



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY  
**DEPARTMENT WIDE**

REVISION DATE  
1/21/22

PAGE NUMBER  
1 of 3

NUMBER  
**DOC 850.010**

# POLICY

TITLE  
**ADMINISTRATIVE INVESTIGATIONS**

## REVIEW/REVISION HISTORY:

- Effective: 7/1/83 DOC 856.010
- Revised: 10/1/85
- Revised: 8/26/05 DOC 850.010
- Reviewed: 8/27/07
- Revised: 11/5/08
- Reviewed: 10/26/09
- Revised: 10/4/10
- Reviewed: 7/25/11
- Revised: 10/14/13
- Revised: 7/2/19
- Revised: 1/21/22

## SUMMARY OF REVISION/REVIEW:


Policy Statement III.A. - Updated terminology

## APPROVED:

Signature on file

\_\_\_\_\_  
**CHERYL STRANGE**, Secretary  
Department of Corrections

1/11/22  
Date Signed

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**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; DOC 490.860 Prison Rape Elimination Act (PREA) Investigation; [Collective Bargaining Agreements](#); [Garrity v. New Jersey](#)

**POLICY:**

- I. Management will determine the method of conducting investigations into any alleged misconduct by employees, contract staff, and volunteers. For represented employees, collective bargaining agreements will prevail if this policy is determined to be in conflict.
  - A. All allegations of staff sexual misconduct with an individual under the Department’s jurisdiction will be reviewed to determine if they will be investigated per DOC 490.860 Prison Rape Elimination Act (PREA) Investigation.
  
- II. Employees, contract staff, and volunteers have a duty to cooperate with Department investigations and to fully and honestly answer all relevant and material questions related to their official duties/assignments or fitness for duty. Refusing to cooperate with Department investigations may result in disciplinary action and/or termination from service.
  
- III. Employees who refuse to answer any question(s) relating to the performance of their official duties or fitness for duty may be subject to discipline, up to and including termination of employment.
  - A. In Garrity v. New Jersey, a case in which the Supreme Court held that if a public employee is directed to answer questions in an administrative investigation under threat of discipline, up to and including termination of employment for refusing to answer, the employee’s answers cannot be used against the employee in a subsequent criminal proceeding.
    1. Employees will be advised of the constitutional right not to incriminate themselves, when appropriate (e.g., criminal charges are pending related to the conduct being investigated).

**DIRECTIVE:**

- I. General Requirements
  - A. The Appointing Authority or designee will determine the scope of the investigation, who will conduct it, review the results, and determine the appropriate action to be taken.

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<b>POLICY</b>			

- B. An employee/contract staff/volunteer who is the subject of a formal investigation will be informed of the nature of the alleged misconduct, unless doing so would compromise the integrity of the investigation.
- C. The investigator will ask the interviewee to sign DOC 03-484 Interview Acknowledgment before beginning the interview. The form contains information on Garrity rights. Employees will be given an opportunity to review and sign their interview statement.
- D. The investigator will use DOC 02-351 Investigation Report Template to complete the investigation unless an exception is approved by an Appointing Authority.
- E. At the conclusion of the investigation, an employee who was the subject of the investigation will be informed of the Appointing Authority's findings. Upon request, the employee may also receive one free copy of the investigation report through Public Disclosure unless a copy is provided to the employee in preparation for a pre-disciplinary meeting.

**DEFINITIONS:**

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

**ATTACHMENTS:**

None

**DOC FORMS:**

DOC 02-351 Investigation Report Template  
DOC 03-484 Interview Acknowledgment