

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.

Custody Manual and Post Orders

106.1 PURPOSE AND SCOPE

The manual of the Skagit County Sheriff's Office Correctional Facility is hereby established and shall be referred to as the Custody Manual. The Custody Manual is a statement of the current policies, procedures, rules and guidelines of this office's Correctional Facility. All employees are to conform to the provisions of this manual and all post orders. All prior and existing manuals, orders and regulations which are in conflict with this manual are revoked, except to the extent that portions of existing manuals, orders and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized, however, that work in the custody environment is not always predictable and circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this office under the circumstances reasonably available at the time of any incident.

The Custody Manual contains a range of work-related issues including, but not limited to, the following:

- Affirmative action program
- Equal employment opportunity program
- Selection, retention and promotion of all personnel on the basis of merit and specified qualifications
- Code of Ethics
- Rules for probationary employment (RCW 41.14.130)
- The Americans with Disability Act (ADA)
- Sexual harassment/sexual misconduct policy
- Grievance and appeal procedures
- Infection control plan (RCW 70.48.480)
- Employee disciplinary procedures
- Administration and organization
- Fiscal management
- Personnel
- Training

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Custody Manual and Post Orders

- Inmate records
- Safety and emergencies
- Security and control
- Sanitation and hygiene
- Food services
- Medical and health care services
- Inmate rules and discipline
- Communication, mail and visiting
- Admission, orientation, classification, property control and release and inmate activities, programs and services.

106.3 RESPONSIBILITIES

The Sheriff shall be considered the ultimate authority for the provisions of this manual and may issue Departmental Directives to modify the provisions of this manual. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

The Corrections Chief shall ensure that the Custody Manual is reviewed annually, updated as needed and reflect the mission of the Skagit County Sheriff's Office. The review shall be documented in written form sufficient to indicate that policies and procedures have been reviewed and amended as appropriate. (RCW 70.48.071).

106.3.1 POST ORDERS

The Corrections Chief shall ensure that there are written orders for every security post. These orders shall be reviewed at least annually and updated if necessary by the Corrections Chief or an authorized designee.

All personnel working in the facility shall read the post orders for each post they are assigned. Staff shall acknowledge that they understand the requirements of that post by signing the appropriate documentation.

106.3.2 COMMAND STAFF

The command staff should consist of the following:

- Sheriff
- Undersheriff
- Chief Corrections Deputy
- Corrections Lieutenant

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106.3.3 OTHER PERSONNEL

All employees are encouraged to participate in the development, revision and maintenance of the Custody Manual and participate in staff meetings, suggestion programs, committees or other activities as appropriate.

Line and supervisory staff have a unique view of how policies and procedures influence the operation of the facility and therefore are expected to bring to the attention of their supervisor issues that might be addressed in a new or revised policy.

All employees suggesting revision of the contents of the Custody Manual should forward their suggestion in writing to the Corrections Chief, who will consider the recommendation and forward it to the command staff.

106.4 DEFINITIONS

The following words and terms shall have these assigned meanings, unless it is apparent from the content that they have a different meaning:

Adult - Any person 18 years of age or older.

Office - The Skagit County Sheriff's Office

Deputy - All persons, regardless of rank, who are employed and who are selected and trained in accordance with state law as a deputy of the Skagit County Sheriff's Office.

Custody Manual - The Office Custody Manual

Juvenile - Any person under the age of 18.

May - Indicates a permissive, discretionary or conditional action.

Employee - This term applies to all persons who are employed by the Skagit County Sheriff's Office or who are appointed to serve as volunteers. This includes deputies, reserve deputies, general services staff, contractors and volunteers.

On-duty employee - Status during the period when he/she is actually engaged in the performance of his/her assigned duties.

Order - A written or verbal instruction issued by a superior.

Rank - The job classification title held by a deputy.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

106.5 DISTRIBUTION OF MANUAL

A copy of the Custody Manual shall be made available to all employees. An electronic version of the Custody Manual will be made available to all employees on the office network.

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No changes shall be made to the electronic version without authorization from the Corrections Chief.

106.6 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to read and obtain necessary clarification of this office's policies. All employees are required to sign a statement of receipt acknowledging that they have received a copy or have been provided access to the Custody Manual, and understand that they are responsible to read, understand and act in accordance with its contents.

106.7 REVISIONS TO POLICIES

All employees are responsible for keeping abreast of all Custody Manual revisions. All changes to the Custody Manual will be posted on the Lexipol website for review prior to implementation. Each employee shall acknowledge receipt by online acknowledgement, review the revisions and seek clarification as needed.

Each supervisor will ensure that employees under his/her command are familiar with and understand all revisions.

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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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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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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Personnel Complaints

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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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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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.

Records and Data Practices

214.1 PURPOSE AND SCOPE

This policy establishes guidelines for the control and access of confidential records by staff, contractors and volunteers.

214.2 ACCESS TO CRIMINAL RECORDS

Official files, documents, records, electronic data, video and audio recordings and information held by the Skagit County Sheriff's Office or in the custody or control of office employees, volunteers or contractors are regarded as non-public and/or confidential.

Access to confidential paper or electronically generated records in this facility is restricted at various locations according to job function and the need to know. Employees working in assigned areas will only have access to the information that is necessary for the performance of their duties. Granting access to other employees or anyone outside of the work area must meet with supervisory approval. All requests for information received from outside the Office shall be immediately forwarded to the Corrections Chief for personnel assigned to process records request under the Public Records Act RCW 42.56.

Custody staff, volunteers and contractors shall not access, disclose or permit the disclosure or use of such files, documents, reports, records, video or audio recordings or other confidential information except as required in the performance of their official duties and in accordance with office policies, statutes, ordinances and regulations related to data practices. Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.30 may be released as provided in RCW 4.24.550.

Custody staff, volunteers and contractors who are uncertain of the confidentiality status of any document should consult with a supervisor or the Corrections Chief to determine the status of the documents in question.

214.3 RETENTION OF RECORDS

All official files, documents, records, electronic data, video and audio recordings and information held by the Skagit County Sheriff's Office shall be maintained subject to WAC 44-14-03005. Record retention schedules are established by the Washington Secretary of State and are available on the office's [website](#).

214.4 STAFF TRAINING

Prior to being allowed to work inside this facility, all custody staff, volunteers and contractors will receive training on office records, policies and confidentiality requirements, including the potential criminal and civil penalties that may result from a breach of confidentiality in violation of this policy and all applicable statutes (RCW 40.16.010 and RCW 40.16.020).

Inmate Records

218.1 PURPOSE AND SCOPE

This policy establishes the procedures required to create and maintain accurate records of all persons booked and confined in this facility.

218.2 POLICY

It is the policy of this office that all records shall be complete and comprehensive, resulting in reliable data that provides information about each inmate's period of confinement, as well as histories of previous confinement in this facility. All inmate records are official office documents and should be used for official business only. Inmate records are a vital component of the criminal justice system and should only be released to authorized persons.

218.2.1 RECORD MAINTENANCE

It shall be the responsibility of the Records Division to maintain the following records on all persons who have been committed or assigned to this facility, including, but not limited to, the following:

- Information gathered during the admission process as provided in the Inmate Reception Policy
- Photographs and fingerprints cross referenced to the booking number
- Duration of confinement
- Court-generated background information
- Cash and property receipts
- Classification records, including inmate classification levels and housing restrictions
- Housing history records
- Reports of disciplinary events and dispositions
- Grievances and dispositions
- Reports of incidents or crimes committed during confinement
- Request forms
- Special visit forms
- Court appearances, documents and the disposition of hearings
- Work assignments
- Program participation
- Visitation records
- Telephone records

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- Medical, dental, mental health, drug and alcohol screenings, assessments, treatments, medications

The inmate records shall be identified and separated according to a format developed and approved by the Corrections Chief or the authorized designee.

218.2.2 RELEASE OF INMATE RECORDS

Inmate records are confidential and shall be used for official business only. Any release of inmate records shall be made only in compliance with a lawful court order or as authorized by state and federal law to persons having a legitimate criminal justice need, or with a consent form signed by the inmate (RCW 70.48.100). A copy of the release authorization document shall be maintained in the inmate record file.

218.2.3 ELECTRONIC RECORD MAINTENANCE

All inmate records and data maintained in an electronic format shall be accessible only through a login/password-protected system capable of documenting by name, date and time any person who has accessed the information. The Corrections Chief shall be responsible for working with the information technology personnel to ensure the security of the data and to develop and maintain a copy of the security plan.

218.2.4 RECORDS RETENTION

Inmate records shall be maintained consistent with the established records retention schedule.

Report Preparation

220.1 PURPOSE AND SCOPE

Report preparation is a major part of each deputy's job. The purpose of reports is to refresh the deputy's memory and to provide sufficient information for a follow-up investigation and successful prosecution or a disciplinary proceeding. Report writing is the subject of substantial formal and on the job training.

220.2 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. Reports shall be prepared by the staff assigned to investigate an incident and submitted to the Corrections Chief or the authorized designee within 24 hours of the incident. It is the responsibility of the assigned employee to ensure that all reports meet this requirement or that supervisory approval has been obtained to delay the report before going off-duty. The supervisor must determine whether the report will be available in time for appropriate action to be taken, such as investigative leads or an inmate disciplinary proceeding.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, the employee shall be required by the reviewing supervisor to promptly correct the report. Employees who dictate reports by any means shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

220.3 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate office-approved form unless otherwise approved by a supervisor.

220.3.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to an incident, or as a result of self-initiated activity, and becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim is not desirous of prosecution is not an exception to documentation. The following are examples of required documentation:

- (a) In every instance where a felony or misdemeanor has occurred.
- (b) In every case where any force is used against any person by facility personnel.
- (c) All arrests

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220.3.2 INCIDENT REPORTING

Incident reports generally serve as an in-house notation of occurrences in the facility and to initiate, document and support the inmate disciplinary process. The Office shall establish a filing system that differentiates between incident reports, crime reports and disciplinary actions. This policy does not require the duplication of information on two different forms. Where both exist, cross-referencing facilitates retrieval of one or both.

The following incidents shall be documented using the appropriate approved report:

- (a) Non-criminal incidents of rule violations by inmates
- (b) Attempted suicide or suicidal ideation on the part of an inmate, if known
- (c) Non-criminal breaches of security or evidence of an escape attempt
- (d) Non-criminal security threats, including intelligence related to correctional facility activities
- (e) Significant incidents related to medical issues, health or safety in the correctional facility
- (f) Discovery of contraband in the possession of inmates or their housing areas
- (g) All incidents involving the accidental or natural death of a human being. Refer to the Reporting Inmate Deaths Policy.
- (h) Traffic collisions involving office vehicles
- (i) Risk Management incidents to include injuries to inmates and lost or damaged property
- (j) Accidental injuries of staff, inmates or the general public

220.3.3 SUICIDES

Cases of obvious suicide should be investigated and a report completed by a qualified investigating officer to determine the manner of death and to gather information, including statements of inmates and staff who were in the area at the time the suicide occurred. Reporting of suicides will be handled in accordance with the Reporting Inmate Deaths Policy.

220.3.4 INJURY OR DAMAGE BY OFFICE PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of an employee. Reports shall be taken involving damage to office property or equipment.

220.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

220.5 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return it to the reporting employee for correction as soon as

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practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner. It shall be the responsibility of the supervisor rejecting the report to follow up on any report corrections not received in a timely manner.

220.6 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Division for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Division may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

Key and Electronic Access Device Control

222.1 PURPOSE AND SCOPE

The control and accountability of facility keys and electronic access devices are vital factors in maintaining a safe and secure environment for inmates, staff, volunteers, contractors and the public. This policy outlines the methods that the Office will use in maintaining strict security of its keys and electronic access devices. For ease of reference, the term “key” as used in this policy includes all physical means of access to or exit from the secure areas of the facility.

222.2 POLICY

It is the policy of this office that all keys used to access secure areas of the facility or to exit the secure areas of the facility are strictly controlled. Employees and supervisors will be held accountable for the security and safety of the facility. All key control activities shall be accurately documented on a daily basis.

222.2.1 KEY IDENTIFICATION

All keys that open any doors within the facility shall be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set shall be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or code on keys shall not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained.

222.2.2 KEYSSET CONTENTS

Keysets issued to staff for use within the secure perimeter of the facility shall not contain any key that would permit access to areas outside the secure perimeter. The armory key shall not be permitted inside the secure perimeter. Exterior door keys shall not be permitted inside the facility except during an emergency requiring access to the exterior doors.

222.2.3 KEY CONTROL

All facility keys shall be maintained within the Main Control room. This room shall have controlled access for staff only. Each person assigned to the facility shall be issued key tags bearing his/her employee number. Keysets will be exchanged for key tags to maintain a record of which employee has which set. At the end of a shift, employees shall exchange all keys for their key tags.

Under no circumstances shall an employee pass a key or keyset to another employee. All keys must be checked out through the control process. Employees shall not possess any key for which they have not been authorized.

Employees shall not duplicate, mark, alter or manufacture any key without written authorization from the Corrections Chief or the authorized designee.

The deputy assigned to Main Control shall, at the beginning and end of their respective shifts, inventory the facility keys. All discrepancies must be reported immediately to the supervisor. Under no circumstances will security keys be made available to inmates regardless of their status.

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222.2.4 LOCK POLICY

All security perimeter entrances, Main Control doors and cell doors shall be kept locked, except when used for admission or exit of employees, inmates or visitors, and in an emergency. Operators of sallyports shall ensure that only one of the doors of a sallyport is opened at any time for entry or exit purposes, except where the entry or exit of emergency personnel requires the operator to override the doors and allow for rapid entry or exit. Each time the override function is engaged, the officer must submit a written report to the on-duty supervisor prior to the end of his/her shift.

222.2.5 TESTING

Locks to security doors or gates shall be tested for proper function to ensure proper operation.

222.2.6 EXTERIOR DOOR AND ARMORY KEYS

Keys for exterior doors to the facility and the armory shall be kept in a secure location, outside of the facility's secure perimeter.

222.2.7 MISSING KEYS

Any staff member who discovers that a key or keyset is missing shall immediately make a verbal report to a supervisor and shall prepare a written incident report as directed by the supervisor. The supervisor shall immediately initiate a search for the missing key. If a reasonable effort to locate the key fails, the supervisor shall order a lockdown of the facility. All inmates shall be locked in their cells/housing units. Inmates shall not be allowed to pass into or out of the facility without being thoroughly searched for the missing key. The supervisor shall, as soon as practicable, notify the Corrections Chief regarding the loss of the key, when it was discovered and the circumstances involved.

A methodical and thorough search of the entire facility will be made by the on-duty staff. Additional staff may be called to assist with the search. If, after a thorough search, the key or keyset is not located, the Corrections Chief will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

The Corrections Chief shall initiate an investigation into the disappearance of the keys to reexamine the procedures for key control, and shall notify the Sheriff of his/her findings. Based upon the findings of the investigation and any recommendations, the procedures governing this policy may be amended.

222.2.8 DAMAGED KEYS OR LOCKS

Damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key shall be left in the lock. All portions of the damaged key must be turned in to the Shift Supervisor, who will ensure duplicate keys are provided as needed. Damaged locks shall be replaced or repaired as soon as practicable. Appropriate security measures shall be taken until such time as the lock is properly restored. No lock to a security door or gate shall be permitted to be inoperable or left in an unsuitable condition. No inmate shall be secured in a cell, detention room or area that has inoperable locks.

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222.3 KEY CONTROL RECORDS

A shift roster will be maintained for the accounting and security of all keysets. Each shift is responsible for reporting any key malfunctions or missing keysets. Key control measures shall be documented by the control room staff on logs, and the records retained in accordance with established records retention schedules.

222.4 EMERGENCY KEY SET

At least one key set containing every key for the facility shall be kept separate from all other key sets in a secure location and made quickly accessible to the Corrections Chief, Shift Supervisor, or an authorized designee in the event of an emergency.

222.5 ELECTRONIC ACCESS DEVICES

Proximity cards, fobs or other devices may be issued to staff to allow access to restricted or controlled areas of the facility. In the event of a lost or stolen device, an employee shall notify his/her supervisor as soon as it is known the device is missing. The device shall be immediately deactivated to prevent unauthorized use.

Daily Activity Logs and Shift Reports

224.1 PURPOSE AND SCOPE

Accurate and legible records are vital to the management of the facility. They provide a means for managers to review events and emergency situations that have occurred within the facility.

This policy establishes the requirement for the preparation, maintenance and retention of permanent logs and shift reports that record routine information, emergency situations and unusual incidents (WAC 44-14-03005).

224.2 POLICY

Deputies assigned to a security post shall prepare an accurate daily activity log and shift report. The daily activity log and shift report is a permanent record of the daily activities. Employees who falsify any jail document may be subject to disciplinary action, up to and including termination, as well as criminal prosecution.

224.3 PROCEDURES

All facility employees will adhere to the following procedures when preparing a daily activity log or shift report:

- (a) Black ink pen shall be used, unless entries are logged into an electronic record.
- (b) Entries should be legible and provide sufficient detail to ensure that the log entry or report properly reflects the events of the day.
- (c) Entries shall include the name of the individual making the entry.
- (d) Entries shall reflect the date and time of the event logged.
- (e) Entries created and stored electronically shall not be modified. If corrections or changes become necessary, they shall be done by way of a supplemental entry, leaving the original entry unaltered and retrievable.

224.4 SHIFT ACTIVITY LOG

Deputies shall enter all pertinent information into the daily activity log when any of the following occur:

- Bookings or releases
- Formal counts
- Safety checks, security checks and inspections
- All searches/shakedowns
- Housing assignments
- Meal service

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- Professional visits
- Alarms and security equipment tests
- Medication delivery, sick call or inmate complaint of illness or injury and the action taken
- Disciplinary actions
- Supervisor rounds to the housing area and/or to specific inmates
- Unusual inmate behavior
- Activities and programs offered and the attendees
- Unusual occurrences

224.5 SHIFT REPORT

Each deputy assigned to a security post, as well as the supervisor, shall give a pass down report to the oncoming staff. This report should include the following:

- The formal inmate count at the beginning and end of each shift
- Key count and exchange
- Money count (at whatever post money is handled)
- Exchange of security equipment (duress alarm, radio)
- The time the supervisor made rounds
- Information that would assist the oncoming staff
- Unusual occurrences

224.6 SUPERVISOR RESPONSIBILITIES

Supervisors shall review the daily activity log during the course of each shift. Supervisors shall approve each log or report. When appropriate, supervisors should include comments in the log with regard to an incident or unusual occurrence in the facility.

Whenever a major event in the facility requires a coordinated command response, the incident commander should designate someone to keep a running log that identifies, at minimum, the following:

- Date and time the incident began
- Specific location of the incident
- Times of significant response measures taken during the incident
- Name, identification number and time of arrival of personnel onscene
- Orders issued by the incident commander
- Significant events that occurred as a result of the incident

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Daily Activity Logs and Shift Reports

The above information should remain available to the incident commander throughout the event to assist with ongoing response planning.

Employee Compensation

228.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for reviewing compensation and benefit levels for all facility personnel when a labor organization process, Memorandum of Understanding (MOU) or other methodology does not exist. The goal of a compensation and benefit package should be to establish competitive salary and benefits to ensure the ability to recruit, hire and retain qualified staff.

228.2 POLICY

It shall be the policy of this office to strive for parity of compensation and benefits with similar occupational groups in the state or region, whenever fiscal conditions permit, to ensure the ability to recruit, hire and retain qualified staff. Compensation and benefits for deputies should be equal to those for law enforcement officers working in the same organization or at the same level of government.

All compensation actions shall be in accordance with civil service rules, labor codes and MOUs for pay and benefits, and subject to fiscal conditions (RCW 41.14.150).

Administrative and Supervisory Inspections

230.1 PURPOSE AND SCOPE

The purpose of this policy is to establish both regularly scheduled and unannounced inspections of the facility's living and activity areas. This is to encourage contact with staff and inmates and to observe inmate living and working conditions. Inspections may be useful in identifying deficiencies, which can be corrected, as well as processes working properly, which may be replicated elsewhere in the facility.

230.2 POLICY

Tours and inspections shall be conducted by administrative and supervisory staff throughout the correctional facility at least weekly to facilitate and encourage communication among administrators, managers, supervisors, staff employees, inmates and the visiting public.

230.3 INSPECTIONS

The Corrections Chief is responsible for ensuring that scheduled and unscheduled inspections, visits and contacts are implemented to address, at minimum, the following:

- (a) The general conditions and overall climate of the facility
- (b) The living and working conditions of inmates
- (c) Communication between administrators, managers, supervisors, staff, inmates and the visiting public
- (d) Compliance with policies
- (e) Safety, security and sanitation concerns
- (f) Inmate concerns

230.3.1 AREAS TO BE INSPECTED

Supervisor inspections should occur in all occupied areas of the facility on a daily basis, including weekends and holidays. Inspections should be conducted randomly and special effort should be given to tour and informally inspect the following areas:

- Inmate housing areas
- Booking and receiving areas, including holding cells
- Exercise yard and recreation areas
- Visiting and program areas
- Medical and dental service areas
- Vocational work areas, e.g., the kitchen, janitorial closets
- Sallyports and transportation staging areas

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230.4 INSPECTIONS OF SECURITY EQUIPMENT

The Corrections Chief shall be responsible for designating a qualified person to conduct weekly inspections of all security devices, identifying those in need of repair or maintenance and providing a written report of the results of the inspection. The Corrections Chief shall document all action taken to correct identified deficiencies, including maintenance records, and shall retain those records in accordance with established records retention schedules (WAC 44-14-03005).

230.5 DOCUMENTATION AND REPORTING

Each staff member conducting the inspection or tour shall document the activity in the appropriate station form or facility log. The log should include any significant findings that indicate remedial action or training may be needed. Significant issues of security or safety shall be addressed promptly. Commendable or successful actions that should be replicated elsewhere in the facility should also be noted in the log.

The Shift Supervisor shall review the logs daily and ensure that any deficiencies noted are addressed or forwarded through the chain of command, as appropriate, and that commendable actions are also appropriately addressed.

Accessibility - Facility and Equipment

234.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office prohibits discrimination of persons with disabilities by making reasonable accommodations to ensure that all parts of the facility have accessible routes into the facility and program areas by staff and the general public, in compliance with the Americans with Disabilities Act (ADA).

234.1.1 DISABILITY DEFINED

The ADA defines a disability as a physical or mental impairment that substantially limits one or more major life activities. These include, but are not limited to, any disability that would substantially limit the mobility of an individual or an impairment of vision and/or hearing, speaking or performing manual tasks that require some level of dexterity. Additionally, disability includes a physical or mental impairment that would inhibit a person's ability to meet the requirements established by the Office for conducting visitation or other business in the facility.

234.2 POLICY

The Skagit County Sheriff's Office adheres to the ADA and all other applicable federal and state laws, regulations and guidelines in providing reasonable accommodations to ensure that all parts of the facility are reasonably accessible to the public and usable by staff and visitors with disabilities.

234.2.1 ACCOMMODATIONS

As part of the compliance with the ADA and the commitment to provide access to persons with disabilities, the Office will provide reasonable accommodations in, but not limited to, the following areas:

- Vehicle parking areas that provide parking spaces to accommodate cars and vans or other vehicles with wheelchair lifts
- Public areas that are wheelchair accessible
- Drinking fountains that can accommodate wheelchairs or other mobility devices
- ADA-compliant elevators
- Restroom areas that are wheelchair compliant and meet ADA standards for accessibility
- Search areas and metal detection devices, including private areas where alternative search methods may be performed
- Services and equipment for the deaf and hearing impaired
- Visitor check-in areas
- Visitation areas, including attorney interview rooms that can accommodate wheelchairs and other mobility devices

Community Relations - Public Information Plan

238.1 PURPOSE AND SCOPE

This policy provides guidelines to custody personnel when dealing with the public or interested groups when requests are received to share information generated within the facility. It guides personnel in their interactions with the community and with inmates.

This policy is intended to provide custody personnel with guidelines for processing information requests during routine contacts, as well as in the event of an incident or emergency (See the News Media Relations Policy for guidance on media releases).

238.2 RESPONSIBILITIES

The Corrections Chief is responsible for ensuring that the following information is public and available to all who inquire about it. It includes:

- (a) Visitation schedule; this should include days and times visiting is allowed and how many visits inmates may receive, as well as reasons why visiting may be restricted.
- (b) Telephone and correspondence rules and availability to inmates.
- (c) A brief description of the education programs.
- (d) Facility rules and limits of discipline.
- (e) Access to personal care items for the indigent inmate.
- (f) Access to medical, mental health and dental care.
- (g) The process by which inmates are oriented to the facility.

This information is to be made available at the facility's front desk and assembled into a binder or clearly posted for public viewing. Additionally, a copy should be made available in this facility's library or provided by other means for use by inmates. At the discretion of the Sheriff, the information may also be made available electronically. No information will be released on persons whose booking process is not completed.

238.3 PROHIBITED MATERIALS

Policies, procedures and other information and materials related to the safety and security of inmates, custody personnel, the facility or the maintenance of order should not be provided as a part of the public information material unless directed by the Corrections Chief.

238.4 TOURS OF THE CUSTODY FACILITY

Tours of this facility may be arranged through the Corrections Chief. Authorized tours are subject to facility rules and restrictions.

Additionally, persons who tour this facility must be of an appropriate age as determined by the Sheriff.

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238.5 CONTACTING THE CUSTODY FACILITY

This office provides 24-hour telephone service to the public for information. This informational number is public and the line is staffed by trained personnel during regular business hours.

Victim Notification of Inmate Release

240.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which the victims of certain crimes are notified when the inmate held for those crimes is released from the facility. This proactive effort is intended to enhance the safety of crime victims.

240.1.1 VICTIM DEFINED

For the purposes of this policy, a victim is a person who suffers from the destructive or injurious, serious illegal act of another.

240.2 POLICY

It is the policy of this office that, in accordance with the laws of this jurisdiction, victims of certain crimes, law enforcement agencies and others shall be notified by the facility staff any time an inmate held for the related crimes is released from this facility, discharged from home confinement or if the inmate escapes from custody. Notifications shall be made either upon the expiration of the sentence, disposition or release to probation.

240.3 PROCEDURE

Staff shall ensure that victim information is included with the arrest information. Additional notification requests from other concerned parties that are known during the booking process should be documented in the appropriate section of the inmate's booking file.

In the event that an individual contacts this facility and requests release notification on any inmate housed in this facility, staff shall notify a supervisor. The supervisor shall obtain the individual's contact information and request guidance from the arresting agency.

240.4 NOTIFICATION

The Shift Supervisor or the authorized designee shall make a reasonable and good faith effort to verbally notify the following prior to an inmate's release or in the event of the inmate's escape: victims; law enforcement agencies known to be involved in the case (if different from this office); any affected persons at the victim's request; and any sexual assault program, local battered women's or domestic abuse program. Additionally, the victim shall be notified when the inmate is captured and returned to custody.

Notification may be made in person, by direct contact on the telephone or by letter. A notification shall only be left on a messaging system if the victim has indicated that such notification is acceptable or if staff cannot make contact with the victim.

If contact cannot be made and no suitable means exists to leave a message with the person to be notified, the Shift Supervisor or the authorized designee shall request the local law enforcement agency having jurisdiction where the person resides to perform a welfare check. A subsequent attempt shall be made to contact the person using the number listed in the notification request. All attempts to contact shall be documented on the victim notification request form.

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Victim Notification of Inmate Release

Notifications of victims will consist of the following:

- (a) The conditions of release, if any
- (b) The time of release
- (c) The time, date and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance
- (d) If the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the Department of Corrections

As soon as reasonably practicable after the arrested person is released, the Corrections Chief shall ensure that a written notice is personally delivered or mailed to the victim containing the information in (b) and (c) of the list above.

Unless ordered by the court or a supervisor, no victim information shall be provided to any inmate by any employee or volunteer of this facility. Any unauthorized access or release of victim information is a direct violation of victim confidentiality and applicable policies, and may be subject to disciplinary action, up to and including termination from employment and/or criminal prosecution.

Fitness for Duty

246.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all deputies of this office are fit for duty and able to perform their job functions upon hire, and remain fit for duty throughout their employment.

246.2 POLICY

It shall be the policy of this office that all deputies undergo a physical examination to include a medical history prior to assignment. This policy requires all deputies to be free from any physical, emotional or mental condition that might adversely affect their ability to effectively perform their duties throughout their employment.

- (a) It shall be the responsibility of each employee of this office to maintain physical, emotional and mental condition sufficient to safely and properly perform the essential duties of his/her job classification.
- (b) Each employee of this facility shall perform his/her respective duties without physical, emotional and/or mental constraints.
- (c) During working hours, all employees are required to be alert, attentive and capable of performing the assigned responsibilities.
- (d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

246.3 SUPERVISOR RESPONSIBILITIES

- (a) A supervisor observing an employee, or receiving a report of an employee, who is perceived as being unable to safely perform his/her duties due to a physical or mental condition, shall take prompt and appropriate action to resolve the situation.
- (b) Whenever reasonably feasible, the supervisor shall attempt to ascertain the reason or source of the problem. In all cases a preliminary evaluation should be made to determine the employee's level of inability to perform his/her duties.
- (c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to facilitate such care.
- (d) A determination should be made by the employee's supervisor or the Corrections Chief regarding whether the employee should be temporarily relieved of duty.
- (e) The Corrections Chief shall be promptly notified in the event that any employee is relieved of duty.

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Fitness for Duty

246.4 NONWORK-RELATED CONDITIONS

Any employee suffering from a nonwork-related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off to obtain medical treatment or other reasonable relief from symptoms. If the condition is a serious health condition of the employee or a qualified family member, the employee's supervisor should facilitate the employee's contact with the appropriate person to initiate the leave process under the Family Medical Leave Act.

246.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Corrections Chief or unit supervisor, and with the concurrence of a Division Chief, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee, and until such time as the following may be completed:

- (a) Preliminary determination that the employee's condition appears to be in compliance with policy and appropriate for the circumstances.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

246.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

- (a) Whenever circumstances reasonably indicate that the employee may be unfit for duty, the Sheriff or the authorized designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Skagit County Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.
- (b) The examining physician or therapist will provide the Office with a report indicating whether the employee is fit for duty. If the employee is not fit for duty, the report should list any functional limitations that restrict his/her ability to perform the job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information that is relevant to such proceedings.
- (c) In order to facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.
- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

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Fitness for Duty

- (e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist, including signing of releases, may be deemed insubordination and shall be subject to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

246.7 APPEALS

An employee whose salary is reduced or withheld due to a fitness for duty exam shall be entitled to an administrative appeal.

246.8 MEDICAL RECORDS

All employee medical information and records shall be treated as confidential and stored in the employee's separate medical file.

Staffing Plan

248.1 PURPOSE AND SCOPE

The propose of this policy is to establish a comprehensive staffing plan and analysis to identify staffing needs sufficient to maintain the safety and security of the facility, staff, visitors, inmates and the public.

248.2 POLICY

It is the policy of the Skagit County Sheriff's Office to ensure the safety, security and efficient operation of this facility by assigning custody personnel according to a detailed staffing plan that is developed and maintained in accordance with law.

248.3 STAFFING PLAN REQUIREMENTS

The Corrections Chief shall ensure that a staffing plan conforming to the class type and size of this facility is prepared and maintained as described in the following section. The plan should detail all custody personnel assignments, including work hours and weekly schedules, and should account for holidays, vacations, training schedules and other atypical situations.

At minimum, the staffing plan will include the following:

- Facility administration and supervision
- Facility programs, including exercise and recreation
- Inmate supervision and custody
- Support services including medical, food services, maintenance and clerical
- Other jail-related functions such as escort and transportation of inmates

248.4 STAFFING ANALYSIS

The Sheriff or the authorized designee shall complete an annual comprehensive staffing analysis to evaluate personnel requirements and available staffing levels. The staffing analysis will be used to determine staffing needs and to develop staffing plans.

The Corrections Chief should ensure that staffing levels are sufficient to consistently and adequately fill essential positions, as determined by the staffing plan. Relief factors for each classification and position should be calculated into the staffing analysis to ensure staffing levels will consistently meet requirements. Staff should be deployed in an efficient and cost-effective manner that provides for the safety and security of the staff, inmates and the public.

The staffing analysis should be used to identify whether required activities are being performed competently and in compliance with current laws and office policies. If deficiencies are noted, the staffing analysis should also include recommendations regarding what corrective measures may be needed, including the following:

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Staffing Plan

- (a) Operational changes
- (b) Equipment requirements
- (c) Additional training
- (d) Supervisory intervention
- (e) Additional personnel

248.4.1 DATA COLLECTION FOR ANALYSIS

The following data should be collected and included in the annual staffing analysis:

- All categories of leave usage for each staff member working in the correctional facility
- Date of hire or assignment to a correctional facility position for each employee
- Date of transfer from the correctional facility to another non-custody position for each member
- Annual hours of authorized overtime expended during the previous year
- Number of part-time or extra personnel hired during the previous year
- Details of any unusual occurrence or significant medical issues in the correctional facility that were related to staffing during the previous year
- Details of claims or litigation, if any, that were related to staffing levels and were initiated against the facility in the previous year
- Labor contracts/collective bargaining agreements relating to corrections and medical personnel
- Annual training requirements that affected staffing levels in the correctional facility
- Concerns expressed by members of the public
- Any investigations or reports by the grand jury or other government agency, correctional facility monitor or ombudsman
- Other data that may influence the number of personnel available to occupy posted positions

248.5 REPORTING

The Sheriff will cause a report of the findings of the staff analysis to be submitted to the officials responsible for funding the correctional facility operation.

Employee Speech, Expression and Social Networking

250.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the legitimate needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any employee's communication, speech or expression that has been clearly established as protected or privileged.

250.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging/texting, blogs, forums, video and other file-sharing sites.

250.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Skagit County Sheriff's Office will carefully balance the individual employee's rights against the Office's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

250.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Skagit County Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety or privacy of any employee, an employee's family or associates.

250.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Office's safety, performance and public-trust needs, the following is prohibited:

- (a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees.

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Employee Speech, Expression and Social Networking

- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Office and tends to compromise or damage the mission, function, reputation or professionalism of the Office or its employees.
- (c) Speech or expression that could reasonably be foreseen as creating a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.
- (d) Speech or expression of any form that could reasonably be foreseen as creating a negative impact on the safety of the employees of the correctional facility. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.
- (e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Office.
- (f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the correctional facility for financial or personal gain, or any disclosure of such materials without the expressed authorization of the Sheriff or his/her designee.
- (g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Office on any personal or social networking or other website or web page, without the express written permission of the Sheriff.
- (h) Failure to take reasonable and prompt action to remove any content that is in violation of this policy and/or posted by others from any web page or website maintained by the employee (e.g., social or personal website).
- (i) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or office-owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks, however, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

250.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Unless specifically authorized by the Sheriff, employees may not represent the Office or identify themselves in any way as being affiliated with the Office in order to do any of the following:

- (a) Endorse, support, oppose or contradict any political campaign or initiative.

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- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through some unofficial group or organization (e.g., bargaining group), is affiliated with this office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

250.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to anything published or maintained through file-sharing software or any Internet site open to public view (e.g., Facebook, MySpace).

The Office also reserves the right to access, audit and disclose for whatever reason all messages, including attachments, and any information transmitted over any technology that is issued or maintained by the Office, including the office e-mail system, computer network or any information placed into storage on any office system or device.

All messages, pictures and attachments transmitted, accessed or received over office networks are considered office records and, therefore, are the property of the Office. The Office reserves the right to access, audit and disclose for whatever reason all messages, including attachments, that have been transmitted, accessed or received through any office system or device, or any such information placed into any office storage area or device. This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through an office computer or network.

Chapter 5 - Inmate Management

Management of Weapons and Control Devices

514.1 PURPOSE AND SCOPE

This office is committed to reducing the potential for injury when confronted by violent inmates. This policy will address the availability, control, training and use of lethal and non-lethal weapons.

514.2 POLICY

It is the policy of the Skagit County Sheriff's Office that the presence and the use of weapons and non-lethal weapons in the correctional facility will be tightly controlled and supervised. Staff will be properly trained in the use of such weapons and will be authorized in their use only when it reasonably appears necessary to prevent injury to staff, inmates or others, or to prevent escape.

514.3 USE OF WEAPONS AND CONTROL DEVICES

Weapons and control devices shall only be possessed and used in accordance with this policy and the office policies that address the use of force.

514.3.1 FIREARMS

With the exception as described below, armed personnel shall secure all firearms in gun lockers located at the entry points prior to entering the secure perimeter. Firearms shall not be stored inside the secure perimeter at any time. Personnel shall use the clearing barrels located outside of the facility's secure perimeter to facilitate the safe loading and unloading of firearms.

Firearms shall only be allowed in the secure perimeter of the facility when it is necessary to protect the safety and security of staff, inmates, contractors, volunteers or the public. Firearms shall only be allowed inside the secure perimeter with the approval of the Corrections Chief or designee and under the direct supervision of a supervisor.

514.3.2 CHEMICAL AGENTS

Chemical agents shall only be used in the facility as authorized by the Corrections Chief or the authorized designee. The use of chemical agents can minimize the potential for injury to deputies, inmates or other persons and should only be used in situations where such force reasonably appears justified and necessary in accordance with the Use of Force Policy. Oleoresin capsicum (OC) spray should not be used in the medical unit or other designated areas where inmates are assigned to respiratory isolation.

Office-approved OC spray or foams may be possessed and used only by staff members who have received office-authorized training in its use.

Persons who have been affected by the use of chemical agents should be promptly provided with the proper solution to decontaminate the affected areas. Those persons who complain of severe effects shall be afforded a medical examination by medical personnel.

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514.3.3 IMPACT WEAPONS

Impact or striking weapons, such as batons, side-handle batons and telescoping batons, shall not be possessed by staff inside the facility's secure perimeter unless directed by the Corrections Chief or Shift Supervisor.

The need to immediately incapacitate the inmate must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the deputy reasonably believes the inmate may cause serious bodily injury or death to the deputy or others.

514.3.4 KINETIC ENERGY PROJECTILES

Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury. Certain munitions can be used in an attempt to de-escalate a potentially deadly situation because of their reduced potential for death or serious physical injury.

Projectile firing weapons, such as the 35mm rubber baton and the bean bag shotgun shall only be possessed and used by staff who have been trained in the use of these weapons and designated by the Corrections Chief.

514.3.5 ELECTRONIC CONTROL DEVICES (ECD)

The handheld electronic control device (ECD) may only be carried by personnel who have completed office-approved training and have been authorized by the Corrections Chief. The ECD may only be used in accordance with the office use of force and ECD policies.

Other ECDs, such as stun cuffs and stun belts, shall only be used when it appears reasonably necessary to control an inmate who poses a serious threat to safety or security, and only with the approval of a supervisor. These devices shall not be used to punish or torment. Only office-trained personnel authorized by the Corrections Chief shall deploy and use these devices.

Prior judicial approval should be obtained for any use of ECD in court holding facilities, if the device will be worn in the courtroom.

514.3.6 PEPPER PROJECTILE SYSTEMS

Pepper projectile systems are plastic spheres filled with a derivative of OC powder. A compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact, releasing the OC powder. Although classified as a non-lethal weapon, the potential exists for the projectiles to inflict injury when they strike the head, neck, spine and groin. Therefore, personnel deploying the pepper projectile system should not intentionally target those areas except when the deputy reasonably believes the inmate may cause serious bodily injury or death to the deputy or others. The use of the pepper projectile system is subject to the following requirements:

- (a) Deputies encountering a situation that requires the use of the pepper projectile system shall notify a supervisor as soon as practicable. The supervisor shall respond to all such deployments. The supervisor shall make all notifications and reports as required by the Use of Force Policy.

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- (b) Only office-trained personnel and those designated by the Corrections Chief will be allowed to possess and deploy the pepper projectile system.
- (c) Each deployment of a pepper projectile system shall be documented and, if reasonably practicable, recorded on video. This includes situations where the launcher was directed toward the inmate, regardless of whether the launcher was used. Only non-incident deployments are exempt from the evaluation form requirement (e.g., training, product demonstrations).

514.3.7 STUN MUNITIONS AND RUBBER BALL GRENADES

Stun munitions or rubber ball grenades may only be utilized with supervisor approval. Consideration should be given to the use of these devices as they relate to the tight confines of a correctional facility setting.

514.4 STORAGE OF WEAPONS AND CONTROL DEVICES

The armory shall be located in a secure and readily accessible repository outside of inmate housing and activity areas. It shall be secured at all times. Access to the armory shall be limited by the Corrections Chief or the authorized designee. Only personnel who have received office approved training in the maintenance of the stored equipment and who have been designated by the Corrections Chief are authorized to be inside the armory. The following equipment shall be stored and secured in the armory:

- (a) All office-approved weapons
- (b) All office-approved control devices and associated supplies, with the exception of the ECD
- (c) All security equipment, such as helmets, face shields, and handheld shields

Explosive materials will be stored in a safe approved by the Department of Alcohol, Tobacco, Firearms and Explosives, and in compliance with 27 CFR § 555.201-224.

514.4.1 WEAPONS LOCKER

There should be a secure weapons locker located outside of the secure perimeter of the correctional facility.

514.4.2 REVIEW, INSPECTION AND APPROVAL

Every control device will be periodically inspected for serviceability and expiration dates by the Rangemaster or the designated instructor for a particular control device. The Rangemaster or the designated instructor is responsible to ensure replacement of outdated or unserviceable items.

514.5 TRAINING FOR CONTROL DEVICES

Only deputies trained and having shown adequate proficiency in the use of any control device and this agency's Use of Force Policy are authorized to carry or use such devices. Proficiency training must be monitored and documented by a certified weapons or tactics instructor.

- (a) Training for all control devices should occur every two years at a minimum.

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- (b) All training and proficiency for control devices will be documented in the deputy's training file. Written testing should be used when practical to validate knowledge. An employee not achieving a perfect score on a written test will be provided with remedial instruction until the employee answers all questions correctly.
- (c) Deputies who fail to demonstrate proficiency with the weapon or knowledge of this agency's Use of Force Policy will be given remedial training. If, after two additional attempts, a deputy still cannot demonstrate proficiency with a weapon or knowledge of this agency's Use of Force Policy, the deputy may be subject to discipline.

514.5.1 REPETITIVE BRIEFING TRAINING

Shift Supervisors should conduct and document regular periodic briefings concerning the policy and use of weapons and control devices.

Any test sheets or documentation of performance should be forwarded to the Training Sergeant. They will be included in the employee's training record.

Control of Inmate Movement

520.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process for the safe and secure movement of inmates between areas within the facility and transportation from the facility to court, medical appointments or other jurisdictions.

520.2 POLICY

The staff should be vigilant in the control and movement of inmates between areas within the facility and when transporting inmates outside the secure confines of the facility. Control may be by direct or indirect visual observation. All staff should consider all inmate movement as a high-risk activity. The staff should be aware of their surroundings at all times and take necessary steps to prevent the possession and exchange of contraband.

520.3 MOVEMENT OF INMATES

Movement of one or more inmates in the facility should be done in an orderly manner with inmates walking in a single-file line. Staff members should have situational awareness during the movement of inmates and should consider the design of the facility, areas of poor visibility and the presence of other inmates being moved. The staff should avoid areas where inmates may have access to contraband items.

Inmates should be restrained during movement based upon individual security classification, with higher risk inmates in handcuffs, waist chains and leg irons. An exception to this procedure is when an inmate has a physical disability where restraint devices may cause serious injury.

Pregnant inmates generally shall not be placed in restraints due to their increased potential for injury from a fall (RCW 70.48.500).

Whenever a high-security inmate is not able to be restrained, the staff should compensate by utilizing wheelchairs and should secure the inmate to the chair. It may also be necessary to increase the number of staff present to ensure the safe movement of high-security inmates.

The staff should be watchful in and around passageways and ensure that sallyport doors are secured to prevent escape.

Use of Force

522.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines governing application of force, limitations on the use of force, supervisor's responsibilities and reporting requirements for incidents involving the application of force.

522.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Any application of force that is reasonably anticipated and intended to create a substantial likelihood of death or very serious injury.

Excessive force - The use of more force than is objectively reasonable under the circumstances to accomplish a lawful purpose.

Use of force - Any application of physical force, a chemical agent or weapon to another person. It is not a use of force when the inmate allows him/herself to be searched, escorted or restrained.

Use of force team technique - The use of force team technique ordinarily involves trained staff, clothed in protective gear, who enter the inmate's area in tandem, each with a specific task to achieve immediate control of the inmate.

522.2 POLICY

It is the policy of this office to accomplish the department functions with minimal reliance on the use of force and generally as the last alternative.

522.3 USE OF FORCE

Employees may use force as reasonably appears necessary in the performance of their duties, but excessive force shall not be used. Deputies must use only that amount of force that appears reasonably necessary under the circumstances in order to gain control of the inmate, to protect and ensure the safety of inmates, staff and others, to prevent serious property damage, prevent escape, obtain compliance with facility rules and staff orders and to ensure the institution's security and good order or for other lawful purposes.

The Office has provided a number of tools, weapons and training on techniques to use when responding to resistance and violent encounters. While various degrees of force exist, each deputy is expected to use only that degree of force that is reasonable under the circumstances to successfully accomplish the legitimate and lawful purpose in accordance with this policy.

It is recognized, however, that circumstances may arise in which staff may reasonably believe it would be impractical or ineffective to use any of the standard tools, weapons or methods provided by the Office. Staff members may find it more effective or practical to improvise their response to rapidly unfolding conditions they are confronting. In such circumstances, the use of any improvised

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device or method must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate penological purpose.

In any review of an incident to determine whether a particular use of force conforms to this policy, the Office will evaluate the apparent need for an application of force, the relationship between that need and the amount of force used, the threat reasonably perceived, any efforts made to temper the severity of a forceful response and the extent of any injury to the inmate.

Prior to resorting to the use of force, staff should, when practicable, attempt verbal persuasion, orders or other tactics to avoid or mitigate the need for forceful action.

Force shall never be used as punishment or retaliation.

Medical checks will be performed on all inmates who were subjected to force as soon as practicable regardless of apparent injury.

Nothing in this policy is intended to require that force options be used in a particular order. However, the force option used must be objectively reasonable under the circumstances to accomplish a lawful objective.

522.3.1 DUTY TO INTERCEDE

Any deputy present and observing another staff member using force that is clearly not within this policy is expected, when reasonable to do so, to intercede to prevent the use of such force and in all cases report the use promptly to a supervisor.

522.4 WEAPONS, TOOLS AND CHEMICAL AGENTS

Sting grenades, chemical grenades and similar devices shall be used only at the direction of a supervisor and only by staff who have received training and approval for the use of the devices. Office-approved OC spray or foams may be possessed and used only by staff members who have received office-authorized training in its use.

The use of ECDs shall be in accordance with the office Electronic Control Device Guidelines Policy.

Chemical agents such as tear gas and pepper-based systems or sprays shall only be deployed at the direction of the Corrections Chief or Shift Supervisor, who shall determine, based on all conditions known at the time, that such methods reasonably appear justified and necessary to achieve control, prevent injury or prevent property destruction.

Any inmate exposed to a chemical agent shall be afforded an opportunity to decontaminate as soon as practicable. If the inmate refuses to decontaminate, such a refusal shall be documented. If an inmate was exposed in a cell and not removed from the cell where the exposure occurred, in-cell decontamination shall be afforded to the inmate, including:

- (a) Health care staff advising the inmate how to decontaminate in the cell.
- (b) Clean clothing if the inmate's clothing was contaminated.

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- (c) Monitoring of the in-cell inmate at least every 15 minutes, for a period of not less than 45 minutes.

522.5 IMMEDIATE AND CALCULATED USE OF FORCE

An immediate use of force occurs when force is used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or safety. For example, the immediate or unplanned use of force by staff to stop an inmate from inflicting life-threatening injuries to him/herself or to stop an assault on any other person, including other inmates. The destruction of government property may require the immediate use of force by staff in some circumstances. A verbal warning should be given before an immediate use of force unless the circumstances preclude it.

If there is no need for immediate action, staff should attempt to resolve the situation through voluntary compliance or, if it reasonably appears necessary, the calculated use of force. A calculated use of force is called for when an inmate's presence or conduct poses a threat to safety or security and the inmate is located in an area that can be controlled or isolated, or when time and circumstances permit advance planning, staffing and organization.

The assistance of available non-custodial staff (e.g., psychologists, counselors) should be considered when attempting to resolve a situation without confrontation.

A supervisor shall be directly involved in any situation involving the calculated use of force.

522.5.1 CONFRONTATION AVOIDANCE PROCEDURES

Prior to any calculated use of force, the supervisor directing the process shall confer with the appropriate persons to gather pertinent information about the inmate and the immediate situation. Based on the supervisor's assessment of the available information, he/she should direct staff to attempt to obtain the inmate's voluntary cooperation and consider other available options before determining whether force is necessary.

The supervisor should consider including the following persons and resources in the process:

- (a) Mental health specialist
- (b) Health services representative
- (c) Chaplain
- (d) Office Records Division
- (e) Any other relevant resources

Regardless of whether discussions with any of the above resources are accomplished by telephone or in person, the purpose is to gather information to assist in developing a plan of action, such as the inmate's medical/mental history (e.g., hypoglycemia, diabetes), any recent incident reports, or situations that may be contributing to the inmate's present condition (e.g., pending criminal prosecution or sentencing, recent death of a loved one, divorce). The assessment should include discussions with staff members who are familiar with the inmate's background or present

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status. This may provide insight into the cause of the inmate's immediate agitation. It also may identify other staff members who have a rapport with the inmate and could possibly resolve the incident peacefully, without the use of force.

If force is determined to be necessary and other means of gaining control of an inmate are deemed inappropriate or ineffective, then the team technique should be used to control the inmate and to apply restraints, if required.

Consideration should also be given to preventing exposure to communicable diseases in calculated use of force situations, and to ensuring that medical services personnel are available.

522.6 REPORTING THE USE OF FORCE

Every staff use of force is an incident that shall be reported on the appropriate report form. Any staff member who uses force and any staff directly observing the incident shall make a verbal report to a supervisor as soon as practicable and shall submit the appropriate documentation prior to being relieved from duty, unless directed otherwise by a supervisor.

The documentation will reflect the actions and responses of each staff member participating in the incident, as witnessed by the reporting staff member.

The report should include:

- (a) A clear, detailed description of the incident, including any application of weapons or restraints.
- (b) The identity of all involved in the incident (e.g., inmates, staff and others).
- (c) The specific reasons for the application of force.
- (d) The threat as perceived by the staff involved.
- (e) Efforts made to temper the severity of a forceful response, and if there were none, the reasons why.
- (f) Description of any injuries to anyone involved in the incident, including the result of any medical checks that show the presence or absence of injury.

A video recording is encouraged for all calculated use of force incidents and should include the introduction of all staff participating in the process. The recording and documentation will be part of the investigation package. The supervisor directing the process should ensure the recording is properly processed for retention and a copy is forwarded with the report to the Corrections Chief within three working days.

The supervisor responsible for gathering the reports may allow a reasonable delay in preparation of a report in consideration of immediate psychological and/or physical condition of the involved deputy.

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522.7 SUPERVISOR RESPONSIBILITY

When a supervisor is able to respond to an incident in which there has been a reported use of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) In cases involving the use of deadly force or when serious injury has resulted, obtain an oral statement from the employee. The statement should be restricted to concerns of public safety, such as the number of shots fired, the direction of fire, descriptions of any outstanding suspects and anything that may present an ongoing threat to the security of the facility or public safety.
- (c) Take appropriate measures to address public safety concerns, document the essence of the oral statement in writing and submit it to the Shift Supervisor.
- (d) Ensure that the appropriate investigation authority is notified, if needed.
- (e) Ensure that any parties involved in a use of force are examined for injuries, and afforded medical treatment as appropriate.
- (f) Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas. These photographs should be retained until all potential civil litigation has expired.
- (g) Identify any witnesses not already included in related reports.
- (h) Review and approve all related reports.

If the supervisor determines that any application of force was not within policy, he/she should detail those findings in a separate report. If there is an injury or complaint of an injury, the supervisor should also prepare a risk management report and should submit all reports to the Shift Supervisor.

In the event that the supervisor believes the incident may give rise to civil litigation, a separate claim form should be completed and routed to the appropriate channels.

In the event that a supervisor is unable to respond to the scene of an incident involving a reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

If an inmate has made an allegation of an unnecessary or excessive use of force, the interview should be video-recorded and shall be documented on the appropriate report form.

522.8 USE OF DEADLY FORCE

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the deputy reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

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- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing inmate when the deputy has probable cause to believe that the inmate has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent or future potential risk of serious bodily injury or death to any other person if the inmate is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

522.8.1 USE OF DEADLY FORCE-REPORTING

An employee, who intentionally or accidentally uses deadly force, whether on- or off-duty, shall ensure that a supervisor is notified of the incident without delay.

The supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical and security measures are initiated.

The Shift Supervisor shall promptly notify the Corrections Chief of any incident involving a staff member employing deadly force, or any incident where a death or serious bodily injury may have been caused by a staff member.

522.9 USE OF FORCE REVIEW

The Shift Supervisor shall review all related reports of use of force incidents occurring on his/her command. The review is to determine whether the use of force was in compliance with policy, procedure and applicable law, and to determine if follow-up action or investigation is necessary. The Shift Supervisor should also ensure that a review packet containing a copy of all pertinent reports and materials is prepared and forwarded to the Chief Corrections Deputy.

522.9.1 USE OF FORCE REVIEW COMMITTEE

The Corrections Chief shall review all use of force cases within 30 days of the incident.

The Corrections Chief should render a single finding as to whether the use of force was within policy, and forward their findings to the Sheriff. Any recommendations for areas identified as needing training, changes in policy or further investigation into incidents that may lead to employee discipline shall be addressed in a separate memorandum to the Training Sergeant and/or the Internal Affairs Unit, as appropriate.

522.10 TRAINING

The Corrections Chief shall work with the Training Sergeant to ensure legal and department training mandates are met. This training shall include the following:

- (a) Self-defense
- (b) Use of force to control inmates
- (c) Lethal and non-lethal weapons training
- (d) Confrontation avoidance procedures:

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1. Communication techniques
 2. Cultural diversity
 3. Dealing with the mentally ill
 4. Application of restraints
 5. Reporting procedures
- (e) Forced cell extraction techniques
- (f) Use of force team techniques
- (g) General restraint training (soft and hard restraints)

Use of Restraints

524.1 PURPOSE AND SCOPE

This policy establishes guidelines for the application, supervisory oversight and restrictions on the use of restraints on persons incarcerated in this facility.

This policy shall apply to the use of specific types of restraints, such as four/five-point restraints, restraint chairs, ambulatory restraints and similar restraint systems, as well as all other restraints, including handcuffs, waist chains and leg irons when such restraints are used to restrain any inmate for prolonged periods.

524.1.1 DEFINITIONS

Definitions related to this policy include:

Clinical restraints - Restraints applied when an inmate's disruptive, assaultive and/or self-injurious behavior is related to a medical or mental illness. Clinical restraints can include leather, rubber or canvas hand and leg restraints with contact points on a specialized bed (four/five-point restraints) or a portable restraint chair.

Custody restraints - Includes steel handcuffs and leg restraints, polyurethane or nylon soft restraints, waist restraints and chair restraints, applied to control an inmate who is assaultive, engaging in self-injurious behavior or attempting to damage property.

Therapeutic seclusion - Involves isolation of an agitated, vulnerable and/or severely anxious inmate with a serious mental illness as part of his/her treatment when clinically indicated for preventive therapeutic purposes.

524.2 POLICY

It is the policy of this office that restraints shall be used only to prevent self-injury, injury to others or property damage. Restraints may also be applied according to inmate classification, such as maximum security, to control the behavior of a high-risk inmate while he/she is being moved outside the cell or housing unit.

Restraints shall never be used for retaliation or as punishment. Restraints shall not be applied for more time than is necessary to control the inmate. Restraints are to be applied only when less restrictive methods of controlling the dangerous behavior of an inmate have failed or appear likely to fail. Each incident where restraints are used beyond compliant handcuffing shall be documented as a use of force by the handling staff member and the documents placed in the appropriate file prior to the end of the staff member's shift.

This policy does not apply to the temporary use of restraints, such as handcuffing or the use of leg irons to control an inmate during movement and transportation inside or outside the facility.

Use of Restraints

524.3 USE OF RESTRAINTS - CONTROL

Supervisors shall proactively oversee the use of restraints on any inmate. Whenever feasible, the use of restraints, other than routine use during transfer, shall require the approval of a Shift Supervisor prior to application. In instances where prior approval is not feasible, the Shift Supervisor shall be apprised of the use of restraints as soon as practicable.

Restraint devices, such as restraint chairs, shall only be used on an inmate when it reasonably appears necessary to overcome resistance, prevent escape or bring an incident under control, thereby preventing injury to the inmate or others, or eliminating the possibility of property damage. Restraints shall not be applied for more time than is reasonably necessary to achieve the above goals.

Excluding short-term use to gain immediate control, placing an inmate in a restraint chair or other restraints for extended periods requires approval from the Corrections Chief or the authorized designee prior to taking action. The medical staff shall be called to observe the application of the restraints, when feasible prior to the application or as soon as practicable after the application, and to check the inmate for adequate circulation.

The use of restraints for purposes other than for the controlled movement or transportation of an inmate shall be documented on appropriate logs to include, at minimum, the type of restraint used, when it was applied, a detailed description of why the restraint was needed and when it was removed.

The following provisions shall be followed when utilizing restraints to control an inmate:

- (a) Restraints shall not be used as punishment, placed around a person's neck or applied in a way that is likely to cause undue physical discomfort or restrict blood flow or breathing (e.g., hog-tying).
- (b) Restrained inmates shall not be placed face down or in a position that inhibits breathing.
- (c) Restraints shall not be used to secure a person to a fixed object except as a temporary emergency measure. A person who is being transported shall not be locked in any manner to any part of the transporting vehicle, except for items installed for passenger safety, such as seat belts.
- (d) Inmates in restraints shall be housed either alone or in an area designated for restrained inmates.
- (e) Restraints shall be applied for no longer than is reasonably necessary to protect the inmate or others from harm.
- (f) Staff members shall conduct direct face-to-face observation at least twice every 30 minutes to check the inmate's physical well-being and behavior. Restraints shall be checked to verify correct application and to ensure they do not compromise circulation. All checks shall be documented, with the actual time recorded by the person doing the observation, along with a description of the inmate's behavior. Any actions taken should also be noted in the log.

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- (g) The specific reasons for the continued need for restraints shall be reviewed, documented and approved by the Corrections Chief or Shift Supervisor at least every two hours.
- (h) As soon as possible, but within four hours of placement in restraints, the inmate shall be medically assessed to determine whether he/she has a serious medical condition that is being masked by the aggressive behavior. The medical assessment shall be a face-to-face evaluation by a qualified health care professional and shall recur once every six hours of continued restraint thereafter.
- (i) As soon as possible, but within eight hours of placement in restraints, the inmate must be evaluated by a mental health professional to assess whether the inmate needs immediate and/or long-term mental health treatment.

524.3.1 USE OF RESTRAINTS FOR COURT HEARINGS

Prior judicial approval should be obtained for any restraints that will be used and visible to a jury.

Juveniles shall not be brought before the court for any court appearance wearing any physical restraint devices except when ordered by the court (JuCR 1.5).

524.4 USE OF RESTRAINTS - CLINICAL

Inmates may be considered for clinically ordered restraints or seclusion when exhibiting dangerous behavior that is believed to be a product of a medical or mental illness and that puts the inmate and/or others at risk of physical harm, or when medical care is urgently required and the inmate is not considered competent to give or withhold consent.

Clinical restraints and/or therapeutic seclusion shall only be used when an inmate's safety or the safety of others cannot be protected by less restrictive means and only upon the direct order of a qualified health care professional and notification of the Corrections Chief or the authorized designee prior to taking action. Restraints shall be used no longer than is reasonably necessary to provide for the legitimate safety concerns of the inmate, staff or others.

The following provisions shall be used any time clinical restraints or therapeutic seclusion is authorized:

- (a) Excluding short-term use to gain immediate control of an inmate exhibiting dangerous or destructive behavior, an inmate may be placed in clinical restraints or therapeutic seclusion only on the orders of a qualified health care professional and only after making a determination that less restrictive interventions are ineffective to prevent the inmate from causing property damage or serious injury to him/herself or others.
- (b) Medical restraints or therapeutic seclusion shall never be ordered or otherwise applied as a means of coercion, discipline, punishment, convenience or retaliation.
- (c) The qualified health care professional's order may only be in effect for up to 12 hours for adult inmates and up to two hours for inmates age 17 or younger.

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- (d) Within one hour of the application of restraints or therapeutic seclusion, a face-to-face observation of the inmate to evaluate the need for continued restraint or therapeutic seclusion shall be conducted by a qualified health care professional.
- (e) If deemed clinically necessary, the qualified health care professional who gave the initial order for restraints or therapeutic seclusion may renew the original order for an additional four hours for an adult or up to two hours for a person who is age 17 or younger.
- (f) Inmates placed in medical restraints shall be placed in designated cells within the medical unit. The restraints shall be applied in the least restrictive manner possible, based on the qualified health care professional's evaluation and order.
- (g) Inmates placed in restraints shall only be placed in a face-up position.
- (h) A qualified health care professional shall conduct face-to-face checks at minimum every 15 minutes to assess the inmate's condition and behavior. The restraints shall be checked for proper application and to ensure that circulation is not compromised. Checks shall be documented in the inmate's medical file.
- (i) Except in the event of a medical emergency for the inmate, only a qualified health care professional shall determine when an inmate shall be released from medical restraints or therapeutic seclusion.

524.5 RANGE OF MOTION

Inmates placed in restraints for longer than two hours should receive a range-of-motion procedure that will allow for the movement of the extremities. Range-of-motion exercise will consist of alternate movement of the extremities (i.e., right arm and left leg) for a minimum of 10 minutes every two hours.

524.6 FOOD AND HYDRATION

Inmates who are confined in restraints shall be given food and fluids. Food shall be provided during normal meal periods. Hydration (water or juices) will be provided no less than once every two hours or when requested by the inmate.

Offering food and hydration to inmates will be documented to include the time, the name of the person offering the food or water/juices, and the inmate's response (receptive, rejected). Provisions shall be made to accommodate any toileting needs at least once every two hours. Inmates shall be given the opportunity to clean themselves should they soil themselves or their clothing while they are in restraints.

524.7 AVAILABILITY OF CARDIOPULMONARY RESUSCITATION EQUIPMENT

Cardiopulmonary resuscitation (CPR) equipment, such as barrier masks, shall be provided by the facility and located in close proximity to the location where inmates in restraints are held.

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524.8 RESTRAINED INMATE HOLDING

Restrained inmates should be protected from abuse by other inmates. Under no circumstances will restrained inmates be housed with inmates who are not in restraints. In most instances, restrained inmates are housed alone or in an area designated for restrained inmates.

524.9 PREGNANT INMATES

Leg irons or waist chains shall not be used on any inmate known to be pregnant. Except in extraordinary circumstances no restraints of any kind may be used on any pregnant inmate during transportation to and from visits to medical providers or court proceedings at any time during the third trimester of pregnancy or postpartum recovery. "Extraordinary circumstances" exist where a member makes an individualized determination that restraints are necessary to prevent the inmate from escaping or injuring herself, medical or safety personnel or others. Should restraints be necessary, the restraints shall be the least restrictive available and most reasonable under the circumstances (RCW 70.48.500(3)).

524.9.1 INMATES IN LABOR

While an inmate is in labor or in childbirth, no restraints of any kind may be used (RCW 70.48.500(2)). This does not prohibit a treating physician licensed under Title 18 RCW from requesting the use of hospital restraints for the medical safety of an inmate.

Searches

528.1 PURPOSE AND SCOPE

The purpose of this policy is to provide clear direction on maintaining the safety and security of the facility by conducting searches, in balance with protecting the rights afforded by the United States Constitution.

The introduction of contraband, intoxicants or weapons into the Skagit County Sheriff's Office facility poses a serious risk to the safety and security of staff, inmates, volunteers, contractors and the public. Any item that is not available to all inmates may be used as currency by those who possess the item and will allow those in possession of the item to have control over other inmates. Any item that may be used to disengage a lock, other electronic security devices or the physical plant itself seriously jeopardizes the safety and security of this facility. Carefully restricting the flow of contraband into the facility can only be achieved by thorough searches of inmates and their environment.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an inmate/arrestee.

528.1.1 DEFINITIONS

Definitions related to this policy include:

Contraband - Anything unauthorized for inmates to possess or anything authorized to possess but in an unauthorized quantity or altered from the original design or purpose.

Modified strip search - A search that requires a person to remove or rearrange some of his/her clothing that does not include a visual inspection of the breasts, buttocks or genitalia of the person but may include a thorough tactile search of an inmate's partially unclothed body. This also includes searching the inmate's clothing, once it has been removed.

Pat-down search - The normal type of search used by deputies within this facility to check an individual for weapons or contraband. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the inmate or other inmates.

Physical body cavity search - A search that includes a visual inspection and may include a physical intrusion into or touching of a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person.

Strip search - A search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia of the person. This includes monitoring of a person showering or changing clothes where the person's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

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528.2 POLICY

It is the policy of this office to ensure the safety of staff, inmates and visitors by conducting effective and appropriate searches of inmates and areas within the facility in accordance with applicable laws.

Searches shall not be used for intimidation, harassment or retaliation.

528.3 PAT-DOWN SEARCHES

Pat-down searches will be performed on all inmates/arrestees upon entering the secure booking area of the facility. Additionally, pat-down searches shall occur frequently within the facility. At a minimum, the staff shall conduct pat-down searches in circumstances that include:

- (a) When inmates leave their housing units to participate in activities elsewhere in the facility (e.g., exercise yard, medical, program, visiting) and when they return.
- (b) During physical plant searches of entire housing units.
- (c) When inmates come into contact with other inmates housed outside of their housing units, such as work details.
- (d) Any time the staff believes the inmates may have contraband on their persons.

Except in emergencies, male staff may not pat down female inmates. Whenever practical, a pat-down search of a male inmate should be conducted by a male staff member. Absent the availability of a same sex staff member, it is recommended that a witnessing staff member be present during any pat-down search of an individual of the opposite sex. All cross-gender pat-down searches shall be documented (28 CFR 115.15).

528.4 MODIFIED STRIP SEARCHES, STRIP SEARCHES AND PHYSICAL BODY CAVITY SEARCHES

Modified strip searches, strip searches and physical body cavity searches should be limited to those situations where such searches are necessary (RCW 10.79.060).

In order to limit the necessity of modified strip searches, strip searches and physical body cavity searches, arrestees who are arranging bail shall be permitted a reasonable period of time, not less than 12 hours, and the opportunity to make telephone calls before being placed in general population. Arrestees who are eligible for release or who will be released when they are no longer intoxicated will not be placed into general population or have unmonitored or unsupervised contact with general population inmates.

Deputies will generally consider the reason for the search, the scope, intrusion, manner and location of the search, and will utilize the least invasive search method to meet the need for the search.

528.4.1 SEARCHES PRIOR TO PLACEMENT IN GENERAL POPULATION

Modified strip searches or strip searches shall be conducted as follows:

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- (a) No person held prior to placement in general population shall be subjected to a modified strip search or strip search without a warrant unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:
1. The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.
 2. Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
 3. Custody history (past possession of contraband while in custody, assaults on staff, escape attempts, etc.).
 4. The person's actions or demeanor.
 5. Criminal history (level of experience in a custody setting, etc.).
- (b) No modified strip search or strip search of an inmate shall be conducted prior to admittance to general population without prior written authorization from the ranking shift supervisor determining that reasonable suspicion exists.
- (c) Before any modified strip search or strip search is conducted, reasonable efforts must be made to use other less-intrusive means, such as pat-down, electronic metal detector or clothing searches.

528.4.2 SEARCHES OF PRETRIAL INMATES

Pat-down searches, clothing searches and electronic metal-detector searches, as appropriate, will be conducted on all pretrial inmates upon admission into the general population and whenever the pretrial inmate has entered an environment where contraband or weapons may be accessed. A pretrial inmate is a person who is being held pretrial without an order that he/she be held without bail. This includes, but is not limited to, the following:

- Upon return from contact visits
- Upon leaving the kitchen, shop, farm, etc.
- Upon return to general population from outside the confines of the facility (court, work-release, work detail, medical visits)

A clothing search should require an inmate to remove some or all of his/her clothing behind a modesty screen and does not include a visual inspection of the underclothing, breasts, buttocks or genitalia of the person. This should include a thorough search of the inmate's removed clothing.

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This may include requiring the person to squat or bend down behind the screen and reveal his/her hands and feet.

No pretrial inmate shall be subjected to a modified strip search or strip search without one or more of the following (RCW 10.79.130):

- (a) There is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention.
- (b) There is reasonable suspicion based upon specific and articulable facts to believe the person is concealing on his/her body a weapon, contraband or an item that constitutes a threat to the facility.
- (c) There is probable cause to believe the person is concealing on his/her body evidence not constituting a threat to the facility.
- (d) There is a search warrant authorizing the strip search.

No modified strip search or strip search shall be performed before reasonable efforts have been made to use less intrusive methods, such as pat-down, electronic metal detector or clothing searches.

No modified strip search or strip search shall be performed without prior written authorization from the ranking shift supervisor determining that reasonable suspicion or probable cause exists.

Pretrial inmates returning from court with release orders should not be returned to general population, except for retrieving personal property under the direct visual supervision of staff.

528.4.3 SEARCHES OF CONVICTED AND NO BAIL ORDERED INMATES

Strip searches will be conducted on all convicted and no bail ordered inmates upon admission into the general population.

A strip search of a convicted or no bail general population inmate should be conducted when the inmate has entered an environment where contraband or weapons may be accessed. This includes, but is not limited to, the following:

- (a) Upon return from contact visits
- (b) Upon leaving the kitchen, shop, farm, etc.
- (c) Upon return to general population from outside the confines of the facility (court, work-release, work detail, medical visits)

Inmates returning from court with release orders shall not be subject to modified strip searches or strip searches unless reasonable suspicion exists based on specific and articulable facts that the person is concealing a weapon or contraband. The inmate should not be returned to general population, except for retrieving his/her personal property under the direct visual supervision of staff.

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Staff members may conduct modified strip searches and strip searches of inmates outside the above listed circumstances only with written supervisor approval. Staff members and supervisors must make a determination to conduct a strip search by balancing the scope of the particular search, intrusion, the manner in which it is conducted, the justification for initiating it and the place in which it is conducted. Less invasive searches should be used if they would meet the need for the search. For example, a pat-down or modified strip search may be sufficient as an initial effort to locate a larger item, such as a cell phone.

528.4.4 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

All modified strip searches and strip searches shall be conducted in a professional manner under sanitary conditions and in an area of privacy. Except at the request of the inmate, no person, other than those who are participating in the search, shall be present or able to observe the search (RCW 10.79.150).

Unless conducted by a physician or other licensed medical personnel or in case of an emergency, a modified strip search or strip search shall be conducted by a staff member of the same sex as the person being searched (RCW 10.79.100). Any cross-gender modified strip searches and cross-gender strip searches shall be documented (28 CFR 115.15).

When additional staff members are necessary for security purposes or to witness the discovery of evidence, the additional staff members shall be of the same sex as the person being searched.

The staff member conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched. These areas may be touched through the clothing during a modified strip search.

(a) The searching staff member will instruct the inmate to:

1. Remove his/her clothing.
2. Raise his/her arms above the head and turn 360 degrees.
3. Bend forward and run his/her hands through his/her hair.
4. Turn his/her head first to the left and then to the right so the searching deputy can inspect the inmate's ear orifices.
5. Open his/her mouth and run a finger over the upper and lower gum areas, then raise the tongue so the deputy can inspect the interior of the inmate's mouth. Remove dentures if applicable.
6. Turn around and raise one foot first, then the other so the deputy can check the bottom of each foot.
7. For a visual cavity search, turn around, bend forward and spread the buttocks if necessary to view the anus.

(b) At the completion of the search, the inmate should be instructed to dress in either his/her street clothes or correctional facility-supplied clothing, as appropriate.

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- (c) The staff member conducting a modified strip search or strip search of a pretrial inmate, an inmate not being admitted into general population or a convicted inmate, other than upon entry into general population and when the inmate has entered an environment where contraband or weapons may be accessed, shall also (RCW 10.79.150):
1. Document the facts that led to the decision to perform a strip search of the inmate, including the offense for which the person was arrested if that fact was considered in determining reasonable suspicion to conduct the search.
 2. Document the reasons less intrusive methods of searching were not used or were insufficient.
 3. Document the supervisor's approval.
 4. Document the time, date and location of the search.
 5. Document the names of staff present, their serial numbers, sex and their roles.
 6. Identify any contraband, weapon, evidence, item or health condition discovered by the search.
 7. Process all contraband and weapons in accordance with the office's current evidence procedures.
 8. If appropriate, complete a crime report and/or disciplinary report.
 9. Document the search in the appropriate log.
 10. Ensure the completed documentation is placed in the inmate's file. A copy of the written authorization and any search warrant shall be retained and made available to the inmate or other authorized representative upon request (except for those portions of any warrant ordered sealed by a court).

528.4.5 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows (RCW 10.79.080):

- (a) No person shall be subjected to a physical body cavity search without the prior written approval of the Corrections Chief and the ranking shift supervisor and only with the issuance of a search warrant. If authorization from the Corrections Chief or the ranking shift supervisor is received electronically, it shall be printed and signed by the Corrections Chief or supervisor as soon as possible. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the inmate or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Before any physical body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search and a thorough clothing search, as appropriate, must be used. No physical body cavity search shall be authorized or conducted

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unless these other methods do not satisfy the safety, security or evidentiary concerns of the facility.

- (c) Only a physician may conduct a physical body cavity search. Except in exigent circumstances, only a physician who is not responsible for providing ongoing care to the inmate may conduct the search.
- (d) Except for the physician conducting the search, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present.
 - 1. The ranking supervisor may allow an inmate to have a readily available witness, of the inmate's choosing, present at the time the search is conducted. The person chosen shall not be currently in custody or present an unreasonable security risk.
- (e) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (f) All physical body cavity searches shall be documented including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the inmate.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. A copy of the Corrections Chief or ranking shift supervisor's written approval.
 - 4. A copy of the search warrant and supporting documents.
 - 5. The time, date and location of the search.
 - 6. The names and sex of medical personnel present.
 - 7. The names, sex and roles of any staff present.
 - 8. A statement of the results of the search and a list of any items removed from the inmate as a result of the search.
- (g) Completed documentation should be placed in the inmate's file. A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.
- (h) All contraband and weapons should be processed in accordance with the office's current evidence procedures.
- (i) Any contraband or weapons found in the facility should be documented in the contraband log.
- (j) If appropriate, the staff member shall complete a crime report and/or disciplinary report.

528.4.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be completed as follows (RCW 10.79.80):

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- (a) No person shall be subjected to a physical body cavity search without the written approval of the Corrections Chief and only upon a search warrant. If authorization from the Corrections Chief is received electronically, it shall be printed and signed by the Corrections Chief as soon as possible.
- (b) Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a modesty screen strip search, where appropriate, shall be used. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security, or evidentiary concerns of the Corrections Chief.
- (c) Only a physician may conduct a physical body cavity search.
- (d) Except for the physician, persons present must be of the same sex as the person being searched. Only the necessary staff needed to maintain the safety and security of the medical personnel shall be present unless an inmate requests to have the search attended by a non-inmate of his/her choosing.
- (e) Privacy requirements, including restricted touching of body parts, are the same as required for a strip search.
- (f) All body cavity searches shall be documented including:
 - 1. The facts that led to the decision to perform a physical body cavity search of the inmate.
 - 2. The reasons less intrusive methods of searching were not used or were insufficient.
 - 3. The Corrections Chief's written approval.
 - 4. A copy of the search warrant or reason one was not obtained.
 - 5. The time, date and location of the search.
 - 6. The medical personnel present.
 - 7. The staff present and their role.
 - 8. Any contraband or weapons discovered by the search.
- (g) Completed documentation should be placed in the inmate's file.
- (h) A copy of the written authorization shall be retained and made available to the inmate or other authorized representative upon request.
- (i) All contraband and weapons should be processed in accordance with the office's current evidence procedures.
- (j) Any contraband or weapons found in the facility should be documented in the contraband log.
- (k) If appropriate, the staff member shall complete a report and/or disciplinary report.

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528.5 TRANSGENDER SEARCHES

Staff shall not search or physically examine a transgender or intersex inmate for the sole purpose of determining genital status (see Prison Rape Elimination Act Policy for transgender and intersex definitions). If genital status is unknown, it may be determined during conversations with the inmate, by reviewing medical records or, if necessary, by obtaining that information as part of a broader medical examination conducted in private by a qualified health care professional (28 CFR 115.15).

528.6 CONTRABAND SEARCHES

The staff shall always be alert to the possible presence of contraband and shall take immediate action to seize the contraband when practicable. There are several types of searches that contribute to contraband control and to maintaining a safe and secure environment.

528.7 HOUSING UNIT SEARCHES

Housing unit searches shall occur as directed by a supervisor. These searches should include all of the living spaces occupied by inmates. Housing unit searches should be scheduled in a manner that does not create a pattern where the inmates can predict such searches. During a housing unit search:

- (a) All inmates shall vacate their living areas and be searched by staff.
- (b) Inmates should be escorted to a separate holding area, such as the recreation yard.
- (c) Staff shall search the living areas of the inmates, including bedding, personal storage areas, bunks and other areas with inmate access.
- (d) Any weapons or contraband located shall be processed in accordance with the current evidence procedures.
- (e) The staff shall attempt to identify the inmate who possessed the contraband and file appropriate inmate discipline and/or crime reports.
- (f) Any alcoholic beverage possessed by inmates shall be seized and the appropriate inmate disciplined and/or criminal charges filed.
- (g) Any authorized item found in excess of the limited quantity (e.g., food items, newspapers) shall be seized and discarded.

At the conclusion of the housing unit search, closely supervised inmate workers should clean the unit. All authorized inmate personal property shall be respected and living areas should be returned to an orderly condition.

528.7.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility.

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Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum. Also refer to the Office's Canine Program Policy.

528.8 PHYSICAL PLANT SEARCHES

The following areas of this facility shall be periodically searched for contraband:

- (a) Exercise yards shall be searched for contraband prior to and after each inmate group occupies the yard.
- (b) Holding cells shall be searched prior to and after each inmate occupies the cell.
- (c) Program areas, such as classrooms and multipurpose rooms shall be searched after each use by an inmate or inmate group.
- (d) Laundry areas shall be searched before and after each inmate group occupies the area.
- (e) Kitchen areas shall be frequently searched for contraband and to account for tools, knives and food items.
- (f) Inmate visiting and public areas shall be frequently inspected for contraband.
- (g) The facility perimeter shall be searched at least once each shift for contraband.

528.8.1 CANINE-ASSISTED SEARCHES

It is the policy of this facility to use canines to assist the staff in searching for contraband. Such searches shall occur only with the approval of a supervisor. Only canines trained in the detection of contraband, such as drugs, alcohol and weapons, will be allowed within the secure perimeter of the facility. Canines trained solely in crowd control or to assist in physically subduing individuals will not be used in the facility.

Canines will generally be used to assist the staff in general physical plant or living area searches. Contact between inmates and canines should be kept to a minimum. Also refer to the Canines Policy.

528.9 CRIMINAL EVIDENCE SEARCHES

The Corrections Chief or the authorized designee shall be notified, as soon as practicable, any time it is suspected that a crime has been committed in the facility or other area controlled by the facility staff, and there is a need to search for evidence related to the crime. Upon suspected discovery of evidence, law enforcement should be contacted in accordance with agency criminal investigation procedures. Evidence will be processed in accordance with investigative procedures and practices and referred for prosecution.

Any evidence collected in connection with an alleged crime shall be reported, documented and stored to protect it from contamination, loss or tampering, and to establish the appropriate chain of custody. A search for evidence may be conducted by staff whenever there is a need for such action.

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528.10 TRAINING

The Training Sergeant shall provide training for staff in how to conduct pat-downs, modified strip searches and strip searches in a professional and respectful manner and in the least intrusive manner possible, consistent with facility security needs. This training shall include cross-gender pat downs and searches, as well as searches of transgender and intersex inmates (28 CFR 115.15).

Reporting Inmate Deaths

532.1 PURPOSE AND SCOPE

This policy provides direction on how deaths in-custody shall be reported.

532.1.1 DEFINITIONS

Definitions related to this policy include:

In-custody death - The death of any person, for whatever reason (natural, suicide, homicide, accident), who is in the custody of the Skagit County Jail.

532.2 POLICY

It is the policy of this office to follow state and local guidelines for reporting in-custody deaths.

532.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required.

If the decedent is a boarder for another agency, the Corrections Chief shall notify that agency so that agency will assume responsibility for the notification of the decedent's family.

Additionally, and pursuant to Article 37 of the Vienna Convention, in the case of the death of a foreign national, written notification shall be made within 72 hours of the death to the appropriate consulate post. The notification shall include the inmate's name, identification number, date and time of death and the attending physician's name.

532.4 REQUIRED INFORMATION

The information to be reported to the state Attorney General's office includes:

- Name, sex, race, ethnicity and date of birth of the inmate
- The date, time and location of death
- A brief description of the circumstances surrounding the death
- Whether the decedent ever had an overnight stay in a mental health facility since his/her admission to custody
- Whether the death was incidental to a use of force by the staff
- The name of the law enforcement agency that detained, arrested or was in the process of arresting the decedent
- The specific type of intoxicant involved in the death, if applicable
- Any other information required by state or federal statute, regulation or ordinance

During an investigation, all inquiries regarding the death shall be referred to the Public Information Officer. Deputies shall not make a public comment.

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Reporting Inmate Deaths

532.5 PROCEDURE

Upon determining that a death of any person has occurred while in the custody of this office, the Shift Supervisor is responsible for ensuring that the Sheriff, Corrections Chief, and all appropriate investigative authorities, including the coroner, are notified without delay and all written reports are completed.

The Corrections Chief shall observe all pertinent laws and allow appropriate investigating agencies full access to all facts surrounding the death (RCW 68.50.010).

The Office shall establish policies and procedures for the investigation of any in-custody death.

The decedent's personal belongings shall be disposed of in a responsible and legal manner (RCW 36.24.130). All property and records shall be retained according to established retention schedules (WAC 44-14-03005).

The individual designated by the decedent shall be notified of all pertinent information as required by law.

532.6 INMATE DEATH REVIEW

The Sheriff is responsible for establishing a team of qualified staff to conduct an administrative review of every in-custody death. At a minimum, the review team should include the following:

- (a) Sheriff and/or the Corrections Chief
- (b) Prosecuting Attorney
- (c) Investigative staff
- (d) The Responsible Physician, qualified health care professionals, supervisors or other staff who are relevant to the incident

The in-custody death review should be conducted no later than 72 hours after the incident.

Staff and Inmate Contact

534.1 PURPOSE AND SCOPE

Frequent contact and interaction with inmates allow for continual assessment of the safety and security of the facility and the health and welfare of the inmates under supervision. This policy provides guidelines for the interaction between staff and inmates.

534.2 POLICY

The Corrections Chief shall ensure that inmates have adequate ways to communicate with the detention staff and that staff communicate and interact with the inmates in a timely and professional manner.

534.3 GENERAL CONDUCT GUIDELINES

Staff members are encouraged to interact with the inmates under their supervision on a continual basis and are expected to take prompt and appropriate action to address health and safety issues that are discovered or brought to their attention.

All custody staff, including support staff, contractors and volunteers, will at all times present a professional and command presence in their contact with inmates. Staff shall address inmates in a civil manner. The use of profanity or derogatory comments based on race, sex, age, personal appearance or sexual identity is strictly prohibited.

Written communication (request slips, inmate communication, grievances, rules infraction forms, disciplinary reports) shall be answered in a timely manner. Such communication shall be filed with the inmate's records.

Custody staff shall not dispense legal advice, opinion, or recommend attorneys, bond agents or other professional services to inmates. Staff shall not allow personal feelings to interfere with the provision of their required functions or the legal rights of the persons incarcerated in this facility. Staff shall not become overly familiar with inmates or their families and friends.

Special favors or privileges that are not permitted or required by office policies or at the direction of supervisory or management staff shall not be provided.

Custody staff shall not engage in sexual acts or salacious conversations or exchange inappropriate notes or letters with inmates.

Staff shall promptly report all attempts by inmates to initiate sexual acts, salacious conversations and forward any correspondence from an inmate or former inmate to the Corrections Chief or the authorized designee.

Staff shall not allow a condition to exist that implies the inmates are in control of other inmates or any area of the facility.

Staff shall report all attempts to intimidate or instill feelings of fear to the supervisor.

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Staff and Inmate Contact

While profanity and harsh language are prohibited, the Office recognizes the necessity for staff to give inmates direction in a firm, determined and authoritative manner in order to maintain proper supervision and control. Authoritative directions to inmates are particularly indicated when activities or events pose a threat to the safety or security of this facility.

534.4 CONSTITUTIONAL MATTERS

Members shall follow all United States and Washington State Constitutional requirements pertaining to custodial situations; including, but not limited to, search and seizure, access to counsel and interview and interrogation.

Transportation of Inmates Outside the Secure Facility

536.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the transportation of inmates outside this facility and to ensure that the staff assigned to transportation duties is qualified and adequately trained.

536.2 POLICY

It is the policy of the Skagit County Sheriff's Office to provide safe, secure and humane transportation for all inmates and other persons as required by law.

This office shall transfer all inmates from the correctional facility to the place of imprisonment pursuant to the sentence of the court as soon as practicable after the sentence, in accordance with all laws relating to the transfer of inmates and costs related to transfers to facilities and jurisdictions.

536.3 PROCEDURES

Only staff members who have completed office-approved training on inmate transportation should be assigned inmate transportation duty. All staff members who operate transportation vehicles shall hold a valid license for the type of vehicle being operated.

Any member who transports an inmate outside the secure confines of this facility is responsible for:

- (a) Obtaining all necessary paperwork for the inmate being transported (e.g., medical/dental records, commitment documents).
 - 1. If the inmate being transported has a developmental disability or is suffering from a traumatic brain injury, the nature of the disability and any necessary accommodations must be documented and provided to the receiving facility staff (RCW 70.48.245).
- (b) Submitting a completed transportation plan to the transportation supervisor. Items that should be addressed in the plan include:
 - 1. Type of restraints to be used on the inmates being transported.
 - 2. The routes, including alternate routes, to be taken during the transportation assignment. Routes should be selected with security for the community in mind.
 - 3. Emergency response procedures in the event of a collision, breakdown of a transportation vehicle or other unforeseen event.
- (c) Ensuring that all inmates are thoroughly searched and appropriate restraints are properly applied.
 - 1. Leg irons or waist chains shall not be used on any inmate known to be pregnant (see the Use of Restraints Policy) (RCW 70.48.500(3)).

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Transportation of Inmates Outside the Secure Facility

- (d) Ensuring that all vehicle security devices (e.g., window bars, inside cages, door locks) are in good repair and are operational.
- (e) Thoroughly searching the transporting vehicle for contraband before any inmate is placed inside, and again after removing the inmate from the transporting vehicle.

536.3.1 TRANSPORTATION LOGS

Inmate transportation logs should be developed by the Corrections Chief or the authorized designee and used to log all inmate transportation. The logs shall include:

- Name and identification number of the inmate.
- Date and start/stop time of the transport.
- Location where the inmate was transported.
- Name and identification number of the transporting deputy.
- Circumstances of any unusual events associated with the transportation.

The logs shall be retained by the facility in accordance with established records retention schedules.

536.3.2 TRANSFER OF INMATE TO HOSPITAL

When an inmate in custody for a violent or sex offense is taken to a hospital, the transporting deputy shall remain with, or secure, the inmate while the inmate is receiving care, unless (RCW 10.110.020; RCW 10.110.030):

- (a) The medical care provider determines the inmate does not need to be accompanied or secured.
- (b) The deputy notifies the medical care provider that the deputy is leaving after reasonably determining:
 - 1. The inmate does not present an imminent and significant risk of causing physical harm to themselves or another person.
 - 2. There is no longer sufficient evidentiary basis to maintain the inmate in custody.
 - 3. In the interest of public safety, his/her presence is urgently required at another location and supervisor approval is obtained.
 - (a) The deputy shall make a reasonable effort to ensure a replacement deputy is provided or other means of securing the inmate is provided as soon as possible.

536.4 TRAINING

The Training Sergeant shall ensure that all employees charged with inmate transportation duties receive training appropriate for the assignment.

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Transportation of Inmates Outside the Secure Facility

Documentation of all training presented shall be retained in the employee's training file in accordance with established records retention schedules.

Safety and Sobering Cells

538.1 PURPOSE AND SCOPE

This policy establishes the requirement for placing inmates into and the continued placement of inmates in safety cells or sobering cells.

538.1.1 DEFINITIONS

Definitions related to this policy include:

Safety cell - An enhanced protective housing designed to minimize the risk of injury or destruction of property used for inmates who display behavior that reveals intent to cause physical harm to themselves or others or to destroy property or who are in need of a separate cell for any reason, until suitable housing is available.

Sobering cell - A holding cell designed to minimize the risk of injury by falling or dangerous behavior. It is used as an initial sobering place for arrestees or inmates who are a threat to their own safety or the safety of others as a result of being intoxicated from any substance, and who require a protected environment to prevent injury or victimization by other inmates.

538.2 POLICY

This facility will employ the use of safety and sobering cells to protect inmates from injury or to prevent the destruction of property by an inmate in accordance with applicable law.

A sobering or safety cell shall not be used as punishment or as a substitute for treatment. The Corrections Chief or the authorized designee shall review this policy annually with the Responsible Physician.

538.3 SAFETY CELL PROCEDURES

The following guidelines apply when placing any inmate in a safety cell:

- (a) Placement of an inmate into a safety cell requires approval of the Shift Supervisor, the Responsible Physician or a medical professional working under the direct supervision of a physician.
- (b) A safety cell log shall be initiated every time an inmate is placed into the safety cell and should be maintained for the entire time the inmate is housed in the cell. Cell logs will be retained in accordance with office retention schedules but in any case for at least two years (WAC 44-14-03005).
- (c) A safety check consisting of direct visual observation that is sufficient to assess the inmate's well-being and behavior shall occur twice every 30 minutes. Each safety check of the inmate shall be documented. Supervisors shall inspect the logs for completeness every shift and document this action on the safety cell log.
- (d) Inmates should be permitted to remain normally clothed or should be provided a safety suit, except in cases where the inmate has demonstrated that clothing articles may pose a risk

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to the inmate's safety or the facility. In these cases, the reasons for not providing clothing shall be documented on the safety cell log.

- (e) Inmates in safety cells shall be given the opportunity to have fluids (water, juices) at least hourly. Deputies shall provide the fluids in paper cups that are not to be retained by the inmate. The inmates shall be given sufficient time to drink the fluids prior to the cup being removed. Each time an inmate is provided the opportunity to drink fluids will be documented on the safety cell log.
- (f) Inmates will be provided meals during each meal period. Meals will be served on paper plates or in other safe containers and the inmates will be monitored while eating the meals. Inmates shall be given ample time to complete their meals. All meals provided to inmates in safety cells will be documented on the safety cell log.
- (g) The Shift Supervisor shall review the appropriateness for continued retention in the safety cell at least every eight hours. The reason for continued retention or removal from the safety cell shall be documented on the safety cell log.
- (h) A medical assessment of the inmate in the safety cell shall occur within 12 hours of placement, or at the next daily sick call, whichever is earliest. Continued retention of the inmate in the safety cell shall be conducted by a qualified health care professional and shall occur at least every 24 hours thereafter. Medical assessments shall be documented.
- (i) A mental health opinion on placement in the safety cell shall occur within 24 hours of placement. The mental health opinion shall be documented.

538.4 SOBERING CELL PROCEDURES

The following guidelines apply when placing any inmate in a sobering cell:

- (a) A sobering cell log shall be initiated every time an inmate is placed into a sobering cell. The log shall be maintained for the entire time the inmate is housed in the cell. Cell logs will be retained in accordance with office retention schedules but in any case for at least two years (WAC 44-14-03005).
- (b) A safety check consisting of direct visual observation that is sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each visual observation of the inmate by staff shall be documented. Supervisors shall check the logs for completeness every shift and document this action on the sobering cell log.
- (c) Medical staff or trained deputies shall review the appropriateness for continued retention in the sobering cell at least every six hours in accordance with the office Detoxification and Withdrawal Policy. Only inmates who continue to need the protective housing of a sobering cell will continue to be detained in such housing.
- (d) Inmates will be removed from the sobering cell when they no longer pose a threat to their own safety and the safety of others and are able to continue the booking process.

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- (e) Females and males will be detained in separate sobering cells.

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