

Skagit County Sheriff's Office

Custody Policies

MISSION

SKAGIT COUNTY SHERIFF'S OFFICE

MISSION STATEMENT

The Skagit County Sheriff's Office is committed to the safety of the citizens we serve, visitors to our community and our employees.

Professionalism, enthusiasm and integrity shall be our guiding principles in accomplishing this mission.

VISION

Safety through courage and professionalism.

SKAGIT COUNTY CORRECTIONS: OUR MISSION

To provide the residents of Skagit County with a jail which follows current high professional standards, allowing inmates quality human existence while awaiting trial or serving a sentence deemed appropriate by our court system

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INTRODUCTION TO THE MANUAL

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OFFICIAL PUBLICATION

This manual is an official publication of the Skagit County Sheriff's Office. It is used with authorization from the Sheriff and contains policies, procedures and regulations of this agency. These policies, procedures and regulations are established to direct all personnel in carrying out their duties and responsibilities. Violations of any of these policies, procedures or regulations contained in this manual may be grounds for disciplinary action.

KNOWLEDGE OF THE MANUAL

It is the responsibility of every employee to familiarize him or herself with the content of this manual.

ISSUING THE MANUAL

All employees will sign and date a receipt form upon receiving their manual. Employees are required to read the manual within 30 days of receiving it. After reading the manual the employee will sign a second receipt acknowledging they have read and understand the contents of the manual. Any updates to the manual will be receipted as well. Some employees may be tested by their supervisor to insure they are familiar with particular policies within the manual.

SECURITY OF THE MANUAL

Employees will keep their manuals secure; any information, which could hamper the agency's operations, will be kept strictly confidential. Strict confidentiality is especially important with regard to information on emergency response to criminal activity. Loss of manual or manuals in need of repair will be brought to the attention of the employee's supervisor. Requests for any information contained within this manual to persons outside of Law Enforcement should be directed to the Sheriff.

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CODE OF ETHICS

CODE OF CONDUCT

Like other professions, law enforcement must establish minimum standards of ethical conduct for its incumbents. Since law enforcement encompasses an increasing number of specialists, many of whom are not the traditional commissioned police officer, this policy also is intended to establish expectations of conduct for them. Though the term peace officer is used throughout these Canons and Standard, the term "Sheriff's Office Member" should be understood as being interchangeable with the term peace officer for the purpose of this policy. It is the policy of this office that all members of the Skagit County Sheriff's Office shall be bound by these Standards unless specifically excluded by the nature of the Standard itself, e.g., when the Standard may refer to the exercise of commission authority which some members of this office do not have.

CODE OF ETHICS

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder and to respect the Constitutional Rights of all men to liberty, equality and justice. I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self restraint and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of the office. Whatever I see or hear of a confidential nature or that is confided in me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty. I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or violence and never accepting gratuities. I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service.

CODE OF PROFESSIONAL CONDUCT AND RESPONSIBILITY FOR PEACE OFFICERS

PREAMBLE

Whereas, peace officers are vested with a public trust which requires that they consistently demonstrate the highest degree of integrity and good moral character; and Whereas, the need to maintain high standards of moral character, integrity, knowledge and trust requires the establishment of a Code of Professional Conduct and Responsibility for Peace Officers as a matter of the highest significance to the health, welfare and safety of the citizens of this state; and Whereas, the establishment of a Code of Professional Conduct and Responsibility of Peace Officers, which includes Canons of Ethics and minimum Standards, requires the granting of authority to enforce these Standards of professional conduct through disciplinary action as necessary for the protection of the health, welfare and safety of the public; therefore BE IT RESOLVED that the need to maintain high standards of moral character, integrity, knowledge and

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trust require that peace officers establish and conform to a Code of Professional Conduct and Responsibility for Peace Officers.

GENERAL STATEMENT

Peace Officers are granted a public trust which requires that they consistently demonstrate the highest degree of integrity. To be worthy of this public trust and to ensure that their professional conduct is above reproach, members of the peace officers profession must not only conform to a Code of Ethics but must also abide by these Canons of Ethics and Ethical Standards which constitute this Code of Professional Conduct and Responsibility as a means of internal regulation. The essence of a profession is that it requires, in addition to prescribing a desired level of performance, established minimum standards of ethical conduct with prescribed rules for internal discipline to ensure compliance. Accordingly, this Code of Professional Conduct and responsibility has been established for the peace officer profession. Nothing in this Code of Professional Conduct and Responsibility for Peace Officers is intended to limit or supersede any provision of law relating to the duties and obligations of peace offices or the consequences of a violation thereof. Whereas these rules specify certain conduct as unprofessional, this is not to be interpreted as approval of conduct not specifically mentioned. Nothing in this Code is intended to limit the authority of this agency to adopt and enforce rules and regulations that are more stringent or comprehensive than those that are contained in this Code of Professional Conduct and Responsibilities for Peace Officers.

DEFINITIONS

This Code of Professional Conduct and Responsibility for Peace Officers is comprised of nine Canons of Ethics, with explanatory statements in the form of Ethical Standards. Examples of Disciplinary Rules and Enforcement Procedures are included as an addendum. Following are definitions of these terms, as used in the context of the code.

"PEACE OFFICER" means a fully commissioned regular or reserve officer, and by extension and where applicable, any other paid or volunteer member of the Skagit County Sheriff's Office.

"CANONS" are statements, which express in general terms standards of professional conduct expected of peace officers in their relationship with the public, the criminal justice system and the peace officer profession. They embody the general concepts from which the Ethical Standards and the Disciplinary Rules are derived.

"ETHICAL STANDARDS" are statements that represent the objectives toward which every peace officer shall strive. They constitute principles that can be relied upon by the peace officer for guidance in specific situations.

"DISCIPLINARY RULES" specify an unacceptable level of conduct for all peace officers, regardless of their rank or the nature of their assignment. Any peace officer who violates any agency rule that applies to these Canons and Standards is guilty of unprofessional conduct, and is subject to disciplinary action. Violation of disciplinary rules requires appropriate adjudication

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and disciplinary action ranging from oral reprimand to termination or criminal prosecution, or other administrative action sanctioned by law, as dictated by the individual case.

"ENFORCEMENT PROCEDURES" are the fundamental rights of an accused officer, which are applicable to a disciplinary investigation or proceeding against the officer.

"ADMINISTRATIVE INVESTIGATION" is an investigation conducted to determine whether an officer has violated any provision of this code, or any agency rule or regulation; or whether an officer is impaired or unfit to perform the duties and responsibilities of a peace officer.

"FORMAL DISCIPLINE" refers to the final adjudication of administrative or disciplinary charges.

CANONS OF ETHICS

CANON ONE Peace officers shall uphold the Constitution of the United States, the State Constitution and all laws enacted or established pursuant to legally constituted authority.

ETHICAL STANDARDS

STANDARD 1.1 Peace officers shall recognize that the primary responsibility of their profession and the individual officer is the protection of the people within the jurisdiction of the United States through upholding of their laws, the most important of which are the Constitution of the United States and State Constitutions and laws derived therefrom.

STANDARD 1.2 Peace officers shall be aware of the extent and limitations of their authority in the enforcement of the law.

STANDARD 1.3 Peace officers shall diligently study principles and new enactments of the laws they enforce.

STANDARD 1.4 Peace officers shall be responsible for keeping abreast of current case law as applied to their duties.

STANDARD 1.5 Peace officers shall endeavor to uphold the spirit of the law, as opposed to enforcing merely the letter of the law.

STANDARD 1.6 Peace officers shall respect and uphold the dignity, human rights and Constitutional rights of all persons.

CANON TWO

Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

ETHICAL STANDARDS

STANDARD 2.1 Peace officers shall be aware of their lawful authority to use that force reasonably necessary in securing compliance with their lawful enforcement duties.

STANDARD 2.2 Peace officers shall truthfully, completely, and impartially report, testify and present evidence in all matters of an official nature.

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STANDARD 2.3 Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants and collection and preservation of evidence.

STANDARD 2.4 Peace officers shall follow the principles of integrity, fairness and impartiality in connection with their duties.

CANON THREE

Peace officers shall regard the discharge of their duties as a public trust and shall recognize their responsibilities to the people whom they are sworn to protect and serve.

ETHICAL STANDARDS

STANDARD 3.1 Peace officers, as professionals, shall maintain an awareness of those factors affecting their responsibilities.

STANDARD 3.2 Peace officers, during their tour of duty, shall diligently devote their time and attention to the effective and professional performance of their responsibilities.

STANDARD 3.3 Peace officers shall ensure that they are prepared for the effective and efficient undertaking of their assignment.

STANDARD 3.4 Peace officers shall safely and efficiently use equipment and material and material available to them.

STANDARD 3.5 Peace officers shall be prepared to and respond effectively to the demands of their office.

STANDARD 3.6 Peace officers, with due regard for compassion, shall maintain an objective and impartial attitude in official contacts.

STANDARD 3.7 Peace officers shall not allow their personal convictions, beliefs, prejudices or biases to interfere with their official acts or decisions.

STANDARD 3.8 Peace officers shall recognize that their allegiance is first to the people, then to their profession and the government entity or agency that employs them.

CANON FOUR

Peace officers will so conduct their public and private life that they exemplify the high standards of integrity, trust and morality demanded of a member of the peace officer profession.

ETHICAL STANDARDS

STANDARD 4.1 Peace officers shall refrain from consuming intoxicating beverages to the extent that it results in impairment which brings discredit upon the profession or their employing agency, or renders them unfit for their next tour of duty.

STANDARD 4.2 Peace officers shall not consume intoxicating beverages while on duty, except to the degree permitted in the performance of official duties.

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STANDARD 4.3 Peace officers shall not use any narcotics, hallucinogens or any other controlled substance except when legally prescribed. When such controlled substances are prescribed, officers shall notify their superior officer prior to reporting for duty.

STANDARD 4.4 Peace officers shall maintain a level of conduct in their personal and business affairs in keeping with the high standards of the peace officer profession. Officers shall not participate in any incident involving moral turpitude.

STANDARD 4.5 Peace officers shall not undertake financial obligations which they know they will be unable to meet and shall pay all just debts when due.

STANDARD 4.6 Peace officers shall not engage in illegal political activities.

STANDARD 4.7 Peace officers shall not permit or authorize for personal gain the use of their name or photograph and official title identifying them as peace officers in connection with testimonials, advertisements for any commodity, commercial enterprise or commercial service which is not the product of the officer involved.

STANDARD 4.8 Peace officers shall not engage in any activity which would create a conflict of interest or would be in violation of any law.

STANDARD 4.9 Peace officers shall at all time conduct themselves in a manner which does not discredit the peace officer profession or their employing agency.

STANDARD 4.10 Peace officers shall not be disrespectful, insolent, mutinous or insubordinate in attitude or conduct.

STANDARD 4.11 Peace officers shall be courteous and respectful in their official dealings with the public, fellow officers, superiors and subordinates.

STANDARD 4.12 Peace officers shall not engage in any strike, work obstruction or abstention, in whole or in part, from the full, faithful and proper performance of their assigned duties and responsibilities, except as authorized by law.

STANDARD 4.13 Peace officers shall maintain a neutral position with regard to the merits of an labor dispute, political protest, or other public demonstration, while action in an official capacity.

CANON FIVE

Peace officers shall recognize that our society holds the freedom of the individual as a paramount precept which shall not be infringed upon without, just, legal and necessary cause.

ETHICAL STANDARDS

STANDARD 5.1 Peace officers shall not restrict the freedom of individuals, whether by detention or arrest, except to the extent necessary to legally or reasonably apply the law.

STANDARD 5.2 Peace officers shall recognize the rights of individuals to be free from capricious or arbitrary acts which deny or abridge their fundamental rights as guaranteed by law.

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STANDARD 5.3 Peace officers shall not use their official position to detain any individual, or to restrict the freedom of any individual, except in the manner and means permitted or prescribed by law.

CANON SIX

Peace officers shall assist in maintaining the integrity and competence of the peace officer profession.

ETHICAL STANDARDS

STANDARD 6.1 Peace officers shall recognize that every person in our society is entitled to professional, effective, and efficient law enforcement services.

STANDARD 6.2 Peace officers shall perform their duties in such a manner as to discourage double standards.

STANDARD 6.3 Peace officers shall conduct themselves so as to set exemplary standards of performance for all law enforcement personnel.

STANDARD 6.4 Peace officers shall maintain the integrity of the profession through complete disclosure of those who violate any of these rules of conduct, violate any law or who conduct themselves in a manner which tends to discredit the profession.

STANDARD 6.5 Peace officers shall have responsibility for reporting to proper authorities any known information which would serve to disqualify candidates from transferring within or entering the profession.

STANDARD 6.6 Peace officers shall be responsible for maintaining a level of education and training that will keep them abreast of current techniques, concepts, laws and requirements of their profession.

STANDARD 6.7 Chief Executive peace officers shall accept the responsibility of utilizing all available resources and the authority of their office to maintain the integrity of the agency and the competency of their officers. These Canons and Ethical Standards shall apply to all legally defined peace officers regardless of rank.

STANDARD 6.8 Peace officers shall assume a leadership role in furthering their profession by encouraging and assisting in the education and training of other members of the profession.

CANON SEVEN

Peace officers shall cooperate with other officials and organizations that are using legal and ethical means to achieve the goals and objectives of the peace officers profession.

ETHICAL STANDARDS

STANDARD 7.1 Peace officers, within legal and agency guidelines, shall share with personnel both within and outside their agency, appropriate information that will facilitate the achievement of criminal justice goals or objectives.

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STANDARD 7.2 Peace officers, whether requested through appropriate channels or called upon individually, shall render needed assistance to any other officer in the proper performance of their duty.

STANDARD 7.3 Peace officers shall within legal and agency guidelines, endeavor to communicate to the people of their community the goals and objectives of the profession, and keep them apprised of conditions which threaten the maintenance of an ordered society.

CANON EIGHT

Peace officers shall not compromise their integrity, nor that of their agency or profession, by accepting, giving or soliciting any gratuity.

ETHICAL STANDARDS

STANDARD 8.1 Peace officers shall refuse to offer, give or receive gifts, favors or gratuities, either large or small, which can be reasonable interpreted as capable of influencing official acts or judgments. This standard is not intended to isolate peace officers from normal social practices, or to preclude gifts among friends, associates or relatives, where appropriate.

STANDARD 8.2 Peace officers shall not consider their badge of office as a license designed to provide them with special favor or consideration.

CANON NINE

Peace officers shall observe the confidentiality of information available to them through any source, as it relates to the peace officer problem.

ETHICAL STANDARDS

STANDARD 9.1 Peace officers shall be aware of and shall meticulously observe all legal restrictions on the release and dissemination of information.

STANDARD 9.2 Peace officers shall treat as confidential the official business of their employing agency, and shall release or disseminate such information solely in an authorized manner.

STANDARD 9.3 Peace officers shall treat as confidential that information confided to them personally. They shall disclose such information as required in the proper performance of their duties.

STANDARD 9.4 Peace officers shall neither disclose nor use for their personal interest any confidential information acquired by them in the course of their official duties.

STANDARD 9.5 Peace officers shall treat as confidential all matters relating to investigations, internal affairs, and personnel.

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Chapter 1 - Role and Authority

Organizational Structure and Responsibility

100.1 PURPOSE AND SCOPE

The organizational structure of the Office is designed to create an efficient means to accomplish its mission and goals and to provide for the best possible service to the public.

100.2 DIVISIONAL RESPONSIBILITY

The Sheriff is responsible for administering and managing the Office. He is assisted by the Undersheriff. There are four divisions in the Office:

- Administrative Services Division
- Corrections Division
- Field Services Division
- Investigations Division

100.2.1 CORRECTIONS DIVISION

The Corrections Division is commanded by the Corrections Chief, whose primary responsibility is to provide general management direction and control for the correctional facility. The Corrections Division consists of Custody Operations, which also includes Court Security, Medical/Mental Health Services, Programs, Alternatives and Transportation.

100.3 CHAIN OF COMMAND

The chain of command of the Office begins with the Sheriff, to whom all employees of the Office are responsible.

To maintain continuity, order and effectiveness in the Office, a chain of command has been established and should be respected. All staff members should adhere to the chain of command in all official actions. However, nothing shall prohibit a staff member from initiating immediate action outside of the chain of command if it is necessitated by a complaint of discrimination, sexual harassment, gross malfeasance or a violation of the law.

100.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff will designate the Undersheriff to serve as the acting Sheriff.

Except when designated as above, the order of command authority in the absence or unavailability of the Sheriff is as follows:

- (a) Corrections Commander
- (b) Corrections Lieutenant
- (c) Corrections Sergeant

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Organizational Structure and Responsibility

(d) Corrections Corporal

100.4 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, Search or Emergency Response Teams), any supervisor may temporarily direct any subordinate if an operational necessity exists.

Annual Review and Performance-Based Goals and Objectives

104.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office is dedicated to the concept of continuous improvement in the services provided on behalf of the public and in accordance with applicable laws, regulations and best practices in the operation of this facility. This policy establishes minimum review criteria to measure and evaluate the success of achieving established goals and objectives.

104.2 POLICY

The Skagit County Sheriff's Office shall strive to continually improve the operation of its facilities to ensure they are safe, humane and protect inmates' constitutional and statutory rights. To this end the Office shall conduct an annual review to evaluate its progress in meeting stated goals and objectives.

104.3 ANNUAL REVIEW

The custody management team will conduct an annual management review of minimally:

- (a) Statutory, regulatory and other requirements applicable to the operation of the facility.
- (b) Lawsuits and/or court orders/consent decrees.
- (c) Office policies, procedures, directives and post orders that guide the operation of the facility.
- (d) Fiscal operations and accounting procedures.
- (e) Personnel issues/actions that include, but are not limited to, on-the-job injuries, use of force events, internal affairs investigations, employee grievances, employee discipline, selection and recruitment.
- (f) Compliance with internal/external inspections of the facility.
- (g) Condition of the physical plant, infrastructure and maintenance efforts.
- (h) Cleanliness of the facility.
- (i) Inmate profiles and trends that measure:
 - 1. Inmate population (Average Daily Population)
 - 2. Inmate population by gender
 - 3. Highest one-day count
 - 4. Bookings/releases
 - 5. Percentage of male inmates
 - 6. Percentage of female inmates

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Annual Review and Performance-Based Goals and Objectives

7. Juveniles in custody
 8. Felony inmates in custody
 9. Misdemeanor inmates in custody
 10. Pre-trial population
 11. Sentenced population
 12. Medical beds
 13. Mental health beds
 14. Meal counts (regular, medical, court meals)
 15. Early releases
 16. Alternative-to-incarceration participants
 17. Special needs inmates
 18. Classification issues
 19. Inmate grievances (founded/denied)
 20. Demographics (age, race, gang affiliation)
 21. Court movement
- (j) Security issues that include:
1. Inmate-on-inmate assaults
 2. Inmate-on-staff assaults
 3. Major disturbances
 4. Deaths in custody (natural/suicide/homicide/accidents)
 5. Suicide attempts
- (k) Inmate programs including:
1. Education
 2. Commissary
 3. Drug and alcohol programs
 4. Faith-based services

104.4 CRITERIA TO MEASURE PERFORMANCE

The following items will be used to measure and evaluate the level of success in achieving the office's stated goals:

- (a) Fiscal year budget surpluses or successful operations even with budget reductions

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Annual Review and Performance-Based Goals and Objectives

- (b) Findings from independent financial audits
- (c) Inmate grievances
- (d) Documentation that office investigators have completed the required specialized training in conducting sexual abuse investigations (28 CFR 115.34)
- (e) Documented training hours received by staff
- (f) Completed audits of the policy and procedures manuals

104.5 MANAGEMENT REVIEW PROCESS

The management team may employ several methods to assess performance, including the following:

- (a) **Performance analysis** - Performance analysis attempts to discover discrepancies between the expected and actual levels of performance. This analysis should focus on whether the practices in this facility are meeting the mission of the Office and whether office policies and procedures are in alignment with statutes, regulations and court orders.
- (b) **One-to-one interviews** - Scheduled interviews with custody staff held in private to encourage candid responses, to help identify issues or conditions that should be targeted for review or correction.
- (c) **Questionnaires** - Questionnaires should be used as a group method to solicit suggestions and information about what operations are in need of adjustment or where program resources should be directed.
- (d) **Staff debriefing** - Staff should be periodically debriefed, especially after an emergency operation or incident, to identify aspects of facility operations that may need to be addressed by the Corrections Chief and supervisors.
- (e) **Inspection findings** - The Office is subject to a variety of administrative inspections (standard-setting authorities, command staff, grand jury, jail advocates). These annual inspections should be used to identify ongoing issues in the operation of this facility.

104.6 MANAGEMENT REVIEW RESULTS

To the extent reasonably practicable the individuals responsible for the development of a management review should follow the guidelines established in the Administrative Communications Policy and Annual Facility Inspection Policy to document and support the findings. A complete report of the review results should be submitted to the appropriate level in the chain of command for final approval.

The results of management reviews should be used in the ongoing process of continuous improvement. They should be used to direct changes in the operation of this facility or to identify successful operations that might be replicated in other areas of the facility. They should not, however, include specific identifying information of incidents or involved individuals.

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Annual Review and Performance-Based Goals and Objectives

The results of management reviews shall be made available to all personnel and also may be used in full or in part to respond to inquiries from interested groups, such as the local legislative body, courts or others, to provide information on issues concerning the operation of this facility, including action planning whenever appropriate.

104.7 AVAILABILITY OF WRITTEN GOALS AND OBJECTIVES

The Facility Manager should ensure that the written goals and objectives of the office are available to all personnel.

Administrative Communications

108.1 PURPOSE AND SCOPE

Effective communications within the Office are critical to the accomplishment of the mission of the Office and the effective operation of the correctional facility. Administrative communications of this office are governed by the following policy.

108.2 PERSONNEL ORDERS

Personnel orders may be issued periodically by the Sheriff to announce and document all promotions, transfers, hiring of new personnel, separations, personnel and group commendations or other changes in status.

108.3 CORRESPONDENCE

All office correspondence is to be written in a clear, concise manner, consistent with the report formats and guidelines prescribed in this policy and reflecting the highest possible quality in organization, grammar, punctuation and spelling.

All external correspondence shall be on Office letterhead. All Office letterhead, including all digital facsimiles of the letterhead, shall bear the signature element of the Sheriff or the authorized designee. Personnel should use Office letterhead only for official business and with the approval of their supervisor.

108.4 SURVEYS

All surveys made in the name of the Office shall be authorized in advance by the Sheriff or the Corrections Chief.

108.5 COMPLETED STAFF WORK

All staff reports (e.g., reports assigned to a specific person for the purpose of responding to a problem or issue) shall incorporate the principle of "completed staff work," which requires the person to whom a task has been delegated to complete and document the delegated work to such an extent that the only thing left for the decision-maker to do is to approve or decline to approve the recommendation. Staff reports that only point out weaknesses or merely suggest needed actions are not completed staff work and are not acceptable.

The writer of the staff report should document the efforts made to have the report reviewed by or acted upon by those individuals representing work units or other entities likely to be affected by any proposed changes.

108.6 INTRODUCTORY SUMMARY MEMORANDUMS

Any memorandum that exceeds one page in length should contain a brief introductory summary section synthesizing the subject matter.

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Administrative Communications

108.7 ADMINISTRATIVE REPORT FORMAT

All staff reports submitted via the chain of command to superior officers for further action should be written in accordance with the following format, when applicable.

Executive Summary Section - The staff report should begin with a brief statement of the problem or issue and what could be done about it. This summary should restate the main points of the report in general, non-technical language, leaving out details. The length of the executive summary section should range from one paragraph to one page.

Problem/Issue Identification Section - This section of a staff report is critical to the success of the reader's ability to grasp the issues involved and to arrive at an informed decision. It should strive to identify the true nature and scope of the problem by identifying the known facts and background of the situation, including who has the problem, how long has it existed and the known or likely consequences of the problem.

Forecast Future Impacts - This section of the report should clearly define the problem and be accompanied by an analysis of relevant factors, supported by specific examples, details or testimony, clarifying what the problem is and why it exists. Generally, the reader should be able to leave this section of the report clearly understanding the issues involved and the consequences of taking no action.

Alternatives Analysis Section - Whenever the seriousness or complexity of a problem warrants the development of alternative solutions, a staff report should include a section containing a discussion of different courses of action and their consequences, taking into account the comments and positions of other staff members or entities affected by an Office response to the problem.

Departmental Directive

110.1 PURPOSE AND SCOPE

Departmental Directives establish a communication practice that may be used by the Sheriff to make immediate changes to policy and procedure in accordance with and as permitted by statutes, regulations or negotiated contracts. Departmental Directives will immediately modify or change and supersede the sections of this manual to which they pertain.

110.2 DEPARTMENTAL DIRECTIVES PROTOCOL

Departmental Directives will be incorporated into the manual as required upon approval of the Sheriff. Departmental Directives will modify existing policies or create a new policy as appropriate. The previous policy will be rescinded upon incorporation of the new or updated policy into the manual.

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 13-01 signifies the first Departmental Directive for the year 2013.

110.2.1 WRITTEN DIRECTIVES

In addition to this manual, employees are expected to familiarize themselves with other official Skagit County and Sheriff's Office publications including:

SKAGIT COUNTY POLICY MANUALS: Issued to all new county employees.

LABOR CONTRACT: Issued to each employee by the labor union after every new labor agreement.

DIVISION PROCEDURE: Issued and updated by administrator of each division within the Sheriff's Office.

BULLETINS: Issued by Sergeants or Division Chiefs as reminders to their divisions about operations within the divisions.

ADMINISTRATIVE DIRECTIVES:

"A" DIRECTIVES: Permanently change the policy of the Sheriff's Office. "A" directives should be incorporated into the Sheriff's Office Policy Manual. The Sheriff and Undersheriff are the only command staff who may issue these types of directives.

"B" DIRECTIVES: Change the daily operation of a division within the Sheriff's Office and is usually only directed to an individual division. "B" Directives may be incorporated into the Sheriffs Office Policy Manual.

"C" DIRECTIVES: Temporary in nature, are used to announce special events, personnel changes and disciplinary actions. Acknowledgment of directives is done by an e-mail acknowledgment to the Chief of Administrative Services.

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Departmental Directive

110.3 RESPONSIBILITIES

Only "A" and "B" directives require an automatic response unless otherwise noted.

It is the responsibility of all users of the Sheriff's Office Manual to note any discrepancies, errors or omissions to the issuing administrator.

The Policy review committee will periodically review directives and incorporate them into the manual when appropriate.

Unless otherwise directed the issuing administrator will format the written directives of his/her division to a manner consistent with this manual.

110.3.1 SHERIFF

The Sheriff or his designee shall issue all Departmental Directives.

110.3.2 MANAGERS AND SUPERVISORS

All employees are required to read and obtain any necessary clarification of all Departmental Directives. Acknowledgement by e-mail receipts showing an employee's acknowledgement will be maintained by the Chief of Administrative Services.

Annual Facility Inspection

112.1 PURPOSE AND SCOPE

Annual facility inspections are the collections of data designed to assist administrators, managers and supervisors in the management of the custody facility by means of establishing a systematic inspection and review of its operation. This policy provides guidelines for conducting the annual facility inspection.

112.1.1 POLICY

This office will use a formal annual inspection process of its facility to ensure that practices and operations are in compliance with statutes, regulations, policies and procedures and best practice standards. Inspections will be used to help identify the need for new or revised policies and procedures, administrative needs, funding requirements, evaluation of service providers and changes in laws and regulations.

112.2 CHIEF OF CORRECTIONS RESPONSIBILITIES

The Corrections Chief is responsible for collecting performance indicators and other relevant data to generate and provide an annual inspection of all custody facilities. The Corrections Chief will ensure that inspections are conducted as outlined below for each facility type on an annual basis.

Annual inspections may be used in preparation of inspections by outside entities, such as inspections by a government inspection authority, professional organization or accreditation body. In this case, the local inspection will serve as a pre-inspection review that will prepare the facility for the outside or third-party evaluator.

112.3 INSPECTION PROCESS

The Corrections Chief is responsible for coordinating the annual inspection and should include the following areas in the assessment process:

- (a) **Pre-assessment briefing** - The pre-assessment briefing should begin with a meeting of all Corrections Chiefs, key program staff and service providers. The individual conducting the assessment will need to advise key personnel of the areas they will be inspecting so the appropriate materials will be brought up to date and made available to the assessment team.
- (b) **Policy review** - A review of all correctional facility policies and procedures should be conducted to ensure that those policies are up to date and accurately reflect the requirements and activities related to the correctional facility operation.
- (c) **Record review** - A review of the records that support correctional facility activities, medical records and of the facility's financial records should be conducted to ensure that contractual benchmarks are being met and that any discrepancies are documented and reported as part of the assessment report in an effort to mitigate harm from improper access to or release of records.

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- (d) **Benchmark review** - A review of the Office stated goals and objectives should be discussed with Corrections Chiefs, program managers and other key providers of programs. This will provide the opportunity to identify any areas that require correction, additional resources or that reflect a successful performance that should be acknowledged and possibly replicated.
- (e) **On-site inspections** - The assessment team should conduct on-site inspections of the facility to verify that activities in the facility are in alignment with goals and objectives and compliant with policies and procedures. Any discrepancies, as well as exceptional efforts on the part of management and staff, should be reported as a part of the correctional facility assessment. An inspection checklist should be used to guide the inspection process and to ensure consistency. It is important that the correctional facility assessments be viewed as a credible measurement instrument as many issues identified in the assessment may require significant funding.
- (f) **Develop an action plan** - After the fact-finding described in the previous sections has been accomplished, notes, records and recommendations should be analyzed and an action plan developed to initiate any needed correction. Documenting successful practices is important to determine if they can be replicated in other areas.
- (g) **Reporting** - The results of the inspection should be compiled into a report and should include recommendations and action plans necessary to ensure continuous improvement in the operation and management of the Correctional Facility system. The completed report and any analysis and documentation required to justify costs, policy revisions or any other administrative requirements should be submitted to the Sheriff.
- (h) **Monitor progress** - The Corrections Chief should ensure that approved recommendations are being instituted by the responsible program providers.

Promotion And Transfer

114.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for specialized assignment and promotion within the ranks of the Skagit County Sheriff's Office.

114.2 GENERAL REQUIREMENTS

The following conditions should be used in evaluating employees for specialized assignment, promotion and transfer:

- (a) Meets the minimum positional requirements of the job description.
- (b) Presents a professional, neat appearance.
- (c) Maintains a physical condition which aids in job performance.
- (d) Demonstrates the following traits:
 - 1. Emotional stability and maturity
 - 2. Stress tolerance
 - 3. Sound judgment and decision-making
 - 4. Personal integrity and ethical conduct
 - 5. Leadership
 - 6. Initiative
 - 7. Adaptability and flexibility
 - 8. Ability to conform to organizational goals and objectives in a positive manner

114.2.1 DISQUALIFICATION

The Skagit County Sheriff's Office shall not promote, assign or transfer any member to a position that may allow contact with inmates if the member has (28 CFR 115.17):

- (a) Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution as defined in 42 USC § 1997.
- (b) Been convicted of engaging or attempting to engage in sexual activity that was facilitated by force, by overt or implied threats of force, or by coercion, or if the victim did not consent or was unable to consent or refuse.
- (c) Been civilly or administratively adjudicated to have engaged in the activity described in paragraph (b) of this section.

The Office shall either conduct criminal background records checks at least every five years on members or contractors who may have contact with inmates or have in place a system for otherwise capturing such information.

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Employees who may have contact with inmates shall disclose any conduct described above in written applications or interviews for promotion or specialized assignment.

114.3 DEPUTY SELECTION PROCESS

The following positions are assignments and shall not be considered promotions:

- Corrections Special Enforcement Team Member
- Negotiator
- Billing Deputy
- Programs Deputy
- Medical Liaison
- Court Security
- Defensive Tactics/TASER instructor
- Security Threat Group Coordinator
- Field Training Officer

114.3.1 DESIRABLE QUALIFICATIONS

Qualifications that will be considered for specialized assignment include:

- (a) Required experience for the specialized assignment.
- (b) Completed probation.
- (c) Has shown an interest in the specialized assignment.
- (d) Education, training and demonstrated abilities in related areas, such as law, gang suppression, medical/mental health issues in the correctional facility, report writing, public relations.
- (e) Completion of any training required by government or professional organization.

114.4 ASSIGNMENT SELECTION PROCESS

The following criteria apply to assignments:

- (a) The Division Chief will implement a selection process for each position. The selection process will consist of a supervisory review, oral interview, performance review or other assessment methodology as deemed appropriate.
- (b) Administrative evaluation as determined by the Sheriff.
- (c) Based on the selection process results and administrative evaluation, the Division Chief will submit his/her recommendation(s) to the Sheriff.
- (d) Appointment by the Sheriff.

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Promotion And Transfer

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

114.5 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Skagit County Department of Human Resources.

Rules of Conduct

116.1 PURPOSE AND SCOPE

This policy provides employees with guidelines for conduct in order that they may participate in meeting the goals of this office in serving the community. This policy shall apply to all sworn, general service staff, volunteer and contractor members of this office (including part-time and reserve employees). This policy is intended for internal use only and shall not be construed to increase or establish an employee's civil or criminal liability. Nor shall it be construed to create or establish a higher standard of safety or care. A violation of any portion of this policy may only serve as the basis for internal disciplinary and/or administrative action.

116.2 POLICY

The continued employment of every employee of this office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy whether on-duty or off-duty may be cause for disciplinary action (RCW 41.14.110).

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of an employee being unfit for his/her position.

Disciplinary actions involving removal, suspension, demotion or discharge shall be in accordance with civil service rules (RCW 41.14.120).

116.2.1 PROGRESSIVE DISCIPLINE

The administration of discipline is generally expected to be progressive in nature, with relatively minor violations of rules resulting in minor disciplinary action for first offenders. Repetitive similar violations, or more serious violations, would generally result in progressively more serious forms of discipline being administered. Nothing in this policy is intended to preclude the administration of more serious forms of discipline, including termination, for a first offense when warranted by the seriousness of the offense.

116.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service:

116.3.1 ATTENDANCE

- (a) Leaving the assignment during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled days of work.

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- (c) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.
- (d) Failure to notify the Office within 24 hours of any change in residence address, home telephone number or marital status.

116.3.2 CONDUCT

- (a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.
- (b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Sheriff of such action.
- (c) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and confidential records.
- (d) Engaging in horseplay that results in injury or property damage or the reasonable possibility thereof.
- (e) Unauthorized possession of, loss of, or damage to office property or the property of others or endangering it through unreasonable carelessness or maliciousness.
- (f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
- (g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.
- (h) Using or disclosing one's status as an employee with the Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity.
- (i) The use of any confidential information, data, photograph, video or other recording obtained or accessed as a result of employment with the Office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee may result in discipline under this policy.
- (j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office.
- (l) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of official capacity.

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- (m) Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.
- (n) Engaging in personal associations with inmates, former inmates or their families. In instances where these relationships existed prior to the inmate's incarceration, staff shall submit notification of such relationship in writing to their supervisor, who will notify the Corrections Chief.
- (o) Divulging home telephone numbers, addresses, e-mail addresses, work schedules or other confidential data regarding themselves or other employees to current inmates, former inmates or their families or the general public.
- (p) Accepting gifts of any value or favors from current or former inmates or their families. Attempts on the part of a current inmate, former inmate or his/her family to send gifts or offer favors to employees or their families must be immediately reported to the employee's supervisor.
- (q) Allowing contraband articles, including, but not limited to, weapons, clothing, food, illegal drugs, or tobacco in any jail facility.
- (r) Receiving from an inmate any articles to deliver outside the facility.

116.3.3 DISCRIMINATION

Discrimination against any person because of age, race, color, creed, religion, gender, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition will not be tolerated.

116.3.4 INTOXICANTS

- (a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.
- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site.
- (c) Failure to promptly disclose to an immediate supervisor the use of any over-the-counter or prescription medication containing a controlled substance which have warning labels or notices which have reported side effects that could reasonably be expected to affect the ability of the employee to safely perform the essential functions of the job.
- (d) Reporting for work or being at work following the use of a controlled substance or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties without prior authorization from a supervisor.
- (e) Unauthorized possession, use of, or attempting to bring a controlled substance or illegal drug to any work site.

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116.3.5 PERFORMANCE

- (a) Sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Office or subverts the good order, efficiency and discipline of the Office or that would tend to discredit any member thereof.
- (h) Knowingly making a false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Office or members thereof (RCW 43.101.021).
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any office record, book, paper or document (RCW 43.101.021).
- (j) Wrongfully loaning, selling, giving away or appropriating any office property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other office equipment or property for personal gain or any other improper purpose.
- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the office manual, operating procedures or other written directive of an authorized supervisor, that the Office has made available to the employees.
- (n) Dishonesty, including attempted or actual theft of office property, services or the property of others, or the unauthorized removal or possession of office property or the property of another person (RCW 43.101.021).

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- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on-duty or off-duty (RCW 43.101.021).
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation (RCW 43.101.021).
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved office practices or procedures.
- (r) Substantiated, active, continuing association with or membership in organized crime or criminal syndicates or any criminal gang with knowledge thereof, except as specifically directed and authorized by the Office.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting on office premises or at any work site.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Office.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on office property or while in any way representing him/ herself as a member of this office (RCW 41.14.190).
- (y) Contributing to political funds or rendering political services (RCW 41.14.190).
- (z) Violating any misdemeanor or felony statute.
- (aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Office or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Office or its members.
- (ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
- (ac) Failure to maintain required and current licenses (e.g., driver license) and certifications (e.g., first aid).
- (ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.

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116.3.6 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within office facilities or to use required protective clothing or equipment.
- (b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
- (c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
- (f) Violating office safety standards or safe working practices.

116.3.7 SECURITY

Unauthorized, intentional release of designated confidential information, materials, data, forms or reports.

116.3.8 SUPERVISION RESPONSIBILITY

- (a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this office and the actions of all personnel comply with all laws.
- (b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.

116.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020 and RCW 41.12.090.

(a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:

1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.

116.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to the Corrections Chief within 10 days of receipt of the written reprimand. The Corrections Chief

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will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

116.5 POST-INVESTIGATION PROCEDURES

116.5.1 CHIEF CORRECTIONS DEPUTY RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Corrections Chief shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Corrections Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

- (a) Prior to forwarding recommendations to the Sheriff, the Corrections Chief may return the entire investigation to the assigned detective or supervisor for further investigation or action.
- (b) When forwarding any written recommendation to the Sheriff, the Corrections Chief shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

116.5.2 RESPONSIBILITIES OF THE SHERIFF

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials.

The Sheriff may modify any recommendation and/or may return the file to the Corrections Chief for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, to be imposed.

In the event that disciplinary action is recommended, the Sheriff shall provide the employee with written notice within one year of the date the alleged misconduct was discovered. That notice should include:

- (a) Specific charges set forth in separate counts, describing the conduct underlying each count
- (b) A separate recommendation of proposed discipline for each charge
- (c) A statement that the employee has been provided with or been given access to all of the materials considered by the Sheriff in recommending the proposed discipline
- (d) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice
 - 1. Upon a showing of good cause by the employee, the Sheriff may grant a reasonable extension of time for the employee to respond.

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2. If the employee elects to respond orally, the presentation shall be recorded by the Office. Upon request, the employee shall be provided with a copy of the recording.

116.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) This response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.
- (f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
- (g) Once the Sheriff has issued a written decision, the discipline shall become effective.

116.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

116.8 POST-RESPONSE PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative labor agreement and personnel rules (RCW 41.14.120).

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116.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet office standards, the employee shall have no right to appeal and the following shall be considered (RCW 41.14.130):

- (a) Termination of a probationary employee for failure to pass probation shall be so reflected in the employee's personnel file.
- (b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the procedure above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.
- (c) At all times during any investigation of allegations of misconduct involving a probationary deputy, such deputy shall be afforded all procedural rights set forth in state law and applicable Office policies.
- (d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.
- (e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.
- (f) In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Office shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.
- (g) In the event that a probationary employee fails to meet his/her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Sheriff.

116.10 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any office supervisor or person in a position of authority, absent a reasonable and bona fide justification.

116.10.1 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, or acquiesce to such a violation, or being indifferent to any such violation by a subordinate.

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- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

116.10.2 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, office policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

116.11 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Washington Constitutions and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

116.12 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this office. This list is not intended to cover every possible type of misconduct and does not

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preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient office service.

116.12.1 ETHICS

- (a) Using or disclosing one's status as a member of the Skagit County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-office business or activity (RCW 9A.80.010).
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).
- (d) Acceptance of fees, gifts or money contrary to the rules of this office and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Misappropriation or misuse of public funds, property, personnel or services.
- (g) Any other failure to abide by the standards of ethical conduct.

116.12.2 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

116.12.3 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
- (b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact with other employees, volunteers, contractors or inmates.
- (c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known inmate, victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.
- (d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this office.
- (e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this office.

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116.12.4 ATTENDANCE

- (a) Leaving the assignment during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness on scheduled days of work.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse.

116.12.5 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this office.
- (b) Disclosing to any unauthorized person any active investigation, inmate or critical incident information.
- (c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this office for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Skagit County Sheriff's Office badge, uniform, identification card or office property for personal use, personal gain or any other improper or unauthorized use or purpose.
- (e) Using office resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

116.12.6 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Office within 24 hours of any change in residence address, home contact telephone numbers or marital status.

116.12.7 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation (RCW 43.101.021).
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any office record, public record, book, paper or document (RCW 43.101.021).

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- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any office-related business.
- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this office or its members (RCW 43.101.021).
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this office or subverts the good order, efficiency and discipline of this office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on office premises.
 - 2. At any work site, while on-duty or while in uniform, or while using any office equipment or system.
 - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
 - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
 - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on office property or while in any way representing him/herself as a member of this office, except as expressly authorized by county policy or the Sheriff (RCW 41.14.190).
- (h) Engaging in political activities during assigned working hours except as expressly authorized by county policy or the Sheriff.
- (i) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved office practices or procedures.

116.12.8 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.
- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this office or the county.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

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- (h) Criminal, dishonest or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this office (RCW 43.101.021).
- (i) Unauthorized possession of, loss of, or damage to office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of office property or the property of another person (RCW 43.101.021).
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any contract to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Sheriff.
- (n) Engaging in sexual abuse.
- (o) Any history of sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility or other institution (28 CFR 115.17).
- (p) Conviction or civil or administrative adjudication for engaging or attempting to engage in sexual activity that was facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse (28 CFR 115.17).
- (q) Divulging home telephone numbers, addresses, email addresses, work schedules or other confidential data regarding themselves or other employees to current inmates, former inmates or their families or the general public.
- (r) Accepting gifts of any value or favors from current or former inmates or their families. Attempts on the part of a current inmate, former inmate or his/her family to send gifts or offer favors to employees or their families must be immediately reported to the employee's supervisor.
- (s) Allowing contraband articles including, but not limited to, weapons, cellular telephones or other wireless devices, clothing, food, illegal drugs, or tobacco in any jail facility.
- (t) Receiving from an inmate any articles to deliver outside the facility.
- (u) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this office or its members.

116.12.9 SAFETY

- (a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within office facilities or to use required protective clothing or equipment.
- (b) Failure to observe or violating office safety standards or safe working practices.
- (c) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

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- (d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
- (e) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.
- (f) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.
- (g) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (h) Any personal action contributing to a preventable traffic collision.
- (i) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

116.12.10 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

Discriminatory Harassment

118.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent office members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

118.2 POLICY

The Skagit County Sheriff's Office is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Office will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Office will take preventive, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the Office may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

118.3 DEFINITIONS

Definitions related to this policy include:

118.3.1 DISCRIMINATION

The Office prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or office equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to office policy and to a work environment that is free of discrimination.

118.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice.

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Retaliation will not be tolerated.

118.3.3 SEXUAL HARASSMENT

The Office prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's sex.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile or offensive work environment.

118.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and Washington State Human Rights Commission guidelines.
- (b) Bona fide requests or demands by a supervisor that the member improve his/her work quality or output, that the member report to the job site on time, that the member comply with county or office rules or regulations, or any other appropriate work-related communication between supervisor and member.

118.4 RESPONSIBILITIES

This policy applies to all office members. All members shall follow the intent of these guidelines in a manner that reflects office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and report it to a higher ranking supervisor or manager.

Complaints may also be filed with the Sheriff, the Director of Human Services or the County Administrator.

Any member who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below.

118.4.1 QUESTIONS OR CLARIFICATIONS

Members with questions regarding what constitutes discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Sheriff, Director of Human Services or the County Administrator for further information, direction or clarification.

118.4.2 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

- (a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.
- (c) Ensure that their subordinates understand their responsibilities under this policy.
- (d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Notify the Sheriff or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

118.4.3 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Office and professional correctional facility standards.
- (b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.
- (c) Supervisors and managers must act promptly and responsibly in handling such situations.
- (d) Supervisors and managers shall make a prompt determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or managerial responsibilities, such as determining duty assignments, evaluating or counseling members or issuing discipline, in a manner that is consistent with established procedures.

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118.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Office that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. Any member involved in the incident or investigation should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

118.5.1 SUPERVISOR RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

118.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Members who believe they have been discriminated against, or harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Sheriff, Director of Human Services or the County Administrator.

118.5.3 DISPOSITION OF COMPLAINTS

Only one of the following four dispositions will be used to classify the disposition of an allegation of harassment:

Sustained - If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training, will be taken pursuant to the office disciplinary procedures.

Not Sustained - If there is insufficient evidence to either prove or disprove the allegation, both parties to the complaint will be informed of the reason for this disposition.

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Unfounded - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded should be made.

Exonerated - If it is determined that an act reported pursuant to this policy/procedure did in fact occur, but was lawful and proper within the guidelines established here, a finding of exonerated should be made.

Should it be determined that the reporting employee filed the complaint in good faith or through a mistake of fact, the employee should receive counseling from a supervisor as to what constitutes discrimination and harassment.

If it is determined that the reporting employee maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.

118.5.4 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Office. Members who believe that they have been harassed, discriminated against or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

118.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations should be thoroughly documented on forms and in a manner designated by the Sheriff. The outcome of all reports shall be:

- (a) Approved by the Sheriff, the County Administrator or the Director of Human Services if appropriate.
- (b) Maintained in accordance with the office established records retention schedules.

118.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

118.7 TRAINING

All new members shall be provided with a copy of this policy as part of their orientation.

All members shall receive annual training on the requirements of this policy.

118.8 GRIEVANCE PROCEDURE

Disputes arising out of the interpretation and enforcement of this policy should be resolved through the established Grievance Procedure Policy.

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118.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees having questions are encouraged to contact a supervisor, Corrections Chief, the Sheriff, Director of Human Services, or the County Administrator.

Grievances

120.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for receiving and resolving grievances. This policy applies to all sworn and non-sworn staff, volunteers and supervisors.

120.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment, or a dispute involving the interpretation or application of any of the following documents by the persons affected:

- The employee bargaining agreement
- This Custody Manual
- Office rules and regulations covering personnel practices or working conditions

120.2 POLICY

It is the policy of this office to promote a process where employees feel free to bring forth grievances without fear of discrimination or retaliation. All grievances will be accepted and handled promptly and fairly. Equal consideration should be given to all grievances, regardless of whether there is a perceived basis for the grievance. It is the goal of the Office to promote open communication between members and supervisors.

At no time will punitive or retaliatory action be taken against a member for exercising his/her rights during, after or in relation to the grievance procedure.

120.3 EXCEPTIONS TO THE POLICY

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment. Complaints related to these kinds of allegations of discrimination are subject to the complaint options set forth in the Discriminatory Harassment Policy.

Any grievance that involves a complaint of misconduct or improper job performance against any employee, volunteer or contractor that, if true, would constitute a violation of office policy or federal, state or local law will be forwarded to the Corrections Chief for review, and whenever appropriate, handled as a personnel complaint in accordance with the Personnel Complaints Policy.

120.4 PROCEDURE

Grievances may be brought by an individual member or by a group representative.

Except as otherwise required under a collective bargaining agreement, if a member believes that he/she has a grievance as defined above, that member shall observe the following procedure:

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- (a) A reasonable attempt should be made to resolve grievances at the lowest possible level. A good faith attempt should be made to resolve the issue through informal discussion with the immediate supervisor.
- (b) If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the member may request an interview with the Corrections Chief.
- (c) If a successful resolution is not found with the Corrections Chief, the member may request a meeting with the Sheriff.
- (d) If the member and the Sheriff are unable to arrive at a solution, the member should proceed as follows:
 - 1. Submit a written statement of the grievance and deliver one copy to the Sheriff and another copy to the immediate supervisor. Include the following information:
 - (a) The basis for the grievance (i.e., the facts of the case)
 - (b) Allegation of the specific wrongful act and the harm done
 - (c) The specific policies, rules or regulations that were violated
 - (d) The remedy or goal sought by the grievance
 - (e) The member shall receive a copy of the acknowledgment signed by the supervisor, including the date and time of receipt. The supervisor will forward a copy of the grievance to the Corrections Chief.
- (e) The Sheriff will receive the grievance in writing.
- (f) The Sheriff and the County Administrator will review and analyze the facts or allegations and will respond to the member within 14 calendar days. The response will be in writing and will affirm or deny the allegations. The response shall include any remedies, if appropriate. The decision of the County Administrator is considered final.

120.5 MEMBER REPRESENTATION

Members may have representation during the grievance process. The member may select any bargaining unit representative or office member as his/her representative.

120.6 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Administrative Division for inclusion into a secure file containing all written grievances. A second copy of the written grievance will be maintained by the County Administrator's office to monitor the grievance process.

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120.7 GRIEVANCE AUDITS

The Training Sergeant shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy or procedure changes or training may be appropriate. The Training Sergeant shall record these findings in a confidential memorandum to the Corrections Chief without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to the Custody Manual, the Corrections Chief should promptly notify the Sheriff.

Personnel Complaints

121.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Skagit County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

121.2 POLICY

The Skagit County Sheriff's Office takes seriously all complaints regarding the service provided by the Office and the conduct of its members.

The Office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this office to ensure that the community can report misconduct without concern for reprisal or retaliation.

121.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of office policy, federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate office policy, federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Office

121.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Supervisor is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

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121.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

121.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

121.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of any Office facility and be accessible through the office website. Forms may also be available at other county facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

121.4.2 ACCEPTANCE

All complaints will be courteously accepted by any office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

121.4.3 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with RCW 41.12.090.

- (a) No person in the classified civil service who shall have been permanently appointed or inducted into civil service pursuant to RCW 41.12.090, shall be removed, suspended, demoted or discharged except for cause, and only upon:
 - 1. Written accusation of the appointing power, or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the civil service commission.

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- (b) In the event the conduct in question is potentially criminal in nature, the employee shall be provided with and required to sign a "Garrity" notice.

121.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Office should audit the log and send an audit report to the Sheriff or the authorized designee.

121.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

121.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include, but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 - 1. The original complaint form will be directed to the Shift Supervisor of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
 - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Division Chief or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complaints in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
 - 1. Follow-up contact with the complainant should be made within 24 hours of the Office receiving the complaint.
 - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Shift Supervisor.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Supervisor and Sheriff are notified via the chain of command as soon as practicable.

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- (e) Promptly contacting the Department of Human Resources and the Shift Supervisor for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Shift Supervisor, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
 - 1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
 - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

121.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Skagit County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
- (g) The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- (h) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- (i) All employees shall provide complete and truthful responses to questions posed during interviews.

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- (j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

121.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

121.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

121.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

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121.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

121.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Office, the Sheriff or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any office badge, identification, assigned weapons and any other office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

121.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

The Skagit County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

121.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

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121.10.1 DIVISION CHIEF RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Division Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Division Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

121.10.2 SHERIFF RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Sheriff shall review the recommendation and all accompanying materials. The Sheriff may modify any recommendation and/or may return the file to the Division Chief for further investigation or action.

Once the Sheriff is satisfied that no further investigation or action is required by staff, the Sheriff shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Sheriff shall provide the member with a written notice and the following:

- (a) Access to all of the materials considered by the Sheriff in recommending the proposed discipline.
- (b) An opportunity to respond orally or in writing to the Sheriff within five days of receiving the notice.
 - 1. Upon a showing of good cause by the member, the Sheriff may grant a reasonable extension of time for the member to respond.
 - 2. If the member elects to respond orally, the presentation shall be recorded by the Office. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or, if the member has elected to waive any such response, the Sheriff shall consider all information received in regard to the recommended discipline. The Sheriff shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Sheriff has issued a written decision, the discipline shall become effective.

121.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.

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- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

121.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

121.13 POST-DISCIPLINE APPEAL RIGHTS

Any employee wishing to formally appeal a written reprimand must submit a written request to the Corrections Chief within 10 days of receipt of the written reprimand. The Corrections Chief will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

In situations resulting in the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Sheriff's imposition of discipline pursuant to the operative labor agreement and personnel rules (RCW 41.14.120).

121.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and members other than non-probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

In cases where an individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Sheriff.

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121.15 CONFIDENTIALITY AND RETENTION OF PERSONNEL INVESTIGATION FILES

All investigations of personnel complaints shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed other than as required by law, to the involved employee or authorized personnel, or pursuant to lawful process (RCW 42.56 et seq.; RCW 70.02 et seq.).

All personnel complaints shall be maintained in accordance with Washington state records retention guidelines.

121.16 NOTIFICATION TO CJTC CERTIFICATION BOARD

Upon termination of a peace officer for any reason, including resignation, the agency of termination shall, within 15 days of the termination, notify the Washington State Criminal Justice Training Center (CJTC) on a personnel action report form provided by the commission. The agency of termination shall, upon request of CJTC, provide such additional documentation or information as the commission deems necessary to determine whether the termination provides grounds for revocation of the peace officer's certification (RCW 43.101.135).

Chapter 2 - Organization and Administration

Alcohol And Drug Use

200.1 PURPOSE AND SCOPE

The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Office discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

200.2 POLICY

The consumption of alcohol or other intoxicants is prohibited by on-duty personnel.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

200.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Employees shall not purchase or possess alcohol or other controlled substances on office property, at work or while on-duty.

Employees shall not illegally manufacture any alcohol or drugs at any time.

200.2.2 USE OF PRESCRIBED MEDICATIONS

Employees who are medically required to take prescription medications during work hours shall ensure that no medications are taken that impair their ability to perform their work. Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to the immediate supervisor. No employee shall be permitted to work or drive an office-owned or leased vehicle while taking such potentially impairing medication without a written release from a physician.

200.3 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary Employee Assistance Program for employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage that provides treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources, their insurance provider or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek a referral for help through the Employee Assistance Program or their health care provider. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

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Alcohol And Drug Use

200.3.1 CONFIDENTIALITY

The Office recognizes the confidentiality and privacy due to employees. Disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

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202.1 PURPOSE AND SCOPE

The Sheriff shall prepare and present a budget request that ensures an adequate allocation of resources for facility operations and programming for the budget cycle. Budget requests shall be prepared in the manner and detail prescribed by the Office. Service goals and objectives should be delineated in the budget plan.

202.2 POLICY

The Office's responsibilities include the development of a budget plan, submitting the plan to the County Administrator and monitoring the facility's progress toward meeting its budget objectives throughout the budget cycle.

A fiscal system has been established that accounts for all income and expenditures on an ongoing basis. Methods for collecting, safeguarding and disbursing monies shall comply with established accounting procedures.

202.3 BUDGET PLAN

The Corrections Chief will establish a system of quarterly projections of expenditures for personnel, operating expenses, equipment and capital projects. A record of a historical pattern of expenditures along with a justification for new expenditures should be used as the supporting documentation in the development of the budget plan.

Once completed, the budget plan will be submitted to the Accountant for review and approval and/or returned to the Office for additional development. Once the budget plan has been approved by the County Administrator or the authorized designee, the Office may initiate expenditures in accordance with the plan.

202.4 FISCAL ACCOUNTING AND MANAGEMENT OF APPROVED BUDGET

The Accountant is responsible for monitoring the facility's progress toward meeting its budget objectives throughout the fiscal year. Data on key performance indicators should be collected and evaluated at regular intervals and reviewed by the Sheriff and the Corrections Chief's budget officials and other policy-makers. Reports should contain at a minimum the following information:

- The budget amount
- The amount expended for the month
- The year-to-date amount expended
- Any outstanding encumbrances
- The cumulative total year-to-date expenditures plus outstanding encumbrances

When the Corrections Chief receives the monthly budget report, he/she should review all of the expenditure accounts for risk indicators, such as:

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- Significant variations in expenditures in an account used consistently, where the amounts charged are expected to vary little, if any, from month to month.
- Expenditures that are significantly beyond the forecasted amounts or whether the year-to-date percentages expended are significantly higher than the percentage of time elapsed.
- Large balances of/or long-term outstanding encumbrances.

Fiscal data collected during the year should be used to formulate a budget for the following year.

202.4.1 PAYMENT REQUESTS FOR STATE INMATES

Any detention facility housing an inmate who is the financial responsibility of the state shall complete the Department of Corrections form noting the identity of the inmate, the type of state responsibility, the method of notification for availability for movement and the number of days for which the state is financially responsible (RCW 70.48.450).

202.4.2 USE OF CASH FUNDS

The Accountant is responsible for documenting the use of cash funds, including receipts, supervisory approval and periodic audit.

202.5 TRANSFERRING FUNDS AMONG BUDGET CATEGORIES

Unless otherwise specified, the transfer of funds among budget categories may require the approval of the County Administrator.

202.6 FINANCIAL AUDITS

The Sheriff should ensure that a financial audit of the facility is conducted annually. The audit shall conform to generally accepted auditing standards.

202.6.1 FINANCIAL AUDITS OF THE INMATE WELFARE FUND

An annual financial audit of the Inmate Welfare Fund shall be conducted and shall include the office's budget and any monies placed into the Inmate Welfare Fund. The methods used for collecting, safeguarding and disbursing monies, including inmates' personal funds held by the facility, shall comply with accepted accounting procedures.

202.6.2 POSITION CONTROL

Position control is the process used by the Office to exercise control over the size and cost of its workforce. It ensures that any new, regular employee added to an agency's payroll basis is filling a position that has been approved and budgeted, and that the rate of pay for the position is within the salary range for the job classification in which the position resides (RCW 41.14.140).

This facility is a labor-intensive function and control of payroll expenditures is a crucial part of managing the facility budget. In order to exercise control of payroll expenditures, the Office will utilize a system of position control as part of its ongoing budget process.

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202.7 STAFFING PLAN

The Corrections Chief should maintain an up-to-date staffing plan for the purpose of exercising position control. The staffing plan should include a comprehensive list of all positions in this facility. Each position has a descriptive job title that is associated with a description of the position's duties and responsibilities. Each position will have a written job description for all position classifications and post assignments that define responsibilities, duties and qualifications

The Corrections Chief should adhere to the following strategies for the management of position control and personnel costs (RCW 41.14.140):

- (a) Ensure that this facility is staffed with the appropriate number and type of staff. The proper allocation and deployment of staff across shifts and functional units is essential. In addition, the availability of the right classification of staff (e.g., custody staff supervising inmates, maintenance staff performing maintenance, food service staff preparing meals) with the appropriate job skills and training enhances efficiency.
- (b) Strategically time the filling of newly authorized positions or vacancies in current positions. Strategic timing is important throughout the budget year to create vacancy savings that can be used to address current budget year shortfalls.
- (c) Manage the use of overtime carefully. The historical use of overtime should be tracked to make the case for additional staff and/or to provide sufficient funding in an overtime line item. The use of overtime should also be monitored at regular intervals to verify that it is being used within projected levels.
- (d) Manage the use of part-time staff. The number of hours worked by part-time staff should be monitored to ensure that part-time employees are not working in excess of what has been authorized (e.g., a part-time employee should be working no more than an average of 20 hours per week).
- (e) Establish and maintain procedures to ensure the accuracy and integrity of payroll documentation. Time cards, time sheets and related documentation should reflect actual hours worked.
- (f) Consider the impact of position upgrades on the entire job classification. An upgrade for one position may set the stage for upgrades of similar positions within the same job classification.

202.7.1 INSURANCE REQUIREMENTS

The Office shall ensure, by way of office risk managers, the procurement of adequate liability coverage of the correctional facility operations. Coverage shall include, at minimum, workers' compensation, civil liability and the bonds in accordance with applicable law.

202.7.2 PERFORMANCE MONITORING

Performance monitoring necessitates the establishment of benchmarks and performance targets. The Accountant shall develop budget benchmarks so that actual performance output can be

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compared with these targets to determine whether this facility is meeting the goals and objectives articulated in the budget.

A quarterly monitoring report assessing the effectiveness, efficiency and quality of custody operations will be provided to the Sheriff for the purpose of developing the budget for the following year.

Supervision of Inmates - Minimum Requirements

204.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure the safety and security of the facility through the application of appropriate staffing levels.

204.2 POLICY

It is the policy of this facility to ensure the safety and security of citizens, staff and inmates through compliance with state-mandated staffing requirements. In an effort to protect the dignity and privacy rights of the inmates and to comply with existing case law, at least one member of the same sex of each inmate represented in the population will be on-duty at all times.

204.3 SUPERVISION OF INMATES

There shall be, at all times, sufficient staff designated to remain in the facility for the supervision and welfare of inmates, to ensure the implementation and operation of all programs and activities and to respond to emergencies when needed. Such staff must not leave the facility while inmates are present and should not be assigned duties that could conflict with the supervision of inmates.

When both male and female inmates are held at this facility, a minimum of one male and one female deputy should be on-duty in the correctional facility at all times.

Staff members shall not be placed in positions of responsibility for the supervision and welfare of inmates of the opposite sex in circumstances that can be described as an invasion of privacy or that may be degrading or humiliating to the inmates. Staff used as program resource personnel with inmates should be of the same sex as the inmates when reasonably available. However, at least one staff member of the same sex as the inmates should be on-duty and available to the inmates during all such activities.

To the extent reasonably practicable, inmate bathrooms will contain modesty screens that preserve privacy without creating areas that cannot be properly supervised.

The Corrections Chief or the authorized designee shall be responsible for developing staffing plans to comply with this policy. Records of staff deployment should be maintained in accordance with established records retention schedules.

204.4 SEPARATION OF DUTIES

Maintenance personnel are employed to perform preventive, routine and emergency maintenance functions. Custody staff will not be given physical plant maintenance duties that distract from their primary responsibility of supervising inmates.

Prohibition on Inmate Control

206.1 PURPOSE AND SCOPE

The purpose of this policy is to define the requirement that staff should at all times exercise control of the inmate population under their supervision and should prevent inmates from controlling other inmates within the facility.

206.2 POLICY

All staff, including support staff, contractors and volunteers should exercise control and supervision of all inmates under their control. It is the policy of this office to prohibit any staff member to implicitly allow, or by dereliction of duty allow, any inmate or group of inmates to exert authority over any other inmate.

206.3 EDUCATION, DRUG OR ALCOHOL PROGRAM ASSISTANTS

Nothing in the policy is intended to restrict the legitimate use of inmates to assist in the instruction of educational or drug and alcohol programs. Any use of inmates in this manner will be expressly authorized by the Corrections Chief in a legally prescribed manner. Any program that uses inmates to assist in legitimate program activities will be closely supervised by facility employees or vocational instructors. Nothing in this section is intended to authorize an inmate program assistant to engage in disciplining other inmates.

Equipment Inventory and Supplies

208.1 PURPOSE AND SCOPE

This facility must have the materials, supplies and equipment that are necessary to maintain effective and efficient operations. This policy establishes responsibilities and requirements for purchasing, storing and inventory of those items.

208.2 POLICY

The Corrections Chief shall ensure that all correctional facility property and fixed assets are inventoried annually and that all supplies purchased are reconciled with the invoice, in accordance with the limits set by the auditor, prior to payment.

The Correctional Facility maintains a secure storage area for the purpose of storing supplies and equipment. The Corrections Chief shall maintain oversight of the area.

With the exception of medical supplies, which are ordered by the medical staff, the Accountant is responsible for the purchasing and acquisition of materials and equipment for this facility. Supplies and equipment that are not needed for immediate use should be stored in a secure storage area.

208.3 PURCHASING

The Corrections Chief, along with the Accountant, is responsible for managing the purchasing process to ensure that amounts and types of purchases fall within budget parameters. The Corrections Chief must also ensure that this facility's purchasing process complies with applicable laws, regulations and office policies.

Personnel with spending authority should adhere to the following strategies:

- (a) Be knowledgeable about the county's requirements and procedures for purchasing goods and services.
- (b) Establish a working relationship with this facility's Accountant.
- (c) Provide the Accountant with information describing the types of goods and services required to operate the facility.
- (d) Ensure that staff with spending authority follow procedures that outline the process for submission and approval of purchase requisitions.
- (e) Review purchase requisitions to verify the need, urgency and priority.
- (f) Monitor service contracts to ensure that this facility is receiving the scope and quality of services specified in the contract.
- (g) Regularly monitor expenditures to make certain the purchase of goods and services is charged to the appropriate accounts and within budget limits.
- (h) Keep purchase records to maintain the integrity and availability of purchasing documents, including requisitions, purchase orders, receiving reports and invoices.

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Equipment Inventory and Supplies

208.4 EQUIPMENT INVENTORY

The Corrections Chief or authorized designee will conduct an audit on all supplies and equipment annually. All losses will be reported by the Sheriff to the County Administrator. The Accountant may also conduct an interim audit on all fixed assets in order to maintain a complete and accurate accounting of equipment and its location.

Tool and Culinary Equipment Control

210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a tightly controlled process for the use of tools and culinary equipment in order to reduce the risk of such items becoming weapons for the inmate population. While there are times that specific inmate workers may need to possess tools or equipment for legitimate daily operations, the possession and use of those tools must be carefully monitored and controlled by staff.

210.2 POLICY

It is the policy of this facility to securely store, inventory, control and monitor the use of tools and culinary equipment to ensure accountability and the secure use of these items.

210.2.1 CUSTODY TOOLS

Tools include all implements that are maintained within the secure perimeter of the facility to complete specific tasks. These tools include, but are not limited to, mops, brooms, dustpans and floor polishers.

All tools, culinary items or medical equipment shall be locked in secure cabinets or storage rooms when not in use. Tools should be inspected regularly for damage or wear and repaired or replaced as necessary.

Any time tools are brought into a secure area where inmates are present, staff supervising the area shall count the number of tools brought in to ensure that the same number of tools are taken out.

Any tool that is used within the secure perimeter of the facility must be closely monitored and controlled by the staff supervising the area so that it cannot be used as a weapon. Inmates who are assigned tasks that require these tools shall be closely supervised.

An inventory of all tools used and stored within the secure perimeter of the facility shall be developed and maintained by the Corrections Chief. Tools will be inventoried by an assigned staff member at least once every 24 hours. The loss of any tool will be immediately reported to the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool, including:

- (a) Detaining and searching any inmate who had access to the tool.
- (b) Conducting a thorough search of the immediate area for the missing item.
- (c) Initiating a facility-wide search.

The staff member responsible for the supervision of the use of missing tool will prepare and submit a report to the Shift Supervisor documenting the specific tool that is missing and the circumstances of the disappearance. The report will be forwarded to the Corrections Chief. All staff members involved in the search will submit a report to the on-duty supervisor documenting their findings.

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Tool and Culinary Equipment Control

210.2.2 MAINTENANCE OR CONSTRUCTION TOOLS

Maintenance or construction tools are those tools and equipment that are brought into and out of the secure perimeter of the facility by employees or contractors to facilitate repairs or construction of the physical plant. Only the tools and equipment needed specifically for the intended work will be permitted into the facility. All tools and equipment will be inventoried and a list of the tools will be provided to the control booth prior to any tools or equipment being brought inside the secure perimeter.

A staff member will check the tools being brought into this facility against the inventory list. Prior to entering the secure perimeter of the facility, the contractor shall be instructed to maintain personal possession of the tools at all times. When it is necessary to complete a task in an area where inmates are present, the inmates shall be locked down by staff supervising the area.

When the person has finished working in the area, a deputy will ensure that all tools are accounted for. In the event of a discrepancy, the on-duty supervisor shall be immediately notified and appropriate action taken to locate or account for the items. Once all tools have been accounted for, the inmates may be released from lockdown.

210.2.3 EXTERIOR-USE TOOLS

Exterior-use tools are those that are used by inmate workers outside of the secure perimeter. These tools include, but are not limited to, the following:

- Handheld tools
- Power tools
- Landscape maintenance tools
- Farm equipment

Only inmate workers who are classified to work outside the secure perimeter of the facility will be allowed to possess exterior-use tools. The deputy responsible for supervising inmate workers on outside work crews will inventory all tools assigned for this purpose at the beginning of the shift.

Any tool issued to an inmate will be logged with the inmate's name, the tool type and serial number documented. When an inmate worker is finished with that tool, the responsible staff member shall check the tool against the check-out log and document its return. Inmate workers shall not be permitted to pass tools between each other except under the direct supervision of a deputy.

All tools will be checked-in and noted on the log and returned to the tool storage area at the end of each shift. Inmate workers should not be released from the work assignment until all tools are accounted for.

In the event that an exterior-use tool is missing, the deputy shall immediately notify a supervisor. A thorough search for the tool will be undertaken and an incident report shall be completed. Inmates may only be released from their work assignments when it has been determined that it is safe to do so, and upon the approval of the supervisor. The incident report with all relevant information shall be forwarded to the Corrections Chief.

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Tool and Culinary Equipment Control

210.2.4 KITCHEN EQUIPMENT

Culinary tools are located in the kitchen and include common tools used in the preparation, service and delivery of meals.

All kitchen knives or metal tools with sharp edges shall be stored in a locked cabinet. There shall be an outline of the tool's assigned location in the cabinet so that any tool missing from the cabinet can be easily identified. When in use, all knives shall be tethered to the work area. All tools shall be returned to the secure cabinet when not in use.

The deputy assigned to the kitchen shall inventory all kitchen tools at the beginning of his/her shift and prior to the arrival of inmate workers. Kitchen tools will only be issued to inmates who have been classified as inmate workers. Staff will supervise inmates at all times when the inmates are using tools.

Each tool issued will be assigned to an individual inmate and logged. The inmate's name and the tool type will be documented. When an inmate worker is finished with a tool, the tool shall be checked in with the deputy and documented. Inmate workers shall not be permitted to pass tools between each other except under the direct supervision of a deputy.

All tools will be returned to the kitchen tool cabinet at the end of each shift and all tools must be accounted for prior to any inmate worker being released from the work assignment.

In the event that a kitchen tool is missing, the deputy shall immediately notify the on-duty supervisor, who shall initiate immediate action to locate or account for the missing tool. A thorough search for the tool will be undertaken and an incident report shall be completed by the deputy responsible for the supervision of the use of the tool. The incident report with all relevant information shall be forwarded to the Corrections Chief.

210.2.5 SERVING AND INDIVIDUAL EATING TOOLS

Serving tools and individual eating tools are those culinary tools located outside of the kitchen. Only inmate workers who are assigned to serve food shall be in control of serving tools. These tools shall be assigned to each inmate worker by the kitchen deputy prior to leaving the kitchen. The tool type shall be documented. Upon returning to the kitchen from serving meals, the inmate workers shall individually check their tools in with the kitchen deputy, who shall document each one.

In the event that a serving tool is missing, the kitchen deputy shall notify a supervisor and a search for the tool shall be initiated.

Eating utensils (forks/spoons/sporks) shall be counted by the deputy supervising the meal service prior to and at the completion of each meal. In the event that a utensil is missing, the housing unit shall be immediately locked down and a supervisor notified. A thorough search of the housing unit shall be initiated to locate the tool.

210.3 TOOL MAINTENANCE

Tools should be inspected regularly for damage or wear and repaired or replaced as needed.

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