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**NAVAJO COUNTY ADULT DETENTION FACILITY**

**INMATE MANUAL**

**(Revised 2016)**

## **INTRODUCTION**

PURSUANT TO Arizona Revised Statutes 31-101 this manual and the rules and regulations contained herein are enacted by the Sheriff of Navajo County. Arizona Revised Statutes 31-234 enacts all ARS 31-101 codes applicable to all Arizona Department of Corrections inmates.

The contents of this manual apply to ALL inmates, and are intended to ensure safe custody, sanitary living conditions, fair treatment, and protection of Constitutional Rights.

This manual is posted for your benefit. This manual is available in electronic format on the Kiosks located in every housing unit. You will be held accountable for your actions, and therefore will be responsible for keeping yourself informed of the various rules. If, after reading this manual, you are in doubt as to what you are to do or what your responsibilities are while incarcerated in this facility, it is YOUR responsibility to ask the Detention Staff. The excuse "I didn't know that" will not be accepted to excuse a rule violation. In general, while at this facility, treat everyone you encounter with the respect you yourself wish to receive.

The Staff of the Navajo County Detention Facility is dedicated to the preservation of individual rights and human dignity for all persons remanded to our custody. Your stay within our facility will become more acceptable if you will follow the "Inmate Rules" as outlined in this manual. Remember, if you wish to receive the respect you deserve, the same right must be afforded the Detention Staff on a daily basis.

## **ALL TIMES REFERRED TO IN THIS MANUAL ARE APPROXIMATE, SUBJECT TO CIRCUMSTANCES AND AVAILABILITY OF STAFF.**

**DISCLAIMER:** If any section, subsection, item, clause, or phrase contained in this manual is found to be illegal or otherwise incorrect, such findings shall not affect the validity of the remaining portion of the manual.

1. **TOBACCO FREE FACILITY-** Pursuant to Arizona Revised Statute 36-601.01 Smoke-free Arizona act the Adult Detention Center is a tobacco free facility. Staff, inmates and visitors cannot bring tobacco products, or items that can light tobacco products into any part of the jail. Prohibition of tobacco promotes better air quality and lowers the fire risk in the facilities. Electronic vapor cigarettes are made available to inmates in the Adult Detention Center as a tobacco free alternative. Electronic vapor cigarettes may be purchased by inmates through Commissary services.
2. **SEARCHES-** the U.S. Supreme Court has held that all persons have a right to be free of unreasonable searches and seizures. An unreasonable search is one that invades one's reasonable expectations of privacy. Where one does not have a reasonable expectation, a search is lawful. Searches in correctional facilities do not invade one's reasonable expectation of privacy. Random unannounced searches will be conducted of all areas of the jail. All searches shall be conducted with concern for safety, dignity, courtesy, and respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search. Searches shall not be used for intimidation, harassment, punishment, or retaliation.
3. **CONTRABAND:** Contraband shall be considered any property or object, which has not been provided or approved by the Navajo County Adult Detention Center. Any item not issued to you, any item that has been altered in any way, any item used in any way other than its intended purpose, or an authorized item that is found in an unauthorized place.

Contraband is also any accumulation or hoarding of food or other items. Anything considered to be contraband will be confiscated and properly stored or disposed. When contraband is discovered disciplinary actions will be taken, resulting in disciplinary hearing and/or criminal charges being filed. Promoting contraband is a felony and charges may be filed against you.

4. **BEHAVIOR:** The best control of behavior is self-discipline. Failure to comply with the rules may be cause for disciplinary action or further criminal prosecution. Detention Staff may also revoke your privileges on a temporary basis. Privileges that may be revoked are telephones, visitation, secured mail, library, commissary, outdoor recreations, and programs. Always conduct yourself in a respectful manner. Promptly and politely obey all orders and instructions.

5. **PROPERTY AND MONEY:** At the time of your admission, personal property and money will be taken from you for safekeeping. You will not be allowed to have any of these articles in your possession during your stay here. Staff shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred. If you have money sent to you by mail, it **MUST** be a money order or cashier's check. **PERSONAL CHECKS AND CASH WILL NOT BE ACCEPTED.**
  
6. **JAIL ISSUE SUPPLIES:** The Navajo County Adult Detention Center will provide you with clothing to wear while you are here, hygiene supplies, bedding, one inmate property box, and one cup and spoon set. All inmates may purchase a second inmate property box from commissary. **Pants and shirts will be worn at all times while you are in the day room. Shirts will be tucked in and pant legs will be worn straight without alterations.** Jail issued bedding is scheduled to be exchanged twice a month. Jail issued clothing and hygiene items are scheduled to be exchanged twice a week. Hygiene items and clothing is scheduled for the following pods during the week:
  - Monday - John Unit: clothing exchange
  - Tuesday - Horse-shoe: clothing exchange
  - Wednesday - Entire jail: hygiene items replaced
  - Thursday - King Unit: clothing exchange
  - Friday - John Unit: clothing exchange
  - Saturday - Horse-shoe: clothing exchange
  - Sunday - King Unit: clothing exchange &  
Entire jail: hygiene items replaced
  
7. **SHOWERS AND GROOMING:** All inmates are encouraged to use good grooming habits. You are encouraged to shower daily, but you are **REQUIRED** to shower at-least every 48 hours. Arrangements for haircuts may be made on KIOSK or with the POD Officer. Haircuts are scheduled on Saturday and Sunday. Scheduling of haircuts is done through the POD Officer. Fingernail and toenail clippers are available upon request. Toiletry articles, such as toothpaste, tooth brush, toilet paper, etc. will be issued by the POD Officer according to established schedules. On Saturdays pods one, two, and housing units A through C. On Sundays pods three, four, and housing units E through G. (Empty containers or used articles must be exchanged with POD Officer for a new one).
  
8. **PERSONAL PROPERTY:** You may have in your possession, personal property that consist of up to; 4 pair of white underwear, 4 pair of socks, 4 white T-shirts with sleeves with no logos or pictures and the inmate's name only on them, a maximum of 3 books/items of reading material, including text books, puzzle books, library books, a Bible, facility approved magazines, and approved size soft covers only, 1pair of eye glasses that are prescription only and/or reading as approved by medical, and personal letters. There is no limit for personal letters if kept in an orderly manner and can be stored in the property box.

**ALL PERSONAL ITEMS**, as well as reading materials, etc. shall be kept in your property box when not being used. This should be placed on the floor under your bunk. If your property box is unable to be placed under your bunk it will be placed on the floor against the wall beside the bunk. Any property found on vacant bunks or tables will be considered contraband and will be confiscated.

Photographs or any printed material, **MUST NOT** be hung on the walls, doors, ceilings, windows, or any other area in the cells of the day room. One photo album can be purchased through commissary. **A TOTAL OF 38 PICTURES OF APPROVED SIZE WILL BE ALLOWED IN THE ALBUM.** The album must be kept in your property box. If the photo album is found anywhere else, your album will be confiscated and placed in your property where it will be kept until the time of your release. If you cannot afford a photo album only 5 pictures are allowed of approved size.

**\*\*\*All property item will be restricted and only be allowed during recreation time if housed in "H" Pod. Disciplinary Sanctions supersede any and all authorized privilege and property items.\*\*\***

9. **TRANSFER OF PROPERTY:** Inmates will not be allowed to transfer or sell any of his/her property to other inmates or detention staff. All personal property may be released to a member of the general public with written authorization by the inmate. **NO PROPERTY RELEASES WILL BE ACCEPTED FOR OUT OF COUNTY OR STATE HOLDS UNLESS IF IT'S TO THE DEPARTMENT OF CORRECTIONS.**

Inmate funds may be used to purchase commissary, inmate phone time, or make payments towards jail fees owed. Preauthorization will be needed to release inmate funds to a third party. Requests for preauthorization to release inmate funds need to be made in writing and approved by Command staff.

Once sentenced to DOC you must release all of your property, except legal paper work within seven (7) day's. After you have been transported to DOC a letter will be sent to your address informing that your belongings may be collected within the next 30 days. If your property is still here after 30 days it will be disposed of.

10. **POD OPERATIONS:** For your information, as well as to help you better adjust to your new environment; the following is a list of daily operations in the detention facilities. All times referred to in this schedule are approximate, subject to circumstances and availability of staff.

WAKE UP AND LIGHTS TURNED ON	-	6:00 AM
BREAKFAST	- - - -	6:00 AM - 7:00 AM
<b>INMATE HOUSING UNITS CLEAN UP</b>	-	7:00 AM - 7:45 AM
DAILY INSPECTION	- - - -	8:00 AM

**TELEVISIONS and PHONES will be turned on following daily room inspections.**

LIBRARY CART- (Scheduled by the POD Officer).

MEDICAL/SICK CALL – (Scheduled by the nurse).

LUNCH LOCK DOWN-	- - -	11:00 AM – 12:00 PM
DINNER LOCKDOWN-	- - -	4:30 PM – 5:30 PM
LIGHTS OUT	- - - -	10:00 PM
TV/PHONES OFF	- - - -	10:00 PM

Beds must be made by 7 AM each day and remain made throughout the entire day. Beds are expected to be neatly made with a mattress cover over the mattress and your blanket on top. If medical staff deems that the inmate is required to stay in bed under the blankets, then medical staff will issue the inmate additional covers so that they may stay on top of their made bed and be covered with the additional covers from medical staff.

Individual cell doors are to remain open with the door against the wall, between 7:00 AM and 10:00 PM. Doors in any area are not to be tampered with. The passing of anything from one cell or day room to another, by an inmate is strictly prohibited.

No Towels, sheets, clothing or other items shall be hung on the doors, bunks, sprinkler system, and/or windows. Any items covering the doors, bunks, sprinkler system, windows, and/or window sills, will be confiscated and you will face disciplinary process for failure to comply with facility rules and regulations.

11. **GENERAL MAIL-** Mail is sent to the:

**Navajo County Adult Detention Center P.O. Box 668, Holbrook, Arizona 86025**

All inmates of the Navajo County Adult Detention Center may send and receive correspondence through the US Mail. No mail, notes, or photographs may be “dropped off” at the detention facility for inmates. All such materials must be sent through the mail.

Monies received by mail must be in the form of a cashier’s check or money order. Personal checks and cash will not

be accepted, and if received, will be confiscated and placed in your personal property until your release or returned to the sender.

Outgoing mail will not be sent if the envelope has any drawings or unauthorized writing on it. Mail must have the full mailing address and return address with inmate's full name. Envelopes with additional writing or drawings will be confiscated and placed in your property. Inmates without funds may request an indigent pack. Requests for an indigent packs are provided by the Pod Officer. To receive an indigent pack, you must have had less than **\$3.00** in your inmate funds for 30 consecutive days. To add an indigent comb to your indigent pack you must have less than 0.24 cents on your inmate funds. Otherwise, you will need to order a comb off of commissary. An indigent pack contains 16 sheets of paper, 8 indigent envelopes, and 1 pencil. Letter writing materials may be ordered on commissary.

12. **INCOMING MAIL:** All incoming mail is opened and inspected for contraband, monies, and prohibited items. No pictures larger than 5x7 are allowed. No pictures with instant backing or sticky back such as Polaroid, no plastic photos, photo albums, frames, nude photos, explicit sexual pictures, or gang related pictures are permitted. Confiscated mail will be placed in your intake property and held until your release.
13. **OUTGOING PERSONAL MAIL:** Outgoing mail must be **unsealed**, have your full name, the detention centers name, and return address in the upper left-hand corner of the envelope. The receiver's name and address must be on the front center of the envelope. Outgoing mail is given to the POD Officer. Envelopes will not be accepted if they have drawings on them. Outgoing mail will be inspected and any mail containing contraband will be confiscated, the inmate will be issued disciplinary, and the items confiscated and disposed of. Contraband may be any item that is not paper that's placed inside of the envelope. Examples of contraband are NCSO ID band, home-made arts and crafts from county materials and/or commissary wrappers, etc.....
14. **LEGAL MAIL:** Any written correspondence with inmates' Attorney of record, the Courts, Judges, Clerk of the Court, or Legal-Aid services. Mail will be clearly labelled legal mail or legal document on the envelope.
15. **INCOMING LEGAL MAIL:** All incoming legal mail will be documented on an incoming legal mail log. The inmate must show valid identification to detention staff by their issued NCSO ID band and sign for the legal mail on the incoming legal mail log. The legal mail will be opened by detention staff in the presence of the inmate after they sign for it. Incoming legal mail is opened in the inmate's presence for the purpose of ensuring that contraband is not being brought into the facility. Contraband will be confiscated by detention staff. Confiscated mail will be placed in your intake property and held until your release. All completed incoming legal mail logs will be returned to commissary for jail records.
16. **OUTGOING LEGAL MAIL:** Outgoing legal mail must have your full name, the detention centers name, and return address in the upper left-hand corner of the envelope. The receiver's name, legal mail, and address and/or department must be on the front center of the envelope. Outgoing legal mail will be documented. **All outgoing legal mail shall not be sealed until inspected by detention staff.** Outgoing legal mail will be unsealed and given to the POD Officer to inspect for contraband. After the legal mail is inspected the inmate will seal the envelope in the presence of and given to the POD Officer. Contraband will be confiscated by detention staff, disciplinary will be issued to the inmate, and the contraband will be disposed of.

**There is no limitation on the amount of legal mail sent or received. Legal mail routed through the U.S. Mail system is subject to postage costs at the expense of the sender.**

17. **PROHIBITED MAIL:** Mail that contains pictures that depict or display sexual activity or nudity, threats of physical harm, criminal activity, blackmail, extortion, escape plans, coded or sensational information, contraband, or anything in violation of state or federal law or facility rules will be confiscated.

If jail administration deems it necessary to declare a piece of mail prohibited and have it confiscated, the writer or receiver (inmate) will receive a receipt explaining the reason for the confiscation. The confiscated material will be forwarded to the proper authorities based on the content of the letter.

The following items are not accepted: address labels, blank paper, blank cards, blank envelopes, blank postcards, stamps, ink pens, musical cards, plastic or laminated item(s), handmade cards that have glue, tape string, paint, marker (including letters written in marker), glitter, confetti, dried flowers, lipstick, and/or perfume.

18. **TELEPHONE PRIVILEGES:** All outgoing calls either local or long distance from the day room phones must be collect or prepaid. The phones will be switched on following daily room inspections and will remain on until 10:00 PM daily. **Inmates on lock down or segregation will have access to the day room phone during their recreation time or upon the request from their Attorney.**
19. **SECURE MAIL:** This facility allows for the use of secured electronic mail “e-mail”. Secure mail is an electronic mail service which must be established by your family and friends through ICS Solutions Inc. this service allows for the transmission of email and photos under the same guidelines and restrictions as all other forms of communication. All transmissions must be approved before they will be sent to the receiver.
20. **VIDEO VISITATION:** All visits are subjected to monitoring and recording. Visitation is a privilege and may be revoked at the discretion of jail administration. Please read all of the rules completely. Not knowing the rules will not be accepted as an excuse for not following them. Disobeying any rule may result in a loss of visitation privilege, disciplinary action, or criminal charges being pursued when applicable.

All visits must be scheduled a minimum of 2 hours or up to 2 weeks in advance for visitation. Each inmate is allowed free on-site visits weekly all off-siter visits are charged a fee. Visits will last 30 minutes. Each visitation session will show a timer to display elapsed time. After your visit has ended your connection will be terminated and you visit will end. You may have an unlimited number of visit per week based on scheduling and what your family wishes to purchase. Visitors must have a valid State or Government issued photo ID, such as a driver’s license, State ID card, or Military issued ID. Visitors and inmates must remain seated at all times during the visitation session.

**Any inappropriate activity will result in termination of your visitation session.**

**Special visits:** are any additional visitation requests outside the normal parameters of scheduled visits. The inmate must request the visit in writing to the **Lieutenant** a minimum of 72 hours in advance for visitation to be considered. When submitting a request for a special visit the inmate must list their name and housing, the date and time the visitation is being requested, names of visitors they are requesting to see, and reason for the visit. Special visits will be determined on a case-by-case basis by the **Deputy Chief**.

**Professional Visits** may utilize visitation rooms in the jail facility at any *reasonable* time. If a contact visit is needed, prior approval is recommended. Weekends and after Business hours need to be requested in writing for approval by the **Deputy Chief**.

21. **LIBRARY PRIVILEGES:** The Navajo County Adult Detention Facility offers library privileges upon request and availability. Any excess will be considered a violation of the library privilege and subject to the contraband policy. Any books found missing covers, pages, or marked on will be confiscated and destroyed. See Authorized Possessions

**\*\*\*Legal Reference books or materials is the responsibility of your attorney or legal representative. Any inmate who represents himself is issued a legal advisor through the court, your advisor is responsible to provide you legal research and reference materials, all stationary and writing materials are provided by the clerk of the court.**

22. **TELEVISION PRIVILEGES:** Television are for entertainment purposes, and based on negative behaviour may be suspended. Televisions are turned on following daily inspection and are turned off at 10:00 PM. TV privileges may be extended to 12:00 AM on weekends or Holidays and on occasion until the movie is over. This is at the discretion of the Sergeant on duty. TV will follow NCSO approved TV schedule.

23. **COMMISSARY PRIVILEGES:** Commissary privileges are available once each week. Ordering must be completed by Sunday and deliveries are typically on Thursday. Credit is not extended to inmates. Authorized commissary items must be stored in your property box. Any excess commissary will be placed in your intake property and returned upon your departure. There is a \$75.00 limit on commissary purchases. Commissary will be ordered through KIOSK. Inmates with no access to KIOSK will be provided order sheets. Any inmate who is on "LOP" (loss of privileges) will only be allowed to purchase hygiene items.

24. **OUTDOOR RECREATION PRIVILEGES:** The outdoor recreation schedule is coordinated with the POD Officer. POD Officers allow inmates to use the outdoor recreation area at least 1 hour a day when staff availability and weather permits it. Outside temperature has to be at least 52 degrees for inmates to use the outside recreation area. Appropriate weather conditions will be determined by the Sergeant on duty when determining use of the outside recreation area.

25. **PROGRAMS:** The Navajo County Adult Detention Facility provides various program services for inmates. The programs depend upon staff availability as well as acceptable inmate behavior. Inmates in Administrative Segregation, on disciplinary, or inmates with certain medical conditions may be excluded in certain programs.

AA and NA meetings are held once each week. These services are open to all inmates who have been approved for attendance by Classification. If you are interested in attending these meetings, you may submit a request through KIOSK for the AA, NA, or GED programs.

26. **RELIGIOUS SERVICES:** Church services are held based on availability and scheduling of clergy. Sign up for religious services may be requested through KIOSK.

27. **RELEASES:** Releases from custody will be done during business and daylight hours. No inmate will be released after dark without a prearranged transportation for pick up.

28. **HOUSING UNIT SANITATION PRACTICES:** You are encouraged to adopt good sanitary habits and practices. The following is required:

1. Keep your cell and bed made.
2. Keep the floor in your cell & day room free of debris.
3. Sweep and mop your cell and day room daily.
4. Clean your toilet and sink daily
5. Keep the walls in your cell clean.
6. You are encouraged to shower daily. You MUST shower at least once every 48 hours.
7. DO NOT tie, drape, hang or stick ANYTHING to the walls, bunks, lights, doors, ceiling, windows, Sprinkler, and/or vents.
8. Keep the tables in the day room wiped down
9. Nothing can be flushed in your toilet other than human wastes and toilet paper. Flush after each use.
10. Do not tie your mattress cover in a knot or secure it to the mattress.
11. If case of fleas, lice, scabies, crabs, ticks, bedbugs, roaches, etc., immediately notify the detention staff.
12. Keep all personal items in your NCSO issued property box when it's not being used.
13. **Do not use jail furniture for any other purpose than its intended use.**

**NOTE:** Hygiene rules are strictly enforced. If you fail to comply with the hygiene regulations, you will forfeit privileges granted to inmates and face disciplinary action for failure to comply with facility rules and regulations. These privileges include use of the day room, TV, visitation, phone, secure mail, library, outdoor recreation, and commissary.

29. **KIOSK REQUEST SYSTEM:** THE KIOSK IS VERY SIMPLE TO OPERATE. JUST FOLLOW THE PROMPTS THE KIOSK SYSTEM IS ASKING FOR. THEN THE KIOSK SYSTEM WALK'S YOU THROUGH STEP BY STEP. THE KIOSK SYSTEM IS FOR INTERNAL COMMUNICATION ONLY! IT DOES NOT WORK FOR COURTS, ATTORNEYS OR PROBATION. ANY MISUSE, FOUL LANGUAGE, OR ABUSE OF THE KIOSK SYSTEM, YOU WILL BE TAKEN OFF THE SYSTEM AND RECEIVE A DISCIPLINARY TICKET. **VOLATION OF KIOSK SYSTEM IS A MAJOR OFFENCE**

30. **GRIEVANCE PROCEDURES:** The grievance procedure is designed to address inmate complaints related to any aspect of institutional life or condition of confinement that directly and personally affects the inmate grievant including policy,

	<b>County Inmate</b>	<b>Staff Response</b>
Informal	Has 5 calendar days from date of incident to request a informal resolution.	Sergeant or OIC has 72 hours to respond, if they can't resolve, the complaint then it is immediately given over to the Shift Lieutenant
Formal	Has 5 calendar days to file after receiving a unsatisfactory informal response	Grievance Officer has 5 working days to respond. (can ask for 20 working day extension)
Appeal of Formal finding	Has 3 calendar days to file after receiving a unsatisfactory response of formal grievance	Command staff or designee has 10 working days to respond.
2 <sup>nd</sup> Appeal of Formal finding	Has 3 calendar days to file after receiving a unsatisfactory response of formal grievance appeal	Deputy Chief or designee has 10 working days to provide a final response.
Final Determination	Grievance process exhausted <i>NCSO Policy 4.3.6</i>	The final determination of the Deputy Chief will be considered final and exhaust the grievance process related to the issue.

technical manuals, post orders and the actions of staff.

**YOU ARE ENCOURAGED TO INFORMALLY RESOLVE ISSUES AT THE LOWEST LEVEL WHENEVER POSSIBLE.** If you feel your complaint cannot be resolved informally, you must request an administrative remedy within 72 hours of the initial response by submitting your complaint in writing using the Navajo County Sheriff's Office Inmate Grievance Form.

When reviewing any section of the Grievance Form, staff members reviewing the grievance should respond within the specified time frames of the receipt unless more time is required to investigate. If more time is required, the inmate shall be given an explanation and an estimated time for the response.

An inmate/detainee abuses the Grievance Procedure when he/she does any of the following during the Informal Complaint, Grievance, or Appeal process:

- Threatens serious bodily harm to staff, inmates or the general public.
- Files multiple grievances on the same issue at the same time or without waiting for a response.
- Files in excess of five grievances in any one month that are determined to be frivolous by the Compliance Commander. A grievance is frivolous if clearly on its face it is devoid of merit and is a detriment to the orderly operation of the Grievance Procedure.
- Includes false allegations that are determined to have been malicious.
- Should an inmate demonstrate abuse of the grievance process, the appropriate Lieutenant or Correctional Nursing Supervisor may recommend to the Deputy Chief that action be taken to restrict the inmate's access to the grievance process.

The following may not be grieved under the inmate grievance procedure:

- Judicial proceedings or decisions of the court.
- Results of Disciplinary Hearings
- Classification actions outlined in NCSO-Jail P&P 3.3 Classification.
- Disciplinary Hearing Process outline in NCSO-Jail P&P 4.2 Inmate Rules and Discipline.
- Publication Screening and Review outlined in NCSO-Jail P&P 4.5 Inmate Mail and Communication.
- Protective Segregation outlined in *Hudson v. Palmer* 468 US517, 526-527 (1984).
- Housing location within the facility as outline in NCSO-Jail P&P 3.3 Classification (*Lindell v Houser* 442F 3d 1033 April 4, 2006).
- Any process or procedure which has an appeal process as part of its policy.

31. **MEDICAL REQUESTS:** All medical requests need to be filled out through KIOSK. Request forms may be received from Detention Staff if KIOSK is unavailable. If you have a medical emergency notify detention staff immediately.

32. **JAIL FEES:** Jail Fees will be applied to your inmate account. You will be charged a \$10.00 fee each time you see the Navajo County Health Provider for medical or psychiatric care. You will be charged a \$10.00 fee for each subsequent medical and/or pharmacy service. You will be charged a \$2.50 fee for the initial cost of the inmate property box. If you damage the inmate property box you will be charged an additional \$2.50 fee for the replacement cost. The inmate property box is yours to keep upon release. You will receive an inmate ID bracelet when you are booked into the facility. If you damage, alter in any way, loss, or do not return the inmate ID bracelet at the time of release you will be charged a \$5.00 fee to defray the cost of its replacement. You will be charged a \$1.00 a day fee for breakfast, lunch, and dinner meals provided each day. Exemption to the meal fee is for inmates that are working inmates in the facility. **This exemption for the \$1.00 meal fee is only on the days the working inmate worked.**

**FEES:**

- \$10.00 – Medical fee each time you see Health Provider for medical and/or psychiatric services.
- \$10.00 – Medical fee for each medical and/or pharmacy service provided.
- \$2.50 – Initial cost of inmate property box.
- \$2.50 – Replacement fee to replace damaged inmate property box.
- \$5.00 – Replacement fee to replace inmate ID bracelet.
- \$1.00 a day – Meal fee for breakfast, lunch, and dinner meals provided.

33. **SEXUAL ABUSE OR SEXUAL ASSAULT:** The Navajo County Adult Detention Division establishes a zero tolerance standard for the incidence of prison rape and sex-related and attempted sex related offenses. The Detention Division shall strictly enforce all federal state and local laws regarding inmate sexual misconduct, threats of sexual assault or intimidation by providing clear definitions of allegations of sex-related offenses or threat, identification of predators, protection of victims and prescribing sanctions for substantiated sexual offenses as well as false allegations. This policy applies to all employees, all incarcerated inmates without regard to their pre/post-conviction status or housing location.

**Inmates have the option to report an alleged sexual misconduct incident to the Medical/Mental Health Unit, and Detention staff. Officers shall contact a supervisor if they suspect that an inmate might have been sexually assaulted or they observe any of the signs or symptoms listed.**

- Sexual abuse
- Sexual harassment
- Retaliation by other inmates or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

34. **THE DISCIPLINARY PROCESS:** The Navajo County Sheriff’s Office – Adult Detention Division (NCSO-Jail) shall establish written rules of conduct to maintain discipline for the safety and security of the public, staff and inmates/detainees. The Inmate/Detainee discipline system is an Administrative process separate of any potential criminal action which may be taken from an infraction of NCSO-Jail rules and regulations. If the violation appears to constitute a crime, the inmate is subject to both facility discipline and judicial prosecution. The case is referred to the appropriate court, law enforcement officials, or prosecuting attorney for consideration of prosecution.

- a. **Minor Violations:** Violations include law violations and acts which interfere with the orderly operation of the facility, but do not immediately threaten security or the safety of inmates, staff, or visitors.
- b. **Major Violations:** Violations include law violations and acts which repeated minor rule violations and violations which could seriously threaten security, or the safety of inmates, staff, or visitors.
- c. **Severe Violations:** Violations include law violations and acts which immediately threaten the security of the facility, staff, inmates, or visitors.

**OFFENSES AND GUIDELINES FOR INMATE DISCIPLINARY SANCTIONS:**

**SEVERE OFFENSES:**

<b>(100)</b> Assault of a Peace Officer or Sheriff’s Office Civilian or Contract Employee	Intentionally, knowingly, or recklessly causes injury to a Detention/Peace Officer, Sheriff’s Office Civilian, or Contract Employee or applies any physical force, or offensive substance, such as feces, urine, mucus, spittle, or any other item, against an employee regardless of whether or not physical injury occurs.
<b>(101)</b> Assault with a Dangerous Weapon	Using a weapon or striking with a body part intentionally knowingly or recklessly causes or threatens to cause serious physical injury to another person.
<b>(102)</b> Taking of Hostages	Takes any person into custody for the purpose of reinforcing his/her demands for any reason.
<b>(103)</b> Assault	Intentionally, knowingly, or recklessly, causes injury to another person, or applies any physical force or offensive substances, such as feces, urine, mucus, or any other item against any person regardless of whether or not physical injury occurs.
<b>(104)</b> Sexual Assault	Engages in sexual intercourse, i.e., contact between genitals, hand(s), mouth or anus of another person.
<b>(105)</b> Escape or Attempted Escape	Without proper authority, removes or attempts to remove him/herself from the confines of the institution or from official custody while beyond the confines of the institution; or fails to return to official custody following temporary leave granted for a specific purpose and for a specified period of limited duration. Offense under this sub-section shall not apply to Special Release Programs unless there is evidence to support that the inmate has made a voluntary

	departure from custody with the intent to evade the due course of justice. (Returning late from an excused absence does not constitute an escape in this instance unless the inmate is in excess of 12 hours and cannot be contacted.)
<b>(106) Riot</b>	Participates in, incites or with the intent to cause lawless action and the likelihood of causing lawless action, advocates a riot or facility disruption.
<b>(107) Arson</b>	Knowingly sets fire to burn, causes to be burned or by the use of any explosive or combustible device, damages or destroys or causes to be damaged or destroyed any structure or property.
<b>(108) Possession of Dangerous Contraband</b>	In possession of or stored in property a firearm, knife, bludgeon or other weapon device, instrument, material or substance, whether animate or inanimate which is readily capable of causing or inducing fear or death or serious physical injury. This includes the possession of homemade tattoo needles or possession of any malt, vinous, spirituous liquor, fermented beverage, marijuana or other illegal substance.
<b>(109) Possession or Use of Dangerous Drugs or Drug Paraphernalia</b>	In possession of or uses any quantity of unauthorized dangerous drugs or possesses or uses any form of drug paraphernalia.
<b>(110) Possession or Distribution of Counterfeit Drugs</b>	In control of a substance and implies it is a pharmaceutical product.
<b>(111) Robbery</b>	Uses or threatens the immediate use of physical force to obtain items of value from another person.
<b>(112) Possession of a Key or Key Pattern</b>	Possesses a key or key pattern to any lock, or any device, implement tool or other item designed to be used to open locks of any type or kind.
<b>(113) Sexual Abuse</b>	Subject another person to sexual activity (bodily contact) without intercourse.
<b>(114) Sexual Misconduct</b>	Participates in behavior or activity that subject another person to any form of sexual activity, verbal, visual, or physical, with or without consent. This shall include masturbation, indecent exposure or lewd, gross, filthy, indecent, foul, or obscene language.
<b>(115) Threats</b>	Communicates a desire or intent to injure another person or to commit a crime of violence or unlawful act dangerous to human life, whether or not such consequence, in fact, occurs.
<b>(116) Posing as another inmate/detainee</b>	Attempts to deceive others by presenting him/herself as someone else, either by verbally giving a false name or false identification or assigned uniform.
<b>(117) Falsifying Physical Evidence</b>	Believing that an official proceeding or investigation is pending or about to be instituted, alters, destroys, conceals, or removes anything with the intent to impair its authenticity or availability in such proceeding or investigation.
<b>(118) Violation Special Release Conditions</b>	Violates any condition set forth in any special release program granted by a court or by NCSO-Jail.
<b>(119) Damage of County Property</b>	Intentionally destroys, alters, or defaces county property. This includes walls, doors, mattresses, clothing, sandals, or any other items that are county property.
<b>(120) Fighting</b>	Intentionally, knowingly or recklessly causing physical injury to another person(s), or intentionally placing a person in imminent physical danger, or knowingly touching another person(s) with the intent to injure, insult or provoke.

**MAJOR OFFENSES:**

<b>(200)</b> Resisting	Physically resists staff in the performance of their duties. This includes incidents such as pulling one's arm from the grasp of a staff member or not complying with directions given by a staff member that has an inmate/detainee under their physical control (passive resistance).
<b>(201)</b> Possession or Manufacture of Intoxicating Substance	Having possession or control over illegally brewed or fermented intoxicating beverages or the material used to manufacture such substance.
<b>(202)</b> Disobeying a Lawful Order	Refuses to obey a verbal or written order given by an employee of NCSO or any Law Enforcement Officer.
<b>(203)</b> Tampering with a Witness	Attempts to induce or otherwise cause anyone to testify or inform falsely and/or, commits any act prohibited by this code in retaliation for anything done by another person in his/her capacity as a witness or informant.
<b>(204)</b> Damage of County Property	Intentionally destroys, alters, or defaces county property. This includes walls, doors, mattresses, clothing, sandals, or any other items that are county property.
<b>(205)</b> Possession of Damaged County Property	Shall not have in their possession damaged county property this includes their person, cells, immediate sleeping areas, immediate place of work or other program assignments.
<b>(206)</b> Tampering with Locks or Security Items	Without authorization, locks, unlocks or alters any lock, locking system or security item within the facility, and/or uses any unauthorized lock or security item.
<b>(207)</b> Possession or Use of Unauthorized Medication	Is in possession of prescribed medication after administered, large quantities of self-administering medication, non-prescribed medication and/or uses the issued medication other than its intended purpose.
<b>(208)</b> Sanitary Violation	Willfully fails to keep his/her body, hair and/or clothes in a clean, sanitary, neat and odor free condition; defecates or urinates in an area other than the facilities provided for such functions or refuses to shower at least once a week.
<b>(209)</b> Refusal of an Assignment	When he/she fails to ensure he/she is ready for work after ample notification is given (ample, notification will, in this case, mean no less than a 15 minute warning to get ready for work) refuses to carry out the functions, requirements or terms of the work assigned, is unwilling to accept, consider, or receive job assignments.
<b>(210)</b> Disrupting Count	Disrupting county by purposely interfering with staff, or failing to be in an assigned location for count.
<b>(211)</b> Hindering an Officers Duties	Any behavior committed by the inmate/detainee which disrupts an Officer's ability to perform.
<b>(212)</b> Theft of Property or Possession of Stolen Property	Takes property from another individual or area without permission or authorization; or if an inmate/detainee receives property not provided by the facility.
<b>(213)</b> Possession of Contraband	In possession, in his/her cell, in his/her immediate sleeping area, or immediate place of work or other program assignment, or receives from or gives to another inmate/detainee, or fashions or manufactures or introduces or arranges to introduce into the facility any items not specifically authorized in the Facility Handbook or by the facility.
<b>(214)</b> Visitation Violation	Uses profanity, derogatory remarks, or makes gestures to visitors. This includes failure to be fully clothed at all times during visiting hours.
<b>(215)</b> Intimidating	To force into or deter from some action by inducing fear.
<b>(216)</b> tattooing, Brands, Scarifications and Piercings	Altering one's own body or the body of another by branding, scarification, mutilation, tattoo or piercing; possession of any articles used in tattooing

	unauthorized ink, tattoo guns, needles and artwork of tattoos. Any mark on the skin that is made by aid of an instrument.
<b>(217) Indecent Exposure</b>	Intentional exposure of genitals, buttocks, pubic region or female breast; unauthorized nudity.
<b>(218) 3 Minor Violations in a 30 Day Period</b>	Three minor offenses committed in a 30 day period that could result in higher disciplinary sanctions.

**MINOR OFFENSES:**

<b>(300) Verbal Abuse</b>	After he/she is ordered to cease, continues to subject another person or persons to abusive or defamatory language or gestures.
<b>(301) Horseplay</b>	Wrestles, boxes, or participates in any activity that injures or could lead to the injury of him/herself or another person, whether or not injury occurs.
<b>(302) Disruptive Noise or Activity</b>	Engages in any behavior that disrupts the orderly operation of the facility.
<b>(303) Gambling</b>	Participates in any game with the intent to win money or other items of value.
<b>(304) Bribery</b>	Offers to confer, confers, or agrees to confer anything of value to an inmate or a staff member with the intent to influence that person's exercise of discretion or other action in any official capacity.
<b>(305) Unauthorized Presence in Another Cell</b>	Enters or attempts to enter another inmate/detainee's cell without the expressed approval of staff.
<b>(306) Abuse of Privileges</b>	Uses privileges to obtain what is not his/hers, or attempts to deceive a member of the Sheriff's Office as to the receiving of a privilege, or becomes disruptive while exercising a privilege.
<b>(307) Damage of County Property</b>	Intentionally destroys, alters, or defaces county property. This includes walls, doors, mattresses, clothing, sandals, or any other items that are county property.
<b>(308) False Reporting</b>	Stating (written or verbal) a false, fraudulent or unfounded statement or to knowingly misrepresent a fact for the purpose of interfering with the orderly operation of the facility.

**ADMINISTRATIVE SEGREGATION: (SMU)**

**IF AN INMATE IS PLACED IN ADMINISTRATIVE SEGREGATION, THE INMATE FORFEITS ALL PRIVILEGES, AND WILL RECEIVE REDUCED COMMISSARY PRIVILEGES.**

**INMATES MAY BE ALLOWED TO KEEP HYGIENE PRODUCTS AND ORDER NECESSARY HYGIENE ITEMS THROUGH COMMISSARY. THESE ITEMS WILL REMAIN IN THEIR PROPERTY BOX. THESE INMATES WILL HAVE ACCESS TO THEIR PROPERTY BOX AND LEGAL PAPERWORK ONLY DURING THEIR HOUR OUT.**

**INMATES WILL NOT BE ALLOWED OUT OF THEIR CELL FOR THE FIRST 24 HOURS OF LOCKDOWN. AFTER 24 HOURS HAVE PASSED.**

**RED TAG STATUS:**

**IF AN INMATE IS PLACED IN RED TAG STATUS BASED ON THEIR ABUSIVE BEHAVIOUR THEY WILL RECEIVE RECREATION ONLY ON MONDAY, WEDNESDAY, AND FRIDAY FOR 2 HOURS RED TAGS INMATES SHALL BE RESTRAINED WHILE OUT OF THEIR CELL REGARDLESS OF THE REASON. REVIEW OF RED TAG STATUSES SHALL BE CONDUCTED EVERY 15 DAYS.**

## **DISCIPLINARY REPORTS**

When a violation of facility rules and regulations has been committed by an inmate/detainee, an Incident Report and Disciplinary Report shall be prepared by the reporting officer and forwarded to the Shift Supervisor for review.

When a staff member witnesses, or has a reasonable belief that an inmate/detainee has violated any rule set forth the staff member shall:

Have the option to verbally reprimand and/or counsel the inmate/detainee or place them on report.

If the option is to place the inmate/detainee on report staff shall prepare an Incident Report and submit it to the Shift Supervisor.

Prepare a Disciplinary Report and submit it to the Shift Supervisor along with the Incident Report as outlined above.

- Identify specific rules violated (designated code)
- Formal statement of the charge (description)
- Photo copy of evidence and/or contraband found.
- Sign, date and time of report.

The Shift Supervisor shall review, sign and date the disciplinary report.

The Shift Supervisor shall determine if the inmate/detainee requires to be assigned to Pre-Hearing Administrative Segregation.

A Shift Supervisor shall serve the inmate/detainee with the Disciplinary Report.

- Violators must be notified and served no later than 24 hours prior to the hearing.

The Shift Supervisor serving the Disciplinary Report shall complete the Advisement of Hearing Rights.

The Shift Supervisor shall ensure all disciplinary reports are forwarded to the DHO.

## **HEARING PROCEDURE**

It is the responsibility of the DHO to determine if a violation has taken place, and if so, recommend the disciplinary action to be imposed. This system ensures that the hearing is fair, equitable and the accused inmate/detainee is afforded every opportunity to present his/her case.

When an inmate/detainee is suspected of committing a violation of facility rules which results in a Disciplinary Report, the hearing shall be conducted within 7 working days from the alleged violation, but not less than 24 hours from the time the inmate/detainee is placed on report.

- This time limit excludes weekends and holidays.
  - If an inmate/detainee is temporarily away from the facility, the time shall begin when the inmate/detainee returns to NCSO-Jail custody.
- A Postponement Memorandum may be granted by the Deputy Chief or designee if necessary to ensure that all information and evidence pertaining to the hearing is available.
- The inmate/detainee may request a one-time extension of 72 hours before a hearing.
- This request must be submitted 24 hours prior to the scheduled hearing.
- The inmate/detainee must submit a request to the DHO explaining the reason(s) for the extension.

- The DHO shall notify the Deputy Chief or designee of such request for either approval or denial.
- The DHO has 24 hours to notify the inmate/detainee of the approval or denial of the 72 hour extension request.

The DHO may be excluded from conducting a specific hearing for one of the following reasons:

- The DHO completed the Disciplinary report.
- The DHO was directly involved in the incident.
- The DHO is unable to be fair and impartial when hearing the case.
- The Deputy Chief or designee shall appoint an impartial staff member to conduct the hearing.

## **DUE PROCESS**

Inmates/detainees suspected of violating facility rules shall be afforded due process.

The inmate/detainee shall be present at the hearing unless the inmate/detainee waives the right of appearance.

The hearing shall be conducted before an impartial person at which time the inmate/detainee may present evidence, statements and witness statements on his/her behalf; any reasons for denying such a request must be made in writing.

Disciplinary action may not be capricious, retaliatory, nor based on race, religion, ethnic origin, gender, sexual orientation disability or age.

The DHO shall maintain a record of all hearings, which shall be reviewed by the Deputy Chief or designee.

If the DHO discovers enough information to indicate that the inmate/detainee did not commit the alleged infraction, the charges shall be voided and all disciplinary action discontinued.

The inmate/detainee is entitled to one level of appeal.

Inmates/detainees shall be protected against self-incrimination at a disciplinary hearing unless the DHO; advises the inmate/detainee that if he/she refuses to answer questions asked during the hearing, the DHO can make an adverse inference from his/her silence.

- The DHO shall notify the inmate/detainee of this provision before the hearing begins.

The DHO shall obtain from the inmate/detainee pending disciplinary, a summary of expected testimony of a requested witness.

- The DHO shall interview witnesses to ensure the information is relevant testimony to the incident.
- Irrelevant, immaterial or repetitive testimony will not be considered and therefore all exclusions shall be documented by the DHO.
- Witnesses are required to complete an Inmate/Detainee Witness Request Statement (4.2B) within forty-eight hours of the request.

- Staff that are involved or considered witnesses shall complete a memorandum, if an incident/supplement report was not written.
- Staff witnesses requested by the inmate/detainee shall not refuse to answer relevant inmate/detainee questions or complete a statement form.

Disciplinary sanctions shall not be influenced by a not-guilty verdict in criminal proceedings of any violation.

## **CONFIDENTIAL TESTIMONY**

When a decision relies on information from a reliable confidential information source, the DHO shall disclose as much of the confidential information without jeopardizing the safety and security of the facility staff and other person. Confidential informant information shall be documented on the Confidential Informant Reliability form which states the basis for finding the information reliable.

If, in the opinion of the DHO, another inmates/detainees testimony must be in confidence, the DHO may exclude the accused inmate during this testimony. The reason for the accused inmates/detainees exclusion shall be documented in the report. This shall be kept on file and under no circumstances shall the content of this testimony be released to another inmate/detainee or other parties unless provisions of the Freedom of Information Act are met.

## **RIGHT TO REPRESENTATION**

Inmates/detainees shall be permitted to represent themselves for any class offense. The inmate/detainee has no constitutional right to have either a retained or appointed counsel present during an administrative disciplinary proceeding. If any of the disciplinary procedures are not clear, the inmate/detainee or the DHO may request staff assistance.

Staff assistance shall be assigned when an inmate/detainee pending disciplinary is illiterate, does not comprehend English or when the complexity of the issue makes it unlikely that the inmate/detainee will not be able to collect and present evidence.

A supervisor or other NCSO-Jail staff may be appointed at the direction of the Deputy Chief or designee to assist an inmate/detainee when it is apparent that the inmate/detainee is not capable of collecting or presenting evidence on his/her behalf. The Deputy Chief or designee shall notify the assigned staff member of the date and time of the hearing, a delay may be granted to allow adequate preparation by the representative.

Staff assistants are assigned to assist an inmate/detainee only to understand the alleged offenses, the disciplinary hearing process for presenting their version of the incident, witness forms and the process of appeal.

Staff assistants shall not act on behalf of, or serve as advocates for inmate/detainees. Inmates/detainees may not act as staff assistants during Disciplinary Hearing.

## **STANDARD OF PROOF**

**Burden of Proof:** Guilt shall be established in accordance with the standard of “the preponderance of evidence”. A disciplinary proceeding is not a criminal trial, and the traditional criminal standard of proof beyond a reasonable doubt is not necessary to support a finding of a rule infraction.

## **PROCEDURAL/CLERICAL ERRORS**

Procedural or clerical errors shall not be cause for dismissal of formal proceedings. If the error is discovered after a report is submitted the error shall be corrected and the time restriction shall begin at the point where the correction was made.

## **APPEAL**

Any finding of guilt may be appealed to the Deputy Chief or designee. An appeal is not a rehearing at which new evidence may be introduced.

All appeals must be submitted on a Disciplinary Appeal Form within three calendar days subsequent to receipt of a copy of the Disciplinary Hearing Results Form.

The inmate/detainee does not have the right to more than one level of appeal.

The Deputy Chief or designee shall consider the appeal on the following two factors, due process and severity of penalties. The Deputy Chief or designee may consider modification to a lesser charge consistent with all information provided in the disciplinary procedures. All modifications shall be documented on the Disciplinary Appeal Form.

The Deputy Chief or designee shall render a decision on appeals and respond to the inmate/detainee in writing within five working days. The inmate/detainee shall be notified in writing of the results of the appeal which shall be final.