

State of Washington

Corrections Standards Board

(name of governing body)

(agency name, if applicable)

Resolution No. \_\_\_\_\_

Administrative Order No. 86-03

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

that it does adopt the annexed rules relating to:

WAC 289-16-130 Classification/Segregation (Holding Facilities), WAC 289-16-230 Classification/Segregation (Detention and Correctional Facilities) and WAC 289-26-430 Classification/Segregation Criteria

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

This action is taken pursuant to Notice No. 85-14-085 filed with the code reviser on July 1, 1985. These rules shall take effect:  thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).  at a later date, such date being \_\_\_\_\_

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, \_\_\_\_\_, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026<sup>1</sup> that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

(a) This rule is promulgated pursuant to RCW Ch. 50, Laws of 1985 and is intended to administratively implement that statute.  (b) This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the

\_\_\_\_\_ (agency) has authority to implement the provisions of \_\_\_\_\_ (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the \_\_\_\_\_ (agency) as authorized in RCW \_\_\_\_\_

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 26, 19 85

STATE OF WASHINGTON FILED

AUG 27 1985

By Robert W. Cote Executive Secretary Title

CODE REVISER'S OFFICE

WSR 85-18-025

AMENDATORY SECTION (Amending Order 13, 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 (~~remanded-to-superior-court-jurisdiction~~) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a jail (~~in-which-adult-prisoners-are-also-being-held~~) 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) (~~All-governing-units-are-advised-of-the-provisions-of-the Juvenile--Justice--and--Delinquency-Prevention-Act-of-1974-(Public-Law 93-415)-as-amended-by-the-Juvenile-Justice-Amendments-of-1989--(Public Law--96-509)-which-provide-that-no-juveniles-be-housed-in-adult-detention-facilities-after-1995,-denies-certain-federal-funds-to-states which-do-not-comply-with-this-requirement,-and-directs-that-guidelines shall-be-established-for-meeting-this-requirement-over-the-five-year period.--WAC-289-16-130-(4)-(b)-(ii)-ADVISORY~~) 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.

AMENDATORY SECTION (Amending Order 12, filed 3/19/81)

WAC 289-16-230 CLASSIFICATION/SEGREGATION. (DETENTION AND CORRECTIONAL FACILITIES.) (1) Classification.

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

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

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

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

(2) Classification procedures.

(a) Each prisoner confined in a detention or correctional facility shall be interviewed by the persons responsible for classification determinations or other designated staff. Where designated staff conduct the interviews, the information shall be reported to the classification committee, or person responsible in a uniform manner.

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

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

(d) A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the department of corrections or chief law enforcement officer upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the department of corrections, chief law enforcement officer, or a designated staff member supervisory to the classification committee, within 72 hours of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(3) Criteria for prisoner classification.

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

(b) Juveniles.

(i) No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been (~~remanded to superior court jurisdiction~~) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a jail (~~in which adult prisoners are also being held~~) 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) ((All-governing-units-are-advised-of-the-provisions--of--the Juvenile--Justice--and--Delinquency-Prevention-act-of-1974-(Public-Law-93-445)-as-amended-by-the-Juvenile-Amendments-of-1980-(Public-Law--96-509)--which--provide--that--no--juveniles-be-housed-in-adult-detention facilities-after-1985,-denies-certain-federal-funds-to-states-which-do not-comply-with-this-requirement,-and-directs-that-guidelines-shall-be established-for-meeting-this-requirement-over--the--five-year-period: WAC-209-16-230-(3)-(b)(ii)--ADVISORY)) 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])) 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.

AMENDATORY SECTION (Amending Order 84-51, 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 (~~remanded to superior court jurisdiction~~) transferred previously to adult courts: PROVIDED, That no person under the chronological age of sixteen shall be held in a special detention facility (~~in which adult prisoners are also being held~~). A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating, or game offenses or infractions pursuant to RCW 13.04.030 (6) (c) or successor statute does not constitute a "transfer."

(b) (~~All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Justice Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with these requirements, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-26-430 (1) (b) ADVISORY.~~) 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.