Corrective action plan

June 22, 2004  (Revised)

Jerry Parker, Warden
Diamondback Correctional Facility
Route 2, Box 336
Watauga, OK 73772

Dear Warden Parker:

In a letter from Jeff Hood, Division Director, Arizona Department of Corrections (ADC) Offender Services, to John Ferguson, CEO, Corrections Corporation of America (CCA), it was noted that several of the Plans of Action either required clarification or lacked specificity. Mr. Ferguson was advised that a list of questions and specific requests for clarification would be provided to you under separate cover.

Enclosed please find ADC’s Analysis of CCA’s Plans of Action which identified 22 issues requiring corrective action. In review of each issue, we have indicated the acceptability of CCA’s Plan as well as ADC’s recommended Plan of Action.

Please review the enclosed Analysis and provide a response to the questions and specific requests for clarification regarding the Plans of Action by close of business June 30, 2004.

Sincerely,

James L. Kimble, Administrator
Contract Beds Bureau

ILK/ml

Enclosure

cc:  Jimmy Turner, Vice President, Operations, CCA   wienclosure
     John Ferguson, CEO, CCA
     Dora Schriro, Director, ADC
     Gary Phelps, Deputy Director, ADC
     Jeff Hood, Division Director, Offender Operations, ADC
     Mike Smarik, Division Director, Support Services, ADC
     Robert Myers, General Counsel, ADC
     Anne Longo, Attorney General’s Office

http://www.adcprisoninfo.az.gov
CORRECTIVE ACTION PLAN
DIAMONDBACK CORRECTIONAL FACILITY

ADC - ANALYSIS OF PLAN of ACTION

The findings of the report, as offered by CCA, identify some of the factors that lead to or exacerbated the disturbance of May 14, 2004. The following factors are particularly salient to an understanding of issues that can be attributed to the disturbance and the difficulty experienced by CCA in regaining control of the facility.

- An incident between Mexican Nationals and Mexican Americans the previous day (5/13) escalated the long-standing volatility between certain ethnic groups, notably Mexican Nationals and other groups of inmates, specifically Mexican Americans, Caucasians and African Americans. CCA personnel failed to read the warning signs leading to the disturbance.

- At the time of the incident, CCA Senior Correctional Officers ( Sergeants) on shift were present in the correct number, however, they were assigned to perform roles of Correctional Officers, thus were not available to perform their designated duties as supervisors.

- CCA staff did not recognize that the 5/13 incident compounded the growing tensions concerning commissary and banking issues.

- CCA line staff observations were not communicated to facility management which impaired their ability to make good decisions.

- At the time of the incident, construction materials remained on the Golf recreation yard, after numerous warnings by ADC staff, that were easily converted into weapons.

- The CCA Incident Management Team (IMT) system was not implemented.

All of these elements and other issues contributed to the operational failures which fostered the disturbance and made it difficult to regain control sooner. While most, if not all, of these factors can be corrected, CCA failed to adequately identify all of the corrective steps in its June 9 submission needed to resolve this situation to the satisfaction of ADC.

The Plan of Action proposed by CCA assumes CCA will continue to manage Level 3 general population, Level 3 Mexican Nationals and Level 2 OP. CCA proposes to separate the Level 2 population into two distinct groups, however, Level 2 Mexican Nationals and all other Level 2 inmates. This would result in Diamondbak managing four population groups rather than the current three populations. This segregation of Level 2 inmates is contrary to our contract, and furthermore, it is counter to the policy of ADC. Moreover, the proposed segregation of inmates results in harsher conditions of confinement as it calls for satellite feeding in the living units of the Level 2 and Level 3 Mexican Nationals. This change will result in a disparity of treatment with regard to the living environment of the Mexican Nationals in both custody levels.

CCA also proposes to send ADC inmates to other CCA facilities throughout their operational network. ADC rejects expansion to other states.

Finally, the suggested housing scheme does not appear to prevent the various custody levels from
communicating with one another while recreating or during involvement in other programming activities.

CCA Recommendations and ADC Responses

CCA has identified 22 issues requiring corrective action and has offered a Plan of Action (POA) for each issue.

1. An incident between Mexican Nationals and Mexican Americans the previous day (5/13) escalated the long-standing volatility between the ethnic groups: Mexican Nationals vs. Mexican Americans, Caucasians and African Americans.

CCA POA - Separation of inmate population as detailed in attachment E.

ACCEPTABILITY - Plan is not acceptable due to the racial segregation of Level 2 inmates. Additionally, noting CCA's inability to manage three population groups, this plan would result in four populations which would further complicate daily operations.

ADC POA - Reduce current populations to two groups, Level 3 MN and Level 3 GP.

2. The Level 2 inmates on the Golf recreation yard segregated themselves along ethnic lines: Mexican Nationals vs. Mexican Americans, Caucasians and African Americans.

CCA POA - A) Staff will monitor general population inmates to ensure that they will not be allowed to separate along racial lines in the dining room, organized recreation activities, or school and rehabilitation activities.

B) Investigate and complete disciplinary reports for participants of 5/14/04 incident.

C) Include individual review after each disciplinary hearing for appropriate classification assignment. Review to include OK statute requirement on out of state inmates.

ACCEPTABILITY - Action A is not acceptable, B & C are acceptable.

ADC POA - As described in action A, it appears CCA intends to force desegregation during chow times. This will require racial mixing in the seating pattern of the dining room. ADC's POA expects inmates are permitted to sit with whom they choose, as long as gaps in seating do not result in the dining area. Inmates must have some reasonable ability to choose personal associations.

3. Level 3 inmates recreating on the North yard at the on-set of the incident breached the interior fences and subsequently participated in the disturbance on Golf recreation yard.

CCA POA - A) Interior fences will be secured to building walls.

B) Stabilize and strengthen fences with additional poles set 3 feet deep in concrete.

C) Interior gate locks have been reinforced with steel plates and welded to the gate post.

D) Construct additional fence line to protect inner perimeter fence on Golf, North and South recreation yards.

E) Construct additional fence separating the North and South recreation yards.

F) Construct additional interior control fences. (Eg Fox, Education, Control Yard, and gym)

ACCEPTABILITY - Dates for action completion vary by nearly three months. An
explanation for time delay is required, as well as an update of current modification completions. 
D) Requires clarification as to the intent. Is this a second fence? 
F) Requires clarification. Is this describing a spline?

ADC POA - N/A

4. Inmates from Echo West breached the fire escape locking system with a metal pipe shower rod (which the inmates had removed from the shower area) and eventually participated in the disturbance on Golf recreation yard.

CCA POA - A) Reinforce lock wall with steel plate. (See attached pictures) 
B) Metal shower rods have been removed and replaced with PVC plastic piping. 

ACCEPTABILITY - A) Are the reinforcements to the specifications as provided by the manufacturer, or is this a CCA modification? 
ADC POA - Any modifications to locking systems or devises must be made in conjunction with the manufacturer's guidance to ensure the security mechanisms remain functionally intact.

5. At the time of the incident, Senior Correctional Officers (Sergeants) on shift were present in the correct number; however, they were assigned to perform roles of Correctional Officers.

CCA POA - Staff deployment will be examined to determine mandatory staffing requirements and a new staffing roster will be implemented to ensure that these requirements are met. (See attachment F)

ACCEPTABILITY - This does not correct the situation that existed on the evening of May 14, 2004, in which Sergeants were posted to positions designated for CO's thus reducing the supervisory level of operation. 

ADC POA - A general review of the posting requirements is called for. A system shall be developed that ensures all contractually mandated posts are filled with the appropriate qualified staff through the use of volunteer or mandated over-time, thus allowing supervisory staffing to remain intact.

6. Staff did not recognize that the 5/13 incident also served to escalate the growing tensions concerning commissary and money issues to a volatile level of racial and ethnic dissension.

CCA POA - A) The interface complication between CCA and ADC inmate accounting systems have been corrected. 
B) Improved staff awareness training, ADC will provide training of Arizona inmate cultural issues. 
C) Implement final contract to allow Mexican Nationals to make phone calls to Mexico. 

ACCEPTABILITY - B) While it may prove useful, ADC personnel should not be expected to provide an immediate corrective action. In addition, CCA has not discussed training details to include related cost to ADC. 
A & C are acceptable.

ADC POA - A deployment diagram of Spanish speaking staff is required to ensure language barriers are minimized. Review of the number of bi-lingual staff is required.

7. Line staff observations were not communicated to facility leadership which impaired their ability to make better decisions.
CCA POA - A) A plan will be implemented by Facility management to daily monitor the frequency of visits by supervisory staff through regular meetings.
   B) Management training to increase awareness of potential indicators of inmate unrest.
   C) Establish a system to enhance communications at all staff levels.

ACCEPTABILITY - These actions are in broad terms and do not provide an insight regarding techniques CCA proposes to use in improving staff communications and observation skills.

ADC POA - Regularly scheduled briefings need to be implemented to ensure all staff are receiving current and accurate information. Such briefing sessions should also be used as part of an on-going refresher training program.

8. At the time of the incident, there were materials on the Golf recreation yard that were easily converted to weapons.

CCA POA - A) All concrete down spouts splash guards will be removed and replaced with plastic guards.
   B) Urinals will be completed on Golf recreation yard.
   C) Post an additional officer outside Golf recreation yard. Officer will be in a vehicle until guard tower is finished.
   D) Installation of watch tower outside Gold recreation yard.

ACCEPTABILITY - The actions provided do not address the issue of the on-going availability of items that can be converted into makeshift weapons.

ADC POA - A plan that retrained staff in basic tool control, yard environment control and weapons awareness needs to be implemented.

9. During the incident, inmates misused recreation equipment as weapons.

CCA POA - Recreation equipment will be strictly controlled to ensure that not more than one baseball bat is on a recreation yard at a time.

ACCEPTABILITY - OK

ADC POA - N/A

10. During the incident, inmates from Echo-West who breached their fire escape door misused commissary items as weapons (i.e. canned goods).

CCA POA - Canned food items have been eliminated from the commissary list of Az inmates.

ACCEPTABILITY - clarify that canned goods are being eliminated rather than the item itself.

ADC POA - Can items are to be eliminated. Sodas shall be in plastic bottles and soft packaged food items shall be provided for purchase through the inmate store.

11. The quality of the incident videotapes by hand-held camcorders was poor.

CCA POA - A) Training of video taping procedures will be emphasized through annual training as well as through emergency drills, on a month basis.
   B) Tripod camera mounts have been installed in the recreation tower.
C) Modern video recording equipment will be purchased for central control that will allow 24-hour recording of multiple cameras.

**ACCEPTABILITY** - Generally acceptable.

**ADC POA** - Action should include a survey to determine the number of hand-held and fixed cameras required to ensure easy accessibility and full coverage of the facility in the event of a large-spread incident. Video recording should be utilized during such events as use-of-force, forced cell moves as well as behavioral outbursts. In part, this will assist staff and provide experience in recording under stressful situations and to ensure proper documentation of staff actions.

12. Written documentation of the incident was incomplete.

**CCA POA** - A) Training of report writing will be conducted with all staff to ensure complete and accurate details of an incident are documented immediately following an incident.
B) Completion of written reports through the IMT system will be stressed and practiced in drills.

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C) A plan to monitor log book documentation will be implemented by facility management to ensure complete and accurate details of activity are logged.

**ACCEPTABILITY** - Generally acceptable.

**ADC POA** - A) Must ensure that staff are trained in the use of ADC forms rather than utilizing CCA forms. Training and system applications should stress that reports are to be completed and submitted prior to the staff person being relieved of duty and departing the institution.

13. There were two-way radio "dead spots" that inhibited critical communication during the incident.

**CCA POA** - A) Survey by professional radio communications company will be completed to identify radio dead spots.
B) Facility will purchase appropriate equipment to rectify any problems found.

**ACCEPTABILITY** - Generally acceptable

**ADC POA** - A survey of the number of hand-held radios needs to be undertaken.

14. The incident on 5/13, the subsequent incident on 5/14 and the change to four separate populations will require a change to the 24-hour building schedule to include all organized activity.

**CCA POA** - Implement revised building schedule (Attachment D) to include feeding, recreation schedules etc.

**ACCEPTABILITY** - Requires modification as noted.

**ADC POA** - Activity schedule shall be revised to reflect the population groups ADC and CCA agree to house at Diamondback.

15. Several of the facility housing areas were damaged and in need of repair as a result of the 5/14 incident.

**CCA POA** - Repair broken windows

**ACCEPTABILITY** - Accepted

**ADC POA** - N/A
16. The Incident Management Team (IMT) system was not fully implemented.

CCA POA - A) Retrain staff in IMT  
B) Establish quarterly drill schedule  
ACCEPTABILITY - Require modification as noted.
ADC POA - A) Requires a more detailed plan to achieve retraining of staff.  
B) Requires simulated drills until an acceptable level of response is achieved, with not less than quarterly drills to be conducted in order to maintain an acceptable level of response. CCA shall report in detail the corrective training conducted to date.

17. In G-segregation yard, the concrete recreation area should be moved or removed to obtain a greater distance from perimeter fencing.

CCA POA - More workout stations to be installed.  
ACCEPTABILITY - Not acceptable.  
ADC POA - Action plan does not address the identified issue. Clarification is required.

18. The facility is in need of an additional pill call window that will allow the new building schedule to function appropriately.

CCA POA - A) Create second pill call window in the gym.  
B) Temporary pill call alteration  
ACCEPTABILITY - Not acceptable.  
ADC POA - B) Requires clarification.

19. A secure dividing wall is needed in the dining hall to allow the facility to feed multiple inmate populations at the same time.

CCA POA - Construct solid/secure dividing wall in dining hall.  
ACCEPTABILITY - Not acceptable.  
ADC POA - Action plan does not ensure co-mingling possibilities will be eliminated. A system of separating fences and gates are required to ensure the population types cannot gain access to one another as occurred on May 13, 2004.

20. Staff need additional equipment to access the necessary classification and program information for communicating with the inmate population.

CCA POA - A) Add IT cabling to counselors offices.  
B) Purchase desktop computers. (Computers received and will be installed once cabling is completed)  
ACCEPTABILITY - Acceptable  
ADC POA - Is the target date for completion still intact

21. New vocational space is needed to comply with the new building schedule.

CCA POA - Add new vocational rooms.  
ACCEPTABILITY - Requires modification.  
ADC POA - Plan needs to describe how additional spaces will enhance the program environment and opportunities for the CDC.
22. Portions of the locking system failed in some of the housing units.

CCA POA - Correct deficiencies in the system design, installation or programming.

ACCEPTABILITY - Requires clarification as how this plan differs from POA #4
ADC POA - N/A

The following list of recommendations was developed by the ADC Disturbance Assessment team not yet addressed by CCA. It needs to be incorporated by CCA into its final response.

1. It is the recommendation that DDCF purchase and incorporate mobile light units into their emergency response plan.

2. It is the recommendation that DDCF evaluate and identify which staff may need to have greater access through security locks and gates.

3. It is the recommendation that all interior housing Unit office windows be retrofitted with 1" square tubing to enhance restricted access for inmates and increase staff safety.

4. It is the recommendation that DDCF implement a system that accounts for all inmate movement. Additionally, it is the expectation of the ADC that inmates will be in possession of and display their identification badge on the upper left area of their torso during any movement.

5. It is the recommendation that DDCF implement an activity card system for large program turnouts.

6. It is the recommendation that DDCF management review in advance each shift roster to ensure the contractually required mandatory staff are available and posted.

7. It is the recommendation that DDCF establish and implement a system that identifies inmate activities based on each level of staffing, i.e., Directors Instructions #109, Staffing Procedures.

8. It is the recommendation that additional DDCF security and SORT personnel receive weapons and chemical agents certification.

9. It is the recommendation that DDCF evaluate the current weapons and munitions storage location and determine if a more immediate response would be allowed by designating a different storage location.

10. It is the recommendation that DDCF balance their shifts with an equal distribution of tenured staff rather than filling vacant positions with new employees.

11. It is the recommendation that DDCF evaluate the current design of the housing Unit "pickets."
12. It is the recommendation that DcCF install cameras in the kitchen and food preparation areas.