

CHAPTER: 1000

Releases/Community Supervision

DEPARTMENT ORDER:

**1005 – Escorted Inmate Leave For Family
Serious Illness or Funeral**

**OFFICE OF PRIMARY
RESPONSIBILITY:**

OPS

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Arizona Department of Corrections

Department Order Manual



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TABLE OF CONTENTS

PURPOSE	1
APPLICABILITY	1
PROCEDURES	1
1.0 ELIGIBILITY.....	1
2.0 LEAVE REQUIREMENTS.....	2
3.0 APPLICATION PROCESS.....	2
4.0 LAW ENFORCEMENT NOTIFICATION	3
5.0 TRANSPORTATION.....	4
6.0 EXPENSES.....	4
FORMS LIST	5
AUTHORITY	5

PURPOSE

This Department Order establishes a system that provides for escorted inmate leave to visit an immediate family member in imminent danger of death (bedside visit) or to attend a private funeral viewing of a deceased immediate family member.

APPLICABILITY

This Department Order applies to inmates assigned to all institutions and private prison vendors who apply for an escorted leave visit. It does not apply to offenders under Community Supervision or to inmates. (See Department Order #1003, Community Corrections.)

PROCEDURES

1.0 ELIGIBILITY

- 1.1 Inmate escorted leave shall be granted only for situations involving verified inmate immediate family members. Immediate family is identified as an inmate's legal spouse, natural or adopted parents, siblings, natural or adopted children, stepchildren, grandparents, or person verified as being primarily responsible for raising the inmate in the absence of a parent.
- 1.2 Each escorted leave request shall be considered individually on a case by case basis. One or more of the following factors may be considered in establishing ineligibility for an escorted leave visit:
 - 1.2.1 A documented prison and/or criminal history which include a disposition for an escape or escape attempt from within the secure perimeter of a jail or correctional facility, from a work detail, or while on a transport by a correctional or law enforcement agency.
 - 1.2.2 The inmate has a documented criminal history that includes absconding from Probation, Parole or Community Supervision.
 - 1.2.3 The inmate has unresolved warrants or detainers.
 - 1.2.4 A documented prison history that includes possession of contraband for escape or materials used to remove restraints.
 - 1.2.5 A documented history of physical assault against correctional staff or law enforcement officers.
 - 1.2.6 The inmate's presence in the community could present a threat to the safety of staff, the inmate or the general public.
 - 1.2.7 The inmate had a mental status evaluation by a contract mental health professional that indicates the leave would not be in the best interest of the inmate or public safety.
 - 1.2.8 The inmate is in Close or Maximum security status or an inmate with a high Internal Risk score.

- 1.2.9 The inmate is currently in detention status, is pending discipline for a serious major rule violation, or has had two or more serious rule violations within the past six months.
- 1.2.10 The inmate has failed to demonstrate program compliance that would warrant ineligibility for consideration of the escorted visit.
- 1.2.11 The inmate is currently housed in a private prison out of state, or has been transferred to another state through Interstate Compact.

2.0 LEAVE REQUIREMENTS

- 2.1 Inmates are eligible for escorted leave only within the boundaries of the State of Arizona.
- 2.2 Inmates may apply for an escorted leave for a bedside visit for serious illness or a funeral viewing, but not both.
- 2.3 Bedside visits shall only be permitted for a family member who is in imminent danger of death, as determined by a physician or other health care professional. This must be documented and included with the Inmate Escorted Leave Application, Form 1005-1.
- 2.4 Bedside visits shall only occur in a hospital, hospice care center or nursing home. Bedside visits at a private residence shall not be approved. Inmate Escorted Leave Application forms for any other location shall be reviewed on a case by case basis.
- 2.5 Funeral leave to attend a viewing of deceased immediate family member shall only be approved for funeral homes and/or mortuaries. Visits shall not be approved for private residences, graveside services, or to attend church services. Funeral viewings inside of a church may be authorized on case by case basis where the viewing is private and the family and the public will not be present.
- 2.6 Funeral visits shall not be approved for a closed casket, or in the event the body has already been cremated.
- 2.7 Escorted leave shall be pre-arranged private visits. Family members and the general public shall not be permitted to attend the private viewing or bedside visit with the inmate.
- 2.8 Escorted leave shall not exceed one hour in length. The total time, including travel, shall not exceed eight hours in length. Attendance at an escorted visit is limited to hours between 0800 and 1700 hours. The respective Regional Operations Director shall approve trips in excess of eight hours.
- 2.9 The Division Director for Prison Operations or designee, the Warden or Deputy Warden may deny an Inmate Escorted Leave Application form, in the event approval would result in complex/unit staffing dropping below CORE or would result in the expenditure of overtime.

3.0 APPLICATION PROCESS

- 3.1 Inmate Escorted Leave applications shall be evaluated on a case by case basis. The first reviewer shall be the Deputy Warden, followed by the Complex Warden as second reviewer. Either shall recommend or not recommend the escorted leave and forward the application to the Division Director for Prison Operations. The Division Director or designee shall then render final approval or denial, and return the application to the Complex Warden.

- 3.2 Inmates who wish to apply for an escorted visit shall complete and submit an Inmate Escorted Leave Application form through their assigned Correctional Officer III (CO III) or the appropriate private prison staff.
- 3.3 The CO III, chaplain or designated staff shall verify the family illness and or death information by contacting hospitals, doctors, social workers, funeral directors, local law enforcement and/or other reliable professional resources.
 - 3.3.1 All relationships between the inmate and the ill/deceased family member shall be verified through documentation including, but not limited to, visitation records, court records, or birth records. The type of documentation utilized for verification shall be noted on the application.
 - 3.3.2 The designated staff completing the application shall complete a review of the inmate's file and the Adult Information Management System (AIMS). Any information used to support disapproval shall be attached to the application.
- 3.4 Verified Inmate Escorted Leave Application forms shall be hand carried to the Deputy Warden and the Warden, who shall recommend approval or disapproval of the escorted leave in writing. The application shall be sent electronically or faxed to the Division Director for Prison Operations for review and approval. All requests shall be submitted to the Division Director 24 hours prior to the scheduled visit whenever practical.
- 3.5 Inmate Escorted Leave Application forms for inmates housed at private prison facilities shall be initiated by private prison staff that shall confirm transportation and ensure all arrangements are consistent with this Department Order. The application shall be reviewed for approval by the facility Warden and shall be hand carried to the Contract Beds Bureau Monitor or designee for further review. The Contract Beds Bureau Monitor or designee shall fax the completed application to the Division Director for Prison Operations for final approval.
- 3.6 The Division Director for Prison Operations or designee may exercise discretion and deny an Inmate Escorted Leave Application form for escorted leave based upon correctional judgment and the necessity to operate the institutions in a safe and orderly manner.

4.0 LAW ENFORCEMENT NOTIFICATION

- 4.1 In all cases of a family member's death, the cause of death shall be verified and noted on the application. In cases where the cause of death is other than natural causes, or is listed as the result of a homicide or violence, the local law enforcement shall be contacted to provide the circumstances surrounding the death.
- 4.2 Institution staff shall contact local law enforcement where information indicates a possible threat to the safety of staff, inmates or the public. This includes, but is not limited to, situations where the funeral home/mortuary, nursing home, or hospice center is located in a high crime area or in an area where there may be the potential for street gang activity. All contacts shall be noted on the application.
- 4.3 Hospital security shall be notified of all hospital visit trips in advance and the escorting officers shall follow all visitation protocols.

- 4.4 Institutions shall make timely notifications to the Department's Inspector's General Bureau and local law enforcement agencies whenever circumstances arise where assistance may be necessary. This includes, but is not limited to, situations where an inmate is a validated Security Threat Group (STG) member, as outlined in Department Order #806, Security Threat Groups (STGs), or when there is an indication the family member is the victim of a homicide or an act of violence may be gang related.

5.0 TRANSPORTATION

- 5.1 The ratio of Correctional Officers to inmates on escorted leave is two officers to one inmate. All inmates shall be transported in a Department caged transport vehicle.
- 5.2 Escorting Correctional Officers shall be:
- 5.2.1 Armed.
 - 5.2.2 Required to wear appropriate protective vests at all times.
 - 5.2.3 Issued Department cell phones for the trip.
- 5.3 Inmates shall be restrained at all times in accordance with Department Order #705, Inmate Transportation. Restraints shall not be removed at any time during the escorted leave.
- 5.4 Inmates shall be required to wear orange colored Department inmate uniforms. Officers shall maintain visual contact with the inmate at all times.
- 5.5 The use of restroom facilities shall be provided to inmates on trips of an extended length. Restrooms at the nearest Department facility shall be the primary resource for this purpose. If a Department facility is unavailable, the transporting officers shall notify the Central Office Communications Center and proceed to the nearest law enforcement agency for assistance. At no time shall a commercial, residential building, hospital, church or hospice be utilized for restroom facilities.
- 5.6 The escorting officers are authorized to terminate the trip at any time if they determine the security or safety of themselves, the public, or the inmate cannot be maintained. An Incident Report, Form 105-2, shall be filed upon return to the institution.
- 5.7 Upon the inmate's return to the institution/facility, escorting staff shall report on the inmate's demeanor and behavior following the visit to their supervisor. The chaplain and the mental health staff shall be notified of the inmate's return in the event the inmate's demeanor warrants. Inmates shall be strip searched prior to leaving and upon returning to the institution/facility, as outlined in Department Order #708, Searches.

6.0 EXPENSES

- 6.1 Inmates housed at Department and/or private prison facilities shall be required to reimburse the Department for expenses incurred during the escort. The CO III or CO IV submitting the Inmate Escorted Leave Application form shall calculate the costs.
- 6.2 Inmates who apply for or request a bedside, hospital, or funeral trip shall indicate in what manner the trip is to be funded. The salaries of the escorting officers as well as the travel costs/mileage shall be requested from the inmate's family.

- 6.2.1 Payments shall be remitted to the nearest Department facility and may either be mailed or hand delivered. All funds shall be in either cashier's check or money order (US currency only). Cash shall not be accepted.
 - 6.2.1.1 The cashier's check or money order shall have the inmate's name, Arizona Department of Corrections (ADC) inmate number, and a notation as to what it is for (e.g., funeral trip, bedside visit etc.).
- 6.2.2 Payments made by the family shall be received in full prior to the scheduled leave approval.
- 6.2.3 The receiving business office shall deposit the funds into the appropriate inmate account and notify the business office at the facility where the inmate is housed.
- 6.3 If the family cannot fund the escorted visit:
 - 6.3.1 The inmate shall be required to provide payment for the escorted leave.
 - 6.3.2 An inmate with sufficient funds in his/her account shall sign an Inmate Request for Withdrawal, Form 905-1, debiting his/her account for the full amount of the leave.
 - 6.3.3 If the inmate refuses to sign the Inmate Request for Withdrawal form and the family cannot or refuses to fund the trip, the escorted visit shall be denied.
 - 6.3.4 The Inmate Escorted Leave Application form shall be denied should the inmate have insufficient funds in his/her account to cover the costs of the leave. The Department shall not authorize an inmate to have a hold placed on his/her account to cover the costs of an escorted leave.

FORMS LIST

1005-1, Inmate Escorted Leave Application

AUTHORITY

A.R.S. §31-233, Order for Removal; Purposes; Duration; Continuous Alcohol Monitoring Program; Failure to Return; Classification