

CHAPTER: 200

Public/Public Access

DEPARTMENT ORDER:

202 – Public Access – Tours and Board Hearings

OFFICE OF PRIMARY RESPONSIBILITY:

OPS

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ACCESS

Contains Restricted Section(s)

**Arizona
Department
of
Corrections
Rehabilitation
and Reentry**



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn", is written over a horizontal line.

David Shinn, Director

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PURPOSE

This Department Order establishes guidelines for public access to institutions and private prisons as part of an authorized tour or attendance at Arizona Board of Executive Clemency (ABOEC) hearings and Immigration and Custom Enforcement (ICE) Deportation hearings.

Persons with a disability may request a reasonable accommodation by contacting the Department. Requests should be made as early as possible to allow time to arrange the accommodation.

PROCEDURES

1.0 INSTITUTION TOURS

- 1.1 The Director or designee may deny access to anyone who has been convicted of a felony, who violates the Department's written instructions, or otherwise represents a threat to the safe, secure and orderly operation of Department facility.
- 1.2 Subject to available staffing and security-related issues, efforts may be made to accommodate requests for tours from the following entities:
 - 1.2.1 Criminal justice agency representatives
 - 1.2.2 Civic groups, such as interested members of the public, staff family members, potential applicants and victim service groups
 - 1.2.3 Correctional professionals from other jurisdictions
 - 1.2.4 Persons in graduate-level classes in law enforcement and criminal justice
 - 1.2.5 Others, as designated by the Director
- 1.3 For media requests for tours/**access to institutions/facilities**, refer to Department Order #207, Media Relations.
- 1.4 For legislative requests for tours, refer to Department Order #110, Legislative Activities.
- 1.5 Groups/entities other than those identified in this section may apply in writing to the Warden or designee of the institution or private prison they wish to visit.
- 1.6 Tour Criteria
 - 1.6.1 No individual under age 18 shall be **permitted** to tour inside a Department institution or private prison's secure perimeter.
 - 1.6.2 The number of persons allowed per tour group shall not exceed **operational staffing capabilities**. Additional restrictions may apply.
 - 1.6.3 All persons entering a Department institution or private prison shall be searched prior to entering, **to include personal property in their possession**, in accordance with Department Order #708, Searches.
- 1.7 Tours are intended to educate participants on the Department's mission, general operations and guiding principles.

- 1.8 **Authorization** – The Warden or his/her designee may authorize tours of Department institutions **after consultation with the Assistant Director for Prison Operations.**
- 1.8.1 All requests for tours shall be submitted in writing to the Warden, the sole point of contact for tour requests. The Warden or designee shall:
- 1.8.1.1 Determine **if the requested tour date and time impacts the daily prison operations prior to providing contingent approval.**
 - 1.8.1.2 Provide the contact person for the tour group with the forms, instructions on their completion, and directions to return them to the Warden or designee at least 15 workdays prior to the date of the tour:
 - 1.8.1.2.1 The Request for Institution Tours, Form 202-1.
 - 1.8.1.2.2 The ACJIS Information Request List, Form 121-6, with instructions that all information is required for each person on the tour, and omitted information may result in an individual(s) being denied entrance to the institution.
 - 1.8.1.3 Advise the tour contact person that once the forms have been returned to the Warden or designee, no alternate, substitute or additional attendees will be permitted.
 - 1.8.1.4 Submit the forms to the ACJIS Operator for clearance through Arizona Criminal Information Center/National Criminal Information Center (ACIC/NCIC).
 - 1.8.1.5 After the ACIC/NCIC clearance report is received:
 - 1.8.1.5.1 Approve or deny the entire tour group, or any individual(s) based upon the results of the criminal history inquiry.
 - 1.8.1.5.2 Notify and advise the tour contact person who will be allowed to participate in the tour.
 - 1.8.1.5.3 Notify the following persons of the approved tour to include date, time and area(s) to be visited:
 - 1.8.1.5.3.1 Director’s Office
 - 1.8.1.5.3.2 **Deputy Director**
 - 1.8.1.5.3.3 **Media Relations** Office
 - 1.8.1.5.3.4 **Assistant** Director for Prison Operations
 - 1.8.1.5.3.5 **Assistant** Director for Inmate Programs and Reentry
 - 1.8.1.5.3.6 Affected Regional Operations Director
 - 1.8.1.6 Maintain a log **that** identifies each person’s last name, first name, tour group **name**, date and time of the tour, and all completed forms regarding requested tours.

1.8.1.7 Provide the tour contact person with **written correspondence that will outline the guidelines and expected conduct during the tour**. Tour Letter (Sample), Attachment A, provides some sample language to be used.

1.8.2 Persons **who cannot** clear the ACIC/NCIC **background** check shall be denied entrance unless otherwise authorized by the Warden or designee.

1.9 **Standardized Tour Route**

1.9.1 **Standard tour routes shall include the following areas:**

1.9.1.1 Intake

1.9.1.2 Education and Career and Technical Education (CTE).

1.9.1.3 Program Activities

1.9.1.4 Visitation

1.9.1.5 Resource Center/libraries

1.9.1.6 Work Locations

1.9.2 Each Warden shall submit **his/her** established tour route **to** their respective Regional Operations Director.

1.9.2.1 **Exceptions to the criteria for tour routes** may be approved by the Director or **Assistant** Director for Prison Operations on a case by case basis.

1.9.3 The following areas shall be considered restricted from public tours unless approved in writing by the Warden:

1.9.3.1 Detention Units, Towers and Main Controls

1.9.3.2 Special Security Unit/Security Threat Group offices

1.9.3.3 Mental Health Units and areas where inmates are on Mental Health Watches

1.9.3.4 Special Management Unit (SMU) and Browning Unit

1.9.3.5 ASPC-Florence - Housing Unit 9 (HU-9)

1.9.3.6 **ASPC-Lewis – Rast Max**

1.10 **Tour Guidelines** – Tours of Department institutions shall be conducted during regular business hours, Monday through Friday, excluding holidays. Exceptions to tour hours may be approved by the **Assistant** Director for Prison Operations on a case by case basis.

1.10.1 Each individual of a tour group shall be required to present identification as outlined in section 3.0.

- 1.10.2 Persons on tours shall comply with all Department Orders **and** other written instructions. No shades of orange clothing that may be mistaken for inmate clothing, or any shades of brown or tan clothing are permitted. Refer to Attachment A for additional information regarding dress, inmate contact and contraband.
- 1.10.3 The operation of the institution shall take precedence over tours. During emergency situations, staff shall respond in accordance with Department Order #706, Incident Command System (ICS). Institutional staff shall provide specific directions to tour groups during emergencies.
- 1.10.4 Any individual(s) of a tour group may be denied entrance to the institution if, in the opinion of the staff member conducting the tour, it appears he/she may be under the influence of drugs and/or alcohol. In such cases the staff member shall:
 - 1.10.4.1 Immediately notify his/her supervisor.
 - 1.10.4.2 Complete an Information Report, Form 105-2, to include the circumstances, the observed behaviors, the name(s) of the individual(s), the name of the organization, if applicable, and any other information deemed relevant.
 - 1.10.4.3 At the discretion of the supervisor, escort the denied person(s) off state property.
- 1.10.5 Except as approved, persons on tours shall not interview or otherwise talk with inmates.
- 1.10.6 At no time **shall** physical contact between an individual of a tour group and an inmate be permitted.
- 1.10.7 Cigarette smoking shall only be permitted as outlined in Department Order #109, Smoking and Tobacco Regulations.
- 1.10.8 Contraband and illegal contraband are prohibited. (See the Glossary of Terms.)

2.0 PUBLIC ATTENDANCE AT ABOEC AND DEPORTATION HEARINGS – ABOEC and ICE Deportation hearings held in Department facilities are considered open meetings, pursuant to A.R.S §38-431.08 and 8 C.F.R. 1003.27. For information regarding Commutation Hearings, see Department Order #1002, Inmate Release Eligibility System.

- 2.1 ICE Deportation hearings shall be open to the public pursuant to 8 C.F.R. 1003.27, with the following exceptions:
 - 2.1.1 Depending on physical facilities, the Immigration Judge may place reasonable limitations upon the number in attendance at any one time with priority being given to the press over the general public.
 - 2.1.2 The Immigration Judge may limit attendance or hold a closed hearing for the purpose of protecting witnesses, parties or the public interest.

2.1.3 In any proceeding before an Immigration Judge concerning an abused alien spouse, the hearing and the Record of Proceeding shall be closed to the public unless he/she agrees the hearing and the Record of Proceeding can be open to the public. In any proceeding before an Immigration Judge concerning an abused alien child, the hearing and the Record of Proceeding shall be closed to the public.

2.1.4 Proceedings before an Immigration Judge shall be closed to the public if information subject to a protective order been filed under seal pursuant to C.F.R 1003.31(d), may be considered.

2.2 General Provisions

2.2.1 A parent or guardian shall accompany ABOEC and ICE Deportation hearing visitors under the age of 18.

2.2.2 ABOEC/ICE Deportation hearing visitors shall:

2.2.2.1 Not be required to provide the name of a specific inmate scheduled for an ABOEC or ICE Deportation hearing.

2.2.2.2 Not be required or meet the requirements to be on an inmate's visitation list.

2.2.2.3 Not be required to clear an ACIC/NCIC background check.

2.2.2.4 Adhere to the dress code in accordance with Department Order #911, Inmate Visitation.

2.2.2.5 Submit to a reasonable search upon entering the facility, pursuant to A.R.S. §38-431.08.

2.2.2.6 Sign an attendance log and, if over 16 years of age, produce a photographic identification verifying the person's signature, pursuant to A.R.S. §38-431.08.

2.3 Allowable Items That May Be Brought Into an Institution – ABOEC and ICE Deportation hearing visitors shall be allowed to bring only the following items:

2.3.1 Personal identification, as outlined in section 3.0.

2.3.2 Prescription medication – Only in the original container and in the amount needed during the hearings the visitor will attend.

2.3.3 A change of clothing and feeding bottles of milk, formula or juice for an infant when **he/she** is taken into the institution.

2.3.4 Written documents to be filed at the hearing and writing materials for recording information at the hearing.

2.3.5 **Pursuant to A.R.S. 38-431.08**, an audio tape or digital recorder only **may be permitted** – No other **type of** recording devices are authorized. **If the person who attends the hearing is a member of the media, he/she shall be permitted to possess cameras.**

- 2.3.6 **Pursuant to 8 C.F.R 1003.28, as it pertains to ICE Deportation Hearings, the only recording equipment permitted in the proceeding will be the equipment used by the Immigration Judge to create the official record. No other photographic, video, electronic, or similar recording device will be permitted to record any part of the proceeding.**
- 2.4 Denial of Entry into a Unit for an ABOEC or ICE Deportation Hearing – An individual may be denied attendance at a hearing upon the determination of the Warden, Deputy Warden or Assistant Deputy Warden that the individual’s attendance would **disrupt** the safe, secure and orderly operation of the institution. In such cases:
- 2.4.1 The staff member denying entry shall:
- 2.4.1.1 Immediately notify the Warden, or if at a private prison, the Contract Beds Operations Director, of the denial.
- 2.4.1.2 Within two hours of the denial, submit an Information Report through the Warden or the Contract Beds Operations Director to the **Assistant** Director for Prison Operations, which contains all information considered in denying the person(s) entry, including the names of any employees involved in or who may have witnessed the incident.
- 2.4.2 Within two hours of the denial, each employee who was involved in or witnessed the denial shall submit an Information Report containing the specifics of the denial to the Warden or Assistant Deputy Warden.
- 2.4.3 Within four hours of the denial, the Warden or Deputy Warden shall email the following to the **Assistant** Director for Prison Operations:
- 2.4.3.1 The Information Report and supporting documentation from the unit Deputy Warden
- 2.4.3.2 Any completed Information Reports
- 2.4.3.3 Any and all other information supporting the decision to deny the person entry
- 2.5 Limitation of Physical Contact – No physical contact whatsoever shall be allowed between an inmate and any person who attends an ABOEC/ICE Deportation hearing.
- 2.6 Security Measures within Institutions
- 2.6.1 A Correctional Officer shall be posted at all times in the hearing room from the time of admittance of visitors and ABOEC or ICE Deportation members until the ABOEC or ICE Deportation hearing is over and the hearing room is vacated.
- 2.6.1.1 **The inmate shall enter last after all visitors have been seated. The inmate shall exit first while all visitors remain seated and prior to visitors being permitted to leave.**
- 2.6.2 A Correctional Officer shall be posted in designated smoking areas when occupied by ABOEC or ICE Deportation hearing visitors.

2.6.3 All other normal security procedures necessary to ensure the safe, secure and orderly operation of an institution shall remain in effect and be enforced without exception.

2.6.4 Public attendance of ABOEC and ICE Deportation hearings may be suspended by the Warden, Deputy Warden, or the Assistant Deputy Warden of any institution or private prison when it is determined the security or orderly operation of the institution warrants such action.

2.7 Smoking Restrictions – Smoking shall only be permitted as outlined in Department Order #109, Smoking and Tobacco Regulations.

3.0 IDENTIFICATION REQUIREMENTS – Every person over the age of 16 years shall present photographic identification to verify the person’s signature.

3.1 The identification shall include the person's name, picture, signature and date of birth.

3.1.1 All documents presented shall be the original, or a certified copy of the original issued by the issuing authority; photocopies or computer-generated images will not be accepted.

3.2 Picture identification includes:

3.2.1 Military Identification Card

3.2.2 Passport (current)

3.2.3 A valid state driver’s license

3.2.4 Official picture identification cards from any state or federal agency, including government employee identification cards and ICE documentation cards. The Department shall not accept consular identification cards issued by a foreign government as a valid form of identification, pursuant to A.R.S. §41-5001.

IMPLEMENTATION

Wardens shall ensure correctional staff receives training on the provisions of this Department Order.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms **for the following:**

- **Arizona Board of Executive Clemency/Ice Deportation Hearing Visitor**
- **Contraband**
- **Illegal Contraband**

ATTACHMENT

Attachment A, Tour Letter (Sample)

FORMS LIST

202-1, Request for Institution Tours

AUTHORITY

A.R.S. §36-601.01, Smoke-Free Arizona Act

A.R.S. §, Chapter 3, Article 3.1, Title 38 - Public Meetings and Proceedings

A.R.S. §38-431.07, Violations; Enforcement; Civil Penalty; Removal from Office; In Camera Review

A.R.S. §38-431.08, Exceptions; Limitation

A.R.S. §41-5001, Valid Identification; Consular Identification Cards; Prohibition

Title 8, Code of Federal Regulations (C.F.R.), 1003.27 – Public Access to Hearings

ATTACHMENT A

(Use State letterhead.)

Date

Dear Sir or Madam:

On behalf of the Director for the Arizona Department of Corrections, **Rehabilitation and Reentry**, and the Arizona State Prison Complex-Warden (NAME), we would like to thank you for your interest in touring the prison system. Your group has been approved for (DATE), at (TIME), for approximately (NUMBER) of hours.

The following information should be shared with those individuals in the group who will be attending. This will ensure you and your group do not have any **obstacles** entering into the prison complex.

All group members must bring a picture identification card and carry it with them at all times. All group members should assemble as a group, at the prison complex, prior to the start of the tour. At the sole discretion of the Warden, group members who arrive late may not be permitted to join a tour already in progress, so please be on time. You are to remain as a group on the tour and follow the instructions of the tour coordinator for security reasons and your personal safety. The tour may be canceled at any time and you will be escorted off the prison ground if we feel your safety is in jeopardy or an unpredictable act or incident occurs.

Relatives or friends of inmates will not be permitted to tour the facility without prior approval of the Warden and must be on the inmate's visitation list. Physical contact with the inmate is prohibited. Tour groups are prohibited from having any conversation or contact with the inmate unless previously approved by the Warden.

ENVIRONMENT – The majority of the tour will be on foot. The prison has a variety of surfaces you may encounter while walking to include gravel, dirt and concrete. Please be prepared by wearing appropriate comfortable shoes. Prohibited shoes include those with open toes, sling back, mules or clogs and high-heels. We may be spending a lot of time outdoors, so it is advisable for you to wear sunscreen.

CLOTHING – Do not wear any orange clothing or any shade of brown or tan clothing. Shorts and cutoffs are prohibited. Skirts or dresses are discouraged, but may be worn, and if worn must be no shorter than two inches above the knee. Shirts/blouses must have sleeves, cover the midriff and cannot be see through type material or extend below the collarbone in the front or back. Shirts with pictures or language that is offensive by current standards or gang affiliation are prohibited. Pants or slacks should not be form-fitting or excessively baggy. Dress conservatively and appropriately for Arizona weather.

ACCESSORIES – Wireless communication devices, multimedia storage devices, any separate components that may aid in the use of wireless devices and/or multimedia storage devices (i.e., cell phone chargers, mobile chargers, cell phone batteries, and any other item staff reasonably determines may aid in the use of wireless devices and/or multimedia storage devices), pagers, purses and cameras will not be permitted onto the prison grounds, so please leave them at home or make other appropriate arrangements. Jewelry should be limited to one engagement/wedding ring, one religious medallion, one wristwatch and one pair of earrings or two observable body piercing adornments. Department staff will not be responsible for them. You may bring up to twenty dollars (coins are recommended); you may be provided access to vending machines.

If you have anyone in your group with a disability, special need, or medical condition, you may request a reasonable accommodation by contacting the **Assistant** Director for Prison Operations or designee. Please let us know as early as possible to allow time to make the appropriate arrangements.

Any person(s) who does not follow the rules will be denied access to or escorted from the facility. Thank you for your cooperation and interest in touring the Arizona State Prison Complex- (INSTITUTION NAME). If you have any questions please feel free to contact (NAME), (TITLE) at (AREA CODE)-(PHONE NUMBER AND EXTENSION).

Sincerely,

(SIGNATURE)
(NAME AND TITLE)