

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject INMATE SERVICES AND PROGRAMS NONEMPLOYEE PERSONNEL	Policy Number DP-5 Effective Date 04-09-24
Related Information CP-2, <i>Code of Conduct</i> DH-1, <i>Office Jail Access</i> DJ-4, <i>Pod Restrictions Security Overrides</i> GJ-28, <i>Prison Rape Elimination Act (PREA)</i> GJ-37, <i>Transgender and Intersex Interactions</i>	Supersedes DP-5 (09-23-20)	

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures for the selection, training, and identification of nonemployee personnel, to include volunteers and contractors, who work in various inmate services and programs within Office jail facilities.

POLICY

It is the policy of the Office to ensure that nonemployee personnel, to include volunteers and contractors, are selected, trained, and conduct themselves in a manner that maintains the integrity of the Office, including adherence to policies, operating procedures, and jail facility rules and regulations.

DEFINITIONS

Contractor: An employee, or representative of a contract holder with Maricopa County or the Office, who regularly enters Office jail facilities to provide contracted programs or services to inmates.

Facilitator: A person that makes an action or process easy/easier, which helps a group of people to work together, understand their common objectives, and plan how to achieve these objectives through meetings or discussions.

Jail Access Identification (ID) Card: Identification cards issued to contractors and volunteers. These ID cards allow access to restricted areas of an Office jail facility for the purpose of conducting contract and volunteer services. The new ID cards are issued for a twelve-month period by the Custody Support Division Commander or designee with renewal ID cards being valid for twenty-four months.

Visitor Pass Card: Cards issued to individuals requesting temporary access into an Office jail facility. These access cards do not contain a photograph of the individual but are a temporary exchange for personal identification. Prior approval by the Office jail facility commander or designee may also be required.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

PROCEDURES

1. **Nonemployee Services:** Nonemployee personnel, which include volunteers and contractors, serve the Office as program facilitators utilized to enhance and expand the services and programs offered to inmates. The coordination and supervision of nonemployee personnel shall be maintained by the Custody Support Division (CSD).

- A. Nonemployee personnel are restricted from assuming or undertaking the responsibilities and functions of jail facility employees.
- B. Nonemployee personnel shall serve at the direction of the Sheriff or designee.
2. **Nonemployee Selection:** Nonemployee personnel often come from various cultural and socioeconomic segments of the community which benefit Office services and programs through their individual service. Nonemployee applicants shall not be rejected based on discriminatory practices, including decisions based on age, nationality/national origin, immigration status, religious beliefs/religion, race, color, gender, culture/cultural group, sexual orientation, gender identity/expression, including transgender status, veteran status, ancestry, physical/intellectual/mental health disability, ethnic background, or socioeconomic status.
3. **Application and Background Process:** Nonemployee personnel providing services for the Office shall be required to complete an application process prior to participating in inmate services and programs.
 - A. Nonemployee personnel providing professional services for the Office shall do so only when certified or licensed to perform the specific professional service. Nonemployee personnel applying to provide services shall provide the Office with a copy of their professional license or certification issued by a governmental agency or a regulatory/certification board or provide documentation of their professional qualifications.
 - B. The Records and AFIS Division shall complete background clearance processes which includes submission of fingerprints, photograph, and a criminal history records check for those nonemployee personnel applying to provide services for the Office. The resulting criminal history documentation shall be forwarded to the CSD Commander, or designee for review. The criminal history records check includes, but is not limited to, the following system queries:
 1. Arizona Crime Information Center/National Crime Information Center (ACIC/NCIC);
 2. Arizona Computerized Criminal History (ACCH); and
 3. Interstate Identification Index (III) checks.
 - C. Ex-offenders may be permitted to provide volunteer services for the Office with the approval of the Sheriff or designee provided all selection criteria has been met, to include the following criminal history criteria:
 1. Each ex-offender shall be required to list their adult criminal history record accurately and truthfully on the volunteer application, as well as any names they may have used in the past. False statements and omissions shall be grounds for disqualifying the applicant.
 2. The criminal history documentation for ex-offenders shall be reviewed by the CSD Commander, or designee to determine if the applicant poses any threat to the safety or security of the jail facility, employees, inmates, other nonemployee personnel providing services for the Office, or the applicant themselves. The following criminal history criteria shall be met for an ex-offender to be eligible for service as a volunteer:
 - a. If the ex-offender has served an order of confinement as the result of a misdemeanor conviction, a minimum of 12 months shall have elapsed since their last period of incarceration and a minimum of 12 months shall have elapsed since their completion of any term of probation; or

- b. If the ex-offender has served an order of confinement as the result of a felony conviction, a minimum of 36 months shall have elapsed since their last period of incarceration and a minimum of 12 months shall have elapsed since their completion of any term of probation or parole.
- 4. **Custody Support Division Commander's Responsibilities:** The CSD Commander shall be responsible for the following:
 - A. Establishing and maintaining a system by which qualified nonemployee personnel providing services for the Office are recruited and selected; and ensuring all potential nonemployee personnel providing services for the Office meet the following eligibility criteria prior to participating in inmate services and programs:
 - 1. Applicants shall be at least 18 years of age;
 - 2. Applicants must possess appropriate education, knowledge, skills, or abilities applicable to the service or program for which they are being considered; and
 - 3. Applicants must enter their initial application into an electronic database, maintained by CSD, to create, maintain, and track their hours of service.
 - B. Ensuring nonemployee personnel providing services for the Office complete an orientation training program, prior to their nonemployee assignments.
 - C. Coordinating and supervising nonemployee personnel utilized in inmate services and programs within jail facilities.
 - D. Maintaining the records of nonemployee personnel providing services for the Office, including their volunteer application, background clearance information, activities, and training. Office records shall be retained and disposed of in compliance with the Arizona State Department of Library, Archives, and Public Records policies.
- 5. **Nonemployee Personnel Responsibilities:** Nonemployee personnel shall conduct themselves in a manner that maintains the integrity of the Office including adherence to policies, operating procedures, and jail facility rules and regulations.
 - A. Nonemployee personnel with the CSD, not otherwise employed by the Office, shall agree in writing to abide by the rules and regulations contained in the *Custody Support Division Volunteer Handbook*. The written agreements shall be maintained by the CSD Commander or designee.
 - B. Nonemployee personnel shall not indulge in undue familiarity, including any act of a sexual nature, or fraternize with inmates or visitors, nor shall they grant special privileges, accept or grant favors or gratuities to inmates or visitors, as specified in Office Policy CP-2, *Code of Conduct*.
 - C. Nonemployee personnel who become involved in a criminal investigation shall notify the CSD Commander, or designee, in a timely manner either by telephone or writing. Their identification card may be subsequently suspended or revoked, as determined by the CSD Commander or designee.
 - D. Nonemployee personnel shall advise detention personnel of family members or acquaintances in custody as follows:

1. Nonemployee personnel shall immediately notify detention personnel if they identify family members or acquaintances not previously known to be in custody, in attendance of a program or in areas of services rendered. Whenever possible in these circumstances, the inmate shall be removed.
 2. Nonemployee personnel shall provide written notification to the CSD Commander in the event a family member or prior acquaintance is booked into custody.
6. **Training Program:** Nonemployee personnel providing or participating in inmate programs or services for the Office shall complete an orientation training program prior to participating in inmate services or programs, and shall attend authorized ongoing training as part of the annual renewal process or as assigned.
- A. All orientation training shall be appropriate to the nature and frequency of the assignment. A written examination shall be administered to all potential nonemployee personnel providing or participating in inmate programs or services for the Office.
 - B. Orientation training shall include, but not be limited to, the following requirements:
 1. An explanation of Office Policy and jail facility procedures, to include specific discussion regarding jail facility security, emergency procedures and evacuation plans, prohibited items, personal conduct, prohibited associations and fraternization with inmates, and the confidentiality of information;
 2. An acknowledgment form to sign indicating that they have received and will abide by the *Custody Support Division Volunteer Handbook*;
 3. A review of materials relating to jail facility security and inmate behavior;
 4. An explanation and required acknowledgment of their understanding of the PREA standards, as specified in Office Policy GJ-28, *Prison Rape Elimination Act (PREA)*;
 5. An explanation of their responsibility to report incidents to an Office employee, as soon as practical, when they become aware of sexual abuse, sexual harassment, voyeurism, or retaliation against an inmate, as specified in Office Policies GJ-28, *Prison Rape Elimination Act (PREA)* and GJ-37, *Transgender and Intersex Interactions*;
 6. The responsibilities and duties of their specific assignment, including a tour of the prospective work area; and
 7. The lines of authority, responsibility, and accountability for nonemployee personnel.
7. **Office Jail Access:** Nonemployee personnel providing services for the Office shall be authorized entry into a jail facility, as approved by the CSD Commander or designee. Jail facility access procedures shall be maintained, as specified in Office Policy DH-1, *Office Jail Access*.
- A. Nonemployee personnel requesting entry into a jail facility on a regular basis to provide a service or program may be authorized entry through use of an issued Office Jail Access ID Card.
 - B. Nonemployee personnel who provide services for the Office on an irregular schedule requiring intermediate or temporary access into a jail facility, and do not have an issued Jail Access ID Card, may be authorized entry through use of a Visitor Pass Card.

- C. Nonemployee personnel shall be required to provide identification and verification of their authorization to be in specific designated areas.
 - D. Nonemployee personnel shall submit to a search for contraband, as specified in Office Policy DH-1, *Office Jail Access*. In order to limit contraband, nonemployee personnel shall not bring or distribute any items to inmates, unless the following provisions are met:
 - 1. Religious services/group meetings: Requests for items intended for distribution at religious services or group meetings are required to be pre-approved and shall be submitted in writing to the jail facility chaplain or inmate program coordinator for pre-approval prior to distribution to inmates.
 - 2. One-on-one visits: Items a nonemployee personnel wishes an inmate to receive during a one-on-one visit, such as copies of scripture, rosaries, and other religious items, shall be given to detention personnel who shall inspect the item for contraband prior to distribution to the inmate. Detention personnel shall document the donation when appropriate.
8. **Office Jail Access ID Card Provisions:** After completing the orientation and any subsequent training, nonemployee personnel providing services for the Office shall be issued a designated Office Jail Access ID Card by CSD personnel, as specified in Office Policy DH-1, *Office Jail Access*. Office Jail Access ID Cards may be revoked if the nonemployee personnel fails to maintain required certification in the program or services rendered. The following jail access provisions shall be maintained by nonemployee personnel and detention personnel:
- A. The Jail Access Identification Card is to be used for no other purpose than access to designated areas of a jail facility for the purpose of providing programs or services, or for attending ongoing volunteer training sessions nonemployee personnel are approved to participate in;
 - B. Jail Access ID Cards will include a photo and an expiration date specific to the person whom the card is issued to.
 - 1. The nonemployee personnel shall not duplicate the card. The card shall be displayed and readily viewable, on the upper torso at all times while in a jail facility;
 - 2. Nonemployee personnel who have lost their card shall report the loss to the CSD Commander or designee through their chain of command, as soon as possible; and
 - 3. Jail Access ID Cards remain the property of the Office. Upon termination of volunteer or contract services, the cardholder shall immediately return the card to the CSD Commander or designee.
9. **Reasons for Discontinuance of Service:** Office personnel encountering concerns regarding nonemployee personnel providing services for the Office should submit an e-mail or memorandum through the chain of command to the CSD Commander providing a description of the concern. The CSD Commander shall advise the designated custody bureau chief of the concern, as necessary. The designated custody bureau chief, along with the CSD Commander or designee, may curtail, postpone, or discontinue the services of a volunteer, contractor, or volunteer organization for any of the following reasons:
- A. Violating Office Policy, operating procedures, or jail facility rules and regulations;
 - B. Engaging in unlawful conduct, to include serious violations of a local, state, or federal law;

- C. Exhibiting symptoms, confirmed by physical or psychological examinations, of an illness which may interfere with the individual's ability to perform their duties, or conditions which may threaten the security, health, or safety of others;
 - D. Failing to conduct services or program functions in a reasonable and professional manner and/or in accordance with the *Custody Support Division Volunteer Handbook*;
 - E. Exhibiting frequent tardiness or failing to report as scheduled; and/or
 - F. Exhibiting conduct which threatens the safety or security of the jail facility, personnel, or inmates.
10. **Pod Restrictions and Security Overrides:** Detention personnel may restrict, deny, or withhold the activities of nonemployee personnel during situations which adversely affect institutional safety, order, or security, as specified in Office Policy DJ-4, *Pod Restrictions and Security Overrides*.
- A. In an event, such as a group disturbance, medical emergency, or hostage situation, the housing unit officers shall have the authority to deny or cancel any inmate services or programs to maintain security and control of the inmates, during the time the event exists or is being investigated.
 - B. Pod Restriction and Security Override sanctions approved by a jail facility shift supervisor or jail facility commander may include denial of all inmate services or programs until such time as the sanctions are scheduled to end.