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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 97-013

AMENDING SNOHOMISH COUNTY CODE CHAPTERS 5.01 AND 5.08
TO ALLOW JUVENILE PRISONERS IN COUNTY JAIL

BE IT ORDAINED:

Section 1. Snohomish County Code Section 5.01.020, Adopted by Ordinance 94-041 on May 25, 1994, is amended to read:

5.01.020 Definitions.

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

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

~~((11))~~(12) "Strip search" means having a person remove or arrange some or all of the person's clothing so as to permit an inspection of the genitals, buttocks, anus or undergarments of a person or breasts of a female person.

~~((12))~~(13) "Work release program" means a program of scheduled release from the physical confines of the work release/special detention facility for the purpose of employment, seeking employment or school. ~~("Work release/special detention facility" means that building~~

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~~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.~~

Section 2. Snohomish County Code Section 5.08.040, Adopted by Ordinance 94-041, May 25, 1994, is amended as follows:

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 72 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. Except as specified herein, ((N))no juvenile shall be held in a department facility. For purposes of this standard, a juvenile is a person under the chronological age of 18, who has not been transferred previously to adult court. ((No person under the chronological age of 16 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 18 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))or waiver pursuant to RCW 13.40.110 or successor statute has occurred and a juvenile court has 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";

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(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.

PASSED this 16th day of April, 1997.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Garner
Chairperson

Barbara Sitoroti
Clerk of the Council, *Asst.*

APPROVED

EMERGENCY

VETOED

DATE: 4/17/97

Robert J. Drewel
County Executive

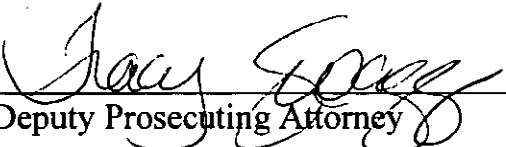
ATTEST:

ROBERT J. DREWEL
County Executive

Marilyn Abel

PUBLISHED: _____

Approved as to form only:



Deputy Prosecuting Attorney

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