

**ARIZONA DEPARTMENT OF CORRECTIONS
DIRECTOR'S OFFICE**

MEMORANDUM

TO: DISTRIBUTION

FROM: CHARLES L. RYAN, DIRECTOR

DATE: May 22, 2014

SUBJECT: Director's Instruction # 328, Close Management and Violence Reduction Strategy

This Director's Instruction is effective June 23, 2014 and will remain in effect until incorporated into the appropriate Department Order.

PURPOSE:

This Director's Instruction establishes procedures governing close management process to include the violence reduction strategy.

PROCEDURE:

1.0 CLOSE MANAGEMENT OVERVIEW

- 1.1 Close Management status is designed for inmates, who meets one or more of the below "Behavior Categories" and are considered as management problems, unable to live in general population yet not requiring maximum custody placement. Additionally, those inmates who demonstrate successful adjustment in maximum custody but deemed to require further structured supervision may be considered for placement in Close Management status. Recommendations made for Close Management shall fully and specifically document and explain how the inmate meets the specific criteria cited and why the inmate needs placement in close management.
 - 1.1.1 The inmate was an active participant in, or incited, a disturbance or riot.
 - 1.1.2 The inmate has conspired or attempted to convey, introduce or possess contraband, which poses a threat or danger to the security of the institution. Such items of contraband may include, but are not limited to weapons, drugs, ammunition, communication devices, or escape material.
 - 1.1.3 The inmate escaped, attempted escape or committed acts to facilitate an escape from custody.

- 1.1.4 Inmate identified as a potential predator based on one or more disciplinary reports for 39B, Threatening or Intimidating.
- 1.1.5 The inmate, through repetitive and/or seriously disruptive behavior, has demonstrated a chronic inability to adjust to a lower custody unit or general population environment, as evidenced by repeated guilty findings by the Disciplinary Hearing Officer (DHO).
- 1.1.6 Inmate identified as an associate of an inmate identified as a perpetrator of an incident involved in a "Forbidden Three" (serious assaults on staff, serious inmate on inmate assaults with a weapon and multiple inmates assaulting an inmate with serious injury).

2.0 PROCEDURES FOR CLOSE MANAGEMENT PLACEMENT

- 2.1 The Warden, Deputy Warden or Associate Deputy Warden may initiate requests for placement into Close Management status. The CO III or CO IV shall:
 - 2.1.1 Serve the inmate with the Notice of Hearing and Inmate Rights, Form 801-6, and a Request for Witness, Form 801-2, at least 48-hours prior to the commencement of the hearing. The Notice of Hearing and Inmate Rights shall include a detailed account of the incident(s) and any discipline rule violations used as rationale for the proposed placement, and a summary of the evidence relied on.
 - 2.1.1.1 If the requestor intends to use the statement of a witness whose identity he/she intends to withhold, the written notice shall indicate the requestor's reliance and disclose as much of the substance of the information without jeopardizing the persons' safety or institutional security. This form is provided to the inmate at the time the Notice of Hearing and Inmate Rights (Close Management Placement) is served.
 - 2.1.1.2 At the completion of the 48-hour preparation period or if the inmate waives his/her right to the 48-hours for preparation, conduct the Hearing. If the inmate refuses to sign the waiver, the Notice of Hearing and Inmate Rights form shall be signed by two staff members. The inmate shall be provided a copy of the form.
 - 2.1.1.3 Document the reason(s) for the request on Close Management Placement Recommendation/Approval, Form 801-10. The Close Management Placement Recommendation/Approval form shall not be given to the inmate until it is returned from Central Office Classification with the final decision.
 - 2.1.1.4 Once the Hearing has been conducted the CO III shall update the ADC data base indicating that the hearing has been conducted and that the documents have been forwarded to the Deputy Warden for review.

- 2.2 The Close Management Placement Recommendation/Approval form shall be forwarded to the Deputy Warden or designee, who shall approve or deny the recommendation within five workdays of receipt.
 - 2.2.1 If a maximum custody recommendation to place the inmate in Close Management status or the close management recommendation to place the inmate in Close Management status is approved, the packet shall be forwarded to the Warden or designee within one workday of receipt.
- 2.3 The Warden or designee shall approve or deny the recommendation within five workdays of receipt.
 - 2.3.1 If the recommendation to place the inmate in Close Management status is approved the packet shall be returned to the Deputy Warden or designee who shall:
 - 2.3.1.1 Make an ADC data base entry indicating that the institution has completed their portion of the process and that the documents have been forwarded to Central Office Classification for review.
 - 2.3.1.2 Forward the recommendation to Central Office Classification within three workdays of receipt. All supporting documentation shall be included.
- 2.4 The Central Office Classification Administrator or designee has the final approving authority for close management placements. Central Office Classification shall approve, modify, or deny the recommendation within five workdays of receipt. The Central Office Classification staff shall update the ADC data base documenting the close management decision.
 - 2.4.1 Submitted recommendations that are not fully and specifically documented and explained shall be returned for further information or disapproved outright by Central Classification.
 - 2.4.1.1 For example, rationale limited to general statements such as, “Based on disciplinary report for staff assault” are insufficient and requires a summary of the inmate’s specific actions and analysis by staff on why the inmate needs close management placement.
 - 2.4.2 Central Classification may modify a recommendation for maximum custody and determine to place the inmate in close management.
- 2.5 The inmate shall be notified of the decision made by the Central Office Classification Administrator or designee and provided a Notice of Appeal – Maximum Custody or Close Management Status Placement, Form 801-8.

- 2.5.1 The inmate may be notified verbally by his/her assigned CO III, once ADC data base comments have been entered by the Central Office Classification Administrator or designee, indicating that the process has been completed and what the final Close Management status determination is. If this form of notification is completed, the CO III shall make an ADC data base comment indicating that the inmate was notified of his/her final custody decision and whether or not a Notice of Appeal form was served.
- 2.5.2 The inmate may also be notified of the final decision when he/she receives the completed copy of the Close Management Recommendation/Approval form. If this form of notification is completed, the inmate shall contact his/her CO III and request a Notice of Appeal form. The CO III shall make an ADC data base entry indicating that the inmate was notified of the final decision and whether or not a Notice of Appeal form was served.
- 2.5.3 No person who approves an inmate placement in close management shall decide, or take part in deciding, the inmate's appeal to Central Office Classification.

3.0 CLOSE MANAGEMENT REVIEWS

- 3.1 Inmates placed into close management shall be provided a Close Management Overview, Form 801-11, within twenty-four (24) hours of placement into close management. The staff member shall note the date and time the sheet was provided to the inmate in the Inmate Activity/Behavior Log, Form 801-14.
 - 3.1.1 Significant interaction, behavioral observations, and key activities of inmates in close management shall be noted in the Inmate Activity/Behavior Log form.
- 3.2 Mental health staff shall conduct a mental health assessment within three (3) days of placement in Close Management status.
- 3.3 Education staff shall assess the inmate's potential need for accommodations relating to Individuals with Disabilities Act (IDEA) or American Disabilities Act (ADA).
- 3.4 Close Management Review Team (CMRT) and Deputy Warden
 - 3.4.1 The CMRT is comprised of a COIII (preferably the inmate's assigned COIII), a security staff member, and a mental health professional (if inmate is MH3 or higher).
 - 3.4.2 The CMRT shall conduct all initial and subsequent reviews with the inmate in person and out of the cell and complete the Close Management Review, Form 801-9.
 - 3.4.3 The CMRT shall forward all initial and subsequent reviews to the Deputy Warden for a final decision within five (5) days of receipt. The Deputy Warden may:

- 3.4.3.1 Approve the CMRT recommendations;
 - 3.4.3.2 Disapprove the CMRT recommendations. This is done when the CMRT recommendations suggest initial or continued placement in close management and the Deputy Warden disapproval specifically rescinds the inmate's Close Management status, reverting the inmate to close custody general population;
 - 3.4.3.3 Modify the CMRT recommendations. This is done when the Deputy Warden determines that only a portion of the CMRT recommendations need to be revised (e.g., phase level or program recommendations). The Deputy Warden then specifies what needs to be modified.
- 3.4.4 The Deputy Warden shall forward all initial and subsequent Close Management Review forms' final decision to the CMRT for implementation.
- 3.3.4.1 The CMRT shall ensure the inmate is provided a copy of the finalized Close Management Review form.
- 3.4.5 The CMRT shall implement the Deputy Warden's decision(s).
- 3.4.6 The CMRT and Deputy Warden shall document all initial and subsequent review actions by updating ADC databases as appropriate.
- 3.4.7 Close Management Initial Review
- 3.4.7.1 The CMRT shall conduct an initial review with the inmate in within fifteen (15) calendar days of placement in close management.
 - 3.4.7.2 The CMRT shall establish the inmate's Improvement Plan Objectives and determine the next review (within 30, 60, 90, or 180 days from current review date).
- 3.4.8 Close Management Subsequent Review
- 3.4.8.1 The CMRT shall conduct a subsequent review with the inmate in accordance with the number of days since the last review as determined at the previous CMRT review.
 - 3.4.8.2 The CMRT shall review the inmate's Improvement Plan Objectives and determine the inmate's compliance by reviewing Inmate Activity/Behavior Log form. Based on the inmate's compliance with the Improvement Plan Objectives, discipline record, and attitude during the hearing the inmate's phase level and next review date shall be recommended. Additionally, the CMRT may revise the Improvement Plan Objectives as deemed appropriate.

4.0 CLOSE MANAGEMENT PRIVILEGES

Incentive	Phase I		Phase II		Phase III	
	Freq.	Amount	Freq.	Amount	Freq.	Amount
Store	1 per week 0 holiday	\$20 (a) No holiday \$	1 per week none	\$25 (a) No holiday \$	1 per week none	\$30 (a) No holiday \$
Phone	2 per month	10 minutes	3 per month	10 minutes	1 per week	10 minutes
Visits	1 per month Non-contact	2 hours	2 per month Non-contact	2 hours	3 per month Non-contact	2 hours
Property	N/A	No Appliances	N/A	Appliances allowed	N/A	Appliances allowed

Incentive	Phase I	Phase II	Phase III
Holiday Visitation	Same as close custody	Same as close custody	Same as close custody
Recreational Activities	6 hours per week Outdoor Exercise	6 hours per week Outdoor Exercise	6 hours per week Outdoor Exercise
Hobby Craft	none	Origami Pencil Drawing	Origami Pencil Drawing

5.0 CLOSE MANAGEMENT INMATE PROGRAMMING

	Mandatory To Move to Next Level	Addictive Behaviors	Optional Additional Programs for Team to Assign to Inmate	If releasing within 6 months- mandatory if not previously completed
Phase 1	<ul style="list-style-type: none"> ▪ Self-Control - self study ▪ Responsible Thinking – self study ▪ Assigned education, as appropriate 		<ul style="list-style-type: none"> ▪ Social Values - self study 	<ul style="list-style-type: none"> ▪ Merging Two Worlds - self study
Phase 2	<ul style="list-style-type: none"> ▪ Core Skills- self study ▪ Responsible Thinking - self study ▪ Assigned education, as appropriate 	<ul style="list-style-type: none"> ▪ Substance Abuse – self study ▪ <i>Only if inmate has an SA problem!</i> 	<ul style="list-style-type: none"> ▪ Social Values- self study ▪ Hazelden - Socialization Workbook 	<ul style="list-style-type: none"> ▪ Merging Two Worlds - self study ▪ Thinking For a Change-small class - may complete in Level 3

Phase 3	<ul style="list-style-type: none"> ▪ Self-Control - small class* ▪ Money Management - small class* ▪ Thinking for a Change – class - may begin in Level 2 ▪ Feelings - small class & self study ▪ Assigned education, as appropriate 	<ul style="list-style-type: none"> ▪ Substance Abuse-small class ▪ <i>Only if inmate has an SA problem!</i> 	<ul style="list-style-type: none"> ▪ Hazelden - Socialization Workbook ▪ 12- Step Meetings ▪ Social values - small class 	<ul style="list-style-type: none"> ▪ Merging Two Worlds - small class
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**denotes “live” class facilitated by COIII with no more than 15 inmate participants*

6.0 RELEASE FROM CLOSE MANAGEMENT

6.1 Close Management Probationary Status - Inmates released from Close Management status to general population status, shall be released on a probationary basis of no less than six (6) months. Inmates shall abide by specific conditions that, if violated, subjects the inmate to placement directly back into Close Management status.

6.1.1 Probationary Criteria:

6.1.1.1 No evidence of threatening or intimidating other inmates.

6.1.1.2 No guilty finding for a major discipline violation.

6.1.1.3 No refusal or removal from an academic education, CTE, treatment, or self-improvement program.

6.1.1.4 Other criteria as specified by the Close Management Review Team on a case by case basis.

6.1.2 Probationary Process:

6.1.2.1 CMRT determines the length of the probationary period and specifies any “other” criteria (as outlined in 6.1.1.4 above).

6.1.2.2 CMRT members and inmate sign the Close Management Probationary Release Agreement, Form 801-15, and a copy is provided to the inmate prior to release from Close Management status.

6.1.2.3 COIIIs shall monitor those inmates on their caseload with close management probationary periods for possible violations.

- 6.1.2.4 If the inmate violates any of the conditions, a Close Management Probationary Revocation Notification, Form 801-16, is completed by a staff member and a copy provided to the inmate. The inmate may be immediately placed in Close Management status, Phase I.
- 6.1.2.5 The Close Management Review Team conducts a hearing with the inmate within ten (10) workdays and makes a recommendation regarding the probationary revocation to Close Management status.
- 6.1.2.6 The Deputy Warden reviews the CMRT recommendation and makes a recommendation to Central Classification within five (5) workdays.
- 6.1.2.7 Central Classification reviews the Deputy Warden recommendation and makes a final decision within five (5) workdays.
- 6.1.2.8 The final decision is provided by the unit to the inmate in writing. The inmate may appeal the decision within fifteen (15) days).

7.0 VIOLENCE REDUCTION STRATEGY - FORBIDDEN THREE: Inmates, who have committed a serious assault on staff, committed a serious inmate on inmate assault with a weapon and multiple inmates assaulting an inmate with serious injury are subject to placement in close management as associates. A guilty finding of one of the following discipline violations is required to document the incident as a Forbidden 3 for purposes of identifying the inmate as a perpetrator:

- 01A, Aggravated Assault (Inmate on Inmate) – Assault on another inmate
- 02A, Assault on Staff (that involved Serious Injury)
- 04A, Assault (Sexual)
- 11A, Murder (1st Degree)
- 12A, Murder (2nd Degree)
- 14A, Threatening or Intimidating (Gang Activity)
- 02B, Assault on Inmate
- 03B, Assault on Staff that Did Not Involve Serious Injury
- 04B, Assault on Staff by Throwing Substances

7.1 Identification Process - In the event of a prohibited act as defined in 7.0 above, the Shift Commander shall initiate a Violence Reduction Strategy Response Checklist, Form 801-17, and ensure that the following occur within the same shift of the incident:

7.1.1 The Criminal Investigation Unit (CIU) shall respond and assemble a team to identify the perpetrator(s) and associates.

7.1.1.1 The team shall include, at a minimum, security staff and COIV and/or COIII(s) from the unit where the involved inmates are housed. Both day and swing shifts should be represented and information shall be gathered from line staff from all shifts and those staff involved in the incident.

- 7.1.1.2 Each team member shall complete a separate Inmate Associate List, Form 801-12, for each identified perpetrator, listing the perpetrator's known, close associates.
- 7.1.1.3 Upon compiling lists from all team members, CIU shall forward the information to central office STG, which will review and forward any additional information back to the unit.
- 7.1.1.4 For each perpetrator, CIU shall review the completed Inmate Associates Lists form and complete a list of associates for Deputy Warden/Incident Commander review using Inmate Associate Recommendation, Form 801-13. The list shall only include inmates:
 - 7.1.1.4.1 Who are identified on more than one team member's Inmate Associate List form, and/or;
 - 7.1.1.4.2 For whom the association with the perpetrator is documented and confirmed through information for central office STG.
- 7.2 For each perpetrator, the Deputy Warden/Incident Commander shall review the Inmate Associate Recommendation form and:
 - 7.2.1 Approve or disapprove the recommendation.
 - 7.2.1.2 If there are more than six (6) associates, the Regional Operations Director shall be the final approving authority.
 - 7.2.2 Forward the packet to the COIV.
- 7.3 The COIV shall document the information into the ADC data base.
- 7.4 Conditions not specified in this policy are otherwise the same as detention.
- 7.5 Inmates may appeal placement into or continued placement in Close Management as outlined in subsection 2.5 of this Director's Instruction.

DEFINITION

CLOSE MANAGEMENT – A status component of close custody which is more restrictive and features reduced privileges from that of close custody.

FORBIDDEN THREE ACTS – Serious assaults on staff, serious inmate on inmate assaults with a weapon and multiple inmates assaulting an inmate with serious injury.

{Original Signature on File}