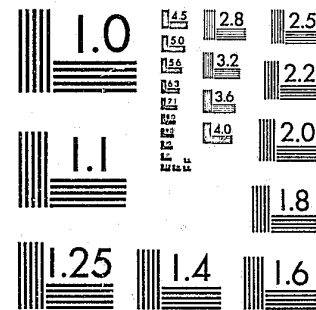


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

7/22/83

Report Of The Joint Committee To Investigate The Prison Disturbances

December, 1981

Rep. Jeffrey D. Padden, Chair
Rep. Michael Griffin
Rep. Leo Lalonde
Rep. Carolyn Cheeks Kilpatrick
Rep. Gary Owen
Rep. Alan Cropsey
Rep. Paul Henry

Sen. Basil Brown
Sen. David S. Holmes, Jr.
Sen. Mitch Irwin
Sen. Edward Pierce
Sen. Phil Arthurhultz
Sen. John S. Mowat, Jr.
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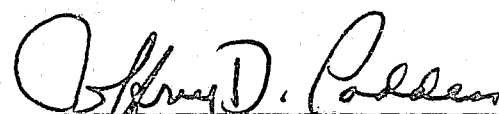
The Honorable Bobby D. Crim, Speaker of the House
The Honorable William Faust, Senate Majority Leader


Dear Honorable Sirs:

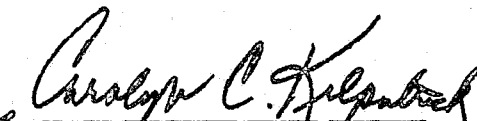
Herewith is the Report of the Special Joint Committee to Investigate the Prison Disturbances. As you know, major riots at three of our prisons in May 1981 devastated our corrections system. The recommendations contained herein represent what we believe to be the most effective way of avoiding future disturbances.


Our recommendations focus on actions which should be taken by the Legislature and Corrections Department to avoid future disturbances. Without the timely implementation of these recommendations, we believe that the possibility of future prison riots occurring is great. Your commitment to solving the problems of our prison system, including overcrowding, has been apparent for many years. We respectfully urge that you reaffirm your commitment with your active support for these recommendations.

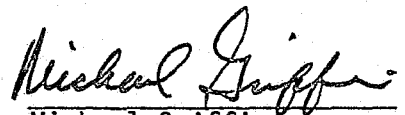
Sincerely,

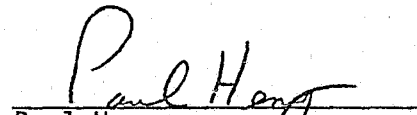

Jeffrey Padden, Chair
State Representative



Leo Lalonde
State Representative

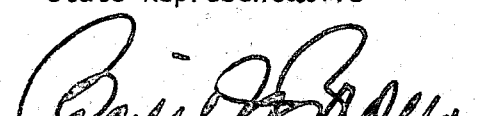

Carolyn Cheeks-Kilpatrick
State Representative



Gary Owen
State Representative



Michael Griffin
State Representative



Paul Henry
State Representative


Alan Cropsey
State Representative


Basil Brown
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David Holmes
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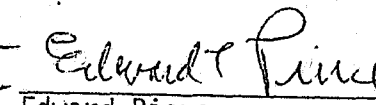

Edward Pierce
State Senator

TABLE OF CONTENTS

I.	Preface	1
II.	Introduction	3
III.	Findings and Recommendations	9
	A. Prison Overcrowding	9
	B. Employment Practices and Policies	10
	C. Institutional Management	13
	D. Riot Control	16
	E. Disciplinary Process	17
	F. Risk and Security Classification	19
	G. Programs	21
	H. Prisoner Grievance System	23
	I. The Parole Board	24
	J. Sentencing	25
	K. The Appropriations Process	26
	L. Implementation of Recommendations	27
IV.	MEMBERS' COMMENTS	
V.	APPENDIX	

PREFACE

The Joint Committee to Investigate the Prison Disturbances has completed a lengthy and thorough examination of the operations of the Michigan Department of Corrections. That examination is the basis for this report which discusses a number of problem areas in the Department and makes recommendations concerning how to resolve them. It also discusses how the resolution of those problems might avoid future prison disturbances.

While this report points out many deficiencies in the Department of Corrections, it should not be construed as a blanket indictment of the entire Michigan prison system. The Joint Committee conducted a very thorough and deliberative investigation of the Department over a five-month period. We very seriously doubt that any prison system, state agency, or business would be found to be free of problems after this type of an examination. In fact, we seriously doubt whether our own legislative operations could so well withstand the type of scrutiny to which the Department has been subjected over the past five months.

Michigan's Department of Corrections is regarded by many corrections professionals as one of the very best in the United States. Although we found problems with the Department, we urge the readers of this report to not lose sight of the esteem in which our Department is held by corrections officials as well as a number of Joint Committee members, when studying the many problems cited here.

During our investigation, it became very clear that the policy orientation of the Department of Corrections is fundamentally sound, and that most policies are well-conceived and developed on the basis of rational criteria. Regrettably, however, the Joint Committee found that the policy implementation process is not nearly as successful as that of policy development. In fact, we found that a broad range of departmental policies are not implemented as intended and that policy non-implementation played a key role in provoking the disturbances.

In examining the question of why policies are not implemented as intended, we found that "something" invariably interferes with the policies between their formulation and implementation. It became clear to the Joint Committee that that "something" is the Department's personnel policies and practices.

The Joint Committee's investigation revealed many deficient personnel policies and practices. For example, the Department often hires the wrong people for particular jobs, mainly because of a lack of adequate pre-employment screening criteria and procedures. The training of employees also presents a major problem because training of line employees—both pre-job and on-the-job—is grossly inadequate. Added to these problems is the fact that the Department has no employee evaluation mechanism in place for purposes of detecting and correcting inadequate employee performance. In addition to the obvious problems that these deficiencies present, the Department's personnel practices result in the hiring and promotion of many employees who are responsible for carrying out policies but who have an orientation much different from that of departmental administrators. Thus, they have no interest in carrying out the policies handed down by the Central office.

The above-noted problems, all of which relate to employee competence, are the subject of recommendations later in this report, both in terms of the problems themselves and in the context of their effect on the policy-implementation process. It is the Joint Committee's firm belief that the Department's personnel policies and practices are the main cause of the non-implementation of many other policies which, we believe, played a crucial role in setting off the May 22 and May 26 disturbances.

INTRODUCTION

On Friday, May 22, and on Tuesday, May 26, major disturbances occurred at the State Prison of Southern Michigan (SPSM) in Jackson, the Michigan Reformatory (MR) in Ionia, and the Marquette Branch Prison in Marquette (MBP). Physical damage to the three institutions totaled over \$5 million. Although no Corrections Department employees or prisoners were killed in the disruptions, approximately 150 prisoners and staff were injured.

Shortly after the riots, Speaker of the House Bobby D. Crim and Senate Majority Leader William Faust appointed a Joint House and Senate Committee to Investigate the Prison Disturbances. The Joint Committee's charge was to examine past legislative decisions and the impact those decisions may have had on the disturbances. As a part of its efforts, it was expected that the Joint Committee would study the specifics of each of the disturbances and the causes immediately preceding them, as well as Department of Corrections administrative decisions.

The Joint Committee has met on a regular basis in Lansing since June 3. The Joint Committee also spent two days at SPSM, one day at the MR, and one day at MBP interviewing prisoners, lower- and mid-level administrators and staff. The wardens of each of the institutions testified before the Joint Committee in Lansing. In preparation for on-site interviews, the Joint Committee's staff spent extensive time in each of the institutions conducting preliminary interviews—the results of which were summarized for the Joint Committee prior to its own interviews.

In all, staff interviewed approximately 115 prisoners and 70 staff and administrators. Joint Committee members interviewed a total of 12 staff members, 12 administrators, and 12 prisoners. At the Lansing meetings, testimony was received from Director Perry Johnson; Deputy Directors Robert Brown, Alvin Whitfield, and William Kime; Personnel Director Jack Boyett; Hearings Administrator Marjorie Van Ochten; Assistant for Recipient Affairs Carol Howes; Parole Board Chair Edward Turner; Thomas Patten, Executive Assistant to Director Johnson; Training Director Rich Johnson; Wardens Barry Mintzes, Dale Foltz, and Theodore Koehler; Deputy Warden at SPSM, Elton Scott; Ernest Wallach, Director of Classification for the Department of Civil Service; Richard McKeon, House Fiscal Agency; Leonard Esquina and Clayton Burch, Office of the Legislative Corrections Ombudsman; David Van Koeveering and Gerald Fryt, Michigan Corrections Organizations; Chris Baird, National Institute of Corrections; Dr. Rosemary Sarri, University of Michigan; and James Neuhard, State Appellate Defender.

On July 7, Representative Jeffrey Padden, Chair of the Joint Committee, issued a preliminary report (Appendix), in which he discussed a number of issues that had been raised before the Joint Committee up to that time. The purpose of the preliminary report was to provide the Joint Committee members with a working document from which they could offer suggestions concerning the direction in which we should proceed. While the preliminary report focused on underlying policy considerations, it pointed out that such policy considerations cannot be divorced from the immediate causes of the disturbances; thus, it focused, to a limited degree, on the immediate issues involved in the riot. This report will take the same approach.

There is a great temptation to place the blame for the disturbances on certain individuals and that has certainly been the case with many press reports. While it is not surprising that many respond in such a manner, we believe it is inappropriate to do so. A much more responsible approach, in our opinion, is to examine the systemic problems which led to the riots and place the blame accordingly. Certainly, the lack of training provided to corrections officers and the fact that Proposal B took away a crucial disciplinary tool had a much greater impact on the riots than did the fact that certain individuals occupy positions of authority within the Department, the employee unions or even the Legislature. We also believe that many other fundamental problems, examined later in this report, override the effect of one individual or group of individuals to whom blame has been doled out over the past months. While we concede that certain individuals inevitably impacted on the riots, in most cases their roles were minimal as compared to the real problems examined in this report.

State Prison of Southern Michigan (SPSM)

The Joint Committee has concluded that the unauthorized activity of the Michigan Corrections Organization (MCO) leadership and members provided the spark for the May 22 riots at both the Central and North Complexes. After reviewing all of the facts, it is clear to the Joint Committee that the MCO's unauthorized lockdown of the Central Complex, for the purpose of conducting an unauthorized cell-by-cell shakedown, when combined with the MCO's threats to keep the inmates locked up over the long Memorial Day weekend, directly led to the disturbances at both facilities on May 22. The Joint Committee believes that these unauthorized actions were pre-planned and that the assaults on officers the evening before the riots only served to precipitate the action earlier than planned.

Many of the tensions which led to the MCO's actions were caused by efforts of the current SPSM administration to curtail the uncontrolled use of overtime by line staff. Apparently, under the former SPSM administration, staff came to view overtime as an entitlement. When the current administration attempted to curtail overtime abuses, tensions between staff and the administration began to rise. Exacerbating the tension was the fact that curtailment of overtime resulted in SPSM being staffed below critical level on many occasions. Thus, a problem of economics became a problem of security.

While it appears that the MCO's attempted lockdown precipitated the Friday disturbance, Department of Corrections administrators must bear much of the responsibility for the Tuesday, May 26 disturbance at the North Complex. The Joint Committee's staff was shocked by inmate claims, made shortly after the riots, that the administration of the North Complex had advance knowledge of a possible disturbance on the 26th but it failed to inform the Warden or the Director of that possibility. Those allegations proved to be true, and Director Johnson has dismissed the deputy warden at the North Complex because of that.

Although the Joint Committee applauds the very difficult response of Director Johnson in dismissing the deputy warden, we must question the process by which that individual was placed in such a crucial, high-level position in the first place. Certainly, if the prisons are going to operate smoothly and without major disturbances Director Johnson must ensure that each institution is administered by competent, responsive individuals. At least concerning the North Complex, Director Johnson failed in this regard and must accept full responsibility for the acts and omissions of the administrator of that institution. The Joint Committee sincerely hopes that Director Johnson's failure here was an isolated instance, and that we are not forced by future disturbances to further question the manner in which responsibility within the Department is delegated.

During the course of our interviews at SPSM, it became crystal clear to us that prisoner violence toward other prisoners, as well as staff, was the most serious problem confronting the institution's management. In this context, it is noteworthy that Warden Mintzes had made the elimination of assaultive/predatory behavior among the inmate population a top priority, and that he had succeeded in re-exerting sufficient control over the Central Complex so that the level of violence had decreased significantly since the start of 1981. Although we have not been able to effectively monitor the level of violence at any of the institutions since we conducted our interviews, the Joint Committee remains convinced that the elimination of violence within our prisons must remain a top priority for corrections administrators. In that context, we urge Director Johnson, Warden Mintzes, other administrators, and the MCO leadership to continue their efforts toward reducing violence in all of our institutions.

Michigan Reformatory (MR)

It appears that when news of the SPSM disturbances reached MR, the disturbance at that facility erupted. Although news of the problems at SPSM was the triggering factor, the Joint Committee believes that the nature of the young, violent offender at MR, overcrowding, and racial problems contributed to the tensions that led to the riot. This is not to say that the other tension-causing agents cited throughout this report did not play a role in the disturbance; instead, the Joint Committee wants to point out that racism, overcrowding, and the nature of the MR prisoners themselves were factors most frequently cited by those interviewed.

Marquette Branch Prison (MBP)

The immediate cause of the MBP riot is less clear than at MR or SPSM. Although news of the other disturbances added to the unrest at MBP, those testifying before the Joint Committee cited numerous other incidents, two to three weeks prior to the riot, in which inmates displayed signs of organized disruptive behavior. This suggests that a disturbance was being planned in advance of the May 26 events. Many witnesses cited racial problems and general prisoner dissatisfaction as reasons for the level of tension at MBP; and, as with SPSM and MR, many problems, cited throughout this report, contributed to that disturbance.

Current Institutional Status

A recent report to the Joint Committee by the Legislative Corrections Ombudsman (Appendix) indicated that the three institutions are still operating to a large degree under post-riot conditions. Although all three of the institutions are in varying stages of returning to normal, the Ombudsman pointed out that SPSM Central Complex continues to operate under restrictive conditions, i.e. inmate activities have been drastically curtailed, the prisoner newspaper is not publishing and the use of the law library has been drastically cut. While the Joint Committee recognizes that certain aspects of prison operations will never be returned to pre-riot conditions due to security considerations, we firmly believe that prisoner programming and activities should be restored as quickly as possible in a manner that is consistent with security and safety needs of staff and inmates.

* * * * *

The main goal of Michigan's prison system is public protection which is achieved by separating violent criminals from society through imprisonment. However, almost all prisoners, including those with the most severe sentences, will someday return to their home communities. Thus, it is also important that public protection be accomplished through the rehabilitation of individuals sent to prison. To not provide prisoners with the opportunity to rehabilitate themselves while in prison would breach the duty of public protection that policymakers owe to the citizens—citizens who must live and work side-by-side with the returning prisoners. Whether ex-offenders will get along with their neighbors or whether they will return to a life of crime depends, to a great degree, on whether they were successful in changing their lives for the better while in prison. Although the state cannot force an unwilling person to successfully partake of rehabilitative programs, the state is obligated to offer the opportunity to make these changes to every person committed to the prison system.

The Department of Corrections has issued a policy addressing this concept, in order "to provide opportunity for rehabilitation through appropriate programming under the care and control of the Department . . ." (PD-DWA 40.01) The policy further explains that the objectives of rehabilitative programs are to reduce recidivism and to determine which prisoners can handle the responsibility necessary to live successfully in the free world. In implementing the policy, the Department makes available to prisoners many opportunities such as educational and vocational programs, as well as mental and physical health assistance. Prisoners have the opportunity to participate in organizations, such as the Jaycees and religious and ethnic groups. They also have available to them a process through which they can raise complaints with the institutional staff, administrators and the Legislative Corrections Ombudsman.

Throughout the Joint Committee's deliberations, the philosophy of the Department was repeatedly attacked, usually by the MCO and usually in the context of it being a major contributing factor in causing the staff unrest that contributed to the riots. The MCO has labeled the Department's philosophy as "permissive", as a "modern, liberal system", and as a system of "prisoner appeasement". (Appendix) Each of these labels suggests that the rehabilitative, program-oriented model advocated by the Department is less than desirable, is anti-staff, and is a major cause of the unrest in our prisons.

It has become crystal clear to the Joint Committee and, quite frankly, surprisingly so, that once one disposes of the rhetoric which has been used by the MCO, few actual differences exist between the Department's philosophy and that advocated by MCO. The Joint Committee learned from the MCO that it neither advocates nor endorses an oppressive prison system. Furthermore, the Joint Committee learned that the MCO does not advocate the elimination of prisoner programs or the elimination of the opportunity for rehabilitation, and that it believes that the system they labeled "permissive" and "modern, liberal" can work in Michigan. In summary, it became very clear that, despite the criticism attached to the Department's philosophy by the MCO, the MCO does not oppose the Department's rehabilitative model.

What the MCO does advocate is a proper balance between prisoner programs and security needs. The Joint Committee agrees with that position. We also agree that as prisoner programs are increased and upgraded, staffing and security concerns must also be met. This report later specifically speaks to staffing, training, discipline and other security concerns, and a number of recommendations are made which, if implemented, should ensure that the proper balance between security and programs is struck.

While it is obvious that the MCO does not call for an oppressive prison system and does not oppose prisoner programming, we also must point out that the labels used by the MCO to characterize the Department are not accurate.

In fact, the interests of the Department in offering a broad range of prisoner programming and of the prisoners who take part in those programs run closely parallel. Although the fundamental purpose of programming is to benefit the prisoners who participate, a close relationship exists between participation in programs and orderly inmate behavior. In other words, by allowing prisoners to receive an education, learn a trade, or be active in the Jaycees or JOLT program, the Department gains an effective management tool in that those prisoners are provided constructive ways to express their interests, thus reducing the amount of time during which they could resort to other, perhaps illegal and/or violent behavior. Program participation provides a stabilizing influence for the entire prison population as inmate leaders emerge from those who participate in activities and in turn work toward orderly inmate behavior.

Absent the stability provided by prisoner programming, many prisoners would most likely use their idle time for violent behavior, both as a time-filling activity and as a means for achieving power within the inmate body. Moreover, the curtailment or elimination of programs would deprive the Department of the option of removing prisoners from programs as punishment for unacceptable behavior, thus leaving the more severe punishments, such as segregation, to be imposed more frequently.

The Joint Committee believes that if both the Department and the MCO look past the rhetoric they will find many common perspectives on the needs of our prison system. Such an approach, which we understand has been fostered by both parties since the riots, should result in a better, more cooperative relationship for both.

Perhaps the best example of the impact of prisoner programming on inmate behavior was at the Penitentiary of New Mexico, the site of one of the bloodiest prison riots in our nation's history. In February 1980, 33 prisoners were killed by other prisoners. Over 90 other inmates were seriously injured and 12 officers were held hostage and subjected to torture by inmates.

Following the New Mexico riot, the Attorney General of that state conducted an investigation and issued a report. That report clearly cites the curtailment of prisoner programs during the mid-1970s as a key reason for the New Mexico riot. While we recognize that the New Mexico programs were not a panacea, we believe that they were a management tool. Thus, we offer the following quotes from the New Mexico Attorney General's Report which we believe point out the danger of moving away from an emphasis on prisoner programming.

"The curtailment of most programs—formal incentives—eliminated a major source of non-violent convict power . . . Without avenues of constructive leadership and without sources of passive, albeit illegal, influence, power among inmates became based more and more on physical violence. A new group of violent inmates was thus given a self-interest in disturbing, rather than maintaining, order" (Part 2, Introduction, p. 6).

* * * * *

"In the late 1960s and early 1970s there was a wide range of programs and activities in the penitentiary . . . Programs and activities during this period involved a majority of the inmates in some meaningful activity. Time spent developing skills, getting a high school diploma, college credits or a degree was perceived as worthwhile. Participation in counselling for drugs, alcohol and sex-related offenses was also perceived by inmates as helping improve their lives and self-esteem. The clubs and charitable activities gave inmates constructive outlets for their interests and provided the community some needed services.

"Of key importance was the close connection between convicts associated with prison programs and orderly inmate behavior. A great deal of 'self-policing' within the programs was reported by staff and inmates. . . The stabilizing influence of inmate leaders spread beyond the programs into other areas of the institution" (Part 2, Maintaining Order 1970-75, p. 14).

* * * * *

"**Staff-Inmate Relations.** In the early 1970s, administrators were able to take the pulse of the prison and gather information informally through several avenues, including prison programs. Many inmates held administrative positions in these programs. Convicts would often let program staff members know when things were not right, or if something needed looking into. 'If inmate administrators in programs spotted problems that could reflect on the education program, [such as] disruptive behavior . . . they would let us know,' a former staff member said. Inmates protected the programs by alerting staff to potential trouble without naming specific inmates. Program staff members relayed the information and their insights to the warden on an informal basis. The program staff members were highly regarded by the warden, and their comments offered a balanced view of the prison when considered with the information the warden received from correctional officers. Information on administrative policy would flow from program staff to inmates in the programs, and then to other inmates" (Part 2, Managing the Prison, 1970-75, p. 12).

* * * * *

"A sudden change in the policy towards programs was initiated by Warden Aaron and continued by Warden Malley. All release programs closed and all but a very few of the community contact programs were closed. Convicts were removed from the administration positions in all programs as part of Warden Malley's attempt to wrest control of the institution away from inmates . . . The closing of many programs contributed to inmate idleness within the institution . . ." (Part 2, Maintaining Control, 1975-1980, p. 26).

* * * * *

"When program opportunities and other incentives were curtailed in the mid-1970s, the number of potential punishments, or control tools, were narrowed. A greater reliance on what can be the most severe

legal punishment, segregation, emerged . . . (P)risn programs cannot be viewed as mere window dressing. When programs are used effectively, they are the integral component in a network of control. Programs and other formal incentives provide the range of rewards and punishments. They are tools for control that can be used to maintain inmate self-interest in orderly behavior" (Part 2, Conclusions and Recommendations, p. 34).

The New Mexico experience certainly lends great weight to the claim that there is a close relationship between prisoner programs and orderly inmate behavior. As the Report points out, the key to maintaining orderly inmate behavior is voluntary compliance by prisoners with the rules of the prison. The Report further notes that the only way to gain such voluntary compliance is when prisoners realize that it is in their self-interest to maintain order. Thus, a key to maintaining order becomes the positive manipulation of the prisoners' self-interest. Such manipulation can effectively occur through the availability of prisoner programs offering constructive outlets to the prisoner, nurturing passive leadership positions within the inmate society and reducing idle-time. Moreover, these programs can be taken away for unacceptable behavior.

In general, Michigan has been successful in maintaining order through the manipulation of inmates' self-interest. Certainly, given the May disturbances, we can't conclude that our prison system has been completely successful in this regard. But, absent the control mechanisms our current level of programs provides, we are convinced that the results of the May riots would have been much closer to the tragic consequences of the New Mexico experience.

Perhaps the most perplexing problem the Joint Committee encountered during its deliberations was understanding the impact of statutes and Department of Corrections policies on the day-to-day lives of departmental staff and prisoners. Only with a thorough understanding of how staffing patterns, the civil service system, the parole board, the prisoner grievance system, the prisoner disciplinary system, and countless other issues affect the lives of those who work and live in the prisons could the Joint Committee reach conclusions on the underlying causes of the disturbances.

Regrettably, as noted previously, the Joint Committee found that in many cases the policies which appear so rational and well-thought-out on paper and were explained during testimony simply are not implemented at the institutional level in accordance with their original intent. And, that the Department's own personnel practices and policies are the main cause of policies not being carried out, as intended, at the institutional level. Thus, it became extremely clear to the Joint Committee that the root of much of the tension preceding the riots can be traced back to inappropriate or poorly thought out and implemented personnel practices.

Following are a number of examples highlighting the problem and which the Joint Committee concludes were contributing factors in causing the riots:

- For the past two years and at least as late as February 1981, SPSM was staffed on many occasions below its critical complement—the absolute minimum number of custody staff at which the institution can be safely operated on any given shift according to departmental policy. Although critical staffing was restored in February, it is obvious to the Joint Committee that operating SPSM in such a dangerous fashion for a prolonged period of time without curtailing prisoner programs and movement raised legitimate safety concerns in the minds of the staff at that institution.
- Many prisoners whose paroles had been ordered by the Parole Board were released after the time set for their release by the Board. During the Joint Committee's deliberations, the Department conceded that many prisoners paroled on their minimum sentence are released after their out date. In fact, the Department's own data show that in January 1981, 72 prisoners out of 208 were released after their out date, and in March 1981, 89 prisoners out of 236 were released after their out date. The Department claims, however, that of those late releases only 61 cases were delayed by actions under the Department's control, and that the average length of delay was 20 days. The Joint Committee believes that the number of paroled prisoners released after their out date far exceeds what an efficient parole process should allow. Given the degree of late releases, the Joint Committee does not find it surprising that most prisoners interviewed cited the parole process as a key factor contributing to tensions.
- A Department of Corrections report places the blame for the relative ineffectiveness of the disciplinary system at SPSM on middle- and upper-level management at that institution. According to the report, SPSM mid-level administrators simply refused to implement PA 140 of 1979 and subsequent policies. Given the flagrant non-support of the disciplinary hearings process, the Joint Committee believes it is only natural that SPSM custody staff failed to follow procedures and then cited the breakdown in the disciplinary process as a cause of dissatisfaction among employees.

The above examples represent only a few of the more blatant situations in which important policies are not implemented at the institutional level, but they are only a part of the problem and must be viewed accordingly. And, only when the entire picture is viewed can one truly understand the magnitude of the tensions caused by the breakdown in the policy implementation process.

The recommendations which follow will include references, where appropriate, to American Correctional Association Standards (ACA), the Governor's 1972 Report on the Corrections Department (Governor's Commission), Representative Griffin's 1976 Special Committee Report on the Corrections Department (Griffin Committee), and various reports of the Legislative Auditor General (LAG) on the affected institutions. These references are provided to point out where the Joint Committee's recommendations are consistent with either an accepted standard of corrections professionals, or previous recommendations which were not implemented. While it will become obvious to a reader of this report that many past recommendations were not implemented, the Joint Committee fully intends to ensure that the recommendations contained in this report are implemented in a timely and effective manner. Thus, the final section of the recommendations will deal with implementation.

FINDINGS AND RECOMMENDATIONS

Prison Overcrowding

Over the past several years, no single prison-related issue has received the same amount of discussion as prison overcrowding. Overcrowding has been repeatedly cited by top Michigan policymakers as the number-one crisis confronting our prison system. In order to address our escalating prison population, thousands of beds have been added to the system over the past 10 years and laws have been enacted to control prison population.

And yet, we have been unable to keep pace with what has become the highest per capita incarceration rate in the Upper Midwest. According to recent data, Michigan's incarceration rate per 100,000 population is 163 as opposed to the low of 47 per 100,000 in Minnesota. Ohio's incarceration rate is 125/100,000 and Illinois is 93/100,000. While these data put our incarceration rate at 95 percent higher than the states we are compared with, our crime rate is 25 percent higher. Thus, we can only conclude that Michigan is locking large numbers of felons up with relatively little, if any, impact on the crime rate.

In 1980, the Legislative and Executive branches of government combined forces to attack overcrowding. The Report of the Joint Legislative/Executive Task Force, issued in June 1980, set forth a comprehensive set of solutions to overcrowding for both the short and long term. Some of the Task Force recommendations, such as the Prison Overcrowding Emergency Powers Act and the extension of jail time to one year in conjunction with probation, have been enacted into law. Other recommendations have failed, such as Proposal E of 1980, which would have earmarked an increase in the state income tax for the construction of four new prisons. Still other recommendations, such as statewide implementation of sentencing guidelines and the creation of a funding mechanism for local alternatives to prison, are pending in the Legislature. Although the Joint Committee stands firmly behind the work of the Task Force on Prison Overcrowding, we recognize that the Task Force recommendations and their subsequent implementation simply arrived too late to forestall the severe consequences of our long overcrowded prison system.

Given the emphasis we have placed on overcrowding, the Joint Committee was surprised that overcrowding was so infrequently cited by inmates and institutional staff as a key factor in causing the riots. Most prisoners and staff interviewed acknowledged that population pressures exist, but insisted that more immediate problems, such as inadequate staffing and the Parole Board, had more of an impact on the riots than did population. Departmental administrators, however, placed much of the blame on overcrowding for the tensions and unrest exhibited in May.

Although many witnesses down-played the importance of overcrowding, the Joint Committee concludes that years of overcrowding have stripped the Department of Corrections of much of its ability to manage a safe and humane prison system. While overcrowding in Michigan usually does not exhibit itself in terms of the need to use tents to house inmates or even double-celling, it has a devastating, albeit subtle, effect on the prison system. Of the many problems caused by overcrowding, the most significant include the Department's lack of flexibility in providing prisoner programming and the pressure on the Department to classify prisoners according to available bedspace and not according to the custody and program needs of the prisoners. Simply stated, prison overcrowding has forced the Department of Corrections to become a warehouse for prisoners rather than a "corrections" department. As suggested earlier in this report, the curtailment of programs not only deprives prisoners of the possibility of rehabilitation, but it removes much of the administration's ability to manage the prison system. The Joint Committee believes that, in that context, overcrowding definitely contributed to the May riots.

We also want to point out that the Prison Overcrowding Emergency Powers Act (PA 519 of 1980), which was invoked only one week before the riots, had no effect whatsoever in causing or preventing the riots. During on-site interviews, the Joint Committee and Committee staff specifically raised this question with both inmates and staff interviewed. In asking this question, we had two concerns: (1) that prisoners not immediately benefited by sentence reduction would be upset upon seeing their peers being paroled early, and (2) that PA 519 would reduce problems in the sense that those immediately benefited by it would choose to not participate in a disturbance. We found that, with regard to both questions, PA 519 had no effect on causing or delaying the May disturbances. Possibly, implementation would have helped if it had come sooner. Regrettably, it was delayed by a protracted court suit which unsuccessfully challenged its constitutionality.

In light of the recommendation of the Task Force concerning the addition of new correctional facilities, including prisons and community corrections centers, we believe that before leaving the issue of overcrowding we should address the question of location of correctional facilities.

PA 303 of 1980 requires the Corrections Department to develop a comprehensive plan for determining the need for establishing correctional facilities, for selecting the location of correctional facilities, and for determining the size of

facilities. According to PA 303, the comprehensive plan shall not be implemented until the Legislature, by concurrent resolution adopted by a majority of both houses, approves the plan. House Concurrent Resolution 430 is the vehicle by which the Legislature may approve the Department's recently submitted plan and is currently being considered by the House Corrections Committee.

The Legislature by enacting Public Act 485 of 1980 adopted the regional prison concept which requires that correctional facilities be located near the community from which the offender comes. The comprehensive plan submitted by the Department and included in HCR 430 sets forth the regional prison concept and how it will be implemented in Michigan.

A typical regional prison would be located in a major population center of the state, would contain all levels of security through which each prisoner would progress, and would be closely integrated with correctional services, such as probation and parole, and community services, such as education, medical, and volunteer services. Such a prison would house no more than 500 prisoners.

Regional prisoners would have many advantages over the current centralized corrections system. First, they would be smaller and more manageable than some of our older facilities such as SPSM and MR. They would facilitate visits from family, friends and volunteers, and would be able to draw on other community resources such as drug and alcohol treatment programs and psychiatric services. The most important advantage, however, is that they would enhance public protection in the sense that prisoners who avail themselves of the benefits of such institutions would be much more likely to return to the community as law abiding citizens.

The concept of regionalism can also be extended to community programs, such as community corrections centers. Like regional prisons, community corrections centers can best facilitate prisoners' reintegration into society if located in the community from which those prisoners originate. As with prisons, the corrections centers will be able to take advantage of those community resources which are so vital to the success of prisoners returning to society.

Therefore, the Joint Committee recommends:

1. THAT THE LEGISLATURE AND EXECUTIVE BRANCH CONTINUE TO JOINTLY PURSUE THE IMPLEMENTATION OF THE RECOMMENDATIONS OF THE JOINT LEGISLATIVE/EXECUTIVE TASK FORCE ON PRISON OVERCROWDING. IT IS FURTHER RECOMMENDED THAT AN ACCELERATED EMPHASIS BE PLACED ON THE IMPLEMENTATION OF SENTENCING GUIDELINES AND THE DIVERSION OF NON-VIOLENT OFFENDERS FROM THE STATE PRISON SYSTEM TO LOCAL ALTERNATIVE PROGRAMS.
2. THAT THE LEGISLATURE APPROVE THE DEPARTMENT'S COMPREHENSIVE PLAN BY ADOPTING HCR 430 IN A TIMELY FASHION.

Employment Practices and Policies

Although overcrowding per se was not an issue in the factors/events which were the immediate causes of the disturbances, there are systemic problems that can be cited as the source of the tensions that sparked the riots. Foremost among these systemic problems is the issue of employment practices and policies.

During the course of on-site interviews with prisoners and staff, the most critical concern articulated by all of the interviewees involved was not the number of employees versus the number of prisoners. It was departmental employment/personnel practices and policies and how they affect the day-to-day operation of the institutions. As a follow-up to that input, the Joint Committee focused a considerable amount of its time and attention attempting to determine what the policies were and how they were implemented.

Based on information gathered at the hearings, the Joint Committee can only conclude that the Department's employment policies fall far short of what we believe are minimum standards of employment practices. Moreover, the failure to develop and implement coherent system-wide personnel policies has resulted in the deterioration of working relationships and the almost complete lack of feedback to employees and supervisors concerning job performance. In some instances the situation is even more problematic because, for one reason or another, the Department has chosen not to develop and/or implement policies which would insure that the Department's employment practices are understood, supported and carried out.

The job of prison guard is perhaps the most critical position there is in an institution in terms of the personal safety of staff and prisoners alike. Thus, the importance of these positions should never be overlooked or minimized in the development of criteria for employee selection, development and conduct. And yet, this is precisely what has happened. And, although the Department of Corrections objected to, it must abide by, the Civil Service Commission's decision that a high school diploma requirement is a deterrent to effective affirmative action recruitment and is not necessary for

employment as a guard. This occurred even though the experience of other law enforcement agencies, e.g. the Detroit Police Department, suggest that such a requirement is not a bar to the effective recruitment of minority staff.

Moreover, the Departments of Corrections and Civil Service have not been successful in developing pre-employment screening tools, designed to insure that new hires for the position of prison guard do not enter those positions with readily detectable racial/cultural biases that would preclude effective job performance.

Although the Joint Committee recognizes the fact that the Department has only recently won a court challenge to its use of certain promotional tools it had been using to promote minorities and women, it is likely that the decision will be appealed with the result that the Department will continue to operate under a court order prohibiting such practices. In this context, it is critical that affirmative action recruitment efforts continue. Likewise, where possible, affirmative action goals should be adhered to in making promotional decisions if such adherence will not violate the existing court order.

As noted previously, recruitment is of special concern to the Joint Committee as it relates to the under-representation of minority staff at the Marquette Branch Prison and Michigan Reformatory.

Therefore, the Joint Committee recommends:

3. THAT AFFIRMATIVE ACTION RECRUITING AND HIRING BE CARRIED OUT, WHERE POSSIBLE, WITH THE GOAL OF INCREASING MINORITY AND FEMALE STAFF. THE JOINT COMMITTEE BELIEVES THAT THIS RECOMMENDATION IS ESPECIALLY CRITICAL AS IT RELATES TO MINORITY STAFFING AT THE THREE PRISONS AFFECTED BY THE RIOTS.

See: ACA 11; ACA 4060.

We cannot emphasize enough our real concern with the problem of racial/cultural bias. Both prisoners and staff repeatedly addressed the issue of racial tension and the wide gap in cultural experiences that exists among prisoners and staff. While the problem was raised at each of the institutions, it was of greatest concern at MR and MBP where there are very small numbers of black employees and very large numbers of urban black prisoners.

In addition to the problem of bias, it is imperative that the Department of Corrections work with the Department of Civil Service to develop a vehicle for more accurately detecting psychological fitness for employment as a prison guard. This is not intended as a blanket chastisement of the current staff. Rather, it is intended to acknowledge that there are some individuals who are not well suited to work in a prison environment. For the sake of these individuals, as well as their co-workers and the prisoners under their control, it is imperative that they not be placed in the high stress position of custody officer.

New employees are required to attend a new employees' school for 160 hours. The training is geared to institutional employees, more specifically line staff, and is supposed to provide them with basic knowledge about the system they are entering, as well as the tools they need to perform their job. Institutional employees and supervisors consistently criticize the training program and allege that it fails to adequately introduce, let alone prepare, new employees for the realities of working within a prison. Additionally, very specific concerns were expressed about the lack of training in the prisoner grievance and disciplinary systems.

Therefore, the Joint Committee recommends:

4. THAT THE DEPARTMENT OF CORRECTIONS, IN CONSULTATION WITH THE DEPARTMENT OF CIVIL SERVICE, DEVELOP MINIMUM EMPLOYMENT QUALIFICATIONS FOR GUARDS, INCLUDING HIGH SCHOOL OR GED COMPLETION.
5. THAT PRE-EMPLOYMENT SCREENING MECHANISMS BE DEVELOPED TO TEST FOR RACIAL/CULTURAL BIAS, AS WELL AS FOR PSYCHOLOGICAL FITNESS FOR EMPLOYMENT WITHIN A PRISON.

See: Griffin Committee Report of 1976

LAG - SPSM-1980

6. THAT THE CURRENT MODULAR ON HUMAN RELATIONS SHOULD BE EXPANDED TO INCLUDE MORE IN-DEPTH TREATMENT OF RACE RELATIONS, CULTURAL AWARENESS AND SEX ROLE STEREOTYPING.
7. THAT PRE-ASSIGNMENT TRAINING OF INSTITUTIONAL LINE AND HOUSING UNIT STAFF SHOULD BE EXPANDED TO INCLUDE AT LEAST 240 HOURS OF CLASSROOM TRAINING. ADDITIONALLY, THE EXISTING CLASSROOM TRAINING PROGRAM SHOULD BE MODIFIED TO PLACE MORE EMPHASIS ON THE PRISONER GRIEVANCE AND DISCIPLINARY SYSTEMS AS WELL AS TO INCLUDE CONFLICT RESOLUTION AND STRESS MANAGEMENT. WITH REGARDS TO THE DISCIPLINARY PROCESS, EMPLOYEES SHOULD BE TRAINED IN TICKET WRITING AND UTILIZATION OF THE HEARINGS HANDBOOK. ADDITIONALLY, PRE-EMPLOYMENT TRAINING FOR

HEARINGS OFFICERS SHOULD BE GEARED TO SENSITIZE THEM TO THE DAY TO DAY CONCERNS OF OPERATING A CORRECTIONAL FACILITY. PRE-ASSIGNMENT TRAINING SHOULD ALSO BE EXPANDED TO INCLUDE ON-THE-JOB TRAINING IN THE VARIOUS ASSIGNMENTS IN THE INSTITUTION TO WHICH THE INDIVIDUAL WILL BE PERMANENTLY ASSIGNED.

It is also critical that the Department not cease its training of employees merely because they have been on the job for a period of time. Staff should not be trained once and presumed to know, forevermore, all of the ins and outs of their employment. It is also critical that middle and upper level managers also receive some type of on-going in-service training to assist them in fulfilling their duties.

Therefore, the Joint Committee recommends:

8. THAT ALL INSTITUTIONAL STAFF, HAVING CONTACT WITH PRISONERS, RECEIVE IN-SERVICE TRAINING TO INCLUDE THE GRIEVANCE AND PRISONER DISCIPLINARY SYSTEMS, CONFLICT RESOLUTION, HUMAN RELATIONS, STRESS MANAGEMENT, FIRE ARM RE-CERTIFICATION WHERE NECESSARY AND RIOT CONTROL TRAINING WHERE NECESSARY.

See: ACA 129 et seq; ACA 4055; ACA 4090 and 4091; MACA 4092; ACA 4097 and 4098; ACA 4313.
Governor's Commission Report of 1972
Griffin Committee Report of 1976
LAG Report on SPSM-1980
LAG Report on SPSM-1976
LAG Report on MR-1976

While employee training will clearly play a significant role in improving job performance, that is not the only tool available to the Department for monitoring employee performance and securing improvements where necessary. To this end, the Joint Committee was shocked to learn that the Department does not have an evaluation system in place to annually review employee performance and make recommendations for improvements, if necessary. Moreover, Director Johnson advised the Joint Committee that there is no department-wide evaluation system in place to review the performance of supervisory and administrative personnel for purposes of continuing individuals in their positions or promoting them.

Therefore, the Joint Committee recommends:

9. THAT THE DEPARTMENT DEVELOP AND IMPLEMENT ANNUAL PERFORMANCE EVALUATIONS FOR ALL DEPARTMENTAL EMPLOYEES. PERFORMANCE EVALUATIONS, USED IN CONJUNCTION WITH THE CIVIL SERVICE MERIT SYSTEM, SHOULD BE THE BASIS FOR INTERNAL PROMOTION AT ALL LEVELS.

See: ACA 126; ACA 4075.

Staff expressed some concern that while the prisoners have an effective means of raising their problems with the Department and the Legislature, the Civil Service employee grievance system offers them a much less effective means of raising and resolving their everyday concerns. But, a recent decision was made by the Department to rescind its very limited policy directive concerning employee grievances. This decision was apparently prompted by the perception that current union contract provisions for grievance resolution are sufficient. Regardless of whether or not this is true for covered employees, there are a large number of departmental employees who have no mechanism for airing and resolving grievances internally. (PD-DWA 06.01, rescinded October 15, 1981.) Therefore, the Joint Committee recommends:

10. THAT AN INTERNAL EMPLOYEE GRIEVANCE SYSTEM BE IMPLEMENTED FOR ALL DEPARTMENTAL EMPLOYEES.

See: ACA 142; ACA 153; ACA 4068.

The Joint Committee believes that it is critical that employees have access to promotional opportunities within the Department. However, Director Johnson's testimony that only 1 of the 63 department deputies, wardens/superintendents or deputies wardens/superintendents came from outside the Michigan Department of Corrections suggests a level of "in-breeding" that cannot be conducive to the development and implementation of new and/or creative approaches to prison administration. This is not meant to suggest that the 63 top administrators in the Department are not qualified. Rather, it is meant to suggest that a service delivery agency must, on occasion, bring in persons from outside its own confines and not necessarily from other corrections agencies if it is to continue to move forward. (This approach assumes that some administrative positions only require administrative and not necessarily corrections administrative experience.)

Therefore, the Joint Committee recommends:

11. THAT EFFORTS TO RECRUIT UPPER LEVEL MANAGEMENT PERSONNEL, INCLUDING AT THE INSTITUTIONAL LEVEL, BE EXPANDED WITH THE SPECIFIC GOAL OF IMPROVING THE BALANCE OF ADMINISTRATORS FROM OUTSIDE THE MICHIGAN DEPARTMENT OF CORRECTIONS.

See: ACA 4081.

The Department also has failed to develop an internal program for detecting and assisting employees with substance or alcohol abuse problems or mental illness. According to Director Johnson, the Department utilizes to a limited degree, the Department of Civil Service's substance abuse and counselling programs. However, there is no system-wide attention focused on these potentially debilitating health and social problems. While these are certainly no problems restricted to persons working in custody positions, persons working in these and other institutional positions certainly operate under a much higher level of stress than do persons working, for example, in the Central Office.

Therefore, the Joint Committee recommends:

12. THAT THE DEPARTMENT DEVELOP AND IMPLEMENT PROGRAMS DESIGNED TO DETECT AND ASSIST EMPLOYEES WITH ALCOHOL OR SUBSTANCE ABUSE PROBLEMS OR WHO ARE SUFFERING FROM MENTAL ILLNESS.

Institutional Management

Recently, the Department created the position of Regional Administrator. Conceived as a management tool to assist the Deputy Director of the Bureau of Facilities in the supervision of a rapidly expanding prison system, the concept has proven to be particularly unworkable at SPSM where it was joined with the position of Warden. This merging of two of the most difficult positions in Michigan's prison system into a job for one person has created a nightmare of administrative confusion about who is doing what and in what capacity.

The problem at SPSM is exacerbated by the Department's insistence that there are three separate and autonomous prisons, but that they are under the control of one warden who is also the regional administrator.

The Joint Committee also heard extensive testimony from prisoners and staff that the lack of clarity about the separateness and autonomy of the institutions at SPSM increased tensions, in the sense that prisoners residing at the North Complex, a medium security facility, were allegedly required to live by many of the rules of the Central Complex, a close custody facility.

If the goal of this modification was administrative efficiency and decentralization of functions, this system as it applies to SPSM could not be any further from achieving that goal.

Therefore, the Joint Committee recommends:

13. THAT THE POSITION OF REGIONAL ADMINISTRATOR/WARDEN AT SPSM BE ABOLISHED AND IN ITS PLACE THERE BE ONE REGIONAL ADMINISTRATOR AND THREE (FOUR) WARDENS OR SUPERINTENDENTS WHO ARE IN CHARGE OF COMPLETELY AUTONOMOUS INSTITUTIONS.

The day-to-day operations of any prison must be consistent and in compliance with departmental policies. Unfortunately, one of the most troublesome issues that surfaced repeatedly during the Joint Committee's deliberations was the lack of consistency in the application of policies—if the policies were implemented at all. Repeatedly, the Joint Committee heard staff members, administrators and prisoners say that a policy was either not implemented or it was implemented in such a fashion as to permit wide variances in the application of policy.

This apparent disregard for departmental policies and procedures is not just a problem for prisoners. It touches every level of employees. For example, internal memos supplied to the Joint Committee indicated mid-management level opposition at SPSM to the disciplinary system, reflecting outright disagreement with departmental policy and refusal to comply with the statutory and administrative rule requirements. If administrators responsible for supervising and implementing a system feel negative about it, there is relatively little chance that lower level staff and/or prisoners will ever feel positive about the system or that it is necessary to abide by it.

Another example of problems with departmental policies relates to inconsistent application of policies. For example, Joint Committee staff has been told in the past that tokens are not supposed to be purchased and given to prisoners on visits. However, some institutions still permit this to occur while others comply with the as yet unwritten policy.

In addition to inconsistent policy application, the Joint Committee is concerned about the level of discretion given to institutions on disciplinary policies. Some discretion is always appropriate since there will be variances in the

day-to-day operations of institutions necessitated by custody level, staffing, etc. However, there must be consistency and reasonableness apparent in the policy. Moreover, disciplinary or operating policies that are unique to individual institutions must be developed and applied under the name of the institutional head, not mid-level managers. One illustration, which we believe exemplifies the need for closer scrutiny of policies unique to individual institutions, involves the seagulls at Kinross Correctional Facility. On May 23, 1980, a Deputy at Kinross Correctional Facility addressed a memo to "all residents" stating, "Do Not Feed the Seagulls!!!" We were also supplied with a copy of a minor misconduct ticket written because a prisoner fed the seagulls. This misconduct ticket resulted in the prisoner receiving sanctions short of placement in segregation but involving loss of privileges.

We see several things the matter with this memo/policy.

First, it was promulgated by a deputy, not the institutional head. Second, it failed to state what, if any, sanctions would be applied to persons found guilty of feeding the seagulls. Third, it is the type of policy that can be intermittently enforced to mete out punishment to those who run afoul of the administration without having to cope with the more stringent requirements of the major misconduct process. But, the worst problem with this type of policy development/implementation is intangible. This is so because there is no way to quantify the negative effect on prisoner and staff morale of seemingly trivial rules that can be developed and applied inconsistently.

In addition to the issue of policy development and implementation, a recurrent theme, especially at SPSM, was the lack of communication. Staff members, and to some extent prisoners, commented on the lack of communication between upper level management, line staff and prisoners. There was a clearly articulated perception that top level administrators are not concerned about the problems being experienced by staff or about the need to discuss and resolve those problems before they get out of hand.

At SPSM, the Joint Committee also heard a great deal of criticism of the team concept, which combines custody and treatment staff in the operation and supervision of housing units. Staff was especially critical of the concept in the context of the apparent lack of agreement as to who bears the ultimate responsibility for the operation of individual housing units, especially during periods of unrest.

Therefore, the Joint Committee recommends:

14. THAT ALL APPROPRIATE DEPARTMENTAL POLICIES BE IMPLEMENTED AT EACH INSTITUTION AND THAT COMPLIANCE WITH THE POLICIES BE STRICTLY MONITORED TO INSURE CONSISTENT AND CORRECT APPLICATION.

15. THAT BETTER COMMUNICATIONS BE OPENED UP BETWEEN PRISONERS AND EMPLOYEES AND BETWEEN LINE STAFF, AND MIDDLE AND UPPER MANAGEMENT. TO ACHIEVE THIS GOAL, ESPECIALLY AT SPSM, IT IS RECOMMENDED THAT THE WARDEN(S) AND DEPUTY WARDEN(S) DEVELOP AND IMPLEMENT A PLAN FOR INCREASING THEIR VISIBILITY AMONG EMPLOYEES, ADMINISTRATORS AND PRISONERS.

See: ACA 4004.

16. THAT CLEARLY DEFINED LINES OF COMMUNICATION AND AUTHORITY MUST BE ADHERED TO IN ORDER TO INSURE IMPROVED COMMUNICATION AND ACCOUNTABILITY. INCLUDED WITHIN THIS PLAN MUST BE A PROVISION INSURING THAT IN INSTANCES WHERE THE WARDEN/SUPERINTENDENT IS AWAY FROM THE INSTITUTION, THE APPROPRIATE INDIVIDUAL WHO WILL ASSUME RESPONSIBILITY IN THE ABSENCE OF THE INSTITUTIONAL HEAD IS APPRISED OF THE ABSENCE IN ADVANCE.

See: ACA 4005; ACA 4007.

17. THAT THE TEAM CONCEPT, ESPECIALLY AT SPSM, BE BETTER EXPLAINED SO THAT STAFF HAVE A BETTER UNDERSTANDING OF LINES OF AUTHORITY AND RESPONSIBILITY FOR TREATMENT AND CUSTODY. IN ADDITION, IT MUST BE CLEARLY UNDERSTOOD THAT DURING EMERGENCY SITUATIONS HOUSING UNIT MANAGEMENT MUST BE TOTALLY ENTRUSTED TO THE SHIFT COMMANDER.

As will be discussed in the section on appropriations, several years ago, the Department had developed the concept of critical staffing. This concept assumes that there is a minimum number of custody staff personnel which must be available on any given shift for an institution to operate safely. This concept, which we understood to be nothing more than a statement of the lowest possible level of staffing necessary for safe operations, has become the norm as opposed to the exception for day-to-day operations. In fact, staff shortages have forced some institutions, especially those at SPSM, to operate at or below the critical complement of custody staff. As a result, staff and prisoners alike are forced to live and work in a situation with greatly decreased assurances of personal safety.

The level of unacceptability is greatly increased by the failure of administrators to curtail prisoner programs, as required by departmental policy when a shift is below critical. This means that even though there are not enough guards

to safely operate the prison at a normal level of activity, activities are permitted to continue regardless of their impact on safety.

Therefore, the Joint Committee recommends:

18. THAT NO INSTITUTION BE OPERATED, EXCEPT IN CASES OF EXTREME EMERGENCY, BELOW CRITICAL COMPLEMENT.

19. THAT PRISONER PROGRAMS BE TEMPORARILY CURTAILED OR REDUCED, IF NECESSARY, ANYTIME THAT THE CUSTODY STAFF FALLS BELOW CRITICAL COMPLEMENT ON A SHIFT.

Prisoners and staff alike complained at SPSM about phones in the housing units. Access to the phones is limited to once a week for ten minutes per call and the calls must be made collect. Because the phones are only turned on for a portion of every day and because there are usually only one or two per housing unit (350-450 men), housing unit staff are forced to serve as phone monitors instead of fulfilling their actual responsibilities.

While the issue of the number of phones per cell block may appear trivial, it is precisely the type of issue that builds frustrations in prisoners and staff without ever appearing to be a concern of sufficient significance to warrant attention. And yet, we were amazed at the number of prisoners and housing unit staff members who spoke of the problem of monitoring or gaining access to the phones.

Therefore, the Joint Committee recommends:

20. THAT THERE BE AT LEAST ONE PHONE PER EVERY 100 RESIDENTS IN A HOUSING UNIT.

Corrections officers argued that the laxity of enforcement of personal property limits for prisoners resulted in excessive accumulations of property. These accumulations are often the target of cell thefts and they make it extremely difficult to conduct cell shakedowns for contraband.

On the other side of the coin, prisoners expressed great concern about the lack of control over staff conduct with regard to confiscated personal property. Prisoners repeatedly alleged that they lost personal property due to apparent staff negligence, but were unable to get satisfaction for such losses.

Therefore, the Joint Committee recommends:

21. THAT PRISONER PROPERTY LIMITS BE STRICTLY ENFORCED AND THAT CONTROLS BE IMPLEMENTED TO ENSURE STAFF AND/OR INSTITUTIONAL ACCOUNTABILITY FOR THE CARE AND CUSTODY OF CONFISCATED PROPERTY PENDING ITS REMOVAL FROM THE INSTITUTION OR DESTRUCTION.

See: ACA 4365; ACA 4366.

LAG Report - SPSM-1980.

LAG Report - MR-1980.

22. THAT REGULAR SHAKEDOWNS BE CARRIED OUT TO DETECT DANGEROUS CONTRABAND AND EXCESS PROPERTY.

See: ACA 4163.

LAG Report - MR-1980.

While not directly an issue of prisoner property and appearance, there was a great deal of concern articulated by prisoners and staff about the token system and its impact on violence in the institutions. There appears to be a perceptual consensus that the shift to a token system for inmate spending accounted for a significant increase in the number of thefts and assaults, as well as increased incidence of gambling. While the script system which had previously been in place had its shortcomings, persons in the institutions feel that there was less financially related violence because each piece of script had the prisoner's name and number on it, thus placing some limits on the transferability of money.

Related to this issue is the question of how much money a prisoner should have access to in any given month. The current limit is \$120 per month. This limit has been recently increased, but there is no built-in mechanism designed to permit increases based on inflation which affects the prices in the prison stores just like the prices in free world stores.

Therefore, the Joint Committee recommends:

23. THAT THE TOKEN SYSTEM BE REPLACED AS QUICKLY AS POSSIBLE WITH A CREDIT CARD SYSTEM THAT PERMITS PRISONERS TO EXPEND RESOURCES FROM THEIR ACCOUNTS WITHOUT HAVING TO ACTUALLY DRAW THE MONEY IN A FORM SUCH AS TOKENS OR SCRIPT. IT IS ALSO RECOMMENDED THAT AN AUTOMATIC COST OF LIVING ADJUSTMENT BE MADE TO THE AMOUNT A PRISONER MAY DRAW FROM HIS OR HER ACCOUNT IN ANY GIVEN MONTH. THIS ADJUSTMENT SHOULD BE MADE ON AN ANNUAL BASIS.

Prisoners and institutional staff alike discussed the issue of employee standards of conduct, particularly at SPSM. Specific concerns expressed to the Joint Committee by some staff as well as prisoners focused on employee involvement in the procurement and distribution of contraband items to prisoners; employees who report for work under the influence of alcohol or narcotics; and employees who report for duty out of uniform or wearing apparel which is inflammatory and/or potentially dangerous, e.g. swastikas on belt buckles and belt buckles which are used to conceal weapons.

The Joint Committee also believes that neither Departmental administrators nor the employees themselves perceive line staff as professional care providers. If the perception of line staff's role within the correctional system could be enhanced, we believe that both employee conduct and morale would improve greatly. While many of the recommendations provided in this report would improve employee professionalism—such as increased training and adherence to uniform policies—the Joint Committee believes that the Corrections Department and the MCO should develop specific goals for improving perceptions of employee professionalism.

Therefore, the Joint Committee recommends:

24. THAT DEPARTMENTAL POLICIES CONCERNING EMPLOYEES WHO REPORT FOR WORK WHILE UNDER THE INFLUENCE OF NARCOTICS OR ALCOHOL BE STRICTLY ENFORCED BY APPROPRIATE SUPERVISORY PERSONNEL AND EMPLOYEES IN THIS CATEGORY, BE COUNSELLED ACCORDINGLY.

25. THAT ALL EMPLOYEES REPORTING FOR WORK BE REQUIRED TO PASS THROUGH A METAL DETECTOR AND THAT RANDOM SHAKEDOWNS OF EMPLOYEES BE CONDUCTED, PER CURRENT POLICY, PD-DWA 30.05, TO ELIMINATE THE POSSIBILITY OF EMPLOYEES CARRYING WEAPONS, OR OTHER CONTRABAND, INTO THE INSTITUTION.

26. THAT CUSTODY STAFF BE REQUIRED TO STRICTLY CONFORM TO ALL APPROPRIATE UNIFORM POLICIES AND THAT EMPLOYEES REPORTING TO WORK IN APPAREL THAT DOES NOT CONFORM TO THE POLICY BE SENT HOME WITHOUT PAY.

27. THAT THE CORRECTIONS DEPARTMENT AND THE MCO DEVELOP GOALS FOR IMPROVING EMPLOYEE PROFESSIONALISM AND FOR ENSURING THAT ADMINISTRATORS, SUPERVISORS, AND INSTITUTIONAL STAFF TREAT LINE STAFF AS PROFESSIONALS. IN ADDITION, THE DEPARTMENT AND THE MCO SHOULD DEVELOP AN ACTION PLAN FOR ATTAINING THOSE GOALS.

Riot Control

Reports of how institutional staff and administrators operated during the riots varied from institution to institution. The best plan and implementation thereof appears to have been at MR. The worst marks, if that is an appropriate way to describe the situation, went to the Northside of SPSM during the first day of rioting there. Overall, as noted above, the reactions to institutional handling of the riots were fairly positive. However, we believe that there was a sufficient amount of apparently justifiable criticism to warrant at least some comment about the subject.

Criticism of the Northside operation generally focused on the issue of who was in control and/or responsible for what portion of the response. Of concern, at least to the persons we talked to, was the fact that some persons who were responsible for portions of the emergency response were not allowed to take action without higher level approval. There were also allegations made that some individuals at Northside were apparently unfamiliar with their assigned tasks or lacked adequate knowledge of the institution to operate effectively during the emergency.

Therefore, the Joint Committee recommends:

28. THAT, PER DEPARTMENTAL POLICY, PD-BCF 31.01, THERE SHOULD BE STANDARD RIOT CONTROLS AND PROCEDURES DEVELOPED AND IMPLEMENTED AT EACH INSTITUTION.

See: ACA 4181; ACA 4150.

29. THAT, DURING A DISTURBANCE, RIOT CONTROL OPERATIONS SHOULD BE UNDER THE DIRECTION OF THE INSTITUTIONAL HEAD AND THE APPROPRIATE SHIFT COMMANDER. CENTRAL OFFICE AND OTHER INSTITUTIONAL PERSONNEL SHOULD ACT ONLY IN AN ADVISORY CAPACITY.

See: ACA 4152.

30. THAT ALL STAFF/ADMINISTRATORS WITH RESPONSIBILITY FOR RIOT CONTROL BE FAMILIAR WITH THE INSTITUTION FOR WHICH THEY ARE RESPONSIBLE, THE INSTITUTION'S CONTINGENCY PLAN(S), AND ALL APPROPRIATE DEPARTMENTAL AND INSTITUTIONAL RIOT CONTROL POLICIES.

Disciplinary Process*

From the outset, the most common cause, other than the staffing shortages at SPSM, cited by the MCO for the prison disturbances was the lack of control over prisoners and the failure of the disciplinary process. The rhetoric was inflammatory and effective. Within a very short period of time, there was a public outcry for the elimination or curtailment of the Hearings Division, including elimination of the use of attorney hearing officers and the right to circuit court review of disciplinary decisions.

For purposes of background, it is important to keep in mind that the current disciplinary process is not solely statutory in nature nor is it merely the creation of PA 140 of 1979, the statute targeted for repeal by the MCO. The disciplinary process has evolved over a number of years, largely as a result of court decisions.

The United States Supreme Court, in the case of *Wolff v McDonnell*, 418 US 539 (1973), laid down the minimum due process requirements for major misconduct prison disciplinary procedures. These procedures were predicated on the assumption that "though his rights may be diminished by the needs and exigencies of the institutional environment, a prisoner is not wholly stripped of constitutional protections when he is imprisoned for crime." (556) However, because prison disciplinary proceedings are not part of the process of criminal prosecution, the procedural requirements are more limited. Thus:

- 1) the prisoner must receive written notice of the charges at least 24 hours prior to the misconduct hearing;
- 2) there must be a written statement by the factfinder as to the evidence relied upon and the reasons for the disciplinary action;
- 3) there must be a written record of the proceedings;
- 4) the prisoner must be afforded the right to present evidence and call witnesses unless it would be unduly hazardous to the good order and security of the institution; and
- 5) prison authorities must have the right to limit the hearing, limit an inmate's access to other inmates to collect statements and compiled documentary evidence, and to refuse to call witnesses where there is a risk of reprisal or an undermining of authority.

In January 1979, the Michigan Court of Appeals, in *Lawrence v Department of Corrections*, 88 MA 167; 276 NW2d 554, ruled that the Michigan Administrative Procedures Act (APA; PA 306 of 1969, as amended), more specifically the contested case provisions of Chapter 4, applied to major misconduct disciplinary proceedings. While ordering the use of the complex and costly APA for major misconducts, the Court of Appeals urged the Legislature "to consider the practical effect of the necessary application of the statute." (557) in the context of the *Wolff* standards.

PA 140 of 1979, in combination with PA 139 of 1979 exempting the disciplinary procedures from the APA while retaining APA jurisdiction over the Department of Corrections, is the result of that review. In essence, PA 140 modified the formal contested case provisions of the APA and sought to implement the *Wolff* requirements. Its major provisions are:

- 1) the parties shall be given an opportunity for an evidentiary hearing without delay and there shall be reasonable notice of the hearing;
- 2) the parties shall be permitted to present evidence and oral and written arguments on issues of fact;
- 3) a prisoner may not cross-examine a witness but may submit rebuttal evidence and may also submit questions for the hearings officer to submit to witnesses. The officer may refuse to submit the questions but, if s/he does so, the reason for the refusal must be made a part of the record. If the questions are submitted to the witness(es), the questions and the responses shall be made a part of the record;
- 4) the hearings officer has relatively broad discretion in admitting or refusing to admit evidence as long as the reason for exclusion appears on the record. The hearings officer is also permitted to allow for the submission of all or part of the evidence in writing if the interests of the parties will not be prejudiced;
- 5) access to the evidence may be denied to a prisoner if the hearings officer determines that access may be dangerous to an individual or disruptive of normal prison operations;
- 6) the hearings shall be conducted in an impartial manner;
- 7) the hearings officer may not communicate with the parties to the action once a notice of hearing has been issued;
- 8) a final decision or order shall be made in writing within a reasonable time; and
- 9) the prisoner shall be given a copy of the findings and final disposition and a copy shall be posted for the information of the reporting officer.

Over and above the requirements for the individual hearings, the law requires that an official record of the hearing be made. It also permits the Department to order a rehearing.

The law applies to all major misconduct hearings which can result in a loss of good time or placement in punitive detention; a security classification hearing which may result in a prisoner being placed in administrative segregation and a special designation as a drug trafficker, career criminal or member of organized crime which may preclude community placement. It also requires that after the effective date of the act all newly hired hearing officers be attorneys.

What the law does not do is spell out evidentiary rules or requirements for misconduct proceedings. Those rules, most often cited as the cause of the disciplinary breakdown, were established by the Department several years prior to the enactment of PA 139 and PA 140. The rules, found in the *Hearings Handbook*, spell out the procedures that institutional staff must adhere to in writing misconduct reports and preparing materials for the hearings. They do not appear in the statute or, currently, in the Department's Administrative Rules.

Although the statute provided for the option of internal rehearings, the Department has taken the position that because the language is permissive, it does not have to offer departmental rehearings. As a result, in October, 1980, based on six months of experience with rehearing requests, the Department unilaterally ceased considering requests for rehearing and referred all prisoners wishing to appeal a finding to circuit court. (DOM 1980-14, effective October 27, 1980)

The result of that decision has been a marked increase in the number of cases appealed to circuit court. This, in turn, has further burdened the judicial system, as well as the Attorney General's staff; and, more importantly, resulted in pressure to eliminate all reviews of the disciplinary process. Given the costs involved in circuit court as opposed to departmental review, a much more reasonable approach would be to reinstate rehearings and make circuit court review discretionary, as opposed to automatic, which is now the case.

The MCO alleged that the current disciplinary system was so inadequate that, "During a six month period at SPSM, over 70% of the major misconduct tickets were 'thrown out of court' or the discipline drastically reduced." (MCO letter 6/22/81) And yet, the data do not bear out the allegation that tickets are being "thrown out of court" with that level of frequency. During the first quarter of calendar year 1981, 33% of the major misconduct charges at SPSM were dismissed or resulted in findings of not guilty. In calendar year 1980, the first year of operation of the Hearings Division, 29% of the tickets resulted in dismissal or findings of not guilty. In calendar year 1979, under the old system, 32.7% of the tickets resulted in findings of not guilty or dismissal.

The data indicate that the problem may, to a large degree, have been limited to SPSM and Huron Valley Women's Facility. For example, the other two institutions involved in the disturbances had a much better record on the disciplinary process: MBP had a not-guilty/dismissal rate of 10% in calendar 1979, 10% in 1980 and 12% for the first quarter of 1981; MR's record was 16% in 1979, 18% in 1980 and 14% in 1981. Even the most casual analysis of these data forces one to conclude that if there is something radically amiss with the disciplinary process, it is not the hearings process per se. Certainly, the process is not perfect—nothing is. But a process that works at almost every other prison in the system must be failing at SPSM for some reason other than how it is set up.

The question of reduced discipline is apparently related to the use of suspended sentences by hearing officers. When questioned on this point by the Joint Committee, the Hearings Administrator indicated that there is no compilation of statistics which would indicate the rate of utilization of suspended sentences. However, she suggested to the Joint Committee that utilization of suspended sentences as a management tool may be reasonable when there are multiple charges and findings of guilt, or when the prisoner is already in segregation. In those situations, she argued that doing 14 or 21 days in segregation at once, as opposed to the threat of a subsequent loss of cell and privileges at a time distant may be less threatening and less conducive to good behavior than the threat of the delayed implementation of punishment.

One of the problems that did appear to be especially unique to SPSM is the apparent failure of the reviewing officer to ferret out inadequate or inaccurate tickets. The reviewing officer is supposed to be a supervisory level shift officer who reviews the misconduct ticket with the charging officer. The reviewing officer is supposed to note errors and have them corrected before the ticket gets to the hearing process. At SPSM, it appears that the job of reviewing officer is viewed as relatively insignificant and distasteful. Thus, it has been pushed-off on to the lowest level of supervisor possible. And, while some individuals may attempt to perform the review function as fully as possible, this does not apparently occur in a majority of the cases. As a result, custody staff are not given the feedback on each ticket that they need to ensure that it is sufficient and/or accurately written.

In the context of the foregoing, the Joint Committee attempted to carefully examine the process at each step to see if there are improvements which can be made to facilitate rule enforcement and discipline wherever necessary.

Therefore, the Joint Committee recommends:

31. THAT THE REVIEWING OFFICERS AT EACH INSTITUTION BE MADE RESPONSIBLE FOR THE ADEQUACY AND APPROPRIATENESS OF THE MAJOR MISCONDUCT REPORTS WRITTEN BY OFFICERS AND GIVEN TO THE HEARINGS OFFICER.

32. THAT THE REVIEWING OFFICER AT EACH INSTITUTION RECEIVE ANNUAL IN-SERVICE TRAINING ON THE DISCIPLINARY PROCESS.

33. THAT THE PERFORMANCE OF ALL OFFICERS SHOULD BE ANNUALLY EVALUATED AND THAT ONE OF THE EVALUATION CRITERIA SHOULD BE THE NUMBER OF DISCIPLINARY TICKETS WRITTEN BY THE OFFICER, AS WELL AS THE NUMBER RESULTING IN A DISMISSAL OR FINDING OF NOT GUILTY. OFFICERS WHO ARE EVALUATED NEGATIVELY ON THIS CRITERIA SHOULD RECEIVE ASSISTANCE AND TRAINING WITH MISCONDUCT REPORT WRITING. IF A SUBSEQUENT PERFORMANCE EVALUATION SHOWS CONTINUED PROBLEMS WITH THE DISCIPLINARY PROCESS, THE OFFICER SHOULD BE TRANSFERRED TO ANOTHER POSITION OR TERMINATED.

34. THAT THE LIST OF MAJOR AND MINOR MISCONDUCTS AND THE PUNISHMENTS FOR EACH MISCONDUCT BE REVIEWED ANNUALLY AND UPDATED ACCORDING TO NEED.

35. THAT THE DEPARTMENT RE-INSTITUTE REHEARINGS OF DISCIPLINARY FINDINGS AND THAT APPEALS OF DISCIPLINARY HEARINGS TO CIRCUIT COURT BE BY LEAVE ONLY.

See: ACA 4322; ACA 4323.

There was not a single person interviewed by this Committee, be it prisoners, staff members or administrators, who failed to cite the lack of good time as a major, if not the major, cause of the disturbances. Under the "old" good-time law prisoners could earn as much as 15 days of credit per month, depending upon the length of their sentences. A portion of the 15 days was also discretionary with the institutional head. As a result, there was no uniformity in the application of the law and large numbers of prisoners were automatically receiving the full 15 days.

Consistently, persons who must live and work within the prisons of this state have argued that the approval of Proposal B of 1978, while intended to eliminate the good-time system to insure that convicted felons serve their sentences, has also had the effect of making the prisons of this state substantially less manageable. Without a tool for re-enforcing good behavior, staff and administrators have no mechanism, other than segregation for short periods of time, for enforcing prison rules and thereby controlling the population.

There are some who would argue that the parole process is sufficient to insure good behavior. However, the Parole Board relies most heavily on the nature of the crime and pre-incarceration behavior, as opposed to institutional behavior. Moreover, for prisoners with very long sentences, there is a great likelihood that they will believe (and rightly so) that a good institutional record is most important as they near their out dates. As a result, many such prisoners feel no pressure to behave until they get "close to" their outdate. For a prisoner with a 15-25 year sentence, that may not occur until the prisoner's been in the system 10 or 12 years.

In this context, there can only be one conclusion: good time in some form must be restored. This means that Proposal B must be modified in order to return to the Department its most effective management tool.

Therefore, the Joint Committee recommends:

36. THAT A STATUTE BE ENACTED TO CREATE DISCIPLINARY CREDITS TO BE EARNED AT THE RATE OF 5 DAYS PER MONTH.

Risk and Security Classification

Based upon testimony received from prisoners, institution and central office staff, and the National Institute of Corrections (NIC), the Joint Committee must conclude that risk screening which attempts to predict future violent criminal behavior is responsible, at least to a limited degree, for prisoner unrest. The Joint Committee acknowledges the system's value in predicting future violent criminal behavior and we applaud the Department for its innovative efforts in this regard. Although risk screening does have limitations and is not an accurate predictor of individual behavior, risk screening as a statistical tool has allowed the Corrections Department to successfully differentiate between violent and non-violent offenders for purposes of making parole and community placement decisions.

The risk-screening system, however, has the unintended result of creating prisoner unrest for two reasons: (1) extremely old juvenile records are used to determine risk classification, and (2) once a prisoner's risk classification is set there is absolutely nothing that s/he can do to lower it. Because matters out of prisoners' control determine risk and

because prisoners cannot lower their risk, the risk-screening system has the effect of creating a sense of hopelessness in inmates, and is certainly counter-rehabilitative in that there is little incentive for prisoners with "high-risk" or "very high-risk" designations to act in a disciplined manner.

Therefore, the Joint Committee recommends:

37. THAT THE NIC BE REQUESTED TO EVALUATE MICHIGAN'S RISK-SCREENING SYSTEM AND ASSIST IN THE DEVELOPMENT OF A RISK-SCREENING SYSTEM BASED UPON ACCURATE CURRENT INFORMATION THAT REDUCES THE IMPACT OF JUVENILE RECORDS THE LONGER A PRISONER STAYS IN THE SYSTEM. IT IS FURTHER RECOMMENDED THAT THE SYSTEM BE REVISED TO ENCOURAGE GOOD INSTITUTIONAL BEHAVIOR.

In addition to the risk-screening system, the Joint Committee heard many concerns regarding security classification, the procedure the Department uses to determine which prisoners should be classified to maximum, close, medium and minimum security, and community placement.

The most comprehensive testimony on this subject that was provided to the Joint Committee was by the NIC, which is in the process of developing and implementing a model classification system. Based upon NIC's testimony, the Joint Committee can only conclude that Michigan's security classification system needs a rigorous examination by experts in the field.

For instance, NIC suggests that prisoner institutional behavior, especially recent behavior, be given more weight in determining security classification than other factors, such as length of sentence and prior criminal record. Additionally, NIC made very clear the need for a regular periodic classification review so that prisoners are assigned to the appropriate custody level. Although the Department testified that an annual classification review does take place in Michigan, the Joint Committee was surprised to learn that in 1979 the Department apparently concluded that the annual review procedure was not necessary and thus eliminated it. While a June 1981 Departmental policy does reinstate annual reclassifications, the Joint Committee remains puzzled as to why a procedure deemed critically important by the NIC would have been completely eliminated in the first place.

Institutional staff, especially at SPSM, also criticized the security classification system. Their concern was that prisoners were being inappropriately classified to North Complex by the Regional Administrator and the Deputy Director, both of whom have the authority to classify prisoners to a particular security level and institution even though those prisoners don't fall within the pre-authorized classification guidelines. Although the Joint Committee does not quarrel with the concept of case-by-case custody decisions on a limited basis, we were dismayed that the Department had no idea as to how many prisoners system-wide are placed in particular facilities although they do not meet the pre-authorized guidelines.

Complaints were also raised concerning intra-institutional classification. Specifically, both prisoners and staff perceive the assignment of prisoners to the food service work detail as punishment. Given these perceptions, the Joint Committee does not find it surprising that food services is the source of much dissatisfaction on the part of prisoners who do not want to work there or who don't trust their cohorts not to tamper with the food, and food services staff who do not want to supervise prisoners assigned to them for punishment purposes. If our prisons are going to avoid further tensions with regard to food services, which is considered to be one of the most common causes of riots, the Joint Committee believes that the Department must reevaluate its practices concerning which prisoners are assigned to food services.

Therefore, the Joint Committee recommends:

38. THAT THE DEPARTMENT'S ENTIRE SECURITY CLASSIFICATION SYSTEM BE REVIEWED AND RECLASSIFIED BY OUTSIDE SPECIALISTS, E.G. NIC, IN PRISON CLASSIFICATION SYSTEMS.

See: ACA 4303.

39. THAT THE DEPARTMENT MAINTAIN ITS CURRENT POLICY OF ANNUAL RE-EVALUATIONS OF PRISONERS FOR SECURITY CLASSIFICATION PURPOSES.

See: ACA 4193; ACA 4372; ACA 4376.
LAG Report - SPSM-1976.
LAG Report - SPSM-1980.

40. THAT SECURITY CLASSIFICATION BE USED AS A MECHANISM TO ENCOURAGE IMPROVED PRISONER BEHAVIOR BY MAKING INSTITUTIONAL BEHAVIOR, NOT LENGTH OF SENTENCE OR PRIOR RECORD, THE BASIS OF INSTITUTIONAL PLACEMENT DECISIONS.

41. THAT FOOD SERVICES NOT BE USED AS A PUNITIVE WORK ASSIGNMENT. IT IS FURTHER RECOMMENDED THAT INCREASED INMATE PAY AND OTHER REWARDS BE DEVELOPED FOR INMATES FOR THE PURPOSE OF ATTRACTING AND MAINTAINING A STABLE FOOD SERVICES WORK CREW.

Programs

The purpose of the treatment model which has been adopted by the Michigan Department of Corrections is to allow for the successful re-entry of offenders into society. Programs such as vocational and educational training are necessary for the treatment model to accomplish this goal. It is even more important, however, to the achievement of successful re-entry that the prison system be designed to encourage a sense of personal maturity and responsibility among prisoners.

Maturity, responsibility, and the ability to make basic decisions can be encouraged in many ways. For instance, regardless of the vocational value of a particular job assignment, work habits modeled after the free world tend to enhance prisoner responsibility. A prisoner required to punch in at 8 a.m., work 8 hours, leave only for lunch and at 5 p.m., and miss work only for legitimate reasons is more likely to succeed upon release than if that prisoner watches TV in his/her cell all day. Likewise, we believe that a prisoner who understands the significance of meaningful work and acquires an institutional job through means similar to the free world, i.e. only after deciding to pursue the job and after applying, interviewing, and competing for the job, is more likely to obtain meaningful work upon release than if s/he was simply assigned to the job by the institution.

While some assignments, such as Prison Industries, tend to nurture personal responsibility, maturity, and decision-making by demanding good work habits, we believe that a great need exists to encourage such qualities among other prisoners. The recommendations contained in this section of the report, while not addressing this issue directly, are intended to encourage the Department of Corrections to operate in such a way as to allow for the development of personal maturity and responsibility among prisoners.

If any semblance of the treatment model is to continue to be a part of the philosophy of Michigan's correctional system, it is imperative that there be a significant restructuring of the education and job training programs for prisoners.

No prisoner should leave the state prison system functionally illiterate. And yet, many prisoners do leave the system that way. Sometimes this happens because the prisoner is not incarcerated long enough to complete an educational program. More often, this happens because a prisoner can go to work on another job assignment, especially prison industries, and earn more money; or because time deadlines in the self-contained learning modules are not strictly enforced, thus encouraging prisoners to delay completing difficult sections.

There are many potential ways of resolving the wage problem so that prisoners are not discouraged from attending school. For example, the Department could make completion of certain levels of education pre-requisites for certain jobs. The most obvious example of this would be prison industries, where a high school diploma or GED completion appear to be reasonable pre-requisites. On the other side of the issue, porters jobs should require no formal education. If this type of scheme is implemented, we would envision school being mid-range or near the top on the prisoner wage scale.

An additional problem experienced with the educational program is the repeated failure of the Department to develop and implement a mechanism for the transfer of prisoner educational records in a timely fashion. The net effect of this failure is that prisoners who are transferred between institutions are often re-tested and start over again, at the worst, or are allowed to start their educational programming below the appropriate level.

Therefore, the Joint Committee recommends:

42. THAT K-12 EDUCATIONAL PROGRAMMING BE REQUIRED FOR ALL PRISONERS TESTED AND FOUND TO BE FUNCTIONALLY ILLITERATE, OR WHO ARE WITHOUT A HIGH SCHOOL DIPLOMA OR GED CERTIFICATE. TO ENSURE GREATER SUCCESS WITH THE EDUCATIONAL PROGRAM, EXISTING TIME DEADLINES SHOULD ONLY BE MODIFIED WHEN THE STUDENT HAS DEMONSTRATED A GOOD FAITH EFFORT TO MEET THE DEADLINE BUT HAS BEEN UNABLE TO DO SO FOR ACADEMIC REASONS.

See: ACA 4393; ACA 4403.
LAG Report - SPSM-1980.
LAG Report - MR-1980.

43. THAT THE PRISONER WAGE SCALE AND JOB PLACEMENT REQUIREMENTS BE REVISED TO ENCOURAGE COMPLETION OF K-12 EDUCATION PROGRAMS.

44. THAT THE DEPARTMENT DEVELOP AND IMPLEMENT A VEHICLE FOR TRANSFERRING PRISONER EDUCATION RECORDS* IN A MANNER THAT ENSURES THEIR RECEIPT AT THE RECEIVING INSTITUTION AT THE SAME TIME AS THE PRISONER WHO IS TRANSFERRED.

See: LAG Report - SPSM-1980.
LAG Report - MR-1980.

Three of the state's community colleges operate associate degree programs within the state's prisons. These programs have been successful in preparing a number of prisoners to continue their academic pursuits, but in many instances they have not been as successful in preparing prisoners for the world of work or in helping them find jobs upon release. In addition, these programs, especially at SPSM, have apparently been the source of considerable payroll padding by prisoner-students who do not attend class but continue to be paid for going to college.

The concept of padding is, however, not unique to prisoners. In a recent report on the corrections community college programs, the Legislative Auditor General (LAG) suggested that a serious problem of enrollment inflation may exist, insofar as persons who are unqualified are admitted to programs in order to secure state funding and then dropped after the cut-off deadline for funding.

It is our understanding that the House Appropriations Subcommittee on Community Colleges will be meeting to review these allegations and to develop a strategy for reducing enrollment inflation problems. We applaud these efforts and would offer the following recommendations for consideration:

45. THAT THE COMMUNITY COLLEGES OPERATING PROGRAMS WITHIN THE STATE'S PRISONS BE ENCOURAGED TO DEVELOP AND IMPLEMENT PLACEMENT COMPONENTS FOR EX-OFFENDERS WHO HAVE COMPLETED AN ASSOCIATES DEGREE OR TECHNICAL EDUCATION COURSE THROUGH THEIR INSTITUTIONAL PROGRAMS.

46. THAT ALL COLLEGE ASSIGNMENTS BE STRICTLY MONITORED FOR NON-ATTENDANCE AND THAT APPROPRIATE SANCTIONS BE IMPOSED FOR NON-ATTENDANCE, INCLUDING BUT NOT LIMITED TO DISMISSAL FROM THE PROGRAM AND PAYROLL DEDUCTIONS.

47. THAT ALL ENTRANCE REQUIREMENTS BE STRICTLY COMPLIED WITH IN ORDER TO INSURE THAT ONLY ELIGIBLE PRISONERS ARE PERMITTED TO ENROLL IN COMMUNITY COLLEGE PROGRAMS.

See: LAG Report - CCP-1980.

The only options for job skills learning and acquisition currently available in Michigan's prisons are through outside contractors, e.g. the Braille program at SPSM; prison industries; some vocational training programs or the very limited skilled trade apprentice programs. These limited programs come nowhere near satisfying the needs of the large number of prisoners who lack job skills. And yet, every year, a large number of contracts are let to outside contractors to perform basic maintenance and facility repair which could be performed by prisoners who are properly trained and supervised, thus giving the prisoner/laborer a marketable skill.

Therefore, the Joint Committee recommends:

48. THAT THERE BE INCREASED EMPHASIS ON VOCATIONAL TRAINING. TO ACHIEVE THIS GOAL THERE SHOULD BE BUSINESS, INDUSTRY, UNION AND DEPARTMENT COOPERATION IN THE DEVELOPMENT OF VOCATIONAL PROGRAMS.

49. THAT AN ADVISORY COMMITTEE COMPRISED OF REPRESENTATIVES FROM BUSINESS, INDUSTRY AND LABOR BE APPOINTED BY THE CORRECTIONS COMMISSION TO BEGIN DEVELOPING STRATEGIES FOR IMPROVING VOCATIONAL PROGRAMMING WITHIN THE DEPARTMENT.

See: ACA 4408.

50. THAT IN ORDER TO FACILITATE THIS PROCESS, INSTITUTIONAL MAINTENANCE NOT BE CONTRACTED OUT TO PRIVATE CONTRACTORS ABSENT A SHOWING TO APPROPRIATE DMB STAFF THAT PRISONER LABORERS UNDER THE DIRECTION OF A SKILLED CREW CHIEF/SUPERVISOR CANNOT ADEQUATELY PERFORM THE NEEDED WORK.

See: LAG Report - SPSM-1980.

LAG Report - MR-1980.

LAG Report - MBP-1974.

At a time when state dollars for staff and programs are shrinking, the Department has a formal policy encouraging volunteerism (PD-DWA 43.03). But, it appears that most institutions are giving even less consideration than before to the utilization of outside volunteers in the development and implementation of prisoner programming because of the perception, to date unproven, that volunteers are the source of large amounts of contraband within the institutions. This does not make sense from a dollars and cents standpoint, but it makes even less sense in the context of an agency which needs all of the community support it can garner as it attempts to make increased use of community alternatives and seeks to gain a larger portion of the state's tax dollars. Volunteers can become very articulate advocates, however that can never happen if the Michigan Department of Corrections continues to discourage volunteerism in the prisons.

One area in which we believe that volunteerism can be especially helpful is in easing racial/cultural tensions. It is our belief that the increased utilization of volunteers from the communities prisoners originate from may help to facilitate the adjustment of individual prisoners as well as foster better understanding and appreciation for racial/cultural differences among the broader prisoner population and staff.

Obviously, not every person who volunteers his or her time is suitable for a prison environment. Additionally, every person may not have skills that are of assistance in the prison system. But, until an adequate volunteer recruitment and screening program is developed, no one will ever know whether or not the state can, in fact, effectively utilize members of the community in its prisons.

Therefore, the Joint Committee recommends:

51. THAT THE DEPARTMENT'S POLICY DIRECTIVE ENCOURAGING AND SUPPORTING THE CONCEPT OF VOLUNTEERISM BE IMPLEMENTED SYSTEM WIDE.

52. THAT THERE BE INCREASED EMPHASIS ON THE RECRUITMENT AND UTILIZATION OF ETHNIC AND RACIAL MINORITY VOLUNTEERS.

53. A SCREENING AND RECRUITING PROGRAM THAT MATCHES VOLUNTEERS WITH PRISONER AND SYSTEM NEEDS BE DEVELOPED AND IMPLEMENTED.

Prisoner Grievance System

The Department of Corrections provides its prisoners with a prisoner grievance system through which prisoners may grieve alleged violations of rights as well as the conditions of confinement. Not only is it the intent of the grievance procedure to correct individual wrongs to prisoners, but the system should bring broad problem areas to the attention of departmental employees and administrators.

In practice, a prisoner experiencing a problem attempts to resolve the matter with a counselor or other appropriate institutional staff. If the response is not satisfactory, the prisoner forwards the grievance to the Warden or Superintendent (Deputy Warden at SPSM), who reviews the matter and responds to the prisoner. If the Warden/Superintendent's response is unsatisfactory, the prisoner may file the grievance with the Regional Administrator, who also reviews the matter and responds to the prisoner. The Regional Administrator step is the final formal review within the Department. If the prisoner wishes to further pursue the grievance, the grievance may be forwarded to the Office of the Legislative Corrections Ombudsman, who will bring the grievance to the attention of the Director's office if the Ombudsman believes the grievance has merit. In order to provide prompt attention to grievances filed, departmental policy imposes time deadlines for responding for each step through the Regional Administrator's review.

From the outset of the Joint Committee's investigation, the grievance system drew fire from both prisoners and staff. From the staff's perspective, housing unit counselors spend an inordinate amount of time reviewing and responding to grievances, many of which they characterized as frivolous and not deserving of a formal response. According to those interviewed, the great amount of time spent on grievances only takes away from time which should be spent on more pressing problems, such as parole evaluation reports and program needs of prisoners in their housing units.

Prisoners interviewed were also upset over the grievance system. They argued that the system is nothing more than a paper-processing game, with few legitimate problems resolved and with the time frames for responding almost universally disregarded by staff. According to the prisoners, the lack of an effective method through which to air their grievances was a key factor in causing much of the unrest prisoners exhibited in May.

The prisoner grievance system was subject to further criticism at the Joint Committee's Lansing meetings when we learned from the Department that institutional staff receive little, if any, formal training on the purpose of the system and how to effectively respond to grievances. The Legislative Corrections Ombudsman, in his testimony, agreed with both staff and prisoners about the grievance system: the system seldom solves legitimate complaints; time deadlines are not observed by staff; investigations into prisoners' claims are inadequate; and housing unit staff spend a great deal of time processing prisoners' grievances. The Ombudsman further pointed out what he believes is a fundamental flaw in the current grievance procedure: there is no formal Central Office review of grievances by the Department. Thus, unless the Ombudsman brings a grievance to the Director's attention, that office never knows of many common problems in the prison system. One example cited by the Ombudsman was the institutional use of anonymous information for the purpose of making security classification decisions. According to the Ombudsman, such use of anonymous information is contrary to the Department's policy and was stopped only after the Ombudsman, on the basis of a grievance from an inmate, brought the matter to the attention of the Lansing Central Office.

For all of the reasons cited by the parties interviewed, the prisoner grievance system most certainly contributed to many of the tensions within the prison system. It is also extremely clear to the Joint Committee that, for whatever reason,

the prisoner grievance system is given an extremely low priority by the Department of Corrections. For instance, one individual in the Central Office spends about one-half of her total time trying to make the system work in all of the prisons in the state. And, there is virtually no oversight of the system by institutional managers to ensure that grievances are properly investigated and responded to in their institutions.

The Joint Committee believes that until the Central Office commits itself to providing appropriate resources to make the system work, the prisoner grievance system will be nothing more than another example of a well-thought-out departmental policy that is not implemented at the institutional level. Problems will not be resolved, time deadlines will not be met by staff, investigations into grievances will be poorly performed, and prisoners will continue to perceive the grievance system as a paper-processing procedure that makes no attempt whatsoever to resolve their legitimate concerns.

The Department must also recognize that, in a setting where perceptions shape reality, the grievance system should be continually examined and fine-tuned. The Department cannot realistically expect that a static grievance procedure will be perceived indefinitely as an effective procedure, especially given the fact that most grievants will be dissatisfied with the resolution of their claim. Furthermore, until the Department recognizes and acts upon institutional staff concerns about the prisoner grievance system, it is unlikely that staff will allow the system to function as intended.

Therefore, the Joint Committee recommends:

54. THAT THE DEPARTMENT OF CORRECTIONS IMMEDIATELY SEEK ASSISTANCE FROM NIC FOR THE PURPOSE OF EVALUATING AND REVISING, IF APPROPRIATE, THE PRISONER GRIEVANCE SYSTEM.
55. THAT THE DEPARTMENT REVISE THE PRISONER GRIEVANCE SYSTEM SO THAT ONLY TWO FORMAL RESPONSES ARE PROVIDED. IT IS FURTHER RECOMMENDED THAT ONE RESPONSE BE AT THE INSTITUTIONAL LEVEL AND ONE BE AT THE CENTRAL OFFICE LEVEL.
56. THAT MORE CENTRAL OFFICE AND INSTITUTIONAL SUPPORT BE GIVEN TO THE GRIEVANCE SYSTEM IN ORDER TO DEAL WITH PATTERN GRIEVANCES AND TO INSURE THAT THE SYSTEM PROVIDES MEANINGFUL AND TIMELY RESPONSES. FURTHERMORE, IT IS RECOMMENDED THAT AT EACH INSTITUTION AN INDIVIDUAL(S) BE DESIGNATED TO HANDLE ALL GRIEVANCE-RELATED MATTERS AND THAT HOUSING UNIT STAFF BE FREED OF THE RESPONSIBILITY FOR RESPONDING TO GRIEVANCES SO THAT THEY MAY DEVOTE THEIR TIME TO COUNSELLING AND OTHER FUNCTIONS.
57. THAT, IF THE DEPARTMENT OF CORRECTIONS FAILS TO IMPLEMENT THE ABOVE RECOMMENDATIONS WITHIN SIX MONTHS OF THIS REPORT, THE LEGISLATURE, WITH THE ADVICE OF THE LEGISLATIVE CORRECTIONS OMBUDSMAN, PROPOSE REVISIONS TO THE PRISONER GRIEVANCE SYSTEM WHICH PROVIDES FOR TIMELY AND EFFECTIVE RESOLUTION OF LEGITIMATE CONCERNS.

The Parole Board

Prisoners expressed great dissatisfaction with the Parole Board and alleged that Board decisions play a significant role in the level of tensions within the prison system. While some of that dissatisfaction may be charged to a recent parole denial, the frequency and consistency of the complaints indicate widespread concerns about the manner in which the Parole Board conducts its business. This concern was articulated at SPSM and MBP almost universally by prisoners. It was articulated less frequently at MR, where few prisoners have gone through the parole process. (This is the situation because young offenders who are near their parole eligibility date tend to be moved to a lower custody level. In this context, more complaints would probably be heard at MTU than at MR.)

In general, prisoners appear to believe that it doesn't matter how well they behave or what they accomplish. They believe, and apparently rightly so, that many of the factors on which the Board will base its decisions are out of their control because they occurred many years previously when the prisoner was a juvenile (this is especially problematic for lifers and persons serving long indeterminate sentences who may already have been in prison 10 or 15, or even 20 years, on their current charge), or because they are based on inaccurate information in the pre-sentence investigation report, or because the Board relies on the original charges which may not actually be the charge the individual is serving time for due to plea bargaining and/or prosecutorial overcharging.

Over and above these issues, prisoners expressed concern about what they perceive to be more frequent and longer passes by the Parole Board, the failure of the Board to give them timely notice of decisions and the failure of the Board to give them clear direction as to what corrective action needs to occur in order to achieve release once passed. Finally, dissatisfaction was expressed about the failure of the Board to release prisoners by their outdates.

When questioned by the Joint Committee concerning these issues, the Chair of the Parole Board indicated that the Board had discontinued giving three, six or nine month passes. Thus, all passes are now for at least one year. Although

he pointed out that the number of passes actually given is down, especially since persons previously receiving 3 or 6 month passes are usually not passed, the increased length of the passes has likely resulted in increased prisoner awareness of the issue.

The issue of delays in the parole process was discussed extensively with no satisfactory resolution. But, even according to departmental data, 14 percent of the parole releases in the first quarter of calendar 1981 were after the prisoner's release date for reasons within the Department's control. (It must be kept in mind that 14 percent delay rate only applies to factors the Department admits are within its control. It does not include factors arguably within the Department's or the individual prisoner's control.)

A problem not expressed by the prisoners, but one of very real concern to us, is the concept of the unofficial "life time" civil service appointment to the Parole Board, which results in some persons serving on the Board for inordinately long periods. While we are not attempting to suggest that persons with long years of experience cannot make good parole decisions, we are concerned about the dangers of "burn out", when individuals are called upon to make decisions about individuals' lives in the context of the need to protect public safety for long periods of time.

Therefore, the Joint Committee recommends:

58. THAT THE PAROLE BOARD NO LONGER USE JUVENILE RECORDS AS PART OF ITS COMMUTATION GUIDELINES FOR LIFERS AND PERSONS SERVING LONG INDETERMINATE SENTENCES.
59. THAT THE PRE-SENTENCE INVESTIGATION STATUTE BE AMENDED TO ENSURE THAT ONLY ACCURATE INFORMATION IS TRANSMITTED TO THE DEPARTMENT OF CORRECTIONS WITH AN OFFENDER'S COMMITMENT PAPERS.
60. THAT PRISONERS RECEIVE SPECIFIC INFORMATION AS TO THE REASONS FOR PAROLE DENIAL AND ANY CORRECTIVE ACTION THAT MAY POSSIBLY BE TAKEN TO SECURE RELEASE.

See: Governor's Commission Report of 1972.

LAG Report - PB-1978.

ACA 1080, ACA 1082.

61. THAT TIME DEADLINES FOR THE PAROLE BOARD BE STRICTLY ENFORCED AND THAT PRISONERS RECEIVE TIMELY NOTICE OF PAROLE DECISIONS. THE PAROLE BOARD SHOULD BE RESPONSIBLE FOR INSURING THAT PRISONERS ARE RELEASED WITHIN A REASONABLE TIME AFTER THE DECISION IS MADE TO PAROLE AND THAT NO PRISONER, EXCEPT IN EXTRAORDINARY CIRCUMSTANCES, IS RELEASED AFTER THE EXPIRATION OF HIS OR HER SENTENCE.

See: ACA 1063.

LAG Report - PB-1978.

62. THAT PAROLE BOARD MEMBERS SHOULD BE PLACED ON SABBATICAL FROM THE PAROLE RELEASE DECISION MAKING PROCESS ON A REGULARLY SCHEDULED BASIS. DURING THE SABBATICAL PERIOD, THE BOARD MEMBER SHOULD BE RE-ASSIGNED TO OTHER DUTIES WITHIN THE DEPARTMENT OF CORRECTIONS.

See: Governor's Commission Report of 1972.

Sentencing

Disparities in sentences continue to be of major concern to prisoners, because there appears to be no rhyme or reason to justify the wide ranges in sentence lengths. In fact, a recent study completed for the Michigan Supreme Court has found that the only factors consistently affecting the length of an individual's sentence is his or her age and race.

There are a number of options that could be implemented to achieve consistency: Michigan could adopt a mandatory sentencing model or, it could adopt a presumptive sentencing model. However, the most reasonable alternative may be sentencing guidelines. This concept utilizes a grid of sentence lengths determined by the nature and severity of the crime in combination with the offender's prior criminal history. Such a system would require judges to use the sentence guidelines unless they felt that there were aggravating or mitigating circumstances. In that situation the sentence could be reduced or enhanced accordingly, but the judge would have to put the reasons for doing so on the record.

Currently, in Michigan, a person may only appeal his/her conviction. There is no right to appeal sentence length, even though in many cases, that may be the sole reason for seeking review. As a result, the Court of Appeals is forced to examine a myriad of issues and what could be thousands of pages of transcript just to get to the crux of the complaint—the sentence length. The development of sentencing guidelines may be a way of making the sentencing process more rational. It may also be a way to build a record for review that gets to the sentencing issue which so frequently troubles prisoners.

Therefore, the Joint Committee recommends:

63. THAT SENTENCING GUIDELINES BE IMPLEMENTED WITHIN THE CONSTRAINTS OF CURRENT SENTENCING LAWS AND THAT A COMMISSION BE CREATED BY STATUTE TO DEVELOP THE GUIDELINES. THE LEGISLATION SHOULD ALSO PROVIDE FOR APPELLATE REVIEW OF SENTENCES.

64. IF THE CONCEPT IS ADOPTED, THE GUIDELINES SHOULD BE SET BY THE STATUTORILY CREATED COMMISSION, WHICH SHOULD HAVE BROAD POWERS TO REVIEW AND ALTER THE GUIDELINES BASED ON EXPERIENCE, COMMITMENT RATES, PRISON CAPACITY AND PRISON POPULATION.

See: Governor's Commission Report of 1972.
Joint Legislative/Executive Task Force on Prison Overcrowding, 1980.

The Appropriations Process

A considerable amount of the Joint Committee's time was spent reviewing the Department's appropriations and the process through which funds are requested of DMB, the Governor and the Legislature.

There is a general consensus among all parties that critical level staffing is the absolute minimum number of custody staff at which an institution can be safely operated. Most facilities have been operating at the critical level for the past few years to the point where "critical" has become the "normal" level. The effect of this type of staffing pattern is to reduce the ability of administrators and staff to operate a prison that is safe for all persons affected by the penal system: prisoners, employees and the public. Not only does it reduce the safety factor to a dangerously low level, but it also carries the dehumanization of those who must live and work there to the lowest point possible by forcing personal or individual safety to become the paramount concern of day-to-day living. In this type of environment, there can be no "humane" penal system aimed at rehabilitation.

Staffing at this critical level has been due, in part, to budget constraints forced on the Department as a result of Michigan's declining economy over the past three years. Responsibility for reduced funding must be shared by the executive and legislative branches of government and, Director Johnson can be criticized for not aggressively pursuing additional staff and other needs in his budget requests to the Governor and the Legislature. At the same time, however, the Joint Committee recognizes the amount of pressure Director Johnson feels concerning the state's budgetary limitations.

Included in the materials submitted to the Joint Committee over the past 6 months were a number of letters and memoranda from the Governor and DMB pointing out the state's budgetary problems and the need to have the Department further tighten its belt. Although the correspondence reviewed by the Joint Committee probably represents only a small part of what actually occurs, that correspondence, along with other information we reviewed, was sufficient to point out the continuing pressure under which Director Johnson must operate. While the Joint Committee would hope that Director Johnson would advocate the Department's true budget needs with more aggressiveness, we understand his recognition of the state's budgetary limitations as well as his decision to not publicly quarrel with DMB and the Governor over the Department's true staffing and operational needs.

The Corrections Commission must also share in the blame for the Department's budgetary problems. As gubernatorial appointees, the Commission should serve as an insulator for the Director, enabling him to take more of an advocacy role in the budget process. In that context, we believe that an active Commission could protect the Director from much of the pressure exerted by other members of the Executive Branch, thus allowing the Director to advocate the real fiscal needs of the Department. Unfortunately, that has not occurred.

The Governor and the Department of Management and Budget (DMB) must also share in any criticism of the appropriations process. According to departmental officials, they were directed to keep their budget request at a minimum in FY 1982, because funds simply were not available for more than that. The Joint Committee believes, however, that DMB and the Governor could have taken it upon themselves to work with Director Johnson to ensure that, at a minimum, adequate increases in security staff were included in the Department's recent budget requests.

Lastly, the Legislature must assume its share of any criticism in this area, since the Legislature ultimately has the sole constitutional responsibility to appropriate funds. During the last three years, the Legislature has, however, funded almost all new institutional positions recommended by the Governor. While we could have taken the initiative to add needed positions which were not recommended, we must point out that the Governor could have vetoed any new funding not requested by the Executive Branch. Furthermore, the Joint Committee believes that it is the Executive Branch's responsibility to request of the Legislature the day-to-day staffing needs of our prisons. The Legislature should not be forced to make decisions on actual staffing needs, as such decisions should be a part of Executive Branch decision-making and could potentially exceed the bounds of the Legislature's constitutional authority.

Since FY 1980, reductions have taken place both during final passage of the annual appropriations bill and after the bills have been enacted. In FY 1980, the Department was required to reduce its spending of appropriated funds by \$7.7 million through forced lapses and an Executive Order. The effect of these two reductions was to reduce institutional staffing by a total of 69.0 FTE's and \$1,038,100.

In the FY 1981 budget, the Governor recommended reinstating funding for most of the positions eliminated in FY 1980. The Governor then revised his recommendations and recommended eliminating \$1.8 million and 71.9 FTE's from the institutions in order to reach his target. In order to reach its own budget target, the Legislature agreed to the Governor's reduction and then eliminated funding for an additional 53.6 FTE's and \$1.1 million in the institutions. This meant a total reduction of 125.5 FTE's and \$2.9 million from the FY 1980 base appropriated level. Even though many of these were administrative positions and all were accomplished by attrition and not lay-offs, a reduction of this magnitude certainly had an effect on the operation of these facilities. Before the close of FY 1981 the Department also made reductions of \$1 million as a result of an Executive Order.

For FY 1982, the Governor recommended, and the Legislature concurred, the re-instatement of 40.7 FTE's. In order to meet their pre-determined target, however, the Legislature was forced to reduce staffing by 67.8 FTE's and \$1.7 million prior to final passage of the bill. This resulted in a net reduction of 27.1 institutional FTE's below FY 1981. In such a labor-intensive budget, when cuts have to be made, the Legislature has little choice but to reduce staffing levels.

In summary, the Legislature has appropriated funds for 152.6 FTE's fewer institutional staff in FY 1982 than in FY 1980. Compounding this action were additional institutional staff reductions as a result of forced lapses and Executive Orders, severe cutbacks in institutional maintenance and equipment funds, the virtual elimination of any new programs or new staff, and the unspoken directive that any shortfalls in the budget had to be absorbed by intra-departmental transfers and a steadily rising prison population.

Therefore, the Joint Committee recommends:

65. THAT BOTH THE GOVERNOR AND THE LEGISLATURE GIVE THE DEPARTMENT OF CORRECTIONS FUNDING LEVEL A HIGHER PRIORITY WHEN SETTING THEIR RESPECTIVE BUDGET TARGETS FOR APPROPRIATIONS BILLS.

66. THAT THE GOVERNOR AND THE LEGISLATURE GIVE DEPARTMENT OF CORRECTIONS REQUESTS FOR INCREASED STAFFING LEVELS A HIGHER PRIORITY IN ORDER TO ENSURE THAT ALL INSTITUTIONS ARE OPERATED SAFELY AND HUMANELY AT ALL TIMES.

67. THAT THE DEPARTMENT'S ANNUAL BUDGET REQUEST TO THE GOVERNOR AND THE LEGISLATURE BE BASED ON NEED AND NOT SOLELY ON THE STATE'S BUDGETARY LIMITATIONS OR POLITICAL CONSIDERATIONS.

68. THAT INSTITUTIONAL ADMINISTRATORS AND THEIR CENTRAL OFFICE SUPERVISORS REMAIN INVOLVED IN THE ENTIRE BUDGET PROCESS, NOT JUST DURING THE INITIAL REQUEST STAGE, IN ORDER TO INFORM DECISION MAKERS OF THE EFFECTS OF PROGRAM OR POLICY CHANGES UNDER CONSIDERATION.

69. THAT BOTH THE DEPARTMENT OF MANAGEMENT AND BUDGET AND THE LEGISLATURE HAVE INDIVIDUAL INSTITUTIONAL FUNDING REQUESTS AVAILABLE FOR THEIR REVIEW.

70. THAT, IN ADDITION TO THE GOVERNOR'S RECOMMENDATION, THE LEGISLATURE SHOULD GIVE EQUAL CONSIDERATION TO BOTH THE INSTITUTIONAL AND RESULTING DEPARTMENT'S REQUEST FOR FUNDING.

Implementation of Recommendations

If the recommendations set forth in this report are to become reality, the Joint Committee and the public must recognize and accept the need for timely and effective implementation of the recommendations. This implementation will be made more difficult because many of the Joint Committee's recommendations will require funding, which must come from already-exhausted state revenue sources. In this context, the Joint Committee offers the following plan for the timely implementation and funding of our recommendations.

In the Executive Branch, the Corrections Commission is responsible for the development and implementation of Department of Corrections policies. Thus, the Joint Committee believes that the Commission should assume the responsibility for ensuring the implementation of those recommendations that address Departmental policy.

Within the Legislature, the House Corrections Committee is the only standing committee whose sole responsibility is to address corrections-related issues. Since the Committee's creation in 1975, it has devoted its full time and resources to state prison concerns. A few of the issues the Committee has addressed include the parole process, prison industries, prison overcrowding, and prison site selection.

Because of the House Corrections Committee's ability and willingness to devote a large block of time to prison issues, the Joint Committee believes that it is the best structure available to assume responsibility for the implementation

of our recommendations, especially those recommendations requiring legislative action. We also believe that other legislative committees whose jurisdiction includes corrections, such as the Senate Judiciary Committee and the House and Senate Appropriations Subcommittees on Corrections, should be made a part of the formal review process.

In addition to asking both the legislative committees and the Corrections Commission to assume important roles regarding implementation within their respective branches of government, the Joint Committee hopes that, if they choose to accept these roles, they will work cooperatively toward their goals and monitor the progress of each other's accomplishments.

We urge both the legislative committees and the Corrections Commission to begin working toward implementation immediately. It is also our recommendation that one year from the date of this report, the Commission and the Committee should report to the Governor and Legislative Leadership on the status of our recommendations.

Therefore, the Joint Committee recommends:

71. THAT THE APPROPRIATE LEGISLATIVE COMMITTEE ASSUME RESPONSIBILITY FOR IMPLEMENTATION OF THE RECOMMENDATIONS IN THIS REPORT AND THAT THEY EMPHASIZE THE IMPLEMENTATION OF THOSE RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.

72. THAT THE CORRECTIONS COMMISSION ASSUME RESPONSIBILITY FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS IN THIS REPORT WHICH REQUIRE MODIFICATIONS IN DEPARTMENTAL POLICY.

73. THAT THE LEGISLATIVE COMMITTEES AND THE CORRECTIONS COMMISSION WORK COOPERATIVELY TOWARD THEIR GOALS, AND THAT THEY MONITOR THE PROGRESS OF EACH OTHER'S WORK.

74. THAT ONE YEAR FROM THE DATE OF THIS REPORT, THE CORRECTIONS COMMISSION AND THE LEGISLATIVE COMMITTEES REPORT TO THE GOVERNOR AND TO LEGISLATIVE LEADERSHIP ON THE STATUS OF THE RECOMMENDATIONS IN THIS REPORT.

Before closing, we believe that the Governor's Special Committee on Prison Disturbances must be given credit for its work. The Governor's Committee did an excellent job and made a number of recommendations that go to the root of the many serious problems in our prisons. On the whole, our findings and recommendations are consistent with that Committee's work. We believe that this consistency points out the need for both branches of government to work together in addressing prison concerns.

The Governor's response to his Committee's work is also worthy of praise. Specifically, the Governor demonstrated his commitment to its work by asking the Legislature for a \$6 million supplemental appropriation to implement the Committee's recommendations. The supplemental request is currently being considered by the Legislature.

While implementation of most of the Joint Committee's recommendations require changes in Departmental policy and do not necessitate funding, the implementation of some of our recommendations, like the recommendations of the Governor's Special Committee, will depend to a large degree on the availability of financial resources. In that context, we wish to point out that funding for recommendations numbered 6, 7, 8, 13, 18, 19, 23, 32, 50 and 56 is provided in the Governor's supplemental request.

A number of our other recommendations will potentially be implemented through federal financial assistance and may only require limited state funding, at the most. Those recommendations are numbers 23, 37, 38, 42, 48 and 54.

The most troubling problem facing the Joint Committee, however, is the question of how to fund the implementation of recommendations numbered 5, 9, 10, 35, 41, 45, 53, 62 and 63, which will require some state financial commitment in Fiscal Year 1983. In that regard, the Joint Committee offers no easy solutions. We believe, however, that the legislative committees can, as part of their monitoring role, ensure that these recommendations are presented to the House and Senate Appropriations Committees for consideration during the budget process. Additionally, we believe that the legislative committees should develop specific funding options for each recommendation requiring funding and present them in writing to both Appropriations Committees before the budget process for Fiscal Year 1983 begins.

Therefore, the Joint Committee recommends:

75. THAT THE GOVERNOR'S \$6 MILLION SUPPLEMENTAL APPROPRIATIONS REQUEST BE APPROVED BY THE LEGISLATURE, WHICH INCLUDES FUNDING FOR RECOMMENDATIONS NUMBERED 6, 7, 8, 13, 18, 19, 23, 32, 50 AND 56.

76. THAT THE LEGISLATIVE COMMITTEES, AS PART OF THEIR OVERSIGHT ROLE, DEVELOP FUNDING OPTIONS FOR EACH RECOMMENDATION REQUIRING STATE FUNDING, AND PRESENT THOSE OPTIONS IN WRITING TO THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES BEFORE THE BEGINNING OF THE FY 83 BUDGET PROCESS.

*See ACA 4310 et seq, for specific policies viz. the disciplinary process.

*The problem of transferring prisoner records appears to affect all areas, not just education. Therefore, we would recommend the development of a policy with a broader application than just education records.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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December 11, 1981

VICE CHAIRMAN:
CIVIL RIGHTS
MEMBER:
EDUCATION
JUDICIARY
CONSTITUTIONAL REVISION
& WOMEN'S RIGHTS

Representative Jeff Padden
The Roosevelt Building
Room 560

Dear Representative Padden:

After signing the final report of the Joint Committee to Investigate the Prison Disturbances, I am forwarding you my personal views and comments on some issues which I would like included with the final draft.

I have serious reservations about a prison system that has seemingly failed with over half of the people that have entered into the system. From 1971 - 1980, the yearly recidivism rate was in excess of 50% , if the rate is computed by comparing the number of repeated Michigan offenders returning into the system to the number of offenders paroled from the system.

Our administration policy or philosophy is wrong when we have this high of a recidivism rate!

I strongly disagree with Recommendation 2. We should not force maximum, close custody and medium security institutions into communities where those institutions are not wanted. Most prisoners assigned to these institutions are in for long periods of time because of serious crimes that they have committed. These prisoners can be best handled in locations of the state where the residents of that locality are already trained to handle hardened criminals.

I also strongly disagree with Recommendation 3. Affirmative Action has had a negative effect in our society. We should be concerned about the quality and sensitivity of the individuals that are selected to run our institutions, not about their racial characteristics. Female staffing had no effect on the prison disturbances. The inclusion of this item in Recommendation 3 and "sex role stereotyping" in Recommendation 6 are only recommendations in reaction to the so called "women's rights" movement. These sexism issues had very little bearing on our discussions.

Recommendation 36 This recommendation should only be adopted if it is voted on by the people of the state of Michigan. The voters took away "good time" and they should be the ones to reinstate it.

While I do have minor reservations about a few of the other recommendations, most of the report and the recommendations seem to be sound.

Sincerely yours,

ALAN CROPSY
Member Joint Committee on Prison
Disturbances

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MEMBER OF COMMITTEES ON:
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VICE CHAIRMAN, SUBCOMMITTEE ON
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HIGHWAYS AND TRANSPORTATION
DEMOCRATIC CAUCUS
MEMBER, CAPITAL OUTLAY

Supplement to The 1981 Report of The
Joint Committee to Investigate Prison Disturbances

The charge of legislative leadership to our Joint Committee to investigate prison disturbances was that the "key concern should be statutory policy and funding decisions made by the legislature" in as much as they had or will have an impact on corrections as part of the criminal justice system of our state. It is an error for our committee to act as though we were auditors from the executive office, whose function it is to clean up the executive's act: we are a separate branch of government with legislative responsibilities. We spent, as part of our public trust, a great deal of time being enlightened, lectured and instructed in a multitude of areas which bear on legislative and appropriations changes we can and must make with respect to the following areas in which changes are needed:

- I. Preventive legislative measures especially which concern children, youth and decriminalization of certain statues; incarceration prevention, reconciliation, victimization prevention and restitution.
- II. Changes in sentencing practice and procedures relating to incarceration (probation, formalization of community corrections).
- III. Legislative mandates concerning the structure and shape of the corrections system: changing legislative mandate of parole function, mandate, role and function of incarceration sites. Change Corrections Commission to reflect community; mandate prisoner safety; deal with institutional racism.
- IV. Mandate by legislation the function and means of incarceration in line with rehabilitative corrections goals. Set proper roles of administration, employees, whether maintenance or corrections as well as prisoners, family and greater community. Require management by objectives (MBO) be attached to all appropriations. Safety lockouts mandated. Prisoner environment report required.

- V. Re-integration into community life; parole definition and re-integration.
- VI. Structure for carrying out legislative program on corrections - greater social picture concerning political economy.

Prior to making specific recommendations a few observations should be made about the political economy of corrections. We gravely delude the public when we allow the current prison mythologies to govern and lead public debate, discussion and policy-making. Our committee heard documented evidence that prisons, as constituted today, whether prisoners are rioting or quiet inside and/or continue rioting through lawless living outside the walls, upon release, are a counterproductive failure which we must no longer compound.

We only aggravate our problems, reinforce and magnify class and racial division by lengthening sentencing, non-uniform sentencing, failure to use parole and probation properly and failure to correct, habilitate or rehabilitate while incarcerating. Prison has a crucial legitimate role in the criminal justice system only if it is highly structured, focused and targeted within it's competence and reasonable expectations. The present system is not so structured and serves primarily as a stomping and breeding ground for hatred, criminal skill refinement and storage resulting in even more crippling of personal development and sociability.

The result is we release deadly human time bombs far more dangerous than we got into the system. Far too often our prisons and our ghettos are mirrored in each other. We have the dubious distinction of incarcerating more people than any other nation on earth except the U.S.S.R. and the Union of South Africa and with South Africa alone, share the largest proportion of non-white prisoners in multi-racial, pluralistic societies on earth, while having a low proportion non-white minorities in our population. Our incarceration rate is not governed by the victimization rate of crime; rather it is governed by the unemployment curve and the limited resource share in society and the availability of expensive prison beds.

The cost effective disparity in our prison system is outrageous: We pay enough for each cell bed we build to house comfortably at least two large families; \$50,000 to \$80,000 per bed; we pay annual maintenance costs per prisoner sufficient to send each one to Harvard at full tuition, room, board, expenses, plus first class European, Latin American, African or Asian summer tour. At the same time, we absurdly assign over 100 offenders to each probation or parole officer whom we pay less than \$30,000. For the cost of one average prison cell, we could tightly structure the rehabilitation in the community of 28 prisoners instead of housing one; with current "per bed maintenance" funds we could encourage and/or provide jobs for the hardest to place, thereby encouraging long term rehabilitation. Before detailing recommendations, we want to deal with defining those who society and the offender must have incarcerated. There are those people in our society who through habituation, compulsion and/or choice act out in a criminally violent or hardened and committed criminal career pattern and it is imperative for their own and societies protection that they be incarcerated. It is equally imperative these persons be socially habilitated in the first place, or rehabilitated, in a program that is highly structured, focused, targeted and changed as experience requires. It is a mortal danger to the social fabric, as well as the incarcerated person, to merely store them or even worse, leave them to thier own services. Time used wisely is a context for healing and restructuring and if ignored becomes the instrument of decay, regression and violent corruption.

Finally, it must be said that apart from those mysterious elements of evil, over which we have even less control than understanding, most crime springs from desperate social conditions, where elementary material justice is either denied or seriously over or malindulged in our morally impoverished culture, and hyper consumptive society. This means that we must reassess our public moral standards and postures as well as provide the correct material conditions and benefits which will reasonably insure the

wholesome development of children, youth and family life, which is the precondition for personal nurturing and socialization: both social justice and rational cost-effectiveness dictate this approach as sound public policy. We speak of cost effectiveness having in mind that the greatest capital loss possible is the loss of the creative productive powers of the human person to a life of vegetation or villany and violence especially whereby that persons dependencies become society's burdens. We must instead seek to intercept and rescue lives so that people will be strong, independent, creative centers of contribution to social well being and not the social threats people become as a direct result of social neglect and malformation. To these ends I recommend:

1. Inasmuch as the hallmark of criminal life has at its core a person who was either socially, physically, emotionally, sexually or psychologically neglected and/or abused, we must, after keen analysis and specific targeting, increase our programs and outlays for preventive and remedial programming for children and youth, which will divert even greater later expenditures and add producers and contributors to our social fabric.
2. We must immediately undertake to determine which laws we must decriminalize and change to civil sanction or drop all together, so as to minimize costly, needless and destructive incarceration.
3. We must establish, at the precinct level, community based and controlled programs, recognized by authorities; programs to intercept persons prior to warrants being issued so that restitution, reconciliation and preventive as well as corrective steps can be taken to intercept potentially criminal career patterns from even beginning.
4. We must change our criminal reporting, analysis and programming to reflect dealing with actual victimization of crime dealing with white collar as well as street crime.
5. We must expand our corrections commission to more accurately reflect the population impacted by its work to increase minority and working class representation including prisoner representation from lifer and non-lifer categories including women and including prisoner family representation and corrections oriented social work behavioral experts as well; this should lead to more effective informed policy making.
6. We must set minimal, operative, concrete standards for prisoner and correctional personnel safety and correctional effectiveness; we must monitor by regular reporting and reorganize, close down and/or disperse institutions which fall below standard. We must require as well reports

detailing, according to pre-set standards, the level of effective correctional rehabilitative and habilitative programming. These standards should be set and revised by a joint effort between corrections, academic and hands-on social work and police agencies as well as community, citizen input.

7. Each person entering the corrections system at any level should be required to work out and commit to a program of specific lock-step corrections rehabilitation or habilitation programming, adjusted according to progress.
8. We must make greater use of probation as a diversion and corrections tool by redefining the object of probation and even parole, developing and rewarding efforts which prevent incarceration and develop constructive citizenship. We must forbid probation and parole caseloads from exceeding a pre-determined, workable, effective level and insist upon parole/probation contracts which will succeed in rehabilitation, restitution and reconciliation.
9. We must insist on a specifically developed management by objectives statement accompanying all appropriations requests so that we are aware how the money to be spent fits into an overall rational mutually supportive program.
10. We must express dissent from items 18 and 19 on page 32 of our report. In my view, for an institution to approach, let alone operate, at or below critical compliment, constitutes in and of itself a state of emergency, which must be fully anticipated and prevented. Most importantly the safety and integrity of all persons and the success of their rehabilitative custodial mission is indeed "critical".
11. We must expend greater appropriations for the purpose of advancing highly focused and structured, vocational, educational and socialization opportunities in the corrections setting, be it in or out of prison.
12. Finally, we must call for the formation of a blue ribbon panel of persons from the public at large, the churches, business, industry, labor, law enforcement and the legislature to put into practice and effect all our recommendations.

DSH: bc/tc

ACKNOWLEDGEMENTS

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Mary Kay Scullion, Co-Director, House Democratic Research Staff
James Boyd, aide, House Corrections Committee
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Susan Herman, Office of the Legislative Corrections Ombudsman
Clayton Burch, Office of the Legislative Corrections Ombudsman
Robert Katz, House Democratic Research Staff
Diane Smith, House Democratic Research Staff
Lynn Egbert, House Democratic Research Staff
Suzie Garcia, House Democratic Research Staff
Dick McKeon, House Fiscal Agency
Ray Tamminga, House Fiscal Agency
Thomas L. Patten, Department of Corrections
Pam Creighton, Senate Democratic Staff
Kevin McKinney, Office of Senate Majority Leader
Lynn Weimeister, House Republican Staff

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June 2, 1981

Mr. Thomas S. Husband
Clerk of the House
State Capitol
Lansing, Michigan

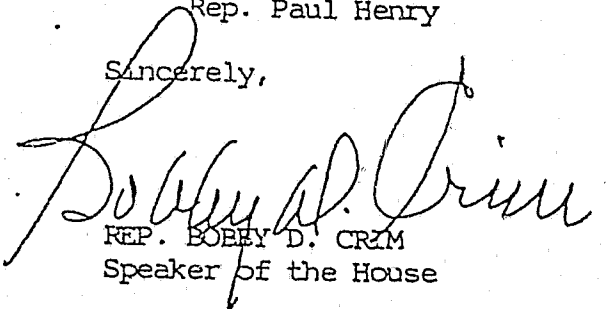
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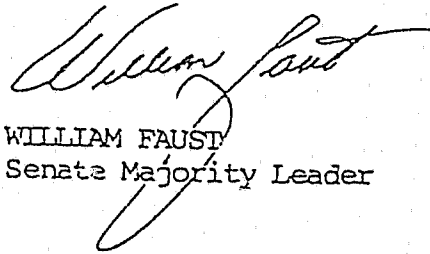
Gentlemen:

We are hereby appointing the following members to serve on the Joint Committee to Investigate Prison Disturbances:

Rep. Jeffrey D. Padden, Chair	Sen. Basil Brown
Rep. Michael Griffin	Sen. David S. Holmes, Jr.
Rep. Leo LaLonde	Sen. Mitch Irwin
Rep. Carolyn Cheeks Kilpatrick	Sen. Edward Pierce
Rep. Gary Owen	Sen. Phil Arthurhultz
Rep. Alan Cropsey	Sen. John S. Mowat, Jr.
Rep. Paul Henry	*Sen. Robert VanderLaan

Sincerely,


REP. BOBBY D. CRIM
Speaker of the House


WILLIAM FAUST
Senate Majority Leader

bd/riots4

* Sen VanderLaan was replaced by Senator Harry Gast shortly after the creation of the Joint Committee.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS
CORPORATIONS AND FINANCE
SENIOR CITIZENS AND RETIREMENT
LEGISLATIVE COUNCIL

December 16, 1981

MEMORANDUM

TO: Speaker Crim
Senator Faust

FROM: Rep. Jeffrey D. Padden, Chair, Joint Committee to Investigate
the Prison Disturbances ^{SDI}

RE: Letter of Transmittal

Please note that the Joint Committee's letter of transmittal does not include the names of two Joint Committee members, Senators Gast and Mowat.

Because of other legislative commitments, Senators Gast and Mowat were not able to participate in the Joint Committee's deliberations as fully as they would have liked. Both senators informed me that because of their limited participation, they did not want to make any judgments, positive or negative, on the Joint Committee's work. Thus, they requested that their names be removed from the letter of transmittal which accompanies the Joint Committee's report.

P R E L I M I N A R Y

R E P O R T

Rep. Jeffrey D. Padden
Chair
Joint Committee to Investigate
the Prison Disturbances
July 7, 1981

On June 3, 1981, Speaker of the House of Representatives Bobby D. Crim and Senate Majority Leader William Faust announced the appointment of a Joint Committee to Investigate the Prison Disturbances. That 14-member Joint Committee has met formally twice a week during the month of June and will continue to meet and take testimony over the summer months. The Joint Committee has also spent two days at the State Prison of Southern Michigan, one day at the Michigan Reformatory and one day at the Marquette Branch Prison interviewing staff and prisoners. On-site interviews have focused on lower- and mid-level administrators and staff. The Wardens of each of the institutions testified before the Joint Committee in Lansing.

In preparation for the on-site and Warden interviews, the Joint Committee's staff has spent extensive time in each of the institutions conducting preliminary interviews--the results of which have been summarized and furnished to the Joint Committee prior to its own interviews.

In all, staff interviewed approximately 115 prisoners and 70 staff and administrators. Joint Committee members interviewed a total of 12 prisoners, 12 staff and 12 administrators. Testimony was also received from Director Perry Johnson, Deputy Directors Robert Brown and Alvin Whitfield; Dick McKeon of the House Fiscal Agency; Leonard Esquina, Jr. the Legislative Corrections Ombudsman; Mr. Gerald Fryt, President MCO and David VanKoevering, Field Representative, MCO.

In appointing the Joint Committee, Speaker Crim and Majority Leader Faust emphasized that the key concern of the Joint Committee should not be the specifics of each of the disturbances and the causes immediately preceding them. Rather, the focus should be on statutory policy and funding decisions made by the Legislature and the impact of those actions on tensions within the prison system. While the Joint Committee has, for the most part, focused its discussions accordingly, it has also become clear that underlying policy considerations cannot be divorced from the immediate causes of the riot. Thus, this preliminary report will, to a limited degree, focus on some of the more immediate issues as well as the policy considerations.

Because the contents of this preliminary report were assembled from the suggestions of members and staff, each item does not necessarily reflect the positions or perspectives of all members of the Joint Committee. Each member will have an opportunity to react to the findings summarized here as the development of the final report proceeds. This preliminary report should therefore only be viewed as a working document.

While every possible effort was made to insure that this report accurately represents the direction in which the Joint Committee is headed, I must assume sole responsibility for it.

As noted above, the Joint Committee will continue to function over the summer months to allow completion and formal adoption of the final report by early fall.

JEFFREY D. PADDEN, CHAIR
Joint Committee to Investigate the
Prison Disturbances

STATE PRISON OF SOUTHERN MICHIGAN

Michigan has long "enjoyed" the dubious distinction of having the world's largest walled prison. In the recent past, plans have been carried out to break the institution into more manageable portions so as to insure greater public protection as well as staff and prisoner safety. But one of the major portions of those plans remain undone--the division of the Central Complex into at least two portions via a security fence.

We strongly urge that this division occur as quickly as possible and that all other necessary steps, including re-classification of the inmate population according to security levels and strict limitations on the number of prisoners on the yard at any given time, be taken to assure that the Central Complex population is more manageable and thereby less prone to predatory/assaultive behavior. We recommend full legislative support for these changes.

One of the problems which appears to be unique to SPSM is the adaptation to the relatively new role of the Warden as Regional Administrator. As outside observers, it appears to us that this mingling of the two functions poses serious problems at this institution for all persons concerned viz. the chain of command and who bears the day to day responsibility for each of the SPSM complexes. Therefore, it is highly desirable that as the Central Complex is divided and management functions are re-defined and re-distributed serious thought be given to the unique position and the role of the Regional Administrator/Warden in the day-to-day operations of the prison and the region.

During the course of our interviews at SPSM, it became crystal clear to us that prisoner violence toward other prisoners, as well as staff, was the most serious problem confronting the institution's management. In this context, it is noteworthy that Warden Mintzes had made the elimination of assaultive/predatory behavior among the inmate population a top priority, and that he had succeeded in re-exerting sufficient control over the Central Complex so that the level of violence had been decreasing significantly since the first of the year. Although violence related problems still remained to be resolved, we firmly believe that prior to May 22nd, significant inroads had been made in controlling the institution.

MICHIGAN CORRECTIONS ORGANIZATION

Regrettably, we have been forced to conclude that early reports of the attempted usurpation of administrative functions by the MCO Leadership at SPSM very likely occurred. Although we have concluded that there are sufficient indications to warrant a finding that some non-authorized event(s) occurred, many unanswered questions remain about the specifics of the actions that actually preceded the first SPSM disturbance. For example, while there is disagreement about whether the initial lockdown on May 22 was normal procedure, it is clear that MCO intended to keep the prisoners locked in their cells longer than normal and to conduct an authorized shakedown. We also feel confident in stating that the lockdown was pre-planned and that the injuries suffered by Officers Kelley and Barber on Thursday, May 21st only served to precipitate the action earlier than planned. (We use the word pre-planned advisedly. We had two independent union sources inform us that the lockdown was being planned prior to the injuries of May 21. Their stories differed from the actual, only in that the date of the planned lockdown/shakedown was to have been in June.)

MICHIGAN REFORMATORY

It is less easy to talk about MR because the issues there are less clearly defined. For example, there appears to be a consensus among all parties, except at the upper levels of institutional management that racial differences present a different problem. There also appears to be some agreement that the disturbances there were triggered by media accounts of the SPSM riots. But, there are also those who argue that it was spontaneous, as well as a small number of persons who alleged that it was pre-planned.

In light of this, recommendations must be delayed until further investigation and discussions can take place.

MARQUETTE BRANCH PRISON

The situation with regard to MBP is very similar in some respects to that of MR. There appears to be some consensus that race plays a critical role in the development and growth of tension there. As at MR, there is disagreement as to the relationship of the disturbance to the renewed trouble at SPSM as well as to whether or not the disturbance was planned. In fact, it appears that the only clear-cut issue at MBP is the general dissatisfaction of the prisoners and, as expressed by Warden Koehler, some degree of upper level management dissatisfaction with the 2-10 shift.

As with MR, we feel that no specific recommendations can be made without further investigation and discussion.

PRISON DISCIPLINE

The most recurrent theme heard throughout Joint Committee and staff interviews was that there was no effective vehicle for enforcing prison discipline. Almost all of the parties talked to, regardless of whether they were employees or prisoners, agreed that Proposal B of 1978 and the resulting loss of good time took away the most effective management tool the Department of Corrections had. As a result of longer sentences and no good time, an increasingly large portion of Michigan's prison population is serving long, flat sentences. For persons in this category there is no reason or incentive for them to adhere to institutional rules or refrain from assaultive/predatory behavior.

Given 2+ years of experience with this no good time system, we can only conclude that it was a contributory cause of the disturbances and that the outright prohibition of good time, or a similar type of mechanism for rewarding good institutional conduct, may be unworkable. At the same time, it is important to keep in mind that Proposal B was implemented through the extraordinary action of the People in exercising their right of initiative. In this context, it is critical that the law be carefully reviewed and that any corrective action, if necessary, be taken only after the most thorough public discussion of the issue and the development of a broadly based consensus on the most appropriate steps to take.

A second area of concern was the major misconduct process. In fact, interviewees were almost unanimous in their criticism of the current system.

But, as we attempted to get clarification of individual concerns, it became less clear to us what the problem is. The issue has been further clouded by a recently completed in-house review of the hearings process by the DOC, suggesting that the perceptions of the system's failings far outstrip its actual failures. At the same time, the study concedes that the process is operated very differently and relatively ineffectively at SPSM as compared to other institutions.

It is therefore our intention to focus some of our future discussions on the hearings process per se in an effort to develop a comprehensive understanding of the issues it presents, so that we may better judge what, if any, changes may be necessary in the system.

DEPARTMENTAL EMPLOYMENT POLICIES

This issue will require further study before specific recommendations can be made; however, we will not be starting this process from scratch. Interviews, departmental reports and our own staff reports indicate that there are several specific issues that warrant careful scrutiny. For example, the warden and the three deputies at the State Prison of Southern Michigan have changed in the last year and, of late, several of the assistant deputy positions have changed or are changing. Not only is this a problem in terms of SPSM's operations but these changes have far-reaching results for all of the other institutions in the system.

At the same time that the level of turn-over among top level administrators appears to be excessive, particularly at SPSM, there appears to be a relatively stable middle management cadre at the institutional level. If this is an accurate perception, then it is imperative that future Joint Committee deliberations focus on this issue in an effort to determine why that is so and what impact that phenomenon has on institutional operations.

In addition to what appears to be a relatively high rate of upper management turnover, there appears to be an excessive rate of lower level staff turnover, particularly in terms of custody staff. While this may not, in fact, be the case at most institutions, it is the situation at SPSM and, as such, also warrants further consideration.

The turnover rate of employees is not the only issue which warrants further investigation and discussion. Repeatedly, we have heard staff and administrative complaints about basic departmental employment policies. Included within this broad heading are such issues as pre-employment screening, particularly custody staff, the inadequacy of staff training and the failure to adequately evaluate custody staff, so that only those persons who are suited to work in a prison environment are given permanent status. Another key employment issue warranting further deliberation is the racial composition of DOC staff, with particular emphasis on custody positions.

The concept of critical versus full complement staffing must also be explored in depth. Once we got beyond the unanimity of concern about the issue, the only thing that was clear to us is that there isn't even a consensus as to what constitutes a full versus a critical complement of staff. We also heard the term "shutdown critical", although we have not found that term

defined in DOC policy. Given the importance of this issue in terms of staff and prisoner safety as well as the appropriations process, it is our intention to focus a considerable amount of our time and attention on this issue during the coming weeks.

THE APPROPRIATIONS PROCESS

If Michigan is going to operate a prison system and operate all of the prisons within that system, then the system must be funded at a level designed to protect the public and ensure the well-being of staff and prisoners.

If there is one clear cut area in which the Department and Director Johnson can be faulted, it is in the appropriations process. It has become distressingly apparent that the annual budget presented to the Legislature by the Governor and supported by the Department falls short of the actual dollars needed to operate the Department at a safe and humane level.

The current budget process, whereby the Department of Management and Budget--not the Department of Corrections--makes the final decision on DOC needs and priorities is unacceptable. It becomes even more unacceptable in the context of the insulation that should be afforded the Director by the existence of the Corrections Commission. As a result of the Commission's role in the selection of the Director and supervision of the Department, we fail to understand why it does not exert its influence to protect the Director from the ire of other Executive Branch personnel who may be unhappy because he argues for the Department's real, as opposed to DMB decided, fiscal needs, thereby insuring more realistic budgeting.

It could be suggested that the Legislature should have looked beyond the executive budget to the Department's requests. But without the Director's active support and participation in this process, such a process would have substituted legislative for executive branch decision-making on the day-to-day operations and fiscal needs of an executive agency, thereby potentially exceeding the Legislature's constitutional authority.

THE LOCKDOWNS

Although we recognize and accept the fact that there are problems and risks involved in a decision to return the three prisons to normalcy, we believe that we must resolve those problems and move as expeditiously as possible to return the three institutions to normal. While the definition of "normal operations" may change as a result of the disturbances, indefinite continuation of the lockdown can only further jeopardize the safety of staff and prisoners.

OTHER CONCERNS

While there has been considerable rhetoric over the last several years on the issue of prison overcrowding, from members of the Legislature and others, we feel confident in stating that it was not a triggering factor per se in the disturbances. This is not to suggest that it has not posed serious problems for the Department and the prisoners it is responsible for. Rather, it is intended to point out that the most serious result of overcrowding is the lack

of flexibility which the Department and its institutional managers have in operating a safe and humane prison system.

One factor which we feel confident in concluding did not serve to heighten tensions in the system is the Prison Overcrowding Emergency Powers act. Beyond its potential impact in terms of easing space limitations and increasing management flexibility, we could determine no other indications of impact, either positive or negative, on staff or prisoners.

One problem which deserves, and will receive, attention by the Joint Committee during the coming months is the prisoner grievance system. All parties were unanimous in their discontent and disillusionment with the system as it stands.

We anticipate making specific recommendations in our final report on necessary improvements in security, training, discipline and staffing in our prisons. We also believe that it is imperative that the current efforts of the Department and the Michigan Corrections Organization to find workable solutions to these problems continue. Only through cooperative efforts by all parties involved will a mutually satisfactory resolution to the problems be made.

THE LEGISLATURE
STATE OF MICHIGAN
LEGISLATIVE COUNCIL
**Office of Legislative
Corrections Ombudsman**

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Leonard Esquina, Jr.
Ombudsman

DATE: October 19, 1981

TO: Joint Legislative Committee on the Prison Disturbances

FROM: Leonard Esquina, Jr., Ombudsman *LEJ*

RE: Status Report on the Michigan Reformatory (MR); State Prison of Southern Michigan, Central Complex and North Complex (SPSM-CC; SPSM-NS); Marquette Branch Prison (MBP); Post-Disturbance Changes; Lock-down

Responding to your request for a "status report", our staff updated and compiled our on-going knowledge of the status of these institutions. Our awareness of the respective status is great at SPSM; somewhat less at MR; and even less at MBP.

We created our outline for this report based on our perception, with general guidance from Jim Boyd, as to relevant considerations which could be attributed to post-disturbance reactions. In general, we focus on 1) Internal Activities in General; 2) Inmate Programs and Privileges; 3) Out of Cell Movement; 4) Staffing Changes and Policies Regarding Staff; 5) Physical Plant Changes and Miscellaneous Factors of Significance to the Specific Prison.

General Comments

The general status of the prisons after the disturbance is characterized by less out-of-cell movement for inmates. Additionally, fewer inmates are allowed to congregate at one time. There is much more awareness on the part of the institution administrations concerning staff compliments and more "consulting" with the union.

Physical plant changes, aside from the destruction and subsequent repair of property, has been aimed at restricting inmate movement and mingling. Regarding the destruction of property occasioned during the riot, not all has been repaired. While the basic operation of the affected institutions has been restored, some inmate programming and work assignments have been curtailed or disrupted.

Most administrative disciplinary action against the inmates has taken place. Court actions, especially in Marquette, are progressing, albeit slowly. The mood of the inmates is difficult to gauge. Routine complaints such as property grievances, privilege denials, etc., continue. There is discussion regarding negative staff attitudes, harassment and brutality. A paradox of description exists concerning the inmates, being peacefully quiet or ominously quiet. There have been some inmate-concerted action, but not of a disruptive nature.

Staff attitudes remain remarkably unchanged, especially at SPSM. Cries of shortages of personnel continue there. The most remarkable factor concerning staff at SPSM is the drastic changes in staff highlighted by the departure of many experienced middle-management employees.

SPSM-Central Complex

Inmate activities at SPSM-CC have been drastically curtailed. Aside from Alcoholics Anonymous, other leisure time group activities are not in operation. Special activity groups, which were plentiful and active at the Central Complex may be active sometime in the future, but there is no doubt that they will be luxuries.

Volunteer groups have not reactivated. Religious organizations and services are operational, but on a limited basis.

There are no movies.*

Usage of the law library has been drastically cut from a possible four hours per day to around two hours per week.

The Spectator, the prison newspaper, is not publishing.

The Warden's Forum group is in operation.

More routine programs such as school assignments and industry jobs are in operation, but at an apparently reduced rate.

Out-of-cell movement is perhaps the biggest source of change. For example, where an inmate without an assignment of any sort might have been out of his cell for 15 hours a day before the disturbance, he may now be out of his cell for only four to five hours. This out-of-cell movement includes time out for meals and yard for, at most, one hour a day. At SPSM, it is now required that inmates choose between meals, yard or showers, for example.

Men on assignments because of their assignments maintain more out-of-cell time, but there is no doubt less time for them to have leisure time out-of-cell.

Meals are being served block by block, with much more effort by staff to speed up the return of inmates to their cells after meals.

Store hours have been curtailed with strict dictates as to who uses it (two galleries at a time) and when. Additionally, the items available at the store have been cut.

* Movies were purchased via the Inmate Benefit Fund. As a result of the disturbance, all monies in that fund are exhausted.

Phone privileges have been restored.

Visits are back to normal, with a major difference, being that inmates waiting for visits no longer are allowed to congregate in the large expanse of the Control Center, but are made to wait at the cramped Control Center-Annex.* Some increase in delays in receiving visits is noted.

Property controls had been being streamlined prior to the disturbance. Throughout the system, with the notable exception of Marquette, property limits seem to be more strictly enforced. While the disturbance may have been an accelerating factor, this phenomenon may well have occurred even without a disturbance.

Staff has vacillated in their attitudes since the disturbance. Immediately after the disturbance, an influx of 48 employees came from the Northside Complex as a result of the destruction of the modular units. At that time, a joint central office, institution and union review of staffing patterns took place. This resulted in some cutbacks in some areas. A noticeable suggestion arising out of this period is the intended placement of a sergeant in every unit.

In late August, budget considerations brought about a reduction in staffing, which caused stir among staff.

One area where an increase in staff seems definite is in the main segregation unit (5-East).

As mentioned earlier, the Central Complex staff has gone through a marked change in some key positions since the disturbance. While most of the changes can be attributed to the opening of the Huron Valley Men's Facility, it appears that the disturbance accelerated the interest in many staff in desiring transfers.

The key positions where changes have taken place are in the manager of food services, the infirmary medical director, assistant deputy for housing, at least one resident unit manager, internal investigation and the promotion of one officer to that vacant resident unit manager position. There are more trainees in the blocks.

It was mentioned earlier that a less experienced staff is now at the Central Complex. This is not meant to be a criticism of the staff that have replaced the more senior employees who left, but just a statement that the post-disturbance staff are not as experienced in the workings of SPSM-CC.

The union does not seem to be completely pleased with the situation, still arguing that more employees are needed.

The uniform policy at Central Complex is definitely being enforced more strictly than in the past, causing some friction.

* There has been some discussion that there will be an elimination of the use of the Control Center as a means of lessening inmate traffic in that area.

An addition of a grievance officer at Central Complex is in the works.

Physical Plant changes are highlighted at Central Complex by the erection of the fence which is designed to separate the North from the South yards. The intricate system of gates is designed to limit the mingling of South and North yard residents.

There is speculation that the main administrative offices in the Central Complex will be replaced with infirmary personnel and that the deputy office staff will be housed in the soon-to-be vacant Parke Davis building. This is intended to again limit the need of North yard residents from having to go to the South yard for sick call.

A serious complaint had arisen with the onset of colder weather of cold units. The disturbance caused much window breakage. Most windows as of this writing had been replaced.

Finally, much more attention is being paid to the need of passes or details for inmate movement throughout the institution.

Conclusion--SPSM-CC

The main feature of the post-disturbance Central Complex is the much restricted out-of-cell movement for non-assigned inmates. The North yard, which once was filled with inmates for most of the day, is now mostly vacant.

Northside (SPSM-NS)

Of all the facilities surveyed, Northside seems to have returned more to pre-disturbance normalcy than the other affected institutions. Most organized inmate leisure activities are back in operation, e.g. HASTA, Lifers Association, etc. While the activities are back to normal, a chronic complaint of lack of supervision for these activities seems now to have been resolved in favor of staff.

The law library is open, with liberal hours.

Most assignments, work and school, are going full-tilt. There is a concerted effort by the Northside administration to free itself of those inmates who refuse assignments.

Yard time in hourly amounts seems to be approximately the same while instead of it being daily, it is every other day. This is due to a new routine whereby the last block to eat goes to yard and the eating schedule rotates from one block to another. This is an attempt to minimize the mingling of 1- and 2-blocks. Those inmates on assignment will have night yard which will continue into the winter by using the gymnasium.

Phone privileges are back to normal, but appear enhanced since additional phones have been installed.

Staff, as a direct result of the destruction of the modular units, has been cut. The destruction of the modular living units, however, seems to be a blessing in disguise for the Northside, since it is now much more manageable due to the reduction in population and the increased visibility.

It was presented to us that the staff-administration relationship was good with bi-weekly meetings being held.

Northside seems to be struggling with its attempts to establish an identity separate from the Central Complex. A fear that the dissatisfaction in 3- and 4-blocks will spread to the Northside as occurred in the disturbance exists. All efforts are being made to limit this interaction. An example of this is the assumption of the stamping of inmate clothes by Northside instead of the Central Complex.

Northside has always felt that it was the "dumping ground" for Central Complex overflow. Even though it is classified as a medium custody facility, it, in reality, was a quasi-close custody complex. There is a sense that the proposed restructuring of the Warden-Regional Administrator positions will benefit the Northside complex in that the priority treatment of Central might cease.

The Physical Plant at Northside still suffers the effects of the disturbance. Food services is still operating at about half efficiency, which cuts down on potential increases in inmate leisure time activities. The gymnasium is repaired, but the school is laced with broken windows which, when boarded up, creates a visibility problem.

While not attributable to the disturbance, the locking mechanisms at Northside are said to be "falling apart".

Another change in the physical plant is the elimination of any residence in the remaining two modular units to be replaced by administrative offices. This will effect the change of providing more access to these services due to their being inside the institution.

Conclusion--SPSM-NS

Northside seems to have benefitted somewhat from the destruction of the modular units. As Director Johnson indicated before the Joint Committee, they were not wanted and their loss is not disturbing.

Once the remaining disturbance-related damage to the food services area and the school building are repaired, the Northside will be in "better" shape than before the disturbance.

Michigan Reformatory (MR)

Inmate activities at MR are somewhat back to normal. Groups such as Alcoholics Anonymous and Narcotics Anonymous are functioning, but with fewer participants. Religious groups are active, although outside lay groups are not active, having been

placed on the "back burner" for now. One-on-one religious counselling via the visiting room is occurring. The only projects in the works are Toys for Tots and the Jaycee's Christmas Package Program.

The Hilltop News, the prison newspaper, is scheduled to be issued at about the time of this writing. The Hobbycraft Program has the same amount of participants.

There are no movies being shown, but it was noted that this was to be eliminated prior to the disturbance as being too expensive.

The above-mentioned activities are being used by fewer residents. When asked why, it was stated as being due to the realization that many of the participants were implicated in the disturbance, thereby either being placed in segregation or transferred out of MR.

School programs have been severely restricted due to the complete destruction of the academic building. Classes are now being held in C-Ward. The institution hopes to be able to have modules purchased for school programs within two to three months.

Work assignments are back to the regular routine, while with fewer numbers. More screening is being done of work details, with a result being fewer assignments.

Meals and food services seem to be back to normal. All meals are being served in the mess hall, with one hour and 20 minutes given for the meal period. With the destruction of the MR kitchen during the disturbance, an old classroom and other temporary areas are in use. The dormitory kitchen is also assisting in the meal preparation.

Store hours for resident purchases coincides with yard period, which is two to three times per week for an hour. If an inmate has time, he can go to the store and spend the remainder of the hour in the yard. There has been a 150-item ceiling placed on the store.

The law library is now on a "check-out" basis, from 8:30 - 10:00 a.m., Monday and Wednesday.* The regular library is opened throughout the week, some mornings and evenings, and most afternoons.

Yard time for general population residents is two or three times a week for one hour. General segregation inmates receive yard a "couple" of times a week. Main segregation residents are allowed yard only eight at a time.

Yard has been restricted to assure that no more than 250 inmates at a time are on the yard. It used to be that a block at a time would be allowed out, which was about 500-plus inmates. Now, floors are allowed out to reach the 250-person level.

* Some disagreement exists on this point. One official indicated that the law library was used everyday.

Phone privileges amount to two to three times a month, with no limit to the length of the call.

Visits are "back to normal", except instead of a three-hour maximum per visit four times per month, it is now unlimited time from 8:00 a.m. to 5:00 p.m. Contact visits, temporarily restricted for those involved in the disturbance, have been restored.

Showers are available to non-assignment residents in the morning and for those on assignment at night. Those in general population "technically" can take showers every day.

The MR Warden's Forum has met approximately three times since the disturbance.

Medical services are available 24-hours a day. One change has taken place whereby residents can put "kites" in a "kite box" concerning medical problems, which will be screened by nurses. All in all, medical care has returned to normal.

Staff now has to muster before every shift. Uniform policies are being more strictly enforced at the time of this muster. No cowboy boots are allowed and only warden-approved hats can be worn.

Physical Plant changes are basically the destruction of the school building. Four trailers are being used for school, with three more trailers on order.

The kitchen will not be back in order for about another year. As indicated earlier, temporary food services areas are being used.

Many windows destroyed during the disturbance have been replaced.

General complaints being received from MR deal with property; the lack of school programs for those in segregation; shortages of hygiene supplies for segregation inmates; and the lack of out-of-cell movement for segregation inmates.

The administration contends that grievances from segregation have become overwhelming; thought to be a form of harassment against staff.

Overall, the administration at MR feels things are back to normal. Out-of-cell movement is restricted for security reasons, argued to be a benefit to both staff and inmates. There is claimed to be good relations with the union. There is a need for money to rebuild. Monies presently appropriated are for clean-up only.

Work has begun on a new recreation area to enable winter yard. The old recreation area is unusable due to it being near the severely damaged kitchen.

Marquette (MBP)

Introduction: It must be pointed out that MBP as a maximum security facility had little inmate activity or out-of-cell movement to begin with. Even so, the following illustrates even more severe restriction than existed before.

Organized Inmate Activities at MBP were non-existent. As a result of the disturbance, only regular church services survive. Other church functions are via radio broadcast. All outside religious volunteers have been discontinued.

Activities such as substance abuse therapy were not continuously in operation before and do not exist now. Most non-religious volunteer groups were associated with the substance abuse groups, which were usually dormant during the summer anyway; they may not begin again until the first of the year. At this time, all special activities will be reviewed.

The law library is open and back to normal, except that a sizeable number of inmates involved in the disturbance (Green Card) must order law books desired, which will be delivered. This practice is similar to that afforded to residents in segregation.

Visits at MBP are back to normal, although for a period Green Card residents did not have contact visits. This practice has now ceased.

Food services was not affected by the disturbance. A change has occurred, in that only two blocks at a time go to meals, where, before, all the units would go. There are no longer guard escorts to meals and there are 30 to 40 minutes allotted for meals.

The store at MBP was destroyed. Remodeling is underway. Those on assignments are allowed to go to the store daily, while it is being remodeled. Other general population residents purchase items from a cart wheeled into their units. Segregation and Green Card residents order store items, which are delivered to their cells in bags.

School programs are somewhat limited. There are full- and part-time students. Green Card residents are not allowed out of their cells to go to school, but can have GED related materials in their cells.

There are more residents in school programs now than before the disturbance, which is thought to be the inmates' attempts to get more out-of-cell movement.

Yard time in general has been eliminated, except for inmates in school. This yard is one hour a day. Prior to the disturbance, general non-assignment out-of-cell movement, including meals, averaged around four hours per day. Presently, it is about three hours, which is mostly at meal time. Showers continue to be allowed two times a week for all inmates, except for inmates on work assignments, who shower on assignment.

There has been no change in property limits.

There has never been a newspaper at MBP.

Visiting hours remain the same; being four a month, all day, for visitors from the Lower Peninsula and one-half day for those in the Upper Peninsula.

Phone privileges for general population residents are back to normal, being four per month for 15 minutes. Segregation residents receive no calls. Green Card residents are being allowed one call per month, for 15 minutes.

There has been no Warden's Forum meetings since the disturbance.

Staff had not been too angry before the disturbance. As a result of the disturbance, some staff have taken voluntary demotions, which allows them to be placed in no-inmate contact positions. The administration is having more contact with the union, with some joint decision making.

The biggest change mentioned by those we talked to was that if there was an increase in inmate activity, the staff would have to be above critical, even if it meant overtime for some.

Physical Plant changes are basically the destruction of the Vocational School. This is an area where MBP would like to see the program re-started, but that is unsettled.

Renovation of the bottom floor of the industries building which was destroyed is underway. Industries, however, went unaffected by the disturbance.

A fence has been erected in the yard at MBP which is meant to separate the inmates in the yard from the nearby buildings.

Conclusion--MBP

In general terms, the highly restricted atmosphere at MBP is even more so, as a result of the disturbance.

Summary

The general thread woven through the post-disturbance prison setting is less out-of-cell movement and an increase in inmate complaints on that point as a result. Whether there will ever be a return to pre-disturbance levels of out-of-cell movement is dubious, at this time. While staff continue to complain about shortages in staffing, no emergencies have arisen. Whether inmates are in fact at peace or ominously at peace is difficult to gage.

LE:cl

Michigan Corrections Organization



Local 526M • Service Employees International Union • AFL-CIO, CLC

Michigan State AFL-CIO Building, Suite 303
419 South Washington Avenue
Lansing, Michigan 48933
Phone (517) 485-3310



June 22, 1981

The Honorable Jeffrey D. Padden, Chairman
Joint Legislative Committee on Corrections
House of Representatives
Capitol Building
Lansing, MI 48901

Dear Representative Paddon:

After attending your committee meeting on June 9, 1981 and listening to the many reports and discussions, I felt that MCO should respond to some of the arguments presented.

Initially, you should know that MCO supports the formation of the legislative committee. We have always felt the Legislature is state government, so our hope for correction of the many defects in the present prison system lies in your hands.

I also want to assure you that MCO has never contemplated nor authorized any strike action or work stoppage. We do fear spontaneous action by the membership, but the union leadership is attempting to eliminate this possibility.

You must be placed in our memberships' situation to fully understand their real fears. The best guide is to actually work "in the trenches." Barring that, we hope for empathy coupled with a meaningful visit to any one of our most violent prisons. Only then will you feel the apprehension our membership encounters on a daily basis.

As mentioned in my report to the governor, MCO has long been a strong advocate of a safe and secure prison concept. This "security first" philosophy seems to fly head on with the present Department of Corrections philosophy of "prisoner appeasement." However, MCO neither advocates nor endorses an oppressive prison system. We do feel a proper balance between programs and security can be achieved with minimal effort and cost.

The Department of Corrections presently operates the prison system by ignoring many of the existing security policies and procedures. This puts both employees and inmates in constant danger. An atmosphere of apprehension and distrust is the result. Despite some opinion to the contrary, correction officers are professionals. They are fully capable of doing the job for which they were hired. But to accomplish this, many aspects of the present prison system must be examined and revised.

Foremost is an increased emphasis on existing security policies, procedures and rules; meaningful discipline for inmate rule infractions; sufficient staff to implement programs and security; a reassessment of management attitudes and techniques; and correction of many other generally accepted deficiencies.

Several examples can be used to illustrate the union's position:

1. Lack of shakedowns (weapons search). Shakedowns were all but eliminated due to budget problems. Full-scale, general shakedowns were phased out and replaced with daily, random cell and inmate searches. Yet employees cannot even enforce these required "spot" searches due to staff shortages. Metal detectors were purchased to help but, ironically, are normally used on employees rather than inmates. (Some security equipment rarely functions properly. One of the metal detectors at an SPSM gate is always triggered by a pack of cigarettes but seldom picks up a knife or a gun.)

At our request, the Department of Corrections instituted a general shakedown at SPSM on May 20th. As stated in my earlier report, the inmates had advance knowledge of the search through release of a management memorandum. Management stated they found only approximately six weapons. That contradicts the generally accepted fact that 50% to 60% of the inmates are armed with some type of weapon. The department utilized inexperienced search teams consisting of employees other than correction officers. One correction officer will testify that he personally searched a section of Four Block at SPSM immediately after one of the search teams completed its shakedown. (This is the same block where two officers were assaulted the day following the May 20th shakedown.) Without even entering one cell, he located four knives the search team overlooked.

Instructions given during that same shakedown were to ignore any other illegal items such as stolen goods or excess personal property. Yet these same items are exactly what leads to inmate confrontations and unrest. When rules are not enforced on a uniform and consistent basis, those who violate the rules and get away with it (and those who see nothing happening to the rule violators) are even more encouraged to attempt rule violations.

2. Lack of inmate discipline is also most troublesome. At one time, the prison system utilized the old "silent method." Obviously, that was too oppressive. But in a desire to rehabilitate and humanize the prison system, the philosophy swung to the exact opposite -- permissiveness. Rules are no longer strictly or uniformly enforced. The inmate grievance procedure is handled more like a court of law, and correction officers (with no legal background) must defend their actions before an administrative law judge.

We now have inmates who know little or nothing will happen to them when they defy orders or violate rules. Subsequently, the front line correction officer has been effectively stripped of the authority that is his only means of control. As a result, the

correction officers are unable to enforce even minor prison rules. It is not uncommon for an inmate, knowing the officer has little recourse, to tell an officer to "fuck off" or give him "the finger" and continue on his way in direct defiance of a simple instruction to enter or exit through the proper dining room door.

Recently, a correction officer had a counseling memorandum placed in his personnel file citing him for refusing to give an inmate his name. The incident occurred when the officer asked the inmate to leave an area in which he was not supposed to be. Even though the officer's identification badge was in plain sight, the inmate challenged the officer's authority by demanding his name. When the officer refused, the inmate filed a grievance on the incident -- and won. The officer was issued a counseling memo, further undermining his authority in the eyes of the inmates.

Officers are required to write the inmates a "ticket" when an infraction of the rules occurs. Instead of simply writing what actually happened, officers must adhere to vague statements required by policy. For example, if an inmate is found out of his cell but still in his cellblock, he is considered "temporarily out of place." However, if the inmate is found out of his cell and out of his cellblock, he is considered "out of place." It is not uncommon for an inmate to beat the ticket and receive no discipline due to such technicalities.

Inmates were sentenced to prison for violating rules of society. Yet, once in prison, they rapidly learn how to violate rules of prison society and get away with it.

During a six month period at SPSM, over 70% of the major misconduct tickets were "thrown out of court" or the discipline drastically reduced. This lack of control is a major problem at the institutions and must be corrected if there is to be any hope for a secure prison system.

Voter approval of ballot proposal B is also a major deterrent to control because it eliminated any inmate incentive for good behavior. Any policies or laws that could be enacted to reinstitute the motivational element would be a major gain in control.

3. Lack of proper staffing levels is another example of lack of control. At present, the prison system runs at about an over-all ratio of eight inmates to one officer. When that is broken down to a shift ratio, it's twenty-four inmates to one officer. If the ratio is broken down one step further to the housing units (cellblocks), it's eighty to one. If an officer is assigned to the yard or dining room, it's around five hundred to one.

However, we cannot view staffing on a ratio basis or in the context of "who can overpower who." We must view it in the framework of security. When you have ten guard towers and only two are manned, security is jeopardized. The Department of Corrections believes

the towers are for perimeter security to prevent escapes. We partially agree. But we feel the most important function of the tower officer is to protect inmates and officers in the yard and to observe any unusual situations. When you have only five or six corrections officers in the yard at SPSM with up to two thousand inmates, there is no possible way to regulate and police inmate activities. Gangs will form, weapons will be passed, rapes will be committed and gambling will be rampant. The sole presence of armed officers in the towers is a deterrent.

Low staffing levels in the housing units (cellblocks) result in much the same activity as in the yard. Officers should be visible and walking on each gallery. It's the very presence of adequate staff that deters stealing, rapes, coercion and predator activities. The same holds true for the dining rooms, movies and any other program where groups of inmates are gathered.

To add yet another dimension, low staffing levels result in excessive stress on the officers because time off from work for vacations and other personal activities is reduced, while time on the job is increased. The stress manifests in family problems, substance abuse, physical ailments and a very high employee turnover rate. Stress is a very real but little recognized problem in corrections. Staffing levels should be adjusted to allow correction officers maximum time away from the job and some sense of safety on the job.

4. Management attitudes and techniques should also be examined. Many of the original aspects of policy get lost in the shuffle, over-complicated by bureaucracy or misconstrued as they filter down from the policymakers.

The Department of Corrections presently has two distinct management structures within the prison system. One structure regulates the custody and security functions and the other regulates inmate programs and activities. Within each of these structures, there are too many bosses.

The main deficiency of two separate management structures is the left hand does not know what the right hand is doing. As a result, the front line officer often receives conflicting orders. When this structure is coupled with the "treatment team concept" where members of the team have several supervisors, you have organizational chaos.

Employee/management meetings are also restricted due to the many levels of management one must go through to accomplish anything meaningful. In other words, the buck never seems to stop anywhere.

A distinct example of misconstrued policy is found in my report to the governor where, in a meeting with employees, the director promised to continue critical staff levels at SPSM. But, somehow,

the promise came out at the institutional level as a mandate to work below critical levels. It is inconceivable that such a simple statement to employees could get distorted to that extent, yet it happened.

Management also contributes to employee stress and distrust. At SPSM on May 22, 1981 management issued an order to release the inmates from their cells in reaction to a proposed shakedown by employees while simultaneously ignoring the fact that large groups of inmates (approximately two hundred) had refused to leave the yard and return to their cellblocks as part of their daily routine. According to reports, many of these inmates were wearing armbands and had absolutely no intention of complying with prison routine. Why were they allowed to remain in the yard? Why weren't the cellblock doors secured when yard was blow in? These questions and more involve management decisions.

Witness the second riot at SPSM on May 26, 1981. On that day, inmates from the North Complex were to be released and the prison setting returned to "normal" following the May 22nd riot. All of the following occurred:

1. The warden was attending a meeting in Lansing.
2. The inmates were announcing their plans with a bullhorn the evening before.
3. Inmate negotiations for amnesty broke down.
4. Inmates were observed removing personal belongings from their modulars.
5. Employees repeatedly radioed management requesting permission to prevent the impending disturbance. Management's reply each time was, "We are checking."
6. Inmates sent management a letter informing them of the impending riot complete with the time and date.

In spite of the above indicators, the inmates were still released and the riot occurred. It is perplexing that all the signs were pointing to another riot, yet management officials still claim they had no knowledge anything would occur.

When you also take into account the events at Marquette on May 26th where management admitted they knew of a planned riot at least one month in advance, it's little wonder that correctional employees question management's ability to manage.

We realize that all employees complain to some degree about management. But when certain management decisions cause an adverse impact on the employees, the inmates and the taxpayers, perhaps these employee "gripes" should be given a little more weight.

The Honorable Jeffrey D. Padden
June 22, 1981
page 6

Other management decisions or orders causing adverse impact are also evident. A well placed warning shot(s) usually gives cause to "hit the dirt," and it's very difficult to riot while lying on your stomach. But during the riots, many employees were ordered not to fire at the inmates regardless of the circumstance. Some were told, "If you shoot, you'll be doing their (the inmates) time."

In addition, inmates were allowed to keep stolen articles obtained during the riots, many institutions are still running at "critical" staffing levels, and neither security nor staffing has been reorganized as a precautionary measure. All of this causes a great concern to this union and the employees in general.

Hindsight is always a valuable asset; but in most cases, the immediate decision making process has human lives at stake. Those decisions had better be correct.

5. Overcrowding is also a generally accepted factor leading to prison violence. However, certain aspects of the "definition" of overcrowding must be examined before determining its true impact on the prison system. Depending on how one defines the term, the prisons may or may not be overcrowded.

Is the prison system overcrowded because there are too many inmates at the State Prison of Southern Michigan? One might answer yes. But if you consider the empty beds in the institutions, you get a different slant. One prison could be overcrowded and another prison have empty beds due to the way inmates are classified, but that's a whole other area to be examined.

Does overcrowding mean that there are 1,400 inmates at the Michigan Reformatory? It might. But, then again, there were 3,000 inmates at the Michigan Reformatory 40 years ago.

Does overcrowding mean the prisons are not manageable? It could. However, our members don't have a problem with the number of inmates as long as there's sufficient staff. Nonetheless, we do agree with management that the ideal inmate population per institution should be around 500.

Obviously, other factors such as officer training, sentencing, racial conflicts, etc. contribute to prison unrest; but as I stated in the beginning of this letter, the lack of security and control is the bottom line. Without security and control, programs and rehabilitation are not possible.

I hope your committee will begin its investigation with some basic premise that a prison system was created to incarcerate those who have violated some rule of society. If you add to this premise the fact that Michigan had four separate riots within a very short time frame, you have a great deal to correct. The causes are many, and I know you will study them all. But a study is only needed as a prelude to change. Without change, the system will only continue to tumble to new depths of despair.

The Honorable Jeffrey D. Padden
June 22, 1981
page 7

As a final statement, I would like to emphasize that the greater percentage of inmates are straight and we thank God for them. Without their help and cooperation in times of need, many of our officers would have been seriously assaulted or killed. Unfortunately, the remaining percentage of inmates can make it Hell for all those involved in the prison system.

Sincerely yours,



Fred R. Parks
Executive Director

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Michigan Corrections Organization



Local 526M • Service Employees International Union • AFL-CIO, CLC

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August 27, 1981

RECEIVED

SEP 1 1981

The Honorable William G. Milliken
Governor of the State of Michigan
The State Capitol Building
Lansing, Michigan 48902

Re: Final Report - Task Force on Prison Disturbances

Dear Governor Milliken:

MCO has followed the progress of both the task force and the joint legislative committee on prison disturbances with much interest. We are keenly aware of the existing problems in Corrections and have offered solutions to alleviate or correct most of them. Since May 22, 1981, MCO has testified before and communicated with both investigating bodies. We have submitted many reports and rebutted others. We have done surveys and launched our own investigations. Throughout this most difficult time, the final picture seems to mirror MCO's original words -- the prison system is troubled. In their final report submitted on August 4, 1981, the members of the task force agree that changes are paramount.

Originally, I was going to draft a more detailed submission in response to the report. But after evaluating the report in its entirety, I find it representative of the problems we all face. While MCO agrees with the general areas covered, I still feel it necessary to outline what we view as the priorities.

Staffing/Training

The present prison system has been grossly understaffed for at least the last decade. As the more liberal penology came into existence and the call went out for more and better prison programs, the area of staffing was forgotten. We now have many programs and few corrections officers to supervise the inmates or control the institutions.

We definitely need a ratio of corrections officers to inmates that would provide at least the minimum balance. I don't feel I'm exaggerating when I say staffing at SPSM alone should be increased by 200 and the entire system by 600. The ideal increase would approach 1,000.

Understaffing also creates more pressure and stress for existing personnel. Without adequate staff for proper shift scheduling, most corrections officers work with little or no time off to alleviate job pressures.

Training is needed. I highly praise the suggested concept of a corrections officer training academy. I further believe a wide variety of job related courses should be mandatory, and the academy should be at least three months in duration with annual updating on procedures and techniques.

Inmate Discipline/Control

Without the proper tools, corrections officers cannot control the prisons. Michigan is one of the few states where it can honestly be said that corrections officers are not in control. The system is in organized chaos when inmates do as they (almost) please and corrections officers have little authority. The prison system itself created this situation. We need stringent controls, a disciplinary procedure that works and further control features that give inmates the incentive to comply.

Labor/Management Relations/Communications

I have fused these two topics together somewhat differently than did the task force -- for without one, you cannot have the other. The task force pointed out present labor/management relations were not conducive to problem solving. There are several factors to account for this situation, the least of which is unfamiliarity with collective bargaining.

The labor/management setting is historically patterned by management. Management sets the tone, and the union functions within that framework. If the union does not have redress for problems, meaningful input in decisions affecting the workplace and genuine feedback from management, the union grows more militant. If management maintains only "tolerance" of the union, cooperation is slight.

The Department of Corrections has several distinct levels of labor/management relations. Labor/management relations function the best at the department level (Lansing personnel office and above) with all parties attempting to work out solutions. On the other hand, there is a lack of ongoing and frequent communication with top management. In addition, answers to employee grievances usually get bogged down at the Lansing personnel office, due mainly to lack of personnel. These two factors alone (infrequent communication with top management and untimely grievance responses) create an atmosphere of employee mistrust.

The opposite occurs at the institutional level. Grievances are addressed rather quickly, but few are settled. Communication is more frequent, but problem solving is very difficult. Modern management techniques call for more and better employee participation in their work, with or without a union. However, at this level, management has created an adversary labor/management relationship in that they dislike the union questioning their decisions. More cooperation/communication is needed.

The department also steadfastly adheres to a military structure for supervision of employees who do not view themselves as soldiers. Employees often find themselves threatened by supervisors who can, and do, harass and intimidate them without justification. The department has remained a decade behind today's society with regard to its front line supervisors and should rid itself of this concept.

My statements concerning management do not reflect the attitude of all supervisors, but the problem is great enough to make it a concern of our leadership. Most supervisors are promoted with no thought given to training in management concepts and techniques. With no formal training, new supervisors perpetuate the military structure by adopting the role model set by former supervisors.

An in-depth look should also be taken at the present split between custody and housing. Employees must answer to too many levels of management. In addition, custody and housing personnel are not answerable to one another, nor is there any immediate next, direct line of supervision to resolve disputes between custody and housing.

I also strongly disagree with the task force recommendation to place an additional supervisor in the housing units. This addition would create even more pressure on employees from an already overbearing management structure. The present staff to supervisor ratio is approximately three to one. Another level of management would only serve to enhance a very generous supervisor population. We need more staff to do the work, not more supervisors to direct the work.

Conclusion

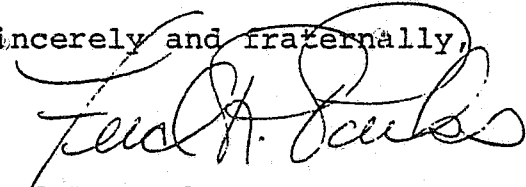
There are many different views of what a prison system should be. If these different views are explored and combined, the result is a prison system with the best of both worlds. We have a modern, liberal system of penology in Michigan which could work, provided the task force suggestions and the improvements mentioned by MCO are implemented.

The Honorable William G. Milliken
August 27, 1981
page 4

I recognize Michigan is economically troubled and the weight of decision will be heavy. The choices are tough. Other departments, out of necessity, must suffer even more. But the prison system must change. It is readily apparent the present prison system is dangerous to all and has been proven unworkable.

In closing, I congratulate the task force for a job well done. We agree with most of their recommendations, and we definitely feel that each topic they studied is a problem area. I only hope their work was not done in vain.

Sincerely and fraternally,



Fred R. Parks
Executive Director

FRP:cm
opeiu459afl-cio

cc: Lawrence B. Lindemer
Jeffrey D. Padden
Jack Boyett
MCO Executive Board

MINUTES
OF THE
JOINT COMMITTEE ON PRISON DISTURBANCES

June 3, 1981

6:00 PM

1st Floor Conference Room
Roosevelt Bldg.

Representative Jeffrey D. Padden convened the meeting at 6:10 PM.

Members present were: Representative Jeffrey Padden
Representative Michael Griffin
Representative Leo Lalonde
Representative Carolyn Cheeks-Kilpatrick
Representative Alan Cropsey
Representative Paul Henry
Senator David Holmes
Senator Edward Pierce

Members absent were: Representative Gary Owen
Senator Basil Brown
Senator Mitch Irwin
Senator Phil Arthurhultz
Senator John Mowat
Senator Robert VanderLaan

Staff present were: Mary Kay Scullion
Jim Boyd

Also present were: James Ahl, Administrative Assistant, Senator Mowat
Beth Arnovitz, Michigan Council of Crime and
Delinquency
Tom Coffey, University of Michigan - Flint
Jerry DeJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Ron Dzwonkowski, Associated Press
Leonard Esquina, Jr., Office of the Legislative
Corrections Ombudsman
Susan Herman, Office of the Legislative
Corrections Ombudsman
Gregory Hoyle, Michigan Council on Crime and
Delinquency
Leo Kennedy, Legislative Service Bureau
Dick McKeon, House Fiscal Agency
Tom Patten, Department of Corrections
Bert Useem, Center for Research on Social
Organization, University of Michigan
Clark Eldridge White, Dept. Urban and Metropolitan
Studies, Michigan State University
Joe Young, Sr., House Appropriations Committee

Representative Padden opened the meeting by explaining that the investigation of the Joint Committee on Prison Disturbances will review the issues related to disturbances occurring in several Michigan prison institutions in the past weeks. This is a leadership committee appointed by the Senate Majority leader, William Faust and Speaker of the House, Bobby D. Crim, with Representative Padden as chair. Membership lists are available.

Representative Padden outlined the relationship between the Joint Committee and the Citizens' Task Force (CTF) appointed by Governor Milliken. Representative Padden has met twice with Lawrence Lindemer, CTF Chairman, and they have agreed to keep in close touch making sure the investigations compliment each other as far as possible.

Different Focus

The focus of the Joint Committee is expected to be slightly different from that of the CTF. Representative Padden asked that Mr. Lindemer receive meeting notes and be invited to participate in joint committee meetings as an observer as time permits. There were no objections, it was so ordered. The CTF has extended a similar invitation.

In outlining the focus of the joint committee, Representative Padden indicated that legislative decisions and referenda in the past several years have had significant impact on the policies by which prisons are operated and that it is important to examine the relationship between them and the disturbances that took place.

Open Meetings

Because the committee has no formal decision-making power, it is not subject to the Open Meetings Act; however, Representative Padden recommended that it operate as if it were subject to the Act except in circumstances requiring closed sessions, such as inmate interviews. There were no objections.

Quorum Procedure

Representative Padden indicated there would be difficulties convening the committee if "quorum" is defined as the majority of the members from each house or of the committee, and recommended proceeding with members present at meeting time. Absent members will be kept informed with detailed minutes and may communicate questions in writing to the committee at any time. Because it is imperative to conclude the investigation in a timely way, Representative Padden recommended not cancelling meetings for a lack of quorum. Representative Padden indicated that given present staffing resources, minutes of Joint Committee meetings will be prepared, but that transcripts of the meeting tapes will not be made unless they become necessary.

Suggested Issues

Representative Padden presented a list of Suggested Issues discussed by the House Committee on Corrections at the meeting calling for the establishment of a legislative investigation. The Suggested Issues with changes made by the Joint Committee after extensive discussion are attached.

Schedule

After discussion of proposed meeting times, Senator Pierce moved that the Joint Committee meet as follows:

Tuesday Evenings	5:00 PM - 7:00 PM
Thursday Mornings	8:00 AM - 10:00 AM

Representative Griffin supported the motion. The motion passed. Representative Padden voted against the motion.

Immediate Objectives

Joint Committee members acknowledged that while review of items #1 and #2 of the Suggested Issues is essential to an understanding of why the disturbances took place, the more immediate crisis of lockdowns, and relieving tension at the facilities is their first concern. The sense of the committee was to begin visits as soon as possible. The Joint Committee asked Tom Patten, Executive Assistant to Perry Johnson, Director, Department of Corrections, to confer with Mr. Johnson about the implications of a decision to schedule Joint Committee visits to the institutions where disturbances occurred, and advise the Joint Committee on concerns of timing, confidentiality and security. Leonard Esquina, Legislative Corrections Ombudsman, was asked to report his observations and impressions to the Joint Committee at its next meeting on Tuesday, July 9, 1981. Representative Padden and the Joint Committee staff will begin making the necessary arrangements for the visits. As the details of the visits are being worked out, the Joint Committee Chair and staff will develop more detailed agendas based upon the Suggested Issues for subsequent meetings.

Staffing

The Joint Committee is being staffed as follows:

Jim Boyd, Aide to the Standing Committee on Corrections
 Mary Kay Scullion, House Democratic Research Staff, Corrections
 Kevin McKinney, Senate Majority Leader's Office
 Leonard Esquina, Legislative Corrections Ombudsman
 Anne Fett, House Democratic Staff, Administrative Details

In addition, Dick McKeon of the House Fiscal Agency, and Jerry DeJuliannie of the Senate Fiscal Agency will be asked to assist.

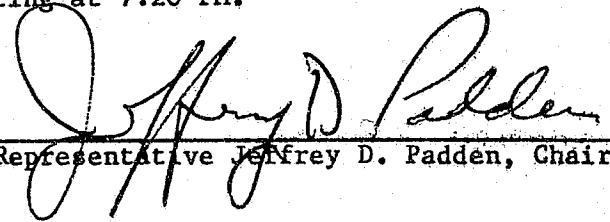
Oaths and Subpoenas

Discussion followed on the administering of oaths and the issuing of subpoenas as necessary to the business of the Joint Committee. Representative Cropsey moved that the Joint Committee ask the staff to develop a resolution empowering the Joint Committee to administer oaths and issue subpoenas. Senator Pierce supported the motion. After further discussion, Representative Henry moved that the motion be tabled until such time as it becomes necessary. Representative Lalonde supported the motion. The motion was tabled.

Quorum

Joint Committee members agreed to establish a quorum of seven (7) for consideration of motions with a majority of those present required to adopt motions. It was further agreed that other business may be conducted at the discretion of the chair.

Representative Padden adjourned the meeting at 7:20 PM.


Representative Jeffrey D. Padden, Chair

JDP:sg

JOINT COMMITTEE ON PRISON DISTURBANCES

Suggested Issues
(Revised)

1. Review statutory policies and impact on the riots:
 - Prison Overcrowding Emergency Power Act. PA 519 of 1980.
 - Proposal B, which eliminated good time for assaultive crimes.
 - Hearings Division Act and new procedures for disciplinary hearings for prisoners within the prison system.
 - Other appropriate legislation/statute.
 - Mandatory gun law.
 - Mandatory sentencing in general.
 - Proposal passed by the voters denying bail to habitual offenders.
 - Judicial actions which might have implications.

2. Review appropriations decisions.
 - Especially as it relates to staffing and staffing levels:
 - Institutions' requests for staffing and how those requests relate to the Department's requests of DMB and DMB's requests of the Legislature.
 - The Department's requests of DMB and how those requests relate to what DMB actually requested of the Legislature.
 - The Legislature's decisions on staffing and upon what requests/information those decisions were based.
 - Examine the forced lapses, hiring freezes to determine impact on riots.

3. Examine each institution involved:
 - Relationships between staff and administration.
 - Relationships between staff and inmates.
 - Chain of command between staff and administration, and discipline; i.e., was there a breakdown of discipline?

- Adherence to DOC policy.
 - Adherence to and enforcement of DOC policy should refer to residents and administrators as well as staff.
 - DOC policy rationale and history.
 - Injuries to staff/inmates.
 - Property damage.
 - Monetary damage.
 - Damage to program areas - lost programs.
 - Damage to housing areas - lost housing.
 - Level of general preparedness for disturbances/staff training.
 - Specific causes of the riots.
 - What actually happened? Chronology of disturbances, specific reactions to disturbances.
 - Impact of overcrowding.
4. Other suggestions for consideration
- Effect of decision to decentralize DOC operations, impact on response time in disturbances.
 - Comparison between institutions which erupted and those which did not, in terms of prisoner security classification, programming levels, staff adequacy, amount of community contact, and other variables.
 - Factors external to the governance of the institutions, such as the rôle of the media.
5. Findings and recommendations
- Comments on all of above, as well as recommendations on how to prevent a recurrence.

/sg
6/9/81

MINUTES
OF THE
JOINT COMMITTEE ON PRISON DISTURBANCES

June 9, 1981

5:00 PM

Room 569
Roosevelt Bldg.

Representative Jeffrey D. Padden convened the meeting at 5:04 PM.

Members present were: Representatives Padden, Lalonde, Cropsey and Henry
Senators Holmes, Pierce, Irwin and Mowat

Members absent were: Representatives Owen and Kilpatrick
Senators Brown, Arthurhultz and VanderLaan

Staff present were: Mary Kay Scullion
Jim Boyd

Also present were: Anne Fett, House Democratic Staff
Jerry DeJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Leonard Esquina, Jr., Office of the Legislative
Corrections Ombudsman
Susan Herman, Office of the Legislative
Corrections Ombudsman
Leo Kennedy, Legislative Service Bureau
Dick McKeon, House Fiscal Agency
Tom Patten, Department of Corrections
Bert Useem, Center for Research on Social
Organization, University of Michigan
Joe Young, Sr., House Appropriations Committee
Nancy Benai, Associated Press
Herb Alexander, COTE, AFL-CIO
David Van Koevering, Michigan Corrections Organization
Fred R. Parks, Michigan Corrections Organization
Kevin McKinney, Senate Fiscal Agency
Representative Joe Young, Jr.
Patricia Mast
Greg Owen
Thomas Olechowski, for Senator Holmes
Representative Mary Keith Ballentine
Lawrence Zionkowski
Kay Hoffman, Project Transition, Detroit
Ardeius Kalousdean, Project Transition, Detroit
Susan Ronda, Ex-Offender Center, Grand Rapids
Willard J. Kosynduk, Ex-Offender Center, Grand Rapids
Willis X. Harris, Michigan Lifers Association
Tony Randall, Senate Counsel Office

Meeting Agenda

Representative Padden proposed the following Agenda for committee consideration:

- Discussion of Proposed Agendas for Future Meetings
- Discussion of visits to the prisons, suggested methodology
- Report by the Legislative Corrections Ombudsman
- Report by the Director of the Department of Corrections
 - status of the lockdown, current plans for termination
 - prisoner transfers
 - number of inmates released since the disturbances
 - vacant beds
 - plans to revamp SPSM

With no objections from the members present, the Joint Committee will proceed with this agenda.

Proposed Agendas for Future Meetings (Attached)

The Joint Committee members agreed to this document after review. Point of clarification on the visits: They will last all day. The Marquette trip will be made by plane, with an early departure time, approximately 7:30 AM. There will be no overnight stays in connection with the visits.

Minutes from meeting of June 3, 1981

The minutes were circulated for review, with corrections or amendments to be noted later. Subsequently, Representative Henry noted that the day given for the morning meetings was incorrect. The minutes should read:

Thursday Mornings 8:00 AM - 10:00 AM

Representative Henry moved that the minutes as amended be adopted. Representative Cropsey supported the motion. Motion passed.

Staff Memorandum - Suggested Methodology (Attached)

It is the staff recommendation that initial interviews be conducted by the staff with a preliminary analysis of the results prior to visits to the institutions by the members of the Joint Committee.

Discussion was raised as to the possibility of coordinating the work of the Joint Committee with that of the Citizens Task Force (CTF). Representative Padden stated that he and Lawrence Lindemer, CTF Chair, have talked and intend to keep in close touch for possible cooperation. However, it is his (Representative Padden's) opinion that the different focus of the Joint Committee will require different questions with the development of individual information relevant to Joint Committee objectives. Although there was no quorum, members present agreed to follow these staff recommendations unless and until objections are raised.

Suggested Interview Questions (Attached)

Staff member, Mary Kay Scullion, asked that the Joint Committee review this document to provide direction. Staff interviews can then begin. Representative Padden noted that these questions were taken from the Suggested Issues discussed and amended by the Joint Committee at the meeting of June 3, 1981, with the following additions as a result of discussion with legislators:

- Under Item #1, d:
- 6) the Legislative Corrections Ombudsman
 - 7) the Parole Board
 - 8) the classification system

Joint Committee discussion centered on the number and justification of interviews proposed, time required, and possible duplication of the kinds of questions. Senator Pierce proposed that the staff conduct a sampling of interviews, e.g. 10, and report the results to the committee. The Joint Committee members present agreed to this proposal.

Senator Holmes asked if the Joint Committee intended to proceed before the lockdowns were terminated, his concern being that such a decision would interfere with the operations of the Executive Branch of government. This being the will of the committee, Senator Holmes asked that his objection be noted.

At this point, Mr. Jim Spivey was recognized and stated that the disturbances had racial origins, that the breakdown of the minority population as compared to the number of minority officers was and had been the cause of tensions and disturbances in the prisons for many years. He maintained that personnel policies worked against improvement of this problem. Senator Holmes stated that Mr. Spivey is an ex-offender, and former corrections ombudsman.

After discussion, the members agreed to reserve the last fifteen minutes of the meeting for further comment.

Report by Mr. Leonard Esquina, Jr., Administrator
Office of the Legislative Corrections Ombudsman

Mr. Esquina distributed the report, "Ombudsman Perspective and Report on Disturbances in the Michigan Corrections System." It had been requested by the Chair of the Legislative Council subcommittee to which the Ombudsman answers. Mr. Esquina was directed by members to focus on major issues sparking the disturbances, and highlighted the following:

- Vast majority of inmates in all institutions were not involved in the disturbances.
- No hostages were taken and there was no slaughter of informers.
- Conclusion is that the disturbance was not planned by inmates to occur on May 22.
- Agreed with Mr. Spivey that there will be many individual answers to many questions.

Mr. Esquina also emphasized, "When any extreme occurrence takes place; a lockdown, staff mutiny, incidents of violence, denial of inmate privileges, etc., the prisons can be embroiled in a serious disturbance. Extremities are to be avoided." He encouraged the Legislature to continue to do what it has always done, continually review the practices of a closed society known as prisons.

In answers to members' questions, Mr. Esquina agreed that the racial composition of the guards as compared to prisoners was a major problem. He also agreed that there is a management problem in institutions of more than 600 inmates not found in those with less than 600. However, in terms of inmate response, "Jackson is not a bad place to be, because you have more freedom."

Mr. Esquina also clarified details of the assault on the guards prior to the disturbances, and the procedures for handling such an incident. Lockdown is not automatic, and there are other options.

Report of Perry Johnson, Director
Department of Corrections

Mr. Johnson distributed two documents to the committee: 1) Michigan Corrections Organization Report on Disturbances in the Michigan Corrections System," dated June 5, 1981, and addressed to the Governor; and 2) Legislative Task Force, Prison Disturbances, 1981. These materials have been distributed to the Joint Committee members.

Mr. Johnson indicated his remarks would address the issues on the meeting agenda.

Status of Lockdown - Marquette

Lockdown is still total with only selected individuals allowed out for cleanup purposes or individual visits. Cell feedings continue. The proportion of inmates participating in the disturbances was the highest of the institutions involved, with attitudes since the riots also the most belligerent. There may have been an attempt to seize hostages which was thwarted by prison staff. It is hoped that further investigation will clarify this. Threats and hostile behavior continue.

The situation cooled off some the beginning of the present week with some screening of prisoners for prison industries and work assignments. Some prisoners have refused to come out, saying they did not dare to break with the group.

The future is uncertain, but it will be a long, slow process to bring the institution back to normalcy. Identification of agitators continues.

Status of Lockdown - Michigan Reformatory

Lockdown is coming along about as well as can be expected given the significant number (approximately 400-500) of inmates involved. Attempts are being made to identify agitators, and to slowly work towards some movement. About 25 percent

of the population is moving. Prison industries operating include the laundry and food service (the food preparation area was destroyed). Cleanup crews are also operating. Administration and staff are working well together, proceeding deliberately but aggressively.

Status of Lockdown - Jackson

Trusty Division is attempting to do more toward some normal operations with groups of prisoners being let out for meals and some work assignments.

Central Complex, the largest at Jackson, is locked down with individual movement only.

North Complex is locked down with only individual movement.

A court order restrains the administration from any relaxation of the lockdown until Monday, June 15th.

It is hoped that the situation will be resolved without court intervention in an already complex and tense situation.

The Reception Unit is functioning fairly normally, and processing prisoners after a week during which transfers were held up at the request of prison officials.

Mr. Johnson will combine discussion of attempts to return to normalcy with discussion of the ravamping of Jackson a later agenda item.

Population Transfers

Transfers immediately after the disturbances moved about 97 inmates to county jails. Also, prisoners are being transferred through the normal reception process, but known participants have not been transferred. Because of such large numbers of staff and inmates to be interviewed, two dozen parole officers are assisting in the process. Reports on Northside and Central Complex interviews will be completed shortly.

There will be no transfers until those who helped as well as those who rioted are identified. Inmate misconduct and crimes will be reported to the prosecutor.

Vacant Beds

In responding to a concern about the 60 sq.ft.-per-prisoner requirement and overcrowding, Mr. Johnson noted that this is a court-ordered requirement of concentration for dormitory living. It is considered to be a reasonable standard established in federal courts, and consistent with American Corrections Association (ACA) standards and with recently promulgated federal rules.

If the issue is vacant cell space, there is no way that every cell and every bed can be filled in a system with 12 major institutions, 11 camps, and 25,000 transfers a year. Some cells at Jackson are vacant because of defective

locking systems. Cells may also be vacant because the inmates are gone temporarily. Under federal court order, these cells cannot be reassigned.

Under normal correctional practice consistent with efficient management, an institution is considered at capacity when 95 percent of the actual cells are filled.

Plan to Revamp Jackson

Information about this item is contained in the folder provided to Joint Committee members by the Department of Corrections.

In review, Mr. Johnson noted that Jackson has been considered to be "too large" since 1933, two years after it was completed. The first significant change was the result of a 1969 study which recommended revamping Jackson into four operating units with significant reduction in size.

The two basic recommendations of the Daverman Study were:

- 1) Addition of floors in the tiers so there would be a three-tier maximum, thus dividing each tier into four units with separate officer staffing for more effective management.
- 2) Divide the central complex into two independently functioning units.

Recognizing the unrealistic costs and physical constraints that Daverman would impose, Mr. Johnson discussed using secure fencing to subdivide the central complex into two functioning units, sharing program space (gym, theater, yard, and dining area) at different times. Staff and an architect have been asked to work on problems of management and traffic flow.

Senator Pierce asked Mr. Johnson (1) whether the racial composition of the staff and inmates was the cause of the disturbances, and (2) if he agreed with the warden at Ionia that a population of 600 inmates was a desirable maximum.

In answering Senator Pierce's questions, Mr. Johnson observed:

- 1) Racial composition is important in this chain of events but not the major cause; many other factors contributed.
- 2) ACA standards recommend no new institutions larger than 500 beds. In the case of Jackson, replacement is not cost-realistic; the alternative is to break down, subdivide.

This concluded Mr. Johnson's remarks. He will be asked to meet with the Committee again.

Senator Holmes recommended that establishment of a site-selection committee be added to the agenda of the next meeting. Without objections, it was so ordered.

Public Comment

Willis X. Harris, 23 1/2 years in the prison system, cited the following as factors in the disturbances:

- 1) Inmates lack of control over the major decisions of their lives.
- 2) Inept management.
- 3) Poor communication.
- 4) Failure to satisfactorily resolve legitimate grievances; resolutions generally in favor of the staff.
- 5) Staff disregard of prisoner's rights.
- 6) Effect of Proposal B, particularly on 17- to 30-year-olds.
- 7) Guards' hostility toward inmates.
- 8) Mentally ill inmates and prison officials.
- 9) Livestock mentality toward inmates.
- 10) Parole policies.
- 11) Rehabilitation policies.
- 12) Overcrowding.
- 13) Hard core.

Mr. Harris made the following recommendations:

- 1) Legislation to make rehabilitation a part of corrections.
- 2) Qualifications for and upgrading of staff.
- 3) Inmates convicted of non-violent crimes removed from prison system into community corrections system.
- 4) Interview general inmate population, not select few.

Susan Ronda, formerly data research analyst for Gallup Poll--Comments regarding suggested questionnaire:

The first questions asking for a single reason or solution to the riots imply desire for simplistic answers rather than identifying major causes of concerns for people without much voice in the system.

She recommended inclusion of questions about individual personal concerns.

Pat Mask--

She agreed that racial composition is a large factor, and recommended qualifying guards according to interpersonal factors.

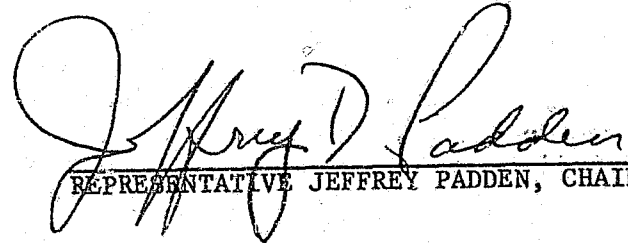
Bob Helmie, supposed Corrections employee--

He cosigned all that Willie X. had said, especially with regard to livestock mentality.

Announcement

Dick McKeon announced that the Joint Capital Outlay Subcommittee will take up supplemental appropriations bill at 8:30 on June 10.

Representative Padden adjourned the meeting at 7:05 p.m.


 REPRESENTATIVE JEFFREY PADDEN, CHAIR

JP:sg/bd

MINUTES
 OF THE
 JOINT COMMITTEE ON PRISON DISTURBANCES

June 11, 1981
 8:00 A.M.

1st Floor Conference Room
 Roosevelt Building

Representative Jeffrey D. Padden convened the meeting at 8:05 A.M.

Members present were: Representatives Padden, Henry, LaLonde, Kilpatrick
 and Cropsey
 Senator Pierce

Members absent were: Representatives Griffin and Owen
 Senators Brown, Holmes, Irwin, Arthurhultz, Mowat
 and VanderLaan*

*Effective June 11, 1981, Senator Harry Gast, Jr.,
 replaces Senator VanderLaan on the Joint Committee.

Staff: Mary Kay Scullion
 Jim Boyd

Also present were: Representative Mary Keith Ballantine, House Committee
 on Corrections
 Representative Michael Hayes, House Committee on
 Corrections
 Anne Fett, House Democratic Staff
 Leonard Esquina, Jr., Legislative Corrections
 Ombudsman
 Pam Crieghton, Senate Democratic Staff
 Tom Patten, Department of Corrections
 William Kime, Department of Corrections
 Richard Johnson, Department of Corrections
 Mike Wenzer, Legislative Service Bureau
 Kevin McKinney, Senate Fiscal Agency

Representative Padden announced that interviews had begun at Jackson, and asked for a brief report. It had been anticipated that three staff members, Mary Kay Scullion, Jim Boyd, and Diane Smith, would be able to conduct 50 interviews in a day, but they were able to complete only 19--12 with inmates and 7 with staff. This was primarily because of the logistics of handling prisoners during a lockdown, and not because the staff and inmates were uncooperative or reluctant. The process was more time-consuming in Northside than in the Central Complex. Tom Patten was asked to look into the discrepancy, and report back to the committee. Because the interviews are taking so much longer than expected, it may be necessary to revise the time frame or the number of interviews planned.

Chronology of Disturbances and Reactions

Tom Patten (DOC) with the assistance of Bill Kime (DOC) began a chronology of the disturbances. He asked the committee to refer to the newsletter, Deadline, dated June 3, 1981. In reviewing the information on State Prison, Southern Michigan (SPSM), Tom referred to a chronology of events titled, "Friday, May 22. Uprising at SPSM." Both sets of materials are to be found in the DOC packet provided in connection with the Joint Committee meeting of June 9, 1981. Although similar chronologies are not yet available for the Michigan Reformatory and Marquette, committee members asked that they be provided.

Questions from committee members to DOC officials focused on the "usual and customary" schedule and activities at the institutions as compared with the extraordinary events on the days of the disturbances. Tom indicated that specific questions about meal routines, lockdown procedures for morning counts, numbers of inmates and their supposed and actual locations would have to be obtained in interviews with the wardens of the institutions involved.

Given that conclusion, Joint Committee members agreed that interviews with administrators should be scheduled sooner than originally planned. Staff was instructed to try to schedule interviews for next week's meetings.

Injuries to Staff and Residents

In dealing with the questions of injuries to staff and residents, Tom distributed a summary report prepared by the DOC Office of Health Care titled, "Disturbance at State Prison of Southern Michigan 5/22/81-5/26/81." This report details the injuries to staff and prisoners, and provides information on the mobilization of health care staff and health care service at all three institutions during the disturbances. Totals are to be found in the chart on the last page of the report. The figures do not include 15 confirmed sexual assaults at the Michigan Reformatory.

In response to questions about possible disciplinary actions for misconduct during the disturbances, Tom said criminal charges can be filed against persons so accused. This can result in a trial, conviction, and additional time to be served.

Property Damage

For a review of property damage during the disturbances, Joint Committee members were referred to a memo to Gerald Miller and Perry Johnson from John Sullivan, Assistant Deputy, DMB, Bureau of Facilities. In point of clarification, costs listed are losses, not an indication of actual replacement costs. Rep. Padden indicated that preliminary decisions by the Department, the Joint Capital Outlay Committee and the Appropriations Committee indicate other directions. It was also noted that the Total Capital Outlay Loss Estimates of \$5,000,000 (refer to chart on last page of memo) are separate from an \$850,000 request for immediate funds for cleanup and temporary restoration. These outlays will be added to the existing state deficit; there are no additional sources of revenue.

Level of Preparedness/Staff Training

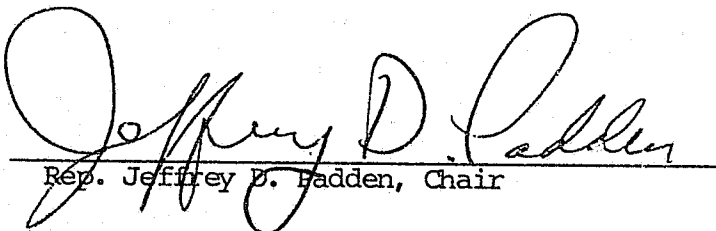
Richard Johnson, DOC Director of Training, distributed the Tables of Contents for four training modules used with new employees; only the health care module table of contents is not available. All new officers are required to undergo 320 hours of training before commencing employment--160 hours in the classroom, and 160 hours on the job. This constitutes two months of a six-month probationary period. Information relating to the handling of disturbances is to be found in emergency training sections in the custody and security module.

In discussing emergency training with Mr. Johnson, Joint Committee members focused on the mobilization of staff, a training exercise which includes simulated problems for the staff to respond to. Such a mobilization was implemented at SPSM on 5/20/81. The decision to include a shakedown as a part of the mobilization was an institutional one, i.e., it was decided by the warden and deputy warden of the prison. Evaluation of such a training exercise is made in a staff report to the training director approximately a month later. Although the subsequent disturbances have delayed such a report for the 5/20 mobilization/shakedown, the Joint Committee was assured a detailed and thorough analysis will be available.

Additional questions and discussion addressed the issues of staff continuing education with emphasis on crisis intervention and stress management, and staff training in grievance procedures. Custody demands versus treatment needs were also discussed. In addition, DOC officials were asked to provide a racial and minority breakdown of officers by institution.

With adjournment at hand, it was agreed to ask Mr. Johnson to return for further discussion. It was further agreed that more time would be needed for interviews with prison administrators. Therefore, the meeting time for Tuesday, June 16, 1981 will be extended until 8:00 P.M.

Rep. Padden adjourned the meeting at 10:04 A.M.


Rep. Jeffrey D. Padden, Chair

JDP:as

MINUTES
OF THE
JOINT COMMITTEE ON PRISON DISTURBANCES

June 16, 1981
5:00 P.M.

1st Floor Conference Room
Roosevelt Building

Representative Jeffrey Padden called the meeting to order at 5:10 P.M.

Members present were: Representatives Padden, Henry, Lalonde, Griffin and
Cropsey.
Senators Brown, Pierce, Irwin and Arthurhultz.

Members absent were: Representatives Kilpatrick and Owen.
Senators Holmes, Gast and Mowat.

Staff: Mary Kay Scullion and Jim Boyd.

Also present were: Representative Mary Keith Ballantine,
House Corrections Committee
Representative Debbie Stabenow,
House Corrections Committee
Mick Meddaugh for Senator Gast
Tom Olechowski for Senator Holmes
Anne Fett, House Democratic Staff
Leonard Esquina, Jr.,
Legislative Corrections Ombudsman
Clayton Burch,
Legislative Corrections Ombudsman's Office
Sue Herman,
Legislative Corrections Ombudsman's Office
Bert Useem, Center for Research on Social
Organization, University of Michigan
Kevin McKinney, Senate Fiscal Agency
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Barry Mintzes, Warden, SPSM
Elton Scott, Deputy Warden, SPSM
Michael Wenzel, Legislative Service Bureau
Pat Donath, House Republican Office
Lynn Welmeister, House Republican Office
Tom Patten, Department of Corrections
Greg Hoyle, Michigan Council on Crime and Delinquency
Gerry Fryt, Michigan Corrections Organization
Fred Park, Michigan Corrections Organization
Dave VanKoevering, Michigan Corrections Organization
Dale Davis, Michigan Sheriff's Association
William F. Siewertsen,
Office of Highway Safety and Planning
Harry Downs
Stanley Stoddard
Brian Walsh

After several administrative announcements, Representative Padden announced that the Joint Committee would interview Warden Barry Mintzes and Deputy Warden Elton Scott in connection with the disturbances at the State Prison of Southern Michigan.

May 20, 1981 - Mobilization/Shakedown

At the Wardens' and Superintendents' quarterly meeting in April, it was decided to omit all other kinds of drills and training exercises in connection with the spring mobilization, and to focus on shakedowns in all institutions. To make effective use of staff available for the mobilization at SPSM, the shakedown was to be concentrated for weapons only; not for property.

In a mobilization, off-duty staff are called in to work with the regularly assigned staff. In the mobilization/shakedown of May 20, 1981, the following staff were used:

Civilians--Maintenance & Teachers	152
Corrections Officers	68
Total	<u>220</u>

Of the civilians, there were some with no custodial training or experience. Staff was divided into teams of four to five under the supervision of a resident unit officer, with each team responsible for shaking down a specific area. The shakedown covered approximately 2400 cells in four hours.

In reviewing these details with Warden Mintzes and Deputy Warden Scott, Joint Committee members expressed concern that these plans could result in staff with no custodial experience entering cells alone to shake them down. Deputy Scott indicated this was not unusual, that team members were at all times under the supervision of a Resident Unit Officer.

In computing the time of five minutes per shakedown per cell, joint committee members asked if this was considered to be adequate. Deputy Scott felt that in some cases, it was adequate; in others, probably not. He indicated the time per shakedown varies according to the amount of legal property the resident has in the cell, and according to the kind of shakedown. Because this was a weapons shakedown only, the search was conducted differently than if it had been a shakedown for property. Shakedown results also vary--some shakedowns turn up many more weapons than others in less time.

Because Joint Committee members noted there have been indications that staff and inmates knew about the mobilization/shakedown one to two weeks before it occurred, a May 14, 1981 memo about a mobilization/shakedown from Deputy Scott was discussed as a possible cause. Warden Mintzes indicated that only he, Deputy Director Robert Brown and Training Director Richard Johnson had prior knowledge of the mobilization/shakedown scheduled for May 20, 1981. The memo in question was a handout prepared for distribution to team leaders on the day of the mobilization/shakedown. It was not distributed earlier.

Deputy Scott made the point because DOC policy mandates an annual mobilization, and that, historically, it has been in the spring, it was not unusual for those kinds of rumors to be spread. Deputy Scott also maintained the May 14 memo was

worded so generally that it could have been used at any time; from reading it no one could have predicted when a mobilization/shakedown would actually occur, or that one definitely would occur.

In answer to questions about a report-evaluation of the mobilization/shakedown, Warden Mintzes indicated that there was an immediate staff critique of procedural details; in addition, team leaders compiled reports on their operations. However, these have not yet been summarized into a single report.

At this point, upon Senator Brown's request, the Joint Committee asked Warden Mintzes to discuss his philosophy, and tabled discussion of the Chronology of Events until later in the meeting.

Philosophy

In responding to this request, Warden Mintzes discussed the importance of staff and inmates working together. The state maintains control over rules, procedures and guidelines but the goal is to achieve a balance so that both inmates and staff perceive some degree of fairness and understanding in what is expected. He cited the need for opportunities for change--for the constructive outlets of education, vocation and recreation. When asked how he would design a penal system, Warden Mintzes recommended establishing smaller (pop. 500-600) institutions while eliminating the larger ones, and emphasized that there is never enough staff. He was asked to provide the Joint Committee with written suggestions for Jackson, which would be in line with the objectives he expressed.

In a wide-ranging examination of the relationship of theory to practice, members focused their questions on a variety of areas including:

- 1) arming of guards;
- 2) single cells for inmates;
- 3) communication between frontline staff and top level administrators;
- 4) critical staffing levels;
- 5) violence in the prison--specifically, inmate on inmate;
- 6) shakedown policies and procedures;
- 7) effect of the passage of the "good time" proposal; and
- 8) regional prisons.

In addition, SPSM statistics from the most recently released report of the Auditor General were cited by Representative Henry as indicators that theory was being lost in administration. It was recommended that all these factors be reviewed in connection with tensions and disturbances in the institutions.

May 21, 1981 - MOC Resolution, Assault on Officers

In discussing the MCO Resolution, Warden Mintzes stated that it had been presented to him as a reflection of the MCO membership's attitude--it stated that an action would be taken somewhere and at some point in time, but gave no specific information as to what, where or when. He stated it was not possible to anticipate the action that was taken on May 22, 1981 from the MCO Resolution.

In response to questions about the assault on the officers, Deputy Scott discussed the actions he had taken immediately following the assault to resolve the situation. At the hospital later that evening, in conversations with the officers and their families, Deputy Scott had no indication that any of them believed the assault was premeditated, or that any job action was planned in connection with it. He further stated that inmates' reaction at the arrival of the ambulance was not unusual, and that the assault on either of the officers could not have been predicted. There was some discussion of a previous assault on Officer Kelly, but Warden Mintzes explained that from the circumstances he saw no relationship between that assault and the one under discussion.

May 22, 1981 - Chronological List of Events

In reviewing this chronology with Warden Mintzes and Deputy Warden Scott, joint committee members discussed the following with them:

- 1) the information prison officials received about decisions and events which disrupted the daily routine, and the effect on the inmates;
- 2) when the officials received this information;
- 3) the decisions of administrators at critical times; and
- 4) the objectives behind those decisions.

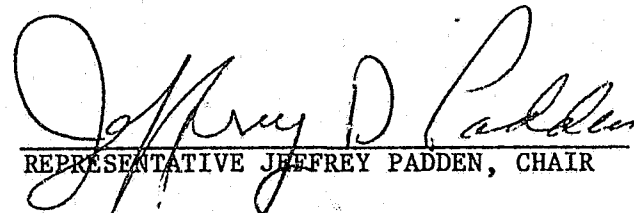
The administrators indicated one of their major objectives had been to keep inmates informed about what was actually happening to counteract widespread rumors about what might happen.

An area of particular concern involved the communication between administrators/supervisors and officers who were MCO officials. There are unresolved differences at this time.

The movement of prisoners from the yard was extensively discussed. Both Warden Mintzes and Deputy Warden Scott supplied the Joint Committee with much detail about the usual schedule and movement of inmates, as contrasted with what occurred on the morning of May 22. In particular, they felt movement from the yard was delayed that morning because of widespread rumors generated by the changes in routine which had occurred and were occurring.

At this point, Representative Padden indicated it was time to adjourn the meeting, and asked Joint Committee members present for a decision on how to proceed. It was agreed that the interviews should continue. Warden Mintzes and Deputy Scott indicated they would return for the meeting on Thursday morning, at 8:00 A.M.

Representative Padden adjourned the meeting at 8:10 P.M.


 REPRESENTATIVE JEFFREY PADDEN, CHAIR

JP:sg

MINUTES
 OF THE
 JOINT COMMITTEE ON PRISON DISTURBANCES

June 18, 1981
 8:00 A.M.

1st Floor Conference Room
 Roosevelt Building

Representative Jeffrey Padden called the meeting to order at 8:05 A.M.

Members present were: Representatives Padden, Henry, Lalonde, Griffin, Cropsy and Kilpatrick.
 Senators Brown and Pierce.

Members absent were: Representative Owen.
 Senators Holmes, Gast, Mowat, Irwin and Arthurhultz.

Staff: Mary Kay Scullion and Jim Boyd.

Also present were: Representative Mary Keith Ballantine,
 House Corrections Committee
 Representative Debbie Stabenow,
 House Corrections Committee
 Mick Meddaugh for Senator Gast
 Tom Olechowski for Senator Holmes
 Ann Waidley for Senator Pierce
 Tony Randall, Senate General Counsel
 Anne Fett, House Democratic Staff
 Leonard Esquina, Jr.,
 Legislative Corrections Ombudsman
 Sue Herman,
 Legislative Corrections Ombudsman's Office
 Bert Useem, Center for Research on Social
 Organization, University of Michigan
 Kevin McKinney, Senate Fiscal Agency
 Dick McKeon, House Fiscal Agency
 Jerry DeJuliannie, Senate Fiscal Agency
 Barry Mintzes, Warden, SPSM
 Elton Scott, Deputy Warden, SPSM
 Michael Wenzel, Legislative Service Bureau
 Pat Donath, House Republican Office
 Cheryl Fischre, Counsel to House Judiciary Committee
 Tom Patten, Department of Corrections
 Greg Hoyle, Michigan Council on Crime and Delinquency
 Gerry Fryt, Michigan Corrections Organization
 Fred Park, Michigan Corrections Organization
 Dave VanKoevering, Michigan Corrections Organization
 Dale Davis, Michigan Sheriff's Association
 Roger Ceglarek
 Jeff Dongvillo, Michigan Catholic Conference
 Hugh Wolfenbarger, Michigan Corrections Organization
 Gordon Gotts, Michigan State Troopers Association
 Richard Putney, Michigan State Troopers Association

At the beginning of the meeting, there was discussion of the Joint Committee visit to the State Prison of Southern Michigan (SPSM) scheduled for Friday, June 19, 1981. Because members will need additional time to interview a representative sampling of administrators, staff and inmates at both Northside and the Central Complex, it was agreed by members present to schedule a second day of interviews for Monday, June 22, 1981, and reschedule the visit to the Michigan Reformatory at Ionia.

Because the Michigan Corrections Organization (MCO) has called a strike vote for Tuesday, June 23, 1981, members present agreed to end discussion of the SPSM chronology in time to allow for a review of strike contingency plans with Warden Mintzes before the end of the meeting.

SPSM Chronology

Turning to the chronology of disturbances at SPSM, Joint Committee members focused on the activities from 9:45 when the yard bugle was blown until 11:55 when 3-block was taken by inmates.

In attempting to clarify the sequence of events, there was extensive discussion of the unauthorized actions by staff--orders for the lockdown, traffic stoppages and refusal to unlock for lunch. The point was made that the officers involved were acting in their capacity as union members and officers, and not in accordance with their responsibilities as prison staff. Warden Mintzes, in response to members' questions, maintained that it was this combination of actions which triggered the disturbance of May 22, 1981.

Also of concern were:

- 1) the number of inmates who remained in the yard for longer than the usual time, and the reasons for this; and
- 2) communication and actions taken by prison officials in response to what was occurring in the prison and in the yard.

In response, Warden Mintzes asserted that during this time he had no knowledge of plans for an indefinite lockdown. He also felt that given the unusual circumstances, the response times and action taken by administrators to deal with these events were within reasonable bounds; there was no perception that the situation had reached the point where armed force was necessary.

Continuing the chronology, members reviewed the actions of gun squads during the disturbance, and were concerned with clarifying the use of force, especially deadly force, during a disturbance. After describing hypothetical situations in which warning shots, shots to disable and shots to kill might be fired, Warden Mintzes indicated that the intent of DOC policy was that officers use the minimum amount of force according to the needs of the situation, to bring it under control. When to fire and how remain judgements of the officers involved, and permission from a supervisor is not required. There was some committee discussion and questions about alternatives to deadly force; however, no conclusions were reached.

Contingency Plans

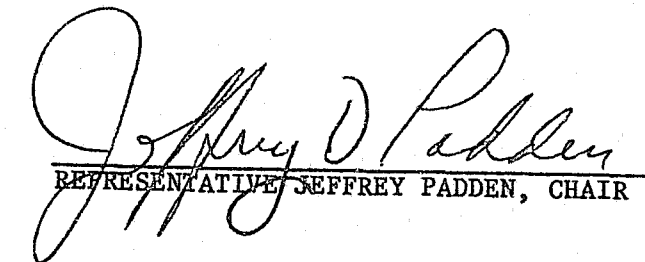
Questions by the Joint Committee established that the routine during the lockdown in effect since the disturbances includes: 1) feeding in cells, 2) health service, and 3) escort service for visits (hours have been curtailed), showers, medical treatment and some telephone calls. However, should a strike by MCO members take place, operations would be limited to food service and essential medical care. Both officials emphasized the importance of communicating with the residents about what was occurring, and extensive use of the inmate radio to assure residents they would not be left unattended.

Members also expressed concern about the process to end the lockdown and the steps being taken to prepare inmates and staff. Deputy Warden Scott indicated that termination planning is scheduled and will include representatives from the labor organizations and from the custodial staff.

SPSM Visits by the Joint Committee

Representative Padden announced that information about the SPSM visit has been delivered to Joint Committee members' offices. Those wishing to go were to confirm by noon Thursday, June 18, 1981.

There being no further comments, Representative Padden adjourned the meeting at 10:05 A.M.


 REPRESENTATIVE JEFFREY PADDEN, CHAIR

JP:sg

MINUTES

JOINT COMMITTEE ON PRISON DISTURBANCES

June 23, 1981
5:00 p.m.

1st Floor Conference Room
Roosevelt Building

Representative Jeffrey D. Padden called the meeting to order at 5:05 p.m.

Members present were: Representatives Padden, Henry, Lalonde, Griffin, and
Cropsey
Senator Pierce

Members absent were: Representatives Owen and Kilpatrick
Senators Holmes, Gast, Mowat, Irwin, Arthurhultz, and
Brown

Staff: Jim Boyd

Also present were: Ann Waidley for Senator Pierce
Anne Fett, House Democratic Staff
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Tony Randall, Senate General Counsel
Neil Rutledge, Senate General Counsel
Pam Creighton, Senate Democratic Staff
Michael Wenzel, Legislative Service Bureau
Pat Donath, House Republican Office
Dale Foltz, Warden, Michigan Reformatory
Tom Patten, Department of Corrections
Clayton Burch, Legislative Corrections' Ombudsman's
Office
Greg Hoyle, Michigan Council on Crime and Delinquency
Gerry Fryt, Michigan Corrections Organization
Fred Park, Michigan Corrections Organization
Dave Van Koevering, Michigan Corrections Organization
George Shindorf, Michigan Corrections Organization
Andy Melberg, Michigan Corrections Organization
Dale Davis, Michigan Sheriff's Association
Bert Useem, Center for Research on Social
Organization, University of Michigan

Representative Padden asked the Committee to consider the following
administrative business:

Joint Committee Report

Joint Committee members discussed releasing a report of preliminary
findings and recommendations. In preparing for this report, staff and
members will be asked to circulate tentative observations and recom-
mendations for all to react to. Members agreed to try to complete a

preliminary report by July 4, 1981, with the final Joint Committee report to be released later in the summer.

SPSM - Division of the Central Complex

Representative Padden, with Representative Henry concurring, indicated that interviewees (staff, administrators, inmates) were virtually unanimous in their support for the DOC proposal to divide the Central Complex at SPSM. Preliminary projected costs include \$60,000 for planning and design and \$270,000 for equipment and renovation. Representative Padden indicated that he will recommend that the Committee approve asking for full legislative support for this proposal as soon as possible.

Forced Lapse

Representative Lalonde announced there is a forced lapse of \$2 million for the DOC budget in the package of forced lapses agreed to by the legislative leadership and the Department of Management and Budget. Representative Lalonde indicated that every effort will be made to reduce the amount of the lapse, especially in light of the recent disturbances; moreover, he announced the forced lapse will not affect the supplemental monies being appropriated to cover the costs of the disturbances.

Interview with Dale Foltz, Warden, Michigan Reformatory (M.R.)

In presenting a general framework for the disturbance at the Michigan Reformatory, Warden Foltz described the overcrowded conditions at the prison since 1975 and the resulting lack of flexibility which created a situation of extreme stress for staff and inmates. He then summarized the chronology of the disturbance of May 22, 1981, and took questions from the members.

As to whether racial tension was a factor in the disturbance, Warden Foltz agreed the racial mix was volatile; however, he asserted it was more critical to understand the type of offender sent to the Michigan Reformatory: (1) young (15-23); (2) more aggressive/troublesome, requiring close security; and (3) serving long sentences for a variety of crimes. He indicated he felt statistics showing the amount of inmate involvement in the disturbances to be highly positive: the majority of the inmates were not involved.

The Joint Committee directed many questions to the Warden about the command center set up during the disturbance and about the decision-making process in effect. As "Captain of the Ship," Warden Foltz worked closely and without conflict with two Michigan State Police officers and the regional administrator. In addition, there were two communications people who assisted but had no part in the decision-making. The observers who were permitted in the center from time to time also played no decision-making role. Procedures used were those developed by Warden Foltz during the time he was Deputy Warden at M.R.

In response to questions for his evaluation of the handling of the disturbance, Warden Foltz indicated it was as close to practice as was ever run; there was not much that he would have done differently. He had high

praise for staff performance and stated that no reprimands, demotions, or disciplinary actions were issued.

The role of the media was also explored by Committee members— particularly the helicopter incident as described in the chronology. At this time, Warden Foltz is petitioning the Federal Aeronautics Administration to have the area above the prison declared restricted air space, as he believes this will prevent similar occurrences. Other areas discussed with the Warden included staffing and the concept of prevailing wages for inmate labor.

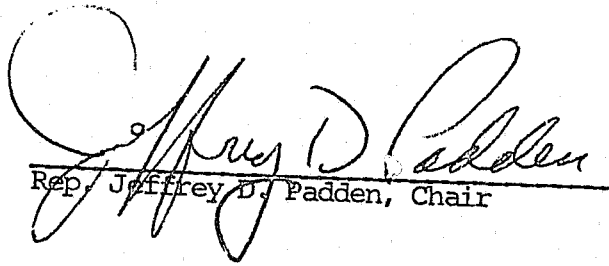
In response to questions about the traditional security-oriented approach, as compared with the treatment approach in corrections, Warden Foltz indicated he supported the directions the Michigan corrections system has taken, and would not be comfortable if it returned to former methods and objectives.

Meeting Agendas

Thursday, June 25, 1981 - Appropriations Issues
Structure of Preliminary Report:
Findings and Recommendations Only

Tuesday, June 30, 1981 - Interview with Theodore Koehler, Warden,
State House of Correction and Branch
Prison, Marquette

There being no further business, Representative Padden adjourned the meeting at 7:15 p.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/179af

MINUTES

JOINT COMMITTEE ON PRISON DISTURBANCES

June 25, 1981
8:00 a.m.

1st Floor Conference Room
Roosevelt Building

Representative Jeffrey D. Padden called the meeting to order at 8:08 a.m.

Members present were: Representatives Padden, Henry, Lalonde, Cropsey, and
Kilpatrick

Members absent were: Representatives Owen and Griffin
Senators Holmes, Gast, Mowat, Irwin, Arthurhultz,
Brown, and Pierce

Staff: Jim Boyd

Also present were: Representative Debbie Stabenow, House Corrections
Committee
Tom Olechowski for Senator Holmes
Ann Waidley for Senator Pierce
Anne Fett, House Democratic Staff
Sue Herman, Legislative Corrections Ombudsman's
Office
Bert Useem, Center for Research on Social
Organization, University of Michigan
Pam Creighton, Senate Democratic Staff
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Tony Randall, Senate General Counsel
Michael Wenzel, Legislative Service Bureau
Pat Donath, House Republican Office
Tom Patten, Department of Corrections
Robert Brown, Jr., Department of Corrections
Alvin Whitfield, Department of Corrections
Greg Hoyle, Michigan Council on Crime and
Delinquency
Gerry Fryt, Michigan Corrections Organization
Fred Parks, Michigan Corrections Organization
Dave VanKoeving, Michigan Corrections Organization
Jeff Dongvillo, Michigan Catholic Conference
Brian Walsh, Legislative Corrections Ombudsman's
Office
Stan Stoddard, Legislative Corrections Ombudsman's
Office

Institutional Visits

Representative Padden asked members intending to visit the Michigan Reformatory on July 26, 1981, to confirm with his office. The visit to Marquette is scheduled for July 3, 1981; it will be a one-day trip by plane, leaving Lansing Capital City Airport no later than 7 a.m. and returning no earlier than 8 p.m. Because space is very limited, members wishing to go are asked to contact Representative Padden as soon as possible.

SPSM Recommendation

At the previous meeting, Joint Committee members had discussed DOC recommendations for dividing the Central Complex at SPSM into two separate institutions. At this time, Representative Kilpatrick, with Representative Cropsey supporting, moved that the Joint Committee support the Department of Corrections' plan for separation of the Central Complex at SPSM and urge full legislative support. After some preliminary discussion of costs and logistics with Tom Patten, DOC, the motion was passed temporarily for lack of a quorum.

Appropriations Issues

Dick McKeon, House Fiscal Agency Analyst, distributed a chart of the Department of Corrections Institutional Staffing Appropriations for the fiscal years 1979-80, 1980-81, 1981-82; it does not include information on field services or central administration staffing. The chart represents the program increases from the previous year's base as requested by the Department of Corrections, recommended by the Governor, and finally enacted by the Legislature. Information on the requests from within the institutions to the Department of Corrections will come from DOC Deputy Director Alvin Whitfield later in the meeting.

In giving the overview, Dick pointed out that, generally, if the Governor's Office made a recommendation, the Legislature enacted it. Most changes occur when the Governor's Office (DMB) rejects DOC requests for increases. He noted that in hearings for the last three years, the DOC Director has supported the Governor's recommendations.

Dick directed Committee members' attention to the "Note" following each of the three fiscal years about the subsequent staffing reductions caused by forced lapses and budget cuts, and stated that because the staffing reduction decisions were left to the discretion of the individual institution, it is difficult to track the final FTE staffing figures in each request.

In summarizing the budget reduction figures, Dick indicated that the net effect was a total net cut of 146 positions for FY 1981 and FY 1982; these represent funded vacancies, not layoffs. He stated the decrease in the number of requests--from 18 in FY 1981 to 2 in FY 1982--was because the institutions had been told, "Don't ask; there is no money."

In answer to questions about staffing, Dick indicated:

1. The legislative subcommittee does not monitor the staffing reduction decisions made in each unit.
2. The percentage of central staff to total staff for DOC is very small--of 5,465 FTEs for 1981-82, only about 200 are central staff.

There was also comment about DOC targets in comparison with other departments (they are much less), and about whether targets are ever challenged at any point in the process. They have been challenged but rarely changed.

DOC Budget Procedures

Discussion on these issues led to questions about the internal budget process; and Alvin Whitfield, Deputy Director, DOC Bureau of Administrative Services, was asked to describe the process by which requests from the institutions to DOC are handled.

Mr. Whitfield explained that in the past four years, ways had been sought to make the budget process less cumbersome and more fruitful internally. He described a process in which institution heads and regional administrators jointly discussed program manager requests and then forwarded them to the central office with assessments and recommendations. He indicated that, at this point, nothing is deleted, the process is not formalized with official documents, nor are targets operational. Moreover, attempts are made to "package" the requests in a zero-based approach toward rational staffing standards. The "package" may be revised through feedback and negotiation before final decisions are made.

When asked about the relationship between the final budget requests and real need, Mr. Whitfield expressed the opinion that the Department could operate very well within the management plan as submitted, but agreed realities whittle it away.

Members questioned this assumption vigorously. The passage of the POEPA in December 1980 was cited as one of the first decisions made in reaction to institutional needs rather than budget targets. Committee members cited testimony from the institutions which indicates real frustration over unmet needs, and indicated examination of the relationship of past budget decisions to the disturbances would be a priority agenda item.

DOC Staffing Policies

Robert Brown, Jr., DOC Deputy Director, Bureau of Corrections Facilities, discussed staffing policies and procedures with Committee members. He distributed the following sheets and referred to them throughout the presentation and the question and answer period which followed:

1. Custodial Manpower Assignment—Housing Sheet
2. Relief Coverage Formula
3. Daily Personnel Reconciliation

There was some detailed discussion of the information contained in these materials; however, the central focus was again the issue of staffing at full complement as opposed to critical complement. Full complement was described as the level of staffing scheduled to work in a certain unit on a given day and shift. Acknowledging that full-complement staffing is hardly ever achieved, Deputy Brown stated that critical staffing is that level which must be maintained even if it is necessary to schedule overtime.

This was the point at issue, with members questioning the acceptability of critical staffing when full complement is scheduled. There was no resolution of the issue; however, members indicated they wished to continue consideration and discussion at a future date.

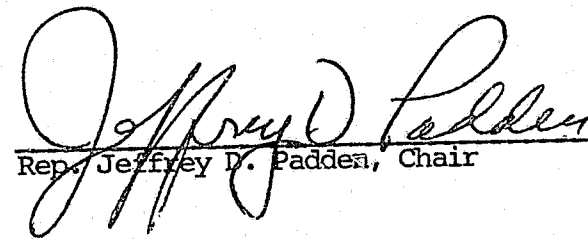
Preliminary Report

Members are asked to prepare observations and recommendations for review in preparation for a Joint Committee preliminary report tentatively scheduled for release by the weekend of July 4, 1981. Representative Padden indicated this would be a skeleton report of preliminary findings, with a more extensive report to be released later in the summer.

In response to a request from the Committee, the Chair will try to arrange for representatives of the Michigan Corrections Organization (MCO) to address the Committee before the preliminary report is completed.

On Tuesday, July 29, 1981, Warden Theodore Koehler from Marquette is scheduled to come before the Committee to discuss the disturbance of May 26, 1981.

There being no other business before the Committee, Representative Padden adjourned the meeting at 10:05 a.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/179af2
Attachs.

MINUTES
OF THE
JOINT COMMITTEE ON PRISON DISTURBANCES

June 30, 1981
5:00 P.M.

1st Floor Conference Room
Roosevelt Building

Representative Jeffrey Padden called the meeting to order at 5:11 P.M.

Members present were: Representatives Padden, Henry, and Griffin.

Members absent were: Representatives Owen, Lalonde, Kilpatrick and Cropsey. Senators Holmes, Gast, Mowat, Irwin, Arthurhultz, Brown and Pierce.

Staff: Mary Kay Scullion and Jim Boyd.

Also present were: Representative Mary Keith Ballantine, House Corrections Committee
Tom Olechowski for Senator Holmes
Neil Rutledge, Senate General Counsel
Anne Fett, House Democratic Staff
Leonard Esquina, Jr.,
Legislative Corrections Ombudsman
Sue Herman,
Legislative Corrections Ombudsman's Office
Bert Useem, Center for Research on Social Organization, University of Michigan
Jerry DeJuliannie, Senate Fiscal Agency
Theodore Koehler, Warden, Marquette Branch Prison
Pat Donath, House Republican Office
Tom Patten, Department of Corrections
Greg Hoyle, Michigan Council on Crime and Delinquency
Fred Parks, Michigan Corrections Organization
Dave VanKoeving, Michigan Corrections Organization
Diane Smith, House Democratic Research Staff
Bob Katz, House Democratic Research Staff

Preliminary Report

Representative Padden proposed preparation of a preliminary report as follows; he will meet with staff and pull together an outline of recommendations and findings as submitted by committee members; this outline will be circulated to the committee on Thursday, July 2, 1981. Members will be asked to return the outline with objections, recommendations, corrections, etc. by 5:00 P.M. the same day. To insure that the preliminary report not be construed as more than it is, Representative Padden will attach a memo to the outline explaining this process. A similar cover memo will be attached to the preliminary report. This proposal was agreed to by the members present.

Marquette Trip

Final arrangements for the trip to Marquette Branch Prison on July 3, 1981, have been made. Representatives Padden, Cropsy, and Lalonde, Senator Brown, Leonard Esquina and the pilot will make the trip.

Theodore Hoehler, Warden
Marquette Branch Prison

In giving a brief summary of the events of the disturbance of May 26, 1981, Warden Koehler cited the following statistics:

Injuries: Officers, 12; inmates, 14.
Of the inmate injuries, two were from ricocheting shell fragments; the others from assaults or actions during the riot.

Fires: Arson experts have determined there were 22 sets resulting in fires in three buildings:

- 1) Industrial Building - damage partial, fire contained by units outside the prison.
- 2) Service Building - damage partial, fire contained by basement sprinklers.
- 3) Vocational Building - damage total to carpenter shop, print shop and vocational school.

Charges: 141 felony warrants were issued against 129 inmates.
200 administrative tickets issued.

The use of gun squads is detailed in the memo of June 1, 1981, from Lt. Bruce Forstrum to the Deputy's Office. (This memo was distributed to members in connection with the Joint Committee meeting of June 18, 1981.)

Warden Koehler emphasized his belief that no one cause could be found for the disturbance. Asserting "anything can happen at any time," he mentioned a number of factors which could have had a bearing on the disturbance including the type of offender sent to Marquette, the racial and minority balance, employee training and turnover, and prisoner's rights in a hostile court.

Warden Koehler also described a number of incidents which took place during the two to three weeks prior to the disturbance--inmates noticed congregating in the yard, food service complaints, food boycott, and rumors of a sitdown strike. A signed note from an inmate warned of trouble on May 23rd; and after the Jackson and Ionia disturbances, Marquette was locked down from Saturday, May 23, 1981, after lunch, until Tuesday noon, May 26, 1981. This was accompanied by a total weapons shakedown which yielded 10 weapons. The situation seemed to be normal after the shakedown was ended.

In other questions about possible causes of the disturbance, the committee focused on food service and such problems as occur when portions are adjusted or reduced food service seen as a less than desirable work assignment, and the difficulty of acquiring and keeping trained food service personnel. Warden Koehler emphasized that food service and yard time are two of the most sensitive areas for inmates, and problems can create much stress and anxiety.

The majority of warrants issued were for unlawful assembly when inmates refused to leave the yard and return to their cells. Warden Koehler indicated that most inmates had two different opportunities to obey this order--those who refused were contained and charged--and he felt the warrants' charges were appropriate.

Normalization

Marquette Branch Prison is in a semi-lockdown situation at the present time with approximately 50 inmates released daily for work assignments. Inmates are leaving their cells, one block at a time for the noon meal with morning and evening meals served in their cells.

Release for meals is an on-going problem for it is time-consuming, and affords inmates their only opportunities to get at each other--there have been two assaults since the disturbance. Moreover, because of the shortage of segregation facilities, many inmates with felony warrants from the disturbance are released for meals at the same time as the rest of the inmate population.

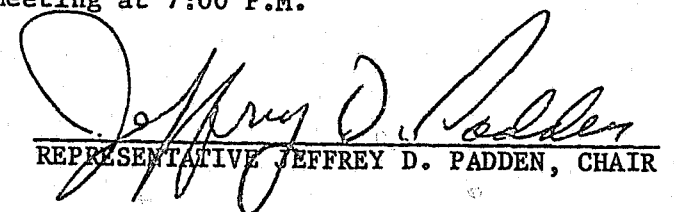
During this period, there has been staff reluctance to consider release for a second meal, and the local MCO President has made a number of requests regarding additional staffing and curtailment of certain inmate activities. Warden Koehler indicated, however, to meet caloric as well as nutritional requirements, release for two meals has been authorized and will begin the present week or early the week of July 5, 1981. While emphasizing the need to move toward normalcy, he stated that there would be no return to yard time for the rest of the summer.

General Questions

In answer to a variety of questions from committee members, Warden Koehler reviewed changes occurring during his tenure at Marquette--changes in staff education and experience, in staff turnover rates and in staff perceptions of their roles in the decision-making process. Again, emphasizing there are no easy generalizations, he talked about the effects of these changes on attitudes and judgements. He also described the changing nature of the inmate population, and the effects of prisoners' rights and due process decision in the courts.

Within this broad framework, there was discussion of problems on the 2-10 shift, and of the shakedowns before and after the disturbance.

Representative Padden adjourned the meeting at 7:00 P.M.


REPRESENTATIVE JEFFREY D. PADDEN, CHAIR

JDP:sg

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE ON PRISON DISTURBANCES

July 2, 1981
8:00 a.m.

1st Floor Conference Room
Roosevelt Building

Rep. Jeffrey D. Padden called the meeting to order at 8:10 a.m.

Members present: Representatives Padden, Griffin, Kilpatrick and Henry
Senator Pierce

Members absent: Representatives Lalonde, Owen, and Cropsey
Senators Holmes, Gast, Mowat, Irwin, Arthurhultz, and
Brown

Staff present: Mary Kay Scullion and Jim Boyd

Also present: Rep. Debbie Stabenow, House Corrections Committee
Tom Olechowski for Senator Holmes
Ann Waidley for Senator Pierce
Tony Randall, Senate General Counsel
Neil Rutledge, Senate General Counsel
Anne Fett, House Democratic Staff
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Office
Tom Patten, Department of Corrections
Gerry Fryt, Michigan Corrections Organization
Dave VanKoevering, Michigan Corrections Organization
Pam Creighton, Senate Democratic Staff
Diane Smith, House Democratic Research Staff
Brian Walsh, Legislative Corrections Ombudsman's Office
Stan Stoddard, Legislative Corrections Ombudsman's Office

After announcing final arrangements for the Joint Committee's trip to Marquette, Representative Padden introduced officials of the Michigan Corrections Organization for their presentation to the Committee.

Gerald Fryt, President, MCO
David VanKoevering, Field Services Coordinator, MCO

Mr. VanKoevering announced that the Michigan Corrections Organization (MCO) felt there were discrepancies in the SPSM Chronology for the morning of May 22, and stated that Mr. Fryt would address them.

In giving background, Mr. Fryt indicated that concern over the shakedown of May 20 and the assault of May 21 resulted in the members' urging MCO officers to ask for another shakedown as soon as possible.

Although much of this communication was by telephone the morning of May 22, MCO officials had no mobilization list and were not authorizing a shakedown; they were, however, encouraging off-duty members to come back to the prison to be available in case administration officials should agree to a shakedown that morning.

At the first meeting with Deputy Warden Scott (at 8:45 a.m., instead of 8:15 a.m., as listed in the chronology), Mr. Fryt stated that at no time did Warden Scott discuss possible legal ramifications or inmate disturbances or make any statement about gross insubordination. The meeting with Warden Mintzes did not take place until 11:15 a.m. Although the shakedown request was discussed, Mr. Fryt asserted it was a request for a shakedown as soon as possible; there was no insistence that it be authorized immediately. It was during this meeting that supervisors reported inmates would not lock up, and asked for assistance in dispersing them. The meeting ended at 11:45 a.m. with no resolution of the shakedown request. No one had left the meeting prior to that time. Mr. Fryt maintained he ordered off-duty officers waiting on the highway into the prison after the news was received that 3-Block had been rushed. He asserted the problems would have been far more serious without them.

Next, Mr. VanKoevering reviewed past communication between MCO and DOC, emphasizing his repeated efforts as MCO lobbyist to achieve increased staffing levels throughout the system. There was again some discussion of critical versus full-complement staffing, as well as an examination of what constitutes a thorough and effective shakedown. Of the relationships between officers and inmates, it was pointed out as significant that no hostages were taken during the disturbances.

Further questions focused on disciplinary procedures and inmates' rights. There was extensive discussion of administrative tickets--major and minor--and "toplock" as disciplinary measures. Joint Committee members were told of officers' frustrations and perceptions that the system did not work or worked only in favor of the inmates. Both MCO representatives maintained that staffing levels and the inadequacy of the punishment system were major factors in the disturbance rather than institutional size.

In answer to questions about recommendations MCO might have for the Joint Committee, the following concerns were expressed:

1. Availability and accessibility of DOC handbooks for on-line staff.
2. More effective communication between administration and staff and residents.
3. Evaluation of resident programming and its impact on staffing.

Moreover, Mr. VanKoevering urged an academy-type training program for corrections officers similar to the one provided by the Michigan State Police, including 300 hours of training, placement of trainees with senior officers for one year's probation, certification or washout at the end of training, and more intensified studies in sociology and psychology.

Joint Committee members explored the past relationship of MCO and/or some of its members with L. Brooks Patterson, Oakland County prosecutor,

especially in view of Mr. Patterson's involvement with the repeal of the "good time" incentive for offenders. Acknowledging there had been meetings with Mr. Patterson, Mr. Fryt asserted these had come about because of members' frustrations with the system and DOC practices; they were informal in nature, and there had never been a contractual arrangement for Mr. Patterson to be retained as counsel. Of the meeting with Mr. Patterson in early May 1981, Mr. Fryt maintained that, to his knowledge, this was also true; however, he had not attended this meeting.

Returning again to staffing issues, Joint Committee members were told that institution size and classification (maximum, medium, and minimum security) were major cost factors in staffing decisions. Discussion of staffing requests, particularly as they originated in the institutions, and what happened to them as they proceeded through the appropriations process resulted in a renewed call by the Committee for further examination of the relationship between the Department of Corrections and the Department of Management and Budget.

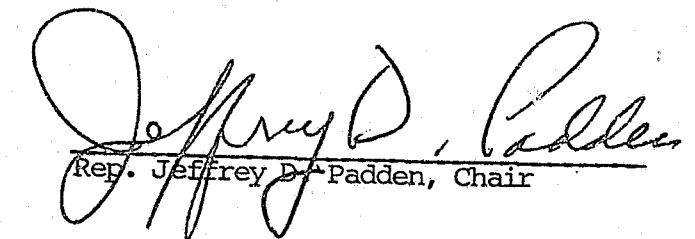
Joint Committee Report

It was the suggestion of members present that the chair of the Joint Committee prepare a preliminary report utilizing findings and recommendations of Committee members which have been submitted. This report is to be considered a working document--a draft of tentative findings, with additional recommendations for Committee consideration--for members to react to and review before the final report is prepared.

The Joint Committee chair, Rep. Jeffrey D. Padden, agreed to release this report over his signature without formal action of the Committee and with a cover statement describing the process by which it had been prepared and released.

In preparation for the final report, the chair announced that Joint Committee meetings would be resumed the month of August with the intention of releasing the report before the legislative session resumes.

The meeting was adjourned at 10:10 a.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/196af
7/15/81

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE ON PRISON DISTURBANCES

August 12, 1981
10:00 a.m.

First Floor Conference Room
Roosevelt Building

Rep. Jeffrey D. Padden called the meeting to order at 10:25 a.m.

Members present: Representative Padden
Senator Holmes

Members absent: Representatives Griffin, Kilpatrick, Henry, Lalonde, Owen,
Cropsey
Senators Pierce, Gast, Mowat, Irwin, Arthurhultz, and
Brown

Staff present: Jim Boyd

Also present: Ann Waidley for Senator Pierce
Tom Olechowski for Senator Holmes
Willis X. Harris, Michigan Lifers Association, Inc.
James Spivey, International Brotherhood of Ex-Offenders
Neil Rutledge, Senate General Counsel
Anne Fett, House Democratic Staff
Terry Becker, Legislative Corrections Ombudsman's Office
Stan Stoddard, Legislative Corrections Ombudsman's Office
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Pat Donath, House Republican Staff
Gerry Fryt, Michigan Corrections Organization
Dave VanKoevering, Michigan Corrections Organization
Joseph Young, Sr., House Appropriations Committee
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Tom Patten, Department of Corrections
Jack Boyett, Department of Corrections
Rich Johnson, Department of Corrections
Ernie Wallick, Civil Service
Don Meyers, Civil Service
Art Andrews, Civil Service

Meeting Agenda

10:00 - 12:00 a.m. Presentation by Michigan Corrections Organization

1:00 - 5:00 p.m. Presentation by Personnel Officers from Departments
of Corrections and Civil Service

Future Meetings

Representative Padden outlined a tentative schedule of meetings, which was subsequently revised. Members will be notified directly of specific meeting times and agenda topics. The final report of the Joint Committee is tentatively scheduled for release the week of September 21, 1981.

Michigan Corrections Organization
Gerald Fryt, President
David VanKoevering, Field Services Coordinator

In an opening statement, they expressed appreciation for being able to come before the Committee. They added that unrest in the institutions continues, specifically mentioning assaults and slow lockups after meals.

Representative Padden offered the following issues for the Joint Committee's discussion with the MCO officers: (1) disciplinary process, (2) grievance process, (3) academy proposal, and (4) repeal of good time.

Disciplinary Process

Citing DOC statistics on major ticket writing in the institutions, Representative Padden asked for discussion on why the differences between institutions were so great. Possible causes cited by MCO included screening and hiring procedures, staff training, and changes in the administrative hearings process. Because some MCO statements were contradicted by available DOC data, no conclusions were reached.

Segregation of troublemakers, bondable/non-bondable offenses, and the shortage of significant work opportunities for residents were mentioned as affecting the disciplinary process. There was considerable focus on work opportunities and on the varying compensation available to residents for these activities, e.g., \$3 to \$4 per day for industries and 25 cents to 40 cents per day for more menial jobs. This led to a discussion of the amounts of money (in token form) potentially available to inmates from outside as well as from within the institution.

MCO recommendations included increasing the number of higher paying jobs and cutting the money from outside sources. Other recommendations included more available segregation space and more non-bondable offenses. In answer to questions about MCO priorities, both officers cited disciplinary procedures, staffing, and institution size as issues of high priority.

Good Time

Although MCO members were polled on good time and other issues after the riots, results were not available from the MCO officers at this time. However, they indicated support for making some motivational mechanism available to administrators in the management of the institutions. The Joint Committee stressed the absolute necessity of making such support

known, if the Legislature was to consider the issue further, and emphasized making poll results available to the Committee as soon as possible.

Academy Proposal

In promoting the academy concept, MCO again outlined the differences between training received by State Police officers and corrections officers, stressing the amount of time in training and on probation with senior officers. Questioned about screening and hiring requirements, they advocated (1) a high school diploma or higher, or relevant criminal justice experience (e.g., para-professionals in halfway houses, voluntary group homes, etc.), and (2) a physical requirement. Mr. VanKoevering stated he was not in favor of psychological testing, and indicated he believed the sensitivity required of a corrections officer could be ascertained during the probationary period; if not demonstrated at that time, it could be grounds for termination.

Program/Security Balance

Citing MCO positions in communications to the Legislature and government officials, Representative Padden asked MCO about the proper balance between programs and security. There was discussion of what constitutes a reasonable, as opposed to a repressive, prison system. Other questions revolved around the MCO perception of an appeasement policy on the part of prison administrators, appeasement being defined as not enforcing the rules as a result of inmate pressure. Although no specific statistics were available, it was the MCO position that the majority of prisoners (estimated at 75 percent) want an orderly, safe, and humane environment. They also agreed that in some instances, a democratic style of government might work.

The meeting was recessed at 12:20 p.m.
and reconvened at 1:15 p.m.

Personnel Issues

- Department of Corrections — Jack Boyett, Personnel Director
Richard Johnson, Training Director
- Department of Civil Service — Ernest Wallick, Director, Selection Bureau
Arthur Andrews, Supervisor,
Evaluations Section

Line-Staff Standards

In discussing the selection process for Corrections Officer, 2-B Class, Mr. Wallick described the Civil Service computerized skills file from which

names are selected according to interest, age, and minimum salary. Those selected take a 1-hour, 45-minute examination developed by Civil Service. Subsequent testimony indicated applicants are tested on reading comprehension, ability to communicate, attitude toward inmates, and work history and attendance. Applicants with successful test results are referred to DOC for screening, interviewing, and hiring purposes. Mr. Wallick emphasized Civil Service responsibility ends with the employment list referral; DOC has responsibility for hiring, in-service training, and evaluation.

Providing additional information about the hiring process, Mr. Boyett indicated the previous educational requirement of a high school diploma had been relaxed on the grounds it set up artificial barriers for protected group members. At present, a health examination is the only physical requirement; however, physical testing is being developed for future use.

Minority Representation and Recruitment

Citing previous references to racism and the riots, Joint Committee members asked for information on minority representation on staff and minority recruitment. Mr. Boyett described the DOC Affirmative Action Plan approved by MEOC with an overall recruitment goal of 15% and an institutional goal based on the population in the recruitment area. The following figures were provided on minority representation on overall staff (no figures were available on minority representation among staff with direct inmate contact):

1977	-	13.5%
1978	-	13.9%
1979	-	13.1%*
1980	-	13.7%
Present	-	14.5%

(*In 1979 MCO requested an injunction preventing special consideration for affirmative action reasons. The injunction was granted and the matter is still under appeal.)

There was extensive discussion of the definition of minority representation--the affirmative action goals cited had been reflective of the percentage of minorities in the state's population. DOC and CS officials described concepts of minority representation based upon (1) clientele served and (2) the relevant labor pool. Mr. Boyett agreed the 15-percent goal might be low, and indicated a more desirable goal would be more than the relevant labor pool but less than the clientele served.

Although relocation expenses monies for potential staff in the amount of \$5,000 annually have been allocated by the Legislature since 1976, the program is not seen as successful by DOC. No figures were available on the amount actually expended. In answer to a question about bonuses for relocation, officials indicated there are none, and none are contemplated.

The role of CS and DOC in minority recruitment was discussed; recruitment plans and resources were cited. The present tested list of

3,000 was cited, of which 29% are Black; 8%, Hispanic; 1.4%, Indian American; and 2%, Asian, with a successful band width of 15 (i.e., scores in the 85-100 range are successful). Figures are not yet available on the number who passed.

Note: In subsequent testimony, the Joint Committee learned that while the Affirmative Action officer reports to the DOC director, day-to-day supervision is by the personnel director. Maintaining that this was not the legislative intent, the Joint Committee was assured that Director Johnson would respond on this issue.

Applicant Interviews and Tests

In discussion of these areas, concern focused on determination of attitudes and qualifications--how attitudes are revealed, how qualifications are determined, how the ineffective are eliminated, how professionalism is assessed. There was also comment on the disparity between DOC and employee perceptions of the screening process.

The Joint Committee was especially interested in the division of hiring responsibilities between the DOC central office and the institutions. The interview team usually consists of a personnel officer or training staff member, a deputy warden, and a shift supervisor. Interview training is on-the-job, with reference to CS guidebook and DOC check sheet. Asked if satisfied with this process, DOC officials indicated it would receive closer scrutiny in the future.

Evaluations, Promotions, and Ticket Writing

The Joint Committee questioned DOC and CS officials extensively about the relationship between evaluations, promotions, and ticket writing. At present, even though there are evaluations (at three months and six months during the probationary period), satisfactory/unsatisfactory ratings in an annual DOC report to CS, and promotions based upon CS testing, there is no correlation between any of these mechanisms and a staff person's ticket-writing performance. While DOC indicated ineffective ticket writing could be perceived as a need for additional training, it conceded this was not the practice at the present time.

Management Hiring and Evaluations

In reviewing management hiring, DOC and CS officials described a selection process involving the use of Civil Service examination results in conjunction with minimum specialty skill requirements of education and experience. These requirements are developed by the Civil Service Classification Bureau with input from subject matter experts in the user agency. Hiring decisions on positions classified at the 12 level or below are made at the institutional level; those at 13 and above require Director Johnson's approval.

The only evaluations at the management level document negative performances--there is no ongoing assessment of managers' strengths and weaknesses. In response to a question about whether this is usual, Mr. Boyett expressed preference for an annual positive performance review, which would result in better feedback on performance and in promotion potential. He stated, however, this would take time and money to effectuate.

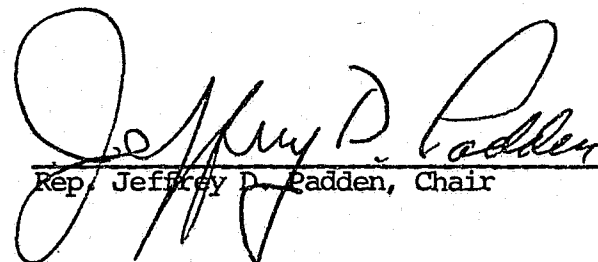
Responding to questions about turnover, Mr. Boyett indicated the number leaving the system was low; transfers within the system are high because of expansion. In the past, promotions were from within the system only. Under a rules change, candidates may now be considered on an open competitive basis. At present there is no extensive recruitment outside the system, however. In answer to a question about the use of the Career Executive Service, Mr. Boyett indicated it was not used because the Legislature was perceived as being unfavorable because of the lack of bonus funding. Representative Padden questioned this interpretation.

There was some discussion of stress management--DOC believes the concept has merit. There is a pilot project in Marquette, but the DOC is still evaluating it.

Public Comment

Willie X. Harris, Michigan Lifers Association, maintained there was considerable discrepancy between theory and practice in the areas of ticket writing, industries assignments, teacher competency, and guard testing. While Mr. Harris commended the DOC director for his policies, he stated they are being circumvented at lower levels; and he was critical of MCO testimony before the Committee. He urged legislators to be sure they saw all inmate mail addressed to them.

Representative Padden adjourned the meeting at 4:11 p.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/23laf
8/20/81

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

August 13, 1981
9:00 a.m.

First Floor Conference Room
Roosevelt Building

Rep. Jeffrey D. Padden convened the meeting at 9:08 a.m.

Members present: Representatives Padden and Lalonde

Members absent: Representatives Kilpatrick, Henry, Cropsey, Griffen, and Owen
Senators Holmes, Gast, Irwin, Arthurhultz, Brown, Pierce, and Mowat

Staff present: Mary Kay Scullion, House Democratic Research Staff
Jim Boyd, House Corrections Committee

Also present: Anne Fett, House Democratic Staff
Ann Waidley for Senator Pierce
Neil Rutledge, Senate General Counsel
Jerry DiJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Tom Patten, DOC
Carol Howes, DOC
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Clayton Burch, LCO Staff
Brian Walsh, LCO
Stan Stoddard, LCO
Greg Hoyle, MCCD
Willis X. Harris, Michigan Lifers Association
James Spivey, International Brotherhood of Ex-Offenders
Lynn Lehle
Kathie Murray

Agenda

Inmate Grievance System - Department of Corrections
Tom Patten, Executive Assistant to the
Director
Carol Howes, Assistant for Recipient
Affairs

Legislative Corrections Ombudsman's Office
Leonard Esquina, Jr., Ombudsman
Clayton Burch, LCO Staff

Department of Corrections

Mr. Patten recommended the Description of the Grievance System (handout) to the Joint Committee as the most effective ever prepared, and read the first three and one-half pages for Committee consideration. He reviewed the role of Resident Representatives (handout) in the Warden's Forum, indicating this will be made a part of the grievance process. (Note: Mr. Patten also elaborated on other functions of the Warden's Forum in connection with inmate activities, and described how information from the Warden's Forum meetings is disseminated within the various institutions.)

Other handouts included Grievance Distribution Reports for 1979 and the first half of 1981. A report on grievance distribution for 1980 is unavailable, as the reporting system was changed during that year upon the recommendation of the Governor's group on recipient rights. (Note: In these reports, "resolved" means resolved in the inmate's favor.)

Legislative Corrections Ombudsman

Mr. Esquina described the role of the Ombudsman and the process by which grievances reach his office. In citing problems of credibility, frivolous grievances, exceeded time limits, inadequate prisoner orientation, and lack of central office involvement, he noted many of the same problems had been cited in the report of the Governor's Task Force on Prison Disturbances. Moreover, Mr. Esquina concluded the grievance system is not working because it is a low-cost/low-priority item; and, although he had some recommendations for change, Mr. Esquina questioned whether the credibility of the present system could be restored.

Mr. Esquina offered, for Joint Committee consideration, a proposed grievance procedure with commentary (handout). He cited as resources/guidelines from the Center for Justice:

1. There must be independent review, i.e., levels of appeal, up to and including persons outside the correctional structure.
2. Line staff and inmates must participate in the design and operation of the grievance procedure.
3. Relatively short, enforceable time limits for making and implementing decisions must be part of mechanism.
4. There must be guaranteed written response for every grievance submitted.
5. Effective administrative planning and leadership is required.
6. Administrative, line-staff, and inmate personnel must be trained in the skills and techniques necessary for effective investigation, hearing, and resolution of grievances.
7. There must be an effective program for the orientation of staff and inmates to the nature, purpose, and functions of the grievance procedure.

8. There must be a continuing system to monitor and evaluate the effectiveness of the grievance procedure's operation.
9. The grievance procedure should be statutorily enacted in the legislation after the Department has tested and evaluated the mechanism.

Mr. Esquina summarized effective grievance procedures as inexpensive, quick, and promoting win/win outcomes through a joint problem-solving process.

In recommending the proposed grievance procedure, Mr. Esquina stressed the importance of (1) administrative planning and leadership, (2) inmate orientation and involvement, (3) continual monitoring, and (4) development of a hearings process. The role of the Legislature in passing legislation mandating the principles and process of the grievance procedure was seen as crucial in this process. (Please note: The attached grievance procedure is a proposal only; it has not been considered by DOC.)

Questions and Answers

In response to a question about the motivation behind the establishment of a grievance system, Mr. Patten cited the following:

1. Resolution of complaints.
2. Feedback on policies that need revision.
3. Lessening of tension.

He conceded this could work toward the prevention of future disturbances.

In discussion of the existing grievance system, Mr. Patten agreed the system could work better; and he noted that regional monitoring is provided for but has not been implemented, for fiscal reasons. He affirmed the need for adequate staff training and stressed the importance of good first-line investigations that make sense.

In response to questions about her responsibilities, Ms. Howes described how they were substantially increased when the office of Volunteer Coordinator was eliminated for fiscal reasons. Resources and time are not adequate to meet expectations in a considerable range of areas. She discussed the monitoring potential of the expanded quarterly reporting system as an example. She agreed with the perception that the grievance system, as well as the volunteer system, is a low-cost/low-priority item in the budget.

Ms. Howes identified a number of problems which frequently come to it but are not within the purview of the grievance system--e.g., problems connected with inmate classification, property, and disciplinary tickets--describing their negative impact on the grievance process and stressing the need for fundamental changes.

Noting the institutional variation in number of grievances compared with the number of grievances resolved, the Joint Committee was told the nature of the institution and the type of grievance would account for the greater unresolved rate. Michigan Dunes Correctional Facility figures were cited as an example. (Note: In response to requests for information about the subject matter of the grievances, Ms. Howes indicated she will provide data for the Committee within one to two weeks.)

There was discussion of timeliness in the resolution of grievances: although the procedure sets out specific limits for certain steps, Ms. Howes conceded these limits were very often exceeded by a matter of months. There was general agreement that problems such as these contributed greatly to the widespread inmate disillusionment with the system.

The subject of the filing of frivolous grievances was discussed. Neither Mr. Patten nor Ms. Howes considered it a problem, estimating 5 percent or less as frivolous. Both objected to putting a cap on the number of grievances filed, stating the bulk of grievances do not originate from a small number of inmates.

In commenting on the grievance procedure proposed by the LCO, Mr. Patten asserted he was unalterably opposed to prisoner representation on a grievance panel. Referring to the existing grievance system, he stressed the importance of the rum's role in communication with the residents and stated his belief in the Warden's Forum as an excellent vehicle for discussion of policy issues.

Public Comment

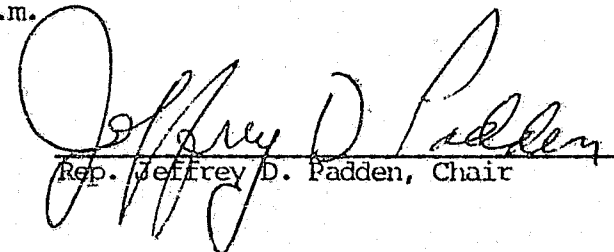
Willis X. Harris
Michigan Lifers Association:

Mr. Harris described problems with the grievance system as experienced by inmates. He also focused on problems with release programs, stating many decisions were made without statutory basis.

James Spivey
International Brotherhood of Ex-Offenders:

Commenting on the filing of grievances, Mr. Spivey suggested that sometimes all that was necessary was an appropriate letter of response to the resident.

The meeting was adjourned at 11:40 a.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/233af
8/21/81

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

August 19, 1981
10:00 a.m.

First Floor Conference Room
Roosevelt Building

Rep. Jeffrey D. Padden convened the meeting at 10:15 a.m.

Members present: Representatives Padden, Cropsey and Henry.

Members absent: Representatives Kilpatrick, Griffin, Owen and Lalonde.
Senators Holmes, Gast, Irwin, Arthurhultz, Brown, Pierce,
and Mowat.

Staff present: Mary Kay Scullion, House Democratic Research Staff
Jim Boyd, House Corrections Committee

Also present: Anne Fett, House Democratic Staff
Tom Olechowski for Senator Holmes
Ann Waidley for Senator Pierce
Neil Rutledge, Senate General Counsel
Jerry DeJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Tom Patten, DOC
Edward Turner, Parole Board
Delores Tripp, Parole Board
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Terry Becker, LCO
Brian Walsh, LCO
Stan Stoddard, LCO
Greg Hoyle, MCCD
Willis X. Harris, Michigan Lifers Association
James Spivey, International Brotherhood of Ex-Offenders
Jeff Dongvillo, Michigan Catholic Conference
Gerry Fryt, MCO
Nancy Dunn, Booth Newspapers

Joint Committee Meetings

Jim Boyd announced the schedule of meetings for the weeks of August 30, September 7 and September 14, 1981. Completion of the Joint Committee Report is tentatively scheduled for the end of the third week of September.

Edward Turner, Chairman
Michigan Parole Board

Introducing Mr. Turner, Representative Padden asked him to comment on the possible impact of Parole Board activities on the May disturbances, and to indicate whether such a relationship if it existed was positive, negative, or

had no effect at all. In reply, Mr. Turner stated that while tension is always created between a releasing authority and those wishing to be released, he knew of no specific indicators of a connection between Parole Board activities and the disturbances; further, he stressed the extraordinary efforts of the Parole Board in maintaining continuity of scheduling, dispositions, etc., after the riots.

At this point, Mr. Turner distributed a packet of materials and information relevant to Parole Board activities (included with these minutes). These materials were referred to throughout the testimony and discussion which followed.

Delayed Releases

In response to questions about the information contained in "Parole Process for Indeterminate Sentencing," Mr. Turner and Tom Patten, DOC, reviewed the following:

- 1) recent time changes in interview and disposition scheduling;
- 2) administrative reasons causing release delays;
- 3) where the responsibility of the Parole Board ends, and the responsibility of DOC begins, i.e. after the parole is ordered, and before the certificate is cut.

Note: Subsequent testimony revealed there is no follow-up by the Parole Board on DOC implementation of paroles ordered.

Because neither the Parole Board or DOC had data available on the number of delayed releases, Representative Padden and staff aide, Jim Boyd, provided statistics pursuant to the Sweeton case which indicated a relatively high percentage of delays in the first five months of 1981--releases delayed ranged from 40% to 82% of those scheduled during those months. Comparable information was provided on the average length of the delays.

This information generated considerable discussion and response from Mr. Turner and Tom Patten. Mr. Patten maintained with Mr. Turner concurring, that computer printouts indicate 92% of the releases are timely. They noted, however, that reports since January, 1981, had not been audited in anticipation of the signing of the Emergency Powers Act, EPA, and conceded any errors in the data base would not be corrected in the printout. Further, they could not indicate when corrected data would be available. In light of these developments, Representative Padden suggested the Joint Committee wait to draw conclusions.

Early Releases/EPA

There was detailed review of Parole Board activity as reported on "Board Activity Sheets" for 1976-1980, 1980-81 (monthly statistics), and on "EPA Releases." (Handouts--Note: The information on these sheets comes from the Parole Board's own files, not from DOC printouts.) Because of the widely anticipated effect of the EPA, it was considered valuable by the Joint Committee to learn:

- 1) the actual number of paroles for the period affected by the EPA, (5/28/81--8/14/81), and
- 2) the "net gain" in releases because of the EPA.

Although there was extensive discussion of the data, and of the policies and procedures followed, the Joint Committee was unsuccessful in accurately determining:

- 1) the pool of prisoners eligible per EPA,
- 2) the rate of prisoners paroled under the act, and
- 3) how these numbers compared to normal.

In response to detailed questions about the unavailability of relevant information, Mr. Patten, Mr. Turner, and Ms. Delores Tripp, Parole Board member, cited a variety of procedural and staffing problems. Joint Committee members were invited to review the process first hand for a better understanding of the difficulties involved.

In answer to the general question about why the EPA releases had not been as great as anticipated, Tom Patten, mentioned as factors, two errors in calculation:

- 1) in predicting paroles DOC should have considered minimum outdate paroles only, rather than all paroles, and
- 2) estimates had been based on 1979 figures, rather than 1980 figures where there was reduced eligibility because of the good time proposal.

He indicated the difficulties determining the short-term impact statistics would be worked out; and noted that EPA impact would be ongoing. All people in the system with minimum sentences (approximately 8,000) have incurred a 90-day reduction; and until all are paroled, total bed impact cannot be known.

In additional discussion of this issue, Representative Cropsey recommended a comparison of figures for "hearings conducted" in the early months of 1980 with figures for "hearings conducted" in the same months of 1981. He suggested such a comparison might provide a better indicator of the EPA effect on releases than an attempt to review actual dispositions. Also, Jim Boyd indicated corrections in the EPA release sheet which showed the total to be 875 instead of 929.

The meeting was recessed at 12:20 p.m. and reconvened at 1:40 p.m.

Continuances

Parole continuances were discussed extensively. In answer to Joint Committee questions, Mr. Turner reviewed a number of changes in the policy including a Parole Board decision not to issue continuances for less than 12 months. He discussed hypothetical problems which could cause delays in an inmate's continuance, and the effect of the repeal of good time on the decision-making process. There was also discussion about the inmates' perception of more continuances for longer periods of time as a possible factor in the disturbances, particularly at Marquette and SPSM.

Decision-Making Process

The Joint Committee next focused attention on the process by which the Parole Board makes its decisions. In the course of the discussion, Mr. Turner referred to the section of the Administrative Procedures Act which regulates Parole Board deliberations and described some of the requirements for consideration:

- 1) pre-sentence report, and the nature of the crime,
- 2) prior record, including juvenile,
- 3) judges' comments
- 4) risk factors
- 5) institutional adjustment
- 6) prior paroles, failures; prior probations, failures
- 7) interview comments
- 8) custody level, adjustments
- 9) age

Of special concern to the Joint Committee was the role of major misconducts in parole deliberations, and the weight given different misconducts. Commenting on the issue of misconducts, Ms. Tripp, Parole Board member, indicated she believed Parole Board members ask the same questions, i.e. 1) the relationship of misconducts to criminality, and 2) misconducts as a predicting factor in release. However, she maintained the answers to these questions would be different for different members.

In discussing the specific weight given to the various factors, Mr. Turner reviewed the role and discretion of the Parole Board under the modified indeterminate sentencing system, and indicated his belief that the decision-making process could not be institutionalized. Further, he indicated decisions to parole were not so difficult as decisions to continue--his perception of the Parole Board voting record was that there are far more 4-3 votes on decisions to continue than on decisions to parole. In answer to a committee member's question, Mr. Turner indicated statistics are not kept on the number of split decisions by the Parole Board.

Mr. Turner asserted that although current legislation places the burden on the prisoner to demonstrate why s/he should be released, in actual practice, the reverse is true. Recent court decisions beginning with Morrissey v. Brewer have focused the burden on the Parole Board to show why a prisoner should be continued.

Other factors affecting decision-making which were discussed included staff recommendations, institutional tickets and ticket writing, and parole evaluation reports. The distinction was made that Parole Board determinations are not tied to institutional control as incentives for good behavior or the prevention of riots. The special circumstances surrounding the parole of women inmates were also reviewed.

In a lengthy exchange, Mr. Esquina, Legislative Corrections Ombudsman, questioned Mr. Turner about prosecutorial over-charging, pre-sentence reports, plea and sentence bargains, arrests without convictions, and other legal factors with a possible effect on the decision-making process. In explaining

Parole Board responses, Mr. Turner was at pains to point out that inmates were usually aware of the factors affecting their cases, and maintained most were not shocked by the decisions rendered. There were also some general statements about the disparity in sentencing which can occur in different areas and courts, and under different judges.

Commutation Guidelines

Mr. Turner gave as the objective behind development of commutation guidelines, the achievement of equity for problems of disparity in sentencing which are greatest among those serving life sentences. Traditionally, although not mandated by statute, the Parole Board has operated under the following guidelines: 1) those convicted of murder first must serve 10 years, then are interviewed every three years thereafter; and 2) all others serving life sentences must serve seven years, then are interviewed every three years thereafter. Traditionally, most governors have not wanted commutation recommendations for those who have served under 15 years, and then only for those for whom a very strong case can be made.

Under the proposed guidelines, the Parole Board sets a year number for making a recommendation. Scores based on prior criminal history and severity of offense would be combined to determine the year number. If the year number is removed, the person will be given notice of the reasons why. Otherwise, there is a commitment to make a recommendation at that time. Responding to questions about the estimated number of commutations under the proposed guidelines, Mr. Turner indicated year numbers on all cases are to be figured by January 1, 1982; however, he had no actual statistics available. Although Mr. Turner expressed the hope that the proposed guidelines would clarify the lifer and long-term situation and work at reducing tension, he stated they are not perceived as an alternative to Proposal B. He asserted the guidelines are conservative and acknowledged they would be controversial.

Additional questions focused on 1) the differences between the proposed commutation guidelines and existing sentencing guidelines, 2) widespread misperceptions about the 10 year/lifer law, and 3) sentencing disparities within the system. In response to questions about commutation statistics, Mary Kay Scullion provided information from a DOC memo indicating that of 10 commutations in the years 1975-79, the range was from 44 years, 2 months, to 12 years, 10 months, with most falling in the 16-21 year range.

Parole Guidelines

In response to questions about parole guidelines, Mr. Turner indicated further research is necessary, but the money to fund the research is not available; at present, the issue is on hold.

Program Completion and Parole Board Decisions

Because accessibility to program resources is beyond inmate control, the Joint Committee was concerned with the equity of a system which required program completion as a corollary of incarceration, and the significance of the lack of program completion in Parole Board decisions.

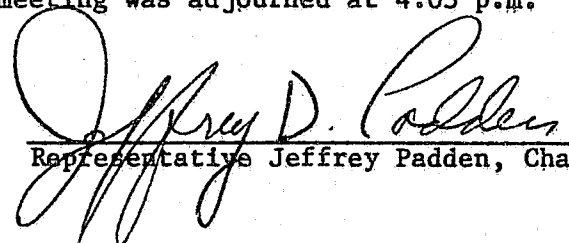
Mr. Turner conceded the dilemma in reaching a decision to parole if programming recommendations have not been implemented, citing administrative as well as procedural reasons for the delays. Further, he pointed out that "prison overcrowding" as it relates to program access can be far more significant than when it relates to actual bed space.

Both Mr. Turner and Ms. Tripp talked at length with the Joint Committee about Parole Board efforts to resolve inconsistencies in decision-making--and it was Mr. Turner's perception that for most inmates, the lack of program completion would not be the only factor in a continuance. Ms. Tripp indicated it was more significant in cases involving sex offenders and those involved in a therapeutic community for drug-related problems. There was additional discussion of Board members' roles in the interview situation, and in making psychological testing recommendations, and the effect on the final decision.

An additional problem cited by Mr. Turner was the correlation of programming with recidivism. He felt this had created unrealistic expectations, and had made programming advocacy for humanitarian reasons more difficult.

In conclusion, when asked for specific recommendations, Mr. Turner asked for the removal of Proposal B, and the return of special paroles. He extended a standing invitation to the Joint Committee to visit the Parole Board, to review files and talk with staff in the hope that all will learn from such an experience.

There being no further business, the meeting was adjourned at 4:03 p.m.


Representative Jeffrey Padden, Chair

JP:sg
(min819)

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 2, 1981
10:00 a.m.

First Floor Conference Room
Roosevelt Building

Rep. Jeffrey D. Padden convened the meeting at 10:18 a.m.

Members present: Representatives Padden, Lalonde, Henry, and Cropsey

Members absent: Representatives Kilpatrick, Griffin, and Owen
Senators Holmes, Gast, Irwin, Arthurhultz, Brown, Pierce,
and Mowat

Staff present: Mary Kay Scullion, House Democratic Research Staff, and
Jim Boyd, House Corrections Committee

Also present: Joseph Young, Sr., House Appropriations
Anne Fett, House Democratic Staff
Ann Waidley for Senator Pierce
Tom Olechowski for Senator Holmes
Jerry DiJuliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Chris Baird, National Institute of Corrections
Tom Patten, DOC
Bill Kime, DOC
Bob Brown, DOC
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Susan Herman, LCO
Terry Becker, LCO
Stan Stoddard, LCO
Greg Hoyle, MCCD
David W. VanKoevering, MCO
Michael Kent, WJIM Radio

Meeting Schedule:

Thursday, September 3 9:00 a.m. - 12:00 a.m.	Hearings Process Marjorie VanOchten, DOC
Thursday, September 10 9:00 a.m. - 12:00 a.m.	- Perry Johnson, Director Department of Corrections
Monday, September 14 Time to be determined	- Witnesses for Senator Holmes
Tuesday, September 15	- Working Meeting

Agenda: Risk and Security Classification

Chris Baird
National Institute of Corrections (NIC)

- Handouts - Principles of Classification
- Proposed Model (Working Assumptions)
- Initial Inmate Classification

In introducing his presentation, Chris Baird reviewed the background of the NIC, a small agency established within the Federal Bureau of Prisons to assist state and local corrections agencies in many areas, including classification. He described his appearance before the Committee as timely, stating that a model classification system had been developed at NIC and was in the final reviewing stage before implementation in 10 corrections agencies in the next year. While he described the proposed model as differing from the system in Michigan, he indicated some of the best research has come out of Michigan and said many corrections systems in the country are without such structure and definition.

Mr. Baird reviewed the Principles of Classification, on which the Proposed Model is based, and then presented the working assumptions for the Proposed Model. Mr. Baird contrasted Assumption 2 with the practices of Michigan DOC and other systems which depend upon statistical probability statements as indicators. Other contrasts noted were (3) maximum custody placements and (7) formatting of classification forms.

Discussing the proposed classification system, Mr. Baird explained the rationale behind what was included and what was omitted, and described potential problem areas and possible changes/revisions. In conclusion, he noted that this is essentially an additive model which alters risk classification according to cumulative patterns of institutional behavior.

Focusing on Michigan, Mr. Baird indicated that comparisons and generalizations among corrections systems are difficult because there is such variety in how classifications are defined, and paper (reports) often does not reflect reality. He asserted, however, that in determining risk indices, Michigan places too much emphasis on the single factor of statistical probability statements. Concerning suggested changes, Mr. Baird claimed lack of familiarity, noting only that there was no scheduled reclassification review.

Bill Kime
Deputy Director
Bureau of Programs
Department of Corrections (DOC)

- Handouts: - Assaultive Felony Prediction
- Property Risk Screening Sheet

In his opening remarks, Mr. Kime indicated his role would be to clarify for the Joint Committee the issue of statistical risk classification (other areas will be covered in the afternoon by Bob Brown, DOC Deputy Director of the Bureau of Correctional Facilities).

As background, Mr. Kime described research undertaken by DOC in the early '70s to identify those leaving the system who commit a crime, and the factors which relate. He then distributed the Assaultive Felony Prediction sheet and the Property Risk Screening sheet, which were developed as a result of that research, and described how they are implemented. In support, he cited statistics on Parole Board performance prior to the development of risk criteria and contrasted them with subsequent performance figures.

Commenting on differences between the NIC model and the Michigan model, Mr. Kime said the Michigan system is based only on behavior in the community, and asserted the relevance of institutional misconduct to community behavior is not known. In citing differences from the proposed NIC model, Mr. Kime indicated he did not feel they were substantial.

In the questions and answers which followed, it was established that two kinds of risk classification were being discussed: (1) risk classification in terms of release and community placement (Michigan) and (2) risk classification in terms of institutional management (NIC). Mr. Baird stated the NIC model compares more with DOC policy directives for assigning custody.

Other questions focused on crime rates as compared with incarceration rates, time limits on misconduct retention, and parole guidelines. Discussion of the cumulative aspect of risk predictors was unresolved. Moreover, DOC use of a false positive factor as a predictor was reviewed extensively, with Mr. Kime asserting that it works better than a number of convictions which "don't work at all." Other discussion of risk predictors focused on why some are eliminated and others retained, and the role of the human factor in evaluations. Asked about the CMI System (Corrections Management Information System), Mr. Kime indicated implementation was at least two years away.

The meeting recessed at 12:30 p.m. and reconvened at 1:50 p.m.

Bob Brown, Deputy Director
Bureau of Correctional Facilities - DOC
Paul Mendelsohn
Supervisor of Community Programs
Bureau of Field Services - DOC

- Materials Packet: - Statute
 - 791-264, Classification of Prisoners
 - 791-265, Transfer of Prisoners
- Part. 4 - Resident Classification and Transfer (Administrative Rules)
- Policy Directive - Resident Security Classification (Pre-authorized Guidelines)
- Policy Directive - Prisoner Placement and Inter-institutional Transfer
- Director's Memo re Huron Valley Men's Facility

In an overview of his responsibilities, Mr. Brown referred to the Statute, the Administrative Rules, and the Policy Directives in the materials packet. Stating the objective of resident security classification is to provide the least restrictive custody consistent with the safety of the public, the offender, and other inmates, he informed the Joint Committee that risk screening as discussed earlier is a factor only for the assaultive risk category of offender in minimum security placement. He noted most prisoners are placed by order of classification committees under the pre-authorized guidelines while placements by exception (i.e., those requiring additional approval from a top administrator) range from 15-20 percent.

Discussing reclassification review, Mr. Brown stated it is not implemented on a regular basis; however, (1) it may be requested by an inmate, (2) it is a part of program reclassification, and (3) it is ordered after a major misconduct charge. Additional committee questions elicited testimony about program reclassification procedures and criteria and about the relationship between custody placement and programming.

Citing "bottleneck" findings of the Governor's Task Force and other overcrowding statistics, Joint Committee members expressed concern over the "force-feed" effect of overcrowding on inmate security classification. In an extensive discussion with the Joint Committee about inmate placement by pre-authorized guidelines and by exception, Tom Patten cited a DOC study on the Camp Program which showed pre-authorized placements at 81-82 percent and placements by exception at 18-19 percent. Although he maintained similar statistical information would give a handle on the overcrowding at the top found by the Governor's Task Force, there was further discussion by the Joint Committee about whether overcrowding leads to reductions in custody at an advanced rate, especially at the lower levels.

Asked whether the nature of the prison population is changing, Tom indicated he will provide relevant data on the number of inmates at the various custody levels. Additional questions focused on the division of the Central Complex at SPSM. Although classification decisions have yet to be made, the goal is to provide partial but not complete separation, and to give more autonomy to both sections.

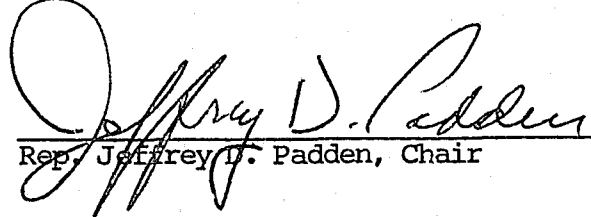
There was final discussion with Chris Baird in which questions focused on number comparisons of the Michigan system with the NIC model. However, he preferred to stress the importance of the formalization of the system to answer the types of statistical questions raised in the meeting, and asserted this would be where the NIC model would impact the Michigan system. Other questions returned to risk screening, guideline criteria, and possible guideline revisions.

The following information on community placement was provided for the Joint Committee:

R 791-4410 - Community Status; eligibility criteria; procedures
(Administrative Rules)

Community Programs - Growth 1971-1980

There being no further business, the meeting was adjourned at 3:50 p.m.


Rep. Jeffrey D. Padden, Chair

AF:bd/253af

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 3, 1981
9:00 a.m.

First Floor Conference Room
Roosevelt Building

Representative Jeffrey D. Padden convened the meeting at 9:20 a.m.

Members present: Representatives Padden, Lalonde, Henry and Cropsey.

Members absent: Representatives Kilpatrick, Griffin and Owen.
Senators Holmes, Gast, Irwin, Arthurhultz, Brown, Pierce and Mowat.

Staff present: Mary Kay Scullion, House Democratic Research Staff
Jim Boyd, House Corrections Committee

Also present: Representative Debbie Stabenow
Ann Waidley for Senator Pierce
Anne Fett, House Democratic Staff
Bob Katz, House Democratic Staff
Pat Donath, House Republican Staff
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Marjorie VanOchten, DOC
Tom Patten, DOC
Greg Hoyle, MCCD
Dave VanKoevering, MCO
Gerry Fryt, MCO
Arden Mellberg, MCO
Fred Parks, MCO
Hugh Wolfenbarger, MCO

Meeting Agenda:

Marjorie VanOchten,
Hearings Administrator
Department of Corrections

Ms. VanOchten began her remarks by stressing that criticisms of the major misconduct hearing process often relate to much that is outside the system. She emphasized the importance of the hearings process as a management tool and then reviewed its development citing court rulings and legislation. Centralizing the hearings process, and requiring attorneys as hearings officers were cited as the most important changes in the system since its inception in 1977.

Ms. VanOchten characterized the system as successful when it produces a high rate of guiltyies. In answer to subsequent questions about this definition of "success", she stressed that the hearings process is not adversarial--its

function is to affirm the charge or point out errors which invalidate it. She emphasized the function of the reviewing officer, and asserted many not-guilties could have been prevented at that point in the process.

Using statistics on the rate of guilties/not-guilties at the three institutions where there were riots as contrasted with those where there was no disturbance, Ms. VanOchten demonstrated that the not-guilty rate was lower for Marquette and Ionia, and refuted charges about failure in the hearings process as factors in the riots.

Referring to perceptions of system success or failure, Ms. VanOchten maintained available statistics did not bear out staff complaints of inexperienced attorneys, overly-legalistic forms and bias. The fact that staff and inmates alike complain about the system, Ms. VanOchten submitted, is a measure of system effectiveness, of balance achieved in a no-win situation.

In answer to conjecture about why the hearings process is used as a scapegoat and is the object of so much dissatisfaction, Ms. VanOchten talked frankly about the newness of the system, about women as directors, about attorneys as hearings officers, and about women as attorneys and hearings officers. She asserted her belief in the system and affirmed her comments in previous reports about poor staff attitude and performance, and about the need for staff re-training.

As to recommendations for change in the system, Ms. VanOchten indicated her strong opposition, asserting change would be perceived as a reward for not making the system work. She did suggest, however, that the Committee examine the "explosive" impact of the APA right to appeal, asserting it was used to an extent not contemplated by statute. Characterizing the court's role as disruptive at times, she presented relevant statistics, and reviewed with the Joint Committee the situation at Marquette Branch Prison.

Further Joint Committee discussion focused on hearings process procedures and related problems, including ticket writing and review, timeliness, suspended sentences (advantages and disadvantages), sanction enforcement and followup, and possible revisions in the major misconduct list.

Asked what tools would help people in the system work better, and would upgrade perceptions of the system, Ms. VanOchten suggested better training for hearings investigators and reviewing officers. Psychological testing of officer candidates could be useful; however, it might prove difficult to implement effectively.

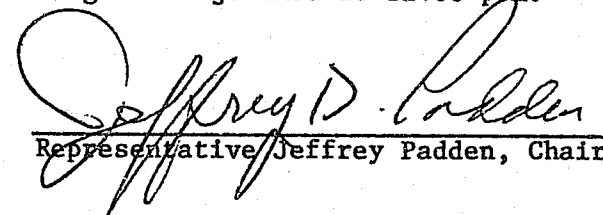
To assist line officers, she mentioned a specialist's pocket guide on major misconducts prepared at Kinross several years ago. Plans are underway to make it available to all line staff as soon as process revisions are completed. Also, it is her expectation to begin a quarterly reporting on ticket writing to each institution. This should foster communication and the perception that the system works.

Finally, she stressed that more management level support of the system would affect attitudes and acceptance.

In discussing evaluations and ticket writing, Ms. VanOchten proposed that factors such as ticket volume and racial analysis of ticket writer and inmate be considered, pointing out that "success" rate involves the efforts of other staff. She pointed out the CMI-system would make this possible if and when it is implemented.

Representative Padden described Ms. VanOchten's testimony as effective and well-prepared, and suggested it was the Governor's Task Force loss that she had not been invited to appear.

There being no further business the meeting was adjourned at 12:08 p.m.


Representative Jeffrey Padden, Chair

JP:sg

MINUTES
OF THE MEETING
OF THE JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 10, 1981
9:00 A.M.

First Floor Conference Room
Roosevelt Building

Representative Jeffrey D. Padden convened the meeting at 9:16 A.M.

Members present: Representatives Padden, Lalonde, Cropsey, and Henry
Senator Pierce

Members absent: Representatives Kilpatrick, Griffin, and Owen
Senators Holmes, Gast, Irwin, Arthurhultz, Brown and
Mowat

Staff present: Mary Kay Scullion, House Democratic Research Staff
Jim Boyd, House Corrections Committee

Also present: Ann Waidley for Senator Pierce
Tom Olechowski for Senator Holmes
Anne Fett, House Democratic Staff
Jerry Di Juliannie, Senate Fiscal Agency
Pat Donath, House Republican Staff
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Sue Herman, LCO staff
Perry M. Johnson, DOC
Tom Patten, DOC
Jeff Dongvillo, Michigan Catholic Conference
Greg Hoyle, MCD
Gerry Fryt, MCO
Dave Van Koevering, MCO
Hugh Wolfenbarger, MCO
Mike Huey, MCO
Michael Kent, WJIM
Loren Omoto, WKAR Radio
N. Dunn, Booth Newspapers
Rob Baykian, Michigan News Network
Malcolm Johnson

Meeting Agenda

Perry M. Johnson, Director
Michigan Department of Corrections

Riot Updates

Director Johnson was generally encouraging about progress in the institutions where the disturbances took place. The return to normalcy is moving as fast as can be expected given the damages and loss of program

space which occurred. In all institutions meals are being served in dining rooms, and most necessary repairs are being completed. Problems include:

1. replacement needs not yet funded,
2. glass replacement at Michigan Reformatory and SPSM,
3. tension between riot participants and non-riot participants at Marquette, and
4. hostage attempts at Michigan Reformatory.

In subsequent testimony, Director Johnson indicated the riots had generated a number of lawsuits including one on the lockdowns which is scheduled for trial on September 14, in Flint. Inmates are being called as witnesses; staff and administrators are being required to give depositions. Preparation and participation are time-consuming and costly, and are having some effect on the return to normalcy.

Central Complex Division, SPSM

Construction of the fence dividing the Central Complex at SPSM is 99% complete, according to Director Johnson. The division creates a North Central unit housing close-custody inmates, and a South Central unit housing medium-security inmates. Using a chart, he pointed out where new yard space was created, and described how it would be utilized. Because the division of the complex will result in shared-use areas for a number of activities, neutral corridors have been planned for inmate movement. Shared-use areas include the dining room, hardball diamond, gym, auditorium and chapel. Movement to areas where inmates from both sides co-mingle will be controlled by a two-tiered clearance system.

The security classification process for changes in custody will operate in the same manner as when inmates are moved to institutions in another part of the state. Specific classification details are being worked out for the divided complex, and the system should be operational by the first of the year.

Management Plan

Director Johnson indicated that the Central Complex division presents some unique management problems. DMB has been asked to analyze how reorganization should be handled, and their recommendations are anticipated with 60-90 days.

After reviewing the previous organizational structure in which the responsibilities of the Regional Administrator were combined with those of Warden at SPSM, Director Johnson described the proposed plan in which there would be a separate regional administrator for SPSM who would not function as warden. Rather, wardens for each complex at SPSM would report to the administrator; the total number of wardens or assistant wardens involved will depend upon resolution of shared-space problems.

DOC Budget

- Handouts:
1. Director's Memo dated October 7, 1980
First Quarter Allocations/Allotments
 2. Analysis of 1980-81 Appropriations Request
Through Final Enactment of the Bill

In reviewing the DOC budget process for Fiscal 1980-81, Director Johnson asserted the operating policies (Handout 1) were absolutely essential for survival given the amount of cuts and underfunding in the final enactment of the bill (Handout 2). Problem areas included staffing reductions, workers' compensation, and early retirement underfunding.

Staffing

After reviewing staffing developments since the 1960s, Director Johnson discussed the critical staffing concept and acknowledged it was never intended to be implemented for extended periods of time. He conceded staffing had been at critical level too often, and never has been at full. To achieve full staffing in Fiscal 1980-81 would have required an additional 302 staff at a cost of \$6.8 million. In support of existing staffing practices, he cited statistics showing the inmate-to-officer ratio had dropped from 8.+ in November 1975 to 6.87 at the time of the disturbances. He also cited statistics showing custody staff turnover in Michigan and especially at SPSM to be lower than the national average. Although turnover is higher at some times than others, he asserted it is not getting worse.

Employment Issues

The Director answered specific questions about riot-related dismissals, and then discussed dismissal procedures. Union employees are covered by contract, while the process for non-union employees involves hearings and review at institutional, departmental and Civil Service levels. In addition, the employee may, by leave, appeal to the full Civil Service Commission and ultimately to Circuit Court.

In a review of evaluation procedures, the Joint Committee focused on the Career Executive Service, and on previous DOC testimony indicating perceptions of legislative leadership opposition. Representative Lalonde, Chair of the Appropriations Subcommittee on Corrections, clarified the issue when he indicated opposition had been based on fiscal rather than substantive reasons.

Because Joint Committee members noted a discrepancy between previous DOC testimony and the Director's statements on recruitment, Mr. Johnson indicated he would provide relevant data on recruitment, and include information on testing policies and procedures.

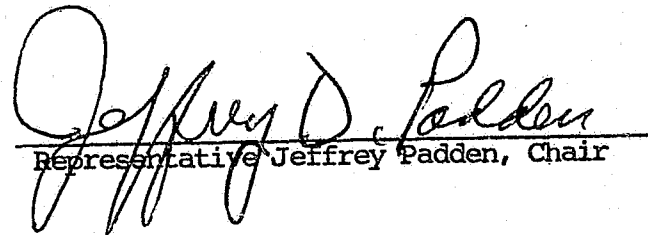
Turning to the Auditor General's Report, Representative Henry cited statistics documenting problems in a number of areas including prison

industries, higher and vocational education, food service, transfers and the disciplinary process.

The Director responded with statistics and information which he maintained compared Michigan favorably with other states in a number of the areas in question. Further, he insisted the destructive impact of extended overcrowding and continuing budget cuts was incalculable, and emphasized the negative consequences for the social structure of the institutions.

Staff turnover as it relates to tension in the institutions was discussed; Director Johnson also answered questions about incarceration of violent offenders only, and about orientation to the penal system for new judges.

There being no further business, the meeting was adjourned at 12:15 P.M.


 Representative Jeffrey Padden, Chair

September 21, 1981
 264AFa

MINUTES OF THE MEETING
 OF THE
 JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 14, 1981
 10:00 A.M.

First Floor Conference Room
 Roosevelt Building

Representative Jeffrey D. Padden convened the meeting at 10:16 A.M.

Members Present: Representatives Padden, Henry, Lalonde and Cropsey
 Senators Brown and Pierce

Members Absent: Representatives Kilpatrick, Griffin and Owen
 Senators Holmes, Gast, Irwin, Arthurhultz and Mowat

Staff Present: Mary Kay Scullion, House Democratic Research Staff
 Jim Boyd, House Corrections Committee

Also Present: Anne Fett, House Democratic Staff
 Neil Rutledge, Senate General Counsel
 Tom Olechowski for Senator Holmes
 Michelle Baumgarten for Senator Irwin
 Tim Hagle for Senator Arthurhultz
 Jerry DiJuliannie, Senate Fiscal Agency
 Cheryl Fischre, House Judiciary Committee
 Pat Donath, House Republican Staff
 Leonard Esquina, Jr., Legislative Corrections Ombudsman
 Sue Herman, LCO Staff
 Greg Hoyle, MCCD
 Jeff Dongvillo, Michigan Catholic Conference
 Rosemary Saari, University of Michigan
 James Neuhart, State Appellate Defender's Office
 Carol Gilbert, Advocacy for Justice
 Ardeth Platte, Saginaw City Councilwoman
 Trino Sanchez, Detroit
 Bob O'Brien, Team for Justice
 Robert Mills, DOC
 Duane N. Vore, Michigan Council of Churches
 Wallace F. Watt, Coalition for Justice
 Frank Dennis, Coalition for Justice
 William W. Parrish, Detroit
 Christine Brown, WMU
 Catheryn Sirk, Offender Aid and Restoration
 Joannette Nitz, Team for Justice
 Robert Schramm, Team for Justice
 Lawrence Zionkowski, Project Rehab
 Alton Alford, Project Rehab
 Ray and Vivienne Kell, Madison Heights
 Will Kondyk, Ex-Offender Contact Center

Katherine Edgren, Inmate Project
 Margaret Dewey, Groundwork for a Just World
 Marc Maner, American Friends Service Committee
 Brian Black, Detroit

Meeting Agenda

Alternatives to Incarceration:
Witnesses Called by Senator Holmes

Tom Olechowski, Aide for Senator Holmes, announced the people listed below had been invited to testify before the Joint Committee to Investigate Prison Disturbances. However, an informal polling of the Joint Committee indicated that many legislators would be unable to attend. Because all witnesses are paying their own expenses, Mr. Olechowski, in conference with those from out-of-state, made a decision to delay their appearance in Michigan until a time can be arranged for better legislative representation. For this meeting, only the in-state witnesses (*) will testify.

William G. Nagel, Director
 Institute of Corrections
 of American Foundation, Inc.

James Austin, Sr. Research Associate
 National Council of Crime and
 Delinquency
 Area: Community Probations Programs

Rosemary Saari,* Professor
 Research Director
 University of Michigan
 Area: Women and Corrections

James Neuhart,* Director
 Michigan State Appellate Defender's
 Office
 Area: Prison Conditions and Riots

Kenneth Schoen
 Clark Foundation
 (Former Director, Minnesota
 Department of Corrections)
 Area: Community Corrections

The Honorable James Roberts,* Judge
 Detroit Recorders Court
 (Former Director, Federal Appellate
 Defender's Office)
 Area: Community Corrections Programs

Rosemary Saari, Professor
 Research Director
University of Michigan

Handout — Table 1: Michigan Population and Incarceration Rates
 Table 2: Michigan Crime Rates per 100,000 Population

Handout — Table 2: Michigan Prison Population
 Incarceration Rates in Selected Countries

Handout — Table A.11: Total Prisoners in Federal and State Adult
 Correctional Facilities by Offense Distributions—1973 and
 1978

Citing the rising rate of incarcerations nationwide, Dr. Saari reviewed the data on the handouts for the Joint Committee, and observed:

1. the United States is the most punitive of the western industrialized nations;
2. correlations between crime rates and incarceration rates are minimal;
3. correlations are strong between incarcerations and the percentage of the population
 - a. at or below poverty level
 - b. undereducated
 - c. black
 - d. from single-parent families.

She discussed the impact on incarceration rates of decision-makers outside the corrections system—law enforcement agencies, the courts—who act as "gatekeepers" through a variety of responses, and noted these responses are not always reflective of legislative intent.

To meet the demands of the rising incarceration rate, Dr. Saari indicated the following were options: (1) expansion of prison capacity, and (2) reduction or regulation of the demand for prison cells.

Indicating her strong opposition to expanding prison capacity, Dr. Saari maintained this had been tried and found wanting. She cited prohibitive costs, and described the bed-push hypothesis supported by quantitative data which demonstrate that incarceration rates rise as beds are made available.

Focusing on Michigan, she described the present system as a colossal failure, asserting a six-fold budget increase since 1973 had done little to alleviate the problem. Moreover, Dr. Saari asserted Michigan DOC predictions of 19,000 capacity demand by 1990 were not substantiated by data on birthrate and out-migration for troublesome age groups. She predicted a 15% decline in potential prison population by 1990.

For Michigan, Dr. Saari recommended elimination of bed space in conjunction with reduction or regulation of demand for prison cells. Specifically, she recommended closing "old" institutions—the Michigan Reformatory, the Marquette Branch Prison and the State Prison of Southern Michigan—and regulating/reducing demand for prison cells through a variety of mechanisms, including:

1. intake restrictions, e.g., handling parole order violations by a means other than incarceration;
2. expanded use of probationary services and diversionary programs;
3. broader application of such mechanisms as the Emergency Powers Act.

She also emphasized a related emphasis on youth/minority employment programs, citing statistics correlating the crime rate with unemployment.

Joint Committee members questioned Dr. Saari extensively on her recommendations, discussing bed elimination at a time of "overcrowding," and reviewing the related issues of (1) diversionary program expansion, (2) development of probation/restitution programs, (3) prison size, (4) recidivism, and (5) EPA impact. There was also general discussion of the leadership role seen as essential for change--leadership from the academic community as well as from government.

James Neuhart
State Appellate Defender's Office

In a strong presentation, Mr. Neuhart asserted the Michigan Corrections system has been a failure, and declared the problem is to change the present course of state policy.

In support of this contention, Mr. Neuhart described what he saw as the conflict between the original concept of the penitentiary--a place where one does penance and is reformed--and the 20th century reality. The reality, he asserted, is that penitentiaries do not rehabilitate; they exist as symbols for the public--symbols which assure that "something is being done."

He described corrections as being involved in a defensive, reactionary game in which no one talks about success, only about problems. He indicated there are successes in dealing with offenders, successes which are not publicized and which do not lie within penitentiary walls. Citing cost and effectiveness statistics, he asserted those successes are to be found in programs which integrate the offender with the community and involve him/her in a visible and productive way.

Developing his thesis, Mr. Neuhart described hypothetical projects designed to meet community needs which would involve offenders in paid, productive work programs. Advocating strong promotion of such projects, he suggested community involvement in their design and implementation (e.g., appointing a General Motors executive as chair of a planning task force), asserting such involvement would add to perceptions of effectiveness and success. For the offender, participation would provide training and skill development, and enhance his/her self-image. Compensation received could be applied to union dues or to restitution.

In summary, Mr. Neuhart cited additional statistics in support of his thesis, contrasting them with incarceration results, and asserted his commitment to the integration of the community and the offender.

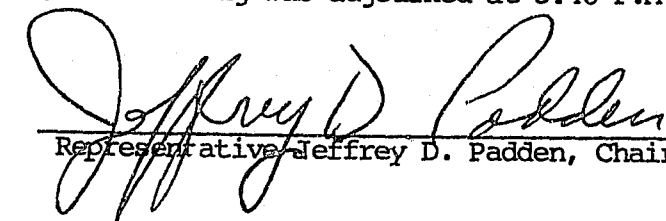
In the discussion which followed, Joint Committee members touched on a variety of areas, and asked for elaboration on others. Particular interest focused on the violent offender, and the ability/inability to predict his/her behavior.

Commenting on the May disturbances at three Michigan prisons, Mr. Neuhart declared they were low-grade and nowhere near the intensity of other, more notorious riots. Moreover, he indicated that in Michigan corrections is as good as it gets in a number of areas including programs, jobs, treatment, segregation, and safety transfers. However, when asked

what should be done if the system is not working, he replied, "Fire the Coach."

There was also related discussion on a number of issues raised by Dr. Saari, with Mr. Neuhart indicating substantial agreement.

At this point in the meeting, Representative Padden indicated Judge James Roberts, Detroit Records Court, had been considerably delayed; and there being no further business, the meeting was adjourned at 3:40 P.M.


Representative Jeffrey D. Padden, Chair

September 30, 1981
AF273b/as

MINUTES OF THE MEETING
OF THE
JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 15, 1981
8:00 a.m.

First Floor Conference Room
Roosevelt Building

Representative Padden convened the meeting at 8:15 a.m.

Members present: Representatives Padden, Cropsey, and Lalonde
Senator Brown

Members absent: Representatives Henry, Kilpatrick, Griffith, and Owen
Senators Pierce, Holmes, Gast, Irwin, Arthurhultz, and
Mowat

Staff present: Mary Kay Scullion, House Democratic Research Staff
Jim Boyd, House Corrections Committee

Also present: Anne Fett, House Democratic Staff
Ann Waidley for Senator Pierce
Michelle Baumgarten for Senator Irwin
Neil Rutledge, Senate General Counsel
Pat Donath, House Republican Staff
Perry M. Johnson, DOC
Tom Patten, DOC
Leonard Esquina, Legislative Corrections Ombudsman
Sue Herman, LCO Staff
Ken Empey
Gerry Fryt, MCO

Perry M. Johnson, Director
Department of Corrections

Director Johnson began by providing updated information on issues raised in previous sessions. He made data available on the examinations for Warden, Deputy Warden, and State Executive II. This included information on testing dates, qualifications and recent placements.

Recent Civil Service decisions have expanded testing for some Corrections positions from promotional only to promotional/open competitive. Director Johnson noted, however, that a number of positions such as school principal remain promotional only; thus, they are restricted to applicants from within the system. Describing the options expanded testing makes possible, he also affirmed the advantages of in-system recruiting.

In previous testimony before the Committee, DOC personnel officers had been questioned about outside recruitment, and had indicated out-of-state requests for applications were returned. Attempting to clarify that testimony, Director Johnson asserted his belief that those actions took

place when there were no open competitive examinations and, therefore, no means of considering these requests for employment.

Questioned about hiring, Director Johnson indicated positions above the eleven level require director's approval. Other positions--e.g., line staff, counselors, school teachers, clerical, tradesmen--are handled by a committee within the institution which may consist of an institution head, a supervisor, and a Department personnel officer.

The issue of training was again reviewed by the Joint Committee with Director Johnson providing specifics of screening, orientation, and instruction. Director Johnson indicated the decision to not require a high school diploma had been controversial and was subject to Civil Service reconsideration.

With the academy concept receiving considerable Joint Committee attention, Mr. Johnson stressed the importance of recognizing the strengths of the present system and of understanding how these could be integrated with new recommendations. He also reviewed the Governor's Task Force finding of underutilization of the State Policy Academy, and discussed the cost-effectiveness and quality control which could result from possible coordination of training. In subsequent testimony, Representative Lalonde, Chair, House Appropriations Subcommittee on Corrections, indicated a bill would be introduced by Representative Dillingham establishing the academy concept and training requirements.

There was some mention of resources available for staff mental health or substance abuse problems. Referrals may be made to a program available through Civil Service. However, without periodic evaluation, the problem must be job-threatening before departmental intervention. Relevant to this issue, Director Johnson cited positive statistics on absenteeism, in comparison with other departments and other states, which he believed to be significant in assessing possible staff problems.

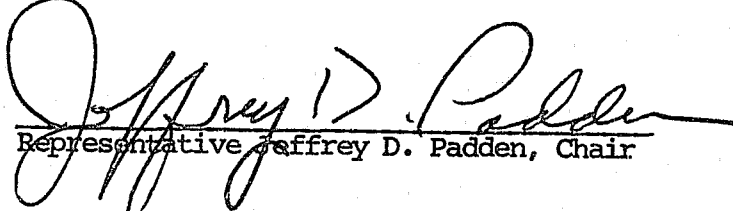
Reference to the Governor's Task Force findings on staff attitudes initiated considerable comment and discussion of racism and stereotypical attitudes among staff and inmates. Joint Committee members expressed strong concern that the orientation and training designed to develop staff awareness and sensitivity be continually reviewed and assessed for effectiveness. Describing the past and present situation in Michigan, Director Johnson also made reference to the experience of other states, and again cited the impact of the 1979 injunction on minority recruitment.

When Director Johnson was asked if he had what he needed to guide the Department of Corrections, he proceeded to elaborate on objectives and goals, and to discuss the "schizophrenia" he believes to be inherent in attitudes toward offenders. He asserted the institutions reflect society's ambivalence. A system which panders to line staff is repressive, unfair, and cruel; while one which panders to inmates creates its own kind of chaos. Balance is more likely to be achieved when both sides are angry about the system. In summary, he stated his belief that the issue is more one of philosophy than of policy.

Although the recidivism rate for Michigan offenders parallels the national average, Representative Cropsey indicated he had been informed that officer candidates were being taught the rate was much higher. Director Johnson suggested possible areas of confusion about recidivism, but also indicated he will investigate and correct the situation if necessary.

A final question dealt with staffing levels at SPSM, which are rumored to be returning to pre-riot levels; Director Johnson indicated this was because post-riot funding does not allow for the expanded staffing to be continued indefinitely. Moreover, in the Fiscal 1981-82 Budget, DOC is not quite funded to maintain critical staffing levels; because DOC is committed to maintaining that minimum, Mr. Johnson indicated deficit funding will undoubtedly be necessary and a supplemental will be requested.

There being no further business, the meeting was adjourned at 9:55 a.m.


Representative Jeffrey D. Padden, Chair

AF:bd/278af

MINUTES OF THE MEETING
OF THE
JOINT COMMITTEE TO INVESTIGATE PRISON DISTURBANCES

September 22, 1981
5:00 p.m.

First Floor Conference Room
Roosevelt Building

Representative Padden convened the meeting at 5:05 p.m.

Members present: Representative Padden
Senator Arthurhultz

Members absent: Representatives Cropsey, Lalonde, Henry, Kilpatrick
Griffin, and Owen
Senators Brown, Pierce, Holmes, Gast, Irwin, and
Mowat

Staff present: Jim Boyd, House Corrections Committee

Also present: Tom Olechowski for Senator Holmes
Mick Middaugh for Senator Gast
Pat Donath, House Republican Staff
Leonard Esquina, Jr., Legislative Corrections Ombudsman
Susan Herman, LCO Staff

Meeting Agenda

Representative Padden announced that discussion of issues for inclusion in the Final Report of the Joint Committee had been the scheduled meeting agenda. Because of the lack of a quorum, he made the following recommendations and suggestions:

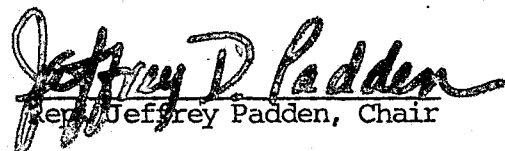
- He asked Joint Committee members to review meeting notes, minutes and tapes where necessary, and submit suggestions to his office by Friday, September 25.
- That information will be reviewed by Representative Padden and the staff, and a draft report compiled.
- The draft report will be circulated to Joint Committee members for criticism and revision; a future meeting of the Joint Committee will be scheduled to discuss areas of disagreement.

As a tool for helping Joint Committee members think through the many issues covered during the past months, Representative Padden offered a document which mentioned many possible recommendations. He emphasized that the document was not a draft report; rather, it was to be considered as a listing of possible recommendations that the members might wish to consider for the final report. He asked members to initial suggestions to be included, cross out those not to be included, and comment on how issues are to be approached. This document will be distributed to all members and should be returned to Representative Padden's office by Friday, September 25.

In response to questions, Representative Padden clarified the following:

1. The draft report will be circulated to Joint Committee members; then there will be a meeting to discuss and vote on points of agreement and disagreement.
2. Additional issues to be considered for inclusion in the final report must be submitted by Friday, September 25; after that date, he recommended that only changes in the way an issue is addressed be considered.
3. Minority reports on points of disagreement will be considered; however, consensus will be important in presenting a united front for passage of those issues requiring legislative action.

There being no further business, the meeting was adjourned at 5:25 p.m.


Rep. Jeffrey Padden, Chair

AF: js

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN

27TH DISTRICT
JEFFREY D. PADDEN
560 ROOSEVELT BUILDING
STATE CAPITOL
LANSING 48909
PHONE: (517) 373-0140

COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS
CORPORATIONS AND FINANCE
SENIOR CITIZENS AND RETIREMENT
LEGISLATIVE COUNCIL

September 23, 1981

MEMORANDUM

TO: Members of the Joint Committee to Investigate the Prison Disturbances
FROM: Representative Jeffrey Padden, chair *JDP*
RE: Final Report

As you know, the Joint Committee has completed its schedule of meetings, and is in the process of drafting a final Committee report.

I am contacting you at this time to solicit your suggestions and ideas as to what should be included in the report. Please review your meeting notes and minutes, and any tapes if necessary, and submit any suggestions that you have to my office by Friday, September 25. I will pull that information together, review it with the Committee's staff and have staff compile a draft report. The draft report will then be circulated to Committee members for criticism and further suggestions. It is my expectation that a future Committee meeting will be scheduled to discuss matters of disagreement.

As a tool for helping the members think through the many issues covered over the past months, I am enclosing a document which mentions many possible recommendations. I want to emphasize that this document is not a draft report; rather, it is simply a listing of possible recommendations that the members might want included in the final report. In that context, please initial any suggestions that you want included in the report, cross out any that you definitely do not want included, and make comments on how certain issues should be approached. Your document should then be returned to my office by Friday, September 25.

If you would like to review any of the Committee meeting tapes, please call Ann Fett at 38752 or Jim Boyd at 39225. Again, I want to emphasize that your comments must be submitted to my office by Friday, September 25. If you have any questions, please feel free to call me.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS
CORPORATIONS AND FINANCE
SENIOR CITIZENS AND RETIREMENT
LEGISLATIVE COUNCIL

October 20, 1981

MEMORANDUM

TO: Members, Joint Committee to Investigate the Prison Disturbances
FROM: Representative Jeffrey D. Padden, Chair **SDP**
RE: Draft Final Report

As I promised after our final Joint Committee meeting, I am enclosing a draft of the final Joint Committee report for your review.

I want to emphasize that this version of the report is in draft form. Further revisions are expected, especially with regard to how we fund the recommendations, the timetable for implementation of the recommendations, and the parties responsible for ensuring the recommendations are implemented. Although I do not expect that all the draft recommendations will be included, I want to make sure that those included will be implemented in a timely and effective manner.

Please review this draft and forward any comments you have to me by Tuesday, October 27. We will attempt to incorporate your comments into a future draft, although I expect that we will hold a meeting on major points of disagreement.

If you have any questions, please feel free to call me.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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COMMITTEES:

CORRECTIONS (CHAIRPERSON)
CONSUMERS
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LEGISLATIVE COUNCIL

November 18, 1981

MEMORANDUM

TO: Members, Joint Committee to Investigate the Prison Disturbances
FROM: Representative Jeff Padden, chair **JP**
RE: Final report

As you know, the Joint Committee will meet tomorrow to discuss the second draft of the final report, a copy of which is attached.

The second draft, dated November 19, 1981, incorporates many of the suggestions and comments submitted to me by committee members after the first draft was released in October. Additionally, the present draft includes many editorial changes from the first draft.

The following recommendations, included in the first draft, were not included in the second draft:

- 1) See first draft, page 5, the recommendation concerning the closing of any prison which is not funded at an appropriate level;
- 2) See first draft, page 18, the recommendation concerning the use of non-deadly force.
- 3) See first draft, page 16, the recommendation concerning the requirement of prisoners to wear uniforms.

The following recommendations were modified in the second draft:

- 1) See second draft, page 19, the recommendation on prison overcrowding.
- 2) See second draft, page 41, the recommendation concerning reviewing officers
- 3) See second draft, page 43, the recommendation concerning risk-screening.

- 4) See second draft, page 47, the recommendation concerning wage scale for education programs, and the recommendation concerning transfer of records.
- 5) See second draft, page 50, the recommendation concerning the Department's policy on volunteers.
- 6) See second draft, page 58, the recommendation concerning sentencing guidelines.
- 7) See second draft, page 62, the second recommendation concerning appropriations.

The following recommendations and narrative were not included in the first draft and are included in the second draft:

- 1) See second draft, page 7, "Current Institutional Status."
- 2) See second draft, page 15, the narrative referring to previous corrections reports being cited in this report.
- 3) See second draft, page 17, the second paragraph concerning crime rate and incarceration rate.
- 4) See second draft, page 25, the narrative and recommendation concerning an employee grievance system.
- 5) See second draft, page 34, the recommendation concerning riot control.
- 6) See second draft, page 49, the recommendation concerning an advisory committee for vocational programs.
- 7) See second draft, page 50, the recommendation concerning utilization of ethnic and racial minority volunteers.
- 8) See second draft, pages 63-65, the section entitled, "Implementation of Recommendations."

Please review the changes noted above before tomorrow's meeting. Also, please bring your copy of both the first draft (dated 10/20/81) and the second draft (dated 11/19/81) to the meeting.

If you have any questions, please call me at 3-0140.

JDP/sh

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS
CORPORATIONS AND FINANCE
SENIOR CITIZENS AND RETIREMENT
LEGISLATIVE COUNCIL

November 19, 1981

MEMORANDUM

TO: Members, Joint Committee to Investigate the Prison Disturbances
FROM: Representative Jeff Padden, Chair *JDP*
RE: Final Report

As you know, the second draft of the final report was circulated yesterday and the Joint Committee discussed that draft at a meeting earlier today.

As agreed upon in today's meeting, each member of the Joint Committee should review the second draft, dated Nov. 19, 1981, and determine whether there are any issues with which you disagree so strongly that you will not sign the report. If there are such serious areas of disagreement, please submit your recommendations on those issues--on what should be stricken from the report as its currently written or on what should be added to the current report--to my office by Wednesday, November 25, at 5PM. We will then attempt to reconcile your comments with those of the other Committee members and incorporate them into the final report.

When reviewing the current draft, please keep in mind that we will never reach total agreement on many of the details and much of the narrative included in the report. Thus, I ask you to focus your comments on the substantive areas of the report, particularly the recommendations themselves.

Although the development of this report has been a lengthy and deliberative process, I believe that we are making progress. In fact, even given the current disagreements concerning what should be included in the report, several of the Committee members have told me that they would sign the report in its current state. I continue to be optimistic and I believe that the report can be released during the first week in December.

Again, I must have your comments on the second draft by Wednesday, November 25, at 5PM. Please call me if you have any questions.

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HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS (VICE-CHAIR)
CIVIL RIGHTS
SENIOR CITIZENS AND RETIREMENT

December 4, 1981

MEMORANDUM

TO: Members of the Joint Committee to Investigate the Prison
Disturbances

FROM: Rep. Jeffrey D. Padden, Chair *JDP*

SUBJECT: Final Report

Attached is the final version of the Joint Committee's report. Included in this version are most of the suggestions and recommendations that were submitted by Committee members in response to the second draft, dated November 19.

Please review the final draft. If there are still sections of the report with which you disagree, I urge you to sign the report, nevertheless. You will, however, be given an opportunity to submit your personal views and comments, which will be included in the report when printed. If you choose to submit your views on any issue(s), please submit them to my office by 5 p.m., Friday, December 11. Please submit your views in the form in which you want them reproduced, as they will not be retyped by our staff before being printed. I suggest that you submit your views in letter or memorandum form, addressed to me, and on your letterhead.

I will be contacting each of you within the next week to obtain your signatures on the report's letter of transmittal. I hope to have collected all signatures by the week of December 14, and I plan to release the report during that week. I will schedule a press conference for the week of December 14 for purposes of releasing the report, and I will let you know when it is so that you can attend.

Again, please submit your personal views to my office by 5 p.m., Friday, December 11. Please feel free to call me if you have any questions.

JDP:bd/338padd
Attach.

HOUSE OF REPRESENTATIVES
LANSING, MICHIGAN



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COMMITTEES:
CORRECTIONS (CHAIRPERSON)
CONSUMERS
CORPORATIONS AND FINANCE
SENIOR CITIZENS AND RETIREMENT
LEGISLATIVE COUNCIL

December 10, 1981

MEMORANDUM

TO: Members of the Joint Committee to Investigate the Prison
Disturbances

FROM: Rep. Jeffrey D. Padden, Chair *JDP*

RE: Release of Final Report

The Joint Committee's final report will be released at a press conference next week. The press conference will be held Wednesday, December 16, at 9:15 AM in the Press Room overfloor in the Capitol. All Joint Committee members are invited to attend and participate.

Also, as I pointed out in my December 4 memorandum, your personal views and comments must be submitted to my office by 5 PM Friday, December 11. Comments submitted after 5 PM tomorrow will not meet the deadline for printing and thus will not be included in the final report.

If you have any questions, please feel free to call me.