
SENATE BILL 5248

State of Washington

67th Legislature

2021 Regular Session

By Senator Darneille

1 AN ACT Relating to establishing the joint legislative task force
2 on jail standards; adding a new section to chapter 70.48 RCW;
3 creating new sections; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that there is a
6 statewide need to standardize rights and responsibilities of
7 individuals confined in county, municipal, and juvenile detention
8 facilities throughout the state. The legislature recognizes that the
9 Washington corrections standards board previously existed from
10 between 1981 and 1987, providing, monitoring, and enforcing jail
11 operating standards. The legislature further finds that the
12 elimination of the board has led to a reduction in consistency in
13 jail standards and elimination of statewide enforcement and
14 inspection mechanisms. The legislature finds that lack of a
15 regulatory body with oversight powers has led to an adult jail system
16 lacking in both transparency and oversight. The legislature concludes
17 that this has had a negative impact upon those confined in such
18 facilities. This negative impact has detrimentally affected the
19 health, safety, and living conditions of those experiencing
20 incarceration in jails.

1 The legislature finds that the living conditions of jails play an
2 important role in the reentry process and that successful reentry has
3 a tangible, positive effect upon reduced recidivism and overall
4 public safety. The legislature finds that the mental and economic
5 trauma imposed by substandard living conditions in such facilities
6 can have a negative impact upon rehabilitation efforts. The
7 legislature recognizes that in 2016, 58 percent of people entering
8 jails in Washington had mental health treatment needs, 61 percent had
9 substance use disorder treatment needs, and 41 percent had co-
10 occurring disorder indicators. The legislature intends to improve
11 access to needed treatment for these populations. The legislature
12 finds that failure to address these challenges can result in public
13 safety concerns for the individual and staff providing services. The
14 legislature further finds that standardizing this element of the
15 justice system through uniform jail standards will result in better
16 care, fewer negative incidents, and better staff safety.

17 The legislature finds that promoting family and community
18 connection and economic stability for a family while a loved one is
19 incarcerated are important factors in successful reentry. The
20 legislature further finds that health and well-being are also
21 critical factors for successful reentry and therefore key to reducing
22 recidivism. The legislature therefore finds restoration of a
23 statewide jail oversight board is in the interest of all
24 Washingtonians.

25 Therefore, it is the intent of the legislature to convene a task
26 force to collect data and make recommendations regarding the
27 restoration of a statewide regulatory authority for mandatory jail
28 standards, data collection, and inspection and enforcement of uniform
29 jail standards for the health, safety, and welfare of the public,
30 those who are confined, and staff.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.48
32 RCW to read as follows:

33 (1) A joint legislative task force on jail standards is
34 established, with members as provided in this subsection.

35 (a) The president of the senate shall appoint one member from
36 each of the two largest caucuses of the senate.

37 (b) The speaker of the house of representatives shall appoint one
38 member from each of the two largest caucuses of the house of
39 representatives.

1 (c) The president of the senate and the speaker of the house of
2 representatives jointly shall appoint 13 members representing the
3 interests of: Prosecutors; defense attorneys; law enforcement;
4 counties; cities; jail administrators; superior courts; district and
5 municipal courts; a state designated protection and advocacy agency;
6 medical and mental health service providers; a statewide civil legal
7 aid organization; persons with lived experience; and other entities
8 involved with or interested in the operation of local jails.

9 (2) The legislative membership shall convene the initial meeting
10 of the task force. The task force shall choose its chair from among
11 its legislative membership.

12 (3) Staff support for the task force must be provided by the
13 office of the attorney general.

14 (4) (a) Legislative members of the task force may be reimbursed
15 for travel expenses in accordance with RCW 44.04.120. Except as
16 provided in (b) of this subsection, nonlegislative members are not
17 entitled to be reimbursed for travel expenses if they are elected
18 officials or are participating on behalf of an employer, governmental
19 entity, or other organization. Any reimbursement for other
20 nonlegislative members is subject to chapter 43.03 RCW.

21 (b) Nonlegislative members of the task force who demonstrate
22 financial hardship must be reimbursed for travel expenses as provided
23 in RCW 43.03.050 and 43.03.060, as well as other expenses as needed
24 for each day a nonlegislative task force member attends a task force
25 meeting to provide consultative assistance.

26 (5) The expenses of the task force must be paid jointly by the
27 senate and the house of representatives. Task force expenditures are
28 subject to approval by the senate facilities and operations committee
29 and the house executive rules committee, or their successor
30 committees.

31 (6) The task force shall review the following issues:

32 (a) The adequacy of standards adopted and used by jails
33 including, but not limited to, standards for conditions and
34 operations, inspections, enforcement, and oversight;

35 (b) Current data on jails in the state including, but not limited
36 to, square footage of living space per individual, jail capacity,
37 average daily population over the previous five years, medical and
38 dental services, mental health services, treatment programming
39 options, accreditation status, use of force incidents over the

1 previous five years, and in-custody deaths and the causes of those
2 deaths;

3 (c) How the jails in the state compare to jail standards and
4 practices in other states regarding safety and physical conditions;
5 health and welfare; access to medical, mental health, dental care,
6 and substance use disorder treatment; food quality and quantity; use
7 of force; use of solitary confinement; and recreational activities
8 and programming;

9 (d) The revenue sources and funding mechanisms used by other
10 states to pay for local jails and the kinds of services that are
11 provided to inmates in jails in other states, including identifying
12 the entity that is responsible for financing those services;

13 (e) Inmate's access to jail telecommunication, electronic media,
14 and commissary services, including the rates and fees charged by the
15 jail for these services that are often borne by families of
16 incarcerated individuals; and

17 (f) Other issues the task force deems relevant to the conditions
18 of jails.

19 (7) The task force shall make recommendations regarding:

20 (a) Statewide minimum jail standards, oversight, or other policy
21 changes to ensure jail conditions meet state and federal
22 constitutional and statutory standards and include adequate safety
23 and welfare safeguards for incarcerated persons and staff; and

24 (b) Restoration of a statewide authority to set mandatory minimum
25 jail standards and conduct inspections of jails for compliance and
26 enforcement of those standards.

27 (8) The task force shall consult with organizations and entities
28 with interest or experience in jail standards and operations
29 including, but not limited to, treatment providers, victims'
30 advocates, inmate advocates, organizations representing jail
31 employees and officers, and other community organizations.

32 (9) The Washington association of sheriffs and police chiefs and
33 representatives from county, city, and regional jails must provide
34 any data or information that is requested by the task force to
35 perform its duties under this section.

36 (10) The task force shall report findings and recommendations to
37 the governor and the appropriate committees of the legislature by
38 December 1, 2023.

39 (11) This section expires July 1, 2024.

1 NEW SECTION. **Sec. 3.** If specific funding for the purposes of
2 this act, referencing this act by bill or chapter number, is not
3 provided by June 30, 2021, in the omnibus appropriations act, this
4 act is null and void.

--- END ---