

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 100</p> <p>AGENCY ADMINISTRATION/ MANAGEMENT</p>	<p>OPR:</p> <p>DIR</p>
	<p>DEPARTMENT ORDER: 110</p> <p>LEGISLATIVE ACTIVITIES</p>	<p>SUPERSEDES:</p> <p>DO 110 (09/01/96)</p>
		<p>EFFECTIVE DATE:</p> <p>JANUARY 2, 2006</p>

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PURPOSE

The Department strives to maintain a good working relationship with the Arizona State Legislature, its members and staff, by providing timely and accurate information. The Department Director, Deputy Director, Legislative Liaison, the Department's Labor Relations Advisory Committee and individual employees designated by the Director are authorized to address the Legislature on behalf of the Department.

While all Department employees are required to comply in full, nothing in this policy should be construed to inhibit an individual's ability to speak with their elected officials about personal issues or to express their personal opinions about Department operations in general.

PROCEDURES

- 110.01 LOBBYING BY AUTHORIZED LOBBYISTS ONLY** - All authorized lobbyist are required to register with the Secretary of State's office annually. Only the Director, Deputy Director, the Legislative Liaison or other staff as designated by the Director is authorized to lobby on behalf of the Department. When an employee is asked by the Director to lobby on behalf of the Department, they shall dress in Class A uniform and utilize state time. The Department is a state agency within the executive branch of state government. As such, legislative proposals reflecting the Governor's policies are supported by the Department. For bills initiated by parties other than the Department, the Department's position shall be determined by the Director.
- 110.02 LEGISLATIVE REQUESTS FOR INFORMATION AND TOURS**
- 1.1 Department staff shall refer all legislative requests for information, assistance, meetings and/or tours to the Legislative Liaison, Deputy Director or the Director. Only Department authorized employees may represent the Department for legislative requests for information, assistance, meetings and/or tours. See Department Order #207, Media Relations, regarding requests for information from the media and public. Staff may not release any Department information that is not currently readily available on the Department's web page without prior approval from the Director, Deputy Director or Legislative Liaison. When staff provides currently readily available information to a legislator or legislative staff, the employee shall immediately advise the Legislative Liaison, in writing.
 - 1.2 Department staff shall refer all requests from legislators or legislative staff to tour a Department facility or visit an inmate to the Legislative Liaison or, if not available, to the Deputy Director.
- 110.03 STAFF CONTACT WITH LEGISLATIVE MEMBERS OR STAFF** - Any Department employee may speak with their elected officials about personal issues or to express their personal opinions about Department operations on their own time. Whenever a Department employee has contact with the state legislators and their staff, the employee is expected to demonstrate in demeanor and dress their professionalism.
- 110.04 PROHIBITED CONDUCT** - The Arizona Code of Administrative Regulations R2-5-501 requires all employees to conduct themselves in a manner that will not bring discredit or embarrassment to the State. A.R.S. §41-770 lists 14 reasons for discipline or dismissal from state service including improper political activity.

DEFINITIONS

AUTHORIZED PUBLIC LOBBYISTS - The Department's authorized lobbyists include the Director, Deputy Director and Legislative Liaison. Authorized public lobbyists are required to register annually with the Arizona Secretary of State.

LEGISLATIVE LIAISON - The Legislative Liaison administers the Department's legislative affairs and represents the Department on bills impacting Department policy, budget, and statutory roles and responsibilities, unless otherwise advised by the Director or Deputy Director. The Legislative Liaison may rely on the General Counsel, Division Directors or appropriate staff for their expert testimony.

LOBBYING - Attempting to influence the passage or defeat of any legislation by directly communicating with any legislator. Lobbying does not include:

- Communications between state agency employees.
- Questions or comments made by an employee to a state officer or employee regarding a proposed rule and made in public at a meeting or workshop that is open to the public and that is sponsored by a state agency, board, commission, council or office.
- Communications between a public official and employee of a public body, a designated public lobbyist or authorized public lobbyist and any state officer, except for a member of the legislature, or employee of the legislature.

STATUTORY RESTRICTIONS - There are a number of statutory restrictions and prohibitions impacting the dissemination of information. These statutes include:

- Information impacting Department operations - Pursuant to case law, where release of documents would be harmful to the best interest or operations of ADC or the State of Arizona, it shall not be released. See *Grimm v. Arizona Board of Pardons and Parole*, 115 Ariz. 260, 564 P. 2d 1227 (1977); *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).
- Ongoing Investigations - A.R.S. §31-221 restricts release of portions of an inmate's master record file such as (a) the identity of a confidential informant (b) information which may endanger the life or physical safety of any person or (c) jeopardizing an on going criminal investigation. Release of information which might jeopardize ongoing criminal investigations may be withheld by the Department. *Phoenix Newspapers, Inc v. Superior Court In and for County of Maricopa*, (App. Div. 1 1993) 180 Ariz. 159, 882 P.2d 1285, review denied.
- Department Staff Employment Information - Arizona Administrative Code R2-5-105 limits disclosure of information in employee personnel files to the following:
 - Name of employee
 - Date of employment
 - Current and previous class title
 - Other agencies to which the employee was assigned
 - Salary history
 - Employees' current and last known supervisor

Social Security numbers are restricted pursuant to Federal law. See 42 USC 405.

- Crime victims right to privacy - A.R.S. § 8-413 protects certain personal information about victims such as their address and telephone number unless the victim consents. Privacy interests can overcome the presumption in favor of disclosure of public records. The Department may withhold the release of information if it can demonstrate that public disclosure is outweighed by considerations of "confidentiality, privacy, or the best interest of the State." *Belo v. Mesa P.D.*, 202 Ariz. 184, 42 P.3d 615 (2002).

- Inmate Medical Records
§12-2292 prohibits the release of inmate medical records or information because it is considered confidential by law.

§12-2293, 2294 and 2294.01 require an authorization signed by the inmate for release of records or a court subpoena.

{Original Signature on File}

DORA SCHIRO
DIRECTOR

AUTHORITY

A.R.S 41-1231, Definitions