

MEET & CONFER MEETING

August 24, 2012

Director Ryan greeted the group and introduced Division Director Gail Rittenhouse and ADOA Chief Human Resources Officer Colleen McManus. He addressed the following questions and agenda items:

Legislative Session

ADC received funding for 103 permanent Correctional Officer positions, as well as 500 maximum security male state beds. The beds will be located at ASPC-Lewis in the vacant-half of the Rast Unit and will be on-line July 1, 2014.

The previous RFP for 5,000 private prison beds was canceled in December 2011. A subsequent RFP for 1,000 medium custody private prison beds is currently under evaluation. Possible locations include Eloy, Florence, Coolidge, Winslow and Yuma/San Luis. The private prison beds will be brought on-line in 500 bed increments, in January 2014 and January 2015.

Discussion ensued regarding current and projected growth, as well as the lower than projected growth rate experienced in 2012. Factors for the leveling off of inmate growth include the reduction in the criminal alien population and probation violators remaining within the community rather than being returned to custody. This trend may continue as the department places greater emphasis on re-entry.

Vision for the Future

Last fiscal year, ADC was allotted a budget of 1.1 billion dollars, which has been reduced to 1.0 billion this fiscal year due to the leveling of population growth.

Staffing levels and classification of beds were reviewed. Classification criteria for both units at Kingman were revised and are no longer authorized to house violent offenders including murderers or those sentenced to life.

Barriers were constructed at the ASPC-Yuma Cibola unit, increasing medium beds. To increase the staffing levels, the ASPC-Douglas Maricopa unit was mothballed and 47 CO positions were relocated to ASPC-Yuma; solely the result of population decline in the minimum security population for male inmates. No employees lost their job.

Discussion ensued regarding close custody staffing levels and statistical data pertaining to inmate assaults on staff. Staff assaults peaked in FY11 and declined in FY12. The ongoing education of the Legislature regarding staffing levels for safety is meeting with some success. Re-education of our staff and 'correcting' the definition of assaults, literally and figuratively, was persuasive with policy-makers in providing factual vs. conceptual data.

Female inmates were relocated from the Southern Arizona Correctional Release Center (SACRC) to ASPC-Perryville.

The department is reviewing re-entry programs and recidivism rates. From the 1960's to the 1980's several half-way houses or community release centers were in operation, but were eliminated because of the pronounced growth in the population. Where do you focus the operating fiscal resources?

In October 1978 the criminal code was revised and in 1994 Truth in Sentencing was enacted. Both resulted in a definitive incline in the 'growth' of the adult prison population, based upon the significance of determinate factors and/or 'truth-in-sentencing'. ADC's committed adult inmate population began to 'level or flatten' during the previous two fiscal years.

In FY12 the growth of the prison system was 'flat' (18,374 admissions vs. 18,070 releases). Of the approximate 12,500 releases under Community Supervision, approximately 3,000 technical violators were returned to custody. This return statutorily mandates the Clemency Board to evaluate the decision(s) to 'technically' violate them. Approximately 2,000 of these 'technical violators' were never evaluated by the BOEC; thus, the 'technical violators' 'maxed' the prison term and walked out of prison without any supervision. On average, offenders returned to custody for 91 days costing the Arizona taxpayers almost \$16 million dollars.

SACRC will transition to a community release center for Pima County. Parole offices in Pima County will be closed and Parole Officers will be moved to SACRC. This facility will be multi-faceted and could be used for day reporting, residential treatment, UA's and a 'time-out' facility for technical violators who may be required to sleep there. The average cost to house an inmate at an ADC facility is approximately \$60 per day; whereas the minimal daily cost of community supervision is about \$7.35 per day.

Because there is no current facility for ADC available in Maricopa County, the department has issued a Request for Information (RFI) to ascertain if there are any facilities which 'might' be able to fulfill the current statute. Responses are due by September 7th.

Short term benefits to the proposal would be retaining technical violators in the community and affording housing opportunities to inmates who would otherwise be released homeless. Long term benefits could reduce the overall cost of prisons.

1) Could inmates released as homeless who live out of state return to their home state?

It would require an Interstate Compact approval; documentation for IC's is initiated approximately seven months in advance.

2) Has a study been conducted regarding the recidivism rate for inmates housed in ADC facilities vs. those housed in private prisons?

No. All inmates are initially housed in ADC facilities and only those meeting specific criteria are relocated to private prisons. Generally inmates in private prisons have lower medical and mental health scores and some contracts have caps on medical costs, while inmates in ADC facilities are generally more violent and are serving longer terms. There is no way to accurately compare the populations.

Maximum Custody Beds at ASPC-Lewis

As you may be aware, ASPC-Lewis is quickly becoming the location housing most of the Department's protective segregation inmates.

ADC currently has approximately 300 maximum security protective segregation inmates housed at Eyman/Florence. The total ADC protective segregation population is approximately 3,000. To the extent possible, we must operate the facilities and manage them like general population inmates.

ADC has been authorized to add 500 maximum security beds at the ASPC-Lewis facility. The unit will be constructed on the vacant half of the Rast unit and the beds will be on-line 7/1/2014.

Discussion ensued regarding increased staffing levels at ASPC-Lewis, call-in's and the empowerment of 1st line supervisors due to the rescission of Chronic Absence Classification. The current department-wide vacancy rate is 2.2%.

Questions and Answers

1) At a previous Meet and Confer we were advised that Department Orders apply at all levels. Recently at least two Sergeant positions were filled but interviews were not conducted. The announcement was posted in October/November of 2011 yet no interviews were held, and a former COTA Sergeant was re-appointed, and one was given to a former Lieutenant who was working for ACI, who is now under ASRS instead of CORP. Also, many times, covered positions are not advertised in units even though per DO 504.02 1.2:

“1.2 Covered positions are subject to the ADOA Personnel Rules (Arizona Administrative Codes) and shall be filled through open competitive recruiting. These positions shall be announced and applicants provided with an opportunity to apply and be interviewed. Exceptions to this process include reinstatements, transfers, voluntary grade decrease, short-term detail to special duty or direct hire. For further assistance or information contact the Employment Unit”.

Lateral transfer, voluntary grade decrease, (VGD), or reinstatement candidates may be appointed to positions prior to considering or interviewing other candidates. This is within the exception noted above. The last two Sergeant appointments to COTA were a transfer and reinstatement, respectively.

The policy cited relates to promotions, not assignments. Assignments don't require interviews, but interviews are not precluded.

2) It has been brought to our attention people are placed into positions without prior notification, or incorrect additional requirements being placed on them. Examples of incorrect additional requirements have been the need to be able to qualify at Firearm Instructor Level for Chase Team openings. Recently, there was a supervisory position that opened at Florence Complex. The position was not advertised, and filled by a person already at Complex.

Assignments to any special teams (i.e. Chase, TSU), can require additional training or qualifications. There is no mandate to allow every person who wants to be a part of one of these teams onto the team.

There is no requirement to post or advertise for supervisory positions. They are often filled either through rotation or best qualified transfers.

Chase team is an additional duty assignment and not subject to personnel rules or DO 504. The Warden may transfer supervisors from one position to another. If this move resulted in a promotion without utilizing the Central Promotional Register we would like the position and names of employees involved to research further.

3) When is it permissible to transport more than one minimum custody inmate using only one transport officer? DO 705.02 1.2 reads: “1.2.4 Ensure all inmates are appropriately restrained. Restraints are not required when transporting a single minimum custody inmate, or for those inmates assigned to off-site work crews. “

And 1.2.4 reads: “1.2.5 is armed with a Department issued weapon and munitions. The officer shall not be armed when transporting a single minimum custody inmate, or when transporting minimum custody work crew inmates.”

1.1.1.3 through 1.1.1.4.3 read:

1.1.1.3 Restraints are not required when transporting only one minimum custody inmate or for minimum custody work crews.

1.1.1.4 In all cases where one staff member is transporting one minimum custody inmate, the Transportation officer shall:

1.1.1.4.1 Be the same gender as the inmate.

1.1.1.4.2 Transport the inmate in a caged vehicle.

1.1.1.4.3 Not be armed.

- A. Units on a regular basis transport multiple minimum custody inmates with only one officer who is unarmed, and the inmates are not restrained. When asked about this practice individuals are advised "They are minimum custody inmates and you do not need to be armed, and they do not need to be restrained."
- B. Recently, a female Sgt. transported a minimum custody male inmate who claimed illness from an off-site work crew as the sole transporting Officer back to the unit at Yuma.

Discussion ensued regarding transports within the complex. The policies will be reviewed to ensure consistency with a possible revision through DI if necessary. Specific information will be provided by the questioner for research/follow-up.

4) Why has the department allowed our uniforms to become so un-uniform? Supervisors, when attempting to address it, are being told by administration not to create a hostile work environment.

It has been brought to our attention many Captains, COIV's and COIII's NEVER wear the required OC/Restraints/PPE when on duty. I have seen green pants being worn by uniformed staff. Staff are being allowed to wear their hair down, boots not bloused, no belts. (Tucson)

Refer them to COTA Commander Ivan Bartos, chair of Uniform Committee. If staff listed above are not wearing PPE then provide their names so corrective action can be taken.

Uniform policy has not changed. Individual instances of policy noncompliance, if not addressed by the immediate supervisor, should be referred to the chain of command.

5) Can the Sergeant's polo shirt uniform guidelines be corrected? Sew on chevrons AND unit patch only for Sergeants on the polo's?

Polo shirts are not intended to bear the sew-on chevrons that class A and B shirts require. Policy will be reviewed and, if necessary, adjusted.

6) If we are going to be allowed to wear only a certain style of pant (such as BDU's) then, do like California and many other states do, and only authorize a particular vendor (i.e. 5.11 or Proper) and NO others. The current inconsistencies allow staff to appear and dress less than professionally.

As no question was asked, no response was given.

7) ARS 41-1610 States that "Parole Officers SHALL be considered to be engaged in hazardous duty", but Parole Officers (CCO's) do not get hazardous duty pay. Why?

Positions that are eligible for hazardous duty pay (HDP) are identified by policy. CCOs positions are not among them. HDP is for staff in a particular class that performs duties which are more hazardous than others in the same class. Since CCO's all perform the same function there is no separate class.

8) Many officers from minimum yards are complaining about being cross leveled to a lock down unit to work but not getting hazardous duty pay. It is further identified when working overtime to fill a Hazardous Duty post; you also do not get the hazardous duty pay.

Department Order 524 states that an employee must be permanently assigned to the post for more than 80 hours within a one month period to be eligible. Being cross leveled to fill a post for a day or two does not meet this requirement.

9) When is it okay to utilize homegrown computer programs in WIPP by inmates?

The obvious answer is never. The program in question was an Excel spreadsheet; it is appropriate.

10) If there was a directive on how supervisors should be posting COIIs, why aren't unit supervisors following them?

It is hard to answer these types of open-ended questions without knowing the specifics. The standard is to post COIIs once per week.

11) COIIs are being posted even when there is sufficient staff, such as, support service staff operating as normal while a COII is sitting in a control room.

We do rotate COIIs back to their regular duties when we can. However, we cannot post support services all the time as they must complete tasks as well.

12) If unit supervisors are special assigning officers on a welding project or special assignments to complex or other units, shouldn't the unit be getting a replacement officer to cover that slot?

Correctional Officers are assigned to special projects at times due to the ongoing priorities that are occurring within operations. These types of projects (open cell fronts at Kasson, mental health recreation enclosures, etc.) are for the safety of all. We do not have enough maintenance staff to cover all of the projects so we do pull CO's with special skills to assist. This is a team effort. Each time this occurs, cross leveling is used to ensure maximum coverage available occurs.

13) Reform Question and Answers

- Yes site states COI's, COII's, COIII's and Community Corrections are covered positions
- Q & A's on ADCnet page 2, under Personnel Rules, Question 1.
- Q & A's on ADCnet page 3, under Becoming an Uncovered Position, Question 7.
- Reform Section 43 (d)

The answers to the questions in the Q&A are correct. We are not sure what the comment about "reform 43(d)" refers to.

- 14) The purpose of COIIs working late nights? No flexibility?
- 12-8 on the date of choice or assigned day.
 - Is this only happening in Florence and Eyman?

All complexes with the exception of Phoenix utilize late night COIIs. It is not necessary in Phoenix since they have a different mission than others. This is necessary to ensure maximum availability of program staff to the inmate population. We are here because of them. We need to provide programs and services when they are available. We must maximize structured time for the inmate population.

- 15) Face shields are being used at SMU 1 and Browning, why aren't they being used at Central Unit and the CDUs if inmates are being considered max custody/ pending max custody.
- Shields are more of a safety issue, than it is a benefit. Why not use safety glasses?
 - Officers vision is limited, giving officers tunnel vision
 - Officers hearing is limited
 - Shields tend to fog up with the humidity in pods.

The population at Browning and SMU is the worst of our maximum custody inmates. There are not a large number of assaults which occur in the other units listed. The mission of Central Unit is not conducive to this type of equipment since large turnouts of inmates are now occurring. This is a staff safety issue which will not be compromised. Division Director Patton will review incidents of other staff assaults at the units listed and if warranted will mandate the wearing of the shields at those units and ensure ACA is given credit for bringing this issue forward.

- 16) Why are officers being assigned to two inmates on continuous watches in the watch pods? Doesn't policy state one staff member per inmate when on continuous watch?

Department Order 807 allows a staff member to watch multiple inmates on a continuous watch (807.02).

- 17) Why does DO 911 allow for mail, magazines, cards etc. and property both contraband and valid property to be sent out the front door of Visitation with the families to leave the unit? There is no screening format, or accountability as to what is leaving the unit.

A long standing practice in ADC is to allow inmates to send out confiscated items through their visitors at the end of visitation. This practice reduces liability to ADC (especially in the case of long term storage items) and reduces critical space needs in our property rooms.

If further clarification is required for any of the above subjects, please utilize the 'Open door, phone and e-mail' to communicate your concerns.

Thank you for your public service and be safe!

Cc: Executive Staff
Wardens
Paul O'Connell
File