

COUNTY COUNCIL  
Snohomish County, Washington



AMENDED  
ORDINANCE NO. 94-041

OPERATIONAL STANDARDS FOR THE SNOHOMISH COUNTY DEPARTMENT OF  
CORRECTIONS,  
ADDING A NEW TITLE, TITLE 5, TO THE  
SNOHOMISH COUNTY CODE

BE IT ORDAINED:

Section 1. A new title is added to the Snohomish County  
Code as follows:

Title 5

OPERATIONAL STANDARDS  
FOR  
SNOHOMISH COUNTY DEPARTMENT OF CORRECTIONS

Chapters:

- 5.01 General Provisions
- 5.04 Administration
- 5.06 Safety
- 5.08 Operations
- 5.10 Security
- 5.11 Prisoner Conduct
- 5.12 Health and Welfare
- 5.14 Services & Programs
- 5.16 Communications
- 5.18 Standards for Work Release
- 5.20 Standards for Special Detention
- 5.22 Standards for Home Detention

Chapter 5.01  
GENERAL PROVISIONS:

Sections:

- 5.01.010 Purpose.  
5.01.020 Definitions.

5.01.010 Purpose. (1) The standards set forth in this title are adopted by the Snohomish County Council pursuant to, and for purposes of fulfilling, the mandates of RCW 70.48.071.

(2) The adoption of these standards is intended to meet minimum federal and state constitutional requirements relating to health, safety, and welfare of prisoners and staff and specific federal and state requirements and to provide for the public's health, safety, and welfare.

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

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

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

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

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

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

(4) "Council" means the Snohomish County council.

(5) "Department" means the Snohomish County department of corrections also known as Snohomish County Corrections.

(6) "Director" means the director of the Snohomish County department of corrections.

(7) "Executive" means the Snohomish County executive.

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

(9) "Jail" means the department facility located at Wall and Lombard, Everett, Washington, designed, staffed and

used for temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial; as well as for housing of adult persons sentenced to a period of confinement in jail pursuant to Washington State law.

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

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

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

(13) "Work release/special detention facility" means that building located at 3015 Oakes Avenue, Everett, Washington, a portion of which is primarily designed, staffed, and used for the housing of persons participating in a work release program and another portion of which is a minimum security facility primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in the jail, including, but not limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

#### Chapter 5.04 ADMINISTRATION

##### Sections:

- 5.04.010 Application.
- 5.04.020 Emergency suspension of custodial care standards.
- 5.04.030 General administration.
- 5.04.040 Determination of staff positions.
- 5.04.050 Training.
- 5.04.060 Records.
- 5.04.070 Inspections.

5.04.010 Application. The provisions of chapters 5.04 through 5.14 SCC incorporate corrections standards applicable to all department facilities unless otherwise indicated.

5.04.020 Emergency suspension of operational standards. Nothing in these standards shall be construed to deny the power of the director to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any department facility, prisoners, staff, or the public. Only such standards as are directly affected by the emergency may be suspended. The director shall notify the executive within three business days of such suspension.

5.04.030 General administration. (1) The department shall develop and maintain an organizational chart and an operations manual of policies and procedures.

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

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

5.04.040 Determination of staff positions. (1) Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

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

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

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

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

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

(vii) Use of force;  
(viii) Confidentiality of records pursuant to RCW 70.48.100(2).

(b) Review of the Washington criminal justice system and the current county operational standards as they relate to assigned duties;

(c) Identification and understanding of the function of agencies whose authority may extend to persons in the department's custody;

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

(2) All persons directly responsible for the supervision of prisoners shall successfully complete the Washington State Criminal Justice Training Commission basic correctional academy within the first six months of their employment, as required by WAC 139-36-010, unless such training has already been received.

(3) Staff training shall further include such training as required by SCC 5.12.050.

(4) The department shall provide at least twenty hours of in-service training to each correctional officer each year for purposes of updating training received at the basic correctional academy.

5.04.060 Records. The department shall establish a records system which shall comply with the requirements of this section.

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

(2) Individual prisoner records. The information retained in each prisoner's record shall include, but not be limited to, personal property receipts, infraction reports, reports of disciplinary actions and/or unusual occurrences, and in case of death, disposition of prisoner's property and remains.

(a) Medical. Health care records shall be maintained separately to the extent necessary to maintain their confidentiality.

(b) Confidentiality of prisoners HIV status shall be maintained pursuant to Chapters 70.02 and 70.25 RCW and any other applicable statutes which may be enacted subsequent to the effective date of this ordinance.

(c) Prisoner access. Prisoners shall be permitted reasonable access to their own records or reasonable access to information contained therein. Such access may be limited only on substantial grounds of institutional security.

(d) Transfer. When a prisoner is transferred to another facility, copies of summaries of all health records

shall be transferred to the receiving facility, provided that the requirements of SCC 5.12.070 regarding confidentiality are followed. Applicable court orders shall be transferred.

Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution or the public.

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

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

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

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

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

(9) Incident reports. An incident report on any death, completed escape or serious fire shall be submitted to the executive. All such incident reports shall be submitted on a monthly basis with the monthly population report. A copy of all incident reports shall be retained by the department.

5.04.070 Inspections. All department facilities shall be inspected annually by a qualified third party to insure compliance with these standards and applicable federal and state requirements. No more than eighteen months shall elapse between such inspections.

Chapter 5.06  
SAFETY

Sections:

- 5.06.010 Emergency procedures.
- 5.06.020 Fire prevention and suppression.
- 5.06.030 Population levels.
- 5.06.040 Use of force.
- 5.06.050 Use of Restraints.

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

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

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

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

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

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

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

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

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

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

(2) The department shall adopt criteria to evaluate whether it is adequately providing for the basic human needs identified in SCC 5.0.030(1). Such criteria, shall include, but not be limited to, reports of safety and security incidents; results of searches as outlined in 5.10.020(3)(c); number of single cells available for segregation of prisoners who pose a safety and/or security threat; outbreak of communicable diseases; timeliness of medical care; performance of building systems for temperature, ventilation, plumbing, lighting and noise; reports of food and sanitation inspection results addressed in 5.12.100 and 5.12.120; and provision of adequate clothing, bedding and personal items. These criteria shall be monitored on an ongoing basis as to individual incidents, trends, general patterns and location. If the director or the director's designee determines that the department is unable to adequately provide for one or more of the designated basic human needs, a report shall be made to the executive.

(3) When the population at the jail exceeds four hundred seventy-seven ~~for seven consecutive days~~, a report of this fact shall be made to the executive. A jail population management plan shall be developed to set out efforts to avoid reaching the 477 maximum population.

(4) When the population of the work release/special detention facility exceeds seventy-two for five consecutive days, shall be followed with regard to that facility, a report of this fact shall be made to the executive.

(5) Upon receipt of a report from the department pursuant to 5.06.030(2), (3) or (4), the executive shall appoint an individual or individuals to evaluate facility operations to determine if the requirements of these standards (especially with regard to providing for basic human needs) are being met and, if not, to make appropriate recommendations in order to meet the requirements of these standards. The results and recommendations of such evaluation shall be presented to the executive by the date set by the executive. Within ten (10) working days after presentation of this report, the executive, in consultation with the corrections director, shall propose corrective action and if appropriate, refer the proposed action to the county council.

5.06.040 Use of force. (1) The department shall maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.



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

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

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

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

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

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

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

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

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

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

Chapter 5.08  
OPERATIONS

Sections:

- 5.08.010 Admissions.
- 5.08.020 Preclassification procedures.
- 5.08.030 Orientation.
- 5.08.040 Classification/segregation.
- 5.08.050 Good time.
- 5.08.060 Release and transfer.
- 5.08.070 Transportation.

5.08.010 Admissions.

(1) General.

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

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

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

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

(2) Search/examination, when allowed.

(a) The department shall maintain written policies and procedures regarding pat searches, strip searches and

body cavity searches, which shall be consistent with this section and chapter RCW 10.79;

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

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

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

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

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

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

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

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

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

(e) No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by SCC 5.08.010(2)(a). (3) Search procedures, general. The following provisions shall apply to all strip searches and body cavity searches:

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

(b) A strip search or body cavity search, as well as pre-search undressing or post-search dressing shall occur at a location made private from the observation of persons not physically conducting the search. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals as required by SCC 5.08.010(4)(a) as permitted by SCC 5.08.010(4)(c), when

necessary to assure the safety of the prisoner or any person conducting the search; or when necessary in the event of an emergency affecting facility safety and security.

(c) No person may observe or be present during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except as provided in SCC 5.08.010(4)(c);

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Infectious diseases. A prisoner suspected of having a serious infectious disease shall be isolated until seen by medical personnel. After being seen by medical personnel, the prisoner shall be treated, including isolation, as recommended by such personnel. If not seen by a physician initially, such prisoner shall be seen by a physician as soon as reasonably possible. The physicians shall review the recommended treatment and make such revisions as appear medically warranted. The condition of a prisoner placed in isolation shall be reviewed periodically by the physician to determine whether isolation should be continued.

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

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

(11) Issuances.

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

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

5.08.020 Pre-classification procedures. (1) Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

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

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

(4) No prisoner known or suspected to be a danger to self may be housed alone without direct visual observation at least once every ten minutes.

5.08.030 Orientation. (1) As soon after booking as possible, each prisoner shall receive an oral or written orientation, consistent with the provisions of SCC 5.08.010(d). The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

(a) Rules of prisoner conduct; including possible disciplinary sanctions, as provided in SCC 5.10.050;

(b) Procedures and conditions regarding classification and reclassification, as provided in SCC 5.08.040;

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

(d) Prisoner rights and privileges;

(e) The means of access to health care as required by SCC 5.12.040, and other services.

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

5.08.040 Classification/segregation. (1) Classification.

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

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

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

(2) Classification procedures.

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

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

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

(d) A prisoner who is dissatisfied with his housing assignment, shall be entitled to a review of the decision by the director or the director's designee upon making a written request and shall be informed promptly of this right. Such request shall be reviewed by the director or the director's designee (supervisory to the classification committee), within seventy-two hours (not including Saturdays, Sundays and state holidays) of its receipt by staff. The prisoner shall receive a written decision of the review of such assignment, including reason(s).

(3) Criteria for prisoner classification.

(a) The primary criteria for classification shall

be the safety of the prisoner and the security of the institution;

(b) Juveniles. No juvenile shall be held in a department facility. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult court. No person under the chronological age of sixteen shall be held in a department facility. This standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than adult facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a court of limited jurisdiction in traffic, fish, boating or game offenses or infractions pursuant to RCW 13.04.030(6)(c) or successor statute, does not constitute a "transfer";

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

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

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

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

(4) Administrative segregation.

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

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

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

5.08.050 Good time. The director shall maintain written policies regarding time off for good behavior. Such policies shall insure that good time, when authorized by sentencing courts, is given on a consistent basis and in accordance with RCW 70.48.210 and RCW 9.92.150.

5.08.060 Release and transfer. (1) Release.

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

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

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

5.08.070 Transportation. (1) The department shall establish written procedures for the transport of prisoners which insure the safety of the prisoners, staff and public.

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

Chapter 5.10  
SECURITY

Sections:

5.10.010 Staff.

5.10.020 Supervision and surveillance.

5.10.030 Critical articles.

5.10.010 Staff. (1) A staff member of the same sex as the prisoner(s) shall be on duty or available within a reasonable time at all times. Such staff member shall be directly responsible for supervision which involves intimate physical contact or activities commonly afforded reasonable protection against opposite sex observation or supervision. Female prisoners will not be pat searched by male staff members except as necessary in the event of an emergency affecting facility safety and security. Personal observation of prisoners for purposes of this or other sections of these standards, may be by opposite sex staff so long as opposite sex privacy concerns are given appropriate protection.

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

(3) Such surveillance may be by remote means, provided there is staff able to respond, face-to-face, to any prisoner within three minutes. Special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.



(4) In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff shall not be less frequent than once every 60 minutes. Prisoners in segregated units or in a unit that is locked down shall be observed by staff at least once every 30 minutes.

5.10.020 Supervision and surveillance. (1) General security.

(a) The department shall establish a positive means of identifying prisoners;

(b) Perimeter security shall be maintained;

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

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

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

(3) Contraband control.

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

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

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

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

5.10.030 Critical articles. (1) The department shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

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

(3) Keys and locking devices.

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

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

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

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

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

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

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

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

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

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

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

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

#### Chapter 5.11 PRISONER CONDUCT

##### Sections:

- 5.11.010 Prisoner Rights.
- 5.11.020 Prisoner Conduct.
- 5.11.030 Discipline.
- 5.11.040 Grievance Procedures.

5.11.010 Prisoner rights. Each prisoner shall be provided a written statement of prisoner rights, to be reviewed at the time of orientation, which shall include, but not be limited to, access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment, freedom from discrimination based on race, sex, religion or disability, access to information on facility rules and regulations and sanctions, communication such as telephone calls and access to necessary medical care.

5.11.020 Prisoner rules of conduct. (1) The department shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners, which rules shall designate major and minor infractions.

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

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

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

5.11.030 Discipline. (1) Disciplinary committee.

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

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

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

(2) Disciplinary procedures.

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

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

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

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

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

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

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

(v) The prisoner shall be permitted to appeal the disciplinary hearing decision to the director or the director's designee in accordance with appeal procedures established by the department and included in the printed rules.

(d) All disciplinary proceedings shall be recorded;

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

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

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

(3) Corrective action or forms of discipline.

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

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

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

(4) Limitations on punishment.

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

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

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

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

(e) No prisoner shall be held in disciplinary segregation for more than ten (10) consecutive days without review by the disciplinary hearing body or the director or the director's designee. A prisoner held in disciplinary lockdown longer than ten (10) days shall be reviewed every thirty (30) days by the director or the director's designee.

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

5.11.040 Grievance procedures. The department shall develop and maintain procedures for the collection of prisoner grievances. Such procedures shall provide to whom grievances are to be directed, for timely review of grievances and for written notification of action taken regarding the grievance.

Chapter 5.12  
HEALTH & WELFARE

Sections:

- 5.12.010 Responsible physician and licensed staff.
- 5.12.020 Health care policies and procedures.
- 5.12.030 Health screening.
- 5.12.040 Access to health care.
- 5.12.050 Health care training.
- 5.12.060 Medications control.
- 5.12.070 Health care records.
- 5.12.080 Special medical issues.
- 5.12.090 Access to facilities.
- 5.12.100 Food.
- 5.12.110 Clothing, bedding and personal items.
- 5.12.120 Sanitation.

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

(2) Matters of medical and dental judgment shall be the sole province of the responsible physician and dentist respectively; security regulations applicable to facility personnel shall also apply to health personnel. The department director shall develop a policy outlining steps to be followed in the event of a conflict between security and medical staff related to provision of medical care.

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

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

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

5.12.020 Health care policies and procedures. (1) Written standard operating procedures approved by the responsible physician and the director shall include, but not be limited to, the following:

- (a) Receiving screening;
- (b) Non-emergency medical services;
- (c) Deciding the emergency nature of illness or injury;

(d) Availability of dental referral examination, and treatment;

(e) Provision of medical and dental prostheses;

(f) First aid;

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

(h) Providing chronic care;

(i) providing convalescent care;

(j) Screening, referral and care of mentally ill and developmentally disabled prisoners and prisoners under the influence of alcohol and other drugs;

(k) Implementing the special medical program provided for in SCC 5.12.080(a);

(l) Delousing procedures;

(m) Detoxification procedures;

(n) Pharmaceuticals;

(o) Communicable disease screening and control;

and

(p) Segregation for prisoners with airborne communicable disease.

(2) The work of qualified medical personnel shall be governed by the responsible physician and applicable county personnel rules.

5.12.030 Health screening. (1) Receiving screening shall be performed on all prisoners upon admission before being placed in the general population or housing area. The findings shall be recorded on a printed or computerized screening form. The screening shall include inquiry into:

(1) Current illnesses and health problems;

(2) Medications taken and special health requirements;

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

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

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

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

(7) Disposition/referral of prisoners to qualified medical personnel on an emergency basis.

(2) The contents of the health screening record shall be subject to the confidentiality provisions of 5.12.070(2).

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

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

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

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

(5) Sick call.

(a) Sick call shall be conducted by a physician and/or other qualified medical personnel and shall be available to each prisoner at least five (5) times per week;

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

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

(7) Emergency care.

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

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

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

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

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

5.12.050 Health care training. (1) All correctional officers shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall incorporate the following steps:

(a) Awareness of potential medical emergency situations;



(b) Notification or observation determination that a medical emergency is in progress;  
(c) "First aid" and resuscitation;  
(d) Call for help; and  
(e) Transfer to appropriate medical care provider.

(2) All correctional officers shall have training in receiving screening and basic life support cardiopulmonary resuscitation (CPR).

(3) All correctional officers shall be given training regarding the recognition of symptoms of mental illness, suicidal ideation and developmental disabilities.

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

5.12.060 Medications control. (1) The department's standard operating procedures for the proper management of pharmaceuticals shall include:

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

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

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

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

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

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

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

(v) Disposition of unused medication(s).

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

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

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

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

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

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

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

5.12.080 Special medical issues. (1) Informed consent.

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

(b) No prisoner shall be given medical treatment against the prisoner's will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the prisoner or, in the case of serious mental disorders, to prevent imminent danger to the life of the prisoner or to the lives of others. Any other treatment without the prisoner's consent shall be provided only pursuant to court order. All procedures required by chapter 71.05 RCW shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within a department facility;

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

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

(2) Special medical.

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

(b) A special program shall exist for prisoners requiring close medical supervision. A written individual treatment plan for each of these patients shall be approved by the responsible physician. The treatment plan shall include directions to medical and non-medical personnel regarding their roles in the care and supervision of the patient;

(c) Appropriate medically supervised treatment in accordance with written procedures established under SCC 5.12.020(1), shall be given in the facility to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates and similar drugs when such care is not provided in a community health facility;

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

5.12.090 Access to facilities. (1) Regular bathing (shower) shall be permitted at least four times each week.

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

5.12.100 Food. (1) General food requirements.

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

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

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

(2) Nutritional and caloric intake.

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

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

(3) Kitchen facilities.

(a) Kitchen facilities shall be maintained in a sanitary condition and inspected at least annually by the

local health district. The health district inspection will include the food serving process in prisoner housing areas. If corrective responses are required, the department shall document compliance and arrange for a re-inspection if required by the health district.

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

5.12.110 Clothing, bedding and personal items. (1)  
Clothing.

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

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

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

(2) Bedding.

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

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

(ii) Two sheets; or

(iii) One double sized sheet.

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

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

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

(3) Personal care items.

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

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

5.12.120 Sanitation. (1) General.

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

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

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

(2) Insects, rodents and pets.

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

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

(3) Laundry. The department shall arrange for adequate laundry services.

Chapter 5.14  
SERVICES & PROGRAMS

Sections:

5.14.010 Services.

5.14.020 Programs.

5.14.010 Services. (1) Commissary.

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

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

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

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

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

(4) Legal assistance.

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

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

(5) Religious services.

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

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

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

(6) Counseling, guidance and ancillary services.

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

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

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

(2) Work programs. The department may establish work programs. Participation in work programs by pretrial detainees shall be voluntary.

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

- (4) Education and training programs.
- (a) The department may arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens and other available community, state and federal resources;
- (b) Paid staff member(s) shall have designated responsibility for supervision of the education and training programs;
- (c) Approved correspondence courses shall be available at the prisoner's request and expense;
- (d) The department shall provide access to programs to prepare qualified prisoners for the "General Education Development" test and provide an opportunity to take the test.

Chapter 5.16  
COMMUNICATIONS

Sections:

- 5.16.010 Telephone usage.  
5.16.020 Mail.  
5.16.030 Visitation.

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

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

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

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

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

5.16.020 Mail. (1) Newspapers, books, periodicals, other printed materials and photographs.

(a) Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers,

periodicals and other printed materials or photographs which may lawfully be delivered through the United States mail. All hardbound books must be received directly from the publisher, a book club or a bookstore, unless otherwise permitted by the director or director's designee. Otherwise, such materials may be denied a prisoner only when the denial or other restriction is rationally related to a legitimate penological interest, including, but not limited to security, safety, order and rehabilitation (in the case of sentenced prisoners).

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

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

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

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

(2) Correspondence.

(a) General:

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

(ii) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters. Prisoners without funds shall be permitted to mail up to three (3) letters per calendar week at public expense. Upon proper showing, the number may be increased. Each prisoner shall be permitted to mail out any number of letters to the prisoner's attorney and the courts;

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

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

(b) Opening or censoring mail:

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

(ii) Incoming mail may be opened, inspected and read. Whenever mail is not delivered by the staff directly to the prisoner to whom it is addressed, it shall be



resealed. Mail may be rejected when, in the judgment of the director or the director's designee, it presents a threat to a legitimate penological interest, including, but not limited to, security, order and rehabilitation (in the case of sentenced offenders) or violates state or federal law;

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

(c) Notice of disapproval of prisoner mail:

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

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

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

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

(d) Limitations.

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

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

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

- (3) Packages.
- (a) Incoming
- (i) All packages shall be opened and inspected;
- (ii) Packages may be received only if the contents conform to policies adopted by the department and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to the prisoner.
- (b) Outgoing. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations.
- (4) Contraband. Items which are not permitted by department rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box or returned collect to the sender. A receipt for permissible items received in the mail, including money or checks, shall be signed by a staff member and a copy thereof promptly delivered to the prisoner. Contraband, as defined in RCW 9A.76.010, shall be turned over to the proper authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160 or other applicable statute(s).

5.16.030 Visitation. (1) General.

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

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

(2) Social visits.

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

(b) Each prisoner shall be allowed a minimum of three hours total visitation per week;

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

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

(3) Business and professional visits.

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

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

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

(4) Visitor regulations.

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

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

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

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

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

(iii) Request from the prisoner's physician;

(iv) Request from the prisoner;

(v) Reasonable grounds to believe a particular visit would present a threat to security or management or the safety of prisoners, staff or other visitors.

(d) Whenever a visitor is refused admittance during regular visiting hours, the prisoner shall receive notice of the refusal stating the reasons therefor. The affected prisoner is entitled to have such decision reviewed by the director or the director's designee upon written request and shall be promptly informed of this right. A written decision stating the reason(s) therefor, shall be furnished the prisoner who requested such review.

#### Chapter 5.18 STANDARDS FOR WORK RELEASE

##### Sections:

- 5.18.010 Applicability.
- 5.18.020 Eligibility for work release.
- 5.18.030 Orientation.
- 5.18.040 Transportation.
- 5.18.050 Employment restrictions.
- 5.18.060 Prisoner money accounts.
- 5.18.070 Accountability for prisoners.
- 5.18.080 Searches.

5.18.010 Applicability. The provisions of chapter 5.18 SCC apply to prisoners in the work release program only.

5.18.020 Eligibility for work release.

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

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

5.18.030 Orientation. A written agreement which specifies the rules and conditions of work release eligibility, shall be signed by each prisoner and witnessed by staff signature.

5.18.040 Transportation. The use of personal automobiles shall be governed by written policy which shall ensure that the prisoner has a valid Washington state driver's license and minimum liability insurance coverage.

5.18.050 Employment restrictions. The department shall comply with RCW 70.48.210(3)(b), prohibiting work release prisoners from working in an establishment where there is a labor dispute.

5.18.060 Prisoner money accounts. (1) The accounting system for prisoner money shall be described by written policy and procedure, which shall be available to prisoners. All deposits, payments and expenditures, shall be recorded and receipted.

(2) The director or the director's designee shall collect the work release prisoner's earnings and from the earnings, shall make payments for the prisoner's board and share of the administrative expenses as provided by RCW 70.48.210(3)(d). Any remaining balance shall be returned to the prisoner.

5.18.070 Accountability for prisoners. (1) The work release prisoner shall be confined in the work release facility unless authorized to be absent for a program-related purpose.

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

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

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

5.18.080 Searches. (1) Prisoners shall be subject to search at any time.

(2) The facility shall have written policies and procedures regarding the use of breathalizers, urine analysis and other means to detect the use of alcohol or unauthorized drugs.

5.18.090 Termination. The department shall adopt policies and procedures relating to the termination of participation in the work release program.

Chapter 5.20  
STANDARDS FOR SPECIAL DETENTION

Sections:

- 5.20.010 Applicability.
- 5.20.020 Low-risk classification.
- 5.20.030 Surveillance.
- 5.20.040 Programs.
- 5.20.050 Authorization to leave the facility.

5.20.010 Applicability. The provisions of chapter 5.20 SCC apply to prisoners in special detention only.

5.20.020 Low-risk classification. The special detention facility shall house low-risk, minimum custody sentenced prisoners, as determined by court order or written classification procedures consistent with SCC 5.08.040.

5.20.030 Surveillance. (1) Staff shall be available to respond face-to-face to any prisoner within three minutes.

(2) To ensure the welfare of the prisoner, staff shall personally observe each prisoner in the facility once an hour. All prisoner checks shall be recorded in writing and retained in the facility records.

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

(2) Education or training programs. The special detention facility shall allow the prisoner to contact or be contacted by community representatives of education or training programs and should permit participation in such programs when allowed under the terms of the prisoner's sentence.

5.20.050 Authorization to leave the facility. If authorized by legal authority, prisoners may be permitted to leave the

facility for the purpose of: medical/dental treatment, attending to civil or legal matters or conducting business and participating in activities related to their approved program unless specified otherwise by court order. Authorization to leave the facility shall be governed by written policy and procedures.

5.20.060 Termination. The department shall adopt policies and procedures relating to the termination of participation in the special detention program.

Chapter 5.22  
STANDARDS FOR HOME DETENTION

Sections:

- 5.22.010 Applicability.
- 5.22.020 Eligibility.
- 5.22.030 Orientation.
- 5.22.040 Monitoring of participants.
- 5.22.050 Fees and deposits.

5.22.010 Applicability. The provisions of chapter 5.22 SCC apply to participants in the home detention program only.

5.22.020 Eligibility. (1) Convicted offenders must be approved by the sentencing court and the director or director's designee.

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

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

5.22.030 Orientation. A written agreement specifying the rules and conditions of the home detention program, shall be signed by each individual entering the program and witnessed by staff signature. Individuals who do not abide by the conditions and rules of the home detention program, are subject to removal from the program.

5.22.040 Monitoring of participants. Participants shall be monitored by means of an approved electronic monitoring system. Participants are allowed to leave their residence only for work, school and other necessary appointments approved by work release staff.

5.22.050 Fees and deposits. Individuals on home detention will be charged a daily fee and pay a refundable deposit, such fee and deposit to be established by the director or director's designee. Fees may not exceed actual costs of equipment and monitoring expenses.

5.22.070 Termination. The department shall adopt policies and procedures regarding termination of participation in the home detention program.

NEW SECTION, Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Section 3. Effective Date. This ordinance shall take effect September 1, 1994.

PASSED this 25<sup>th</sup> day of May, 1994.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Karen Miller  
Chairperson

5-25-94  
Date

Approved as to Form:

Leo C. Kees  
Deputy Prosecuting Attorney

4/8/94  
Date


ATTEST:

Barbara Sikonati  
Clerk of Council, ASST.

5-25-94  
Date

- Approved  
 Vetoed  
 Emergency

Date: 5-27-94

  
County Executive

5/27/94  
Date

Published \_\_\_\_\_ and \_\_\_\_\_

ORDINANCE NO. 94-041 - 2

ORDINANCE RE: CORRECTIONS STANDARDS - 40

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