

# Skagit County Sheriff's Office

Custody Policies

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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.

# Skagit County Sheriff's Office

## Custody Policies

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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.

# Skagit County Sheriff's Office

## Custody Policies

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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

# Skagit County Sheriff's Office

## Custody Policies

### *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

# Skagit County Sheriff's Office

## Custody Policies

### *CODE OF ETHICS*

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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.

# Skagit County Sheriff's Office

## Custody Policies

### *CODE OF ETHICS*

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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.

# Skagit County Sheriff's Office

## Custody Policies

### *CODE OF ETHICS*

---

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.

# Skagit County Sheriff's Office

## Custody Policies

### *CODE OF ETHICS*

---

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.



# Skagit County Sheriff's Office

## Custody Policies

### *CODE OF ETHICS*

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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.

# Skagit County Sheriff's Office

## Custody Policies

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### Table of Contents

<b>MISSION . . . . .</b>	<b>1</b>
<b>INTRODUCTION TO THE MANUAL . . . . .</b>	<b>2</b>
<b>CODE OF ETHICS . . . . .</b>	<b>3</b>
<b>Chapter 1 - Role and Authority . . . . .</b>	<b>13</b>
100 - Organizational Structure and Responsibility . . . . .	14
102 - Authority and Legal Assistance . . . . .	16
103 - Authority and Legal Assistance . . . . .	18
104 - Annual Review and Performance-Based Goals and Objectives . . . . .	19
106 - Custody Manual and Post Orders . . . . .	23
108 - Administrative Communications . . . . .	27
110 - Departmental Directive . . . . .	29
112 - Annual Facility Inspection . . . . .	31
114 - Promotion And Transfer . . . . .	33
116 - Rules of Conduct . . . . .	36
118 - Discriminatory Harassment . . . . .	51
120 - Grievances . . . . .	57
121 - Personnel Complaints . . . . .	60
<b>Chapter 2 - Organization and Administration . . . . .</b>	<b>69</b>
200 - Alcohol And Drug Use . . . . .	70
202 - Financial Practices . . . . .	72
204 - Supervision of Inmates - Minimum Requirements . . . . .	76
206 - Prohibition on Inmate Control . . . . .	77
208 - Equipment Inventory and Supplies . . . . .	78
210 - Tool and Culinary Equipment Control . . . . .	80
214 - Records and Data Practices . . . . .	83
216 - Research Involving Inmates . . . . .	84
218 - Inmate Records . . . . .	86
220 - Report Preparation . . . . .	88
222 - Key and Electronic Access Device Control . . . . .	91
224 - Daily Activity Logs and Shift Reports . . . . .	94
228 - Employee Compensation . . . . .	97
230 - Administrative and Supervisory Inspections . . . . .	98
232 - Perimeter Security . . . . .	100
234 - Accessibility - Facility and Equipment . . . . .	102
238 - Community Relations - Public Information Plan . . . . .	103
240 - Victim Notification of Inmate Release . . . . .	105
242 - Community Service Program . . . . .	107
244 - Vehicle Safety . . . . .	109
246 - Fitness for Duty . . . . .	112
248 - Staffing Plan . . . . .	115

# Skagit County Sheriff's Office

## Custody Policies

---

250 - Employee Speech, Expression and Social Networking . . . . .	117
<b>Chapter 3 - Recruitment Selection and Planning . . . . .</b>	<b>120</b>
302 - Employee Orientation . . . . .	121
304 - Continuing Professional Education . . . . .	122
306 - Training for Managers and Supervisors . . . . .	123
308 - Jail Training Officer Program . . . . .	125
312 - Training . . . . .	127
314 - Specialized Training . . . . .	129
316 - Firearms Training . . . . .	130
318 - Chemical Agent Training . . . . .	132
320 - Prison Rape Elimination Act Training . . . . .	134
322 - Health Care Provider Orientation . . . . .	137
324 - Volunteer Program . . . . .	139
326 - Briefing Training . . . . .	145
328 - Training Plan . . . . .	147
330 - Support Personnel Training . . . . .	150
<b>Chapter 4 - Emergency Planning . . . . .</b>	<b>153</b>
400 - Facility Emergencies . . . . .	154
402 - Emergency Planning . . . . .	161
404 - Emergency Staffing Plan . . . . .	162
406 - Fire Safety Plan . . . . .	164
408 - Emergency Power and Communications . . . . .	167
410 - Evacuation Plan . . . . .	169
<b>Chapter 5 - Inmate Management . . . . .</b>	<b>171</b>
500 - Population Management System . . . . .	172
502 - Inmate Counts . . . . .	174
504 - Inmate Reception . . . . .	175
506 - Inmate Handbook and Orientation . . . . .	181
508 - Inmate Safety Checks . . . . .	185
510 - Special Management Inmates Plan . . . . .	186
514 - Management of Weapons and Control Devices . . . . .	192
516 - Inmate Classification . . . . .	196
520 - Control of Inmate Movement . . . . .	202
522 - Use of Force . . . . .	203
524 - Use of Restraints . . . . .	210
526 - Classification Plan . . . . .	215
528 - Searches . . . . .	219
532 - Reporting Inmate Deaths . . . . .	230
534 - Staff and Inmate Contact . . . . .	232
536 - Transportation of Inmates Outside the Secure Facility . . . . .	234
538 - Safety and Sobering Cells . . . . .	237
540 - Biological Samples . . . . .	240
542 - End of Term Release . . . . .	243

# Skagit County Sheriff's Office

## Custody Policies

---

<b>Chapter 6 - Inmate Due Process . . . . .</b>	<b>245</b>
600 - Inmate Discipline . . . . .	246
602 - Disciplinary Segregation . . . . .	255
604 - Inmates with Disabilities . . . . .	261
608 - Legal Requirements of Foreign Diplomats and Foreign Nationals . . . . .	264
610 - Inmate Rights - Protection from Abuse . . . . .	267
612 - Prison Rape Elimination Act . . . . .	269
614 - Indigent Inmates . . . . .	281
616 - Grooming . . . . .	283
618 - Inmate Non-Discrimination Policy . . . . .	286
620 - Inmate Grievances . . . . .	288
622 - Inmate Voting . . . . .	292
<b>Attachments . . . . .</b>	

## **Chapter 1 - Role and Authority**

# Organizational Structure and Responsibility

## 100.1 PURPOSE AND SCOPE

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

## 100.2 DIVISIONAL RESPONSIBILITY

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

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

### 100.2.1 CORRECTIONS DIVISION

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

## 100.3 CHAIN OF COMMAND

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

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

### 100.3.1 SUCCESSION OF COMMAND

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Organizational Structure and Responsibility*

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(d) Corrections Corporal

#### **100.4 UNITY OF COMMAND**

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

# Authority and Legal Assistance

## 102.1 PURPOSE AND SCOPE

This policy acknowledges and reflects the legal authority under which the Skagit County Sheriff's Office shall operate and maintain a local detention facility in this state. In addition to the authority vested by state law, the correctional facility operates in accordance with these laws, constitutional mandates, regulations and local ordinances (RCW 70.48.180 and RCW 70.48.190).

## 102.2 POLICY

It is the policy of this Office that the local detention facility will be maintained by all lawful means for the incarceration of persons suspected of violating the law or who have been adjudicated as guilty of committing a crime or civil offense by a competent legal authority, as prescribed by law.

## 102.3 LEGAL FOUNDATION

Jail staff, at every level must have an understanding and true appreciation of their authority and limitations in the operation of a local detention facility. The Skagit County Sheriff's Office recognizes and respects the value of all human life and the expectation of dignity without prejudice toward anyone. It is also understood that vesting law enforcement personnel with the authority to incarcerate suspected law violators to protect the public and prevent individuals from fleeing justice requires a careful balancing of individual rights and legitimate government interests.

### 102.3.1 PEACE OFFICER POWERS

Sworn members of this Office shall be considered peace officers as defined by RCW 9A.04.110(13) and RCW 9A.04.110(15). The authority of any such peace officer to make an arrest without a warrant is enumerated in RCW 10.31.100, and includes:

- (a) When the peace officer has probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant.
- (b) A peace officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in RCW 10.31.100, subsections (1) through (11).

## 102.4 LEGAL ASSISTANCE

The following are examples of areas where the services of the Prosecuting Attorney and legal specialists can be of benefit to the Office:

- (a) Analyze and alert the correctional facility executive and management team to correctional facility-related case law.
- (b) Serve as a legal consultant in the construction and review of new correctional facility policies and procedures.
- (c) Serve as a legal consultant on issues related, but not limited to:
  - 1. Use of force



# Skagit County Sheriff's Office

## Custody Policies

### *Authority and Legal Assistance*

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2. Faith-based requests
  3. Complaints and grievances
  4. Allegations of abuse by staff
  5. Americans with Disabilities Act (ADA) issues, policies and procedures
- (d) Serve as legal counsel in legal matters brought against this office and the Sheriff.

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## Authority and Legal Assistance

### **103.1 SECTION TITLE**

#### Corrections Officer Powers

Corrections officers who have completed the Basic Corrections Officer course at the Criminal Justice Training Commission or equivalent course and have been granted a limited commission by the Sheriff have authority to make an arrest when authorized by a warrant. Such corrections officers, unless separately commissioned as a general authority Washington peace officer, does not have independent authority to make an arrest without a warrant or engage.

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# Annual Review and Performance-Based Goals and Objectives

## 104.1 PURPOSE AND SCOPE

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

## 104.2 POLICY

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

## 104.3 ANNUAL REVIEW

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Annual Review and Performance-Based Goals and Objectives*

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

#### **104.4 CRITERIA TO MEASURE PERFORMANCE**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Annual Review and Performance-Based Goals and Objectives*

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

#### **104.5 MANAGEMENT REVIEW PROCESS**

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

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

#### **104.6 MANAGEMENT REVIEW RESULTS**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Annual Review and Performance-Based Goals and Objectives*

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

#### **104.7 AVAILABILITY OF WRITTEN GOALS AND OBJECTIVES**

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

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# Custody Manual and Post Orders

## 106.1 PURPOSE AND SCOPE

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

## 106.2 POLICY

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Custody Manual and Post Orders*

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

#### **106.3 RESPONSIBILITIES**

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

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

##### **106.3.1 POST ORDERS**

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

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

##### **106.3.2 COMMAND STAFF**

The command staff should consist of the following:

- Sheriff
- Undersheriff
- Chief Corrections Deputy
- Corrections Lieutenant



# Skagit County Sheriff's Office

## Custody Policies

### *Custody Manual and Post Orders*

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#### 106.3.3 OTHER PERSONNEL

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

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

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

#### 106.4 DEFINITIONS

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

**Adult** - Any person 18 years of age or older.

**Office** - The Skagit County Sheriff's Office

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

**Custody Manual** - The Office Custody Manual

**Juvenile** - Any person under the age of 18.

**May** - Indicates a permissive, discretionary or conditional action.

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

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

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

**Rank** - The job classification title held by a deputy.

**Shall or will** - Indicates a mandatory action.

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

#### 106.5 DISTRIBUTION OF MANUAL

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

# Skagit County Sheriff's Office

## Custody Policies

### *Custody Manual and Post Orders*

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

#### **106.6 MANUAL ACCEPTANCE**

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

#### **106.7 REVISIONS TO POLICIES**

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

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

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## Administrative Communications

### 108.1 PURPOSE AND SCOPE

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

### 108.2 PERSONNEL ORDERS

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

### 108.3 CORRESPONDENCE

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

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

### 108.4 SURVEYS

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

### 108.5 COMPLETED STAFF WORK

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

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

### 108.6 INTRODUCTORY SUMMARY MEMORANDUMS

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

# Skagit County Sheriff's Office

## Custody Policies

### *Administrative Communications*

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#### **108.7 ADMINISTRATIVE REPORT FORMAT**

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

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

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

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

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

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## Departmental Directive

### 110.1 PURPOSE AND SCOPE

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

### 110.2 DEPARTMENTAL DIRECTIVES PROTOCOL

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

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

#### 110.2.1 WRITTEN DIRECTIVES

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

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

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

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

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

#### ADMINISTRATIVE DIRECTIVES:

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Departmental Directive*

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#### **110.3 RESPONSIBILITIES**

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

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

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

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

##### **110.3.1 SHERIFF**

The Sheriff or his designee shall issue all Departmental Directives.

##### **110.3.2 MANAGERS AND SUPERVISORS**

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

# Annual Facility Inspection

## 112.1 PURPOSE AND SCOPE

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

### 112.1.1 POLICY

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

## 112.2 CHIEF OF CORRECTIONS RESPONSIBILITIES

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

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

## 112.3 INSPECTION PROCESS

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Annual Facility Inspection*

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



## Promotion And Transfer

### 114.1 PURPOSE AND SCOPE

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

### 114.2 GENERAL REQUIREMENTS

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

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

#### 114.2.1 DISQUALIFICATION

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Promotion And Transfer*

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

#### **114.3 DEPUTY SELECTION PROCESS**

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

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

##### **114.3.1 DESIRABLE QUALIFICATIONS**

Qualifications that will be considered for specialized assignment include:

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

#### **114.4 ASSIGNMENT SELECTION PROCESS**

The following criteria apply to assignments:

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

# Skagit County Sheriff's Office

## Custody Policies

### *Promotion And Transfer*

---

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

#### **114.5 PROMOTIONAL SPECIFICATIONS**

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

## Rules of Conduct

### 116.1 PURPOSE AND SCOPE

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

### 116.2 POLICY

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

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

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

#### 116.2.1 PROGRESSIVE DISCIPLINE

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

### 116.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

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

#### 116.3.1 ATTENDANCE

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

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

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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.

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

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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.

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

#### 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).

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

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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.



# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

#### 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

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

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.

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

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).

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

#### **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.

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

- (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

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

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.

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

#### 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).

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

- (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.



# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

- (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).

# Skagit County Sheriff's Office

## Custody Policies

### *Rules of Conduct*

---

- (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.

# Skagit County Sheriff's Office

## Custody Policies

### *Discriminatory Harassment*

---

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.

# Skagit County Sheriff's Office

## Custody Policies

### *Discriminatory Harassment*

---

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.

# Skagit County Sheriff's Office

## Custody Policies

### *Discriminatory Harassment*

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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.

# Skagit County Sheriff's Office

## Custody Policies

### *Discriminatory Harassment*

---

**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.

# Skagit County Sheriff's Office

## Custody Policies

### *Discriminatory Harassment*

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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:

# Skagit County Sheriff's Office

## Custody Policies

### *Grievances*

---

- (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.

# Skagit County Sheriff's Office

## Custody Policies

### *Grievances*

---

#### **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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

#### 121.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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

#### **121.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### 121.4.1 COMPLAINT FORMS

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

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

##### 121.4.2 ACCEPTANCE

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

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

##### 121.4.3 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

- (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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

- (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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

- (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.



# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

#### **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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

#### **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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

---

- (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.

# Skagit County Sheriff's Office

## Custody Policies

### *Personnel Complaints*

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

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

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

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

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

## **Chapter 2 - Organization and Administration**

# Alcohol And Drug Use

## 200.1 PURPOSE AND SCOPE

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

## 200.2 POLICY

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

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

### 200.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

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

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

### 200.2.2 USE OF PRESCRIBED MEDICATIONS

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

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

## 200.3 EMPLOYEE ASSISTANCE PROGRAM

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Alcohol And Drug Use*

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#### 200.3.1 CONFIDENTIALITY

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

## Financial Practices

### 202.1 PURPOSE AND SCOPE

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

### 202.2 POLICY

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

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

### 202.3 BUDGET PLAN

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

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

### 202.4 FISCAL ACCOUNTING AND MANAGEMENT OF APPROVED BUDGET

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

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Financial Practices*

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

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

#### **202.4.1 PAYMENT REQUESTS FOR STATE INMATES**

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

#### **202.4.2 USE OF CASH FUNDS**

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

#### **202.5 TRANSFERRING FUNDS AMONG BUDGET CATEGORIES**

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

#### **202.6 FINANCIAL AUDITS**

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

##### **202.6.1 FINANCIAL AUDITS OF THE INMATE WELFARE FUND**

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

##### **202.6.2 POSITION CONTROL**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Financial Practices*

---

#### **202.7 STAFFING PLAN**

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

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

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

#### **202.7.1 INSURANCE REQUIREMENTS**

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

#### **202.7.2 PERFORMANCE MONITORING**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Financial Practices*

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

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

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## Supervision of Inmates - Minimum Requirements

### 204.1 PURPOSE AND SCOPE

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

### 204.2 POLICY

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

### 204.3 SUPERVISION OF INMATES

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

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

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

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

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

### 204.4 SEPARATION OF DUTIES

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

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# Prohibition on Inmate Control

## **206.1 PURPOSE AND SCOPE**

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

## **206.2 POLICY**

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

## **206.3 EDUCATION, DRUG OR ALCOHOL PROGRAM ASSISTANTS**

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

# Equipment Inventory and Supplies

## 208.1 PURPOSE AND SCOPE

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

## 208.2 POLICY

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

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

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

## 208.3 PURCHASING

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

Personnel with spending authority should adhere to the following strategies:

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

# Skagit County Sheriff's Office

## Custody Policies

### *Equipment Inventory and Supplies*

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#### **208.4 EQUIPMENT INVENTORY**

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

# Tool and Culinary Equipment Control

## 210.1 PURPOSE AND SCOPE

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

## 210.2 POLICY

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

### 210.2.1 CUSTODY TOOLS

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

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

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

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

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

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Tool and Culinary Equipment Control*

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#### 210.2.2 MAINTENANCE OR CONSTRUCTION TOOLS

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

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

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

#### 210.2.3 EXTERIOR-USE TOOLS

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

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

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Tool and Culinary Equipment Control*

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#### **210.2.4 KITCHEN EQUIPMENT**

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

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

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

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

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

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

#### **210.2.5 SERVING AND INDIVIDUAL EATING TOOLS**

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

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

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

#### **210.3 TOOL MAINTENANCE**

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

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## Records and Data Practices

### 214.1 PURPOSE AND SCOPE

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

### 214.2 ACCESS TO CRIMINAL RECORDS

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

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

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

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

### 214.3 RETENTION OF RECORDS

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

### 214.4 STAFF TRAINING

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

## Research Involving Inmates

### 216.1 PURPOSE AND SCOPE

The purpose of this policy is to establish safeguards and guidelines to protect inmates from being used as research subjects in medical and other research experiments based only on their status as inmates and without proper approval, review or informed consent.

### 216.2 POLICY

The Skagit County Sheriff's Office may participate in and support research that improves operations, enhances professional knowledge, decreases recidivism and advances the office's mission in accordance with existing laws and with appropriate protection of all inmates. However, the use of inmates for medical, pharmaceutical or cosmetic experiments or research is prohibited.

### 216.3 AUTHORIZATION REQUIREMENTS

Prior to initiating any approved research, all persons conducting research in this facility must agree to abide by all office policies relating to the security and confidentiality of inmate files. Based upon the intended use of the research, guidelines will be established regarding what information shall be accessible to the researcher or the research organization.

Any requests for an exception shall include a response to the following questions as part of the proposed research project:

- Who is conducting the research?
- What is the purpose of the research?
- What is the methodology?
- Do the researchers or persons advocating research involving the use of inmates have an understanding of their ethical responsibilities, including considerations for the establishment of an Institutional Review Board (IRB), as described in 45 CFR 46.301 et seq.?
- Any other information as deemed appropriate by the Corrections Chief or Sheriff.

Inquiries regarding proposed research projects from local, state and federal executive and legislative bodies/agencies will be brought to the attention of the Sheriff immediately by the employee who receives the request. At the direction of the Sheriff, an appropriate and timely response will be made to each legitimate inquiry.

Research or studies involving more than the information identified as public information may require signed release/waiver forms from the involved inmates. The Sheriff should consult and seek guidance from the legal counsel serving the Office or other legal expert in these matters.

Inmates are not precluded from individual treatment based on the need for a specific medical procedure that is not generally available. An inmate's treatment with a new medical procedure by the inmate's own physician shall be undertaken only after the inmate has received a full

# Skagit County Sheriff's Office

## Custody Policies

### *Research Involving Inmates*

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explanation of the positive and negative features of the treatment, and only with the inmate's informed consent.

#### **216.4 LEGAL CONSIDERATIONS**

Any research conducted or supported by the United States Department of Health and Human Services will be required to comply with the provisions of 45 CFR 46.301, et seq.

#### **216.5 INMATES IN COMMUNITY-BASED RESEARCH**

When inmates who are participants in a community-based research protocol are admitted to the facility, the following shall occur:

- (a) The intake nurse shall collect all relevant data including name and contact information of the treating physician, and all available detail about the treatment regimen and the condition being treated.
- (b) The responsible physician shall be contacted prior to the initiation of treatment.
- (c) Consultation with community researchers shall be made by the responsible physician to determine the intent of the study and any necessary parameters to measure as the treatment period progresses.
- (d) Necessary information shall be obtained so that withdrawal from the research protocol is done without harming the health of the inmate.

#### **216.6 HUMAN RESEARCH STUDIES**

This office does not endorse enrolling inmates into human research studies. Requests to enroll inmates in human research studies will not ordinarily be approved. However, any request to enroll an inmate into such a study must be reviewed by the Sheriff, the Responsible Physician and legal counsel, and authorization provided prior to enrollment. Any authorized enrollments shall comply with all state and federal guidelines.

# Inmate Records

## 218.1 PURPOSE AND SCOPE

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

## 218.2 POLICY

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

### 218.2.1 RECORD MAINTENANCE

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Records*

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

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

#### 218.2.2 RELEASE OF INMATE RECORDS

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

#### 218.2.3 ELECTRONIC RECORD MAINTENANCE

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

#### 218.2.4 RECORDS RETENTION

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

## Report Preparation

### 220.1 PURPOSE AND SCOPE

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

### 220.2 REPORT PREPARATION

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

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

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

### 220.3 REQUIRED REPORTING

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

#### 220.3.1 CRIMINAL ACTIVITY REPORTING

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Report Preparation*

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#### **220.3.2 INCIDENT REPORTING**

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

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

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

#### **220.3.3 SUICIDES**

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

#### **220.3.4 INJURY OR DAMAGE BY OFFICE PERSONNEL**

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

#### **220.4 GENERAL POLICY OF EXPEDITIOUS REPORTING**

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

#### **220.5 REPORT CORRECTIONS**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Report Preparation*

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

#### **220.6 REPORT CHANGES OR ALTERATIONS**

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

# Key and Electronic Access Device Control

## 222.1 PURPOSE AND SCOPE

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

## 222.2 POLICY

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

### 222.2.1 KEY IDENTIFICATION

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

A separate secure document identifying all keys will be maintained.

### 222.2.2 KEYSSET CONTENTS

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

### 222.2.3 KEY CONTROL

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Key and Electronic Access Device Control*

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#### 222.2.4 LOCK POLICY

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

#### 222.2.5 TESTING

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

#### 222.2.6 EXTERIOR DOOR AND ARMORY KEYS

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

#### 222.2.7 MISSING KEYS

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

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

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

#### 222.2.8 DAMAGED KEYS OR LOCKS

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

# Skagit County Sheriff's Office

## Custody Policies

### *Key and Electronic Access Device Control*

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#### **222.3 KEY CONTROL RECORDS**

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

#### **222.4 EMERGENCY KEY SET**

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

#### **222.5 ELECTRONIC ACCESS DEVICES**

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

# Daily Activity Logs and Shift Reports

## 224.1 PURPOSE AND SCOPE

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

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

## 224.2 POLICY

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

## 224.3 PROCEDURES

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

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

## 224.4 SHIFT ACTIVITY LOG

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Daily Activity Logs and Shift Reports*

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

#### **224.5 SHIFT REPORT**

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

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

#### **224.6 SUPERVISOR RESPONSIBILITIES**

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Daily Activity Logs and Shift Reports*

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



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## Employee Compensation

### **228.1 PURPOSE AND SCOPE**

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

### **228.2 POLICY**

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

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

# Administrative and Supervisory Inspections

## 230.1 PURPOSE AND SCOPE

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

## 230.2 POLICY

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

## 230.3 INSPECTIONS

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

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

### 230.3.1 AREAS TO BE INSPECTED

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Administrative and Supervisory Inspections*

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#### **230.4 INSPECTIONS OF SECURITY EQUIPMENT**

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

#### **230.5 DOCUMENTATION AND REPORTING**

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

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

## Perimeter Security

### 232.1 PURPOSE AND SCOPE

The purpose of this policy is to establish this facility's security perimeters, to ensure that incarcerated inmates remain inside the perimeter, and that visitor, vendor, volunteer and employee access is granted only with proper authorization and through designated safety vestibules and sallyports. The secure perimeter of this facility will provide protection from the escape of persons being processed, held or housed, and will act as a defense against the entry of unauthorized persons. It shall also be maintained to prevent contraband from entering the secure areas of the facility.

### 232.2 POLICY

All entry points to the secure perimeter of the facility shall be monitored and controlled continuously by Central Control staff.

#### 232.2.1 VISITORS

This facility shall be maintained as a secure area and no person shall enter any portion of the inner perimeter without specific authorization from the Corrections Chief or the authorized designee. All visitors shall be required to provide satisfactory identification, such as a valid state-issued driver license or identification card, valid passport or military identification. Visitors shall be required to sign in on the visitor log and state the reason for the visit. Visitors must wear a visitor's badge at all times and shall be escorted by one or more staff members at all times, while they are in the secure areas of the facility.

### 232.3 PROCEDURE

The secure perimeter shall be maintained by assigned staff. The Corrections Chief or the authorized designee shall ensure that a staffing plan is in place to monitor the secure perimeter of this facility. Suspicious activity at or near the perimeter shall immediately be reported to the Shift Supervisor and Central Control. . Central Control staff shall initiate an appropriate law enforcement response.

Suspicious activity at or near the secure perimeter shall be immediately reported to the Shift Supervisor and Central Control. Individuals suspected to be in violation of any law or who are observed loitering on or around the premises may be contacted and questioned to determine the circumstances of their presence or actions. When required, Central Control shall initiate an appropriate law enforcement response.

Central Control staff shall identify all persons seeking to gain access to the secure perimeter of the facility. Persons delivering goods or services shall identify themselves to Central Control staff prior to being allowed access to the delivery area.

Materials delivered to or transported from the facility's secure perimeter shall be inspected for contraband. Vendors making deliveries into the secure area of the facility will do so under the supervision of custody staff.

# Skagit County Sheriff's Office

## Custody Policies

### *Perimeter Security*

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Keys to the secure perimeter shall be easily identifiable and issued only in emergency situations or with the authorization the Corrections Chief.

Weapons lockers are provided outside all secure perimeter entrances. All weapons must be secured prior to an individual being allowed to enter the facility.

Operation of the sallyport doors will be done in such a manner as to effectively control movement into and out of the secure perimeter of this facility. Central Control staff are responsible for ensuring all perimeter surveillance equipment is in good working order and shall immediately report malfunctions or failures to the on-duty sergeant.

# Accessibility - Facility and Equipment

## 234.1 PURPOSE AND SCOPE

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

### 234.1.1 DISABILITY DEFINED

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

## 234.2 POLICY

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

### 234.2.1 ACCOMMODATIONS

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

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

## Community Relations - Public Information Plan

### 238.1 PURPOSE AND SCOPE

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

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

### 238.2 RESPONSIBILITIES

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

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

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

### 238.3 PROHIBITED MATERIALS

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

### 238.4 TOURS OF THE CUSTODY FACILITY

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Community Relations - Public Information Plan*

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#### **238.5 CONTACTING THE CUSTODY FACILITY**

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



# Victim Notification of Inmate Release

## 240.1 PURPOSE AND SCOPE

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

### 240.1.1 VICTIM DEFINED

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

## 240.2 POLICY

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

## 240.3 PROCEDURE

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

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

## 240.4 NOTIFICATION

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Victim Notification of Inmate Release*

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Notifications of victims will consist of the following:

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

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

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

# Community Service Program

## 242.1 PURPOSE AND SCOPE

The purpose of this policy is to identify community resources that may be used to strengthen the programs of the Skagit County Sheriff's Office by providing work opportunities to the inmates and needed services to the community.

## 242.2 POLICY

The Corrections Chief or the authorized designee is responsible for establishing relationships with the community that will provide support programs and productive opportunities for the inmates.

A community service program should provide labor for maintenance of equipment and facilities owned by municipal corporations including, but not limited to: the county, cities, towns, school districts, municipal transit etc. Activities that benefit individuals, businesses or other entities that are not considered a public works project are prohibited. Any such program shall be subject to the following guidelines:

- (a) The program complies with all statutes, ordinances, regulations, labor agreements, permissions or restrictions relating to inmates whenever they are assigned to public works and community service projects.
- (b) There is an availability of inmates who, as a matter of classification, are deemed to be eligible for participation in a community service program.
- (c) The number of work opportunities available in the community will determine the availability of opportunities to participate in a community service program.
- (d) Staff assigned to manage the program should strive to develop work assignments that give inmates an opportunity to develop good work habits and attitudes that can be applied to jobs obtained after release.
- (e) Program opportunities are based on victim and community input.

Failure to abide by the rules that identify legitimate work programs and sites may be a violation of law. Knowingly violating any statutes, ordinances, rules and regulations may result in termination and/or prosecution.

## 242.3 SELECTION PROCESS

The selection process for inmates desiring to participate in a community service program is as follows:

- (a) All inmates must submit to a screening process, including a criminal history check, to ensure that past criminal history is compatible with work in non-secure areas.

# Skagit County Sheriff's Office

## Custody Policies

### *Community Service Program*

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1. A classification process that clearly describes the criteria for program participation will be developed by the supervisor in charge of the program.
- (b) Inmates may be charged a fee for participation in the program in order to offset the cost of administration and staffing.
- (c) The program policy, procedures and practices provide that the inmate workday approximate the workday in the community. The normal work hours are six to eight hours per shift and must include adequate break and meal time.
- (d) Inmate performance while in the program is regularly evaluated and recorded. Poor performance in the work program or rule violations may render the inmate ineligible for the work program. Any violation of work rules may result in disciplinary action that may include the loss of credits previously awarded for good behavior and work time. Inmates who do not comply with program work rules, or for some other reason cannot work, will be reclassified in accordance with the policies and procedures of the Skagit County Sheriff's Office.
- (e) The working conditions for any inmate must comply with all applicable federal, state or local work safety laws and regulations.

## Vehicle Safety

### 244.1 PURPOSE AND SCOPE

It is the policy of this office to maintain and operate the vehicles assigned to this facility in a lawful and safe manner. The Office utilizes office-owned motor vehicles for a variety of applications. To maintain a system of accountability and ensure that office-owned vehicles are used appropriately, regulations relating to the use of these vehicles have been established. The term "office-owned" as used in this section also refers to any vehicle leased or rented by the Office.

### 244.2 USE AND SECURITY OF OFFICE VEHICLES

All staff members who operate office-owned or leased vehicles must comply with all applicable state laws and must possess a valid driver license endorsed for the type of vehicle operated.

#### 244.2.1 USE OF SEAT BELTS

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in office vehicles.

All employees shall wear properly adjusted safety restraints when operating or riding in office-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on-duty. The driver is responsible for ensuring all occupants, including non-employees, are in compliance with this policy, except (RCW 46.61.688):

- (a) Where the use or attempted use of the safety belt would aggravate an existing injury to, or medical condition of, the person being restrained.
- (b) Where the use or attempted use of the safety belt would expose an injury, or cause an injury to, the person applying the safety belt or the person being restrained, as in attempting to restrain combative or violent inmates.
- (c) Multi-passenger vans or buses that do not require seat belts or in which a seat belt would interfere with security.

Whenever possible, inmates should be secured in a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts. The inmate should be in the seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

No person shall operate an office vehicle in which the seat belt in the driver's position is inoperable. No person shall be transported in a seated position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

# Skagit County Sheriff's Office

## Custody Policies

### *Vehicle Safety*

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Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **244.2.2 VEHICLE SECURITY**

Office vehicles will be locked and the keys will be secured when not in use. The staff will make every effort to ensure that the vehicles are parked in a secure location.

Under no circumstances will inmates be allowed to operate a vehicle or have possession of any vehicle keys. Inmate workers who are assigned to clean vehicles must be closely supervised by staff.

The loss of any vehicle key shall be promptly reported, in writing, to the on-duty supervisor.

#### **244.3 VEHICLE INSPECTIONS**

All office-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or any of its contents, regardless of who owns the contents.

#### **244.4 VEHICLE SAFETY REPAIRS**

Anyone authorized to drive office vehicles is responsible for assisting in maintaining the vehicles so that they are properly equipped, maintained and refueled and present a clean appearance.

Anyone authorized to drive office vehicles is responsible for inspecting the interior and exterior of any assigned vehicle before placing the vehicle into service and again at the conclusion of his/her shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Vehicles that are deemed as unsafe shall not be used until necessary repairs are made. The written request for repairs shall be submitted before the operator checks out a replacement vehicle. The Corrections Chief or the authorized designee shall monitor the maintenance requests and ensure that the necessary repairs are made before the vehicle is placed back into service.

Annual vehicle safety inspections will be conducted on all vehicles that are owned, leased or used by the Office. The inspection will be conducted by a qualified individual designated by the Corrections Chief. Inspection reports will be forwarded to and maintained by the Corrections Chief.

#### **244.5 USE OF PERSONAL VEHICLES**

The use of personal vehicles for official business must be approved by the Corrections Chief. The Corrections Chief or the authorized designee shall verify that the personal vehicle meets the state's insurance requirements. All policies and procedures applicable to facility vehicles shall apply to the personal vehicle while it is being used for official business.

# Skagit County Sheriff's Office

## Custody Policies

### *Vehicle Safety*

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#### **244.6 COLLISION DAMAGE, ABUSE AND MISUSE**

When an office-owned or leased vehicle is involved in a traffic collision, the involved employee shall promptly notify a supervisor. A traffic collision report shall be filed with the agency having jurisdiction. The employee shall complete the office's vehicle collision form.

When a collision involves an office vehicle or when a member of this office is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death or potentially involves any criminal charge, an outside agency should be summoned to handle the investigation. If the employee is incapable of completing the office's vehicle collision form, a supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered. It shall be documented in memorandum format and forwarded to the Shift Supervisor. An administrative investigation will be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

#### **244.7 TOLL ROAD USE**

Law enforcement vehicles are not routinely exempt from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads while on-duty are exempt from paying the toll.

Commuting or returning to the Office after an emergency does not qualify for this exemption; personnel using office-owned vehicles are subject to the toll charge.

To avoid unnecessary toll road violation charges, all employees operating a office-owned vehicle on a toll road shall adhere to the following:

- (a) Individuals operating office-owned vehicles for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge.
- (b) Individuals may submit for reimbursement from the Office for any toll fees
- (c) Individuals driving office-owned vehicles through a toll plaza or booth during a response to an emergency shall draft a memo to his/her supervisor within five working days, explaining the circumstances.

## Fitness for Duty

### 246.1 PURPOSE AND SCOPE

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

### 246.2 POLICY

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

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

### 246.3 SUPERVISOR RESPONSIBILITIES

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



# Skagit County Sheriff's Office

## Custody Policies

### *Fitness for Duty*

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#### **246.4 NONWORK-RELATED CONDITIONS**

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

#### **246.5 WORK-RELATED CONDITIONS**

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

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

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

#### **246.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Fitness for Duty*

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

#### **246.7 APPEALS**

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

#### **246.8 MEDICAL RECORDS**

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

# Staffing Plan

## 248.1 PURPOSE AND SCOPE

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

## 248.2 POLICY

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

## 248.3 STAFFING PLAN REQUIREMENTS

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

At minimum, the staffing plan will include the following:

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

## 248.4 STAFFING ANALYSIS

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Staffing Plan*

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

#### **248.4.1 DATA COLLECTION FOR ANALYSIS**

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

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

#### **248.5 REPORTING**

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

# Employee Speech, Expression and Social Networking

## 250.1 PURPOSE AND SCOPE

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

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

### 250.1.1 APPLICABILITY

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

## 250.2 POLICY

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

## 250.3 SAFETY

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

## 250.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Employee Speech, Expression and Social Networking*

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

#### 250.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Employee Speech, Expression and Social Networking*

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

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

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

#### **250.5 PRIVACY EXPECTATION**

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

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

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

## **Chapter 3 - Recruitment Selection and Planning**



## Employee Orientation

### 302.1 PURPOSE AND SCOPE

The purpose of this policy is to define the parameters for new employee orientation. The purpose of the orientation is to provide new employees with basic information about the facility and the environment in which they will be working. Orientation is not meant to supplant other basic training required by law, ordinance or regulations.

### 302.2 NEW EMPLOYEE ORIENTATION

Each new facility employee shall receive an orientation prior to assuming his/her duties. At a minimum, the orientation shall include:

- Working conditions
- Code of ethics
- Personnel policy manual
- Employee rights and responsibilities
- Overview of the criminal justice system
- Tour of the facility
- Facility goals and objectives
- Facility organization
- Staff rules and regulations
- Program overview

### 302.3 EMPLOYEE ACKNOWLEDGEMENTS

Office personnel assigned to provide the new employee orientation will ensure that each new employee is given copies of work rules and regulations, office ethics, and any other office documents, for which the employee will be held accountable.

A staff member will collect a signature page from the employee, acknowledging receipt, review and understanding of the documents. A copy of the signature page shall be retained in the employee's personnel file in accordance with established records retention schedules (WAC 44-14-03005).

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## Continuing Professional Education

### **304.1 PURPOSE AND SCOPE**

This policy is designed to support the ongoing professional education of office personnel at all levels. Continuing professional education provides a broad view of the world and by extension enhances the understanding of the correctional mission as it applies to the Office and the community.

#### **304.1.1 PHILOSOPHY**

The Office seeks to encourage continuing education whenever practical. All continuing education programs will be within the framework of negotiated employee agreements and the availability of funds to provide ongoing efforts for self improvement.

The Office encourages all personnel to participate in formal education on a continuing basis.

### **304.2 OBJECTIVES**

Training involves activities whereby deputies, professional staff, support and contractor personnel learn and demonstrate an understanding of the specific job skills required for each position.

Individuals who engage in furthering their education in conjunction with skills-based training make for well-rounded employees who can better serve the mission of the Office and the community.

Supervisors should accommodate, to the extent feasible and schedules permitting, requests by personnel for shift adjustments and available leave time to assist personnel with their continuing education efforts.

### **304.3 REQUIRED TRAINING**

With the exception of the year that the staff member is enrolled in a core training module, all staff members shall complete any required annual training.

# Training for Managers and Supervisors

## **306.1 PURPOSE AND SCOPE**

This policy establishes training requirements and guidelines for supervisory and management staff, and encourages all personnel to participate in basic and continuing professional training.

## **306.2 POLICY**

It is the policy of this office to administer a training program that provides for the professional growth and continued development of its personnel in accordance with all laws, ordinances and regulations. All training is provided with the intent to improve the competency of staff within the confines of funding, the requirements of a given assignment, staffing levels and legal mandates.

## **306.3 TRAINING OBJECTIVES**

The objectives of the training program are to accomplish the following:

- (a) Improve the competency of staff at all levels.
- (b) Ensure that staff can carry out the mission of the Office through a thoroughly demonstrated knowledge of office policies and procedures.
- (c) Increase the technical expertise and overall effectiveness of personnel.
- (d) Provide for continued professional development of office personnel.

## **306.4 TRAINING FOR NEW MANAGERS AND SUPERVISORS**

All managers and supervisors (full- or part-time) are required to have management and supervision training as specified by the Washington State Criminal Justice Training Commission (WSCJTC) within the first year of their appointment. Supervisors are encouraged to thereafter train annually on topics that are intended or approved for the first-level supervisor position.

Managers shall hold the supervisory certificate of the training commission, successfully complete a middle management course provided by the training commission and are encouraged to complete training on topics that are intended or approved for the middle management position (WAC 139-25-110).

## **306.5 TRAINING RECORDS**

The Office shall use training courses certified by a competent government or standards-setting organization whenever practicable. All training should include testing to identify and document the employee's knowledge of the subject matter.

It shall be the responsibility of the Training Sergeant to ensure that the following is maintained on file for all training provided by the Office:

- The course outline or lesson plan
- A roster signed and dated by those in attendance

# Skagit County Sheriff's Office

## Custody Policies

### *Training for Managers and Supervisors*

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- The name of the person coordinating the training

It shall be the responsibility of the involved employee to provide his/her immediate supervisor or the Training Sergeant with evidence of completed training or education in a timely manner. The Training Sergeant shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules (WAC-14-03005).

# Jail Training Officer Program

## **308.1 PURPOSE AND SCOPE**

The correctional facility training officer program is intended to provide a standardized program to facilitate the deputy's transition from the academic setting to the actual performance of general corrections duties.

It is the policy of this office to assign all new deputies to a structured correctional facility training officer program that is designed to prepare the new deputy to perform in a custody assignment, and to provide training on all skills needed to operate in a safe, productive and professional manner.

## **308.2 TRAINING OFFICER**

The Field Training Officer (FTO) is an experienced deputy trained in the art and science of supervising, training and evaluating entry-level deputies in the application of their previously acquired knowledge and skills.

### **308.2.1 SELECTION PROCESS**

Field Training Officers will be selected based on the following requirements:

- (a) A desire to perform the training mission
- (b) A minimum level of experience as determined by the Chief of Corrections
- (c) A demonstrated ability to be a positive role model
- (d) Successfully passed an internal selection process
- (e) An evaluation by supervisors and current FTOs

### **308.2.2 TRAINING**

All FTOs shall successfully complete a minimum 40-hour CJTC course of instruction prior to being assigned a trainee.

All FTOs should complete a 24-hour update course every three years while assigned to the position of FTO.

## **308.3 TRAINING OFFICER RESPONSIBILITIES**

- (a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO's immediate supervisor on a daily basis.
- (b) FTOs shall review the performance evaluations with the trainee each day.
- (c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.
- (d) FTOs shall be responsible for signing off all completed topics contained in the Training Manual, noting the methods of learning and evaluating the performance of the assigned trainee.

### *Jail Training Officer Program*

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#### **308.4 TRAINING OFFICER PROGRAM SUPERVISOR**

The FTO program supervisor will be selected from the rank of sergeant or above by the Corrections Chief or the authorized designee and shall possess a supervisory certificate from the Washington State Criminal Justice Training Commission (WSCJTC) (WAC 139-25-110). The supervisor's responsibilities include the following:

- (a) Assign trainees to FTOs.
- (b) Conduct FTO meetings.
- (c) Maintain and ensure FTO/trainee performance evaluations are completed in a timely manner.
- (d) Maintain, update and issue the training manual to each trainee.
- (e) Monitor individual FTO performance.
- (f) Monitor the overall FTO program.
- (g) Develop ongoing training for FTOs.

# Training

## **312.1 PURPOSE AND SCOPE**

It is the policy of this office to assign all new deputies to a structured correctional facility training program designed to prepare the new deputy to perform in a correctional assignment with the skills needed to operate in a safe, productive and professional manner.

## **312.2 MINIMUM TRAINING REQUIREMENTS**

All deputies, full- or part-time, shall successfully complete orientation and training as described in RCW 43.101.221 and in accordance with WAC 139-10-210, within six months from the date of assignment.

Individuals assigned to work in the facility prior to completing the required training may do so only when under the direct supervision of a fully trained deputy.

## **312.3 CORRECTIONAL FACILITY TRAINING PROGRAM PHASES**

The correctional facility training program is designed to build upon the conceptual foundation taught in the basic academy, whereupon the theoretical knowledge gained in the academy can be molded into a practical skill set. The correctional facility training program consists of the five phases described below.

### **312.3.1 FIRST PHASE - FACILITY ORIENTATION**

The trainee will be assigned to a Training Officer (TO). The TO will, at a minimum:

- (a) Brief the trainee on the purpose, scope and responsibilities expected during the training program.
- (b) Explain the evaluation system and acquaint the trainee with the rating forms that will be used.
- (c) Provide the trainee with any required equipment or materials.
- (d) Tour the entire facility and support services with the trainee.
- (e) Introduce the trainee to the Corrections Chief and key supervisory, administrative and support personnel.

### **312.3.2 SECOND PHASE - SHADOWING**

In this phase the trainee will be exposed to the many duties at each post, including transportation and special functions, by observing the TO demonstrate how each task is to be performed. The TO should provide instruction to the trainee and encourage the trainee to ask questions.

Time should be made available during this phase to allow the trainee to study policies and procedures, directives, post orders and any other materials deemed necessary by the TO.

The TO will monitor the trainee's progress by asking questions and administering tests on the materials and demonstrations that have been provided to the trainee.

# Skagit County Sheriff's Office

## Custody Policies

### *Training*

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The work performance of the trainee will be evaluated and recorded daily by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

#### **312.3.3 THIRD PHASE - HANDS-ON WITH CLOSE SUPERVISION**

During this phase the TO will instruct the trainee in each required activity at each post, including transportation and special functions. Once each task is demonstrated, the trainee will be directed to perform each activity under the close supervision of the TO.

The TO will provide direction as needed to the trainee during the hands-on activities.

The work performance of the trainee will be evaluated and recorded daily by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

#### **312.3.4 FOURTH PHASE - SOLO WITH MONITORING**

During this phase the trainee will be directed to work solo in each area that training has been provided.

The solo activities of the trainee will be monitored by the TO and a supervisor.

The work performance of the trainee will be evaluated and recorded by the TO. Areas of deficiency will be discussed and remedial training provided if deemed necessary by the TO.

#### **312.3.5 FIFTH PHASE - WORKING INDEPENDENTLY WITH SUPERVISION**

Provided that there are no concerns about the trainee's ability, the trainee will be assigned to a shift and will be supervised regularly by the supervisor.

The supervisor, in consultation with the TO and the Corrections Chief, will make a recommendation to pass the trainee on to his/her assignment, to continue training, or will recommend termination.

#### **312.4 PROBATIONARY PERIOD EVALUATION**

Probationary employees will receive a written evaluation of their job skills and learning progress at least once a month or at the completion of each phase of training, whichever occurs first. Prior to passing the probationary period, each probationary employee will receive a final evaluation. These evaluations shall be in writing and discussed with the employee by his/her supervisor. The final evaluation shall be made a part of the employee's personnel record.



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## Specialized Training

### 314.1 PURPOSE AND SCOPE

Deputies who are assigned to specialized positions or units will receive training commensurate with the complexity of their specialty and must be able to demonstrate proficiency in the specific skills related to their specialized function.

### 314.2 QUALIFICATIONS

To be eligible for assignment to a specialized position or unit, deputies are required to be off probation and to generally have at least three years of experience as a deputy.

### 314.3 TRAINING

The Training Sergeant is responsible for ensuring that all personnel who are assigned to a specialized position or unit should receive training as needed comensurate with the responsibilities.

The Office will use courses certified by a competent government or standards-setting organization whenever practicable. All training should include testing to identify and document the employee's knowledge in the subject matter presented.

It shall be the responsibility of the employee to provide the Training Sergeant or immediate supervisor with evidence of completed training and education in a timely manner. The Training Sergeant or supervisor shall ensure that copies of training records are placed in the employee's training file.

## Firearms Training

### 316.1 PURPOSE AND SCOPE

This policy is intended to ensure that all personnel legally assigned a firearm will develop proficiency in the use, care and safety of firearms through a regular training schedule in accordance with all laws and regulations.

### 316.2 FIREARMS TRAINING

All personnel authorized to use firearms shall receive training in accordance with state law before being assigned to a post involving the possible use of such weapons (RCW 10.93.020).

Notwithstanding any statutory and regulatory requirements, at a minimum, firearms training will cover the laws, use, safety, safety equipment and care of firearms and the constraints on their use.

Whenever possible, the Office will use courses certified by a competent government or standards-setting organization. Whenever training is provided by the Office, the Training Sergeant should ensure that a course outline and/or lesson plan, a roster signed and dated by those in attendance and the name of the person coordinating the event are on file.

Personnel who are authorized to carry a firearm in the performance of their duties are required to maintain proficiency with firearms used in the course of their assignment. All custody personnel who carry firearms are required to qualify annually with their duty weapon on an approved range course.

The Rangemaster shall keep accurate records of qualifications, repairs, maintenance, and training records as directed by the Training Sergeant. In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all affected personnel with annual practical training that is designed to simulate situations that may occur in a custody facility setting. At least annually, all personnel carrying a firearm will receive training on the Use of Force Policy and demonstrate their knowledge and understanding by passing either a performance or written test.

### 316.3 FIREARMS NON-QUALIFICATION

If any staff member is unable to qualify for any reason, including injury, illness, duty status or scheduling conflict, that staff member shall submit a memorandum to his/her immediate supervisor prior to the end of the required shooting period.

Members who repeatedly fail to qualify will be relieved from the assignment that authorized a firearm; appropriate disciplinary action may follow.

Personnel who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated, and will be subject to the following requirements:

- (a) Additional range assignments may be required until consistent weapon proficiency is demonstrated.

# Skagit County Sheriff's Office

## Custody Policies

### *Firearms Training*

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- (b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.
- (c) No range credit will be given for the following:
  - 1. Unauthorized range makeup
  - 2. Failure to qualify after remedial training

# Chemical Agent Training

## 318.1 PURPOSE AND SCOPE

The Office authorizes the use of selected chemical agent control devices in order to reduce altercation-related injuries to deputies and inmates. This policy establishes the required training for deputies to be authorized to carry and use these devices, and identifies the appropriate treatment of individuals exposed to a chemical agent.

## 318.2 CHEMICAL AGENT TRAINING

Only deputies trained and having shown adequate proficiency in the use of any control device and the Use of Force Policy are authorized to carry the device.

- (a) All initial and proficiency training for control devices will be documented in the deputy's training file.
- (b) Deputies failing to demonstrate proficiency with chemical agents or knowledge of this Use of Force Policy will be provided remedial training. If, after two remedial training sessions, a deputy fails to demonstrate proficiency with chemical agents or knowledge of this office's Use of Force Policy, the deputy will not be authorized to use the devices and may be subject to discipline.
- (c) The Training Sergeant shall be responsible for ensuring that all personnel who are authorized to use chemical agents have also been trained in the proper medical treatment of persons who have been affected by the use of chemical agents. Training should include the initial treatment, i.e., providing the proper solution to cleanse the affected area and knowing when to summon medical personnel for more severe effects.

## 318.3 PROFICIENCY TESTING

The Training Sergeant shall ensure that all training delivered to staff should also test proficiency in order to document that the employee understands the subject matter, and that proficiency training is monitored and documented by a certified weapons or tactical instructor.

## 318.4 TRAINING RECORDS

It shall be the responsibility of the Training Sergeant to ensure that the following is maintained on file for all training provided by the Office:

- A course outline or lesson plan
- A roster signed and dated by those in attendance
- The name of the person coordinating the training

The Training Sergeant shall ensure that copies of such training records are placed in the employee's training file and retained in accordance with established records retention schedules (WAC 44-14-03005).

# Skagit County Sheriff's Office

## Custody Policies

### *Chemical Agent Training*

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#### **318.5 REVIEW, INSPECTION AND APPROVAL**

Every control device will be periodically inspected by the Office Rangemaster or the designated instructor for a particular control device.

# Prison Rape Elimination Act Training

## 320.1 PURPOSE AND SCOPE

This policy establishes an education and training process related to implementation of the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation (PREA Rule) (28 CFR 115.5 et seq.).

## 320.2 POLICY

The Skagit County Sheriff's Office endeavors to comply with the training standards in the PREA Rule and to ensure that all staff, volunteers and contractors are aware of their responsibilities and that staff, volunteers, contractors and inmates are aware of the policies and procedures of the facility as they relate to PREA.

Individuals who are considered professional visitors, e.g. legal counsel or investigators, will be advised of the office policy on sexual abuse and the provisions of the PREA.

Professional visitors may be required to sign and acknowledge that they have read and understand the office policy on sexual abuse.

## 320.3 MEMBER TRAINING

All staff, volunteers and contractors who may have contact with inmates shall receive office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall ensure that the staff receives training and testing in prevention and intervention techniques, that they have sufficient knowledge to answer any questions the arrestees and inmates may have regarding sexual assault or abuse, and that they are familiar enough with the reporting process to take an initial report of a sexual assault or abuse. The Training Sergeant shall be responsible for developing and administering this training, covering at minimum (28 CFR 115.31; 28 CFR 115.32):

- The zero-tolerance policy for sexual abuse and sexual harassment and how to report such incidents.
- The dynamics of sexual abuse and sexual harassment in confinement.
- The common reactions of sexual abuse and sexual harassment victims.
- Prevention and intervention techniques to avoid sexual abuse and sexual harassment in the correctional facility.
- Procedures for the investigation of a report of sexual abuse and/or sexual harassment.
- Individual responsibilities under sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures.
- An individual's right to be free from sexual abuse and sexual harassment.

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act Training*

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- The right of inmates to be free from retaliation for reporting sexual abuse and sexual harassment.
- How to detect and respond to signs of threatened and actual sexual abuse.
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex or gender non-conforming inmates.
- How to comply with relevant laws related to mandatory reporting of sexual abuse and sexual harassment to outside authorities.
- How to avoid inappropriate relationships with inmates.

Training shall be tailored according to the sex of the inmates at the facility. Staff should receive additional training on security measures and the separation of male and female populations in the same facility if the staff has been reassigned from a facility that houses only male or female inmates.

Training should include written testing to validate knowledge and understanding of the material. The Training Sergeant shall document, through signature or electronic verification, that staff, volunteers and contractors have received and understand the training. The Training Unit will maintain training records on all staff receiving training in accordance with procedures developed by the Training Sergeant.

The Training Sergeant shall ensure that members undergo annual refresher training that covers the office's sexual abuse and sexual harassment policies and related procedures (28 CFR 115.31).

#### **320.4 SPECIALIZED MEDICAL TRAINING**

All full- and part-time qualified health care and mental health professionals who work regularly in the facility shall receive all of the member training listed above, as well as training that includes (28 CFR 115.35):

- (a) Detecting and assessing signs of sexual abuse and sexual harassment.
- (b) Preserving physical evidence of sexual abuse.
- (c) Responding effectively and professionally to victims of sexual abuse and sexual harassment.
- (d) Reporting allegations or suspicions of sexual abuse and sexual harassment.

If the qualified health care and mental health professionals employed by this facility conduct forensic examinations, they shall receive the appropriate training to conduct such examinations.

The Training Sergeant shall maintain documentation that the facility's health care and mental health professionals have received the training referenced above, either from this office or elsewhere.

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act Training*

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#### **320.5 SPECIALIZED INVESTIGATIVE TRAINING**

Specialized investigative training for investigators shall include the uniform evidence protocol to maximize potential for obtaining useable physical evidence; techniques for interviewing sexual abuse victims; proper use of *Miranda* and *Garrity* warnings; sexual abuse evidence collection in confinement settings; and the criteria and evidence required to substantiate a case for administrative action or referral for prosecution (28 CFR 115.21; 28 CFR 115.34).



# Health Care Provider Orientation

## **322.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish an orientation period for all new health care staff working in the facility, in cooperation with the health care service staff. The goal is to improve the competency of the health care staff and the effectiveness of the care delivered, as well as to maintain the safety and security of the custody environment and to comply with all applicable laws, regulations and national health care standards.

## **322.2 NEW HEALTH CARE STAFF ORIENTATION**

All new health care staff shall complete an orientation program before independently working in their assignments. At a minimum, the orientation program should cover:

- The purpose, goals, policies and procedures for the Skagit County Sheriff's Office
- Security and contraband regulations
- Access control to include use of keys
- Appropriate conduct with inmates
- Responsibilities and rights of facility employees and contractors
- Universal and standard precautions
- Occupational exposure
- Personal protective equipment (PPE)
- Biohazardous waste disposal
- An overview of the correctional field
- Issues relating to manipulation of staff by inmates, identification of behaviors and tactics and the approved responses to these acts including notification of supervisors

## **322.3 HEALTH CARE STAFF REFRESHER TRAINING**

All health care staff shall meet refresher-training requirements as established by the local public health entity or the minimum licensing requirements as established by the state licensing body.

## **322.4 FACILITY-SPECIFIC TRAINING**

The Training Sergeant should include these staff members in training and training exercises relative to facility safety and security including, but not limited to, the following:

- Emergency medical triage in the facility
- Emergency evacuation routes and procedures
- Communication systems during facility emergencies

## *Health Care Provider Orientation*

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- Security during facility emergencies
- Qualified health care professional response during "officer down" incidents
- Responding to critical facility emergencies
- Facility hostage policy and medical response tactics
- Medical emergency transportation procedures
- Media relations

### **322.5 TESTING**

All training delivered to qualified health care professionals should include a testing component to document that the employees understand the subject material.

### **322.6 TRAINING RECORDS**

The Training Sergeant, in coordination with the Responsible Physician, shall be responsible for developing and maintaining training records in accordance with established records retention schedules (WAC 44-14-03005).

# Volunteer Program

## 324.1 PURPOSE AND SCOPE

It is the policy of this office to use qualified volunteers to assist in the daily operation through their contribution of services to the inmates and the families of inmates, and to serve as a link between the facility and the community. Volunteers are intended to supplement and support, rather than supplant deputies and other personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to corrections institutions.

### 324.1.1 DEFINITION OF VOLUNTEER

A volunteer individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, inmate reentry programs personnel and persons providing administrative support.

## 324.2 VOLUNTEER PROGRAM MANAGEMENT

### 324.2.1 PROGRAM COORDINATOR

The program coordinator shall be appointed by the Corrections Chief. The function of the program coordinator is to provide a central coordinating point for effective program management within the Office, and to direct and assist staff and volunteer efforts to provide more productive services. The program coordinator should work with other Office staff on an ongoing basis to assist in the development and implementation of volunteer positions.

A program coordinator or the authorized designee shall be responsible for:

- (a) Developing and maintaining a volunteer recruiting plan.
- (b) Developing and maintaining a handbook that minimally identifies expectations and the lines of authority, responsibility and accountability for the various volunteer assignments.
- (c) Recruiting, selecting and training qualified volunteers for various positions.
- (d) Facilitating the implementation of new volunteer activities and assignments.
- (e) Maintaining records for each volunteer.
- (f) Tracking and evaluating the contribution of volunteers.
- (g) Maintaining a record of volunteer schedules and work hours.
- (h) Completion and dissemination as appropriate of all necessary paperwork and information.
- (i) Planning periodic recognition events.
- (j) Administering discipline when warranted.

# Skagit County Sheriff's Office

## Custody Policies

### *Volunteer Program*

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- (k) Maintaining liaison with other community programs that use volunteers and assisting in community efforts to recognize and promote volunteering.

#### 324.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation should be an interest in, and an ability to assist the Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the program coordinator through the requester's immediate supervisor. A complete position description, including when the volunteer would be needed, should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The program coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 324.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The program coordinator or the authorized designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

- (a) Traffic and criminal background check; fingerprints shall be obtained from applicants and processed through the Criminal Information Index (CII).
- (b) Employment
- (c) References

#### 324.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Office shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Office, normally the program coordinator. No volunteer should begin any assignment until he/she has been officially accepted for the position. Each volunteer should complete all required enrollment paperwork and will receive a copy of his/her position description and agreement of service with the Office.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the facility.

#### 324.2.5 TRAINING

The program coordinator or the authorized designee shall be responsible for developing and maintaining training curriculum and any related forms specific to volunteer assignments. The program coordinator or the authorized designee shall be responsible for ensuring that volunteers are provided with an orientation program to acquaint them with the Office, personnel, and policies

# Skagit County Sheriff's Office

## Custody Policies

### *Volunteer Program*

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and procedures that have a direct impact on their work assignment. The training/orientation will include, but not be limited to, the following topics:

- (a) Office policies and procedures
- (b) Rules related to contraband in the facility
- (c) Prohibition on carrying weapons in the facility
- (d) Volunteer/offender relationship and general rules of conduct
- (e) Safety and emergency information
- (f) An overview and history of the Office

The program coordinator shall be responsible for creating and maintaining records of all training provided to each volunteer.

Volunteers should receive position training by their immediate supervisor to ensure they have adequate knowledge and skills to complete tasks required by the position. They should receive periodic ongoing training as deemed appropriate by their supervisor or the program coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer, that they are deputies or other employees of the Office. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Office.

#### 324.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her mental or physical condition has been impaired by alcohol, medication or other substances, or when the volunteer is experiencing illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

- (a) Driver's license status, if driving is part of the duties of the assignment
- (b) Any medical condition that might impair the volunteer's ability to perform the duties of the position
- (c) Arrests
- (d) Criminal investigations
- (e) The detention of family members, work associates or immediate friends

All volunteers shall adhere to the guidelines set forth by this office regarding drug and alcohol use.

# Skagit County Sheriff's Office

## Custody Policies

### *Volunteer Program*

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#### **324.2.7 DRESS CODE**

As representatives of the Office, volunteers should present a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to office-approved dress in accordance with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by deputies. The uniform or identifiable parts of the uniform shall not be worn while off-duty. However, volunteers may choose to wear the uniform while in transit to or from official office assignments or functions, provided an outer garment is worn over the uniform shirt to avoid bringing attention to the volunteer while he/she is off-duty.

Volunteers shall be required to return any issued uniform or office property at the termination of service.

#### **324.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Office and assigned to the correctional facility must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned and act as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. The following are some considerations to keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

#### **324.4 HEALTH CARE VOLUNTEERS**

The program coordinator will coordinate volunteer activities with the health care staff. Health care volunteers will be subject to all of the volunteer, recruitment, selection and training requirements of the Office. The qualified health care professionals may have additional requirements and training for health care volunteers.

The program coordinator shall ensure that any volunteer performing health care duties possesses the appropriate credentials and training, in coordination with the health care staff, and shall ensure that signed agreement forms pertaining to the security and confidentiality of information are on file with the Office.

# Skagit County Sheriff's Office

## Custody Policies

### *Volunteer Program*

---

The program coordinator shall also ensure that volunteers performing health care duties have received specific training in topics that including fire, safety, security, contraband and inmate culture.

#### **324.5 CONFIDENTIALITY**

With appropriate security clearance, volunteers may have access to confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor or office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know, as determined by office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Office. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper office personnel.

#### **324.6 PROPERTY AND EQUIPMENT**

Any fixed and portable equipment issued by the Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Office and shall be returned at the termination of service.

##### **324.6.1 VEHICLE USE**

Volunteers assigned to duties that require the use of a vehicle must first complete the following:

- (a) A safety briefing and office-approved driver-safety course
- (b) Verification that the volunteer possesses a valid driver license
- (c) Verification that the volunteer carries current vehicle insurance

The program coordinator should ensure that all volunteers receive safety briefing updates, and should verify their license and insurance at least once a year.

When operating an office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all office vehicles.

##### **324.6.2 TELECOMMUNICATION SYSTEMS USAGE**

Volunteers with access to law enforcement telecommunication systems shall successfully complete all mandated access training and radio procedures training prior to using any such equipment. Volunteers shall comply with all policies and procedures related to the use of such

# Skagit County Sheriff's Office

## Custody Policies

### *Volunteer Program*

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equipment. The program coordinator should ensure that appropriate training is provided for volunteers whenever necessary.

#### **324.7 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff, Corrections Chief or the program coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with the Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

##### **324.7.1 EXIT INTERVIEWS**

Exit interviews, when practicable, should be conducted with volunteers who are leaving their positions. The interview should attempt to ascertain the reason for leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Office.

#### **324.8 EVALUATION**

An evaluation of the overall volunteer program will be conducted on an annual basis by the program coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

#### **324.9 VOLUNTEER REGISTRATION**

All volunteers shall be registered with the Office for insurance purposes. The facility shall maintain an identification record for each volunteer that includes a photograph, home address, current telephone numbers, background certification, training/orientation certifications, and list of special skills, languages spoken or volunteer specialty.



## Briefing Training

### 326.1 PURPOSE AND SCOPE

In Service training is generally conducted at the beginning of the deputy's assigned shift. In Service training provides an opportunity for an important exchange of information between employees and supervisors.

### 326.2 POLICY

In Service training covers a wide range of topics selected by the management/supervisory and training staff.

The supervisor conducting in service training is responsible for the preparation of the materials necessary for constructive training. Supervisors may delegate this responsibility to a subordinate deputy in their absence or for training purposes. The in service training will be based upon a structured program to provide topics related to, but not limited to, the following:

- Custody facility policies and procedures
- Departmental Directives not yet established into policy
- Reviewing recent incidents for training purposes
- In preparation or response to an unusual occurrence
- Statutory requirements or court orders
- Operation of new equipment, including computer software
- Notifying the staff of changes in schedules and assignments
- Any other topic as determined by the Sheriff or Corrections Chief

### 326.3 COMPUTER-BASED TRAINING OPTIONS

The Lexipol Daily Training Bulletins (DTBs) is a web-based system that provides training on the Skagit County Sheriff's Office Custody Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Office.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the

# Skagit County Sheriff's Office

## Custody Policies

### *Briefing Training*

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DTB system can be accessed from any Internet-active computer, employees shall only take DTBs as part of their on-duty assignment as there will be no authorization for taking or viewing DTBs while off-duty.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.

#### **326.4 TRAINING RECORDS**

The Training Sergeant will assist the Shift Supervisors with identifying relevant topics for delivery during in service training and will be responsible for maintaining all in service training records.

# Training Plan

## **328.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish a training plan that will provide for the professional growth and continued development of facility personnel and to forecast annual funding needs for future training. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to professionally manage the inmate population.

## **328.2 POLICY**

The Training Sergeant shall conduct an annual training needs assessment to determine the training needs of all employees based upon state laws, regulations, certification requirements and continued professional training requirements.

A training plan shall be based on the assessment. It is the responsibility of the Training Sergeant to develop, maintain, review and update the training plan on an annual basis.

The annual training plan should be presented to the management staff for review. The approved training plan should include the annual funding requirements forecast by the Training Sergeant. The Training Sergeant shall coordinate with the budgeting office to develop a funding source for all mandatory training.

The Sheriff or the authorized designee shall have final approval of the training plan and the budget to ensure that the training to be delivered is fiscally responsible and meets the mission of the Office.

The Training Sergeant will execute the training plan on behalf of the Sheriff.

## **328.3 TRAINING SERGEANT**

A qualified individual shall be appointed by the Sheriff or the authorized designee to serve as the Training Sergeant, who shall report to the Sheriff or the authorized designee.

Full-time employees who are assigned to be trainers shall receive specialized instruction, which at a minimum shall include a 40-hour train-the-trainers course.

The Training Sergeant is responsible for developing an annual training plan. The plan should ensure that employees meet all state law and certification requirements, any specialty training required for specialty assignments, and all continued professional training requirements. The plan should include a process to review course content and quality, typically by way of attendee feedback and/or a course audit by the training staff.

## **328.4 TRAINING RECORDS**

An individual training file shall be maintained by the Training Sergeant or the authorized designee for each employee. Training files shall contain records of all training and education (original or photocopies of available certificates, transcripts, diplomas and other documentation) for all employees.

# Skagit County Sheriff's Office

## Custody Policies

### *Training Plan*

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The maintenance of the training records shall be in sufficient detail as to comply with any outside audit requirements (28 CFR 115.34).

Whenever an employee obtains training that is not provided by this office, it shall be the responsibility of the employee to provide his/her immediate supervisor or the Training Sergeant evidence of completed training or education in a timely manner.

The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's training file.

Training records shall contain the following information:

- Name of the employee
- Date of hire
- Education and training background (education and training received prior to hire)
- Type of training received
- Date the training was received and successfully completed
- Title of the training and name of the provider
- Test scores or training benchmarks

The Training Sergeant shall also be responsible for documenting the waivers of the training requirements based upon equivalent training received before employment or demonstrated competency through proficiency testing.

#### **328.5 COURSE CERTIFICATION/QUALITY ASSURANCE**

Training courses should be subject to a quality assurance process that, at minimum, provides:

- A complete description of the course, including the number of certified training hours achieved.
- A curriculum including job-related topics and content and performance objectives.
- The credentials of all presenters and instructors.

Training should not be comprised only of the minimum number of hours required annually but also of instruction specific to tasks performed by employees in the facility. Courses should include a testing component that shows a measurable transfer of knowledge and a mastery of topics.

#### **328.6 TRAINING PROCEDURES**

- (a) All employees assigned to attend training shall attend as scheduled, unless previously excused by their immediate supervisor or the Training Sergeant. Excused absences from mandatory training should be limited to the following:

1. Court appearances

# Skagit County Sheriff's Office

## Custody Policies

### *Training Plan*

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2. Authorized vacation
  3. Sick leave
  4. Physical limitations preventing the employee's participation
  5. Emergency situations
  6. Leave under state or federal law (e.g., Family Medical Leave Act)
- (b) When an employee is unable to attend mandatory training, that employee shall:
1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
  2. Document his/her absence in a memorandum to the supervisor.
  3. Make arrangements through the supervisor and the Training Sergeant to attend the required training on an alternate date.

# Support Personnel Training

## **330.1 PURPOSE AND SCOPE**

The Office has developed a training program for professional support and contractor personnel, whether full- or part-time, to increase competency in their assigned tasks and to help ensure that all support personnel understand the issues that are unique to their position as it relates to this facility. This policy establishes minimum training guidelines for those employees and contractors.

## **330.2 TRAINING SERGEANT RESPONSIBILITIES**

The Training Sergeant is responsible for coordinating training and will ensure that the training and orientation given to each general service or contract employee is properly documented and placed in the worker's training file. At a minimum the record should contain the name of the individual, the assignment, the date the orientation was presented, the orientation outline indicating the subject material and the name of the instructor. To the extent applicable, copies of tests and passing scores should also be included as a part of the record.

## **330.3 PART-TIME PERSONNEL**

General service personnel working part-time shall receive formal orientation and training commensurate with the scope of their work assignments, as determined by the Corrections Chief, before assignment to duties within the facility. At a minimum the orientation should cover institutional rules, security and operational issues. General service and contract personnel who fail to successfully complete all required training shall not be permitted to work in the secure portions of the facility.

## **330.4 PERSONNEL WITH MINIMAL INMATE CONTACT**

New professional support and contractor personnel who have minimal inmate contact should receive training during the first year of employment.

Minimal inmate contact is defined as tasks that do not involve the supervision of inmates, inmate discipline or specific tasks that involve custody and control of inmates. Training topics shall include, but not be limited to:

- Custody policies and procedures
- Emergency response procedures
- Job specific training
- Washington State Criminal Justice Training Commission (WSCJTC) Support Services Academy (subject to course offerings and available funding)

### *Support Personnel Training*

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#### **330.5 PERSONNEL WITH REGULAR INMATE CONTACT**

All new professional and support employees, including contractors, who have regular or daily inmate contact, shall receive training during the first year of employment prior to being independently assigned to a particular job function.

Regular inmate contact is defined as tasks that involve the direct provision of services to inmates (e.g. custody assistants, vocational supervisors, teachers, food service, commissary, chaplain) but that does not involve the custodial supervision of inmates involving discipline and control. Training topics shall include, but not be limited to, the following:

- Security procedures and regulations
- Planning
- Development and implementation of treatment and recreation programs
- Supervision of inmates
- Signs of suicide risk
- Suicide precautions
- Use of force regulations and tactics
- Report writing
- Inmate rules and regulations
- Key control
- Rights and responsibilities of inmates
- Safety procedures
- All emergency plans and procedures
- Interpersonal relations
- Social/cultural lifestyles of the inmate population
- Cultural diversity for understanding staff and inmates
- Communication skills
- Cardiopulmonary resuscitation (CPR/first aid)
- Universal precautions for the prevention of disease
- Counseling techniques
- Interaction of the elements of the criminal justice system
- Sexual harassment/sexual misconduct awareness

# Skagit County Sheriff's Office

## Custody Policies

### *Support Personnel Training*

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#### **330.6 TESTING**

All training delivered to support personnel should include testing to document that the employee understands the subject material presented.



## **Chapter 4 - Emergency Planning**

# Facility Emergencies

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a response to emergencies that take place in the facility and to train personnel annually on the emergency response plan. This policy is intended to protect the community, employees, visitors, inmates and all others who enter the correctional facility.

### 400.1.1 DEFINITIONS

Definitions related to this policy include:

**Contraband** - Any item or article inside the facility that was not issued by the facility, purchased from the commissary, purchased through approved channels, approved for use by correctional facility administration or that compromises overall facility security. Items that are modified from their intended use or are found in excessive quantities are also considered contraband.

**Disturbance** - Any action or inaction by an inmate or group of inmates that disrupts the normal operation of the correctional facility in a housing module and/or other area of the facility. A disturbance may be a one-on-one inmate altercation, a single inmate violently attacking cell furnishings or the physical plant, a single inmate-on-staff assault, or an inmate actively resisting staff's verbal or physical directions.

**Escape** - Occurs when an inmate leaves or fails to return to the secure perimeter of the correctional facility without lawful release, proper authorization or assigned escort.

**Hunger strike** - One or more inmates refusing to eat for two or more consecutive meals. A refusal to eat is may be associated with a grievance or an unmet demand. It can disrupt the safety and security of the facility if it is allowed to increase in the number of inmates participating or if it becomes known to the general inmate population.

**Internal security** - The ability of the custody staff to control or influence the behavior of inmates in a manner that protects inmates from one another or themselves, that protects the staff from inmates, protects facility property and reduces the risk of, or quickly gains control of, disturbances or riots.

**Lockdown** - A course of action used to control the movement of inmates. Generally, all inmates who are uninvolved in the event that created the need for a lockdown shall be directed to their housing units/cells and locked inside. Inmates who are being transported in hallways shall be secured in either an appropriate holding cell or their housing unit/cell.

**Perimeter security** - The ability of a facility to prevent escapes and to safely confine its population within the limits of the facility grounds. In general, this includes the outside walls or fences, the inner walls, rooms and activity areas.

**Riot** - Violent behavior by an inmate or group of inmates that creates a significant likelihood of damage to property, injury to persons and/or substantially obstructs normal correctional facility operations.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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#### **400.2 POLICY**

The Corrections Chief or the authorized designee is responsible for developing and implementing emergency response plans and designing the initial training and annual retraining for all staff. In the event of an emergency inside the facility, the staff, inmates, visitors, volunteers and contractors are as safe as reasonably possible, and the facility continues to operate and fulfill its primary mission.

This policy shall be reviewed annually and updated as necessary. The emergency response plan shall be made available to the staff, volunteers and contractors working in the facility as needed.

The staff shall be trained annually on this policy. The facility emergency plan and all training shall be documented by the Training Sergeant and retained in accordance with established records retention schedules (WAC 44-14-03005).

#### **400.3 FACILITY EMERGENCY PLAN**

The facility emergency plan is intended to provide the staff with current methods, guidelines and training for addressing emergency events that may threaten the security of the facility or compromise the safety of staff, inmates or the community. This plan is also intended to provide information on specific assignments and tasks for personnel. Where appropriate, the plan will include persons and emergency departments to be notified. The following procedures should be utilized when responding to an emergency within the facility.

#### **400.4 LOCKDOWN**

Upon detecting any significant incident that threatens the security of the facility, such as a riot or hostage situation, staff shall immediately notify Central Control and the Shift Supervisor. The Shift Supervisor, or in his/her absence Central Control, may determine whether to order a partial or full lockdown of the facility and shall notify the Corrections Chief as soon as practicable.

When appropriate if a lockdown is ordered, all inmates will be directed back to their housing units/cells. All inmates in transit within the facility will either be escorted back to their housing units/cells or to another secure location (holding cell). The Shift Supervisor should instruct any staff not directly involved in the lockdown to escort any visitors and nonessential contractors out of the facility.

##### **400.4.1 COMMUNICATION**

If deemed necessary, the [Shift Commander] may request that the telephone company cut, reroute or divert telephone lines for the purpose of preventing telephone communication between the inmates and any person other than a peace officer or a person authorized by the [Shift Commander] (RCW 70.85.110 and RCW 70.85.100).

#### **400.5 HUNGER STRIKE**

Upon being made aware that one or more inmates is engaging in a hunger strike, the staff will notify the Shift Supervisor, who will notify the Corrections Chief. The Corrections Chief should evaluate the basis for the strike and seek an appropriate resolution.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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Should the Corrections Chief be unable to resolve a grievance leading to the hunger strike, the Corrections Chief will notify the Sheriff and provide updates on the status of the hunger strike.

#### **400.5.1 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

The Corrections Chief or the authorized designee should notify the Responsible Physician to review, coordinate and document any medical actions taken, based upon protocols and/or at the direction of qualified health care professionals, in response to a hunger strike.

Qualified health care professionals should monitor the health of inmates involved in the hunger strike and make recommendations to the Corrections Chief or the supervisory staff responsible for oversight of the incident.

If an inmate is engaging in a hunger strike due to a mental condition, the appropriate medical protocols for mental illness will be followed.

#### **400.5.2 RESPONSE TO HUNGER STRIKES**

Beginning at the line staff level, a resolution to grievances should be sought at the lowest level. The Inmate Grievances Policy shall guide staff on resolving inmate grievances.

If the hunger strike remains unresolved, the Corrections Chief may direct the appropriate staff to examine the inmate commissary purchases made in advance of the hunger strike, and to monitor commissary purchases made during the hunger strike. Additional staff should be directed to observe the cell area, including trash containers, of the inmates involved for evidence of food items purchased from the commissary and of food hoarding.

#### **400.5.3 LEGAL GUIDANCE**

If attempts to resolve the grievance are unsuccessful or not reasonably possible, the Sheriff should consider consulting with legal resources as appropriate to develop other steps to resolve the issues.

### **400.6 RESPONSE TO DISTURBANCES**

The staff should attempt to minimize the disruption to normal facility operations caused by a disturbance by attempting to isolate the disturbance to the extent possible. The staff should immediately notify the Shift Supervisor or the Corrections Chief of the incident. The Shift Supervisor or Corrections Chief may direct additional staff as needed to resolve the disturbance.

#### **400.6.1 NOTIFICATIONS**

The Shift Supervisor should notify the Corrections Chief of the disturbance as soon as practicable. Based on the seriousness of the event, the Corrections Chief should notify the Sheriff.

#### **400.6.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS**

The Corrections Chief or the authorized designee should notify the appropriate medical staff in order to review, coordinate and document medical actions based upon protocols and/or at the direction of qualified medical practitioners in response to a disturbance.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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#### 400.6.3 REPORTING

The Shift Supervisor or Corrections Chief should direct that an incident report be completed containing the details of the disturbance no later than the end of the shift. If appropriate, a crime report shall be initiated and prosecution sought.

#### **400.7 RIOTS**

Riots occur when three or more unruly inmates forcibly and/or violently take control or attempt to take control of any area within the confines of the correctional facility.

Staff should make reasonable attempts to prevent inmate-on-inmate violence but should take measures to avoid being engulfed in the problem, thereby exacerbating the situation.

##### 400.7.1 RESPONSE TO RIOTS

Once the area of the disturbance is secured and isolated from other areas of the facility, time is generally on the side of staff. If possible, the process of quelling the disturbance should slow down in order for staff to develop response plans, to ensure there are adequate facility personnel to effectively take the required actions, and that responding staff are appropriately equipped with protective gear.

Staff should evaluate their response given the totality of circumstances in any situation, but generally should not enter the space where a riot is occurring until sufficient staff members are present to safely suppress the riot. Nothing in this policy shall prohibit any staff member from assisting staff members who are being assaulted.

All inmates who have participated in a riot shall be separated and secured as soon as practicable. If necessary, injured inmates shall receive a medical evaluation and treatment. If the injured inmate is medically cleared to remain in the correctional facility, he/she will be reclassified and moved to appropriate housing.

Other housing units must be secured, with sufficient staff remaining at their posts to continue to supervise the unaffected units. When the riot has been suppressed, all involved staff must immediately return to their assigned posts. Incident reports shall be completed by all staff involved prior to leaving the facility.

##### 400.7.2 QUALIFIED HEALTH CARE PROFESSIONAL RESPONSE

A supervisor or the authorized designee should notify the qualified health care professionals and identify a staging area for medical emergency responders and for medical triage should it appear to be necessary.

The Responsible Physician or the authorized designee should be included in developing the response plan as it relates to the potential for a medical response, medical triage and treatment activities, and the safety and security of medical personnel during the incident.

##### 400.7.3 NOTIFICATIONS

As soon as practicable, the Shift Supervisor or a responsible staff member shall notify the Corrections Chief, who in turn, shall notify the Sheriff.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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#### 400.7.4 REPORTING

The Corrections Chief or Shift Supervisor shall direct that a report be written detailing the incident by the end of the shift. If appropriate, a crime report will also be prepared by the responsible law enforcement agency.

#### 400.7.5 DEBRIEFING

All responding staff, including medical responders, shall be debriefed on the incident as soon as practicable after the conclusion of the emergency incident. The staff shall examine the incident from the perspective of what worked, what actions were less than optimal and how the response to a future incident might be improved.

If appropriate, the details of the incident will be used to develop a training course for responding to facility disturbances. The goal of any debriefing process is the opportunity for continuous improvement. The debriefing should be focused on the incident and an improved response. A moderator should be used to ensure that no individual or group involved in the response is publicly ridiculed.

### **400.8 HOSTAGES**

The Office does not recognize the taking of hostages as a reason to relinquish control of the correctional facility environment. It is the policy of the Skagit County Sheriff's Office to use all available resources necessary to bring about a successful end to a hostage situation.

#### 400.8.1 RESPONSE TO HOSTAGE INCIDENT

Main Control should immediately be notified at the earliest sign of a hostage incident. Central Control shall notify the Shift Supervisor and Corrections Chief. The Corrections Chief will notify the Sheriff as soon as practicable.

The Shift Supervisor or Corrections Chief shall make every effort to ensure that the hostage incident remains confined to the smallest area possible. All door controls accessible to the inmate shall be disabled. Emergency exits that lead outside the secure perimeter shall be guarded.

#### 400.8.2 NOTIFICATION OF QUALIFIED HEALTH CARE PROFESSIONALS

At the direction of the Shift Supervisor or the authorized designee, the qualified health care professionals should be notified in order to identify a location and form a logistical plan for medical triage. The location also shall serve as a medical staging area for other medical emergency responders.

#### 400.8.3 HOSTAGE RESCUE

Communications with the hostage-taker should be established as soon as practicable. Hostage-taker demands for the staff to open doors will not be met. A hostage rescue team should be immediately summoned and the established protocols for resolving the situation shall be implemented. The Corrections Chief and Sheriff should be consulted regarding decisions faced by the hostage rescue team.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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#### **400.8.4 REPORTING AND DEBRIEFING**

Following the conclusion of a hostage incident, the Corrections Chief should direct that an incident report be completed by the end of the shift. All aspects of the incident should be reviewed, focusing on the incident and the outcome, with the intent of using the incident as an opportunity for continuous improvement and to identify additional training or systemic changes that may be required.

#### **400.9 ESCAPES**

Upon being made aware that an escape may or did occur, the staff member should immediately notify Central Control. Central Control should notify the Shift Supervisor or Corrections Chief. As soon as practicable, the Corrections Chief should notify the Sheriff.

Once the escape is verified and immediate actions taken inside the facility (lockdown, etc.), the Shift Supervisor should notify all local law enforcement agencies.

#### **400.9.1 INMATE COUNTS**

As soon as the facility is fully locked down, a full inmate/wristband count should be taken.

All inmates who are outside of the secure perimeter of the facility (e.g., court, work details) should be located and identified. Any missing inmate should have his/her identity disclosed and his/her facility record should be accessed by the Corrections Chief or designee. The Corrections Chief or designee should review the facility record for the missing inmate to identify information useful for capture.

#### **400.9.2 SEARCH**

Concurrent with the lockdown, the area surrounding the facility should be searched for the escapee. Areas where an inmate may be hiding or may have discarded correctional facility clothing should be searched first. Any witnesses should be interviewed.

A flyer with the inmate's name, description, the inmate's latest picture, classification status and charges shall be created, and supplied it to the custody staff and local law enforcement. Local law enforcement should also be given the inmate's last known address and a list of his/her associates.

#### **400.9.3 REPORTING**

The Shift Supervisor or a designated staff member should submit an incident report to the Corrections Chief. A crime report should also be written regarding the escape. The incident report should focus on events and physical plant weaknesses that contributed to the escape. The Corrections Chief should review the reports, interview involved parties and develop action plans to minimize the risk of future occurrences.

#### **400.10 CIVIL DISTURBANCES OUTSIDE OF THE JAIL**

Upon being notified that correctional facility space will be needed in response to a civil disturbance involving mass arrests, the Shift Supervisor should notify the Corrections Chief. The Corrections Chief should make the determination regarding the magnitude of the event and whether it warrants notification of the Sheriff.

# Skagit County Sheriff's Office

## Custody Policies

### *Facility Emergencies*

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The size of the event may also require a lockdown, suspension of any programs that are not critical to correctional facility operations, and/or implementation of alternate staffing plans. To accommodate the influx of inmates, the Shift Supervisor should develop a housing plan that will not adversely affect the safety and security of the facility. Program spaces, such as exercise yards, classrooms and dayrooms, may be used to temporarily house a limited number of additional inmates.

In the event that the correctional facility can no longer accept additional inmates without compromising the safety and security of the facility, mutual aid may be requested from allied counties.

#### **400.11 NATURAL DISASTERS**

The Corrections Chief or authorized designee should develop a plan to address natural disasters (e.g., fires, earthquakes, floods) and the possible effect on the safety and security of continuing to house inmates in the correctional facility. The plan should include procedures for continuing to house inmates in the facility; identification of alternative facilities outside the boundaries of the natural disaster and the potential capacity of those facilities; inmate transportation options; and contact information for allied agencies. The plan should be reviewed at least annually and revised if necessary.

#### **400.12 REVIEW OF EMERGENCY PROCEDURES**

The Corrections Chief should ensure that there is a review of emergency procedures at least annually. This review should be documented with reports submitted to the Corrections Chief or the authorized designee within 10 days of the review. This review should also include the signatures or initials of all facility staff. At a minimum, the review shall include the following:

- Assignment of persons to specific tasks in emergency situations
- Instructions in the use of the alarm systems and signals
- Systems for the notification of appropriate persons outside of the facility
- Information on the location and use of emergency equipment in the facility
- Specification of evacuation routes and procedures



# Emergency Planning

## 402.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a plan to appropriately respond to emergencies within the facility and to ensure all affected personnel receive timely training regarding response to emergencies. Specific emergency response plans are contained elsewhere in this chapter.

## 402.2 POLICY

It is the policy of this office to have emergency response plans in place to quickly and effectively respond to and minimize the severity of any emergency within the facility.

## 402.3 EMERGENCY PLAN REQUIREMENTS

The Corrections Chief is responsible for developing contingency plans that minimally include the following:

- (a) Training requirements for staff on emergency preparedness, including their role in implementing the facility's emergency plans.
- (b) Updating of emergency plans as needed and a review of each plan at least annually.

## 402.4 TRAINING

This facility will provide emergency preparedness training as part of orientation training for all personnel assigned to the facility and for those who may be required to respond to the facility in an emergency. The staff shall also receive refresher training at least annually in the emergency planning policies and procedures contained in the manual. The Training Sergeant is responsible for developing and delivering appropriate initial training and annual refresher training.

Emergency planning training should occur in the form of classroom instruction (or roll call training), mock practical exercises and drills. Each type of emergency covered in the emergency plan must be covered during training.

A lesson plan, staff training sign-up sheet with the dates and the times training should be provided, and proof of competency (testing) for each training participant should be maintained by the Training Sergeant.

The Training Sergeant shall forward an annual report to the Sheriff and Corrections Chief on the status of emergency planning training. Any training deficiencies identified in this report should be rectified within 90 days of the report.

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## Emergency Staffing Plan

### 404.1 PURPOSE AND SCOPE

The facility must operate at all times as a safe and secure environment, regardless of staffing levels. Consequently, contingency plans must be made in advance for any staffing emergency or planned job action, regardless of the length of the staffing deficit.

The purpose of this policy is to establish roles and responsibilities for creating and implementing emergency staffing plans, providing appropriate emergency staffing training to supervisory and management personnel, and identifying an update schedule and distribution list for the plan, as identified by the Sheriff or the authorized designee.

### 404.2 POLICY

It is the policy of this office to be prepared to operate a safe and secure facility in the event of a staffing emergency. Staffing emergencies that could negatively affect the good order the facility may include, but are not limited to, an outbreak of infectious disease, a work stoppage or strike by the staff, a natural disaster or other disruption. The Sheriff, Corrections Chief or the authorized designee shall be responsible for ensuring that an appropriate emergency staffing plan exists.

#### 404.2.1 EMERGENCY STAFFING

In the event the Corrections Chief becomes aware that a staffing emergency exists or may occur, staff members who are present may be ordered to remain at their posts. The Corrections Chief will notify the Sheriff. Plans should include measures to achieve minimum staffing for the facility within four hours of a staffing emergency and may include the following operational adjustments:

- The facility may go to a lockdown. Minimum activities, including visiting, exercise and other programs will be suspended if necessary. Meals, cleaning, medical services, court transportation and attorney visits will continue. Other activities will be assessed by the Corrections Chief on a case-by-case basis.
- Supervisory and management personnel may have time-off cancelled or rescheduled for the duration of the staffing emergency.
- Staff from other areas of the office who have custody experience may be used to fill vacancies in the facility.
- Assistance from allied agencies may be requested to help management and supervisors in safely staffing the facility.
- Contracting with surrounding facilities may be necessary if adequate staffing cannot be obtained to safely operate the facility.
- In the event of a health-related staffing emergency, the office Exposure Control Officer and medical staff shall be notified in accordance with the Communicable Diseases Policy.

# Skagit County Sheriff's Office

## Custody Policies

### *Emergency Staffing Plan*

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#### 404.2.2 LEGAL ASSISTANCE

Employees of this office may not participate in work stoppages or strikes (RCW 41.56.120).

In cases where the Corrections Chief becomes aware that a work stoppage is planned or has occurred, legal counsel should be consulted for assistance in preparing the necessary legal action to either prevent the work stoppage or to cause it to cease. Immediate contact with the employees' representatives may also be necessary to prevent or conclude the job action.

#### 404.2.3 TRAINING

The Corrections Chief or the authorized designee should be responsible for:

- (a) Establishing a distribution list for the contingency plan.
- (b) Establishing a periodic review and update of the plan.
- (c) Ensuring that all supervisors and managers are periodically trained on the plan.
- (d) Ensuring that all supervisors and managers are provided a copy of the plan and/or a means to access it in the event of an emergency.
- (e) Documenting all training.
- (f) Maintaining training records for each supervisor and manager and ensuring that those personnel periodically receive appropriate update training on the plan.

## Fire Safety Plan

### 406.1 PURPOSE AND SCOPE

The threat of fire and toxic smoke in the facility represents a significant risk to the safety and security of the community, the staff, inmates, volunteers, contractors and visitors. The purpose of this policy is to clearly identify and conform to applicable federal, state and/or local fire safety codes, and to establish a process of creating, disseminating and training all individuals in the facility on the emergency plans for fire safety and evacuation.

### 406.2 POLICY

It is the policy of this office that fire prevention strategies are a high priority.

The Corrections Chief shall ensure that a fire alarm and automatic detection system are installed, maintained and periodically tested. Any variance, exception or equivalency issues must be approved by the fire jurisdiction authorities, and must not constitute a serious life-safety threat to the occupants of the facility.

#### 406.2.1 FIRE CODES

The Office shall conform to all federal, state and local fire safety codes.

#### 406.2.2 FIRE PREVENTION RESPONSIBILITY

All staff, volunteers and contractors who work in the facility are responsible for the prevention of fires. They should be trained and given the tools to carry out the tasks necessary to reduce the risk of fire.

### 406.3 FIRE SUPPRESSION PRE-PLANNING

The Corrections Chief shall, in cooperation with the local fire department or other qualified entity, develop a plan for responding to a fire. The plan shall include, but not be limited to:

- (a) A fire suppression pre-plan by the local fire department, to be included as part of this policy.
- (b) Fire prevention, safety inspection plans and record retention schedules developed by designated staff or as required by applicable law.
- (c) Documentation of all fire prevention inspections, all orders to correct and all proofs of correction should be maintained for a minimum of two years or as otherwise required by law.
- (d) An evacuation plan (see the Evacuation Plan Policy).
- (e) A plan for the emergency housing of inmates in case of fire.
- (f) The cross-training of responders and facility staff via drills, should occur at least quarterly, if practicable.

### 406.4 FIRE PREVENTION EQUIPMENT

All required fire alarms, sprinklers and detection devices shall be in good working order at all times.

# Skagit County Sheriff's Office

## Custody Policies

### *Fire Safety Plan*

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Should such a device become inoperative, the Corrections Chief or the authorized designee shall be responsible for ensuring that emergency repairs are undertaken as soon as possible and that staff is provided with an alternative emergency fire safety and evacuation plan.

Any time any fire prevention system is inoperative and poses a serious life-safety risk, that portion of the facility shall not be inhabited by inmates or staff.

#### **406.5 FIREFIGHTING EQUIPMENT**

The Corrections Chief shall ensure that the facility is equipped with the necessary firefighting equipment (e.g. fire hoses, extinguishers) in an amount and in a location as recommended by the local fire authority or other qualified entity. The locations of firefighting equipment will be shown on the facility fire plan (schematic).

While the staff is not trained as fully qualified firefighters, the Corrections Chief or the authorized designee will ensure that the staff is trained to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation, if necessary.

##### **406.5.1 SELF-CONTAINED BREATHING APPARATUS (SCBA)**

The facility should maintain sufficient quantities of self-contained breathing apparatus (SCBA) for staff to initially respond to a fire with the purpose of facilitating the safety of the occupants, including evacuation, if necessary. The Corrections Chief or the authorized designee is responsible for developing and implementing a written respiratory protection program that includes fit testing and training.

#### **406.6 FIRE TRAINING**

The Training Sergeant is responsible for ensuring that within the first six months of assignment to the facility all staff members receive training on the use of the SCBA sufficient to demonstrate proficiency. The staff should also be trained in the use of the facility's firefighting equipment sufficient to demonstrate proficiency. The staff should receive refresher training at least annually on the use of firefighting equipment.

Each shift will have at least one designated staff member who is trained to maintain the facility's firefighting equipment, including the SCBA.

#### **406.7 INSPECTIONS**

The Office shall be inspected by an appointed staff member, who is qualified to perform fire and safety inspections on a monthly basis to ensure that fire safety standards are maintained. These inspections will be focused on, but not limited to, fire prevention, staff training and proficiency, firefighting equipment availability and functionality, alarms, fire detectors, fire safety equipment, and staff familiarity with prevention and suppression techniques, suppression pre-planning, SCBA use, emergency response, fire safety equipment use and the evacuation plan.

The Corrections Chief or the authorized designee shall ensure that staff conduct weekly fire and safety inspections of the facility and that all fire safety equipment is tested at least quarterly.

# Skagit County Sheriff's Office

## Custody Policies

### *Fire Safety Plan*

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A staff member shall be assigned to coordinate with local or state fire officials for any required inspections. The result of all fire inspections and fire equipment testing shall be provided to the Corrections Chief and the Sheriff and maintained for a minimum of two years.

#### **406.7.1 FURNISHINGS**

All furnishings allowed in the facility shall meet fire authority standards for fire performance characteristics. Prior to the introduction of any furnishing into the facility, the staff shall receive clearance from the local fire authority as to its appropriateness.

#### **406.7.2 FLAMMABLE, TOXIC AND CAUSTIC MATERIALS**

The Corrections Chief, in collaboration with the local environmental health expert, will review the type of materials introduced into the facility to ensure that they are controlled and used safely. All such materials will be safely stored and only used by inmates under the direction of the staff.

#### **406.8 EMERGENCY HOUSING OF INMATES**

The Corrections Chief or the authorized designee shall develop a plan for the emergency housing of inmates in the event of a fire. The plan should include procedures for continuing to house inmates in the facility, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies. This plan shall be reviewed annually and revised if necessary.

# Emergency Power and Communications

## 408.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office facility must continue to operate as a safe and secure environment regardless of emergencies, including electrical outages. The purpose of this policy is to establish guidelines regarding back-up power and communication systems, and the inspection, preventive maintenance and testing of the systems to ensure a seamless transition in the event of a loss of power.

## 408.2 POLICY

It is the policy of this office to ensure that power to critical systems and communications continues to operate within the facility in the event of a loss of power.

### 408.2.1 PREVENTIVE MAINTENANCE

It is the responsibility of the Sheriff and Corrections Chief to ensure that there is sufficient emergency power to operate all essential lighting, security equipment, safety equipment and communications systems. The emergency power system should have sufficient fuel to allow the facility to operate continuously for a three-day period, if necessary, without external resources.

The emergency power system should be inspected, tested and maintained as necessary. In the event that the system fails, the Corrections Chief or Shift Supervisor should contact the designated maintenance authority or repair company, to obtain necessary repairs as soon as practicable. If the emergency power system cannot be repaired within eight hours, portable emergency generators should be secured as a temporary emergency power source until the repair or replacement of the primary system occurs.

### 408.2.2 SAFETY AND SECURITY

All safety and security equipment will be repaired or replaced in an expedited manner by qualified personnel. In the event that safety and security equipment become inoperable or damaged and it is not safe to operate a secure portion of the facility, that portion of the facility should be vacated and the inmates housed elsewhere. Or, staffing should be increased sufficiently for the area to remain safe and secure until the repair can be completed.

### 408.2.3 INSPECTION AND TESTING

The Corrections Chief is responsible for scheduled testing of emergency power systems. The power system manufacturer should be contacted for the required testing intervals and load information. The emergency power system should be load-tested in accordance with the manufacturer's recommendations or at least quarterly. The results of the testing and inspections shall be documented and a report forwarded to the Corrections Chief.

All emergency equipment and systems, including power generators should be inspected and tested by the Corrections Chief or the authorized designee at least weekly.

# Skagit County Sheriff's Office

## Custody Policies

### *Emergency Power and Communications*

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All emergency equipment and systems should be inspected by a qualified individual at least quarterly. Each inspection and testing process shall be documented and the results included in a report to the Corrections Chief.



# Evacuation Plan

## 410.1 PURPOSE AND SCOPE

The purpose of this policy is to promote planning and to establish procedures, responsibilities and training requirements for the staff of the Skagit County Sheriff's Office Correctional Facility in case of fire and other emergency evacuations.

## 410.2 POLICY

The community, staff, volunteers, contractors and inmates should have a well-researched and validated evacuation plan that can be implemented in the event any portion of this facility requires evacuating due to an emergency (e.g. fire, smoke, flood and storm). All custody staff should be knowledgeable about the evacuation plan, policy and procedures.

## 410.3 EVACUATION PLAN

The Skagit County Sheriff's Office maintains an evacuation plan to be implemented in the event of a fire, natural disaster or other emergency. At minimum the evacuation plan shall address the following:

- Location of facility floor plans and building plans
- Procedures on how inmates are to be released from locked areas
- Relocation areas to be used for housing inmates in the event of a full or partial evacuation
- Notifications
- Training and drill requirements for staff
- Reporting requirements

The Corrections Chief should ensure that the evacuation plan is maintained and updated as needed and is reviewed for accuracy at least annually by a qualified independent inspector and in coordination with the local fire authority.

A current copy of the evacuation plan shall be maintained in the Administrative office and in the command area of each annex facility.

The evacuation plan should be periodically reviewed for consistency with any county Department of Emergency Management plans.

### 410.3.1 EXITS

All exits in this facility should be distinctly and permanently marked. Exit signs and directional arrows for traffic flow will be clearly visible and maintained in all public areas of the facility.

Except for temporary reasons, such as maintenance or repairs, all exits to the facility shall remain free from obstacles at all times regardless of the frequency of use. It is the duty of all staff to remove any obstructions that block, either partially or completely, staff's ability to observe or use any exit.

# Skagit County Sheriff's Office

## Custody Policies

### *Evacuation Plan*

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All housing areas and places of assembly that are designed for occupancy of 50 individuals or more shall have two available exits.

#### **410.3.2 EVACUATION PLANS AND ROUTES**

Plans for evacuation routes will be posted in all public areas of the facility. All custody staff will be familiar with evacuation routes for inmates.

#### **410.3.3 EMERGENCY HOUSING OF INMATES**

The Corrections Chief or the authorized designee shall develop a plan on the emergency housing of inmates in the event of a full or partial evacuation of the facility. The plan will address when inmates should be housed in place, identification of alternate facilities and the potential capacity of those facilities, inmate transportation options, and contact information for allied agencies. This plan shall be reviewed at least annually and revised if necessary.

#### **410.4 TRAINING DRILLS**

The Corrections Chief should ensure that drills of the evacuation plan are conducted at least annually on each shift and for all facility locations. Drills will include staff and volunteers. The local fire agency may be invited to participate in one or more drills annually. Nonviolent and compliant inmates may participate. Violent and/or dangerous inmates or those known to be a flight risk will not be involved in the drills.

Drills should be designed to ensure that all staff members are proficient in their duties during each type of evacuation. Each drill should be documented as to its scope and participants. Upon completion of the drill, each staff member will be required to complete a written test to document knowledge and to show proficiency.

## **Chapter 5 - Inmate Management**

# Population Management System

## 500.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of inmate population accounting that promotes the safety and security of the facility on a daily operational basis. It assembles data that enables the Office to forecast staffing and facility growth needs into the future, and to plan for the associated expenditures.

## 500.2 POLICY

It is the policy of this facility that an inmate population management system should be established and maintained to account for the admission, processing and release of inmates. The Corrections Chief or the authorized designee is responsible for ensuring that detailed daily reports of the facility's inmate population are completed and maintained by the staff. The reports shall reflect the average daily population of sentenced and non-sentenced inmates by categories of adult male, adult female, juvenile male and juvenile female. The Corrections Chief should collect and submit the data to the Sheriff in a monthly report within 10 working days of the end of each month. The Sheriff or the authorized designee should maintain the data in an accessible format for historical purposes, trend analysis and to respond to funding opportunities.

### 500.2.1 DATA COLLECTION

For each reporting period, the report should include, but will not be limited to:

- (a) Current number of beds in:
  - 1. Compliance with local ACA or state standards
  - 2. General housing
  - 3. Medical/mental health
- (b) Average Daily Population (ADP) for:
  - 1. Minimum security
  - 2. Maximum security
  - 3. High security
  - 4. Administrative segregation
- (c) Highest one-day inmate population
- (d) Number and percentage of:
  - 1. Bookings
  - 2. Male inmates
  - 3. Female inmates

# Skagit County Sheriff's Office

## Custody Policies

### *Population Management System*

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4. Non-sentenced inmates
  5. Felony inmates
  6. pretrial inmates released
  7. Sentenced inmates released early due to lack of space
  8. Inmates receiving psychotropic medication
- (e) Number of inmates:
1. Enrolled in work release program
  2. Enrolled in work furlough program
  3. Assigned to home electronic monitoring program
- (f) Number of:
1. Inmate-on-inmate assaults
  2. Inmate-on-staff assaults
  3. Escapes/attempted escapes
  4. Active misdemeanor warrants
  5. Active gross misdemeanor warrants
  6. Active felony warrants
  7. Inmate grievances and dispositions
  8. Inmate disciplinary reports and dispositions
- (g) Any other demographic information (e.g., gang activity)
- The Corrections Chief or the authorized designee is responsible for ensuring that all required information is supplied to the Washington Association of Sheriffs and Police Chiefs.

# Inmate Counts

## 502.1 PURPOSE AND SCOPE

Inmate counts are vital to the security of the facility, the safety of the staff and the welfare of the inmates. This policy establishes guidelines for the frequency of inmate counts, which ensures that all inmates and their status can be accounted for at any time.

## 502.2 POLICY

It is the policy of this office to account for all inmates within and under the control of this facility through scheduled and other counts as needed.

## 502.3 PROCEDURE

The Corrections Chief or the authorized designee shall be responsible for creating and maintaining a written procedure establishing the process and frequency of counts. Inmate counts shall be conducted at least once every eight hours. Emergency counts may be conducted at the direction of the Shift Supervisor as needed. Electronic counts shall not be substituted for direct staff observation.

All counts shall be documented on the daily activity log and verified by the Shift Supervisor. Counts shall include all inmates in custody, including those on work assignments, furlough, education release and those who are off-site, such as the hospital or court.

Any discrepancy in the count should immediately be reported to the Corrections Chief and resolved prior to the release of the shift personnel responsible for the count. A formal count in which all inmates are personally identified by a deputy should be conducted once a day at a time established by the Corrections Chief. The result of the formal count will be used to calculate the average daily population statistics for the facility.

In the event that an escape is discovered during the inmate count, the Shift Supervisor will initiate action to investigate the escape by promptly notifying law enforcement agencies and the Corrections Chief, initiating a search, and complying with other procedures as needed in accordance with the Facility Emergencies Policy.

A complete report of the incident will be prepared and provided to the Corrections Chief and Sheriff as soon as practicable.

All counts shall be noted in Spillman, noting the Shift Supervisor. Counts shall be maintained for a period of time prescribed by statute, ordinance or policy.

# Inmate Reception

## 504.1 PURPOSE AND SCOPE

The Skagit County Sheriff's Office has a legal and methodical process for the reception of arrestees into this facility. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues and the seizure and storage of personal property.

## 504.2 POLICY

This office shall use the following standardized policies when receiving arrestees to be booked into this facility. This is to ensure security within the facility and that arrestees are properly booked and afforded their applicable rights.

## 504.3 PRE-BOOKING SCREENING

All arrestees shall be screened prior to booking to ensure the arrestee is medically acceptable for admission and that all arrest or commitment paperwork is present to qualify the arrestee for booking. Required paperwork may include the following:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Victim notification information
- (e) Special needs related to religious practices, such as diet, clothing and appearance (see the Religious Programs Policy)
- (f) Accommodation requests related to disabilities (see the Inmates with Disabilities Policy)
- (g) Information regarding suicidal statements or actions

Any discrepancies or missing paperwork should be resolved before accepting the arrestee for booking from the arresting or transporting deputy.

Prior to accepting custody of an arrestee who claims to have been arrested due to a mistake of the arrestee's true identity or an arrestee who claims that identity theft led to the issuance of a warrant in the arrestee's name, staff shall make reasonable efforts to investigate the arrestee's claim of identity fraud or mistake. Staff shall notify a supervisor when an arrestee makes a claim of mistaken identity or identity fraud.

### 504.3.1 RECEIVING ARRESTEES

The Corrections Chief should ensure that policies and procedures related to the admission process are be communicated to law enforcement agencies which commonly bring arrestees to the jail for booking, including:

- (a) Arrestees in urgent need of medical attention should not be transported to this facility.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Reception*

---

- (b) Arrestees brought to this facility should be properly restrained.
- (c) Transporting officer should stay until the arrestee has been searched, screened and accepted.
- (d) All information relevant and necessary to safely process and house the arrestee shall be requested from transporting officer.

#### **504.4 SEARCHES BEFORE ADMISSION**

All arrestees and their property shall be searched for contraband by the booking deputy before being accepted for booking. All contraband items will be handled according to facility policy. Items of possible evidentiary value may be turned over to the arresting or transporting deputy for processing or processed according to the facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting deputy prior to the arrestee being accepted for booking. A description of the items returned to the arresting or transporting deputy shall be documented on the arrestee's booking record.

Strip searches shall be conducted in accordance with the Searches Policy.

#### **504.5 ADMISSION PROCESS**

A unique booking number shall be obtained specific to the current admission. Photographs and fingerprints shall be taken.

The admission process should include an attempt to gather a comprehensive record of each arrestee, including the following:

- Identifying information, including name and any known aliases or monikers
- Current or last known address and telephone number
- Date and time of arrest
- Date and time of admission
- Name, rank, agency and signature of the arresting deputy and transporting deputy, if different
- Health insurance information
- Legal authority for confinement, including specific charges, arrest warrant information and court of jurisdiction
- Sex
- Age
- Date and place of birth
- Race
- Height and weight



# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Reception*

---

- Occupation and current or most recent employment
- Preferred emergency contact, including name, address, telephone number and relationship to inmate
- Driver license number and state where issued, state identification number or passport number
- Social Security number
- Additional information concerning special custody requirements or special needs
- Local, state and federal criminal history records
- Fingerprints (RCW 43.43.745)
- Photographs, fingerprints and notation of any marks or physical characteristics unique to the inmate, such as scars, birthmarks, deformities or tattoos
- Medical, dental and mental health screening records, including suicide risk
- Inventory of all personal property including clothing, jewelry and money
- A record of personal telephone calls made at the time of booking or the time the opportunity was provided to place calls if the calls were not made
- Name of booking staff member

Inventoried items of rare or unusual value should be brought to the attention of a supervisor. The inmate's signature should be obtained on the booking record and on any forms used to record money and property.

#### **504.5.1 LEGAL BASIS FOR DETENTION**

Arrestees admitted to the facility shall be notified of the official charge for their detention or legal basis of confinement in a language they understand.

#### **504.6 IMMIGRATION NOTIFICATION ON COMMITMENT**

Office members assigned to book inmates shall notify federal immigration officials when any foreign national is committed to the Skagit County Sheriff's Office Correctional Facility. The notification shall include the date, cause and anticipated duration of the commitment (RCW 10.70.140).

#### **504.6.1 LEGAL BASIS FOR DETENTION**

Inmates admitted to the facility shall be notified of the official charge for their detention or legal basis of confinement in a language they understand.

#### **504.6.2 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL**

Withdrawal from alcohol or drugs can become a life-threatening condition requiring professional medical intervention. It is the policy of this office to provide proper medical care to inmates who suffer from drug or alcohol overdose or withdrawal.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Reception*

---

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include, but are not limited to, sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing and generalized aches and pains. Any staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified.

#### **504.6.3 INMATE SEPARATION**

Inmates should be separated from the general population during the admission process. Newly admitted inmates should be separated according to the facility's classification plan.

#### **504.6.4 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

#### **504.7 TRANSITION FROM RECEPTION TO GENERAL POPULATION**

The Shift Supervisor is responsible to ensure only arrestees who qualify are placed into general population cells or housing. Those who will not be placed into general population include:

- (a) Arrestees who are eligible for release following citation.
- (b) Arrestees who are intoxicated or under the influence of any chemical substance.
- (c) Arrestees who are arranging bail. They shall be permitted a reasonable period of time, at the discretion of the Shift Supervisor, to make telephone calls before being placed in general population.

#### **504.7.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL**

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include, but are not limited to, sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing and generalized aches and pains. Any staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify the supervisor, who shall ensure that the appropriate medical staff is notified.

#### **504.7.2 INMATE SEPARATION**

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# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Reception*

---

#### **504.8 INMATE PROPERTY CONTROL**

All property received from inmates at the time of booking shall be inventoried. A receipt should be signed by the inmate and the booking deputy, and referenced to the booking number before the admission is completed. The original copy of the property receipt will be retained and placed in the inmate file and/or with the property. A second copy will be presented to the inmate at the time of booking.

Excess personal clothing should be mailed to, picked up by, or transported to designated family members or to a person of the inmate's choosing, or stored in containers designed for this purpose.

##### **504.8.1 VERIFICATION OF INMATE'S MONEY**

All monies belonging to the inmate and retained by the booking deputy shall be verified in front of the inmate. When possible, the inmate should initial the dollar amount on the booking sheet. All money should be placed in a separate envelope and sealed.

Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The person sealing it should initial across the sealed flap. Should any money be withdrawn or added to the cash envelope, the person making the change shall enter the new amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

##### **504.8.2 PROPERTY STORAGE**

All inmate property should be stored in a secure storage area. Only authorized personnel may access the storage area and only for the purpose of depositing or retrieving property, or to conduct duly authorized work, including maintenance and other duties as directed by the Corrections Chief.

#### **504.9 SHOWERING AND CLOTHING EXCHANGE**

Inmates should be given the opportunity to shower before being dressed in clean jail clothing. Showering should occur before an inmate is transferred from the temporary holding area to general population housing (see the Inmate Hygiene Policy).

#### **504.10 INMATE TELEPHONE CALLS**

Every inmate, whether adult or juvenile, detained in this facility shall be entitled to at least three completed telephone calls immediately upon being admitted and no later than three hours after arrest. The calls may be of a duration that reasonably allows the inmate to make necessary arrangements for matters that he/she may be unable to complete as a result of being arrested. The calls are not intended to be lengthy conversations and the custody staff may use their judgment in determining the reasonable duration of the calls. If it is determined that the person is a custodial parent with responsibility for a minor child, the person shall be entitled to make such additional telephone calls as reasonably necessary for the purpose of arranging care for the minor child.

There is no obligation for the custody staff to make a telephone call on an inmate's behalf, for example in the case of a person who is so intoxicated that he/she cannot make a call. The custody

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Reception*

---

staff is not required to wake an intoxicated person so that the person may complete a call. An intoxicated person should be provided the opportunity to make the telephone calls once the person awakes.

#### 504.10.1 TELEPHONE CALL PROCEDURES

The Office will pay the cost of local calls. Long distance calls will be paid by the inmate, using calling cards or by calling collect.

Calls between the inmate and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (RCW 9.73.095(4)).

The provisions of RCW 9.73.095 shall be posted in bold block type in a conspicuous place within the custody facility.

#### 504.10.2 ONGOING TELEPHONE ACCESS

Ongoing telephone access for inmates who are housed at this facility will be in accordance with the Inmate Telephone Access Policy.

# Inmate Handbook and Orientation

## 506.1 PURPOSE AND SCOPE

This policy provides for the orientation of inmates booked into the Skagit County Sheriff's Office facility. The purpose of the orientation is to inform inmates of the correctional facility routine, rules, inmate rights and services.

## 506.2 POLICY

The Corrections Chief shall provide an effective method of orienting all incoming inmates that includes an inmate handbook. The orientation should take place within 24 hours of an inmate's admission and in any event prior to the inmate being moved to general population housing, and should be an ongoing process in the housing area so that the information is available to the inmates throughout their entire time in custody.

### 506.2.1 INITIAL ORIENTATION

To assist with the inmate's transition into a custody environment, the orientation will include the following topics, supplemented by a more detailed inmate handbook that will be provided to each inmate:

- (a) Facility rules and disciplinary sanctions
- (b) Correspondence, visiting and telephone rules
- (c) Availability of personal care items and opportunities for personal hygiene
- (d) Inmate grievance procedure
- (e) Co-pays, fees and charges
- (f) Medical, dental and mental health services
- (g) Possibilities for pretrial release
- (h) Programs and activities, including application procedures
- (i) Classification/housing assignments and appeal procedures
- (j) Court appearance, where scheduled, if known
- (k) Sexual abuse and sexual harassment information including the following (28 CFR 115.33):
  - 1. Facility's zero-tolerance policy
  - 2. Prevention and intervention
  - 3. Instruction on how inmates can avoid being victims of sexual abuse and sexual harassment through self-protection techniques
  - 4. Reporting sexual abuse or sexual harassment incidents, including how to report such incidents anonymously

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Handbook and Orientation*

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5. Treatment and counseling for victims of sexual abuse or sexual harassment
  6. Mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies (28 CFR 115.53)
  7. Information regarding confidentiality, monitoring and mandatory reporting
- (l) Contacting foreign consuls
  - (m) Requests for religious accommodations
  - (n) Emergency procedures (e.g., fires, evacuations)
  - (o) Voting, including registering to vote
  - (p) Approved list of personal articles and materials
  - (q) Privileged mail as opposed to personal mail

In addition to English, orientation information will be provided in the most commonly used languages for the inmate population.

The Corrections Chief should consider enlisting the assistance of volunteers who are qualified and proficient in both English and the language in which they are providing translation assistance to translate the orientation information. Use of outside translation sources may also be considered.

Interpretive services will be provided to inmates who do not speak English or any of the other languages in which the orientation information is available.

A written and signed acknowledgment of the orientation and receipt of the handbook should be maintained in the inmate's permanent file (28 CFR 115.33).

#### **506.2.2 ORIENTATION FOR NON-READERS, VISUALLY IMPAIRED AND DEAF OR HARD-OF-HEARING INMATES**

Inmates who cannot read, are visually impaired or have intellectual, psychiatric or speech disabilities or limited reading skills, shall have materials read to them by a staff member or presented to them using audible recorded media (28 CFR 115.16).

Inmates who are deaf or hard of hearing shall be provided with interpretation services. Reasonable efforts should be made by the staff to assist the inmate in understanding the information.

#### **506.3 FEMALE INMATES**

Information contained in Chapter 181, Laws of 2010 shall be provided to all female inmates of childbearing age during intake.

In addition, the Corrections Chief or the authorized designee shall place a notice containing the requirements of Chapter 181, Laws of 2010 in locations where medical care is provided within the facility and provide notice of the requirements to the appropriate staff. Appropriate staff shall

### *Inmate Handbook and Orientation*

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include all medical staff and staff who are involved in the transportation of pregnant inmates as well as other staff deemed appropriate by the Corrections Chief (RCW 70.48.501).

#### **506.4 HEALTH SERVICES**

Upon booking in the facility, staff should provide all inmates with the orientation handbook and a verbal explanation of the procedure to access health care services. This information should be provided in a language understood by the inmate.

This communication will be documented in the inmate booking file as part of the standard intake procedure. The information to be communicated will include the following:

- Frequency of routine sick-call services
- Use of the proper forms for requesting health care services
- Use of the emergency notification system
- Medical co-payment guidelines

##### **506.4.1 FEMALE INMATES**

Information contained in Chapter 181, Laws of 2010 shall be provided to all female inmates of childbearing age during intake.

In addition, the Corrections Chief or the authorized designee shall place a notice containing the requirements of Chapter 181, Laws of 2010 in locations where medical care is provided within the facility and provide notice of the requirements to the appropriate staff. Appropriate staff shall include all medical staff and staff who are involved in the transportation of pregnant inmates as well as other staff deemed appropriate by the Corrections Chief (RCW 70.48.501).

#### **506.5 ACCESS TO THE GRIEVANCE SYSTEM**

Upon booking in the facility, the intake deputy shall provide all inmates with the orientation handbook and a verbal explanation of the procedure to access the grievance system. This shall be provided in a language understood by the inmate.

This communication shall be documented in the inmate booking file as part of the standard intake procedure. The information to be communicated shall include the following:

- Use of the proper forms to submit a complaint
- Appropriate use of the grievance system
- Time frame for a response to the grievance
- Consequences for abuse of the grievance system

#### **506.6 STAFF TRAINING**

Jail staff should be trained in an integrated approach to the identification and preliminary investigation of sexual assault cases and when to contact law enforcement for a criminal investigation.

# Skagit County Sheriff's Office

Custody Policies

## *Inmate Handbook and Orientation*

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# Inmate Safety Checks

## 508.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a requirement for conducting visual safety checks at least every 60 minutes for all inmates, and for creating and maintaining a log to document all safety checks.

## 508.2 POLICY

It is the policy of the Skagit County Sheriff's Office that all correctional staff shall conduct safety checks at least once every 60 minutes on all inmates, or more frequently as determined by inmate custody status and/or housing classification.

Safety checks shall be made through direct visual observation. Cameras and monitors may supplement the required visual observation safety checks but they shall not replace the need for direct visual observation. Safety checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy.

## 508.3 SAFETY CHECKS

The staff shall adhere to the following procedures when conducting safety checks:

- (a) Safety checks shall be conducted at least every 60 minutes and more frequently if necessary.
- (b) Safety checks shall be conducted on an irregular schedule (staggered) so that inmates cannot predict when the checks will occur.
- (c) Safety checks shall be done by personal observation of the deputy and shall be sufficient to determine whether any inmate is experiencing stress or trauma.
- (d) Cameras and monitors may supplement the required visual observation safety checks but they shall not replace the need for direct visual observation.
- (e) Safety checks will be clearly documented on permanent logs in accordance with the office Daily Activity Logs and Shift Reports Policy.
- (f) Actual times of the checks and notations should be recorded on the daily activity logs.
- (g) Log entries shall never be made in advance of the actual check. Log entries made in this manner do not represent factual information and are prohibited.
- (h) Special management inmates shall be checked more frequently as detailed in the Special Management Inmates Plan Policy.

# Special Management Inmates Plan

## 510.1 PURPOSE AND SCOPE

Inmates who pose a heightened risk to themselves or others require special management, including frequent interaction and increased supervision by staff. Interaction with special management inmates is essential to maintaining a safe, secure and humane environment. This policy establishes guidelines and procedures for interacting with special management inmates.

### 510.1.1 DEFINITIONS

Definitions related to this policy include:

**Administrative segregation** - The physical separation of an inmate who is prone to escape or assault staff or other inmates, or one who is mentally deficient, in need of medical isolation or infirmity status.

**Protective custody** - A level of custody either requested or required for an inmate's protection from others.

**Special management inmate** - An inmate who falls into either of the previously mentioned classifications.

## 510.2 POLICY

This office shall provide for the secure and separate housing of any inmate, but shall not impose more deprivation of privileges than is necessary to obtain the objective of protecting the inmate, staff or the public.

## 510.3 SPECIAL MANAGEMENT INMATES HOUSING CRITERIA

The safety and security of this facility is dependent on a classification system that identifies inmates who pose a risk to themselves or to others. Inmates who pose such a risk must be promptly and appropriately segregated from the general inmate population until such time that they no longer pose a risk. Staff must have the ability to promptly segregate these inmates pending further review.

Individuals who may be classified as special management inmates include, but are not limited to, inmates who are:

- In protective custody or court-imposed segregation
- Exhibiting mental health concerns
- An escape threat
- A serious violence threat
- Known to have gang affiliation
- A known management problem
- A suicide risk

## *Special Management Inmates Plan*

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- Exhibiting medical issues
- Physically impaired

### **510.4 CIRCUMSTANCES REQUIRING IMMEDIATE SEGREGATION**

Inmates will generally be assigned to segregation through the classification process. The Corrections Chief or Shift Supervisor has the authority to immediately place any inmate into segregation when it reasonably appears necessary to protect the inmate or others (See the Disciplinary Segregation Policy).

Reasons that an inmate may be placed into immediate segregation include the following:

- (a) The inmate requests protection or is under court-ordered protection, or the staff has determined that the inmate requires protection.
- (b) There is reason to believe the inmate poses a danger to him/herself or others.
- (c) The inmate poses an escape risk.
- (d) The inmate requires immediate mental health evaluation and medical housing is not reasonably available.
- (e) The inmate is charged with a disciplinary infraction and is awaiting a disciplinary hearing. In the judgment of the staff, the inmate may become disruptive or dangerous if left in general population.
- (f) The inmate is in the process of being transferred to a higher security classification.
- (g) Other circumstances where, in the judgment of the staff, the inmate may pose a threat to him/herself, others or the security of the facility.

#### **510.4.1 REVIEW PROCESS**

The Corrections Chief shall be notified when any inmate is placed in immediate segregation and shall be informed of the circumstances leading to the order to segregate. Within 72 hours of the inmate being placed into segregation, the Corrections Chief or the authorized designee must review the circumstances surrounding the segregation to determine which of the following actions shall be taken:

- (a) The inmate is designated for administration segregation.
- (b) The inmate is designated for protective custody.
- (c) The inmate remains segregated pending a disciplinary hearing.
- (d) The inmate is returned to general inmate population.

### **510.5 PROTECTIVE CUSTODY**

The deputy responsible for assigning classifications to incoming inmates shall clearly document the reason an inmate should be placed into protective custody. Inmates in need of protective

# Skagit County Sheriff's Office

## Custody Policies

### *Special Management Inmates Plan*

---

custody may be placed in a segregation unit when there is documentation that the protective custody is warranted and segregation is the least restrictive alternative reasonably available.

Inmates who are in protective custody shall receive all services and programs that are available to inmates in general population and that are deemed a privilege. Any deviation from allowing usually authorized items or activities shall be documented on the inmate's file.

#### **510.6 MAINTENANCE OF PRIVILEGES**

Inmates who are classified for housing in administrative segregation or protective custody shall, at a minimum, be allowed access to programs and services including, but not limited to:

- Inmate telephones
- Family visitation
- Educational programming appropriate to the inmate classification
- Access to commissary services
- Library and law library services
- Social services
- Faith-based guidance, counseling and religious services
- Recreation activities and exercise
- Social and professional visits

Nothing in this policy prohibits changing the delivery of programs or services to segregated inmates in order to provide for the safety and security of other inmates and staff.

#### **510.7 REVIEW OF STATUS**

The Shift Supervisor or classification officer shall review the status of all inmates who are housed in segregation units and designated for administrative segregation or protective custody. This review shall occur every seven days for the first two months of segregation and at least once every 30 days thereafter. The review should include information about these inmates to determine whether their status in administrative segregation and protective custody is still warranted.

If other reasonable housing options exist that will provide for the safety of the inmate, the inmate should be moved out of segregation. In reviewing an alternative housing decision, the safety of the inmate shall receive the utmost consideration.

##### **510.7.1 STATE INMATES**

The following procedures are required for all state facilities. Local facilities may be required to follow these procedures if housing state prisoners under contract.

# Skagit County Sheriff's Office

## Custody Policies

### *Special Management Inmates Plan*

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Immediately after placement in non-disciplinary segregation, the Shift Supervisor or the authorized hearing officer will inform the inmate in writing of the reason for the inmate's segregation and the date, time and place of the initial review meeting.

Within two days of placement in segregation, the Corrections Chief, Shift Supervisor or the authorized hearing officer will meet with the segregated inmate and give the inmate an opportunity to respond to the written reasons for the inmate's segregation placement. The Shift Supervisor or authorized hearing officer will submit a report to the Corrections Chief that shall include the reasons for segregation, the inmate's response and any information supporting protective custody, special restrictions, monitoring of special medications or diets and a recommendation of whether to continue the segregation (WAC 137-32-010).

#### **510.8 HEALTH EVALUATION REQUIREMENTS**

After notification from staff that an inmate is being placed in segregation, the Shift Supervisor shall ensure that the following occurs:

- (a) A qualified health care professional shall review the inmate's health record to determine whether existing medical, dental or mental health needs contraindicate the placement or require special accommodations.
- (b) If contraindications or special accommodations are noted, the qualified health care professional shall inform the Shift Supervisor and coordinate the appropriate plan for the inmate based on the safety needs of the facility and the medical needs of the inmate.

##### **510.8.1 MEDICAL AND MENTAL HEALTH CONSIDERATIONS**

Due to the possibility of self-inflicted injury and depression during periods of segregation, health evaluations should include notations of any bruises and other trauma markings and the qualified health care professional's comments regarding the inmate's attitude and outlook.

- (a) Unless medical attention is needed more frequently, each inmate in segregation should receive a daily visit by medical staff. A medical assessment should be documented in the inmate's medical file.
- (b) A qualified health care professional shall also conduct weekly rounds.

When an inmate is classified as a special management inmate due to the presence of a serious mental illness and is placed in a segregation setting, the staff shall document this in the inmate's file and notify a qualified health care professional. When an inmate is expected to remain in segregation for more than a month (based upon disciplinary decisions, protective needs or other factors), a qualified health care professional shall be notified.

Where reasonably practicable a qualified health care professional should provide screening for suicide risk during the first three business days following admission to the segregation unit. Additionally a qualified health care professional should visit all inmates housed in segregation

# Skagit County Sheriff's Office

## Custody Policies

### *Special Management Inmates Plan*

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demonstrating health/mental health issues once during each week that the inmate remains in segregated confinement.

#### **510.9 SAFETY CHECKS**

A staff member shall conduct a face-to-face safety check of all special management inmates, including those housed in administrative segregation or protective custody, at least every 60 minutes on an irregular schedule. Inmates who are violent, have mental health problems or who demonstrate behavior that is easily identified as out of the ordinary or bizarre in nature should be personally observed by the staff more frequently on an irregular schedule.

Inmates who are at risk of suicide shall be under continuous observation until seen by the qualified health care professional. Subsequent supervision routines should be in accordance with orders provided by the qualified health care professional.

Special management inmates shall receive increased monitoring to include at a minimum:

- (a) A daily visit by the Corrections Chief or the authorized designee.
- (b) Visits by members of the program staff, upon request.
- (c) Visits by a qualified health care professional three times per week, unless medical attention is needed more frequently.

All management, program staff and qualified health care professional visits shall be documented in the appropriate records and logs and retained in accordance with established records retention schedules (WAC 44-14-03005).

#### **510.10 LOG PROCEDURES**

Handwritten logs should be completed in ink. Once an entry is made it should not be modified. If corrections or changes are needed they should be done by way of a supplemental entry. Electronically captured logs will be maintained in a way that prevents entries from being deleted or modified once they are entered. Corrections or changes must be done by way of supplemental entries. At a minimum the log will contain the following:

- Inmate name
- Inmate identification number
- Housing location
- Classification status
- Date admitted
- Date and time of entry and exit from the cell
- Type of infraction or reason for admission
- Tentative release date
- Any special medical or psychiatric problems or needs

# Skagit County Sheriff's Office

## Custody Policies

### *Special Management Inmates Plan*

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- Counseling for behavior

Log entries should be legible, entered promptly and provide sufficient detail to adequately reflect the events of the day for future reference.

The date and time of the observation or incident and the name and identification number of the staff member making the log entry shall be included on each entry.

Supervisors should review the logs frequently during the shift and enter comments as appropriate. At minimum, supervisors should enter the date and time of each review.

All safety checks will be documented in detail and should include the exact time of the safety check and the identification information of the employee conducting the check. All documentation will be gathered and placed into the inmate booking file.

#### **510.10.1 LOG INSPECTION AND ARCHIVAL OF LOGS**

The Shift Supervisor shall review and evaluate the logs and pass any significant incidents via the chain of command to the Corrections Chief for review.

The logs will be retained by the Office in accordance with established records retention schedules, but in no case less than one year.

#### **510.11 STAFF SELECTION CRITERIA**

To qualify for an assignment in which one is solely responsible for the supervision of special management inmates, the employee must demonstrate that he/she has:

- (a) Successfully completed his/her probationary period.
- (b) Attained a minimum of six months experience supervising inmates.
- (c) A history of maturity and tolerance.
- (d) Expressed an interest in working with special management inmates.
- (e) The ability to manage difficult inmates through conflict management skills.
- (f) Received satisfactory ratings in the three most recent performance evaluations.

#### **510.11.1 STAFF ASSIGNMENT**

Staff assignments to a special management inmates unit will be made by the Corrections Chief or the authorized designee and are subject to continuous review. The special management inmates unit manager may rotate staff whenever he/she determines that it is in the best interest of the employee or the facility.

Staff assigned to units with special management inmates should be closely supervised. Staff assigned to these units may rotate to other duties upon request.

Nothing in this section prohibits a probationary employee from working in a special management inmates unit under direct supervision of a training officer as a part of the training program.

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# Management of Weapons and Control Devices

## 514.1 PURPOSE AND SCOPE

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

## 514.2 POLICY

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

## 514.3 USE OF WEAPONS AND CONTROL DEVICES

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

### 514.3.1 FIREARMS

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

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

### 514.3.2 CHEMICAL AGENTS

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

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Management of Weapons and Control Devices*

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#### 514.3.3 IMPACT WEAPONS

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

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

#### 514.3.4 KINETIC ENERGY PROJECTILES

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

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

#### 514.3.5 ELECTRONIC CONTROL DEVICES (ECD)

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

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

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

#### 514.3.6 PEPPER PROJECTILE SYSTEMS

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Management of Weapons and Control Devices*

---

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

#### **514.3.7 STUN MUNITIONS AND RUBBER BALL GRENADES**

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

#### **514.4 STORAGE OF WEAPONS AND CONTROL DEVICES**

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

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

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

#### **514.4.1 WEAPONS LOCKER**

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

#### **514.4.2 REVIEW, INSPECTION AND APPROVAL**

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

#### **514.5 TRAINING FOR CONTROL DEVICES**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Management of Weapons and Control Devices*

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

#### 514.5.1 REPETITIVE BRIEFING TRAINING

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

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

# Inmate Classification

## 516.1 PURPOSE AND SCOPE

This policy describes the Skagit County Sheriff's Office's classification process, which is designed to identify security and health issues so that inmates may be held in such a way as to foster a safe and secure facility.

### 516.1.1 DEFINITIONS

Definitions related to this policy include:

**Civil detainee** - Any person held in custody for a reason other than for criminal matters.

## 516.2 POLICY

All arrestees and detainees entering this facility will be processed to determine whether they will be housed in the facility, cited and released, released on their own recognizance (O.R.) or bail, or released back to the community through an appropriate release mechanism, including alternatives to incarceration programs, such as electronic supervision.

It is the policy of this office to properly classify inmates according to security and health risks so that appropriate supervision, temporary holding and housing assignments may be made.

## 516.3 CLASSIFICATION PLAN

The Corrections Chief or authorized designee should create and maintain a classification plan to guide staff in the processing of individuals brought into the facility.

The plan should include an initial screening process, as well as a process for determining appropriate housing assignments (28 CFR 115.42). The plan should include use of an objective screening instrument, procedures for making decisions about classification and housing assignments, intake and housing forms and a process to ensure that all classification and housing records are maintained in each inmate's permanent file. The plan should include an evaluation of the following criteria:

- Age
- Sex
- Current charges
- Behavior during arrest and intake process
- Criminal and incarceration history
- Mental and emotional stability
- Potential risk of safety to others or self
- Special management inmate status
- Special needs assessment for vulnerable inmates

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Classification*

---

- Behavioral or physical limitations or disabilities
- Medical status
- Level of sobriety at booking
- Suicidal ideation
- Escape history and degree of escape risk
- History of assaultive behavior
- The need to be separated from other classifications of inmates (e.g., juvenile offenders gang affiliation, confidential informant, former law enforcement, sexual orientation)
- Prior convictions for sex offenses against an adult or child
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming (see Prison Rape Elimination Act Policy for transgender and intersex definitions)
- Previous sexual victimization
- The inmate's own perception of his/her vulnerability
- Whether the inmate is detained solely for civil immigration purposes
- Whether the inmate is a foreign national and if so from what country (see Foreign Nationals and Diplomats Policy)
- Prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the Office (28 CFR 115.41)
- Any other criteria as deemed appropriate by the Sheriff or the authorized designee

The plan should include a methodology for evaluating the classification process and a periodic review for the purpose of continuous quality improvement.

Information obtained in response to screening questions shall be considered confidential and shall only be made available to those who have a legitimate need to know (28 CFR 115.41).

#### 516.3.1 INMATE RESPONSE TO SCREENING

Inmates may not be compelled by threat of discipline to provide information or answers regarding (28 CFR 115.41):

- (a) Whether the inmate has a mental, physical or developmental disability.
- (b) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
- (c) Whether the inmate has previously experienced sexual victimization.
- (d) The inmate's own perception of vulnerability.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Classification*

---

#### **516.4 INITIAL CLASSIFICATION**

The initial classification process is intended to identify predatory, violent and at-risk inmates. It should occur early in the intake process to allow for appropriate supervision while an inmate is being temporarily held in this facility and until a decision is made to place the individual into a more permanent housing assignment.

Inmates should be interviewed by an intake deputy as soon as possible in the booking process. The intake deputy shall complete the initial classification form. The initial classification form should include a place for the intake deputy to make a housing recommendation. This recommendation should be based on the initial classification form, an assessment of the inmate's condition and the inmate's interview.

The initial classification form shall be placed in the inmate's file and provided to the classification deputy, who will, within the limits of available resources, determine the appropriate temporary housing location.

#### **516.5 CLASSIFICATION UPON HOUSING**

Once it has been determined that the person arrested will not be released from custody on bail or O.R., a more in-depth classification of the inmate will be conducted as soon as possible but no later than 24 hours after the inmate's arrival at the facility, after which the inmate will be moved to more permanent housing.

##### **516.5.1 INTERVIEW**

The comprehensive classification process begins with a review of any initial classification information obtained during the reception and booking process, as well as an interview by the classification deputy. The review of initial classification documents and the questions, answers and observations from the inmate's interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each inmate.

Individualized determinations shall be made about how to ensure the safety of each inmate (28 CFR 115.42).

##### **516.5.2 OVERRIDE**

The classification deputy has the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification deputy's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security or health risk. All overrides will be reviewed by a supervisor and are intended to be an exception, rather than the rule.

#### **516.6 REVIEWS AND APPEALS**

Once an inmate is classified and housed, he/she may appeal the decision of the classification deputy. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Corrections Chief or the authorized designee. The decision by the Corrections Chief or the authorized designee is final.

### *Inmate Classification*

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#### **516.6.1 PERIODIC CLASSIFICATION REVIEWS**

The classification deputy shall review the status of all inmates who have been incarcerated in the facility for more than 30 days. Additional reviews should occur each 30 days thereafter. The review should examine changes in the inmate's behavior or circumstances and should either raise, lower or maintain the classification status (28 CFR 115.41).

Housing and program assignments for each transgender or intersex inmate shall be reassessed at least twice each year to review any threats experienced by the inmate (28 CFR 115.42).

Inmate risk levels shall be reassessed when required due to a referral, request, incident of sexual abuse, or receipt of additional information that increases the inmate's risk of sexual victimization or abusiveness (28 CFR 115.41).

#### **516.6.2 STAFF REQUESTED REVIEW**

At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. The reason for the review, the review itself and the outcome of the review shall be documented in the inmate's permanent file. Nothing in this section shall prohibit staff from immediately moving an inmate to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the inmate must immediately document the action and notify the classification deputy.

#### **516.7 HOUSING ASSIGNMENTS**

Inmates should be housed based upon the following criteria:

- Classification level
- Age
- Sex
- Legal status (e.g., pretrial or sentenced)
- Special problems or needs
- Behavior
- Any other criteria identified by the Corrections Chief

##### **516.7.1 SEPARATION**

Male and female inmates shall be housed to ensure visual and physical separation.

Civil detainees shall be housed separately from pretrial and sentenced inmates.

#### **516.8 CLASSIFICATION SPACE ALLOCATION**

The classification plan depends on the ability of the facility to physically separate different classes of inmates. To ensure that allocated space meets the current population needs, the Corrections Chief or the authorized designee should periodically meet with representatives of the classification deputies to discuss the fixed resources (e.g., cells, dorms, dayrooms).

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Classification*

---

The Corrections Chief should report at least quarterly to the Sheriff on the ability of the facility to operate safely and securely and to perform its mission.

#### **516.9 SINGLE-OCCUPANCY CELLS**

Single-occupancy cells may be used to house the following categories of inmates:

- Maximum security
- Administrative segregation
- Severe medical disabilities (upon consultation with medical staff and the availability of medical beds)
- Severe mental illness (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any inmate with an elevated risk of being exploited or victimized by others
- Any inmate whose condition or status indicates a special need for single-occupancy housing

The classification supervisor shall notify the Corrections Chief or the authorized designee when single-occupancy cells are not available for housing the above described inmates. In such cases, a risk assessment shall be used to identify inmates in the above categories who may be safely housed together.

#### **516.10 PRISON RAPE ELIMINATION ACT (PREA) CONSIDERATIONS**

Housing, bed, work and program assignments should be made to separate inmates at high risk of being sexually victimized from those at high risk of being sexually abusive (28 CFR 115.42). Inmates identified as being at high risk for sexually aggressive behavior will be monitored and housed in an area that will minimize the risk to other inmates and staff. All inmates identified as being at risk of victimization shall be monitored and housed in an area to minimize the risk to their safety. However, inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of all available alternatives has been made and it has been determined that there is no available alternative means of separation from likely abusers (28 CFR 115.43; 28 CFR 115.68).

Housing and program assignments of a transgender or intersex inmate shall include individualized consideration for the inmate's health and safety and any related supervisory, management or facility security concerns. A transgender or intersex inmate's views with respect to his/her own safety shall be given serious consideration.

Lesbian, gay, bisexual, transgender or intersex inmates shall not be placed in dedicated facilities, units or wings solely on the basis of such identification or status, unless such placement is pursuant to a consent decree, legal settlement or legal judgment (28 CFR 115.42).



# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Classification*

---

#### **516.11 EDUCATION, WORK AND OTHER RELEASE**

Unless an inmate is incarcerated for an offense for which release is prohibited by law or otherwise prohibited by court order, an inmate incarcerated in the correctional facility may be released for a period reasonable and necessary for the following reasons:

- To seek or maintain employment
- To attend education classes
- To obtain medical treatment
- Any other reasonable purpose as determined by the Corrections Chief or the authorized designee

Education and work-release inmates who leave the secure perimeter of the correctional facility to complete programs should be housed separately from inmates in general population.

There should be no contact between the inmates in general population and those being authorized for education, work or other release. This is to minimize the risk of introducing contraband into the correctional facility and to maintain facility security.

#### **516.12 STAFF TRAINING IN CLASSIFICATION**

Classification deputies should receive training specific to inmate classification before being assigned primary classification duties. Individuals not specifically trained in inmate classification may work in classification provided that they are under the immediate supervision of a trained and qualified staff member.

# Control of Inmate Movement

## 520.1 PURPOSE AND SCOPE

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

## 520.2 POLICY

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

## 520.3 MOVEMENT OF INMATES

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

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

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

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

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

# Use of Force

## 522.1 PURPOSE AND SCOPE

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

### 522.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

## 522.2 POLICY

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

## 522.3 USE OF FORCE

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

---

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

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

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

Force shall never be used as punishment or retaliation.

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

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

#### **522.3.1 DUTY TO INTERCEDE**

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

#### **522.4 WEAPONS, TOOLS AND CHEMICAL AGENTS**

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

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

---

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

#### **522.5 IMMEDIATE AND CALCULATED USE OF FORCE**

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

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

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

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

##### **522.5.1 CONFRONTATION AVOIDANCE PROCEDURES**

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

---

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

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

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

#### **522.6 REPORTING THE USE OF FORCE**

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

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

The report should include:

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

---

#### **522.7 SUPERVISOR RESPONSIBILITY**

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

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

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

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

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

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

#### **522.8 USE OF DEADLY FORCE**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

---

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

#### **522.8.1 USE OF DEADLY FORCE-REPORTING**

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

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

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

#### **522.9 USE OF FORCE REVIEW**

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

#### **522.9.1 USE OF FORCE REVIEW COMMITTEE**

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

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

#### **522.10 TRAINING**

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Use of Force*

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

## Use of Restraints

### 524.1 PURPOSE AND SCOPE

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

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

#### 524.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

### 524.2 POLICY

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Restraints*

---

#### **524.3 USE OF RESTRAINTS - CONTROL**

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

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

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Restraints*

---

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

#### **524.3.1 USE OF RESTRAINTS FOR COURT HEARINGS**

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

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

#### **524.4 USE OF RESTRAINTS - CLINICAL**

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Restraints*

---

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

#### **524.5 RANGE OF MOTION**

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

#### **524.6 FOOD AND HYDRATION**

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

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

#### **524.7 AVAILABILITY OF CARDIOPULMONARY RESUSCITATION EQUIPMENT**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Use of Restraints*

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#### **524.8 RESTRAINED INMATE HOLDING**

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

#### **524.9 PREGNANT INMATES**

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

##### **524.9.1 INMATES IN LABOR**

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

# Classification Plan

## 526.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an objective classification plan designed to identify security and health issues during the booking process so that inmates may be housed in such a way as to reduce the probability of assaultive and other disruptive behavior and to foster a safe and secure facility.

## 526.2 POLICY

It is the policy of this office to properly classify inmates during the booking process according to their security and health risks so that appropriate housing assignments may be made.

## 526.3 CLASSIFICATION PLAN

It is the responsibility of the Corrections Chief to develop and implement an objective classification plan to guide staff in the processing of individuals brought into the facility.

The plan should include the period of time beginning at intake with the initial screening process and culminate with an appropriate housing assignment for the inmate. It shall include an evaluation of the following criteria:

- Age
- Sex
- Current charges and behavior during the arrest process
- Criminal and incarceration history
- Mental and emotional stability
- Potential risk of safety to others or self
- Special management inmate status
- Special needs assessment for vulnerable adults
- Behavioral, physical limitations or disabilities
- Medical status, sobriety, suicidal ideation
- Escape history and degree of escape risk
- History of assaultive behavior
- The need to be separated from other classifications of inmates (e.g., gang affiliation, former law enforcement, sexual orientation)
- Any other criteria as deemed appropriate by the Corrections Chief

# Skagit County Sheriff's Office

## Custody Policies

### *Classification Plan*

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The plan should include a methodology for validating the classification process and a periodic review of the validation documents for the purpose of continuous quality improvement of the classification process.

#### **526.3.1 INTERVIEW**

The comprehensive classification process begins with an interview by a staff member who has received specific training in inmate classification. The questions, answers and observations of this interview will be documented and numerically scored, representing the security level and housing assignment appropriate for each inmate.

#### **526.3.2 OVERRIDE**

A classification deputy should have the authority to override the scores when it appears necessary to more appropriately assign housing. The override capability exists to use the classification deputy's training and expertise in those instances when the numerical scores are not reflective of the inmate's potential security or health risk. All overrides will be reviewed by a supervisor and are intended to be an exception, rather than the rule.

#### **526.4 REVIEWS AND APPEALS**

Once an inmate is classified and housed, he/she may appeal the decision of the classification deputy. The appeal process shall begin at the first-line supervisor level. The decision by the supervisor may be appealed to the Corrections Chief or the authorized designee. The decision by the Corrections Chief or the authorized designee is final.

The Corrections Chief or the authorized designee is responsible for ensuring that the appeal process is included in the inmate handbook provided during booking.

#### **526.4.1 PERIODIC CLASSIFICATION REVIEWS**

The classification deputy should review the status of all inmates who have been incarcerated in the facility for more than 30 days. The review should occur after 30 days and each 30 days thereafter. The review should examine changes in the inmate's behavior or circumstances and either raise, lower or maintain the classification status.

#### **526.4.2 STAFF REQUESTED REVIEW**

At any point during an inmate's incarceration, a staff member may request a review of the inmate's classification. The reason for the review, the review itself and the outcome of the review shall be documented in the inmate's permanent file. Nothing in this section shall prohibit staff from immediately moving an inmate to another location in the facility based on exigent circumstances. Under such circumstances, the staff member moving the inmate must immediately document the action and notify the classification deputy.

#### **526.4.3 HOUSING ASSIGNMENTS**

Inmates will be housed based upon the following criteria:

- Classification level



# Skagit County Sheriff's Office

## Custody Policies

### *Classification Plan*

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- Age
- Sex (males and females will be housed in separate units)
- Legal status (e.g., pretrial or sentenced)
- Special problems or needs
- Behavior
- Any other criteria identified by the Corrections Chief

#### **526.4.4 INMATES SENTENCED TO A STATE INSTITUTION**

Unless a person is convicted of a felony and held in the correctional facility as a condition of probation, the inmate shall be transferred to a state institution before the 41st day from the date of sentencing (RCW 70.48.240). The transfer shall be contingent on the sentencing of all pending local charges.

#### **526.5 CLASSIFICATION SPACE ALLOCATION**

The Office will follow existing laws and rules and this policy relating to the separation of inmates confined in the correctional facility. To ensure that the allocated classification space meets the population needs, the Corrections Chief or the authorized designee should periodically meet with representatives of the classification deputies to discuss the fixed resources (e.g., cells, dorms, dayrooms). The classification plan depends on the ability of the facility to physically separate different classes of inmates. As the demographic of the inmate population changes, it is necessary to periodically assess classification space needs.

The Corrections Chief shall report at least quarterly to the Sheriff on the ability of the facility to operate safely and securely and to perform its mission.

#### **526.6 SINGLE-OCCUPANCY CELLS**

Single-occupancy cells may be used to house the following categories of inmates:

- Maximum security
- Close custody
- Severe medical disabilities (upon consultation with medical staff and the availability of medical beds)
- Severe mental illness (upon consultation with mental health staff and the availability of mental health beds)
- Sexual predators
- Any inmate with an elevated risk of being exploited or victimized by others
- Any inmate whose condition indicates a special need for single-occupancy housing

# Skagit County Sheriff's Office

## Custody Policies

### *Classification Plan*

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The classification supervisor shall notify the Corrections Chief or the authorized designee when single-occupancy cells are not available for housing the above described inmates. In such cases, a risk assessment shall be used to identify inmates in the above categories who may be safely housed together.

#### **526.7 EDUCATION AND WORK RELEASE**

Education and work-release inmates who leave the secure perimeter of the correctional facility to complete programs should be housed separately from inmates in general population.

Care should be taken to ensure that there is no contact between the inmates in general population and inmates being afforded programming; this is to minimize the risk of introducing contraband into the correctional facility and to maintain facility security.

# Searches

## 528.1 PURPOSE AND SCOPE

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

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

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

### 528.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Searches*

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#### **528.2 POLICY**

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

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

#### **528.3 PAT-DOWN SEARCHES**

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

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

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

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

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

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

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

##### **528.4.1 SEARCHES PRIOR TO PLACEMENT IN GENERAL POPULATION**

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

# Skagit County Sheriff's Office

## Custody Policies

### Searches

---

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

#### 528.4.2 SEARCHES OF PRETRIAL INMATES

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Searches*

---

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

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

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

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

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

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

#### **528.4.3 SEARCHES OF CONVICTED AND NO BAIL ORDERED INMATES**

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

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### Searches

---

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

#### 528.4.4 MODIFIED STRIP SEARCH AND STRIP SEARCH PROCEDURES

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

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

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

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

- (a) The searching staff member will instruct the inmate to:
  - 1. Remove his/her clothing.
  - 2. Raise his/her arms above the head and turn 360 degrees.
  - 3. Bend forward and run his/her hands through his/her hair.
  - 4. Turn his/her head first to the left and then to the right so the searching deputy can inspect the inmate's ear orifices.
  - 5. Open his/her mouth and run a finger over the upper and lower gum areas, then raise the tongue so the deputy can inspect the interior of the inmate's mouth. Remove dentures if applicable.
  - 6. Turn around and raise one foot first, then the other so the deputy can check the bottom of each foot.
  - 7. For a visual cavity search, turn around, bend forward and spread the buttocks if necessary to view the anus.
- (b) At the completion of the search, the inmate should be instructed to dress in either his/her street clothes or correctional facility-supplied clothing, as appropriate.

# Skagit County Sheriff's Office

## Custody Policies

### Searches

---

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

#### 528.4.5 PHYSICAL BODY CAVITY SEARCH

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

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



# Skagit County Sheriff's Office

## Custody Policies

### Searches

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

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

#### 528.4.6 PHYSICAL BODY CAVITY SEARCH

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

# Skagit County Sheriff's Office

## Custody Policies

### *Searches*

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

## Searches

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### **528.5 TRANSGENDER SEARCHES**

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

### **528.6 CONTRABAND SEARCHES**

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

### **528.7 HOUSING UNIT SEARCHES**

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

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

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

#### **528.7.1 CANINE-ASSISTED SEARCHES**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Searches*

---

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

#### **528.8 PHYSICAL PLANT SEARCHES**

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

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

##### **528.8.1 CANINE-ASSISTED SEARCHES**

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

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

#### **528.9 CRIMINAL EVIDENCE SEARCHES**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Searches*

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#### **528.10 TRAINING**

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

# Reporting Inmate Deaths

## 532.1 PURPOSE AND SCOPE

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

### 532.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 532.2 POLICY

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

## 532.3 MANDATORY REPORTING

All in-custody deaths shall be reported as required.

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

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

## 532.4 REQUIRED INFORMATION

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Reporting Inmate Deaths*

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#### **532.5 PROCEDURE**

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

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

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

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

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

#### **532.6 INMATE DEATH REVIEW**

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

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

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

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## Staff and Inmate Contact

### 534.1 PURPOSE AND SCOPE

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

### 534.2 POLICY

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

### 534.3 GENERAL CONDUCT GUIDELINES

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

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

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

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

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

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

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

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

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



# Skagit County Sheriff's Office

## Custody Policies

### *Staff and Inmate Contact*

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

#### **534.4 CONSTITUTIONAL MATTERS**

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

# Transportation of Inmates Outside the Secure Facility

## 536.1 PURPOSE AND SCOPE

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

## 536.2 POLICY

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

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

## 536.3 PROCEDURES

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

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Transportation of Inmates Outside the Secure Facility*

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

#### **536.3.1 TRANSPORTATION LOGS**

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

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

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

#### **536.3.2 TRANSFER OF INMATE TO HOSPITAL**

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

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

#### **536.4 TRAINING**

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

# Skagit County Sheriff's Office

## Custody Policies

### *Transportation of Inmates Outside the Secure Facility*

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

# Safety and Sobering Cells

## 538.1 PURPOSE AND SCOPE

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

### 538.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 538.2 POLICY

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

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

## 538.3 SAFETY CELL PROCEDURES

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Safety and Sobering Cells*

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

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

#### **538.4 SOBERING CELL PROCEDURES**

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

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

# Skagit County Sheriff's Office

## Custody Policies

### *Safety and Sobering Cells*

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

## Biological Samples

### 540.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those inmates required to provide samples upon conviction and or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

### 540.2 POLICY

The Skagit County Sheriff's Office will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 540.3 PERSONS SUBJECT TO BIOLOGICAL SAMPLE COLLECTION

The following persons must submit a biological sample (RCW 43.43.754):

- (a) Every person convicted on or after June 12, 2008 of any of the following crimes (or equivalent juvenile offenses):
  - 1. Any felony offense
  - 2. Assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835)
  - 3. Communication with a minor for immoral purposes (RCW 9.68A.090)
  - 4. Custodial sexual misconduct in the second degree (RCW 9A.44.170)
  - 5. Failure to register (RCW 9A.44.130)
  - 6. Harassment (RCW 9A.46.020)
  - 7. Patronizing a prostitute (RCW 9A.88.110)
  - 8. Sexual misconduct with a minor in the second degree (RCW 9A.44.096)
  - 9. Stalking (RCW 9A.46.110)
  - 10. Violation of a sexual assault protection order granted under RCW 7.90.005 et seq.
- (b) Every person convicted prior to June 12, 2008 of any of the offenses listed above but still incarcerated on or after June 12, 2008
- (c) Every person convicted of a felony, harassment, stalking or communicating with a minor for immoral purpose on or after July 1, 2002, or convicted before that date if the person was still incarcerated on or after that date
- (d) Every person convicted of a sexual or violent offense after July 1, 1990



# Skagit County Sheriff's Office

## Custody Policies

### *Biological Samples*

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- (e) Every person convicted of a sexual or violent offense prior to July 1, 1990 and still incarcerated on or after July 25, 1999

#### **540.4 PROCEDURE**

When an inmate is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

##### **540.4.1 COLLECTION**

The following steps should be taken to collect a sample:

- (a) Verify that the inmate is required to provide a sample pursuant to RCW 43.43.754.
- (b) Verify that a biological sample has not been previously collected from the offender by querying the person's Washington state criminal history records. There is no need to obtain a biological sample if one has been previously obtained.
- (c) Use the designated collection kit provided by the Washington State Patrol to perform the collection and take steps to avoid cross contamination.

##### **540.4.2 COMMUNICATION TO PERSON PROVIDING SAMPLE**

Upon inquiry, the person providing the sample should be informed:

- (a) That he/she is required by law or court order to provide a biological sample.
- (b) That there is no right to refuse.
- (c) That the sample will be sent to the Washington State Patrol crime laboratory for analysis and entry into appropriate DNA databases.

##### **540.4.3 USE OF FORCE TO OBTAIN SAMPLES**

Generally, there should be no need to take a biological sample by force from an inmate required by law or court order to provide such sample. In the event of resistance or refusal, staff should attempt to resolve the situation through voluntary compliance before resorting to use of force. Deputies shall contact a supervisor if an inmate refuses to provide a biological sample as required. The supervisor should consider contacting:

- (a) The inmate's parole or probation officer when applicable.
- (b) The appropriate prosecuting attorney to consider filing additional charges against the person for failure to comply or otherwise bring the refusal before a judge who has contempt authority and/or jurisdiction over the conviction that led to the sample collection requirement.
- (c) The judge at an upcoming court appearance.
- (d) The inmate's attorney.
- (e) A chaplain.
- (f) Another custody facility with additional resources where an arrestee can be transferred to better facilitate sample collection.

# Skagit County Sheriff's Office

## Custody Policies

### *Biological Samples*

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(g) Any other relevant resources.

If the inmate refuses to provide a biological sample and alternatives are not practicable, a supervisor may approve the use of reasonable force. The supervisor shall be directly involved in any situation involving the use of force to obtain a sample, including developing a plan and documenting the process. Applicable custodial disciplinary actions may be used to compel compliance.

Reporting the use of force shall follow the reporting requirements set forth in the Use of Force Policy.

#### 540.4.4 VIDEO RECORDING

A video recording should be used when force is necessary to obtain a biological sample. The recording should document all staff participating in the process and be made a part of the inmate's record or otherwise retained in accordance with the Office's established records retention schedule.

#### **540.5 CALCULATED USE OF FORCE TO OBTAIN SAMPLES**

If an inmate refuses to cooperate with the sample collection process, deputies should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order or approval of legal counsel and only with the approval of the Shift Supervisor. Methods to consider when seeking voluntary compliance include contacting:

- (a) The inmate's parole or probation officer when applicable.
- (b) The prosecuting attorney to seek additional charges against the inmate for failure to comply or otherwise bring the refusal before a judge.
- (c) The judge at the inmate's next court appearance.
- (d) The inmate's attorney.
- (e) A chaplain.
- (f) A supervisor who may be able to authorize disciplinary actions to compel compliance, if any are available.

The Shift Supervisor shall review and approve any calculated use of force. The supervisor shall be present to supervise and document the calculated use of force.

#### 540.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the office's established records retention schedule.

# End of Term Release

## 542.1 PURPOSE AND SCOPE

The purpose of this policy is to establish and maintain procedures governing the end of term release of inmates to ensure that inmates are not released in error.

## 542.2 POLICY

It will be the policy of the Skagit County Sheriff's Office to provide for the timely, efficient and legal release of inmates.

## 542.3 RELEASE PROCEDURE

Inmates who have reached the end of their sentenced term or who are ordered released by the court will be scheduled for release at staggered times on their release date to avoid congestion in the release area. Inmates scheduled for release shall be escorted by the staff to the transfer/release area to begin the release procedure 30 minutes prior to their scheduled release time.

The Shift Supervisor or release officer shall sign and date the release paperwork on the same day the inmate is to be released.

Inmates shall not be released or moved during inmate count, change of shift or at any time that would pose a potential safety threat or disrupt the orderly operation of the facility.

All inmates must be positively identified by the staff prior to being released from the facility. Inmate identities should be verified using intake records bearing the inmate's name, photograph and facility identification number.

Before any inmate may be released, the following conditions must be met:

- (a) The identity of the inmate has been verified.
- (b) All required paperwork for release is present. The staff shall review the active inmate file to verify the validity of the documents authorizing the release. The file should also be reviewed for other release-related or pending matters, including:
  - 1. Verifying calculations and release-date adjustments for good time.
  - 2. Any pending arrangements for follow-up, such as medications needed, appointments or referral to community or social resources.
  - 3. Any pending actions, such as grievances, damage claims or lost property.
  - 4. Sex and kidnapping offenders must register prior to release. The releasing deputy will ensure that the offender registers at the time of release with an official designated by the agency that has jurisdiction over the offender. The registration information shall, within three days, be forwarded to the Sheriff of the offender's county of residence. The offender must be advised of his/her duty to register with the Sheriff of his/her county of residence, school or place of employment or vocation (RCW 9A.44.130).

# Skagit County Sheriff's Office

## Custody Policies

### *End of Term Release*

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5. If the releasing staff has knowledge that an offender being released has a duty to register and is eligible for developmental disability services, the department of social and health services shall be notified and assistance provided to the offender in order that the offender can meet the initial registration requirements (RCW 9A.44.130).
- (c) Releasing staff must complete National Crime Information Center (NCIC) and local warrant checks to ensure that there are no outstanding warrants or detention orders. If any agency has outstanding charges against the inmate, the staff shall notify the agency that the inmate is available for release.
  - (d) If an inmate has known mental health concerns, the inmate shall be evaluated by qualified health care professional and medically authorized for release. To the extent practicable, individuals who have been determined to be severely mentally ill should be released during business hours to facilitate their ability to receive services immediately after release (RCW 70.48.475).
    1. If the inmate is subject to a discharge review under RCW 71.05.232, the county designated mental health professional, chemical dependency specialist or the related state hospital shall be notified by the Corrections Chief or the authorized designee 72 hours in advance of the release but in no case later than the actual release of the inmate (RCW 70.48.475).
  - (e) All personal property shall be returned to the inmate during the release process. The inmate must acknowledge receiving his/her property by signed receipt. Any discrepancies shall be promptly reported to the Shift Supervisor.
  - (f) All facility property must be returned by the inmate. Any missing or damaged facility property should be documented and promptly reported to the Shift Supervisor. The inmate shall remain in custody until the Shift Supervisor reviews the damage and authorizes the release.
  - (g) A forwarding address for the inmate should be on file and verified with the inmate for return of mail.
  - (h) Inmates on probation or parole should be directed by the staff to report to the probation or parole office immediately upon release. The parole authorities having jurisdiction shall be notified of the inmate's release, if required.
  - (i) If needed, inmates may be allowed to make a reasonable number of phone calls to arrange for transportation.

The housing sheet, release log and daily census log shall be updated accordingly after the inmate's release. The Shift Supervisor shall ensure all release documents are complete and properly signed by the inmate and the staff where required.

## **Chapter 6 - Inmate Due Process**

# Inmate Discipline

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to establish facility rules and disciplinary sanctions that are clear, consistent and uniformly applied. Maintaining discipline is critical to the safe and efficient operation of the facility. Both case law and good correctional practices require due process as it relates to inmate discipline. The enforcement of rule violations shall be swift, fair and consistent.

This policy addresses the fair and equitable application of inmate rules and the application of disciplinary sanctions for those who fail to comply.

## 600.2 POLICY

It is the policy of this office to maintain written general categories of prohibited inmate behavior that are clear, consistent and uniformly applied. Written rules and guidelines will be made available to all inmates. They will include a process for resolving minor infractions and a hearing process for a more serious breach of inmate rules. Criminal acts may be referred to the appropriate criminal agency.

## 600.3 DUE PROCESS

Inmates who are subject to discipline as a result of rule violations shall be afforded procedural due process by the Sheriff that is established in the policies, procedures and practices relating to inmate discipline. Staff will not engage in arbitrary actions against inmates. All disciplinary actions will follow clearly established procedures. All disciplinary sanctions will be fairly and consistently applied.

The process components that this policy affords to an inmate accused of a rule violation include:

- Published rules of conduct and clearly defined penalties for a violation of rules.
- A fair hearing in which the investigating staff presents factual evidence supporting the rule violation and the disciplinary action.
- Advance notice to the inmate of the disciplinary hearing, to allow the inmate time to prepare a defense.
- An impartial hearing officer.
- The limited right to call witnesses and/or present evidence on his/her behalf.
- The appointment of an assistant or representative in cases where the inmate may be incapable of self representation.
- A formal written decision that shows the evidence used by the hearing officer, the reasons for any sanctions and an explanation of the appeal process.
- The opportunity to appeal the finding to a higher authority.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

#### 600.3.1 INMATE RULES GENERALLY

Inmate rules will be made available to inmates, both as fair warning of the consequences of inappropriate behavior and in order to ensure due process and equal protection as guaranteed in the Fourteenth Amendment to the United States Constitution.

The Office has established a disciplinary process that includes, but is not limited to:

- Inmate rules that are reasonable and clearly communicated.
- Reasonable sanctions for violating rules that relate to the severity of the violation.
- Standardized report forms to document rule violations and evidence.
- Impartial hearing officers to conduct disciplinary hearings and make findings based on the evidence.
- An established appeals process that an inmate may access in writing.

The Corrections Chief is responsible for ensuring that inmate rules and sanctions are developed, distributed, reviewed annually and revised as needed. Rules should prohibit only behavior that can be clearly shown to have a direct, adverse effect on an inmate or on the order and security of the facility. Penalties shall be proportionate to the importance of the rule and the severity of the violation.

Inmate rules should be an integral part of the inmate orientation and may be provided verbally by staff, as a part of a video presentation to inmates and in a printed inmate handbook. Inmate rules shall be given to each inmate during initial housing in the form of an inmate handbook, or shall be posted in housing units. Penalties for violation of these rules will also be included in this material.

Inmates cannot be held accountable for rules of which they are unaware. However, it is impossible to define every possible prohibited act or rule violation that might be encountered in a detention facility. Therefore, a current list of recognized infractions that are generally prohibited will be available in each housing unit. Any revised inmate rules shall not go into effect until all inmate rule handbooks have been replaced or the revised rules have been made available in each housing unit. All inmates, regardless of their housing unit, shall have access to these rules. Inmate rules shall be translated into the languages that are understood by the inmates.

Disciplinary procedures governing inmate rule violations shall address rules, minor and major violations, criminal offenses, disciplinary reports, prehearing detention and prehearing actions or investigations.

#### 600.3.2 RULE VIOLATION REPORTS

A record of all disciplinary infractions and punishment administered will be made. This requirement may be satisfied by retaining copies of rule violation reports, including the disposition of each violation. Rule violation reports are required for major rule violations or any other violation that will require investigation or a formal resolution. The staff member who observed or detected the rule violation or who was charged with investigating a rule violation is responsible for completing the rule violation report. The rule violation report shall include, at minimum, the following:

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

- A formal statement of the charges pending
- A description of any unusual behavior by the inmate
- The date/time/location of the occurrence and an explanation of what transpired
- The identity of known participants in the incident
- Existence of any physical evidence and its disposition
- Immediate action taken, including any force used by staff
- Signature of the reporting staff member and the date/time of the report

The supervisor investigating the violation shall ensure the following is documented in the investigation or rule violation report:

- Date and time the explanation and the written copy of the complaint and appeal process was provided to the inmate
- The inmate's response to the charges
- Reasons for any sanctions
- The identity of any staff or witnesses involved, as revealed by the inmate
- The findings of the hearing officer
- The inmate's appeal, if any
- The appeal findings, if applicable

#### **600.4 RULE VIOLATION PROCEDURES**

Minor acts of nonconformance to the rules may be handled informally by any deputy.

A violation of rules observed by general service employees, volunteers or contractors will be reported to a deputy for further action. Deputies are authorized to recommend informal sanctions on minor violations.

Any staff member imposing informal discipline shall complete the reporting portion of the disciplinary report and provide the form to the supervisor for review.

The following are disciplinary sanctions that may be imposed for minor rule violations:

- Counseling the inmate regarding expected conduct
- Assignment to extra work detail
- Removal from work detail (without losing work time credits)
- Loss of television, telephone, tablet, computer and/or commissary privileges for a period not to exceed 72 hours



# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

- Lockdown in the inmate's assigned cell or confinement in the inmate's bunk area for a period not to exceed 24 hours

An inmate may request that a supervisor review the imposed sanction. However, this request must be made within one hour of receiving notice of the sanction. The supervisor should respond to the request within a reasonable time (generally within two hours) and shall have final authority as to the imposition of informal discipline.

#### 600.4.1 MULTIPLE MINOR RULE VIOLATIONS

Inmates who commit multiple violations of the rules during a single event will be disciplined only for the most serious offense.

Staff may initiate a major rule violation report if an inmate is charged with three or more minor rule violations in a consecutive 30-day period. Copies of all minor rule violations will be attached to the major rule violation report. A staff member shall conduct a hearing according to the procedures of a major rule violation.

#### 600.4.2 MAJOR RULE VIOLATIONS

Major rule violations are considered a threat to the safety, security or efficiency of the facility, its staff members, inmates or visitors. Staff members witnessing or becoming aware of a major rule violation shall take immediate steps to stabilize and manage the situation, including immediate notification of a supervisor. The supervisor shall assess the situation and initiate any emergency action, if necessary, and notify the Lieutenant or Chief Deputy if warranted.

The Shift Supervisor will determine whether the inmate or inmates involved will be moved to administrative segregation for prehearing detention.

The staff member who learned of the rule violation shall write and submit a disciplinary report, along with all relevant evidence, to the appropriate supervisor prior to the end of the shift.

Reports shall be concise, explain the facts of the violation and should describe any evidence supporting that the accused inmate did or did not commit the violation. The report shall contain the same elements identified in the Disciplinary Reports section of this policy.

#### 600.4.3 ADMINISTRATIVE SEGREGATION HOUSING

Inmates who are accused of a major rule violation may be moved to administrative segregation housing for prehearing detention, with the Shift Supervisor's approval, if there is a threat to safety or security. Inmates placed in prehearing detention are subject to the property and privilege restrictions commensurate with segregated confinement.

The Corrections Chief or the authorized designee shall, within 72 hours including weekends and holidays, review the status of any inmate in prehearing detention to determine whether continued prehearing segregation housing is appropriate.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

#### **600.5 INVESTIGATIONS**

When a major rule violation is reported, a supervisor will initiate an investigation, if necessary, within 24 hours of the time the violation is reported. Investigations should be completed without unreasonable delay and generally within three days of the violation. If additional time is needed, the investigating supervisor will request more time in writing from the Lieutenant or a designated supervisor. The inmate will be notified in writing of the delay.

If upon completion of the investigation, the investigating supervisor finds insufficient evidence to support a major rule violation, he/she may discuss alternative sanctions with the Lieutenant or a designated supervisor, including handling the incident as a minor violation or recommending that charges be removed. Such alternatives shall be documented in the inmate's file.

If the investigating supervisor determines that sufficient evidence exists to support a major rule violation, he/she will act as the hearing coordinator and will be responsible for:

- Reviewing all reports for accuracy and completeness.
- Overseeing or conducting any required additional investigation.
- Making a determination as to the final charges.
- Making preliminary decisions about the appointment of a staff member to act as an assistant to the inmate.
- Identifying any witnesses that may be called to the hearing.

#### **600.6 NOTIFICATIONS**

An inmate charged with a major rule violation shall be provided with a written statement that includes a description of the incident and the specific rules violated. The inmate shall be given the written statement not less than 24 hours prior to the disciplinary hearing.

Unless waived in writing by the inmate, hearings may not be held in less than 24 hours from the time of notification.

#### **600.7 HEARING OFFICER**

An impartial person shall conduct disciplinary hearings on rule violations. The Corrections Chief shall appoint at least one hearing officer to preside and conduct disciplinary hearings of rule violations. The hearing officer should be a qualified supervisor or suitably trained designee, who will have the responsibility and authority to rule on charges of inmate rule violations. The hearing officer shall also have the power to impose sanctions. The hearing officer shall not investigate nor preside over any inmate disciplinary hearing on cases where he/she was a witness or was directly involved in the incident that generated the complaint.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

#### **600.8 HEARING PROCEDURE**

Unless waived in writing, inmates charged with rule violations are entitled to be present at the hearing. Inmates may also be excluded if their behavior poses a threat to safety or security. Staff shall inform the hearing officer when any inmate is excluded or removed from a scheduled hearing and shall document the reasons for the exclusion or removal. A copy of the report shall be forwarded to the Corrections Chief.

The disciplinary hearing shall be held no sooner than 24 hours following the notification of the inmate in writing, nor later than 72 hours after the inmate notification. The inmate may waive the 24-hour requirement.

Hearings may be postponed or continued for a reasonable period of time for good cause. Reasons for postponement or continuance shall be documented and forwarded to the Corrections Chief.

The hearing officer shall disclose to the accused inmate all witnesses who will be participating in the hearing. Inmates have no right to cross-examine witnesses. However, the accused inmate may be permitted to suggest questions that the hearing officer, in his/her discretion, may ask.

##### **600.8.1 EVIDENCE**

Accused inmates shall have an opportunity to make a statement and present documentary evidence at the hearing and may call witnesses on their own behalf. Requests for witnesses shall be submitted in writing by the inmate no later than 12 hours before the scheduled start of the hearing. The written request must include a brief summary of what the witness is expected to say.

The hearing officer may deny the request when it is determined that allowing the witness to testify would be unduly hazardous to institutional safety or correctional goals, when the witness's information would not be relevant or would be unnecessarily duplicative, or is otherwise unnecessary. The reason for any such exclusion shall be documented in the hearing report. The reason for denial of any documents requested by the inmate shall also be documented in the hearing record.

A witness's signed written statement may be submitted by the inmate as an alternative to a live appearance. The hearing officer shall review and determine whether the statement is relevant to the charges and shall document the reason when any written statement is not given consideration.

Absent a safety or security concern, all staff reports and evidence, including exculpatory evidence, obtained during the disciplinary investigation shall be made available to the accused inmate prior to the hearing.

##### **600.8.2 CONFIDENTIAL INFORMANTS**

If information from any confidential informant is to be presented at the hearing, information establishing the reliability and credibility of the informant shall be provided to the hearing officer prior to the hearing. The hearing officer shall review such information to determine whether the informant is reliable and credible before considering the evidence. The confidential informant need not appear at the hearing and his or her identity shall not be disclosed.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

#### 600.8.3 STAFF ASSISTANCE

A staff member shall be assigned to assist an inmate at disciplinary hearings when the inmate is not capable of collecting and presenting evidence on his/her own behalf due to pretrial detention, literacy, developmental disabilities, language barriers or mental status. The scope of the duties of the assistant shall be commensurate with the reasons for the appointment. The assistant should be allowed sufficient time to confer with the inmate to fulfill his/her obligations. In these cases the inmate does not have a right to appoint a person to assist in his/her disciplinary hearing. The final decision regarding the appointment rests with the hearing officer.

Inmate discipline is an administrative and not a judicial process. Inmates do not have a right to an attorney in any disciplinary hearing. Additionally, disciplinary matters may be referred for criminal prosecution and jail disciplinary action concurrently as there is no double jeopardy defense for an administrative process.

#### 600.8.4 DISCIPLINARY DECISIONS

Disciplinary decisions shall be based on the preponderance of evidence and information obtained and presented during the disciplinary hearing including, but not limited to, staff reports, the statement of the inmate being disciplined and any other evidence available relating to the rule violation.

#### 600.8.5 REPORT OF FINDINGS

A record of the proceedings of all disciplinary hearings shall be prepared and maintained for six years after release or in accordance with established records retention schedules.

The hearing officer shall write a report regarding the decision and detailing the evidence and the reasons for the disciplinary action. A copy of the report shall be provided to the inmate. The original shall be filed with the record of the proceedings. The hearing record and supporting documents shall be retained and a copy of the decision report should be placed in the inmate's file.

If an inmate is found not guilty of an alleged rule violation, the disciplinary report shall be removed from the inmate's file but otherwise maintained in accordance with records retention requirements.

The Corrections Chief or the authorized designee shall review all disciplinary hearing reports and dispositions subsequent to a final disposition of the disciplinary charges to assure conformity with policy and regulations. Inmates in disciplinary segregation shall receive visits from the Corrections Chief or the authorized designee at least once every seven days as part of the disciplinary review process.

#### **600.9 DISCIPLINARY APPEALS**

Inmates wishing to appeal the decision of the hearing officer must do so in writing within five days of the decision. All appeals will be forwarded to the Corrections Chief or the authorized designee for review.

Only appeals based on the following will be considered:

- (a) The disciplinary process or procedures were not followed.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

(b) There was insufficient evidence to support the hearing officer's decision.

(c) The discipline imposed was not proportionate to the violation committed.

A final disposition shall be rendered within 15 days of the appeal. The decision of the review authority shall be final and the result of the appeal shall be provided to the inmate in writing.

#### **600.10 LIMITATIONS ON DISCIPLINARY ACTIONS**

The Federal and State Constitutions expressly prohibit all cruel or unusual punishment. Additionally, there shall be the following limitations:

- In no case shall any inmate or group of inmates be delegated the authority to punish any other inmate or group of inmates.
- In no case shall a safety cell, as specified in Specialized Housing - Juveniles and Safety and Sobering Cells Policies, be used for disciplinary purposes.
- In no case shall any restraint device be used for disciplinary purposes.
- Food shall not be withheld as a disciplinary measure.
- Correspondence privileges shall not be withheld except in cases where the inmate has violated correspondence regulations, in which case correspondence other than legal mail may be suspended for no longer than 72 hours without the review and approval of the Corrections Chief.
- In no case shall access to the courts and/or legal counsel be suspended as a disciplinary measure.
- No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene.
- Disciplinary isolation in excess of 30 days without approval by the Corrections Chief is prohibited.

The diet specified in the Disciplinary Detention Diet Policy shall only be utilized for major violations of institutional rules. Initial placement on the diet requires Corrections Chief approval and review every 72 hours thereafter if the diet is continued.

#### **600.11 GUIDELINES FOR DISCIPLINARY SANCTIONS**

The sanctions imposed for rule violations can range from counseling, loss of privileges, extra work, loss of good and/or work time and isolation housing. In all cases, sanctions should be imposed for the purpose of controlling or changing an inmate's behavior and not for the purpose of punishment.

Segregation is a sanction that is applied for a major rule violation or repetitive violations of facility rules. This sanction results in the housing of an inmate in a segregation unit for a specified period of time. The maximum amount of time that disciplinary segregation may be imposed is 60 days for all violations arising out of one incident. The use of this sanction for a period of time exceeding 30 days must be reviewed and approved by the Corrections Chief.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Discipline*

---

The Sheriff or the Corrections Chief shall be responsible for developing and implementing a range of disciplinary sanctions.

#### **600.12 TRAINING**

The Corrections Chief or the authorized designee is responsible for ensuring that a wide range of training and disciplinary tools are available to aid staff and that preprinted/computer forms are available for documenting rule violations in a consistent and thorough manner.

The Training Sergeant is responsible for developing and delivering, or procuring, training for staff members who participate in the disciplinary hearing process. Training topics should include the legal significance of due process protections and the hearing officer's role in assuring that those protections are provided.

# Disciplinary Segregation

## 602.1 PURPOSE AND SCOPE

This policy specifically addresses disciplinary segregation and guiding principles relating to the conditions attached to that segregation. It will provide guidance to the staff on acceptable practices with regard to management of inmates in disciplinary segregation or classified as requiring special management needs.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Disciplinary segregation** - A status assigned to an inmate after a disciplinary hearing in which the inmate was found to be in violation of a correctional facility rule or state or federal law. This status results in separating the inmate from the rest of the population to serve the consequence imposed.

## 602.2 POLICY

The Skagit County Sheriff's Office will maintain a disciplinary segregation unit to house inmates who, after an impartial due process hearing, are being sanctioned for violating one or more correctional facility rules. Restrictions on privileges will be subject to the disciplinary process and in accordance with this policy.

## 602.3 DISCIPLINARY SEGREGATION

Inmates may be placed into disciplinary segregation only after an impartial hearing to determine the facts of the rule violation, in accordance with the office Inmate Discipline Policy. The hearing officer shall impose sanctions in accordance with the sanctioning schedule established by the Corrections Chief. Maximum sanctions for any one incident, regardless of the number of rules violated, shall not exceed 60 days. Inmates who are in disciplinary segregation for more than 30 days shall have their case reviewed by the Corrections Chief. The case will be reviewed every 15 days thereafter.

## 602.4 INMATE ACCESS TO SERVICES

The ability to sanction inmates for conduct violations is not absolute. Absent legitimate penological reason, inmates continue to have a right to receive certain services. However, inmates in disciplinary segregation, in accordance with the Inmate Discipline Policy, or special management inmates, who are sanctioned for one or more rule violations, may be subject to loss of privileges or credit for good time and work.

Services to provide for basic human needs must continue to be made available. There are minimum service requirements that must be maintained to ensure the facility continues to operate in a constitutional manner. All custody staff will adhere to the following policy sections to guide them in the supervision of inmates held in disciplinary isolation or classified as requiring special management needs.

# Skagit County Sheriff's Office

## Custody Policies

### *Disciplinary Segregation*

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#### 602.4.1 MEDICATION, CLOTHING AND PERSONAL ITEMS

Inmates placed in disciplinary segregation are considered special management inmates and shall not be denied prescribed medication.

Special management inmates will be provided with clothing that identifies their status, but in no case will this clothing be used to intentionally degrade the inmate.

Absent unusual circumstances, special management inmates will continue to have the same access to personal items in their cell as general population inmates have, including:

- Clean laundry.
- Barbering and hair care services.
- Clothing exchanges.
- Bedding and linen exchanges.

Inmates in disciplinary segregation shall not be deprived of bedding or clothing except in cases where the inmate destroys such articles or uses them to attempt suicide. The decision to continue to deprive the inmate of these articles must be made by the Corrections Chief or the authorized designee and reviewed every 24 hours.

#### 602.4.2 SHOWERING AND PERSONAL HYGIENE

Inmates in disciplinary segregation should be allowed to shower with the same frequency as the general inmate population, if reasonably practicable, but at minimum shall be afforded the opportunity to shower on their daily schedule. The opportunities for each inmate to shower will be documented on the unit logs.

Exceptions to this policy can only be made when the restriction is determined to be reasonably necessary for legitimate penological purposes. Any exceptions to this basic requirement must be reviewed and approved by the Shift Supervisor. The circumstances necessitating a restriction must be clearly documented on the unit log.

#### 602.4.3 DENIAL OF AUTHORIZED ITEMS OR ACTIVITIES

Personal items may be withheld when it reasonably appears that the items will be destroyed by the inmate or it is reasonably believed that the personal item will be used for a self-inflicted injury or to harm others.

Whenever an inmate in disciplinary segregation is denied personal care items or activities that are usually authorized to the general population inmates, except for restrictions imposed as a result of a disciplinary hearing, the deputy taking such action shall prepare a report describing the circumstances that necessitated the need to restrict personal items or activities. The report shall be submitted to a supervisor for review, who will then forward it to the Corrections Chief. A copy of the report shall be placed in the inmate's file.



# Skagit County Sheriff's Office

## Custody Policies

### *Disciplinary Segregation*

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#### 602.4.4 MAIL AND CORRESPONDENCE

Inmates in disciplinary segregation shall have the same privileges to write and receive correspondence as inmates in general population, except in cases where inmates violated correspondence regulations. In such cases, mail privilege may be suspended. The Corrections Chief or the authorized designee shall approve all mail privilege suspensions that exceed 72 hours. Legal mail shall not be suspended from delivery to the inmate.

#### 602.4.5 VISITATION

Inmates in disciplinary segregation shall have the same opportunities for visitation as general population inmates, except when the visitation privileges are suspended pursuant to a sanction imposed by the disciplinary hearing officer. Disciplinary sanctions that limit or curtail visitation must be clearly documented and approved by a supervisor.

#### 602.4.6 READING AND LEGAL MATERIALS

Inmates in disciplinary segregation shall have the same access to reading materials and legal materials as the general population inmates, unless the restriction is directed by a court of law or there is a reasonable basis to believe the materials will be used for illegal purposes or pose a direct threat to the security and safety of the facility. In such cases the basis for the action shall be documented in the inmate's file and unit log. Access to courts and legal counsel shall not be suspended as a disciplinary measure.

#### 602.4.7 EXERCISE

Inmates in disciplinary segregation shall be given a minimum of three hours of exercise per week outside of their cell. Exceptions to this may occur if there are legitimate security or safety considerations. The circumstances relating to the limitation of exercise shall be documented in an incident report. The report shall be reviewed and the restriction shall be approved by a supervisor.

#### 602.4.8 LIMITED TELEPHONE PRIVILEGES

Inmates in disciplinary segregation may have their telephone privilege restricted or denied. Exceptions include the following:

- (a) Making legal calls
- (b) Responding to verified family emergencies when approved by the Shift Supervisor or Corrections Chief

All telephone access based on the above exceptions shall be documented on the unit log.

#### 602.4.9 BEDDING AND CLOTHING

Inmates in disciplinary segregation shall not be deprived of bedding or clothing except in cases where the inmate destroys such articles or uses them to harm him/herself or others or for something other than the intended purpose. Clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior that caused the action will not continue. The decision to continue to deprive the inmate of these articles must be made by the Corrections

### *Disciplinary Segregation*

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Chief or the authorized designee and reviewed at least every eight hours. This review shall be documented and placed into the inmate's file.

#### **602.5 DISCIPLINARY ISOLATION DIET**

Under no circumstances will an inmate be denied food as a means of punishment. A disciplinary isolation diet may only be used for major violations of correctional facility rules. No inmate receiving a prescribed medical diet is to be placed on a disciplinary isolation diet without review and written approval of a physician or pursuant to a written plan approved by the physician. Disciplinary isolation diets shall be served twice during each 24-hour period and must meet statutorily prescribed minimum food and nutritional requirements as described in the Disciplinary Isolation Diet Policy.

Before any inmate is placed on a disciplinary isolation diet, the following shall occur:

- (a) The physician shall review the medical condition and history of the inmate and approve the alternative meal service.
- (b) The Corrections Chief shall review the incident report and medical reports and shall approve the use of a disciplinary isolation diet.
- (c) The custody staff and qualified health care professionals shall monitor these special circumstances and report their observations to the Corrections Chief.
- (d) Disciplinary isolation diets shall not be served in any case for more than 72 hours without the written approval of the Corrections Chief and a physician.

#### **602.6 INITIAL EVALUATION OF INMATES UPON PLACEMENT**

After notification from staff that an inmate is being placed in segregation, the Shift Supervisor shall ensure that the following occurs:

- (a) A qualified health care professional shall review the inmate's health record to determine whether existing medical, dental or mental health needs contraindicate the placement or require special accommodations.
- (b) If contraindications or special accommodations are noted, the qualified health care professional shall inform the Shift Supervisor and coordinate the appropriate plan for the inmate based on the safety needs of the facility and the medical needs of the inmate.

#### **602.7 MENTAL HEALTH CONSIDERATIONS**

Due to the possibility of self-inflicted injury and depression during periods of segregation, health evaluations should include notations of any bruises and other trauma markings, and the qualified health care professional's comments regarding the inmate's attitude and outlook.

- (a) Unless medical attention is needed more frequently, each inmate in segregation should have daily interaction with a qualified health care professional. A medical assessment should be documented in the inmate's medical file.

### *Disciplinary Segregation*

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- (b) Mental health staff or a qualified mental health professional should also conduct weekly rounds.

When an inmate is classified as a special management inmate due to the presence of a serious mental illness and is placed in a segregation setting, the mental health progress notes and management plan should reflect the changed environment. When an inmate is expected to remain in segregation for more than a 30 days (based upon disciplinary decisions, protective needs or other factors) the special management treatment plan should be updated to reflect this.

Where reasonably practicable, a mental health worker should provide screening for suicide risk during the first three business days following admission to the segregation unit.

#### **602.8 SAFETY CHECKS**

A staff member shall conduct a face-to-face safety check of all disciplinary segregation inmates at least every 30 minutes on an irregular schedule. Inmates who are violent, have mental health problems or who demonstrate unusual behavior should be personally observed by the staff every 15 minutes on an irregular schedule.

Inmates who are at risk of suicide shall be under continuous observation until seen by a mental health professional. Subsequent supervision routines should be in accordance with orders provided by the mental health professional.

Disciplinary segregation inmates shall receive increased monitoring to include at a minimum:

- (a) A daily visit by the Corrections Chief or the authorized designee.
- (b) Visits by members of the program staff, upon request.
- (c) Daily visits by a qualified health care professional, unless medical attention is needed more frequently.

All management, program staff and qualified health care professional visits shall be documented on the appropriate records and logs and retained in accordance with established records retention schedules.

#### **602.8.1 DOCUMENTATION OF SEGREGATION CHECKS**

Segregation rounds shall be documented on door cards, logbooks and/or rounds forms, and include the following:

- (a) Date and time of contact
- (b) Signature or initials of the qualified health care professional making rounds
- (c) Any needed referrals
- (d) All significant findings and observations, medical assessment, treatment, recommendations, notifications and actions should be documented in the inmate's health record.

# Skagit County Sheriff's Office

## Custody Policies

### *Disciplinary Segregation*

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#### **602.9 DISCIPLINARY SEGREGATION LOG**

A permanent log will be maintained for all inmates admitted into disciplinary segregation. The log will contain the following for each inmate:

- (a) Name
- (b) Number
- (c) Housing location
- (d) Date admitted
- (e) Type of infraction
- (f) Tentative release date
- (g) Any special medical or mental health problems or needs
- (h) Visits by qualified health care professionals, the Shift Supervisor or the Corrections Chief or the authorized designee.

# Inmates with Disabilities

## 604.1 PURPOSE AND SCOPE

Inmates with disabilities, including temporary disabilities, may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. This policy provides guidelines for addressing the needs and rights of inmates detained by this office in accordance with the Americans with Disabilities Act (ADA) (RCW 71A.12.140).

### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Activities of daily living** - An inmate's self-care, communication and mobility skills required for independence in everyday living.

**Disability** - Broadly defined under the ADA as:

- A physical or mental impairment that limits one or more of the major life activities of an individual.
- A record of such an impairment.
- Being regarded as having such an impairment.

## 604.2 POLICY

Inmates are included among those who are protected by the ADA because they receive government services. It is the policy of this office to take all reasonable steps to accommodate individuals with disabilities while they are in custody.

The Corrections Chief is responsible for ensuring the Skagit County Sheriff's Office correctional facility is designed or adapted to reasonably accommodate inmates with disabilities. The Corrections Chief should work with the Office risk managers to assess the correctional facility for its ability to reasonably accommodate all disabled persons, including visitors.

Access to telephones equipped with a telecommunications device for the deaf (TDD) should be available to deaf and hearing- or speech-impaired inmates. Orientation videos may be used to explain facility rules to newly admitted inmates. Subtitles may be displayed on the video presentation to assist inmates who have impaired hearing. Some cells and dormitories should be equipped with wheelchair accessible toilet and shower facilities. Inmates with physical disabilities should be allowed to perform personal care in a reasonably private environment.

Tables designed for eating also should be accessible to those in wheelchairs.

The Corrections Chief in cooperation with the responsible physician, shall develop written procedures for the identification and evaluation of all developmentally disabled inmates as defined in RCW 71A.10.020 or inmates suffering from a traumatic brain injury. The health authority shall contact the regional center on any inmate suspected or confirmed to be developmentally disabled or suffering from a traumatic brain injury for the purposes of diagnosis and/or treatment, within

# Skagit County Sheriff's Office

## Custody Policies

### *Inmates with Disabilities*

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24 hours of such determination, excluding holidays and weekends. Any treatment orders from a mental health court shall be followed (RCW 2.28.180).

#### **604.2.1 DEPUTIES RESPONSIBILITIES**

Deputies should work with qualified health care professionals to aid in making accommodations for those with physical disabilities. Deputies who manage the classification process should be aware of inmates with disabilities before making housing decisions, as often persons with mobility issues will require a lower bunk and accessible toilet and shower facilities. In addition, some inmates may require ongoing assistance to manage their activities of daily living. Trained staff must be available to aid these inmates. One inmate shall not be placed in the role of assisting or managing another inmate's activities of daily living.

When necessary or required, the supervisor or classification deputy should consult with the qualified health care professional or the Responsible Physician regarding housing location.

Inmates with prosthetics or other adaptive devices shall be allowed to keep the devices provided the safe and secure operation of the facility is not compromised. The custody supervisor will verify the medical necessity of the device with a qualified health care professional.

The inmate may be administratively segregated from the general population when:

- He/she cannot reasonably function without the device.
- No other reasonable alternatives are available.
- The device poses a threat to the safety of staff, inmates, visitors or the physical plant.

#### **604.2.2 CHIEF CORRECTIONS DEPUTY RESPONSIBILITIES**

The Corrections Chief, in coordination with the Responsible Physician, will establish procedures to assess and reasonably accommodate the disabilities of inmates. The procedures will include, but not be limited to:

- Establishing housing areas that are equipped to meet the physical needs of inmates, thereby providing for their safety, security, personal care and hygiene in a reasonably private environment, while affording integration with other inmates.
- Establishing classification criteria to make housing assignments for inmates with disabilities.
- Establishing transportation procedures for transporting inmates with limited mobility.
- Establishing guidelines for the provision of services, programs and activities to the disabled.
- Enlisting or contracting for trained service personnel with experience working with disabled people.

#### **604.3 TRAINING**

To ensure that all employees are properly trained, this office will provide periodic training in the following areas:

# Skagit County Sheriff's Office

## Custody Policies

### *Inmates with Disabilities*

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- (a) Employee awareness of related policies, procedures, forms and available resources for disabled inmates
- (b) Working effectively with in-person and telephone interpreters and related equipment
- (c) Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of and understand this policy and can reinforce its importance and ensure its implementation

# Legal Requirements of Foreign Diplomats and Foreign Nationals

## 608.1 PURPOSE AND SCOPE

Article 36 of the Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. All Foreign Service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State (DOS) [website](#).

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**Foreign national** - A person who is not a citizen of the United States. A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 608.2 POLICY

It is the policy of this office that all foreign nationals in the custody of this office be permitted to contact their consulate without unnecessary delay when the inmate is admitted to the correctional facility. The notification process should conform to the procedures set forth in the DOS Consular Notification and Access instructions. The Office will make notification to those countries that are listed as mandatory by DOS.

## 608.3 ARREST OR DETENTION OF FOREIGN NATIONALS

Custody staff should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected



# Skagit County Sheriff's Office

## Custody Policies

### *Legal Requirements of Foreign Diplomats and Foreign Nationals*

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to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by staff and staff has verified or reasonably suspects that the claim of immunity is valid.

#### **608.4 LEVELS OF IMMUNITY**

The specific degree of immunity afforded to Foreign Service personnel within the U.S. is directly related to their function and position in this country.

##### **608.4.1 DIPLOMATIC AGENTS**

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to the State of Washington; however, they do occasionally visit the state.

##### **608.4.2 CONSULAR OFFICERS**

Consular officers are the ranking members of consular posts and perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. These official acts of immunity must be raised as an affirmative defense in the court jurisdiction. Its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who enjoys a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

##### **608.4.3 HONORARY CONSULS**

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

#### **608.5 IDENTIFICATION**

All diplomatic and consular personnel who are entitled to immunity are registered with the DOS and are issued distinctive identification cards by the DOS protocol office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information and, on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by the DOS.

# Skagit County Sheriff's Office

## Custody Policies

### *Legal Requirements of Foreign Diplomats and Foreign Nationals*

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In addition to the DOS identification card, Foreign Service personnel should also have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state.

#### **608.6 PROCEDURE**

Inmates who are identified as foreign nationals should be advised of their rights regarding consular notification and access at the time of booking. The booking deputy shall:

- Determine the foreign national's country.
- Determine if the inmate's country is a mandatory notification country.
- Notify that country's nearest consular officials, without unreasonable delay, of the arrest/detention.
- Notify the foreign national that the notification is being made to his/her consulate office.
- If the inmate's country is not on the mandatory notification list, offer to notify the proper consulate of the arrest/detention without delay.
- Record in the official inmate booking document the notification and actions taken, including notification refusals by inmates from non-mandatory notification countries.

# Inmate Rights - Protection from Abuse

## 610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure that inmates are afforded a safe, healthful environment free from abuse, corporal punishment or harassment, and that inmate property is protected.

## 610.2 POLICY

It is the policy of this office to make every reasonable effort to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage and harassment by other inmates or staff. Staff shall take reasonable actions to safeguard vulnerable inmates from others and shall use the classification policies and procedures to make housing decisions that will provide for inmate safety. Abuse of inmates by staff or other inmates will not be tolerated.

The Corrections Chief or the authorized designee shall be responsible for including prohibitions against inmate abuse and harassment, rules regarding respect for the property of others, and the prevention of disease in the inmate handbook. All inmates shall receive a copy of the inmate handbook during the booking process, which shall be printed in a language understood by the inmate. The inmate also shall receive verbal instruction on inmate rights during orientation.

## 610.3 RESPONSIBILITY

It shall be the responsibility of all facility staff to adhere to policies, procedures and practices, and to make every reasonable effort to prevent inmate injury, harassment and abuse, to prevent theft or damage to inmate property and to eliminate conditions that promote disease. These procedures include, but are not limited to:

- Following the classification guidelines for inmate housing.
- Closely supervising inmate activities and interceding as needed to prevent violence, harassment or abuse of inmates.
- Using force only when necessary and to the degree that is reasonable.
- Reporting all inmate injuries, investigating the cause of reported injuries and documenting these efforts in an incident report.
- Enforcing all rules and regulations in a fair and consistent manner.
- Preventing any practice of inmates conducting kangaroo courts or dispensing discipline toward any other inmate.
- Conducting safety checks of all inmate housing areas, at a minimum of every hour, on an irregular schedule.
- Checking all safety equipment for serviceability and making a report of any defective equipment to the appropriate supervisor or Corrections Chief.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Rights - Protection from Abuse*

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- Referring sick or injured inmates to a qualified health care professional without unnecessary delay.
- Maintaining high standards of cleanliness throughout the correctional facility.
- Documenting all abuse protection efforts in facility logs and incident reports as applicable.

#### **610.4 TRAINING**

The Training Sergeant shall be responsible for developing and delivering a training curriculum on the topic of protecting inmates from abuse. A roster of attendees shall be maintained from each class. Training completion documents shall be filed in each employee's training file.

# Prison Rape Elimination Act

## 612.1 PURPOSE AND SCOPE

This policy provides guidance for compliance with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse and sexual harassment (28 CFR 115.11).

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

**Sexual abuse** - Any of the following acts, if the inmate does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- (a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- (b) Contact between the mouth and the penis, vulva or anus
- (c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- (d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the inmate, detainee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one inmate, detainee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

#### **612.2 POLICY**

This office has zero tolerance with regard to sexual abuse and sexual harassment in this facility. This office will take appropriate affirmative measures to protect all inmates from sexual abuse and harassment, and promptly and thoroughly investigate all allegations of sexual abuse and sexual harassment.

#### **612.3 PREA COORDINATOR**

The Corrections Chief shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee office efforts to comply with PREA standards. The PREA coordinator shall review facility policies and practices and make appropriate compliance recommendations to the Corrections Chief (28 CFR 115.11).

The PREA coordinator's responsibilities shall include:

- (a) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and facility management to an incident of sexual abuse. The plan must also outline the office's approach to identifying imminent sexual abuse toward inmates and preventing and detecting such incidents (28 CFR 115.11; 28 CFR 115.65; 28 CFR 115.62).
- (b) Ensuring that within 30 days of intake, inmates are provided with comprehensive education, either in person or through video, regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding the office's policies and procedures for responding to such incidents (28 CFR 115.33).
- (c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse. This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration (28 CFR 115.13):

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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1. Generally accepted detention and correctional practices.
  2. Any judicial findings of inadequacy.
  3. Any findings of inadequacy from federal investigative agencies.
  4. Any findings of inadequacy from internal or external oversight bodies.
  5. All components of the facility's physical plant, including blind spots or areas where staff or inmates may be isolated.
  6. The composition of the inmate population.
  7. The number and placement of supervisory staff.
  8. Institution programs occurring on a particular shift.
  9. Any applicable state or local laws, regulations or standards.
  10. The prevalence of substantiated and unsubstantiated incidents of sexual abuse.
  11. Any other relevant factors.
- (d) Ensuring that, when designing, acquiring, expanding or modifying facilities, or when installing or updating a video-monitoring system, electronic surveillance system or other monitoring technology, consideration is given to the office's ability to protect inmates from sexual abuse (28 CFR 115.18).
- (e) Ensuring that any contract for the confinement of Skagit County Sheriff's Office detainees or inmates includes the requirement to adopt and comply with the PREA standards including obtaining incident-based and aggregated data, as required in 28 CFR 115.187. Any new contract or contract renewal shall provide for office contract monitoring to ensure that the contractor is complying with the PREA standards (28 CFR 115.12).
- (f) Making reasonable efforts to enter into agreements with community service providers to provide inmates with confidential, emotional support services related to sexual abuse. The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state or national victim advocacy or rape crisis organizations. Persons detained solely for civil immigration purposes shall be given contact information for immigrant services agencies. The facility shall enable reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility shall inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws (28 CFR 115.53).
- (g) Ensuring the protocol describing the responsibilities of the Office and of another investigating agency, if another law enforcement agency will be responsible for conducting any sexual abuse or sexual harassment investigations, is published on the facility website or by other means, if no website exists (28 CFR 115.22).

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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- (h) Implementing a process by which inmates may report sexual abuse and sexual harassment to a public/private entity or an office that is not part of the Office and that the outside entity or office is able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to the Corrections Chief, allowing the inmate anonymity (28 CFR 115.51).
- (i) Establishing a process to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under the direct control of this office, using a standardized instrument and set of definitions. Upon request, the Office shall provide all such data from the previous calendar year to the U.S. Department of Justice (DOJ) no later than June 30 (28 CFR 115.87).
  - 1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the U.S. DOJ.
  - 2. The data shall be aggregated at least annually.
- (j) Establishing a process to monitor the conduct and treatment of detainees or staff who have reported sexual abuse and the conduct and treatment of detainees who were reported to have suffered sexual abuse.
- (k) Ensuring that the following are published on the office website or by other means, if no website exists:
  - 1. Office policy governing investigations of allegations of sexual abuse and sexual harassment or the referral of such investigations of sexual abuse or sexual harassment (unless the allegation does not involve potentially criminal behavior) (28 CFR 115.22)
  - 2. Information on how to report sexual abuse and sexual harassment on behalf of an inmate (28 CFR 115.54)
- (l) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 (28 CFR 115.93).
- (m) Implementing a protocol requiring mid-level or higher-level supervisors to conduct and document unannounced inspections to identify and deter sexual abuse and sexual harassment. The protocol shall prohibit announcing when such inspections are to occur, unless it is necessary for operational considerations (28 CFR 115.13).
- (n) Ensuring agreements with outside investigating agencies include PREA requirements, including a requirement to keep the Skagit County Sheriff's Office informed of the progress of the investigation (28 CFR 115.71).

#### **612.4 REPORTING SEXUAL ABUSE, HARASSMENT AND RETALIATION**

Any employee, agency representative, volunteer or contractor who becomes aware of an incident of sexual abuse, sexual harassment or retaliation against inmates or staff shall immediately notify a supervisor, who will forward the matter to a sexual abuse investigator (28 CFR 115.61). Staff



# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

---

may also privately report sexual abuse and sexual harassment of inmates (e.g., report to the Corrections Chief) (28 CFR 115.51).

The facility shall provide information to all visitors or third parties on how they may report any incident, or suspected incident, of sexual abuse or sexual harassment to a staff member (28 CFR 115.54).

Inmates may report sexual abuse or sexual harassment incidents anonymously or to any staff member they choose. Staff shall accommodate all inmate requests to report allegations of sexual abuse or harassment. Staff shall accept reports made verbally, in writing, anonymously or from third parties and shall promptly document all verbal reports (28 CFR 115.51).

Threats or allegations of sexual abuse and sexual harassment, regardless of the source, shall be documented and referred for investigation. Sexual abuse and sexual harassment reports shall only be made available to those who have a legitimate need to know, and in accordance with this policy and applicable law (28 CFR 115.61).

#### **612.4.1 REPORTING TO OTHER FACILITIES**

If there is an allegation that an inmate was sexually abused while he/she was confined at another facility, the Corrections Chief shall notify the head of that facility as soon as possible but not later than 72 hours after receiving the allegation. The Corrections Chief shall ensure that the notification has been documented (28 CFR 115.63).

#### **612.5 RETALIATION**

All inmates and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations, shall be protected from retaliation.

Protective measures, including housing changes, transfers, removal of alleged abusers from contact with victims, administrative reassignment or reassignment of the victim or alleged perpetrator to another housing area, and support services for inmates or staff who fear retaliation shall be utilized (28 CFR 115.67).

The Corrections Chief or the authorized designee shall assign a supervisor to monitor, for at least 90 days, the conduct and treatment of inmates or staff who report sexual abuse or sexual harassment, as well as inmates who were reported to have suffered sexual abuse, to determine if there is any possible retaliation. The supervisor shall act promptly to remedy any such retaliation. The assigned supervisor should consider inmate disciplinary reports, housing or program changes, negative staff performance reviews or reassignment of staff members. Monitoring may continue beyond 90 days if needed. Inmate monitoring shall also include periodic status checks. The Corrections Chief should take reasonable steps to limit the number of people with access to the names of individuals being monitored and should make reasonable efforts to ensure that staff members who pose a threat of retaliation are not entrusted with monitoring responsibilities.

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

---

If any other individual who cooperates with an investigation expresses a fear of retaliation, the facility shall take reasonable measures to protect that individual against retaliation (28 CFR 115.67).

#### **612.5.1 REPORTS BY INMATES**

Inmates may report sexual assault or abuse incidents anonymously or to any staff member they choose and shall not be required to use their normal point of contact. Staff shall accommodate all inmate requests to report allegations of sexual abuse and assaults.

Retaliation against an inmate by any staff member for filing a sexual abuse, assault or harassment incident will not be tolerated.

#### **612.6 FIRST RESPONDERS**

If an allegation of inmate sexual abuse is made, the first deputy to respond shall (28 CFR 115.64):

- (a) Separate the parties.
- (b) Request medical assistance as appropriate. If no qualified health care or mental health professionals are on-duty when a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate qualified health care and mental health professionals (28 CFR 115.82).
- (c) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
- (d) If the time period allows for collection of physical evidence, request that the alleged victim, and ensure that the alleged abuser, do not take any actions that could destroy physical evidence (e.g., washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, eating).
- (e) Consider whether a change in classification or housing assignment for the victim is needed or whether witnesses to the incident need protection, both of which may include reassignment of housing.
- (f) Determine whether the alleged perpetrator should be administratively segregated or administratively transferred during the investigation.

If the first responder is not a deputy, the responder shall request the alleged victim to refrain from any actions that could destroy physical evidence and then immediately notify a deputy.

Should an investigation involve inmates who have disabilities or who have limited English proficiency, the first responder shall not rely on inmate interpreters, inmate readers or other types of inmate assistants, except in limited circumstances where an extended delay in obtaining an interpreter could compromise inmate safety, the performance of first responder duties or the investigation of sexual abuse or sexual harassment allegations (28 CFR 115.16).

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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#### **612.7 SEXUAL ABUSE AND SEXUAL HARASSMENT INVESTIGATIONS**

An administrative investigation, criminal investigation or both shall be completed for all allegations of sexual abuse and sexual harassment (28 CFR 115.22). Administrative investigations shall include an effort to determine whether the staff's actions or inaction contributed to the abuse. All administrative and/or criminal investigations shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Only investigators who have completed office-approved training on sexual abuse and sexual harassment investigation shall be assigned to investigate these cases (28 CFR 115.71).

When practicable, an investigator of the same sex as the victim should be assigned to the case. Sexual abuse and sexual harassment investigations should be conducted promptly and continuously until completed. Investigators should evaluate reports or threats of sexual abuse and sexual harassment without regard to an inmate's sexual orientation, sex or gender identity. Investigators should not assume that any sexual activity among inmates is consensual.

The departure of the alleged abuser or victim from the employment or control of the correctional facility or Office shall not provide a basis for terminating an investigation (28 CFR 115.71).

If the investigation is referred to another agency for investigation, the Office shall request that the investigating agency follow the requirements as provided in 28 CFR 115.21 (a) through (e). The referral shall be documented. The Office shall cooperate with the outside agency investigation and shall request to be informed about the progress of the investigation (28 CFR 115.71). If criminal acts are identified as a result of the investigation, the case shall be presented to the appropriate prosecutor's office for filing of new charges (28 CFR 115.71).

Evidence collection shall be based on a uniform evidence protocol that is developmentally appropriate for youth, if applicable, and adapted from or otherwise based on the most recent edition of the DOJ's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 (28 CFR 115.21).

Inmates alleging sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation (28 CFR 115.71).

If a victim is under 18 or considered a vulnerable adult under state law, the assigned investigator shall report the allegation to the designated social services agency as required (28 CFR 115.61).

##### **612.7.1 INVESTIGATIVE FINDINGS**

All completed written investigations shall be forwarded to the Corrections Chief or if the allegations may reasonably involve the Corrections Chief, to the County Administrator. The Corrections Chief or Sheriff shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.71; 28 CFR 115.72).

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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The staff shall be subject to disciplinary sanctions, up to and including termination, for violating this policy. Termination shall be the presumptive disciplinary sanction for staff members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

All terminations for violations of sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, shall be reported to the law enforcement agency that would handle any related investigation and to any relevant licensing bodies (28 CFR 115.76).

#### **612.7.2 REPORTING TO INMATES**

The Corrections Chief or the authorized designee shall inform a victim inmate in writing whether an allegation has been substantiated, unsubstantiated or unfounded. If the Office did not conduct the investigation, the Office shall request relevant information from the investigative agency in order to inform the inmate.

If a staff member is the accused (unless the Office has determined that the allegation is unfounded), the inmate shall also be informed whenever:

- (a) The staff member is no longer assigned to the inmate's unit or employed at the facility.
- (b) The Office learns that the staff member has been indicted or convicted on a charge related to sexual abuse within the facility.

If another inmate is the accused, the alleged victim shall be notified whenever the Office learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse within the facility.

All notifications or attempted notifications shall be documented. When notification is made while the inmate is in custody, the inmate will sign a copy of the notification letter. The letter will be added to the case file (28 CFR 115.73).

#### **612.8 SEXUAL ABUSE AND SEXUAL HARASSMENT BETWEEN STAFF AND INMATES**

Sexual abuse and sexual harassment between staff, volunteers or contract personnel and inmates is strictly prohibited. The fact that an inmate may have initiated a relationship or sexual contact is not a defense to violating this policy.

Any incident involving allegations of staff-on-inmate sexual abuse or sexual harassment shall be referred to the Internal Affairs Unit for investigation.

##### **612.8.1 SEXUAL ABUSE BY CONTRACTOR OR VOLUNTEER**

Any contractor or volunteer who engages in sexual abuse within the facility shall be immediately prohibited from having any contact with inmates. He/she shall be promptly reported to the law enforcement agency that would investigate such allegations and brought to the attention of any relevant licensing bodies (28 CFR 115.77).

### *Prison Rape Elimination Act*

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#### **612.9 PROTECTIVE CUSTODY**

Inmates at high risk for sexual victimization shall not be placed in involuntary protective custody unless an assessment of available alternatives has been made and it has been determined that there is no reasonably available alternative means of separation. Inmates may be held in involuntary protective custody for less than 24 hours while an assessment is completed.

If an involuntary protective custody assignment is made because of a high risk for victimization, the Corrections Chief shall clearly document the basis for the concern for the inmate's safety and the reasons why no alternative means of separation can be arranged (28 CFR 115.43).

The facility shall assign these inmates to involuntary protective custody only until an alternative means of separation from likely abusers can be arranged, not ordinarily in excess of 30 days.

Inmates placed in temporary protective custody shall continue to have reasonable access to programs, privileges, education and work opportunities. If restrictions are put in place, the Corrections Chief shall document the following:

- (a) The opportunities that have been limited
- (b) The duration of the limitation
- (c) The reasons for such limitations

Every 30 days, the Corrections Chief shall afford each such inmate a review to determine whether there is a continuing need for protective custody (28 CFR 115.43).

#### **612.10 SEXUAL ABUSE INCIDENT REVIEW**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded (28 CFR 115.86). The review should occur within 30 days of the conclusion of the investigation.

The review team shall include upper-level management officials and seek input from line supervisors, investigators and qualified health care and or mental health professionals, as appropriate:

- (a) Consider whether the investigation indicates a need to change policy or practice in order to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification status or perceived status; by gang affiliation; or other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers may enable abuse.
- (d) Assess the adequacy of staffing levels in the area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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- (f) Prepare a written report of the team's findings, including, but not limited to, determinations made pursuant to paragraphs (a)-(e) of this section, and any recommendations for improvement. The report should be submitted to the Sheriff and the PREA coordinator.

The Corrections Chief or the authorized designee shall implement the recommendations for improvement or document the reasons for not doing so.

#### **612.11 DATA REVIEWS**

This office shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training by:

- (a) Identifying problem areas.
- (b) Identifying corrective actions taken.
- (c) Recommending corrective actions.
- (d) Comparing current annual data and corrective actions with those from prior years.
- (e) Assessing the office's progress in addressing sexual abuse.

The reports shall be approved by the Corrections Chief and made available through the office website. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the facility. However, the nature of the redacted material shall be indicated (28 CFR 115.88).

All aggregated sexual abuse data from Skagit County Sheriff's Office facilities and private facilities with which it contracts shall be made available to the public at least annually through the office website. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.89).

#### **612.12 RECORDS**

All case records and reports associated with a claim of sexual abuse and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, shall be retained in accordance with confidentiality laws.

The Office shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Office, plus five years (28 CFR 115.71).

All other data collected pursuant to this policy shall be securely maintained for at least 10 years after the date of the initial collection, unless federal, state or local law requires otherwise (28 CFR 115.89).

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

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#### **612.13 PRESERVATION OF ABILITY TO PROTECT INMATES**

The Office shall not enter into or renew any collective bargaining agreement or other agreement that limits the office's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted (28 CFR 115.66).

#### **612.14 SEXUAL ABUSE VICTIMS**

Inmates who are victims of sexual abuse shall be transported to the nearest appropriate location for treatment of injuries and collection of evidence, and for crisis intervention services (28 CFR 115.82). Depending on the severity of the injuries, transportation may occur by a staff member or by ambulance, in either case with appropriate security to protect the staff, the inmate and the public, and to prevent escape.

A victim advocate from a rape crisis center should be made available to the victim. If a rape crisis center is not available, the Office shall make available a qualified member of a community-based organization, or a qualified health care or mental health professional from the Office, to provide victim advocate services. Efforts to secure services from a rape crisis center shall be documented. A rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 USC § 14043g(b)(2)(C), to sexual assault victims of all ages. A rape crisis center that is part of a government unit may be used if it is not part of the criminal justice system (such as a law enforcement agency) and it offers a level of confidentiality comparable to the level at a nongovernmental entity that provides similar victim services (28 CFR 115.21).

#### **612.15 EXAMINATION, TESTING AND TREATMENT**

Examination, testing and treatment shall include the following:

- (a) Forensic medical examinations shall be performed as evidentiary or medically appropriate, without financial cost to the victim. Where possible, these examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANE)s. If neither SAFEs nor SANEs are available, other qualified medical practitioners can perform the examination. The Office shall document its efforts to provide SAFEs or SANEs (28 CFR 115.21).
- (b) If requested by the victim, a victim advocate, a qualified office staff member or a qualified community organization staff member shall accompany the victim through the forensic medical examination process and investigatory interviews. That person will provide emotional support, crisis intervention, information and referrals (28 CFR 115.21).
- (c) Provisions shall be made for testing the victim for sexually transmitted diseases (28 CFR 115.82).
- (d) Counseling for the treatment of sexually transmitted diseases, if appropriate, shall be provided.
- (e) Victims shall be offered information about, and given access to, emergency contraception, prophylaxis for sexually transmitted infections and follow-up treatment for sexually

# Skagit County Sheriff's Office

## Custody Policies

### *Prison Rape Elimination Act*

---

transmitted diseases (28 CFR 115.82; 28 CFR 115.83). This shall be done in a timely manner.

- (f) Victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the abuse, such victims shall receive comprehensive information about, and access to, all lawful pregnancy-related medical services (28 CFR 115.83). This shall be done in a timely manner.
- (g) Victims shall be provided with follow-up services, treatment plans and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities or their release from custody (28 CFR 115.83).
- (h) Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.82; 28 CFR 115.83).
- (i) The health authority or mental health staff shall obtain informed consent from inmates before reporting information to correctional facility staff about prior sexual victimization that occurred somewhere other than an institutional setting, unless the inmate is under the age of 18 (28 CFR 115.81).
- (j) Medical and mental health practitioners shall ensure that information related to sexual victimization that occurred in an institutional setting is limited to medical and mental health practitioners and other staff unless it is necessary to inform correctional facility staff about security or management decisions (28 CFR 115.81).



## Indigent Inmates

### 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for providing basic services to indigent inmates. An inmate's access to health care, programs, services and activities is not precluded by the inmate's inability to pay.

### 614.2 POLICY

It is the policy of this office that no inmate shall be denied access to hygiene products, medical and mental health services, outgoing legal correspondence or qualified inmate programs due to a lack of funds.

The Corrections Chief or the authorized designee shall establish policies and procedures for providing basic services to indigent inmates. A debit accounting procedure should also be established by the financial services division to recoup fees from inmates who have received funds after having accessed discretionary services, but before inmates have access to the funds for non-discretionary items, such as commissary products.

The Corrections Chief should also establish a weekly schedule for the delivery of requested indigent services, excluding medical and mental health services, which may be requested at any time. A list of eligible indigent materials, such as hygiene products and other approved items for indigent inmates, along with the debit policies from inmate accounts, shall be communicated in the inmate orientation materials.

### 614.3 INDIGENT INMATE HYGIENE PRODUCTS

Inmates who are indigent should be provided with basic hygiene products upon request. The cost of these products will be recorded in the inmate's personal funds account and debited from any future funds credited to that account. The products should include the following:

- Soap
- Toothbrush
- Toothpaste
- Disposable razor (on request)
- Comb
- Toilet paper
- Materials as appropriate to the special hygiene needs of women

### 614.4 INMATE REQUESTS FOR HYGIENE PRODUCTS

Inmates who have been classified as indigent may request additional hygiene products by filling out an inmate request form after being in custody for five days, and every five days thereafter.

# Skagit County Sheriff's Office

## Custody Policies

### *Indigent Inmates*

---

The cost of these products will be recorded in the inmate's personal funds account and debited from any future funds credited to that account.

#### **614.5 INDIGENT INMATE REQUESTS FOR NON-EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES**

Indigent inmates shall be permitted to request non-emergency medical and mental health services without regard to their ability to pay. Such requests should be made by the inmate by completing an inmate request form. Qualified co-payments will be recorded in the inmate's personal funds account and debited from any future funds credited to that account.

#### **614.6 INDIGENT INMATE REQUESTS FOR WRITING MATERIALS**

Indigent inmates may request writing materials on a weekly basis, as provided by an approved schedule established by the Corrections Chief. Writing materials should include the following:

- At least two pre-stamped envelopes for correspondence with family and friends
- Six sheets of writing paper
- One pencil or flexi pen

Indigent inmates shall receive an amount of pre-stamped envelopes and writing paper sufficient to maintain communication with an elected official, officials of the Department of Corrections, attorneys and other officers of the court. Requests shall be screened and granted based on need by the inmate programs coordinator. Inmates should not be permitted to maintain an excess supply of writing materials without the approval of a supervisor.

#### **614.7 INDIGENT INMATE ACCESS TO PROGRAMS**

Inmates should not be denied access to educational and vocational programs based solely on their indigent status.

## Grooming

### 616.1 PURPOSE AND SCOPE

The purpose of this policy is to allow inmates to have freedom in personal grooming, except when a legitimate government interest justifies the development of grooming standards that are based upon orders of the court, inmate classification, work status, safety and security, or health and hygiene.

### 616.2 POLICY

It is the policy of this facility to allow inmates freedom in personal grooming, except when a valid government interest justifies that grooming standards be established. The Corrections Chief or the authorized designee shall establish inmate grooming standards specific to inmate classification, work status, facility safety and security, or inmate health and hygiene. Any grooming standards developed shall be identified in the inmate handbook that is distributed or communicated at the initial booking.

### 616.3 HAIRCUTS

Inmates will be provided haircuts and hair-cutting tools subject to established facility rules. If hair length, style or condition presents a security or sanitation concern, haircuts may be mandatory. Inmates who significantly alter their appearance may be required to submit to additional booking photos.

Inmates shall not cut names, numbers or other designs into their hair. Inmates shall not manipulate their hair into any style, including, but not limited to, braids, ponytails, cornrows or twists, that could facilitate the concealment and movement of contraband and weapons.

#### 616.3.1 RELIGIOUS HAIRSTYLES

Any established hairstyle standards should not unreasonably interfere with religious observances. An inmate desiring to wear a specific hairstyle for religious purposes shall submit a request form to the facility chaplain or inmate programs coordinator. The chaplain or inmate programs coordinator will interview the inmate to establish that he/she can articulate the religious significance of the hairstyle and its relation to the professed faith. The interviewer may ask questions to determine the inmate's sincerity of beliefs but shall not test for proficiency in religious knowledge.

The chaplain or the inmate programs coordinator shall document the findings and submit the appropriate form to the Corrections Chief with a recommendation to approve or deny the inmate's request. The Corrections Chief or the authorized designee shall permit or deny the request based on security and safety issues and the ability to reasonably accommodate the request. Approved or denied request forms shall be filed in the inmate's record.

# Skagit County Sheriff's Office

## Custody Policies

### *Grooming*

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#### **616.3.2 HAIR CARE SERVICES**

The Corrections Chief or the authorized designee shall establish written procedures for inmate hair care services. The procedures will include schedules for hair care services and allow rescheduling for conflicts, such as court appearances.

Inmates shall generally be permitted to receive hair care services once per month after being in custody for at least 30 days. Staff may suspend access to hair care services if an inmate appears to be a danger to him/herself or others or to the safety and security of the facility.

#### **616.4 SHAVING**

Facial hair shall be clean and well groomed. Long beards may allow inmates to conceal weapons or contraband. Inmates may be required to trim facial hair if it poses a security or safety risk. Inmates may be required to submit to new booking photographs if their appearance is significantly altered due to facial hair. Inmates with facial hair who work around food shall wear appropriate facial coverings.

An inmate may be denied access to razors if he/she appears to be a danger to him/herself or others, or if such access may jeopardize the safety and security of the facility.

Inmates may be restricted from significantly altering their appearance for reasons of identification in court.

#### **616.5 NAILS**

Nail clippers will be kept at the control station and will be issued to inmates upon request. Inmate workers are required to keep their nails clean and trimmed. Inmates with long nails may be required to trim their nails if there is a security concern and the inmate is admitted to general population.

#### **616.6 GROOMING EQUIPMENT**

Grooming equipment is to be inventoried and inspected by the staff at the beginning of each shift and prior to being issued to inmates. The staff shall ensure that all equipment is returned by the end of the shift and is not damaged or missing parts.

Grooming equipment will be disinfected before and after each use by the methods approved by the Washington State Cosmetology, Barbering, Esthetics, and Manicuring Advisory Board, in accordance with WAC 308-20-110. Cleaning methods include:

- Removing foreign matter.
- Cleaning tools with soap or detergent and water.
- Immersing non-electrical equipment in disinfectant.
- Spraying electrical equipment with disinfectant.
- Storing cleaned equipment in clear, covered containers that are labeled as such.

# Skagit County Sheriff's Office

## Custody Policies

### *Grooming*

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Disinfectant solution shall be changed at least once per week or whenever the solution is cloudy or dirty. Solution will be stored in covered containers with labeled instructions for its use and the Environmental Protection Agency registration number.

#### **616.7 SHOWERING**

Inmates shall be permitted to shower upon assignment to a housing unit, at least every other day thereafter and more often if practicable.

#### **616.8 PERSONAL CARE ITEMS**

Inmates are expected to maintain their hygiene using approved personal care items. Personal care items, including disposable razors, toothbrushes, combs and soap, are available through the inmate commissary and will be charged to the inmate's account.

Indigent inmates shall receive hygiene items necessary to maintain an appropriate level of personal hygiene.

No inmate will be denied the necessary personal care items. For sanitation and security reasons, personal care items shall not be shared.

# Inmate Non-Discrimination Policy

## 618.1 PURPOSE AND SCOPE

The constitutional rights of inmates regarding discrimination are protected during incarceration. These protections extend to administrative decisions, e.g., classification, access to programs and the availability of services. This policy is intended to guide the staff toward non-discriminatory administrative decisions by defining classes protected by the 1964 Civil Rights Act and detailing an inmate complaint and discrimination investigation process.

## 618.2 POLICY

All decisions concerning inmates housed at this facility shall be based on reasonable criteria that support the health, safety, security and good order of the facility. This policy prohibits the staff from discriminating against an inmate based upon age, race, religion, national origin, sexual orientation or sex. It establishes a process by which the inmate can report possible discrimination.

Reasonable and comparable opportunities for participation in vocational, educational and religious programs shall be made available to all inmates. Males and females housed at the same facility shall have comparable access to all services and programs. Neither gender shall be denied opportunities on the basis of its smaller representation in the total population.

The Corrections Chief should periodically conduct interviews with inmates and staff members to identify and resolve potential problem areas related to discrimination before they occur.

## 618.3 INMATES REPORTING DISCRIMINATION

Inmates who wish to report an allegation of discrimination may communicate with facility management by way of the following:

- (a) Inmate Grievance Form provided by the facility staff
- (b) Confidential correspondence addressed to the Corrections Chief or Sheriff or other government official, including the courts or legal representatives
- (c) Verbally to any supervisor or other staff member of this facility

### 618.3.1 HANDLING COMPLAINTS OF DISCRIMINATION

Staff shall promptly forward all written allegations of discrimination by inmates to the Shift Supervisor. If the allegation is presented verbally, the receiving staff member shall prepare an incident report identifying the circumstances prompting the allegation, the individuals involved and any other pertinent information that would be useful to investigating the allegation.

Unless the grievance or written complaint submitted by the inmate is clearly identified as confidential and addressed to the Corrections Chief, Sheriff or other official, the Shift Supervisor or Housing Supervisor shall review the complaint and attempt to resolve the issue. In any case, the Shift Supervisor shall document the circumstances of the allegation and what actions, if any, were taken to investigate or resolve the complaint. All reports of alleged discrimination shall be

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Non-Discrimination Policy*

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forwarded to the Corrections Chief for review and further investigation or administrative action as needed.

Administrative evaluations and response to allegations of discrimination shall be based upon objective criteria:

- (a) The inmate's classification
- (b) The inmate's criminal history
- (c) Current and past behavior and disciplinary history
- (d) Housing availability
- (e) The availability of programs
- (f) The ability to safely provide the requested services

#### **618.4 DISCRIMINATION GRIEVANCE/COMPLAINT AUDITS**

The Corrections Chief should perform an annual audit of all inmate discrimination grievances and complaints to evaluate whether any policy or procedure changes or training are indicated. The Corrections Chief should record these findings in a confidential memorandum to the Sheriff. Specific details of complaints and identifying information, such as names of the involved persons, dates or times, are not part of this process and should not be included in the memorandum. If the audit identifies any recommended changes or content that may warrant a critical revision to this Custody Manual, the Corrections Chief should promptly notify the Sheriff.

Any training issues identified as a result of this audit should be forwarded to the Training Sergeant, who shall be responsible for ensuring all necessary and required training is scheduled and completed.

# Inmate Grievances

## 620.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process by which inmates may file grievances and receive a formal review regarding the conditions of their confinement.

## 620.2 POLICY

It is the policy of this office that any inmate may file a grievance relating to conditions of confinement, which includes release date, housing, medical care, food services, hygiene and sanitation needs, recreation opportunities, classification actions, disciplinary actions, program participation, telephone and mail use procedures, visiting procedures and allegations of sexual abuse.

Grievances will not be accepted if they are challenging the rules and policies themselves, state or local laws, court decisions and probation/parole actions.

Retaliation for use of the grievance system is prohibited.

### 620.2.1 ACCESS TO THE GRIEVANCE SYSTEM

All inmates shall be provided with a grievance process for resolving complaints arising from facility matters with at least one level of appeal.

Inmates will receive information concerning the grievance procedure during the orientation process. Information will also be contained in the inmate handbook. Information regarding the grievance process will be provided to inmates in the language they understand.

The information will include:

- A grievance form or instructions for registering a grievance.
- Instructions for the resolution of the grievance at the lowest appropriate staff level.
- The appeal process to the next level of review.
- Written reasons for denial of a grievance at each level of review.
- A provision of required timeframes for responses to both emergency and non-emergency grievances.
- A provision for resolving questions of jurisdiction within the facility.
- Consequences for abusing the grievance system.

## 620.3 INMATE GRIEVANCE PROCEDURES

Staff shall attempt to informally resolve all grievances at the lowest level. All attempts to resolve a grievance shall be documented in the inmate's file. If there is no resolution at this level, the inmate may request a grievance form.



# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Grievances*

---

The inmate should be advised to complete the form and return it to any staff member. A grievance should be filed by an inmate within 14 days of the complaint or issue.

Inmates cannot file a grievance on behalf of another inmate but an inmate may assist another inmate in the preparation of a grievance. Custody staff may take reasonable steps to assist the inmate in the preparation of a grievance if requested.

Upon receiving a completed inmate grievance form, the staff member shall acknowledge receipt of the grievance by signing the form and giving a copy to the inmate. The staff member receiving the form shall gather all associated paperwork and reports and immediately forward it to a supervisor.

#### 620.3.1 EXCEPTION TO INITIAL GRIEVANCE FILING

Inmates may request to submit the grievance directly to a supervisor or mail it directly to the Corrections Chief if they reasonably believe the issues to be grieved are sensitive or that their safety would be in jeopardy if the contents of the grievance were to become known to other inmates.

Inmates with limited access to mail privileges, who are in segregation units or are indigent, may deposit their grievances in the locked grievance box within their housing unit or place their grievance in a sealed envelope labeled "Grievance" and deposit it in the regular mail boxes. These envelopes will be delivered directly to the Corrections Chief and not forwarded to the United States Postal Service.

#### 620.3.2 TIMELY RESOLUTION OF GRIEVANCES

Upon receiving a completed inmate grievance form, the supervisor shall ensure that the grievance is investigated and resolved or denied in a timely manner, as established by the Corrections Chief. The supervisor shall assign the investigation of the grievance to the manager in charge of the department the inmate is grieving.

Grievances related to medical care should be investigated by the Responsible Physician or the authorized designee. The findings of that investigation, along with any recommendations, shall be forwarded to the Shift Supervisor. Any appeals of the findings of the medical staff shall be forward to the Corrections Chief as the final level of appeal.

Grievances about food-related matters should be investigated by the food services manager. The findings of that investigation, along with any recommendations, shall be forwarded to the Shift Supervisor. Any appeals shall be forward to the Corrections Chief as the final level of appeal.

Other grievances relating to programs or other services provided by the Office shall be investigated by the custody staff with the assistance of the supervising employee in charge of those services. Findings relating to the investigation will be forwarded to the Shift Supervisor. Any appeals shall be forwarded to the Corrections Chief as the final level of appeal.

#### 620.3.3 APPEALS TO GRIEVANCE FINDINGS

Inmates may appeal the finding of a grievance to the Corrections Chief as the final level of appeal within five days of receiving the findings of the original grievance. The Corrections Chief will review

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Grievances*

---

the grievance and either confirm or deny it. If the Corrections Chief confirms the grievance, he/she will initiate corrective actions. In either case, the inmate shall receive a written response to the appeal.

Appeals related to sexual abuse allegations shall be confirmed or denied by the Corrections Chief within 10 calendar days.

#### **620.3.4 RECORDING GRIEVANCES**

The Corrections Chief should maintain a grievance log in a central location accessible to all supervisors. The supervisor who originally receives a grievance shall record the grievance along with its finding on the grievance log. Periodic reviews of the log should be made by the Corrections Chief or the authorized designee to ensure that grievances are being handled properly and in a timely manner. A copy of each grievance should be filed in the inmate's official record and maintained throughout the inmate's period of incarceration.

The original grievance should be retained in a file maintained by the Corrections Chief or the authorized designee, and shall be retained in accordance with established records retention schedules.

#### **620.3.5 FRIVOLOUS GRIEVANCES**

Inmates shall use the grievance process only for legitimate problems or complaints. If there is concern that an inmate is abusing the grievance process, he/she shall be informed that continued behavior may result in disciplinary action.

#### **620.4 GRIEVANCE AUDITS**

The Corrections Chief should perform an annual audit of all inmate grievances and complaints filed the previous calendar year. The Corrections Chief should forward a memorandum to the Sheriff detailing the findings, including recommendations regarding any changes to policy or procedures or any additional training that might be warranted to reduce future complaints. Specific identifying information regarding dates, times or individuals named in the complaints is not part of this process and should not be included in the memorandum.

The Sheriff should evaluate the recommendations and ensure appropriate action is taken.

Any training issues identified as a result of this audit should be forwarded to the Training Sergeant, who will be responsible for ensuring all necessary and required training is scheduled and completed.

#### **620.5 TRAINING**

The Training Sergeant shall ensure that all custody staff members receive initial and periodic training regarding all aspects of the Inmate Grievances Policy. All training delivered should include testing to document that the employee understands the subject matter.

#### **620.6 ADDITIONAL PROVISIONS FOR GRIEVANCES RELATED TO SEXUAL ABUSE**

The following apply to grievances that relate to sexual abuse allegations (28 CFR 115.52):

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Grievances*

---

- (a) Inmates may submit a grievance regarding an allegation of sexual abuse at any time.
- (b) Third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, are permitted to assist inmates in filing such grievances and to file such grievances on behalf of inmates if the inmate agrees to have the grievance filed on his/her behalf. Staff members who receive a grievance filed by a third party on behalf of an inmate shall inquire whether the inmate wishes to have the grievance processed and shall document the inmate's decision.
- (c) Grievances may be submitted to any staff member and need not be submitted to the member who is the subject of the complaint.
- (d) Staff receiving a grievance shall forward the grievance to a supervisor. Grievances shall not be forwarded to any supervisor who is the subject of the complaint. The supervisor receiving the grievance shall refer the grievance to the Shift Supervisor for investigation. Inmates and staff are not required to attempt to informally resolve grievances related to sexual abuse.
- (e) The Shift Supervisor shall ensure that grievances related to sexual abuse are investigated and resolved within 90 days of the initial filing. The Shift Supervisor may grant an extension of up to 70 days if reasonable to make an appropriate decision. If an extension is granted, the inmate shall be notified and provided a date by which a decision will be made.
- (f) At any level of the process, including the appeal, if the inmate does not receive a response within the allotted time, including any properly noticed extension, the inmate may consider the absence of a response to be a denial at that level.
- (g) Inmates may be disciplined for filing a false grievance related to alleged sexual abuse only when it is determined that the inmate filed the grievance in bad faith.

#### 620.6.1 EMERGENCY GRIEVANCES RELATED TO SEXUAL ABUSE

Any inmate who believes he/she or any other inmate is in substantial risk of imminent sexual abuse may file an emergency grievance with any supervisor. The supervisor shall determine whether immediate action is reasonably necessary to protect the inmate and shall provide an initial response within 48 hours.

The supervisor shall refer the grievance to the Shift Supervisor, who will investigate and issue a final decision within five calendar days.

The initial response and final decision shall be documented and shall include a determination whether the inmate is in substantial risk of imminent sexual abuse and identify actions taken in response to the emergency grievance (28 CFR 115.52).

# Inmate Voting

## 622.1 PURPOSE AND SCOPE

This policy establishes the requirement for providing eligible inmates the opportunity to vote during elections, pursuant to election statutes.

## 622.2 POLICY

Inmates who have not been convicted of a felony and are in custody during trial continue to have the right to vote. Except for individual inmates who have lost the right to vote, sentenced inmates also maintain this right. Because inmates are unable to access public voting polls, the Corrections Chief or the authorized designee shall develop written procedures whereby the county registrar of voters allows qualified inmates to vote in local, state and federal elections, pursuant to election codes.

Inmates should be advised of voting methods during the inmate orientation.

## 622.3 VOTING REQUIREMENTS

Inmates maintain their right to vote while incarcerated if they are:

- (a) A citizen of the United States.
- (b) A resident of the county.
- (c) At least 18 years of age at the time of the next election.
- (d) Mentally competent (not been declared mentally incompetent by a court).
- (e) Awaiting trial or on trial for a criminal offense.
- (f) Serving time for a traffic or misdemeanor offense or as a condition of probation.
- (g) Not convicted of a felony offense and sentenced to serve time in a state prison.
- (h) No longer under the authority of the Department of Corrections, in prison or on community custody as a result of a felony conviction.

## 622.4 PROCEDURES

Prior to each election, the Corrections Chief will designate a deputy to be a liaison between the Office and the local registrar of voters. The designated deputy will be responsible for assisting inmates who have requested to vote.

### 622.4.1 REGISTERING TO VOTE

An inmate who is eligible to vote and requests to register should complete a voter application. The application should be submitted to the liaison deputy, who will forward the application to the local election official.

# Skagit County Sheriff's Office

## Custody Policies

### *Inmate Voting*

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#### 622.4.2 REQUESTING AN ABSENTEE BALLOT

An inmate who will be in custody during an election and requests to vote by absentee ballot should complete an application. The completed application should be submitted to the liaison deputy, who will forward the application to the local election official.

#### 622.4.3 VOTING

All ballots received shall be delivered to inmates in a timely manner to ensure compliance with the inmate's right to vote. Once the ballot has been delivered to the inmate, it shall be the responsibility of the inmate to mail his/her ballot in accordance with the state's voting requirements. If the inmate is indigent, the correctional facility will mail the ballot; if not, the inmate is responsible for the postage.

# Skagit County SO WA Custody Manual

## Custody Policies

## INDEX

## Numbers and symbols

35MM RUBBER BATON . . . . . 193

## A

ACCESS CARDS . . . . . 91  
ACTIVITY LOGS . . . . . 94  
ADMINISTRATIVE REPORT FORMAT . . 28  
ALCOHOL ABUSE  
    Drug abuse. . . . . 70  
AUTOMATIC DETECTION SYSTEM . . . 164

## B

BEAN BAG SHOTGUN . . . . . 193  
BODY CAVITY SEARCH . . . . . 225  
BRIEFING TRAINING . . . . . 145  
BUDGET  
    Budget request. . . . . 72  
BUDGET OBJECTIVES . . . . . 72  
BUDGET PLAN . . . . . 72

## C

CALCULATED USE OF FORCE . . . . . 205  
CANINE-ASSISTED SEARCHES . . . . . 227  
CHAIN OF COMMAND . . . . . 14  
CHEMICAL AGENT . . . . . 132  
CHEMICAL AGENTS . . . . . 192  
CLASSIFICATION PLAN . . . . . 215  
COMMUNITY RELATIONS  
    Public Information Plan. . . . . 103  
COMMUNITY SERVICE PROGRAM . . . 107  
COMPLAINT AUDITS . . . . . 287  
CONFIDENTIAL RECORDS . . . . . 83  
CONFIDENTIALITY  
    Privacy. . . . . 71  
CONFIDENTIALITY REQUIREMENTS . . 83  
CONSULAR OFFICERS . . . . . 265  
CONTINUING PROFESSIONAL EDUCATION  
    . . . . . 122  
CONTRABAND . . . . . 154  
CONTRABAND SEARCHES . . . . . 227  
CORRESPONDENCE . . . . . 27

CRIMINAL EVIDENCE SEARCHES . . . 228  
CRIMINAL RECORDS . . . . . 83

## D

DAILY TRAINEE PERFORMANCE  
EVALUATIONS . . . . . 125  
DATA CONFIDENTIALITY . . . . . 83  
DEADLY FORCE . . . . . 203  
DEBRIEFING . . . . . 158  
DIPLOMATIC AGENTS . . . . . 265  
DISABILITY . . . . . 102  
DISCIPLINARY APPEALS . . . . . 252  
DISCIPLINARY SEGREGATION . . . . . 255  
DISCRIMINATION . . . . . 286  
DISPUTE . . . . . 57  
DISTURBANCE . . . . . 154  
DUE PROCESS . . . . . 246  
DUTY TO INTERCEDE . . . . . 204

## E

EDUCATION AND WORK RELEASE . . . 218  
ELECTRONIC CONTROL DEVICE  
    ECD. . . . . 193  
EMERGENCY PLANNING . . . . . 161  
EMERGENCY POWER AND  
COMMUNICATIONS . . . . . 167  
EMERGENCY STAFFING PLAN . . . . . 162  
EMPLOYEE ASSISTANCE PROGRAM . . 70  
EMPLOYEE COMPENSATION . . . . . 97  
EMPLOYEE ORIENTATION, PARAMETERS  
    . . . . . 121  
END OF TERM RELEASE . . . . . 243  
EQUIPMENT INVENTORY . . . . . 79  
ESCAPE . . . . . 154  
EVACUATION PLAN . . . . . 169  
EXCESSIVE FORCE . . . . . 203  
EXTERIOR-USE TOOLS . . . . . 81

## F

FACILITY KEYS . . . . . 91  
FIRE ALARM . . . . . 164  
FIRE CODES . . . . . 164  
FIRE INSPECTIONS . . . . . 165  
FIRE PREVENTION . . . . . 164  
FIRE SAFETY PLAN . . . . . 164  
FIRE SUPPRESSION . . . . . 164

# Skagit County Sheriff's Office

## Custody Policies

FIREARM NON-QUALIFICATION . . . . .	130
FIREARMS . . . . .	192
FITNESS FOR DUTY . . . . .	112
FOREIGN NATIONALS . . . . .	264

## G

GRIEVANCE AUDITS . . . . .	290
GRIEVANCE PROCEDURE . . . . .	57
GRIEVANCE RECORDS . . . . .	58
GROOMING . . . . .	283

## H

HANDWRITTEN REPORTS . . . . .	88
HEARING OFFICER . . . . .	250
HIGH-SECURITY INMATE . . . . .	202
HONORARY CONSULS . . . . .	265
HOSTAGE RESCUE TEAM . . . . .	158
HOSTAGES . . . . .	158
HOUSING UNIT SEARCHES . . . . .	227
HUNGER STRIKE . . . . .	154

## I

IMMUNITY . . . . .	264
IN-CUSTODY DEATH REVIEW . . . . .	231
INDIGENT . . . . .	281
INITIAL CLASSIFICATION . . . . .	198
INMATE CLASSIFICATION . . . . .	196
INMATE CONTROL . . . . .	77
INMATE COUNTS . . . . .	159
Head counts. . . . .	174
INMATE DISCIPLINE . . . . .	246
INMATE GRIEVANCE FORM . . . . .	286
INMATE GRIEVANCE FORM . . . . .	288
INMATE GRIEVANCES . . . . .	288
INMATE MEDICAL NEEDS . . . . .	177
INMATE ORIENTATION . . . . .	181
INMATE PROPERTY STORAGE . . . . .	179
INMATE RECEPTION . . . . .	175
INMATE RECEPTION, CLASSIFICATION . . . . .	176
INMATE RECEPTION, SCREENING . . . . .	176
INMATE RECEPTION, TELEPHONE CALLS . . . . .	179
INMATE RECORDS . . . . .	86
INMATE REQUEST FORM . . . . .	281
INMATE RIGHTS . . . . .	267
INMATE RULES . . . . .	247

INMATE SAFETY CHECKS . . . . .	185
INMATE SHOWERING . . . . .	179
INMATE VOTING . . . . .	292
INSPECTIONS . . . . .	98
INTERNAL SECURITY . . . . .	154
INTRODUCTORY SUMMARY	
MEMORANDUMS	

Memorandums. . . . .	27
----------------------	----

## K

KEY CONTROL RECORDS . . . . .	93
KEY IDENTIFICATION . . . . .	91
KINETIC ENERGY PROJECTILES . . . . .	193

## L

LEGAL ASSISTANCE . . . . .	16
LEGAL FOUNDATION . . . . .	16
LETTERHEAD . . . . .	27
LOCKDOWN . . . . .	154

## M

### MEMORANDUM OF UNDERSTANDING

MOU. . . . .	97
--------------	----

## O

### ORIENTATION

Grievance System. . . . .	183
Health Services. . . . .	183

## P

PAT-DOWN SEARCHES . . . . .	220
PEPPERBALL . . . . .	193
PERIMETER SECURITY . . . . .	100
PHYSICAL BODY CAVITY SEARCH . . . . .	219
PHYSICAL EXAMS . . . . .	112
PHYSICAL IMPAIRMENT	
Mental impairment. . . . .	102
PHYSICAL PLANT SEARCHES . . . . .	228
POPULATION MANAGEMENT SYSTEM . . . . .	172
POSITION CONTROL . . . . .	73
POST ORDERS . . . . .	24
PRESCRIPTION MEDICATIONS . . . . .	70

# Skagit County Sheriff's Office

## Custody Policies

PRISONER RESTRAINT SYSTEM . . . . .	109
PROGRAM COORDINATOR . . . . .	139
PROHIBITED MATERIALS . . . . .	103
PROTECTION FROM ABUSE . . . . .	267
PSYCHOLOGICAL EXAM . . . . .	113
PURCHASING PROCESS . . . . .	78

## R

RECORD MAINTENANCE . . . . .	86
RELEASE OF INMATE RECORDS . . . . .	87
RELIGIOUS HAIRSTYLES . . . . .	283
REMEDIAL TRAINING . . . . .	130
REPORT CHANGES	
Report alterations. . . . .	90
REPORT CORRECTIONS . . . . .	89
REPORT PREPARATION . . . . .	88
REQUIRED REPORTING . . . . .	88
REQUISITIONS . . . . .	78
RESEARCH INVOLVING INMATES . . . . .	84
RIOT . . . . .	154
RULE VIOLATION REPORTS . . . . .	247

## S

SAFETY CELL . . . . .	237
SAFETY CHECKS . . . . .	190
SAFETY RESTRAINTS . . . . .	109
SEARCHES . . . . .	219
SEAT BELTS . . . . .	109
SELF-CONTAINED BREATHING APPARATUS	
SCBA. . . . .	165
SERVICE CONTRACTS . . . . .	78
SHIFT REPORT . . . . .	95
SINGLE-OCCUPANCY CELLS . . . . .	217
SOBERING CELL . . . . .	237
SPECIAL MANAGEMENT INMATES . . . . .	186
SPECIALIZED RESPONSE UNITS . . . . .	129
STAFF REPORTS . . . . .	27
STAFFING ANALYSIS . . . . .	115
STAFFING PLAN . . . . .	74
STRIKING WEAPONS	
Impact weapons. . . . .	193
STRIP SEARCH . . . . .	220
STRIP SEARCH . . . . .	219
SURVEYS . . . . .	27

## T

TASER . . . . .	193
TOLL ROAD . . . . .	111
TOOL AND CULINARY EQUIPMENT CONTROL	
. . . . .	80
TOURS . . . . .	103
TRAINING MANAGER . . . . .	147
TRAINING MANUAL . . . . .	125
TRAINING NEEDS ASSESSMENT . . . . .	147
TRAINING OFFICER	
Training officer program. . . . .	125
TRAINING PLAN . . . . .	147
TRAINING RECORDS, BRIEFING . . . . .	146
TRAINING RECORDS, CHEMICAL AGENT	132
TRAINING RECORDS, HEALTH CARE	
PROVIDER TRAINING . . . . .	138
TRAINING RECORDS, TRAINING PLAN . . . . .	147
TRANSPORTATION LOGS . . . . .	235

## U

USE OF FORCE . . . . .	132
Chemical Agents. . . . .	204
ECD. . . . .	204
Reporting. . . . .	206
Review. . . . .	208
Tools and Devices. . . . .	204
Video Recording. . . . .	206
USE OF FORCE TEAM TECHNIQUE . . . . .	203
USE OF RESTRAINTS . . . . .	210
Clinical. . . . .	212
Control. . . . .	211
Pregnant inmates in labor. . . . .	214

## V

VEHICLE INSPECTIONS . . . . .	110
VEHICLE SAFETY . . . . .	109
VEHICLE SAFETY INSPECTIONS . . . . .	110
VEHICLE SAFETY REPAIRS . . . . .	110
VICTIM NOTIFICATION . . . . .	105
VIDEO RECORDING . . . . .	206
VISITORS . . . . .	100

## W

WEAPONS STORAGE . . . . .	194
---------------------------	-----