



# Arizona State Prison-Kingman Riots Assessment

**P** = Professionalism: Modeling the idea  
**R** = Responsibility: Owning your actions  
**I** = Integrity: Doing the right thing  
**C** = Courage: Taking action despite fear  
**E** = Efficiency: Making every action count

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## EXECUTIVE SUMMARY

On July 1, 2015, at approximately 6:10 p.m., a riot occurred at the Cerbat Unit of the Arizona State Prison in Kingman operated by private contractor Management & Training Corporation (MTC). The inmates attacked five staff members and one inmate, and severely damaged numerous staff offices and officer stations.

On July 2, 2015, and again on July 4, 2015, a riot occurred at the Hualapai Unit of the Arizona State Prison in Kingman operated by private contractor Management & Training Corporation (MTC). The inmates severely damaged four of the five housing units to the point of rendering them uninhabitable.

The magnitude of the destruction of property required the emergency relocation of 1202 inmates to other prisons and numerous county jails: 40 inmates from the Cerbat Unit and 1162 inmates from the Hualapai Unit.

Arizona Department of Corrections (ADC) Director Charles L. Ryan assembled a multi-disciplinary team of subject matter experts to conduct a comprehensive investigation of the circumstances precipitating these riots, and the investigation commenced pursuant to the direction of Governor Douglas A. Ducey.

Over the course of its investigation, the ADC Assessment Team conducted approximately 300 interviews with MTC employees and approximately 400 inmates, and reviewed thousands of pages of MTC documents. The most significant findings of fact include:

- An MTC culture of disorganization, disengagement, and disregard of ADC policies and fundamental inmate management and security principles;
- MTC failure to conduct critical staff training and substantial dilution and compression of contractually mandated staff training, and its withholding of these failures and deficiencies from ADC;
- MTC failure to promptly and effectively quell the riots allowed the inmate rampage and property destruction to continue for many more hours;
- The targeted destruction of MTC property, together with the near absence of destruction of inmate personal property and the absence of inmate-on-inmate violence, strongly suggest that the riots were more likely precipitated by inmate dissatisfaction with MTC's operation of the prison than by anger among the inmates themselves;
- Over one-third of MTC performance deficiencies identified five years earlier following the escape of three inmates from the same facility were identified again by the ADC Assessment Team.

## **SUBSTANTIVE SUMMARY**

On July 1, 2015, at approximately 6:10 p.m., a riot occurred at the Cerbat Unit of the Arizona State Prison in Kingman operated by private contractor Management & Training Corporation (MTC). The Incident Command System (ICS) was activated due to the aggravated assault of an inmate, the subsequent aggravated assault of five staff members, and the rioting that followed these assaults. The MTC Designated Armed Response Team (DART) and Tactical Support Unit (TSU) responded to the riot, joined by the ADC Winslow Tactical Support Unit, the Mohave County Sheriff's Office (MCSO), Arizona Department of Public Safety (DPS), and local ambulance providers. The inmates broke windows and destroyed surveillance cameras, and severely damaged numerous staff offices and officer stations.

On July 2, 2015, and again on July 4, 2015, a riot occurred at the Hualapai Unit of the Arizona State Prison in Kingman operated by private contractor Management & Training Corporation (MTC). The riot spread throughout multiple buildings and rendered four of the five housing units uninhabitable. This subsequent riot triggered the immediate deployment of six of the remaining nine ADC Tactical Support Units from Lewis, Perryville, Tucson, Safford, Florence, Eyman, Douglas, Yuma, and Phoenix.

On July 3, 2015, Arizona Department of Corrections Director Charles L. Ryan declared an emergency pursuant to A.R.S. § 41-1609(E)(2) and notified Governor Douglas A. Ducey and Attorney General Mark Brnovich of the need to relocate inmates to other facilities. ADC subsequently relocated 1202 inmates to other prisons and numerous county jails: 40 inmates from the Cerbat Unit and 1162 inmates from the Hualapai Unit.

An ADC Assessment Team assembled by Director Ryan, and pursuant to the direction of Governor Ducey, conducted a comprehensive investigation of the riots, ultimately completing approximately 300 interviews with MTC employees and approximately 400 inmates, and reviewing thousands of pages of MTC documents.

The scope of the investigation included a thorough analysis of (1) the riots, including the precipitating events and the aftermath, (2) MTC's operational response to the riots, (3) MTC's leadership and staff, (4) MTC's inmate management, supervision, and communication practices, (5) MTC's training practices for leadership and staff, (6) MTC's interactions with ADC's Monitoring Team, and (7) MTC's performance deficiencies compared to five years earlier following the escape of three inmates from the same facility.

### **I. The Precipitating Events, The Riots, And The Aftermath.**

#### **Cerbat Unit**

- Numerous inmates warned MTC staff that a certain African American inmate who had allegedly stolen cell phones and drugs from inmates of other races would be in danger if he was returned to the general population yard so soon after MTC had placed him into investigative detention, ostensibly because the inmates of other races would perceive the alleged thief as not having been sufficiently punished, such that those inmates would seek retribution against him and all African American inmates. Despite these warnings, MTC returned the inmate to the general population yard.

- MTC staff watched as the inmates began grouping by race on the yard at approximately 5:45 p.m. MTC did not activate the Incident Command System (ICS) and did not lock down the unit. At approximately 6:10 p.m., the African American inmate in danger was assaulted by numerous inmates in Housing Unit 9, whereupon MTC activated ICS and the victim-inmate was escorted across the yard to the shift commander's office. Groups of inmates followed in an attempt to again warn that this inmate must be removed from general population.
- Numerous inmates alleged that the shift commander's response was inappropriate and unprofessional and was the event which precipitated the riot, including the subsequent aggravated assault of five MTC staff members. The ADC Assessment Team was unable to corroborate these allegations about the nature of the shift commander's response.
- MTC's deployment of its DART team was disorganized and hindered by MTC's informal and undocumented training protocol [REDACTED]

### **Hualapai Unit**

- According to allegations by both inmates and a fellow MTC staff member, in the aftermath of the riot at the Cerbat Unit, an MTC staff member at the Hualapai Unit used excessive and unjustified force in handling an inmate, and this incident allegedly precipitated the initial rioting in Housing Unit 4.
- MTC's unwillingness or inability to comply with repeated directives from ADC Director Charles Ryan, Acting Offender Operations Division Director Joe Profiri, and Contract Beds Operations Director Tara Diaz to retake control of the inmates and buildings allowed the inmates to continue rioting and destroying property for approximately an additional 6-10 hours.

## **II. MTC's Operational Response To The Riots.**

- MTC's failure to effectively communicate and share intelligence allowed an endangered inmate to return to the general population yard and precipitated the riot at the Cerbat Unit.
- MTC's failure to follow fundamental inmate management and security principles by taking prompt action as soon as MTC staff witnessed the inmates grouping by race on the yard at the Cerbat Unit allowed an otherwise potentially controllable situation to escalate into a full scale riot.
- MTC's DART team response to the Cerbat Unit riot was inefficient and ineffective as a direct result of MTC's defective training model which required [REDACTED]

- MTC’s management of the ICS at the Cerbat Unit was disorganized and ineffective and failed to prioritize the physical accounting of all MTC staff. MTC did not account for all civilian and uniformed staff for approximately two hours.
- MTC’s written Emergency Response Plan (ERP) lacked fundamental contact information for local law enforcement and other officials in surrounding communities, and MTC’s command staff did not even know where to find the ERP at the Cerbat Unit.
- When alerted to the rioting at the Hualapai Unit, MTC’s TSU team responded to Housing Unit 4 with inadequate weapons and munitions. Thereafter, MTC was unwilling or unable to comply with repeated directives from ADC to quell the riots, which allowed the inmate rampage and property destruction to continue for many more hours.
- MTC’s TSU commander informed the Warden/Incident Commander and the ADC TSU Commander that he wanted to rest his TSU team before [REDACTED]. The ADC TSU Commander advised the Warden/Incident Commander that his team could stage a tactical response [REDACTED]. The MTC Warden/Incident Commander ordered him to stand down. MTC’s Complex Administrator endorsed the Warden’s order. MTC’s inaction further delayed any tactical response to the riots by approximately two hours.

### **III. MTC’s Leadership And Staff.**

- MTC’s disorganized and disengaged approach to inmate management and line staff, and its culture of casual indifference toward staff training, were significant contributing factors which precipitated the riots.
- The ADC Assessment Team was on-site in Kingman for ten days, completing approximately 300 interviews with MTC employees and approximately 400 inmates and reviewing thousands of pages of MTC documents, and was surprised by the willingness and eagerness of many MTC staff members to express their concerns and complaints and overall dissatisfaction with MTC leadership. Four MTC officers waited over one hour after working a twelve hour shift to share their comments. One officer stated that disclosing MTC’s dangerous practices was more important than the risk of being fired for disclosing those practices. The consistent message repeatedly reported to the ADC Assessment Team was that MTC leadership did not value or support the staff. Overall, the MTC workforce reported being exceptionally unhappy with MTC leadership.
- MTC leadership’s failure to instill in its workforce an understanding and appreciation of fundamental inmate management and security principles is pervasive and created over time an institutional culture of apathy and indifference. Inmates as well as MTC staff reported that MTC has a significant number of officers who are either “badge heavy” or who take a disengaged hands-off approach to inmate discipline and enforcement of the rules. Overall, the MTC

workforce and inmates reported many instances of unprofessionalism toward the inmate population.

- One officer posted to the Cerbat Unit contended that MTC leadership had established quotas for the number of inmate disciplinary violations that staff was required to write, which contradicted the Cerbat Unit warden's oft-reported motto, "Don't Poke the Bear." By enforcing the rules one-by-one, rather than taking an overall consistent approach with all inmates and staff, MTC leadership created over time an atmosphere which left the inmates feeling picked on and the staff feeling confused, with both inmates and staff experiencing increasing frustration as a result.
- Many MTC line staff reported that MTC leadership had a practice of transferring officers to another Housing Unit whenever groups of inmates complained that the officer was enforcing the rules, issuing too many disciplinary tickets, or otherwise not responding to their complaints to their satisfaction. The practice was so pervasive that MTC staff coined the phrase "Group Ons" to describe what happened to them before MTC leadership transferred them to another post upon receiving such inmate complaints. This practice empowered the inmates to repeat their behavior and intimidate officers by dictating which officer can work which Housing Unit. The consequence of this practice was the widespread demoralization of MTC staff.
- MTC leadership has no formal briefing system to convey information from supervisors to line staff. Sporadic telephone briefings are poorly attended and ineffective. Leadership briefing sheets are rarely reviewed and wardens either failed to hold the mandatory monthly meetings with officers or held perfunctory meetings that were not operationally meaningful. When such meetings sporadically occur, they are perfunctory and ineffective. MTC's records reveal that the Chief of Security for the Hualapai Unit has not held a meeting with subordinate supervisory staff since November 2014. Inmates and MTC staff consistently reported that management tours and inspections of the prison were perfunctory and failed to address the needs of both groups.
- MTC leadership failed to prioritize the gathering and sharing of intelligence and failed to properly utilize a dedicated Special Security Unit (SSU) position in the allocated staffing pattern. Although an SSU Investigations Sergeant position is allocated by the contract, MTC assigned the person holding that title to the duties of a training instructor. Although there are supervisors in each Unit who technically are assigned SSU duties in addition to other supervisory responsibilities, these supervisors reported that they dedicated only approximately 45 minutes each day to this critical inmate management and security duty.
- MTC leadership operated the Cerbat Unit and the Hualapai Unit as two wholly independent facilities, which resulted in line staff reluctance to work at a Unit to which they were not assigned and Unit wardens not sharing best practices. This fractured operational model is contrary to ADC's comparative model.

- MTC leadership has mismanaged the mandated overtime of staff, which has led to an exhausted and emotionally burned-out workforce. MTC leadership uses mandatory overtime to fill required staffing posts, and some staff are required to work overtime five days per week while others work overtime only when they volunteer to do so. The facility has a 17% correctional officer vacancy rate.

#### **IV. MTC's Inmate Management, Supervision, And Communication Practices.**

- After the escape of three inmates from this MTC-operated prison in 2010, ADC Director Ryan ordered removed from the facility all minimum and medium custody inmates convicted of murder or attempted murder, or who had a history of escape or attempted escape from a secure perimeter, or who had more than 20 years remaining on their sentence. These restrictions do not apply to other minimum and medium custody facilities. Therefore, with regard to other minimum and medium custody prisons, MTC manages comparatively lower risk inmates.
- At the Cerbat Unit, the total number of disciplinary violation reports for major (felony) and minor (misdemeanor) offenses in June 2015 was comparatively less on a per capita basis than at a substantially similar ADC Unit. MTC disciplinary reports back to April 1, 2015 did not reveal any anomalies between major and minor reports. At the Hualapai Unit, the total number of disciplinary violation reports in June 2015 was only marginally greater than at a substantially similar ADC Unit. There was, however, an unusually high number of major violation reports compared to minor violation reports, and this trend was consistently observed throughout the prior quarter.
- At both the Cerbat Unit and the Hualapai Unit, the number of formal inmate grievances was comparatively average to a substantially similar ADC Unit. The predominant grievances involved medical and property issues, which is common. The number of family and friend complaints/inquiries was comparatively average to a substantially similar ADC Unit. Only seven complaints have been received to date for calendar year 2015.
- At both the Cerbat Unit and the Hualapai Unit, the detention beds were almost full at the time of the first riot. ADC's records revealed ADC's delay in processing some disciplinary and classification actions within policy timeframes required for effective detention management.
- At both the Cerbat Unit and the Hualapai Unit, there are mandatory literacy classes and multiple GED classes available. The libraries are relatively large and support education programming. MTC provides multiple career technical education courses taught by certified instructors, as well as life skills courses and substance abuse programs licensed by the Arizona Department of Health Services, and religious services programs for numerous religious groups. Many inmates contended that a significant number of the life skills instructors either were not well trained or just choose to not instruct, thereby relegating them to attending classes where nothing was presented by the instructor.

- MTC records reveal that 59% of the inmates in the Cerbat Unit are employed and 45% of the inmates in the Hualapai Unit are employed. The specific job assignment data, however, reveals an aberrationally high number of building porters and kitchen workers at the Cerbat Unit in comparison to like custody ADC Units.
- The Cerbat Unit has a well-rounded program of recreation activities. Inmate interviews confirmed satisfaction with these programs. Other than a solitary kickball tournament in May 2015, the Hualapai Unit had no other structured recreation activities during the last quarter.
- The MTC case managers and supervisors at the Cerbat Unit and the Hualapai Unit fail to meet with inmates on a regular basis and have experienced substantial turnover during the last year, which materially hinders communication with inmates.
- At the Cerbat Unit, inmates reported that MTC staff often used profanities and physical challenges as communication tools. Several African American and Mexican National inmates alleged that MTC gives Caucasian inmates preferential job assignments. A statistical review of MTC's records indicates that overall jobs provided to inmates before the riot were racially balanced, although a comprehensive review of the specific racial balances between the more preferred jobs and the less preferred jobs indicates at least some degree of a mathematical racial imbalance.
- At the Cerbat Unit, inmates of all races reported that MTC did not issue a lock down directive prior to the commencement of the riot when inmates began grouping by race in the yard.
- At the Hualapai Unit, inmates reported that the lack of supervisor presence on the yards allows "Badge Heavy" officers to abuse their authority, and that the lack of professionalism and the use of profanity further inflame inmate unrest. The ADC Assessment Team corroborated the absence of supervisors on the yard when conducting an inspection of the Unit.
- Inmate allegations of MTC staff's failure to promptly address their concerns and of a pervasive attitude of disengagement were corroborated by the ADC Assessment Team's daily inspections of the Cerbat Unit and the Hualapai Unit.
- MTC's failure to conduct critical staff training, and its substantial dilution and compression of contractually mandated staff training, has created over time a workforce with a very limited understanding of prison politics and culture, security threat groups, yard dynamics of inmate hierarchy and code of conduct, intelligence reporting and sharing, interview techniques, and fundamental inmate management and security principles. MTC staff admitted to many of these deficiencies.

## V. MTC's Training Practices For Leadership And Staff.

- MTC withheld from ADC its failure to conduct critical staff training and its substantial dilution and compression of contractually mandated staff training. MTC leadership's approach to training clearly indicates that staff training is not an MTC priority. MTC drastically reduced critical topic training hours in MTC's pre-service academy compared to ADC's academy curriculum, and compressed 60 hours of training into a five day training week. The immediate consequence of MTC's withholding and failures is the "graduation" of officers from MTC's training academy who are ill-prepared to work in a prison.
- MTC leadership and staff were unable to articulate why numerous discrepancies existed in the training curriculum and why numerous instructors were not adequately trained to present the curriculum.
- MTC failed to conduct critical DART training for supervisors and failed to offer Supervisor Essentials courses to DART supervisors.
- MTC's in-service training records for FY15 revealed that 29% of MTC staff had not completed ADC required annual classroom training and 49% had not completed required online training. MTC's records further revealed that MTC completed 0% of mandated supervisor training for FY15, and that 7 staff weapon qualifications had expired prior to the riots and 27 have expired since the riots.
- Members of MTC's TSU team reported that the majority of scheduled tactical trainings were never completed due to staffing shortages and other unexplained decisions by MTC leadership. They admitted that they needed cross-training with other ADC tactical units and they expressed a strong desire to rise to the expertise level of ADC tactical units. MTC was unable to produce seven months of training rosters for FY15, and was unable to articulate why its leadership repeatedly cancelled or otherwise failed to schedule this critical tactical training.
- Members of MTC's TSU team reported that MTC had failed to issue them all of the necessary tactical equipment. They stated that the MTC armory lacked dedicated weapons and that MTC had failed to adequately train them in the use of specialty munitions. ██████████ discovered in the aftermath of the riots revealed that ██████████, which is compelling evidence of the dangerous consequence of MTC's failure to conduct critical specialty munitions training of its TSU team. When asked, 66% of MTC's TSU officers stated that their poor training had failed to adequately prepare them for the riot at the Hualapai Unit.
- MTC failed to implement a Field Training Officer program. The consequence of this failure is that new officers are often trained by officers with minimal experience, and in some instances, by officers with less than one year of field experience.

- MTC staff expressed a strong belief that the promotional process is based on favoritism rather than qualification, with many reporting that MTC leadership follows the “Good Ol’ Boy” system for promotional decisions.
- MTC staff stated that there are serious deficiencies in MTC training, especially in the areas of communication skills and crisis intervention. At ADC’s academy, ADC instructors conduct sixteen hours of critical crisis intervention training, which includes role-playing in real-life scenarios of inmate management. In sharp contrast, at MTC’s academy, MTC dilutes and compresses this critical training down to ninety minutes.

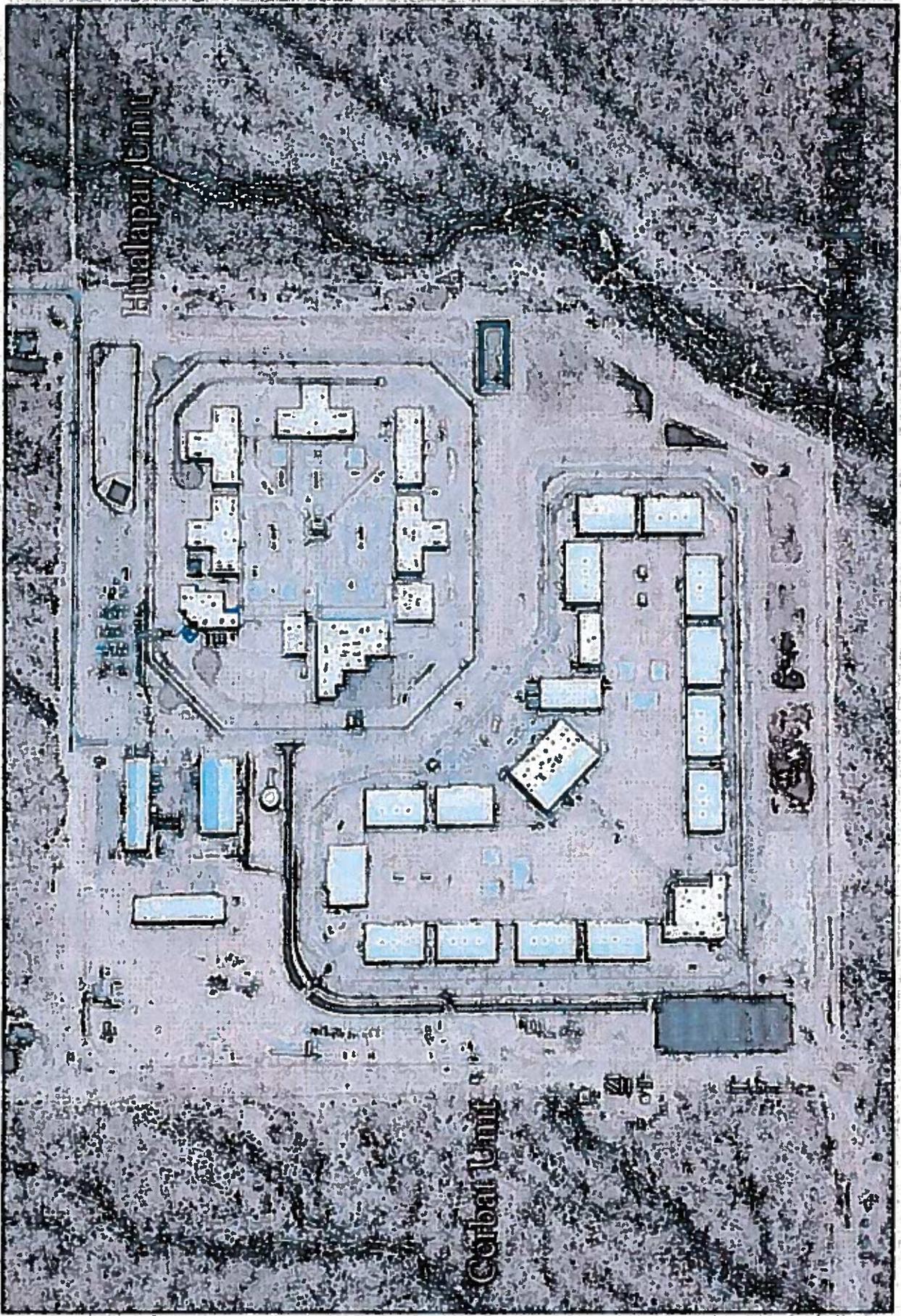
**VI. MTC’s Interactions With ADC’s Monitoring Team.**

- In their interactions with the on-site ADC Monitoring Team, MTC leadership and staff portray a façade of desired compliance, but the ADC Assessment Team’s investigation reveals that MTC leadership and staff revert to a culture of disengaged non-compliance in the absence of the ADC Monitoring Team.
- MTC employees reported that MTC leadership discourages them from speaking with the ADC Monitoring Team.
- The ADC Monitoring Team monitors only completed training data, not the specific ongoing nature and extent of MTC instruction or the operational effectiveness of that instruction. The ADC Monitoring Team reported that MTC never disclosed that MTC was not conducting critical staff training and had diluted and compressed contractually mandated staff training.
- MTC staff and the inmates did not share with the ADC Monitoring Team before the riots the significant concerns that they shared with the ADC Assessment Team after the riots.
- There is very little discussion during the MTC daily briefings while the ADC Monitoring Team is in the room.

**VII. MTC’s Performance Deficiencies In 2015 Compared To 2010.**

- ADC’s December 2010 cure notice to MTC identified 31 performance deficiencies and memorialized ADC’s serious concerns regarding major inmate disturbances at the Cerbat Unit and the Hualapai Unit in October 2010.
- In January 2015, the entire inmate population of the Cerbat Unit refused to eat in protest of MTC’s food service operations and two large groupings of inmates were reported in the Hualapai Unit yard.

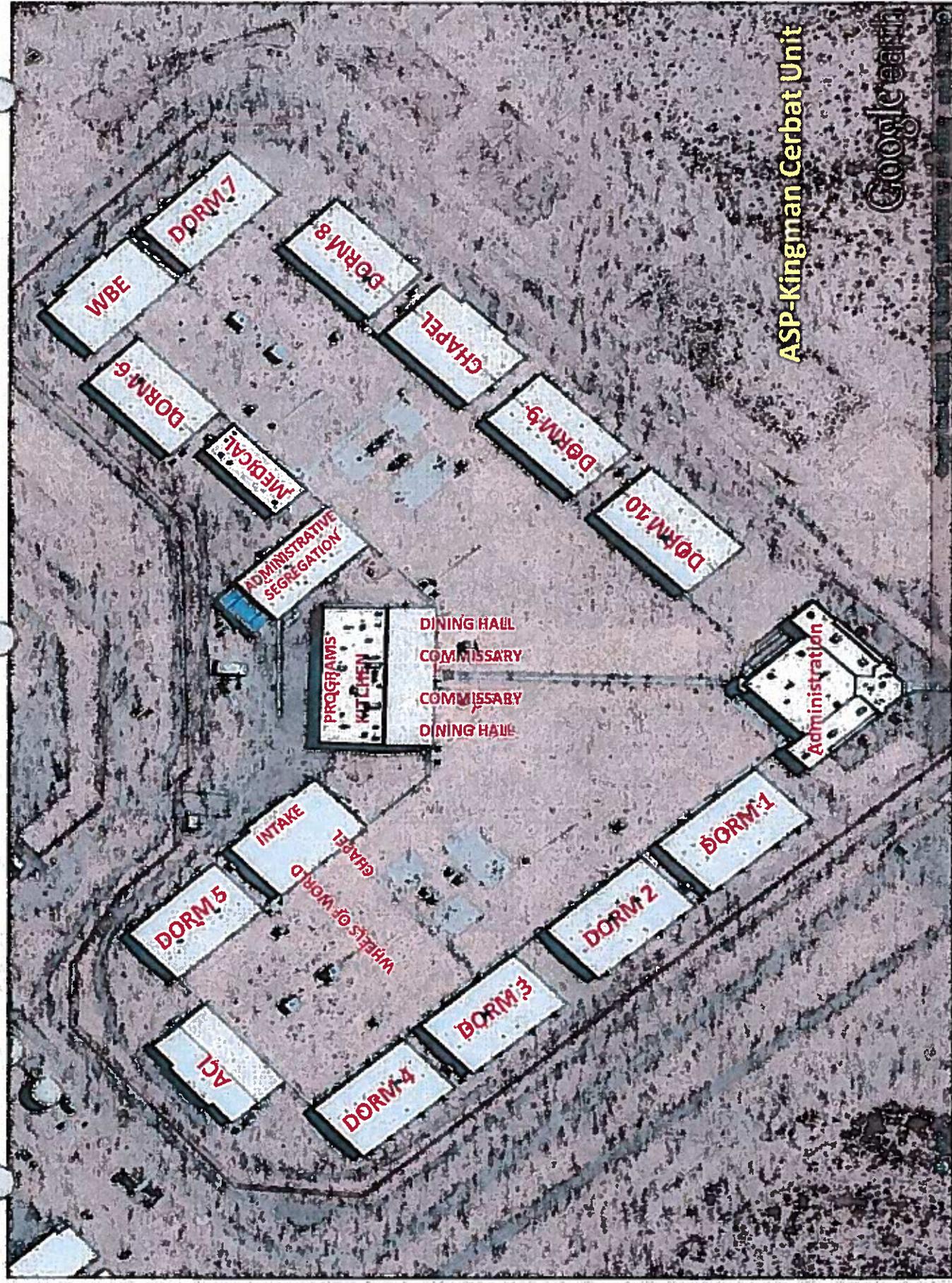
- Over one-third of MTC performance deficiencies identified in 2010 following the escape of three inmates from the same facility were identified again by the ADC Assessment Team in 2015.
- Five years later, MTC continues to seriously underperform in the areas of (1) staff training, (2) staff communication with inmates, (3) command staff communication with line staff, (4) inmate population training, (5) inmate controlled movement, (6) inmate count procedures, (7) inmate housing compliance, (8) inmate identification card compliance, (9) inmate programs, (10) security device tracking, and (11) weapons and munitions training.



Habalapari Unit

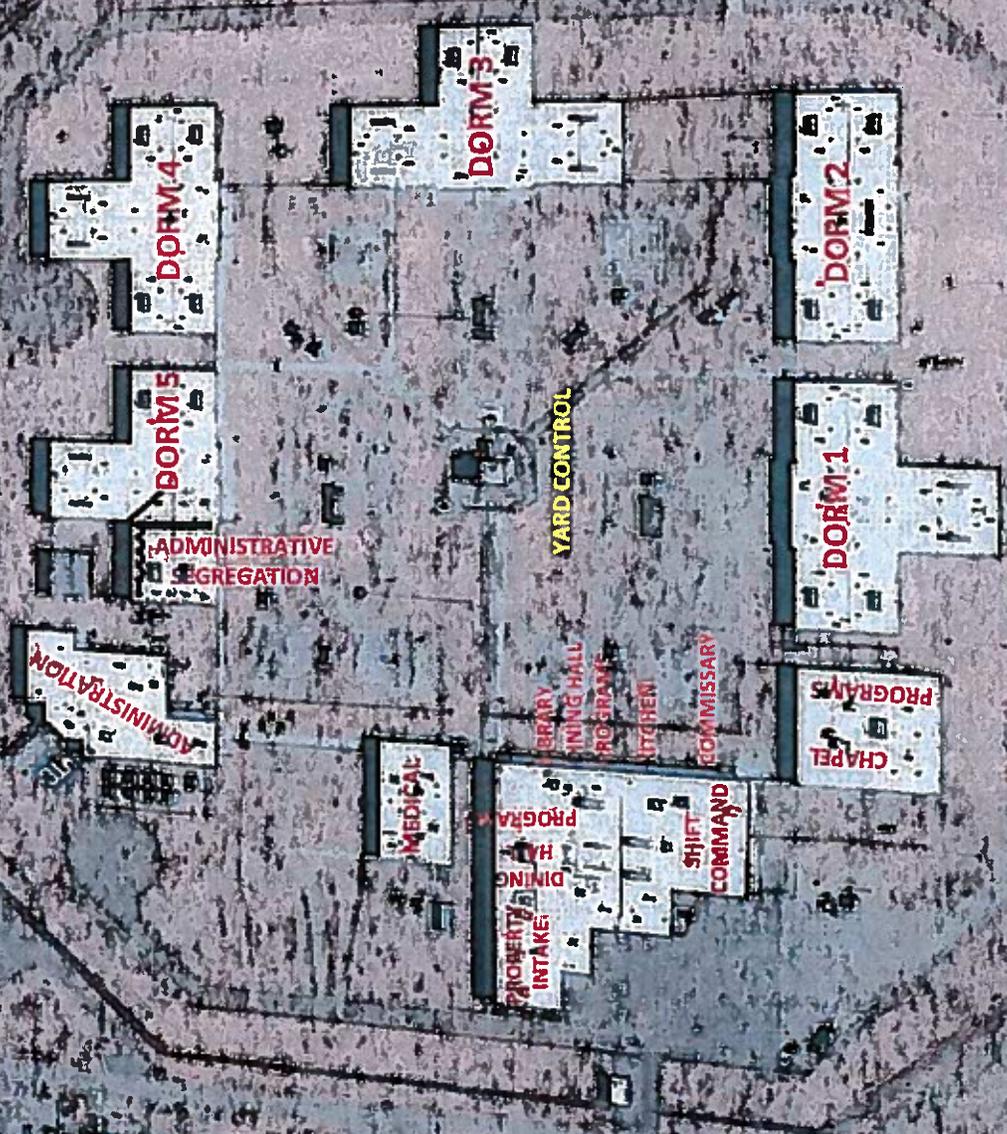
Corbat Unit

ASP-Kingman Cerbat Unit



ASP-Kingman Hualapai Unit

Google earth



## RYAN, CHARLES

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**From:** RYAN, CHARLES  
**Sent:** Friday, July 03, 2015 1:22 PM  
**To:** 'Ted Vogt'; 'Northup, Dawn'; 'michael.bailey@azag.gov'; Gottfried, Michael; 'kadams@az.gov'  
**Cc:** HOOD, JEFF; MCWILLIAMS, CARSON; PROFIRI, JOE; KEOGH, BRAD; WILDER, ANDREW; RYAN, CHARLES; LAUCHNER, GREG  
**Subject:** RE: Declaration of Emergency

*Governor Ducey and Attorney General Brnovich:*

*I send this email message pursuant to A.R.S. Section 41-1609(E)(2) to notify you that I am declaring an emergency and the need to relocate persons who are committed to the Department of Corrections to another existing public or private facility established pursuant to A.R.S. Sections 41-1609.01 and 41-1609.02. The reason for the declaration of an emergency and need to relocate inmates is a prison riot at the Kingman complex, Cerbat Unit and Hualapai Unit.*

Regards,

Charles L. Ryan  
Director  
602-542-5225  
602-377-5430 (cell)  
[cryan@azcorrections.gov](mailto:cryan@azcorrections.gov)



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

July 6, 2015

Director Charles Ryan  
1601 W. Jefferson St.  
Phoenix, AZ 85007

Director Ryan:

Your leadership was invaluable in protecting the safety of Arizona citizens and law enforcement officials following the incidents at the Hualapai Unit this past weekend. I commend the swift response you and your officers displayed.

Now, I look to your expertise as we move forward.

After touring the unit Sunday morning, I believe it is critical that we understand how these incidents occurred and how we prevent them in the future. The public also needs to know the facts and have assurance that prisons in our state – both state-run and privately-run – are under control.

Please provide me a full and thorough review as soon as possible.

In addition to outlining what led to these incidents, please provide recommendations and next steps.

Again, thank you for your leadership and dedication to public safety. My staff and I will continue to have regular and ongoing communication with you and your department.

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

## **OBJECTIVE 1: Detailed Riots Assessment**

This section is a comprehensive account of events and activities leading to the Cerbat riot on the evening of July 1, and continuing through the inmates' uncontrolled riotous behavior at the Hualapai Unit on July 2 through July 4. *(ADC Assessment Team, Exhibit 57), (ADC Assessment Methodology, Exhibit 58)*

### **Cerbat Unit Riot– July 1, 2015**

On July 1, 2015, inmates at the Cerbat Unit of ASP-Kingman began to group themselves along racial lines. At approximately 1745 hours, Sergeant Romero noted, "...an unusual amount of African-American inmates begin to gather in front of Dorm 10." He attempted to speak to an African-American inmate who refused to speak with him. Inmates of different races continued to gather in and around the area. The Sergeant directed staff to make sure they maintained continuous motion and monitor Dorm 10.

Inmates advised the Sergeant earlier that inmate [REDACTED] would be in danger if returned to general population after having been placed into investigative detention status. Based on an investigation which concluded on June 24, 2015, it was determined that inmate [REDACTED] and inmate [REDACTED] had stolen cell phones and narcotics from the Mexican National inmates. The African-American inmates were afraid of repercussions from this and advised the Sergeant that their safety would be in jeopardy from the Mexican national population if inmate [REDACTED] returned to the yard. No action was taken and inmate [REDACTED] was returned to the yard at approximately 1800 hours.

On July 1, 2015 at approximately 1810 hours, the Incident Command System was activated for inmates assaulting inmate [REDACTED]. Inmate [REDACTED] was escorted across the east yard to the shift commander's office. Groups of inmates followed in an attempt to again relay the message that inmate [REDACTED] must be removed from general population. The grouped inmates surrounded officers outside the shift commander's office. The Cerbat Unit activated the Designated Armed Response Team (DART). The Hualapai Unit was also contacted to activate their DART and deploy them to Cerbat Unit.

African-American inmates then began to attack the officers. Five (5) officers were assaulted by the inmates and received injuries from the assault. The injured officers were evacuated to the administration building where they were treated for their injuries. Four (4) officers were transported to Kingman Regional Medical Center via ambulance for further treatment. Two (2) officers including one officer who was injured while hiding in a ceiling remained on-site after being treated.

Inmates were observed breaking into the north commissary and shattering windows in housing units and the medical unit. Inmates were also found damaging surveillance cameras located inside and outside of the housing units and other buildings. A group of inmates was observed advancing toward the shift commander's office using tables as shields. The Hualapai DART was

[REDACTED]. Upon seeing the inmates advancing with the tables, the DART Leader deployed a sting ball grenade toward the inmates and they stopped their advance and dispersed into the yard.

Complex Administrator Shaw, Warden Sullivan, Warden Rider, Captain Schwartzkopf, Captain Winckler, and Lieutenant Moorish were notified of the rioting and they responded to the unit. ADC Lead Monitor Deputy Warden Barnes and ADC Security Monitor Captain Dominguez were also notified and they responded to the unit.

Administrator Shaw said he and Warden Sullivan talked with several inmates from behind a fenced area. He and Sullivan told the inmates they needed to lock down so things could get sorted out. He said the inmates returned to the housing units and began to lock down.

Administrator Shaw was briefed and he assumed the role of incident commander from Sergeant Panzer. During an Assessment Team interview, Administrator Shaw said the command post was “somewhat established.” A review of the Web EOC Unit log indicates that the ICS command structure and general staff assignments were never fully established and properly managed. He said a Lieutenant was in command and he assumed command from the Lieutenant. Sergeant Panzer was the actual incident commander at the time. Shaw said he checked on staff accountability procedures to ensure all staff was accounted for. He said there was confusion on whether all staff had been evacuated from the yard. CA Shaw said that Warden Sullivan reported all staff had been accounted for. CA Shaw later learned there was staff that did remain on the yard. He said that some were in the commissary and kitchen, and one was [REDACTED].

[REDACTED]. During an Assessment Team interview, Warden Sullivan said he talked to some inmates about getting order restored but they needed to lock down. He saw those inmates walking and talking with other inmates and they slowly began to return to their dorms. He said the damage to the dorms stopped at that point. He said it took about two hours from the time he (Shaw) and Warden Sullivan arrived for the inmates to lock down. Warden Sullivan said Lieutenant Statler was in command initially, and then CA Shaw assumed command. He said the command post was not established and he could not say why. He said his priority was to get the incident shut down by getting inmates to comply and return to their housing, and to get staff back into the yard. He said staff accountability was not fully completed as there was staff in the commissary and kitchen he was unaware of. Sullivan said the Lieutenant advised him everyone was off the yard and safe, therefore that was what he reported; he said that was a big mistake. Sullivan indicated with a proper Command and General Staff structure in place within the ICS, someone could have been assigned to concentrate on staff accountability even while groupings were taking place. He said it didn’t happen soon enough.

At approximately, 1955 hours, members of the Mohave County Sheriff’s Office (MCSO) arrived on scene and provided armed officers to keep the perimeter secure. Troopers from the Arizona

Department of Public Safety (DPS) provided perimeter security along with airborne observation from the DPS helicopter.

At approximately 2000 hours, one squad from the MTC Tactical Support Unit arrived and began to help evacuate staff from the housing units. It was later determined that not all staff were evacuated and at least three (3) staff members remained inside the unit. The Cerbat Unit Captain and the ADC Security Captain canvassed the yard and assisted in evacuation of staff. A correctional officer was found [REDACTED] within a housing unit; a civilian contract commissary worker was locked in the inmate commissary with the inmate workers assigned to the commissary; and three (3) civilian contract food service workers, and three (3) correctional officers were locked in the kitchen with the inmate workers assigned to the kitchen. They were all safely escorted from the unit. None of these employees were injured during the riot.

At approximately 2013 hours inmates in the north yard began returning to their housing units, and by 2055 hours, inmates in the east yard began returning to their housing units. By approximately 2137 hours, it was confirmed through the Tactical Support Unit that all inmates had returned to their housing locations and all hostilities had ceased.

In accordance with ADC Department Order #106, Tactical Support Agreement for tactical assistance in the event of a facility emergency, at approximately 2013 hours, the ASPC-Winslow Tactical Support Unit was dispatched to Cerbat Unit. They arrived at approximately 0215 hours and were placed on stand-by and not physically deployed into the unit.

A review of the shift rosters showed the swing shift had a required staffing level of thirty-two (32) officers assigned with thirty-two (32) officers posted. The Graveyard shift had a required staffing level of twenty-six (26) officers with twenty-seven (27) officers posted.

An initial damage assessment was completed. Emergency count was cleared at 2304 hours. Twelve (12) hour emergency operational periods were established with twenty-four (24) hour administrator coverage established. Administrator Shaw and Warden Sullivan conducted a face to face briefing at approximately 2215 hours with ADC Contract Beds Operations Director Diaz (CBOD) and Deputy Bureau Administrator Credio. Ms. Diaz said that control of the incident had been achieved by 2245 hours however 100% staff accountability had not been achieved. Warden Sullivan had briefed earlier that all staff had been accounted for while there were still inmates milling about in the yard. That did not turn out to be accurate. Although Warden Sullivan was physically on site he did not have a good grasp of the situation. He did not take charge and guide the incident response.

The unit remained locked down with an action plan for gradual resumption of normal operations submitted to CBOD Diaz for review. The plan was approved and implemented on July 9, 2015. During that period of time approximately forty (40) inmates were identified as participants and were relocated to other prisons. The Cerbat Unit resumed normal operations on July 16, 2015.

## Hualapai Unit Riot 1 – July 2, 2015

On July 2, 2015, at approximately 2022 hours, Dorm 4 Control Room Officer Elder activated the Incident Command System (ICS) at the Hualapai Unit in Dorm 4. Officer Kemp was assigned as one of two floor officers, and he reported inmate [REDACTED] had returned to the dorm from Ramadan observance and was attempting to converse with an inmate in a pod other than his assigned pod. Officer Kemp reported inmate [REDACTED] as non-compliant with his repeated verbal orders to return to his assigned pod. Inmate [REDACTED] was present in the area and was reported to be non-compliant with verbal orders as well. Officer Kemp reported inmate [REDACTED] refused to provide his identification card to him so that he could place him on report for disobeying a direct order. Officer Kemp reported that inmate [REDACTED] said he (Kemp) might as well place him on report too because he wasn't going to go in either. Officer Kemp said inmate [REDACTED] took an aggressive stance with him, with fists clenched and raised in the air. Inmate [REDACTED] ignored orders to back up and instead walked toward Officer Kemp in a threatening manner saying, "I'm going to kick your ass." Officer Kemp sprayed inmate [REDACTED] with pepper spray and some of the spray also hit inmate [REDACTED]. Officer Kemp said Officer Rain entered the area and placed inmate [REDACTED] in handcuffs; inmate [REDACTED] was compliant once he was restrained. Officer Kemp reported inmate [REDACTED] as still combative and screaming at him, so he backed further away from the inmate. Officer Kemp reported inmates in Dorm 4 A-pod began breaking glass from the pod window. Reports indicate the inmates were throwing locks at the dorm windows and were banging on the windows which caused them to break and shatter. Kemp said that once the glass broke, he and all responding officers exited the dorm. He said inmate [REDACTED] was left in the horseshoe area of the dorm.

Officer Rain was assigned as the second floor officer in Dorm 4 and was present when Officer Kemp used force on inmate [REDACTED]. He was interviewed by a member of the ADC Criminal Investigations Unit (CIU) (*CIU/CO Rain Interview Exhibit 1*). He reported that Officer Kemp was already angry with these two inmates because of an earlier argument. Rain said the two inmates were in the horseshoe for about ten (10) minutes and were refusing to return to their pod. Rain heard Officer Kemp tell the two inmates to return to their pod, but they ignored him. Officer Rain heard inmate [REDACTED] say, "What did you say to me?" and out of the corner of his eye, saw inmate [REDACTED] step up to Officer Kemp. He said inmate [REDACTED] approached Kemp to approximately three (3) feet and stopped. Officer Rain said it did not appear threatening to him. He did not hear Kemp give inmate [REDACTED] any additional commands, but he saw Kemp deploy his can of pepper spray at inmate [REDACTED]. Officer Rain said Kemp emptied his entire can of pepper spray onto inmate [REDACTED] the inmate was painted orange from the pepper spray and there was a fog of spray in the air. Officer Rain said some of the spray got onto inmate [REDACTED] and also onto himself. Rain reported that he did not feel Officer Kemp handled the situation correctly. The investigator asked Officer Rain if he was sure Kemp emptied his entire can of pepper spray instead of just a short blast; Rain said he was sure. He reported Kemp sprayed his pepper spray for at least 5 to 6 seconds. He was not sure if Kemp's can of pepper spray was full when he started, but was sure it was empty once he finished spraying inmate [REDACTED]. Officer Rain said after

Officer Kemp emptied his can of pepper spray on inmate [REDACTED]. Kemp left the building leaving Rain alone with inmate [REDACTED] and inmate [REDACTED] in the horseshoe area. Officer Rain said he was able to restrain inmate [REDACTED] and get him out of the building. He said he was unable to get inmate [REDACTED] into restraints because he was soaked in pepper spray. Rain described inmate [REDACTED] as being 'orange' and 'slippery' from the pepper spray. Additionally, as Officer Rain was attempting to gain compliance from inmate [REDACTED] inmates inside the pods began to break pod windows and throw things at him and other officers.

Officer Elder reported that Officer Rain had escorted inmate [REDACTED] from the dorm after Officer Kemp used pepper spray on inmate [REDACTED]. Officer Elder said Officer Rain re-entered the building to try and restrain inmate [REDACTED] but the pepper spray impaired his vision. Elder reported that inmate [REDACTED] was very agitated and reached into a net bag he was carrying and retrieved a bottle of water to pour over his face. Officer Elder reported once Type 5 and Type 4 responders arrived at the dorm, inmate [REDACTED] squared off and charged at responders screaming "Get the fuck out of here!" Officer Elder was then ordered to evacuate the control room and reported exiting from the control room door and out of the dorm.

Lieutenant Palmer responded to Dorm 4 and assumed command of the incident. He gave instructions for all staff to evacuate the building and for the front slider door to be secured. Lieutenant Palmer activated the Hualapai Designated Armed Response Team (DART) and [REDACTED]. At approximately 2040 hours, the MTC Tactical Support Unit consisting of twenty one (21) members was deployed to Hualapai Unit from their staging area at Cerbat Unit.

The MTC TSU went to Dorm 4 to extract inmate [REDACTED] from the horseshoe area. MTC TSU Commander Lieutenant [REDACTED] reported that he observed windows broken and inmates yelling, "We are going to kill you fucking cops!" He said the inmates had their faces covered and were throwing locks, broom handles, and liquids at the TSU. [REDACTED] ordered the front slider door to Dorm 4 to be opened. He also ordered inmate [REDACTED] to come to the front. He said other inmates started yelling and he noticed that windows in the pods were broken. He said inmate [REDACTED] was yelling, "Come get me mother fuckers!" Lieutenant [REDACTED] reported the inmates in the pods were yelling "Kill these fuckers!" Lieutenant [REDACTED] deployed a diversionary device and members of the TSU extracted inmate [REDACTED]. [REDACTED] reported that inmate [REDACTED] was resistive as he was being restrained and was yelling, "Look what these motherfuckers did to me, kill them all!" Lieutenant [REDACTED] reported he saw inmates breaking into the case manager office so he broke the window to the office and deployed a CS grenade to get the inmates out of the horseshoe. He was advised that inmates were trying to break into the control room. [REDACTED] reported he went onto the roof of the dorm and deployed a CS grenade into F-pod [REDACTED]; he noted other [REDACTED].

Captain Winckler arrived at the unit at approximately 2116 hours and assumed command. It was reported at approximately 2130 hours inmates in Dorm 3 E and F-pods, and Dorm 5 A and B-

Pods began breaking the outer pod windows. At approximately 2140 hours, ASPC-Winslow TSU was deployed from their staging area at Cerbat Unit with ten (10) members. They began to assist and clear Dorm 3. They escorted inmates out of Dorm 3, placed flex cuffs on them and secured them on the recreation yard.

CA Shaw was notified of the situation and he responded to the unit. Warden Rider and ADW Fredrick were also notified and they responded to the unit. ADC Lead Monitor Deputy Warden Freeland responded to the unit. Warden Rider reported that she instructed the main control room officer to make contact with Mohave County Sheriff's Office (MCSO) and ask them to respond and reinforce the perimeter security. MCSO arrived and reinforced the perimeter at approximately 2221 hours.

At approximately 2155 hours, inmates in Dorm 4 signaled to staff that an inmate in their dorm was having a medical emergency and they would move back to allow TSU to extract the inmate and get him medical attention. During an Assessment Team interview, ADW Fredrick stated that she had been at the unit for approximately 20 minutes without an assignment and she observed the situation with inmates in Dorm 4 wanting a medical response for the inmate who was having a medical emergency. She said she coordinated the medical response for the inmate and observed the TSU make entry into the dorm, extract the inmate and move back out. Once the inmate had been extracted, [REDACTED]

At approximately 2206 hours, the officer in Dorm 1 control room made a notification that the glass had been broken out of the rear doors of B-pod and C-pod. Also, the pod windows facing the horseshoe had been blocked. At approximately 2220 hours, officers in Dorm 1 advised that the horseshoe glass in all pods was broken out. At approximately 2222 hours, officers from Dorm 1 evacuated the building [REDACTED]. At approximately 2225 hours, tactical officers from Winslow TSU made entry into Dorm 3 B-pod. It was reported at approximately 2243 hours, inmates in Dorm 1 were able to break the pod doors and enter the horseshoe area of the dorm. Subsequently camera access to Dorm 1 was lost.

Lieutenant Johnston and Officers Lloyd and Matthews were deployed behind Dorm 1 with shotguns and less lethal rounds. At approximately 2245 hours, the perimeter officer advised the incident commander inmates were attempting to break out of the rear door of Dorm 1 B-pod. Inmates broke out of the rear door to Dorm 1 B-pod; Lieutenant Johnston stated Officer Lloyd told him and Officer Matthews this occurred. Lieutenant Johnston added that Officer Matthews ran towards the door and began shooting rounds at one inmate who was attempting to exit the door. The inmate reportedly went back into the building. In his report, Lieutenant Johnston stated at approximately 2303 hours, nine (9) inmates attempted to exit the rear of the dorm by using mattresses to block them. Lieutenant Johnston fired fifteen (15) rounds of sting balls at the inmates and eight (8) inmates went back into the B-pod; one inmate was given orders to get on

the ground by the perimeter security officer. Lieutenant Johnston reported the inmate complied with orders and he was secured and escorted from the area by tactical officers.

Officer Rain reported he was posted on the tower with a thirty-seven millimeter munitions launcher (37mm). He deployed three (3) rounds of CS gas to the rear of Dorm 1 B-pod. It was reported by Captain Winckler that at least one round of the CS gas landed on top of the inmates who had broken out of Dorm 1 B-pod. The TSU attempted to re-secure the rear door of Dorm 1 B-pod. It was found to be damaged to the point it could not be secured. A team of armed officers were staged at that door to prevent any further breach of the portal. A physical inspection of the Hualapai perimeter was conducted by TSU officers and it was found to be secure. Staff security checks had been on-going since 2248 hours and all reported to be secure.

At approximately, 2330 hours, CA Shaw participated in a three-way call with ADC Director Charles Ryan and Acting ADC Offender Operations Division Director Joe Profiri. Mr. Shaw briefed both ADC executives of the situation at Hualapai Unit. During an Assessment Team interview, CA Shaw was asked why a tactical assault had not yet been initiated in order to regain control of the facility. He said his concern was to keep inmates in the buildings and set up perimeter security with tactical officers. CA Shaw said the MTC TSU had been on duty for approximately 20 hours and this concerned him. Shaw received a call from the Director who told him to get control of the unit ASAP. CA Shaw said he was concerned about not getting anyone hurt. CA Shaw was asked if the Director instructed him to stage an assault and he said the instruction from the Director was non-specific.

Director Ryan and Acting Division Director Profiri have stated they gave specific instructions to CA Shaw to stage an assault and retake control of the prison. He was instructed to send staff into the housing units and re-take control. CBOD Diaz stated that she also engaged Shaw and instructed him to make entry into the housing units and take control from the inmates. During an Assessment Team interview, she verified having this conversation with him. All three ADC executives said Shaw was not comfortable with this and reported to them he did not have enough resources on-site to safely re-take control. He requested additional resources be dispatched and on-site before attempting any tactical action within the housing units. CA Shaw reiterated his objective was to keep people safe and the perimeter contained. He said that the Winslow TSU Commander, the MTC TSU Commander and the Incident Commander had a discussion about assaulting the building and taking control back. He said the MTC commander said his people were exhausted and wanted an hour to rest them and regroup. Incident Commander Rider told the Winslow TSU Commander to stand down. CA Shaw said they regrouped and went and re-took Dorm 1. CA Shaw said he agreed with the decision to stand down and regroup.

During an Assessment Team interview, Warden Rider said she did not recall giving an order to Winslow TSU to stand down. She said the Winslow TSU Commander stated his team could take Dorm 1. She said she may have told the commander, "Let's take a breath and let's figure this out." She said she asked them to wait until MTC TSU could assist. She was questioned if

allowing Winslow to assault the housing unit earlier would have slowed things down. She said it may not have slowed things; staff was already evacuated, inmates were in control. She added, "Perhaps it could have possibly saved a computer." She said her thought process was that Winslow was already occupied with Dorm 3. What if they needed help? She felt two teams were better than one. She said inmates had already breached the horseshoe and rear door. She said she is not tactically inclined. When asked why she did not take the counsel of the Winslow TSU commander, she shrugged her shoulders and provided no answer.

Warden Rider had previously been briefed and assumed command from Captain Winckler. On July 3, 2015 at approximately 0044 hours, inmates in Dorm 1 attempted to open the front slider door of the building. They broke into the case manager's office and began breaking out windows. At 0102 hours, Winslow TSU moved two pods of Dorm 3 inmates from the recreation field into the east dining hall. Beginning at approximately 0119 hours, members of both MTC TSU and Winslow TSU made entry through the broken door into Dorm 1 B-pod. Chemical agents were dispersed and inmates were restrained. Tactical officers systematically went pod by pod in Dorm 1 and re-established control. By 0429 hours, all inmates from Dorm 1 had been restrained and secured on the recreation yard. Approximately eight (8) hours elapsed from the activation of the ICS in response to inmate [REDACTED] behavior, and control of Dorm 1 being re-established.

A DART [REDACTED] due to inmates continuing to break out windows. ADC Deputy Director Hood and Inspector General Lauchner arrived on scene at approximately 0215 hours. They were briefed by the incident commander.

Inmates in Dorm 4 threw a note out a broken window requesting to speak with someone in administration. Captain Winckler responded to Dorm 4 to speak with the inmates. He relayed to incident command that inmates in Dorm 4 were done fighting and wanted to give up. Members of the ADC Criminal Investigations Unit arrived to begin their investigation. The ASPC-Lewis TSU Commander arrived with elements of the Lewis TSU and was briefed. A tactical plan was created for re-establishing control over Dorm 4. Members of the MTC maintenance staff arrived at approximately 0450 hours to conduct an assessment of damage in Dorm 1. TSU officers from ASPC-Perryville and ASPC-Lewis also arrived.

At 0640 hours, elements of Lewis and Winslow TSU began clearing inmates from Dorm 4. The DART was relieved and stood down at 0658 hours. Dorm 4 was cleared of all inmates by 0734 hours. Riotous behavior on the part of the Hualapai inmate population had ceased after Dorm 4 was cleared.

Inmates from Dorm 3 were moved back into the dorm from the east dining hall at approximately 0825 hours.

Based on the damage assessment, it was declared that Dorms 1 and 4 were damaged to the point of being uninhabitable. Approximately 700 inmates from those two dorms were temporarily housed in the construction trades education room, the chapel, and dining hall.

ADC Director Charles Ryan arrived on-site at approximately 0926 hours. MTC corporate executives Odie Washington and Jeff Henry arrived at approximately 1124 hours. At approximately 1150 hours, all outside law enforcement responders were relieved from perimeter security duties.

Director Ryan toured the damaged areas and consulted with Deputy Director Hood and CBOD Diaz. Pursuant to A.R.S. Section 41-1609(E)(2), and following notification of Governor Ducey and Attorney General Brnovich, Director Ryan exercised the statutory authority to house inmates in either an existing public or private institution. CBOD Diaz coordinated movement plans to relocate the displaced inmates to other prisons and county jails.

### **Hualapai Unit Riot 2 – July 4, 2015**

On the morning of July 4, 2015, Complex Administrator Shaw had a briefing with CPS Rydgren and assumed Incident Command. Captain Winckler was assigned as Operations Section Chief. During the morning meal began it was discovered that there was a shortage of sack meals. Staff was dispatched to the Cerbat Unit to obtain more sack meals. At around the same time staff began to place inmates from Dorms 1 and 4 onto buses for transport to other facilities.

At the 1100 count staff reported that inmates in Dorm 5 B pod were refusing to return to their beds for count. ADC TSU members then responded to the area and spoke with the inmate population. After several minutes the inmates in Housing Unit 5 complied with TSU directives to return to their beds. During the conversation with TSU members the inmates in Dorm 5 expressed concern that they had not yet received their breakfast and also needed toilet paper. TSU staff advised MTC management of the need to obtain these items for the inmates in Dorm 5, as well as the meals for the rest of the population. Dorm 3 staff then requested a supervisor and reported that they had been receiving threats from the inmates. The threats were not specified and the source of threats was not identified. Staff continued to monitor inmate behavior in Dorm 3.

Shortly after the reported threats in Dorm 3, ADC TSU Commander Major [REDACTED] was asked via the radio by Captain Winckler if he could respond with staff to address an issue to Dorm 2. Major [REDACTED] responded to Dorm 2 and saw Warden Rider and several TSU staff standing at the door of A run. Warden Rider was communicating with several inmates who were agitated and visibly angry. Warden Rider stated that she would speak to one inmate of each race. It took several minutes to get approximately 50 inmates to move back for the purpose of safely opening the door to get the three inmates out.

While attempting to remove the three inmates to talk to Warden Rider the inmates stated that “you better bring them back or were taking this place down.” Warden Rider spoke to the inmates who complained about the heat, food, the lack of cold water, and the time it took to receive their meals. Inmates asked if they could get their phones turned on and she stated that she would, inmates then demanded that they be turned on immediately. Major ██████ explained to the inmates it requires a process in order to turn on the phones and that when it was completed he would advise them.

The response from the inmates was “Fuck you, you turned them off in a second, you can turn them on.” The inmate population was given several direct orders to step back for the purpose of returning the 3 inmates that were previously taken out. At the time the inmates started demanding that they get their breakfast meal. Major ██████ asked if they were referring to their lunch meal, the inmates replied “no, we haven’t eaten today.” At this point it was well after 1300 hours and the inmates still had not eaten breakfast. The meals had been retrieved but were left in racks on the yard by MTC staff prior to delivery to the inmates. Major ██████ attempted to feed the inmates in the building and they all refused their meals. Inmates were alleging that the meat from the sandwiches was hot and rotten. Major ██████ physically inspected the meals and found it satisfactory for consumption. *(Trinity Memo, Exhibit 2)*

The inmates in C and D pods were asked if they wanted their meals and both pods responded with profanities and prepared themselves in a defensive stance by covering their faces, utilizing mattresses as shields, and taking an aggressive approach with staff. Major ██████ again attempted to diffuse by offering an alternative meal and was met with profanities by the inmate population. Major ██████ contacted CBOD Diaz and briefed her about the existing tension with the inmate population. *(CA Shaw was still in the role of incident commander; Captain Winckler remained assigned as Operations Section Chief.)*

At about 1330 hours inmates in pods D and A then began covering the windows, doors and barricading themselves with mattresses. Major ██████ again attempted to communicate with the inmates with negative results. Staff observed the inmates with weapons to include locks tied to socks, broken brooms and mops, and prison-made weapons fashioned from sharpened metal. The decision was then made by CBOD Diaz to make a plan to assault the pods to prevent them from breaching any door or control room.

Major ██████ assembled a team outside and made a plan to take the pod in order to prevent the inmate population from making any additional weapons or breach any control rooms. The team was authorized to use minimal force necessary towards any violent and armed inmates. It was explained that pepper spray, flash bangs, and sting ball grenades would be introduced to the pods, but to wait for CS gas deployment, and that order would be issued by Major ██████. Captain Winckler was briefed that inmates had begun to barricade and that they were in possession of weapons, Capt Winckler was advised that TSU were preparing to use force to gain control and secure all pods in Dorm 2.

TSU staff entered Dorm 2 and went to D-pod, TSU could not see into the area as all the windows and doors were covered with sheets, blankets and mattresses. TSU again attempted to communicate with the inmate population and gave the inmates direct orders to remove all items from the windows and doors. An inmate with a mask responded with profanity.

The pod door window and outer building windows were broken utilizing the PR-24 side handle baton; an MK-9 pepper spray fogger was deployed into the pod along with pepper balls. Additional team members began to spray MK-9 pepper spray foggers through the windows in order to push the inmates away from the front of the pod door. A diversion device and a sting ball grenade were deployed to create more space.

The above actions were successful in moving the inmates away from the door and to the rear of the pod. Inmates were given direct orders to get down and refused those directives. Inmates began to destroy the restrooms and began waving their weapons. A Lewis TSU staff member armed with a shotgun loaded with rubber fin stabilizer rounds was directed by the ADC TSU Commander to fire at inmates who were standing and destroying the bathroom fixtures and partitions. The officer fired six (6) rubber fin stabilizer rounds into the pods. The inmates in C-pod were compliant and D-pod continued to refuse directives.

Orders to inmates to stop throwing items were ongoing and they were ordered to remove all items used to cover windows and doors. Inmates were ordered to lay face down. The Operations Section was advised that MTC staff with shotguns were needed on the perimeter as inmates were trying to breach the back doors.

The TSU Commander entered Dorm 2 again and went to D-pod to issue additional orders. Inmates continued to ignore all directives. TSU then deployed diversion devices and sting balls. At approximately 1350 inmates in Dorm 3 started to break the windows and had already breached the pod doors and barricaded the front door. All staff had evacuated and was secure. TSU was directed to assault the front area with foggers, diversion devices, sting balls and pepper balls for the purpose of clearing the front door and securing the control room. Inmates from Dorm 3 began throwing metal objects and locks at staff.

The TSU team was spread out over two dorms and was running low on munitions. Additional TSU staff was activated to respond and assist. At approximately 1430 hours, Major [REDACTED] was contacted and recalled to assist in riot control activities. Major [REDACTED] responded with tactical units from ASPC-Florence, ASPC-Winslow, and MTC TSU that were assigned to the night shift operational period. The Lewis Complex was contacted and tasked to provide more munitions from the armory.

TSU staff then responded to the dining hall where inmates from Dorm 1 were being held, and addressed concerns with the inmates that were hot and did not want to be involved in the riot. The number of inmates contained in the dining hall combined with poor air flow contributed to a very tense environment. The windows were then broken to provide greater air circulation within

the dining hall. These actions prevented the inmates in the dining hall from actively participating in the riot and they remained compliant with staff instructions.

At about 1420 hours inmates in Dorm 5 started to break windows and were attempting to breach doors. TSU commander directed the deployment of pepper spray foggers, diversion devices, pepper balls and sting ball grenades into Dorm 5. As munitions were being depleted, the call for 12 gauge rubber rounds was requested with a response that none were available. The only available ammunition was bird shot.

TSU staff reported that windows in Dorm 3 had been cleared and that the Dorm 3 control room was not yet breached. TSU staff was directed to secure and protect the door with less than lethal munitions. CS gas deployment was requested and authorized.

Inmates in Dorm 5 continued to pound at the A-pod rear door. One sting ball grenade and diversionary grenades were deployed along with MK 60 pepper spray and CS grenades. Hualapai Control advised that inmates are in the Dorm 5 control room. A TSU team was taken through CDU pod to get a visual of the control room. Breaching tools arrived and all the windows were broken out in order to deploy diversionary devices, sting balls grenades and CS gas grenades.

CBOD Diaz was contacted and advised by the TSU Commander that they will be using 12 gauge steel shot for the lower extremities since being depleted of rubber rounds, and she acknowledged the need for these measures. Ultimately, no steel shot rounds were fired.

Throughout the riot inmates continued to escalate the behavior from dorm to dorm. The damage inflicted on the physical plant by the inmate population left all dorms with the exception of Dorm 2 uninhabitable. The detention unit in housing unit 5 also remained intact.

As TSU continued to contain the area and deploy munitions into the housing units, the inmates began to comply with directives. At 1428 inmates in Dorm 2 announced they were ready to comply with directives. TSU began to extract those inmates at 1506. At 1457 TSU began an assault on Dorm 5. They cleared a path and extracted inmates from the Dorm 5 control room. At 1515 inmates in Dorm 5 announced they would comply with directives. At 1525 inmates in Dorm 3 announced they would comply with directives.

TSU staff continued to respond throughout the unit to ensure the safety of the public, staff and inmates. TSU staff gained compliance of the inmate population at 1700 hours, with all dorms reporting that they were secured. A total of 96 TSU staff was assigned to quell the second riot at Hualapai Unit. ADC tactical units from ASPC-Eyman, ASPC-Florence, ASPC-Lewis, ASPC-Perryville, ASPC-Winslow, and ASPC-Yuma were deployed throughout the riot along with the MTC TSU.

Inmates were restrained and secured on the recreation field and were complying with staff instructions. TSU staff advised the Operations Section Chief, Captain Winckler, to provide

inmates with water and to have medical staff begin assessment of the inmates. As with the delivery of meals earlier that day, the provision of water was delayed. The TSU Commander reported that there was no sense of urgency by the MTC staff to provide it. Inmates again began to complain about conditions, specifically a lack of water. TSU continued to maintain inmate compliance throughout the day and brief with CBOD Diaz, Mr. Shaw, Warden Rider and Captain Winckler and discuss the order of operations. Inmates were then secured on the yard awaiting transportation to other facilities. CBOD Diaz reported that she could not see a sense of urgency with the MTC staff. She said they were very slow moving and there was no leadership present to help effect the moves of the inmates, and to give direction the MTC staff. All inmate hostilities had ceased and the unit was fully secured.

All inmates received a medical assessment, were reviewed for housing options and temporarily secured in areas of the unit not affected by the rioting. Once Dorm 2 was assessed, it was found to be inhabitable. Inmates from that dormitory were returned to their housing in that dorm.

A damage assessment was scheduled and members of the ADC Engineering and Facilities Bureau arrived on July 7, 2015 to conduct an initial damage assessment of the Hualapai Unit. *(M. Landry Damage Assessment, Exhibit 3), (Email of Damage Assessment Exhibit 4)*

Notable issues such as lack of communication, failure to take appropriate action, and disorganization of the Kingman staff resulted in the inmate population being in control and unsupervised in their housing units for extensive periods of time.

### **Key Findings**

#### **Cerbat**

- Inmates grouped by race in front of Dorm 10; ICS not initiated. [**Violations of DO 105, Information Reporting, and DO 706, Incident Management**]
- African-American inmates express concern to supervisor about their safety; no action taken. [**Violation of DO 805, Protective Custody, and General Post Order (805 Protective Custody)**]
- No sharing of intelligence information that would have prevented inmate [REDACTED] from being returned to the unit (this is the issue that contributed to the groupings, the assault of inmate [REDACTED] and the subsequent riot. [**Violation of DO 105, Information Reporting, and DO 805, Protective Custody**]
- Hualapai DART [REDACTED]. [**Violation of DART training lesson plans**]
- ICS command structure not fully implemented based on scale of incident; incorrect transfer of command. Unified Command was not initiated upon the request for and arrival of outside agency assistance. [**Violation of FEMA/NIMS protocols**]

- Lack of staff accountability, and misinformation provided by Warden Sullivan who stated all staff was accounted for. [**Violation of DO 706, Incident Management, and NIMS/FEMA protocols**]
- No direction to inmate population to lock down once ICS was initiated. No announcements over the public address system. [**Operational concern, sound correctional practices**]

### **Hualapai**

- Excessive use of force by Officer Kemp- inmate was witnessed covered in OC spray- in view of inmates in Dorm 4. This action incited inmates to begin breaking windows. [**Violation of DO 804, Inmate Behavior Control**]
- MTC Officers evacuated the building before inmates had breached the horseshoe or the control room. [**Violation of General Post Order; operational concern, sound correctional practices**]
- Outside resources were called for with no Unified Command established. [**Violation of FEMA/NIMS protocols**]
- MTC ADW Fredrick on site for 20 minutes without ICS assignment. [**Violation of FEMA/NIMS protocols**]
- ADC Emergency Operations Center was not activated, even after the arrival of a second ADC complex Tactical Support Unit and Deputy Director. [**Violation of FEMA/NIMS protocols**]

**OBJECTIVE 2: Assessment of MTC Operational Response**

In this segment the Assessment Team was tasked to scrutinize the response of MTC to each incident, consider any written plans or procedures, and decipher the command decision making through these events. *(ADC Incident Synopsis and Timeline, Exhibit 59)*

**Cerbat Response:**

On the Cerbat Unit on July 1 at approximately 1745 Sgt. Romero noted, "...an unusual amount of African-American inmates begin to gather in front of Dorm 10." He attempted to speak to an African-American inmate who refused to speak with him. Inmates continued to gather in and around the area. The Sergeant directed staff to make sure they maintained continuous motion and monitor Dorm 10. He did not activate ICS, give the inmates a directive to disperse, nor did he attempt to lock down the yard. These three steps would be the appropriate action to take when an inmate grouping occurs, as defined in ADC Department Order (DO) 706.03 and D.O 105 Attachment B. If the inmate group did not follow directives staff would have been alerted to a significant problem and the staff assaults may have been avoided. This would also have given staff more time to stage resources as they would have already been dealing with the grouping. The incident leading up to the riot was an inmate on inmate assault in Dorm 9 at approximately 1810 hours, 25 minutes after the initial gathering of the inmates. *Note: It was confirmed through SSU and CIU interviews that staff had this information about inmate [REDACTED] prior to the groupings of the inmates. This information was not relayed to unit administration. (ADC SSU Report, Exhibit 5), (ADC CIU Report, Exhibit 60)*

Once the incident began and DART was called out, the team [REDACTED]  
[REDACTED]  
[REDACTED] *(DART Training Lesson Plan dated 04-19-2005 \*Restricted, Exhibit 6), (DART for Supervisors Lesson Plan FY15, \*Restricted, Exhibit 7), (Department Order 706, Incident Management \*Restricted, Exhibit 8).* [REDACTED]  
[REDACTED]  
[REDACTED].

The Cerbat Unit DART responding to staff in jeopardy [REDACTED] *(Cerbat Unit Photos, DART Response, Exhibit 9).* Had the team [REDACTED]  
[REDACTED].

MTC TSU arrived when the inmates were already following orders to disperse and return to the housing units. They conducted staff accountability and assisted with securing the yard.

CBOD Diaz provided an assessment of the leadership during the incident. She said that when Warden Sullivan arrived, he allowed subordinate staff to remain in charge while he attempted to talk with the inmates. Eventually, CA Shaw assumed command of the incident response. She said that basic Incident Command System procedures were in place, but had not been elevated to a complex wide incident. She said that by 0030 hours a WebEOC account had not been established for the incident in order to properly log and track activities, resources and to develop an incident action plan. She said that eventually, an action plan was developed. She said that administrator coverage for leadership presence was developed. Ms. Diaz said it appeared that the MTC administrators were trying to get her to develop the plan versus approve their plan. She said that a telephonic briefing was to be held with Director Ryan. Before the briefing was to begin, Warden Sullivan volunteered to go outside to monitor radio traffic instead of participating in the conference call with the Director. She said that CA Shaw did not say anything so she instructed Warden Sullivan to remain in the room and participate in the briefing.

### **Hualapai Response:**

At the beginning of the Hualapai riots on July 2, MTC TSU entered Dorm 4 horseshoe to extract a disruptive inmate. When MTC TSU entered the building they were assaulted by inmates throwing items at the team members through broken pod windows. The members retrieved the inmate and only deployed two pepper ball rounds over the heads of the inmate population “to keep their heads down” (per TSU Commander Lt. [REDACTED]). A diversionary device (flash-bang grenade) was also deployed. The MTC TSU team did not respond to Hualapai with appropriate munitions. They entered the building with a 37mm loaded with sting balls and two pepper ball launchers. The team had no OC foggers on hand when entering the building. Had they deployed appropriate munitions at that point it is possible they may have maintained control of the building. The team retreated after retrieving the disruptive inmate and the Control Officer evacuated the building even though the pod doors had not been breached.

When interviewed, the MTC TSU Commander said he believed faster actions in Dorm 4 would have made the situation worse. The MTC TSU initial response was to remove a disruptive inmate and evacuate the control room officer, leaving the dorm unsupervised. The TSU did not continue to attempt to take control of the dorm despite orders from CBOD Diaz and other ADC executives. [REDACTED]

[REDACTED]. The failure to immediately take control of the housing unit contributed to the loss and destruction of other dorms.

MTC TSU attempted to deploy CS gas [REDACTED], finding many of them to be obstructed. They did not attempt to deploy chemical agents through the broken windows to the pods. Because of this inmates inside the pods had minimal exposure to chemical agents.

[REDACTED]

Several control rooms were evacuated before inmates attempted to breach the pod doors. Had the staff remained in the control rooms there is the potential the inmates would not have attempted to breach the pod doors or the control room doors. In Dorm 4 the Control Room Officer evacuated after the inmates broke the pod windows. The bars on the window frames were intact and prevented the inmates from entering the horseshoe area at the time of the evacuation.

The Emergency Response Plan (ERP) books were reviewed for Complex, Hualapai and Cerbat; the books were intact. There is no clear direction on when staff should evacuate their posts in the Emergency Response Plan or the Unit Post Orders. The Evacuation Plan only addresses inmate evacuation (*MTC Evacuation Plan, Exhibit 10*). MTC also failed to address Inmate Disturbances in the ERP as per the contract.

The ASPC-Winslow Tactical Support Unit Commander COII [REDACTED] was interviewed. COII [REDACTED] said he responded to the Hualapai unit from Cerbat where his team had just relieved MTC TSU. Upon their arrival at Hualapai, the MTC TSU Commander requested to have Winslow take lead due to his staff being awake for 20 hours. COII [REDACTED] said at that point an MTC administrator said to stand-by. COII [REDACTED] said they stood down for approximately two hours, allowing inmates to maintain control of Dorm 4.

Major [REDACTED] TSU Commander for ASPC-Lewis, was interviewed. Major [REDACTED] was appointed to assume command of tactical operations by CBOD Diaz and Deputy Director Hood. Major [REDACTED] said upon arriving at ASP-Kingman tactical operations were unorganized. The MTC TSU was poorly trained and lacked leadership and confidence. He relayed his impression that team members were unsure and had to be taught everything. The team was also poorly equipped with mismatched equipment. MTC did not have enough munitions on hand. Munitions were deployed with [REDACTED]. He said that MTC staff showed no sense of urgency obtaining supplies that Tactical needed, to include water for both tactical officers and inmates which contributed to further problems with controlling inmates.

WebEOC documentation did not contain a clear outline of the rioting that occurred in the Hualapai Unit. WebEOC requires greater detail to give responding agencies a better idea of the support and materials needed during the response.

A clear command structure consisting of the critical areas – Operations, Planning, Logistics, Administration and Finance sections – was never established. Unified Command between the involved agencies was also not established. This command structure is critical to the management of large-scale incidents and is central to the Incident Command System. Failure to establish this structure results in confusion and lack of direction and contributes to delays in response and resources.

Having reviewed the riot details and sub-par incident response, the Assessment Team shifted their focus to plausible underlying concerns: lack of leadership and overworked, under-trained staff.

### **Key Findings**

#### **Cerbat**

- Inmates grouped by race in front of Dorm 10; ICS not initiated. **[Violations of DO 105, Information Reporting, and DO 706, Incident Management, identified in Objective #1]**
- Prior information about inmate █████ not shared appropriately. **[Operational concern, sound correctional practices, identified in Objective #1]**
- DART teams not deployed appropriately, or used effectively. **[Violation of DART training lesson plans, identified in Objective #1]**
- ICS command structure not fully implemented based on scale of incident. **[Violation of FEMA/NIMS protocols, identified in Objective #1]**
- Cerbat Warden Sullivan does not take command of the situation but allows subordinate staff to remain in charge; complex command center was not opened; WebEOC account was not established as of 0030 hours on July 2, 2015. **[Violations of FEMA/NIMS protocols; operational concern, sound correctional practices]**

#### **Hualapai**

- Excessive use of force by Officer Kemp- inmate was witnessed covered in OC spray- in view of inmates in Dorm 4. This action incited inmates to begin breaking windows. **[Violation of DO 804, Inmate Behavior Control, identified in Objective #1]**
- Outside resources were called for with no Unified Command established. **[Violation of FEMA/NIMS protocols, identified in Objective #1]**
- MTC TSU did not respond to Hualapai with appropriate munitions. They had no OC foggers with them when they entered Dorm 4 and took minimal action to get the inmates

“to keep their heads down” rather than to quell the riot. [**Operational concern, sound correctional practices**]

- MTC did not [REDACTED] in inmate-controlled dorms. MTC Emergency Response Plans (aka Critical Incident Response Plans) contained no detail on when to evacuate staff, or how to address inmate disturbances. A copy of the ERP could not be located at the Cerbat unit. [**Violation of Contract Section 2.9.7 et seq, Critical Incident Response Plan; operational concern, sound correctional practices**] ERP was also lacking contact information for local authorities. [**Operational concern, sound correctional practices**]
- ICS command structure not fully implemented based on scale of incident. Unified Command never established, despite involvement of outside agencies. [**Violation of FEMA/NIMS protocols**] WebEOC was under-utilized as a communications and resource-management tool by MTC and ADC. [**Operational concern, sound correctional practices, identified in Objective #1**]
- MTC ADW Fredrick on site for 20 minutes without ICS assignment. [**Violation of FEMA/NIMS protocols, identified in Objective #1**]
- Providing inmates with water was not perceived as an operational urgency. [**Violation of DO 704, Inmate Regulations**]
- MTC TSU team lacked training, leadership, and confidence. They were poorly equipped. There was not an adequate inventory of munitions on hand. MTC TSU has had training cancelled or members unavailable to attend due to staffing issues. [**Violation of DO 509, Employee Training and Education, and DO 716, Armory Procedures**]

### **OBJECTIVE 3: Assessment of MTC Leadership and Staff**

The Assessment Team evaluated the staff and leadership of ASP-Kingman, to include strengths and weaknesses, communications, decision making, and overall effectiveness in the months leading to these events through the present. *(MTC Leadership, Exhibit 61), (MTC Kingman Organization Chart, Exhibit 62)*

Members of the ADC assessment team engaged in direct observation of unit management and operational practices for ten (10) days. They conducted approximately three hundred (300) interviews with MTC staff and interviewed hundreds of inmates. MTC staff members were candid in their responses and team members were sought out by employees who wanted to share their frustrations. Four MTC officers voluntarily waited over one hour after working a 12 hour shift to talk to assessment team members. One sergeant stated she would rather lose her job than not to speak her mind because she felt so strongly that MTC was endangering their staff. The consistent message reported to all assessment team members was the current MTC administration does not value their staff and does not support them.

From the interviews conducted with staff, several concerns were raised concerning the MTC administration. Administrators were observed during the course of the assessment and each was interviewed. Questions were asked concerning their response to the riots, their leadership approach, and to expound on information reported by staff to the assessors.

#### **Complex Administrator Frank Shaw**

Complex Administrator (CA) Frank Shaw shared a brief history of his correctional experience. He said that he served in Illinois State Corrections for 29 years and retired as Warden of Statesville Prison. He said his total experience was 35 years with time spent as an auditor for Immigrations and Customs Enforcement Agency, and with MTC- most recently as a Warden of a private facility in Mississippi. He said he had been assigned as Complex Administrator since June 2, 2015.

Mr. Shaw was asked to share his response to the three major disturbances at the MTC prison. Essentially, what did he know, when did he know, and what did he do about them.

**Cerbat Unit Riot – July 1, 2015:** CA Shaw said that at approximately 1845 hours on July 1, 2015 he was notified that African-American inmates at Cerbat Unit had assaulted staff. He said he responded to the prison immediately. He said he saw several inmates out on the East yard and North yard. He said there he saw a handful of inmates trying to advance on the shift commander's office. He said they were using tables as barricades to deflect any munitions. CA Shaw said that he saw a Designated Armed Response Team (DART) in front of the office protecting the door. He said he saw the inmates advancing and authorized the DART commander to fire a gas round at the inmates. He said that the round was fired and the gas was effective as the inmates ceased their aggression.

CA Shaw said that injured staff were being treated or ready to be treated for any injuries. He said there was a great response from local authorities, namely the Sheriff's Office for perimeter control and the local ambulance company.

CA Shaw said he went to the fenced area by the yard and made contact with the inmates. He said inmates approached him and Warden Sullivan. He said that he and Sullivan told the inmates they needed to lock down so things could get sorted out. He said the inmates returned to the housing units and locked down.

When asked if a Command Center was established, he replied that it was, "somewhat established." He said a Lieutenant was in command and he assumed command from the Lieutenant. Sergeant Panzer was actually in command when Shaw assumed the role. Shaw said he checked on staff accountability procedures to ensure that all staff was accounted for. He said there was confusion on whether all staff had been evacuated from the yard. CA Shaw said that Warden Sullivan reported that all staff had been accounted for. CA Shaw later learned that there was staff that did remain on the yard. He said that some were in the commissary and kitchen, and one was [REDACTED] and hurt his hand [REDACTED].

CA Shaw added that a damage assessment had been initiated as the situation was resolving. He said that emergency operations and staffing has also been initiated. CA Shaw said that things slowed down later into the morning. He indicated that Warden Sullivan was very involved in resolution of the incident. CA Shaw said that command center operations continued into the following morning.

**Hualapai Riot 1 – July 2, 2015:** CA Shaw said that he was called about a correctional officer having a confrontation with an inmate in Housing Unit #4 horseshoe area. He said the officer sprayed the inmate with OC spray. He said that African-American inmates were returning to the housing unit from Ramadan observance and another inmate was indirectly sprayed by being in the area.

CA Shaw said that inmates saw the use of force and began banging on the glass. He said officers exited the housing unit and other housing units got involved in being disruptive, breaking out glass to communicate.

Shaw said he went to the yard to assess the situation. He said he saw that both the MTC and ASPC-Winslow tactical units were on scene. He said his initial reaction was to contain the incident and not let the inmates get out of the housing units. He said all housing units were being disruptive.

CA Shaw said that inmates in Dorm 1 breached an exit door. He said he believed 4 inmates got out the door. He said TSU responded and the tower officer deployed a CS gas round that stopped the inmates.

CA Shaw said that Warden Rider assumed command of the incident. He felt that he could do better being out in the yard. Shaw said that the MTC tactical unit had 21 officers present and the Winslow tactical unit had 13 or 14 officers present. He said he talked with the teams in deciding what to do about the incident. He said his concern was to keep inmates in the buildings and set up perimeter security with tactical officers.

CA Shaw said that he recalled some staff in Dorms 1 and 4 exited the buildings [REDACTED].

CA Shaw was asked why a tactical assault of the housing units was not undertaken. He said that MTC tactical unit had been on duty for approximately 20 hours and this concerned him. He said he received a call from the Director and he told Shaw to get control of the unit ASAP! CA Shaw said that he was concerned about not getting anyone hurt. CA Shaw was asked if the Director instructed him to stage an assault and he said the instruction from the Director was non-specific. ***Note: At approximately 2330 hours, Director Ryan and Acting Offender Operations Division Director Profiri engaged in a 3 way call with Shaw and gave specific instructions to him to stage an assault and retake control of the prison. He was instructed to send staff into the housing units and re-take control. This was verified with both Directors. CBOD Diaz also engaged Shaw and instructed him to make entry into the housing units and take control from the inmates. She verified having this conversation with him. All three ADC executives said that Shaw was not comfortable with this and said that he did not have enough resources on-site to safely re-take control. He requested that additional resources be dispatched and on-site before attempting any tactical action within the housing units.***

CA Shaw reiterated his objective was to keep people safe and the perimeter contained. He said that the Winslow TSU Commander, the MTC TSU Commander and the Incident Commander had discussion about assaulting the building and taking control back. He said the MTC commander said his people were exhausted and wanted an hour to rest them and regroup. Incident Commander Rider told the Winslow TSU Commander to stand down. CA Shaw said they regrouped and went and re-took Dorm 1. CA Shaw said he agreed with the decision to stand down and regroup.

According to CA Shaw, there was staff everywhere trying to contain the incident. He said there were more resources coming in by early morning. He said that Lewis TSU arrived and took tactical command in the yard. He said that inmates in Dorms 2, 3, and 5 had settled down. He said that inmates in Dorm 4 were still disruptive.

CA Shaw was asked if he knew what the root cause of the incident was. He said initially he felt like it had something to do with the Cerbat incident. However, he had no supporting evidence that the two were related.

CA Shaw was asked how the operations were going once ADC tactical units showed up. He said he noticed a bit of separation from the incident command. With contract monitors on site, the

TSU gravitated more towards them. He said that resources were being rapidly depleted. He said that contract monitors were a big help. He shared that CBOD Diaz was very intelligent and hard to keep up with.

CA Shaw said that inmates in Dorms 1 and 4 were cleared of inmates by the TSU resources. He shared a need to fortify all buildings. He said he had all metal barriers removed.

CA Shaw said that inmates were temporarily relocated to the chow hall, chapel and vocational training area. Inmates were given restroom breaks and water.

CA Shaw said he met with Director Ryan and talked movement strategy after Hualapai incident #1 and incident #2. He said Governor Ducey toured the prison on Sunday.

CA Shaw said that separate command posts were in operation at Cerbat and Hualapai. He had the complex command post set up on Monday, July 7, 2015.

**Hualapai Riot 2 – July 4, 2015:** CA Shaw said there were differing opinions about the cause of this incident. He said inmates in the housing units saw inmates leaving the compound and wanted to be a part of that movement. Inmates don't always want to be in a remote area. He said also, possibly there are officers who are real tough on the inmates.

CA Shaw said Dorm 5 and then Dorm 3 engaged in similar behavior. They began breaking windows causing staff to have to evacuate the buildings. He said TSU geared up to assault the buildings.

CA Shaw was complimentary about the ADC Majors; he said they performed well and were well organized.

CA Shaw said that he felt he needed to get out and meet local authorities. So far he had met the Mayor and Chief of Police. ***Note: The MTC Emergency Response Plan did not contain contact information for these individuals nor for authorities in surrounding communities.***

CA Shaw said that the TSU staged building assaults, extractions, used gas and within about 2 ½ hours inmates began to surrender. He said the inmates in Dorm 3 B-pod had weapons. The TSU assault resulted in minimal injury. He felt it was very professionally handled.

CA Shaw said that incident command was shared between himself, Warden Rider and ADW Fredrick. He said logistics, planning, and command were utilized extensively and it was helpful. ***Note: Review of the Unit log 214 and the IAP showed that the ICS model was not well organized, the WebEOC was closely monitored and the order desk was overwhelmed with requests for resources that could not be filled. According to ADC Emergency Preparedness Administrator Augeri, the MTC staff had been extensively trained in employment of expanded ICS and they did not follow their training. CA Shaw, Warden Rider and Warden Sullivan were asked if the Emergency Response Plans (ERP) had been accessed, reviewed and followed.***

*Sullivan said he never assumed command and he did not have a copy at Cerbat. Rider said she did not access or use the ERP. Shaw said he now has one in front of him. He said there was not one at Cerbat. He said there was one at Hualapai he couldn't say if anyone reviewed it or followed it.*

CA Shaw was asked who did most of the decision making. He said that the incident commander did most of the decision making in consultation with him.

CA Shaw was asked if rules of engagement (ROE) were established for the TSU and other staff. He said they were spelled out in the tactical plan. He said that there was a situation of compromised command. He said that a decision was made between TSU Commander and CBOD Diaz to assault Dorm 5. He said it was a good decision but they did not involve the incident commander. He said the issue was discussed with CBOD Diaz and Major [REDACTED]

CA Shaw was asked if there was a standing operating procedure for staff to evacuate from a housing unit. He said he did not know if one exists but he had been assured by Captain Winckler and Warden Rider that staff had been trained and knew how to do this. ***Note: Emergency Response Plans and post orders do not contain any instructions for staff evacuation of control rooms or housing units.***

CA Shaw was asked if he knew who is trained in NIMS/ICS. He said he didn't know but he will find out and also ensure that each command center is identically equipped.

CA Shaw was asked if he had any idea why inmates want to leave MTC. He said it is a remote location with lots of programming, recreation etc. He said there is no one reason. He said in order to prevent a re-occurrence we needed to find the root cause. Administration needs to be out more often in order to find out and prevent more serious problems. He said the infrastructure also needs to be fortified to contain issues in that particular area. He said staffing needs to improve to help prevent fatigue buildup. He said he planned on meeting with administrators and debriefing them to see what can be done differently. He planned on assessing the culture of the prison.

CA Shaw said he had staffing concerns. He said he had seen a couple of reports for use of overtime every day on every shift. He said use of overtime is not unusual in a correctional setting, with remote locations using it even more. He said that overtime use at MTC had been discussed with him before he even arrived for the assignment. He said that the key to resolving this problem is to improve retention.

CA Shaw said that a good Field Training Officer (FTO) program was needed along with sound academy training. He also said that training results are very concerning. He expects to address this.

CA Shaw acknowledged that some staff are upset about the amount of OT being forced upon them and having to work it so frequently. He said he observed a difference in how it is being

managed between the units. Each unit does it differently. He said he plans to address this to make it consistent. CA Shaw said that he expects units to operate in a consistent fashion. He said he is the decision maker and expects to be obeyed. He has experienced frustration with current behaviors of subordinate staff.

CA Shaw was asked about his approach to tactical operations. He said that he actually had a tactical academy scheduled for the week that the disturbance at Cerbat occurred. He said that he expects training to occur when it is scheduled. He said that staffing concerns were relayed by the tactical commander. He said that training will take place despite those concerns. He said that training will not be cancelled.

CA Shaw was recently assigned to ASP-Kingman and had been in this assignment for less than one month when the riots occurred. He acknowledges the need for a consistent approach to leadership at both units and has committed to ensuring staff receive proper training in NIMS/ICS. CA Shaw reports that he will be addressing staff retention and overtime.

CA Shaw appeared to take a back-seat approach to command during the Hualapai riots and acquiesced to CBOD Diaz and the ADC Tactical Commander. He did not react to direction to retake the housing units, allowing the inmates to go unchallenged and have control. During the assessment team's time at ASP-Kingman, CA Shaw was observed spending a minimal amount of time on the units interacting with staff and inmates. As evidenced by the current concerns with operations at ASP-Kingman, it appears the former CA was not actively involved in management of the individual units at the prison. It is too soon to determine with any accuracy if the current CA will adopt the ADC model of operation and management of a prison complex. An ADC Complex Warden ensures all units follow a consistent, uniform approach when dealing with staff and inmate concerns. ADC Complex Wardens have strong command presence and are actively involved in ensuring Command and General Staff are in place.

### **Warden Rick Sullivan**

Warden Sullivan assumed his role as Warden of the Cerbat Unit on September 17, 2011; he had been the ADC Lead Monitor at ASP-Kingman from September 4, 2010 through September 16, 2011. Warden Sullivan had previously been assigned as a Deputy Warden and Major for ADC. Warden Sullivan was interviewed concerning his response to the Cerbat and Hualapai riots. Warden Sullivan reported he responded to Cerbat after receiving a call from the shift lieutenant concerning inmates grouping by race. By the time Warden Sullivan arrived, inmates had assaulted inmate [REDACTED] and staff. Warden Sullivan spoke with inmates and attempted to get them to lock down. Warden Sullivan was asked to describe what he thought caused the riot. He said that two African-American inmates had been locked up for fighting. They were inmate [REDACTED] and inmate [REDACTED]. He said that a couple of days later, a bed in CDU was needed for an inmate who was requesting protective custody (PC). He said CDU was full so he asked ADC Monitor CO III Esterline for assistance in clearing a bed in CDU for that inmate.

Warden Sullivan said he suggested inmates [REDACTED] and [REDACTED] because all they had done was fight with each other. It turned out that [REDACTED] had too many points to qualify for return to the yard, but [REDACTED] did qualify. He said he had no other information that would have prevented [REDACTED] from returning to the yard. He said [REDACTED] was placed back into Dorm 9 and he was assaulted. He said [REDACTED] ended up at the east yard supervisor office. He said inmates were yelling at staff to get him off the yard. Warden Sullivan said that inmates then grouped by race and assaulted staff. Warden Sullivan was asked if he would have known that [REDACTED] would have problems returning to the yard, would he have placed him back in the yard. He said he would not have done that. He said that he has a pretty good rapport with inmates and they talk to him. He said that if inmates say someone will have problems, he looks into it. Warden Sullivan said that he was called by the shift Lt and was told inmates were grouping by race and the African-Americans wanted [REDACTED] off the yard. Sullivan said he told the Lt. to tell the inmates to hold on and he would come in to talk to them. He said by the time he got there, the inmates had assaulted inmate [REDACTED] and staff.

Warden Sullivan was asked what decisions he was responsible for. He said that he was mainly talking to inmates to get them to comply with orders to lock down. He said he did stage officers [REDACTED] with a pepperball gun. He said he told inmates that officers were going to be placed back into the dorms. He told inmates to stop their behavior. He assigned two officers to every dorm and had them stay together. Sullivan said he interviewed influential inmates also. He said an initial damage assessment was done that night.

Warden Sullivan said approximately six (6) African-American inmates advanced on the team by the supervisor office with tables used as barricades. He said the DART discharged a stinger round and the inmates ran away. He said he saw 2-3 African-American inmates running around and one discharged a fire extinguisher. He said some started small fires in ash trays. Warden Sullivan said that a African-American inmate went to F building and tried to break a window. He said DART fired a round at him and he ran away.

Warden Sullivan said that he had talked to some inmates about getting order restored but they needed to lock down. He said he saw those inmates walking and talking with other inmates and they slowly began to return to their dorms. He said that damage to the dorms stopped then. He said it took about two hours from the time he and CA Shaw arrived for the inmates to lock down.

Warden Sullivan reported that Lt. Statler was in command initially, and then CA Shaw assumed command. He said the command post was not established and he could not say why. He said his priority was to get the incident shut down by getting inmates to comply and go back to their housing and to get staff back into the yard. He said that staff accountability was not fully completed. He said there was still staff in the commissary and kitchen that he was unaware of. He said that the Lt. told him that everyone was off the yard and safe. Sullivan said that was what he reported. He said that was a big mistake. Sullivan said that with a proper Command and General Staff structure in place, someone could have been assigned to concentrate on staff accountability even while groupings were taking place. He said it didn't happen soon enough.

Warden Sullivan was asked about the DART deployment. He said they were at Cerbat when he arrived. He said he won't put DART [REDACTED]. When questioned why [REDACTED]. He said that officers understand that DART [REDACTED]. He was asked if he was aware that no supervisor had attended DART for Supervisors training. He said he was not aware.

Warden Sullivan was asked if he knew that officers had common knowledge that inmate [REDACTED] would have problems returning to the yard. He said he and SSU did not know this or he would not have put inmate [REDACTED] back on the yard. He said as far as he knew, it was a disrespect issue between [REDACTED] and [REDACTED]. They were only in CDU for disciplinary. Warden Sullivan was told that CO Low reported to a Criminal Investigations Unit Supervisor that he and other officers in the yard knew inmate [REDACTED] would have problems and they could not understand why he was returned to the yard. Officer Low told the criminal investigator he did not report this nor did he submit an information report because he felt nothing would come of it, that 'the higher ups don't care'. Warden Sullivan was asked if officers had a reluctance to write reports. He said he did not believe so. He said information was never passed from officers on inmate [REDACTED] *(CIU Report-Low Interview, Exhibit 11)*

Warden Sullivan was asked what the procedure was at Cerbat when inmates grouped up. He said the supervisors try to find out why the grouping is happening. He said if need be, he comes in and interviews the inmates. He said it doesn't take a large grouping for the yard to be locked down. On big groupings, the yard should immediately be locked down and ICS should be activated. Warden Sullivan was reminded that groupings were taking place for almost a half hour before [REDACTED] was assaulted and ICS was not activated, and the yard was not ordered locked down. Sullivan said he didn't believe that he needed to specifically instruct a Lt to activate ICS and lock down during a grouping.

Warden Sullivan was asked if there was training for officers on how to evacuate the Cerbat yard. He said that they train for this during ICS training. He was asked to provide ICS reports that documented this. He said he would get them from the Captain. Warden Sullivan was later told by Captain Schwartzkopf that they do not train for staff evacuations from the yard. Warden Sullivan was asked if he received reports regarding staff unprofessionalism. He said he had only received two. He said he had not been advised of Sgt. Romero or Lt. Cartwright being unprofessional.

Warden Sullivan was asked how the relationship with the monitoring team was. He said that CO III Esterline was great. He said she really knows how to talk to people and she is very helpful. He said Captain Dominguez is not confrontational; there is not a lot of interaction with him. He said he rarely sees DW Barnes. He said communications with her is primarily through phone and email. He said he sees her most when CBOD Diaz and DBA Credio tour. He said he tries to tour with both of them.

Warden Sullivan was asked how he communicates with staff. He said there are no formal briefings. Phone briefings are done and he brings ½ of the officers in for a face to face briefing 2-3 times per week. He said he also posts a briefing sheet for staff to read. Warden Sullivan said he also holds regular Warden/CO meetings according to policy. He said he provided copies of minutes to the assessment team.

Warden Sullivan was asked if he knew what ‘Don’t poke the bear’ meant. He said it is a term he uses with people. He said he means that staff should not go out and antagonize inmates, be retaliatory. He said for example- “Don’t step on their potato chips when you are doing a housing search.” He was asked if he was aware that staff takes it to mean not to enforce rules. He said that after the incident, he did not want retaliation for staff being assaulted. He said he has had meetings with staff for the last 2-3 days to explain his meaning and that staff understands it.

Warden Sullivan was told that officers have complained that rules are continually changing and that priorities for rule enforcement regularly change. He said that officers don’t always listen and we have to go back and address specific issues to reinforce expectations.

Warden Sullivan was told that officers also complain that his administration is very heavy handed with employee discipline. He said that the disciplinary is mostly due to attendance issues and insubordination.

Warden Sullivan was advised that his monthly DO #703 reports were reviewed and appeared to be perfunctory and almost done in cookie cutter fashion. He said that his cover memo had been addressed by CBOD Diaz to CA Sternes and that Sternes did counsel him about paying more attention to detail. *(T. Diaz Email Ref: Sullivan 703 Reports, Exhibit 12)*

When asked if he is responsive to GAR findings, Warden Sullivan said he does fix what he is told to fix.

Warden Sullivan was asked if he knew what the term, ‘grouped on’ meant. He said he never heard of this. It was explained to him that officers told assessors it was when inmates grouped together to intimidate staff. He said that he has seen inmates try to get officers moved from a post in the building. He said it is usually officers who are seen as badge heavy. He said supervisors can move an officer temporarily in order to settle down a problem that may be building. He was advised that officers stated they don’t feel supported when this occurs. He said he has only been told 2 times that inmates ran an officer out. He said that CO Kemp was an example of him needing to reassign an officer due to inmate threats.

Warden Sullivan was asked if he monitored training completion. He said that it is monitored through Complex. He said that the lieutenants track training completions. He said supervisors will know if an officer doesn’t show up. He said he didn’t know that training requirements were not met. He said he thought Cerbat was spot on. He said he didn’t review training records, he trusted the Captain to tell him how things were going in training.

Warden Sullivan was asked how overtime is managed. He said it is hard on staff. He has a system where officers have limits on how much can be worked. He mandates a day off when officer's work double shifts. He also said he limits overtime to 30 hours per week. He was asked why Cerbat and Hualapai don't do it uniformly. He answered that he couldn't say. He said communication between units is not very good; "They have their little world, we have ours." Sullivan said that Cerbat is always there to help and Hualapai isn't. He said he only hears excuses of why they can't help with when issues arise. He said that he and Warden Rider don't really talk to each other about how they run their units.

The Cerbat Unit has an inmate practice referred to as 'Group on' which means a group of inmates (15-50) will approach an officer and attempt to intimidate them. The officer will call a supervisor for assistance and when the supervisor arrives, they will discuss the situation and in most instances the officer will be removed from that housing unit and be reassigned to another post. No corrective action is taken with the inmates involved. This practice creates an atmosphere in which officers do not feel supported by administration and in which inmates are empowered to drive out officers who are performing their assigned duties.

There is a disconnect between Cerbat Unit Administration, security supervisors and line staff. Several staff stated they felt that it was line staff versus the rest of the administration (Sergeants and above). Line staff feels their supervisors and administrator take the inmate's side in most situations.

Many line staff and Case Managers state that the unit security supervisors and administrators do not spend an adequate amount of time on the yard or in the housing units. This can be confirmed by assessment team members not seeing a Sgt., Lt., Captain or Administrator in the housing units during their time at Cerbat, with the exception of Friday, July 10; when security supervisors and Warden Sullivan were on the yard on Friday afternoon.

Many line staff complained about the inconsistent information coming from the unit administrators and security supervisors. Staff expressed frustration at being told to enforce compliance in an inconsistent manner; one week they are told to write tickets for housing compliance, the next week it might be to write tickets for grooming compliance.

Many staff reported that motto of the Cerbat unit is 'Don't poke the bear' and this was in place prior to the disturbance. When asked why staff doesn't enforce all the rules, all of the time, staff advised they were told 'Don't poke the bear.' Line staff interprets this to mean don't enforce the small compliance issues; shirts tucked in, beds not made, etc. Supervisors state this to mean don't antagonize the inmates. In reference to inmate discipline, line staff and a security supervisor state they were told there was a quota for tickets; two per staff member per shift, when they were enforcing compliance.

Line staff reported a lack of communication from their supervisors and from the unit Administration. The unit does not hold a shift briefing; briefings are conducted via telephone, or verbally when a shift supervisor comes to the housing units.

Several line staff felt there was favoritism between certain officers and their supervisors. They complained about working alone in the housing units while their building partner was socializing with the Sergeants. Some officers claim they are working alone in the housing units up to 80% of the time. Dormitories in Cerbat Unit require two Officers to be posted.

Line staff also believes that there is a conflict of interest in having the unit Chief of Security, Captain Schwartzkopf, married to the Human Resources (HR) supervisor, who is also the EEO Liaison. Line staff state they are uncomfortable bringing issues to HR, and feel their claims/complaints are not addressed.

Several officers reported there is an excessive amount of staff discipline at the Cerbat Unit. Since the promotion of Captain Schwartzkopf in January 2015, staff feels the amount of discipline has greatly increased. This is confirmed; in calendar year 2014 there were 13 suspensions and 57 Notices of Caution, both formal discipline. Thus far in calendar year 2015 there have been 9 suspensions and 44 Notices of Caution issued to staff.

Lines of communication between inmates and staff are inadequate at Cerbat. Case Managers are not available to the inmate population on a consistent basis. During the months of May and June, 2015, there were 18 Case Managers assigned to the Cerbat Unit, with two vacancies. In May, 2015, an average of 7.2 Case Managers met with inmates daily, In June, 2015, an average of 4 Case Managers met with inmates daily. This, along with infrequent interactions between inmates and security supervisors and unit Administrators, does not allow for inmates to be heard. When changes in unit procedures are being implemented, the inmate population is not being made aware. When questioned on the limited number of Case Managers seeing inmates, their supervisors, Correctional Programs Specialists (CPS), stated they have a large turnover (150%) over the past year, and they have attendance issues with several Case Managers.

During the last two days of staff interviews MTC staff was asked if they had been told not to speak with DOC monitors. Several staff stated they were told that, but it was not policy. Cerbat staff report that they often interact with COIII Esterline and Captain Dominguez.

Warden Sullivan at Cerbat did hold the required Warden/CO meetings for the first six months of 2015. (*Warden Sullivan/CO Meeting Minutes, Exhibit 13*) All of his meetings were held near the same time and were short in duration:

January 29, 2015- meeting from 1330-1400 4 staff attended, all from day and swing shift

February 29, 2015- meeting from 1330-1405 4 staff attended, all from day and swing shift (attendance roster is dated 02/24/15)

March 25, 2015- meeting from 1340-1420 5 staff attended, no information on shift provided

April 14, 2015- meeting from 1330-1430 4 staff attended, all from days and swing shift

May 28, 2015- meeting from 1300-1330 3 staff attended, no information on shift provided

June 14, 2015- meeting from 1320-1350 5 staff attended, no information on shift provided

Many staff reported that Warden Sullivan often responds to issues and ideas by stating, “ADC will not allow it” but that they do not believe he has elevated the issue to ADC.

It appears Warden Sullivan does not have his finger on the pulse of his unit and does not effectively communicate with his staff or inmates. He conducts inadequate tours that do little to address the concerns of both staff and inmates. His lack of understanding of the basic principles of DART is alarming, particularly given that fact that he was a Correctional Major with ADC. Warden Sullivan allowed the inmate population to intimidate the officers, while telling his staff ‘Don’t Poke the Bear.’ Warden Sullivan did not monitor his unit’s overtime use and procedures or training compliance.

### **ADW John Palosaari**

ADW Palosaari has been assigned as ADW at Cerbat Unit since February 3, 2011. He formerly was a Complex Warden and a Deputy Warden with ADC before retiring after 21 years of service.

ADW Palosaari was interviewed and asked to describe his involvement in the Cerbat and Hualapai disturbances. He advised that he was on bereavement leave when both incidents occurred. He said he returned to work on July 6, 2015 and was assigned to the complex command center. He said he set up a staging area to properly track staff resources. He said the Command and General Staff were assigned but not at night. He said all decisions were made in consultation with CA Shaw. The goal was to get the prison back to normal operations.

ADW Palosaari said that he had good interaction with the TSU commanders. He said Major [REDACTED] and Major [REDACTED] were both good to work with.

ADW Palosaari was asked if they used WebEOC. He said they did and it became routine. However, they didn’t use it for logistical support. He said that the unit log was also maintained on paper because they could not bring it up on the computer. ADW Palosaari was asked if ICS is a common system at MTC. He said expanded ICS is not, typically only type 5 incidents. He said evacuation drills for staff are not done.

ADW Palosaari was asked what his main duties are. He said that he spends about 30 hours out of 40 in the yard. He walks both sides of Cerbat and talks to inmates and staff continually. He said inmates come to him with problems and he addresses them when they are legitimate. ADW Palosaari said he knows that staff sees him as an inmate advocate. He said he will give an inmate only what he has coming. He said that he and ADW Poland spend a lot of time in the yard. They are the main ‘yard dogs’.

ADW Palosaari was asked if he had heard the term, 'grouped on'. He said he has used that term. He said that moving an officer from a post would happen if supervisors felt an officer is in danger. He said he has actually moved an officer temporarily because the officer was stirring up inmates by the way he was doing housing searches. He gave an example where the officer would cuff an inmate, go strip search him, and then cuff him again while he searched the living area. He said while that may be a good officer safety technique in higher custody, he did not feel that it was a good practice in minimum custody. He said in large open dorms, officers have to walk a fine line.

ADW Palosaari was asked what should happen when inmates group. He said that ICS should be activated and if inmates ask for a Sgt, then send a Sgt. If inmates get aggressive, then staff should leave the building. He said the biggest priority is staff safety.

ADW Palosaari was asked if he had reviewed the incident packet from July 1, 2015. He said he had not. He did share that people need to do their homework before bringing inmates back to the yard. He said he was told that inmates said that inmate ██████ should not be returned to the yard. He said he heard that the Sgt told them, "You're not gonna tell us what to do." Palosaari added that people should hold off putting inmates back on the yard until further investigation is completed.

ADW Palosaari was asked if he heard the term 'Don't poke the bear' used at Cerbat. He said it was a common term used by Warden Sullivan. He said it meant not to push too hard at certain times. He said that Sullivan does not tell staff not to enforce rules. ADW Palosaari said this concern has not been brought up to him. ADW Palosaari said he tries to make sure staff sees him addressing inmates and he gives a good example for them to follow. He said that not listening to inmates creates a bad atmosphere. He said he has to deal with that a lot.

ADW Palosaari was asked how the communication flow is from the Warden. He hesitated and said, "I talk to staff. Rick runs things old school and makes all the decisions." Palosaari said that Warden Sullivan told the command staff, "I'm the only one who makes decisions here. If it doesn't come from Jerry Sternes or me, it doesn't happen." Palosaari added, "That's a different management style than I care for, but he's the boss so I do what he says." ADW Palosaari said that if the Warden doesn't put direction out, command staff are unable to do so for line staff. It pretty much has to come from that office. ***Note: Results of assessor interviews with staff indicate that communication between line staff and administration at Cerbat Unit is dysfunctional.***

ADW Palosaari was asked if he was involved with DART drills. He said he has not monitored them for quite a while. He described the proper intent for DART and how it should be deployed.

ADW Palosaari said he was unaware if officers were reluctant to write reports on issues.

ADW Palosaari was asked if he was aware of any staff unprofessionalism. He said that he was but not in writing. He gave an example where CO Kemp encouraged African-American and Mexican inmates to fight. He said that Kemp was placed on non-inmate contact status.

ADW Palosaari said that he talks with staff assigned as SSU but they are not a formal team. He said they report directly to Warden Sullivan.

ADW Palosaari was asked how the relationship with the monitor team was. He said that it is adversarial except with CO III Esterline. He said he would take her as a CO IV at any unit in ADC. He said he has no relationship with DW Barnes. His contact with her is primarily on the phone. He said that when Ms. Diaz or Mr. Credio tour, she does go with them. He said he tours with them as well. He will even come in on graveyard to tour with them. ADW Palosaari said that CO III Esterline and Captain Dominguez discuss their GAR findings and results of tours with unit team in the warden meetings. He said that due to a captain vacancy, it has only been about two months that Dominguez could focus only on his assigned unit.

ADW Palosaari was asked how officers get briefed. He said there is no shift briefing, only by telephone. He said that sometimes half of the shift at a time gets a face to face briefing. He said he was not aware of a briefing document for officers to review.

ADW Palosaari was asked if he knew why the two units operate so differently. Palosaari said that they are like two silos. He said he has been told they are two separate prisons, and that is how they operate. He said it doesn't make sense to him. He said it's not the most efficient way to do things.

The only additional information received by the assessment team in reference to ADW Palosaari was that the majority of staff reports he spends a lot of time on the unit. However, he is viewed as siding with the inmates more often than with staff. He does talk with and interact with staff.

ADW Palosaari spends a significant amount of time on the unit and understands the need to address inmates' basic needs. He acknowledged communication issues with his Warden and understands the need to operate the facility as a complex with a unified method of operation. He is not directly involved in security operations and does not supervise the unit Chief of Security. He has no formal supervisory authority at the Cerbat unit.

### **ADW Robert Poland**

ADW Robert Poland has approximately twelve years of service at the MTC facility. ADW Poland supervises the inmate programs area of the Cerbat unit. His focus is primarily limited to this area of responsibility and does not integrate to security. He did not respond to the Cerbat riot until after it was over. He did respond to the first Hualapai riot shortly after it was initiated, but was there "about ten minutes" before Captain Winckler arrived and assumed command. He was there a total of about twenty minutes before Warden Rider arrived, he then returned to Cerbat.

He was the Incident Commander on the night shift in the Command Post, assisting in creating plans for the next operational period. ADW Poland states he tours the yard frequently-almost daily. He tours programs areas as well as housing units. He states he noted no tension prior to the riot. His primary function is the supervision of programs areas to include Correctional Programs Supervisors and Case Managers. He has very little interaction with security staff and it is clear that security and programs in general have very little interaction. He does have some involvement in recommending staff discipline for staff in his chain of command. He states most staff discipline is due to falsifying staff time sheets and attendance. He feels he has a good rapport with subordinates and is not aware of any conflict between employees and management. He describes his leadership style as that of being out of the office and involved in the daily activities of staff without micro-managing. He likes to participate in activities with staff and encourages input, and likes to ensure staff have the tools they need for their jobs. He prefers to redirect and retrain staff rather than discipline them but will follow progressive discipline if necessary. He felt that TSU staff handled the riot well, were concerned about staff safety and maintaining the perimeter.

The assessment team found that staff did not mention ADW Poland often, and that he has little interaction with security staff.

### **Captain Tony Schwartzkopf**

Captain Tony Schwartzkopf, has over ten years experience with MTC. He has been a Captain since January of 2015, and is assigned at the Chief of Security at Cerbat.

Captain Schwartzkopf responded to the riot at the Cerbat Unit when he received a phone call as he was already home for the day. When he arrived to the unit DART had already been deployed and Complex Administrator Shaw was already on the yard. The Captain went with TSU to conduct staff accountability. He assisted in relaying directives from the command center to the yard for the remainder of the day, and followed up with staff to ensure tasks were complete. He created the 12-hour emergency schedule and followed up to ensure searches were completed. When asked specifically about the tactics used before his arrival, he stated he had not yet seen all reports. He was not aware that the DART team

[REDACTED]

[REDACTED]. He also believes that Sergeant Romero should have activated I.C.S. and locked down the yard immediately upon noticing the grouping and inmates refusing to talk to him prior to the riot.

Captain Schwartzkopf has a firm grasp on the staff attitudes and the activities on the Cerbat Unit. He was very knowledgeable when it came to staff discipline and communications. His philosophy is that staff should remain professional at all times yet enforce policy with inmates. He prefers to remain open with staff. He states he cares about his staff and has worked to change

his approach, which used to be very 'black and white'. He is now trying to 'build a team and not a dictatorship'. He said he tours a minimum of ten hours weekly but tries to get out more if he can. Assessors personally saw him on the yard both times he toured and staff said they do see him on the yard. He provided an Assessor with the quarterly Captain/Supervisor Meeting roster and subjects covered. The meeting appeared to be very detailed. He stated that he believes in a progressive approach to discipline and does not want to 'hammer' everyone. He was asked if he had an example of this approach and he was immediately able to produce numerous files in which progressive discipline was documented, to include retraining of the staff in the deficient area.

Captain Schwarzkopf said he is aware of the division between staff and management. He believes much of the issue revolves around social media and staff complaining to one another via that method. He also cites rapid staff turnover and youthful staff that expect immediate gratification as contributing to the division. He makes an effort to unite staff through an open door policy and addressing disruptive behaviors as they arise. He does agree that the amount of staff discipline in his unit is high but believes that all discipline to this point has been justified. He stated he expects staff to do their jobs and come to work. He said all discipline is approved through his chain of command but he usually is the person who recommends it.

During the interview Captain Schwartzkopf took ownership of decisions, discipline and the general operations of the yard. He was able to thoroughly answer all questions asked of him. When asked for documentation to back up his statements he was able to immediately provide the documentation. He appeared to be genuinely interested in feedback and ways to help to improve the unit.

The only other issue with Captain Schwartzkopf that was brought to the attention of the assessment team was line staff also believe that there is a conflict of interest in having the unit Chief of Security, Captain Schwartzkopf, married to the Human Resources (HR) supervisor, who is also the EEO Liaison. Line staff state they are uncomfortable bringing issues to HR, and feel their claims/complaints are not addressed.

Captain Schwartzkopf has a firm grasp on the functions of the unit Chief of Security at Cerbat. He promoted to Captain in January 2015 and is believed to have a solid understanding of the unit operations. Captain Schwartzkopf conducts himself in a manner which is similar to that of an ADC Chief of Security.

### **Warden Pamala Rider**

Warden Pamala Rider has been assigned as Warden at Hualapai for approximately 4 ½ years. She said she spent the prior 16 years employed by ADC with her last assignment as Deputy Warden at ASPC-Yuma, Dakota Unit. She said she was employed by Oregon Department of Corrections for 6 years prior to coming to Arizona.

Warden Rider was asked to describe her response to the riots at Cerbat and Hualapai Units; what she knew, when she knew, and what she did about it.

**Cerbat Unit Riot – July 1, 2015:** Warden Rider said that she was contacted by Captain Winckler regarding the incident. She described the incident in a manner consistent with other staff's accounts of the details.

She said that she called CA Shaw and he asked for the ADW and for Rider to respond to the unit. She said that when she arrived, Shaw was incident command and Warden Sullivan and the Captain were out on the yard. She said that the conference room served as a command post. She said that she set up incident command with tactical priorities and then worked on staff accountability. She said that ADW Fredrick went to Main Control to assist with accounting for staff. She said that there were some staff [REDACTED], some people thought there were still volunteers in the unit. Warden Rider said the commissary supervisor was still in the store with inmate workers.

Warden Rider said that she talked with staff, organized paperwork and tracked injuries. She said that she was relieved at 0230 hours and the ADW stayed to cover incident command until 0600 hours. She said that DWOP Santiago arrived and WebEOC was stood up (to a certain point). She said it was basically to keep the unit log form #214 going. Rider said that the Hualapai secretary took over WebEOC logging.

Warden Rider observed 4-5 ambulances in the parking lot when she arrived. She saw the DPS helicopter flying overhead. She said it took approximately 2 ½ hours to get all inmates locked down.

Warden Rider said that before they all left, she, the ADW and Captain discussed operations for Hualapai Unit for the following day to ensure that there would be no bleed-over of this incident there. She said that the Captain was assigned to work at the Hualapai Unit and it was to be locked down then opened on July 2, 2015 if all was calm and running normal.

Warden Rider was asked if she was familiar with DART deployments. She said that she occasionally will observe DART drills. She said that they have beefed up their DART operations. She said the Captain has them conduct 1 dress out and 1 table top exercise each month. *Note: Warden Rider later clarified that the drills are done weekly in both formats.* Warden Rider was asked if she was familiar with how DART is to be deployed. It was explained that there was concern with an unwritten policy at MTC where a DART team [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED] Rider added that in her tenure at ADC,

**Note:**

[REDACTED] Given the fact that no MTC supervisory staff

*attended the mandatory DART for Supervisors course, they cannot have a good understanding of the purpose of DART. ADC DART for Supervisors Train the Trainer Course was offered on July, 3, 2014. Captain Winckler and Sergeant Ciofalo attended that course.*

**Hualapai Riot 1 – July 2, 2015:** Warden Rider was advised by her husband at about 2030 hours about the disturbance at Hualapai. She said it took her about 45 minutes to arrive at the unit. She said she entered the parking lot and saw a DART [REDACTED].

Warden Rider said that Winslow and MTC TSU were both on-site. She said that the Main Control Officer was ‘freaking out’ and saying, “We need to get guns in here Warden, they’re trying to break out doors and all windows are broken.” She said she told the control room officers to take a deep breath that a lot depends on them. She then instructed them to call Mohave County Sheriff to respond to help secure the perimeter.

Warden Rider said when she entered the yard she saw CA Shaw, Captain Winckler, ADW Poland and ADC Lead Monitor Deputy Warden Freeland. She was told staff in Dorm 4 had to evacuate. She said the incident began in Dorm 4 and inmates had overrun the horseshoe and control room. She said that all buildings had broken out windows.

Warden Rider said she observed Winslow TSU in front of Dorm 3 and they were removing inmates from that building. She said MTC TSU was on the north yard and Lt. [REDACTED] Dorm 4. She said there was lots of controlled activity. She described inmates trying but unable to breach the door of Dorm 4. She said she heard staff screaming on the radio that inmates were breaking windows. She said that an officer [REDACTED] and broke his arm doing so. She said she could not remember if Dorm 1 was evacuated before her arrival.

Warden Rider said she spoke to two high profile inmates from Dorms 2 and 3 and one from Dorm 5. They said they were in front of Dorms 4 and 5. She said that she approved this and they tried to talk to the inmates in the housing units with no success. She said Dorm 1 began to destroy property and break out of the rear door of the building. The high profile inmates were put away and TSU went to Dorm 1. She said the Captain sent 3 staff behind Dorm 1 with shotguns. She said that CO Rain went into the tower with a 37mm gas gun and fired a long range CS projective and two short range projectiles. She said the long range projectile landed on top of the inmates that had breached the rear door of the building.

Warden Rider said there were no staff in Dorms 1 and 4 and the inmates were in control of those two housing units. She said inmates began breaking building cameras and main control would give updates.

Warden Rider said that Dorm 1 was the primary problem but she wasn’t worried about the perimeter because MCSO set up their mobile command and had six officers staged on the perimeter. She said that her primary strategy was to keep the buildings contained.

Warden Rider went to the command center with the two TSU commanders and she assumed command. She consulted with the commanders to determine which buildings to take back. She said that MTC TSU commander said that he needed to water and rest his team. She said that they had also been gassed. She said they rested about 30 minutes then Dorm 1 was assaulted. **Note: The time lapse from the MTC rest period to time of building assault was closer to two hours, not 30 minutes.** Rider said that there were 2 pods of inmates being held in the east chow hall and were supervised by Winslow TSU.

Warden Rider said Captain Winckler was moving the DART around to hot spots behind buildings. Winslow and MTC TSU were extracting inmates from Dorm1. She said she updated the SIR and was on the phone with CBOD Diaz. She said that CA Shaw took a lot of calls. ASPC-Lewis, Major [REDACTED] was mobilized from Lewis Complex.

Warden Rider said she assumed command at about 0030 hours and began to organize things. She said Captain Winckler had assumed command when he arrived and TSU was working with him. Warden Rider was asked if she established any Rules of Engagement (ROE) with the TSU. She said she did not get into any depth regarding that. She said the strategy was to clear Dorm 2 and get them on the ground. Lewis Complex TSU arrived at approximately 0400 hours and was deployed. Dorms 5, 3 and 2 had settled down and were no longer breaking windows.

Warden Rider said she did not recall giving an order to Winslow TSU to stand down. She said the Winslow TSU Commander told her his team could take Dorm 1. She said she may have told the commander, "let's take a breath and let's figure this out." She said she asked them to wait until MTC TSU could assist. Warden Rider was asked if allowing Winslow to assault the housing unit earlier would have slowed things down. She said it may not have slowed things-staff were already evacuated, inmates were in control. Perhaps it could have possibly saved a computer. She said her thought process was that Winslow was already occupied. What if they needed help? She felt two teams were better than one. She said inmates had already breached the horseshoe and rear door. She said she is not "tactically inclined." When Warden Rider was asked why she did not take the counsel of the Winslow TSU commander, she shrugged her shoulders and did not offer an answer.

Warden Rider was asked if the [REDACTED] at the onset of the incident. Warden Rider said the phones had been shut off remotely but [REDACTED]. When asked why, as this is a basic function during these types of incidents, she said no one thought [REDACTED].

Warden Rider was asked if staff evacuation drills through the escape hatches are done. She said not a consistent monthly drill. We discussed that staff would be able to wait longer and provide better observations of inmate behavior if they were able to rely on the escape hatches versus going out the front door. **Note: Warden Rider did follow up and verify that there are no written instructions for [REDACTED] and has not been drilled with staff.**

Warden Rider shared the overall strategy of stabilizing, isolating and containing the incident, and securing the perimeter. She felt that by containment in the housing unit, they would be better off. She said she did not want resources divided and they needed to start retaking the housing units. Rider said there was communication with the TSU, command staff and MCSO and with CBOD Diaz. She said she focused on staff due to so many young staff. She said inmates were not as much of a concern because they weren't going after each other. She said a major priority was to reassure staff and provide leadership – someone has to know what they're doing. She said that CA Shaw is new to the Arizona system and she had been force feeding him information. She said he has lots of experience but she needed to guide him regarding Arizona operations.

Warden Rider said she talked with CA Shaw about opening a command post at complex. She said he felt that with two incidents, they didn't have the staff to man the complex command post. She said they finally opened the command post at complex on Monday, July 6, 2015. *Note: The management of the overall incident in accordance with ICS and NIMS protocols was insufficient. ADC Emergency Preparedness Augeri has trained MTC staff in ICS and NIMS and has run them through large scale exercises to prepare them for management of all hazards events. Failure to observe ICS protocols by operating two separate command posts further diminished the availability of resources instead of creating more available resources by managing the incidents through one command post. Warden Rider did share that she had completed NIMS training and had completed ICS course through advanced level. She said the Captain and ADW had both completed ICS through the advanced level.*

Warden Rider was asked if she was aware of the amount of destruction the inmates had done in the housing units. She said that she was not aware because there was no staff in Dorms 1, 2 and 4. She said she thought less about destruction than putting staff into a situation where a 20 minute break would help. She said buildings can be fixed. She doesn't make decisions based on emotions, but bases her decisions on what is reasonable at that time.

**Hualapai Riot 2 – July 4, 2015:** Warden Rider said she went to the unit on Saturday, July 4, 2015 around 0800 hours. She said CA Shaw was in command, CBOD Diaz was on-site and the TSU commander was present. She said that Mr. Odie Washington and Mr. Jeff Henry were also on-site. She said that inmates from Dorms 1 and 4 had been relocated. She said Dorms 2, 3, and 5 were still occupied. She said Major [REDACTED] reported inmates were complaining that the lunches were not what they were expecting. She said that she wanted to go talk to inmates in all buildings. She started with Dorm 2 because they were the worst. She said it was reported that inmates were covering their faces. She said TSU was with her in A-pod of Dorm 2. She wanted to pull out 3 inmates to talk to them- a Caucasian, a African-American and a Hispanic. She said initially they were reasonable, and then they got angry and complained about the lunch meat. *Note: Issue was addressed by Major [REDACTED] No merit to the complaint. See memo from Trinity Services staff. (Trinity Memo, Exhibit 2)* Warden Rider said the building was very tense. She said inmates were telling her they can't stop things. She said she left the building just as it went off. She said she went to Dorm 3.

Warden Rider said 3 had the calmer, older inmates. She had no one with her. She said inmates in F-pod would not talk to her, a number had faces covered. She said she heard an inmate named [REDACTED] say, "Gonna take this fucker down, gonna burn it down." She said inmates could hear TSU in building 2 and it inflamed them. She said F-pod inmates were breaking glass to get into the horseshoe. She said she held her hand up and they stopped for a moment. She said she motioned for staff in the housing unit to get out. She said she got on the radio and said, "Staff in 3 get out of 3." She said they came running out. She said that the housing units were being handled. Dorm 3 took longer because TSU was busy with 2.

Major [REDACTED] shared that had he known Rider was in Dorm 3, he could have sent a squad of TSU with her. She told him she didn't feel like she was in danger, she felt like she could get out. Once glass was breaking, her staff was her main concern. Warden Rider was asked if possibly by notifying TSU about the issues in Dorm 3 it could have prevented inmates from gaining access to the control room. She said it all happened so quickly and there was lots of radio traffic. She really didn't know what damage occurred the previous night and what damage occurred on Saturday.

Warden Rider said that TSU did exactly what they train to do and she was impressed by them. She said as interim Administrator, she did not know their TSU Lt. She said morale was low, they were losing members because the Lt. did something "unethical." She said Lt. [REDACTED] met with her and she asked him to take on the TSU and he agreed to. Lt. [REDACTED] has been assigned as the MTC TSU Commander since May 4, 2015, with prior experience in 2010 and 2011.

Warden Rider was asked to discuss her management of the Hualapai Unit with me. She was asked if she held monthly Warden/CO meetings. She said she schedules them every month. She said she had lots of staff come initially, but within the last 6 months to a year, only 1 or 2 or no one shows up. She said she has an open door policy and many staff uses that to address issues. Warden Rider said that she sends invitations to attend and still no one comes. She speculated that maybe they have nothing to share. She said no one has told her it's a waste of time. She said the biggest complaint is the lack of better pay. She said she is good about getting responses from staff. She disagrees with staff who says it's a waste of time to attend her meetings. She said many staff members don't like their supervisors and many don't like Captain Winckler. She said she has addressed him about this. ***Note: There appears to be a significant communication gap between the Hualapai Warden and line staff. The lack of attendance at regularly scheduled meetings is of great concern. The Warden does not appear to be in touch with the issues affecting her staff. Their complaints to the assessor team are many and span the spectrum of staff.***

Warden Rider said that information flow is difficult and it is hard to get information out. She said they do phone briefings and she publishes a briefing memo. ***Note: staff shared that the phone briefings are very brief and offer no details on unit operations. Staff also shared that they***

*cannot get relieved to go review the briefing sheets. (Sample Briefing Sheets Hualapai, Exhibit 14)*

Warden Rider said she truly cares about her staff. She said she always takes time for them to address their concerns. She will stop whatever she is doing and give them her attention. She said she wants them to be professional and properly trained. She said she does not personally track training completion. She said the training department schedules training. She said staffing is an issue and some don't show up. She said that training has always been a concern at MTC. She said that as interim CA, she went and observed some classes. She said that she needs to commit to teaching. She said she would like to teach Crisis Intervention. She admitted that teaching by administrators is minimal. Warden Rider did state that she started an FTO program at Hualapai about 2 to 3 years ago. She said she used the ADC lesson plan. She said it hasn't been followed up with this year however because she lost lots of FTOs. She could not answer why she did not try to find out why she was losing FTOs. ***Note: Warden Rider did not set a professional example for proper training as she did not complete her required in-service training for the year, and did not ensure her subordinates completed their training.***

Warden Rider was asked how overtime is managed. She said that each unit schedules their own overtime. She said officers will work overtime at the other unit. She said CO Gary works 16 hour shifts 5 days a week. She said the norm is 12 hours at most. She said there is not a formal tracking process to see how much someone has worked. There is no limit on the amount of overtime an officer can work. She did admit that overtime affects staff negatively. She said there are fewer complaints from staff at Hualapai about overtime. She said there is not the morale problem at Hualapai as there is at Cerbat. She said she thanks staff frequently and works with staff to not overwork them. She said the Captain probably has a tracking process but she could not be sure. Warden Rider couldn't specifically tell how much overtime is being required or worked. ***Note: Given the number of Hualapai staff complaining to assessors about the overtime being required, Warden Rider does not appear to be in touch with what staff are feeling or experiencing. Her lack of engagement in knowing the processes and if anything is being tracked validates what staff are saying about how disengaged she is in management of the unit.***

Warden Rider was asked if there was uniformity/consistency between units. She said she was used to a complex structure- more uniformity. She said what happens at Hualapai doesn't necessarily happen at Cerbat. She said she feels the need to work towards more uniformity because it's better for staff. She said there is no formal structure to sit down and talk about similar operations and there is no mandate for units to do the same things. She did state that CA Shaw is having them all prepare their 703 reports in a consistent fashion. She concluded by saying, "It's like 2 different prisons. That was Al Murphy's philosophy."

Staff has reported several issues to the assessment team in reference to Warden Rider.

Several Hualapai staff reported that the officers had stopped attending the monthly Warden/CO meetings at Hualapai due to the lack of response by Warden Rider. The Warden/CO meeting minutes for 2015 were reviewed and this was confirmed: (*Warden Rider/CO Meeting Minutes, Exhibit 15*)

January 30, 2015-meeting canceled Warden out of town

February 27, 2015- No staff attended

March 27, 2015- minutes provided but contained no list of attendees, no meeting time, no responses to the list of 5 comments/questions.

April 24, 2015- No staff attended

May 29, 2015- No staff attended

June 26, 2015- meeting cancelled due to block training

Staff did report that Warden Rider has an open door policy and that she is approachable, but said that they do not get any response to the issues they raise.

Regarding Warden Rider, the majority opinion of staff is that she does not tour enough and does not interact with staff often. The minutes of her Warden/CO meetings confirm that officers have stopped coming to the meetings and that the meetings are not productive. One officer said that “Ms. Rider is just not the type of Warden to walk the yard.” Another officer reported that officers were called ‘runners’ by Rider for abandoning their posts during the disturbance. Many staff also believes that she listens to the inmates more than to the officers. A common theme was “Administration does not have our backs.” Multiple staff reported that the Hualapai Administration does not care about them. They reported that Warden Rider does not tour much and that when they see her it is most often due to an audit or because ADC or someone else is on site to tour.

Many staff at Hualapai cited a decision to turn the overhead lights off in the housing units during the daytime hours as a decision that shows a lack of support from their Administration. They report that they advised Warden Rider that ADC policy requires the lights to be on and that they advised her that they feel this is a staff safety issue. These staff report that they were told that it is too hot in the dorms so the lights are to remain off. They also advised that this decision was supported by ADC.

Staff reported a failure to fix a window in housing unit 3 as verification that Hualapai administration does not address staff needs. The window has been broken since March 2015. A review of security device inspection (SDI) reports verified there are two windows in HU3 (Dorm 3 Floor Officer window shattered and Dorm 3 A-pod window shattered) that have been on the SDI report since 03/15/15 and 03/21/15. Staff reports that they have been told the window is on order but that maintenance staff has advised them the window is not ordered due to the cost (\$3200). (*Security Device Reports, Exhibit 16*)

Many staff reported that it used to be different here, there used to be a family atmosphere and staff used to be valued and appreciated. There is a small group of officers who have worked at MTC since prior to the 2010 escape. These staff in particular remembers the ‘good ole days’ when officers were treated well, the inmates were not empowered by Administration and the complex was a ‘family.’

It was reported by multiple staff members that Warden Rider is known for making the statement- “The door swings both ways, if you don’t like it here, you can leave.” They mentioned supervisors who say that Burger King and McDonald’s are hiring if a staff member complains.

Warden Rider is detached from her staff and does not meet with line staff on a consistent basis. She does not monitor staff training and set a poor example by not completing her annual training.

Warden Rider does not follow the ADC model of a unit Deputy Warden. ADC Deputy Wardens are expected to conduct monthly meetings, complete unit tours regularly, and maintain affective lines of communication with staff and inmates. ADC unit Deputy Wardens are expected to address security issues in a timely manner and set the example. Warden Rider spoke of the need for consistency, but did not take action to implement consistency between the units.

### **ADW Shahna Fredrick**

ADW Fredrick has served 14 years with MTC. She was a correctional officer in Ohio. She said she promoted to Sgt in MTC. She continued to promote at MTC through the ranks of Lt, Unit Manager, CPS and currently as ADW. She said she supervises the Work Incentive Pay Plan Officer (WIPP) and a Correctional Program Supervisor (CPS).

ADW Fredrick was asked to describe her response to the riots at Cerbat and Hualapai Units; she was asked to describe what she knew, when she knew and what she did about it.

**Cerbat Unit Riot – July 1, 2015:** ADW Fredrick said that she received a call from Warden Rider advising her of groupings at Cerbat and that CA Shaw wanted Hualapai administrators to respond. She said she arrived at the unit at approximately 1930 hours. She said that she set up the WebEOC and maintained the form 214 Unit Log. She said she was present when CBOD Diaz and DBA Credio arrived. She received a briefing and was assigned to remain as incident command overnight. DWOP Santiago was assigned as Operations Section Chief.

ADW Fredrick was asked if a command post had been established. She said that the conference room was designated for that. She could not recall if the command and general staff was established. She did know that Captain Winckler was in command and he was relieved by CA Shaw. She said they were not able to obtain a WebEOC incident control number for the incident.

ADW Fredrick said that Warden Sullivan and Captain Schwartzkopf were on the yard attempting to talk to inmates. She said ADC Lead Monitor Barnes and staff were doing the same. She said she saw staff being loaded into ambulances when she arrived.

ADW Fredrick said she was not briefed on any rules of engagement (ROE), tactics nor was she briefed of any strategy. She basically monitored the radio and logged what she was hearing. Her initial role was basically that of a recorder.

The summary of her involvement at Cerbat was that of care taker. She said inmates went into their dorms, staff conducted a damage assessment and the warden and captain walked and talked with inmates. She said there were no other issues at Cerbat.

**Hualapai Unit Riot 1 – July 2, 2015:** ADW Fredrick said she was called by Captain Winckler in the evening. She said Dorm 4 had ‘gone off’ and she needed to respond. She got dressed and responded.

She said she went into the north yard and saw Captain Winckler with ADC Lead Monitor DW Freeland. MTC TSU was staged in front of Dorm 4. She was briefed by Captain Winckler and heard windows breaking and inmates yelling. She said she saw officers from Dorm 4 and they told her what had happened. She said she sat on a bench under an awning. She said she didn’t interfere and didn’t want to ask too many questions. When asked why, she couldn’t tell the assessor why.

ADW Fredrick said Warden Rider arrived, but she was not sure who else. Captain Winckler was in command. Warden Rider went to the conference room to establish a command post. The command post was not established until Warden Rider did it.

ADW Fredrick was asked if she had received ICS/NIMS training. She said she had completed the ICS courses through the advanced stage. She said that she was not assigned a role, and that after 20 minutes on site, she was called to the command post. She said she remained on the yard until then watching TSU and trying to find out what was going on. She had no role in the initial response.

ADW Fredrick said inmates had breached into the horseshoe and office areas of Dorm 4. They were breaking windows in the offices. She said TSU was yelling commands for the inmates to get out of the offices. She said she was not sure if any munitions had been deployed.

ADW Fredrick said that inmates in the housing unit yelled that there was an inmate with a medical emergency. They were told to back away from the door and TSU would get him. ADW Fredrick said she called for medical and staged them. TSU went to the door and extracted the inmate. She said the door was then closed. TSU did not make entry into the building when the door was opened. She said inmates complied with orders and TSU didn’t use any force. She didn’t know which area had electronic control of the doors. ADW Fredrick was asked if TSU

could have breached the building, and used force to take control over the inmates. She said it could have been possible but she didn't know what TSU concerns were.

ADW Fredrick said she was not given specific duties. She said she didn't have specific duties- she mostly gathered paperwork and was back and forth between administration and the yard. She was not given an official title for anything.

ADW Fredrick was not aware of any ROE being given to TSU. She said she was present when MTC TSU deployed gas into Dorm 1. She said inmates in Dorms 1 and 4 were most aggressive. She said she heard radio traffic that inmates were trying to breach the rear door of Dorm 1 B-pod. She was in main control and the armorer was loading shotguns to issue to TSU. She said she heard another radio call that inmates had breached the rear door of Dorm 1 and were in the perimeter. She said that cameras were broken so she couldn't see this.

ADW Fredrick said Warden Rider assumed command and Winckler was Operations. ADW Fredrick said she was assigned as logistics at some point in time. She said she was not involved in any decision making activities. She said she basically was responsible for "stuff and staff." She said she was not involved in the tactical end of the operation.

ADW Fredrick was not aware of any instructions from Director Ryan to Warden Rider or CA Shaw to retake the buildings. She said at some point the following day, she was re-assigned to develop a plan to move inmates to other prisons. She said she developed the movement list for inmate transfers to Otero County, Pinal County and Red Rock.

**Hualapai Riot 2 – July 4, 2015:** ADW Fredrick said she was off site in Bullhead City when Captain Winckler called her at approximately 1500 hours to advise that other buildings were rioting. She said she returned home and responded to the unit. She said she had no involvement in the response part of the disturbance because she was focused on working on inmate movement to other facilities. She said it was all indoor work.

ADW Fredrick said that her relationship with Warden Rider is, "Outstanding!" She said the unit is very team focused.

She said the Captain reports directly to the Warden. She has involvement in security to a degree but doesn't make security decisions. She said only if there is an immediate need will she make a correction. She said she has a good working relationship with the Captain, but they function more as peers.

ADW Fredrick said she tours the unit 2-3 times per week. She says she is typically swamped with issues and questions from inmates. She said that is because she was CPS for 4 years and inmates know she is very involved. ADW Fredrick was asked maybe this was a symptom of the case managers not being more engaged with their case loads. She answered, "Perhaps." She said she does go to the case manager's offices to make sure open office hours are being done. When

she is in the pods, she has the case manager go with her. She said inmates complain to her that they don't see their case manager. She said they are short staffed so she will do 'open office' hours herself and have the CPS do them as well. She sets the schedules so all dorms are covered. She said that overtime is not mandated for the case managers.

ADW Fredrick said she reviews the security schedules on a daily basis and comments on attendance. She said she has no influence on the security schedule and doesn't feel she could have an impact on the attendance. She said when she talks to staff who are quitting, she asks them what can be done to retain them. They all answer that more money is needed.

ADW Fredrick was asked if she received any complaints about training or supervision. She said she used to get complaints about supervisors but the bad supervisors are now gone. She said that there are no complaints on training. ADW Fredrick said she completed all her mandated training and her subordinates did also.

ADW Fredrick regularly rated the areas she inspected as excellent in her DO #703 Monthly Facility Inspections. She was asked if there was such a thing as a perfect prison. She said that there wasn't. She said she begins with an excellent finding and moves backward as she inspects. She said people work hard and they should be acknowledged for that. She added that staff does a fantastic job and good things get overshadowed by not so good staff. She said she tries to weed out the bad ones and fix the ones that are salvageable.

ADW Fredrick was asked how her relationship was with the monitoring team. She said the monitor team doesn't fully understand what happens in a private prison, how the privates operate. She said they differ from a state facility. She gave a general example of Ramadan observances. She said that Pastoral Services Administrator's instructions are followed but inmates say that the state operated prisons observe them differently. She said it makes MTC look like the bad guy. When asked if maybe the inmates are trying to manipulate the issue to their advantage by trying to create a division between the state and privates, she said she hadn't considered that.

ADW Fredrick said she tries to have a great relationship with the monitor team and she works well with DW Barnes. She said the difficulty is with CO III Shaulin. She said Shaulin wouldn't provide classification criteria for her staff when the criteria changed. She said she needed to contact CBOD Diaz to get the information and it was then immediately provided.

ADW Fredrick was asked what she thought the staff assault and refusals to lock down incidents were attributed to. She said it was partially due to inmates not wanting to be at MTC because of a lack of family access and the yard is too political. She added that young staff are trying to manage young inmates. Both ends of people don't know how to talk to each other. She said that the purpose is to de-escalate problems. She said she continually counsels staff and inmates on communications. She said that staff tend to take a lot of things personal and are not sure how to walk away from a problem. ADW Fredrick said that she brings problems to the attention of the

Captain as he needs to know these things. She said that officers who struggle with inter-personal communications are sent to refresher training. She said she has sent case managers to this.

ADW Fredrick was asked if there is required training for supervisors. She said that there are courses through MTC Corporate Office. They are called Supervisor Development I and II. She said the courses are scheduled through the Human Resources Department. She added that there is also a Management Development Program for managers who aspire to be wardens. She said there is an Executive Development Program for those who aspire to corporate level positions. Fredrick said that she is enrolled in the Management Development Program.

Finally, ADW Fredrick was asked if she observed unit to unit operations and if they operated in a uniform and consistent fashion. She said that they actually operate two different facilities. She said the wardens talk to each other but they operate differently by design. She said this is also due to different management styles. She said it has been brought up before for units to operate consistently, but it never went anywhere.

A staff member provided a copy of a social media posting by Associate Deputy Warden Shahna Fredrick. It was titled: feeling annoyed. She wrote, "Shame on the people that talk shit about their jobs on Facebook but be at that muthafucka every day otherwise they know those bills don't get paid. May your genitals rot and fall off in the middle of an intimate act. I will be deleting you ...now." (*Facebook Post-ADW Fredrick, Exhibit 17*)

Staff report that her post represents the disconnect between the officers and the administration and shows the level of separation between them. The consensus opinion was that ADW Fredrick tours more than Warden Rider, and talks to staff and inmates.

### **Captain James Winckler**

Captain Winckler has been Chief of Security at the Hualapai Unit for approximately 4 ½ years. He reported having worked for ADC as a Correctional Officer in Yuma for 4 years prior to his employment with MTC.

Captain Winckler was asked to describe his response to the disturbances at Cerbat and Hualapai Units. He was asked to describe what he knew, when he knew, and what he did about it.

**Cerbat Riot – July 1, 2015:** Captain Winckler described the incident consistent with other reports of the groupings, staff assaults, and property damage by inmates. He said that the Hualapai Lt. called him and told him he was locking down the unit because he had to send a DART to Cerbat. Winckler said he called Warden Rider and Warden Sullivan to advise them of this. He said that Warden Sullivan called him back and told him to send DART and TSU to Cerbat. Captain Winckler said he then responded to the unit. When he went to the yard, he saw Warden Sullivan and Captain Schwartzkopf on the yard talking to inmates. Winckler said he saw

a DART [REDACTED]. He saw a group of inmates advancing toward them using tables as shields. He said he saw inmates breaking things and saw a white puff of smoke that turned out to be a fire extinguisher that an inmate discharged.

Captain Winckler said that Sgt Dennis was Hualapai DART leader and asked command to allow him to fire a sting ball. CA Shaw gave permission and a sting ball grenade was deployed.

Captain Winckler said that Cerbat DART was [REDACTED]. He [REDACTED] Winckler said he was not aware that Cerbat DART [REDACTED].

Captain Winckler was asked what his assigned role was during the riot. He said he didn't have one. Approximately 2 hours after being there, he approached CA Shaw and Warden Sullivan and advised of the need to relieve the current incident commander. He said that CA Shaw took command. Captain Winckler said at that point, he still did not have an assigned role. He said there was staff still unaccounted for. He and ADC Captain Dominguez went to the commissary and evacuated the commissary worker. He also let command know that there was staff in the kitchen. Captain Winckler and Captain Dominguez went to the kitchen and evacuated that employee. Captain Winckler said he was detailed as liaison officer with Mohave County Sheriff's Office for the rest of the night and had no more involvement in the incident response.

**Hualapai Riot 1 – July 2, 2015:** Captain Winckler said he was at Hualapai all day. He slow fed the unit in the morning and ran lunch as normal. He said he briefed Warden Rider that all inmate interactions seemed normal when he turned out recreation. When count cleared in the afternoon, he went home.

Captain Winckler said he was called at 2020 hours and was advised that DART had been deployed in Hualapai. He said the lieutenant told him inmates were tearing up Dorm 4. He said he called CA Shaw, Warden Rider and the ADW. He responded to the unit and took command. He said MTC and Winslow TSU were on-site.

Captain Winckler said that he observed Dorm 4 involved and there was window breakage in 5 and 3. He said inmates were trying to talk to inmates in Dorm 4. He said his initial strategy was to get inmates to talk to him. He said there was no cooperation from the inmates. He said around 2115 hours inmates broke into the case manager's office. He said that TSU approached the window, broke it with a side handle baton and threw a mighty mite grenade in. He said that stopped further destruction in that office.

Captain Winckler said that TSU attempted to [REDACTED]. He said that proved unsuccessful because inmates had [REDACTED].

Captain Winckler said that he heard that Dorm 3 was more involved and were breaking windows. He said the Winslow TSU went to Dorm 3 to deal with that. He said he saw the Winslow team removing inmates from Dorm 3 B and E-pods. He said it surprised him because he thought they would go calm things with their presence and a show of force. Winckler said he didn't want to deal with problems in two separate dormitories, and then he saw inmates being escorted out of Dorm 3 and being secured on the basketball court. Captain Winckler was still in the role of incident commander at the time.

Captain Winckler said there was an inmate in Dorm 4 with a medical issue. He said a plan was formulated with TSU to extract the inmate. He said inmates cooperated with TSU to get the inmate out. Winckler said inmates had barricaded with filing cabinets and bathroom dividers. He said he didn't feel it was safe to send a tactical team in to assault the building. He said it would have been like a log jam. He compared 20 tactical officers against 354 inmates. He said that with enough time and munitions they could possibly have gotten them out. He said he personally didn't feel comfortable doing that.

Captain Winckler said he didn't know what munitions and equipment MTC TSU had with them. He said he later learned that they had a 37 mm gas gun, a pepper ball launcher, and a mighty mite grenade.

Captain Winckler was asked what administrators were on-site by this time. He said that CA Shaw, Warden Rider and ADW Fredrick were there. He said that ADW Poland was there along with ADC Lead Monitor DW Freeland.

Captain Winckler was asked if rules of engagement (ROE) were established for TSU. He said they had not been. He said DART [REDACTED] because inmates were beating on the back doors and DART [REDACTED].

Captain Winckler said he didn't set up a command post. He said that Warden Rider took command and set up a command post.

Captain Winckler said that Winslow TSU was removing inmates from Dorm 3 and tactical forces were divided. He said inmates in Dorm 4 were stuck there for the time being. He said the strategy was to stabilize, isolate and contain to buy time to formulate a plan. He said Warden Rider authorized for some influential inmates to come out and try to calm things down. Destructive behavior in Dorm 4 had ceased. He said then Dorm 1 began destroying property. The influential inmates were then returned to their housing units.

Captain Winckler said that he deployed staff behind Dorm 1 once the horseshoe was breached. He said the officers [REDACTED]. He said the officer in zone 9 radioed that inmates were beating the back doors of Dorm 1. There was a weapons team in the area when inmates got out the back door. He said CO Rain was in the tower and fired a long range 37mm

CS projectile and it landed on top of the inmates. He said inmates stopped trying to breach the back doors. He said he staged a TSU weapons team there.

Captain Winckler said that he, the TSU commanders, CA Shaw and Warden Rider met to develop a plan. They were figuring out when other TSU teams were due to arrive. They questioned if they could re-take Dorm 1. Dorm 4 had laid down. Captain Winckler said that Winslow TSU wanted to begin an assault of Dorm 1 but MTC needed rest. He said he was willing to defer to the two TSU commanders. He said he did not tell the Winslow commander to stand down. He repeated that the MTC team needed to rest first because they had been on-site for several hours. Captain Winckler was asked how long they rested. He said it was for approximately 45 minutes. He said he told TSU, "Get my building back." *Note: Approximately 2 hours elapsed from the time the MTC TSU was rested to the assault on Dorm 1.*

Captain Winckler said that [REDACTED] of Dorm 1 was made through B-pod. He said the pod was secured and they moved systematically pod to pod and got the building secured. He said that inmates were secured in place. All were eventually brought out and placed on the basketball court. Captain Winckler said that Mohave County Sheriff said that inmates were calling 911 from staff phones. Inmate phones had been turned off. Eventually inmates in Dorm 4 put a note out and said they were done fighting.

Captain Winckler said that Lewis Complex TSU and Major [REDACTED] arrived and briefed with MTC and Winslow TSU. They relieved MTC right away. Assault of Dorm 1 was completed. He said that Dorm 4 inmates were extracted next. He said Winslow stayed on site for approximately 4 more hours before being relieved. He said the dorms were secured by 0600 hours. Approximately 700 inmates were relocated into the WBE room, chapel and chow halls.

Captain Winckler was asked if both TSU had been deployed into Dorm 1 quicker, would it have prevented further damage. He said that was possible but it also might have inflamed the other housing units.

Captain Winckler said he went home on Friday night after working with ADW Fredrick on a movement plan for inmates to be transferred to other facilities.

**Hualapai Riot 2 – July 4, 2015:** Captain Winckler said he was at the unit at 0630 hours on Saturday with CA Shaw. He said Shaw was incident commander and he was operations. He said only the incident commander and operations positions were filled.

A plan was formulated to move inmates to other facilities. He said buses were coming in and inmates were being strip searched.

Captain Winckler said that Warden Rider was on the yard. A report was received that there was unrest in Dorms 2, 3 and 5. TSU was called to Dorm 2 and officers evacuated. He said that

Warden Rider tried to talk to the inmates unsuccessfully, and then went to Dorm 3 to no avail. He said Dorm 3 began rioting. Nobody went to Dorm 5.

Captain Winckler was in the command post. He said that Major [REDACTED] called and needed more munitions. He said he delivered munitions to the Major. He said inmates were trying to breach the back doors. He said he deployed DART [REDACTED] [REDACTED]. He said TSU assaulted Dorm 2 and extracted inmates. Radio traffic was heard that inmates in Dorm 2 B-pod wanted to fight and refused to come out. He said eventually they waved a white flag out the window and gave up. He said inmates from Dorm 5 were extracted by TSU. They continued loading buses and the incident was finally controlled.

Captain Winckler was asked if there was a command level problem regarding Dorm 5. He said that radio traffic was all jammed up and the Major was calling Operations and then CBOD Diaz for a tactical decision. He said the Major did not contact the incident commander to advise that he wanted to stage a shotgun with birdshot in the event he needed to fire a warning shot. He said that made it difficult to control the incident. Winckler said he had no idea he was doing that. He said good decisions were made but it compromised command. He added that there were too many chiefs in the yard. He said he himself had no business being out in front of the buildings.

Captain Winckler was asked if there were procedures in place for officers to [REDACTED]. He said there were not. He said he has briefed shift commanders of the need to run drills on this. He said very few drills have been done. He added that the post orders would be quickly updated.

Captain Winckler was asked if he was familiar with DART procedures. He said he is the Senior Firearms Instructor for MTC and he attended the DART for Supervisors train the trainer class. Captain Winckler was asked why not one supervisor at MTC had received the training thus far. He said he only received the curriculum a month prior. He said he does require DART drills for his unit (that include dressing out) weekly. They simulate using the munitions. He said that DART is [REDACTED]. He said that there is a need to protect the team and [REDACTED]. He said current DART [REDACTED] for Cerbat because [REDACTED].

Captain Winckler was asked to discuss his role as Chief of Security and management of the unit. He said he is a direct report to Warden Rider. He said he reviews all information reports, shift packets to ensure he can answer/anticipate the Warden's questions. He said that he cares about his unit. He said, "This is my house."

Captain Winckler was asked if he saw a disconnect between leadership and line staff. He said he didn't see it. He said staff has not expressed that to him. He said he goes to see staff for lunch each day and tours and walks the housing units. He said staff comes to his office to talk or gripe. He said he was surprised to learn that staff felt disconnected from their administration.

Captain Winckler was asked how he tracks attendance. He said that was the shift commander's responsibility. He does monitor the rosters though. He was asked if he recognized a higher rate of call-ins for Hualapai and he said no and he didn't understand why.

Captain Winckler was asked how he controls the overtime that the officers work. He said there is a system where officers accrue a number for each regular day worked. The number is reduced to zero when they work overtime. He said this is called, 'popping the bubble.' He said schedules are prepared two weeks in advance and officers can sign up based on seniority for overtime to reduce their number. He said the shift commander fills gaps in the schedule with volunteers and then people are mandated to work when no volunteers are to be had. He was asked if people who have their number at zero are mandated. He said yes because posts have to be covered and if someone refuses to work, the next person on the list must work. He said graveyard shift is most frequently impacted.

Captain Winckler was asked if there are limits to the amount of overtime an officer can work. He said there are not. Theoretically, an officer can work 7 double shifts per week. He said he doesn't mandate a day off in the work week. He was asked how effective an officer could be if they work that much overtime. He said he has seen them do fine even with lots of overtime. He cited an officer Gary as an example of this.

Captain Winckler was asked if he holds Captain/CO meetings and he said he doesn't. I asked him if he holds supervisor meetings. He said it had been a while. He said he tries to hold 1 per quarter. He said he meets with his lieutenants each day on each shift. He said he had not held a formal meeting since last November (*Captain Winckler Supervisor Meeting Minutes, Exhibit 18*).

Captain Winckler was asked if he tracks training completion. He said, "I kinda failed at that this year." He said the shift commanders set a schedule and he relies on them to make sure it is met. He said it's apparent that it's not getting done. He was asked if he completed his required training. He said he didn't. I asked him how that looked in terms of him being a leader. He said, "Not good. I'm not leading from the front. I can't give a reason, there's no excuse." Winckler said he has a bad reputation- that he's hard to work for. He said that he has a tendency to scare staff because he is stern and direct. He said he is changing his management style from very authoritative to backing off and taking input from others.

Captain Winckler was asked why the two units operate as separate entities. He said somehow they need to break down the barriers. He said there is a disconnect between Cerbat and Hualapai. Staff at Hualapai says Cerbat staff is too soft, and Cerbat staff says Hualapai is too hard. Captain Winckler said he was going to reach out to the Cerbat Captain to establish a working relationship.

*Note: Captain Winckler's management style appears to stifle communication with staff. By not placing firm controls on the amount of overtime staff works, he is placing them in a position*

*where their morale is degraded and their effectiveness in managing the inmate population is diminished. His failure to provide needed DART training for supervisors creates a liability should the DART deploy and encounter a situation they have not been trained for.*

The following issues were brought up to the assessment team concerning Captain Winckler:

The majority of staff report that he does not have good people skills. He is viewed as negative about staff. A supervisor reported that it is a positive that he does not tour often as when he tours he upsets staff. Many staff reported that he is working on improving his people skills and is getting better. It was also reported that he changes his mind and changes procedures frequently. He often does not tour but stays at Set B or by the chow hall. Staff also stated they are pleased that he does not tour more as he is negative and only redirects but does not praise.

Multiple staff to include supervisors stated that Captain Winckler lacks people skills. Several staff referenced incidents in which he pointed at staff while redirecting them in front of inmates.

Captain Winckler does not model the expectations of an ADC Captain. ADC Captains are expected to meet with their supervisory staff on a monthly basis and to spend a minimum of ten hours per week touring their unit. ADC Captains are expected to keep open lines of communication with staff and inmates. Captain Winckler had not taken appropriate measures to ensure the overtime procedures in his unit were being implemented equitably. He acknowledged that he leaves staffing and overtime management to his lieutenants, without providing oversight. He failed to ensure his staff completed all training requirements. As the Senior Firearms Instructor he did not implement DART for supervisors training for all MTC supervisors.

### **Deputy Warden of Operations Hector Santiago**

DWOP Santiago has been employed with MTC since 1995. He has held the position of Warden in North Coast Correctional Facility in Ohio, and has been assigned as the DWOP at Kingman since January 2012.

DWOP Hector Santiago was asked to describe the incidents at Cerbat and Hualapai Units, and his involvement in the incidents.

**Cerbat Unit Riot – July 1, 2015:** DWOP Santiago said that he was called by Captain Winckler and advised that the incident had taken place at Cerbat. He said that Warden Sullivan was the incident commander. Santiago said he responded and assisted with answering phones and providing resources from complex operations. He said he developed the rotation list for support personnel and updated the Significant Incident Report (SIR).

DWOP Santiago said that the MTC and ASPC-Winslow Tactical Support Units were activated and responded. DWOP Santiago clarified that as DWOP he has oversight of the MTC TSU. He

said that the team is allocated 30 members with 20 slots filled and 10 vacancies and they follow ADC guidelines. He said their instructors are certified by ADC.

DWOP Santiago described the incident as originating with a fight between two African-American inmates. They had been locked down in detention. These inmates had been accused of stealing by other races. One inmate, [REDACTED] was slated to be returned to the yard. The African-American population sent a message that he was not wanted back and that there would be a problem if he was returned. Santiago said that before staff could get him off the yard, staff intervened and were assaulted. He said that responding officers gave the inmates orders to back up and inmates who got too close to the officers were sprayed with OC. He said that inmates in the dormitories saw this and began disturbance in the dorms.

DWOP Santiago said the Designated Armed Response Teams (DART) from Cerbat and Hualapai were activated and deployed. He said that two rounds were fired by the DART and inmates went back into the dorms and broke windows. He said that several African-American inmates tried to stop aggressive African-American inmates from assaulting staff. Former CA Jerry Sternes was present and he said that there was a very aggressive Chicago faction of African-Americans and an Arizona faction of African-Americans. Former CA Sternes was present at ASP-Kingman from July 7, 2015 through July 9, 2015. He said he was asked by MTC executives to advise and provide CA Shaw with historical information regarding his tenure as Correctional Administrator at ASP-Kingman. Former CA Sternes gave notice to ADC on March 19, 2015 that he intended to retire effective May 1, 2015.

DWOP Santiago said that once the incident was brought under control, he was released to go home.

**Hualapai Riot 1- July 2, 2015:** DWOP Santiago said that he was contacted by Captain Winckler regarding the disturbance. He said that his role was to respond and provide support, contact and recall of staff from complex operations.

DWOP Santiago said that inmates in Dorm 4 started breaking glass and that a domino effect took place in the dorms. He was asked if he was aware of any standing operating procedures in place for staff to evacuate from dorms and control rooms. He said that staff has the [REDACTED]. He said officers are taught [REDACTED].

DWOP Santiago said he made updates to WebEOC and to the SIR. He said that the MTC TSU was commanded by Lt. [REDACTED] and Winslow TSU by Officer [REDACTED]. Santiago said he was involved in initial briefing which consisted of a status update of the incident with the incident commander. He said that Captain Winckler was the incident commander. DWOP Santiago said that Rules of Engagement (ROE) were not discussed with him or in his presence.

DWOP Santiago said that all his duties consisted of that evening.

**Hualapai Riot 2 – July 4, 2015:** DWOP Santiago said that he had been at the unit assisting with the command center operations. He said that when the second incident began, he was sent to the exterior perimeter to function as a liaison with outside law enforcement agencies. He said he spent the entire evening with the Commander from the Mohave Sheriff's Office.

DWOP Santiago was asked if ICS/DART drills are regularly done in the units. He answered that they are. He said that there are no live fire DART exercises, but they do suit up.

DWOP Santiago was asked to describe his duties and responsibilities for the assessor. He said that he takes care of issues on the outside of the units. He said he does provide support inside—primarily ICS and Prison Rape Elimination Act (PREA) support. He said he also is liaison with the community and Arizona Correctional Industries (ACI).

The issue of many staff complaining about working excessive overtime was brought up with DWOP Santiago. Both Santiago and former CA Sternes said that they reviewed the overtime worked every week and would not allow someone to work 7 days straight. They said that each Warden mandates time off during the week. ***Note: The Assessment Team reviewed MTC overtime reports that indicate there are several officers that work 7 days a week and have no limits on how many hours they can work. When confronted with this specific information, DWOP Santiago and former CA Sternes expressed surprise. This answer demonstrates a disconnect between what management believes is occurring and what is actually occurring.***

DWOP Santiago said he also oversees the training for the prison. He said that there is a Sgt. and Lt. assigned to provide training in New Employee Orientation, Pre-Service Academy, and In-service training. He said that there has been no monitor oversight of training. He said that MTC had been running back to back academies to address staffing problems. ***Note: The Assessment Team found that tactical unit training had been cancelled on several occasions; in-service training goals had not been met and curriculum not followed; Pre-service Academy curriculum had been modified and the schedule shortened. This results in poorly trained personnel and officers who technically are not qualified because ADC standards were not met.***

A review of DWOP Santiago's Monthly 703 reports indicates he tours the units extensively.

The MTC administration model does not follow the ADC model concerning the duties of the Deputy Warden of Operations (DWOP). DWOP Santiago supervises only the Complex functions; training, mail & property, transportation, work crews, etc. In ADC, the position of DWOP is the second in command. This position is expected to be knowledgeable of the operation of the units and all complex functions. A DWOP in ADC is a higher ranking position than a unit DW. DWOPs act as mentors to the unit Deputy Wardens and assist the Warden in assessing and monitoring the individual units performance. In his role, DWOP Santiago is responsible for MTC training and TSU; significant deficiencies were found in both areas.

## **ADW Frederico Ovalle**

Associate Deputy Warden Frederico Ovalle, Complex, has approximately sixteen years of corrections experience and has been with MTC since 2007.

ADW Ovalle has no direct reports and no specific responsibilities. He assists in conducting staff and inmate investigations and performs other tasks as assigned by the Complex Administrator.

He responded to the Complex after the incidents were over. He helped to man the Command Post on the night shift and assisted with planning operational periods. When asked if he felt there was any issues that contributed to the disturbance he stated the only thing he noted was that there were remarks in the journals regarding inmates complaining about sack lunches (prior to the July 4<sup>th</sup> incident). When asked if he had any concerns going forward when the units resume normal operations, he cited design flaws such as [REDACTED]. He stated management is already aware of these issues and is addressing them. ADW Ovalle had nothing he wished to add.

### **Summary of observations and conclusions:**

The management of ASP-Kingman is fractured operationally when compared with ADC's Complex management structure. Hualapai and Cerbat operate as individually functioning units with disparate operational methodologies. The current MTC structure has resulted in the executive team acting as a group of individuals rather than as a team working towards a common goal. This has resulted in the two units and complex taking significantly different approaches to the management of staff and overtime. This piecemeal approach has diminished the overall effectiveness of operations at ASP-Kingman.

The role of an ADC Associate Deputy Warden (ADW) is to be a Deputy Warden in training. They take ownership of all aspects of unit operations, typically supervising programs and security. ADC ADWs are the second in command at their assigned unit. The management team (DW, ADW, Chief of Security, and COIV's) in an ADC unit work together as a unified command.

Given the experience levels of the ADW's at ASP-Kingman, it appears that they are being underutilized in this capacity. Assigning direct supervision of the Captain's and CPS's to the ADWs would free the Warden to be more directly engaged with the employees and afford them freedom to be in more areas of the facility.

During the tours and as a result of staff interviews, the assessment team provided the following observations and/or staff perceptions that may be contributing to the culture and staff dissatisfaction with MTC Administration:

The Cerbat and Hualapai units are thought of as completely separate entities. Staff does not want to transfer from one unit to the other. Employees who promote are often hesitant to transfer. Staff perceives the other unit to be another world, managed differently and operated under different rules.

Hualapai staff reports that although their Administration does not support them they are better off than the staff at Cerbat.

Cerbat Administration is seen as micro-managing and out to get staff.

Below is a 2014 summary of staff discipline for Cerbat and Hualapai; *(Staff Disciplinary Summary, Exhibit 19):*

Suspensions:	Cerbat 13	Hualapai 7
Notice of Caution:	Cerbat 58	Hualapai 21
Unsatisfactory Critique:	Cerbat 29	Hualapai 18
Voluntary Attrition:	Cerbat 72	Hualapai 85
Involuntary Attrition:	Cerbat 18	Hualapai 11

For the first six months of 2015:

Suspensions:	Cerbat 9	Hualapai 3
Notice of Caution:	Cerbat 44	Hualapai 16
Unsatisfactory Critique:	Cerbat 7	Hualapai 10
Voluntary Attrition:	Cerbat 34	Hualapai 37
Involuntary Attrition:	Cerbat 9	Hualapai 9

Cerbat is a larger unit than Hualapai with 173 officers; Hualapai has 141 officers.

As in many rural areas there is a negative view of ‘outsiders’ and there does appear to be cliques among staff.

From the assessment team’s interactions with officers, several distinct categories of officers at ASP-Kingman were identified:

- There is a belief among more experienced staff that new officers are poorly trained and are not well equipped or ready to work in a prison. These officers talk negatively to the inmates and create tension.
- Many officers who have worked at the facility for approximately 1.5 to 3 years see themselves as seasoned/experienced officers, and many of them have developed an attitude of ‘the inmates have nothing coming’. These officers are angry about the ‘open yard’ privileges at Hualapai and do not like the large dorm settings at Cerbat. Many of these are the staff identified as ‘badge heavy.’

- Officers who have become disengaged and do not actively perform their jobs.
- ‘Old timers’ who feel that management changed after the 2010 escape and the job is not what it used to be and the Administrators are now fearful of running the units. These officers report that Administrators are afraid to take charge and defer to ADC. Several of these staff acknowledged that prior to the escape they were not held to as high of standards. They report, we used to be a ‘family.’
- There are many officers who are trying to do a good job and are frustrated by the new, disengaged, and ‘badge heavy’ officers.

In review of the monthly 703 reports for the last quarter, it was clear that there was a distinct difference in the evaluations and assessments being reported (*MTC 703 Reports, Exhibit 20*). The ADC monitoring staff reports were detailed, thorough, and specific in their narrative reports and their ratings on the Inspections/Tour Report, 703-1(e) form, were dispersed among the various ranking levels with justification provided for the ratings. Deputy Warden Betty Barnes’ reports were notable in terms of the specific detail that she provided on relevant issues in her monthly reports. Many of the reports written by the MTC management team provided evaluations and assessments that indicated the majority of the operational functions were performing at an excellent standard. Little, if any, justification was provided for such high evaluations. Most notable in terms of reports of this nature were the reports from Associate Deputy Wardens Shahna Fredrick and John Palosaari. The narrative reports from the MTC management team lacked specific detail and thoroughness. The reports written by Deputy Warden Barnes were being shared with the MTC Complex Administrator.

The reports relative to security device repairs indicated that MTC was slow to repair cameras and replace windows (*Security Device Reports, Exhibit 16*). The security device reconciliation log from 5/31/15 indicated that a total of three cameras had not been repaired and were beyond 30 days since the work order had been submitted. One had been out since 2/13/15. This camera provided a view of the area in front of housing unit 10. Another one, which provided a view of a pedestrian gate, had been out since 3/23/15. Additionally, a review of security device inspection (SDI) reports verified there are two windows in HU3 (Dorm 3 Floor Officer window shattered and Dorm 3 A-pod window shattered) that have been on the SDI report since 03/15/15 and 03/21/15.

In review of the number of inmate disciplinary violations reported by the ADC monitoring team, it was found that the numbers reported were consistently less than what the disciplinary logs for each unit indicated. An AIMS report was found that was printed on 5/1/15, which matched the numbers reported by the ADC monitoring team (*Inmate Disciplinary Logs, Exhibit 21*). Thus, the difference in the numbers (always considerably less) might be that some of the cases were

not being recorded in AIMS until a few days after the first of each month when the 703 reports were already completed and submitted.

A long recognized and critical tool for effective prison management is frequent and consistent tours by members of the management team and especially the unit administrators. Improved communication with staff and inmates; awareness firsthand of operational procedures and programs; coaching, guiding and supporting staff in their efforts to do their job correctly; and identifying problematic issues are just a few of the benefits. The need to establish and maintain a high command presence on the unit during times of unrest and a disturbance aftermath is especially critical to the role of leadership. Accurate, consistent, and timely communication in a 'walk and talk' deliver format to the staff and inmates helps significantly to determine the mood, demeanor, attitude, morale and to restore order more quickly.

An experience level comparison in terms of years in a job classification was conducted relative to the staff at MTC and like-positions within ADC. Additionally, a comparison of the length of time in a qualifying pay grade/rank was completed with MTC Case Managers and ADC COIIIs, as well as the Sergeants in ADC and MTC. The results for the Case Managers with COIIIs is compromised due to MTC hiring Case Managers directly off the street without correctional experience with a bachelor's degree. The results of the total comparisons are listed below:

<u>Position</u>	<u>ADC</u>	<u>MTC</u>
CO	6.4	2.19
COIII	4.96	1.56 (Years in Qualifying Job: 8.36 versus 2.20)
Sgt	3.75	2.11 (Years in Qualifying Job: 7.85 versus 3.06)
Lt	3.81	3.28 (Removing the 11-year outlier creates a mean of 2.72)
Captain	3.14	2.71
COIV	4.11	1.94
ADW	1.26	3.75
DW	2.31	3.67
DWOP	1.65	20.42
Warden	2.77	3.08

MTC advised upon inquiry that 58 of their current 278 correctional officers are female, 4 of their current 22 sergeants are female, and 1 of their current 14 lieutenants is female (*Number of Female Staff, Exhibit 22*).

There are 340.31 FTE's for Corrections Officers. 59 of these positions are vacant (17%). There are 23.87 Sergeant FTE's (1 Vacant) and 18.83 Lieutenant positions-all of which are full. MTC has 527.51 total allocated positions including uniformed staff.

There is no limit to the amount of overtime a staff member can work and staff does not have to take a day off. The standard set by ADC is a maximum of twenty-four hours per work week and

a minimum of one day off. Experience indicates that to allow staff to work without a day off can result in fatigue, which is a staff safety concern in a prison setting.

Due to staffing shortages mandatory overtime is in effect. Mandatory overtime consists of four hours per mandated shift. This can result in an average of thirty-four officers being mandated to work overtime per shift complex-wide. The number of staff affected would be offset if a volunteer were to cover an entire eight hour shift.

A joint memo was submitted by the two unit Captains outlining the system for mandated overtime. The direction is not being consistently enforced.

There is a large disparity between the units as to the amounts of overtime worked by staff. Average overtime hours worked by Cerbat shift staff was 32.37 hours, yet Cerbat operations staff only worked 15.53 hours. Average overtime hours by Hualapai staff was 24.62 hours and Complex staff was 13.18 hours. Any staff that worked over 80 hours of overtime in a pay period was not counted toward this average, as they have voluntarily worked that amount of overtime. Due to this disparity many staff is concerned about fatigue and inconsistent or unfair mandatory overtime practices.

Many staff worked over fifty overtime hours during a pay period. Between the three units in the quarterly pay periods, a total of 142 pay periods had 50-79 hours of overtime worked. An additional 41 pay periods had 80-110 hours of overtime worked. These pay periods encompassed a total of seventy staff. Due to these excessive hours the staff involved likely suffered from fatigue at some point while on duty.

The Hualapai Captain was asked if he had a priority posting chart. He stated that posts were not collapsed as they were filled with overtime. The rosters do indicate collapsed (closed) posts.

Posts are typically fully staffed with collapsing of posts occasionally occurring on shifts. Hualapai Unit collapsed an average total of 21 posts per month from the months of April through June 2015. The Cerbat Unit collapsed an average total of 5 posts per month during the same time frame.

With numerous interviews completed, the Assessment Team uncovered a few recurring themes with the MTC administrators: disengaged interaction with line staff, inconsistent messages relayed, and the failure to instill fundamental security principles and overall industry standards regarding prison operations.

### **Key Findings**

- MTC line staff perception is that MTC administration does not value them, and does not spend enough time on the yard. MTC staff expressed that they do not feel appreciated or valued by MTC administration. They reported burnout due to amount of overtime being

mandated and the manner in which it is managed. **[Operational concern, sound correctional practices and leadership concerns]**

- ICS command structure not fully implemented based on scale of incident; incorrect transfer of command. **[Violation of FEMA/NIMS protocols, identified in Objectives #1 and #2]**
- Complete breakdown in ensuring MTC staff accountability at Cerbat. **[Violation of DO 706, Incident Management (Tactical Priority)]**
- Separate incident command posts established at Cerbat and Hualapai, despite limited resources. **[Operational concern, sound correctional practices]**
- MTC Emergency Response Plans were either not available to Command and General Staff during the incident, or were not followed. MTC Emergency Response Plans contained no contact information for local jurisdiction authorities. **[Operational concern, sound correctional practices, identified in Objective #2]**
- Contradictory reports exist on whether MTC TSU had Rules of Engagement established. **[Operational concern, sound correctional practices]**
- MTC lacks an effective Field Training Officer program. **[Violation of DO 509, Employee Training and Education]**
- Cerbat and Hualapai Units operate as two completely distinct units, with substantially different management styles, minimal cooperation, and little inter-unit communication. **[Operational concern, sound correctional practices and leadership concerns]**
- MTC staff overtime is inconsistently applied and creating burnout. Mandatory overtime is applied with limits at Cerbat and no overtime limits at Hualapai. Some staff are mandated frequently to work overtime; others are not mandated. **[Operational concern, sound leadership correctional practices]**
- Wardens Sullivan and Rider were unaware of correct DART procedures, ICS training topics, staff training completion rates, and overtime usage. **[Violations of DART training lesson plans and DO 706, Incident Management]**
- A practice exists at Cerbat of allowing groupings of inmates to approach and intimidate individual staff, without repercussion. **[Violations of DO 105, Information Reporting, DO 706, Incident Management, and DO 803, Inmate Disciplinary Procedure, operational concern, sound correctional practices and leadership concerns]**

- MTC line staff perception of favoritism and claim often working alone in an area requiring two officers. **[Operational concern, sound correctional practices and leadership concerns]**
- MTC Case Managers (COIIs) are not available to the inmate population on a consistent basis. **[Violation of DO 811, Individual Inmate Assessments and Reviews]**
- Warden Sullivan’s CO meetings were brief and usually scheduled during the same period of day. Warden Rider’s CO meetings were scheduled, but often cancelled due to no attendance or poorly-attended. **[Violation of DO 112, Department Meetings]**
- No MTC supervisors had attended mandatory DART for Supervisors course; this course has been an annual ADC requirement since this contract went into effect. **[Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education]**
- Warden Rider did not complete annual in-service training, and did not ensure subordinates completed annual in-service training. **[Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns]**
- Warden Rider reports no limit on allowable overtime for Hualapai line staff. **[Operational concern, sound correctional practices and leadership concerns]**
- Security devices (specifically, windows and security cameras) are not repaired/replaced in a timely fashion. **[Violation of DO 703, Security/ Facility Inspections]**
- Hualapai Associate Deputy Warden Fredrick on site for 20 minutes without ICS assignment. **[Violation of FEMA/NIMS protocols, identified in Objectives #1 & #2]**
- Unprofessional comments attributed to Hualapai Associate Deputy Warden Fredrick via social media. **[Violation of DO 501, Attachment A, Code of Ethics]**
- Captain Winckler on site for about two hours without ICS assignment. **[Violation of FEMA/NIMS protocols]**
- MTC Deputy Warden of Operations Santiago unaware of magnitude of overtime usage. **[Operational concern, sound correctional practices and leadership concerns]**
- MTC Deputy Warden of Operations Santiago failed to ensure appropriate pre-service and in-service training completion, and TSU readiness. **[Violation of Contract AD9-010-A3 Sections 2.11.8 et seq, Pre-Service Training and 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns]**

- MTC administration is not interacting effectively with supervisors, line staff, or inmates. Communication is intermittent, and sometimes contradictory or incomplete. **[Operational concern, sound correctional practices and leadership concerns]**
- Cerbat Warden Sullivan and Hualapai Warden Rider previously worked for ADC and should be knowledgeable of ADC policies and procedures regarding DART deployment. **[ Violation of DART Training lesson plans; operational concern, sound correctional practices and leadership concerns]**
- Cerbat Warden Sullivan admits that his report that all Cerbat staff was accounted for was a mistake. He said that with a proper Command and General Staff structure in place, someone could have concentrated on staff accountability even while the groupings were taking place. **[Violations of DO 706, Incident Management (Tactical Priorities) and FEMA/NIMS protocols]**
- Cerbat Warden Sullivan was not aware that his (or any) supervisors had not attended DART for Supervisor training. Warden Sullivan was not aware that MTC training completion numbers for FY 2015 were not to standard. **[Violations of Contract AD9-010-A3, Sections 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns]**
- Cerbat Warden Sullivan acknowledged that he uses the phrase ‘Don’t poke the bear.’ Cerbat officers appear to have been confused by this motto and reported that it meant for them not to consistently enforce inmate regulations. They report that Cerbat takes an inconsistent approach to inmate regulation enforcement, focusing on one rule at a time rather than consistent enforcement of all rules. **[Violations of DO 704, Inmate Regulations, and DO 803, Inmate Disciplinary Procedure; operational concern, sound correctional practices and leadership concerns]**
- Captain Winckler did not know what munitions MTC TSU responded to Hualapai with. He later learned that they had a 37 mm gas gun, a pepper ball launcher, and a mighty mite grenade. **[Violations of DO 706, Incident Management, DO 716, Armory Procedures, and FEMA/NIMS protocols]**
- For the Hualapai Riot 2- Captain Winckler was assigned to Operations and CA Shaw was the IC. He stated there were too many chiefs on the yard and that radio traffic was all jammed up. He said good decisions were made but command was compromised. He said that he himself had no business being out in front of the buildings. **[Violations of DO 706, Incident Management, and FEMA/NIMS protocols]**
- Captain Winckler acknowledged that there were no procedures in place for officers to [REDACTED]. **[Violations of General Post Order and Emergency Response Plan]**

- Captain Winckler is the Senior Firearms Instructor for MTC. He acknowledged that as of July 4, 2015 no MTC supervisors had received DART for Supervisors training. (CPT Winckler attended DART and Supervisor Train-the-Trainer on July 3, 2014.)  
**[Operational concern, sound correctional practices and leadership concerns]**
- Captain Winckler leaves the management of rosters, attendance, and overtime to the lieutenants. He was not aware of high rate of call-ins by Hualapai officers. He acknowledged that there are no limits on the amount of overtime an officer can work.  
**[Operational concern, sound correctional practices and leadership concerns]**
- Captain Winckler has not held a supervisor's meeting since November of 2014.  
**[Violations of DO 112, Department Meetings, and Post Order 08, Correctional Captain; sound correctional practices and leadership concerns]**
- Captain Winckler acknowledges that he failed to monitor Hualapai's training completions this year and that he had not completed his required training. **[Violations of Contract Section 2.11.12 et seq, In-Service Training, DO 509, Employee Education and Training, and Post Order 08, Correctional Captain; sound correctional practices and leadership concerns]**
- Captain Winckler acknowledges that his management style has a tendency to scare staff because he is stern and direct. He says he is changing his management style. The majority of staff interviewed said the Winckler does not tour enough and that he lacks people skills. **[Operational concern, sound correctional practices and leadership concerns]**
- MTC staff and inmates report that there are a number of officers who are identified as 'badge heavy.' Staff and MTC staff identified, and the assessment team observed, those who are disengaged and who do not actively perform their jobs. **[Violation of DO 501, Employee Professionalism, Ethics and Conduct, operational concern, sound correctional practices and leadership concerns]**
- MTC Administrators' monthly DO 703 reports differ significantly from the ADC Monitor's DO 703 reports. They are less detailed and often rate the units as excellent with no supporting documentation. **[Violations of DO 703, Security/Facility Inspections, and operational concern, sound correctional practices]**

#### **OBJECTIVE 4: Inmate Management, Supervision and Communication**

The following is a detailed appraisal of inmate issues and concerns regarding the operations and conditions of confinement at ASP-Kingman. The Assessment Team reviewed all aspects of inmate programming, activities, work assignments, and possible idleness, while taking into consideration the profile of inmates housed at ASP-Kingman.

ADC utilizes an objective classification system which determines each inmate's risks (and needs) in order to determine appropriate placement in a custody level (and facility). The purpose of this classification process is to ensure the protection of the public, employees and inmates, by placing inmates in a custody and facility setting commensurate with their risk. The classification system was validated by the National Institute of Corrections on June 26, 2013. ADC has four custody levels which are Maximum, Close, Medium and Minimum.

The factors listed below are valid indicators of institutional violence, public safety, escape risk and other risks to staff and the inmate population that are used to determine custody level. Each factor is scored individually. The point scales for each factor are based on the relationship of the factor to the overall risk of the inmate. The final custody level is determined by adding the points in each category.

- Most Serious Current Offense
- Most Serious Prior Offense
- Escape History
- Gang Affiliation Status
- Current Age
- Death row inmates must remain maximum custody.
- Inmates validated as an STG can never reduce below close custody
- Disciplinary History

Minimum custody inmates represent a low risk. The ADC classification criteria for a minimum custody inmate is they must have five years or less to serve, not have a current or prior conviction for a sex offense, and not have any felony detainers. As long as the inmate scores out in the minimum range and meets the above criteria, they are eligible for minimum custody.

Medium Custody inmates represent a moderate risk. The ADC classification criteria requires that an inmate sentenced to Life serve at least 2 years in maximum custody and 3 years in close custody before being eligible to reduce to medium. As long as the inmate scores out in the medium custody range, there are no other restrictions for inmates reducing to medium custody.

Prior to the escape on July 30, 2010 the criteria for minimum and medium custody inmates housed at ASP-Kingman was the same as all other facilities. At that time no additional restrictions were placed on inmates housed at ASP-Kingman.

After the escape, Director Ryan added the following exclusions to the MTC criteria, and all inmates in the below categories were moved out of ASP-Kingman.

Minimum Custody:

- No convictions for murder or attempted murder
- No inmates with a history of escape or attempted escape from a secure perimeter

Medium Custody:

- No inmates sentenced to life
- No convictions for murder or attempted murder
- No inmates with an escape history from a secure perimeter within the last ten years.
- No inmates with more than 20 years remaining to serve.

In addition to the above exclusions ADC also takes into consideration the following, but this may or may not restrict an inmate from being housed at MTC:

- Review of any prior rioting or violent disciplinary actions.

The above restrictions do not apply to other minimum and medium custody facilities. Therefore, by comparison to other minimum and medium custody units, MTC houses lower risk inmates based on the additional restrictions that are in place.

**Disciplinary:** The total number of disciplinary violation reports written at the Hualapai Unit in June, 2015, was only slightly higher when compared to a similar custody ADC unit (ASPC-Florence, East Unit) on a per capita basis (*Inmate Disciplinary Comparison, Exhibit 23*). The Hualapai Unit had a total of 316 disciplinary violations with a population of 1500 inmates. The East Unit had a total of 130 disciplinary violations with a population of 680 inmates. Thus, the Hualapai Unit had 8.6% more overall disciplinary violations when compared with the size of the population of ASPC-Florence East Unit. What was unusual was the number of major (felony) violation reports for the Hualapai Unit were higher than the minor (misdemeanor) violation reports (177 versus 139 in June). This trend of a higher number of major violation reports than minor violation reports was observed to be consistent throughout the review of disciplinary reports for the last quarter (*Inmate Disciplinary Comparison, Exhibit 23*). In terms of a predominance of specific violations, there were 108 reports for a combination of the following violations: 37B, Possession of Drugs, and 38B, Positive Test or Refusal of UA. There were also 67 violations for IIB, Disrupting Count or Being Out of Place.

The total number of disciplinary violation reports for major (felony) and minor (misdemeanor) offenses at the Cerbat Unit were less compared to a similar custody ADC unit (ASPC-Winslow, Coronado Unit) on a per capita basis (*Inmate Disciplinary Comparison, Exhibit 23*). The Cerbat Unit had a total of 220 disciplinary violations with a population of 2000 inmates, and the

Coronado Unit had a total of 83 disciplinary violations with a population of 628 inmates. Thus the Cerbat Unit had 17% less overall disciplinary violations when compared with the size of the population of ASPC-Winslow Coronado Unit. However, a predominance of violation reports for 11B violations (50) and 37B and 38B violation (39) were found in the month of June for the Cerbat Unit. The review of disciplinary reports extending back to April 1, 2015 did not indicate an unusual balance between major and minor reports for the Cerbat Unit (*Inmate Disciplinary Comparison, Exhibit 23*).

**Grievances:** The number of formal inmate grievances filed at both the Cerbat Unit and Hualapai Unit are within the average range when compared to similar custody ADC units (North Unit and East Unit at ASPC-Florence) on a per capita basis. Medical and property were the main two grievance issues at the Cerbat Unit and Hualapai Unit, which is common. (*Inmate Grievances, Exhibit 24*)

**Constituent Services:** A review of Constituent Services' Contact Reports (complaints/inquiries from friends and family) reflects the number of contacts reported at ASP-Kingman is comparable to the other privately operated prisons and ADC prison complexes. The report does not reflect the inmate population and/or their families reported more complaints about their remote location or any other issue than other facilities. Only seven complaints have been received so far for calendar year 2015. (*Constituent Services Report, Exhibit 25*)

**Classification:** The assessment team reviewed the classification actions for general population inmates at both the Cerbat Unit and the Hualapai Units, indicating that almost all of actions were completed within policy time frames (*Inmate Classification, Exhibit 26*). The only issue noted was that AIMS DI95 indicated there were 14 inmates at the Cerbat Unit due for a transition program referral.

**Detention:** The detention units at both units were almost full (3 available beds) at the time of the first incident at ASP-Kingman. The Cerbat detention unit has a bed capacity of 80 and the Hualapai Unit has a bed capacity of 73. A review of the individual inmates in detention on 6/25/15 indicates that some disciplinary and classification actions were not being processed within policy timeframes required for effective detention management. Also, some minor timeframe violations were found with three of the 805 review (Department Order 805, Protective Custody) inmates. Reportedly, there was a weekly detention review meeting attended by the MTC administrators and the lead ADC monitor. The assessment team was informed that detention management has been an issue consistently addressed with the MTC management team. (*Detention Report, Exhibit 27*)

**Visitation:** When you compare the number of inmates at the Cerbat Unit and the Hualapai Unit that had visits in June with the number of inmates that had visits with like custody ADC units (ASPC-Winslow/Coronado Unit and ASPC-Yuma/Cibola Unit) on a per capita basis, a difference in visitation numbers are found in the two minimum custody units. There were more

Cerbat inmates that had visits than Coronado inmates in the month of June even when population capacity was taken into consideration. The Cerbat unit had 458 inmates visit in the month of June with a population of 2000 inmates, and the Coronado Unit had 114 inmates visit with a population of 628 inmates. Thus Cerbat Unit had a 21% higher visitation rate compared to Coronado Unit. The percent of inmates with visits in June for the two medium units were almost the same: 16.4 percent for Hualapai and 16.1 percent for Cibola. This comparison of like-units was based on friends and family's ability to travel to rural/remote locations versus metropolitan locations. (*Visitation Report, Exhibit 28*)

**Inmate Programs—Complex Oversight:** MTC has a program administrator position as part of their complex staffing. Steve Seney, EdD, is currently in this position, and he has worked for MTC for 4.5 years. Prior to his promotion to the administrator position in November, 2014, he served as the Education Administrator at ASP-Kingman. He directly supervises the education administrator, senior chaplain, substance abuse manager, and offender information supervisor. Much of the information in this section was gained through an interview with Dr. Seney.

**Education:** There are two mandatory literacy classes and four GED classes available at the Cerbat Unit (*Education Report, Exhibit 29*). There is one senior instructor and three instructors assigned to this unit. The senior instructor teaches classes in creative writing and introduction to business. All assignments to the education classes are based on the priority ranking report. Class sizes range from 13 to 20 students. Class attendance rosters are maintained and appropriately coded. Reportedly, there is very little turnover with MTC education instructors at ASP-Kingman. The libraries on both units were large and supported education programming.

There is one mandatory literacy class and three GED classes at the Hualapai Unit (*Education Report, Exhibit 29*). There is one senior instructor and two instructors assigned to this unit. The senior instructor teaches a fine art painting class. All assignments to the education classes were based on the priority ranking report. Class sizes ranged from 15 to 20. Class attendance rosters were maintained and appropriately coded.

MTC pays for pre-GED and GED testing for the inmates. Thus far, 43 inmates have passed the new GED exam this calendar year. The education instructors encourage the graduates and others with either a GED or high school diploma to apply for scholarships with Rio Salado College for distance learning classes. It was reported that the inmates have experienced about a 70 percent success rate in obtaining scholarships. The scholarships cover the tuition costs for two classes.

**Career Technical Education (CTE):** MTC provides 11 CTE courses to inmates. Cerbat offers CORE (basic OSHA class), carpentry, HVAC, plumbing, electrical, culinary, computer processing, and commercial painting. Hualapai offers CORE, plumbing, and electrical classes. There is one senior instructor and 11 instructors in the CTE program. All the instructors and the programs are certified by the National Center for Construction Education and Research (NCCER). Most of the classes have level one and level two curriculums. They are all

apprentice-based and can lead to a journeyman level apprenticeship upon release. All the assignments to the classes are based on the priority ranking report.

**Substance Abuse Programs:** MTC provides a licensed outpatient program for the treatment of inmates with substance abuse problems. The Department of Health Services is the licensing agency for this program. The levels within this program are intensive, moderate, and relapse prevention. They provide a DUI education and treatment program that completes the required 40-hours of treatment required by the Motor Vehicle Division. They also offer classes in life skills (4 subsets of 40 hours each), Moral Reconciliation Therapy (MRT), inside-out dads, stress reduction management, victim impact, 12-step study groups, and SMART recovery. This program also sponsors AA, NA, and CMA (*Substance Abuse Report, Exhibit 30*). A total of 16 staff is employed as part of this program with 14 delivering services. Two of the staff have LISAC credentials and four others have either LASC or LSAT credentials. All of the staff delivering services has at least a bachelor's degree.

Many of the inmates interviewed about the substance abuse program stated that many of the life skills class instructors either are not well trained on their presentation topic or just choose to not instruct. The inmates complained that they are assigned to these classes and just sit around and do nothing. Many of the inmates related that they were irritated that they had to attend these classes since nothing was ever presented.

**Religious Services:** MTC provides a number of religious program services (*Religious Services Report, Exhibit 31*). They offer a 2-year seminary program that is non-denominational and consistently includes 25-30 inmates. They provide a substance abuse program that is religious based called "Celebrate Recovery." They also provide a Dave Ramsey Business Class. The senior chaplain oversees 43 volunteers that provide services of various types. The religious services calendar indicates a wide range of programs and services for various religious groups.

### **Inmate Programs – Unit Oversight**

**Work Opportunities:** Both the Cerbat Unit and the Hualapai Unit are exceedingly large by ADC standards: 2000 bed and 1500 bed units respectively. Creating meaningful employment at levels that would be consistent with effective inmate management would be challenging. A review of the June work reports of both units indicates employment for 59 percent of the population at the Cerbat Unit and 45 percent at the Hualapai Unit (*Inmate Work Report, Exhibit 32*). The numbers of certain job assignments suggests that some creative job assignments may be occurring: Cerbat Unit has assigned 511 building porters and 168 kitchen workers. The Cerbat Unit has ten (10) housing units that hold two hundred (200) inmates each. With 511 building porters assigned, that averages 51 porters assigned per housing unit. In comparison, ASPC-Florence, North Unit has a population of 1096 and has 122 building porters assigned. There are 112 kitchen workers assigned at the Hualapai Unit. The number of kitchen workers assigned at both Cerbat and Hualapai appear to be within the norm when compared to like custody ADC

units. There were 33 inmates assigned to the two ACI operations and 69 inmates assigned to IGA crews at the Cerbat Unit. Both unit reports were set up with clearly noted racial breakdowns of each job assignment. Overall, both units were balanced in the general assignments except the Mohave community crew assigned to MTC, which indicated only five Caucasian inmates were currently on the crew.

The CPS at the Hualapai Unit, Yvonne Rydgren, was approached with a question about the work report for Hualapai. She looked at it closely and then shared that she had never seen the report. According to the HR report she was promoted to her CPS position on 7/8/13. She shared that she did not supervise the WIPP officer, but instead the ADW did. When presented with the report ADW Fredrick also looked closely at the report. She did not know how to answer the question regarding capacity numbers based on the report. She ended up calling another staff member to get the information. According to the HR report, she has been the ADW at that unit since 7/8/13.

**Structured Recreation:** An effective management tool for correctional administrators when they are challenged with keeping inmates occupied and engaged if meaningful jobs are lacking is to provide an ample amount of recreational activities in both active and passive formats. The Cerbat Unit seems to understand this tool and had a well-rounded program of recreation activities (*Inmate Structured Recreation Report, Exhibit 33*). The downside was that that case manager stated he seldom supervised any activities and instead left that task to the inmates that work in recreation or to the security staff. He did share also that he was expected to carry a full caseload of inmates even though he had this additional assignment. He did not have a schedule or calendar of events and activities. It was not clear how security would know in advance that there was going to be an organized event. He did provide a winners roster with specific activities, which had been used for an awards banquet serviced by the culinary class, and he also provided a full list of activities that reportedly are conducted on the unit. Inmate interviews confirmed that there was a well-rounded recreation program at Cerbat.

The Hualapai Unit conducted a kickball tournament on May 1<sup>st</sup> and 2<sup>nd</sup> for Dorm 3 only. (*Inmate Structured Recreation Report, Exhibit 33*) There were no other structured recreation activities organized for the Hualapai inmates for the last quarter. The CPS of the unit confirmed this when she was interviewed.

**Case Manager Groups:** The case managers at MTC are all reportedly expected to conduct groups five hours per week. The groups conducted by the case managers are Thinking For a Change, Merging Two Worlds, Cultural Diversity, and Conflict Resolution (*Case Manager Groups, Exhibit 34*). Assignments to these classes are based on the priority ranking report (*Case Manager Groups, Exhibit 34*) and the group sizes range from 15 to 20 inmates. Inmate interviews indicate that some group presentations have not been conducted effectively and the case managers need additional training. Case managers without any correctional experience can be hired directly off the street if they have a bachelor's degree. Correctional officers without

degrees at MTC are eligible to become case managers after two years of service. The CPS at the Cerbat Unit advised that the turnover rate is high for case managers and this creates a challenge for him.

During the months of May and June, 2015, there were 18 Case Managers assigned to the Cerbat Unit, with two vacancies. A comparison with ADC units of like custody indicates the number of assigned case managers for MTC is in line with the number of staff assigned to case work in ADC. In May, 2015, an average of 7.2 Case Managers met with inmates daily. In June, 2015, an average of 4 Case Managers met with inmates daily. This, along with infrequent interactions between inmates and security supervisors and unit administrators, does not allow for inmates to be heard. When changes in unit procedures are being implemented, the inmate population is not being made aware. When questioned on the limited number of Case Managers seeing inmates, their supervisors, Correctional Programs Specialists (CPS), stated they have a large turnover (150%) over the past year, and they have attendance issues with several Case Managers.

Information received by the SSU members of the ADC assessment team indicates that Supervisor and Programs Managers are not available to the inmate population. Inmates also state the absence of a Supervisor on the yard allows for issues to go unresolved and adds to the frustrations of the inmate population. Inmates stated they are then forced to act out in order to achieve successful communication with MTC supervisors.

MTC line staff validated the information regarding the absence of Supervisors and Program Managers on the yard.

The Hualapai Unit has 10 Case Manager FTE positions. At the time of the riots there were two actual vacancies and one FML (operational vacancy).

Officers reported that two case managers do not see their inmates enough and create tension for them. These two case managers are Brown and Hunicutt.

Prior to the riots, officers reported an incident in Dorm 4 on June 29, 2015 in which a large number of inmates refused to lock down due to the unavailability of Case Manager Brown. This was initially reported as approximately 40 inmates who were mainly African-American. Upon further investigation of this alleged incident assessment team members spoke to the officer directly involved. He reported that it was a small group of inmates of all races and they locked down after he spoke with them. They did refuse at first but locked down and were not disrespectful to him. No ICS was initiated and no reports were written. He reported that the inmates are very frustrated with Case Manager Brown. He stated that Case Manager Brown frequently does not hold his open door hours.

An assessment team member met with Case Manager Brown. Case Manager Brown was not aware of an incident on June 29, 2015 and stated he did hold open door hours that day. He advised that, if you ask his supervisor, she would confirm that inmates complain about him. He

also stated that the week prior to the riot he received many calls from family members concerned about their inmates. When asked how he had reported and documented these calls he changed his story and said the calls were about the change of the phone system.

Case Manager Brown was met with a second time. He was asked about the conversation in which he had told the assessment team member that he received many calls from family members checking on the welfare of their inmates the week before the riot. He admitted that he had said this and that about 5 or 6 calls had come in. He was reminded that when asked if he had documented and reported the calls he had changed his response and said the calls were about the phone system. He agreed that he had said this and stated that after he had started getting the calls he realized that there were four inmates who had moved recently and the callers were concerned because the inmates had not been able to make calls.

Case Manager Contact sheets for Hualapai Unit for May and June 2015 were reviewed. The CPS at Hualapai reviews these sheets and monitors the activity of her Case Managers. Although there is an issue with the number of staff seeing their caseloads each day and the case manager's case loads are high (some have a double case load of over 300 inmates) CPS Rydgren is taking steps to address this. She rotates case manager assignments and reported there is two staff in the hiring process for Hualapai. She was aware of the staff perception that Brown and Hunicutt do not perform satisfactorily and she is monitoring them.

CPS Rydgren reported that all but three of her case managers have attended the COIII Academy and that she monitors this and assigns them to the first available academy.

**Inmate Rotation Concept:** Many of the inmates at ASP-Kingman shared that they were done with their programs and were ready to be transferred back to an ADC facility. This concept of completing a few programs and being transferred or rotated to another unit is unique. When the inmates were asked more specifically what originated this concept, they stated that they recognized that MTC offered a significant amount of programming, and if they had satisfied their programming needs based on the priority ranking report that they should be rotated back to an ADC facility that is closer to their family. In comparison with visitation rates at Yuma and Winslow, they also indicate relatively low rates of visitation for family members. No one on the Assessment Team has heard of a rotation concept with the inmates at those locations.

If the MTC case managers and instructors can be trained to consistently deliver instructional presentations, then clearly the amount of programming opportunities are distinct and advantageous when compared to like-custody units within ADC. Rotation procedures with inmate assignments to ASP-Kingman for addressing inmate needs at the minimum and medium custody levels is not inconsistent with inmate management procedures ADC has utilized with prior out-of-state contract placements.

**Intelligence Gathering/Sharing:** The Special Security Unit (SSU) assessment team interviews with the inmate population on both the Cerbat and Hualapai Units were conducted for the

purpose of establishing and determining the culture that exists among the inmate population and MTC staff. SSU conducted approximately 257 interviews of inmates of all races to include those who have assumed a leadership role or are associated with Security Threat Group (STG)/Criminal Street Gang (CSG) activity. Several observations were made that established the current culture of ASP-Kingman. The inmate population attempted to justify their actions by stating the current culture is due to a total lack of communication, no command presence (Supervisory Staff) and unprofessionalism demonstrated daily by MTC staff. Daily tours of both yards indicated that staff demonstrates a lack of urgency or attentiveness to inmate concerns and appear to be disengaged with the inmate population.

The general consensus among the inmate population is that MTC staff fails to demonstrate a professional demeanor when dealing with and addressing issues with the inmate population. Responses and action demonstrated towards the inmate population are done in a manner that is counterproductive and adds additional stress with no attempt to diffuse or minimize a situation. Inmates stated that the inmate disciplinary system is utilized to manage all aspects of inmate behavior and has created a 'nit-pick' atmosphere. Interaction and communication is limited with line staff in the day to day functions of the unit. Supervisor presence is very limited and is lacking when needed to keep an issue from escalating. In conclusion the inmate population stated that a basic mutual respect between both staff and inmates would benefit and be productive to allow staff and inmates to coexist in the correctional facility. This would allow for significant positive progress. Inmates stated they feel they don't have a significant outlet in which they can address issues.

### **Cerbat Pre-Disturbance Indicators**

**Lack of Staff Professionalism:** Cerbat inmates stated when trying to resolve issues with MTC staff they are met with profanity and are at times challenged by some staff.

**Favoritism:** Several African American and Mexican National inmates claimed there has been preferential treatment towards the Caucasian population in the form of better jobs within the Unit and outside the Unit.

The population believes that once you are housed in ASP-Kingman you are 'stuck there' no matter how much programming they participate in. Many inmates were under the assumption they had to program and 'graduate' out of the MTC facility.

**Cultural Diversity:** Inmates that were interviewed (Mexican-American/Mexican-Nationals/African-Americans) feel that MTC staff demonstrate preferential treatment to the Caucasian population and that they are afforded the more preferred work programs jobs. The perception exists that the Caucasian population is given an advantage when being issued disciplinary and that it is often resolved with an informal action as opposed to other races who claim to receive a more severe penalty.

A statistical review was conducted of the ratio of all of the inmate work programs which are available at the Cerbat Unit. Findings showed that jobs provided to the inmate population prior to July 1, 2015 were racially balanced and acceptable. A comprehensive review of these work programs was conducted to determine if the balances of the more preferred inmate jobs (i.e. outside work crews, ACI, WBE, etc.) were comparable to the less preferred jobs (i.e. porters, kitchen workers, etc.) for all. The research of the racial balances for preferred jobs versus the less desirable jobs did indicate signs the Caucasian inmate population is receiving a higher percentage of the desired inmate work programs rather than the less desirable. (*Work Crew Racial Balance Report, Exhibit 35*)

**Miscommunication:** During interviews all races stated prior to the staff assaults when all races began grouping there was no direction over the PA system to ‘lock down’ or return to their assigned living areas.

During interviews with several African Americans the following information was gathered which led to the staff assaults and disturbance on Cerbat yard.

The African American population was pressured by the Mexican National population to assault inmate [REDACTED] when he arrived back on the Cerbat unit

African American inmates felt disrespected by Sergeant Romero when they were addressing the problem and wanted to speak to a Lieutenant. Inmates of all races stated through interviews that they heard Sgt. Romero say “This is my fucken yard I’ll run it the way I want to. Handle it.” as he closed the door to the shift commander’s area. At this point the African American inmates began to assault staff and subsequently began to damage /destroy items at the Cerbat Unit.

### **Hualapai Unit**

Interviews were conducted on the Hualapai Unit by the Special Security Unit and obtained the following information; the inmate population became unruly and disruptive on July 02, 2015 when they witnessed an alleged excessive use of force utilized by an MTC Officer. The inmate population allowed this action to fuel their discontent and used it as a catalyst to fuel their frustrations over past actions that have not been successfully addressed and communicated. The inmate population stated that a lack of supervisor presence on the yards allows for ‘Badge Heavy Officers’ to abuse their authority when dealing with the inmate population and that a lack of professionalism, respect and the use of profanity only complicates matters when attempting to resolve an issue.

MTC line staff supported the above information by alleging that Supervisor presence/command is lacking in the day to day activities of the unit. A morning tour was conducted with Mr. Credio and SSU staff of the yard and not once during the tour did we encounter any supervisory staff on the yard or in any of the dorms. This observation is consistent with what is being reported by

MTC line staff and the inmate population. There is a lack of supervisor visibility during the course of a shift.

SSU staff conducted a review of the 2010 MTC assessment and found that one of the recommendations was as follows, “The SSU position is only a part time assignment as it is not part of the contract according to a MTC Lieutenant. With the addition of medium custody inmates this needs to be added to their post charts as we have learned the valuable importance of this position.”

The Lieutenant and Sergeant who are currently assigned to operations positions also fulfill the role of “SSU staff.” They stated that they do not have any positions that allows for a full time SSU staff member. They attempt to fulfill the obligations of a SSU staff member when they are not busy with other duties.

**Communication:** The inmate population has expressed significant frustration when communicating with MTC staff to include administration, supervisors and line staff. The inmate population expressed that MTC staff responses are disrespectful in nature when soliciting everyday questions that deal with their incarceration. Inmates stated MTC staff lack a basic respect and that when profanity is included in the equation it only escalates the frustration levels within the inmate population. Inmates feel that they are not able to effectively communicate with or even have a basic rapport that allows for problem solving.

**Respect:** The inmate population stated if MTC demonstrated any appropriate amount of respect when interacting with the inmate population that significant strides could be accomplished. The inmate population feels that there is a huge communication divide between MTC staff and the inmate population.

### **MTC Staff/Operations**

MTC does not allocate staffing for a dedicated Intelligence Officer/Special Security Unit. Staff that is currently appointed to oversee duties and monitoring for intelligence gathering includes an Operations Lieutenant and an Operations Sergeant at each of the units, Hualapai and Cerbat. The scope of their responsibilities also includes additional Operations duties for their facility. The Intelligence Officer attempts to fulfill the obligations and duties of a SSU staff member but is limited in his ability to perform these duties. Several observations were made to include feedback from the MTC staff regarding correctional practices that would benefit the staff in addressing the STG population which had a major influence during the incidents that took place at ASP-Kingman. MTC staff have a very limited understanding of prison politics (CSG/STG), prison culture, yard dynamics (hierarchy, by-laws, code of conduct, etc.) 806 policies (Department Order 806, Security Threat Groups), intelligence reporting and sharing, and interview techniques.

MTC staff stated they struggle with obtaining outside intelligence that may benefit them in addressing the STG population at their facility. All MTC staff were advised that having a strong understanding of DO-806, identifying high profile and STG inmates, developing strong communications skills, understanding prison culture and inmate dynamics, and developing a rapport with the inmate population would greatly benefit them in fulfilling their roles within the SSU spectrum. MTC staff was given practical examples on how to successfully interact with the inmate population and how to utilize Department Order 806 to gain inmate compliance and redirect negative behavior.

### **Inmate Culture Observation**

Inmates on the Cerbat Unit (North Yard) attempted to dictate to ADC SSU staff that they would not be interviewed individually and needed to have representation when communicating with staff. Initially the inmates in Buildings 1 through 4 (Mexican-Americans) were hesitant and uncooperative and all of Building 5 refused. Lieutenant Quintero redirected the inmates' behavior and strongly reminded the inmates of the consequences, to include removing those who were responsible for negatively influencing the other inmates. At the conclusion of Lieutenant Quintero's instructions, all inmates complied and allowed themselves to be interviewed.

MTC staff developed a new term, it is called 'Grouped On'. This behavior is known among the inmate population. This practice is implemented when line staff fails to address an issue. The inmate population as a group approaches the officer station in order to get a supervisor to respond to the area.

MTC staff indicated they are discouraged from fully enforcing DO 704 compliance, due to MTC Supervisors and Administration alleging that this is 'Poking the Bear' which causes a non-compliant inmate population.

The lack of communication between MTC line staff, supervisors and administration allowed for a chain reaction of events to develop that failed to successfully address custodial responsibility on behalf of inmate [REDACTED]. This action jeopardized the safe, secure and orderly operation of the institution. Information that was initially obtained on June 24, 2015 by MTC SSU staff (Lieutenant Morrish and Sergeant Doze) was not elevated to administration staff for review or for additional instruction. Vital information obtained was that inmate [REDACTED] was being accused of stealing (narcotics, cellular phone) from the Mexican-Nationals. This dominating factor should have alarmed MTC staff due to the well established prison protocol implemented by the inmate population regarding theft among inmates.

Traditionally, if left unresolved within the inmate population it can have devastating consequences within the correctional environment. On the day of the riot at the Cerbat Unit on July 01, 2015 MTC supervisor, Sergeant Panzer documented on a Use of Force/Incident Command Report Continuation Sheet (*Use of Force Report, Exhibit 36*) that the inmate population were loudly voicing their dissatisfaction with inmate [REDACTED] returning to the yard from

CDU and made the following statements, “You Guys Caused This,” and “Who let him on the yard?” Sergeant Panzer’s documentation acknowledges that there was a pre-existing concern with inmate [REDACTED]

MTC staff has stated that basic communication suffers with supervisory and administration staff due to their absence during the course of the day. They are not present for the purpose of providing guidance in addressing staff concerns and inmate issues. This lack of attention results in less experienced staff trying to resolve inmate conflicts and issues, often with limited success. MTC staff stated they are not provided with sufficient instruction or information and they are often sent out to work without having any interaction or direction from their supervisors.

Programming and opportunities do not seem to be a big concern at ASP-Kingman. The problems occur when programs, groups or classes are conducted haphazardly, or communication with staff is unprofessional or inadequate. This alludes to unsatisfactory training of staff at all levels.

### **Key Findings**

- Total inmate work assignments numbers at Cerbat imply creative job creation, which may not reflect meaningful work opportunities. **[Violation of DO 903, Inmate Work Activities]**
- Case Managers not appropriately supervising structured recreational programs. **[Violation of DO 906, Inmate Recreation / Arts & Crafts]**
- MTC programs supervisors are not interacting effectively with line staff or inmates, and do not make themselves available to the inmate population. Communication is intermittent, and sometimes contradictory or incomplete. **[Operational concern, sound correctional practices]**
- MTC staff reports a high turnover rate for Case Managers. Cerbat and Hualapai each had two actual case manager vacancies. A review of both units revealed that there are limited numbers of case managers seeing inmates each day. MTC Case Managers (COIIs) are not available to the inmate population on a consistent basis. **[Violation of DO 811, Individual Inmate Assessments and Reviews]**
- Inmate perception that MTC staff is unprofessional, has no supervisory presence, and fails to communicate with the population. **[Operational concern, sound correctional practices]**
- MTC doesn’t have a dedicated full-time Special Security Unit in their authorized staffing pattern. MTC staff has an inadequate understanding of prison politics, security threat

group, and intelligence-gathering mechanisms. **[Operational concern, sound correctional practices]**

- A practice exists of allowing groupings of inmates to approach and intimidate individual staff, without repercussion. **[Violations of DO 105, Information Reporting, DO 706, Incident Management, and DO 803, Inmate Disciplinary Procedure, identified in Objective #3]**
- Information provided by MTC SSU staff regarding investigative results on inmate [REDACTED] was not elevated for administrative review. **[Operational concern, sound correctional practices, identified in Objective #1]**
- Inmate feedback on a potential protective custody issue involving inmate [REDACTED] was not acted upon. **[Violation of DO 805, Protective Custody, identified in Objectives #1, #2, and #3]**
- MTC Hualapai unit had a somewhat higher number (8.6%) of disciplinary reports written in June 2015 when compared to a similar ADC unit (Florence-East). However, the number of those disciplinary reports that were for major violations was much higher (177 versus 139) for June and was consistently higher for the last quarter. **[Operational concern]**
- Inmates reported that staff unprofessionalism (use of profanity, badge heavy) is an issue that has created unrest. **[Violations of DO 501, Employee Professionalism, Ethics and Conduct, DO 509, Employee Training and Education; operational concern, identified in Objective #3]**

## **OBJECTIVE 5: Review of Pre-Service, In-Service Training**

The following is a summary of the Assessment Team's review of staff training to include pre-service, in-service and specialized courses for TSU and DART. Team members interviewed training staff, examined class rosters, course curricula, and a multitude of training-related documents to better understand the learning process at ASP-Kingman.

Training was found to be deficient in numerous areas. MTC had reduced or failed to conduct many of the classes required by ADC, both pre-service and in-service. There were also numerous deficiencies in much of the training that was being conducted.

### **Tactical Support Unit (TSU)**

The MTC TSU is a young team; over 65% of the team has two years or less on the TSU. The team currently has 22 active members with 10 vacant positions. *(MTC TSU Call-Out Roster, Exhibit 37)* 18 team members interviewed reported having completed a tactical support unit academy taught internally by MTC staff. Three tactical officers report they attended a tactical support unit academy with contracted ADC instructors. TSU training is scheduled for 8 hours per month.

TSU officers stated that training is often cancelled due to staffing shortages. A sample of the last 12 months training rosters was reviewed. Only five training rosters were completed during that period *(MTC TSU Training Rosters, Exhibit 38)*. Six tactical officers attended the TSU academy as recently as October 2014. *(MTC TSU Academy Rosters, Exhibit 39)* Operations Deputy Warden Santiago stated that the decision to prioritize unit staffing over officer attendance to TSU training was above his level.

TSU officers stated that they did not have all their issued tactical equipment. Some had volunteered to loan their equipment for use in the TSU academy that was supposed to start that week. Officers said the equipment they did have was often worn and not of the right size for them.

During interviews with MTC TSU the staff stated they needed cross training with other ADC tactical units and would like to be at the same level as ADC units. They also felt that the armory needed dedicated weapons for TSU. They feel the need for more training and experience with specialty munitions. When asked, 66% of MTC Tactical Officers said their training did not adequately prepare them for a riot of the scale at Hualapai unit.

The MTC TSU tactical response lacked aggressive measures to rapidly take control of the unit. TSU staff had not adequately trained due to multiple training cancellations. Some of the officers were not familiar with and had not fired/deployed specialty munitions in their inventory. The MTC TSU was not prepared for a riot of this scale.

### Designated Armed Response Team (DART)

Response equipment for DART is located in both Cerbat and Hualapai unit armories. The DART equipment complies with DO 716 in munitions and weapons types. Reports provided by both units indicate that Cerbat unit completed eight DART drills in the last quarter. Hualapai unit completed fifteen DART drills in the last quarter (*MTC DART Drills, Exhibit 40*).

Training records indicate that initial DART training is conducted in the MTC correctional officers training academy. Firearms rosters notate that DART refresher training is conducted at annual firearms training. Interviews of staff indicate that they had not received annual DART refresher training at the range as required by ADC (*MTC Firearms Training Rosters, Exhibit 41*).

In interviews with officers and security supervisors who were assigned to a DART team, the MTC staff believe that DART is a defensive team and [REDACTED]. They say DART must [REDACTED]. The majority of security staff, to include training staff, said that DART is not [REDACTED].

[REDACTED] (*DART Training Lesson Plan dated 04-19-2005 \*Restricted, Exhibit 6*), (*DART for Supervisors Lesson Plan FY15, \*Restricted, Exhibit 7*), (*Department Order 706, Incident Management \*Restricted, Exhibit 8*).

The MTC practice regarding DART is in contravention to ADC lesson plans addressing DART.

Rosters for DART For Supervisors training FY15 were requested. No rosters were provided as DART For Supervisors training was not offered at ASP-Kingman. However, MTC did send staff to the Train the Trainer course. For this class Sergeant Ciofalo and Captain Winckler attended on July 3, 2014 (*Train the Trainer Rosters, Exhibit 42*).

### MTC Correctional Officer Training Academy

During an interview Lt. Sweeney stated that MTC uses the same curriculum that ADC uses in the Correctional Officer Training Academy. Additionally MTC uses ADC training curriculum for new employee orientation, and in-service training. Lt. Sweeney provided an approved MTC Training Plan (*MTC FY 15 Annual Training Plan, Exhibit 43*). He advised that they had graduated 59 cadets so far this year. Lt. Sweeney confirmed that many academy instructors had not completed the course-specific Train the Trainer classes. Lt. Sweeney stated that MTC firearms instructors and self-defense instructors were certified by ADC and that the two training Sergeants taught non-violent Crisis Intervention to cadets in the academy. ADC requires that Crisis Intervention instructors attend a certification course prior to teaching this class. ADC has also determined that Crisis Intervention is such a critical course that it is instructed only by Grade 20 (Captain or COIV) or above. ADC spends 16 hours with this course instructing cadets in conflict resolution, non-violent crisis intervention, and professional staff/inmate communications. It is taught through lesson delivery and scenario-based learning. MTC delivers

the course in 1.5 hours, thus failing to meet their contractual obligation by not teaching the approved COTA curriculum.

A review of the training curriculum for MTC's Correctional Officer Training Academy was compared with the curriculum of ADC's Correctional Officer Training Academy. The training for MTC is notably shorter in many critical areas. *(ADC/MTC Training Schedule Comparison, Exhibit 44)*

Sgt. Binkney is the primary instructor for cadets through the academy, new employee orientation training and in-service training. He verified that he had not attended an instructor certification course. He said that when he first arrived at training in November 2014 he was provided a class schedule and no curriculum. He organized the academy schedule and taught his first academy without the ADC lesson plans.

Staff interviews revealed that MTC had conducted accelerated academies. These academies were completed using 12 hour training sessions 5 days a week. These longer daily sessions may have a negative impact on the way these staff learn and retain information *(Adult Learning Theory, Exhibit 45)*.

MTC's Use of Force class is incorporated into the Self Defense and Firearms Training curricula. The ADC standard dictates that a Use of Force pre-service class is conducted independent of other classes. This helps to further the idea of a Use of Force Continuum that uses [REDACTED].

MTC's self defense classes are taught in consecutive days. ADC self defense training has small training sessions starting in week one and continuing in weeks two and three, in which the basics can be practiced and muscle memory instilled prior to intensive self defense training in week 4 *(ADC/MTC Training Schedule Comparison, Exhibit 44)*

During the pre-service training in MTC's academy cadets do not spend any time in the institution interacting with inmates. It has been the experience of the Assessment Team that exposure to the institution is critical for the development of the cadet. ADC cadets spend two days working side-by-side with correctional officers on the prison yards during week four of the academy. *(ADC/MTC Pre-Service Training Hours Comparison, Exhibit 46)*

The most significant difference in the academy curricula is the amount of class time for Crisis Intervention. ADC conducts sixteen hours of training in this area while the MTC course is ninety minutes. Most of the staff interviewed stated they felt that interpersonal skills and communications training was the biggest area of deficiency. This Crisis Intervention training includes much of the desired interpersonal communication training the staff is requesting. *(ADC/MTC Pre-Service Training Hours Comparison, Exhibit 46)*

NIMS 100, 700, 800 are scheduled for 24 hours of MTC academy training. NIMS courses are homework assignments for ADC COTA cadets and require approximately 1 to 2 hours each. Despite this requirement 78 Security staff have not completed NIMS 100, 114 security staff have not completed NIMS 700, and 120 Security staff have not completed NIMS 800 (*ADC/MTC Pre-Service Training Hours Comparison, Exhibit 46*), (*NIMS Tracking Roster, Exhibit 47*)

Several new staff stated that when they came out of the academy, they did not know how to complete routine paperwork such as Information Reports, Inmate Disciplinary Reports, and Correctional Service Journals.

MTC does not have a functional Field Training Officer program in place. Several new staff would like to have had more on-the-job training, and felt they were not fully prepared once assigned to work alone on the unit.

Officers with less than a year in the field are being tasked with training new officers coming out of the academy.

### **In-Service Training**

CBOD Tara Diaz conducted a review of MTC in-service training statistics prior to the riots. Her findings were that 29% of the staff had not completed ADC required annual classroom training, and 49% had not completed required online training. (*T. Diaz Memo dated July 1, 2015, Exhibit 48*)

The completion of in-service training is not tracked by class completed, but rather tracked by grouping classes into blocks. The classes in each block were changed mid-year creating disparities on who completed what class. Example rosters (*MTC Training Rosters, Exhibit 49*)

MTC completed 0% ADC mandated classroom Supervisor Training for FY2015.

**Firearms Training:** 7 staff weapon qualifications were expired prior to July 1, 2015. 27 staff weapon qualifications have expired after July 1, 2015 since the disturbance. (*MTC Firearms Training Rosters, Exhibit 41*).

During an interview with Deputy Warden Santiago concerning armory munitions, TSU equipment, and training issues the following concerns were identified:

**TSU Equipment:** Deputy Warden Santiago said he didn't know why officers had to loan their issued equipment for use by the academy he stated that the prior tactical officers had turned it in and it was in a warehouse.

**Training:** Deputy Warden Santiago was not aware the wrong curriculum was being used for pre-service. He was aware that some of the wrong curriculum was being used for in-service and credited the discovery of using the wrong curriculum to Lt. Sweeney, who found the discrepancies on the training plan in April of 2015. DW Santiago said Lieutenant Woolridge was

the past training Lieutenant and he did not leave on good terms. The training department was replaced after he left and one month later the training sergeant resigned to go to work for the railroad.

## **Equipment Concerns**

According to Deputy Warden Santiago the yard Captains tell Administration what each yard requires and he ensures that enough is stocked for their use. These amounts were established before the arrival of DW Santiago. This would indicate inconsistency in munitions on hand and may result in an under-stocked armory. Munitions selection and quantity is determined by security chiefs using inmate population, custody, physical plant, size of yard and response times from closest ADC units. The below comparison is of ASP-Kingman, ASPC-Safford and ASPC-Douglas. There are currently no minimum standards in place in ADC (*ADC/MTC Munitions Inventories, Exhibit 50*).

Overall, training does not appear to be a priority at ASP-Kingman. This unfortunately played a significant factor in the management of the riots and the preceding events of inmate groupings.

## **Key Findings**

- MTC failed to deliver numerous pre-service and in-service training classes, and in other cases, made unauthorized reductions in classroom hours to existing courses. Overall, staff in-service training completion rates were unsatisfactory, with supervisors having the lowest completion rates. [**Violation of Contract AD9-010-A3, Sections 2.11.7 through 2.11.15, Staff Training, and DO 509, Employee Training and Education**]
- MTC TSU staff report not having adequate tactical equipment. [**Violation of DO 716, Armory Procedures**]
- MTC TSU staff report not having enough familiarization with specialty weapons and/or munitions. [**Operational concern, sound correctional practices**]
- MTC staff assigned to DART is not compliant with DART tactics. [**Violation of DART Training lesson plans, identified in Objectives #1, #2, and #3**]
- No MTC supervisors had attended mandatory DART for Supervisors course; this course has been an annual ADC requirement since this contract went into effect. (Exception: two staff, CPT Winckler and SGT Ciafalo, have attended Train-the-Trainer). [**Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education, identified in Objective #3**]
- The primary instructor for MTC's equivalent to ADC Correctional Officer Training Academy had not attended ADC instructor certification, and taught classes without ADC lesson plans. Numerous classes were taught without instructors attending the respective

Train-the-Trainer courses. [**Violation of Contract AD9-010-A3 Section 2.11.7 through 2.11.15, Staff Training, and DO 509, Employee Training and Education**]

- MTC academy cadets do not spend any time in the institution interacting with inmates during their academy, as ADC COTA cadets do. [**Operational concern, sound correctional practices**]
- COTA cadets receive 16 hours of crisis intervention training; MTC academy cadets receive 1 ½ hours. This is noncompliant with COTA curriculum. [**Violation of Contract AD9-010-A3 Section 2.11.8 et seq, Pre-Service Training, and DO 509, Employee Training and Education; operational concern, sound correctional practices**]
- Many MTC staff has not completed basic NIMS/ICS courses, as mandated. [**Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education**]
- Some MTC line staff report being untrained to complete Information Reports, Inmate Disciplinary Reports, and Correctional Service Journals. [**Violations of DO 105, Information Reporting, DO 803, Inmate Disciplinary Procedure, and DO 703, Security/Facility Inspections**]
- MTC lacks an effective Field Training Officer program. [**Violation of DO 509, Employee Training and Education, identified in Objective #3**]
- Numerous MTC staff have expired weapons qualifications. [**Violation of DO 510, Firearms Qualification/Firearms Instructor Certification**]
- MTC DART refresher training supposed to be conducted at annual firearms training. However, staff interviews (to include the DWOP) indicate this is not being conducted. [**Violation of Contract Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education, identified in Objective #2**]
- MTC TSU has 22 active members with 10 vacant positions. [**Operational concern, sound correctional practices**]
- MTC TSU training is frequently cancelled, with only five trainings verified in the past 12 months. [**Violation of Contract Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education**]
- MTC has conducted accelerated academies (12 hours per day, 5 days per week). [**Violation of Contract Section 2.11.8 et seq, Pre-Service Training, and DO 509, Employee Training and Education**]

## **OBJECTIVE 6: ADC Monitor Team Assessment**

This segment encompasses a review of duties and functions of the on-site ADC staff assigned to monitor the operations of ASP-Kingman staff and bridge the relationship between the Department and ASP-Kingman.

The Arizona Department of Corrections employs a cadre of full-time staff to monitor contract compliance of contracted prison facilities. *(ADC Monitor Team History, Exhibit 51)* The ADC Monitoring Team is comprised of:

Tara Diaz, Contract Beds Operations Director (oversees monitoring of all contract bed facilities)  
Ron Credio, Contract Beds Deputy Bureau Administrator (oversees monitoring of all contract bed facilities)

### ASP-Kingman Monitoring Team

Betty Barnes, Deputy Warden – Lead Monitor  
Samuel Arredondo, Captain – Hualapai Unit  
Leasure Schaulin, COIII – Hualapai Unit  
Abel Dominguez, Captain – Cerbat Unit  
Betty Esterline, COIII – Cerbat Unit

The ADC Assessment team reviewed the contract for MTC and the scope of work within Department Order #106, Contract Beds, and Department Order #703 for the bureau and assigned monitors.

The ADC Monitors were interviewed and their performance was reviewed. The assessment also included a review of the current contract, discussions with MTC staff, operational observations, and document checks. After reviewing 703 GAR (Green-Amber-Red) inspection reports, audit results, monthly reports, inmate disciplinary findings and classification decisions, the assessment team determined the following:

The ADC MTC Monitoring Team experienced a number of staff vacancies in the past year; *(ADC Monitor Team History, Exhibit 51)*

The ADC Monitoring Team is meeting their statutory and contractual requirements based on the policy. They are conducting their required monthly tours based on a review of; *(ADC 703 Reports, Exhibit 52)*. The ADC Monitoring Team completes their GAR inspections appropriately. In the physical absence of the monitoring team, MTC staff and inmate compliance appears to regress. This is evident through GAR inspection results, tour inspections and observations. GAR inspections and tours monitor the specific security operations and security devices at a prison unit and ensure that they remain in good working condition, and that supervisory and other management personnel conduct regular inspections and tours.

These tools (GAR, tours/inspections) do not “monitor” the culture of a prison unit, to include the interactions between inmates and staff, and the attitudes of each group. GAR inspections do not ask questions about the quality or quantity of staff training, or how often officers see their supervisors on the yard. To properly assess the culture of a prison unit, one needs to speak with staff and inmates at length and observe their interactions. In depth town hall meetings with inmates should be observed routinely and the attitudes of both staff and inmates noted; this is not currently occurring.

The number of inmates (3500), physical size of ASP-Kingman, and volume of required documentation review make it challenging to effectively examine all aspects of the prison operations (security/safety operations and programming), while conducting required tours. ASP-Kingman ADC Monitors are involved in completing thorough GAR inspections and required paperwork and are limited in their abilities to interact with staff and inmates in an unstructured manner. When the monitoring team is not present, staff and inmates at ASP-Kingman appear to revert to a position of noncompliance as evidenced by the findings of the assessment team.

The ADC Monitor Team has established a process of addressing issues on the spot and working with the MTC Administrators to correct them. DW Barnes monitors GAR corrective actions plans (CAPs) and at this time there are some pending but none have been pending for longer than April, 2015. The assessment team noted minor delays in CAPs follow-up.

The team meets timeframes for a majority of their mandatory oversight and decision making on the high volume of inmate actions (classification, disciplinary, visitation, releases, correspondence, etc.) and contractor clearances.

A review of the detention reports for both Hualapai and Cerbat indicated some time lapses in policy compliance for disciplinary and classification processes.

The ADC Monitor team at ASP-Kingman monitors a prison housing approximately 3500 inmates. By comparison, the ADC Monitor team with the next highest number of inmates to monitor is the Florence West/Central Arizona Correctional Facility (CACF) team with a combined total of approximately 2030 inmates. The Marana/Phoenix West team has oversight of approximately 1000 inmates and the Red Rock team has approximately 1000 inmates. In comparison to the other private facilities, the size of ASP-Kingman and the number of inmates generates a volume of paperwork and statutorily-mandated tasks that reduces the team’s opportunities to effectively observe the leadership and culture at ASP-Kingman.

ADC monitors report MTC management does not embrace open communication with ADC. Monitor Team members state the discussions during daily morning meetings are limited. MTC employees report they are discouraged from speaking with the monitor team members (based on observations and conclusions of the Assessment Team). Assessment Team members were told

by MTC officers that they were told it was frowned upon to speak with the monitors, but it was not a written policy.

The ADC monitoring team had not been effectively monitoring pre-service, in-service, and specialty training. Percentage of completion of required courses was reviewed. However, the review was completed too late in the training year to make a meaningful impact towards completion. Monitoring the quality of instruction, the compliance with curriculum requirements, and the overall MTC approach to training is not included in written instructions to the monitoring team and is not currently within the scope of their responsibility. Additionally, the ADC Annual Inspection report, compiled by the Inspections Unit, only reports on findings of completed training.

The Contract Beds Monitoring Team was each interviewed separately.

### **Contract Beds Operations Director Tara Diaz**

Contract Beds Operations Director Diaz (CBOD) has a copy of the contract and relevant policies and is well versed in describing what the duties and responsibilities are for the bureau. She refers to the contract frequently to ensure that the details are being attended to. CBOD Diaz described her oversight of the six (6) private facilities that the Department contracts with. She has oversight of contractor adherence to applicable policies, as well as compliance with the specifics of the contract. This is accomplished through the on-site monitoring teams. She has the lead monitors and the Deputy Bureau Administrator as direct reports for her immediate supervision.

CBOD Diaz described her duties as follows:

Review of all ACJIS background checks- approve/deny private prison hiring of personnel.

Review of prison per diem submissions for payment authorizations;

Review of GAR inspections by monitoring teams to ensure that corrective action plans are completed on any amber or red findings;

Review and approval of Welfare and Benefit expenditure requests;

Review and approval of fundraiser requests from facility wardens;

Review of any open requests for proposal;

Signatory authority for 2<sup>nd</sup> level grievance appeals and all visitation denial appeals;

Discussion and elevation of operational concerns to the Division Director of Offender Operations;

CBOD Diaz described the methods she uses for on-site supervision of each private facility. She physically tours the units once each month with the unit Warden, ADC Deputy Warden/Lead Monitor, Captain and CO III. Her focus is to interact with the inmate population as well as speaking to correctional staff at their various posts. She is detailed in her inspections and opens doors, plumbing chases, verifies kitchen tool inventories, maintenance tool inventories and other security related concerns. She inspects housing units for inmate compliance with housing regulations. She does not set a regular tour route and her tours are frequently unannounced. CBOD Diaz completes entries into the GAR inspection instrument when she encounters significant concerns that require documented corrective action plans.

Documentation of tour results is provided in the Department Order #703 Monthly Facility Inspection Reports. She briefs the Division Director during their monthly one on one meeting regarding any special circumstances that exist at each facility. She includes any concerns with the monitoring team. She also provides a general overview of the operations at each facility. She described a focus on Hualapai Unit for the last few months due to having the unit on modified operations due to inmate on staff assaults and inmate on inmate assaults taking place.

During an out-briefing, CBOD Diaz verbally provides results of her inspections and tours to the facility Warden or whichever member of the contractor staff accompanies her on her tours. She will provide her findings via email when there is no one on-site. Example: Unannounced weekend inspections. Typical out-briefings are done verbally and will be followed up with written communication if the concern is a repeat finding (for example, 703 reports completed by Cerbat Warden Sullivan). *(T. Diaz Email Ref: Sullivan 703 Reports, Exhibit 12)*

CBOD Diaz stated that a significant challenge to effective monitoring of the MTC prison was due to carrying vacant Captain and CO III positions for several months. She described how staff members from other facilities were rotated into the units to cover the required duties. Captains from the Contract Beds Bureau were rotated into the facility once per week to ensure that the inmate disciplinary case loads were being completed. She said that Captain Arredondo was newly promoted to Captain and had been assigned only since the end of March. The position had been vacant for eight and a half months. She indicated that she emphasized to the Division Director the necessity of having vacancies filled. Historically, ASP-Kingman has been a hard to fill, remote location for the Contract Beds Bureau. *(ADC Monitor Team Vacancy History, Exhibit 51)*

She said that staff training for New Employee Orientation, Pre-Service Correctional Officer Academy and In-Service Training are monitored only to ensure that the training plan is accomplished by the operator. The measurement of this accomplishment is by review of the reported number of staff completing the established courses in the training plan. Lead Monitor DW Barnes reported to CBOD Diaz that the AAI and COIII were attending in-service training and noticed the instructor was showing a video that was incorrect for the class. It was later determined that the contractor was not following the approved training plan for the year. She

explained that the contractor is provided with the required curriculum for the training year then the contractor submits an annual training plan to the Staff Development and Training Administrator for review and approval. Once it is approved, the CBOD reviews and co-signs approval. The training plan is supposed to be implemented and followed as contractually required.

Per Contract AD9-010-A3 Section 2.9.10.4, the Contract Beds Bureau monitors staffing of mandated (e.g., security) positions/posts to the extent that it ensures contractually agreed-upon positions are filled according to contract specifications. It does not track whether the contractor fills the position utilizing overtime compensation. At the time of the disturbances, MTC experienced approximately 17% vacancy rate in correctional officer positions. Contractually-required posts have been filled utilizing overtime compensation, per Section 2.9.10.4.1.1.

CBOD Diaz was asked how she addressed concerns such as staff assaults and inmate concerns. She said that she forwards the inmate concerns to the Warden and expects that the concerns will be addressed. With regard to staff assaults, she monitors the data and then discusses the need for incident reviews with the Complex Administrator to ensure that triggering events are identified. This should result in addressing the inmate population or communications with staff on crisis intervention/conflict resolution strategies.

CBOD Diaz said that during her tours, inmates have not expressed to her any concerns that staff are being unprofessional by cursing at them or using racially charged terms with them. She said that inmates have expressed frustrations that MTC staff are petty and write them up for not tucking in shirts or for not shaving for a day. She said that her response to the inmates is that staff are required to address non-compliance the same as ADC staff are. She said that in general, inmate demeanor in both units had been positive. Inmate morale in the prior month had been good and staff was observed to be active in the housing units. She added that during her tours she has seen inmates approach Warden Rider or Warden Sullivan and ask questions.

CBOD Diaz expressed a concern over her perception of a high turnover in Case Managers for MTC. She could not provide a reason for the high turnover rate. She stated that she has twice arranged for special training with ADC instructors; arranging for a CO III Academy to be offered on-site versus MTC having to send case managers to the academy in Tucson. She has also conducted train the trainer courses for the CO III Academy and offered attendance for MTC staff at the Special Security Unit Academy in Tucson. She said that in May, 2015 she actually brought the ASPC-Eyman Special Security Unit supervisors to MTC to train the MTC staff who were assigned to handle the intelligence gathering functions for the Cerbat and Hualapai Units. She added, when weaknesses or deficiencies are recognized, she and/or the monitors address them with MTC staff and offer to assist with training.

CBOD Diaz said that she follows up personally on all Red GAR inspection findings to ensure corrective action plans are submitted and completed. This was verified in the review of the

February, 2015 GAR report. She said that she has also ensured that the lead monitor rejects deficient suggested corrective action plans that are submitted by the contractor. She notifies the Complex Administrator when 30-45 days have elapsed with no corrective action plans being submitted for Amber or Red GAR findings. *(T. Diaz Email Ref: GAR Findings, Exhibit 53)*

When asked how she monitors the DO #703 Monthly Facility Inspection reports, she said that she reads them all for completeness and to ensure that unit teams are conducting their required tours and inspections. She said she relies on the monitors to tell her what is happening on a day to day basis. CBOD Diaz said that findings of ‘needs improvement’ or ‘unacceptable’ are communicated by the lead monitor and/or herself to the Complex Administrator and the Unit Warden. They also generate a specific follow up inspection during the next tour by the CBOD.

CBOD Diaz said that the MTC Administrators review detention placements each Thursday along with members of the monitor team. The contract monitor team has shared information that detention bed management has been difficult due to lack of available bed space in close custody and other medium custody prisons.

CBOD Diaz described her relationship with MTC staff as professional. She said that while she does not know all the correctional officers by name, she does recognize many and they know her by name and chat with her. She said that they have not shared the significant morale issues with her that has been shared with members of the assessment team. She did say that some officers have expressed being fatigued due to having to work mandatory overtime on a regular basis.

A comparison of operations between a state operated prison complex and MTC was discussed. State operated prison complexes have shared services in support services outside of the prison units. Prison units are expected to operate uniformly and consistently to the extent possible. Complex Wardens and Unit Deputy Wardens meet regularly to discuss operations and work to ensure consistency in unit operations. CBOD Diaz stated that regardless of the unit, monitors address policy or contract violations.

### **Deputy Bureau Administrator Ron Credio**

Deputy Bureau Administrator (DBA) Ron Credio was interviewed. DBA Credio has a copy of the contract and relevant policies and is well versed in describing what the duties and responsibilities are for the bureau. He refers to the contract frequently to ensure that the details are being attended to. DBA Credio described his oversight of the six (6) private facilities that the Department contracts with. He said that under the leadership of the Contract Beds Operations Director, he has oversight of contractor adherence to applicable policies, as well as compliance with the specifics of the contract. This is accomplished through the on-site monitoring teams. His position is ranked the same as the Deputy Wardens/Lead Monitors yet he functions in a capacity that provides guidance and direction to the monitor teams. He stated he has received training specific to his position through attendance at the Contract Beds Monitoring Academy and through on-the-job training and mentoring by the CBOD.

When asked to describe his duties DBA Credio stated he functions as primary eyes and ears for CBOD Diaz while he is touring the private prisons and is assigned as acting CBOD in her absence.

He conducts facility tours to assess how facilities are managed and assesses interaction between on-site monitors and contractors. He documents findings and forwards them via email to prison administrators. Findings are also provided via the DO #703 Monthly Facility Inspection Reports. *(R. Credio 703 Reports and Email Notes, Exhibit 54)*

DBA Credio provides end of month reports to CBOD Diaz on findings during tours of the facilities. At end of each tour, he conducts an out-briefing with the prison administration and Lead Monitor.

DBA Credio has direct supervision of a Captain/Disciplinary Hearing Officer, two (2) Correctional Officer IV positions, an Executive Staff Assistant, an Administrative Secretary I, and two Administrative Assistant I positions.

He monitors Adult Information Management System (AIMS) for classification reviews, disciplinary hearings, and management of detention beds.

He monitors detention unit operations and said a detention review was completed approximately 3 weeks prior to July 10, 2015 due to having several inmates awaiting movement.

DBA Credio said that per DO #106, he is required minimally to tour the private facilities once per month. He said that he typically conducts a morning tour and an afternoon tour within two days. He also does unannounced tours on weekends.

When asked what he focuses on when touring he said that he compares tour/inspection findings from the prior month to what he is observing during the current tour. He makes notes from the Monthly DO #703 report and checks to see if follow-up corrective action has been completed.

DBA Credio also cited an example of how he takes corrective action. He reviewed documentation regarding a fire drill that was marked on the form 703.1 as completed but it was not actually done. He said he redirected the monitor and contractor verbally.

He said that when he observes contractor deficiencies, he instructs the on-site monitors to document the findings in the GAR inspection instrument. He said that CBOD Diaz is primarily responsible for review of the GAR inspection reports and completed corrective action plans submitted by the contractor.

DBA Credio was asked if the contract beds bureau monitors the overtime accruals for the MTC prison. He said that they do not. They monitor to determine that contracted positions are filled and compare approved FTE to vacancies.

DBA Credio was asked if roster management for correctional officers is monitored. He said that it is only monitored to the extent that approved posts are filled either with a filled FTE or through the use of overtime compensation.

DBA Credio said that the use of overtime in June was very high due to the contractor 'flooding' staff into training classes. He said this was reported to the CBOD.

DBA Credio indicated the food service is monitored to ensure that kitchen sanitation is appropriate, menus are followed, food temperatures are maintained, tray presentation is consistent, and procedures are consistent with what is done in state run facilities. He said he reports results of kitchen inspections on his DO 703 monthly report. The monthly reports for February, March, April and May, 2015 were reviewed and found the reporting on kitchen issues to be consistent for both CBOD Diaz and DBA Credio. *(ADC 703 Reports, Exhibit 52)*

### **Lead Monitor Deputy Warden Betty Barnes**

DW Betty Barnes has a copy of the contract. She refers to it frequently and it is highlighted and marked from her reviews. She is unable to complete her work and unit tours within a forty hour work week, often taking work home with her. She does this in order to tour the units for more than the amount of time required by policy (10 hours per week). She estimates that she typically tours about 3 to 4 hours per day and reports that she tours every day. She is known by MTC staff and they confirmed that she is on the units. She is knowledgeable of the unit operations and the unit management teams.

ASP-Kingman has an inmate population of approximately 3500. DW Barnes is responsible for reviewing and approving/denying all of the visitation applications (1364 visitor applications between the two units, January-June 2015), classification actions, disciplinary reports, inter-relation mail and phone applications, Parole Class 3 and forfeiture applications, release packets and contractor clearances. DW Barnes reviews and signs all major inmate discipline (1121 major disciplinary violations written between the two units, January-June 2015). She monitors some grievances and follows up on medical issues to ensure inmates are receiving services. She reviews the libraries, programs/education, food service, security, inmate issues and responds to inmate letters. She tours work crews, monitors DO704 compliance, GAR, non-contact visitation, and transportation. She typically addresses issues with MTC Administrators verbally first. She follows up on the issue and if it has not been corrected or addressed she follows up via email and/or GAR inspection.

DW Barnes said she does not see MTC Administration and line staff interacting on a regular basis. Hualapai administrators do not assist with ICS responses. She has verbally reported this to Ms. Diaz. She has asked Warden Rider about this and Rider says the Captain responds to ICS.

DW Barnes sends GAR corrective actions plan reminders to MTC administrators and they develop them. She said that Captains and COIIs go to their assigned unit's daily meeting and they review information reports and other related documentation. She attends these meetings one or two times per month.

She reports that the units do notify her for incidents requiring significant incident reports (SIRs). She said that they call for ICSs, mental health watches, medical issues, transports, detention beds, etc. She reports that she receives 25 to 50 calls per day, including 10 to 15 calls after hours.

DW Barnes knew officers were working twelve-hour shifts (mandated 4 hours). She had discussed the amount of overtime being worked and high turnover with former CA, Jerry Sternes. She is aware that (MTC) is not bound by the overtime rules that ADC follows.

DW Barnes was asked, other than on your 703 report, how do you document your concerns. She replied, with emails to whoever is in charge of that area. She then follows up on the emails to ensure issues are resolved.

DW Barnes attends detention review meetings on Thursdays with the ADC Captains and COIIs. The MTC Wardens, DWOP and ADW's also attend. The monitor COIIs and MTC CPSs also review detention on Tuesdays. Most of the inmates in detention are DO 805 (PC) requests.

When asked if she reviews programming, recreation and feeding scheduling, DW Barnes responded that she reviews programming and how much programming is offered but not the actual schedules.

In March, 2015 DW Barnes discovered MTC didn't have the current training curriculum for Inmate Games part II; MTC was teaching Inmate Games part I. She called Molly Waters (ADC training) and Molly sent the correct one. She has at times had difficulty getting training numbers reports, but has been addressing training completions which is verified by MTC's last minute rush to get their staff into training in June.

Although DW Barnes was aware of the vacancy rate, the high volume of turnover, and the mandating of overtime, MTC staff does not share their complaints with the monitors as freely as they did with the assessment team. DW Barnes and her team were not aware of the magnitude of the staff unhappiness over these issues. The assessment team heard from MTC staff that they were encouraged not to talk to ADC. The role of the monitor is to observe facility operations, assess and report on contract and policy compliance, and complete inspections, in addition to performing statutorily-mandated duties that cannot be delegated to private prison staff; this role can be seen as adversarial and makes it unlikely that staff will freely share their concerns with them.

After DW Barnes was interviewed, it was later reported that there was discussion in the monitoring team's morning meetings on the last days of June and July 1, 2015, that Hualapai was 'hot' and that there was tension among the inmates. DW Barnes was asked about this. She reported that AIII Goslin mentioned 'tension on the yard' in the morning meetings and it could have been on those dates. She said that the information was just that there was tension and that the discipline and DO 805 (P.C.) requests were high. She told her team to keep their eyes and ears open and to monitor staff and inmate interaction. She told them if anyone hears or sees anything, advise her and she will report it. She did not report it as there was no definitive information. CBOD Diaz was asked if this information had been reported to her; it was not. She reported that DW Barnes is very good at reporting information to her and Mr. Credio and she does not doubt that DW Barnes would have reported this if the information was specific. CBOD Diaz reviewed disciplinary and DO 805 (P.C.) numbers for the last part of June and reported that the numbers were not higher than normal.

### **Hualapai Security Monitor Captain Samuel Arredondo**

Captain Arredondo has a copy of the MTC contract and refers to it often. He has only been assigned to the complex since March, 2015. He has attended the monitor's academy that prepared him for the assignment. He was provided a summary of the expectations for his position. He tours more than the required 10 hours per week and attends all required meetings. He tours all areas of the complex. Captain Arredondo completes disciplinary preliminary hearings at Hualapai (1580 disciplinary violations for calendar year 2015) and is the Disciplinary Hearing officer for all major tickets at Cerbat (409 major tickets January-June 2015). He completes the monthly GAR inspection with COIII Schaulin. He conducts monthly 703 tours on all three shifts, inspecting kitchens, detention areas, medical, sally ports, education areas, tool control, housing units, perimeters, and work crews. He stays current on inmate disciplinary and works with MTC staff to mentor and teach them when he finds errors or issues in their tickets. He was aware of the staffing and overtime concerns but was not aware of the magnitude these issues had become to the officers. Captain Arredondo completes one weekend duty per month.

The Assessment Team reviewed his role and duties and he was able to describe them in detail. He described how he does his tours and his weekend duty. We discussed his methodology for GAR inspections. He discusses his findings with MTC first and gives them an opportunity to correct the issue before reporting it on the GAR report. He discussed the disciplinary process and the volume of tickets. He said the majority of tickets are for positive urinalysis and inmates being out of place.

Captain Arredondo said that the Hualapai unit daily briefing is a very quiet meeting. He reported that there is very little discussion while he and the ADC COIII are in the meeting. The incident reports and paperwork are reviewed and then typically following a period of silence he asks if

there is anything else to review and he and the COIII are excused. They note that once they exit the room the rest of the group begins talking.

### **Hualapai Programs Monitor CO III Leasure Schaulin**

On July 13, 2015, COIII Schaulin was interviewed concerning her scope of duties as assigned as the DOC COIII Monitor at Hualapai Unit. COIII Schaulin stated she has been assigned to monitor MTC for approximately seven months. She keeps a copy of the contract on hand, and references it often to ensure MTC is compliant. She feels she is aware of her job expectations and has open lines of communication with her supervisor, DW Barnes. She reviews her appointment calendar (DI95) a minimum of twice daily (completing classification actions for Hualapai inmates), completes inmate work levels, completes her required monthly 703 tours on all shifts (tours at least 10 hours per week), and completes monthly GAR inspections, and weekend duty once per month. COIII Schaulin reports she monitors the visitation, work, and school schedules.

COIII Schaulin stated she and Captain Arredondo attend the morning MTC meeting where she reviews pertinent documents and addresses any concerns with MTC administrators. She states that whenever necessary, she will verbally advise her supervisor of any concerns brought up or discovered in the morning meetings. She will also report discrepancies in her monthly 703 report. COIII Schaulin reports that there is tension in the morning meetings and most of the time MTC staff will not discuss any concerns unless prompted to by DOC staff. She also attends the weekly detention meeting.

COIII Schaulin completes monthly 703 tours where she observes the inmate housing units, medical area, kitchens, and programs areas.

COIII Schaulin was asked if she was aware of the high turnover rate; she stated she had heard about it, but did not know why staff members were leaving. When asked about the overtime being used at MTC, she heard that it was voluntary.

### **Cerbat Security Monitor Captain Abel Dominguez**

On July 13, 2015, Captain Dominguez was interviewed concerning his scope of duties as assigned as the DOC Monitor at Cerbat Unit. He was asked to describe his duties, and what he observed prior to the riots. He reviews the MTC contract to ensure compliance and is well versed in his job expectations.

Captain Dominguez has been assigned to DOC monitor MTC for approximately 1.5 years. He is responsible for processing inmate discipline and conducting the preliminary inmate disciplinary hearings at Cerbat (1282 disciplinary violations for calendar year 2015) and is the Disciplinary Hearing Officer at Hualapai (702 major tickets January-June 2015). He conducts monthly 703 tours on all three shifts, inspecting kitchens, detention areas, medical, sally ports, education

areas, tool control, housing units, perimeters, and work crews. Captain Dominguez works closely with COIII Esterline to complete the monthly GAR inspection as required. He ensures DW Barnes and MTC administrators are advised of any GAR inspection findings. He also completes weekend duty once per month. Captain Dominguez attends the morning unit meetings, the weekly intelligence meeting, and the weekly detention meeting, where he reviews all pertinent documents and advises DW Barnes of anything of importance discussed in those meetings. He reports MTC staff are not always willing to work with the ADC monitors.

### **Cerbat Programs Monitor CO III Betty Esterline**

COIII Betty Esterline has a copy of the contract and refers to it often. She has been assigned to monitor MTC for 3 years. She tours every day more than the required amount. She is aware of the scope of her role and the expectations of her position. She reviews her appointment calendar (DI95) a minimum of twice daily completing classification actions for Cerbat inmates), completes inmate work levels, completes her required monthly 703 tours, and completes monthly GAR assignments (amber/red findings must be cleared by DW Barnes prior to being documented), and weekend duty once per month. COIII Esterline said that her role is to be the eyes for ADC.

### **Administrative Assistant III Ernestine Goslin**

AAIII Goslin was interviewed on July 14, 2014, concerning her involvement in the riots at MTC. She has been assigned as the Admin. Assistant III since December 2014; prior to that she was part of the ADC monitoring team, retiring in June of 2014.

AAIII Goslin reported there was more tension on the Hualapai unit leading up to the riots. She noticed what she believed to be an increase in inmate letters requesting movement off of ASP-Kingman, and an increase in requests for protection (805). She also felt there were a lot of drugs on the unit. She reports that she verbalized these concerns to DW Barnes and the rest of the monitoring team on June 29, 30, and on July 1.

### **Summary**

The ADC Monitoring Team is meeting their statutory and contractual requirements based on what is required in DO #106. They are conducting their required monthly tours and they complete their GAR inspections appropriately. ADC Monitors are strictly focusing on detailed GAR inspections, required paperwork, tours and inspections, and are determining if MTC meets their contractual obligations and requirements. They are not monitoring training or MTC employee discipline. The ADC Monitoring Team has not been focusing on the attitudes and culture of the inmates and MTC staff. Their current workloads do not allow for unstructured unit tours or informal conversations between monitors, staff, and inmates. More casual interactions

between these groups and focus on observance of prison leadership and culture would allow for a better measurement of the prison culture at ASP-Kingman.

### **Key Findings**

- The ADC ASP-Kingman monitoring team meets timeframes on the majority of the required paperwork (e.g., classification, visitation, disciplinary, releases, inmate correspondence). [**Operational concerns, sound correctional practices**]
- The team had some lapses in timeframes on detention unit-related disciplinary and classification. [**Violations of DO 803, Inmate Disciplinary Procedure, and DO 801, Inmate Classification**]
- The team completes its GAR Inspections and tour requirements in accordance with ADC policy and contract requirements. [**Operational concerns, sound correctional practices**]
- The team only monitors in-service training completion, not pre-service training, nor the quality/curriculum content of the training. [**Operational concerns, sound correctional practices**]
- The team does not assess or evaluate the facility culture. [**Operational concerns, sound correctional practices**]
- The team interacts with MTC staff only in a formal/inspection-type relationship. [**Operational concerns, sound correctional practices and leadership concerns**]
- MTC staff does not seek interaction with the ADC monitoring team, and are reportedly encouraged not to do so. [**Operational concerns, sound correctional practices and leadership concerns**]
- Chronic vacancies/absences in the ADC ASP-Kingman monitoring team reduced their effectiveness. [**Operational concerns, sound correctional practices**]
- The number of inmates at ASP-Kingman (3500) creates a volume of paperwork that limits the team's ability to assess Kingman in greater detail than the fundamental policy/contractual requirements. [**Operational concerns, sound correctional practices**]

## **OBJECTIVE 7: 2010 Cure Notice vs. 2015 Findings**

The Assessment Team was requested to take a comparative look at the operations evaluated after the recent riots and the requirements of the contractual cure notice issued in December 2010 following the escape of three inmates earlier that year. The team was tasked with identifying recurring deficiencies if any.

Following the escape of three inmates from ASP-Kingman on July 30, 2010, MTC was directed to correct a multitude of deficiencies, contributing factors, and issues of non-compliance within 30, 60 or 90 days depending upon each action plan item.

On December 29, 2010, the Department issued a cure notice to MTC listing thirty-one (31) areas of concern which remained incompletely addressed, unaddressed or uncorrected as of mid November that year. MTC was given 90 days from the date of the cure notice to implement all corrective action plans. In the body of the letter addressed to Mr. Washington, Senior VP MTC, Director Ryan discussed the history of significant events at ASP-Kingman. He identified thirteen instances of large group of inmates refusing directives and/or chasing staff off of the yard. Additionally, he referred to correspondence sent November 1, 2010 which included concerns regarding large inmate demonstrations on the Cerbat Unit in October 2010, followed by a larger inmate demonstration on the entire yard at Hualapai in October 2010. Director Ryan stated, "It also was becoming apparent that ADC Contract Monitor staff was being deferred to by MTC staff seeking leadership and direction." (*Cure Notice 2010, Exhibit 55*)

In January 2015, there was an incident of the entire Cerbat population refusing to eat in protest of food service operations; the most recent grouping in Cerbat resulted in the riot on July 1, 2015. Also, there have been large groupings of inmates reported in the Hualapai Unit in January 2015 and February 2015.

Almost five years later with the commencement of events on July 1, 2015, the major disturbance assessment team found MTC to be in repeated non-compliance with over one-third of the original issues from 2010. Those recurring deficiencies are described as follows:

**Inmate identification and compliance** – team members noted many inmates not wearing their identification cards. This has also been addressed by ADC monitoring staff in their monthly reports. The ongoing failure to address the basic fundamental rules of inmate behavior has continued to create an atmosphere in which inmates feel empowered to not follow directions from staff. Without consistent enforcement of the fundamental rules, inmates are much less likely to follow direction in times of emergency such as locking down the yard following groupings or in the beginning moments of an incident. Conflicting and contradictory management directives to staff have also resulted in confusion for the inmate population and

officers. Cerbat officers are told ‘don’t poke the bear’, but various interpretations of the phrase were circulating within the unit. Line staff interprets this to mean ‘don’t enforce the small compliance issues’ such as shirts tucked in, beds not made, etc. Supervisors indicate it means ‘don’t antagonize the inmates’. Regardless of the intended meaning, the officers are then given a quota of tickets to be written. They report they are directed to address one issue at a time rather than to address full grooming compliance; one week they address ID cards, the next it may be hats in the chow hall.

**Staff communication with inmates** – ‘Badge heavy’ staff, officers’ approach to and unprofessional interactions with inmates have all been identified as ongoing contributing factors to the disturbances and the overall feeling of discontent the inmate population has for MTC. ‘Group-ons’ by inmates have become the accepted norm. The inmate population uses ‘group-ons’ to intimidate and move staff members who are doing their jobs. The groupings prior to the Cerbat disturbance did not trigger a reaction from staff; the unit was not locked down and no action was taken to prevent or minimize the riotous behavior.

**Command staff communication with line staff** – lack of communication was clearly identified as an ongoing issue at MTC in 2010 and again in 2015. Although Warden Rider states she implemented briefing sheets as a method to improve communication, no team members witnessed their use or were advised of them by officers. Officers also report the telephonic briefings are not utilized effectively. The lack of Warden-CO meetings and/or the lack of priority given to them are clear demonstrations of communication issues. MTC administrators do not take a ‘hands on’ approach to unit management and the staff’s perception that they do not care and do not ‘have their backs’ is a significant factor in the low employee morale and job satisfaction. Multiple staff reported that they knew inmate ██████ could not return successfully to Cerbat Unit, but none of them shared this information or made an effort to stop the move.

**Inmate housing compliance** – although the assessment team was unable to fully assess the Hualapai unit for DO 704 compliance of inmate living areas, all team members noted deficiencies in housing standards compliance at Cerbat and in the unaffected housing cubicles at Hualapai. Excess hobby craft items and inmates lying under blankets were deficiencies identified in both assessments (2010 and 2015). These deficiencies have been noted in the ADC Monitor’s monthly reports as ongoing issues. Consistent enforcement of the fundamental inmate rules is needed to ensure a safe and orderly operation.

**Staff training** – in 2010, training issues were noted; a pattern of failure to prioritize training has continued to be the norm for MTC management. Officers have not been trained on the use of the ██████ and significant deficiencies in the quality and quantity of pre-service and in-service training were identified. MTC staff frequently reported the quality of the training has declined and that training is not a priority. Pre-service academies were condensed and

curriculum was modified and/or not followed. Significant blocks of training specifically intended to provide hands-on interactive training on how to communicate with inmates and diffuse tensions have been minimized to the point of near irrelevance. In-service training was incomplete; some classes for supervisors were not offered. Some instructors were not appropriately qualified to facilitate courses.

**Count procedures** – both 2010 and 2015 assessment teams noted issues with count procedures. During the 2014 Annual Inspection, the Hualapai Unit received a finding for count procedures. Hualapai also had repeat GAR amber findings for count procedures in January and May, 2015. An assessment team member monitored an inmate count at Cerbat and in his presence an officer cut corners on count procedures. *(GAR/Audit Comparison, Exhibit 56)*

**Inmate controlled movement** – while in a lock-down mode, large groups of inmates moved unsupervised at the Cerbat unit with staff nearby but taking no action to direct or control the movement.

**Inmate population training** – sustained and consistent enforcement of DO 704 compliance continues to be an issue in 2015 as it had been five years earlier.

**Inmate programs** – inmate idleness remains an issue at MTC. Although the menu of training and educational programs available is impressive, inmates reported and the assessment confirmed that the quality and level of instruction is lacking in life skills classes. Inmates reported that classes are instructed by inmates, or facilitators with minimal training. Many classes consist of videos and movies with little instructor interaction. Inmates do not view these types of programs as being too productive, and would rather enroll in more meaningful coursework.

**Security device tracking and corrective action** – Hualapai staff advised there is a window in HU3 that had been broken since March. This was confirmed by the SDII tracking report: two windows had been broken for over three months. The CDU recreation cameras at Hualapai have gone unrepaired since October 2014. Cerbat Unit had two cameras that had not been repaired timely.

**Weapon munitions** – in the 2010 assessment, damaged and potentially inoperable ammunition was discovered in service on perimeter post patrols. The 2015 assessment noted ammunition that was utilized inappropriately (lack of training) and low levels of inventory.

The Assessment Team discovered the continued failings of MTC between five years ago and present day. Fundamental rule enforcement, professionalism, quality staff training, and employee engagement, empowerment and ownership are key components the MTC staff needs to embrace to effect positive change at ASP-Kingman.

### **Key Finding**

- Repeat findings were discovered in eleven (11) of the thirty-one (31) areas of non-compliance initially addressed in the 2010 Cure Notice. These eleven (11) matters have resurfaced as deficiencies for MTC at ASP-Kingman.

## **FINDINGS**

### **Cerbat**

Poor communication and not sharing of intelligence information resulted in Inmate [REDACTED] returning to general population. This administrative decision was the catalyst for the inmate unrest at Cerbat.

Failure to take appropriate action when groupings were observed at Cerbat directly contributed to the significant escalation of the situation.

The Incident Command System (ICS) at Cerbat was ineffectively managed. No Command and General Staff (also known as Operations/Planning/Logistics/Admin & Finance, or OPLAF) or unified command structure was established. Physical accounting for all staff members was not prioritized at the onset of the riot. It took approximately two (2) hours to physically account for all civilian and uniformed staff.

The MTC Designated Armed Response Team (DART) response was unorganized and hampered by their procedure requiring DART deployments [REDACTED]. The teams were rendered ineffective by this deployment.

The MTC Emergency Response Plan (ERP) did not contain adequate contact information for local officials in surrounding communities. Command staff was unaware of the location of the ERP at Cerbat. There is no section in the ERP regarding inmate disturbances as outlined in the contract.

### **Hualapai**

When advised of the rioting at Hualapai on July 2, 2015, MTC TSU responded to Housing Unit 4 with an insufficient amount of weapons and munitions. Once at housing unit 4, MTC TSU did not take appropriate actions to quell the disturbance.

There was verbal communication between ADC executive staff and MTC administrators regarding the need for a sense of urgency to re-establish control and order. Complex Administrator Shaw indicated he did not believe there were sufficient resources on-site at that time to safely re-establish control. He relayed a strategy of maintaining perimeter security and containment of the inmates within the dormitories. The MTC TSU Commander requested to rest his team prior to responding. The ASPC-Winslow TSU Commander requested authorization to stage an assault in Dorm 1 but was then directed to stand down by Warden Rider. This decision by Warden Rider was endorsed by CA Shaw. This resulted in an approximate two-hour delay in tactical action. Inmates were in control within the perimeter, and unsupervised in the housing units ranging from six (6) to ten (10) hours.

Despite the escalation and the need to manage two incidents, MTC failed to centralize incident command operations further contributing to confusion and inefficient use of resources. Again, no OPLAF or unified command structure was established.

ADC failed to activate the Emergency Operations Center in order to direct, support and sustain the Department's response to the riots; the support of the Department's response to the incident was being managed by the Acting Offender Operations Division Director.

After the first riot at Hualapai Unit on July 2, MTC management failed to meet with the inmate population to determine the root causes of the disturbance. They did not address inmate concerns nor open a dialogue between the parties that could have diffused the situation. This failure to communicate directly contributed to the inmates' decision to engage in further riotous behavior on July 4th.

### **Management and Leadership**

MTC administrators interact with the line staff and inmate population in a very disengaged manner. Most line staff and some supervisors interviewed stated that they do not have any relationship with MTC management and the managers do not conduct quality tours and inspections of the facility. The staff interviewed characterized their interaction with management from "never" to "rarely." The lack of meaningful interaction has created an environment in which the staff and inmate population distrust the management.

The overall failure to instill in the workforce an understanding of fundamental prison practices and security principles has resulted in a culture of apathy and indifference. Staff and inmates report that ASP-Kingman has a large number of officers who are either 'badge heavy' or take a "hands-off" approach to rule enforcement. They also cited a high instance of unprofessionalism toward the inmate population.

Intelligence gathering and sharing is inadequate. There is no dedicated Special Security Unit (SSU) in the allocated staffing pattern. There is a SSU Investigations Sergeant position allocated by the contract. However, the individual holding that position is actually assigned as a training instructor. There are supervisors in each unit that are assigned SSU duties in addition to other supervisory responsibilities. They report the ability to dedicate approximately forty five (45) minutes per day to this important collateral duty. As evidenced by the uninformed decision by Cerbat administration to return inmate ██████ to general population, it is apparent that information gathered is not disseminated appropriately or elevated through the chain of command for review or additional instruction from administration.

The Cerbat and Hualapai Units are operated as two completely separate entities. This has resulted in a bifurcated and disparate management approach. Line staff is reluctant to work at the unit to which they are not assigned. Unit wardens have admitted they do not discuss operational

issues with each other nor do they share best practices. This is highly inefficient as it creates and fosters a divide between employees assigned to these units beginning with the unit wardens.

The inconsistent management of mandated overtime has resulted in a workforce that is burned-out and exhausted. Overtime is mandated to fill required staffing posts. Some employees are mandated to work overtime five (5) times per week while others work only when they volunteer. The facility has a 17% vacancy rate for Correctional Officers. This has contributed to an environment of low staff morale, high vacancy and turnover rates and significant attendance issues.

### **Training**

The MTC administration's approach to training clearly indicates that staff training is not a contractor priority. Training hours in critical areas have been drastically reduced in the MTC pre-service academy as compared to the ADC academy curriculum. MTC also has employees that have completed an accelerated academy that has compressed 60 hours into a 5 day training week. The end result is an environment that is not conducive to learning and fails to properly prepare officers to work in a prison.

MTC did not submit verbally or in writing any requests to change the training curriculum for pre-service or in-service training. Per Contract AD9-010-A3 Section 2.11.8 et seq, ADC must pre-approve any MTC changes in the training curriculum. MTC also submitted an annual training plan dated July 25, 2014 that was approved by ADC, but MTC did not adhere to that approved training plan.

Discrepancies in the training curriculum were discovered and not all instructors were appropriately trained through Train-the-Trainer courses to present curriculum.

There is no Field Training Officer (FTO) program currently in place. Staff report new officers are being trained by officers with minimal experience.

At the end of FY15, 29% of the staff had not completed annual classroom training, 49% had not completed annual online training, and 100% of the supervisors had not completed ADC mandated supervisory training to include DART for supervisors.

The MTC armorer was not properly trained to handle specialty munitions and prepare them for field deployment.

MTC management was not aware of many training procedures and changes to curricula. They displayed an indifferent attitude toward training both in their own completion and that of their subordinates. Lack of training was a significant factor in both the events leading up to and the management of the riots.

## **ADC Monitors**

ADC Contract Monitors only assessed specified criteria as outlined in Department Order 106, the contract and statutory requirements. They did not review pre-service training, curriculum compliance or instructor certification. The monitoring team should include additional criteria in their monthly assessments to include leadership, supervision, teamwork and communication.

## **Inmate Concerns**

Inmates report a high level of unprofessionalism from the security staff; lack of communication skills, name calling, etc.

Inmates report a lack of access to case managers, security supervisors, and administrators. Inmates expressed frustration at not being able to have their concerns addressed by supervisory or administration staff. This lack of direction and professional rapport contributed to the actions of the inmate population.

Inmates report that some programming is facilitated by other inmates, or by instructors who are not well trained.

## **Key Findings, listed by Objective**

The following comprises a recap of all key findings associated with narratives contained in the seven (7) Objectives described in this report, as sorted by Objective. Per Contract AD9-010-A3 Section 1.4 (Special Terms and Conditions), MTC shall follow all applicable Department Orders and Director's Instructions, and only findings associated with ADC policies that are applicable to MTC have been listed herein. Thus, any violation of applicable ADC policy also constitutes a violation of Contract AD9-010-A3. Moreover, per Contract Section 2.9.2, MTC will ensure the compliance and performance of ADC policies and directives, and correct any deficiencies.

### **Key Findings, Objective 1: Detailed Riots Assessment (pages 13-14)**

#### **Cerbat**

- Inmates grouped by race in front of Dorm 10; ICS not initiated. **[Violations of DO 105, Information Reporting, and DO 706, Incident Management]**
- African-American inmates express concern to supervisor about their safety; no action taken. **[Violation of DO 805, Protective Custody, and General Post Order (805 Protective Custody)]**
- No sharing of intelligence information that would have prevented inmate [REDACTED] from being returned to the unit (this is the issue that contributed to the groupings, the assault of inmate [REDACTED] and the subsequent riot. **[Violation of DO 105, Information Reporting, and DO 805, Protective Custody]**

- Hualapai DART [REDACTED]. **[Violation of DART training lesson plans]**
- ICS command structure not fully implemented based on scale of incident; incorrect transfer of command. Unified Command was not initiated upon the request for and arrival of outside agency assistance. **[Violation of FEMA/NIMS protocols]**
- Lack of staff accountability, and misinformation provided by Warden Sullivan who stated all staff was accounted for. **[Violation of DO 706, Incident Management, and NIMS/FEMA protocols]**
- No direction to inmate population to lock down once ICS was initiated. No announcements over the public address system. **[Operational concern, sound correctional practices]**

### **Hualapai**

- Excessive use of force by Officer Kemp- inmate was witnessed covered in OC spray- in view of inmates in Dorm 4. This action incited inmates to begin breaking windows. **[Violation of DO 804, Inmate Behavior Control]**
- MTC Officers evacuated the building before inmates had breached the horseshoe or the control room. **[Violation of General Post Order; operational concern, sound correctional practices]**
- Outside resources were called for with no Unified Command established. **[Violation of FEMA/NIMS protocols]**
- MTC ADW Fredrick on site for 20 minutes without ICS assignment. **[Violation of FEMA/NIMS protocols]**
- ADC Emergency Operations Center was not activated, even after the arrival of a second ADC complex Tactical Support Unit and Deputy Director. **[Violation of FEMA/NIMS protocols]**

## **Key Findings, Objective 2: Assessment of MTC Operational Response (pages 18-19)**

### **Cerbat**

- Inmates grouped by race in front of Dorm 10; ICS not initiated. **[Violations of DO 105, Information Reporting, and DO 706, Incident Management, identified in Objective #1]**

- Prior information about inmate █████ not shared appropriately. [**Operational concern, sound correctional practices, identified in Objective #1**]
- DART teams not deployed appropriately, or used effectively. [**Violation of DART training lesson plans, identified in Objective #1**]
- ICS command structure not fully implemented based on scale of incident. [**Violation of FEMA/NIMS protocols, identified in Objective #1**]
- Cerbat Warden Sullivan does not take command of the situation but allows subordinate staff to remain in charge; complex command center was not opened; WebEOC account was not established as of 0030 hours on July 2, 2015. [**Violations of FEMA/NIMS protocols; operational concern, sound correctional practices**]

### **Hualapai**

- Excessive use of force by Officer Kemp- inmate was witnessed covered in OC spray- in view of inmates in Dorm 4. This action incited inmates to begin breaking windows. [**Violation of DO 804, Inmate Behavior Control, identified in Objective #1**]
- Outside resources were called for with no Unified Command established. [**Violation of FEMA/NIMS protocols, identified in Objective #1**]
- MTC TSU did not respond to Hualapai with appropriate munitions. They had no OC foggers with them when they entered Dorm 4 and took minimal action to get the inmates “to keep their heads down” rather than to quell the riot. [**Operational concern, sound correctional practices**]
- MTC █████ in inmate-controlled dorms. MTC Emergency Response Plans (aka Critical Incident Response Plans) contained no detail on when to evacuate staff, or how to address inmate disturbances. A copy of the ERP could not be located at the Cerbat unit. [**Violation of Contract Section 2.9.7 et seq, Critical Incident Response Plan, operational concern, sound correctional practices**] ERP was also lacking contact information for local authorities. [**Operational concern, sound correctional practices**]
- ICS command structure not fully implemented based on scale of incident. Unified Command never established, despite involvement of outside agencies. [**Violation of FEMA/NIMS protocols**] WebEOC was under-utilized as a communications and resource-management tool by MTC and ADC. [**Operational concern, sound correctional practices, identified in Objective #1**]
- MTC ADW Fredrick on site for 20 minutes without ICS assignment. [**Violation of FEMA/NIMS protocols, identified in Objective #1**]

- Providing inmates with water was not perceived as an operational urgency. [**Violation of DO 704, Inmate Regulations**]
- MTC TSU team lacked training, leadership, and confidence. They were poorly equipped. There was not an adequate inventory of munitions on hand. MTC TSU has had training cancelled or members unavailable to attend due to staffing issues. [**Violation of DO 509, Employee Training and Education, and DO 716, Armory Procedures**]

**Key Findings, Objective 3: Assessment of MTC Leadership and Staff (pages 60-64)**

- MTC line staff perception is that MTC administration does not value them, and does not spend enough time on the yard. MTC staff expressed that they do not feel appreciated or valued by MTC administration. They reported burnout due to amount of overtime being mandated and the manner in which it is managed. [**Operational concern, sound correctional practices and leadership concerns**]
- ICS command structure not fully implemented based on scale of incident; incorrect transfer of command. [**Violation of FEMA/NIMS protocols, identified in Objectives #1 and #2**]
- Complete breakdown in ensuring MTC staff accountability at Cerbat. [**Violation of DO 706, Incident Management (Tactical Priority)**]
- Separate incident command posts established at Cerbat and Hualapai, despite limited resources. [**Operational concern, sound correctional practices**]
- MTC Emergency Response Plans were either not available to Command and General Staff during the incident, or were not followed. MTC Emergency Response Plans contained no contact information for local jurisdiction authorities. [**Operational concern, sound correctional practices, identified in Objective #2**]
- Contradictory reports exist on whether MTC TSU had Rules of Engagement established. [**Operational concern, sound correctional practices**]
- MTC lacks an effective Field Training Officer program. [**Violation of DO 509, Employee Training and Education**]
- Cerbat and Hualapai Units operate as two completely distinct units, with substantially different management styles, minimal cooperation, and little inter-unit communication. [**Operational concern, sound correctional practices and leadership concerns**]

- MTC staff overtime is inconsistently applied and creating burnout. Mandatory overtime is applied with limits at Cerbat and no overtime limits at Hualapai. Some staff is mandated frequently to work overtime; others are not mandated. [**Operational concern, sound leadership correctional practices**]
- Wardens Sullivan and Rider were unaware of correct DART procedures, ICS training topics, staff training completion rates, and overtime usage. [**Violations of DART training lesson plans and DO 706, Incident Management**]
- A practice exists at Cerbat of allowing groupings of inmates to approach and intimidate individual staff, without repercussion. [**Violations of DO 105, Information Reporting, DO 706, Incident Management, and DO 803, Inmate Disciplinary Procedure, operational concern, sound correctional practices and leadership concerns**]
- MTC line staff perception of favoritism and claim often working alone in an area requiring two officers. [**Operational concern, sound correctional practices and leadership concerns**]
- MTC Case Managers (COIIs) are not available to the inmate population on a consistent basis. [**Violation of DO 811, Individual Inmate Assessments and Reviews**]
- Warden Sullivan's CO meetings were brief and usually scheduled during the same period of day. Warden Rider's CO meetings were scheduled, but often cancelled due to no attendance or poorly-attended. [**Violation of DO 112, Department Meetings**]
- No MTC supervisors had attended mandatory DART for Supervisors course; this course has been an annual ADC requirement since this contract went into effect. [**Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education**]
- Warden Rider did not complete annual in-service training, and did not ensure subordinates completed annual in-service training. [**Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns**]
- Warden Rider reports no limit on allowable overtime for Hualapai line staff. [**Operational concern, sound correctional practices and leadership concerns**]
- Security devices (specifically, windows and security cameras) are not repaired/replaced in a timely fashion. [**Violation of DO 703, Security/ Facility Inspections**]
- Hualapai Associate Deputy Warden Fredrick on site for 20 minutes without ICS assignment. [**Violation of FEMA/NIMS protocols, identified in Objectives #1 & #2**]

- Unprofessional comments attributed to Hualapai Associate Deputy Warden Fredrick via social media. [**Violation of DO 501, Attachment A, Code of Ethics**]
- Captain Winckler on site for about two hours without ICS assignment. [**Violation of FEMA/NIMS protocols**]
- MTC Deputy Warden of Operations Santiago unaware of magnitude of overtime usage. [**Operational concern, sound correctional practices and leadership concerns**]
- MTC Deputy Warden of Operations Santiago failed to ensure appropriate pre-service and in-service training completion, and TSU readiness. [**Violation of Contract AD9-010-A3 Sections 2.11.8 et seq, Pre-Service Training and 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns**]
- MTC administration is not interacting effectively with supervisors, line staff, or inmates. Communication is intermittent, and sometimes contradictory or incomplete. [**Operational concern, sound correctional practices and leadership concerns**]
- Cerbat Warden Sullivan and Hualapai Warden Rider previously worked for ADC and should be knowledgeable of ADC policies and procedures regarding DART deployment. [**Violation of DART Training lesson plans; operational concern, sound correctional practices and leadership concerns**]
- Cerbat Warden Sullivan admits that his report that all Cerbat staff was accounted for was a mistake. He said that with a proper Command and General Staff structure in place, someone could have concentrated on staff accountability even while the groupings were taking place. [**Violations of DO 706, Incident Management (Tactical Priorities) and FEMA/NIMS protocols**]
- Cerbat Warden Sullivan was not aware that his (or any) supervisors had not attended DART for Supervisor training. Warden Sullivan was not aware that MTC training completion numbers for FY 2015 were not to standard. [**Violations of Contract AD9-010-A3, Sections 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education; sound correctional practices and leadership concerns**]
- Cerbat Warden Sullivan acknowledged that he uses the phrase ‘Don’t poke the bear.’ Cerbat officers appear to have been confused by this motto and reported that it meant for them not to consistently enforce inmate regulations. They report that Cerbat takes an inconsistent approach to inmate regulation enforcement, focusing on one rule at a time rather than consistent enforcement of all rules. [**Violations of DO 704, Inmate Regulations, and DO 803, Inmate Disciplinary Procedure; operational concern, sound correctional practices and leadership concerns**]

- Captain Winckler did not know what munitions MTC TSU responded to Hualapai with. He later learned that they had a 37 mm gas gun, a pepper ball launcher, and a mighty mite grenade. **[Violations of DO 706, Incident Management, DO 716, Armory Procedures, and FEMA/NIMS protocols]**
- For the Hualapai Riot 2- Captain Winckler was assigned to Operations and CA Shaw was the IC. He stated there were too many chiefs on the yard and that radio traffic was all jammed up. He said good decisions were made but command was compromised. He said that he himself had no business being out in front of the buildings. **[Violations of DO 706, Incident Management, and FEMA/NIMS protocols]**
- Captain Winckler acknowledged that there were no procedures in place for officers to [REDACTED]. **[Violations of General Post Order and Emergency Response Plan]**
- Captain Winckler is the Senior Firearms Instructor for MTC. He acknowledged that as of July 4, 2015 no MTC supervisors had received DART for Supervisors training. (CPT Winckler attended DART and Supervisor Train-the-Trainer on July 3, 2014.) **[Operational concern, sound correctional practices and leadership concerns]**
- Captain Winckler leaves the management of rosters, attendance, and overtime to the lieutenants. He was not aware of high rate of call-ins by Hualapai officers. He acknowledged that there are no limits on the amount of overtime an officer can work. **[Operational concern, sound correctional practices and leadership concerns]**
- Captain Winckler has not held a supervisor's meeting since November of 2014. **[Violations of DO 112, Department Meetings, and Post Order 08, Correctional Captain; sound correctional practices and leadership concerns]**
- Captain Winckler acknowledges that he failed to monitor Hualapai's training completions this year and that he had not completed his required training. **[Violations of Contract Section 2.11.12 et seq, In-Service Training, DO 509, Employee Education and Training, and Post Order 08, Correctional Captain; sound correctional practices and leadership concerns]**
- Captain Winckler acknowledges that his management style has a tendency to scare staff because he is stern and direct. He says he is changing his management style. The majority of staff interviewed said the Winckler does not tour enough and that he lacks people skills. **[Operational concern, sound correctional practices and leadership concerns]**
- MTC staff and inmates report that there are a number of officers who are identified as 'badge heavy.' Staff and MTC staff identified and the assessment team observed those

who are disengaged and who do not actively perform their jobs. [**Violation of DO 501, Employee Professionalism, Ethics and Conduct, operational concern, sound correctional practices and leadership concerns**]

- MTC Administrators' monthly DO 703 reports differ significantly from the ADC Monitor's DO 703 reports. They are less detailed and often rate the units as excellent with no supporting documentation. [**Violations of DO 703, Security/Facility Inspections, and operational concern, sound correctional practices**]

**Key Findings, Objective 4: Inmate Management, Supervision and Communication (pages 77-78)**

- Total inmate work assignments numbers at Cerbat imply creative job creation, which may not reflect meaningful work opportunities. [**Violation of DO 903, Inmate Work Activities**]
- Case Managers not appropriately supervising structured recreational programs. [**Violation of DO 906, Inmate Recreation / Arts & Crafts**]
- MTC programs supervisors are not interacting effectively with line staff or inmates, and do not make themselves available to the inmate population. Communication is intermittent, and sometimes contradictory or incomplete. [**Operational concern, sound correctional practices**]
- MTC staff reports a high turnover rate for Case Managers. Cerbat and Hualapai each had two actual case manager vacancies. A review of both units revealed that there are limited numbers of case managers seeing inmates each day. MTC Case Managers (COIIs) are not available to the inmate population on a consistent basis. [**Violation of DO 811, Individual Inmate Assessments and Reviews**]
- Inmate perception that MTC staff is unprofessional, has no supervisory presence, and fails to communicate with the population. [**Operational concern, sound correctional practices**]
- MTC doesn't have a dedicated full-time Special Security Unit in their authorized staffing pattern. MTC staff has an inadequate understanding of prison politics, security threat group, and intelligence-gathering mechanisms. [**Operational concern, sound correctional practices**]
- A practice exists of allowing groupings of inmates to approach and intimidate individual staff, without repercussion. [**Violations of DO 105, Information Reporting, DO 706,**

**Incident Management, and DO 803, Inmate Disciplinary Procedure, identified in Objective #3]**

- Information provided by MTC SSU staff regarding investigative results on inmate [REDACTED] was not elevated for administrative review. **[Operational concern, sound correctional practices, identified in Objective #1]**
- Inmate feedback on a potential protective custody issue involving inmate [REDACTED] was not acted upon. **[Violation of DO 805, Protective Custody, identified in Objectives #1, #2, and #3]**
- MTC Hualapai unit had a somewhat higher number (8.6%) of disciplinary reports written in June 2015 when compared to a similar ADC unit (Florence-East). However, the number of those disciplinary reports that were for major violations was much higher (177 versus 139) for June and was consistently higher for the last quarter. **[Operational concern]**
- Inmates reported that staff unprofessionalism (use of profanity, badge heavy) is an issue that has created unrest. **[Violations of DO 501, Employee Professionalism, Ethics and Conduct, DO 509, Employee Training and Education; operational concern, identified in Objective #3]**

**Key Findings, Objective 5: Review of Pre-Service, In-Service Training (pages 83-84)**

- MTC failed to deliver numerous pre-service and in-service training classes, and in other cases, made unauthorized reductions in classroom hours to existing courses. Overall, staff in-service training completion rates were unsatisfactory, with supervisors having the lowest completion rates. **[Violation of Contract AD9-010-A3, Sections 2.11.7 through 2.11.15, Staff Training, and DO 509, Employee Training and Education]**
- MTC TSU staff report not having adequate tactical equipment. **[Violation of DO 716, Armory Procedures]**
- MTC TSU staff report not having enough familiarization with specialty weapons and/or munitions. **[Operational concern, sound correctional practices]**
- MTC staff assigned to DART is not compliant with DART tactics. **[Violation of DART Training lesson plans, identified in Objectives #1, #2, and #3]**
- No MTC supervisors had attended mandatory DART for Supervisors course; this course has been an annual ADC requirement since this contract went into effect. (Exception: two staff, CPT Winckler and SGT Ciafalo, have attended Train-the-Trainer).

- **[Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education, identified in Objective #3]**
- The primary instructor for MTC's equivalent to ADC Correctional Officer Training Academy had not attended ADC instructor certification, and taught classes without ADC lesson plans. Numerous classes were taught without instructors attending the respective Train-the-Trainer courses. **[Violations of Contract AD9-010-A3 Section 2.11.7 through 2.11.15, Staff Training, and DO 509, Employee Training and Education]**
- MTC academy cadets do not spend any time in the institution interacting with inmates during their academy, as ADC COTA cadets do. **[Operational concern, sound correctional practices]**
- COTA cadets receive 16 hours of crisis intervention training; MTC academy cadets receive 1 ½ hours. This is noncompliant with COTA curriculum. **[Violations of Contract AD9-010-A3 Section 2.11.8 et seq, Pre-Service Training, and DO 509, Employee Training and Education; operational concern, sound correctional practices]**
- Many MTC staff have not completed basic NIMS/ICS courses, as mandated. **[Violation of Contract AD9-010-A3 Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education]**
- Some MTC line staff report being untrained to complete Information Reports, Inmate Disciplinary Reports, and Correctional Service Journals. **[Violations of DO 105, Information Reporting, DO 803, Inmate Disciplinary Procedure, and DO 703, Security/Facility Inspections]**
- MTC lacks an effective Field Training Officer program. **[Violation of DO 509, Employee Training and Education, identified in Objective #3]**
- Numerous MTC staff have expired weapons qualifications. **[Violation of DO 510, Firearms Qualification/Firearms Instructor Certification]**
- MTC DART refresher training supposed to be conducted at annual firearms training. However, staff interviews (to include the DWOP) indicate this is not being conducted. **[Violation of Contract Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education, identified in Objective #2]**
- MTC TSU has 22 active members with 10 vacant positions. **[Operational concern, sound correctional practices]**

- MTC TSU training is frequently cancelled, with only five trainings verified in the past 12 months. [**Violation of Contract Section 2.11.12 et seq, In-Service Training, and DO 509, Employee Training and Education**]
- MTC has conducted accelerated academies (12 hours per day, 5 days per week). [**Violation of Contract Section 2.11.8 et seq, Pre-Service Training, and DO 509, Employee Training and Education**]

**Key Findings, Objective 6: ADC Monitor Team Assessment (page 97)**

- The ADC ASP-Kingman monitoring team meets timeframes on the majority of the required paperwork (e.g., classification, visitation, disciplinary, releases, inmate correspondence). [**Operational concerns, sound correctional practices**]
- The team had some lapses in timeframes on detention unit-related disciplinary and classification. [**Violations of DO 803, Inmate Disciplinary Procedure, and DO 801, Inmate Classification**]
- The team completes its GAR Inspections and tour requirements in accordance with ADC policy and contract requirements. [**Operational concerns, sound correctional practices**]
- The team only monitors in-service training completion, not pre-service training, nor the quality/curriculum content of the training. [**Operational concerns, sound correctional practices**]
- The team does not assess or evaluate the facility culture. [**Operational concerns, sound correctional practices**]
- The team interacts with MTC staff only in a formal/inspection-type relationship. [**Operational concerns, sound correctional practices and leadership concerns**]
- MTC staff does not seek interaction with the ADC monitoring team, and are reportedly encouraged not to do so. [**Operational concerns, sound correctional practices and leadership concerns**]
- Chronic vacancies/absences in the ADC ASP-Kingman monitoring team reduced their effectiveness. [**Operational concerns, sound correctional practices**]
- The number of inmates at ASP-Kingman (3500) creates a volume of paperwork that limits the team's ability to assess Kingman in greater detail than the fundamental policy/contractual requirements. [**Operational concerns, sound correctional practices**]

### **Key Finding, Objective 7: 2010 Cure Notice vs. 2015 Findings (page 101)**

- Repeat findings were discovered in eleven (11) of the thirty-one (31) areas of non-compliance initially addressed in the 2010 Cure Notice. These eleven (11) matters have resurfaced as deficiencies for MTC at ASP-Kingman.

### **CONCLUSION**

Based upon the observations and reviews of available materials, inmate interviews, staff contacts and interviews, the Assessment Team concluded that the inmate population at ASP-Kingman was dissatisfied with their conditions of confinement. Thus, they rebelled by way of rioting. Though singular events on the days of the disturbances can be identified as inciting the actions of the inmates on July 1 through July 4, 2015, identified operational issues cannot be discounted as contributing factors.

As evidenced in all housing units there was a lack of destruction/damage to inmate personal property. The Assessment Team's collective experience dictates that inmates feuding with one another will take the opportunity in situations like this to destroy one another's property/living space or to attack one another; this did not occur. Rather, the violence and destruction was against prison personnel, common items/areas and security device/operations specifically. Thus, the scene speaks to the insurrection more likely being a violent protest against the prison system, prison personnel, and/or conditions of confinement, not against one another.

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