

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 900</p> <p>INMATE PROGRAMS AND SERVICES</p>	<p>OPR:</p> <p>SS OPS</p>
	<p>DEPARTMENT ORDER: 901</p> <p><b><i>INMATE RECORDS INFORMATION AND COURT ACTION</i></b></p>	<p>SUPERSEDES:</p> <p>DO 901 (6-18-09)</p>
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## TABLE OF CONTENTS

PURPOSE		
PROCEDURES		PAGE
901.01	RECEIVING COMMITMENTS AND ASSIGNING IDENTIFICATION NUMBERS .....	1
901.02	PLACEMENT AND PROCESSING OF DETAINER LETTERS AND NOTIFICATION REQUESTS .....	8
901.03	IN STATE/INTERSTATE AGREEMENT ON DETAINERS ACT .....	13
901.04	COURT ACTIONS .....	18
901.05	PHOTOGRAPHS OF INMATES .....	24
901.06	FINGERPRINTS OF INMATES- .....	25
901.07	DEOXYRIBONUCLEIC ACID (DNA) TESTING .....	28
901.08	ESTABLISHING AN INMATE FILE .....	29
901.09	FILING GUIDELINES/FORMS DISTRIBUTION .....	33
901.10	PUBLIC/INMATE ACCESS TO RECORDS .....	35
901.11	RECORD FILE ROOM SECURITY .....	40
901.12	SPECIAL PURPOSE/SENSITIVE FILES AND CASE RECORDS .....	40
901.13	INMATE RECORDS TRANSFER .....	42
901.14	FILE AUDITS .....	44
901.15	INMATE RECORDS RETENTION AND DISPOSITION .....	45
	IMPLEMENTATION .....	46
	DEFINITIONS .....	46
	ATTACHMENTS	

## PURPOSE

This Department Order establishes procedures and standards for the development and maintenance of individualized inmate record files to ensure their accuracy, and establishes procedures for permitting authorized public access to records.

## PROCEDURES

### 901.01 RECEIVING COMMITMENTS AND ASSIGNING IDENTIFICATION NUMBERS

- 1.1 Notification of Arizona Superior Court Commitments to the Arizona Department of Corrections - Notification of persons committed to, and awaiting transfer to the Department is provided to the Offender Services Bureau Accountability and Movement Officer via teletype from the committing county sheriff's office. The Accountability and Movement Officer shall:
  - 1.1.1 Coordinate with the committing county and the affected Reception Center(s) to ensure the transfer of inmates to the Department within one day of receipt of the teletype.
  - 1.1.2 Provide the affected Reception Center(s) with a list of inmates approved for transfer to Department custody.
  - 1.1.3 Inform the Criminal Justice Support Bureau when provided with information from the Sheriff's Office that an inmate has been designated as a sex offender.
- 1.2 Notification of Release Violators - Notification of Release Violators returning to Department custody may be provided to the institutions by:
  - 1.2.1 The Accountability and Movement Officer.
  - 1.2.2 The Community Corrections Division.
  - 1.2.3 A Supervising Community Corrections Officer.
  - 1.2.4 A County Sheriff Office/City Police Department.
  - 1.2.5 Central Office Communications Center.
  - 1.2.6 Any other source.
- 1.3 Areas Responsible for Number Assignments – The following Department Reception Centers and areas of responsibility are authorized to assign an identification number (ADC number) to persons committed or transferred to the Department's custody:
  - 1.3.1 ASPC-Phoenix - Alhambra Intake Center – Inmates processed at ASPC-Phoenix include:
    - 1.3.1.1 Adult male offenders committed to the Department to serve a Sentence of Imprisonment or as a Condition of Probation not committed under a sentence of Death or sentenced to Life imprisonment.

- 1.3.1.2 Adult males accepted for admission into the Department by a contractual agreement under the Western Interstate Corrections Compact not serving an Arizona sentence.
- 1.3.2 ASPC-Perryville - Inmates processed at ASPC-Perryville include:
  - 1.3.2.1 All adult female offenders committed to serve a Sentence of Imprisonment, Death Row or as a Condition of Probation.
  - 1.3.2.2 All minor females remanded as adults to the Department.
  - 1.3.2.3 All adult females accepted for admission into the Department by a contractual agreement under the Western Interstate Corrections Compact not serving an Arizona sentence.
- 1.3.3 ASPC-Eyman/Florence - SMU I - Browning Unit and Central Unit – Inmates processed at these units include:
  - 1.3.3.1 Male offenders sentenced to Life imprisonment.
  - 1.3.3.2 Adult males accepted for admission into the Department by a contractual agreement under the Western Interstate Corrections Compact not serving an Arizona sentence.
- 1.3.4 ASPC-Eyman - SMU II Browning Unit – Inmate processed at SMU II include:
  - 1.3.4.1 Male offenders sentenced to Life imprisonment.
  - 1.3.4.2 Adult males accepted for admission into the Department by a contractual agreement under the Western Interstate Corrections Compact not serving an Arizona sentence.
  - 1.3.4.3 All male offenders committed under a sentence of Death.
- 1.3.5 ASPC-Tucson - Minors - All minor males remanded as adults to the Department.
- 1.3.6 Offender Services Bureau (Concurrent/Consecutive Custody Caseload Manager) - All male and female offenders sentenced to the Department under the Interstate Agreement on Detainers Act who are currently serving a sentence in another state or federal jurisdiction, and/or inmate paroled to a Detainer (ARS 31-412B) or Arizona violators arrested in other jurisdictions.
- 1.3.7 Community Corrections (Interstate Compact Administrator) - All parolees from another state or federal jurisdiction accepted for supervision in Arizona.
- 1.4 Inmate Arrival Notification - Upon receipt of a Commitment Order(s) and/or the list of inmates approved for transfer by Central Office Movement, institution staff shall complete a name search for each inmate approved for transfer using the following:
  - 1.4.1 The Arizona Criminal Justice Information System (ACJIS) using both the Arizona Crime Information Center and the National Crime Information Center, checking for:
    - 1.4.1.1 State identification (SID) number.

- 1.4.1.2 Federal Bureau of Investigation (FBI) number.
  - 1.4.1.3 Outstanding Wants/Warrants.
  - 1.4.2 The Adult Information Management System (AIMS) for:
    - 1.4.2.1 Prior ADC number Assignment - Inmates who have previously been committed to the Department shall retain the number assigned during the initial commitment.
    - 1.4.2.2 Inmate Status - Inmates who have completed a commitment to the Department shall be returned to custody as a "Re-commitment." Inmates who have not completed the previous commitment shall be returned as a Release Violator with a New Commitment, a Technical Release Violator, a Court Returnee with a New Commitment or a Court Returnee.
      - 1.4.2.2.1 As outlined in the 901-T-OPS Technical Manual, "Inmate Records Information/Court Action," the inmate's release status shall be determined by reviewing the AIMS inmate record.
    - 1.4.2.3 The Institution Offender Information Unit shall review any recommits or violators for previous fingerprint verifications on AIMS. If there is previous fingerprint verification, the inmate shall be FAST ID'd, as outlined in section 901.06 of this Department Order.
- 1.5 Inmate Arrivals - Certified sentencing documents, to include a thumb print and pre-sentence investigation reports shall be received for all persons committed to the Department to serve a term of imprisonment, as outlined in A.R.S. 13-607 and 13-701. Information shall be noted on the committing document if the pre-sentence investigation report has been waived, sealed by the court or cannot be located. If the PSI is waived, the waiver should be noted in the sentencing order. The Department shall not accept any inmate without all documents required by law.
- 1.5.1 Prior to the committed person being accepted, the receiving staff member shall compare the name and birth date on the sentencing documents with the name and date on the approved transfer list.
    - 1.5.1.1 If the names do not match, the Intake Offender Information Unit shall be contacted for verification of the change and approval to accept the inmate into the Department's custody.
    - 1.5.1.2 Upon notification of new inmate arrival the Institutional Offender Information Unit will register and assign an ADC number to all new commitments as outlined in the "Inmate Records/Court Action" Technical Manual. Individuals who have an ADC number from a previous commitment shall retain that number as outlined in section 1.4.2.1.
    - 1.5.1.3 Initiate an Inmate Arrival Sheet, Form 901-20.
  - 1.5.2 Upon confirmation that all documents have been received and/or approved, the receiving staff shall review the documents for the following:

- 1.5.2.1 Certification by the Clerk of the committing court.
- 1.5.2.2 Raised Certification Seal on the committing documents.
- 1.5.2.3 Signature/name of the sentencing judge.
- 1.5.2.4 Verification of thumbprint on certified sentencing document.
- 1.5.2.5 Verification of the pre-sentence report being waived, sealed or not located, as outlined in 1.5 through 1.5.1.2 of this section.
- 1.5.2.6 Concurrent/Consecutive terms to be served.
  - 1.5.2.6.1 If the committing document indicates the inmate's sentence is to run concurrent or consecutive to any other state or federal sentence, the delivering authority and/or the other jurisdiction shall be contacted for verification that the inmate has completed the other jurisdiction's sentence.
  - 1.5.2.6.1 If the inmate has not completed the other jurisdiction's sentence, the delivering authority shall be advised that the inmate will be returned to county custody and not be accepted by the Department.
  - 1.5.2.6.1 Upon verification and advisement that the inmate will not be accepted by the Department, the certified committing document(s) shall be forwarded to the Offender Services Bureau Time Computation Unit (TCU), for placement of the inmate on the Concurrent/Consecutive Custody Case Load.
- 1.5.3 Upon verification that the committing documents are true and accurate, the receiving staff shall:
  - 1.5.3.1 Verify the assigned ADC number to all new commitments as outlined in the "Inmate Records/Court Action" Technical Manual.
  - 1.5.3.2 Review the committing document(s) or the AIMS inmate record to determine if an alphabetical suffix shall be assigned to indicate special conditions of the inmate's commitment to the Department as follows:
    - 1.5.3.2.1 "A" - Identifies commitments for which the inmate's term of Community Supervision was waived in Lieu of Probation.
    - 1.5.3.2.2 "B" - Identifies inmates who meet criteria for the Transition Program per A.R.S. 31-281, (SB 1291) and have been accepted.
    - 1.5.3.2.3 "C" - Identifies inmates who violated the Conditions of Release on the Transition Program.

- 1.5.3.2.4 "D" - Identifies inmates who have been granted a parole to a detainer.
- 1.5.3.2.5 "F" - Identifies Criminal Aliens who have been issued a detainer by the United States Immigration and Custom and Enforcement (ICE).
- 1.5.3.2.6 "I"- Identifies inmates who have been sentenced in accordance with the Interstate Agreement on Detainers Act.
- 1.5.3.2.7 "N" - Identifies inmates who have been sentenced to Natural Life.
- 1.5.3.2.8 "P" - Identifies the commitment as a condition of the inmate's Probation.
- 1.5.3.2.9 "R" - Identifies the commitment for a Rule 11 evaluation, definition and effect of incompetency due to mental illness.
- 1.5.3.2.10 "V" - Identifies any Arizona Board of Executive Clemency or Department Administrative Release Violator until Revocation/Probable Cause Proceedings have been completed.
- 1.5.3.2.11 "X" - Identifies the inmate as an admission under the Western Interstate Corrections Compact.
- 1.5.3.2.12 "Z" - Identifies an individual on Parole/Supervision from another state and accepted for supervision in Arizona.
- 1.5.3.3 Initiate an Intake/Transfer of Custody - Body Receipt, Form 705-1 (Inmates received into Department custody only) in accordance with the "Inmate Records Information/Court Action" Technical Manual.
- 1.5.3.4 Identify each inmate received into Department custody using Fast ID and compare to certified sentencing documents.
- 1.5.3.5 Initiate the Automated Record as outlined in section 901.07, 1.1 of this Department Order.
- 1.5.3.6 Establish an Intake Packet and forward it to the TCU, as outlined in section 901.07, 1.2 of this Department Order.
- 1.6 Self-Surrenders - Male inmates ordered by the sentencing court to "self-surrender" to the Department shall be received and processed through the reception center at ASPC-Phoenix. Females shall be processed through the reception center at ASPC-Perryville.
  - 1.6.1 The Reception Center shall have, or the inmate shall bring, a copy of the committing document.
    - 1.6.1.1 A Pre-sentence Investigation Report may not be available in these instances.

- 1.6.1.2 If a certified commitment order was not issued by the sentencing judge, an "Order of Confinement" document may be accepted.
- 1.6.1.3 If there are no commitment documents, the Offender Information Unit (OIU) shall contact TCU.
- 1.6.2 All inmates who have self-surrendered shall be processed for intake in the same manner as inmates who are escorted by law enforcement personnel.
- 1.7 Inmates with Six Months or Less to Serve - Within one work day, intake staff shall notify the TCU of inmates arriving to the Department with six months or less remaining to serve.
- 1.8 Technical Violators – Within one work day, receiving staff shall notify TCU of technical violators returned to custody.
- 1.9 Criminal Aliens - As a citizen of a country other than the United States, criminal aliens have the right to contact the consulate of their country.
  - 1.9.1 All criminal aliens shall be reported to:
    - 1.9.1.1 ICE Investigations Office for determination of their deportation status and for subsequent administrative hearings by the Executive Office for Immigration Review (EOIR).
    - 1.9.1.2 The appropriate Consulate Office as outlined in Attachment D, Required Foreign Consulate Office Notification.
  - 1.9.2 Institutions shall maintain copies of Attachment A, Foreign Consulate Offices in the United States, at every unit. Inmates may make a written request to their assigned Correctional Officer (CO) III for use of the toll-free number to contact the Consulate General of Mexico.
  - 1.9.3 Reception Centers shall provide a copy of the Notice of Consulate Assistance-Criminal Alien Inmates, Form 1004-24, to all Criminal Aliens received by the Department.
  - 1.9.4 The CO III shall:
    - 1.9.4.1 When requested by the inmate, provide Criminal Aliens the address of the appropriate Consulate Office. If the information for the Consulate Office requested is not listed, the CO III shall contact the Offender Services Bureau Special Services Unit to obtain the information.
    - 1.9.4.2 Ensure that all Criminal Aliens assigned to their caseload have received and signed a copy of the Notice of Consulate Assistance-Foreign Born Inmates.
  - 1.9.5 Intake Center OIU staff shall notify ICE investigations of approved prisoner transfers from the county jails and upon request provide copies of Commitment Orders, Pre-sentence Reports and photographs to ICE investigators at no cost.
  - 1.9.6 The Wardens at ASPC-Phoenix and ASPC-Perryville shall ensure that office space is provided to ICE investigators to conduct interviews on a daily basis.

- 1.9.6.1 Upon determination by ICE agents that an inmate is deportable or is not amenable to deportation, by receipt of a Detainer/Non-Action letter from ICE, the ADC ICE staff shall annotate all applicable AIMS screens to accurately identify the inmate as either deportable or not amenable to deportation.
- 1.9.6.2 If an inmate is not amenable to deportation proceedings, the reason shall be stated on the Offender Comment Screen by ADC ICE staff. If the reason is due to the inmate being a U. S. Citizen or a Naturalized Citizen, the citizenship status on the Personal Characteristics screen shall be changed to indicate the correct status.
- 1.9.6.3 Upon determination of citizenship status, staff shall annotate the AIMS Personal Characteristics screen with one of the following identifiers.
  - 1.9.6.3.1 "1" - United States Citizen, whether U.S born or naturalized.
  - 1.9.6.3.2 "3" - Criminal Alien, detainer is present. There may or may not be a Deportation Order.
  - 1.9.6.3.3 "5" - Criminal Alien determined to be legal per ICE (Legal Permanent Resident). No detainer, not amendable to deportation.
  - 1.9.6.3.4 "6" - Pending final disposition from ICE. Possibly deportable. An immigration judge to determine status of either 3 or 5.
- 1.9.7 Wardens at the Institutional Hearing/Release Program (IHP or IRP) sites shall ensure that office space is provided to EOIR staff to conduct administrative hearings. To expedite administrative hearings, the following six prisons have been designated as IHP/IRP sites.
  - 1.9.7.1 ASPC-Florence/Eyman.
  - 1.9.7.2 ASPC-Tucson.
  - 1.9.7.3 ASPC-Lewis.
  - 1.9.7.4 ASPC-Perryville.
  - 1.9.7.5 Phoenix West.
- 1.9.8 IHP/IRP site OIU staff and the Central Office Coordinator shall coordinate hearing dates and times with the EOIR Court Administrator assigned to the hearing site.
- 1.9.9 Upon receipt of the ICE calendar, which identifies dates of hearings and inmates to be heard, the OIU staff shall coordinate hearing dates and times with the appropriate Deputy Wardens and/or institution security staff assigned to transport inmates to the designated hearing location and ensure that:
  - 1.9.9.1 All inmates listed on the calendar are currently housed at the hearing site.

- 1.9.9.2 The EOIR Court Administrator is notified by the Central Office Coordinator of any transfer or release of inmates scheduled for the hearing.
- 1.9.9.3 Offender Services Bureau staff is notified of the scheduled hearing dates for transport.
- 1.9.9.4 Scheduled hearing dates are annotated on the applicable AIMS screen.
- 1.9.9.5 Upon completion of the hearings, dispositions are received from EOIR staff and are annotated on the applicable AIMS screen.
- 1.9.9.6 ICE staff shall forward a copy of the disposition to the Offender Services Bureau Coordinator for tracking and placement in the inmate's Master Record File.
- 1.9.9.7 The institution Offender Information Unit is notified of EOIR's final disposition.
- 1.9.10 Inmates shall not be transferred from a hearing site until the hearing process is completed.
- 1.9.11 Non-hearing site OIU staff shall:
  - 1.9.11.1 Coordinate the transfer of eligible inmates, to a designated release site, for purpose of release to deportation, with the Accountability and Movement Officer, the Central Office Coordinator and the OIU of the designated release site.
  - 1.9.11.2 Ensure that notification and release packets for inmates transferred to a release site for purposes of release to deportation, are completed prior to the transfer and in accordance with Department Order #1001, Inmate Release System.
  - 1.9.11.3 Ensure all ICE releases are entered into the Offender Management System (OMS) prior to transfer. Contract Beds shall scan all appropriate forms to the Central Office Offender Services Bureau.
- 1.9.12 Release site OIU staff shall coordinate the release of deportable inmates, either currently housed or those transferred from non-release sites, with the ICE Deportation section. All releases to ICE must include an ICE representative signing the body receipt and returning the receipt to the Department staff member.
  - 1.9.12.1 A copy of the Immigration Detainer Letter, Form 1004-26 shall be given to the ICE agent upon release of the Criminal Alien from the Department.

**901.02 PLACEMENT/ACKNOWLEDGMENT AND PROCESSING OF DETAINER ACTION LETTERS AND NOTIFICATION REQUESTS**

- 1.1 Receipt of a Detainer - Upon receipt of a Warrant and/or request to place a detainer/hold or notification on an inmate, the Offender Bureau OIU Manager or designee shall be responsible for ensuring that all actions received are valid and properly acknowledged and that the inmate is served and/or notified within 15 work days after receipt. To determine validity, the designated authority shall:

- 1.1.1 Ensure that all warrants received through the U. S. mail have a certification seal and some type of identification/physical description of the inmate in question.
  - 1.1.2 Ensure that requests for detainers on civil actions (i.e., ICE) or notification requests are on agency letterhead.
  - 1.1.3 Ensure that warrants/requests for hold and/or notification requests accepted through the ACJIS contain a warrant number and provide identification and physical description information on the inmate.
  - 1.1.4 Contact the demanding jurisdiction's prosecutor, if there is any doubt as to the validity of a detainer.
- 1.2 Processing Detainers - The OIU Manager or designee shall ensure that the ADC number and description of the inmate indicated on the warrant/documentation matches the ADC number and description of the inmate in custody.
- 1.2.1 If the descriptions and numbers match, the detainer/notification action shall be logged onto the AIMS "Detainer/Warrant History" screen within one day of receipt using the following identification codes.
    - 1.2.1.1 "UNTI" - Untried Charges pending against an inmate from another State/County Jurisdiction.
      - 1.2.1.1.1 When an Untried Detainer is received by the Offender Bureau OIU or at an institution where the inmate is not located, the detainer shall be entered on the AIMS Detainer/Warrant History screen.
      - 1.2.1.1.2 The housing institution shall be notified immediately and advised that the document(s) are being forwarded for acknowledgment and processing.
      - 1.2.1.1.3 This does not include Parole or Probation Violations.
    - 1.2.1.2 "USMO" - United States Marshal Service - All detainers received, tried or untried, from the U. S. Marshall Service shall be entered under the USMO code.
    - 1.2.1.3 "PPV" - Probation or Parole Violation (Tried) warrants received from other State and/or County Jurisdictions only - Parole violation warrants for Arizona releases are handled through the Community Corrections, Fugitive Services Unit Manager.
    - 1.2.1.4 "DCS" - Detainer Conviction State - Untried charges have been disposed of and the inmate has been sentenced to serve another state's sentence either concurrently or consecutively with the Arizona sentence.
    - 1.2.1.5 "DCC" - Detainer Conviction County - Untried charges within the state have been disposed of and the inmate has been sentenced to serve a consecutive term with a county jurisdiction.

- 1.2.1.6 "ICE" - Immigration and Custom Enforcement Agency - Upon receipt of a ICE Detainer, the AIMS Personal Characteristics screen shall be reviewed to ensure that the citizenship field accurately describes the inmate as an alien and that an "F" suffix is entered in the suffix field to accurately identify the inmate as Criminal Alien. ADC ICE staff will enter the citizenship status on the appropriate AIMS screen.
  - 1.2.1.7 "MISD" - Misdemeanor Warrants - To be used only when an agency specifically requests a "Hold" be placed on an inmate for a misdemeanor warrant.
    - 1.2.1.7.1 If the agency does not take custody of the inmate upon release, the "Hold" shall not prevent the inmate from being released from Department custody.
    - 1.2.1.7.2 The inmate shall be informed of the obligation to have the misdemeanor charges disposed of and, if the charges are not disposed of, the assigned Community Corrections Officer shall be notified of the misdemeanor charges pending against the inmate.
  - 1.2.1.8 "NR" - Notification of Release Request - For notification purposes only. This action does not prevent the inmate from being released from Department custody. Notification requests are normally placed for probation obligations, child support services, restitution obligations, misdemeanor convictions, concurrent convictions or supervision purposes. If any agency requests a "Hold," along with the NR, be placed on the inmate, the action shall be entered as a MISD.
  - 1.2.1.9 "DCF" - Detainer Conviction Federal.
  - 1.2.1.10 "DCO" - Detainer Conviction Other.
  - 1.2.1.11 "DTR" - Detainer/Treaty.
  - 1.2.1.12 "WARR" - Community Corrections/Abscond/Escape.
  - 1.2.1.13 FH – Felony Hold – At any time during an inmate’s incarceration, if information becomes available that indicates the inmate has pending felony charges, a felony hold code shall be entered on the AIMS DT03 screen. Note: A detainer and/or warrant does not need to be present.
- 1.2.2 If any of the detainer actions listed above are lodged against an inmate at an institution, or unit within an institution, that prevents an inmate from being housed there, the detainer shall be acknowledged and entered on the AIMS "Detainer/Warrant History" screen.
- 1.2.2.1 If applicable, the inmate shall be classified and moved to the appropriate location.

- 1.2.3 Receipt of the detainer shall be acknowledged by preparing an official Detainer Acknowledgment Letter in the format outlined in Attachment B. ICE Detainers may be acknowledged by signing the bottom portion of the detainer placement request (copies for the Institution and Master Record File shall be on blue paper.) Copies shall be forwarded as follows:
    - 1.2.3.1 Original - Demanding agency.
    - 1.2.3.2 Copy - Institution File with all original certified documents.
    - 1.2.3.3 Copy - Master Record File with copies of original documents.
  - 1.2.4 Within 15 days of receipt of the detainer request, the inmate shall be provided a copy of the Detainer Acknowledgement Letter, warrant, indictment and the information or complaint used to lodge the detainer.
  - 1.2.5 90 days prior to an inmate's release, the institution OIU staff shall notify the demanding agency of the inmate's pending release and verify that the detainer/notification is still in effect.
    - 1.2.5.1 If the inmate only has a felony hold, the OIU shall notify the jurisdiction of the pending release and verify that the felony hold is still in effect.
  - 1.2.6 If a detainer/felony hold is placed after the release packet has been forwarded to Community Supervision, the OIU Manager shall notify the Community Corrections of the detainer/felony hold.
- 1.3 Cancellation of Detainer - Upon receiving a notification to cancel a detainer, the OIU Manager or designee shall:
- 1.3.1 Review the AIMS Detainer/Warrant History screen and the Offender Comment Screen to determine if detainers are "Tried" or "Untried."
  - 1.3.2 Ensure that the cancellation notice is being requested by the agency that originated the detainer and that all references made to name, ADC number, warrant number and/or alien identification number match the original documents. If there is any question as to the authenticity of the request to cancel the detainer, the originating agency shall be contacted for verification of the cancellation notice.
  - 1.3.3 If the Detainer is "Tried:"
    - 1.3.3.1 Verify that the detainer is no longer in effect if other jurisdiction is canceling their detainer.
    - 1.3.3.2 Enter the cancellation date on the Detainer/Warrant History screen.
    - 1.3.3.3 Acknowledge receipt of the cancellation by preparing an official "Detainer Acknowledgment Letter".
    - 1.3.3.4 Ensure that all original documents are removed from the Institution File and returned, with the "Detainer Acknowledgment Letter," to the originating jurisdiction.

- 1.3.3.5 Ensure that the inmate, through the CO III, is notified and provided a copy of the cancellation request.
- 1.3.3.6 Forward a copy of the cancellation letter to the Institution and Master Record File.
- 1.3.4 Not cancel an "Untried" detainer until determining:
  - 1.3.4.1 That the cancellation request was made prior to the inmate filing for disposition under the Interstate Agreement on Detainer Act.
    - 1.3.4.1.1 The reason is to be outlined in the notice of cancellation.
    - 1.3.4.1.2 If the reason is not given, the Manager shall contact the demanding agency for verification and the reason.
  - 1.3.4.2 That the inmate filed for disposition, was transferred to the other jurisdiction and the demanding agency has no further interest due to the inmate having satisfied the terms of the final disposition (i.e., original charges dismissed, the inmate was ordered to time served, jail and/or probation).
  - 1.3.4.3 That the inmate filed for disposition, was transferred to the other jurisdiction and was sentenced to a term of imprisonment.
    - 1.3.4.3.1 In this event, the "Untried" detainer shall be canceled; however, a "DCS" detainer shall be entered using the same date as the "Untried" detainer cancellation date.
    - 1.3.4.3.2 The Agreement on Detainers, Form IX - Prosecutors Report on Disposition of Charges, Form 901-16 or the other jurisdiction's committing document, shall be used as authorization for the "DCS" detainer.
  - 1.3.4.4 If the authorization to cancel a detainer is received after a "DCS" detainer is placed. The other jurisdiction shall be contacted for verification of completion of sentence prior to cancellation.
- 1.4 Deletion of Detainers - The deletion of a detainer from an AIMS inmate record shall be completed only when the detainer has been placed on the wrong inmate record. The correction of detainer information shall be completed as follows:
  - 1.4.1 If the error is discovered prior to acknowledgment of receipt of the detainer being sent to the requesting agency, the detainer may be deleted from AIMS without comments placed on the record.
  - 1.4.2 If the error is discovered after acknowledgment of receipt of the detainer has been sent to the requesting agency, the detainer shall be deleted. Appropriate comments shall be made in the Offender Comments screen of the inmate record against whom the detainer is actually being made. Required comments include:
    - 1.4.2.1 The date of correction, the original date of the detainer placement.
    - 1.4.2.2 The ADC number of the inmate the detainer was originally placed on.

1.4.2.3 The date the correction was made and the initials of the staff member who made the correction.

1.5 Speedy Trial - Within 15 days of receipt of an untried detainer lodged against an inmate, the inmate shall be notified of the pending charges and of their right for speedy disposition of the charges. An inmate may request speedy disposition of pending charges as outlined in section 901.03 of this Department Order.

### **901.03 IN STATE/INTERSTATE AGREEMENT ON DETAINERS ACT**

1.1 In state - Uniform Mandatory Disposition of Detainers (UMDDA) - The right to a speedy trial of persons in prison within the state. The UMDDA provides inmates with an appropriate procedure for demanding trial, including the prosecutor's duty to notify the inmate of their right to demand an immediate trial whenever a detainer is lodged against the inmate.

1.1.1 The UMDDA does not apply to detainers issued for:

1.1.1.1 Parole Violations.

1.1.1.2 Probation Violations.

1.1.1.3 Unexpired portions of a sentence.

1.1.1.4 Out of state detainers.

1.1.2 Within calendar 15 days after receipt of a detainer, the inmate shall be served with the detainer and a completed UMDDA by the OIU Manager or designee who shall verify that the form is completed accurately, to include a certification of inmate status and time left to serve on the current sentence(s).

1.1.3 Inmates shall be advised:

1.1.3.1 Of the source and content of the detainer and their right to request a final disposition.

1.1.3.2 That they may temporarily be transferred to the custody of the demanding jurisdiction, upon request for final disposition.

1.1.3.3 That their current sentence shall continue to run while the inmate is in the county's custody.

1.1.3.4 That they will be returned to the Department's custody to complete their sentence(s) upon completion of the court proceedings and final disposition of the charges in the other jurisdiction.

1.1.4 If the inmate refuses to sign the UMDDA, the OIU Manager or designee shall:

1.1.4.1 Note on the inmate's signature line that the inmate refused to sign.

1.1.4.2 Sign and date the form.

1.1.4.3 Have a second staff member sign and date the form as a witness.

- 1.1.4.4 Inform the inmate that refusal to sign does not dismiss the detainer.
- 1.1.4.5 File the form in the Institution file.
- 1.1.5 If the inmate chooses to request final disposition:
  - 1.1.5.1 The inmate shall sign and date the form.
  - 1.1.5.2 A Department employee, other than the person serving the form, is required to sign the form as a witness.
  - 1.1.5.3 The OIU Manager shall sign the form and mail it to the Clerk of the Court of jurisdiction and to the prosecuting attorney using certified registered mail with "Return Receipt Requested".
- 1.1.6 Upon receipt of the Return Receipt, the stamped/written date on the receipt shall be entered on the AIMS "Detainer/Warrant History" screen in the agreement date field. The AIMS "Offender Comment Screen," IAD Transaction type, shall be annotated to include all steps taken to complete this process.
  - 1.1.6.1 The process outlined in sections 1.1.2 through 1.1.6 shall be completed for each "In State" jurisdiction having placed a detainer on an inmate.
  - 1.1.6.2 The inmate shall be released to the first jurisdiction to provide an "Order to Secure Attendance of Prisoner" issued by the court of jurisdiction.
- 1.1.7 The inmate shall be brought before the court of jurisdiction within 90 days of the date of the "Return Receipt Request" and shall be brought to trial within 90 days of arrival in the demanding jurisdiction. The institution OIU Manager shall:
  - 1.1.7.1 Send a follow-up letter 45 days after the date of the "Return Receipt" to the other jurisdiction advising that there are 45 days remaining in which they may take custody of the inmate.
  - 1.1.7.2 Provide written notification to the Offender Services Bureau OIU Manager, if the 90 day time frame is not met by the other jurisdiction. Copies of all documents pertaining to the detainer shall be attached to the written notification.
  - 1.1.7.3 Advise the Offender Services Bureau OIU Manager to send a letter to the appropriate prosecutor and Clerk of the Court in the county of jurisdiction to request that the court enter an order for dismissal of the charges and provide notification to all parties that the detainer is no longer in effect.
- 1.1.8 Upon completion of the court action and return of the inmate, the OIU Manager shall ensure that:
  - 1.1.8.1 The court's final disposition documents are received and processed in accordance with section 901.04, 1.3 through 1.3.2 of this Department Order.
  - 1.1.8.2 A copy of the UMDDA or a complete detainer packet is forwarded to the Offender Services Bureau OIU, for the Master Record File.

1.2 Interstate - The Interstate Agreement on Detainers (IAD), (A.R.S. 31-481, 482) is a compact that has been entered into by most states, the District of Columbia and the Federal Government, providing for the administrative transfer of inmates who are wanted by another jurisdiction for trial on criminal charges.

1.2.1 The IAD process uses standardized terminology, forms and formats common to all signatory states. Following is the list of forms currently in use:

1.2.1.1 Agreement on Detainers/Form I, "Notice of Untried Indictment, Information or Complaint and of Right to Request Disposition" hereafter, Form I. (Form 901-6)

1.2.1.2 Agreement on Detainers/Form II, "Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictments, Information or Complaints" hereafter, Form II. (Form 901-7)

1.2.1.3 Agreement on Detainers/Form III, "Certificate of Inmate Status" hereafter, Form III. (Form 901-8)

1.2.1.4 Agreement on Detainers/Form IV, "Offer to Deliver Temporary Custody" hereafter, Form IV. (Form 901-9)

1.2.1.5 Agreement on Detainers/Form V, "Request for Temporary Custody" hereafter, Form V. (Form 901-10)

1.2.1.6 Agreement on Detainers/Form V-A, "Prisoner Option of Rights and Advisory Form (Cuyler vs. Adams)" hereafter, Form V-A. (Form 901-11)

1.2.1.7 Agreement on Detainers/Form V-B, "Prisoner's Agreement to Temporary Transfer of Custody" hereafter, Form V-B. (Form 901-12)

1.2.1.8 Agreement on Detainers/Form VI, "Evidence of Agent's Authority to Act for Receiving State" hereafter, Form VI. (Form 901-13)

1.2.1.9 Agreement on Detainers/Form VII, "Prosecutor's Acceptance of Temporary Custody Offered in Connection with a Prisoner's request for Disposition of a Detainer" hereafter, Form VII. (Form 901-14)

1.2.1.10 Agreement on Detainers/Form VIII, "Prosecutor's Acceptance of Temporary Custody Offered in Connection with Another Prosecutor's Request for Disposition of a Detainer" hereafter, Form VIII. (Form 901-15)

1.2.1.11 Agreement on Detainers/Form IX, "Prosecutor's Report on Disposition of Charges" hereafter, Form IX. (Form 901-16)

1.2.1.12 Agreement on Detainers/Governor's Notice Letter. (Attachment C)

1.2.2 The IAD process does not apply to detainers issued by the non-signatory states of Louisiana and Mississippi and does not apply when:

1.2.2.1 An inmate's sentence is death.

- 1.2.2.2 The inmate escaped from another state's custody and is wanted in that state solely on the basis of the unsatisfied prison term.
- 1.2.2.3 The detainer is for an alleged probation or parole violation.
- 1.2.2.4 The detainer is for deportation purposes.
- 1.2.3 The IAD process may be used, but is not recommended, when a prosecutor in another state advises the state of Arizona that the death penalty is being sought in the case. A Governor's Warrant of Extradition with an accompanying Executive Agreement is recommended for use in the place of the IAD.
- 1.2.4 A detainer shall be lodged against the inmate with the OIU of the institution where the inmate is housed, before the IAD process is applied. The detainer shall be based upon an "untried" indictment, information or complaint.
- 1.2.5 The OIU Manager shall, within 15 days of receipt of an untried detainer, ensure that the inmate is served with a completed, Form I as outlined in the "Inmate Records Information/Court Action" Technical Manual.
  - 1.2.5.1 Upon receipt of the Form I, signed by the inmate, the OIU Manager shall complete Form II through Form IV.
  - 1.2.5.2 Completed Forms II through IV shall be signed by the inmate and the Warden as indicated on the forms.
  - 1.2.5.3 Mailing and distribution of Form I through IV shall be in accordance with the Technical Manual.
- 1.2.6 An inmate who requests final disposition under the IAD (Article III) shall be brought to trial within 180 days of the date the prosecutor receives the appropriate documents/date on the "Return Receipt Request." Tracking time frames shall be conducted as outlined in the "Inmate Records Information/Court Action" Technical Manual.
- 1.2.7 The official agent for the demanding state shall complete and forward Form VI and Form VII, to the Department's IAD Administrator and the Warden of the institution where the inmate is currently housed when they are prepared to accept temporary custody of the inmate.
  - 1.2.7.1 Upon arrival at the institution, the official agent of the demanding state shall present proper identification, a copy of the Forms VI and VII and a certified copy of the Indictment, Information or Complaint prior to taking custody of the inmate.
- 1.2.8 If the inmate has multiple detainers from more than one state, the OIU Manager shall provide written notification to the other states advising them of the date and name of the state taking custody of the inmate.
- 1.2.9 Another jurisdiction(s) within the same state may take custody of the inmate, upon completion of a form VIII. Each jurisdiction that is requesting custody of the inmate shall inform the institution that originally transferred custody of the inmate of their request, and arrange for the inmate's transfer to their jurisdiction.

- 1.2.10 When an inmate refuses to sign the Form II, the demanding jurisdiction may request temporary custody of the inmate by initiating the process under Article IV of the IAD. The prosecutor shall provide, to the holding institution:
  - 1.2.10.1 The completed Form V.
  - 1.2.10.2 A certified copy of the indictment, information or complaint.
  - 1.2.10.3 A certified copy of the warrant.
  - 1.2.10.4 A certified copy of the fingerprint card, photograph and physical description of the inmate being requested.
- 1.2.11 Within 15 work days of receipt of the Form V and accompanying documents, the OIU Manager shall complete a Form V-A, and ensure that the inmate is:
  - 1.2.11.1 Served with a Form I and informed that a request for temporary custody has been made under Article IV of the IAD.
  - 1.2.11.2 Informed of the source and content of the Form V and accompanying documents, and of the right to request a final disposition of the indictment, information or complaint.
  - 1.2.11.3 Informed of the right to petition the Governor of Arizona, for intervention, within 30 days of the receipt of the request for temporary custody. The Governor has 30 calendar days from receipt of the inmate's petition to disapprove the request or deny availability, either by the Governor's own motion or by nonintervention.
  - 1.2.11.4 Informed of the right to a pre-transfer (identity) hearing pursuant to *Cuyler vs. Adams* (449 U.S. 433; 1981) including representation of counsel and opportunity for habeas corpus.
  - 1.2.11.5 Informed, that, if he or she does not agree to a voluntary transfer, a hearing shall be arranged through the presiding judge of the superior court to be scheduled on the earliest available date on the court calendar.
- 1.2.12 Upon completion of service of the Form V, the OIU Manager shall ensure that:
  - 1.2.12.1 Six copies of the Form V-B are completed and included with the Form V and accompanying documents to be presented to the Superior Court Judge of jurisdiction for the pre-transfer hearing.
  - 1.2.12.2 An Agreement on Detainers/Governor's Notice Letter (Attachment C) is completed and forwarded to the Governor of Arizona.
- 1.2.13 Upon completion of the pre-transfer hearing and when the 30 day period of notice to the Governor has expired, with no objections made, or when the inmate agrees to a voluntary transfer by signing Form V-B, Forms III and IV shall be completed and forwarded to the prosecuting attorney in the demanding state.

- 1.2.14 The prosecuting attorney shall complete and forward a Form VI to the holding institution's Warden. Other prosecutors within the demanding state who also are prepared to accept temporary custody of the inmate shall send a Form VIII to the holding institution's Warden.
- 1.2.15 An inmate, whose transfer of custody was at the request of the prosecutor under Article IV, shall be brought to trial within 120 days from the inmate's arrival in the demanding state.
- 1.2.16 At the earliest possible date after the court proceedings are concluded, the inmate shall be returned to the custody of the releasing institution's Warden. All prosecuting officials in the demanding state shall complete a Form IX, and forward the completed form to the Warden of the releasing institution, the IAD Administrator and the Warden and/or agency that will have jurisdiction over the inmate when the inmate is returned to the sentencing state after completion of the Arizona sentence.
- 1.2.17 Upon completion of the IAD process, the OIU Manager shall ensure that all applicable AIMS screens are updated with the disposition of the inmate's charges and that a completed detainer packet is forwarded to the Offender Services Bureau OIU for placement in the inmate's Master Record File.
- 1.3 U. S. Marshal Detainers - Requests for final disposition on untried detainers lodged against an inmate by the U. S. Marshal Service shall be made on the official U. S. Marshal "Quick and Speedy" form.
- 1.4 Executive Agreements and Warrants of Extradition - All Executive Agreements and Warrants of Extradition shall be coordinated with the Department's Extradition Officer.
  - 1.4.1 Requests for final dispositions on detainers lodged against an inmate by the non-signatory states of Louisiana and Mississippi shall be referred to those states. If those states choose to take action prior to the inmate's release, such action shall be coordinated through the Department's Extradition Officer and shall be requested using an Executive Agreement.
  - 1.4.2 Governor's Warrants of Extradition, without an Executive Agreement shall not be honored until the inmate is within 90 days of a release.

#### **901.04 COURT ACTIONS**

- 1.1 Temporarily Absent Status - Inmates summoned to court via the Order to Secure Attendance shall be placed on "Temporarily Absent" status and, if applicable, shall continue earning release credits while at court. Upon notification, from the agency taking custody, that an inmate's presence is required in court, the institution OIU Manager, or designee, shall ensure:
  - 1.1.1 That an Intake/Transfer of Custody - Receipt of custody is prepared.
  - 1.1.2 Affected units are notified of the date and time of pick-up.
  - 1.1.3 Any special handling information regarding the inmate is annotated on the receipt. Special handling information may include, but not be limited to:
    - 1.1.3.1 Protective Segregation Issues.

- 1.1.3.2 Assaultive Behavior.
- 1.1.3.3 Security Threat Group (STG) Issues.
- 1.1.3.4 Escape Risk.
- 1.1.3.5 Medical Issues/Medication Prescribed.
- 1.1.4 All inmates being released to court must have a verified fingerprint from the current commitment on the appropriate AIMS screen.
- 1.1.5 All inmates shall be Fast ID'd and verified prior to release to other agencies.
- 1.2 Temporary Transfers - Inmates may be summoned to court by the issue of the following orders:
  - 1.2.1 Order Securing Attendance of Prisoner (OSA) - An inmate may be temporarily transferred to the county of jurisdiction when such an order is requested by the prosecuting county attorney in the county from which the prisoner is wanted and issued by a Judge of the court of jurisdiction. The inmate shall be returned to Department custody upon completion of the court action. If the date on the OSA differs from the date the county officer arrives to pick up the inmate, the county officer shall correct and initial the change on the OSA. The inmate can then be released to that jurisdiction.
  - 1.2.2 Writ of Habeas Corpus - An inmate may be temporarily transferred to a county or Federal jurisdiction when a Writ of Habeas Corpus is issued to bring up a prisoner to give evidence before the court. A Writ of Habeas Corpus is most commonly used by the Federal Government. The inmate is to be returned to Department custody upon completion of the court action.
    - 1.2.2.1 Telephonic hearings requested by the prosecuting court authority, shall be forwarded through the institution OIU for verification and scheduling.
  - 1.2.3 Interstate Agreement on Detainers - An inmate may be temporarily transferred to another state or to a federal jurisdiction, either upon the inmate's own request or at the request of the agency or jurisdiction when all proper documentation, as identified in section 901.03, is presented to the holding institution and to the Department's IAD Administrator.
  - 1.2.4 Governor's Warrant of Extradition with Executive Agreement - An inmate may be temporarily transferred to another state jurisdiction upon completion of an Extradition hearing by a Superior Court Judge in the county in which the inmate resides. The inmate may, usually when a sentence of "life," or the Death penalty, has been issued and with Arizona approval, remain in the custody of the other State jurisdiction upon completion of the court action.
  - 1.2.5 Securing Attendance of Witness - An inmate may be temporarily transferred to a county jurisdiction within the state or out of state when an order "Securing Attendance of a Prisoner for the Purpose of Testifying" is issued. The inmate shall be returned to Department custody upon completion of the Court action.
    - 1.2.5.1 In-State - The order shall be issued by a Superior Court Judge of the county in which the trial is being held.

- 1.2.5.2 Out-of-State - The transfer shall be coordinated by the other state's Prosecuting Attorney with the County Attorney's office, of the county in which the inmate is currently located.
  - 1.2.5.2.1 Upon presentation of the order, the inmate shall be turned over to the Sheriff's Office of the Arizona county and held until the other jurisdiction takes custody.
  - 1.2.5.2.2 The inmate may be turned over to another state agency directly from a Department institution providing the order specifically states that the Department shall relinquish custody to the other state.
- 1.3 If an inmate is temporarily transferred due to pending charges or for any other reason that might affect the inmate's sentence or term of incarceration, the OIU Manager or designee shall, when the inmate returns to Department custody, ensure that the information contained in the documentation provided by the returning agency is entered on all applicable AIMS screens. The Manager shall notify the Offender Services Bureau TCU and provide the new information.
  - 1.3.1 If documentation is not received the Manager or designee shall contact the court of jurisdiction to determine the court's disposition of the case.
  - 1.3.2 Any information received from the court regarding the disposition shall be entered on the AIMS "Offender Comment" screen under the Court Action transaction type.
  - 1.3.3 All inmates shall be Fast ID'd and verified upon return to Department custody from other agencies.
- 1.4 Release of Prisoner While Out to Court - Any inmate who reaches a Release Eligibility Date, while "Out to Court," shall meet all criteria for release outlined in Department Order #1001, Inmate Release System and Department Order #1002, Inmate Release Eligibility, including requirements to sign a Condition of Supervision/Release, Form 1002-3 and completion of release packets and programs. Inmates who refuse to sign shall not be released and shall be subject to classification action as outlined in Department Order #1002. A detainer shall be lodged by the releasing institution with the jurisdiction that is taking custody.
  - 1.4.1 If all release criteria are met, the institution OIU shall:
    - 1.4.1.1 Verify with the Community Corrections that:
      - 1.4.1.1.1 Release conditions are current.
      - 1.4.1.1.2 The inmate has signed release conditions.
      - 1.4.1.1.3 Release program has been approved by Community Supervision for "Release from custody" on the specific release type.
      - 1.4.1.1.4 Meets Literacy Standards.
      - 1.4.1.1.5 The DNA is completed.
      - 1.4.1.1.6 The fingerprint has been verified.

- 1.4.1.1.7 Forward detainer from other agencies to the jurisdiction that has custody of the inmate and notify the detainer agency.
    - 1.4.1.2 Notify the jurisdiction having custody of the inmate that:
      - 1.4.1.2.1 The detainer may be dropped.
      - 1.4.1.2.2 The Department has no further interest, if applicable.
      - 1.4.1.2.3 Inmates shall, if applicable, be under Community Supervision until reaching their Sentence Expiration or Community Supervision End Date.
- 1.5 Additional Sentences - Upon receipt of an additional sentence, the receiving institution OIU shall process the new commitment in accordance with section 901.01 of this Department Order.
- 1.6 Sentence Modifications/Vacates/Reversed and/or Remanded for a New Trial - Upon receipt of documentation regarding "Sentence Modifications," "Sentence Vacates," and/or "Sentences, which have been Reversed and/or Remanded for a new trial" the receiving staff member shall forward all documentation to the TCU. The TCU shall process this documentation in accordance with Department Order #1002, Inmate Release Eligibility System. Institution OIUs are not authorized to process these documents.
- 1.7 Committed Name - The name listed on the committing court document shall be the inmate's official name recorded on all Department documents and on the Master Record File.
  - 1.7.1 If there is more than one court commitment, the name listed for the ruling sentence shall be the official name. All other names shall be listed as "Also Known As" (AKA).
  - 1.7.2 When an inmate has multiple commitments with different names listed on the documents, staff shall use the name listed on the ruling sentence to register the inmate on AIMS. If the ruling sentence cannot be determined:
    - 1.7.2.1 The inmate shall be registered with the name on the first commitment entered on the Sentence Structure screen.
    - 1.7.2.2 The TCU shall be notified and faxed a copy of the court documents so that the ruling sentence may be determined.
  - 1.7.3 The TCU shall verify the information on the "Sentence Structure" screen within three hours of receipt of the faxed court documents.
  - 1.7.4 Upon verification of the ruling sentence, the TCU shall notify the Reception Center, by email, of the inmate's official name. The Reception Center shall, if necessary, change the inmate's legal name to the name specified by the TCU.
  - 1.7.5 When an inmate is returned to the Department as a re-committed inmate, violator and/or court returnee with a new commitment and has a name other than the original name used when first committed, receiving staff shall review the court document to determine the ruling sentence.

- 1.7.5.1 If the new commitment is the ruling sentence, the name shall be the inmate's official name to be used on all documents. Upon entering this information on the Sentence Structure screen, the AIMS "Release Date Calculation" screen, which identifies the ruling sentence, automatically generates the change to the inmate's automated record.
- 1.7.6 The receiving institution OIU shall ensure that the Institution File indicates the name change and that appropriate staff is requested to take new photographs and issue a new Identification Card. Notification of the inmate's official name shall be forwarded to the Offender Services Bureau OIU to update the Master Record File.
- 1.7.7 Inmates may officially change their names, in the same manner as private citizens, through the appropriate court of jurisdiction. Inmate names that are changed in this manner shall be processed by the TCU, which shall:
  - 1.7.7.1 Verify the inmate's prior official name and verify and ensure that the inmate has NOT been transferred under the provisions of the Corrections Compact. Inmates transferred under the Corrections Compact shall have written approval from the sentencing state to have their name changed and shall request such approval through the Special Services Unit.
  - 1.7.7.2 Record the legal name change as the official name of the inmate in the inmate's automated file.
  - 1.7.7.3 Record the inmate's prior official name as an "AKA" in the inmate's automated file.
  - 1.7.7.4 Provide written notification to the Offender Services Bureau OIU, the Victim Services Unit, and the institution OIU of the name change. The original court order shall be forwarded to the Offender Services Bureau OIU and a copy sent to the institution OIU.
- 1.7.8 The Offender Services Bureau OIU Manager shall ensure that the name on the Master Record File is changed in accordance with the court order.
- 1.7.9 The institution OIU Manager shall ensure that the name listed in the Institution file is changed, a new Escape Bulletin is printed and notification, as applicable, is made to the following:
  - 1.7.9.1 The Warden and/or Deputy Warden.
  - 1.7.9.2 Health Services.
  - 1.7.9.3 The appropriate Chief of Security.
  - 1.7.9.4 The unit's CO IV.
  - 1.7.9.5 Inmate Banking.
  - 1.7.9.6 Mail and Property processing areas.
  - 1.7.9.7 Visitation.

- 1.7.9.8 A female inmate is authorized to provide a certified copy of a properly executed marriage license to change her name.
  - 1.7.9.9 Inmates requesting name changes through a court process shall pay the costs associated with the name change including the cost of new photographs and inmate identification card.
  - 1.7.9.10 When officially confirmed, the new name shall be the official inmate name used by the Department.
- 1.8 Inmates Returning from Court - The Offender Information Unit Supervisor shall:
- 1.8.1 Monitor the status of out to court inmates and request the outside agency to notify them of the return of the inmate, via telephone.
  - 1.8.2 Notify the complex movement officer of the inmate's pending return for proper housing placement.
  - 1.8.3 Notify the SSU Officer and CO IV of the inmate's pending return and subsequent unit destination. The SSU Officer:
    - 1.8.3.1 Shall contact the sending agency to inquire about the inmate's behavior while in their custody and to follow-up with any applicable information to include any behavior issues, rejection of appeals, change in sentence or additional commitment.
    - 1.8.3.2 And the CO IV will interview the inmate upon return to Department custody to evaluate inmate's demeanor and morale. The COIV shall refer the inmate to Mental Health for assessment if the outcome of the court case resulted in an additional felony conviction, an increased sentence, or an appeal was denied.
  - 1.8.4 Ensure the DT08-CT screen is annotated, (and DT08-87, if an untried detainer), based on the paperwork returned with the inmate (i.e. minute entry or other official document provided by the sending court authority) regarding next court date, pleas agreement, sentencing information, etc.
  - 1.8.5 Contact the sentencing court the day the inmate is returned for the status of the case and any minute entries if an inmate is returned without paperwork.
    - 1.8.5.1 Contact Central Office Time Computation Unit staff for assistance if they do not receive paperwork or a response within 24 hours.
    - 1.8.5.2 For Courts with information available on the Internet, access the information from the Internet and print any necessary documentation (i.e. minute entries or status of case) and annotation of such is made on the DT08-CT screen.
  - 1.8.6 Ensure the information on inmates' additional sentences is processed as follows:
    - 1.8.6.1 Information is entered into AIMS.
    - 1.8.6.2 Classification is reviewed, reclassifying if necessary.

- 1.8.6.3 Sentencing documents are forwarded to the Time Computation Unit for verification.
- 1.8.6.4 Unit CO IV is notified of the additional sentence.
- 1.8.7 Coordinate the release of inmates being released while out to court (and has reached their ERC date with an approved release program and signed conditions) with the arresting agency, ensuring a Teletype is sent to the arresting agency to drop the ADC detainer hold.
- 1.8.8 Contact the jails monthly to check the status of inmates out to court to ensure no erroneous release by the county, and provide the Warden a monthly report.
- 1.8.9 Ensure staff are notified of an inmate's disciplinary incidents or medical or mental health issues while out to court by providing the unit Count Movement Officer and the medical unit a copy, if warranted, of the county's documentation. A copy is also placed in the inmate's institutional file.

**901.05 PHOTOGRAPHS OF INMATES-** All inmate photographs shall be taken using the Mug Photo Interface Subsystem (MPI). No digital camera photos shall be used.

- 1.1 Intake Processing - Photographs shall be taken of each inmate during the initial intake process.
  - 1.1.1 Frontal and profile photographs of the inmate reflecting the inmate's appearance upon arrival, to include the wearing of glasses, shall be taken at Reception and distributed as follows:
    - 1.1.1.1 One frontal and one profile - Institution File.
    - 1.1.1.2 One frontal and one profile - Master Record File.
  - 1.1.2 Additional frontal and profile photographs with the inmate's hair pulled back away from the face shall be made. Male inmates shall be clean shaven in accordance with Department Order #704, Inmate Regulations. These photographs shall be distributed for use as follows:
    - 1.1.2.1 Frontal and profile - Escape Bulletin.
    - 1.1.2.2 Frontal - Identification Card.
    - 1.1.2.3 Frontal and profile - Master Record File.
    - 1.1.2.4 Frontal for the institution's control center for use on the picture board.
    - 1.1.2.5 Frontal and Profile - Institution file.
  - 1.1.3 Photographs of all tattoos above the waist to include the arms.
  - 1.1.4 All photographs shall be maintained in the database for future use.
  - 1.1.5 If the inmate wears glasses, frontal and profile photographs shall be taken without the glasses. These photographs shall be distributed to the Institution and Master Record file.

1.2 Release Processing - Prior to an inmate being released, the assigned Release Process staff member shall:

1.2.1 Take frontal and profile, full-length photograph of the inmate using the MPI and save it into the MPI database. The inmate shall be dressed in normal civilian clothing, except for Sex Offenders who must wear blue shirts. The photos shall be within one week of release. The release photographs shall clearly identify the inmate by name and ADC number and shall be attached to the Release Packet or, if appropriate, the Institution File, and forwarded to the Offender Services OIU.

1.2.1.1 Inmates housed at Contract Bed facilities shall be transported to the nearest ADC facility for a release photograph to be taken and saved in the MPI.

1.2.1.2 The only exception is inmates being released from Kingman. The Kingman OIU shall contact ASPC-Phoenix and request a release ID. The intake photograph will be used for these release ID's.

1.2.1.3 Orange jump suits, hats or sunglasses shall not be worn for release photographs.

**901.06 FINGERPRINTS OF INMATES** - No inmate may be released from the Arizona Department of Corrections without a verified fingerprint on their current incarceration annotated on AIMS (Fingerprint Verification Screen or Audit Release Comment Screen) by the AZAFIS Site Coordinator and/or designee at Central Office.

The Department's Arizona Automated Fingerprint Identification System (AZAFIS) Administrator is responsible for all operations of the fingerprinting system and mug photo system, to include hardware, software, installation and equipment maintenance. This position is the lead liaison between Department of Public Safety (DPS) and the Arizona Department of Corrections and is responsible for the verification of inmate fingerprints for positive identification upon admission to and release from the Department.

1.1 AZAFIS/MPI Access - Only Department employees who are trained and have received authorization by DPS and the AZAFIS Site Administrator are to operate the Mug Photo or AZAFIS systems.

1.1.1 The Deputy Warden of Operations or designee for each institution shall:

1.1.1.1 Be the Institution Administrator for the identification systems to include LIVE SCAN, MPI, Fast ID and the AZAFIS systems.

1.1.1.2 Maintain a log of all active institution AZAFIS/MPI operators in either his/her office or the office of a designee. Upon request, this log shall be provided to the AZAFIS/MPI Administrator, and shall include:

1.1.1.2.1 The employee's name, shift and Employee Identification Number (EIN).

1.1.1.2.2 The date the employee was assigned to use the AZAFIS/MPI system.

1.1.1.2.3 The date the employee's authorization to use the AZAFIS/MPI system was suspended or removed.

- 1.1.2 The AZAFIS/MPI Administrator shall maintain a master log of all Department Mug Photo and AZAFIS system users. Within ten days of an employee no longer being authorized to access the system, the Institution Administrator shall notify the AZAFIS/MPI Administrator, who shall update the master log and notify DPS.
- 1.1.3 The AZAFIS/MPI Administrator shall provide all operators with training as deemed appropriate and shall maintain a record of all training provided to AZAFIS/MPI operators. All staff designated as AZAFIS/MPI operators shall:
  - 1.1.3.1 Complete and sign a current AZAFIS Mug Photo Interface Subsystem MVD Database form, which must be approved by the AZAFIS Site Administrator and DPS. The AZAFIS/MPI Administrator shall maintain these forms.
  - 1.1.3.2 Use an assigned sign-on password. Passwords shall not be shared with any other users or staff. Due to the confidential nature of the system any violations of this order shall be subject to disciplinary action and the immediate denial of access to the system.
  - 1.1.3.3 Not make any decisions regarding the implementation of new hardware or software or contact any vendor or DPS for assistance without prior authorization from the AZAFIS/MPI Administrator and/or designee.
  - 1.1.3.4 Forward all requests regarding hardware or software issues to the AZAFIS/MPI Administrator for determination and action.
  - 1.1.3.5 Authorized users shall not use the identification system for purposes other than those assigned as part of those job duties. Criminal charges may be filed if misuses is discovered or reported.
- 1.2 Intake Fingerprinting – All inmates shall be fingerprinted upon arrival to the Department, unless the inmate has previous fingerprint verification on AIMS. If previous fingerprint verification is annotated, follow the FAST ID process outlined in 1.6 of this section.
  - 1.2.1 A full set of fingerprints shall be obtained for every inmate.
  - 1.2.2 Immediately after fingerprinting the inmate, the fingerprint operator shall:
    - 1.2.2.1 Electronically send the fingerprints to the DPS for verification by the Federal Bureau of Investigations (FBI) and by AZAFIS. The system will verify the time of the transmission.
    - 1.1.2.2 If the fingerprint reading is rejected by the system, log in the rejection and complete a fingerprint override. The override log shall be maintained for a minimum one year at the Institution.
- 1.3 Verification of Fingerprints
  - 1.3.1 Upon receipt of the verified fingerprint card from DPS, the Offender Services Bureau shall verify the inmate's identity using the SID and FBI numbers within two business days and annotate on AIMS (Fingerprint Verification Screen)
  - 1.3.2 If the Department does not receive a verified fingerprint card within two days of the prints being taken, the Institution OIU shall contact Time Computation at Central Office to check for the fingerprint card status and ask for further direction.

- 1.3.3 If no verification can be made by DPS or by ACJIS research, then a comment will be placed on the Audit Release Comment Screen indicating no fingerprint verification was possible by the AZFIS Site Administrator.
  - 1.3.3.1 Inmates who were not fingerprinted by the arresting agency will not have an AZ State Identification Number (SID) number or FBI number. The AZAFIS/MPI Administrator shall attempt to obtain verification from DPS.
  - 1.3.3.2 If there is a fingerprint on the court document in the inmate's Master File, the AZAFIS/MPI Administrator will hand carry the court document and the fingerprint card to DPS.
  - 1.3.3.3 DPS will then do a manual verification, if possible.
    - 1.3.3.3.1 If there is a match, DPS will create a criminal history and issue an Arizona SID number.
    - 1.3.3.3.2 The AZAFIS/MPI Administrator will make the appropriate entry into AIMS.
    - 1.3.3.3.3 The inmate will then be released with an Arizona Criminal History and an Arizona SID.
- 1.3.4 Unverified Fingerprints – Some fingerprints are unable to be verified.
  - 1.3.4.1 If there is not a fingerprint on the court document in the inmate's Master File, and DPS cannot match the fingerprint, the AZAFIS/MPI Administrator will make a notation on the AIMS that no fingerprint verification is possible and the inmate will be released without an Arizona Criminal History, Arizona SID or verified fingerprints.
  - 1.3.4.2 The AZAFIS/MPI Administrator shall maintain a log of all inmates released without a criminal history.
- 1.3.5 Releases - All inmates released must have a verified fingerprint or a notation on AIMS (Audit Release Comment Screen) indicating why there is no verification.
  - 1.3.5.1 Institution OIU shall prepare a Release packet 180 days prior to an inmate's release date and shall verify the fingerprint verification at that time.
  - 1.3.5.2 If the inmate has not been out of ADC custody since the last verified entry on AIMS (Fingerprint Verification Screen) the inmate can be released on that verification.
  - 1.3.5.3 If the inmate has been out of ADC custody and has no current verification noted on AIMS (Fingerprint Verification Screen or Audit Release Comment Screen) then the Institution OIU will contact Central Office Time Computation to check the Master Record File for a verified fingerprint card since his last admission.
  - 1.3.5.4 If the Time Computation finds no verified fingerprint card in the Master Record File, they will notify the Institution OIU via e-mail to re-fingerprint the inmate.

- 1.3.5.5 If Time Computation finds a verified card, they will enter the verification in on AIMS (Fingerprint Verification Screen) and notify the Institution OIU that it has been verified.
- 1.3.6 FAST ID - FAST ID equipment will produce the Arizona SID, Date of Birth and Name and if DNA has been collected within 60 seconds for full identification. Fast ID cannot be used solely for identification of new inmates into the Arizona Department of Corrections and is not a substitute for full fingerprints.
  - 1.3.6.1 If FAST ID indicates a DNA sample is on file at DPS, then the Department will not require a DNA sample and appropriate AIMS annotation made by medical.
  - 1.3.6.2 If FAST ID indicates that no DNA sample is on file with DPS, then a DNA sample shall be taken at intake.
  - 1.3.6.3 Institution OIU shall verify if there is a verified fingerprint on AIMS (Fingerprint Verification Screen). If there is a previous verification on AIMS (Fingerprint Verification Screen) then the OIU shall request a FAST ID.
  - 1.3.6.4 Institution OIU shall coordinate with Fingerprint Technicians at the institution to complete the FAST ID.
  - 1.3.6.5 Once the FAST ID is complete, the Fingerprint Technician will e-mail the information in the correct format to the AZAFIS Site Coordinator at Central Office. The AZAFIS Site Coordinator will then verify the fingerprint and notify the Institution of the verification.
  - 1.3.6.6 If the FAST ID does not come back with any information, then a full set of fingerprints shall be taken.
  - 1.3.6.7 Once the fingerprint has been verified, the inmate may be released.
- 1.3.7 Release Violators
  - 1.3.7.1 If the release violator has a previous verified fingerprint on AIMS (Fingerprint Verification Screen), then the inmate may be verified using FAST ID as described in 1.3.6 above.
  - 1.3.7.2 If the release violator does not have a previous verified fingerprint on AIMS (Fingerprint Verification Screen), then the inmate needs to be fully fingerprinted.

## **901.07 DEOXYRIBONUCLEIC ACID (DNA) TESTING**

- 1.1 Staff shall perform a FAST ID to determine if a DNA sample has already been submitted to DPS. If the Fast ID verifies that a DNA sample has been submitted, medical staff shall enter 02-29-2009 as the date that the DNA was taken and no DNA needs to be taken.
- 1.2 If the Fast ID verifies that a DNA sample has not been submitted, the Division Director for Health Services shall ensure that Health Services staff secure a sufficient sample of blood or other bodily substances for DNA testing within 30 days from the inmate's arrival to the Department to include release violators. Designated staff shall:

- 1.2.1 Within 30 days, transmit the sample to the DPS.
- 1.2.2 Ensure AIMS is updated to indicate the date the DNA test was obtained and the date the sample was forwarded to DPS.
- 1.3 The OIU and the Division Director for Health Services shall ensure within 90 days prior to an inmate's earliest release date:
  - 1.3.1 The DPS Laboratory Superintendent is notified of the inmate's pending release.
  - 1.3.2 A Release Confirmation Checklist, Form 1002-23, is completed upon notification of a confirmed release.

## **901.08 ESTABLISHING AN INMATE FILE**

- 1.1 Automated Record - The AIMS Automated Inmate Record shall be initiated by registering the inmate on the AIMS Offender Registration screen on the date of receipt of the committing document or upon the inmate's arrival at an Intake Center.
  - 1.1.1 The following AIMS screens shall be established within 24 hours and/or prior to the inmate's transfer from the Intake Center to another institution.
    - 1.1.1.1 External Movement.
    - 1.1.1.2 Sentence Structure. (The information entered shall be taken from the sentencing documents, the Pre-sentence Investigation Report or ACJIS)
    - 1.1.1.3 Personal Characteristics. (The information entered shall be taken from the Inmate Intake form, the Scars/Deformities-Marks/Tattoos form, sentencing documents and Pre-Sentence Report)
      - 1.1.1.3.1 The inmate's ethnicity shall be entered on all races. Native American inmates shall be asked their tribal affiliation and documented in this area.
      - 1.1.1.3.2 If the scars, marks and tattoos are too numerous to enter, excess information is to be entered on the "Offender Comment" screen.
      - 1.1.1.3.3 The FBI and AZ SID numbers shall be entered.
    - 1.1.1.4 Personal History.
    - 1.1.1.5 Custody Classification.
    - 1.1.1.6 Agency Release Notification.
    - 1.1.1.7 ADC ICE staff shall enter Citizenship/Ethnic codes and ICE detainees at intake.
  - 1.1.2 The Escape Flyer shall be printed after completion of 1.1.1.1 through 1.1.1.6, of this section.

- 1.1.2.1 A frontal and profile digital photograph of the inmate shall be used when creating the flyer.
- 1.1.2.2 Escape flyers shall be maintained for each inmate assigned to the institution in the Control Center or in another secure area designated by the Warden or Deputy Warden.
- 1.1.3 When notified that an inmate has changed appearance, program staff and/or Special Security Unit staff shall complete a Scars/Deformities, Marks/Tattoos, Form 901-3 and submit it to the institution OIU for update to the AIMS record. The OIU shall print and forward the new escape flyer to the designated staff member who shall replace the old flyer.
- 1.1.4 The following AIMS transactions shall be established/completed by assigned/authorized staff at the Offender Services Bureau, the institution, Contract Beds and/or Community Corrections within the time frames indicated below.

DIVISION/UNIT	TRANSACTION	TIME FRAME
ALL	Offender Comments	Date of action
ALL	Outside Inquiries	Date of inquiry
Classification	Custody Classification	Date of receipt/arrival
Classification	Initial Classification	Date of action
Classification	Re-Classification	Date of action
Community Corrections (CC)	Gain/Loss History	Date of action
Disciplinary Hearing Officer	Discipline Violation/ Appeal	Date of action
Education	Education/Vocation Data	Within five work days after data is obtained
Health Services	Medical/Mental Health Scores	Within four work days from date of Intake. Exception: One work day from date evaluation completed.
Institution OIU	Agency Release Notification	Within five work days of receipt/arrival
Institution OIU	External Movement	Date of receipt/arrival
Institution OIU	Inmate Escape Flyer	Date of arrival
Institution OIU	Internal Assignment	Date of receipt/arrival
Institution OIU	Offender Registration	Date of receipt/arrival
Institution OIU	Personal Characteristics	Date of arrival
Institution OIU	Personal History	Date of arrival
Institution OIU	Sentence Structure	Date of arrival
Institution OIU/ICE	Detainer/Warrants	Date of notification
Institution OIU/TCU/CC	Release Status Change	Effective date of status change or notification.

DIVISION/UNIT	TRANSACTION	TIME FRAME
Institution OIU/ TCU	Automated/Manual Release list Calculation/ Release Eligibility	Upon completion of Audit Intake Packet.
Institution OIU/ TCU	Board Actions	One day from receipt of disposition.
Institution OIU/ TCU	Sentence Modification/ Vacates	Within five work days from receipt of notification
Institution Security	Inmate Visitation	In accordance with Department Order #911, <u>Inmate Visitation</u> .
Institution Security	Transfer Orders	Date of Central Classification approval.
Institution Security	Work Program Evaluation	Within five work days after evaluation completed
Mental Health	Psychological Assessment	Within one work day after assessment is completed
Offender Services Bureau	Fingerprint Verification	With three work days
OPS/CC	Community Investigations	Date of action or notification
OPS/CC	Progress Report	Within five work days from evaluation
Public Access	Record Access Log	Within two work days of receipt of request
Victims Services Unit	Victim/Release Notification	Within five work days after receipt of Victim's post-conviction request and within 15 calendar days prior to release.

1.2 Institution File - The institution file shall be established within one work day after the inmate's arrival.

1.2.1 Files on newly committed inmates shall be established and labeled with the inmate's name and assigned ADC number.

1.2.2 Files and/or Release Packets on re-commitments and violators shall be requested from the Offender Services Bureau OIU.

1.2.3 All files shall contain one copy of the following documents as they are completed by designated staff.

1.2.3.1 The pink copy of the Intake/Transfer of Custody - Body Receipt.

1.2.3.2 Scars, Deformities - Marks/Tattoos form, Inmate Intake form and Inmate Orientation form.

1.2.3.3 Copies of photographs upon intake and after processing of the inmate.

- 1.2.3.4 The Pre-Sentence Investigation Report.
- 1.2.3.5 The Judgment of Sentence or Confinement Order from the Committing Court.
- 1.2.3.6 Mail Waiver.
- 1.2.3.7 Psychological, Psychiatric evaluations.
- 1.2.4 Within one work day after the inmate's arrival, the OIU of the receiving institution shall forward an intake packet containing the following documents to the TCU:
  - 1.2.4.1 A copy of the Daily Arrival Sheet.
  - 1.2.4.2 The original Intake/Transfer of Custody - Body Receipt.
  - 1.2.4.3 The original/certified copy of the Judgment(s) of Sentence.
  - 1.2.4.4 The original Pre-sentence Investigation Report.
- 1.2.5 The sentencing documents shall be faxed to the TCU the same day as arrival for inmates who have six months or less to serve upon arrival.
- 1.2.6 Technical Violators - Within one work day, receiving staff shall notify the TCU of technical violators the date returned to custody.
- 1.2.7 Within five work days after the inmate's arrival, photos and all other documents generated for the institution file shall be separated and forwarded, as applicable, to the Offender Services Bureau OIU for placement in the Master Record File.
- 1.3 Master Record File - The Offender Services Bureau OIU shall establish a Master Record File within five work days after receipt of court documents on Concurrent/Consecutive Custody cases and/or the inmate's arrival.
  - 1.3.1 Files on newly committed inmates shall be established and labeled with the inmate name and ADC number that was assigned as outlined in section 901.01 of this Department Order.
  - 1.3.2 Files on recommitted inmates and on release violators or escapees shall be removed from the active shelves and/or requested from record retention within two work days of notification and reactivated.
    - 1.3.2.1 Within one work day after a technical release violator or an inmate who had escaped from an institution is returned to custody, the institution file/release packet shall be forwarded to the housing institution.
    - 1.3.2.2 The receiving institution OIU Manager shall compare the previous photo in the institution file/release packet with the digital photo taken upon receipt of the release violator/escapee to verify the identity of the inmate using the MPI photo.
    - 1.3.2.3 Within five work days, the OIU shall ensure that the Release Packet for a re-committed inmate contains the initial intake photos and release photos.

## 901.09 FILING GUIDELINES/FORMS DISTRIBUTION

- 1.1 Filing Guidelines - All OIUs at the institutions and Offender Services Bureau, shall establish and maintain inmate records in green, four-sided file folders adhering to the following filing guidelines:
  - 1.1.1 The Master Record File and/or the Institution File shall contain only the documents and/or information approved and listed in the established file format.
  - 1.1.2 Forms that are not identified in the approved filing format shall be returned to the originator.
  - 1.1.3 All documents shall be filed in chronological order with the most recently dated document on top.
  - 1.1.4 All Master Record and Institution Files shall be organized in terminal-digit sequence with color-coded numeric tabs.
  - 1.1.5 Any existing two-sided file folders shall be converted to four-sided folders.
- 1.2 Forms Development - Staff shall request and receive approval from the Offender Services Bureau Administrator for any new forms or previously deleted forms to be included in the Master Record or Institution File. Such requests and approvals shall be in writing. Forms development and revision shall be made in accordance with Department Order #114, Forms Management System.
- 1.3 Forms Distribution - The person who completes electronic forms on the ADCNet is responsible for ensuring that the forms are distributed as indicated on the bottom of the forms. If electronic forms are not used, distribution is as follows:
  - 1.3.1 Forms maintained in the Master Record and in the Institution File shall be distributed as follows:
    - 1.3.1.1 White (Original) - Master Record File.
    - 1.3.1.2 Yellow - Inmate or as designated on form.
    - 1.3.1.3 Pink - Institution File or as designated on form.
  - 1.3.2 Exceptions to Forms Distribution - The exceptions to the above distribution include:
    - 1.3.2.1 Certificates of Absolute Discharge.
      - 1.3.2.1.1 Original - Inmate.
      - 1.3.2.1.2 Copy - Master Record File.
      - 1.3.2.1.3 Copy - Institution File.
    - 1.3.2.2 Proclamation of Parole.
      - 1.3.2.2.1 White (Original) - Inmate.
      - 1.3.2.2.2 Copy - Master Record and Institution File.

1.3.2.3 Forfeitures/Rescissions/Restorative Forms – These forms shall be sent directly to the Offender Services TCU for processing.

1.3.2.4 Disciplinary Forms.

1.3.2.4.1 White (Original) - Master Record File.

1.3.2.4.2 Pink - Inmate.

1.3.2.4.3 Yellow - Institution File.

#### 1.4 Routing Documents

1.4.1 The original or designated copy of any document that is to be filed in the Master Record File shall be routed to the Offender Services Bureau OIU and shall legibly indicate:

1.4.1.1 The inmate's first and last name.

1.4.1.2 The inmate's ADC number on all pages.

1.4.2 Designated Institution File copies shall be forwarded to the OIU of the institution where the inmate is currently housed.

1.4.3 Designated copies may be retained for Special Purpose or Case files when required by Department Order or when authorized by the Deputy Director, a Division Director, Regional Operations Director, Warden, Deputy Warden, or Offender Services Bureau Administrator.

#### 1.5 Removal of Documents - Documents or information contained in inmate records may be removed only when properly authorized.

1.5.1 Department employees may submit a written request to remove a document(s) from an inmate(s) record through the chain-of-command to the Division Director for Offender Operations. The request shall:

1.5.1.1 Identify the document or information that is to be removed.

1.5.1.2 Include the date of the document.

1.5.1.3 Give specific reasons for the requested removal.

1.5.1.4 Identify all inmate records where the document or information is found.

1.5.2 The Division Director or designee may approve removal of documents from files, if after reviewing the request for removal, the Division Director, determines that the document or information is inaccurate, erroneous, and/or would affect decisions made by Department staff or the Board of Executive Clemency.

1.5.2.1 If the removal request is approved, the authorization for removal of documents or information shall be forwarded to the Offender Services Bureau Administrator, for processing.

- 1.5.2.2 The Division Director for Offender Operations shall direct removal of specified documents/information from all inmate records.
- 1.5.3 The institution OIU Manager shall ensure that all documents/information specified by the Division Director or designee is removed from:
  - 1.5.3.1 The Institution file.
  - 1.5.3.2 The Program file.
  - 1.5.3.3 Any Special Purpose files.
  - 1.5.3.4 Any other inmate records that include the documents or information.
- 1.5.4 Documents removed from inmate records shall be forwarded to the Offender Services Bureau OIU. The OIU staff shall remove the documents or information from the Master Record File, post the receipt of documents received and destroy all copies of the documents removed.
- 1.5.5 The Disciplinary Appeals Officer may direct removal of disciplinary actions and/or related documents or information for disciplinary actions that have been dismissed.
  - 1.5.5.1 Instructions to remove disciplinary actions shall be in memorandum form, addressed to the Public Access and TCU.
  - 1.5.5.2 Public Access staff shall ensure that the documents or information is removed from the Master Record File and a copy of the memorandum is forwarded to the OIU of the institution where the inmate is housed.
  - 1.5.5.3 The TCU shall ensure that any Class III or forfeiture of time credit actions as a result of the discipline, prior to dismissal are removed from the inmate's Release Date Calculation.
  - 1.5.5.4 The institution OIU staff shall remove the documents or information identified in the memorandum and return the memorandum and the corresponding documents to the Offender Services Bureau OIU for destruction.

## **901.10 PUBLIC/INMATE ACCESS TO RECORDS**

- 1.1 Public Inspection - Records of inmate care and custody, with the exception of Corrections Compact cases, are subject to public inspection.
- 1.2 Disclosure - The Department shall not disclose records or portions of records that:
  - 1.2.1 Reveal the identity of a confidential informant.
  - 1.2.2 Endanger the life or physical safety of a person.
  - 1.2.3 Jeopardize an ongoing criminal investigation.
  - 1.2.4 Contain reports or other written materials (i.e., "Do Not House With" memorandums, relating to decisions regarding placement into Protective Segregation).

- 1.2.5 Contain a victim's current or former address, telephone numbers and protected criminal history information. (Presentence Investigation Reports)
- 1.3 Public Information - Public record information may be given to any member of the public. Information considered public is as follows:
  - 1.3.1 Name and ADC number of any inmate committed to the Department.
  - 1.3.2 Conviction data contained in the Judgment of Sentence or minute entry.
  - 1.3.3 Verified conviction data from AIMS.
  - 1.3.4 The date of admission.
  - 1.3.5 Only the institution where the inmate is housed, unless the file indicates that location is not to be released. Special Services Unit shall be notified.
  - 1.3.6 The date of scheduled release and/or discharge.
  - 1.3.7 Decisions of the Arizona Board of Executive Clemency (Board).
  - 1.3.8 The name and office telephone number of the supervising Community Corrections Officer.
- 1.4 Confidential Information Release - Confidential information may be provided to Department staff as authorized, criminal justice system agencies, governmental agencies approved by the Department to receive confidential information and Health Care providers under contract to the Department. Confidential information shall not be released until the following eligibility of the requesting party has been determined. The requestor is an authorized:
  - 1.4.1 Employee of the Department, as required by assigned duties.
  - 1.4.2 Criminal justice system agency, as required to accommodate needs of the inquiry.
  - 1.4.3 Contract agency, health care provider or other government agency. Information may be limited by the Department to those records deemed relevant to the proper provision of services.
- 1.5 Access to Records by Inmates and Discharged Inmates
  - 1.5.1 Inmates shall not be permitted direct access to any Master Record, Institution or Special Purpose/Case file, except for their own medical record. Inmates shall not assist in the preparation or photocopying of reports contained in these files.
  - 1.5.2 Inmates may possess copies of material from the Department website, except that possession of material or information from the inmate database is strictly prohibited.
  - 1.5.3 The Department may provide, to an inmate, copies of documents that involve an administrative hearing, a court proceeding or any document the Director determines appropriate for the inmate to have.
  - 1.5.4 When Parole or Absolute Discharge from imprisonment is denied by the Board, the inmate may request to view the Board's written statement specifying the reasons for denial.

- 1.5.4.1 The request to view the Board's reason for denial shall be submitted, on an Inmate Letter to the unit's CO IV or designee.
- 1.5.4.2 Upon receipt of the written request, the CO IV or designee, shall obtain the written copy of the Board's decision from the institutional file, and allow the inmate to review it.
- 1.5.4.3 Upon completion of the review, the CO IV shall replace the document in the exact location in the file from which it was removed.
- 1.5.4.4 The CO IV or designee shall document the request and the review in the AIMS Inmate Access Record Log.
- 1.5.5 After completing all sentences, discharged inmates may be allowed access to their own Master Record file excluding any confidential information.
- 1.6 Automated Summary (Open) Record
  - 1.6.1 At least 30 calendar days prior to a Board hearing, or once each year, inmates may request to view their own Automated Summary Record. Inmates may not request to view their Automated Summary Record more than once each year, unless they are scheduled for more than one appearance before the Board in 12 months.
  - 1.6.2 The Automated Summary Record shall include:
    - 1.6.2.1 Sentencing and Release Date Calculations.
    - 1.6.2.2 Institutional Movement.
    - 1.6.2.3 Disciplinary History.
    - 1.6.2.4 Detainers and Warrants.
    - 1.6.2.5 Institutional work or job history.
    - 1.6.2.6 Classification Actions.
    - 1.6.2.7 Board Hearing Actions.
  - 1.6.3 Inmates shall not have access to any other inmate's Automated Summary Record or assist in the preparation or reproduction of reports contained in those records.
  - 1.6.4 Once each year, or each time the inmate is certified for a Board hearing the inmate may request to view a printed copy of their Automated Summary Record. The inmate shall make the request to the unit CO IV or designee using the Inmate Letter.
  - 1.6.5 When the CO IV or designee receives a request to view the record, the CO IV or designee shall review the AIMS Full Inmate Record to ensure that release eligibility dates have been verified by the TCU.
    - 1.6.5.1 If the release date calculation has not been verified or if it is believed that the release date calculation is incorrect, the CO IV or designee shall send an email to the TCU Administrator/Manager, with a brief explanation of the issue.

- 1.6.5.2 The TCU shall, within five work days, audit the release date calculation and respond to the email.
- 1.6.6 The CO IV or designee shall:
  - 1.6.6.1 Print the Automated Summary Record using transaction "Type Nine".
  - 1.6.6.2 Log the request in the AIMS "Inmate Record Access Log".
  - 1.6.6.3 Provide the Automated Summary Record to the inmate, in person.
  - 1.6.6.4 Destroy the printed copy of the Automated Summary Record when the inmate has completed the viewing.
- 1.7 Medical Information
  - 1.7.1 Only the following information regarding an inmate's medical care/treatment shall be released as public information by the Program Services Medical staff:
    - 1.7.1.1 The inmate's name.
    - 1.7.1.2 The institution where the inmate is housed.
    - 1.7.1.3 The facility where treatment is, or was, given.
    - 1.7.1.4 Dates of treatment and/or admission.
    - 1.7.1.5 The cost of treatment.
  - 1.7.2 An inmate may authorize access, except to other inmates, to their personal medical records by providing written notification to the Facility Health Administrator or designee.
- 1.8 Access/Inspection of Inmate Files
  - 1.8.1 Requests for access or inspection of inmate files or other information shall be directed as follows:
    - 1.8.1.1 The Legal Services Public Access Unit (Public Access Unit) shall process requests for access to Master Record files and special purpose files excluding medical records.
      - 1.8.1.1.1 The Public Access Unit shall process any public requests for access to inmate records.
      - 1.8.1.1.2 Requests shall be processed and made available for review within five work days from the date requested.

- 1.8.1.2 The Planning, Budget and Research Bureau shall process requests for statistical information regarding offenders committed to the Department and requests to use inmate records for research projects in accordance with Department Order #201, Legal Services–Information Release and Department Order #203, Research Projects. Department Orders are available on the Department website. Inmates may obtain copies of Department Orders in accordance with Department Order #902, Inmate Legal Access to the Courts.
- 1.8.1.3 The Deputy Director and Division Directors shall process requests for copies of their Technical Manuals.
- 1.8.1.4 The Personnel Services Bureau shall process requests for information on incidents involving Department personnel and inmates.
- 1.8.1.5 Health Services (Medical Records Unit) shall process requests for inmate medical records or information.
- 1.8.1.6 Administrative Services shall process requests for inmate financial records.
- 1.8.1.7 Requests for Institution Orders or Post Orders shall be processed through the appropriate Warden or Deputy Warden.
- 1.8.1.8 The Public Information Office shall process news media requests.
- 1.8.1.9 The General Counsel shall receive and process requests from a court for an on-camera records inspection. All subpoenas and/or court orders for inmate record information shall be coordinated with the General Counsel and the Public Access Unit prior to responding.
- 1.8.2 The General Counsel and the Public Access Unit shall accept all requests for public inspection of inmate files and shall process the file for public review.
- 1.8.3 All requests for inmate Master Record File documents shall be submitted to the Public Access Unit. Requests shall be accepted between 8:00 AM and 5:00 PM, Monday through Friday, except for holidays.
- 1.8.4 Responses to information requests shall specify whether any part of the record can be inspected and the time and place the inspection shall occur.
- 1.8.5 If a request is denied completely or in part, Public Access Unit staff shall identify the specific reason for denial. The requestor may file a written appeal within five work days with the General Counsel including specific reasons for the appeal.
  - 1.8.5.1 The General Counsel shall respond to the appeal, in writing, within 10 work days of receipt of the appeal.
  - 1.8.5.2 If additional time is needed to prepare the response, the General Counsel may extend the response period an additional 15 work days. The appellant shall be notified, in writing, within five days after receipt of the appeal, of the decision to extend the response.

1.8.6 The Department shall charge for copies produced from inmate records in accordance with Department Order #201, Legal Services–Information Release.

1.9 Review and Challenge

1.9.1 An inmate may request, through DPS, access to his/her criminal justice information for the purpose of determining the accuracy and completeness of the records.

1.9.2 The inmate shall request from DPS an information packet and shall be responsible for all costs related to the review of criminal justice information.

**901.11 RECORD FILE ROOM SECURITY** - The Offender Services Operations Bureau shall approve the issuance of keys for the Support Services OIU to individual staff members. A list of authorized key holders shall be provided to the Communication Center.

1.1 All OIUs shall be locked and secured during non-duty hours.

1.2 The Master Record files shall be available during regular working hours for review by any member of the public, the Board, Law Enforcement Agencies or Department staff.

1.3 Institution files shall be available during regular working hours for review by Department and Board personnel only.

1.4 The Master Record file and the Institution file shall not be removed from the OIU by anyone except Department or Board personnel. All other personnel, authorized to review the Master Record file, are required to review the file in the area provided.

1.5 A designated staff member shall escort visitors to the OIU areas.

1.6 When in possession of an inmate file, a reviewer is not authorized to give the file to any other staff member without first notifying the OIU Manager.

1.6.1 The file is the responsibility of the reviewer and the reviewer is required to abide by state statutes governing the confidentiality of the records.

1.6.2 If the file is forwarded to another party, the original reviewer shall be responsible for the file unless the OIU Manager is notified in writing.

1.7 Master Record files shall be returned to the OIU no later than 3:00 PM each Friday. Institution files shall be returned to the institution OIU no later than 4:00 PM each day.

1.8 Reviewers shall not remove any documents from the files.

**901.12 SPECIAL PURPOSE/SENSITIVE FILES AND CASE RECORDS**

1.1 Authorization - The Deputy Director and Division Directors may authorize the creation of special purpose files and case records. Special purpose files and case records supplement, but shall not replace the Master Record File or the Institution File.

1.2 Organization - Special purpose or Case Records shall be organized in accordance with a uniform filing format established by the Offender Services Bureau Administrator and are subject to the same laws, rules and instructions as the Master Record files regarding security, disclosure and confidentiality.

- 1.2.1 Special purpose files maintained by Offender Operations such as property, Protective Segregation, etc., shall be maintained in terminal digit order.
- 1.2.2 Special purpose files maintained by other areas shall be organized in accordance with the applicable Technical Manual.
- 1.3 Classification as a Sensitive File - If a Department staff member determines that there is a need to classify an inmate's institutional and Master Record File as a sensitive file, the employee shall forward a memorandum through the chain-of-command to the Offender Services Bureau Administrator requesting that the file be placed in the sensitive file area.
  - 1.3.1 The memorandum shall include:
    - 1.3.1.1 The name of the person to be notified when a request is made to access the file.
    - 1.3.1.2 A recommendation to secure the Files, if appropriate.
    - 1.3.1.3 A recommendation for the length of time that the file is to be considered a sensitive file.
    - 1.3.1.4 Specific reasons for classifying a file as sensitive. These reasons may include, but not be limited to, the following:
      - 1.3.1.4.1 Protective segregation issues.
      - 1.3.1.4.2 It involves a sensational or high profile cases.
      - 1.3.1.4.3 The file contains information that is likely to cause harm to specific individuals.
      - 1.3.1.4.4 The inmate is involved in ongoing litigation.
      - 1.3.1.4.5 The inmate is related to a Department employee.
  - 1.3.2 Upon review and written approval for the file to be classified as a sensitive file by the Offender Services Bureau Administrator, the entire file shall be removed from the shelf and the approved memorandum shall be placed in the file.
  - 1.3.3 An "Out Guide" shall be placed in the general file area to indicate the file is in the sensitive file cabinet. The file shall be locked in a file cabinet located in a designated area by the Offender Services Bureau Administrator or institution OUI area designated for sensitive files.
  - 1.3.4 Each sensitive file shall be reviewed annually to determine if the file should continue to be classified as a sensitive file. Files remain classified as sensitive until the expiration date of the request or if the review indicates the need no longer exists. Those files shall be returned to the general file area.
  - 1.3.5 If the Institutional file is determined to be a sensitive file, the Offender Services Bureau Administrator or designee shall request, by email, that the institution OIU Manager secure the file.

- 1.3.6 The Offender Services Bureau Operations Administrator shall restrict access to sensitive files to those staff identified in the memorandum as having authorized access to the file, designated OIU staff and other persons who require access to the file during the normal course of their duties.

## **901.13 INMATE RECORDS TRANSFER**

- 1.1 Transfer of Inmates - When inmates are transferred from one institution to another, the OIU Manager at the transferring institution, shall ensure that staff responsible for forwarding the Institution File, Program File, Property File, Visitation File and STG information to the receiving institution are notified.
  - 1.1.1 OIU staff at the transferring institution shall ensure that:
    - 1.1.1.1 All Institution files are sealed in a box or manila envelope.
    - 1.1.1.2 An updated Escape Flyer is prepared for each inmate who is transferring.
    - 1.1.1.3 The Special Security Unit Coordinator is notified of the transfer of inmates who have been identified as STG members.
  - 1.1.2 Special Security Unit Coordinators shall ensure that STG information for each inmate identified as an STG suspect is forwarded to the receiving institution.
  - 1.1.3 Health Services staff shall ensure that a medical file for each inmate being transferred is forwarded to the receiving institution in accordance with Health Services requirements.
  - 1.1.4 Program, Property and Visitation Files shall be delivered to the transporting staff by the designated staff member from those areas.
  - 1.1.5 The receiving institution Transportation Coordinator shall ensure that the inmate records/files and Escape Bulletins are distributed to the appropriate staff.
  - 1.1.6 When an inmate is transferred Out-of-State, under contractual agreement, the institution OIU Manager shall forward the entire Institution File and all Special Purpose Files to the Central Office Offender Services Bureau OIU.
- 1.2 Transfer of Inmates to Contract Bed Facilities
  - 1.2.1 Prior to an inmate being transferred to a Contract Beds facility, the institution OIU Manager or designee shall remove all documents containing Criminal History Record Information. These documents may include, but are not limited to:
    - 1.2.1.1 Pre-sentence Investigation Report.
    - 1.2.1.2 Computer-generated Criminal History Reports.
    - 1.2.1.3 ACJIS inquires.
  - 1.2.2 All documents removed from the file shall be secured, with "Acco" fasteners, to a manila file folder and labeled with the inmate's name and ADC number.

- 1.2.3 The manila file folders shall be placed into a sealed envelope addressed to the Department's Monitor at the Contract Beds facility and forwarded to the Contract Beds in the box containing the Institution Files.
- 1.2.4 Upon receipt of the Institution files, the Contract Beds facility OIU personnel shall remove the sealed envelope from the box and forward the envelope, unopened, to the Department's Monitor.
- 1.2.5 The Department's Monitor shall ensure that a manila folder is included for each inmate received and shall place the folders in a secure file cabinet.
- 1.2.6 The Department's Monitor shall ensure that the manila file folder(s) is removed from the cabinet and secured to the front inside cover of the inmate's Institution file when an inmate is returned to a Department institution.
  - 1.2.6.1 The receiving institution's OIU Manager shall ensure that the documents contained in the manila file folder are re-filed in the Institution file.
- 1.2.7 When an inmate is released from custody at a Contract Beds facility, the designated staff member shall request the manila file folder from the Department's Monitor and forward it, unopened, along with the release packet to the Offender Services Operations OIU.
- 1.3 Release of Inmates - Within five days after an inmate's release or discharge of sentence under supervision of the Department, the program, property and visitation staff shall purge and shred all duplicate information from inmate files and forward the remainder of the documents to the institution OIU.
  - 1.3.1 The OIU staff shall prepare a release packet, containing the following documents and forward the packet to the Offender Services Operations OIU.
  - 1.3.2 Release Confirmation Report and final release confirmation. These documents shall be placed on top of the packet.
    - 1.3.2.1 All Pre-Sentence Investigation Reports.
    - 1.3.2.2 Pre-Release documents (Parole/Probation Forms I and II, Authorization to Release Medical Information, Conditions of Supervision, Pre- Release Information).
    - 1.3.2.3 Interstate Agreement on Detainers Packet.
    - 1.3.2.4 All Court Documents.
    - 1.3.2.5 Initial Intake and Release Photos.
    - 1.3.2.6 Visitation Documentation.
    - 1.3.2.7 Property documents for the previous two years and the final inventory documents.
    - 1.3.2.8 Any information, to include reports received from other jurisdictions, relating to sex offenses.

- 1.3.2.9 "Do Not House With" memorandums.
- 1.3.3 The OIU shall forward the complete Institution File and all program, property and visitation files to the Offender Bureau Services Operations OIU, and annotate on the Outside Inquiry Log the date files were sent and initial. These files shall be rubber banded to the release packet and sent to the OUI at the same time.
- 1.3.4 The following inmate Institution files shall not be broken down to form release packets. Instead, they are to be sent, in their entirety, to the Offender Services Bureau OIU for retention.
  - 1.3.4.1 Landmark cases, as determined by the Director, Attorney General and the Archives.
  - 1.3.4.2 Cases of notoriety as determined by the Offender Services Bureau Administrator.
  - 1.3.4.3 Files related to inmates who have died while under Department custody (i.e., homicide, suicide, death by accident, death by natural causes, death by execution).
- 1.3.5 Health Services shall forward the inmate medical file to the Medical Records Repository.

## **901.14 FILE AUDITS**

- 1.1 Master Record Files
  - 1.1.1 The Time Computation Unit shall within 20 calendar days of the inmate's receipt/arrival, conduct a complete file audit of the inmate's current incarceration documents.
  - 1.1.2 The Time Computation Unit shall within 60 calendar days prior to the inmate's release, conduct a complete file audit of the inmate's current incarceration documents.
  - 1.1.3 The Time Computation Unit Administrator or designee shall within seven calendar days of release conduct a review of the current court documents and time calculations.
- 1.2 Institution Record Files
  - 1.2.1 A partial file audit, of the current incarceration documents, shall be conducted by the OIUs upon receipt of inmates from the Reception Centers. The portions of the files to be audited shall consist of:
    - 1.2.1.1 Sentencing information.
    - 1.2.1.2 Release Date Calculation.
    - 1.2.1.3 Detainer/Warrant Information.
    - 1.2.1.4 Victim Screen.
    - 1.2.1.5 Fingerprint Verification Screen.

- 1.2.2 A complete file audit shall be completed for any inmate who is within six months of release.

## **901.15 INMATE RECORDS RETENTION AND DISPOSITION**

- 1.1 Retention and Disposition Schedule - Upon an inmate's discharge from the Department, Offender Services Bureau Administrator shall ensure that the inmate's files are closed and maintained in accordance with approved retention and disposition schedules.

- 1.1.1 The Offender Services Bureau shall:

- 1.1.1.1 Permanently maintain the complete closed Master and Institutional Record Files as outlined in this section.

- 1.1.1.2 Maintain the closed Master Record files, including the institutional Release Packets at the Offender Service Bureau Offender Information Unit until inmates reach their SED/CSED.

- 1.1.1.3 At the end of the SED/CSED, if inmates have not been recommitted to the Department, the closed Master Record Files, including the Release Packets, shall be purged and all extraneous material shall be shredded.

- 1.1.2 The Master Record File, which includes the following documents, shall be forwarded to the Department of Library, Archives and Public Records (LAPR) - Records Management Division, in accordance with the records retention schedule.

- 1.1.2.1 Statement of Facts from the Committing Court, if applicable.

- 1.1.2.2 Judgment and commitment document(s), to include sentence modifications.

- 1.1.2.3 Movement Authorizations.

- 1.1.2.4 Pre-sentence Investigation Report(s).

- 1.1.2.5 Proclamation Commuting the Sentence, if applicable.

- 1.1.2.6 Proclamation of Parole, if applicable.

- 1.1.2.7 Certificate(s) of Absolute Discharge.

- 1.1.2.8 Release Violation Warrants or Warrants of Arrest, if applicable.

- 1.1.2.9 Education Certificates (GED Only).

- 1.1.2.10 Final Classification Actions (If not on AIMS).

- 1.1.2.11 Protective Segregation Reports.

- 1.1.2.12 "Do Not House With" memorandums.

- 1.1.2.13 Final Release Date Confirmation.

- 1.1.2.14 Photographs.
  - 1.1.2.15 Verified Fingerprint Card.
  - 1.1.2.16 Death Certificate, if applicable.
  - 1.1.2.17 Detainer IAD information, if applicable.
  - 1.1.2.18 Community Corrections packets, to include warrants, Conditions of Supervision, Face Sheets, Chronological Logs, urinalysis results and any information provided by treatment progress reports.
- 1.1.3 When the closed Master Record File is returned from the Records Retention in accordance with the records retention schedule, it shall, upon implementation of a record imaging process, be converted with a record imaging process and retained in the OIU. Once converted, the hard copy file shall be destroyed.

## IMPLEMENTATION

The Division Director for Offender Operations shall ensure that the Inmate Records Information/Court Action, Technical Manual, 901-T-OPS is updated and distributed as appropriate.

The Offender Services Bureau Administrator shall:

- Ensure that each OIU complies with the Technical Manual in establishing and maintaining inmate records, files and security of the automated information system.
- Establish standards for Department records personnel in the following areas:
  - Staffing patterns and organization.
  - Offender Information Management Programs.
  - Offender Information System Design.
  - File Audits.
  - File maintenance and check out procedures.
  - The processing of Detainers.

Within 90 days of the effective date of this Department Order, the Community Corrections Bureau Directors shall ensure that any affected Community Corrections Technical Manuals are updated.

## DEFINITIONS

**ADULT INFORMATION MANAGEMENT SYSTEM (AIMS)** - The computerized portion of the Master Record File maintained for each inmate committed to the Department.

**AUTOMATED SUMMARY RECORD** - A computerized "OPEN" inmate record, which contains public information. (i.e., Inmate name, ADC number, Personal Characteristics, Release Eligibility Dates, Sentence Structure, Detainer/Warrant History, External Movements, Custody Classification, Disciplinary Actions and Board Hearing Results).

**CENTRAL CLASSIFICATION** - One or more classification staff members at the Offender Services Bureau level, who review and approve Classification actions.

**CONFIDENTIAL INFORMATION** - For the purposes of this Department Order, confidential information is defined as records or portions of records that identify a confidential informant or confidential information or are medical records. Information that could endanger any person, may jeopardize an on-going investigation, is considered confidential by state statute, is restricted by federal regulations or is included in medical records, which are restricted by doctor-patient privilege or other laws.

**CONTRACT BEDS** - For the purposes of this Department Order, a facility contracted by the Department to provide service as specified in the contract.

**CRIMINAL HISTORY RECORD** - Information collected by criminal justice agencies on individuals, consisting of identifiable description, notations or arrests, detention, indictments, formal criminal charges, dispositions and non-conviction data.

**DETAINER** - Certified document(s) issued by a demanding jurisdiction. The document notifies the inmate of pending criminal charges and requests the holding institution to detain the inmate for the demanding jurisdiction or notify the demanding jurisdiction of the inmate's imminent release.

**FAST ID** – A two finger device which captures fingerprints and provides identity information based on them.

**INSTITUTION HEARING SITE** - A Department facility designated by the Director for the purpose of holding Criminal Alien inmates for up to a period of 180 days or until they have final disposition of their deportable status issued by the Executive Office for Immigration Review. A Department facility designated by the Director for the purpose of releasing Criminal Alien inmates to the custody and control of the United States Department of Justice, Immigration and Custom Enforcement Agency.

**INSTITUTION FILE** - The paper or hard copy inmate record file maintained by the institution's Offender Information Unit.

**LIVE SCAN** – An electronic scan of ten fingerprints and two plain impressions (SLAPS) for verification purposes.

**MASTER RECORD FILE** - The combined electronic and official paper or hard copy inmate record file maintained at the Offender Services Bureau Offender Information Unit and in AIMS, in accordance with A. R. S. 31-221, for each inmate committed to the jurisdiction of the Department. The Master Record File is a combination of information contained in the AIMS and the hard copy inmate record file maintained in the main Offender Services Bureau records area. Any other record or file is a Special Purpose File.

**MEDICAL RECORD** - Any record or documentation maintained by the Department pertaining to medical, dental, mental health or other health and care issues.

**MUG PHOTO INTERFACE SYSTEM** – The digital system used to capture and print inmate photos, tattoos and scars.

**OTHER JURISDICTION** - For the purposes of this Department Order, any county, state or federal agency other than the Arizona Department of Corrections.

**RECEIVING STATE** - The state where the county or federal jurisdiction demanding custody of an inmate is located.

**SENSITIVE FILE** - A file determined by the Offender Services Bureau Administrator as too sensitive to be filed in the general file area.

**SENTENCE MODIFICATIONS** - Court documents which consist of re-sentencing, nunc pro tuncs, post-conviction relief, reversals, remands, or modifications which would affect existing sentences.

**SPECIAL PURPOSE FILES** - Supplementary paper records of prisoner care and custody which may not be a part of an inmate's official Department record. These files include medical records, visitation, property and case files.

**TRIED DETAINER** - Certified document(s) issued by a demanding agency in another county, state or federal jurisdiction for parole/probation violations, unexpired portions of sentences, and/or new felony convictions.

**UNTRIED DETAINER** - Certified document(s) issued by a demanding agency in another county, state or federal jurisdiction containing information, which is based on untried indictments, information or complaints.

{Original Signature on File}

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**Charles L. Ryan**  
**Director**

#### **ATTACHMENTS**

- Attachment A - Foreign Consulate Offices in the United States
- Attachment B - Detainer Acknowledgment Letter
- Attachment C - Agreement on Detainers/Governor's Notice Letter
- Attachment D - Required Foreign Consulate Office Notification

#### **FORMS LIST**

- 901-3, Scars/Deformities- Marks/Tattoos
- 901-6, Agreement on Detainers/Form I
- 901-7, Agreement on Detainers/Form II
- 901-8, Agreement on Detainers/Form III
- 901-9 Agreement on Detainers/Form IV
- 901-10, Agreement on Detainers/Form V
- 901-11, Agreement on Detainers/Form V-A
- 901-12, Agreement on Detainers/Form V-B
- 90-13, Agreement on Detainers/Form VI
- 901-14, Agreement on Detainers/Form VII
- 901-15, Agreement on Detainers/Form VIII
- 901-16, Agreement on Detainers/Form IX
- 901-18, Agreement on Detainers - Checklist
- 901-20, Inmate Arrival Sheet

## **AUTHORITY**

A.R.S. 13-610, DNA Testing  
A.R.S. 13-607, Judgment of Guilt and Sentence Documents; Fingerprint; Content of Document; Recitations  
A.R.S. 13-701, Sentence of Imprisonment for Felony; Pre-Sentence Report  
A.R.S. 13-4401, Crime Victim Rights  
A.R.S. 13-2316, Computer Tampering; Venue; Forfeiture; Classification  
A.R.S. 31-221, Master Record File; Information From Other Agencies; Confidentiality of File; Access; Definition  
A.R.S. 31-222, Research and Evaluation Programs  
A.R.S. 31-281, Transition Program; Drug Offenders; Report  
A.R.S. 31-481, Agreement, Authorization; Contents  
A.R.S. 31-482, Matters Pertaining to Agreement  
A.R.S. 41-1346, State and Local Public Records Management; Violation; Classification; Definition  
A.R.S. 41-1347, Preservation of Public Records  
A.R.S. 41-1750, Central State Repository; Department of Public Safety; Duties; Funds; Accounts; Definitions  
28-CFR, Part 20, 24 Federal Regulations, Privacy and Security Act  
Rule 8.3 (b) Notification Requirements - Arizona Rules of Criminal Justice

## FOREIGN CONSULATE OFFICES IN THE UNITED STATES

COUNTRY	CONSULATE OFFICES
AFGHANISTAN	369 Lexington Avenue, 19 <sup>th</sup> Floor New York, New York 10017
ALBANIA	10738 Villa Lea Houston, Texas 77071
ANTIGUA & BARBUDA	25 S. E. 2 <sup>nd</sup> Avenue, Suite 300 Miami, Florida 33131
ARGENTINA	5055 Wilshire Blvd., Suite 210 Los Angeles, California 90036
ARMENIA	50 La Cienega Blvd., 2 <sup>nd</sup> Floor Beverly Hills, California 90211
AUSTRALIA	611 N. Larchmont Blvd. Los Angeles, California 90004
AUSTRIA	11859 Wilshire Blvd., Suite 501 Los Angeles, California 90025
AZERBAIJAN	Ingraham Building 25 S. E. 2 <sup>nd</sup> Avenue Miami, Florida 33131
BAHRAIN	1101 First Street, Suite 302 Coronado, California 92116
BANGLADESH	10850 Wilshire Blvd., Suite 1250 Los Angeles, California 90024
BARBADOS	3440 Wilshire Blvd., Suite 1215 Los Angeles, California 90010
BELARUS	708 Third Avenue, Suite 1802 New York, New York 10017
BELGIUM	2999 North 44 <sup>th</sup> Street, Suite 450 Phoenix, Arizona 85018
BELIZE	5825 West Sunset Blvd., Suite 203 Hollywood, California 90249
BENIN	9111 S. La Cienega Blvd., Suite 204 Inglewood, California 90301
BHUTAN	555 California Street, Suite 500 San Francisco, California 94104
BOLIVIA	The Castillo Company 2345 East University Drive Phoenix, Arizona 85034
BOSNIA & HERZEGOVINA	866 Un Plaza, Suite 580 New York, New York 10017
BOTSWANA	333 South Hope St., 38 <sup>th</sup> Floor Los Angeles, California 90071
BRAZIL	8484 Wilshire Blvd., Suite 260, 730 & 711 Los Angeles, California 90211
BULGARIA	C/O Laidlaw Holdings, Inc. 100 Wilshire Blvd., Suite 160 Los Angeles, California 90401
BURKINA FASO	11755 Wilshire Blvd., Suite 1310 Los Angeles, California 90025
BURUNDI	854 Castlewood Terrace Chicago, Illinois 60640

Attachment A  
DEPARTMENT ORDER 901

COUNTRY	CONSULATE OFFICES
CAMEROON	47 Terr Vista San Francisco, California 94115
CANADA	300 South Grand Avenue, 10th Floor Los Angeles, California
CAPE VERDE	535 Boylston Street Boston, Massachusetts 02116
CENTRAL AFRICAN REPUBLIC	51 East 42 <sup>nd</sup> Street New York, New York 10017
CHILI	1900 Avenue of the Stars, Suite 2450 Los Angeles, California 90067
CHINA	443 Shatto Place Los Angeles, California 90020
COLOMBIA	3580 Wilshire Blvd., Suite 1450 Los Angeles, California 90010
COMOROS	336 East 45 <sup>th</sup> Street, 2 <sup>nd</sup> Floor New York, New York 10007
COOK ISLANDS	6033 West Century Blvd., Suite 690 Los Angeles, California 90045
COSTA RICA	3540 Wilshire Blvd., Suite 404 Los Angeles, California 90010
COTE D'IVOIRE	Pier, 23 San Francisco, California 94111
CROATIA	369 Lexington Avenue, 2 <sup>nd</sup> Floor New York, New York 10017
CYPRUS	1277 East Missouri, Unit 214 Phoenix, Arizona 85014
CZECH REPUBLIC	3900 Spring of Freedom Street, N. W. Washington, D. C. 20008
DENMARK	Valley Center 241 North Central Avenue, 5 <sup>th</sup> Floor Phoenix, Arizona 85001
DOMINICA	820 2 <sup>nd</sup> Avenue, Suite 900 B New York, New York 10017
DOMINICAN REPUBLIC	548 South Spring Street, Suite 309 Los Angeles, California 90013
ECUADOR	548 South Spring Street, Suite 602 Los Angeles, California 90013
EGYPT	3001 Pacific Avenue San Francisco, California 94115
EL SALVADOR	4521 East Charles Drive Paradise Valley, Arizona 85253
ESTONIA	21515 Vanowen Street, Suite 211 Canoga Park, California 91303
FIJI	United Nations Plaza, 26 <sup>th</sup> Floor New York, New York 10017
FINLAND	Merrill Lynch Building 9744 West Bell Road Sun City, Arizona 85372
FRANCE	8610 East Hazelwood Scottsdale, Arizona 85251
GERMANY	1130 East Missouri, Suite 200 Phoenix, Arizona 85014

Attachment A  
DEPARTMENT ORDER 901

COUNTRY	CONSULATE OFFICES
GHANA	19 East 47 <sup>th</sup> Street New York, New York 10017
GRENADA	80 S. W. 8 <sup>th</sup> Street, Suite 1800 Miami, Florida 33130
GUATEMALA	2975 Wilshire Blvd., Ground Floor Los Angeles, California 90010
GUINEA	24 East 6 <sup>th</sup> Street Jacksonville, Florida 32206
GREECE	3255 Wilshire Blvd., Suite 1103 Los Angeles, California 90010
GUYANA	3106 Los Feliz Blvd. Los Angeles, California 90039-1507
HAITI	100 Brannon Street San Francisco, California 94107
HONDURAS	3450 Wilshire Blvd., Suite 230 Los Angeles, California 90010
HUNGARY	11766 Wilshire Blvd., Suite 410 Los Angeles, California 9025
ICELAND	1551 Westwood Blvd., Suite 108 Los Angeles, California 90024
INDIA	540 Arguello Blvd. San Francisco, California 94118
INDONESIA	3457 Wilshire Blvd. Los Angeles, California 90010
IRELAND	655 Montgomery Street, 9 <sup>th</sup> Floor San Francisco, California 94111
ISRAEL	6380 Wilshire Blvd., Suite 1700 Los Angeles, California 90048
ITALY	2901 North Central Avenue, Suite 2000 Phoenix, AZ 85001
JAMAICA	22455 Maple Court, Suite 303 Haywood, California 94542
JAPAN	7635 North 46 <sup>th</sup> Avenue Glendale, Arizona 85301
JORDAN	5423 West 95 <sup>th</sup> Street, Suite 2 Oaklawn, Illinois 60453
KENYA	9150 Wilshire Blvd., Suite 160 Los Angeles, California 90212
KIRIBATI	850 Richards Street, Suite 803 Honolulu, Hawaii 96813
KOREA	63 South Royal Street Mobile, Alabama 36629
KYRGYZSTAN	1511 K Street, N. W., Suite 705 Washington, D. C. 20005
LATVIA	3239 Arnold Lane Northbrook, Illinois 60062
LEBANON	7060 Hollywood Blvd., Suite 510 Los Angeles, California 90028
LESOTHO	Law Office of M. W. Reed 1001 Howard Avenue, Suite 3901 New Orleans, Louisiana 70113

Attachment A  
DEPARTMENT ORDER 901

COUNTRY	CONSULATE OFFICES
LIBERIA	2049 East Century Park, Unit 890 Los Angeles, California 90067
LITHUANIA	3959 Franklin Avenue Los Angeles, California 90027
LUXEMBOURG	2961 Valmere Drive Malibu, California 90265
MADAGASCAR	867 Garland Drive Palo Alto, California 94303
MALAWI	3420 Fredas Hill Road Vista, California 92084
MALAYSIA	World Trade Center 350 South Figueroa, Suite 400 Los Angeles, California 90071
MALI	1894 Westbridge Road Los Angeles, California 90049
MALTA	419 South Norton Avenue Los Angeles, California 90020
MARSHALL ISLANDS	Westerly Place 1500 Quail Street, 2 <sup>nd</sup> Floor Newport Beach, California 92660
MAURITIUS	16633 Ventura Blvd., 6 <sup>th</sup> Floor Los Angeles, California 91436
MEXICO  Toll Free Number - Consul General of Mexico  (1-888-211-3152)	480 Grand Avenue & Terminal Street Nogales, Arizona 85621  1990 West Camelback Plaza., Suite 110 Phoenix, Arizona 85035  853 South Stone Avenue Tucson, Arizona 85705
MICRONESIA	3049 Ualena Street, Suite 408 Honolulu, Hawaii 96819
MALDOVA	1511 K Street, N. W., Suite 329/333 Washington, D. C. 20005
MONACO	21 Presidio Avenue San Francisco, California 94115
MONGOLIA	6 East 77 <sup>th</sup> Street New York, New York 10021
MOROCCO	521 N. Daroca Los Angeles, California 91775
MYANMAR	10 East 77 <sup>th</sup> Street New York, New York 10021
NAURU	841 Bishop Street, Suite 506 Honolulu, Hawaii 96813
NEPAL	11661 San Vicente Blvd., Suite 510 Los Angeles, California
NETHERLANDS	8401 East Indian School Road Scottsdale, Arizona 85251
NEW ZEALAND	12400 Wilshire Blvd., 11 <sup>th</sup> Floor Los Angeles, California 90024

Attachment A  
DEPARTMENT ORDER 901

COUNTRY	CONSULATE OFFICES
NICARAGUA	2500 Wilshire Blvd., Suite 915 Los Angeles, California 90057
NIGERIA	828 Second Avenue New York, New York 10017
NORWAY	Karsten Mfg., Corporation 2201 West Desert Grove Phoenix, Arizona 85029
OMAN	Mancini International 10940 Wilshire Blvd., Suite 1600 Los Angeles, California 90024
PAKISTAN	10850 Wilshire Blvd., Suite 1100 Los Angeles, California 90010
PANAMA	435 Roxbury Drive, Suite 207 Beverly Hills, California 90210
PAPUA NEW GUINEA	19203 S. Cliveden Avenue Carson, California 90746
PARAGUAY	2121 Avenue of the Stars, Suite 1560 Los Angeles, California 90067
PERU	3460 Wilshire Blvd., Suite 1005 Los Angeles, California 90036
PHILIPPINES	3660 Wilshire Blvd., Suite 900 Los Angeles, California 90010
POLAND	12400 Wilshire Blvd., Suite 555 Los Angeles, California 90025
PORTUGAL	1801 Avenue of the Stars, Suite 400 Los Angeles, California 90067
ROMANIA	11766 Wilshire Blvd., Suite 1230 Los Angeles, California 90025
RUSSIA	2790 Green Street San Francisco, California 94123
RWANDA	666 Dundee Road, Suite 1401 Chicago, Illinois
SAINT KITTS AND NEVIS	644 Antone Street, N. W. Atlanta, Georgia 30318
SAINT LUCIA	820 2 <sup>nd</sup> Avenue New York, New York 10017
SAN MARINO	1899 L Street, N. W., Suite 800 Washington, D. C. 20036
SAO TOME AND PRINCIPE	2125 Biscayne Blvd., Suite 350 Miami, Florida 33137
SENEGAL	14 1 <sup>st</sup> Avenue, N. E., Suite 1400 Miami, Florida 33132
SEYCHELLES	3620 S. W. 309 <sup>th</sup> Street Federal Way, Washington 98023
SINGAPORE	2424 S. East Bristol, Suite 320 New Port Beach, California 92660
SLOVAK REPUBLIC	1325 S. Colorado Blvd., Suite 302 Denver, Colorado 80222
SLOVENIA	600 3 <sup>rd</sup> Avenue, 24 <sup>th</sup> Floor New York, New York 10016
SOUTH AFRICA	50 North La Cienega Blvd., Suite 300 Beverly Hills, California 90211

Attachment A  
DEPARTMENT ORDER 901

COUNTRY	CONSULATE OFFICES
SPAIN	5055 Wilshire Blvd., Suite 960 Los Angeles, California 90036
SRI LANKA	941 Panorama Drive Bakersfield, California 93305
SURINAME	7235 N. W. 19 <sup>th</sup> Street, Suite A Miami, Florida 33126
SWEDEN	10990 Wilshire Blvd., Suite 1100 Los Angeles, California 90024
SWITZERLAND	3018 North Scottsdale Road Phoenix, Arizona 85251
SYRIA	6330 West Loop S. 870 Houston, Texas 77401
THAILAND	801 N. La Brea Avenue Los Angeles, California 90038
TOGO	Southeast Financial Center 200 S. Biscayne Blvd., Suite 3520 Miami, Florida 33131
TONGA	360 Post Street, Unit 604 San Francisco, California 94108
TRINIDAD AND TOBAGO	733 3 <sup>rd</sup> Avenue New York, New York 10017
TUNISIA	3401 Sacramento Street San Francisco, California 94118
TURKEY	4801 Wilshire Blvd. Los Angeles, California 90010
TURKMENISTAN	1511 K Street, N. W., Suite 412 Washington, D. C., 20005
UKRAINE	3350 M Street, N. W. Washington, D. C., 20007
UNITED ARAB EMIRATES	3000 K Street, N. W., Suite 600 Washington, D. C. 20007
UNITED KINGDOM	Landmark II building 11768 Wilshire Blvd., Suite 400 Los Angeles, California 90025
URUGUAY	429 Santa Monica Blvd., Suite 400 Santa Monica, California 90401
VENEZUELA	455 Market Street, Suite 220 San Francisco, California 94102
VIETNAM	1233 20 <sup>th</sup> Street, N. W., Suite 501 Washington, D. C. 20036
WESTERN SAMOA	5150 Wilshire Blvd. Los Angeles, California 90036
YEMEN	1255 Post Street, Suite 1030 San Francisco, California 94109
ZAIRE	529 Fifth Avenue New York, New York 10017

**DETAINER ACKNOWLEDGMENT LETTER**

PREPARE IN MEMORANDUM FORMAT  
(TECHNICAL ASPECTS TO BE DETERMINED BY AUTHOR)

**ARIZONA DEPARTMENT OF CORRECTIONS**

**DATE:**

**TO:**

**ADDRESS:**

**ATTENTION:**

**RE:** \_\_\_\_\_ **YOUR:**

The below / paragraph(s) contain information regarding the above named individual.

- [ ] We have been unable to locate any information regarding the above named individual.
- [ ] A detainer has been placed in accordance with your request, dated \_\_\_\_\_, and you will be notified approximately 90 days prior to the individual's release.
- [ ] A notification has been placed in accordance with your request, dated \_\_\_\_\_, and you will be notified approximately 90 days prior to the individual's release.
- [ ] Your detainer has been removed in accordance with your request, dated \_\_\_\_\_.
- [ ] We have received your request, dated \_\_\_\_\_. If you wish to place a detainer, please forward a certified copy of warrant and/or certified sentencing document and photographs and fingerprint card, if available, to:
- [ ] A detainer/request dated \_\_\_\_\_, has been forwarded to:
- [ ] Per your request of \_\_\_\_\_, the above named individual is scheduled for release on \_\_\_\_\_ or upon approved program. This notice will cancel your notification request.

Sincerely,

Correctional Records Manager (Signature block)

cc: (memo only)

Distribution: Original - Requesting Agency

Copy - Master Record File  
Institutional File  
Inmate

**AGREEMENT ON DETAINERS/GOVERNOR'S NOTICE LETTER**

PREPARE USING OFFICIAL LETTERHEAD  
(TECHNICAL ASPECTS TO BE DETERMINED BY AUTHOR)

Arizona State Capitol Building  
1700 West Washington  
Phoenix, Az 85007

The Honorable (current Arizona State Governor's name):

Pursuant to Article IV(a) of the Agreement on Detainers, we are hereby giving notice that on the \_\_\_\_ day of A.D. 20\_\_\_\_, the Prosecuting Attorney for the County of \_\_\_\_\_, in the State of \_\_\_\_\_ has requested temporary custody of \_\_\_\_\_ ADC \_\_\_\_\_, who is currently serving a \_\_\_\_\_ year term of imprisonment for the crime of \_\_\_\_\_. Inmate stands charged in the accompanying indictments with the crime of \_\_\_\_\_ and is sought for purposes of trial.

A pre-transfer hearing under Cuyler vs. Adams has been requested in \_\_\_\_\_ County Superior Court and will be heard as soon as possible.

If no action is taken within thirty (30) days from this date, and all time limits have been exhausted for filing of a writ of habeas corpus, we will proceed to offer temporary custody of to the State of \_\_\_\_\_.

Sincerely,

Signature Block  
Interstate Compact Administrator

XX/xx (use appropriate accountability initials)

cc: C/O Master File  
Institutional Field File

Attachments: Form V  
Indictments

## REQUIRED FOREIGN CONSULATES OFFICE NOTIFICATION

Algeria	Mauritius
Antigua and Barbuda	Moldova
Armenia	Mongolia
Azerbaijan	Nigeria
Bahamas, The	Philippines
Barbados	Poland (non-permanent residents only)
Belarus	Romania
Belize	Russia
Bulgaria	Saint Kitts and Nevis
China <sup>1</sup>	Saint Lucia
Costa Rica	Saint Vincent and the Grenadines
Cyprus	Seychelles
Czech Republic	Sierra Leone
Dominica	Singapore
Fiji	Slovakia
Gambia, The	Tajikistan
Georgia	Tanzania
Ghanan	Tonga
Grenada	Trinidad and Tobago
Guyana	Tunisia
Hong Kong <sup>2</sup>	Turkmenistan
Hungary	Tuvalu
Jamaica	Ukraine
Kazakhstan	United Kingdom <sup>3</sup>
Kiribati	U.S.S.R <sup>4</sup>
Kuwait	Uzbekistan
Kyrgyzstan	Zambia
Malaysia	Zimbabwe
Malta	

<sup>1</sup> Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office ("TECRO"), the unofficial entity representing Taiwan's interest in the United States, can be notified at their request.

<sup>2</sup> Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or "SAR." Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong passports in the same manner as is required for bearers of Chinese passports--i.e., immediately, and in any event within four days of the arrest or detention.

<sup>3</sup> British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

<sup>4</sup> Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.