

CHAPTER: 200

Public/Public Access

DEPARTMENT ORDER:

202 – Public Access – Tours and Board Hearings

OFFICE OF PRIMARY RESPONSIBILITY:

OPS

Effective Date:

June 2, 2009

Amendment:

January 31, 2012

Supersedes:

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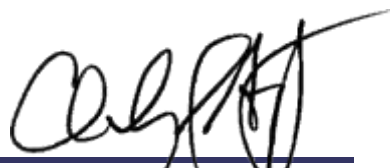
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ACCESS

Contains Restricted Section(s)

Arizona Department of Corrections

Department Order Manual



Charles L. Ryan, Director

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PURPOSE *[Revision – January 31, 2012]*

This Department Order establishes guidelines for public access to institutions and contract bed facilities as part of an authorized tour or attendance at Board of Executive Clemency and Immigration and Custom Enforcement (ICE) Deportation hearings. The Director or designee may deny access to anyone who has been convicted of a felony crime, who violates the Department's written instructions or who otherwise represents a threat to the safe, secure and orderly operation of Department facilities.

APPLICABILITY

This Department Order addresses public access to institutions for tours or attendance at Board of Executive Clemency hearings and Immigration and Custom Enforcement (ICE) Deportation hearings only. For guidelines concerning access by visitors, volunteers, contractors, researchers, and religious groups, refer to the following Department Orders:

- Department Order #203, Research Projects
- Department Order #204, Volunteer Services
- Department Order #205, Contractor Security
- Department Order #904, Inmate Religious Activities/Marriage Requests
- Department Order #911, Inmate Visitation - This Department Order includes non-Department law enforcement, attorneys and agents of attorneys as well as inmate visitors.* Department Order #904, Inmate Religious Activities/Marriage Requests.

All persons entering a Department institution or contract bed facility shall be searched prior to entering, in accordance with Department Order #708, Searches.

Persons with a disability or special needs may request a reasonable accommodation, such as a sign language interpreter or wheelchair accommodation, by contacting the Division Director for Prison Operations or designee. Requests should be made as early as possible to allow time to arrange the accommodation.

PROCEDURES

1.0 INSTITUTION TOURS

- 1.1 Subject to available staffing and security-related issues, efforts may be made to accommodate requests for tours from the following entities:
 - 1.1.1 Criminal justice agency representatives
 - 1.1.2 Elected officials and their staff
 - 1.1.3 News media staff - Tours by the news media shall be coordinated with the Department's Office of Media and Public Relations, as outlined in Department Order #207, Media Relations.
 - 1.1.4 Civic groups, such as interested members of the public, staff family members, potential applicants and victim service groups

- 1.1.5 Correctional Practitioners from other jurisdictions
- 1.1.6 Graduate-level classes in law enforcement and criminal justice
- 1.1.7 Others as designated by the Director
- 1.2 Once a tour is approved, the Warden shall notify the Director's Office prior to the date of the tour.
- 1.3 Elected Officials and their staff are not subject to the restrictions of this Department Order. (See Department Order #110, Legislative Activities.)
- 1.4 Groups/entities other than those identified in this section may apply in writing to the Warden.
- 1.5 No individual under age 18 shall be allowed to tour inside a secure perimeter.
- 1.6 Tours shall not last longer than two hours.
- 1.7 The number of persons allowed per tour group shall not exceed 20, additional restrictions may apply.
- 1.8 Authorization – Wardens may authorize tours of Department institutions under the guidelines established by the Director.
 - 1.8.1 All requests for tours shall be submitted in writing to the Warden who is the sole point of contact for tour requests. The Warden shall:
 - 1.8.1.1 Determine the days, times and methods for a tour.
 - 1.8.1.2 Provide the contact person for the tour group with the following forms, instructions on their completion and directions to return them at least 15 work days 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 Criminal History Information Request, Form 121-1, with instructions that all information used for identification purposes is required, and that omitted information may result in that person being denied entrance to the institution.
 - 1.8.1.3 Provide the contact person with a letter, which thanks them for their interest, and outlines some do's and don'ts. (Attachment A provides some sample language to be used.)
 - 1.8.1.4 Advise the contact person for the tour that once the forms have been returned to the Warden, alternates/substitutions will not be permitted.
- 1.9 Due to extenuating circumstances, prior to the tour being scheduled, exceptions to the criteria for tours may be approved by the Director or Division Director for Prison Operations on a case-by-case basis.

- 1.10 For tours requested by the media see Department Order #207, Media Relations and for legislative requests for tours see Department Order #110, Legislative Activities.
- 1.11 Arizona Criminal Information Center/National Criminal Information Center (ACIC/NCIC) Clearance
 - 1.11.1 The Criminal History Information Request form shall be completed by each person planning to participate in the tour group as outlined in Department Order #121, Arizona Criminal Justice and Non-Criminal Justice Information and Identification System, which shall include their name, date of birth, and social security number.
 - 1.11.1.1 The contact person for the tour group shall return the completed forms to the Warden, a minimum of 15 work days prior to a scheduled tour.
 - 1.11.1.2 The Department's designated person shall forward the forms to the ACJIS Operator for clearance through ACIC/NCIC.
 - 1.11.2 After ACIC/NCIC clearance is received, the Warden shall:
 - 1.11.2.1 Approve or deny the entire tour group, or may, deny any individual(s) on the tour based upon the results of the criminal history inquiry.
 - 1.11.2.2 Notify the point of contact for the tour group and advise them who will be allowed to participate in the tour.
 - 1.11.2.3 Notify the following persons of the approved tour to include date, time and area(s) to be visited:
 - 1.11.2.3.1 Director's Office
 - 1.11.2.3.2 Public Information Office
 - 1.11.2.3.3 Affected Regional Operations Director
 - 1.11.2.3.4 Division Director for Prison Operations
 - 1.11.2.4 Maintain a log, which identifies each person's last name, first name, the tour group, date and time of the tour and all completed forms regarding requested tours.
 - 1.11.3 Persons not clearing the ACIC/NCIC check shall be denied entrance unless otherwise authorized by the Warden. Persons that are denied entrance may reapply to participate in a tour at a later date.
- 1.12 Standard Tours – Tours are intended to educate participants on the Department's mission, general operations and guiding principles. Wardens and Administrators shall ensure that tour groups have opportunities to observe facets of the Arizona Plan. A standardized tour route will be established for each facility with the following areas:
 - 1.12.1 Intake

- 1.12.2 Education
- 1.12.3 Work-Based Education
- 1.12.4 Program Activities
- 1.12.5 Visitation
- 1.12.6 Libraries
- 1.12.7 Work Locations
- 1.13 Each complex Warden shall forward their established tour route through their respective Regional Operations Director to the Division Director for Prison Operations for approval.
- 1.14 The following areas shall be considered restricted from public tours unless approved in writing from the Warden:
 - 1.14.1 Detention Units
 - 1.14.2 Towers
 - 1.14.3 Main Controls
 - 1.14.4 Special Security Unit/Security Threat Group offices
 - 1.14.5 Mental Health Units
 - 1.14.6 Areas where inmates are on Mental Health Watches
 - 1.14.7 Special Management Unit (SMU)
 - 1.14.8 Browning Unit
 - 1.14.9 HU-9
- 1.15 Conduct During Tours – 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 Division Director for Prison Operations on a case-by-case basis.
 - 1.15.1 Each individual of a tour group shall be required to present identification as outlined in section 3.0 of this Department Order.
 - 1.15.2 Persons on tours shall comply with all Department Orders or other written instructions, including those regarding dress, inmate contact and contraband. No shades of orange clothing that may be mistaken for inmate clothing, or any shades of brown or tan clothing are permitted.
 - 1.15.3 The operation of the institution shall take precedence over tours. During emergency situations, staff shall respond in accordance with Department Order #706, Emergency Preparedness, Response, and the Incident Command System (ICS). Institutional staff shall provide specific directions to tour groups during emergencies.
[Revision – January 31, 2012]

- 1.15.4 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 that they may be under the influence of drugs and/or alcohol. In such cases that staff member shall:
 - 1.15.4.1 Immediately notify their supervisor.
 - 1.15.4.2 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.
 - 1.15.4.3 At the discretion of the supervisor, escort the denied person(s) off state property.
- 1.15.5 Except as approved, persons on tours shall not interview or otherwise talk with inmates.
- 1.15.6 At no time will physical contact between an individual of a tour group and an inmate be permitted.
- 1.15.7 Cigarette smoking shall only be permitted as outlined in Department Order #109, Smoking and Tobacco Regulations.
- 1.15.8 Contraband and illegal contraband are prohibited. (See the Glossary of Terms.)

2.0 PUBLIC ATTENDANCE AT BOARD OF EXECUTIVE CLEMENCY AND DEPORTATION HEARINGS – Board of Executive Clemency hearings and Immigration and Custom Enforcement (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 The Immigration and Custom Enforcement 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 the abused spouse agrees that the hearing and the Record of Proceeding shall 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, which has been filed under seal pursuant to C.F.R 1003.31(d), may be considered.

2.2 Admittance to an Institution – Members of the public shall be permitted into institutions for the purpose of attending Board of Executive Clemency/ICE Deportation hearings.

2.3 General Provisions

2.3.1 A parent or guardian shall accompany any Board of Executive Clemency/ICE Deportation hearing visitor under the age of 18.

2.3.2 Board of Executive Clemency/ICE Deportation hearing visitors shall:

2.3.2.1 Not be required to provide the name of a specific inmate who is scheduled for a Board of Executive Clemency/ICE Deportation hearing.

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

2.3.2.3 Not be required to clear an ACIC/NCIC.

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

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

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

2.4 Items That May Be Brought Into An Institution – A Board of Executive Clemency/ICE Deportation hearing visitor shall be allowed to bring only the following items:

2.4.1 Personal identification

2.4.2 Prescription medication - Only in the original container and in the amount needed during the Board of Executive Clemency/ICE Deportation hearings the visitor will attend.

2.4.3 A change of clothing and feeding bottles of milk, formula or juice for an infant when the infant is taken into the institution

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

2.4.5 An audio tape recorder only - No other recording devices are authorized.

2.4.6 Media Personnel - Individuals from the media shall be allowed to bring video cameras into the institution for Board of Executive Clemency/ICE Deportation hearings as outlined in Department Order #207, Media Relations, pursuant to A.R.S. §38-431.08.

- 2.5 Denial of Entry into a Unit for a Board of Executive Clemency/ICE Deportation Hearing – The Warden, Deputy Warden or Assistant Deputy Warden may determine that there is reason to believe that a person's attendance at a hearing constitutes a serious threat to the life or physical safety of any individual or to the safe, secure and orderly operation of the institution. In such cases, the individual shall be denied access to the unit based on evidence that the person could constitute a threat under the security provisions maintained during Board of Executive Clemency/ICE Deportation hearings.
- 2.5.1 The staff member denying entry shall:
- 2.5.1.1 Immediately notify the Warden, or if at a contract bed facility, the Operations Director, of the denial.
 - 2.5.1.2 Within two hours of the denial, submit an Information Report through Warden or the Contract Beds Operations Director to the Division Director that 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.
- 2.5.2 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.
- 2.5.3 Within four hours of the denial, the Warden or Deputy Warden shall FAX a packet containing the following information to the Division Director for Prison Operations:
- 2.5.3.1 Report and supporting documentation from the unit Deputy Warden
 - 2.5.3.2 Any Information Reports completed by staff
 - 2.5.3.3 Any and all other information supporting the decision to deny the person entry
- 2.6 Limitation of Physical Contact - No physical contact whatsoever shall be allowed between an inmate and any person who attends a Board of Executive Clemency/ICE Deportation hearing.
- 2.7 Security Measures within Institutions
- 2.7.1 A correctional officer shall be posted at all times in the hearing room from the time of admittance of visitors and Board of Executive Clemency/ICE Deportation members until the Board of Executive Clemency/ICE Deportation hearing is over and the hearing room is vacated.
 - 2.7.2 A correctional officer shall be posted in designated smoking areas when occupied by Board of Executive Clemency/ICE Deportation hearing visitors.
 - 2.7.3 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.

2.7.4 Public attendance of Board of Executive Clemency/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 that the security or orderly operation of the institution warrants such action.

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

3.2 Picture identification includes:

3.2.1 Military identification

3.2.2 Passport

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 Immigration and Custom Enforcement documentation cards

IMPLEMENTATION *[Revision – January 31, 2012]*

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

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

ATTACHMENTS

Attachment A, Tour Letter (Sample)

FORMS LIST

202-1, Request for Institution Tours

AUTHORITY

A.R.S. §36-601.02, Smoking in state buildings; prohibition; exception; violation; classification

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

A.R.S. §38-431.07, Violations; enforcement; removal from office; in camera review

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

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

ATTACHMENT A

[Revised – August 8, 2010]

(Use State letterhead.)

Date

Dear Sir or Madam:

On behalf of the Director for the Department of Corrections 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 that you and your group do not have any problems 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 that 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 that 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, accommodations or medical condition, you may request a reasonable accommodation by contacting the Division 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)