

# Jail Population Management

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## **Policy Statement**

The Sheriff's Office must prioritize space in the Whatcom County Jail to prevent the inmate population from reaching unmanageable levels. The sheriff retains the discretion to reduce the jail inmate population at any time to maintain the health and safety of all persons and the security of the jail due to changing conditions such as:

- Actual or potential overcrowding
- Classification and behavior of inmates
- Facility condition and the functionality and reliability of life-safety and security systems
- Available staffing

The population counts in this order do not apply to inmates housed or committed to programs at the Jail Work Center.

The Sheriff's Office has asked all law enforcement and corrections agencies that use the Whatcom County Jail to follow the guidelines contained in this order (see [letter](#)).

## **Persons Affected**

All Sheriff's Office employees

## **Directives Affected**

Jail Population Management	Special Order	November 18, 2016	Replaced
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## **Law Enforcement – Alternatives to Booking Suspects**

Law enforcement officers should consider alternatives to booking suspects into jail such as:

- Issuing citations in lieu of physical arrest for misdemeanor/gross misdemeanor offenses
- Referring misdemeanor/gross misdemeanor/low level felony offenses to the Prosecuting Attorney for consideration of a summons or an arrest warrant
- Referring eligible persons to a behavioral health diversion as provided for in [RCW 10.31.110](#)

In making these decisions, law enforcement officers should evaluate factors such as:

- The totality of circumstances known to the officer at the time do not reasonably indicate that the suspect will pose a continuing danger to the public
- The suspect's ties to the community and the probability that he or she will not be responsive to summonses to appear in court
- Whether booking the suspect is required by law or policy (if required, book)
- Whether the suspect's identity is in question

## **Interlocal Agreement Administration**

Corrections bureau command staff members are responsible for administering interlocal agreements as they pertain to requiring user agencies to transfer inmates in order to control jail population.

## **Inmate Population Target**

Corrections personnel will maintain the population of the Whatcom County Jail at 212 inmates or less whenever practical. This will include generally maintaining the jail population below the 212 threshold to ensure space availability for those offenders the county is legally responsible for housing.

Jail shift supervisors should contact command staff members any time this limit should be adjusted (e.g., closure of a housing unit, staffing availability or any other circumstance(s) necessitating a reduction of capacity guidelines – see [Emergencies](#)).

## Monitoring and Notification

### Inmate Population

Jail shift supervisors will check the inmate population total at 0600, 1400 and 2200 each day. Each supervisor will then make specified [email notifications](#) to user agencies requesting that they limit the booking of offenders accordingly (see [exceptions](#)):

Jail Inmate Population	Population Control Measures	Action – Shift Supervisor
Below 205	Law enforcement officers are encouraged to consider field citations, referrals to a prosecutor or diversion to the behavioral health system ( <a href="#">RCW 10.31.110</a> ) in lieu of arrest when appropriate.	See <a href="#">Appendix - Email Notifications</a>
205-211	Law enforcement officers are urged to avoid booking offenders solely* on probable cause for gross misdemeanors or misdemeanors except: <ul style="list-style-type: none"> <li>• Driving under the influence (<a href="#">RCW 46.61.502</a>), driver under twenty-one consuming alcohol or marijuana (<a href="#">RCW 46.61.503</a>) or physical control (<a href="#">RCW 46.61.504</a>).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• Offenders who present an imminent threat to public safety.</li> <li>• Offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul>	
212 or more	Law enforcement officers are urged to avoid booking offenders solely* for gross misdemeanor or misdemeanor warrants for <i>failure to appear</i> (same exceptions as above).	

\*Offenders booked on felonies may also be booked on related gross misdemeanors or misdemeanors (including warrants)

### Emergencies

In the event of a significant decrease in offender housing capacity at the jail (e.g., closure of an entire housing unit), jail supervisors will make the notification specified in the [appendix](#).

## Exceptions - Extraordinary Circumstances

Law enforcement officers should use the following protocol if they believe that an offender who does not fall within the above guidelines should be booked into jail due to extraordinary circumstances (including imminent threat to public safety):

Action by	Action
Law enforcement supervisor	Contacts corrections supervisor, explains the relevant circumstances and requests an exception to the booking guidelines.
Jail supervisor	<p>Decides if an exception to the guidelines is appropriate based upon the facts and circumstances surrounding the request as presented (including the nature of the suspect's crime) and the following:</p> <ul style="list-style-type: none"> <li>• Nature and number of inmates in the jail</li> <li>• Functionality of jail systems</li> <li>• Available and anticipated jail staffing</li> </ul> <p>For jurisdictions under contract to utilize the jail, if the supervisors agree that the suspect should be booked and jail space is not available, the corrections supervisor should ask the law enforcement supervisor to consider booking the suspect at another contracted facility.</p>
<b>If the supervisors cannot reach a consensus or no other facility is available</b>	
Law enforcement command staff member	Contacts a Corrections Bureau command staff member to solve the problem or, if necessary, the sheriff or undersheriff to solve the problem.

## Appendix - Email Notifications

Jail supervisors should send email notifications according to these guidelines:

**When jail population is...**

**Send this email...**

<p>&lt;205</p>	<p>Subject: Jail Operations Normal</p> <p>The Whatcom County Jail inmate population has been reduced to the point that we can accept bookings of offenders officers deem necessary to book.</p> <p>We appreciate your continued efforts at helping us maintain the inmate population at manageable levels and encourage the use of citations, referrals to prosecutors and diversion to the behavioral health system per RCW 10.31.110 when appropriate.</p>
<p>205-211</p>	<p>Subject: Jail Population Management – Level 1</p> <p>The Whatcom County Jail inmate population has reached levels such that officers should avoid booking offenders <b>solely on probable cause for any gross misdemeanors or misdemeanors</b> except:</p> <ul style="list-style-type: none"> <li>• Driving under the influence (RCW 46.61.502), driver under twenty-one consuming alcohol or marijuana (RCW 46.61.503) or physical control (RCW 46.61.504).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• For offenders who present an imminent threat to public safety.</li> <li>• For offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul> <p>We will advise you when the situation changes.</p>
<p>212+</p>	<p>Subject: Jail Population Management – Level 2</p> <p>The Whatcom County Jail inmate population has reached levels such that officers should avoid booking offenders <b>solely for gross misdemeanor or misdemeanor warrants for failure to appear</b> except:</p> <ul style="list-style-type: none"> <li>• Driving under the influence (RCW 46.61.502), driver under twenty-one consuming alcohol or marijuana (RCW 46.61.503) or physical control (RCW 46.61.504).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• For offenders who present an imminent threat to public safety.</li> <li>• For offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul> <p>We will advise you when the situation changes.</p>
<p>Sudden decrease in capacity</p>	<p>Subject: Jail Population Management – Emergency</p> <p>The Whatcom County Jail is experiencing a situation that has significantly impacted our ability to accept offenders for booking. Until further notice, we request that officers consider all alternatives and use maximum discretion before presenting offenders for booking. We are working to resolve this issue and will notify you as soon as the situation changes.</p>