

| | | |
|--|--|--------------------------------------|
|  ARIZONA DEPARTMENT OF CORRECTIONS DEPARTMENT ORDER MANUAL | CHAPTER: 100 AGENCY ADMINISTRATION/ MANAGEMENT | OPR: OPS |
| | DEPARTMENT ORDER: 106 <i>CONTRACT BEDS</i> | SUPERSEDES: DO106 (9/1/96) |
| | | EFFECTIVE DATE: JULY 27, 2009 |

TABLE OF CONTENTS

| | PURPOSE | |
|--------|--|------|
| | PROCEDURES | PAGE |
| 106.01 | OVERSIGHT OF CONTRACT BEDS | 1 |
| 106.02 | INMATE ELIGIBILITY, CLASSIFICATION AND TRANSFER..... | 5 |
| 106.03 | TRANSFERRING INMATES FROM CONTRACT BEDS | 6 |
| 106.04 | RELEASE PROCEDURES | 6 |
| 106.05 | OFFENDER INFORMATION | 6 |
| 106.06 | COMPLIANCE WITH WRITTEN INSTRUCTION | 7 |
| | IMPLEMENTATION | 8 |
| | DEFINITIONS | 8 |
| | AUTHORITY | 9 |
| | ATTACHMENTS | |

PURPOSE

This Department Order establishes the responsibility of Department staff to monitor, inspect, support, and oversee the operations of Contract Beds to ensure compliance with the terms of contracts between the Department and the contract beds contractors.

PROCEDURES

106.01 OVERSIGHT OF CONTRACT BEDS

- 1.1 The Division Director for Offender Operations shall ensure:
 - 1.1.1 Assigned staff coordinates the development of new, and renewals of existing, privatization projects and monitor the operations of contract beds to ensure both the Department and the contract beds operations are complying with the terms of the contract.
 - 1.1.2 All expenditures by the Department for contract beds are consistent with the terms of the contract.
 - 1.1.3 The procedures, processes, systems and services in use at contract beds are consistent with the contract, Department Orders and other written instructions, as may be applicable.
 - 1.1.4 A Department Monitoring Team is assigned for every contract beds facility. The Department Monitor reviews correctional operations are mandated by contract, Department Order and other written instructions. The Department Monitoring Team transmits deficiencies noted during inspections to the contract beds Warden and/or designee and to the Contract Beds Bureau. The Contract Beds Operations Director shall make the final determination in resolving any noncompliance issues.
 - 1.1.5 A Tactical Support Agreement is developed to ensure adequate and sufficient tactical assistance is provided by the Department to contract beds in the event of emergency. This is primarily applicable to in-state contract beds.
 - 1.1.6 The Contract Beds Bureau staff coordinates the processing and/or tracking of Arizona Criminal Information Center/National Criminal Information Center (ACIC/NCIC) background investigations for all contract beds staff, visitors and inmates about to be released.
 - 1.1.7 Copies of all reports of inspections by the Department or inspections by independent regulatory agencies are forwarded to the Contract Beds Bureau.
 - 1.1.8 All statutory requirements, including the requirements for approval of sites for certain contract beds, are observed.
 - 1.1.9 Periodic comprehensive evaluations of contract beds operations required by State statutes and/or contracts are conducted.

1.1.10 Appropriate Department staff support the Contract Beds Bureau requests for assistance.

1.1.10.1 Following a call out of the Tactical Support Unit (TSU), the Warden(s) shall provide an accounting of staff, hours and costs associated with the call out at in-state contract beds to the Contract Beds Operations Director.

1.2 The Contract Beds Bureau duties shall include:

1.2.1 Conducting inspections to determine if the contractor is complying with the contract, to include:

1.2.1.1 Notifying, in writing, contract beds management of noncompliance issues.

1.2.1.2 Tracking of all noncompliance issues.

1.2.1.3 Reviewing contract beds staffing patterns and documenting occurrences of staffing noncompliance for possible reductions in contract beds payment, as provided for under terms of the contract.

1.2.2 Monitoring the inmate disciplinary system and answering inmate appeals.

1.2.3 Reviewing and recommending all classification actions, including Level of Supervision.

1.2.4 Reviewing ACIC/NCIC background clearances for all contract beds staff hires.

1.2.5 Determining initial visitation eligibility for visitors.

1.2.6 Assisting with developing inmate work contracts and approving the type of work to be performed.

1.2.7 Coordinating with other Department staff, as required.

1.2.8 Establishing fixed office hours of access by inmates.

1.2.9 Observing, assessing, and recording contract beds staff response to routine operational events, as well as response to emergency incidents.

1.2.10 Signing all inmate release authorizations.

1.2.11 Reviewing all Significant Incident Reports, Use of Force Reports, Waivers of Department Orders, Institution Orders, Technical Manuals, Inmate Grievances and other written instructions.

1.2.12 Providing periodic reports on contract beds operations to include information and data needed for the Security/Facilities inspection report, Joint Legislative Budget Committee report, Monthly Statistical Report and others as required.

- 1.2.13 Reviewing, for approval, all contract beds requests for expenditures from the Inmate Welfare and Benefits (W&B) Fund. This fund is equivalent to the Department's Activities and Recreation Fund.
- 1.2.14 Ensuring intelligence information, and other information regarding criminal activity or security issues, is forwarded to the senior management at the contract beds as needed.
- 1.2.15 Contacting the Inspector General Bureau to request an investigation when there is apparent:
 - 1.2.15.1 Inmate activity which could lead to criminal charges, e.g., attempted escape, escape, assault, possession of illegal drugs, introduction of contraband and theft.
 - 1.2.15.2 Staff activity involving inmates which could lead to criminal charges, e.g., introduction of contraband, aiding in the escape of inmates, any form of sexual misconduct, and excessive use of force.
 - 1.2.15.3 Other activity which requires investigation in accordance with the contract.
- 1.2.16 Organizing required Department training to include:
 - 1.2.16.1 Classification and other associated programs.
 - 1.2.16.2 Adult Information Management System (AIMS).
 - 1.2.16.3 Inmate Banking.
 - 1.2.16.4 Any other training required by contract.
- 1.3 The Inspector General or designee shall:
 - 1.3.1 Ensure contract beds are inspected for written instruction compliance in accordance with Department Order #606, General Audit Program.
 - 1.3.2 Provide a copy of all audit reports to the Division Director for Offender Operations as directed in Department Order #606.
 - 1.3.3 Review the audit report and assign staff to meet with the contract beds Warden for a formal review of the report.
 - 1.3.4 Ensure investigations involving contract beds staff and inmates are initiated and conducted in accordance with the following guidelines:
 - 1.3.4.1 Requests for Investigations involving contract beds staff or inmates residing in contract beds shall be made through the Contract Beds Operations Director or designee.
 - 1.3.4.1.1 Staff employed by private contractors may not directly request an investigation from the Inspector General.

- 1.3.4.2 The Criminal Investigations Unit Administrator or designee shall decide if a criminal matter will be investigated.
- 1.3.4.3 The Inspector General or designee shall decide if an allegation of misconduct will be investigated as outlined in Department Order #601, Administrative Investigations and Employee Discipline and related Technical Manuals.
 - 1.3.4.3.1 Contracting companies Personnel Rules shall apply.
- 1.3.4.4 Regardless of whether or not a contract beds employee conducts an investigation, the Contract Beds Operations Director or the Director may still request an administrative investigation if the circumstances of the situation warrant a formal review by the Department.
- 1.3.4.5 Requests for investigations shall include Background Investigations and Arizona Criminal Justice Information System (ACJIS) actions related to volunteers and visitors.
- 1.3.4.6 Investigations shall be conducted in accordance with Department Order #601, Administrative Investigations and Employee Discipline and, if appropriate Department Order #608, Criminal Investigations.
- 1.3.4.7 Any other criminal activity on the part of Department staff or contract beds staff, not addressed by this section, shall be investigated by local criminal justice agencies. The results of such investigations should be shared with the appropriate Department investigative units.
- 1.3.5 Provide reports of all completed investigations to the contract beds Warden, through the Division Director for Offender Operations.
- 1.3.6 Ensure the Background Investigations Unit assists Contract Beds Bureau staff as required to complete background investigations on contract beds staff.
- 1.4 The Division Director for Program Services, or designee shall ensure:
 - 1.4.1 Health Services staff conduct inspections of new contract beds to determine if the quality and availability of health care to be provided is consistent with Department written instructions, the contract and to ensure deficiencies are corrected prior to the transfer of any inmate to that contract bed.
 - 1.4.2 Health Services staff conduct inspections, at least annually, of the health services being provided at contract beds to ensure the quality and availability of health care for inmates is consistent with Department written instructions and contract respective to the facility in question.
 - 1.4.3 Health Services staff conducts inspections, at least annually, of all substance abuse treatment programs or other mental health programs offered at contract beds to ensure the quality and availability of the programs are consistent with Department written instructions and contract respective to the facility in question.
 - 1.4.4 All inspection reports are forwarded to the Contract Beds Bureau.

- 1.4.5 All contract medical providers are verified and are appropriately qualified for hire.
- 1.5 The Division Director for Support Services, or designee shall:
 - 1.5.1 Ensure the Administrative Services Bureau provides technical guidance in the development of Requests for Proposals. The Administrative Services Bureau shall participate in the evaluation of resulting proposals from contract beds operators or developers to ensure compliance with State Procurement Rules.
 - 1.5.2 Assist Contract Beds Bureau staff in the evaluation of annual training plans developed by contract beds, and advise contract beds of conflicts with the Department's Annual Training Plan.
 - 1.5.3 Ensure Department training staff comply with the responsibilities assigned in provisions of the contract beds contracts.
 - 1.5.4 Provide updates of training materials and videos as they are developed.
 - 1.5.5 Ensure the Contracts Administrator provides support to the Contract Beds Bureau staff by:
 - 1.5.5.1 Providing technical assistance as requested related to the development of solicitation and contract documents.
 - 1.5.5.2 Providing advice and direction related to interpretation of procurement laws, rules and regulations, as well as solicitation and contract documents.
 - 1.5.6 Oversee those aspects of the business operations of contract beds which directly affect inmates, to include inmate accounts, and shall ensure contract beds:
 - 1.5.6.1 Utilize the Department's Inmate Banking System (IBS) for accounting of all inmate monies.
 - 1.5.6.2 Comply with Department Order #905, Inmate Banking/Money System, except where contract beds are specifically excluded.
 - 1.5.6.3 Are responsible for purchasing the required electronic equipment.
 - 1.5.6.3.1 The Department shall connect the contract beds to the Department of Administration Data Center.
 - 1.5.6.3.2 The contract beds shall schedule Inmate Banking System training with the appropriate Department staff.

106.02 INMATE ELIGIBILITY, CLASSIFICATION AND TRANSFER

- 1.1 Institutional Classification staff with recommendations by unit Administrator or designee, shall review inmates for eligibility and submit the names of inmates who meet eligibility criteria to the Offender Support Services, Central Classification Unit.
- 1.2 The Central Classification Unit shall determine eligibility for placement in contract beds in accordance with the Classification Technical Manual.

106.03 TRANSFERRING INMATES FROM A CONTRACT PRISON - Transfers shall be approved by Central Classification.

- 1.1 Contract beds inmate movements shall be in accordance with Department Order #1004, Inmate Transfer System.
- 1.2 Inmates who have been removed from contract beds in accordance with Department Order #1004, Inmate Transfer System, may also be reclassified prior to movement in accordance with Department Order #801, Inmate Classification System.

106.04 RELEASE PROCEDURES

- 1.1 The Offender Support Services, Time Computation Unit shall calculate inmate release eligibility dates in accordance with Department Order #1002, Inmate Release Eligibility System.
- 1.2 The Offender Support Services, Release Notification Unit shall notify victims and other approved parties or agencies of inmates released in accordance with Department Order #1002, Inmate Eligibility Release System.
- 1.3 The contract beds contractor shall:
 - 1.3.1 Ensure inmates are released in accordance with procedures outlined in Department Order #1002, Inmate Eligibility Release System, including the preparation of documents, release packets and other information as required.
 - 1.3.2 Ensure inmates who are eligible and meet criteria receive release monies and the Department is invoiced for reimbursement for the billing period specified in the contract.

106.05 OFFENDER INFORMATION - The Department Monitor shall coordinate appropriate training for contract beds staff through the Offender Services Bureau.

- 1.1 The Offender Operations Offender Information Unit and the Information Technologies Bureau shall:
 - 1.1.1 Determine access and entry capability to offender information.
 - 1.1.2 Provide training to contract beds staff on how to access and enter offender information, including:
 - 1.1.2.1 AIMS data entry into all screens including movement, work evaluations and program participation.
 - 1.1.2.2 Security, control and dissemination of offender information in accordance with Department Orders #901, Inmate Records Information/Court Action System and #201, Information Release.
 - 1.1.2.3 Accessing and printing the automated summary record to be provided to inmates in accordance with Department Order #901, Inmate Records Information/Court Action System.
- 1.2 Contract Beds staff shall:

- 1.2.1 Maintain Inmate Institution files and control and disseminate offender information in accordance with Department Orders #901, Inmate Records Information/Court Action System and #201, Information Release.
- 1.2.2 Provide inmates with access to their automated summary records in accordance with Department Order #901, Inmate Records Information/Court Action System.
- 1.2.3 Process intelligence information in accordance with the Department ' s intelligence system.

106.06 COMPLIANCE WITH WRITTEN INSTRUCTION

- 1.1 Contract beds shall operationally support the practices of the Department, consistent with statutes, Department Orders and other written instruction including, in general, inmate work and program activities, visitation and telephone practices and other operational activities as directed by contract.
- 1.2 As outlined in Department Order #101, System of Written Instructions, contract beds, contract monitors and Contract Beds staff may apply for a waiver to a Department Order, a section of a Department Order or other written instruction. The Contracts Beds Operations Director shall determine the appropriateness of the application for a waiver.
- 1.3 The Contracts Beds Operations Director shall monitor the applicability of Department Orders to the contract beds and wherever possible eliminate the need for individual waivers. The Contracts Beds Operations Director or designee in consultation with the Policy Unit, shall determine the appropriate approach to documenting the applicability. An entire Department Order or individual sections of a Department Order may be declared not applicable to a contract beds.
 - 1.3.1 Applicability may be addressed in the specific contract for contract beds and/or may be further addressed in the specific Department Order.
 - 1.3.1.1 If needed, the applicability of a specific Department Order may be addressed in a separate "Applicability" statement, in the text of the affected Department Order or as an attachment to the Department Order as outlined in Department Order #101.
 - 1.3.1.2 An alternate process may be approved and included as part of the Department Order.
 - 1.3.2 Department Orders which apply only to staff, inmates or other individuals specifically identified in the text of the Department Order do not require a specific waiver or written determination of applicability if the Department Order does not task the contract beds or its staff with any responsibilities. Attachment A is a partial list of those Department Orders in this category and Department Orders which are not applicable to any contract prison.
 - 1.3.3 The Contracts Beds Operations Director shall review existing, new or revised Department Orders and after consulting with the Audit and Policy Unit may include a Department Order on Attachment A.
- 1.4 The Contracts Beds Operations Director or designee shall address applicability and waivers for Technical Manuals in a similar fashion with the Office of Primary Responsibility for the Technical Manual.

IMPLEMENTATION

Within 90 days of the effective date of this Department Order, the Division Director for Offender Operations shall ensure the Contract Beds Technical Manual is updated addressing the quantitative and/or qualitative standards for compliance with contract provisions and applicable statutes, and written instructions including, but not limited to:

- Applicable Federal, State and/or local building, health, safety and fire codes.
- Applicable Arizona Revised Statutes.
- Recommended dietary allowances published by the Food and Nutrition Board, National Academy of Science - National Research Council.
- The Comprehensive Health Care Plan of the National Commission of Correctional Health Care Standards for Health Services in Prisons.
- Applicable Arizona Administrative Codes.
- Applicable Arizona Department of Corrections Department Orders, Director's Instructions and other written instructions, to include such topics as inmate commissary, inmate payroll (WIPP), etc.

DEFINITIONS

CONTRACT BEDS BUREAU SUPPORT ADMINISTRATOR – The second-ranking Administrator within the Contract Beds Bureau, equivalent to a Correctional Administrator 3 (Deputy Warden).

CONTACT BEDS OPERATIONS DIRECTOR – The highest-ranking Administrator within the Contract Beds Bureau, equivalent to a Regional Operations Director.

CONTRACT BEDS - For the purposes of this Department Order, any detention center, re-entry center, city jail, county or regional jail, prison, penitentiary, or other correctional institution, owned and/or operated by a private prison corporation *or any law enforcement agency/jurisdiction other than ADC*, at which Department inmates are housed for an indefinite period (longer than a transitory period of 72 hours), and for which the Department has entered into a contract whereby the housing entity receives per capita per diem payments. Also called: Private Prison. [Note: this definition of contract prison *is not* the definition of "private prison" as used in Arizona Revised Statutes.] Contract prisons fall into two categories:

- **In-State:** Those contract prisons (of whatever type, above) geographically located within the boundaries of the State of Arizona.
- **Out-of-State:** Those contract prisons (of whatever type, above) geographically located beyond the boundaries of the State of Arizona. Historically, the Department has had out-of-state private prisons in: Indiana, Oklahoma, and Texas.

DEPARTMENT MONITOR - The Contract Beds Bureau Correctional Administrator or Administrative Services Officer, whose overall responsibility is to ensure the execution of the Contract and compliance with Department policy between the contract beds contractor and the Department. Also called: Contract Monitor.

DEPARTMENT MONITORING TEAM - Any of the Contract Beds Bureau or other Department staff assigned to contract beds for monitoring purposes. Also called: Contract Monitoring Team.

PROGRAMS MONITOR - The assigned Correctional Officer 3 or 4 whose main area of monitoring/oversight at the contract prison is the programs operations and functions of the contract prison.

SECURITY MONITOR - The assigned Correctional Lieutenant or Captain whose main area of monitoring/oversight at the contract prison is the security operations and functions of the contract prison.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENTS

Attachment A, Department Orders Not Applicable to Contract Beds. (No Tasks Assigned) and Department Orders Not Applicable to Contract Beds.

AUTHORITY

A.R.S. 41-1609, Agreements with Federal or Private Agencies and Institutions; Contract Review: Definitions.

A.R.S. 41-1609.01, Adult Incarceration Contracts; Criteria.

A.R.S. 41-1609.02, Establishment of Private Prison Facilities; Notice; Hearing.

A.R.S. 41-1609.03, Adult Incarceration Private Contractors; Liability for Services.

DEPARTMENT ORDERS NOT APPLICABLE TO CONTRACT BEDS*

(NO TASKS ASSIGNED TO CONTRACT BEDS STAFF - NO NEED FOR A SEPARATE APPLICABILITY STATEMENT)

115, Authority/Responsibility Delegated to ACI
306, Criminal Justice Enhancement Fund
307, Federal Grants
308, Management of Rico Funds
401, Prison Construction
402, Site Selection
710, Executions
1003, Community Supervision
1006, Community Correctional Center

***THE DEPARTMENT ORDER IDENTIFIES SPECIFIC INDIVIDUALS OR AREAS THAT HAVE TASKS**

DEPARTMENT ORDERS NOT APPLICABLE TO CONTRACT BEDS

102, Automation Management Information Systems
103, Correspondence Control
112, Department Meetings
113, Institutional Management/Organizational Structure
118, Director 's Issue Packages
304, Equipment and Inventory System
405, Vehicles/Vehicle Maintenance
406, Central Office Parking
505, Employee Benefits
506, Employee Awards
507, Employee Records
512, Employee Assignments, Work Hours, Compensation and Leave
514, Performance Appraisal for Correctional Employees (PACE)
516, Employee Exit Interviews
517, Employee Grievances
518, Personnel Rules- Delegated Authority
519, Employee Health, Assessment, Accommodation, Alternate Assignment
601, Administrative Investigations and Employee Discipline