

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

DO 804 – Inmate Behavior Control

OFFICE OF PRIMARY
RESPONSIBILITY:

OPS
HS

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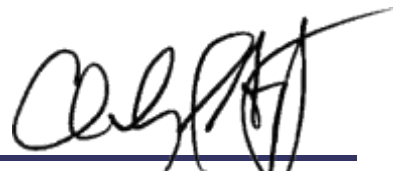
ACCESS

Contains Restricted Section(s)

Arizona Department of Corrections

Department Order Manual





Charles L. Ryan, Director

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PURPOSE

This Department Order establishes procedures relative to inmate behavior control situations in which Department employees and/or contract staff may become involved in situations requiring the use of less than lethal and lethal force, firearms, chemical agents or other weapons or force. The Department Order also describes the operation of prison Detention Units as a means to temporarily or permanently separate inmates from the general population to preserve the safe, secure and orderly operation of an institution, while safeguarding the health and welfare of inmates.

References to health care professionals (i.e., Health Services, Mental Health Services, and Dental Services) are referring to the Health Services Contractor or their sub-contractors unless otherwise stated.

APPLICABILITY

Force shall only be used after every other reasonable attempt to neutralize the real or potential danger (i.e., prevent escape, imminent death, serious bodily harm, the orderly operation of the institution/facility, or the taking of hostages) has been considered and determined ineffectual, and no other reasonable alternative is available. Verbal abuse by inmates does not constitute cause for the use of force. The use of force shall never be used as punishment or retaliation.

This Department Order applies to authorized Department employees and contracted staff who carry weapons in the performance of their duties and may become involved in situations in which arrest and/or the use of force is required. Community Corrections staff shall arrest, restrain and transport inmates in accordance with Department Order #1003, Community Corrections.

RESPONSIBILITY

The contract prison Warden shall notify the Contract Beds Bureau of all incidents requiring the use of force maximum behavior control and/or progressive behavior control. In these situations, inmates located at:

- In-state private prisons shall be transported to the Department institution specified below, as authorized by the Contract Beds Operations Director or designee in consultation with the Department Health Services Contract Monitoring Bureau as needed.
 - ASP-Marana to ASPC-Tucson
 - ASP-Kingman to ASPC-Lewis
 - ASP-Phoenix West to ASPC-Phoenix
 - ASP-Florence West to ASPC-Eyman
 - ASP-Central Arizona Correctional Facility to ASPC-Eyman
 - ASP-Red Rock to ASPC-Eyman
- Out of state private prisons shall be transferred to a Department facility determined by health care and mental health staff once stabilized.

PROCEDURES

1.0 INMATE DETENTION AND OBSERVATION

1.1 Placement of Inmates in Detention

- 1.1.1 Wardens and Deputy Wardens may place inmates in detention status as necessary:
- 1.1.1.1 To ensure the safe, secure and orderly operation of the institution/facility.
 - 1.1.1.2 To ensure the integrity, and pending completion, of an ongoing investigation.
 - 1.1.1.3 While determining eligibility for Protective Custody.
 - 1.1.1.4 For observation status, to identify, minimize and intervene in the possibility of self-destructive behaviors.
 - 1.1.1.5 Pending institutional review and classification placement, such as pending transfer to a higher custody level.
 - 1.1.1.6 Pending revocation of parole, work furlough, home arrest, or temporary, mandatory or provisional release.
 - 1.1.1.7 To fulfill disciplinary sanctions.
- 1.1.2 In the absence of the Warden or Deputy Warden, the Shift Commander shall determine detention placement in accordance with specific guidelines established in this Department Order when an emergency situation warrants. The Shift Commander shall notify the Administrative Duty Officer for final placement approval, who shall notify the Warden/Deputy Warden the next workday.

1.2 Required Services – Wardens and Deputy Wardens shall ensure inmates placed in detention are provided:

- 1.2.1 Verbal notification advising them of the reason for detention placement (i.e., Mental Health Watch, Security Watch, etc.), which is not a disciplinary action.
- 1.2.2 Written notification advising them of the reason for the detention placement (i.e., disciplinary, pending classification changes or investigation).
 - 1.2.2.1 Inmates shall have the opportunity to respond to these reason(s) for Detention Unit placement by using the established inmate discipline or classification system guidelines outlined in Department Orders #801, Inmate Classification, and #803, Inmate Disciplinary Procedure.
- 1.2.3 Meals, including Medical or Religious Diets served during the standard meal hours and in the same quality as in general population.
 - 1.2.3.1 Modification of Medical and Religious Diets shall be in accordance with Department Order #912, Food Service.

- 1.2.3.2 Due to restricted movement, inmates in Detention Units may receive reduced calorie meals, which are nutritionally adequate.
- 1.2.3.3 Food shall not be withheld or varied as a disciplinary sanction.
- 1.2.3.4 Sack meals may be served when security precautions dictate.
- 1.2.4 Monitoring by professional health care staff in accordance with Department Order #1101, Inmate Access to Health Care.
- 1.2.5 Access to courts, legal materials and legal reference material in accordance with Department Orders #902, Inmate Legal Access to the Courts and #919, Inmate Resource Center/Library Services.
- 1.2.6 A clean environment, unless the inmate's behavior (i.e., destruction of state property or assaultive behavior) hinders providing the inmate:
 - 1.2.6.1 The opportunity to shower and shave a minimum of three different days, each week.
 - 1.2.6.2 Hygiene and toiletry items authorized by the Warden/Deputy Warden.
 - 1.2.6.3 Laundry service comparable to the service provided for general population inmates.
 - 1.2.6.4 The same issue and exchange of clothing, bedding and linen as the general population.
 - 1.2.6.4.1 Inmates shall not be without clothing and/or bedding except as prescribed in accordance with Department Order #807, Inmate Suicide Prevention, Mental Health Watches, and Progressive Mental Health Restraints.
 - 1.2.6.5 The opportunity to exercise outside the cell for a minimum of two hours on three different days of each week.
 - 1.2.6.6 The opportunity to clean their cell and discard trash as specified in applicable Post Orders.
- 1.2.7 Inmate property in accordance with Department Order #909, Inmate Property, except when precluded by disciplinary sanctions or restricted as clinically indicated while inmate(s) are on a Mental Health Watch. A Mental Health Order, Form 807-1, should reflect items that are issued on watches ONLY if they have been ordered by a clinician.
- 1.2.8 Mail service of the same quality and frequency as of the general population, except as clinically indicated while inmate(s) are on a Mental Health Watch.
- 1.2.9 Visits by mental health staff upon request or as needed.
- 1.2.10 Chaplain and religious visits when requested if a provider is available.

- 1.2.11 Inmate store purchases as outlined in Department Order #909, Inmate Property, and Department Order #905, Inmate Trust Account/Money System, except when precluded by disciplinary sanctions.
- 1.2.12 Barber and hair care services to maintain Department grooming standards established in Department Order #704, Inmate Regulations.
- 1.2.13 Non-contact visitation privileges, as directed by the Warden/Deputy Warden, except when precluded by disciplinary sanctions.
- 1.2.14 Telephone privileges in accordance with Department Order #915, Inmate Phone Calls, except when precluded by disciplinary sanctions.
- 1.2.15 Reading materials from the Resource Center/library, except as clinically indicated while inmate(s) are on a Mental Health Watch.
- 1.2.16 All Medical and Dental property issued by Health Services (i.e., orthopedic devices, dentures, additional mattresses, bed wedges, crutches, etc.), unless such items are removed by order of Health Services staff.
 - 1.2.16.1 Medical and Dental property shall be transferred to the Detention Unit with the inmate as outlined in Department Order #705, Inmate Transportation.
 - 1.2.16.2 If staff identifies what is believed to be a reason(s) for Medical or Dental property to be removed or have justifiable reasons it poses a threat to security based on the inmate's assignment to the Detention Unit, the Shift Commander shall contact the Contract Facility Health Administrator with the concerns.
 - 1.2.16.2.1 The Contract Facility Health Administrator, in consultation with the appropriate medical authority, shall make a determination as to the disposition of the item and notify the Shift Commander.
 - 1.2.16.3 Correctional staff shall ensure inmates in Detention Units are transported to Health and Dental Units and specialty appointments in accordance with Department Order #705, Inmate Transportation. Any interruption or possible cancellations shall be approved by the Contract Facility Health Administrator.

1.3 Restrictions

- 1.3.1 The Warden/Deputy Warden, in conjunction with an investigation, may restrict or curtail 1.2.4 through 1.2.16.3 of this section, and all other inmate contact when objective evidence demonstrates such items or contact would:
 - 1.3.1.1 Impede or nullify an investigation.
 - 1.3.1.2 Cause the destruction of evidence.
 - 1.3.1.3 Lead to the commission of a crime or a violation of Department and/or institution written instructions.

- 1.3.2 Correctional staff shall document emergencies requiring the restriction or curtailment of items listed in 1.2.4 through 1.2.16.3 of this section on the Correctional Service Log, Form 105-6, and an Information Report, Form 105-2, whether due to compelling reasons or investigative needs.
- 1.4 Detention Unit Logs – Detention Unit logs shall be maintained to document inmate behavior and other activities outlined on the Individual Inmate Detention Record, Form 804-3. Detention Unit logs shall include, but not be limited to:
 - 1.4.1 Inmate intake information using the Detention Assignment Checklist, Form 804-1. The receiving unit staff shall:
 - 1.4.1.1 Notify health staff within one hour of the inmate being placed in detention. For all non-corridor facilities, if health staff members are not immediately available, notifications shall be made within one hour of health staff coming on duty.
 - 1.4.1.2 Document when health staff was notified on the Detention Assignment Checklist form in the section labeled "Special Conditions." Documentation shall include the name of the health staff and the date and time the notification took place.
 - 1.4.1.2.1 Health staff communications/visits shall be logged in the affected control room officer's Correctional Service Log.
 - 1.4.2 Daily entries using the Individual Inmate Detention Record form shall include:
 - 1.4.2.1 Accept or refused scheduled meal during shift.
 - 1.4.2.2 Time in/out of the shower.
 - 1.4.2.3 Time in/out of exercising.
 - 1.4.2.4 Time on/off of phone.
 - 1.4.3 Detention Unit log entries shall be written legibly, initialed and dated by the staff member making the entry, to include badge number when applicable.
- 1.5 Investigations
 - 1.5.1 When inmates are placed in detention pending the investigation of an alleged rule violation, the authorizing investigation supervisor shall notify the Warden/Deputy Warden of the results of the investigation and action to be taken within 30 calendar days, or the inmate shall be released from detention on the 30th calendar day.
 - 1.5.1.1 Release from detention shall not preclude disciplinary action.
 - 1.5.1.2 Disciplinary time frames shall be in accordance with Department Order #803, Inmate Disciplinary Procedure.
 - 1.5.2 When an investigation of rule violations may result in criminal charges being processed by the Department through a court of competent jurisdiction:

- 1.5.2.1 Staff shall serve the inmate with a completed Assignment to Investigative Detention/Form 2A, Form 803-7, or an Asignación Para Detención Investigativa/Forma No. 2A-S, Form 803-7S, at the time of placement.
- 1.5.2.2 When a case is submitted to prosecuting authorities by the 30th calendar day from placement, the inmate may be detained in detention for an additional 30 calendar days.
- 1.5.2.3 Staff shall refer to the Department Order #803, Inmate Disciplinary Procedure when concurrent Departmental disciplinary action is proceeding.
- 1.5.3 Staff shall follow the time frames and guidelines as outlined in Department Order #805, Protective Custody and other Protective Custody written instructions when inmates are placed into detention for Protective Custody.
- 1.5.4 After the 26th calendar day of Investigative Detention, the Warden or Deputy Warden shall ensure:
 - 1.5.4.1 Inmates are classified. For reclassification actions, staff shall follow Department Order #801, Inmate Classification time frames and guidelines.
 - 1.5.4.2 For Maximum Custody, the assigned Correctional Officer III or IV shall advise inmates of issues pertaining to Due Process.
- 1.5.5 The assigned Detention Unit Correctional Officer III shall closely monitor all time frames, which shall apply regardless of the unit initiating the detention.
- 1.6 Access to Detention Units – Entrance to a Detention Unit shall be restricted to:
 - 1.6.1 On duty Correctional Officer Series staff and other staff in the performance of their assigned duties.
 - 1.6.2 Authorized non-security persons escorted by security staff when entering an inmate's living area.
 - 1.6.3 Essential inmate workers such as Porters and Inmate Physical Plant Workers, approved in advance by the unit supervisor or Shift Commander.
- 1.7 Opening Cell or Run Doors Security and Safety Inspections – The Shift Commander shall ensure cell and run doors are opened in accordance with applicable Post Orders.
- 1.8 Security and Safety Inspections – Security and safety inspections shall be in accordance with Department Order #703, Security/Facility Inspections.
- 1.9 Sanitation Inspections – Correctional Officer Series staff shall conduct a general sanitation inspection of all areas in the unit during each shift.
 - 1.9.1 Inspections shall be documented on the Correctional Service Log, including any deficiencies observed and corrective action(s) taken.
 - 1.9.2 Sanitation deficiencies shall be corrected as quickly as possible.

1.10 Inmate Welfare Checks – Correctional Officer Series staff shall:

1.10.1 Conduct random, periodic inmate welfare checks, in addition to checks at specifically timed intervals.

1.10.2 Immediately notify the Shift Commander and document and report conditions or abnormal/unusual behavior adversely affecting an inmate's welfare on an Information Report, Correctional Service Log, and Detention Unit log.

1.11 Access to Key Personnel

1.11.1 A Detention Unit program supervisor and a senior Correctional Officer Series staff member (highest ranking Correctional Officer Series member on shift) shall conduct a daily walk-through inspection of the unit to ensure inmates have access to supervisory personnel.

1.11.2 Inmates may contact the Warden/Deputy Warden and other personnel by using the Inmate Letter, Form 916-1.

1.12 Inmate Observation Record – When an inmate is placed on a watch, the staff member conducting the timed watch shall initiate an Observation Record, Form 1101-16. Any staff member may recommend starting, continuing or canceling a watch. The recommendation shall be submitted through the chain of command.

1.12.1 Designated cells shall be inspected quarterly by the Contract Facility Health Administrator and the Deputy Warden or designee(s) to ensure they continue to be as suicide-resistant as is reasonably feasible. Modifications or required repairs shall be documented by the Deputy Warden or designee on a Maintenance/Service Work Order Request, Form 403-2.

2.0 USE OF HOLDING ENCLOSURES – Holding enclosures and exercise enclosures (i.e., Maximum Custody, Detention Unit and Mental Health Unit) shall be used as a control measure to confine and restrict inmate movement on a temporary/short term basis in accordance with Department Order #704, Inmate Regulations.

3.0 DEVIATIONS FROM INSTRUCTIONS

3.1 Any deviation from the procedures outlined in this Department Order shall be pre-approved by the Division Director for Prison Operations or designee and/or the Assistant Director for Health Services Contract Monitoring Bureau. This will be dictated by the circumstances of, and type of watch detailed.

3.2 Sanctions for Violations of the Guidelines in this Department Order - Any employee who violates or permits the violation of this Department Order or who fails to report any violation or suspected violation of this Department Order shall be subject to disciplinary action as outlined in Department Order #601, Administrative Investigations and Employee Discipline.

RESTRICTED SECTIONS

- 4.0 USE OF FORCE – RESTRICTED**
- 5.0 PLANNED USE OF FORCE – RESTRICTED**
- 6.0 DESIGNATED ARMED RESPONSE TEAMS (DART) – RESTRICTED**
- 7.0 DEPLOYMENT OF DART – RESTRICTED**
- 8.0 FIREARMS AND OTHER WEAPONS – RESTRICTED**
- 9.0 REVIEW AND INVESTIGATION – RESTRICTED**
- 10.0 VIDEO RECORDING RETENTION – RESTRICTED**

IMPLEMENTATION

Within 60 calendar days of the effective date of this Department Order, Wardens shall update Post Orders, which shall address any specific actions not otherwise addressed to be taken by a specific post in the event of a serious incident or major disturbance.

The Staff Development and Training Bureau Administrator shall ensure the Use of Restraints training is incorporated into the curriculum for the Correctional Officer Training Academy (COTA) program and training programs are provided for all designated staff.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

ATTACHMENTS – RESTRICTED

FORMS LIST

- 804-1, Detention Assignment Checklist
- 804-2, Use of Force/Incident Command Report
- 804-2A, Use of Force/Incident Command Report Continuation Sheet
- 804-3, Individual Inmate Detention Record
- 804-4, Use of Force Checklist
- 804-5, Conducted Electrical Weapons Use Report (TASER)
- 804-6, Use of Force Video Recording Log

AUTHORITY

- A.R.S. §13-105, Definitions
- A.R.S. §13-401 et seq, Justification (Use of Force)
- A.R.S. §13-3101 et seq, Weapons and Explosives
- A.R.S. §31-127, Abuse of Prisoner; Classification
- A.R.S. §31-201.01, Duties of the Director; Tort Actions; Medical Treatment Costs; State Immunity; Definitions
- A.R.S. §31-223, Use of Force by Correctional Officers