



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 08-137

RELATING TO ORGANIZATION OF THE EXECUTIVE BRANCH; TERMINATING THE DEPARTMENT OF CORRECTIONS; ESTABLISHING A CORRECTIONS BUREAU IN THE SHERIFF'S OFFICE; AMENDING SCC 2.15.010, 2.15.020, 2.15.030, 2.15.034, 2.15.040, 2.15.050, 2.15.060, 3.68.010, 3.68.030, AND TITLE 5 SCC; REPEALING SCC 2.15.070; CONTAINING AN EFFECTIVE DATE; AND PROVIDING FOR SAVINGS AND TRANSITION

WHEREAS, the County Council and County Executive have concluded that the interests of the County and public would be promoted by removing the county jail and related facilities from the supervision of the County Executive and placing them under the supervision of the County Sheriff; and

WHEREAS, the County Sheriff has expressed support for this proposal; and

WHEREAS, this ordinance would terminate the Department of Corrections and establish a Corrections Bureau within the Sheriff's office while respecting the County's current obligations under relevant collective bargaining agreements;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. The heading of Chapter 2.15 of the Snohomish County Code, adopted by Ordinance No. 82-097 on September 22, 1982, is amended to read:

Chapter 2.15

~~((Department of))~~ Sheriff's Corrections Bureau

Section 2. Snohomish County Code Section 2.15.010, adopted by Ordinance No. 82-097 on September 22, 1982, is amended to read:

2.15.010 ~~((Department of))~~ Corrections bureau.

~~((The Snohomish county department of))~~ A corrections ~~((("department")))~~ bureau is hereby established in the office of the county sheriff. ~~((The administration of this department))~~ Supervision of the bureau is the responsibility of the county ~~((executive))~~ sheriff.

1 Section 3. Snohomish County Code Section 2.15.020, adopted by Ordinance
2 No. 82-097 on September 22, 1982, is amended to read:

3
4 **2.15.020 ((Director)) Bureau chief.**

5 ((The director of corrections ("director") is the administrative head of the
6 department. He)) The chief of the corrections bureau shall be appointed by the
7 ((executive subject to confirmation by the council)) sheriff.

8
9 Section 4. Snohomish County Code Section 2.15.030, last amended by
10 Amended Ordinance No. 87-125 on December 16, 1987, is amended to read:

11
12 **2.15.030 Responsibilities.**

13 The ((director of the department)) chief of the corrections bureau is in
14 charge of all adult correctional institutions and programs of the county, and all
15 persons confined therein or those subject to such programs. The ((director)) chief
16 will manage, operate and control such institutions and programs in compliance
17 with all applicable laws, rules and regulations, including keeping of a jail register
18 as required by RCW 70.48.100. The ((director)) chief shall operate the facilities in
19 compliance with the operating standards contained in Title 5 ((Snohomish
20 County Code)) SCC.

21
22 Section 5. Snohomish County Code Section 2.15.034, adopted by Ordinance
23 No. 97-081 on September 10, 1997, is amended to read:

24
25 **2.15.034 Assigned counsel program.**

26 In addition to the responsibilities of the ((department of)) corrections
27 bureau set forth in SCC 2.15.030, the ((department)) bureau shall administer an
28 assigned counsel program and is hereby authorized and empowered to maintain
29 a centrally administered system for the assignment of counsel to represent
30 indigent defendants, to develop criteria for assignment of counsel, to administer
31 programs, and to recommend entry into contracts with private nonprofit
32 corporations offering public defender services.

33
34 Section 6. Snohomish County Code Section 2.15.040, adopted by Ordinance
35 No. 82-097 on September 22, 1982, is amended to read:

36
37 **2.15.040 Organization.**

38 Subject to the approval of the ((executive)) sheriff, provisions of
39 ((Snohomish County Code Chapter 2.300 SCC and)) Title 3A SCC, and
40 amendments, and budget and appropriation controls, the ((director)) chief of the
41 corrections bureau may create, assign, and reassign functions ((and positions))
42 within the ((department)) bureau and direct and supervise all functions of the
43 ((department)) bureau.

1
2 Section 7. Snohomish County Code Section 2.15.050, adopted by
3 Ordinance No. 82-097 on September 22, 1982, is amended to read:
4

5 **2.15.050 Employees.**

6 (1) ~~((The director))~~ Except as required by law or otherwise provided by
7 ordinance, the chief and employees of the ~~((department))~~ corrections bureau are
8 not subject to ~~((chapters 41.14 RCW, or))~~ chapter 41.26 RCW, but are subject to
9 ~~((chapter))~~ chapters 41.14 RCW and 41.56 RCW, and applicable provisions of
10 Title 3A SCC. ~~((; PROVIDED That the director is))~~

11 (2) The bureau chief and other employees designated by the sheriff under
12 SCC 3.68.010 are subject to the provisions of chapter 3.68 SCC rather than Title
13 3A SCC.

14 (3) Where a collective bargaining agreement is in effect with respect to
15 particular employees within the corrections bureau, such agreement shall control
16 whenever its provisions conflict with provisions of chapter 41.14 RCW and the
17 rules and regulations of the Snohomish County Civil Service Commission.

18 (4) The ~~((director))~~ chief and employees of the ~~((department))~~ corrections
19 bureau shall have limited powers to arrest, detain, or commit persons subject to
20 their supervision and control as determined by the sheriff.

21
22
23 Section 8. Snohomish County Code Section 2.15.060, adopted by Ordinance
24 No. 08-097 on September 22, 1982, is amended to read:

25 **2.15.060 Police support/cooperation of the sheriff.**

26 The ~~((City of Everett Police Department))~~ sheriff is designated as the
27 primary law enforcement agency for responding to incidents in the county jail. If,
28 as a result of riot, fire or other casualty, it becomes necessary for the ~~((director))~~
29 chief of the corrections bureau to request additional assistance, the ~~((sheriff))~~
30 City of Everett Police Department shall provide ~~((such))~~ personnel and other
31 assistance ~~((as is reasonably necessary))~~ to manage and supervise inmates
32 during such riots, fire or other casualty. Such police personnel shall be under the
33 control of the ~~((director))~~ bureau chief during such casualty.
34
35

36 Section 9. Snohomish County Code Section 2.15.070, adopted by Ordinance
37 No. 82-097 on September 22, 1982, is repealed.

1
2 Section 10. Snohomish County Code Section 3.68.010, last amended by
3 Amended Ordinance No. 08-014 on April 30, 2008, is amended to read:
4

5 **3.68.010 Scope of chapter.**

6 The provisions of this chapter apply to the following positions:

7 (1) Two positions designated by each district court judge;

8 (2) Two positions designated by each of the following elected officials:
9 assessor, auditor, clerk, treasurer, prosecuting attorney, and each county
10 councilmember;

11 (3) Four positions designated by the county executive;

12 (4) Eight positions designated by the sheriff in accordance with RCW
13 41.14.070((:)); the chief of the corrections bureau established by SCC 2.15.010
14 plus a deputy bureau chief, director of administration, detention commander,
15 community corrections commander, health services administrator, and
16 psychiatrist; and the Commander of the Snohomish Regional Drug Task Force
17 appointed by the sheriff in accordance with SCC 3.67.020;

18 (5) The department heads appointed by the executive and confirmed by
19 the council;

20 (6) The division directors and division managers and deputy department
21 heads of executive and administrative departments whose department head is
22 appointed by the executive and confirmed by the council;

23 (7) The professional employees within the executive's office;

24 (8) Deputy prosecuting attorneys in the prosecuting attorney's office
25 except as provided in Snohomish county Ordinance 83-147;

26 (9) The professional employees within the county council's office;

27 (10) Two positions designated by each superior court judge, the superior
28 court commissioners, the administrator, superior/juvenile court, the assistant
29 administrator, superior court operations, the assistant administrator, juvenile
30 court operations, the case flow administrative manager, superior court, the
31 programs administrator, superior court, the human resources manager,
32 superior/juvenile court, and the administrative assistant, superior/juvenile court;
33 except that no law clerk/bailiff hired and designated pursuant to this chapter
34 subsequent to December 31, 1992, shall be entitled to the leave benefits
35 conferred by this chapter, but instead they shall receive, use and accrue
36 vacation, sick and holiday benefits in accordance with chapter 3A.06 SCC;

37 (11) The hearing examiner and any deputy examiners selected and
38 appointed pursuant to SCC 2.02.030 and 2.02.040;

39 (12) Any classified employee transferred, reclassified or promoted to an
40 exempt position on or after the effective date of this subsection;

41 (13) The chief clerk of the boundary review board and the clerk of the
42 board of equalization appointed pursuant to the authority of RCW 36.93 and
43 RCW 84.48;

1 (14) The law and justice cabinet FTE appointed pursuant to SCC
2 3.68.030(7); and

3 (15) The professional employees within the office of county performance
4 auditor established by SCC 2.700.010
5

6 Section 11. Snohomish County Code Section 3.68.030, last amended by
7 Amended Ordinance No. 07-049 on June 6, 2007, is amended to read:
8

9 **3.68.030 Selection of exempt positions and personnel.**

10 (1) Each elected official shall designate the position or positions the
11 official selects as exempt in accordance with SCC 3.68.010, in writing, which
12 writing the official shall file with the council and executive. Each elected official
13 shall designate the person selected to fill each exempt position designated, as
14 provided herein in writing, which writing the official shall file with the council and
15 executive. No elected official shall designate or appoint any spouse or relative,
16 as defined in SCC 3A.12.050, to an exempt position, and, in the event such
17 spouse or relative has been so designated or appointed, such designation or
18 appointment shall be null and void, except where otherwise provided by law.
19 Otherwise, such designation is irrevocable until such person leaves, or is
20 dismissed from, or transfers from the position designated as exempt, or unless
21 such position is transferred to the classified service.

22 (2) The deputy department heads, division directors, and division
23 managers of executive and administrative departments shall be appointed by the
24 department head, subject to the following:

25 (a) In making an appointment the department head shall consider the
26 applicant's qualifications, integrity and prior experience which are applicable to
27 the duties of the office to which appointment is to be made.

28 (b) An applicant shall not be appointed to a position which is supervised
29 by any spouse or relative of the applicant, as the term "relative" is defined in SCC
30 3A.12.050. The appointment of any employee to an exempt position supervised
31 by any spouse or relative of that employee shall be null and void.

32 (c) Employees appointed to exempt positions prior to April 1, 1982 shall
33 not be required to be re-appointed by way of the procedures provided in SCC
34 3.68.030(2) but shall serve in that position until that person leaves or is
35 dismissed from the position, provided that the exempt employee is not
36 supervised by a spouse or relative as defined in SCC 3A.12.050.

37 (3) Heads of executive and administrative departments shall be appointed
38 by the executive and confirmed by the council on the basis of abilities,
39 qualifications, integrity and prior experience which are applicable to the duties of
40 the office to which the appointment is to be made. No such department head
41 shall be appointed or serve under the supervision of a spouse or relative, as that
42 term is defined in SCC 3A.12.050.

1 (4) The superior court commissioners authorized by SCC 2.14.010 shall
2 be appointed by the superior court judges or as otherwise provided by law.

3 (5) For purposes of this section, an employee shall be deemed to
4 supervise another employee if the supervisory employee, as a regular matter,
5 has the authority to hire, assign, promote, transfer, layoff, recall, suspend,
6 discipline or discharge the other employee or to evaluate the performance of the
7 other employee.

8 (6) The prohibition against the appointment and service of an employee
9 who is a spouse or relative of the appointing elected official or of his or her
10 supervisor shall apply to any exempt employee who is appointed to an exempt
11 position on or after the effective date of the ordinance codified in this section and
12 shall not apply to any employee appointed to the exempt service prior to the
13 effective date of said ordinance.

14 (7) The law and justice cabinet FTE provided for in SCC 3.68.010(14)
15 shall be appointed by ((simply)) simple majority vote of the following elected
16 officials or their designees acting on behalf of the law and justice cabinet: the
17 county executive, chair of the council law and justice/human services committee,
18 ((director of corrections)) chief of the corrections bureau established by SCC
19 2.15.010, presiding judges of the superior and district courts, prosecuting
20 attorney, sheriff, and superior court clerk.

21 (8) The performance auditor shall be appointed as set out in SCC
22 2.700.010.

23 (9) The chief of the corrections bureau shall be appointed as set out in
24 SCC 2.15.020.

25
26 Section 12. The heading of Title 5 of the Snohomish County Code, adopted by
27 Amended Ordinance No. 94-091 on May 25, 1994, is amended to read:

28
29 **Title 5**

30
31 **OPERATIONAL STANDARDS FOR SNOHOMISH COUNTY**
32 **~~((DEPARTMENT OF))~~ CORRECTIONS BUREAU**

33
34 Section 13. Snohomish County Code Section 5.04.010, adopted by Amended
35 Ordinance No. 94-041 on May 25, 1994, is amended to read:

36
37 **5.01.010 Purpose.**

38 (1) The standards set forth in this title are adopted by the Snohomish
39 county council pursuant to, and for purposes of fulfilling, the mandates of RCW
40 70.48.071.

41 (2) The adoption of these standards is intended to meet minimum federal
42 and state constitutional requirements relating to health, safety, and welfare of

1 prisoners and staff and specific federal and state requirements and to provide for
2 the public's health, safety, and welfare.

3 (3) Adoption of these standards is intended as general guides to staff and
4 are not intended to create liberty interests in or for any person.

5 (4) None of the time limits which appear in these standards are intended
6 to be jurisdictional. Failure to comply with any time limit shall not deprive the
7 ~~((department or director or the director's))~~ bureau or bureau chief or bureau
8 chief's designee of the power to act in any way authorized by the standards.
9

10 Section 14. Snohomish County Code Section 5.01.020, last amended by
11 Ordinance No. 04-090 on October 30, 2004, is amended to read:

12
13 **5.01.020 Definitions.**

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

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

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

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

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

27 (5) "Council" means the Snohomish county council.

28 (6) ~~("Department")~~ "Bureau" means the ~~((department of))~~ corrections
29 bureau established by SCC 2.15.010, also known as Snohomish county
30 corrections.

31 (7) ~~("Director")~~ "Chief" means the ~~((director))~~ chief of the ~~((Snohomish~~
32 ~~county department of))~~ corrections bureau.

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

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

37 (10) "Jail" means the ~~((department))~~ bureau facility located at Wall and
38 Lombard, Everett, Washington, designed, staffed and used for temporary
39 housing of adult persons charged with a criminal offense prior to trial or
40 sentencing and for the temporary housing of such persons during or after trial; as
41 well as for housing of adult persons sentenced to a period of confinement in jail
42 pursuant to Washington state law.

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

5 (12) "Sheriff" means the Snohomish county sheriff.

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

13 ((13)) (14) "Strip search" means having a person remove or arrange
14 some or all of the person's clothing so as to permit an inspection of the genitals,
15 buttocks, anus or undergarments of a person or breasts of a female person.

16 ((14)) (15) "Work release program" means a program of scheduled
17 release from the physical confines of the work release/special detention facility
18 for the purpose of employment, seeking employment or school.

19
20 Section 15. Snohomish County Code Section 5.04.010, adopted by Amended
21 Ordinance No. 94-041 on May 25, 1994, is amended to read:

22
23 **5.04.010 Application.**

24 The provisions of chapter 5.04 through chapter 5.14 SCC incorporate
25 corrections standards applicable to all ((department)) bureau facilities unless
26 otherwise indicated.

27
28 Section 16. Snohomish County Code Section 5.04.020, adopted by Amended
29 Ordinance No. 94-041 on May 25, 1994, is amended to read:

30
31 **5.04.020 Emergency suspension of operational standards.**

32 Nothing in these standards shall be construed to deny the power of the
33 ((director)) sheriff to temporarily suspend any standard herein prescribed in the
34 event of any emergency which threatens the safety or security of any
35 ((department)) bureau facility, prisoners, staff, or the public. Only such standards
36 as are directly affected by the emergency may be suspended. The ((director))
37 sheriff shall notify the executive and council within three business days of such
38 suspension.

1
2 Section 17. Snohomish County Code Section 5.04.030, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.04.030 General administration.**

6 (1) The ((department)) bureau shall develop and maintain an
7 organizational chart and an operations manual of policies and procedures.

8 (2) Such chart and manual shall be reviewed by each staff member and
9 such review shall be noted by the staff member's signature prior to assignment.

10 (3) All ((department)) bureau policies and procedures shall be reviewed
11 and revised as appropriate on a continuing basis.
12

13 Section 18. Snohomish County Code Section 5.04.040, adopted by Amended
14 Ordinance No. 94-041 on May 25, 1994, is amended to read:
15

16 **5.04.040 Determination of staff positions.**

17 (1) Written job descriptions shall define the responsibilities and designate
18 the qualifications for each staff position.

19 (2) All ((department)) bureau staff shall be selected and retained in
20 accordance with county personnel rules and/or other applicable legal
21 requirements. Every effort shall be made to maintain a work force which has an
22 equitable representation by sex, race and age at all levels of employment.

23 (3) All offers of employment with the ((department-of)) corrections bureau
24 are subject to successful completion of a background check (including criminal
25 history) and polygraph examination. In addition, applicants may be required to
26 pass a psychological evaluation, drug testing, and a physical fitness examination
27 consistent with the demands of the position for which an offer of employment has
28 been made.
29

30 Section 19. Snohomish County Code Section 5.04.050, adopted by Amended
31 Ordinance No. 94-041 on May 25, 1994, is amended to read:
32

33 **5.04.050 Training.**

34 (1) The ((department)) bureau shall provide preservice orientation to each
35 newly hired staff member prior to being assigned to duty, regardless of previous
36 training or experience. Such training may be provided either by existing staff or
37 other qualified persons, and must be verified by a written outline, and shall
38 include, but not necessarily be limited to:

39 (a) Review and understanding of all policies and procedures relating to
40 assigned job responsibilities, specifically:

41 (i) Agency organization;

42 (ii) Admission and release procedures;

43 (iii) Security and safety procedures;

- 1 (iv) Contraband control, definition of, etc.;
- 2 (v) Prisoner discipline;
- 3 (vi) Medical and mental health procedures;
- 4 (vii) Use of force;
- 5 (viii) Confidentiality of records pursuant to RCW 70.48.100(2);
- 6 (b) Review of the Washington criminal justice system and the current
- 7 county operational standards as they relate to assigned duties;
- 8 (c) Identification and understanding of the function of agencies whose
- 9 authority may extend to persons in the ((department's)) bureau's custody;
- 10 (d) Appropriate training and qualification in the use of weapons when
- 11 assigned duties include possession or carrying of a firearm.

12 (2) All persons directly responsible for the supervision of prisoners shall

13 successfully complete the Washington State Criminal Justice Training

14 Commission basic correctional academy within the first six months of their

15 employment, as required by WAC 139-36-010, unless such training has already

16 been received.

17 (3) Staff training shall further include such training as required by SCC

18 5.12.050.

19 (4) The ((department)) bureau shall provide at least 20 hours of in-service

20 training to each correctional officer each year for purposes of updating training

21 received at the basic correctional academy.

22

23 Section 20. Snohomish County Code Section 5.04.060, adopted by Amended

24 Ordinance No. 94-041 on May 25, 1994, is amended to read:

25

26 **5.04.060 Records.**

27 The ((department)) bureau shall establish a records system which shall

28 comply with the requirements of this section.

29 (1) Confidentiality. All ((department)) bureau personnel shall be advised

30 of the statutory provisions for confidentiality of records under RCW 70.48.100(2).

31 (2) Individual Prisoner Records. The information retained in each

32 prisoner's record shall include, but not be limited to, personal property receipts,

33 infraction reports, reports of disciplinary actions and/or unusual occurrences, and

34 in case of death, disposition of prisoner's property and remains.

35 (a) Medical. Health care records shall be maintained separately to the

36 extent necessary to maintain their confidentiality.

37 (b) Confidentiality of prisoners' HIV status shall be maintained pursuant to

38 chapters 70.02 and 70.25 RCW and any other applicable statutes which may be

39 enacted subsequent to the effective date of this ordinance.

40 (c) Prisoner Access. Prisoners shall be permitted reasonable access to

41 their own records or reasonable access to information contained therein. Such

42 access may be limited only on substantial grounds of institutional security.

1 (d) Transfer. When a prisoner is transferred to another facility, copies of
2 summaries of all health records shall be transferred to the receiving facility,
3 provided that the requirements of SCC 5.12.070 regarding confidentiality are
4 followed. Applicable court orders shall be transferred. Summaries or copies of
5 disciplinary records shall be transferred where such information may serve a
6 substantial governmental interest in the safety or security of the receiving
7 institution or the public.

8 (4) Population Reports. The ((department)) bureau shall complete and
9 submit monthly reports on its population, including the work release/special
10 detention facility and home detention participants, to the ((executive)) sheriff.

11 (5) Register. The ((department)) bureau shall maintain an accurate
12 register as required by RCW 70.48.100.

13 (6) Reports on Felony Convictions. The ((department)) bureau shall
14 report to the office of financial management or its designated agency information
15 on all persons convicted of felonies or incarcerated for noncompliance with a
16 felony sentence who are admitted or released from a ((department)) bureau
17 facility, as required by RCW 10.98.130. The information transmitted shall
18 include, but not be limited to, the state identification number, whether the reason
19 for admission was felony conviction or noncompliance with a felony sentence and
20 the dates of admission and release.

21 (7) Infractions and Discipline. The ((department)) bureau shall maintain a
22 written record of all incidents which result in substantial property damage or
23 bodily harm or serious threat of substantial property damage or bodily harm.
24 Major infraction reports and disciplinary actions under chapter 5.10 SCC shall
25 become part of the prisoner's record.

26 (8) Incidents and Emergencies. All serious incidents and emergencies
27 shall be recorded. The term "serious incidents and emergencies" includes, but is
28 not limited to, any death which occurs within a ((department)) bureau facility,
29 attempted suicides, epidemics, completed escapes, any completed assault upon
30 staff or prisoners, serious fires, flooding or other natural disasters or riots.

31 (9) Incident Reports. An incident report on any death, completed escape
32 or serious fire shall be submitted to the sheriff, executive, and council. All such
33 incident reports shall be submitted on a monthly basis with the monthly
34 population report. A copy of all incident reports shall be retained by the
35 ((department)) bureau.

1
2 Section 21. Snohomish County Code Section 5.04.070, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.04.070 Inspections.**

6 All ((department)) bureau facilities shall be inspected annually by a
7 qualified third party to insure compliance with these standards and applicable
8 federal and state requirements. No more than 18 months shall elapse between
9 such inspections.
10

11 Section 22. Snohomish County Code Section 5.06.010, adopted by Amended
12 Ordinance No. 94-041 on May 25, 1994, is amended to read:
13

14 **5.06.010 Emergency procedures.**

15 (1) The ((department)) bureau shall formulate written emergency
16 procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or
17 attempted suicides, outbreak of infectious disease, fire, acts of nature and any
18 other type of major disaster or disturbance. The emergency plan shall outline the
19 responsibilities of staff, evacuation procedures, and subsequent disposition of the
20 prisoners after removal from the area or facility. Such plan shall be formulated in
21 cooperation with the appropriate supporting local government units.

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

24 (3) The ((department)) bureau shall maintain emergency equipment
25 necessary to provide essential lights, power and communication in the event of
26 an emergency. The equipment shall be checked on a regular schedule to insure
27 that it is operational.
28

29 Section 23. Snohomish County Code Section 5.06.020, adopted by Amended
30 Ordinance No. 94-041 on May 25, 1994, is amended to read:
31

32 **5.06.020 Fire prevention and suppression.**

33 (1) The ((department)) bureau shall consult with the local fire department
34 having jurisdiction over its facilities in developing a written fire prevention and
35 suppression plan which shall include, but not be limited to:

36 (a) A fire prevention plan to be part of the operations manual of policies
37 and procedures, to include a regular fire safety inspection conducted by a staff
38 member specially trained for this task;

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

41 (c) Fire prevention inspections at least annually by the fire department
42 having jurisdiction;

1 (d) A regular schedule for inspection, testing and servicing of fire
2 suppression equipment.

3 (2) Results of all fire department inspections shall be kept on file by the
4 ~~((department))~~ bureau, together with records of actions taken to comply with
5 recommendations from such reports.
6

7 Section 24. Snohomish County Code Section 5.06.030, adopted by Amended
8 Ordinance No. 94-041 on May 25, 1994, is amended to read:
9

10 **5.06.030 Population levels.**

11 (1) Population levels at all facilities shall not exceed a level at which the
12 ~~((department))~~ bureau is able to adequately provide for the basic human needs of
13 the prisoners, including provision of adequate personal safety, medical care,
14 shelter, food, sanitation and clothing.

15 (2) The ~~((department))~~ bureau shall adopt criteria to evaluate whether it is
16 adequately providing for the basic human needs identified in SCC 5.06.030(1).
17 Such criteria shall include, but not be limited to, reports of safety and security
18 incidents; results of searches as outlined in SCC 5.10.020(3)(c); number of single
19 cells available for segregation of prisoners who pose a safety and/or security
20 threat; outbreak of communicable diseases; timeliness of medical care;
21 performance of building systems for temperature, ventilation, plumbing, lighting
22 and noise; reports of food and sanitation inspection results addressed in SCC
23 5.12.100 and 5.12.120; and provision of adequate clothing, bedding and personal
24 items. These criteria shall be monitored on an ongoing basis as to individual
25 incidents, trends, general patterns and location. If the ~~((director or the director's))~~
26 bureau chief or bureau chief's designee determines that the ~~((department))~~
27 bureau is unable to adequately provide for one or more of the designated basic
28 human needs, a report shall be made to the ~~((executive))~~ sheriff.

29 (3) When the population at the jail exceeds 477, a report of this fact shall
30 be made to the ~~((executive))~~ sheriff. A jail population management plan shall be
31 developed to set out efforts to avoid reaching the 477 maximum population.

32 (4) When the population of the work release/special detention facility
33 exceeds 72 for five consecutive days, a report of this fact shall be made to the
34 ~~((executive))~~ sheriff.

35 (5) Upon receipt of a report from the ~~((department))~~ bureau pursuant to
36 SCC 5.06.030(2), (3) or (4), the ~~((executive))~~ sheriff shall appoint an individual or
37 individuals to evaluate facility operations to determine if the requirements of
38 these standards (especially with regard to providing for basic human needs) are
39 being met and, if not, to make appropriate recommendations in order to meet the
40 requirements of these standards. The results and recommendations of such
41 evaluation shall be presented to the ~~((executive))~~ sheriff by the date set by the
42 ~~((executive))~~ sheriff. Within 10 working days after presentation of this report, the
43 ~~((executive))~~ sheriff, in consultation with the ~~((corrections director))~~ bureau chief,

1 shall propose corrective action and if appropriate, refer the proposed action to
2 the county council.
3

4 Section 25. Snohomish County Code Section 5.06.040, adopted by Amended
5 Ordinance No. 94-041 on May 25, 1994, is amended to read:
6

7 **5.06.040 Use of force.**

8 (1) The ~~((department))~~ bureau shall maintain written policies and
9 procedures regarding the use of force and the use of deadly force, which shall be
10 consistent with this section.

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

13 (3) Deadly force shall not be used on a prisoner unless the person
14 applying the deadly force reasonably believes that the prisoner poses an
15 immediate threat of death or grievous physical injury to an officer or employee of
16 the ~~((department))~~ bureau or any other person or to prevent the escape of a
17 prisoner arrested for, charged with or convicted of a felony and the officer
18 reasonably believes that other reasonable and available alternatives would be
19 ineffective.

20 (4) A written report on the use of force shall be made by each staff
21 member involved or observing the use of such force. In the case of deadly force,
22 a written report shall be made by each staff member involved or observing the
23 use of such force. The report(s) shall be reviewed by the ~~((director or the
24 director's))~~ bureau chief or bureau chief's designee who shall investigate the
25 incident and make a determination whether appropriate, justified or reasonable
26 force was used. ~~((Said))~~ The determination shall be made a matter of record. In
27 this review the following factors will be considered:

- 28 (a) Need for use of force;
- 29 (b) Amount used in relation to need;
- 30 (c) Threat reasonably perceived;
- 31 (d) Efforts to temper the use of force.

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

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

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

1 (8) No neck hold shall be used, except by persons instructed in the
2 dangers of the neck hold, its definition as deadly force and the proper use and
3 constraints of the neck hold, by someone specifically trained in the use and
4 dangers of neck holds. To meet the requirements of this provision, an individual
5 must have received initial training as well as refresher training on at least an
6 annual basis.

7 (9) Medical attention shall be administered to the prisoner by a qualified
8 medical professional as soon as possible after the use of the carotid sleeper hold
9 or the choke hold.

10
11 Section 26. Snohomish County Code Section 5.06.050, adopted by Amended
12 Ordinance No. 94-041 on May 25, 1994, is amended to read:

13
14 **5.06.050 Use of restraints.**

15 Other than for medical reasons, physical restraints may be used only
16 when necessary for the safety and welfare of the prisoner upon whom they are
17 used and/or other prisoners and staff or for the security of the facility. Other than
18 in emergency situations, the use of restraints must be approved, in advance, by
19 the shift supervisor. In emergency situations, restraints may be applied without
20 prior approval. However, as soon as the situation is under control, the shift
21 supervisor must be informed and must approve continued use of the restraints.
22 The ((department)) bureau shall develop a policy regarding the types of restraints
23 to be used and the circumstances under which their use is authorized.

24
25 Section 27. Snohomish County Code Section 5.08.010, adopted by Amended
26 Ordinance No. 94-041 on May 25, 1994, is amended to read:

27
28 **5.08.010 Admissions.**

29 (1) General.

30 (a) No prisoner shall be confined without proper legal authority;

31 (b) Each prisoner, after completion of booking, shall be advised of the
32 right to and be allowed to complete, at least two local or collect calls to persons
33 of the prisoner's choice who may be able to come to the assistance of the
34 prisoner. If the prisoner chooses not to place the calls allowed, this information
35 shall be noted on the booking form;

36 (c) Reasonable provisions for communicating with non-English speaking,
37 handicapped, and illiterate prisoners concerning the booking process, rules of the
38 facility, privileges and other information pertinent to the prisoner's rights and well-
39 being while confined shall be provided;

40 (d) The booking process shall be completed promptly unless the physical
41 or mental condition of the prisoner necessitates delay.
42
43

1 (2) Search/Examination, When Allowed.

2 (a) The ((department)) bureau shall maintain written policies and
3 procedures regarding pat searches, strip searches and body cavity searches,
4 which shall be consistent with this section and chapter 10.79 RCW;

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

9 (c) No search shall be conducted except pursuant to the written policies
10 and procedures required by SCC 5.08.010(2)(a);

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

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

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

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

19 Except where reasonable suspicion is deemed present because of the
20 nature of the arrest offense, the record(s) shall also contain:

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

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

24 (e) No body cavity search shall be conducted except pursuant to a valid
25 search warrant. No search warrant for a body cavity search shall be sought
26 without prior authorization of the ranking shift supervisor, pursuant to the written
27 policies and procedures required by SCC 5.08.010(2)(a).

28 (3) Search Procedures, General. The following provisions shall apply to
29 all strip searches and body cavity searches:

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

32 (b) A strip search or body cavity search, as well as pre-search undressing
33 or post-search dressing shall occur at a location made private from the
34 observation of persons not physically conducting the search. A strip search or
35 body cavity search shall be performed or observed only by persons of the same
36 sex as the person being searched, except for licensed medical professionals as
37 required by SCC 5.08.010(4)(a) as permitted by SCC 5.08.010(4)(c), when
38 necessary to assure the safety of the prisoner or any person conducting the
39 search; or when necessary in the event of an emergency affecting facility safety
40 and security.

41 (c) No person may observe or be present during a strip search or body
42 cavity search unless the person is necessary to conduct the search or to ensure

1 the safety of those persons conducting the search except as provided in SCC
2 5.08.010(4)(c);

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

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

8 (a) A body cavity search may be conducted only pursuant to SCC
9 5.08.010(2)(f). Any body cavity search shall be performed under sanitary
10 conditions and conducted by a physician, registered nurse or registered
11 physician's assistant, licensed to practice in this state, who is trained in the
12 proper medical process and the potential health problems associated with a body
13 cavity search;

14 (b) Nothing in this section prohibits a person upon whom a body cavity
15 search is to be performed from having a readily available person of the
16 individual's choosing present at the time the search is conducted. However, the
17 person chosen shall not be a person being held in custody by a law enforcement
18 agency;

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

21 (i) A copy of the warrant and any supporting documents required;
22 (ii) The name and sex of all persons conducting or observing the search;
23 (iii) The time, date, place, and description of the search; and
24 (iv) A statement of the results of the search and a list of any items
25 removed from the person as a result of the search.

26 The report shall be retained as part of the ~~((department's))~~ bureau's
27 records.

28 (5) Physical markings and "health tag" identifications shall be recorded
29 and made available to the appropriate ~~((department))~~ bureau employees and the
30 medical professionals responsible for care of the prisoner under chapter 5.12
31 SCC.

32 (6) Body Vermin. Any person with body vermin shall be treated
33 appropriately in accordance with chapter 5.12 SCC.

34 (7) Medical Complaints. Complaints of illness or injury expressed or
35 observed during booking shall be checked promptly in accordance with the
36 medical procedures established under chapter 5.12 SCC.

37 (8) Infectious Diseases. A prisoner suspected of having a serious
38 infectious disease shall be isolated until seen by medical personnel. After being
39 seen by medical personnel, the prisoner shall be treated, including isolation, as
40 recommended by such personnel. If not seen by a physician initially, such
41 prisoner shall be seen by a physician as soon as reasonably possible. The
42 physicians shall review the recommended treatment and make such revisions as
43 appear medically warranted. The condition of a prisoner placed in isolation shall

1 be reviewed periodically by the physician to determine whether isolation should
2 be continued.

3 (9) Personal Property. The admitting officer shall record and store the
4 prisoner's personal property and have the prisoner sign an inventory.

5 (10) Fingerprints. Copies of fingerprints shall be forwarded to the proper
6 authorities.

7 (11) Issuances.

8 (a) At a reasonable time after the completion of booking, each prisoner
9 shall be issued clean bedding, as well as such personal care items as required
10 under SCC 5.12.110;

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

13
14 Section 28. Snohomish County Code Section 5.08.040, last amended by
15 Amended Ordinance No. 97-013 on April 16, 1997, is amended to read:

16
17 **5.08.040 Classification/segregation.**

18 (1) Classification.

19 (a) The ~~((department))~~ bureau shall maintain written classification and
20 reclassification procedures which shall be included in the manual of policies and
21 procedures;

22 (b) A classification committee or individual shall be designated by the
23 ~~((director))~~ bureau chief as responsible for classification of prisoners confined in
24 the facility in accordance with such written procedures. This does not preclude
25 designation of alternate persons to serve in such individuals' absence. Certain
26 classification functions, such as initial cell assignment, may be delegated, in
27 writing, to staff not assigned to classification functions;

28 (c) Those responsible for classification shall determine the degree of
29 security required and housing assignment for each prisoner.

30 (2) Classification Procedures.

31 (a) Each prisoner confined in a ~~((department))~~ bureau facility shall be
32 interviewed by the persons responsible for classification determinations or other
33 designated staff. Where designated staff conduct the interviews, the information
34 shall be reported to the classification committee or person responsible in a
35 uniform manner;

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

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

41 (d) A prisoner who is dissatisfied with his housing assignment shall be
42 entitled to a review of the decision by the ~~((director or the director's))~~ bureau chief
43 or bureau chief's designee upon making a written request and shall be informed

1 promptly of this right. Such request shall be reviewed by the ((~~director or the~~
2 ~~director's~~) bureau chief or bureau chief's designee (supervisory to the
3 classification committee), within 72 hours (not including Saturdays, Sundays and
4 state holidays) of its receipt by staff. The prisoner shall receive a written decision
5 of the review of such assignment, including reason(s).

6 (3) Criteria for Prisoner Classification.

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

9 (b) Juveniles. Except as specified herein, no juvenile shall be held in a
10 ((~~department~~) bureau facility. For purposes of this standard, a juvenile is a
11 person under the chronological age of 18, who has not been transferred
12 previously to adult court. This standard does not preclude or prohibit the housing
13 of remanded pretrial prisoners under the chronological age of 18 within juvenile
14 detention facilities rather than adult facilities. A juvenile shall not be considered
15 "transferred previously to adult court" unless a hearing or ((~~wavier~~) waiver
16 pursuant to RCW 13.40.110 or successor statute has occurred and a juvenile
17 court has ordered the juvenile transferred for adult criminal prosecution. The
18 exercise of jurisdiction by a court of limited jurisdiction in traffic, fish, boating or
19 game offenses or infractions pursuant to RCW 13.04.030(6)(c) or successor
20 statute, does not constitute a "transfer";

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

23 (d) Special problem prisoners who endanger the health and safety of
24 other prisoners or themselves, may be segregated and should be closely
25 supervised;

26 (e) Prisoners on work release or weekend confinement programs and any
27 other prisoners who have regular contact outside ((~~department~~) bureau facilities,
28 shall be segregated from other prisoner categories;

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

32 (4) Administrative Segregation.

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

36 (b) Written documentation shall be maintained for each case of
37 administrative segregation.

38 (5) The substantive requirements of this section are intended as general
39 guides to staff making classification and administrative segregation decisions and
40 are not intended to create any specific liberty interests in or for any person.

1
2 Section 29. Snohomish County Code Section 5.08.050, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.08.050 Good time.**

6 The ~~((director))~~ bureau chief shall maintain written policies regarding time
7 off for good behavior. Such policies shall insure that good time, when authorized
8 by sentencing courts, is given on a consistent basis and in accordance with RCW
9 70.48.210 and RCW 9.92.150.
10

11 Section 30. Snohomish County Code Section 5.08.070, adopted by Amended
12 Ordinance No. 94-041 on May 25, 1994, is amended to read:
13

14 **5.08.070 Transportation.**

15 (1) The ~~((department))~~ bureau shall establish written procedures for the
16 transport of prisoners which insure the safety of the prisoners, staff and public.

17 (2) The ~~((department))~~ bureau shall be responsible for the transport of
18 county prisoners. Transport of prisoners being housed for other jurisdictions shall
19 be in accordance with the terms of the agreements with those jurisdictions.
20

21 Section 31. Snohomish County Code Section 5.10.020, adopted by Amended
22 Ordinance No. 94-041 on May 25, 1994, is amended to read:
23

24 **5.10.020 Supervision and surveillance.**

25 (1) General Security.

26 (a) The ~~((department))~~ bureau shall establish a positive means of
27 identifying prisoners;

28 (b) Perimeter security shall be maintained;

29 (c) Security devices shall be maintained in proper working condition at all
30 times;

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

32 (2) Prisoner Counts. The ~~((department))~~ bureau shall develop a system
33 for taking and recording prisoner counts. This procedure shall be followed at
34 shift changes and at other regular or irregular times.

35 (3) Contraband Control.

36 (a) Any item or person entering or leaving a ~~((department))~~ bureau facility
37 shall be subject to search;

38 (b) When housed in the jail, prisoners who have regular contact outside
39 the jail shall not be permitted contact with other prisoner classifications or
40 entrance to areas frequented by other prisoners;

41 (c) There shall be irregularly scheduled searches for contraband in
42 ~~((department))~~ bureau facilities and all areas frequented by prisoners. Reports of
43 such searches shall be made and kept on file;

1 (d) Conspicuously posted signs shall display the statutory penalty for
2 giving or arranging to give anything to a prisoner without official authorization
3 (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English speaking
4 visitors shall be informed of the statutory penalty either verbally or by posted
5 signs in the appropriate language.
6

7 Section 32. Snohomish County Code Section 5.10.030, adopted by Amended
8 Ordinance No. 94-041 on May 25, 1994, is amended to read:
9

10 **5.10.030 Critical articles.**

11 (1) The ((department)) bureau shall establish written procedures to insure
12 that weapons shall be inaccessible to prisoners at all times.

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

15 (3) Keys and Locking Devices.

16 (a) Key regulations shall be established by the ((department)) bureau and
17 read and initialed by all staff;

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

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

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

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

27 (f) Keys shall be accounted for at all times and the distribution certified at
28 each shift change;

29 (g) Keys shall never be issued to a prisoner;

30 (h) If electronic devices are used in place of keys, there shall be key or
31 other manual override capabilities available for immediate use in case of an
32 emergency and/or a failure of the system.

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

37 (6) Kitchen Utensils, Tools, and Toxic Substances.

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

40 (b) Toxic substances shall be kept in locked storage and use of toxic
41 substances shall be strictly supervised. Such substances, including cleaning
42 supplies, shall be stored in a separate area from food supplies.
43

1 Section 33. Snohomish County Code Section 5.11.020, adopted by Amended
2 Ordinance No. 94-041 on May 25, 1994, is amended to read:
3

4 **5.11.020 Prisoner rules of conduct.**

5 (1) The ~~((department))~~ bureau shall establish uniform rules and
6 disciplinary sanctions to guide the conduct of all prisoners, which rules shall
7 designate major and minor infractions.

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

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

15 (4) Minor Infractions. Minor violations of the rules may be handled
16 informally by any staff member by reprimand, warning or minor sanctions as
17 defined by department rules. Such incidents may become part of the prisoner's
18 record only with notification to the prisoner and the prisoner's willingness to
19 accept informal sanctions. If the prisoner is unwilling to accept informal
20 adjustment, a rule violation will be submitted.
21

22 Section 34. Snohomish County Code Section 5.11.030, adopted by Amended
23 Ordinance No. 94-041 on May 25, 1994, is amended to read:
24

25 **5.11.030 Discipline.**

26 (1) Disciplinary Committee.

27 (a) The ~~((director or the director's))~~ bureau chief or bureau chief's
28 designee(s) shall hear and decide all charges of major violation of facility rules
29 and impose sanctions;

30 (b) Any staff member involved in a charge shall not be allowed to
31 participate as a hearing officer with respect to that charge;

32 (c) The ~~((department))~~ bureau may develop a method for handling minor
33 infractions and non-serious major infractions through an informal meeting with a
34 supervisor to settle the charges without a hearing.

35 (2) Disciplinary Procedures.

36 (a) Any charges pending against a prisoner should be acted on as soon
37 as possible and no later than 96 hours (exclusive of Saturdays, Sundays, and
38 holidays) after observation or discovery of the infraction. Action in this context
39 means either a disciplinary hearing or a decision not to impose any sanction
40 requiring a hearing. A hearing may be postponed for good cause. Such
41 postponement must be approved by the ~~((director or the director's))~~ bureau chief
42 or bureau chief's designee. The prisoner must be notified, in writing, of the
43 postponement and the reason therefor;

1 (b) At least 24 hours prior to the hearing, the prisoner shall receive a copy
2 of the written infraction report made in conformance with SCC 5.11.020(3). If the
3 prisoner is illiterate, the infraction report shall be read to the prisoner;

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

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

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

14 (iii) Prisoners unable to represent themselves in such a hearing, shall be
15 informed of the right to be assisted by another person, approved by the jail
16 administration, in understanding and participating in the proceedings;

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

19 (v) The prisoner shall be permitted to appeal the disciplinary hearing
20 decision to the ~~((director or the director's))~~ bureau chief or bureau chief's
21 designee in accordance with appeal procedures established by the
22 ~~((department))~~ bureau and included in the printed rules;

23 (d) All disciplinary proceedings shall be recorded;

24 (e) Prior to the imposition of any sanction, the hearing officer shall find the
25 prisoner to be guilty based on the preponderance of the evidence;

26 (f) The above provisions do not preclude imposition of administrative
27 segregation, according to procedures required by SCC 5.08.040(4) or other
28 appropriate limitations on freedom of the prisoner involved prior to such
29 disciplinary proceeding. However, every such restriction shall be in accordance
30 with the other provisions in these standards and shall be based on legitimate
31 grounds of institutional security or prisoner safety. Such action shall be noted in
32 the prisoner's records;

33 (g) The ~~((department))~~ bureau may formulate other disciplinary
34 procedures which are not in conflict with other provisions of this section or with
35 minimum constitutional requirements.

36 (3) Corrective Action or Forms of Discipline.

37 (a) When punitive measures are imposed, such measures shall be in
38 accordance with applicable law and recommended sanctions; appropriate to the
39 severity of the infraction; and based on considerations of the individual involved;

40 (b) Acceptable forms of discipline shall include the following:

41 (i) Loss of privileges;

42 (ii) Removal from work detail or other assignment;

43 (iii) Forfeiture of "good time" credit;

1 (iv) Transfer to the maximum security or segregation section.

2 (4) Limitations on Punishment.

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

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

7 (c) Correspondence privileges shall not be denied or restricted except in
8 cases where the prisoner has violated correspondence regulations. In no case
9 shall the correspondence privileges with any member of the bar, holder of public
10 office, the courts or the department be suspended;

11 (d) Under no circumstances shall attorney/client visits be restricted;

12 (e) No prisoner shall be held in disciplinary segregation for more than 10
13 consecutive days without review by the disciplinary hearing body or the ~~((director~~
14 ~~or the director's))~~ bureau chief or bureau chief's designee. A prisoner held in
15 disciplinary lockdown longer than 10 days shall be reviewed every 30 days by the
16 ~~((director or the director's))~~ bureau chief or bureau chief's designee;

17 (f) Corporal punishment and physical restraint, i.e., handcuffs, leather
18 restraints and straight jacket, shall not be used as sanctions.

19
20 Section 35. Snohomish County Code Section 5.11.040, adopted by Amended
21 Ordinance No. 94-041 on May 25, 1994, is amended to read:

22
23 **5.11.040 Grievance procedures.**

24 The ~~((department))~~ bureau shall develop and maintain procedures for the
25 collection of prisoner grievances. Such procedures shall provide to whom
26 grievances are to be directed, for timely review of grievances and for written
27 notification of action taken regarding the grievance.
28

29 Section 36. Snohomish County Code Section 5.12.010, adopted by Amended
30 Ordinance No. 94-041 on May 25, 1994, is amended to read:

31
32 **5.12.010 Responsible physician and licensed staff .**

33 (1) The ~~((department))~~ bureau shall designate a health authority with
34 responsibility for health care services pursuant to a written agreement, contract
35 or job description. The health authority may be a physician, health administrator
36 or agency. When this authority is other than a physician, final medical judgments
37 shall rest with a single designated responsible physician licensed in the state of
38 Washington.

39 (2) Matters of medical and dental judgment shall be the sole province of
40 the responsible physician and dentist respectively; security regulations applicable
41 to facility personnel shall also apply to health personnel. The ~~((department~~
42 ~~director))~~ bureau chief shall develop a policy outlining steps to be followed in the

1 event of a conflict between security and medical staff related to provision of
2 medical care.

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

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

8 (5) Verification of current licensing and certification credentials shall be on
9 file with the ((~~department~~)) bureau.

10
11 Section 37. Snohomish County Code Section 5.12.020, adopted by Amended
12 Ordinance No. 94-041 on May 25, 1994, is amended to read:

13
14 **5.12.020 Health care policies and procedures .**

15 (1) Written standard operating procedures approved by the responsible
16 physician and the ((~~director~~)) bureau chief shall include, but not be limited to, the
17 following:

- 18 (a) Receiving screening;
19 (b) Non-emergency medical services;
20 (c) Deciding the emergency nature of illness or injury;
21 (d) Availability of dental referral examination, and treatment;
22 (e) Provision of medical and dental prostheses;
23 (f) First aid;
24 (g) Notification of next of kin or legal guardian in case of serious illness,
25 injury or death;
26 (h) Providing chronic care;
27 (i) Providing convalescent care;
28 (j) Screening, referral and care of mentally ill and developmentally
29 disabled prisoners and prisoners under the influence of alcohol and other drugs;
30 (k) Implementing the special medical program provided for in SCC
31 5.12.080(2)(b);
32 (l) Delousing procedures;
33 (m) Detoxification procedures;
34 (n) Pharmaceuticals;
35 (o) Communicable disease screening and control; and
36 (p) Segregation for prisoners with airborne communicable disease.
37 (2) The work of qualified medical personnel shall be governed by the
38 responsible physician and applicable county personnel rules.
39

1
2 Section 38. Snohomish County Code Section 5.12.040, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.12.040 Access to health care.**

6 (1) Adequate equipment, supplies and materials shall be provided for the
7 performance of primary health care delivery.

8 (2) At the time of admission, prisoners shall be advised, consistent with
9 the provisions of SCC 5.08.010(1)(f), of the procedures for gaining access to
10 medical services.

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

14 (4) Work release prisoners shall be allowed to see their own physicians
15 outside of the work release/special detention facility and shall be responsible for
16 their own medical expenses.

17 (5) Sick Call.

18 (a) Sick call shall be conducted by a physician and/or other qualified
19 medical personnel and shall be available to each prisoner at least five times per
20 week;

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

26 (6) Medical and dental prostheses shall not be denied when the health of
27 the prisoner/patient would otherwise be adversely affected as determined by the
28 responsible physician.

29 (7) Emergency Care.

30 (a) First aid kit(s) shall be conveniently available in each ((department))
31 bureau facility;

32 (b) Emergency medical and dental care shall be available on a 24-hour
33 basis in accordance with a written plan which includes:

34 (i) Arrangements for the emergency evacuation of the prisoner from the
35 facility;

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

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

1
2 Section 39. Snohomish County Code Section 5.12.060, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.12.060 Medications control.**

6 (1) The ~~((department's))~~ bureau's standard operating procedures for the
7 proper management of pharmaceuticals shall include:

8 (a) A formulary specifically developed for stock medications maintained
9 within ~~((department))~~ bureau facilities. Such formulary shall be in accordance
10 with WAC 360-16-070 (clinic dispensary);

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

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

15 (i) Non-medical personnel delivering medication(s) to prisoners;

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

18 (iii) Packaging of medication(s): The medications system shall insure that
19 all medications are kept in containers which have been labeled securely and
20 legibly by a pharmacist or the prescribing physician or in their original container
21 labeled by their manufacturer. Medications shall not be transferred from the
22 original container except for the preparation of a dose administration;

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

24 (v) Disposition of unused medication(s);

25 (d) A policy regarding the maximum security storage and weekly
26 inventory of all controlled substances, prescription medication(s), syringes,
27 needles and surgical instruments. The ~~((department))~~ bureau shall provide for a
28 consulting pharmacist to determine that medication(s) have been properly
29 managed.

30 (2) The person delivering medication(s) shall be accountable for following
31 the orders of medical staff.
32

33 Section 40. Snohomish County Code Section 5.12.060, adopted by Amended
34 Ordinance No. 94-041 on May 25, 1994, is amended to read:
35

36 **5.12.070 Health care records.**

37 (1) The medical supervisor, under guidance from the responsible
38 physician, shall be responsible for maintaining prisoner medical record files.
39 Such files shall contain the completed receiving screening form, health appraisal
40 data collection forms, all findings, diagnoses, treatments, dispositions,
41 prescriptions and administration of medications, notes concerning patient
42 education, notations of place, date and time of medical encounters and

1 terminations of treatment from long term or serious medical or psychiatric
2 treatment.

3 (2) The medical supervisor shall insure the confidentiality of each
4 prisoner's medical record file and such file shall be maintained separately to the
5 extent necessary to maintain its confidentiality.

6 (3) The medical supervisor or the medical supervisor's designee(s) shall
7 communicate information obtained in the course of medical screening and care
8 to ((department)) bureau authorities when necessary for the protection of the
9 welfare of the prisoner or other prisoners, management of the facility or
10 maintenance of security and order.

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

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

18
19 Section 41. Snohomish County Code Section 5.12.100, adopted by Amended
20 Ordinance No. 94-041 on May 25, 1994, is amended to read:

21
22 **5.12.100 Food.**

23 (1) General Food Requirements.

24 (a) At least three meals a day shall be served at regular intervals. The
25 morning meal shall be served within 14 hours of the previous day's evening meal;

26 (b) The ((department)) bureau may arrange for prepared meal service or
27 serve frozen packaged meals, provided these meals conform to the other
28 requirements of this section;

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

31 (2) Nutritional and Caloric Intake.

32 (a) Menus shall be reviewed by a qualified nutrition consultant to insure
33 that diets approximate recommended dietary allowances;

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

35 (3) Kitchen Facilities.

36 (a) Kitchen facilities shall be maintained in a sanitary condition and
37 inspected at least annually by the local health district. The health district
38 inspection will include the food serving process in prisoner housing areas. If
39 corrective responses are required, the ((department)) bureau shall document
40 compliance and arrange for a re-inspection if required by the health district.

41 (b) The ((department)) bureau shall conduct regular inspections of the
42 food service by a staff member specially trained for this purpose.
43

1
2
3 Section 42. Snohomish County Code Section 5.12.110, adopted by Amended
4 Ordinance No. 94-041 on May 25, 1994, is amended to read:
5

6 **5.12.110 Clothing, bedding and personal items.**

7 (1) Clothing.

8 (a) Provision shall be made for staff to treat clothing to prevent migration
9 of lice. Alternatively, separate insect proof clothing storage shall be provided to
10 prevent lice migration;

11 (b) The ((department)) bureau shall insure that prisoners' outer garments
12 are laundered and made available to them at least once a week and that
13 prisoners' undergarments and socks are laundered and made available to them
14 at least twice a week. In the work release/special detention facility this
15 requirement may be met by providing laundry facilities to the prisoners;

16 (c) The ((department)) bureau shall, if necessary, clean and sanitize
17 personal clothing prior to storage.

18 (2) Bedding.

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

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

22 (ii) Two sheets; or

23 (iii) One double sized sheet.

24 (b) Mattresses shall have a washable surface and shall be sanitized at
25 least semiannually and before being reissued to another prisoner;

26 (c) Blankets shall be issued upon arrival and shall be washed at frequent
27 intervals to maintain a clean condition, but at least once every 60 days and
28 always before reissue;

29 (d) No prisoner shall be required to sleep directly on the floor.

30 (3) Personal Care Items.

31 (a) Personal care items issued to each prisoner shall include, but not be
32 limited to, soap and towel. Female prisoners shall be supplied with necessary
33 feminine hygiene items. Work release/special detention facility prisoners may be
34 allowed to provide these personal care items for themselves;

35 (b) A toothbrush with dentifrice and comb shall be provided for all
36 prisoners. Such items shall be available for purchase or shall be issued at
37 booking and as needed. Prisoners without funds shall have access to these
38 minimum items without cost.

1
2 Section 43. Snohomish County Code Section 5.12.120, adopted by Amended
3 Ordinance No. 94-041 on May 25, 1994, is amended to read:
4

5 **5.12.120 Sanitation.**

6 (1) General.

7 (a) All ((department)) bureau facilities shall be kept in a clean and sanitary
8 condition, free from any accumulation of dirt, filth, rubbish, garbage or other
9 matter detrimental to health;

10 (b) Staff shall insure that prisoners clean their own living area daily.
11 Convicted prisoners may be required to clean other space within the confinement
12 area. Pretrial detainees may be permitted to do so voluntarily.

13 (c) All ((department)) bureau facilities shall be inspected by a qualified
14 sanitarian at least once per year. If corrective responses are required, the
15 ((department)) bureau shall document compliance and arrange for a re-
16 inspection if required by the sanitarian. The ((department)) bureau shall conduct
17 regular sanitary inspections of ((department)) bureau facilities by a staff member
18 specially trained for this purpose.

19 (2) Insects, Rodents and Pets.

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

23 (b) Pets shall not be allowed in ((department)) bureau facilities.

24 (3) Laundry. The ((department)) bureau shall arrange for adequate
25 laundry services.
26

27 Section 44. Snohomish County Code Section 5.14.010, adopted by Amended
28 Ordinance No. 94-041 on May 25, 1994, is amended to read:
29

30 **5.14.010 Services.**

31 (1) Commissary.

32 (a) The ((department)) bureau shall either establish, maintain and operate
33 a commissary or provide prisoners with a list of approved items to be purchased
34 at least once a week at local stores or provide alternative access to purchase of
35 commissary type items. Available items shall include a reasonable assortment of
36 books, periodicals and newspapers;

37 (b) Proceeds from the commissary shall be used for operation and
38 maintenance of the commissary service and/or prisoner welfare expenses;

39 (c) Payments for commissary purchases shall be made by debit on a
40 cash account maintained for the prisoner. All expenditures from a prisoner's
41 account shall be accurately recorded and receipted. Prisoners in the work
42 release/special detention facility may be allowed to keep a limited amount of
43 cash on their persons from which such expenditures can be made.

1 (2) Basic Hair Care. The ((department)) bureau shall make reasonable
2 arrangements to provide basic hair care.

3 (3) Library Services. The ((department)) bureau shall make provision for
4 library services.

5 (4) Legal Assistance.

6 (a) The ((department)) bureau shall provide access to necessary law
7 books and reference materials;

8 (b) ((Department)) Bureau rules shall not prohibit one prisoner from
9 assisting another in the preparation of legal papers. This shall not be construed
10 to require that prisoners assigned to different housing areas be allowed face to
11 face contact for this purpose.

12 (5) Religious Services.

13 (a) Upon request from a prisoner, the ((department)) bureau shall make
14 reasonable efforts to arrange religious services or confidential religious
15 consultation;

16 (b) The ((department)) bureau shall arrange for weekly religious services;

17 (c) Attendance at religious services shall be voluntary. Prisoners who do
18 not wish to hear or participate, shall not be exposed to such services.

19 (6) Counseling, Guidance and Ancillary Services.

20 (a) The ((department)) bureau shall arrange for counseling services to
21 provide prisoners in ((department)) bureau facilities with an opportunity to
22 discuss their problems, interests and program;

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

25
26 Section 45. Snohomish County Code Section 5.14.020, adopted by Amended
27 Ordinance No. 94-041 on May 25, 1994, is amended to read:

28
29 **5.14.020 Programs.**

30 (1) Each prisoner shall be allowed three hours per week of physical
31 exercise, to be scheduled on no less than three separate days. If weather does
32 not permit open air exercise, it shall be provided indoors. Indoor or open air
33 exercise areas shall be equipped with appropriate equipment and supplies to
34 permit varied exercise or recreation.

35 (2) Work Programs. The ((department)) bureau may establish work
36 programs. Participation in work programs by pretrial detainees shall be
37 voluntary.

38 (3) The ((department)) bureau shall administer a work program as set
39 forth in SCC 2.15.035.

40 (4) Education and Training Programs.

41 (a) The ((department)) bureau may arrange for the development of an
42 education and training program, utilizing local school districts, colleges, trade

1 schools, unions, industry, interested citizens and other available community,
2 state and federal resources;

3 (b) Paid staff member(s) shall have designated responsibility for
4 supervision of the education and training programs;

5 (c) Approved correspondence courses shall be available at the prisoner's
6 request and expense;

7 (d) The ((department)) bureau shall provide access to programs to
8 prepare qualified prisoners for the "General Education Development" test and
9 provide an opportunity to take the test.

10
11 Section 46. Snohomish County Code Section 5.16.010, adopted by Amended
12 Ordinance No. 94-041 on May 25, 1994, is amended to read:

13
14 **5.16.010 Telephone usage.**

15 (1) The ((department)) bureau shall establish and post rules which specify
16 regular telephone usage times and the maximum length of calls (not to be less
17 than five minutes).

18 (2) Telephone usage hours shall include time during the normal work day
19 and time during the evening, at least once a week per prisoner. Established
20 social telephone usage hours shall not preclude reasonable access to a
21 telephone to contact the prisoner's attorney or legal representative.

22 (3) Calls shall be at the prisoner's expense or collect. However,
23 appropriate protection of access to an attorney shall be maintained for prisoners
24 without funds.

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

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

30
31 Section 47. Snohomish County Code Section 5.16.020, adopted by Amended
32 Ordinance No. 94-041 on May 25, 1994, is amended to read:

33
34 **5.16.020 Mail.**

35 (1) Newspapers, Books, Periodicals, Other Printed Materials and
36 Photographs.

37 (a) Prisoners shall generally be permitted to subscribe to and otherwise
38 receive books, newspapers, periodicals and other printed materials or
39 photographs which may lawfully be delivered through the United States mail. All
40 hardbound books must be received directly from the publisher, a book club or a
41 bookstore, unless otherwise permitted by the ((director or director's)) bureau
42 chief or bureau chief's designee. Otherwise, such materials may be denied a
43 prisoner only when the denial or other restriction is rationally related to a

1 legitimate penological interest, including, but not limited to security, safety, order
2 and rehabilitation (in the case of sentenced prisoners).

3 (b) When such materials are withheld from a prisoner:

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

6 (ii) The affected prisoner shall be promptly informed of the right to have
7 such decision reviewed by the ~~((director or director's))~~ bureau chief or bureau
8 chief's designee upon written request;

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

11 (2) Correspondence.

12 (a) General.

13 (i) Incoming or outgoing mail shall be retained no more than one business
14 day;

15 (ii) Except in the case of prisoners without funds, prisoners shall be
16 permitted to mail out any number of letters. Prisoners without funds shall be
17 permitted to mail up to three letters per calendar week at public expense. Upon
18 proper showing, the number may be increased. Each prisoner shall be permitted
19 to mail out any number of letters to the prisoner's attorney and the courts;

20 (iii) No restriction shall be placed on the number of letters a prisoner may
21 receive or on the persons with whom the prisoner may correspond, except by
22 order of a court of competent jurisdiction or as provided under SCC 5.16.020(c);

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

25 (b) Opening or Censoring Mail.

26 (i) No general restriction of the number of letters prisoners may receive or
27 of classes of persons with whom they may correspond shall be made by
28 ~~((department))~~ bureau rule or policy;

29 (ii) Incoming mail may be opened, inspected and read. Whenever mail is
30 not delivered by the staff directly to the prisoner to whom it is addressed, it shall
31 be resealed. Mail may be rejected when, in the judgment of the ~~((director or the~~
32 ~~director's))~~ bureau chief or bureau chief's designee, it presents a threat to a
33 legitimate penological interest, including, but not limited to, security, order and
34 rehabilitation (in the case of sentenced offenders) or violates state or federal law;

35 (iii) Except by order of a court of competent jurisdiction, outgoing mail
36 shall not be opened unless the ~~((director or the director's))~~ bureau chief or bureau
37 chief's designee has reasonable grounds to believe that the content of a letter
38 may present a threat to a legitimate penological interest, including, but not limited
39 to security, order and rehabilitation (in the case of sentenced offenders) or
40 violates state or federal law.

1 (c) Notice of Disapproval of Prisoner Mail.

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

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

9 (iii) When a prisoner is prohibited from sending or receiving mail, the
10 affected prisoner and sender, in the case of incoming mail, are entitled to have
11 such decision reviewed by the disciplinary hearing body, the ~~((director or the~~
12 ~~director's)) bureau chief or bureau chief's designee upon written request and
13 shall be promptly informed of this right;~~

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

16 (d) Limitations.

17 (i) Incoming mail of prisoners that is clearly marked as coming from an
18 attorney, court or elected government official, shall be opened only in the
19 presence of the addressee;

20 (ii) Mail to or from attorneys, courts or elected government officials, shall
21 not be read absent a court order;

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

27 (3) Packages.

28 (a) Incoming

29 (i) All packages shall be opened and inspected;

30 (ii) Packages may be received only if the contents conform to policies
31 adopted by the ~~((department)) bureau and a witnessed receipt for permissible
32 items shall be promptly delivered to the prisoner, unless such package is opened
33 in the presence of the prisoner and all items are given directly to the prisoner.~~

34 (b) Outgoing. Outgoing packages of prisoner's personal property shall be
35 inspected to insure ownership and compliance with United States postal
36 regulations.

37 (4) Contraband. Items which are not permitted by ~~((department)) bureau
38 rules may be destroyed upon the prisoner's written request, placed in the
39 prisoner's personal property box or returned collect to the sender. A receipt for
40 permissible items received in the mail, including money or checks, shall be
41 signed by a staff member and a copy thereof promptly delivered to the prisoner.
42 Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper
43 authorities, for handling as evidence, for disciplinary action or possible~~

1 prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160 or other applicable
2 statute(s).

3
4 Section 48. Snohomish County Code Section 5.16.030, last amended by
5 Amended Ordinance No. 02-022 on June 12, 2002, is amended to read:
6

7 **5.16.030 Visitation.**

8 (1) General.

9 (a) Open visitation may be provided for those prisoners determined to
10 present a minimal degree of risk to the safety and security of the institution,
11 including, but not limited to, prisoners in the work release/special detention
12 facility;

13 (b) The degree of security required for each prisoner during visitation
14 shall be determined by the ~~((director or the director's))~~ bureau chief or bureau
15 chief's designee.

16 (2) Social Visits.

17 (a) The ~~((department))~~ bureau shall establish and post rules governing
18 social visits and specifying times therefor;

19 (b) Each prisoner shall be allowed a minimum of one hour total visitation
20 per week;

21 (c) Except for immediate family members, visitors 17 years of age and
22 under shall be accompanied by a parent or guardian;

23 (d) The ~~((director or the director's))~~ bureau chief or bureau chief's
24 designee may grant special visitation privileges to visitors who have traveled long
25 distances, to visitors for hospitalized prisoners and for other unusual
26 circumstances.

27 (3) Business and Professional Visits.

28 (a) Each prisoner shall be allowed confidential visits from the prisoner's
29 attorney or legal assistants and the prisoner's clergy or other religious advisor;

30 (b) By prior arrangement with the ~~((department))~~ bureau, a prisoner shall
31 be allowed confidential visits for business or educational reasons;

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

35 (4) Visitor Regulations.

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

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

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

- 1 (i) An attempt or reasonable suspicion of an attempt to bring contraband
2 into the facility;
3 (ii) Obvious influence or effect of alcohol or controlled substances;
4 (iii) Request from the prisoner's physician;
5 (iv) Request from the prisoner;
6 (v) Reasonable grounds to believe a particular visit would present a threat
7 to security or management or the safety of prisoners, staff or other visitors.
8 (d) Whenever a visitor is refused admittance during regular visiting hours,
9 the prisoner shall receive notice of the refusal stating the reasons therefor. The
10 affected prisoner is entitled to have such decision reviewed by the ~~((director or~~
11 ~~the director's))~~ bureau chief or bureau chief's designee upon written request and
12 shall be promptly informed of this right. A written decision stating the reason(s)
13 therefor, shall be furnished the prisoner who requested such review.
14

15 Section 49. Snohomish County Code Section 5.18.020, last amended by
16 Ordinance No. 04-090 on October 20, 2004, is amended to read:

17
18 **5.18.020 Eligibility for alternative confinement.**

- 19 (1) Prisoners may be eligible for alternative confinement by court order
20 pursuant to RCW 70.48.210(3) or chapter 9.94A RCW.
21 (2) The court may approve an individual for alternative confinement.
22 (3) ~~((Corrections))~~ The bureau shall provide an alternative confinement
23 risk assessment to a court upon request. The court shall approve the content
24 and form of the risk assessment.
25

26 Section 50. Snohomish County Code Section 5.18.050, adopted by Amended
27 Ordinance No. 94-041 on May 25, 1994, is amended to read:

28
29 **5.18.050 Employment restrictions.**

30 The ~~((department))~~ bureau shall comply with RCW 70.48.210(3)(b),
31 prohibiting work release prisoners from working in an establishment where there
32 is a labor dispute.
33

34 Section 51. Snohomish County Code Section 5.18.060, adopted by Amended
35 Ordinance No. 94-041 on May 25, 1994, is amended to read:

36
37 **5.18.060 Prisoner money accounts.**

- 38 (1) The accounting system for prisoner money shall be described by
39 written policy and procedure, which shall be available to prisoners. All deposits,
40 payments and expenditures, shall be recorded and receipted.
41 (2) The ~~((director or the director's))~~ bureau chief or bureau chief's
42 designee shall collect the work release prisoner's earnings and from the
43 earnings, shall make payments for the prisoner's board and share of the

1 administrative expenses as provided by RCW 70.48.210(3)(d). Any remaining
2 balance shall be returned to the prisoner.

3
4 Section 52. Snohomish County Code Section 5.18.070, last amended by
5 Ordinance No. 04-090 on October 20, 2004, is amended to read:

6
7 **5.18.070 Accountability for prisoners.**

8 (1) Prisoners participating in alternative confinement shall be confined by
9 ~~((corrections))~~ the bureau unless authorized to be absent for a program-related
10 purpose as ordered by the court.

11 (2) Prisoners shall comply with all conditions and requirements as
12 ordered by the court, and all applicable county rules, policies and procedures.

13
14 Section 53. Snohomish County Code Section 5.18.090, last amended by
15 Ordinance No. 04-090 on October 20, 2004, is amended to read:

16
17 **5.18.090 Termination.**

18 (1) Any prisoner who appears at a ~~((department))~~ bureau facility and is
19 determined by ~~((department))~~ bureau staff to be in violation of any part of his or
20 her court ordered conditions of participation in alternative confinement or of the
21 rules and conditions of the alternative confinement shall be taken into custody.
22 Thereafter, unless a hearing is expressly waived, the prisoner may request an
23 administrative hearing to contest the determination of the ~~((department))~~ bureau.
24 Such hearing shall be conducted in accordance with ~~((department))~~ bureau
25 policies and procedures for hearings of prisoner appeals of disciplinary findings.

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

29
30 Section 54. Snohomish County Code Section 5.20.060, adopted by Amended
31 Ordinance No. 94-041 on May 25, 1994, is amended to read:

32
33 **5.20.060 Termination.**

34 The ~~((department))~~ bureau shall adopt policies and procedures relating to
35 the termination of participation in the special detention program.

1
2 Section 55. Snohomish County Code Section 5.22.040, last amended by
3 Ordinance No. 04-090 on October 20, 2004, is amended to read:
4

5 **5.22.040 Monitoring of participants.**

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

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

10
11 Section 56. Snohomish County Code Section 5.22.050, last amended by
12 Ordinance No. 04-090 on October 20, 2004, is amended to read:
13

14 **5.22.050 Fees and deposits.**

15 Individuals on electronic home monitoring will be charged a daily fee and
16 pay a refundable deposit unless waived by order of the court. Such fee and
17 deposit shall be established by the ~~((director or director's))~~ bureau chief or
18 bureau chief's designee. Fees may not exceed actual costs of equipment and
19 monitoring expenses.
20

21 Section 57. Snohomish County Code Section 5.16.070, last amended by
22 Ordinance No. 04-090 on October 20, 2004, is amended to read:
23

24 **5.22.070 Termination.**

25 Any prisoner who appears at a ~~((department))~~ bureau facility and is
26 determined by ~~((department))~~ bureau staff to be in violation of any part of his or
27 her court ordered conditions of participation in electronic home monitoring or of
28 the rules and conditions of the electronic home monitoring shall be taken into
29 custody. Thereafter, unless a hearing is expressly waived, the prisoner may
30 request an administrative hearing to contest the determination of the
31 ~~((department))~~ bureau. Such hearing shall be conducted in accordance with
32 ~~((department))~~ bureau policies and procedures for hearings of prisoner appeals
33 of disciplinary findings.
34

35 Section 58. Effective date. This ordinance shall take effect January 1, 2009,
36 provided that county offices and agencies shall take all necessary steps, as reasonably
37 determined by the Sheriff, or Civil Service Commission to ensure that this ordinance is
38 implemented on its effective date.

1
2 Section 59. Savings. (1) Except as specifically provided in this ordinance, this
3 ordinance does not affect any existing right acquired or liability or obligation incurred
4 under the sections amended or repealed by this ordinance or under any rule or order
5 adopted under those sections, nor does it affect any proceeding instituted under those
6 sections.

7 (2) Snohomish County recognizes the bargaining units and collective bargaining
8 agreements pertaining to the Department of Corrections that exist on the effective date
9 of this ordinance. Notwithstanding any other provision of this ordinance, the County will
10 retain the status quo working conditions of county employees covered by existing
11 collective bargaining agreements or a dynamic status quo until such time as the working
12 conditions of those employees are changed in accordance with law.

13
14 Section 60. Transition. (1) The Department of Corrections established by
15 Ordinance No. 82-097 shall terminate on the effective date of this ordinance, provided
16 that:

17 (a) All non-exempt positions and staff of the Department of Corrections that exist
18 on the effective date of this ordinance shall be transferred to and become part of the
19 Corrections Bureau established by this ordinance; and

20 (b) The county employment of each exempt employee of the Department of
21 Corrections shall terminate on the effective date of this ordinance unless the employee
22 is appointed to another position within the County, which may or may not be within the
23 Corrections Bureau established by this ordinance.

24 (2) The exempt positions within the Corrections Bureau described in SCC
25 3.68.010(4) are necessary for performance of critical health and safety functions, for
26 satisfaction of legal mandates, and for efficient and cost-effective operation of the
27 County, and shall therefore be exempt from the temporary hiring freeze established by
28 SCC 3.90.030.

29 (3) Except as provided in paragraph (1)(a) of this section, all appointments to
30 positions in the Corrections Bureau established by this ordinance shall be at the
31 discretion of the Sheriff or Bureau Chief.

32
33 PASSED this 10th day of November, 2008.

34
35 SNOHOMISH COUNTY COUNCIL
36 Snohomish County, Washington

37
38 
39 Chairperson

40 ATTEST:

41
42 
43 Clerk of the Council *asst.*

44
45 AMENDED ORDINANCE NO. 08-137
46 RELATING TO ORGANIZATION OF THE EXECUTIVE BRANCH;
47 TERMINATING THE DEPARTMENT OF CORRECTIONS;
48 ESTABLISHING A CORRECTIONS BUREAU IN THE SHERIFF'S
49 OFFICE; AMENDING SCC 2.15.010, 2.15.020, 2.15.030, ETC. - 39

- 1
- 2 () APPROVED
- 3
- 4 () EMERGENCY
- 5
- 6 () VETOED
- 7

8 DATE: _____

9
10
11 _____
12 County Executive

13 ATTEST:
14
15 _____
16

17
18 Approved as to form only:
19
20 _____
21 Deputy Prosecuting Attorney

D-1