

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 200</p> <p>PUBLIC/PUBLIC ACCESS</p>	<p>OPR:</p> <p>SS</p>
	<p>DEPARTMENT ORDER: 205</p> <p><i>CONTRACTOR SECURITY</i></p>	<p>SUPERSEDES:</p> <p>DO 205 (11/18/02)</p>
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PURPOSE

This Department Order establishes a system to screen architectural and engineering consultants, contractors, construction contractors, subcontractors and their employees prior to permitting them access to an institution, and specifies security-related criteria for denying a person access. Consultants, contractors and/or their employees may be denied access to an institution if they are ex-offenders or if they have been arrested, indicted for, or convicted of, a felony crime; violate the Department's written instructions; or otherwise represent a threat to the safe, secure and orderly operation of the institution.

The above Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

APPLICABILITY

This Department Order applies to all architectural and engineering consultants, and Arizona Department of Administration General Services Division Employees, as well as contractors, construction contractors, subcontractors and their employees who perform facilities construction, renovation and/or maintenance at a Department facility or at a Contract Beds facility, or who elect to attend a pre-bid conference for such services.

PROCEDURES

205.01 CONTRACT REQUIREMENTS AND TERMINATION

- 1.1 The Administrative Services Bureau Administrator, under the direction of the Division Director for Support Services, shall ensure that contracts are in accordance with Department Order #302, Contracts and Procurement, and include the following security requirements:
 - 1.1.1 Contractors shall comply with the terms of this Department Order and all other relevant rules and/or written instructions.
 - 1.1.2 Contractors shall agree to cooperate fully in any administrative investigation process.
 - 1.1.3 Investigations shall be conducted when there are allegations of:
 - 1.1.3.1 Noncompliance with rules, Department Orders and/or other written instructions.
 - 1.1.3.2 Misconduct or criminal acts.
 - 1.1.4 Routine searches of persons, personal property, equipment and vehicles shall be conducted in accordance with Department Order #708, Searches:
 - 1.1.4.1 When entering and exiting the institution/unit.
 - 1.1.4.2 At established checkpoints.

- 1.1.4.3 Reasonable suspicion - Department staff determine when there is reasonable suspicion that an individual possesses contraband while within a secure area of an institution.
- 1.2 The Warden or Deputy Warden shall determine, on a case-by-case basis, whether ex-offenders and individuals accused of misconduct or crimes shall be denied access to an institution.
- 1.3 To terminate or cancel a contract due to noncompliance the Warden or Deputy Warden shall submit a memorandum, through the appropriate chain-of-command to the Administrative Services Bureau Administrator, as outlined in Department Order #302, Contracts and Procurement.
 - 1.3.1 The memorandum shall request, in specific detail, that a contract be terminated if a contractor has failed to satisfactorily prevent a contract employee who was denied access from providing services or materials to the institution.

205.02 APPLICATION AND SCREENING PROCESS

- 1.1 The Engineering and Facility Bureau Administrator shall:
 - 1.1.1 Obtain from the contractor:
 - 1.1.1.1 A list consisting of each individual requiring access to an institution. This list shall include:
 - 1.1.1.1.1 The name (last, first, middle initial and any other name(s) the individual(s) has used.
 - 1.1.1.1.2 The date of birth.
 - 1.1.1.1.3 The social security number.
 - 1.1.1.1.4 Driver's license number and the state of issue.
 - 1.1.1.2 A completed Criminal History Information Request, Form 121-1, or a Background Questionnaire, Form 602-1, completed up to Item 1, Personal Data, a signed Consent to Search, Form 608-7, and a fingerprint card for each person on the list.
 - 1.1.2 Submit the list, with the completed forms outlined in 1.1.1.2 of this section, to the appropriate processing unit for a warrant and criminal history inquiry. To allow time for the inquiries to be completed, the list and attachments shall be submitted to the appropriate processing unit at least ten workdays before the work is scheduled to begin. The Program Administrator's name shall be printed at the top of the list.
 - 1.1.2.1 For contractors whose employees are primarily in the Phoenix metropolitan area, the Background Investigations Unit shall serve as the processing unit.
 - 1.1.2.2 For contractors whose employees are primarily outside the Phoenix metropolitan area, the RUSH Satellite Office, nearest the contractor, shall serve as the processing unit.

- 1.1.3 Provide the Human Services Bureau Administrator and the RUSH Satellite Office with the list of persons to be fingerprinted, and an envelope addressed to the Background Investigations Unit that has been coded with the project number.
- 1.1.4 Coordinate the fingerprinting process between the contractor and the RUSH Satellite Office. When all contractors for a given project have been fingerprinted, the RUSH Satellite Office contact shall forward all of the completed paperwork to the Background Investigations Unit for processing.
- 1.2 The Background Investigations Unit shall provide the Arizona Criminal Justice Information System (ACJIS) inquiry results to the Warden or their designee, who shall determine whether the contractor will be permitted access to the institution.
 - 1.2.1 When determining whether to permit access to an ex-offender, the Warden shall consider any relevant factors including:
 - 1.2.1.1 The requirements in Department Order #504, Recruitment and Hiring System.
 - 1.2.1.2 The likelihood that access to an institution may enhance the opportunity for other similar offenses.
 - 1.2.1.3 The time elapsed since the conviction.
 - 1.2.1.4 The likelihood that personal circumstances that led to the offense may recur.
 - 1.2.1.5 The ex-offender's conduct since the conviction, if known.
 - 1.2.2 The Program Administrator shall:
 - 1.2.2.1 Advise the contractor's employer if a contractor is denied access to the institution based on the criminal history obtained from Arizona Crime Information Center/National Crime Information Center (ACIC/NCIC) and/or the ACJIS. However, the specific information obtained from ACIC/NCIC and/or ACJIS shall not be disclosed to the employer. Information received from the ACJIS shall only be disseminated as authorized in Department Order #121, Arizona Criminal Justice Information and Identification System.
 - 1.2.2.2 Immediately contact the nearest Criminal Investigations Unit office when an ACJIS inquiry has located an outstanding warrant or pending felony charge against a contractor.

205.03 IDENTIFICATION CARDS

- 1.1 The Program Administrator shall ensure that:
 - 1.1.1 A contractual staff identification card is issued to each individual who is to be permitted access to the institution in accordance with Department Order #515, Employee Identification System.
 - 1.1.2 Identification cards:
 - 1.1.2.1 Are checked at all routine checkpoints and, when required for security reasons, at other locations.

- 1.1.2.2 Are valid for the period of the project/contract or for one year, whichever is shorter.
 - 1.1.2.2.1 For contracts/projects continuing for more than one year, identification cards shall be renewed annually on or before the anniversary date of the original issue of the identification card.
 - 1.1.2.2.2 As identified in Department Order #515, Employee Identification System, issuing authorities shall ensure that identification cards are renewed and that ACIC/NCIC background checks are completed on each cardholder within three business days of the card renewal.
- 1.1.3 Consultants and contractors are advised that identification cards are State property and shall be signed for at the time of issue and later, upon request, returned to the Warden or Deputy Warden.
- 1.1.4 Identification cards are collected when the contractor is no longer permitted access to an institution.
- 1.1.5 All contractors remain in their authorized area(s) at all times under the direction of the project coordinator.
- 1.1.6 All contractors comply with the stipulated requirements as outlined in Stipulated Requirements for Contractors, Attachment A.
- 1.2 The Engineering and Facility Bureau Administrator shall:
 - 1.2.1 Maintain a current roster of all contractors who have access to the institution.
 - 1.2.2 Update the roster monthly and provide a copy of each updated roster to the Background Investigations Unit.
 - 1.2.3 Ensure that a copy of the roster is available for review by the Department’s investigators upon their request.

205.04 ALLEGATIONS OF MISCONDUCT AND CRIMINAL ACTIVITY

- 1.1 Allegations of Misconduct
 - 1.1.1 In the event of an allegation of a contractor’s employee involvement in misconduct or noncompliance with Department Orders and/or other written instructions, the Program Administrator shall:
 - 1.1.1.1 Immediately notify the Administrative Investigations Unit and request an administrative investigation as outlined in Department Order #601, Administrative Investigations and Employee Discipline.
 - 1.1.1.2 Determine whether the subject(s) of the investigation will be denied access to the institution pending the outcome of the investigation.

- 1.1.1.3 Pending the outcome of the investigation, deny access to the subject(s) of the investigation when the allegation is related to the following offenses:
 - 1.1.1.3.1 Noncompliance with security-related written directives.
 - 1.1.1.3.2 Any other allegation of misconduct that would, if confirmed, pose a threat to institutional security.
 - 1.1.2 Upon completion of the investigations, the Administrative Investigations Unit shall forward a copy of the investigation report to the Division Director for Offender Operations for review and distribution to the Program Administrator and the affected Division Director, if other than Offender Operations.
 - 1.1.3 The Program Administrator shall permit the contractor’s employee access to the institution when the investigation results determine that the allegation(s) of misconduct is unfounded.
 - 1.1.4 Contract Termination Due to Noncompliance - The Program Administrator shall forward, through the appropriate chain-of-command, a written recommendation to the Administrative Services Bureau Administrator that the entire contract be terminated, if a contractor:
 - 1.1.4.1 Is denied institutional access, due to ACIC/NCIC or ACJIS information.
 - 1.1.4.2 Fails to cooperate fully in an administrative investigation.
 - 1.1.4.3 As the result of an investigation is determined to be guilty of contractor criminal activity or misconduct.
 - 1.1.4.4 Has failed to satisfactorily prevent a contract employee who was denied institutional access from continuing to provide services or materials to the institution.
- 1.2 Allegations of Criminal Activity
- 1.2.1 In the event there are allegations of contractor criminal activity, the Program Administrator shall:
 - 1.2.1.1 Immediately request the nearest Criminal Investigations Unit to conduct an investigation.
 - 1.2.1.2 Determine whether the subject(s) of the investigation shall be denied access to the institution pending the outcome of the investigation.
 - 1.2.1.3 Pending the outcome of the investigation, deny access to the subject(s) of the investigation when the allegation is related to the following offenses:
 - 1.2.1.3.1 Commission of a felony or pending felony charges.
 - 1.2.1.3.2 Commission of a misdemeanor involving “Contemporary (community) Moral Standards.”
 - 1.2.1.3.3 Use, possession or sale of narcotics, illicit drugs or hallucinogens.

- 1.2.2 The Criminal Investigations Unit shall:
 - 1.2.2.1 Provide a statement of findings to the Program Administrator upon completion of the investigation.
 - 1.2.2.2 Refer the case to the county prosecutor when the investigation concludes that the filing of criminal charges may be appropriate.
- 1.2.3 The Program Administrator shall permit the contractor access to the institution when the investigation results determine that the allegation(s) of criminal activity is unfounded.

DEFINITIONS

CONTRACTOR - A person, or a State agency, political subdivision, corporation, or association or its employees or assignees, partnership or professional organization that has the legal capacity to contract or subcontract with the Department to provide goods or services.

EX-OFFENDER - Any person convicted in a court of competent jurisdiction of a misdemeanor or felony crime, the punishment for which could have been, or was, imprisonment in a county jail, federal correctional institution or a state prison.

PROGRAM ADMINISTRATOR – The Warden, Deputy Warden or Administrator of an institution or program.

{Original Signature on File}

Charles L. Ryan
Director

ATTACHMENT

Attachment A, Stipulated Requirements for Contractors

AUTHORITY

A.R.S. 13-2316, Computer Fraud, Classification

A.R.S. 41-1750, Criminal Identification Section

A.R.S. 41-2201 et seq, Arizona Criminal Justice Information System

28 CFR 20.1, et seq, Security and Privacy Regulations, Criminal Justice Information Systems

18 U.S.C. 1030, Fraud (and related activity in connection with computers)

ATTACHMENT A
DEPARTMENT ORDER 205

STIPULATED REQUIREMENTS FOR CONTRACTORS

Requirement	On-site Pre-bid Conference	Working on New Site with or Without Inmate Workers	Working On-site Outside Secure Perimeter with or Without Inmate Workers	Working On-site Within Secure Perimeter With or Without Inmate Workers
Background Check	ACIC/NCIC	Required	Required	Required
Fingerprinting	Not required	Required	Required	Required
Grooming Standards	Orange clothing prohibited	Orange clothing prohibited	Orange clothing prohibited	Orange clothing prohibited
Identification Cards	Department issued visitor cards required to be worn at all times	Department issued visitor cards required to be worn at all times	Department issued visitor cards required to be worn at all times	Department issued visitor cards required to be worn at all times
Tool Inventories	Not applicable	Complete inventory to be maintained on site	Complete inventory to be maintained on site	Complete inventory to be maintained on site
Food and Beverages	No restrictions (ASPC-T)	No restrictions (ASPC-T)	No restrictions (ASPC-T)	Food shall be: Wrapped and carried in clear plastic; carried through the metal detector; eaten during the work shift. Food shall not: Be disposed of on-site without prior authorization from Department staff; require refrigeration or cooking.
Vehicles	Vehicles shall be locked and parked only in designated areas	Vehicles shall be locked and parked only in designated areas	Vehicles shall be locked and parked only in designated areas	Vehicles shall be locked and parked only in designated areas
Prescription Drugs	Limited to one-day supply, kept in prescription bottle	Limited to one-day supply, kept in prescription bottle	Limited to one-day supply, kept in prescription bottle	Limited to one-day supply, kept in prescription bottle
Over-the-Counter Drugs	Limited to one-day supply	Limited to one-day supply	Limited to one-day supply	Limited to one-day supply
Illegal Drugs	Prohibited	Prohibited	Prohibited	Prohibited
Alcohol	Prohibited	Prohibited	Prohibited	Prohibited
Cellular Phones	Permitted in presence of Department escort or procurement officer	One phone per contractor crew provided the phone number(s) is given to the designated Department staff.	One phone per contractor crew provided the phone number(s) is given to the designated Department staff.	One phone per contractor crew provided the phone number(s) is given to the designated Department staff.
Pagers	Permitted	Permitted	Permitted	Permitted
Cash limit	\$20.00	\$20.00	\$20.00	\$20.00
Credit Cards	Permitted	Permitted	Permitted	Permitted
Checkbooks	Prohibited	Prohibited	Prohibited	Prohibited

Cameras	Permitted with procurement officer escort, use restricted to construction purposes only	Permitted with Warden's approval, use restricted to construction purposes only	Permitted with Warden's approval, use restricted to construction purposes only	Permitted with Warden's approval, use restricted to construction purposes only
Weapons	Prohibited	Prohibited	Prohibited	Prohibited
Searches	Routine searches of persons, personal property, equipment and vehicles may be conducted at established checkpoints prior to and while on institution grounds	Routine searches of persons, personal property, equipment and vehicles shall be conducted at every entry/exit point and may be conducted at established checkpoints prior to entering and while on institution grounds	Routine searches of persons, personal property, equipment and vehicles shall be conducted at every entry/exit point and may be conducted at established checkpoints prior to entering and while on institution grounds	Routine searches of persons, personal property, equipment and vehicles shall be conducted at every entry/exit point and may be conducted at established checkpoints prior to entering and while on institution grounds
MISCELLANEOUS PERSONAL ITEMS				
Wallet with photos, personal papers, allowable currency	Permitted	Permitted	Permitted	Permitted
Handkerchief/tissue	Permitted	Permitted	Permitted	Permitted
Hair comb/brush/pick	Permitted	Permitted	Permitted	Permitted
Tobacco products & smoking apparatus; limited to normal daily usage amount	Permitted	Permitted	Permitted	Permitted
Keys as necessary for vehicle & home	Permitted	Permitted	Permitted	Permitted
Emery boards	Permitted	Permitted	Permitted	Permitted
Small fingernail clippers	Permitted	Permitted	Permitted	Permitted
Contact lenses	Permitted	Permitted	Permitted	Permitted
Confectionery items (e.g. gum, candy) for personal use only	Permitted	Permitted	Permitted	Permitted
Watch, rings	Permitted	Permitted	Permitted	Permitted