

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



ORDINANCE 04- 090

RELATING TO ELIGIBILITY FOR AND PARTICIPATION  
IN PROGRAMS FOR ALTERNATIVES TO  
IN-CUSTODY CONFINEMENT OF PRISONERS;  
AMENDING CHAPTERS 5.01, 5.18 AND 5.22  
SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. Snohomish County Code Section 5.01.020, last amended by Amended Ord. 97-013 on April 16, 1997 is amended to read:

**5.01.020 Definitions.**

In this title, the words and phrases used shall have the meanings set forth below, unless the context indicates otherwise.

(1) "Alternative confinement" means work release, work crew, electronic home monitoring, day reporting or other alternatives to in-custody confinement as ordered by a court.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity. Body cavity means the stomach or rectum of a person and the vagina of a female person.

(3) ~~((2))~~ "Contraband" means any substance or item not specifically permitted by department rules and policies.

(4) ~~((3))~~ "Correctional officer" means a staff member of the department of corrections with direct responsibility over prisoners.

(5) ~~((4))~~ "Council" means the Snohomish county council.

(6) ~~((5))~~ "Department" means the Snohomish county department of corrections also known as Snohomish county corrections.

(7) ~~((6))~~ "Director" means the director of the Snohomish county department of corrections.

(8) "Electronic home monitoring" means a program of partial confinement wherein the individual is confined in a private residence subject to electronic surveillance.

(9) "Executive" means the Snohomish county executive.

~~((8) "Home detention" means a program of partial confinement wherein the individual is confined in a private residence subject to electronic surveillance.))~~

(10) ~~((9))~~ "Jail" means the department facility located at Wall and Lombard, Everett, Washington, designed, staffed and used for 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; as well as for housing of adult persons sentenced to a period of confinement in jail pursuant to Washington state law.

(11) ~~((10))~~ "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.

(12) ~~((11))~~ "Special detention facility" means any facility primarily designed, staffed and used for special populations of sentenced persons who do not require the level of security normally provided in the jail, including, but not limited to persons convicted of offenses under RCW 46.61.502 or 46.61.504. Such facilities shall include, but not be limited to the building designated as the "Work Release/Special Detention Facility" located at 3015 Oakes Avenue, Everett, Washington.

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

(14) ~~((13))~~ "Work release program" means a program of scheduled release from the physical confines of the work release/special detention facility for the purpose of employment, seeking employment or school.

Section 2. The headings of chapter 5.18 Snohomish County Code adopted by Ordinance 94-041 on May 25, 1994 are amended to read:

### Chapter 5.18

#### Standards for Alternative Confinement ~~((Work Release))~~

Sections:

- 5.18.010 Applicability.
- 5.18.020 Eligibility for alternative confinement ~~((work release))~~.
- 5.18.030 Orientation.
- 5.18.040 Transportation.
- 5.18.050 Employment restrictions.
- 5.18.060 Prisoner money accounts.
- 5.18.070 Accountability for prisoners.

Ord. 04-~~070~~ Relating to Eligibility for and Participation in Programs for Alternatives to In-Custody Confinement, etc.

5.18.080 Searches.  
5.18.090 Termination.

Section 3. Snohomish County Code Section 5.18.010 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.18.010 Applicability.**

The provisions of chapter 5.18 SCC apply to prisoners participating in alternative confinement (~~the work release program only~~).

Section 4. Snohomish County Code Section 5.18.020 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.18.020 Eligibility for alternative confinement (~~work release~~).**

(1) Prisoners may be eligible for alternative confinement (~~work release~~) by court order pursuant to RCW 70.48.210(3) or chapter 9.94A RCW.

(2) The court (~~director or the director's designee~~) may (~~shall~~) approve an individual for alternative confinement (~~only after screening pursuant to written criteria, which consider, at a minimum, the individual's good conduct and the security risk the individual presents~~).

(3) Corrections shall provide an alternative confinement risk assessment to a court upon request. The court shall approve the content and form of the risk assessment.

Section 5. Snohomish County Code Section 5.18.030 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.18.030 Orientation.**

A written agreement which specifies the rules and conditions of alternative confinement (~~work release eligibility~~) shall be signed by each prisoner (~~and witnessed by staff signature~~).

Section 6. Snohomish County Code Section 5.18.070 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.18.070 Accountability for prisoners.**

(1) ~~((The work release)) P((p))~~ prisoners participating in alternative confinement shall be confined ((in)) by corrections ((the work release facility)) unless authorized to be absent for a program-related purpose as ordered by the court.

(2) Prisoners shall comply with all conditions and requirements as ordered by the court, and all applicable county rules, policies and procedures. ((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 initiated by the responsible staff on duty.~~

(4) ~~The facility shall establish and follow written procedures to verify attendance of prisoners at the place for which absence from the facility is authorized. ))~~

Section 7. Snohomish County Code Section 5.18.090 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.18.090 Termination.**

(1) Any prisoner who appears at a department facility and is determined by department staff to be in violation of any part of his or her court ordered conditions of participation in alternative confinement or of the rules and conditions of the alternative confinement shall be taken into custody. Thereafter, unless a hearing is expressly waived, the prisoner may request an administrative hearing to contest the determination of the department. Such hearing shall be conducted in accordance with department policies and procedures for hearings of prisoner appeals of disciplinary findings. ((The department shall adopt policies and procedures relating to the termination of participation in the work release program)).

(2) Any violation of the policies or procedures relating to participation in alternative confinement may subject the prisoner to such in-custody confinement as originally ordered by the court.

Section 8. The title of chapter 5.22 Snohomish County Code adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**Chapter 5.22**  
Standards for Electronic Home Monitoring (~~((Home Detention))~~)

Section 9. Snohomish County Code Section 5.22.020 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.22.020 Eligibility.**

~~(((1)))~~ Convicted offenders and pretrial detainees must be approved for participation in electronic home monitoring by the ~~((sentencing))~~ court ~~((and the director or director's designee.~~

~~(2)~~ Pretrial detainees must be approved by court order and the director or director's designee.

~~(3)~~ The director or director's designee shall approve an individual only after screening pursuant to written criteria, which consider at a minimum, the individual's good conduct and the security risk the individual presents.-))

Section 10. Snohomish County Code Section 5.22.040 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.22.040 Monitoring of participants.**

(1) Participants shall be monitored by means of an approved electronic monitoring system.

(2) Participants are allowed to leave their residence only for work, school and other necessary appointments approved by corrections (~~((work release staff))~~).

Section 11. Snohomish County Code Section 5.22.050 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.22.050 Fees and deposits.**

Individuals on electronic home monitoring (~~((detention))~~) will be charged a daily fee and pay a refundable deposit unless waived by order of the court. Such (~~((such))~~) fee and deposit shall (~~((to))~~) be established by the director or director's designee. Fees may not exceed actual costs of equipment and monitoring expenses.

Section 12. Snohomish County Code Section 5.22.070 adopted by Ordinance 94-041 on May 25, 1994 is amended to read:

**5.22.070 Termination.**

Any prisoner who appears at a department facility and is determined by department staff to be in violation of any part of his or her court ordered conditions of participation in electronic home monitoring or of the rules and conditions of the electronic home monitoring shall be taken into custody. Thereafter, unless a hearing is expressly waived, the prisoner may request an administrative hearing to contest the determination of the department. Such hearing shall be conducted in accordance with department policies and procedures for hearings of prisoner appeals of disciplinary findings. ((The department shall adopt policies and procedures regarding termination of participation in the home detention program.))

PASSED this 20<sup>th</sup> day of October, 2004.

ATTEST:

Barbara Sikorsti  
Clerk of the Council, *Asst.*

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

John M. Kater  
Chairperson

- APPROVED
- EMERGENCY
- VETOED

DATE: 10/22/04

ATTEST:

Ann M. Quevedo

Ann G. [Signature]  
County Executive

Approved as to form only:

[Signature] 7/28/04  
Deputy Prosecuting Attorney

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