

MICHIGAN DEPARTMENT OF CORRECTIONS



PRISONER GUIDEBOOK

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PRISONER RULE BOOK

INTRODUCTION

The rules and policies outlined in this guidebook are for the guidance of all prisoners and are necessary for orderly and productive living. We believe these rules to be considerate and humane. They are consistent with the Department's philosophy and are based on the responsibility model. We hope that you will use this time to get an education, learn a trade, or develop a skill.

This guidebook contains general Department rules which apply at all institutions. Each institution shall have a guidebook that gives specific information to their posted rules and other specific regulations or guidelines.

This book provides general information. If you wish to study any of the areas covered in this book in greater detail, you can consult the appropriate Policy Directive(s). Most pages in this book identify the relevant Policy Directive(s). Policy Directives are available to you in your facility library. Furthermore, if you have questions concerning any policy or regulation, ask your housing unit staff.

Changes in this booklet will be given to you with the same page number as the original. Replace an outdated page with the new page. You should frequently consult your housing unit bulletin board for any change in the policies or the regulations and to keep this booklet up-to-date. If there are statements in this book that conflict or are inconsistent with statements in Policy Directives or Director's Office Memoranda (DOM), the language in the Policy Directive and/or DOM controls.

Remember that the guidebook is a part of the regular room or unit inventory. You are responsible for keeping it in good condition and in your room or area of your unit at all times. If the guidebook is lost or damaged, you may be charged for a replacement book.

RULES OF GENERAL CONDUCT

1. All prisoners are required to obey directions and instructions of members of the staff. If a prisoner feels s/he has been dealt with unfairly, or that s/he has received improper instructions, s/he should first comply with the order and then follow the established grievance procedure outlined later in this book.
2. Any behavior considered a felony or misdemeanor in Michigan is a violation of Department rules. Such acts may result in disciplinary action and/or loss of earned good time or disciplinary credits in addition to possible criminal prosecution.
3. Any escape, or attempt to escape, will result in loss of good time/disciplinary credits and referral to the prosecutor as a new felony. At one time or another, most prisoners have felt restless and uneasy. When this happens, we urge you to see your counselor or other staff for guidance and advice.
4. Courtesy, orderly conduct and good personal hygiene are expected of all prisoners. Standards for haircuts, beards and general appearance are addressed later in this guidebook.
5. Prisoner organizations are permitted in accordance with Policy Directive 05.03.100. Meetings for all legitimate purposes require prior staff approval and appropriate supervision. Prisoners cannot hold group meetings in the yard.
6. While prisoners are permitted to play cards and other games, gambling is not allowed. In card playing areas, there shall be no more than four persons at a table. Visible tokens or other items of value will be sufficient evidence of gambling. Games are prohibited during working hours on institutional assignments.
7. All musical instruments, typewriters, radios, TVs, electric razors, MP3 players, and other appliances must be inscribed with the prisoner's number.
8. Property cannot be traded, sold, loaned, borrowed, or given away to another prisoner.
9. Prisoners are not allowed to operate concessions, sell services, rent goods, or act as loan sharks or pawnbrokers.
10. All items of contraband are subject to confiscation. Contraband is any personal property which is not specifically authorized by policy, authorized property which is in excess of allowable limits, authorized property which has been altered, authorized property which was obtained or sent from an unauthorized source, and authorized property which belongs to another prisoner.
11. If not during mass movement, when a prisoner desires to go from one place to another, s/he must have a detail or pass from the staff person to whom s/he is responsible, such as the housing unit supervisor, work supervisor, teacher, etc.
12. A prisoner is subject to shakedown at any time. A prisoner's living area and work area may also be shaken down at any time. Policy Directive 04.04.110 provides additional information about shakedowns.
13. No prisoner is allowed to go into another prisoner's cell, room, or bay unless specifically authorized by staff.
14. When a prisoner moves into a new cell, room, or bay, s/he is required to check it for contraband and will be held accountable for her/his area of control. A prisoner will be presumed to have possession of all items found in his or her area of control and has the burden of proof in rebutting this presumption. The area of control is defined in Policy Directive 03.03.105.

15. All tobacco products, and smoking related materials, are prohibited in correctional facilities.

TOBACCO PRODUCTS

Source: Policy Directive 01.03.140

Offenders are prohibited from possessing tobacco products except in areas designated by the Warden or TRRP facility supervisor for group religious ceremonies or activities conducted pursuant to PD 05.03.150 "Religious Beliefs and Practices of Prisoners."

FIRE EMERGENCY GUIDELINES

During times of emergency, it is important for you to quickly and accurately follow instructional rules and all instructions given to you by employees. Your prompt compliance will help to ensure your safety during emergency conditions.

You are required to report all fires and smoke to staff immediately, giving the exact location.

How to Get Out Safely

In case of fire, you should become familiar with evacuation routes from all buildings. Evacuation diagrams are posted in all living units and public assembly areas. If a serious fire or emergency occurs, you will be told to evacuate, with instructions to go to a specific area which is safe.

1. Stay calm so you can think clearly.
2. If caught in heavy smoke or fire, stay low to the floor and crawl, if necessary, to the nearest exit.
3. If your clothes catch on fire, roll slowly on the floor or ground, in a rug or blanket. If you can, pound on your burning clothes with something to smother the flames.
4. Cool off as soon as possible with water for first and second degree burns. Seek medical attention immediately.

Fire Prevention Tips

1. Smoking is not allowed in any building or on state property.
2. Properly store all personal property and paper items in a wall locker, or foot locker.
3. Limit combustibles in cells or rooms (paper, wood, and clothing).
4. Practice good housekeeping by emptying trash containers regularly and keeping personal items in lockers.
5. Do not overload electrical outlets and keep water away from electrical cords and appliances.
6. Promptly report fires or fire hazards to staff.

MAJOR AND MINOR MISCONDUCT

Source: Policy Directive 03.03.105

Following are descriptions of prisoner behavior which is prohibited and subject to disciplinary sanctions. The left-hand column lists and defines the violations; any behavior that fits the definition is a misconduct. In the right-hand column are specific examples of behavior fitting under the rule violation. These are just examples; other actions that fit the violation definition are also misconduct even though they are not mentioned in the right-hand column.

In addition to the violations which follow, three other kinds of charges are possible: accomplice, attempt, or conspiracy to commit a specific violation.

1. ACCOMPLICE—A prisoner who assists another to commit a specific misconduct or, after it is committed, conceals the violation from the authorities. The charge should be written as: “Accomplice to Assault,” for example, and the report must describe what the prisoner allegedly did. Examples of being an accomplice include: acting as a “lookout,” holding down a victim, allowing use of cell/room for commission of a violation.
2. ATTEMPT—A prisoner intends to commit a specific rule violation and does something towards committing it, even though s/he may not have succeeded.
3. CONSPIRACY—A prisoner intends to commit a specific violation and agrees with at least one other person to commit the violation. No action is necessary.

Many rules violations necessarily include other less serious violations. A lesser included violation would contain some but not all, elements of the greater charge. For example, the “lesser included,” violations of escape are: Attempted Creating a Disturbance is a lesser included violation of Inciting to Riot. If a prisoner is charged with misconduct, and the evidence does not support the particular violation charged, but does establish a lesser included violation, the hearing officer has the authority to find the prisoner guilty of the lesser included violation.

Violations marked with an asterisk (*) are mandatory “non-bondable” charges. The Warden or FOA Area Manager may allow the prisoner charged with a non-bondable offense to remain on bond if it is determined that this will not present a threat to the safety or security of the facility. In addition, a reviewing officer may place a prisoner who is charged with Escape on bond if the Escape charge was incurred at an institution of a lower security level than the one where the prisoner is now incarcerated, e.g., a prisoner who escapes from CRP or a camp, and is returned to a Level II facility, may be placed on bond status pending his/her hearing if the reviewing officer determines that s/he is not a threat to security at the present custody level if placed on bond. All charges not marked with an asterisk are normally bondable offense.

CMIS CODE (see Note Below)	MAJOR RULE VIOLATIONS (*Non-bondable charges)	COMMON EXAMPLES
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001 (Escape from Level I or community placement) 050 (Escape from secure facility)	<u>Escape</u> * Leaving or failing to return to lawful custody without authorization; failure to remain within authorized time or location limits (a) while on a public works crew; (b) while under electronic monitoring; or (c) during an authorized absence from work, school, or other activity while residing in a community corrections center.	Leaving from hospital trip or while housed at hospital; unauthorized change of approved destination in community programs. (NOTE: Hiding from authorities on prison grounds should be attempted escape.)
002	<u>Felony</u> Any act that would be a felony under state law is also a major misconduct violation. Reference shall be made to the specific statutory citation in all cases where this charge is alleged.	Breaking and entering - MCL 750.110. (NOTE: Use this charge only if there is no other specific violation which is applicable.)
003 (Prisoner victim) 004 (Staff victim) 005 (Other victim)	<u>Assault Resulting in Serious Physical Injury</u> * Physical attack on another person which resulted or was intended to result in serious physical injury. Serious physical injury means any injury which would ordinarily require medical treatment.	Attack using a knife, club, or other weapon; assault involving use of closed fists, kicking.
007 (Prisoner victim) 008 (Staff victim) 009 (Other victim)	<u>Assault and Battery</u> * Intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is.	Throwing urine or feces or spitting on another person; physically resisting staff efforts to apply restraints. (NOTE: The victim of an assault and battery should not be charged with a violation of this rule.)
010	<u>Homicide</u> * Causing the death of another person by any means.	
012	<u>Threatening Behavior</u> * Words, actions, or other behavior which expresses an intent to injure or physically abuse another person. Such misconduct includes attempted assault and battery.	Threat of sexual assault made by one prisoner to another prisoner; writing threatening letter to another person; threat made to a third person.

NOTE: The first number of the CMIS code for accomplice to any misconduct should be 1, for attempt 2, and for conspiracy 3 (e.g., attempted escape would be 201).

CMIS CODE	MAJOR RULE VIOLATIONS (*Non-bondable charges)	COMMON EXAMPLES
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013 (Prisoner victim; sexual acts) 051 (Prisoner victim; abusive sexual contact) 052 (Staff victim) 053 (Other victim)	* <u>Sexual Assault</u> Non-consensual sexual acts, meaning sexual penetration of, or sexual contact with, another person without that person's consent or with a person who is unable to consent or refuse; abusive sexual contact, meaning physical contact with another person for sexual purposes without that person's consent or with a person who is unable to consent or refuse.	Rape; intentional touching of sexual area (e.g., buttocks, breasts, genitals) without consent; kissing or embracing without consent of one who is kissed or embraced.
014	* <u>Fighting</u> Physical confrontation between two or more persons, including a swing and miss, done in anger or with intent to injure.	Fights between prisoners, whether with fists, broom handles, or other weapons.
017	* <u>Failure to Disperse</u> Failure or refusal of a prisoner to leave an area in which a disturbance is occurring when the prisoner is physically able to leave; includes obstruction of staff at the scene of the disturbance. Disturbance is defined as a fight between prisoners, subduing or taking into custody of a prisoner or prisoners by staff, destruction of property, or any similar action or occurrence.	Preventing a staff member from coming to the aid of other staff; remaining at the scene of a fight to observe or offer encouragement to combatants; blocking staff who are removing a prisoner from an area.
020	<u>Disobeying a Direct Order (DDO)</u> Refusal or failure to follow a valid and reasonable order of an employee.	Refusal to submit to a shakedown; fleeing from staff after being directed to stop.
021	<u>Possession of Forged Documents; Forgery</u> Knowingly possessing a falsified or altered document; altering or falsifying a document with the intent to deceive or defraud; unauthorized possession or use of the identification card, prisoner store card, pass, or detail of another prisoner.	A fake pass, application, etc. which is represented to be true; unauthorized alteration or removal of metered mail stamp; unauthorized alteration of metered envelope.
022	* <u>Incite to Riot or Strike; Rioting or Striking</u> Advocating or instigating actions which are intended to seriously endanger the physical safety of the facility, persons, or property or to disrupt the operation of the facility by group cessation of normal activity; participation in such action; joining others in unauthorized work stoppage.	Encouraging other prisoners to take group action to injure staff, destroy property, or disrupt normal operations; refusal of prisoners as a group to leave the yard when instructed by staff to do so.

NOTE: The first number of the code for accomplice to any misconduct is 1, for attempt 2, and for conspiracy 3 (e.g., attempted escape would be 201).

** Codes are for use by SOAHR hearing officers for reporting purposes.

023	<u>Interference with the Administration of Rules</u> Acts intending to impede, disrupt, or mislead the disciplinary process for staff or prisoners, including failure to comply with a loss of privileges sanction imposed by a hearing officer.	Intimidating or tampering with a witness; tampering with evidence; interfering with an employee writing a misconduct report; making false accusations of misconduct against another prisoner or staff which results in disciplinary action being initiated against the person. (NOTE: Should not be charged as retaliation for the writing of a grievance; if written as result of a grievance, it must be shown that prisoner knew allegation was false when s/he made it and intentionally filed a false grievance. Ordinarily, the statement of staff member refuting the claim will not be sufficient.)
024	<u>Bribery of an Employee</u> Offering to give or withhold anything to persuade an employee to neglect duties or perform favors.	
026	<u>Insolence</u> Words, actions, or other behavior which is intended to harass, degrade, or cause alarm in an employee.	Using abusive language to refer to an employee; writing about or gesturing to an employee in a derogatory manner.
027	<u>Destruction or Misuse of Property with Value of \$10 or More</u> Any destruction, removal, alteration, tampering, or other unauthorized use of property which has a value of \$10 or more; unauthorized possession of a component part of an item which has a value of \$10 or more.	Tampering with locking device; use of a door plug; destruction of property belonging to another person; unauthorized use of a telephone or using another prisoner's Personal Identification Number (PIN) to make a telephone call; possession of television or tape player parts.

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028	<p><u>Failure to Maintain Employment</u> Failure of a prisoner in CRP to immediately report to appropriate Department staff any absence from employment or training for illness, layoff, termination, or any other reason; failure to obtain prior staff approval for planned absences from, or voluntary termination of, employment or training.</p>	(NOTE: Applies only to prisoners in CRP.)
029	<p>* <u>Possession of a Weapon</u> Unauthorized possession of any item designed or intended to be used to cause or threaten physical injury to another person; unauthorized possession of piece, strip, or chunk of any hard material which could be used as a weapon or in the creation of a weapon.</p>	Possession of a prison-made knife, club, or any item fashioned or intended as a weapon; possession of a rock.
030	<p>* <u>Possession of Dangerous Contraband</u> Unauthorized possession of an explosive, acid, caustic, toxin, material for incendiary device; escape material; detailed road map for any area within the State of Michigan, adjacent state or Ontario, Canada; bodily fluid stored in a container within a cell or room; tattoo device; cell phone or other electronic communication device or accessory; a critical or dangerous tool or other item needing to be strictly controlled as specifically identified in the attachments to PD 04.04.120 "Tool Control", including failure to return any item covered by the definition which is signed out for a work or school assignment or any other purpose.</p>	Unauthorized possession of gasoline, lighter, toilet bowl cleaner, rope and grappling hook, screwdriver, hammer, or cell phone battery or charger. (NOTE: Generally, possession of matches should be charged as Possession of Contraband. Possession of any item covered by this definition with the intent to cause physical injury should be charged as Possession of a Weapon.)
031	<p><u>Possession of Money</u> Possession of unauthorized amounts of money or money from unauthorized sources. Money is defined as cash, negotiable instrument, credit card, or blank check.</p>	(NOTE: Arranging to obtain money from another prisoner or from a family member or friend of another prisoner should be charged as attempted possession of money. No money is authorized inside institutions.)
032	<p><u>Creating a Disturbance</u> Actions or words of a prisoner which result in disruption or disturbance among others, but which does not endanger persons or property.</p>	

** Codes are for use by SOAHR hearing officers for reporting purposes.

<p>033 (Prisoner/prisoner contact) 054 (Prisoner/other contact) 055 (Exposure) 056 (Imitating appearance) 057 (Words/actions of a sexual nature)</p>	<p><u>Sexual Misconduct</u> Consensual touching of the sexual or other parts of the body of another person for the purpose of gratifying the sexual desire of either party, except that an embrace of a visitor at the beginning and end of a visit, or holding hands with a visitor during a visit is not sexual misconduct; intentional exposure of the sexual organs to another person in a location or manner where such exposure has no legitimate purpose; imitating the appearance of the opposite sex; words or actions of a sexual nature directed at another person in order to harass or degrade that person.</p>	<p>Kissing, hugging, intercourse, or sodomy; exposure of sexual organs when prisoner knows staff will be making rounds; wearing clothing of the opposite sex; wearing of makeup by male prisoners; whistling at and making sexual remarks to another person; making propositions of a sexual nature. (NOTE: Threats of sexual assault should be charged as Threatening Behavior.)</p>
<p>034 (Alcohol) 039 (Marijuana) 040 (Heroin/morphine) 041 (Cocaine) 042 (Other substance) 043 (Drug test refusal) 044 (Narcotics paraphernalia) 046 (Tobacco product)</p>	<p><u>Substance Abuse</u> Possession, use, selling, or providing to others, or being under the influence of, any intoxicant, inhalant, controlled substance (as defined by Michigan statutes), alcoholic beverages, marijuana or any other substance which is used to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system; unauthorized possession or use of prescribed or restricted medication; possession of narcotics paraphernalia; failure or refusal to voluntarily submit to substance abuse testing which is requested by the Department for the purpose of determining the presence in the prisoner of any substance included in this charge; possession of a tobacco product.</p>	<p>Narcotics paraphernalia includes such items as marijuana and “crack” pipes, needles and syringes which are used to administer narcotics, but does not include such items as “roach clips” and cigarette papers; failure to return prescribed or restricted medication after its authorization date has expired.</p>
<p>035</p>	<p><u>Unauthorized Occupation of Cell or Room</u> Being in another prisoner or prisoners’ cell or room, or clearly defined living area, without specific authorization from staff; being present in any cell, room, or other walled area with another prisoner or prisoners or a member or members of the public without staff authorization.</p>	<p>Two prisoners in a “one-person” cell; being in a room, cell, bay, cubicle, or other area to which the prisoner is not assigned; two prisoners in a restroom stall; prisoners and member of the public in prisoners’ restroom or visiting area restroom.</p>

** Codes are for use by SOAHR hearing officers for reporting purposes.

CMIS CODE	MAJOR RULE VIOLATIONS (*Non-bondable charges)	COMMON EXAMPLES
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036	<p><u>Out of Place</u> Being within the lawful boundaries of confinement and not attempting to escape, but in a location without the proper authorization to be there; absent from where one is required to be; breaking toplock without authorization; being outside assigned housing unit without prisoner identification card; being absent from required location during count.</p>	<p>“Skating” in another block; no pass; no I.D. card; failure to be where required by detail; failure to remain on own bunk or other location as designated by facility rules during count. (NOTE: “Skating” in own housing unit during the day is a minor unless on toplock status.)</p>
037	<p><u>Theft; Possession of Stolen Property</u> Any unauthorized taking of property which belongs to another; possession of property which the prisoner knows, or should have known, has been stolen.</p>	
038	<p><u>Gambling; Possession of Gambling Paraphernalia</u> Playing games or making bets for money or anything of value; possession of gambling equipment, or other materials commonly associated with and intended for wagering.</p>	<p>Possession of dice, betting slips, point spreads, items used as counters in a card game, and similar items.</p>
045	<p>* <u>Smuggling</u> Bringing or attempting to bring any unauthorized item into or out of a correctional facility or a specialized area or unit within a facility such as segregation.</p>	<p>Receiving jewelry, shoes, etc. during a visit.</p>

** Codes are for use by SOAHR hearing officers for reporting purposes.

MINOR RULE VIOLATIONS

COMMON EXAMPLES

(All are coded 049)

Misdemeanor

Any act that would be a misdemeanor if prosecuted under Michigan law is also a minor misconduct violation, unless specified elsewhere as a major. Reference must be made to the specific statutory citation all cases where this charge is alleged.

Larceny under \$100 - MCL 750.356.

Abuse of Privileges

Intentional violation of any departmental or institutional regulation dealing with prisoner privileges unless it is specified elsewhere as a major.

Contraband

Possession or use of non-dangerous property which a prisoner has no authorization to have, where there is no suspicion of theft or fraud.

Possession of unauthorized items or anything with someone else's name or number on it; having excessive store items.

Health, Safety, or Fire Hazard

Creating a health, safety, or fire hazard by act or omission.

Dirty cell; lack of personal hygiene.

Temporary Out of Place/Bounds

In own housing unit during the day; out of place for a brief time or adjacent to where supposed to be.

Unauthorized Communications

Any contact, by letter, gesture, or verbally, with an unauthorized person or in an unauthorized manner.

Love letters to another prisoner; passing property on a visit either directly or through a third person.

Violation of Posted Rules

Violation of rules of community residential programs, housing units, dining room, furlough, work, or school assignment which is not covered elsewhere.

Violation of kitchen sanitary regulations; wasting food; excessive noise in housing unit, playing TV or radio without earphone; unauthorized driving of motor vehicle; failure to report income in CRP.

MINOR RULE VIOLATIONS

COMMON EXAMPLES

(All are coded 049)

Horseplay

Any physical contact, or attempted physical contact, between two or more persons, done in a prankish or playful manner without anger or intent to injure or intimidate.

Towel snapping at others in showers; playful body punching.

Lying to an Employee

Knowingly providing false information to an employee.

Giving a false name, number, or room/cell assignment. (NOTE: making false accusations of misconduct is included under the major violation of Interference with Administration of Rules.)

Destruction or Misuse of Property with Value of Less Than \$10

Any destruction, removal, alteration, tampering, or other misuse of property which has a value of less than \$10.

Excessive Noise

Creation of sound, whether by use of human voice, a radio, TV, or any other means, at a level which could disturb others.

Playing TV or radio above allowable level; banging objects against cell bars.

Major misconduct which also is a felony shall be referred to the appropriate law enforcement agency as well as being pursued through the Department disciplinary process. The initiation of the disciplinary process may be delayed if it would interfere with the criminal investigation or prosecution. Prisoners charged with major misconduct are entitled to a formal hearing as set forth in Administrative Rule 791.3315. The major misconduct hearing process is further described below. All major misconduct hearings shall be conducted by hearing officers from the State Office of Administrative Hearings and Rules (SOAHR), Department of Energy, Labor, and Economic Growth.

The review is the beginning of formal processing and investigation of the misconduct report, and shall include the following:

1. Examination of the misconduct report to determine that it is appropriate and correct.
2. Reading of the misconduct report to the prisoner.
3. Advising the prisoner of her/his right to witnesses, relevant documents, and a hearing investigator. The reviewing officer shall note on the Major Misconduct Report if the prisoner requests a hearing investigator as well as identifying any witnesses and documents requested.
4. Noting on the misconduct report the location of anything physical.
5. Ensuring that the prisoner receives a copy of the Major Misconduct Report.

At the review, the reviewing officer shall order a prisoner in a CFA institution who is charged with a non-bondable misconduct to be confined in temporary segregation or on toplock pending the hearing except if the misconduct is for escape from a facility of a lower security level than the one where the prisoner is now incarcerated and the reviewing officer determines that the prisoner will not be a threat to safety or security at the present custody level. In addition, the Warden or FOA Area Manager may allow a prisoner charged with a non-bondable offense to remain on bond status if it is determined that this will not present a threat to safety or security.

The formal hearing shall be held within required time limits set forth in Administrative Rule 791.5501. The hearing shall be conducted by a hearing officer. The prisoner has the right to be present at his/her hearing. In making a decision as to whether a prisoner is guilty of a charge, the hearing officer will consider only evidence which relates to the specific charge or charges or the lesser included violations. Decisions will be based upon a preponderance of evidence.

For additional information about the disciplinary process, refer to Policy Directive 03.03.105.

Sanction for Major Misconduct

A hearing officer shall impose one or more of the following sanctions upon a finding of guilt in a major misconduct hearing:

- A. Detention (punitive segregation), not to exceed 30 days for each violation or 60 days for all violations arising from a single incident, with the maximum range reserved for only the most serious or persistent violators.
- B. Confinement to quarters or toplock, not to exceed 7 days for each violation, but not to be combined with a detention sentence.
- C. Loss of privileges, not to exceed 30 days.
- D. Assignment of extra duty, not to exceed 40 hours.

Summary Disciplinary Action

An employee who observes a minor misconduct violation may issue a Summary Disciplinary Action – Minor Rule Infraction if the prisoner signs a waiver of his/her right to a minor misconduct hearing and appeal. Summary punishment must not exceed one day toplock, eight hours extra duty, or seven days loss of privileges.

If the prisoner does not waive his/her right to a hearing and appeal, the prisoner shall be charged only with a minor misconduct regardless of the charge or the prisoner's disciplinary record.

Minor Misconduct

Unless summary punishment is warranted as set forth above, an employee who observes a minor misconduct violation may issue a Minor Misconduct Violation and Hearing Report. A prisoner charged with minor misconducts shall be afforded the following:

- 1. Advanced written notice of the charge.
- 2. A hearing conducted in compliance with Administrative Rule 791.3310. The hearing officer shall have had no prior direct involvement in the matter at issue.
- 3. To be present at the hearing. If the prisoner refuses to attend, it shall be verified on the hearing report that the prisoner was notified of the hearing and refused to attend. In all cases, the prisoner shall receive a copy of the hearing officer's written decision.
- 4. An appeal of the hearing officer's decision to the Assistant Deputy Warden. The appeal must be filed within 24 hours of receipt of the hearing officer's written decision.

The hearing officer in a minor misconduct case shall ensure that all relevant evidence has been presented and that the prisoner had adequate time and opportunity to prepare his or her defense. A prisoner is not entitled to a hearing investigator, but the hearing officer shall make a reasonable investigation of the charges and assist those prisoners who have limited intelligence or education in presenting a defense. The decision of the hearing officer shall be based on the preponderance of the evidence. If the prisoner is found guilty of the misconduct, the hearing officer shall determine the appropriate sanction.

Sanctions for Minor Misconduct

A hearing officer shall impose one or more of the following sanctions upon a finding of guilt in a minor misconduct hearing:

- A. Confinement to quarters to toplock, not to exceed 5 days.
- B. Loss of privileges, not to exceed 15 days.
- C. Assignment of extra duty, not to exceed 20 hours.
- D. Counseling and reprimand.
- E. Restitution.

LOSS OF PRIVILEGES SANCTION

Unless the hearing officer identifies specific privileges to be lost, all of the following privileges will be lost by a prisoner in a CFA institution as a result of a "loss of privileges" sanction:

- A. Day room, activity room, TV room, study room, or other designated area where similar activities occur.
- B. Exercise facilities, such as yard, gym, and weight room/pit.
- C. Group meetings, such as Bible class and Jaycees, but not including primary religious worship service; this does not apply to group therapy.
- D. Hobbycraft.
- E. Kitchen area, including microwave, ice machine, and hot water dispenser.
- F. Direct access to general library (not law library; prisoners in segregation shall continue to have books delivered to them consistent with PD 04.05.120 "Segregation Standards").
- G. Movies.
- H. Music practice; musical instruments.
- I. Prisoner store, except for the purchase of mandatory health care products, over-the-counter personal care products, hygiene products, and stationery items (including metered envelopes).
- J. Radio, tape player, television, portable media player.
- K. Leisure time activities, including recreational details.
- L. Telephone, except calls to the Office of Legislative Corrections Ombudsman and to return calls from an attorney upon request of the attorney.
- M. Visiting. This applies only if hearing officer identified in the hearing report that the misconduct occurred in connection with a visit, and only with the visitor named in the hearing report.

RIGHT TO FREEDOM FROM DISCRIMINATION

HUMANE TREATMENT AND LIVING CONDITIONS FOR PRISONERS

Source: Policy Directive 03.03.130

All prisoners committed to the jurisdiction of the Department shall be treated humanely and with dignity in matters of health care, personal safety and general living conditions. They also shall not be discriminated against based on race, religion, ethnic background, sex, sexual orientation, gender identity, national origin, or disability. Discrimination in the form of paternalism or expecting something less than full responsibility from members of minority, ethnic, or racial groups must also be avoided. This is both contrary to the goals of encouraging self-reliance and rehabilitation, as well as unfair. It is imperative that prisoners recognize their responsibility to respect the rights of all persons. All prisoners must be treated fairly, and must be held accountable for their own acts.

Prisoners shall be treated humanely and with dignity in matters of health care, personal safety, and general living conditions.

- Prisoners shall be housed in facilities that are clean, orderly and adequate for personal hygiene.
- Prisoners shall receive nutritionally adequate meals as provided for in Policy Directive 04.07.100 "Offender Meals."
- Daily opportunities for exercise and recreation shall be provided for general population prisoners. Segregation prisoners shall be permitted out-of-cell movement as set forth in Policy Directive 04.05.120 "Segregation Standards."
- Health Care is available as set forth in Policy Directive 03.04.100 "Health Services."
- Mental and physical abuse will not be tolerated.

For additional information about Humane Treatment and Living Conditions, see Policy Directive 03.03.130.

The MDOC enforces a 'Zero-Tolerance' standard against both prisoner sexual misconduct and prisoner sexual abuse. Prisoners are never regarded as being in a position to grant legitimate consent for sexual behavior. Sexual contact between prisoners will, at a minimum, warrant a charge for violation of the major misconduct charge of Sexual Misconduct (033). Any evidence indicating that the behavior may have been non-consensual or assaultive in nature will warrant a charge for violation of the major misconduct charge of Sexual Assault (013), or (051) for abusive sexual contact against another prisoner, as well as criminal charges and a recommendation for prosecution. Sexual contact by staff towards a prisoner, or from a prisoner towards staff in any manner, is a violation of state and federal law, and will warrant criminal charges and a recommendation for prosecution.

For a variety of reasons within a correctional setting, a prisoner may be apprehensive about reporting prisoner sexual abuse. Reporting prisoner sexual abuse, however, is the only way to protect the victim and discipline the perpetrator.

If you are ever a victim of prisoner sexual abuse, or know of another prisoner who is, you should report the incident immediately. You should feel comfortable in approaching any MDOC staff member for support and referral, but you may also report the incident to a staff member with whom you feel most comfortable. The important thing is that you report the incident of prisoner sexual abuse as soon as you become aware it has occurred.

The Department will take all allegations of prisoner sexual misconduct and abuse seriously, and will respond promptly and accordingly. For more information refer to PD 03.03.140 "Prohibited Sexual Conduct Involving Prisoners."

CLOTHING AND CELL OR ROOM FURNISHINGS

Source: Policy Directive 04.07.110

Prisoners are provided with both state issued clothing and cell or room furnishings as authorized by Policy Directive 04.07.110. Prisoners are responsible for having their state-issued clothing laundered and will be held accountable for willful loss or willful damage to this clothing.

Display of pictures is permitted as allowed in Policy Directive 04.07.110. Nude pictures shall not be displayed or hung anywhere in a cell or room, including on bulletin boards or inside lockers.

The state-issued clothing and the cell furnishings vary according to a prisoner's custody level and status. For additional information about state-issued clothing and cell furnishings, see Policy Directive 04.07.110.

PROPERTY CONTROL

Source: Policy Directive 04.07.112

Prisoners may be allowed to receive and possess only that personal property which is authorized by Policy Directive 04.07.112. Prisoners are responsible for safeguarding their personal property. Excessive personal property in housing units constitutes a fire hazard and creates sanitation, housekeeping and security concerns. Consequently, the amount of personal property allowed to be possessed by a prisoner is regulated. Allowed property varies according to a prisoner's custody level and status.

For information regarding prisoner property and for additional information regarding property issues, see Policy Directive 04.07.112.

HOUSEKEEPING RESPONSIBILITIES

Source: Policy Directive 04.03.102
Policy Directive 04.03.120

Prisoners are responsible for the cleanliness and orderliness of their individual living areas, including: walls, floors, sink, toilet, windows, bed, locker and other property kept in the living area. Prisoners are expected to clean their living area daily and to deposit accumulated trash in designated trash containers which will be provided in the housing units. On a regular basis, as issued by the Resident Unit Manager or designee, the prisoners are to use cleaning materials and equipment to thoroughly clean and sanitize their areas.

For additional information about housekeeping responsibilities, see Policy Directive 04.03.102 and Policy Directive 04.03.120.

GROOMING

Source: Policy Directive 03.03.130

Cleanliness and good hygiene practices are important in an environment where persons live in close proximity to one another. Prisoners are encouraged to maintain a "well-groomed" appearance. Prisoners are responsible for ensuring that their ID's are updated to reflect current appearance.

For additional information regarding grooming matters, see Policy Directive 03.03.130.

INDIGENT PRISONERS

Source: Policy Directive 04.02.120

As authorized by Policy Directive 04.02.120, indigent prisoners may apply for and be given a monthly loan to purchase personal care items necessary to maintain Department grooming standards. Criteria that must be met to qualify as “indigent” are listed in Policy Directive 04.02.120.

The Policy Directive also provides information about additional benefits and repayment obligations. For additional information regarding indigency, see Policy Directive 04.02.120.

PRISONER HOUSING UNIT REPRESENTATIVES

Source: Policy Directive 04.01.150

Prisoner representatives are established as a means of communication and problem-solving. Through prisoner representatives, prisoners may bring collective concerns and complaints to the attention of staff so that they may be addressed appropriately and expeditiously.

As allowed in Policy Directive 04.01.150, prisoners assigned to general population housing units shall elect a unit representative who will meet with the housing unit staff and serve as members of the Warden’s Forum. The Warden’s Forum meets with the Warden to discuss matters of concern to the general prisoner population.

The elected prisoner representatives are not to use their offices to present individual complaints to the administration. An individual’s complaints may be pursued through the grievance process described in Policy Directive 03.02.130.

Specific procedures will be established by each Warden for the election of housing unit representatives. For additional information on prisoner representatives and the Warden’s Forum, see Policy Directive 04.01.150 and the institution Operating Procedure.

DRUG TESTING

Source: Policy Directive 03.03.115

Drug testing will be done to deter and monitor unauthorized use of controlled substances and other prohibited substances among prisoners, parolees, and probationers within the Department. The method of drug testing is at the discretion of the Department.

Prisoners who refuse to be tested or whose tests show the presence of a prohibited substance shall receive a major misconduct for Substance Abuse. For additional information about drug testing, see Policy Directive 03.03.115. Prisoners who are found guilty of a major misconduct violation of Substance Abuse will also have visits restricted. For additional information about visit restriction because of substance abuse violations, see Policy Directive 05.03.140.

GRIEVANCE PROCEDURE

Source: Policy Directive 03.02.130

Prisoners and parolees may submit grievances on the "Prisoner/Parolee Grievance Form" (CSJ-247A) as allowed by Policy Directive 03.02.130. Prisoners are expected to use the grievance process in a responsible manner. In most cases, prisoners are expected to make a reasonable effort to resolve the issue with the staff member involved within two business days after becoming aware of a grievable issue, unless prevented by circumstances beyond his or her control. Misuse of the grievance procedure may subject a prisoner to restrictions.

There is an appeals process for grievants whose concerns are not resolved. That process is defined in the above referenced Policy Directive. For additional information on the grievance process, see Policy Directive 03.02.130.

ACCESS TO LEGAL MATERIALS AND THE COURTS; INSTITUTIONAL LAW LIBRARIES

Source: Policy Directive 05.03.115
Policy Directive 05.03.116

Prisoners are permitted to exercise their constitutional right of access to the courts. Prisoners are allowed to receive visits and mail from an attorney and that attorney's authorized representative as allowed in Policy Directive 05.03.116 "Prisoners' Access to the Courts," Policy Directive 05.03.140 "Prisoner Visiting," and Policy Directive 05.03.118 "Prisoner Mail."

All prisoners shall have access to a notary public. All non-custody housing unit staff, librarians, and library assistants/technicians will be able to assist prisoners who are in need of notary service. There is a standard charge for each document notarized. Funds for this service shall be loaned by the Prisoner Benefit Fund if the prisoner lacks sufficient funds. Photocopying of items needed for legal research is also available for 10 cents a copy. For additional information of notary service and legal copies, refer to PD 05.03.116.

In addition to legal assistance available in the community from attorneys and legal service organizations, prisoners shall have access to legal research materials through law libraries and provided legal assistance through the Legal Writer Program as set for in Policy Directive 05.03.116. Prisoners also may do their own legal research using the law library materials available as discussed by Policy Directive 05.03.115 "Institutional Law Libraries." Each facility will have information about how to access law library materials and copying services at their facility.

For additional information on access to the courts, see Policy Directive 05.03.115 and Policy Directive 05.03.116.

ACCESS TO MEDIA

Source: Policy Directive 01.06.150

Prisoners are allowed access to the media (television and newspaper reporters) as allowed in Policy Directive 01.06.150. It is the obligation of each prisoner to deal honestly and responsibly with the news media. For additional information on access to the media, see Policy Directive 01.06.150.

PRISONER ORIENTATION

Source: Policy Directive 04.01.140

As required in Policy Directive 04.01.140, orientation will be provided to all prisoners soon after they arrive at a facility. The purpose of the prisoner orientation is to ensure that prisoners receive pertinent information about programs and specific procedures at the facility.

It is important for new prisoners to be aware of the various “prison pitfalls” and their consequences, such as: gambling, borrowing, loaning, homosexual pressures, and the seriousness of escape or escape attempt. Staff is available should these types of problems arise.

It is also important for prisoners to receive information regarding communicable blood borne infections in accordance with PD 03.04.120.

For additional information regarding prisoner orientation, see Policy Directive 04.01.140.

STATISTICAL RISK SCREENING

Source: Policy Directive 05.01.135

As authorized by Policy Directive 05.01.135, all newly committed male prisoners are screened for assaultiveness and property risk. (Female prisoners are screened for property risk.) Screeners will use their best judgment as to the proper classification of each risk variable. Prisoners who believe they have been designated incorrectly may appeal as allowed in Policy Directive 05.01.135.

For additional information regarding statistical risk screening, see Policy Directive 05.01.135.

PRISONER SECURITY CLASSIFICATION & PRISONER PLACEMENT

Source: Policy Directive 05.01.130
Policy Directive 05.01.140

Prisoners in Michigan are designated by security levels. Security levels (from least secure to most secure) are: Levels I, II, III, IV, V, and Segregation. Prisoners are screened and assigned a custody level upon commitment. Prisoners have no right to placement at a particular security level nor in any particular facility.

Being found guilty of misconducts may result in being reclassified to a higher security level. Prisoners are rescreened at least annually. Remaining misconduct-free and completing program requirements may result in being classified to a lower security level.

For additional information regarding security classification, see Policy Directive 05.01.130. For additional information on prisoner placement, see Policy Directive 05.01.140.

PROGRAM CLASSIFICATION INSTITUTIONAL WORK ASSIGNMENT, WAGES, AND SCHOOL STIPENDS

Source: Policy Directive 05.01.100
Policy Directive 05.02.110

Prisoners are placed in work and school assignments at each facility. This process is called program classification. During program classification, prisoners are screened and are then placed in assignments that are appropriate and available. Prisoners who do not have a high school diploma or GED are usually assigned to school. Prisoners are expected to work unless assigned to an approved education or training program. For additional information about the classification process, see Policy Directive 05.01.100.

EDUCATION PROGRAMS

Source: Policy Directive 05.02.112

Education programs are designed to assist prisoners obtaining a General Educational Development (GED) Certificate and to assist prisoners in developing employment and job skills. Special Education Services are available at selected sites. A high school diploma or GED Certificate may be required before prisoners are assigned to work assignments. For additional information on education programs, see Policy Directive 05.02.112. For additional information about special education programs, see Policy Directive 05.02.114.

GOOD TIME AND DISCIPLINARY CREDITS: GRANTING, FORFEITURE AND RESTORATION DISCIPLINARY TIME

Source: Policy Directive 03.01.100
Policy Directive 03.01.101
Policy Directive 03.01.105

Prisoners convicted of crimes committed prior to April 1, 1987 may be eligible to earn “good time” on their sentences. Policy Directive 03.01.100 provides information and regulations regarding both “regular good time” and “special good time.”

Prisoners sentenced for certain offenses committed after December 10, 1978 and before December 15, 2000 who are not eligible to receive “good time” may be eligible to earn “disciplinary credits” on their sentences. Policy Directive 03.01.101 provides information and regulations regarding disciplinary credits.

Both good time and disciplinary credits reduce the amount of time a prisoner has to serve if the prisoner does not commit misconducts and otherwise follows Department rules.

Prisoners sentenced for certain offenses committed on or after December 15, 1998 or for any offense committed on or after 12/15/2000 are subject to “disciplinary time”. Policy Directive 03.01.105 provides information and regulations regarding disciplinary time.

TELEPHONE USE

Source: Policy Directive 05.03.130

The use of telephones by prisoners is a privilege. Prisoner telephone calls may be listened to and recorded in accordance with the requirements of Policy Directive 05.03.130.

Except for verified emergencies, prisoner use of a telephone shall be considered a leisure time activity. As regulated in Policy Directive 05.03.130, telephone equipment automatically limits the length of all calls. Prisoners are limited to calling only those numbers they have listed and which have been approved. Three-way calls are prohibited. A prisoner who abuses telephone privileges may be restricted from using the telephone.

For additional information regarding telephone usage, see Policy Directive 05.03.130.

PRISONER MAIL

Source: Policy Directive 05.03.118
Policy Directive 04.02.120
Policy Directive 04.07.112

Mail is protected by the First Amendment of the U.S. Constitution. Mail to and from prisoners is restricted only as indicated in Policy Directive 05.03.118. Both incoming and outgoing prisoner mail must have the prisoner's name and identification number on the envelope. Writing paper, envelopes and pencils may be made available to prisoners as stated in Policy Directive 05.03.118. Indigent prisoners shall be loaned postage as set forth in Policy Directive 04.02.120.

A prisoner may request special handling of his/her legal mail. Policy Directive 05.03.118 provides direction for this process. Property received through the mail is subject to Policy Directive 04.07.112 "Prisoner Personal Property." For additional information regarding prisoner mail, see Policy Directive 05.03.118.

VISITING

Source: Policy Directive 05.03.140

Prisoners may receive visits subject to the rules and restrictions in Policy Directive 05.03.140. Ordinarily, a person must be on the prisoner's approved visitor's list in order to be allowed to visit. Visiting Application Forms are available to prisoners from Housing Unit staff. Each facility has visiting regulations which include the visiting hours. Visiting rules also vary according to custody level. For additional information regarding visits, see Policy Directive 05.03.140. Prisoners can also request visiting information relevant to their facility and custody status from Housing Unit staff.

SEARCH OF PRISONERS

Source: Policy Directive 04.04.110

Prisoners, their living space, and their property are subject to search on a regular basis, with or without suspicion that contraband is present, and at **any time**. A search shall not be conducted for the purpose of harassing or humiliating a prisoner.

A “patdown search” is a brief manual and visual inspection of body surfaces, clothing and items the prisoner is carrying. A prisoner may be required to remove outerwear and shoes and remove items from pockets.

A “clothed body search” is a thorough manual and visual inspection of all body services, hair, clothing, wigs, briefcases, prostheses and similar items. It includes a visual inspection of the mouth, ears, and nasal cavity. A prisoner may be required to remove outerwear, shoes and socks, and remove items from pockets.

NOTE: Department employees have the authority to conduct a patdown or clothed body search of a prisoner at any time. For male prisoners, these searches need not be conducted by a staff member of the same sex as the prisoner being searched. Patdown and clothed body searches of female prisoners shall be conducted only by female staff except when female staff is not readily available to conduct a search in an emergency or where there is reasonable suspicion that a prisoner is in possession of contraband.

A “strip search” is a visual inspection of all body surfaces of a person who has been required to remove all or most of his/her clothing and jewelry for purposes of the search. It includes a visual inspection of body openings. All clothing and articles which are removed also shall be inspected for contraband. A “strip search” shall be performed by and only in the presence of employees of the same sex as the person being searched except in special circumstances outlined in Policy Directive 04.04.110.

A “body cavity search” is a search which involves physical intrusion into a body cavity by the person conducting the search. A body cavity search can be conducted only by a licensed physician or a physician’s assistant, licensed practical nurse or registered nurse acting with the approval of a licensed physician.

For additional information regarding searches, prisoners are referred to Policy Directive 04.04.110.

HOBBYCRAFT PROGRAMS

Source: Policy Directive 05.03.102

Hobbycraft programs are to provide residents with an opportunity for constructive use of leisure time in arts and crafts activities, and to outline conditions under which prisoners may exhibit or sell finished items.

For additional information regarding hobbycraft programs, see Policy Directive 05.03.102.

PRISONERS' RIGHT TO EXERCISE RELIGIOUS BELIEFS AND PRACTICES

Source: Policy Directive 05.03.150

Prisoners shall be permitted to exercise their religious beliefs within the constraints necessary for the order and security of the facility.

Each prisoner is allowed to designate his/her faith preference in writing. Each prisoner is allowed to possess religious items that are necessary for the practice of his/her faith. Prisoners are allowed to receive clergy visits. Religious services are scheduled by facility staff persons. A copy of the schedule of services is available on the housing unit bulletin board or similar public place. Prisoners are allowed to receive religious literature through the mail as authorized by Policy Directive 05.03.118. Prisoners are allowed to marry. A prisoner should contact the facility chaplain for more information about wedding services.

In the prison setting, all recognized religions shall enjoy equal status and protection subject to those limitations necessary to maintain the order and security of the facility, including the health and safety of prisoners and staff.

For more information on religious practices, see Policy Directive 05.03.150. Most facilities also have facility operating procedures that provide information about religious practices.

PRISONER FUNDS

Source: Policy Directive 04.02.105
Policy Directive 04.02.107

Rules regarding your money are made to encourage responsible financial decisions, proper use of resources, and to discourage institutional dependency.

The Department shall collect victim restitution and court-ordered fees and cost from prisoners as set forth in Policy Directive 04.02.107.

Policy Directive 04.02.105 provides information on how prisoners may use their funds. It also provides direction regarding how and from what source a prisoner may receive funds. Prisoners may not purchase goods or services on a credit basis.

For additional information regarding prisoner funds, see Policy Directive 04.02.105 and Policy Directive 04.02.107.

REPORTING OF PRISONER ASSETS

Source: Policy Directive 04.02.140

By law, the Department must obtain information from all prisoners and parolees regarding their assets. This information shall be provided to the Attorney General to assist in obtaining reimbursement for expenses incurred or to be incurred by the State for the costs of incarceration in a state correctional facility. Failure to accurately report assets could affect parole consideration.

For additional information regarding the reporting of assets, see Policy Directive 04.02.140.

PRISONER BENEFIT FUND

Source: Policy Directive 04.02.110

The Prisoner Benefit Fund (PBF) is a special fund established to provide services, equipment and supplies which have a direct benefit of prisoners and to provide for prisoner input in the disbursement of these funds. Policy Directive 04.02.110 provides information regarding income sources and direction for the PBF.

For additional information regarding the PBF, see Policy Directive 04.02.110.

ACCESS TO MEDICAL CARE

Source: Policy Directive 03.04.100
Policy Directive 03.04.101
Policy Directive 04.06.150
Policy Directive 04.06.165

All prisoners have access to health services as explained in Policy Directive 03.04.100. Health care services range from an annual health care screening to emergency health care.

All prisoners may report an illness or other health problems to a qualified health professional and receive diagnosis and appropriate treatment as outlined in PD 03.04.100 Health Services. The prisoner shall be charged a \$5.00 co-payment for prisoner initiated visits to medical, dental, and optometric visits. Prisoners shall not be charged a co-payment if the visit is initiated by the department or by a QHP, refer to PD 03.04.101 for more information.

Dental services are provided as explained in Policy Directive 04.06.150. Eye examinations and eyeglasses are provided as explained in Policy Directive 04.06.165.

CONTROL OF COMMUNICABLE BLOODBORNE DISEASES

Source: Policy Directive 03.04.120

Bloodborne disease such as Acquired Immune Deficiency Syndrome (AIDS), Hepatitis B (HBV) and Hepatitis C (HCV) continue to present a serious health threat. Bloodborne/sexually transmitted diseases, such as AIDS, Hepatitis B, and C, are not transmitted by casual contact, but may be transmitted through contact with blood or other bodily fluids.

Methicillin-resistant *Staphylococcus aureus* (MRSA) is transmitted through casual contact and whenever bodily fluids are present, universal precautions must be taken.

NOTE: Prisoners should practice universal precautions through hand washing, good housekeeping, and avoiding body fluids.

All prisoners are tested for communicable bloodborne diseases. The policy directive also provides direction regarding those who refuse to cooperate with testing and those who have a positive test.

For additional information regarding this matter, see Policy Directive 03.04.120.

Also, for more information, contact the medical staff at your facility or Michigan Department of Corrections, Bureau of Health Care Services, P. O. Box 30003, Lansing, Michigan 48909.

MENTAL HEALTH SERVICES

Source: Policy Directive 04.06.180
Policy Directive 04.06.183
Policy Directive 05.01.120
Policy Directive 04.06.182

Mental health services are available to prisoners. These services are available in settings ranging from hospital care to counseling services. Prisoners who believe they need mental health services should contact health care services at their facility through the facility's "kite" system.

The above Policy Directives provide additional information about mental health services.

PRISONERS WITH DISABILITIES

Source: Policy Directive 03.04.100
Policy Directive 04.06.160

Prisoners shall be provided with assistive devices and other services necessary for their medical needs, subject to restrictions necessary to maintain institutional order and security.

Prisoners with disabilities may be provided reasonable accommodations so they can participate in programs, services and activities.

During each health care encounter, Bureau of Health Care Services (BHCS) staff shall screen the prisoner to determine if the prisoner has a medical condition which restricts his/her ability to function adequately in the institutional environment. This includes screening during the health appraisal at reception facilities pursuant to Policy Directive 03.04.100 "Health Services." This policy does not apply to eyeglasses, prescription sunglasses and contact lenses, which are addressed in Policy Directive 04.06.165 "Optometric Services."

Additional information regarding prisoners with disabilities, see Policy Directives 03.04.100 and 04.06.160.

ACCESS TO DEPARTMENT DOCUMENTS

Source: Policy Directive 01.06.110

Prisoners are not entitled to receive nor inspect documents under the state Freedom of Information Act (FOIA). Although prisoners are not entitled to receive documents under FOIA, this does not mean that they cannot be provided with necessary documents. Prisoners shall receive copies of appropriate reports when they are generated. In addition, a copy of any appropriate document may be provided to a prisoner if it is helpful in responding to a grievance or correspondence from a prisoner.

Prisoners have access to information about their medical care. Requests for such information shall be submitted by the prisoner to the appropriate health care staff at the facility where the prisoner is housed.

Due process requires that prisoners receive, upon request, a copy of their hearing investigation report for any formal hearing, except those documents which have been determined by the hearing officer to be confidential. Such requests shall be made to the hearing investigator at the facility where the hearing occurred.

For additional information regarding access to Department documents, see Policy Directive 01.06.110.

PUBLIC WORKS

Source: Policy Directive 03.02.121

Some prisoners are assigned to public work crew projects. They leave the facility to perform service work in the community. Policy Directive 03.02.121 provides information regarding this program.

DISCHARGE OR TERMINATION OF SENTENCE

Source: Policy Directive 03.01.135

A prisoner who has completed his/her maximum sentence, minus appropriate special or regular good time or disciplinary credits, is entitled to be discharged from prison. Policy Directive 03.01.135 provides information about processing prisoners for discharge. For more information regarding this matter, see Policy Directive 03.01.135.

TWENTY QUESTIONS ABOUT PAROLE

The following are 20 questions and answers about parole. These questions and answers explain the parole consideration process and the review process for life and long indeterminate sentences.

1. WHAT IS PAROLE?

After serving the minimum sentence, a prisoner is considered for parole. Parole is a supervised release from prison while the prisoner continues to serve his or her sentence. An order of parole has standard mandatory conditions, such as regular reporting to a parole agent, not leaving the state without prior written permission, mandatory alcohol and drug testing, refraining from possessing firearms and other weapons, etc. The Parole and Commutation Board may also impose additional special conditions designed to address the unique needs of individuals such as prohibiting the use of alcohol, requiring mental health treatment, prohibiting contact with minor children, restricting the operation of motor vehicles, etc. Payment of restitution will be a condition of parole if it was ordered by the court as part of the sentence. Violating any condition of parole may result in the parolee's return to prison as well as the forfeiture of good time or disciplinary credits previously earned.

2. WHO MAKES PAROLE DECISIONS?

Parole and Commutation Board members are appointed by the Director of the Department of Corrections to a staggered term of four years. The fifteen-member Parole and Commutation Board is organized into three-member panels. Parole release, revocation, and rescission decisions for prisoners serving indeterminate sentences are made by majority vote of a three-member panel. The review of life sentences are made by majority vote of the full fifteen-member Parole and Commutation Board.

3. WHEN IS A PRISONER ELIGIBLE FOR PAROLE?

State law provides for parole consideration after a prisoner has served the minimum sentence imposed by the court. Whether or not the minimum sentence may be reduced by the earning of good time or disciplinary credits depends on the offense and the date it occurred. For example, prisoners sentenced under the habitual offender statutes and prisoners affected by "Truth in Sentencing" do not earn good time or disciplinary credits. The statute refers to "Truth in Sentencing" cases as "prisoners subject to disciplinary time".

State law establishes a separate review process for prisoners serving a life sentence. That process is explained later in this booklet. (See discussion regarding questions #18 and #19.)

4. IS A MEDICAL PAROLE POSSIBLE?

Consideration for a medical parole must be initiated by the Bureau of Health Care. A health care referral would generally occur only in cases of an incapacitating physical condition. If the prisoner has not yet reached his/her earliest release date, the Parole and Commutation Board would have to seek a commutation of sentence from the Governor. In cases where the minimum sentence has been served, the Parole and Commutation Board may parole an offender after concluding that there is a reasonable assurance that the prisoner will not become a menace to society or to the public safety.

5. IS PAROLE GUARANTEED AFTER THE MINIMUM SENTENCE IS SERVED?

Parole must be earned. There is no guarantee of parole upon eligibility. The Parole and Commutation Board makes a decision according to the guidelines and requirements in the Administrative Rules and state law governing the parole consideration process. A decision to grant parole is made only when the Parole and Commutation Board has reasonable assurance that the prisoner will not become a menace to society or to the public safety.

6. WHAT FACTORS DOES THE PAROLE AND COMMUTATION BOARD CONSIDER?

State law and Administrative Rules establish the factors the Parole and Commutation Board considers in the parole decision-making process. These factors include but are not limited to:

1. The length of time the prisoner has been incarcerated.
2. The nature and seriousness of all crimes for which the prisoner is under sentence, including aggravating and mitigating conditions. Aggravating conditions include the use of or threat of a weapon, physical or psychological injury to the victim, excessive violence to the victim beyond that necessary to commit the offense, if the victim was transported or held captive, if the victim was unusually vulnerable, if there was property loss or damage, if the crime is a sexual offense or involved sexually assaultive behavior, or if there were other offenders involved and the prisoner acted as a leader. Mitigating conditions exist if the act was situational with little likelihood of recurrence, or if there were other offenders involved and the prisoner's role was minor.
3. The number, frequency and nature of all misdemeanor and felony convictions, any juvenile history, and any failures while on delayed sentence, probation or parole.
4. Pending criminal charges or detainers.
5. Institutional adjustment as reflected by performance on work or school assignments, findings of guilt on major misconduct charges, periods of confinement in administrative segregation, forfeitures or restorations of good time or disciplinary credits, the amount of accumulated disciplinary time for prisoners subject to disciplinary time, completion of recommended programs, and relationships with staff and other prisoners.
6. Readiness for release as shown by a vocational skill or educational degree that will assist in obtaining employment, and the development of a suitable and realistic parole plan. Prisoners sentenced for crimes committed after December 15, 1998 and whose minimum term of imprisonment is two years or more, are required by law (MCL 791.233) to have a high school diploma or a GED before being released on parole. The Department of Corrections may waive this requirement in some cases as explained in MCL 791.233.
7. The prisoner's personal history including employment history before incarceration, family or community ties, and a demonstrated willingness to accept responsibility for past behavior.
8. The prisoner's physical and mental health, any hospitalizations or treatment for mental illness, and any irreversible physical or mental condition which would reduce the likelihood of further criminal acts.
9. The prisoner's assaultive and property risk screening (statistical risk factors).

10. The prisoner's age as it is significant to the likelihood of further criminal behavior. The Parole and Commutation Board may consider a prisoner's marital history and prior arrests that did not result in conviction, but a decision to deny parole shall not be based solely on either of those factors. By law, crime victims have a right to make a statement to the Parole and Commutation Board. The statements of crime victims are confidential.

7. HOW DOES THE PAROLE CONSIDERATION PROCESS BEGIN?

The Resident Unit Manager (RUM), Assistant Resident Unit Supervisor (ARUS) or Case Manager will meet with the prisoner 6 to 9 months prior to the parole eligibility date to prepare a Parole Eligibility Report (PER). At that time, the prisoner will be provided a reasonable opportunity to review the counselor file maintained at the institution, excluding any information which is exempt under the Freedom of Information Act. The PER will cover the prisoner's institutional adjustment and participation in educational or vocational programming, substance abuse treatment, or therapy. Any major misconduct violations and security classification increases will be reported. If the prisoner was previously denied parole, the report will update the prisoner's activities and conduct since the last PER.

The PER preparer will ask where and with whom the prisoner proposes to live if paroled, and if any arrangements have been made for employment. Generally, the Parole and Commutation Board will require placement with a spouse, family member or friend. Parole to another state is possible if the other state agrees to accept supervision and if any restitution ordered by the court has been paid in full. At a minimum, the prisoner should provide a second choice of home placement in case the first choice is disapproved or not available at the time of parole. The nature of the criminal history is also a factor in the prisoner's parole placement. For example, if the prisoner has a history of an offense against a child, the Parole and Commutation Board may prohibit placement in a home where there are children. Commercial placement is not normally considered an acceptable placement by the Parole and Commutation Board but may be considered if there are no other placement options.

8. WHERE DOES THE PAROLE AND COMMUTATION BOARD OBTAIN THE INFORMATION IT CONSIDERS?

The Parole and Commutation Board considers information from many sources. A key source of information considered by the Parole and Commutation Board comes from the Presentence Investigation Report (PSI), Parole Eligibility Report (PER), psychological reports, misconduct reports and security classification reviews. The prisoner is provided a copy of these documents as they are generated. Since additional copies of these documents are no longer available to the prisoner under the Freedom of Information Act, the prisoner needs to keep the copies that are originally provided.

9. WHAT ARE PAROLE GUIDELINES?

The parole guidelines score is a statistical tool which assists the Parole and Commutation Board in making decisions that enhance public safety and minimize disparity in the decision making process. The prisoner will be provided a parole guidelines score sheet prior to the parole consideration interview.

Scores fall into three categories: high, average or low probability that parole will be granted. The parole guidelines score is used along with other factors to evaluate the appropriateness of parole. Administrative Rule 791.7716 establishes the factors considered in parole guidelines. Those factors are:

1. aggravating and mitigating factors for all crimes for which the prisoner is currently serving a sentence
2. prior adult and juvenile convictions
3. conduct during confinement including major misconducts received in the last five years of incarcerated time, excluding time on escape, bond or parole
4. increases in security level
5. the prisoner's statistical risk factors for future assaultive and property offenses
6. the prisoner's current age
7. performance in recommended programming
8. the prisoner's mental health

If the score is in the low probability of parole range and parole is granted, or if the score is in the high probability of parole range and parole is denied, the Parole and Commutation Board must provide substantial and compelling reasons for the departure. If the score is in the average probability of parole range, substantial and compelling reasons are not required.

10. WHAT IF THERE IS AN ERROR IN THE PAROLE GUIDELINES SCORE?

Some of the information used to calculate the parole guidelines score comes directly from data entered on computer by the institution. This includes the prisoner's date of birth, institutional misconduct, and statistical risk factors for assaultive and property offenses. Errors in this information must be corrected through the prison Record Office. If an error is found and corrected by the Record Office, the prisoner should then write the Parole and Commutation Board concerning the corrected information so the parole guidelines scoring can be reviewed.

Information concerning the active sentence(s) and prior convictions comes from the Presentence Investigation Report (PSI). Remember that all sentences for which a prisoner is serving are scored. For example, if the prisoner's most recent sentence does not involve a weapon but the prisoner still has an active sentence where a weapon was involved, a negative score for that weapon would appear. If the scoring is contrary to information contained in the PSI, the prisoner should write the Parole and Commutation Board and specifically identify the error so the scoring can be reviewed. If information in the PSI is incorrect, the prisoner should write the sentencing court. The Department of Corrections has no authority to change or correct the PSI without an order from the court.

A prisoner upon intake at the Reception Center (RGC) will receive specific recommendations for program participation. When the Parole Eligibility Report (PER) is written, the prisoner's involvements in those programs will be reported. The parole guidelines program performance score is calculated by comparing the information in the PER with the programs recommended by the Reception Center. Questions concerning the scoring of completed programs or mental health scoring should be directed to the Parole and Commutation Board.

11. WILL THE PRISONER BE INTERVIEWED BEFORE A DECISION IS MADE?

State law allows the Parole and Commutation Board to deny a prisoner parole without interviewing the prisoner, if his/her parole guidelines score is in the low probability range. A parole without an interview is permitted if the parole guidelines score is in the high probability range and the prisoner is not serving for a sex offense or an offense involving a death. An interview must be conducted if the parole guidelines score is in the average probability range or the prisoner is in the high probability range and is serving for a sex offense or an offense involving a death.

12. IF AN INTERVIEW IS CONDUCTED, WHAT ARE THE PRISONER'S RIGHTS?

If an interview is to be conducted, it will occur about 3 to 4 months prior to the prisoner's minimum date, or the reconsideration date if parole was previously denied. Interviews are typically held at the facility where the prisoner is incarcerated. The prisoner's rights in the interview process are as follows:

- 1) If an interview is scheduled, state law requires it be conducted at least 1 month before the expiration of the prisoner's minimum sentence.
- 2) A prisoner is entitled to 30 days notice prior to the interview date. The prisoner may waive or exercise this right.
- 3) The written notice shall indicate the special issues and concerns to be discussed at the interview.
- 4) By law, the interview is conducted by one member of the Parole and Commutation Board.
- 5) The prisoner may waive the interview. However, if the parole guidelines score is in the average or low probability of parole range, or the prisoner is serving for a sex offense, or an offense involving the death of a victim, the Parole and Commutation Board is prohibited from granting parole without conducting an interview.
- 6) A prisoner may have one representative attend the interview. The representative may not be an attorney, another prisoner or anyone less than 18 years of age. If the choice of representative is an attorney by profession; he/she would not be excluded. However,

prisoners are not entitled to legal representation at the interview. It is the prisoner's responsibility to notify the representative of the date and time of the interview. Interviews will not be delayed if the representative is late or cannot attend on the date and time scheduled.

A prisoner may present relevant documents that are not duplicated in the record in support of parole at the interview, but if the interviewing Parole and Commutation Board member finds the materials irrelevant or largely duplicative of materials already in the record, they may be rejected.

13. HOW SHOULD A PRISONER PREPARE FOR A PAROLE INTERVIEW?

A prisoner should start preparing for an interview after receiving a copy of the Parole Eligibility Report. The prisoner should review the information in the Presentence Investigation Report, Parole Eligibility Report(s), major misconduct reports, and any psychological or therapy reports. The parole guideline score sheet should be reviewed to be sure it is accurate.

Letters in support of release from family, employers, etc. should be mailed directly to the prisoner rather than the Parole and Commutation Board. The prisoner can then review those letters and determine whether he or she wishes to present them at the interview.

The factors the Parole and Commutation Board will consider have been provided earlier in this booklet. The prisoner should review those factors and be prepared to answer questions the Parole and Commutation Board member may ask at the interview to assist in determining whether or not parole should be granted.

14. WHAT TYPES OF DECISIONS CAN THE PAROLE AND COMMUTATION BOARD MAKE?

Parole may be granted with release to occur on the minimum date, on the date a previous denial of parole ends, or some other date as determined by the Parole and Commutation Board. A delayed (fixed date) parole may be ordered for a number of reasons. The Parole and Commutation Board may be looking for a longer period of positive behavior, the completion of a program prior to release, or is taking into consideration prior behavior while on parole, probation or in the correction center/tether program.

Parole may be denied for a period as determined by the Parole and Commutation Board. The Parole and Commutation Board's written decision will explain the reasons for the denial, the length of the denial, and will include any recommendations which might improve the prisoner's likelihood for parole at the next consideration.

In some cases, additional information may be needed before a decision can be reached. The Parole and Commutation Board may defer their decision until after the information is received and reviewed by the Parole and Commutation Board. A written decision would then be issued.

15. HOW IS THE PRISONER INFORMED OF THE DECISION AND WHAT HAPPENS NEXT?

Once a decision is made, the prisoner will receive the written decision in the mail. A decision is normally finalized within 30 to 60 days after the interview. If parole is granted, the decision will include a tentative (projected) parole date. If a "no fixed date" (NFD) parole is ordered, release would occur about 30 days later. State law requires a 30 day notice to the prosecutor and the victim before release can occur. A pre-parole investigation of the proposed home placement must be conducted before a definite release date is set, but release normally occurs on the projected parole date. If the proposed placement is out of state, the Department of Corrections in that state will be asked to conduct an investigation and advise whether the prisoner will be accepted on parole in that state. The parole release date will generally occur on a Tuesday, Wednesday or Thursday.

If the Parole and Commutation Board denies parole, the decision will include a reconsideration date. The Parole and Commutation Board will begin the reconsideration process about 3 to 4 months before the reconsideration date (see question #12). If the parole denial is to the max (the end of the sentence), the prisoner will discharge without parole on the date the maximum sentence expires. The max date is subject to change if the prisoner incurs misconduct which results in the loss of time or if the Warden does not grant

all the good time or disciplinary credits available to be awarded when the case is reviewed prior to the expiration of the maximum sentence.

If the prisoner has not received a written decision within 60 days of the interview, he/she may send the Parole and Commutation Board a letter and Parole and Commutation Board staff will respond to the inquiry.

16. CAN THE PAROLE AND COMMUTATION BOARD'S DECISION BE RECONSIDERED?

A prisoner may write the Parole and Commutation Board a letter if he/she believes the decision is based on inaccurate information or that an error in procedure has occurred. The written decision (Notice of Decision) issued to the prisoner cites the reasons for that decision. The prisoner's letter needs to identify the specific reason(s) listed on the Notice of Decision which are believed to be inaccurate. If a substantial error has occurred, a re-interview hearing may be ordered, or the Parole and Commutation Board may reconsider its decision without another interview. Since the Parole and Commutation Board's decision is based on numerous factors, an inaccuracy may not warrant a re-interview or a change in the decision. If the error was not substantial, the Parole and Commutation Board would correct the record but the decision may not be changed.

17. CAN A PAROLE BE TAKEN AWAY (SUSPENDED) AFTER IT IS GRANTED?

If the Parole and Commutation Board receives new information after parole is granted, parole may be suspended and a suspension interview ordered. This could include misconduct(s) incurred after parole was granted, the lack of resolution of pending charges, or information the Parole and Commutation Board was unaware of when the decision granting parole was made. If parole is suspended, the prisoner will be notified of the reason for the suspension. If a suspension interview is held, a representative is not permitted as the only purpose of the interview is to consider and act upon the information which resulted in the parole suspension. Following the interview, the Parole and Commutation Board may rescind parole and continue the prisoner's incarceration or issue another action granting parole. (The prosecutor and the victim may appeal the Parole and Commutation Board's decision under MCL 791.234. The court could vacate the decision to parole and order that the Parole and Commutation Board reconsider its decision.)

18. WHAT IS THE INTERVIEW AND REVIEW PROCESS FOR LIFE SENTENCES?

Prisoners serving a life sentence are scheduled for an initial interview with one member of the Parole and Commutation Board after serving 10 calendar years. Under a change in state law in 1999, subsequent interviews are at the discretion of the Parole and Commutation Board. Once the initial interview is conducted, a file review will occur every 5 years thereafter.

Prior to the initial interview or a subsequent file review, the Parole and Commutation Board will request a Lifer Review Report (LRR). The LRR will cover the prisoner's institutional adjustment, major misconduct violations, security classification increases and participation in educational or vocational programming, mental health or substance abuse treatment. Prior to writing the report, the Resident Unit Manager (RUM), Assistant Resident Unit Supervisor (ARUS) or Case Manager will meet with the prisoner who may submit relevant information to be included in or attached to the LRR.

A prisoner due an initial interview will be scheduled after the LRR is received. If a file review is due, the Parole and Commutation Board will review the LRR to determine whether there is interest in interviewing the prisoner. Once the review has been completed, the prisoner will receive written notice of the decision. If the Parole and Commutation Board decides to interview the prisoner, an interview will be scheduled and the prisoner will be notified. If the Parole and Commutation Board has no interest, the prisoner will be advised that the next file review will be conducted in five years.

19. WHAT IS THE PAROLE AND COMMUTATION BOARD PROCEDURE WHEN A LIFE SENTENCE IS REVIEWED?

There are several types of life sentences. How and when the Parole and Commutation Board gains jurisdiction is determined by state law and depends on the crime and the date it occurred.

Life Sentences Requiring a Commutation of Sentence

A conviction for First Degree Murder or a conviction under MCL 750.200i (e), 750.204 (e), 750.207 (e), 750.209 (e), 750.210 (e) or 750.211a (e) for Explosives, Bombs or Harmful Devices where a death resulted carries a mandatory life sentence. The only possibility of parole is through a commutation of sentence by the Governor. A commutation is not required for a conviction of Conspiracy to Commit First Degree Murder.

Life Sentence for Drug Offenses

A prisoner sentenced to life under MCL 333.7401(2) (a) (i) Manufacturing, Creating, Delivering or Possessing with Intent to Manufacture, Create or Deliver 650 Grams or more of a Controlled Substance must serve at least 20 calendar years if there is another conviction for a serious crime, or 17 1/2 calendar years if there is no other conviction for a serious crime. "Serious crime" is identified in MCL 791.234. The 20 or 17 1/2 years may be reduced by 2 1/2 years if there was cooperation with law enforcement. MCL 791.234 outlines the requirement for receiving a 2 1/2 year court ordered reduction for law enforcement cooperation.

A prisoner sentenced to life under MCL 333.7403 (2)(a)(i) Possessing 650 Grams or more of a Controlled Substance must serve at least 10 calendar years if the crime was committed before 10/1/92, or 15 calendar years if the crime was committed on or after 10/1/92.

Other Life Sentences

For all other life sentences, the prisoner must serve at least 10 calendar years if the crime was committed before 10/1/92, or 15 calendar years if the crime was committed on or after 10/1/92.

When the Parole and Commutation Board reviews a life sentence, the members consider many factors, including but not limited to, how many years have been served, the severity of the crime, whether a death resulted, any physical or psychological injury to the victim, whether the crime is a sexual offense or involved sexually assaultive behavior, any prior convictions and the nature of those convictions, the prisoner's current age, physical and mental health, institutional adjustment and involvement in educational, vocational or therapy programs.

A number of things must occur before the Parole and Commutation Board has jurisdiction to grant parole. The prisoner must have served at least the minimum number of years required by law. A majority of the fifteen-member Parole and Commutation Board must express an interest in proceeding toward a public hearing. Prior to a public hearing, state law requires that the prosecutor and the sentencing or successor judge be contacted. In cases where a commutation of sentence is not required, parole may not be granted if the sentencing judge or successor judge files a written objection. In cases where a commutation of sentence is required, the Parole and Commutation Board would review any response received from the judge and prosecutor before determining whether to conduct a public hearing.

The purpose of a public hearing is to allow the public an opportunity to speak on the record for or against parole. One member of the Parole and Commutation Board conducts the public hearing, and the People of the State of Michigan are represented by the Office of Attorney General. The victim, or the victim's representative, has the right to address the Parole and Commutation Board at this hearing. The prisoner may have family and friends attend and testify at the public hearing. Other interested parties may also appear and testify. The Parole and Commutation Board member and the Assistant Attorney General will question the prisoner and may elect to question others who testify.

Following the public hearing, statute requires the filing of a transcript of the public hearing with the Office of Attorney General. In cases not requiring commutation, the Parole and Commutation Board votes to determine whether or not to grant parole. In cases requiring commutation, the transcript and a recommendation from the Parole and Commutation Board are forwarded to the Governor to decide whether or not to commute the sentence. Parole may be granted if the Governor commutes the sentence.

20. WHERE CAN I GET MORE INFORMATION ABOUT PAROLE?

The following statutes, Administrative Rules, and the policies and procedures of the Department of Corrections can be reviewed for additional information. Prisoners may review this information in the prison library. Others may request copies by sending a written request to the Department of Corrections, Freedom of Information Act Office, P.O. Box 30003, Lansing, MI 48909.

Michigan Compiled Laws: 791.231 through 791.246, 769.12, 800.33, 800.34, 800.35

Administrative Rules: 791.7715, 791.7716, 791.7730, 791.7760, 791.7765

Policy Directives:
03.01.102 Habitual Offenders
05.01.135 Statistical Risk Screening
06.05.100 Parole Guidelines
06.05.103 Parole Eligibility/Lifer Review Reports
06.05.104 Parole Process

You may write the Parole and Commutation Board at P.O. Box 30003, Lansing, MI 48909.