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<b>Section-05 Emergency Plans</b>	<b>OP-052001</b>	<b>Page: 1</b>	<b>Effective Date: 04/08/2014</b>
<b>Emergency Procedures for Private Prisons</b>	<b>ACA Standards: 2-CO-3B-01M, 2-CO-3B-02M, 4-4021, 4-4217, 4-4220M, 4-4221M, 4-4223, 4-4224M, 4-4225-1, 4-4388</b>		
<b>Robert Patton, Director Oklahoma Department of Corrections</b>	<b>Signature on File</b>		

## **Emergency Procedures for Private Prisons**

The Department of Corrections (DOC) has established written procedures for emergencies at all contract and non-contract private prison facilities to protect the public, employees, and the offenders. (2-CO-3B-01M) The division manager, West Institutions, ensures that written policies and procedures are established for the proper implementation and monitoring of private prison emergency plans.

For the purpose of this procedure, the term “offender” will apply to anyone under the authority, custody or care of a contract or non-contract private prison doing business in the State of Oklahoma.

Contract private prisons are those correctional facilities with a DOC contract to house offenders adjudicated to the care and custody of the Oklahoma Department of Corrections. Non-contract private prisons are those correctional facilities located in Oklahoma with a non-Oklahoma contract to house offenders adjudicated to the care and custody of a jurisdiction other than Oklahoma.

### **I. Definition of an Emergency**

An emergency is an unplanned or imminent event that affects or threatens the health, security, safety, or welfare of the public, employees, offenders, property, or infrastructure.

A. Director

Only the director of the Department of Corrections (DOC) can declare a departmental emergency.

B. Definition of an Emergency

An emergency situation will be defined as, but is not limited to, the following:

1. Maintaining control of offenders or operation of key facilities/equipment that appear beyond the capability of the facility's immediate resources;
2. When lives are in immediate danger;
3. Large scale destruction of property;
4. Major disturbances such as a large group disruption or massive escape;
5. Major disasters such as fire, tornado, or other acts of nature; or
6. Total loss of any utility service (e.g., electricity, water, gas, potable water, communication, etc.).

C. Development of Emergency Plans (2-CO-3B-02, 4-4221M, 4-4223, 4-4224M)

Each private prison contractor/operator will develop and maintain emergency plans that address the requirements of [OP-050102](#) entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters for State Operated Facilities." Mutual aid agreements will be developed and submitted at the initiation of contract negotiations for the management of the following:

1. Any emergency which might arise due to riots, disturbances, major disasters, escapes, or other causes as specified in Section I. item B. of this procedure;
2. Hostage situations; or
3. Job actions or walkouts by correctional officers.

D. Emergency Plan Distribution

It is required that each contract/non-contract private prison submit emergency plans at the time of the contract signing or prior to the facility accepting offenders, and at least annually thereafter. Any revisions to the plans must be submitted to the division manager, West Institutions, through the contract monitor for review/approval.

Each plan will include details of the private prison's local mutual aid agreement. Additionally, each private prison will be required to file emergency plans, which include the memorandum of understanding, with the West Institutions Division and the following individuals/agencies: (4-4217)

1. The sheriff of the county in which the private prison is located; or
2. The chief law enforcement officer of the municipality if the private prison is located within the boundaries of a municipality;
3. Oklahoma Department of Public Safety;
4. Oklahoma Department of Corrections (non-contract facilities); and
5. Oklahoma Department of Corrections Inspector General.

E. Private Prison Emergency (4-4224M)

1. Each contract and non-contract private prison will develop and maintain emergency plans that address each type of emergency situation reflected in the Oklahoma Department of Corrections emergency procedures found in Section-05 of the Policy and Operations Manual.
2. All private prisons in the State of Oklahoma must immediately notify the division manager, West Institutions, or the division's duty officer of any situation described in Section I. item B. of this procedure and continue reporting procedures as specified in [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents." Notification of other situations will occur as specified in [OP-050108](#).

II. Training (4-4220M, 4-4224M)

A. Training

Contract and non-contract private prisons will ensure that all private prison staff receives annual training in facility emergency plans.

B. Emergency Drills

Emergency drills will be conducted and all drill results will be reported in written format to the division manager, West Institutions. At no time are offenders to be used as part of an active/role play drill unless approved to do

so by the director of the Oklahoma Department of Corrections. All drills will be monitored, timed for clearing the area, timed for clearing a count of offenders evacuated, if applicable, and documented in writing.

1. Level 1 Drill (Contract Private Prisons) (4-4221, 4-4222, 4-4388)

These drills are defined as a "scenario" drill whereby staff is given a scenario to act out portions of emergency plans.

- a. Drills will not exceed two hours and will be conducted at each facility at least monthly.
- b. These drills are designed to test the effectiveness of emergency plans, security procedures, equipment and the knowledge, skill and abilities of staff implementing these procedures.
- c. Examples of Level 1 drills are: staff drills of offenders in locked areas, areas where extremely dangerous offenders are housed, medical emergencies, escape attempts, natural disaster, or occurrence to test emergency preparedness. Health care staffs are included in such drills, as applicable.

2. Level 2 Drill (Contract and Non-Contract Private Prisons)

This drill is planned and coordinated by the facility head and involves a full emergency plan drill with full implementation of resources. The plans are fully implemented and a complete walk through of procedures is conducted.

- a. This is to be done at least annually at each facility and observed by division of West Institutions Division staff.
- b. A copy of the final report will be provided to the division manager, West Institutions, who will submit the report to the director through the associate director of Field Operations.

3. Weather Drills (Contract Private Prisons)

Evacuation drills for severe weather conditions will be conducted once per quarter.

4. Fire Drills (Contract and Non-Contract Private Prisons)

Fire drills will be conducted at least quarterly on each shift for all areas of the facility, to include administrative areas. (4-4221M)

C. Notification Procedures for Private Prison Disturbances or Major Disasters

The warden or designee of contract/non-contract facilities will immediately inform the division manager, West Institutions/contract monitor or division of West Institutions duty officer if a situation, as outlined in Section I. item B. of this procedure occurs involving any Oklahoma or non-Oklahoma offenders.

1. The private prison warden or designee will:
  - a. Notify local law enforcement agencies as to the type and extent of the emergency; and
  - b. Immediately notify the division manager, West Institutions or designee who will, upon notification, immediately proceed to the private prison.
2. The division manager, West Institutions, will assess the situation and make contact with the facility administration, the Inspector General and responding local law enforcement agencies. The division manager, West Institutions, will notify the associate director of Field Operations and provide frequent updates as the situation changes.
  - a. The Inspector General will dispatch appropriate staff who will coordinate any local law enforcement response.
3. The associate director of Field Operations will report to the director and provide regular updates of the situation.
4. The director will notify the Governor, the cabinet secretary of Safety and Security, and Board of Corrections members.
5. The associate director of Field Operations will notify the affected division managers. The affected division manager will place the appropriate Corrections Emergency Response Team (CERT) on standby as outlined in Section III. of this procedure.

### III. Departmental Response to Private Prison Emergencies

#### A. Response

In the event that there is a qualifying incident as specified in Section I. item B. of this procedure, DOC may respond if the need is determined, whether or not involving any offenders from this state.

1. Once the determination has been made by the director of the Oklahoma Department of Corrections that an emergency exists:
  - a. The associate director of Field Operations, or designee, will immediately proceed to the facility in which the emergency has been declared. The Inspector General will proceed if the facility houses Oklahoma offenders.

- b. The appropriate DOC CERT team will be placed on standby as specified below:

<b>Private Prison</b>	<b>Primary Response</b>	<b>Secondary Response</b>
Cimarron Correctional Facility	Dick Conner Correctional Center	James Crabtree Correctional Center
Davis Correctional Facility	Oklahoma State Penitentiary	Mack Alford Correctional Center
Great Plains Correctional Facility	Oklahoma State Reformatory	Joseph Harp Correctional Center
North Fork Correctional Facility	Oklahoma State Reformatory	James Crabtree Correctional Center
Lawton Correctional Facility	Oklahoma State Reformatory	Lexington Assessment Reception Center
Diamondback Correctional Facility	James Crabtree Correctional Center	Mabel Bassett Correctional Center

- c. Once it has been determined that DOC CERT intervention is required, the associate director of Field Operations will be notified and the central office command center will be activated as outlined in [OP-050102](#) entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters for State Operated Facilities." The associate director of Field Operations will contact the affected division manager, who will activate the appropriate CERT team and direct the team to proceed to the facility at which the emergency has been declared.
- (1) Upon arrival, the associate director of Field Operations or designee will coordinate with the warden or designee and the private prison and jail administrator to establish, develop, and disseminate plans for the successful resolution of the emergency.
  - (2) The CERT team will operate under the command of the division manager or DOC designee. The primary responsibility of the CERT team will be to establish a

secure perimeter around the facility. Any other actions will require the approval of the director.

- (3) The associate director of Field Operations, based upon the determination of the warden, may activate other CERT teams as needed.

## 2. Command Post

- a. Once it has been determined that DOC intervention is required, a command post will be established at the private prison site for departmental personnel. A non-monitored telephone will be available for DOC use in order to maintain an open line to the central office.
- b. At a minimum, the affected division manager (to coordinate and direct the designated DOC CERT teams), the Inspector General, and the division manager, West Institutions, will staff the on-site command post. At the discretion of the director, the associate director of Field Operations or designee will also be present in the on-site command post. The associate director/designee and/or the division manager, West Institutions, will provide adequate support staff for the command post.
- c. The director will establish communication with the Board of Corrections, Governor's Office, cabinet secretary, affected legislators, other law enforcement agencies, the Attorney General, the military department, and civil emergency management.

## 3. The warden or designee will maintain administrative and operational command of the facility until such time as:

- a. The director of the Oklahoma Department of Corrections determines the warden does not have control of the situation;
- b. The warden, the contractor/operator, or a representative of the contractor/operator has asked DOC to be the lead agency for resolving the emergency;
- c. The warden or designee has become incapacitated due to actions resulting from the emergency situation or any other action;
- d. The emergency situation occurs outside of physical boundaries of the facility (i.e. escape, emergency transport situation).

- (1) Should the emergency situation involve escaped offenders, procedures specified in [OP-050103](#) entitled "Escape Notification Procedures" will be implemented.
- (2) The private prison will provide services and/or support in the search for the escaped offender, but will only perform duties within the scope of their authority;
  - e. The resolution for the emergency situation is outside of the scope and/or assets of the private prison contractor/operator; or
  - f. Offenders have taken control of the armory and/or control center or a mass escape due to a breach in the perimeter has occurred.

B. Media (4-4021)

Upon arrival, the division manager, West Institutions, will ensure that the private prison facility has prepared accommodations for media personnel. The private prison public information officer will refer all departmentally related media questions to the appropriate DOC public information officer.

IV. Incident Debriefing/Closure (4-4225-1)

- A. The facility head will conduct a debriefing as soon as possible with all involved/affected staff. The debriefing, at a minimum, will include the following topics:
  1. What were the best practices?
  2. What practices need improvement?
  3. What was learned?
  4. What immediate action and/or follow up action should be addressed to resolve and/or prevent future incidents?
- B. A written report will be prepared and submitted to the division manager, West Institutions, within three working days.
- C. The division manager, West Institutions, will conduct a debriefing/information sharing with unaffected facility heads to advise of similar or potential issues that may be faced at their facilities. The debriefing will be conducted utilizing face-to-face meetings, teleconferencing, video conferencing, or through use of other telecommunication devices (i.e., e-chat).

V. Serious Incidents



Serious incidents at contract/non-contract private prisons will be reported in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

## VI. Departmental Response Reimbursement

Any emergency response provided by DOC, state and/or local law enforcement agencies will be at the sole expense of the private prison contractor/operator. Each responding agency will submit a written invoice detailing costs incurred to be paid within 30 days of receipt by the private prison contractor/operator.

### A. Invoice Process

1. Each DOC facility will submit a written invoice to the division manager, West Institutions, detailing costs incurred in responding to the private prison serious incident/emergency within 15 calendar days of the conclusion of the incident.
2. The division manager, West Institutions, will submit the billing summary to the private prison contractor/operator for payment within 30 calendar days of the conclusion of the incident.

### B. Monitoring Receipts

The West Institutions Division will monitor the receipt of payment from the contractor/operator to ensure payment within 30 days of the receipt of the invoice.

### C. Adjustments

If the contractor/operator is not responsive, and/or has not remitted payment for services, the West Institution Division will adjust the monthly payment for services to ensure reimbursement. If the private prison operator is one who does not contract with the State of Oklahoma, then appropriate legal action may be taken.

## VII. References

Policy Statement No. P-050100 entitled "Emergency Plans for the Oklahoma Department of Corrections"

OP-050102 entitled "Departmental and Facility Emergency Plans for Riots, Disturbances, Utility Failures and Major Disasters for State Operated Facilities"

OP-050103 entitled "Escape Notification Procedures"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

VIII. Action

Each private prison facility head is responsible for development of emergency plans.

The division manager, West Institutions, is responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revision.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-052001 entitled "Emergency Procedures for Private Prisons" dated May 9, 2013

Distribution: Policy and Operations Manual  
Department Website