

# Skagit County Sheriff's Office

Custody Services Manual

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## **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**

#### INTRODUCTION TO THE MANUAL

##### 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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### *CODE OF ETHICS*

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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**

## 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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### *Grievances*

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

#### **120.5 MEMBER REPRESENTATION**

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

#### **120.6 GRIEVANCE RECORDS**

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

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#### **120.7 GRIEVANCE AUDITS**

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

## Personnel Complaints

### 121.1 PURPOSE AND SCOPE

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

### 121.2 POLICY

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

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

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

### 121.3 PERSONNEL COMPLAINTS

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

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

#### 121.3.1 COMPLAINT CLASSIFICATIONS

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

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

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

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

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#### 121.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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

#### 121.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

##### 121.4.1 COMPLAINT FORMS

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

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

##### 121.4.2 ACCEPTANCE

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

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

##### 121.4.3 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

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

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

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

#### **121.5 DOCUMENTATION**

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

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

#### **121.6 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **121.6.1 SUPERVISOR RESPONSIBILITIES**

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

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

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

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

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

#### 121.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

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

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

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

#### 121.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

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

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

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

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

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

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

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

#### 121.6.4 DISPOSITIONS

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

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

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

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

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

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

#### 121.6.5 COMPLETION OF INVESTIGATIONS

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



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#### **121.7 ADMINISTRATIVE SEARCHES**

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

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

#### **121.8 ADMINISTRATIVE LEAVE**

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

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

#### **121.9 CRIMINAL INVESTIGATION**

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

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

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

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

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

#### **121.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

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

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#### **121.10.1 DIVISION CHIEF RESPONSIBILITIES**

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

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

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

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

#### **121.10.2 SHERIFF RESPONSIBILITIES**

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

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

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

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

#### **121.11 PRE-DISCIPLINE EMPLOYEE RESPONSE**

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

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

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

#### **121.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

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

#### **121.13 POST-DISCIPLINE APPEAL RIGHTS**

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

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

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

#### **121.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS**

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

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

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#### **121.15 CONFIDENTIALITY AND RETENTION OF PERSONNEL INVESTIGATION FILES**

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

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

#### **121.16 NOTIFICATION TO CJTC CERTIFICATION BOARD**

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

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