical plant standards except where variances therefrom have been granted; and

(b) That, except where specific authorization for continued operation of the governing unit's existing jail facility has been granted by the commission, the governing unit's plans include discontinued use of such existing facility to house prisoners.

(3) At the first public meeting of the commission following issuance of a certificate of operation under subsection (1) of this section, the director will present for commission action appropriate modifications of its schedule of jail classification and use which will include identification of new jail facilities meeting state physical plant standards, as well as amendments to WAC 289-15-225, identifying maximum jail capacities.

(4) Nothing in this rule shall affect the authority of the director to separately authorize the occupancy of newly-constructed or newly-remodeled jail quarters which are part of a larger state-funded jail project, prior to the certification of the entire facility following completion of all authorized work under sections (1) and (2) of this rule: *Provided*, That in issuing such authorization, the director may prescribe conditions which he/she judges to be essential to the safe and secure housing of prisoners in compliance with state custodial care standards.

[Statutory Authority: RCW 70.48.060(5) and 70.48.080. 83-07-059 (Order 33), § 289-13-235, filed 3/22/83.]

WAC 289-13-240 Proportionate allocation of funding.

(1) State funded jail projects involving two or more governing units. For purposes of meeting the direction of RCW 70.48.090(2), the state jail commission has determined and hereby formally establishes as follows the proportionate allocation of funding and beds for all state-funded jail projects which were authorized funding on the basis of anticipated joint jail operation agreements: *Provided*, That all participating governing units whose jail population projection represents less than 5% of the total funded capacity of a particular project have been included within the population for the governing unit primarily responsible for the jail facility. Note: The governing unit primarily responsible for operating the facility is listed first in each instance.

Governing Unit	Beds	Funding
Benton County	87	\$ 4,415,987
City of Kennewick	9	456,826
City of Richland	13	659,860
Total	109	\$ 5,532,673
Chelan County	56	\$ 3,177,419
City of Wenatchee	47	2,666,762
Douglas County	14	794,355
Total	117	\$ 6,638,536
Clark County	232	\$ 9,108,772
City of Vancouver	68	2,669,812
Total	300	\$11,778,584

Cowlitz County	91	\$ 989,206
City of Longview	20	217,143
Total	111	\$ 1,206,349
Franklin County	62	\$ 4,605,092
City of Pasco	40	2,969,072
Total	102	\$ 7,574,164
Grant County	65	\$ 4,322,876
Adams County	10	400,000
Total	75	\$ 4,722,876
Island County	46	\$ 3,518,681
San Juan County	4	305,972
Total	50	\$ 3,824,653
Jefferson County	23	\$ 1,663,247
City of Port Townsend	2	156,498
Total	25	\$ 1,819,745
King County	910	\$44,741,556
City of Seattle	315	15,487,462
Total	1225	\$60,229,018
Kittitas County	40	\$ 2,506,518
City of Ellensburg	5	309,794
Total	45	\$ 2,816,312
Klickitat County	24	\$ 2,185,675
City of Goldendale	3	273,209
City of White Salmon	1.5	136,605
City of Bingen	1.5	136,605
Total	30	\$ 2,732,094
Lewis County	63	\$ 4,765,680
City of Centralia	5	364,223
Total	68	\$ 5,129,794
Lincoln County	14	\$ 1,138,642
City of Davenport	1	81,332
Total	15	\$ 1,219,974
Mason County	40	\$ 3,287,598
City of Shelton	5	414,652
Total	45	\$ 3,702,250
Pierce County	342	\$17,278,025
City of Tacoma	38	1,919,781
Total	380	\$19,197,806
Skagit County	68	\$ 5,822,440
City of Mount Vernon	5	428,121
City of Anacortes	2	171,248
Total	75	\$ 6,421,809
Snohomish County	300	\$14,269,379
City of Everett	37	1,759,890
Total	337	\$16,029,269
Spokane County	357	\$19,038,667
City of Spokane	34	1,814,199
Total	391	\$20,852,866
Walla Walla County	39	\$ 2,777,378
City of Walla Walla	5	336,275
Total	44	\$ 3,113,653
Yakima County	235	\$ 9,812,117
City of Yakima	40	1,670,147
Total	275	\$11,482,264

(2) Depreciation of proportionate allocation of funding. The proportionate allocation of funding identified under subsection (1) of this rule for particular jurisdictions shall be subject to review and a proportionate decrease on the written request of any of the affected governing units (a) whenever less than the maximum level of funding is expended over the life of the construction; and (b) on an annual basis for ten years from the date of completion of construction of each project applying a twenty-year straight-line depreciation schedule; and (c) when significant changes have occurred in

the legal or demographic assumptions on which proportionate allocation of beds and funding have been made which can reasonably be anticipated to prevail throughout the life of the ten-year period.

[Statutory Authority: RCW 70.48.060 and 70.48.090(2). 82-24-067 (Order 31), § 289-13-240, filed 12/1/82.]

Chapter 289-14 WAC CUSTODIAL CARE STANDARDS— ADMINISTRATION

WAC

289-14-005	Introduction to custodial care standards.
289-14-010	Emergency suspension of custodial care standards.
289-14-100	General administration. (Holding facilities.)
289-14-120	Training. (Holding facilities.)
289-14-130	Records. (Holding facilities.)
289-14-200	General administration. (Detention and correctional facilities.)
289-14-210	Determination of staff positions. (Detention and correctional facilities.)
289-14-220	Training. (Detention and correctional facilities.)
289-14-230	Records. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-14-020	Staffing. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-14-030	Records. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-14-005 Introduction to custodial care standards. (1) The provisions of chapters 289-14 through 289-24 WAC incorporate custodial care standards applicable to holding, detention or correctional facilities as defined under WAC 289-02-020. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) Within each chapter, paragraphs numbered from 010 to 099 are introductory or definitional in nature and apply to all jails unless otherwise noted. Paragraphs numbered from 100 to 199 apply to holding facilities. Paragraphs numbered from 200 to 299 apply to detention and correctional facilities unless otherwise noted. For this purpose, "holding" and "detention" and "correctional" facilities are defined as set forth in WAC 289-02-020. For purposes of the holding facility standards, a distinction is made between different maximum time periods persons are held within such facility, including thirty-day facility, seventy-two hour facility, and six-hour facility.

(3) The adoption of the mandatory custodial care standards is intended to meet minimum legal requirements relating to prisoner health, welfare, and security and does not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular jail.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-005, filed 3/24/81. 81-07-057 (Order 10), § 289-14-005, filed 3/18/81. Statutory Authority: Chapter 70.48 RCW and 1979 1st ex.s. c 232. 79-12-

058 (Order 5), § 289-14-005, filed 11/28/79. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-005, filed 6/27/79.]

WAC 289-14-010 Emergency suspension of custodial care standards. Nothing in these standards shall be construed to deny the power of any department of corrections or chief law enforcement officer to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any jail, prisoners, staff, or the public. Only such standards as are directly affected by the emergency may be suspended and the department of corrections or chief law enforcement officer shall notify the state jail commission within three business days of such suspension: *Provided*, That suspension of standards relating to overcrowding is subject to the additional requirements of WAC 289-15-120 and 289-15-220.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-010, filed 3/18/81. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-14-010, filed 6/27/79.]

WAC 289-14-100 General administration. (Holding facilities.) 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.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-100, filed 3/24/81.]

WAC 289-14-120 Training. (Holding facilities.) (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.

(2) All jail staff whose primary responsibility is the supervision of prisoners shall successfully complete the Washington state criminal justice training commission basic correctional academy within the first year of their employment unless such training has already been received. (30 day) (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-120, filed 3/24/81.]

WAC 289-14-130 Records. (Holding facilities.) (1) Confidentiality. All holding facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(2) Individual prisoner records.

(a) An individual file or record shall be kept for each prisoner.

(b) If formal booking occurs in the facility, the information should be recorded on a booking form. WAC 289-14-130 (2)(b) ADVISORY

(3) Medical.

(a) Any prisoner medical information other than that included in the prisoner's individual file under WAC 289-14-130 (2)(a) shall be maintained separately to the extent necessary to maintain confidentiality. (30 day, 72 hour) (Not applicable - 6 hour)

(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) Prisoner population accounting. Each holding facility shall keep a jail register as required by RCW 70.48.100.

(5) Infraction and disciplinary. Written records shall be maintained for all incidents which result in major property damage or bodily harm.

(6) Incident reports. The jail commission shall be notified within seven business days of any death, completed escape from the secure area of the facility or serious fire. Reports of such incidents shall be retained.

(7) Activity log. A log of daily activity should be kept within the facility. WAC 289-14-130(7) ADVISORY

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-130, filed 3/24/81.]

WAC 289-14-200 General administration. (Detention and correctional facilities.) (1) The department of corrections or the chief law enforcement officer of all jails shall develop and maintain an organizational chart and an operations manual of policies and procedures.

(2) Such chart and manual shall be reviewed by all staff and such review noted by signature prior to any assignment.

(3) All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least yearly. WAC 289-14-200(3) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-200, filed 3/18/81.]

WAC 289-14-210 Determination of staff positions. (Detention and correctional facilities.) (1) Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

(2) Qualifications for correctional officers who have direct responsibility over prisoners and who are hired on or after the effective date of these minimum standards shall include, but not be limited to, a high school diploma, or equivalent.

(3) All jail staff shall be selected in accordance with chapter 41.14 RCW and/or other applicable legal requirements and shall be retained upon proven ability to perform.

(4) Appropriate physical fitness standards should be set and enforced for all jail staff. WAC 289-14-210(4) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-210, filed 3/18/81.]

WAC 289-14-220 Training. (Detention and correctional facilities.) (1) All jails shall provide preservice orientation to each newly hired jail staff member prior to being assigned to duty, regardless of his or her previous training or experience prior to the assignment of any jail duties. Such training may be provided either by existing jail staff or other qualified persons, and must be verified by a written outline, and shall include, but not necessarily be limited to:

(a) Review and understanding of all policies and procedures relating to his/her job responsibilities, specifically;

- (i) Agency organization;
- (ii) Admission and release procedures;
- (iii) Security and safety procedures;
- (iv) Contraband control, definition of, etc.;
- (v) Prisoner discipline;
- (vi) Medical and mental health procedures;
- (vii) Use of force;

(viii) Confidentiality of jail records (RCW 70.48.100(2)).

(b) Review of the Washington criminal justice system and the current Washington state jail commission custodial care standards as they relate to jail duties.

(c) Identification and understanding of the function of agencies whose authority may extend to the jail's prisoners.

(d) Appropriate training and qualification in the use of weapons when jail duties include possession or carrying of a firearm.

(2) All persons directly responsible for the supervision of prisoners shall successfully complete the Washington state criminal justice training commission basic correctional academy within the first year of their employment, as required by WAC 139-36-010 unless such training has already been received.

(3) Staff training shall further include such training as required by WAC 289-20-230.

(4) All jails should provide at least twenty hours of in-service training to each correctional officer each year (following academy training for purposes of updating training previously received). WAC 289-14-220(4) advisory.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-220, filed 3/18/81.]

WAC 289-14-230 Records. (Detention and correctional facilities.) The department of corrections or chief law enforcement officer for each jail shall establish a records system which shall comply with the requirements of this section.

(1) Fiscal. Each detention and correctional facility shall maintain fiscal records which clearly indicate facility operation and maintenance costs according to generally accepted accounting principles. Such records shall separate specific jail functions from other departmental functions.

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

(3) Individual prisoner records. The information required by the booking and release form provided by the commission shall be obtained for each booking and release. Such information as prescribed by the commission will be retained in written form or within computer records. Other information retained in each prisoner's jail record shall include, but not be limited to, court orders, personal property receipts, infraction reports, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of prisoner's property and remains.

(a) Medical. Health care records shall be maintained separately in accordance with WAC 289-20-250 to the extent necessary to maintain their confidentiality.

(b) Prisoner access. Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein. Provided that such access may be limited only on substantial grounds of institutional security.

(c) Transfer. When a prisoner is transferred to another facility, copies or summaries of all health records shall be transferred to the receiving facility, provided that the requirements of WAC 289-20-250 regarding confidentiality are followed. Applicable court orders shall be transferred. Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution.

(4) Population reports. Each jail shall complete and submit monthly reports on its population on forms provided by the jail commission.

(5) Population accounting. Each jail should, in addition, maintain an ongoing and a permanent accounting of its population by its own confinement categories, location, or classification within the jail. WAC 289-14-230(5) ADVISORY.

(6) Jail register. Each jail shall maintain an accurate jail register as required by RCW 70.48.100.

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

(8) Incidents and emergencies. All serious incidents and emergencies shall be recorded on forms provided by the commission. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to any death which occurs within a jail, attempted suicides, epidemics, completed escapes, any completed assault upon staff or prisoners, serious fires, flooding or other natural disasters or riots.

(9) Incident reports. An incident report on any death, completed escape, or serious fire shall be submitted to the jail commission on the form provided by the commission. All such incident reports for a given month shall be submitted on a monthly basis with the monthly population accounting form. A copy of all incident reports shall be retained at the jail.

(10) Activity log. All jails should keep a log of daily activity within the facility for future accountability. WAC 289-14-230(10) ADVISORY.

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

(12) Personnel performance. Performance records should be maintained for each staff member employed by a detention or correctional facility. WAC 289-14-230(12) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-14-230, filed 3/18/81.]

Chapter 289-15 WAC
CUSTODIAL CARE STANDARDS—SAFETY

WAC

289-15-100	Emergency procedures. (Holding facilities.)
289-15-110	Fire prevention and suppression. (Holding facilities.)
289-15-120	Overcrowding. (Holding facilities.)
289-15-130	Use of force. (Holding facilities.)
289-15-200	Emergency procedures. (Detention and correctional facilities.)
289-15-210	Fire prevention and suppression. (Detention and correctional facilities.)
289-15-220	Overcrowding. (Detention and correctional facilities.)
289-15-225	Maximum capacities.
289-15-230	Use of force. (Detention and correctional facility.)

WAC 289-15-100 Emergency procedures. (Holding facilities.) (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 plan shall outline the responsibilities of jail 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 jail.

(4) All personnel should be trained in the emergency procedures. WAC 289-15-100(4) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-100, filed 3/24/81.]

WAC 289-15-110 Fire prevention and suppression. (Holding facilities.) The department of corrections or chief law enforcement officer shall establish and maintain a written fire prevention, suppression, and evacuation plan.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-110, filed 3/24/81.]

WAC 289-15-120 Overcrowding. (Holding facilities.) No prisoner shall be required to sleep on a mattress on the floor in excess of seventy-two hours, or directly on the floor for any period of time, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others, or substantially compromising the security of the jail.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-15-120, filed 3/24/81.]

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 289-15-200 Emergency procedures. (Detention and correctional facilities.) (1) The department of corrections or the chief law enforcement officer shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility. Such plan shall be formulated in cooperation with the appropriate supporting local government units.

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-15-200, filed 3/18/81.]

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 289-15-220 Overcrowding. (Detention and correctional facilities.) (1) Purpose. The purpose of this section is to provide a means for determining and setting maximum population figures for local detention and correctional facilities. In so doing, the commission recognizes that each facility is unique and that the establishment of rigid criteria for defining and identifying overcrowding in most existing facilities would be unworkable. However, overcrowding remains a concern of constitutional dimensions within local jails and must be addressed. It is the purpose of these standards to provide a firm approach to preventing overcrowding in new jail facilities and to create a workable and flexible process for addressing overcrowding in existing jails.

(2) No prisoner shall be required to sleep directly on the floor for any length of time, or on a mattress on the floor in excess of one 72-hour period, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others or substantially compromising the security of the jail.

(3) Existing jails.

(a) The director of the local department of corrections or chief law enforcement officer shall propose a maximum capacity for each detention or correctional facility within his or her jurisdiction. This capacity shall reflect a judgment as to the maximum number of prisoners who may be housed within the facility in question in a humane fashion. Notice of such proposed maximum capacity shall be delivered to the state jail commission within 30 days of the final adoption of this revision to this standard. The proposed maximum capacity shall be the maximum capacity of the facility unless revised by the commission.

(b) Within 45 days of the receipt by the jail commission of notice of a proposed maximum capacity for a given facility, the commission shall schedule a public meeting to concur in or revise those capacity figures, pursuant to RCW

34.04.025 through 34.04.058. A written notice of such meeting shall be provided by the director to all known interested parties at least 20 days in advance of such meeting. It shall be the responsibility of the jail commission to establish cause for revising the maximum capacities proposed by the governing unit in question. The commission's concurrence in or revision of proposed maximum capacities shall take into account a detailed analysis of the following factors:

(i) The average amount of cell and day room space which would be available to each prisoner at maximum capacity;

(ii) The number of hours each day prisoners in the area have access to day rooms;

(iii) If the day room access is less than 12 hours each day, the amount of space per prisoner in the cell area;

(iv) The classification and types of prisoners held;

(v) The average length of stay of prisoners held;

(vi) The maximum length of actual stay of prisoners held;

(vii) The nature and amount of physical exercise available to prisoners;

(viii) The amount of access to visitation;

(ix) The amount of other out-of-living area time available to prisoners;

(x) Description of other services and programs available to prisoners, especially those covered by custodial care standards; and

(xi) The number of incidents occurring in the jail in the previous 12 months, classified by the categories of the population accounting form.

(c) In appropriate cases, the commission may establish a maximum capacity figure for an existing jail on an interim basis, when further study as to the circumstances appears necessary to make a final decision, in which case a date no more than six months in the future, shall be specified for a final determination with regard to maximum capacity.

(4) New facilities. The commission shall establish a maximum capacity for each newly constructed detention or correctional facility which is funded at the total fundable capacity set by the commission. Such maximum capacity shall be based upon the physical plant standards set forth in chapter 289-12 WAC.

(5) Overcrowding.

(a) The maximum capacity may only be exceeded to the extent that the average daily population for any calendar month does not exceed the established maximum capacity.

(b) Any holding of prisoners beyond the established maximum capacity in a given calendar month, shall be reported by mailing the monthly population accounting form to the director by the department of corrections or chief law enforcement officer within the first five business days following the month. Each such case [or] [of] overcrowding shall be referred to the commission for possible enforcement action under chapter 289-30 WAC.

(c) Any report of conditions of overcrowding required under this section shall be considered as a notice of an emergency suspension of standards within the meaning of WAC 289-14-010.

(d) An emergency suspension of the overcrowding standard established under this section must be approved by the director.

(e) No emergency suspension of the standards relative to established maximum capacities within any calendar month shall be approved except when the following conditions are met:

(i) Any related suspension of other custodial care standards is also specifically approved;

(ii) All existing diversion programs have been fully utilized;

(iii) All prisoners being held for other jurisdictions have been transferred to those jurisdictions to the extent possible;

(iv) All facilities within adjacent counties have been utilized to the fullest extent reasonably practical and permissible by their classifications; and

(v) The jurisdiction provides the commission within 45 days with a plan setting forth alternatives to incarceration which will be examined and implemented.

(f) Each department of corrections or chief law enforcement officer shall establish, with the cooperation of the presiding judge of the superior court, a procedure for release of prisoners before the end of their term when overcrowding occurs as herein defined.

(g) In the event of overcrowding caused in part by the existence of state prisoners, the director shall contact the state department of corrections in an effort to have such prisoners removed.

(h) In the event of overcrowding caused in part by the existence of federal prisoners, the director shall contact the appropriate federal agency in an effort to have such prisoners removed.

[Statutory Authority: Chapter 70.48 RCW. 82-01-091 (Order 21), § 289-15-220, filed 12/22/81; 81-08-001 (Order 12), § 289-15-220, filed 3/19/81.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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	Correctional Facilities
Auburn (22)	Asotin County (16)
Bremerton (23)	Benton County (109)
Issaquah (10)	Chelan County (132)
Olympia (temporary) (19)	Clallam County (102)
Stevens County (22)	Clark County (335)
	Cowlitz County (149)
	Ferry County (22)
	Forks (11)
	Franklin County (76)
	Grant County (85)
	Grays Harbor County (82)
	Island County (50)
	Jefferson County (20)
	Kent (56)
	King County (784)
	Kitsap County (103)
	Kitsap County Work Release (42)
	Kittitas County (45)
	Klickitat County (30)
	Lewis County (68)
	Lincoln County (15)
	Mason County (45)
	Okanogan County (67)
	Pacific County (29)

Pend Oreille County (18)
 Pierce County (470)
 Skagit County (83)
 Skamania County (17)
 Snohomish County (277)
 Snohomish County Work Release (60)
 Spokane County (461)
 Thurston County (145)
 Walla Walla County (44)
 Whatcom County (148)
 Whitman County (34)
 Yakima County (274)

[Statutory Authority: RCW 70.48.050 (1)(c) and 70.48.070. 87-17-022 (Order 87-2), § 289-15-225, filed 8/12/87. Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070. 87-05-040 (Order 87-1), § 289-15-225, filed 2/18/87; 86-19-015 (Order 86-06), § 289-15-225, filed 9/9/86; 86-09-070 (Resolution No. 86-05), § 289-15-225, filed 4/18/86; 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.)
289-16-110	Preclassification procedures. (Holding facilities.)
289-16-120	Orientation. (Holding facilities.)
289-16-130	Classification/segregation. (Holding facilities.)
289-16-140	Good time. (Holding facilities.)
289-16-150	Release and transfer. (Holding facilities.)
289-16-160	Transportation. (Holding facilities.)
289-16-200	Admissions. (Detention and correctional facilities.)
289-16-210	Preclassification procedures. (Detention and correctional facilities.)
289-16-220	Orientation. (Detention and correctional facilities.)
289-16-230	Classification/segregation. (Detention and correctional facilities.)
289-16-240	Good time. (Detention and correctional facilities.)
289-16-250	Release and transfer. (Detention and correctional facilities.)
289-16-260	Transportation. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-16-010	Admissions. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-16-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-16-020	Classification/segregation. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-16-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-16-030	Release and transfer. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-16-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-16-040	Transportation. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-16-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

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 289-16-110 Preclassification procedures. (Holding facilities.) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-110, filed 3/24/81.]

WAC 289-16-120 Orientation. (Holding facilities.) As soon as reasonable after booking, the prisoner shall be advised of any facility rules and regulations. His questions shall be answered.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-120, 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 289-16-140 Good time. (Holding facilities.)

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 70.48.210 and 9.92.150. (30 day) WAC 289-16-140 ADVISORY (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-140, filed 3/24/81.]

WAC 289-16-150 Release and transfer. (Holding facilities.) (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 (30 day, 72 hour). (Not applicable - 6 hour)

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-150, filed 3/24/81.]

WAC 289-16-160 Transportation. (Holding facilities.)

When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the department of corrections or chief law enforcement officer shall develop and maintain written instructions which insure the safety of the prisoners and staff.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-16-160, 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 289-16-210 Preclassification procedures. (Detention and correctional facilities.) (1) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

(2) Prisoners who, upon screening, appear to have serious and potentially dangerous problems with drugs, including alcohol, or signs of serious mental illness, shall be closely observed. Persons qualified and trained to evaluate such prisoners shall be contacted without delay.

(3) Any prisoner suspected of being assaultive shall be housed separately prior to classification except where continual direct observation is maintained.

(4) No prisoner known or suspected to be a danger to himself may be housed alone without continual direct observation.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-210, filed 3/18/81.]

WAC 289-16-220 Orientation. (Detention and correctional facilities.) (1) As soon after booking as possible each prisoner shall receive an oral or written orientation, consistent with the provisions of WAC 289-16-200 (1)(f). 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 289-19-210;

(b) Procedures and conditions regarding classification and reclassification, as provided in WAC 289-16-230;

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

(d) Prisoner rights and privileges;

(e) The means of access to health care as required by WAC 289-20-220, and other services;

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-220, 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 assign-

ment, 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.]

WAC 289-16-240 Good time. (Detention and correctional facilities.) 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 70.48.210 and 9.92.150. ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-240, filed 3/18/81.]

WAC 289-16-250 Release and transfer. (Detention and correctional facilities.) (1) Release.

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

(b) The information required on the release forms provided by the commission shall be recorded for each prisoner released from the facility.

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

(d) Each prisoner discharged should receive a visual body check to detect changes from his admitting physical record. WAC 289-16-250 (1)(d) ADVISORY.

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-250, filed 3/18/81.]

WAC 289-16-260 Transportation. (Detention and correctional facilities.) When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the department of corrections or the chief law enforcement

officer of each detention and correctional facility shall develop and maintain written instructions which insure the safety of the prisoners and staff shall be maintained.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-16-260, filed 3/18/81.]

Chapter 289-18 WAC CUSTODIAL CARE STANDARDS—SECURITY

WAC

289-18-100	Staffing. (Holding facilities.)
289-18-110	Supervision and surveillance. (Holding facilities.)
289-18-120	Critical articles. (Holding facilities.)
289-18-200	Staffing. (Detention and correctional facilities.)
289-18-210	Supervision and surveillance. (Detention and correctional facilities.)
289-18-220	Critical articles. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-18-010	Supervision and surveillance. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-18-020	Critical articles. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-18-030	Emergency procedures. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-18-040	Emergency suspension of custodial care standards. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-18-050	Discipline. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-18-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-18-100 Staffing. (Holding facilities.) (1) General staffing. At all times at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance: *Provided*, That this section does not require the presence of such staff when no prisoners are being housed or booked in the facility.

(2) Same sex staffing. A jail 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) There shall be continual sight and/or sound surveillance of all prisoners.

(b) Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: *Provided*, That special

problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

(c) Each prisoner shall be personally observed by staff at various times. All prisoner checks shall be recorded in writing and retained in the jail records.

(d) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but should not be less frequent than, at least once within every sixty minute period. WAC 289-18-100 (3)(d) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-100, filed 3/24/81.]

WAC 289-18-110 Supervision and surveillance. (Holding facilities.) (1) Prisoner identification. All holding facilities shall establish a means of identifying prisoners.

(2) Perimeter security. Perimeter security shall be maintained within existing physical plant limitations.

(3) Security devices. Minimum necessary security devices shall be maintained in proper working condition at all times.

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

(5) Prisoner counts. A system should be maintained for taking and recording prisoner counts as necessary. WAC 289-18-110(5) ADVISORY

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-110, filed 3/24/81.]

WAC 289-18-120 Critical articles. (Holding facilities.) (1) All holding facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

(2) Weapon lockers should be located outside of booking and confinement areas. WAC 289-18-120(2) ADVISORY

(3) Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas. WAC 289-18-120(3) ADVISORY

(4) Keys and locking devices.

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

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

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

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

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

(f) Keys shall be accounted for at all times.

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

(h) 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.

(5) The department of corrections or the chief law enforcement officer shall establish and maintain written procedures regarding storage of protective equipment and dangerous kitchen utensils, if applicable.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-18-120, filed 3/24/81.]

WAC 289-18-200 Staffing. (Detention and correctional facilities.) General staffing.

(1) At all times in all jails, at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance.

(2) At all times a staff member of the same sex as the prisoner(s) shall be on duty or available within a reasonable time, which staff member shall be directly responsible for supervision which involves intimate physical contact or activities commonly afforded reasonable protection against opposite sex observation or supervision: *Provided*, That this does not preclude jail staff from performing nonjail-related functions or being relieved from direct duties and remaining on call: *Provided further*, That personal observation of prisoners for purposes of this or other sections of these standards may be by opposite sex staff as long as opposite sex privacy concerns are given appropriate protection.

(3) There shall be continual sight and/or sound surveillance of all prisoners.

(4) Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: *Provided*, That special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

(5) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but shall not be less frequent than, at least once within every sixty minute period.

(6) Personal staff observations of prisoners should be recorded in writing and retained in the jail records. WAC 289-18-200(6) ADVISORY.

(7) Staff should be alert to prisoner depression, dissension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law. When such symptoms are discovered, such persons should be closely observed. WAC 289-18-200(7) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-200, filed 3/18/81.]

WAC 289-18-210 Supervision and surveillance. (Detention and correctional facilities.) (1) General security.

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

(b) Perimeter security shall be maintained.

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

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

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

(3) Contraband control.

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

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

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

(d) Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-210, filed 3/18/81.]

WAC 289-18-220 Critical articles. (Detention and correctional facilities.) (1) All detention and correctional facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

(2) Weapon lockers shall be located outside of booking and confinement areas.

(3) Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas. ADVISORY.

(4) Keys and locking devices.

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

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

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

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

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

(f) Keys to locks on doors inside the security area of a jail should be on a separate ring from keys to locks on doors or gates to the outside of the jails. At no time should both rings be carried by a person inside the jail simultaneously. WAC 289-18-220 (4)(f) ADVISORY.

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

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

(i) 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 a failure of the system.

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

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

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-18-220, filed 3/18/81.]

Chapter 289-19 WAC CUSTODIAL CARE STANDARDS—PRISONER CONDUCT

WAC

289-19-010	Introduction.
289-19-100	Prisoner rights. (Holding facilities.)
289-19-110	Prisoner rules of conduct. (Holding facilities.)
289-19-120	Discipline. (Holding facilities.)
289-19-130	Grievance procedures. (Holding facilities.)
289-19-200	Prisoner rights. (Detention and correctional facilities.)
289-19-210	Prisoner rules of conduct. (Detention and correctional facilities.)
289-19-220	Discipline. (Detention and correctional facilities.)
289-19-230	Grievance procedures. (Detention and correctional facilities.)

WAC 289-19-010 Introduction. It is assumed that disciplinary procedures are usually not applicable to six-hour holding facilities, but where any disciplinary rules or sanctions exist, the facility must comply with the applicable provisions of this chapter.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-010, filed 3/24/81.]

WAC 289-19-100 Prisoner rights. (Holding facilities.) Each holding facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care. (30 day, 72 hour) WAC 289-19-100 ADVISORY. (6 hour - see WAC 289-16-120.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-100, filed 3/24/81.]

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 judgements 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 289-19-120 Discipline. (Holding facilities.)

(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. (30 day, 72 hour) (Not applicable - 6 hour)

(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 institution unrelated to visitation. WAC 289-19-120 (2)(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. (30 day) (Not applicable - 72 hour, 6 hour)

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-120, filed 3/24/81.]

WAC 289-19-130 Grievance procedures. (Holding facilities.) The department of corrections or chief law enforcement officer for each jail 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. (30 day, 72 hour) WAC 289-19-130 ADVISORY. (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-19-130, filed 3/24/81.]

WAC 289-19-200 Prisoner rights. (Detention and correctional facilities.) Each detention and correctional facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care. ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-19-200, filed 3/18/81.]

WAC 289-19-210 Prisoner rules of conduct. (Detention and correctional facilities.) (1) 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.

(2) Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously throughout the jail. Non-English speaking prisoners shall be informed of the rules either orally, in writing, or by posted signs in the appropriate language.

(3) 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.

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-19-210, filed 3/18/81.]

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.]

WAC 289-19-230 Grievance procedures. (Detention and correctional facilities.) The department of corrections or chief law enforcement officer for each jail 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 written notification of action taken regarding the grievance. ADVISORY.

[Statutory Authority: Chapter 70.48 RCW, 81-07-057 (Order 10), § 289-19-230, filed 3/18/81.]

Chapter 289-20 WAC

CUSTODIAL CARE STANDARDS—HEALTH AND WELFARE

WAC

289-20-100

Written procedures for medical services. (Holding facilities.)

289-20-105

Health care policies and procedures. (Holding facilities.)

289-20-110	Health screening. (Holding facilities.)
289-20-120	Access to health care. (Holding facilities.)
289-20-130	Health care training. (Holding facilities.)
289-20-140	Medications control. (Holding facilities.)
289-20-150	Health care records. (Holding facilities.)
289-20-160	Special medical issues. (Holding facilities.)
289-20-165	Access to facilities. (Holding facilities.)
289-20-170	Food. (Holding facilities.)
289-20-180	Clothing, bedding and personal items. (Holding facilities.)
289-20-190	Sanitation. (Holding facilities.)
289-20-200	Responsible physician and licensed staff. (Detention and correctional facilities.)
289-20-205	Health care policies and procedures. (Detention and correctional facilities.)
289-20-210	Health screening. (Detention and correctional facilities.)
289-20-220	Access to health care. (Detention and correctional facilities.)
289-20-230	Health care training. (Detention and correctional facilities.)
289-20-240	Medications control. (Detention and correctional facilities.)
289-20-250	Health care records. (Detention and correctional facilities.)
289-20-260	Special medical issues. (Detention and correctional facilities.)
289-20-265	Access to facilities. (Detention and correctional facilities.)
289-20-270	Food. (Detention and correctional facilities.)
289-20-280	Clothing, bedding and personal items. (Detention and correctional facilities.)
289-20-290	Sanitation. (Detention and correctional facilities.)

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

289-20-010	Health care. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-20-020	Food. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-20-030	Clothing, bedding and personal items. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-20-040	Sanitation. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-20-050	Fire suppression. [Statutory Authority: RCW 70.48.050(1), 79-07-067 (Order 2), § 289-20-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-20-100 Written procedures for medical services. (Holding facilities.) (1) There shall be on file, in the jail, 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.
 - (c) A hospital or clinic.
- (2) Security. All providers of medical services in holding facilities shall observe the security regulations which apply to jail personnel.

(3) Licensing and certifications. Medical services shall be provided only by licensed or certified health care providers.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-100, filed 3/24/81.]

WAC 289-20-105 Health care policies and procedures. (Holding facilities.) Written standard operating procedures shall consist of but not be limited to the following:

- (1) Receiving 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) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;
- (7) Detoxification procedures; and
- (8) Pharmaceuticals.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-105, filed 3/24/81.]

WAC 289-20-110 Health screening. (Holding facilities.) (1) Receiving screening shall be performed on all prisoners upon admission to the facility, and the findings recorded on a printed screening form.

(2) 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 nonemergency 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: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-110, filed 3/24/81.]

WAC 289-20-120 Access to health care. (Holding facilities.) (1) Written procedures for gaining access to medical services shall be given to each prisoner at the time of admission and/or posted conspicuously in the jail. (30 day, 72 hour) (6 hour - WAC 289-20-120(1) ADVISORY)

(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 should be allowed to see their own physician. (30 day, 72 hour) WAC 289-20-120(3) ADVISORY (Not applicable - 6 hour)

- (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 jail;
 - (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: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-120, filed 3/24/81.]

WAC 289-20-130 Health care training. (Holding facilities.) (1) Jail 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) Notification or observation-determination that a medical emergency is in progress;

(c) First aid and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

(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: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-130, filed 3/24/81.]

WAC 289-20-140 Medications control. (Holding facilities.) (1) If stock prescriptive medication is maintained within the holding facility, standard operating procedures for the proper management of pharmaceuticals shall include:

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

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

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

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

(a) Nonmedical jail personnel delivering medication(s) to prisoners;

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

(c) The medications system, which shall insure that all medications shall be kept in containers which have been labeled securely and legibly by a pharmacist or the prescrib-

ing 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;

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

(e) Disposition of unused medication(s).

(3) The standard operating procedures should include a policy regarding the maximum security storage and weekly inventory of all controlled substances, nonprescription medication(s), and any syringes, needles and surgical instruments. (30 day, 72 hour) WAC 289-20-140(3) ADVISORY (Not applicable - 6 hour)

(4) The person delivering medication shall be accountable for following the order of the prescribing physician. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-140, filed 3/24/81.]

WAC 289-20-150 Health care records. (Holding facilities.) (1) Prisoner file maintenance.

(a) Prisoner medical files shall contain the completed receiving screening form, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment, if applicable. (30 day)

(b) A record of the date, time, place and name of the health care provider shall be retained on file at the jail if any health care services are provided to prisoners. (72 hour, 6 hour)

(2) Prisoner file confidentiality.

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

(b) 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 medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order. (30 day)

(4) Information regarding known serious health problems shall be communicated to any transferring officer or receiving jail or correctional institution at the time of transfer. (72 hour, 6 hour)

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-150, filed 3/24/81.]

WAC 289-20-160 Special medical issues. (Holding facilities.) (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) Jail 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 289-20-105 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. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-160, filed 3/24/81.]

WAC 289-20-165 Access to facilities. (Holding facilities.) (1) Regular bathing (shower) shall be permitted at least twice each week. (30 day) (Not applicable - 72 hour, 6 hour)

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-165, filed 3/24/81.]

WAC 289-20-170 Food. (Holding facilities.) (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. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Nutritional and caloric intake.

(a) Jail meals shall be nutritious, and provide for appropriate caloric intake.

(b) Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Medically ordered diets shall be strictly observed.

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-170, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-170, filed 3/24/81.]

WAC 289-20-180 Clothing, bedding and personal items. (Holding facilities.) (1) Clothing.

(a) Provisions shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing. (30 day, 72 hour) (Not applicable - 6 hour)

(b) Each jail shall insure 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. (30 day) (Not applicable - 72 hour, 6 hour)

(2) Bedding.

Prisoners shall be issued clean bedding within a reasonable time. 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 or sheet 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. (30 day, 72 hour) (Not applicable - 6 hour)

(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. (30 day, 72 hour) (Not applicable - 6 hour)

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. (30 day, 72 hour) WAC 289-20-180 (3)(c) ADVISORY (Not applicable - 6 hour.)

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-180, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-180, filed 3/24/81.]

WAC 289-20-190 Sanitation. (Holding facilities.) (1) General sanitation.

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

(b) When the facility is occupied, the housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage. (30 day) (Not applicable - 72 hour, 6 hour)

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

(2) Insects, rodents, and pets.

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

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

(3) Laundry. Each jail shall arrange for adequate laundry services. (30 day, 72 hour) (Not applicable - 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-20-190, filed 3/24/81.]

WAC 289-20-200 Responsible physician and licensed staff. (Detention and correctional facilities.) (1)

The facility shall have a designated health authority with responsibility for health care services pursuant to a written agreement, contract, or job description. The health authority may be a physician, health administrator or agency. When this authority is other than a physician, final medical judgments shall rest with a single designated responsible physician licensed in the state of Washington.

(2) Matters of medical and dental judgment shall be the sole province of the responsible physician and dentist respectively; security regulations applicable to facility personnel shall also apply to health personnel.

(3) The responsible physician or medical authority should submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the chief law enforcement officer or department of corrections. WAC 289-20-200(3) ADVISORY.

(4) State licensure and/or certification requirements and restrictions shall apply to health care personnel.

(5) All medical personnel shall practice within the scope of their license. Where applicable, treatment shall be performed pursuant to a written standing or direct order.

(6) Verification of current licensing and certification credentials should be on file in the jail. WAC 289-20-200(6) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-200, filed 3/18/81.]

WAC 289-20-205 Health care policies and procedures. (Detention and correctional facilities.) (1) Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following:

- (a) Receiving screening;
- (b) Health appraisal data collection; WAC 289-20-205

(1)(b) ADVISORY

- (c) Nonemergency medical services;
- (d) Deciding the emergency nature of illness or injury;
- (e) Availability of dental referral examination, and treatment;

- (f) Provision of medical and dental prostheses;

- (g) First aid;

- (h) Notification of next of kin or legal guardian in case of serious illness, injury or death;

- (i) Providing chronic care;

- (j) Providing convalescent care;

- (k) Providing medical preventive maintenance; WAC 289-20-205 (1)(k) ADVISORY

(1) Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs;

- (m) Implementing the special medical program;

- (n) Delousing procedures;

- (o) Detoxification procedures; and

- (p) Pharmaceuticals.

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

[Statutory Authority: RCW 70.48.050(1) and 70.48.070(4). 82-04-088 (Order 22), § 289-20-205, filed 2/3/82. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-205, filed 3/18/81.]

WAC 289-20-210 Health screening. (Detention and correctional facilities.) (1) Receiving screening shall be performed on all prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form approved by the jail commission. The screening shall include inquiry into:

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

- (b) Medications taken and special health requirements;

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

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

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

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

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

(2) The health appraisal data collection should be completed for each prisoner within fourteen days after admission to the facility in accordance with the adopted standard operating procedures: *Provided*, That this subsection does not apply to prisoners who are able to receive medical care in the community. WAC 289-20-210(2) ADVISORY

(3) Such health appraisal should include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status: *Provided*, That such appraisal is not intended to be a standard "annual physical" but rather such minimum physical and mental status review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals should be included within such appraisal. WAC 289-20-210(3) ADVISORY

(4) Health history and vital signs should be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data should be performed only by qualified medical personnel. Review of the results of the medical examination, tests, and identification of problems should be made by a physician or designated qualified medical personnel. All health appraisal data should be recorded on the health data forms approved by the responsible physician. WAC 289-20-210(4) ADVISORY.

[Statutory Authority: RCW 70.48.050(1) and 70.48.070(4). 82-04-088 (Order 22), § 289-20-210, filed 2/3/82. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-210, filed 3/18/81.]

WAC 289-20-220 Access to health care. (Detention and correctional facilities.) (1) If medical services are delivered in the jail, adequate equipment supplies and materials shall be provided for the performance of primary health care delivery.

(2) At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of WAC 289-16-010 (1)(f), explaining the procedures for gaining access to medical services.

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

(4) Work release prisoners should be allowed to see their own physicians outside of the jail and to receive consistent care within the jail.

- (5) Sick call.

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

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

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

(iii) Facilities of over two hundred prisoners at least five times per week: *Provided*, That the average daily population may be calculated exclusive of work release prisoners when they receive their care in the community.

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

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

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

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

(6) Medical and dental prostheses shall not be denied when the health of the inmate-patient would otherwise be adversely affected as determined by the responsible physician.

(7) Emergency care.

(a) First aid kit(s) shall be conveniently available in all jails.

(b) The responsible physician should approve the contents, number, location and procedure for periodic inspection of the kit(s). WAC 289-20-220 (7)(b) ADVISORY

(c) 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 jail;

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

(iii) Arrangements for the use of one or more designated hospital emergency rooms, other appropriate health facilities, or on-call physician and dentist services.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-220, filed 3/18/81.]

WAC 289-20-230 Health care training. (Detention and correctional facilities.) (1) Jail 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 incorporate the following steps:

(a) Awareness of potential medical emergency situations;

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

(c) "First aid" and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

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

(3) Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and retardation.

(4) All persons responsible for the delivery of medications shall have training regarding the medical, security, and legal aspects of such activity.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-230, filed 3/18/81.]

WAC 289-20-240 Medications control. (Detention and correctional facilities.) (1) The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

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

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

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

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

(i) Nonmedical jail personnel delivering medication(s) to prisoners;

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

(iii) Packaging of medication(s): The medications system shall insure that all medications are 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;

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

(v) Disposition of unused medication(s).

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

(2) The person delivering medication(s) shall be accountable for following the orders of medical staff.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-240, filed 3/18/81.]

WAC 289-20-250 Health care records. (Detention and correctional facilities.) (1) The responsible physician shall be responsible for maintaining patient medical record files. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long term or serious medical or psychiatric treatment.

(2) The responsible physician shall insure the confidentiality of each prisoner's medical record file and such file shall be maintained separately to the extent necessary to maintain their confidentiality.

(3) The responsible physician or medical staff designated by him shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order.

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

(5) The person delivering medications shall record the actual time of the delivery in a manner and on a form approved by the responsible physician.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-250, filed 3/18/81.]

WAC 289-20-260 Special medical issues. (Detention and correctional facilities.) (1) Informed consent.

(a) All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(b) No prisoner shall be given medical treatment against his will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the prisoner, or, in the case of serious mental disorders, to prevent imminent danger to the life of his or her person or to the lives of others. All procedures required by chapter 71.05 RCW shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within jails.

(c) In the case of minors, the informed consent of parent, guardian or legal custodian applies where required by law.

(d) In all cases, the responsible physician shall give a clear statement to the prisoner patient of his diagnosis and treatment.

(2) Special medical.

(a) Jail staff shall report any symptoms of prisoner mental illness or retardation to medical personnel for appropriate evaluation and treatment.

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

(c) Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation as required by WAC 289-18-200 (1)(c) and (d), should be developed by medical staff. **ADVISORY**

(d) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-20-205 (1)(1) 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.

(e) Reasonable physical restraint when necessary for medical reasons shall be medically directed, except that in an emergency reasonable physical restraint may be used to control a grossly disturbed or violent prisoner, but the review and direction of the health care staff or local mental health professionals shall be promptly obtained.

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-260, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-260, filed 3/18/81.]

WAC 289-20-265 Access to facilities. (Detention and correctional facilities.) (1) Regular bathing (shower) shall be permitted at least twice each week.

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-265, filed 3/18/81.]

WAC 289-20-270 Food. (Detention and correctional facilities.) (1) General food requirements.

(a) At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.

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

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

(2) Nutritional and caloric intake.

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

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

[Statutory Authority: RCW 70.48.050 (1)(a). 81-22-068 (Order 19), § 289-20-270, filed 11/4/81. Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-270, filed 3/18/81.]

WAC 289-20-280 Clothing, bedding and personal items. (Detention and correctional facilities.) (1) Clothing.

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

(b) Each jail shall insure 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.

(c) Detention and correctional facilities shall, if necessary, clean and sanitize personal clothing prior to storage.

(2) Bedding.

(a) Each prisoner shall be issued clean bed linens for the first night's detention and at least once a week thereafter. Bed linens shall include:

(i) One detachable cloth mattress cover and one sheet;

or

(ii) Two sheets; or

(iii) One double sized sheet.

(b) Mattresses shall have a washable surface and shall be sanitized at least semiannually.

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

(3) Personal care items.

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

(b) Toothpaste or powder, toothbrush and comb shall be provided for all prisoners. Such items shall be available for purchase or shall be issued at booking and as needed thereafter: *Provided*, That prisoners without funds 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 jail management or security. WAC 289-20-280 (3)(c). ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-280, filed 3/18/81.]

WAC 289-20-290 Sanitation. (Detention and correctional facilities.) (1) General.

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

(b) Jail staff shall insure that each prisoner shall clean his own living area daily. Convicted prisoners may be required to clean other space within the confinement area and pretrial detainees may be permitted to do so voluntarily.

(2) Insects, rodents, and pets.

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

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-20-290, filed 3/18/81.]

Chapter 289-22 WAC

CUSTODIAL CARE STANDARDS—SERVICES AND PROGRAMS

WAC

- 289-22-100 Services. (Holding facilities.)
- 289-22-110 Programs. (Holding facilities.)
- 289-22-200 Services. (Detention and correctional facilities.)
- 289-22-210 Programs. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 289-22-010 Services. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-22-010, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
- 289-22-020 Programs. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-22-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-22-100 Services. (Holding facilities.) (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each holding facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at cost at least once a week at local stores. (30 day)

(b) The department of corrections or chief law enforcement officer may provide prisoners with a list of approved items to be purchased at cost. (72 hour) WAC 289-22-100 (1)(b) ADVISORY. (Not applicable - 6 hour)

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

(d) Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses. (30 day) (Not applicable - 72 hour, 6 hour)

(e) If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Basic hair care. Reasonable arrangements should be made to provide basic hair care. (30 day) WAC 289-22-100(2) ADVISORY. (Not applicable - 72 hour, 6 hour)

(3) Reading materials. Each jail should provide for reading materials and library services. WAC 289-22-100(3) ADVISORY

(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. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers. (30 day) (Not applicable - 72 hour, 6 hour)

(5) Religious services.

(a) Upon reasonable request from a prisoner, the jail facility staff shall arrange for confidential religious consultation. (30 day) (72 hour - WAC 289-22-100 (5)(a) ADVISORY) (Not applicable - 6 hour)

(b) Holding facilities with an average daily population of twenty-five or more should arrange for weekly religious services. (30 day) WAC 289-22-100 (5)(c) ADVISORY (Not applicable - 72 hour, 6 hour)

(c) Prisoners should be permitted to observe religious holidays and receive sacraments of their faith. (30 day) WAC 289-22-100 (5)(d) ADVISORY (Not applicable - 72 hour, 6 hour).

(d) Attendance at religious services shall be voluntary. (30 day) (Not applicable - 72 hour, 6 hour)

(6) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in holding facilities with an opportunity to discuss their problems. (30 day, 72 hour) WAC 289-22-100 (6)(a) ADVISORY. (Not applicable - 6 hour)

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

facility is not jeopardized. (30 day, 72 hour) WAC 289-22-100 (6)(b) ADVISORY. (Not applicable - 6 hour)

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-22-100, filed 3/24/81.]

WAC 289-22-110 Programs. (Holding facilities.)

(1) Each prisoner should be allowed an opportunity for physical exercise. WAC 289-22-110(1) ADVISORY.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. (30 day) WAC 289-22-110(2) ADVISORY. (Not applicable - 72 hour, 6 hour)

(3) Participation in work programs by pretrial detainees shall be voluntary.

(4) Education or training programs. The department of corrections or chief law enforcement officer may allow the prisoner to contact or be contacted by community representatives of education or training programs. (30 day, 72 hour) WAC 289-22-110(4) ADVISORY. (Not applicable - 6 hour)

(5) Leisure time activity programs. Holding facilities should provide opportunities for all prisoners to participate in leisure time activities. WAC 289-22-110(5) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-22-110, filed 3/24/81.]

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.]

WAC 289-22-210 Programs. (Detention and correctional facilities.) (1) Each prisoner shall be allowed three hours per week of physical exercise, to be scheduled on no less than three separate days. If weather does not permit outdoor exercise, it shall be provided indoors. Indoor or outdoor exercise areas shall be equipped with appropriate equipment and supplies to permit varied exercise or recreation.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. WAC 289-22-210(2) ADVISORY.

(3) Participation in work programs by pretrial detainees shall be voluntary.

(4) Education and training programs.

(a) The department of corrections or chief law enforcement officer should arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens, and other available community, state, and federal resources. WAC 289-22-210 (4)(a) ADVISORY.

(b) Paid staff member(s) should have designated responsibility for supervision of the education and training programs. WAC 289-22-210 (4)(b) ADVISORY.

(c) Approved correspondence courses should be available at the prisoner's request and expense. WAC 289-22-210 (4)(c) ADVISORY.

(d) Jails should provide courses to prepare qualified prisoners for the "General Education Development" test, and provide the opportunity to take the test. WAC 289-22-210 (4)(d) ADVISORY.

(5) Leisure time activity programs.

(a) Detention and correctional facilities should provide opportunities for all prisoners to participate in leisure time activities of their choice and abilities. Such activities may include athletic programs, hobbies and crafts, table games, radio and television, motion pictures, cards, puzzles, checkers and chess. WAC 289-22-210 (5)(a) ADVISORY.

(b) Volunteers may be used to plan and supervise exercise programs and other leisure time activities, but paid staff member(s) should have designated responsibility for supervision of such programs. WAC 289-22-210 (5)(b) ADVISORY.

(6) Alternative to confinement programs. With the concurrence of the department of corrections, or chief law enforcement officer, the disciplinary hearing body may recommend an alternative to confinement to the court of jurisdiction. WAC 289-22-210(6) ADVISORY.

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-22-210, filed 3/18/81.]

Chapter 289-24 WAC

CUSTODIAL CARE STANDARDS— COMMUNICATIONS

WAC

289-24-010	Introduction.
289-24-100	Telephone usage. (Holding facilities.)
289-24-110	Mail. (Holding facilities.)
289-24-120	Visitation. (Holding facilities.)
289-24-200	Telephone usage. (Detention and correctional facilities.)
289-24-210	Mail. (Detention and correctional facilities.)
289-24-220	Visitation. (Detention and correctional facilities.)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

289-24-020	Communication with staff. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-020, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-030	Telephone usage. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-030, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-040	Mail. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-040, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.
289-24-050	Visitation. [Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-050, filed 6/27/79.] Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: Chapter 70.48 RCW.

WAC 289-24-010 Introduction. It is assumed that mail will usually not be sent or received in 72 hour or 6 hour holding facilities, but facilities which do handle mail must comply with the applicable provisions in this chapter.

[Statutory Authority: Chapter 70.48 RCW. Readopted by 81-08-014 (Order 13), § 289-24-010, filed 3/24/81. Prior: Repealed by 81-07-057 (Order 10), filed 3/18/81. Statutory Authority: RCW 70.48.050(1). 79-07-067 (Order 2), § 289-24-010, filed 6/27/79.]

WAC 289-24-100 Telephone usage. (Holding facilities.) (1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes). (30 day) (72 hour, 6 hour - WAC 289-24-100(1) ADVISORY)

(2) Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner: *Provided*, That established social telephone usage shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative.

(3) Long distance calls shall be at the prisoner's expense or collect: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-14-100, filed 3/24/81.]

WAC 289-24-110 Mail. (Holding facilities.) (1) Newspapers, books, periodicals, other printed materials, and photographs.

(a) Prisoners shall generally be permitted to receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff. (30 day) (Not applicable - 72 hour, 6 hour)

(b) If such materials are withheld from a prisoner:

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

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

(iii) A written decision of the review of the denial, including reason(s), shall be given to the prisoner requesting review. (30 day) (Not applicable - 72 hour, 6 hour)

(2) Correspondence.

(a) General.

(i) Incoming or outgoing mail shall be retained no more than one business day. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters including letters to attorneys, the courts, and elected federal, state, county and city officials. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense: *Provided*, That no limit may be set on the

number of letters which may be sent to the prisoner's attorney or to the courts. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) No restrictions shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by order of a court of competent jurisdiction, or as provided under (c) of this subsection. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) These rules shall not preclude a prisoner being required to place his name and return post office address on outgoing mail. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Opening or censoring mail.

(i) No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) 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 content of a letter may present a clear and present danger to institutional 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. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Notice of disapproval of prisoner mail.

(i) If a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right. (30 day) (Not applicable - 72 hour, 6 hour)

(iv) A written decision of the review of such denial shall be promptly delivered to the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(d) Limitations.

(i) Incoming mail of postconviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city officials shall be opened only in the presence of the addressee. (30 day) (Not applicable - 72 hour, 6 hour)

(ii) Mail to or from attorneys, courts, or elected federal, state, county or city officials shall not be read. (30 day) (Not applicable - 72 hour, 6 hour)

(iii) There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts. (30 day) (Not applicable - 72 hour, 6 hour)

(3) Packages. If a facility allows prisoners to send or receive packages;

(a) All packages shall be opened and inspected. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Outgoing. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations. (30 day) (Not applicable - 72 hour, 6 hour)

(4) Contraband.

(a) Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. (30 day) (Not applicable - 72 hour, 6 hour)

(b) Permissible items received in the mail, including money or checks, shall be recorded by a staff member and notification thereof given to the prisoner. (30 day) (Not applicable - 72 hour, 6 hour)

(c) Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, or 9A.76.160, or other applicable statute(s). (30 day) (Not applicable - 72 hour, 6 hour.)

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-24-110, filed 3/24/81.]

WAC 289-24-120 Visitation. (Holding facilities.)

(1) Security.

(a) Open visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution. (30 day) WAC 289-24-120 (1)(a) ADVISORY. (Not applicable - 72 hour, 6 hour)

(b) The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under WAC 289-16-130. (30 day, 72 hour) (Not applicable - 6 hour)

(2) Social visits.

The department of corrections or chief law enforcement officer shall establish and post rules which permit reasonable opportunities for social visits for each prisoner and specifying times therefor. (30 day) (72 hour - WAC 289-24-120(2) ADVISORY) (Not applicable - 6 hour)

(3) Business and professional visits.

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

(b) The department of corrections or chief law enforcement officer should allow confidential visits from business, educational and law enforcement professionals. (30 day, 72 hour) WAC 289-24-120 (3)(b) ADVISORY. (Not applicable - 6 hour)

(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 to be limited to:

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

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

(iii) Request from the prisoner's physician.

(iv) Request from the prisoner.

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

(d) 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, the department of corrections, or the chief law enforcement officer upon written request and shall be promptly informed of this right.

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

[Statutory Authority: Chapter 70.48 RCW. 81-08-014 (Order 13), § 289-24-120, filed 3/24/81.]

WAC 289-24-200 Telephone usage. (Detention and correctional facilities.) (1) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

(2) Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner: *Provided*, That established social telephone usage hours shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative.

(3) Calls shall be at the prisoner's expense or collect: *Provided*, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-200, filed 3/18/81.]

WAC 289-24-210 Mail. (Detention and correctional facilities.) (1) Newspapers, books, periodicals, other printed materials, and photographs.

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

(b) When such materials are withheld from a prisoner:

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

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

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

(2) Correspondence.

(a) General.

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

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

(iii) No restriction shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by court order of a court of competent jurisdiction, or as provided under (c) of this subsection.

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

(b) Opening or censoring mail.

(i) No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy.

(ii) 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 content of a letter may present a clear and present danger to institutional 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.

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

(c) Notice of disapproval of prisoner mail.

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

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

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

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

(d) Limitations.

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

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

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

(3) Packages.

(a) Incoming.

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

(ii) Packages may be received only if the contents conform to rules adopted by the department of corrections or chief law enforcement officer, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him.

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

(4) Contraband. Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. A receipt for permissible items received in the mail, including money or checks shall be signed by a staff member and a copy thereof promptly delivered to the prisoner. Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible

prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160, or other applicable statute(s).

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-210, filed 3/18/81.]

WAC 289-24-220 Visitation. (Detention and correctional facilities.) (1) General.

(a) Open visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution. WAC 289-24-220 (1)(a) ADVISORY.

(b) The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under WAC 289-16-230.

(2) Social visits.

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

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

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

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

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

(3) Business and professional visits.

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

(b) By prior arrangement with the department of corrections or the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits for business or educational reasons.

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

(4) Visitor regulations.

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

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

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

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

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

(iii) Request from the prisoner's physician;

(iv) Request from the prisoner;

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

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

[Statutory Authority: Chapter 70.48 RCW. 81-07-057 (Order 10), § 289-24-220, filed 3/18/81.]

Chapter 289-26 WAC

CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES

WAC

289-26-005	Introduction to custodial care standards for special detention facilities.
289-26-100	General administration.
289-26-120	Training.
289-26-130	Records.
289-26-200	Emergency procedures.
289-26-210	Fire prevention and suppression.
289-26-220	Use of force.
289-26-300	Capacity.
289-26-310	Crowding.
289-26-320	Overcrowding.
289-26-400	Admissions.
289-26-410	Low-risk classification.
289-26-420	Orientation.
289-26-430	Classification/segregation criteria.
289-26-440	Good time.
289-26-450	Release and transfer.
289-26-460	Transportation.
289-26-500	Staffing.
289-26-510	Supervision and surveillance.
289-26-520	Critical articles.
289-26-600	Introduction.
289-26-610	Prisoner rights.
289-26-620	Prisoner rules of conduct.
289-26-630	Discipline.
289-26-640	Grievance procedures.
289-26-700	Written procedures for medical services.
289-26-705	Health care policies and procedures.
289-26-710	Health screening.
289-26-720	Access to health care.
289-26-730	Health care training.
289-26-735	Public health.
289-26-740	Medications control.
289-26-750	Health care records.
289-26-760	Special medical issues.
289-26-765	Access to facilities.
289-26-770	Food.
289-26-780	Clothing, bedding and personal items.
289-26-790	Sanitation.
289-26-800	Services.
289-26-810	Programs.
289-26-900	Telephone usage.
289-26-910	Mail.
289-26-920	Visitation.

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

[Title 289 WAC—page 50]

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 an average net living space of seventy-five square feet per prisoner in each of the living areas of the facility, except for board-approved variances as provided in WAC 289-12-045. Seventy-two hour special detention facilities will be deemed adequate to house up to the number of prisoners which would result in sixty square feet per prisoner in each single room, multiple occupancy room and dormitory.

[Statutory Authority: RCW 70.48.050. 86-19-016 (Order 86-07), § 289-26-300, filed 9/9/86; 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 of at least seventy-five square feet for each prisoner, except for board-approved variances as provided in WAC 289-12-045. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300.

[Statutory Authority: RCW 70.48.050 (1)(a) and 70.48.070. 87-01-113 (Order 86-99), § 289-26-310, filed 12/24/86. 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

[Title 289 WAC—page 52]

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.

(1997 Ed.)

[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 nonemergency 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.]

**Chapter 289-30 WAC
CUSTODIAL CARE STANDARDS—
ENFORCEMENT PROCEDURES**

WAC

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

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

289-30-060 Order of closure or partial closure. [Statutory Authority: Chapter 70.48 RCW, 81-07-058 (Order 11), § 289-30-060, filed 3/18/81.] Repealed by 81-18-079 (Order 18), filed 9/2/81. Statutory Authority: RCW 70.48.050.

WAC 289-30-010 Purpose. The provisions of chapter 289-30 WAC are adopted pursuant to RCW 70.48.050 to ensure that all jails in the state meet the requirements of chapter 70.48 RCW and the mandatory custodial care standards adopted pursuant thereto and set forth in chapters 289-14 through 289-24 WAC or such other mandatory standards as may hereafter be adopted by the commission.

[Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080, 79-11-001 (Order 3), § 289-30-010, filed 10/4/79.]

WAC 289-30-020 Custodial care standards—Compliance. In accordance with RCW 70.48.070, as amended by chapter 232, Laws of 1979 1st ex. sess., the mandatory custodial care standards previously adopted by the commission shall be subject to commission enforcement beginning October 1, 1979.

[Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080, 79-11-001 (Order 3), § 289-30-020, filed 10/4/79.]

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

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

(3) The director shall submit the findings of commission jail inspectors to the commission in written form and send a copy of such findings to the governing unit whose facility is the subject of such report. Governing unit exceptions to, or comments on, such report shall be sent to the commission within thirty days of its receipt thereof.

[Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080, 79-11-001 (Order 3), § 289-30-030, filed 10/4/79.]

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

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

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

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

(2) Action to enforce such orders, if required, shall be in accordance with the provisions of RCW 70.48.080.

[Statutory Authority: RCW 70.48.050(6), 70.48.070 and 70.48.080. 79-11-001 (Order 3), § 289-30-050, filed 10/4/79.]