

ORDINANCE No. 3070

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING BY REFERENCE THE "CUSTODIAL CARE STANDARDS FOR HOLDING FACILITIES", WHICH STANDARDS WERE ADOPTED BY THE BOARD OF DIRECTORS OF THE ASSOCIATION OF WASHINGTON CITIES IN THE FORMAT APPROVED BY THE WASHINGTON ASSOCIATION OF SHERIFFS AND POLICE CHIEFS AS A PART OF THE "COLLECTIVE GUIDELINES FOR OPERATING STANDARDS FOR CITY JAIL FACILITIES", ALL PURSUANT TO SECTION 17, CHAPTER 462, LAWS OF 1987.

Whereas, Chapter 462, Laws of 1987 abrogated the State Corrections Standards Board, and requires each city having a jail or correction facility to adopt Custodial Care Standards for its facility after considering guidelines, established collectively by the cities and towns, and

Whereas, the Board of Directors of the Association of Washington Cities, on behalf of said cities and to satisfy the "collective" requirement, adopted the current State Corrections Standards Board's Custodial Care Standards as recommended guidelines, including Custodial Care Standards for holding facilities, and

Whereas, the Association of Washington Sheriffs and Police Chiefs has prepared and approved said standards in a format which replicate existing state standards with the exception that all references to the Corrections Standards Board has been deleted, and

Whereas, the Kirkland City Jail is classified as a holding facility, and

Whereas, the City Council of the City of Kirkland has considered said guidelines for Custodial Care Standards for holding facilities, now, therefore

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. The Custodial Care Standards for holding facilities, as adopted by the Board of Directors of the Washington Association of Cities in the format prepared and approved by the Washington Association of Sheriffs and Police Chiefs, are hereby adopted by this reference, to be the Custodial Care Standards for the Kirkland City Jail, which jail facility is classified as a "holding facility". A copy of said standards, as adopted herein by reference, shall be authenticated and recorded by the Kirkland City Clerk, along with this Ordinance when adopted. Not less

than one copy of said standards, herein adopted by reference, shall be filed in the office of the Kirkland City Clerk for use by the public. Not less than one copy thereof shall also be maintained in the offices of the Kirkland Police Department.

Section 2. Definition. The following words or phrases as used in the Custodial Care Standards, adopted by reference in Section 1 of this Ordinance, shall mean:

A. "The Director of the Department of Corrections" means the uniformed police officer designated by the chief law enforcement officer to be the officer in charge of the Kirkland jail facility.

B. "Chief law enforcement officer" means the Kirkland Chief of Police.

Section 3. The provisions of this Ordinance, including those provisions herein adopted by reference, shall constitute a new chapter in Title 11 of the Kirkland Municipal Code.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

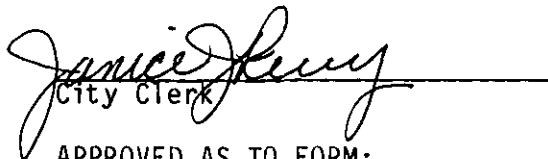
Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of December, 1987.

Signed in authentication thereof this 21st day of December, 1987.

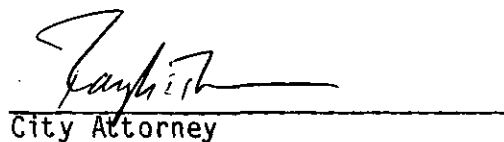


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

CUSTODIAL CARE STANDARDS
FOR
HOLDING FACILITIES

| Chapter | Page |
|---|------|
| 1 Physical Plant Standards----- | 1 |
| 2 Emergency Suspension of Custodial Care Standards----- | 1 |
| 3 General Administration----- | 1 |
| 4 Training----- | 1 |
| 5 Records----- | 2 |
| 6 Emergency Procedures----- | 3 |
| 7 Fire Prevention/Suppression----- | 4 |
| 8 Overcrowding----- | 4 |
| 9 Use of Force----- | 4 |
| 10 Admissions----- | 6 |
| 11 Pre Classification----- | 12 |
| 12 Orientation----- | 12 |
| 13 Classification and Segregation----- | 12 |
| 14 Good Time----- | 15 |
| 15 Release and Transfer----- | 16 |
| 16 Transport----- | 16 |
| 17 Staffing----- | 16 |
| 18 Supervision and Surveillance----- | 17 |
| 19 Critical Articles----- | 18 |
| 20 Prisoner Rights----- | 20 |
| 21 Rules of Conduct----- | 20 |
| 22 Discipline----- | 23 |
| 23 Grievance Procedure----- | 24 |
| 24 Written Procedures for Medical Services----- | 24 |
| 25 Health Care Policies----- | 25 |
| 26 Health Screening----- | 25 |
| 27 Access to Health Care----- | 25 |
| 28 Health Care Training----- | 26 |
| 29 Medications Control----- | 27 |
| 30 Health Care Records----- | 28 |
| 31 Special Medical Issues----- | 29 |
| 32 Access to Facilities----- | 29 |
| 33 Food----- | 30 |
| 34 Clothing, Bedding, Etc.----- | 30 |
| 35 Sanitation----- | 31 |
| 36 Programs----- | 32 |
| 37 Telephone Usage----- | 35 |
| 38 Mail----- | 36 |
| 39 Visitation----- | 40 |

CHAPTER 1 PHYSICAL PLANT STANDARDS

Applicable: ALL

Standard Ref. 1.01.00

Holding facilities.

Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

CHAPTER 2 EMERGENCY SUSPENSION OF CUSTODIAL CARE STANDARDS

Applicable: ALL

Standard Ref. 2.01.00

Nothing in these standards shall be construed to deny the power of any director of the department of corrections, chief law enforcement officer, or his designee to temporarily suspend any standard herein prescribed in the event of any emergency which threatens the safety or security of any jail, prisoners, staff or the public. Only such standards as are directly affected by the emergency may be suspended. Provided, That suspension of standards relating to overcrowding is subject to the additional requirements of Standard 8.01.00.

CHAPTER 3 GENERAL ADMINISTRATION

Applicable: ALL

Standard Ref. 3.01.00

There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility.

CHAPTER 4 TRAINING

Applicable: 30

Standard Ref. 4.01.00

All authorized persons responsible for the confinement of a prisoner shall receive an orientation to the policies and procedures of the facility relative to their duties. On the job training shall be provided as deemed appropriate by the director of the department of corrections, chief law enforcement officer, or his designee.

TRAINING
Cont.

Applicable: 30

Standard Ref. 4.02.00

All jail staff whose primary responsibility is the supervision of prisoners shall successfully complete the Washington state criminal justice training commission basic correctional academy within the six months of their employment unless training has already been received.

CHAPTER 5 RECORDS

Applicable: ALL

Standard Ref. 5.01.00

Confidentiality.

All holding facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

Applicable: ALL

Standard Ref. 5.02.00

Individual prisoner records.

An individual file or record shall be kept for each prisoner.

Applicable: ALL

Standard Ref. 5.02.01

If formal booking occurs in the facility, the information shall be recorded on a booking form.

Applicable: 30 72

Standard Ref. 5.03.00

Medical.

Any prisoner medical information other than that included in the prisoner's individual file under Standard 5.02.00 shall be maintained separately to the extent necessary to maintain confidentiality.

Applicable: ALL

Standard Ref. 5.03.01

Any medical problems experienced by a prisoner while in the facility shall be recorded and such records maintained. Information concerning medical problems shall be transmitted at the time the prisoner is transported to another jail, hospital, or other facility.

RECORDS
Cont.

Applicable: ALL Standard Ref. 5.04.00

Prisoner population accounting.

Each holding facility shall keep a jail register as required by RCW 70.48.100.

Applicable: ALL Standard Ref. 5.05.00

Infraction and disciplinary.

Written records shall be maintained for all incidents which result in major property damage or bodily harm.

Applicable: 30 72 Standard Ref. 5.06.00

Activity log.

A log of daily activity shall kept within the facility.

Applicable: 30 72 Standard Ref. 5.07.00

Personnel.

Performance and training records should be maintained for each staff member employed by the facility.

CHAPTER 6 EMERGENCY PROCEDURES

Applicable: ALL Standard Ref. 6.01.00

The director of the department of corrections, chief law enforcement officer or his designee shall establish and maintain written emergency procedures as appropriate for the specific facility.

Applicable: ALL Standard Ref. 6.01.01

The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility.

EMERGENCY PROCEDURES
Cont.

Applicable: ALL Standard Ref. 6.01.02

Emergency plans shall always be available to the authorized person in charge of the jail.

Applicable: ALL Standard Ref. 6.02.00

All personnel should be trained in the emergency procedures.

CHAPTER 7 FIRE PREVENTION/SUPPRESSION

Applicable: ALL Standard Ref. 7.01.00

The director of the department of corrections, chief law enforcement officer or his designee shall establish and maintain a written fire prevention, suppression, and evacuation plan. Such plan shall be developed in consultation with the local fire department having jurisdiction over the facility.

CHAPTER 8 OVERCROWDING

Applicable: ALL Standard Ref. 8.01.00

No prisoner shall be required to sleep on a mattress on the floor in excess of seventy-two hours, or directly on the floor for any period of time, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others, or substantially compromising the security of the jail.

CHAPTER 9 USE OF FORCE

Applicable: ALL Standard Ref. 9.01.00

The director of the department of corrections, chief law enforcement officer or his designee shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

Applicable: ALL Standard Ref. 9.02.00

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

USE OF FORCE
Cont.

Applicable: ALL

Standard Ref. 9.03.00

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 a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

Applicable: ALL

Standard Ref. 9.04.00

A written report on the use of force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report shall be reviewed by the director of the department of corrections, chief law enforcement officer or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

Applicable: ALL

Standard Ref. 9.05.00

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.

Applicable: ALL

Standard Ref. 9.06.00

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.

Applicable: ALL

Standard Ref. 9.07.00

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.

USE OF FORCE
Cont.

Applicable: ALL

Standard Ref. 9.08.00

No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

Applicable: ALL

Standard Ref. 9.09.00

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.

CHAPTER 10 ADMISSIONS

Applicable: ALL

Standard Ref. 10.01.00

Authorized confinement.

No prisoner shall be confined without proper legal authority.

Applicable: ALL

Standard Ref. 10.02.00

Telephone.

Each prisoner, within a reasonable period of time after completion of booking, shall be advised of his right to, and be allowed to complete, at least two local or collect calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form: Provided, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

Applicable: ALL

Standard Ref. 10.03.00

Language problems.

Reasonable provisions for communication with non-English speaking, handicapped and illiterate prisoners shall be provided.

ADMISSIONS
Cont.

AP
Applicable: ALL Standard Ref. 10.04.00

Booking process.

The booking process shall be completed promptly unless extenuating circumstances necessitate delay.

AP
Applicable: ALL Standard Ref. 10.05.00

Search/examination, when allowed.

The director of the department of corrections, chief law enforcement officer, or his designee shall establish and maintain written policies and procedures regarding pat searches, strip searches, and body cavity searches, which shall be consistent with this section.

AP
Applicable: ALL Standard Ref. 10.05.01

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

AP
Applicable: ALL Standard Ref. 10.05.02

No strip search shall be conducted except pursuant to the written policies and procedures required by Standard 10.05.00.

AP
Applicable: ALL Standard Ref. 10.05.03

No prisoner, other than a person committed to incarceration by order of a court or a person held for postconviction incarceration for a criminal offence, shall be strip searched without a warrant except where reasonable suspicion exists. A prisoner taken into custody pursuant to an arrest warrant or other court order issued before the person was arrested, or otherwise taken into custody shall not be considered as committed to incarceration by order of the court for purposes of this section unless the court issuing the warrant has determined that the person shall not be released on personal recognizance, bail, or bond. No strip search shall be authorized or conducted unless a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, when appropriate, do not satisfy the safety, security or evidentiary concerns of the jail.

ADMISSIONS

Cont.

Physical examinations by licensed medical professionals solely for public health purposes shall not be considered strip searches. A prisoner may be strip searched if:

- (a) There is reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other things concealed on the body of the person to be searched, that constitutes a threat to the security of the facility;
- (b) There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or
- (c) There is reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.

The determination of whether reasonable suspicion or probable cause exists to conduct a strip search shall be based on consideration of all information and circumstances known to the officer authorizing the strip search, including but not limited to the following factors:

- (i) The nature of the offense for which the person to be searched was arrested;
- (ii) The prior criminal record of the person to be searched; and
- (iii) Physically violent behavior of the person to be searched, during or after arrest.

Applicable: ALL

Standard Ref. 10.05.04

Reasonable suspicion shall be deemed to be present when the prisoner has been arrested for:

- (i) A violent offense as defined in RCW 9A.030(17) or any successor statute;
- (ii) An offense involving escape, burglary, or the use of a deadly weapon; or
- (iii) An offense involving possession of a drug or a controlled substance under Chapter 69.41, 69.50, 04 69 52 RCW or any successor statute.

Applicable: ALL

Standard Ref. 10.05.05

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 other thing, or health condition discovered as a result of the strip search. Where reasonable suspicion is deemed present because of the nature of the arrest offense, the record shall contain the offense(s) for which the person searched was arrested. In other cases where reasonable suspicion or probable cause is found to be present the report shall also contain:
- (iv) The name of the supervisor authorizing the strip search; and
- (v) The specific facts constituting reasonable suspicion to believe the strip search was necessary.

ADMISSIONS
Cont.

Applicable: ALL

Standard Ref. 10.06.00

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 (a) of this subsection. Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the law enforcement agency.

Applicable: ALL

Standard Ref. 10.07.00

Search procedures, general.

The following provisions shall apply to all strip searches and body cavity searches:

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

Applicable: ALL

Standard Ref. 10.07.01

A strip search or body cavity search, as well as presearch undressing or postsearch 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 Standard 10.08.00 of this section, as permitted by Standard 10.08.01 of this section or when necessary to assure the safety of the prisoner or any person conducting the search.

Applicable: ALL

Standard Ref. 10.07.02

No person may be present or observe 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 Standard 10.08.02 of this section.

ADMISSIONS
Cont.

Applicable: ALL (ADVISORY) Standard Ref. 10.07.03

When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars, and injuries: "health tags"; and body vermin. Less complete searches should include the same checks to the extent possible.

Applicable: ALL Standard Ref. 10.07.04

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.

Applicable: ALL Standard Ref. 10.08.00

Body cavity searches.

The following additional provisions shall apply to body cavity searches:

A body cavity search may be conducted only pursuant to Standard 10.05.06 of this section. 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.

Applicable: ALL (ADVISORY) Standard Ref. 10.08.01

When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present.

Applicable: ALL Standard Ref. 10.08.02

Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her 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.

ADMISSIONS
Cont.

Applicable: ALL

Standard Ref. 10.08.03

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

- (a) A copy of the warrant and any supporting documents required;
 - (b) The name and sex of all persons conducting or observing the search;
 - (c) The time, date, place and description of the search; and
 - (d) A statement of the results of the search and a list of any items removed from the person as a result of the search.
-

Applicable: ALL

Standard Ref. 10.08.04

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

Applicable: ALL (ADVISORY)

Standard Ref. 10.09.00

All physical markings and "health tag" identification should be recorded and made available to the appropriate jail employees and medical professionals responsible for care of prisoner.

Applicable: ALL (ADVISORY)

Standard Ref. 10.10.00

Particularly when force has been used during arrest, all visible injuries should be photographed.

Applicable: ALL

Standard Ref. 10.11.00

Body vermin.

Any person with body vermin shall be treated appropriately.

Applicable: ALL

Standard Ref. 10.12.00

Communicable diseases.

Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated.

ADMISSIONS
Cont.

Applicable: ALL

Standard Ref. 10.13.00

Prisoner property.

At the time of booking, if the prisoner's personal property is taken from him, the authorized jail staff shall record and store such items, and issue the prisoner a receipt.

Applicable: ALL

Standard Ref. 10.14.00

Bedding and personal care items.

At a reasonable time after completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under Standards 35.04.00 through 35.04.02

Applicable: 30 (ADVISORY FOR 72)

Standard Ref. 10.15.00

Writing paper.

Upon prisoner request, a reasonable supply of writing material shall be furnished.

CHAPTER 11 PRECLASSIFICATION PROCEDURES

Applicable: ALL

Standard Ref. 11.01.00

Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

CHAPTER 12 ORIENTATION

Applicable: ALL

Standard Ref. 12.01.00

As soon as reasonable after booking, the prisoner shall be advised of any facility rules and regulations. His questions shall be answered.

CHAPTER 13 CLASSIFICATION and SEGREGATION

Applicable: ALL

Standard Ref. 13.01.00

Classification procedures.

Written classification procedures shall be included in the policies and procedures.

CLASSIFICATION and SEGREGATION
Cont.

AF
Applicable: ALL Standard Ref. 13.02.00

Classification.

The department of corrections, chief law enforcement officer, or his designee, shall be responsible for classification in accordance with written procedures.

APP.
Applicable: 30 72 Standard Ref. 13.03.00
Bec

Classification training.

At least one staff person per shift shall be trained in the facility's classification procedures and shall be responsible for classification.

Applicable: ALL Standard Ref. 13.04.00

Classification criteria.

To the extent possible in the available physical plant, the following classification criteria shall be used. If Standard 13.04.01 through 13.04.05 cannot be enforced, arrangements shall be made to immediately transfer the prisoners involved to another facility which can segregate and supervise them.

Applicable: ALL Standard Ref. 13.04.01

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

CLASSIFICATION and SEGREGATION
Cont.

Applicable: ALL

Standard Ref. 13.04.02

Juvenile.

No juvenile shall be held in a jail without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been transferred previously to adult courts. Provided, That no person under the chronological age of sixteen shall be held in a jail or holding facility for adults: Provided further, That this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of eighteen within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating or game offenses or infractions pursuant to RCW 13.04.030(6)(c) or successor statute does not constitute a "transfer".

Applicable: ALL

Standard Ref. 13.04.03

A juvenile shall not be confined in a jail or holding facility for adults, except:

- (a) For a period not exceeding twenty-four hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or
- (b) For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

Applicable: ALL

Standard Ref. 13.04.04

Females shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.

Applicable: ALL

Standard Ref. 13.04.05

Special problem prisoners who endanger the health or safety of other prisoners shall be segregated and closely supervised.

CLASSIFICATION and SEGREGATION
Cont.

Applicable: 30 72 (ADVISORY) Standard Ref. 13.04.06

Prisoners on work release and weekend confinement programs, and any other prisoners who have regular contact outside the jail should be segregated from other prisoner categories.

Applicable: ALL Standard Ref. 13.04.07

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

CHAPTER 14 GOOD TIME

Applicable: 30 72 (ADVISORY) Standard Ref. 14.01.00

The director of the department of corrections, the chief law enforcement officer, or his designee should develop written policies regarding time off for good behavior. Such policies should insure that good time, when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150.

CHAPTER 15 RELEASE and TRANSFER

Applicable: ALL Standard Ref. 15.01.00

Release.

The releasing officer shall determine prisoner identity and ascertain that there is legal authority for the release.

Applicable: 30 72 Standard Ref. 15.02.00

The information required on the release forms shall be recorded for each prisoner released from the facility.

RELEASE and TRANSFER
Cont.

Applicable: ALL

Standard Ref. 15.03.00

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

Applicable: ALL

Standard Ref. 15.04.00

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.

CHAPTER 16 TRANSPORTATION

Applicable: 30 72

Standard Ref. 16.01.00

When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the director of the department of corrections, the chief law enforcement officer, or his designee shall develop and maintain instructions which insure the safety of the prisoners and staff.

CHAPTER 17 STAFFING

Applicable: ALL

Standard Ref. 17.01.00

General staffing.

At all times at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance: Provided, That this section does not require the presence of such staff when no prisoners are being housed or booked in the facility.

Applicable: ALL

Standard Ref. 17.02.00

Same sex staffing.

A jail staff member of the same sex as the prisoner shall be available in a reasonable time for all custodial activities which involve intimate physical contact or activities which are commonly afforded reasonable protection against opposite sex observation or supervision except where the health, safety, and security of the individual or the staff member would be jeopardized: Provided, That personal observation of prisoners for this or other sections of these standards may be by opposite sex staff so long as opposite sex privacy concerns are given appropriate protection.

STAFFING
Cont.

Applicable: ALL

Standard Ref. 17.03.00

Surveillance.

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

Applicable: ALL

Standard Ref. 17.03.01

Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes: Provided, That special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.

Applicable: ALL

Standard Ref. 17.04.00

Each prisoner shall be personally observed by staff at various times. All prisoner checks shall be recorded in writing and retained in the jail records.

Applicable: ALL

Standard Ref. 17.04.01

In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but should not be less frequent than, at least once within every sixty minute period.

CHAPTER 18 SUPERVISION and SURVEILLANCE

Applicable: ALL

Standard Ref. 18.01.00

Prisoner identification.

All holding facilities shall establish a means of identifying prisoners.

Applicable: ALL

Standard Ref. 18.02.00

Perimeter security.

Perimeter security shall be maintained within existing physical plant limitations.

SUPERVISION and SURVEILLANCE
Cont.

Applicable: ALL Standard Ref. 18.03.00

Security devices.

Minimum necessary security devices shall be maintained in proper working condition at all times.

Applicable: ALL Standard Ref. 18.04.00

Prisoner authority.

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

Applicable: 30 (ADVISORY FOR 72) Standard Ref. 18.05.00

Prisoner counts.

System shall be maintained for taking and recording prisoner counts as necessary.

Applicable: ALL Standard Ref. 18.06.00

Contraband control.

All holding facilities shall establish and maintain a written procedure regarding searches of prisoners, visitors, and the facility to prevent the introduction of contraband. All jails which permit visiting shall post a sign displaying the penalty for the introduction of contraband. RCW 9A.76.010, 9A.76.140, 9A.76.150 9A.76.160.)

CHAPTER 19 CRITICAL ARTICLES

Applicable: ALL Standard Ref. 19.01.00

All holding facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

Applicable: ALL (ADVISORY) Standard Ref. 19.02.00

Weapon lockers should be located outside of booking and confinement areas.

CRITICAL ARTICLES
Cont.

Applicable: ALL (ADVISORY) Standard Ref. 19.03.00

Whenever possible, keys to weapon lockers be located outside of booking and confinement areas.

Applicable: ALL Standard Ref. 19.04.00

Keys and locking devices

Key regulations shall be established by the director of the department of corrections, chief law enforcement officer, or his designee.

Applicable: ALL Standard Ref. 19.04.01

A control point shall be designated for key cataloging and logging the distribution of keys.

Applicable: ALL Standard Ref. 19.04.02

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

Applicable: ALL Standard Ref. 19.04.03

All keys not in use shall be stored in a secure area inaccessible to prisoners.

Applicable: ALL Standard Ref 19.04.04

Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

Applicable: ALL Standard Ref. 19.04.05

Keys shall be accounted for at all times.

CRITICAL ARTICLES
Cont.

Applicable: ALL Standard Ref. 19.04.06

Jail facility keys shall never be issued to a prisoner.

Applicable: ALL Standard Ref. 19.04.07

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 failure of the system.

Applicable: ALL Standard Ref. 19.05.00

The director of the department of corrections, the chief law enforcement officer, or his designee shall establish and maintain written procedures regarding storage of protective equipment and dangerous kitchen utensils, if applicable.

CHAPTER 20 PRISONER RIGHTS

Applicable: (ADVISORY for 30 day, 72 hour) Standard Ref. 20.01.00
(6 hour - see Standard 12.01.00)

Each holding facility should establish a written statement of prisoner rights, to be reviewed at the time of orientation, which should 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 or sex, access to information on facility rules and regulations and sanctions, communication such as telephone calls, and access to necessary medical care.

CHAPTER 21 RULES OF CONDUCT

Applicable: 30 72 Standard Ref. 21.01.00

Rules established

The director of the department of corrections, chief law enforcement officer, or his designee shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners which rules shall designate major and minor infractions.

Applicable: 6 Standard Ref. 21.01.01

Appropriate rules relating to the imposition of discipline, if any, shall be established in writing.

RULES OF CONDUCT
Cont.

Applicable: 30 72

Standard Ref. 21.02.00

Prisoners informed.

Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the jail or conveyed orally to each prisoner. Reasonable efforts shall be made to inform non-English speaking prisoners.

Applicable: 6

Standard Ref. 21.02.01

Prisoners shall be informed of facility rules and sanctions, if they are established.

Applicable: ALL

Standard Ref. 21.03.00

Major infractions.

If major infractions are handled within the facility, rather than as criminal proceedings, all major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

Applicable: 30

Standard Ref. 21.03.01

Disciplinary committee.

The director of the department of corrections, the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of major violation of facility rules and impose sanctions.

Applicable: 30 (ADVISORY)

Standard Ref. 21.03.02

It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee

Applicable: 30

Standard Ref. 21.03.03

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

RULES OF CONDUCT
Cont.

Applicable: 30

Standard Ref. 21.04.00

Disciplinary procedures

Any charge pending against a prisoner shall be acted on as soon as possible and no later than seventy-two 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.

Applicable: 30

Standard Ref. 21.04.01

At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with Standard 21.03.00. If the prisoner is illiterate, the infraction report shall be read to him.

Applicable: 30

Standard Ref. 21.04.02

The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

- (a) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;
- (b) The prisoner shall be allowed to appear on his 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 judgements and the prisoner's record shall contain a statement with regard to such grounds.
- (c) A prisoner who is unable to represent himself in such a hearing shall be informed of his right to be assisted by another person in understanding and participating in the proceedings;
- (d) 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
- (e) The prisoner shall be permitted to appeal the disciplinary hearing decision to the director of the department of corrections, the chief law enforcement officer or his designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules.
 - (1) All disciplinary proceedings shall be recorded.
 - (2) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

RULES OF CONDUCT
Cont.

Applicable: ALL

Standard Ref. 21.05.00

Minor infractions.

Minor infractions may be handled by any staff person by reprimand, warning, or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner.

CHAPTER 22 DISCIPLINE

Applicable: ALL

Standard Ref. 22.01.00

Corrective action or forms of discipline.

When punitive measures are imposed, such measures shall be in accordance with law, and recommended sanctions, and appropriate to the severity of the infraction.

Applicable: ALL

Standard Ref. 22.02.00

Acceptable forms of discipline shall include but not be limited to, the following:

- (a) Loss of privileges
 - (b) Removal from work detail or other assignment
 - (c) Recommendation of forfeiture of "good time" credit
 - (d) Transfer to the maximum security or segregation section.
-

Applicable: ALL

Standard Ref. 22.03.00

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 privilege with any member of the bar, holder of public office, the courts, and the department of corrections or chief law enforcement officer be suspended.
- (d) Restrictions on visitation.
 - (1) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation. (ADVISORY)
 - (2) Under no circumstances shall attorney-client visits be restricted.

DISCIPLINE
Cont.

22.03.00
Continued

(e) No prisoner shall be held in disciplinary segregation for more than five consecutive days without review by the disciplinary hearing body or chief law enforcement officer or his designee, and in no event shall a prisoner be held in disciplinary segregation for more than ten consecutive days as the result of any one hearing.

(f) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

CHAPTER 23 GRIEVANCE PROCEDURES

Applicable: 30 72 (ADVISORY) Standard Ref. 23.01.00

The director of the department of corrections, chief law enforcement officer, or his designee for each jail should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for notification of action taken regarding the grievance.

CHAPTER 24 WRITTEN PROCEDURES FOR MEDICAL SERVICES.

Applicable: ALL Standard Ref. 24.01.00

There shall be on file, in the jail, a written procedure which provides that necessary medical services will be provided twenty-four hours a day by one or more of the following:

- (a) A licensed physician.
- (b) A health care professional supervised by a licensed physician.
- (c) A hospital or clinic.

Applicable: ALL Standard Ref. 24.02.00

Security.

All providers of medical services in holding facilities shall observe the security regulations which apply to jail personnel.

Applicable: ALL Standard Ref. 24.03.00

Licensing and certifications.

Medical services shall be provided only by licensed or certified health care providers.

CHAPTER 25 HEALTH CARE POLICIES

Applicable: ALL Standard Ref. 25.01.00

Written standard operating procedures shall consist of 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. First-aid.
- e. Notification of next of kin or legal guardian in case of serious illness, injury or death.
- f. Screening, referral and care of mentally ill and retarded inmates, and prisoners under the influence of alcohol and other drugs.
- g. Detoxification procedures; and
- h. Pharmaceuticals.

CHAPTER 26 HEALTH SCREENING

Applicable: ALL Standard Ref. 26.01.00

Receiving screening shall be performed on all prisoners upon admission to the facility, and the findings recorded on a printed screening form.

Applicable: ALL Standard Ref. 26.01.01

If the results of receiving screening indicate a medical problem that may be detrimental to the health or safety of the prisoner, but is of a non emergency nature, then the prisoner shall be seen within a reasonable time by a physician or nurse to determine the need for further diagnosis or treatment.

CHAPTER 27 ACCESS TO HEALTH CARE

Applicable: 30 72 (ADVISORY for 6 hour) Standard Ref. 27.01.00

Written procedures for gaining access to medical services shall be given to each prisoner at the time of admission and/or posted conspicuously in the jail.

Applicable: ALL Standard Ref. 27.02.00

Prisoner complaints of injury or illness, or staff observations of such shall be acted upon by staff as soon as reasonably possible. Prisoners shall be provided with medical diagnosis or treatment as necessary.

Applicable: 30 72 (ADVISORY) Standard Ref. 27.03.00

Work release prisoners should be allowed to see their own physician.

ACCESS TO HEALTH CARE
Cont.

Applicable: ALL

Standard Ref. 27.04.00

Emergency care.

Standard first-aid kits shall be conveniently available to all jails.

Applicable: ALL

Standard Ref. 27.05.00

Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

- (a) Arrangements for the emergency evacuation of the prisoner from the jail.
- (b) Arrangements for the use of an emergency medical vehicle.
- (c) Arrangements for the use of one or more designated hospital emergency rooms or other appropriate health facilities.
- (d) Arrangements for emergency on-call physician and dentist services when an emergency health facility is not located in a nearby community.
- (e) Arrangements for emergency mental illness care for prisoners.

CHAPTER 28 HEALTH CARE TRAINING

Applicable: ALL

Standard Ref. 28.01.00

Jail personnel 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 include but not be limited to:

- 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 provider.

Applicable: ALL

Standard Ref. 28.02.00.

At least one person per shift shall have training in receiving screening.

Applicable: ALL

Standard Ref. 28.03.00

At least one person available per shift shall have training in basic life support cardiopulmonary resuscitation (CPR).

HEALTH CARE TRAINING
Cont.

Applicable: ALL

Standard Ref. 28.04.00

All persons delivering medication shall be properly trained.

CHAPTER 29 MEDICATIONS CONTROL

Applicable: ALL

Standard Ref. 29.01.00

When a Pharmacy is operated within the jail, the Director of the Department of Corrections, Chief of Police, or his designee shall maintain standard operating procedures for the dispensing and administration of medications.

Applicable: ALL

Standard Ref. 29.02.00.

The standard operating procedures for medication dispensing and administration shall include, but not be limited to, policies regarding:

- (a) Nonmedical jail personnel delivering medication(s) to prisoners.
- (b) Disposition of medication(s) brought in by prisoners at the time of admission to the facility.
- (c) The medications system, which shall insure that all medications shall be kept in containers which have been labeled securely and legibly by a pharmacist or 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.
- (d) Safeguards with regard to delivery of medications to prisoners; and
- (e) Disposition of unused medication(s).

Applicable: 30 72

Standard Ref. 29.03.00

The standard operating procedures should include a policy regarding the maximum security storage and weekly inventory of all controlled substances, nonprescription medication(s), and any syringes, needles and surgical instruments.

Applicable: 30 72

Standard Ref. 29.04.00

The person delivering medication shall be accountable for following the order of the prescribing physician.

CHAPTER 30 HEALTH CARE RECORDS

Applicable: 30 72

Standard Ref. 30.01.00

Prisoner file maintenance.

Prisoner medical files shall contain the completed receiving screening form, 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, if applicable.

Applicable: 72 6

Standard Ref. 30.02.00

A record of the date, time, place and name of the health care provider shall be retained on file at the jail if any health care services are provided to prisoners.

Applicable: ALL

Standard Ref. 30.03.00

Prisoner file confidentiality.

Medical records shall be maintained separately from other jail records to the extent necessary to protect their confidentiality.

Applicable: ALL

Standard Ref. 30.03.01

Medical records shall not be released to other persons or agencies without the written authorization of the prisoner.

Applicable: 30 72

Standard Ref. 30.04.00

The responsible physician or medical care provider shall communicate information obtained in the course of the medical screening and care to jail authorities when necessary for the protections of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order.

Applicable: ALL

Standard Ref. 30.05.00

Information regarding known serious health problems shall be communicated to any transferring officer or receiving jail or correctional institution at the time of transfer.

HEALTH CARE RECORDS
Cont.

Applicable: ALL

Standard Ref. 30.06.00

The person delivering medications shall record the actual date and time of the delivery.

CHAPTER 31 SPECIAL MEDICAL ISSUES

Applicable: ALL

Standard Ref. 31.01.00

Informed consent.

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

Applicable: ALL

Standard Ref. 31.02.00

Special medical.

Jail staff suspecting prisoner mental illness shall notify the appropriate mental health authorities.

Applicable: 30, 72

Standard Ref. 31.02.01

Appropriate medically supervised treatment in accordance with written procedures established under Standard 26.01.00 shall be given in the jail 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.

CHAPTER 32 ACCESS TO FACILITIES

Applicable: 30

Standard Ref. 32.01.00

Regular bathing (shower) shall be permitted at least twice each week.

Applicable: ALL

Standard Ref. 32.02.00

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

CHAPTER 33 FOOD

Applicable: 30 72

Standard Ref. 33.01.00

Meal service.

At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous days evening meal.

Applicable: 30 72 (ADVISORY FOR 6)

Standard Ref. 33.02.00

Nutritional and caloric intake.

Jail meals shall be nutritious, and provide for appropriate caloric intake.

Applicable: 30 72 (ADVISORY FOR 6)

Standard Ref. 33.03.00

Jail menus shall be reviewed by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified.

Applicable: ALL

Standard Ref. 33.04.00

Medically ordered diets shall be strictly observed.

CHAPTER 34 CLOTHING, BEDDING, ETC.

Applicable: 30 72

Standard Ref. 34.01.00

Clothing.

Provisions shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing.

Applicable: 30 72

Standard Ref. 34.02.00

Each jail shall insure that prisoners outer garments are laundered and made available to them at least once a week, and that prisoners undergarments and sock are laundered and made available to them at least twice a week.

CLOTHING, BEDDING, ETC.
Cont.

Applicable: ALL

Standard Ref. 34.03.00

Bedding:

Prisoners shall be issued clean bedding within a reasonable time. Bedding shall include, but not be limited to:

(a) A mattress which shall have a washable surface which shall be sanitized at least semi-annually or more often if needed

(b) A mattress cover or sheet which shall be washed weekly or more often as needed, and always before reissue

(c) A blanket which shall be washed at frequent intervals to maintain a clean condition, and always before reissue.

Applicable: 30 72

Standard Ref. 34.04.00

Personal care items.

Personal care items issued to each prisoner held in excess of six hours shall include, but not be limited to, soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.

Applicable: 30 72

Standard Ref. 34.04.01

Toothpaste, toothbrush and comb shall be provided for all prisoners held in excess of twelve hours. Such items shall be available for purchase or shall be issued as needed: Provided, That indigent prisoners shall have access to these minimum items without cost.

Applicable: 30 72 (ADVISORY)

Standard Ref. 34.04.02

Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security.

CHAPTER 35 SANITATION

Applicable: ALL

Standard Ref. 35.01.00

General sanitation.

All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage, or other matter detrimental to health.

CLOTHING, BEDDING, ETC.
Cont.

Applicable: 30 (ADVISORY FOR 72 6) Standard Ref. 35.01.01

When the facility is occupied, the housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage.

Applicable: ALL Standard Ref. 35.01.02

Each prisoner shall clean his own living area daily.

Applicable: ALL Standard Ref. 35.02.00

Insects and rodents.

Insects and rodents shall be eliminated by safe and effective means.

Applicable: ALL Standard Ref. 35.02.01

Pets shall not be allowed in jail facilities.

Applicable: 30 72 Standard Ref. 35.03.00

Laundry.

Each jail shall arrange for adequate laundry services.

CHAPTER 36 PROGRAMS

Applicable: 30 Standard Ref. 36.01.00

Commissary.

The director of the department of corrections, chief law enforcement officer, or his designee of each holding facility shall either establish, maintain, and operate a commissary, or provide prisoners with a list of approved items to be purchased at cost at least once a week at local stores.

Applicable: 72 (ADVISORY) Standard Ref. 36.01.02

The director of the department of corrections, chief law enforcement officer, or his designee may provide prisoners with a list of approved items to be purchased at cost.

PROGRAMS
Cont.

Applicable: 30 (ADVISORY) Standard Ref. 36.01.03

Commissary items shall include books, periodicals, and newspapers.

Applicable: 30 72 Standard Ref. 36.01.04

If jail rules do not permit prisoners to keep money on their persons, 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.

Applicable: 30 (ADVISORY) Standard Ref. 36.02.00

Basic hair care.

Reasonable arrangements should be made to provide basic hair care.

Applicable: 30 72 (ADVISORY) Standard Ref. 36.03.00

Reading materials.

Each jail should provide for reading materials.

Applicable: 30 Standard Ref. 36.04.00

Legal assistance.

When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials.

Applicable: 30 Standard Ref. 36.04.01

Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers.

PROGRAMS
Cont.

Applicable: 30 (ADVISORY for 72 hour) Standard Ref. 36.05.00

Religious services.

Upon reasonable request from a prisoner, the jail facility staff shall arrange for confidential religious consultation.

Applicable: 30 (ADVISORY) Standard Ref. 36.05.01

Holding facilities with an average daily population of twenty-five or more should arrange for weekly religious services.

Applicable: 30 (ADVISORY) Standard Ref. 36.05.02

Prisoners should be permitted to observe religious holidays and receive sacraments of their faith.

Applicable: 30 Standard Ref. 36.05.03

Attendance at religious services shall be voluntary.

Applicable: 30 72 (ADVISORY) Standard Ref. 36.06.00

Counseling, guidance, and ancillary services

Counseling services should be available to provide prisoners in holding facilities with an opportunity to discuss their problems.

Applicable: 30 72 (ADVISORY) Standard Ref. 36.06.01

The director of the department of corrections, chief law enforcement officer, or his designee may utilize volunteer counseling resources available in the community, provided that the security of the facility is not jeopardized.

Applicable: ALL Standard Ref. 36.06.02

Prisoners are not required to receive counseling services unless ordered by the appropriate court or the disciplinary review body.

PROGRAMS
Cont.

Applicable: 30 72 (ADVISORY) Standard Ref. 36.07.00

Exercise.

Each prisoner should be allowed an opportunity for physical exercise.

Applicable: 30 (ADVISORY) Standard Ref. 36.08.00

Work programs.

The department of corrections or chief law enforcement officer may establish work programs.

Applicable: ALL Standard Ref. 36.08.01

Participation in work programs by pretrial detainees shall be voluntary.

Applicable: 30 72 (ADVISORY) Standard Ref. 36.09.00

Education or training programs.

The director of the department of corrections, chief law enforcement officer, or his designee may allow the prisoner to contact or be contacted by community representatives of education or training programs.

Applicable: 30 (ADVISORY) Standard Ref. 36.10.00

Leisure time activity programs.

Holding facilities should provide opportunities for all prisoners to participate in leisure time activities.

CHAPTER 37 TELEPHONE USAGE

Applicable: 30 (ADVISORY for 72 & 6) Standard Ref. 37.01.00

Telephone Usage.

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

TELEPHONE USAGE
Cont.

Applicable: ALL Standard Ref. 37.02.00

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

Applicable: ALL Standard Ref. 37.03.00

Long distance calls shall be at the prisoner's expense or collect: Provided, That appropriate protection of access to an attorney shall be maintained for prisoners without funds.

Applicable: ALL Standard Ref. 37.04.00

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

Applicable: ALL Standard Ref. 37.05.00

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

CHAPTER 38 MAIL

INTRODUCTION Standard Ref. 38.01.00

It is assumed that mail will usually not be sent or received in 72 or 6 hour holding facilities, but facilities which do handle mail must comply with the applicable provisions in this chapter.

Applicable: 30 Standard Ref. 38.02.00

Newspapers, books, periodicals, or other printed materials, and photographs.

Prisoners shall generally be permitted to receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff.

MAIL
Cont.

Applicable: 30

Standard Ref. 38.02.01

If such materials are withheld from a prisoner:

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

(b) The affected prisoner shall be promptly informed of his right to have such decision reviewed by the disciplinary hearing body, the director of the department of corrections, the chief law enforcement, or his designee officer upon written request.

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

Applicable: 30

Standard Ref. 38.03.00

General Correspondence

Incoming or outgoing mail shall be retained no more than one business day.

(a) Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters including letters to attorneys, the courts, and elected federal, state, county and city officials.

Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense:

Provided, That no limit may be set on the number of letters which may be sent to the prisoner's attorney or to the courts.

(b) No restrictions shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by order of a court of competent jurisdiction, or as provided under (c) of this subsection.

(c) These rules shall not preclude a prisoner being required to place his name and return post office address on outgoing mail.

Applicable: 30

Standard Ref. 38.04.00

Opening or censoring mail.

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 facility rule or policy.

MAIL
Cont.

Applicable: 30

Standard Ref. 38.04.01

Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks and may be perused for content when the responsible staff person designated by the director of the department of corrections, chief law enforcement officer, or his designee has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

Applicable: 30

Standard Ref. 38.04.02

Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the director of the department of corrections, chief law enforcement officer, or his designee has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law.

Applicable: 30

Standard Ref. 38.05.00

Notice of disapproval of prisoner mail.

If a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given the prisoner.

Applicable: 30

Standard Ref. 38.05.01

When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating the reason(s) for denial and indicating the portion(s) of the letter causing the 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.

Applicable: 30

Standard Ref. 38.05.02

When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the director of the department of corrections, the chief law enforcement officer, or his designee upon written request and shall be promptly informed of this right.

MAIL
Cont.

Applicable: 30

Standard Ref. 38.05.03

A written decision of the review of such denial of mail shall be promptly delivered to the prisoner.

pre
Applicable: 30

Standard Ref. 38.06.00

or
Limitations.

Incoming mail of post conviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city officials shall be opened only in the presence of the addressee.

Applicable: 30

Standard Ref. 38.06.01

Mail to or from attorneys, courts or elected federal, state, county or city officials shall not be read.

Applicable: 30

Standard Ref. 38.06.02

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.

Applicable: 30

Standard Ref. 38.07.00

Packages.

If a facility allows prisoners to send or receive packages:

(a) All packages shall be opened and inspected.

(b) Packages may be received only if the contents conform to rules adopted by the director of the department of corrections, chief law enforcement officer, or his designee 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 him.

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

MAIL
Cont.

Applicable: 30 Standard Ref. 38.08.00

Contraband.

Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender.

Applicable: 30 Standard Ref. 38.08.01

Permissible items received in the mail, including money or checks, shall be recorded by a staff member and notification thereof given to the prisoner.

Applicable: 30 Standard Ref. 38.09.00

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, or 9A.76.169 or other applicable statutes.

CHAPTER 39 VISITATION

Applicable: 30 (ADVISORY) Standard Ref. 39.01.00

Security.

Visitation shall be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution.

Applicable: 30 72 Standard Ref. 39.01.01

The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under Standards 13.04.02 through 13.04.08

Applicable: 30 (ADVISORY for 72 hour.) Standard Ref. 39.02.00

Social visits

The director of the department of corrections, chief law enforcement officer, or his designee shall establish and post rules which permit reasonable opportunities for social visits for each prisoner and specifying times therefor.

VISITATION
Cont.

Applicable: ALL

Standard Ref. 39.03.00

Business and professional visits.

Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor at reasonable hours.

AD
Applicable: 30 72 (ADVISORY) Standard Ref. 39.03.01
PE

The director of the department of corrections, chief law enforcement officer, or his designee should allow confidential visits from business, educational and law enforcement professionals.

Applicable: ALL

Standard Ref. 39.04.00

Visitor regulations.

a:
Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted.

Applicable: ALL Standard Ref. 39.04.01

Any person may refuse a search but, subsequent to such refusal, may then be denied entrance.

Applicable: ALL

Standard Ref. 39.04.02

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

- (a) An attempt, or reasonable suspicion of an attempt, to bring contraband into the facility.
 - (b) Obvious influence or effect of alcohol or controlled substances.
 - (c) Request from the prisoner's physician.
 - (d) Request from the prisoner.
 - (e) Reasonable grounds to believe a particular visit would present a substantial danger to jail security, or management, or to the welfare of prisoners, staff, or other visitors.
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VISITATION
Cont.

Applicable: ALL

Standard Ref. 39.05.00

If a visitor is refused admittance during regular visiting hours:

(a) The prisoner shall receive notice of the refusal stating the reasons therefor.

(b) The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the director of the department of corrections, the chief law enforcement officer, or his designee upon written request and shall be promptly informed of this right.
