

MICHIGAN DEPARTMENT OF CORRECTIONS



PRISONER GUIDEBOOK

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PRISONER GUIDEBOOK

INTRODUCTION

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

This guidebook contains general Department rules which apply at all institutions. In addition, each institution shall have a guidebook that gives specific information regarding their facility's posted rules and other specific regulations or guidelines. If you wish to study any of the areas covered in this book in greater detail, you can consult the relevant Policy Directive(s) as noted in most sections. Policy Directives are available to you in your facility library. Furthermore, if you have questions concerning any policy or regulation, please discuss them with your housing unit staff.

The Prisoner Guidebook is part of the regular room or unit inventory. Please be sure to read it in its entirety. You are responsible for keeping it in good condition and in your room or area of your unit at all times. If the guidebook is lost or damaged, you may be charged for a replacement book.

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 Replace an outdated page with the new page.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

RULES OF GENERAL CONDUCT

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

14. When a prisoner moves into a new cell, room, or bay, s/he is required to check it for contraband and will be held accountable for her/his area of control. A prisoner will be presumed to have possession of all items found in his or her area of control and has the burden of proof in rebutting this presumption. The area of control is defined in Policy Directive 03.03.105 "Prisoner Discipline."
15. Smoking is prohibited by offenders. Offenders are prohibited from possessing tobacco products except in areas designated by the Warden or TRRP facility Supervisor for group religious ceremonies or activities conducted pursuant to PD 05.03.150 "Religious Beliefs and Practices of Prisoners".
16. Alcohol, illicit drugs and misuse of prescription drugs are prohibited in correctional facilities, and will result in disciplinary action which may include a restriction of visiting privileges.
17. Sexual activity is prohibited at all times in all correctional facilities.
18. Staff persons of both genders may be in the unit/area at any given time. Prisoners are responsible for their own privacy and maintaining proper clothing attire at all times. The willful and/or intentional display of the genital area, groin, buttocks, or breast is strictly prohibited. Prisoners engaging in such conduct may be issued a Class I Misconduct for Sexual Misconduct.

FIRE EMERGENCY GUIDELINES

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

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

How to Get Out Safely

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

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

Fire Prevention Tips

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

PRISONER DISCIPLINE

Source: Policy Directive 03.03.105

Alleged violations of written rules are classified as Class I, Class II, or Class III misconduct and are further defined within this guidebook and the Prisoner Discipline Policy. A prisoner suspected or observed committing a felony, misdemeanor, or a violation of these rules may be issued a misconduct report. The Prisoner Discipline Policy should be referred to for a more detailed representation of the prisoner discipline process. Included within all misconduct charge definitions identified on the following pages are:

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

Class I misconduct violations are the most serious and are subject to all hearing requirements set forth in MCL 791.252 and all requirements currently set forth in Department administrative rules and policy directives referencing “major” misconducts. Class II and Class III misconducts are subject to all requirements currently set forth in Department administrative rules and policy directives referencing “minor” misconducts.

Any Class II misconduct that occurred during or in connection with a visit shall be elevated to a Class I misconduct by the reviewing officer at the time of review. The reviewing officer may elevate any other Class II misconduct to a Class I misconduct based on the seriousness of the specific facts as stated in the misconduct or the circumstances of the misconduct.

Many Class I and Class II rule violations include other less serious violations. A lesser included violation would contain some but not all, elements of the greater charge. For example, the “lesser included” violation of escape is Out of Place. Creating a Disturbance is a lesser included violation of Incite to Riot or Strike; Rioting or Striking and Insolence is the Lesser Included violation of Threatening Behavior. If a prisoner is charged with misconduct, and the evidence does not support the particular violation charged, but does establish a lesser included violation, the hearing officer has the authority to find the prisoner guilty of the lesser included violation.

Misconduct violations are identified as non-bondable and bondable violations. Violations marked with an asterisk (*) identify the mandatory “non-bondable” charges. All charges not marked with an asterisk are normally bondable offenses.

A non-bondable misconduct is misconduct that has been identified by the department to be a threat to the safety or security of others. A threat to property, or so disruptive to normal prison operation it requires the charged prisoner be confined from general population status pending the outcome of the misconduct hearing. This means that at review, the reviewing officer shall order a prisoner charged with a non-bondable misconduct to be confined in temporary segregation or, if a temporary segregation cell is not available, on toplock (confinement to cell/room) pending the hearing. The Warden may allow a prisoner charged with a non-bondable offense to remain on bond status if it is determined that this will not present a threat to safety or security.

A bondable misconduct is a misconduct that does not require confinement from general population pending the misconduct hearing. However, the reviewing officer may revoke bond and order a prisoner charged with a normally bondable misconduct to be confined in temporary segregation or if a temporary segregation cell is not available, on toplock pending the hearing. This only applies if there is a reasonable basis to believe that failure to do so would constitute a threat to the security or good order of the facility. Bond may not be revoked for a Class II violation unless the charge is elevated to a Class I by the reviewing officer at review.

A prisoner may receive disciplinary sanctions for their actions if it is determined the prisoner committed the misconduct violation. Disciplinary sanctions for all classes of misconduct are identified in this guidebook and in the Prisoner Discipline Policy. One possible disciplinary sanction is the loss of specific privileges. This guidebook and the Prisoner Discipline Policy identify what privileges a prisoner may lose.

CLASS I MISCONDUCTS

<u>CODES</u> (Used Only by Hearing Officers for Reporting Purposes)	<u>CLASS I RULE VIOLATIONS</u> (Including Attempt, Accomplice to, and Conspiracy to Commit)	<u>COMMON EXAMPLES</u>
007 (Prisoner victim) 008 (Staff victim) 009 (Other victim)	<u>Assault and Battery</u> Intentional, non-consensual touching of another person done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. Injury is not necessary but contact is.	Throwing urine or feces or spitting on another person; physically resisting staff efforts to apply restraints. (NOTE: The victim of an assault and battery should not be charged with a violation of this rule.)
003 (Prisoner victim) 004 (Staff victim) 005 (Other victim)	<u>Assault Resulting in Serious Physical Injury</u> Physical attack on another person which resulted or was intended to result in serious physical injury. Serious physical injury means any injury which would ordinarily require medical treatment.	Attack using a knife, club, or other weapon; assault involving use of closed fists, kicking.
001 (Escape from Level I) 050 (Escape from secure facility)	<u>Escape</u> Leaving or failing to return to lawful custody without authorization; failure to remain within authorized time or location limits while on a public works crew.	Leaving from hospital trip or while housed at hospital.
017	<u>Failure to Disperse</u> Failure or refusal of a prisoner to leave an area in which a disturbance is occurring when the prisoner is physically able to leave; includes obstruction of staff at the scene of the disturbance. Disturbance is defined as a fight between prisoners, subduing or taking into custody of a prisoner or prisoners by staff, destruction of property, or any similar action or occurrence.	Preventing a staff member from coming to the aid of other staff; remaining at the scene of a fight to observe or offer encouragement to combatants; blocking staff who are removing a prisoner from an area.
002	<u>Felony</u> Any act that would be a felony under state law is also a Class I misconduct violation. Reference shall be made to the specific statutory citation in all cases where this charge is alleged.	Breaking and entering – MCL 750.110. (NOTE: Use this charge only if there is no other specific violation which is applicable.)
014	<u>Fighting</u> Physical confrontation between two or more persons, including a swing and miss, done in anger or with intent to injure.	Fights between prisoners, whether with fists, broom handles, or other weapons.
010	<u>Homicide</u> Causing the death of another person by any means.	

022	<p><u>Incite to Riot or Strike; Rioting or Striking</u> Advocating or instigating actions which are intended to seriously endanger the physical safety of the facility, persons, or property or to disrupt the operation of the facility by group cessation of normal activity; participation in such action; joining others in unauthorized work stoppage.</p>	Encouraging other prisoners to take group action to injure staff, destroy property, or disrupt normal operations; refusal of prisoners as a group to leave the yard when instructed by staff to do so.
030	<p><u>Possession of Dangerous Contraband</u> Unauthorized possession of an explosive, acid, caustic, toxin, material for incendiary device escape material; detailed road map for any area within the State of Michigan, adjacent state or Ontario, Canada; bodily fluid stored in a container within a cell or room; tattoo device; cell phone or other electronic communication device or accessory; a critical or dangerous tool or other item needing to be strictly controlled as specifically identified in the attachments to PD 04.04.120 "Tool Control", including failure to return any item covered by the definition which is signed out for a work or school assignment or any other purpose.</p>	Unauthorized possession of gasoline, lighter, matches, toilet bowl cleaner, rope, and grappling hook, screwdriver, hammer, or cell phone battery or charger. (NOTE: Possession of any item covered by this definition with the intent to cause physical injury should be charged as Possession of a Weapon.)
029	<p><u>Possession of Weapon</u> Unauthorized possession of any item designed or intended to be used to cause or threaten physical injury to another person; unauthorized possession of piece, strip, or chunk of any hard material which could be used as a weapon or in the creation of a weapon.</p>	Possession of a prison-made knife, club, or any item fashioned or intended as a weapon; possession of a rock.
013 (Prisoner victim; sexual acts) 051 (Prisoner victim; abusive sexual contact) 052 (Staff victim) 053 (Other victim)	<p><u>Sexual Assault</u> Non-consensual sexual acts, meaning sexual penetration of, or sexual contact with, another person without that person's consent or with a person who is unable to consent or refuse; abusive sexual contact, meaning physical contact with another person for sexual purposes without that person's consent or with a person who is unable to consent or refuse.</p>	Rape; intentional touching of sexual area (e.g., buttocks, breasts, genitals) without consent; kissing or embracing without consent of one who is kissed or embraced.
033 (Prisoner/Prisoner contact) 054 (Prisoner/other contact) 055 (Exposure) 056 (Imitating)	<p><u>Sexual Misconduct</u> Consensual touching of the sexual or other parts of the body of another person for the purpose of gratifying the sexual desire of either party, except that an embrace of a visitor at the</p>	Kissing, hugging, intercourse, or sodomy; exposure of sexual organs when prisoner knows staff will be making rounds; wearing clothing of the opposite sex;

appearance)
057 (Words/actions
of a sexual nature)

beginning & end of a visit, or holding hands with a visitor during a visit is not sexual misconduct; intentional exposure of the sexual organs to another person in a location or manner where such exposure has no legitimate purpose; imitating the appearance of the opposite sex; words or actions of a sexual nature directed at another person in order to harass or degrade that person.

wearing of makeup by male prisoners; whistling at and making sexual remarks to another person; making propositions of a sexual nature. (NOTE: Threats of sexual assault should be charged as Threatening Behavior.)

045

Smuggling

Bringing or attempting to bring any unauthorized item into or out of a correctional facility or a specialized area or unit within a facility such as segregation.

Receiving jewelry, shoes, etc. during a visit.

034 (Alcohol)
039 (Marijuana)
040 (Heroin/morphine)
041 (Cocaine)
042 (Other substance)
043 (Drug test refusal)
044 (Narcotics
paraphernalia)
046 (Tobacco product)

Substance Abuse

Possession, use, selling, or providing to others, or being under the influence of any intoxicant, inhalant, controlled substance (as defined by Michigan statutes), alcoholic beverages, marijuana or any other substance which is used to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system; unauthorized possession or use of prescribed or restricted medication; possession of narcotics paraphernalia; failure or refusal to voluntarily submit to substance abuse testing which is requested by the Department for the purpose of determining the presence in the prisoner of any substance included in this charge; possession of a tobacco product.

Narcotics paraphernalia includes such items as marijuana and “crack” pipes, needles and syringes which are used to administer narcotics, but does not include such items as “roach clips” and cigarette papers; failure to return prescribed or restricted medication after its authorization date has expired.

012

Threatening Behavior

Words, actions, or other behavior which expresses intent to injure or physically abuse another person. Such misconduct includes attempted assault and battery.

Threat of sexual assault made by one prisoner to another prisoner; writing threatening letter to another person; threat made to a third person.

* Nonbondable Charge

NOTE: A Class II misconduct that occurred during or in connection with a visit shall be elevated to a Class I misconduct at the time of review. Any other Class II misconduct may be elevated to a Class I misconduct by the reviewing officer based on the seriousness of the specific facts as stated in the misconduct or the circumstances of the misconduct. If elevated, the hearing officer shall change the first digit of the misconduct code from a “4” to a “0” (for example, 420 changed to 020 if elevated).

CLASS II MISCONDUCTS

<u>CODES</u> (Used Only by Hearing Investigators for Reporting Purposes.)	<u>CLASS II VIOLATIONS</u> (Including Attempt, Accomplice to, and Conspiracy to Commit)	<u>COMMON EXAMPLES</u>
424	<u>Bribery of an Employee</u> Offering to give or withhold anything to persuade an employee to neglect duties or perform favors.	
432	<u>Creating a Disturbance</u> Actions or words of a prisoner which result in disruption or disturbance among others but which does not endanger persons or property.	
427	<u>Destruction or Misuse of Property</u> Any destruction, removal, alteration, tampering, or other unauthorized use of property; unauthorized possession of a component part of an item.	Tampering with locking device; use of a door plug; destruction of property belonging to another person; unauthorized use of a telephone or using another prisoner's Personal Identification Number (PIN) to make a telephone call; possession of television or tape player parts.
420	<u>Disobeying a Direct Order (DDO)</u> Refusal or failure to follow a valid and reasonable order of an employee.	Refusal to submit to a shakedown; fleeing from staff after being directed to stop.
438	<u>Gambling; Possession of Gambling Paraphernalia</u> Playing games or making bets for money or anything of value; possession of gambling equipment, or other materials commonly associated with and intended for wagering.	Possession of dice, betting slips, point spreads, items used as counters in a card game, and similar items.
426	<u>Insolence</u> Words, actions, or other behavior which is intended to harass, degrade, or cause alarm in an employee.	Using abusive language to refer to an employee; writing about or gesturing to an employee in a derogatory manner.
423	<u>Interference with the Administration of Rules</u> Acts intending to impede, disrupt, or mislead the disciplinary process for staff or prisoners, including failure to comply with a loss of privileges sanction imposed as a result of a misconduct guilty finding.	Intimidating or tampering with a witness; tampering with evidence; interfering with an employee writing a misconduct report; breaking toplock without authorization; making false accusations of misconduct against another prisoner or staff which results in disciplinary action being initiated against the person. (NOTE:

If written as result of a grievance, it must be shown that prisoner knew allegation was false when s/he made it and intentionally filed a false grievance. Ordinarily, the statement of staff member refuting the claim will not be sufficient.)

- | | | |
|-----|---|--|
| 436 | <u>Out of Place</u>
Being within the lawful boundaries of confinement and not attempting to escape, but in a location without the proper authorization to be there; absent from where one is required to be; being outside assigned housing unit without prisoner identification card; being absent from required location during count. | “Skating” in another block; no pass; no I.D. card; failure to be where required by call-out or detail; failure to remain on own bunk or other location as designated by facility rules during count. (NOTE: “Skating” in own housing unit during the day is a Class III misconduct unless on toplock.) |
| 421 | <u>Possession of Forged Documents; Forgery</u>
Knowingly possessing a falsified or altered document; altering or falsifying a document with the intent to deceive or defraud; unauthorized possession or use of the identification card, prisoner store card, pass, or detail of another prisoner. | A fake pass, application, etc. which is represented to be true; unauthorized alteration or removal of metered mail stamp; unauthorized alteration of metered envelope. |
| 431 | <u>Possession of Money</u>
Possession of money or money from unauthorized sources. Money is defined as cash, negotiable instrument, credit card, or blank check. | Arranging to obtain money from another prisoner or from a family member or friend of another prisoner. |
| 437 | <u>Possession of Stolen Property; Theft</u>
Possession of property which the prisoner knows, or should have known, has been stolen; any unauthorized taking of property which belongs to another. | |
| 435 | <u>Unauthorized Occupation of Cell or Room</u>
Being in another prisoner or prisoners’ cell or room, or clearly defined living area, without specific authorization from staff; being present in any cell, room, or other walled area with another prisoner or prisoners or a member or members of the public without staff authorization. | Two prisoners in a “one-person” cell; being in a room, cell, bay, cubicle, or other area to which the prisoner is not assigned; two prisoners in a restroom stall. |

NOTE: A Class II misconduct that occurred during or in connection with a visit shall be elevated to a Class I misconduct at the time of review. Any other Class II misconduct may be elevated to a Class I misconduct by the reviewing officer based on the seriousness of the specific facts as stated in the misconduct or the circumstances of the misconduct. If elevated, the first digit of the misconduct code shall be changed from a “4” to a “0”; e.g., 420 changed to 020 if elevated.

CLASS III MISCONDUCTS

(All are coded 049)

CLASS III VIOLATIONS

(Including Attempt, Accomplice to, and Conspiracy to Commit)

COMMON EXAMPLES

Abuse of Privileges

Intentional violation of any Department or institution regulation dealing with prisoner privileges unless it is specified elsewhere as a Class I or II misconduct.

Contraband

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

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

Excessive Noise

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

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

Health, Safety, or Fire Hazard

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

Dirty cell; lack of personal hygiene.

Horseplay

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

Towel snapping at others in showers; playful body punching.

Lying to an Employee

Knowingly providing false information to an employee.

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

Temporary Out of Place/Bounds

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

Unauthorized Communications

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

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

Violation of Posted Rules
Violation of rules of housing units, dining room, work, or school assignment which is not covered elsewhere.

Violation of kitchen sanitary regulations; wasting food; excessive noise in housing unit, playing TV or radio without earphone.

ADMINISTRATIVE SEGREGATION
SOURCE: POLICY DIRECTIVE 04.05.120
RELATED POLICIES:
03.03.105
04.05.112
04.06.182

Segregation cells are designated cells used to physically separate prisoners with special management needs from the general population and limit that prisoner's movement inside the institution. Such confinement is used to achieve effective administrative management, maximum disciplinary control, and individual prisoner protection.

There are two types of segregation, temporary segregation and administrative segregation. Temporary segregation is used when it is necessary to remove a prisoner from general population pending a hearing.

Administrative segregation is the most restrictive level of security classification. A prisoner may be classified to administrative segregation only for reasons identified within the segregation standards policy. A prisoner shall be given a hearing prior to placement in any form of segregation other than temporary segregation. The segregation policy should be referred to for a more complete representation of the segregation standards.

HUMANE TREATMENT AND LIVING CONDITIONS FOR PRISONERS

Source: Policy Directive 03.03.130

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

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

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

For additional information about Humane Treatment and Living Conditions, see Policy Directive 03.03.130 “Humane Treatment and Living Conditions for Prisoners.”

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

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

If you are ever a victim of prisoner sexual abuse, or know of another prisoner who is, you should report the incident immediately. You should feel comfortable in approaching any MDOC staff member for support and referral, but you may also report the incident to a staff member with whom you feel most comfortable. You may also report an incident by leaving a message on the MDOC Sexual Abuse Hotline, or by contacting the Legislative Ombudsman’s Office or the Michigan State Police. The important thing is that you report the incident of prisoner sexual abuse as soon as you become aware it has occurred.

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

CLOTHING AND CELL OR ROOM FURNISHINGS

Source: Policy Directive 04.07.110

Prisoners are provided with both state issued clothing and cell or room furnishings as authorized by Policy Directive 04.07.110 “State-Issued Items and Cell/Room Furnishings.” The state-issued clothing and the cell furnishings vary according to a prisoner’s custody level and status. Prisoners are responsible for having their state-issued clothing laundered and will be held accountable for willful loss or willful damage to this clothing. Prisoners will also be held accountable for the willful damage to cell furnishings.

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

PROPERTY CONTROL

Source: Policy Directive 04.07.112

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

HOUSEKEEPING RESPONSIBILITIES

Source: Policy Directive 04.03.10

Policy Directive 04.03.120

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

For additional information about housekeeping responsibilities, see Policy Directive 04.03.102 “Sanitation and Housekeeping Standards” and Policy Directive 04.03.120 “Fire Safety.”

GROOMING

Source: Policy Directive 03.03.130

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

For additional information regarding grooming matters, see Policy Directive 03.03.130 “Humane Treatment and Living Conditions for Prisoners.”

INDIGENT PRISONERS

Source: Policy Directive 04.02.120

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

The Policy Directive 04.02.120 also provides information about additional benefits and repayment obligations.

PRISONER HOUSING UNIT REPRESENTATIVES

Source: Policy Directive 04.01.150

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

As allowed in Policy Directive 04.01.150 “Prisoner Housing Unit Representatives/Warden’s Forum,” prisoners assigned to general population housing units shall elect a unit representative who will meet with the housing unit staff and serve as members of the Warden’s Forum. Election of housing unit representatives will follow criteria as outlined in this policy and facility operating procedure. The Warden’s Forum meets with the Warden to discuss matters of concern to the general prisoner population.

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

DRUG TESTING

Source: Policy Directive 03.03.115

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

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

PRISONER/PAROLEE GRIEVANCES

Source: Policy Directive 03.02.130

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

There is an appeals process for grievants whose concerns are not resolved. That process is defined in the above referenced Policy Directive 03.02.130.

ACCESS TO LEGAL MATERIALS AND THE COURTS; INSTITUTIONAL LAW LIBRARIES

Source: Policy Directive 05.03.115

Policy Directive 05.03.116

Policy Directive 05.03.118

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

All prisoners have access to a notary public. All non-custody housing unit staff, librarians, and library assistants/technicians will be able to assist prisoners who are in need of notary service. There is a standard charge for each document notarized. Funds for this service will be loaned by the Prisoner Benefit Fund if the prisoner lacks sufficient funds. Photocopying services are available for items necessary to file with a court or to serve on a party to a lawsuit or needed for legal research as set forth in Policy Directive 05.03.116. There is a standard charge for photocopies. Funds will be loaned for photocopying as set forth in Policy Directive 05.03.116.

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

FOREIGN NATIONALS

Sources: Treaties entered into by the United States under Article VI of the U.S. Constitution Consular Notification and Access by the United States Department of State.

A Foreign National is any person who is not a U.S. citizen. When Foreign Nationals from most countries are arrested or detained, they may, upon request, have their consular officers notified without delay of their arrest, detention, commitment to prison, custody pending trial or detention for any other manner and may have their communications to their consular officers forwarded without delay. In addition, Foreign Nationals must be advised of this information without delay.

For Foreign Nationals of some countries, consular officers must be notified of the arrest or detention of a Foreign National even if the Foreign National does not request or want notification. Consular officers are entitled to communicate with and to have access to their nationals in detention, and to provide consular assistance to them, including arranging for legal representation.

When law enforcement or other governmental official becomes aware of the death, serious injury, or serious illness of a Foreign National, consular officers must be notified. Also, when a guardianship or trusteeship is being considered with respect to a Foreign National who is a minor or incompetent adult, consular officers must be notified.

For additional information, contact the Office of Legal Affairs.

ACCESS TO MEDIA

Source: Policy Directive 01.06.130

Prisoners are allowed access to the media (television and newspaper reporters) as allowed in Policy Directive 01.06.130 "Media Relations." It is the obligation of each prisoner to deal honestly and responsibly with the news media.

PRISONER ORIENTATION

Source: Policy Directive 04.01.140

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

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

It is also important for prisoners to receive information regarding communicable blood borne infections in accordance with PD 03.04.120 "Control of Communicable Blood Borne Disease."

STATISTICAL RISK SCREENING

Source: Policy Directive 05.01.135

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

**PRISONER SECURITY CLASSIFICATION &
PRISONER PLACEMENT**

Source: Policy Directive 05.01.130
Policy Directive 05.01.140

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

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

For additional information regarding security classification and prisoner placement see Policy Directive 05.01.130 "Prisoner Security Classification" and Policy Directive 05.01.140 "Prisoner Placement and Transfer."

**PROGRAM CLASSIFICATION
INSTITUTIONAL WORK ASSIGNMENT, WAGES, AND SCHOOL STIPENDS**

Source: Policy Directive 05.01.100
Policy Directive 05.02.110

Prisoners are placed in work and school assignments at each facility. This process is called program classification. During program classification, prisoners are screened and are then placed in assignments that are appropriate and available. Prisoners who do not have a high school diploma or GED are usually assigned to school. Prisoners are expected to work unless assigned to an approved education or training program. For additional information about the classification process, see Policy Directive 05.01.100 "Prisoner Program Classification" and Policy Directive 05.02.110 "Prisoner Work Assignment Pay and School Stipend."

EDUCATION PROGRAMS

Source: Policy Directive 05.02.112
Policy Directive 05.02.114

Education programs are designed to assist prisoners obtaining a General Educational Development (GED) Certificate and in developing employment and job skills through career and technical education classes. Special Education Services are available at selected sites. A high school diploma or GED Certificate may be required before prisoners are assigned to work assignments. For additional information on education programs, see Policy Directive 05.02.112 "Education Programs for Prisoners," Policy Directive 05.02.114 "Special Education Services for Prisoners." and Policy Directive 05.02.119 "Correspondence Courses."

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

Source: Policy Directive 03.01.100
Policy Directive 03.01.101
Policy Directive 03.01.105

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

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

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

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

TELEPHONE USE

Source: Policy Directive 05.03.130

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

Except for verified emergencies, prisoner use of a telephone shall be considered a leisure time activity. As regulated in Policy Directive 05.03.130 telephone equipment automatically limits the length of all calls. Prisoners are assigned a personal identification number (PIN) and are responsible for protecting this number at all times. Prisoners are limited to calling 20 personal telephone numbers, which can be changed quarterly, along with numbers identified on the Universal List. Three-way calls are prohibited. A prisoner who abuses telephone privileges may be restricted from using the telephone, issued appropriate misconducts and/or ordered to pay restitution.

PRISONER MAIL

Source: Policy Directive 05.03.118

Policy Directive 04.02.120

Policy Directive 04.07.112

Mail is protected by the First Amendment of the United States Constitution and prisoners are permitted to send and receive mail from any person or organization unless the mail violates State Administrative Rules or the Prisoner Mail policy directive. See Policy Directive 05.03.118 “Prisoner Mail” for more information about prohibited mail. Both incoming and outgoing mail must have the prisoner’s name and identification number on the envelope. Writing paper, and pencils or pens may be made available to prisoners as provided for in Policy Directive 05.03.118. Indigent prisoners shall be loaned postage and envelopes as identified in Policy Directive 04.02.120 “Indigent Prisoners.”

A prisoner may request special handling of his/her legal mail. Policy Directive 05.03.118 provides direction for this process. Property received through the mail is subject to Policy Directive 04.07.112 “Prisoner Personal Property.”

VISITING

Source: Policy Directive 05.03.140

Prisoners may receive visits from family and members of the public subject to restrictions identified in Policy Directive 05.03.140 “Prisoner Visiting.” Prisoners are required to submit a Visiting List that includes the names of the persons he/she would like to visit with. This list may include all immediate family members and no more than ten other persons. These persons must submit a Visiting Application to

request approval to visit. With the exception of attorneys, the Ombudsman and the clergy, a prisoner may visit only with those persons who appear on his/her visiting list.

Visiting applications are available from housing unit staff. Your family and/or friends may also obtain a copy of the Visiting Application on the Michigan Department of Corrections website. See the Department's Policy Directive 05.03.140 "Prisoner Visiting" and the Department's Visiting Standards for more information about visits.

SEARCH OF PRISONERS

Source: Policy Directive 04.04.110

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

A "patdown search" is a brief manual and visual inspection of body surfaces, clothing and items the prisoner is carrying. A prisoner may be required to remove outerwear and shoes; however, all items shall be removed from pockets.

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

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

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

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

HOBBYCRAFT PROGRAMS

Source: Policy Directive 05.03.102

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

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

PRISONERS' RIGHT TO EXERCISE RELIGIOUS BELIEFS AND PRACTICES

Source: Policy Directive 05.03.150

Policy Directive 05.03.118

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

Each prisoner is allowed to designate his/her faith preference in writing. Each prisoner is allowed to possess religious items that have been determined to be necessary for the practice of his/her faith. Prisoners are allowed to receive clergy visits. MDOC facilities are served by institutional chaplains. They are available to assist prisoners with their religious practice. Religious services are scheduled by facility staff persons. A copy of the schedule of services is available on the housing unit bulletin board or similar public place. Prisoners are allowed to receive religious literature through the mail as authorized by Policy Directive 05.03.118 "Prisoner Mail." Prisoners are allowed to marry. A prisoner should contact the facility chaplain for more information about wedding services.

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

For more information on religious practices, see Policy Directive 05.03.150 "Religious Beliefs and Practices of Prisoners." Most facilities also have their own operating procedures that provide information about religious practices.

PRISONER FUNDS

Source: Policy Directive 04.02.105

Policy Directive 04.02.107

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

The Department shall collect victim restitution and court-ordered fees and cost from prisoners as set forth in Policy Directive 04.02.105 "Prisoner Funds."

Policy Directive 04.02.107 "Collection of Victim Restitution/Court-Ordered," provides information on how prisoners may use their funds. It also provides direction regarding how and from what source a prisoner may receive funds. Prisoners may not purchase goods or services on a credit basis.

REPORTING OF PRISONER ASSETS

Source: Policy Directive 04.02.140

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

For additional information regarding the reporting of assets, see Policy Directive 04.02.140 "Reporting of Offender Assets."

PRISONER BENEFIT FUND

Source: Policy Directive 04.02.110

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

SECUREPAK PROGRAM

Source: Policy Directive 04.02.135

General population prisoner may receive Department-approved items ordered through the Securepak Program. Securepak packages are limited to the dollar amount identified in policy, and can be ordered once per quarter by family members or friends. General population prisoners may also place orders for their own personal use in accordance with institutional ordering procedures.

ACCESS TO MEDICAL CARE

Source: Policy Directive 03.04.100

Policy Directive 03.04.101

Policy Directive 04.06.150

Policy Directive 04.06.165

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

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

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

CONTROL OF COMMUNICABLE BLOODBORNE DISEASES

Source: Policy Directive 03.04.120

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

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

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

All prisoners are tested for communicable Bloodborne diseases upon intake and as needed upon request. The policy directive also provides direction regarding those who refuse to cooperate with testing and those who have a positive test.

For additional information regarding this matter, see Policy Directive 03.04.120 “Control of Communicable Bloodborne Disease.”

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

MENTAL HEALTH SERVICES

Source: Policy Directive 04.06.180

Policy Directive 04.06.183

Policy Directive 05.01.120

Policy Directive 04.06.182

Mental health services are available to prisoners. These services are available in settings ranging from a hospital care setting to out-patient settings where treatment with medication is often necessary. Services are provided by qualified mental health professionals in all mental health services programs. Specialized programming for prisoners who have significant limitation due to a developmental disability or chronic brain disorder are available in a supportive housing environment. Short-term counseling services are also available. Prisoners who believe they need mental health services should contact health care services at their facility through the facility’s “kite” system.

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

PRISONERS WITH DISABILITIES

Source: Policy Directive 03.04.100

Policy Directive 04.06.160

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

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

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

Additional information regarding prisoners with disabilities, see Policy Directives 03.04.100 “Health Services,” and 04.06.160 “Medical Details and Special Accommodation Notices.”

ACCESS TO DEPARTMENT DOCUMENTS

Source: Policy Directive 01.06.110

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

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

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

For additional information regarding access to Department documents, see Policy Directive 01.06.110 “Freedom of Information Act – Access to Department Public Records.”

PUBLIC WORKS

Source: Policy Directive 03.02.121

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

DISCHARGE/TERMINATION OF SENTENCE

Source: Policy Directive 03.01.135

A prisoner who has completed his/her maximum sentence, minus appropriate special or regular good time or disciplinary credits, is entitled to be discharged from prison. Policy Directive 03.01.135 “Discharge/Termination of Sentence” provides information about processing prisoners for discharge. Non-controlling sentence(s) will be terminated at the calculation of the calendar maximum term imposed by the Court. For more information regarding these matters, see Policy Directive 03.01.135.

QUESTIONS AND ANSWERS ABOUT PAROLE

WHAT IS PAROLE?

After serving the minimum sentence ordered by the court, a prisoner is considered for parole. Parole is a conditional release from prison during which the offender continues to serve his or her sentence. An order of parole has standard mandatory conditions, such as regular reporting to a parole agent, not leaving the state without prior written permission, submitting to alcohol and drug testing, refraining from possessing firearms and other weapons, etc. The Parole Board may also impose special conditions designed to address the unique needs of individuals (i.e., prohibiting the use of alcohol, requiring mental health treatment, prohibiting contact with minor children, restricting the operation of motor vehicles, etc. Payment of restitution will be a condition of parole if it was ordered by the court as part of the sentence.

It is the expectation of the Parole Board that an offender granted a parole will comply with every condition on the order for parole. In fact, it is on that basis that release from prison is permitted. The Board does not take it for granted that the transition from prison to community living is going to be easy and not every misstep by a parolee results in revocation of his or her conditional release. In the long run, both the offender and the public is best served if the parolee is willing and able to make a successful adjustment after release from prison and become a productive, law-abiding resident of the community. Parole Agents are not only charged with enforcing the conditions of parole but with doing their best to provide helpful guidance to offenders who want to succeed. However, it is important for every parolee to understand that the violation of any condition of release has to be evaluated on a case-by-case basis. There are a number of factors to be considered, and violating any condition of parole may result in the parolee’s return to prison; as well as the forfeiture of good time or disciplinary credits previously earned.

In their own best interest, prisoners should begin preparing for parole immediately upon arriving at the Reception and Guidance Center. Making good choices and participating in pro-social behavior while incarcerated will be a benefit to prisoners as they develop a positive parole plan. Understanding the parole process and preparing for transition back into the community should be a priority for all prisoners. The Parole Board will expect that each prisoner has a parole plan that includes the development of a stable home placement, employment or other legitimate means of self-subsistence, and supportive, law-abiding social interaction. Avoiding institutional misconduct and making positive use of time will be taken into consideration by the Parole Board.

At the discretion of the Parole Board, an interview will be conducted with the prisoner at the Reception and Guidance Center to review program recommendations, pre-sentence investigation reports, and assessment results. At the interview, the Parole Board may approve, amend, or add program recommendations.

As part of the Prisoner ReEntry Model and in collaboration with the local Steering and Transition Team in the prisoner's home community, the Department may offer specialized programming, assessment, and transition services to prisoners, emphasizing planning and preparation for a successful transition back into the community.

A prisoner granted a parole contingent upon receipt of in-reach services will be transferred to the in-reach facility servicing the county to which the prisoner will parole or to the Special Alternative Incarceration Facility or Detroit ReEntry Center if the services are only offered at those locations.

MICHIGAN PAROLE BOARD

Parole Board members are appointed by the Director of the Department of Corrections to a term of four years. The ten-member Parole Board is organized into three-member panels. Parole release decisions and rescission decisions for prisoners serving indeterminate sentences are made by majority vote of a three-member panel. The reviews of life sentences are conducted by a majority of members of the Board.

HOW DOES THE PAROLE CONSIDERATION PROCESS BEGIN?

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

Typically, the Resident Unit Manager (RUM), Assistant Resident Unit Supervisor (ARUS) or Case Manager will meet with the prisoner approximately 6 to 9 months prior to their parole eligibility date to prepare a Parole Eligibility Report (PER). The PER will cover the prisoner's institutional adjustment and participation in educational or vocational programming, substance abuse treatment, and therapy, where applicable. All Class I misconducts and security classification increases will be reported. If the prisoner was previously denied parole, the PER will be updated with the prisoner's activities and conduct since the last PER.

The PER preparer will ask where and with whom the prisoner proposes to live if paroled, and if any arrangements have been made for employment. Generally, the Parole Board will require placement with a spouse, family member or friend. Parole to another state is possible if the other state agrees to accept supervision and if any restitution ordered by the court has been paid in full. At a minimum, the prisoner should provide a second choice of home placement in case the first choice is disapproved or not available at the time of parole. The nature of the criminal history is also a factor in the prisoner's parole placement. For example, if the prisoner has a history of a sexual offense or an offense against a child, the Parole Board

may prohibit placement in a home where there are children. Commercial placement is not normally considered an acceptable placement by the Parole Board but may be considered if there are no other placement options. Commercial placement would be investigated in the prisoner's county of conviction or in the county where the prisoner has the most reliable support system established if that is different from the county of conviction.

PRISONER REENTRY MODEL

At the discretion of the Parole Board, an interview will be conducted with the prisoner at the Reception and Guidance Center soon after reception into the prison system to review program recommendations, the pre-sentence investigation report, and assessment results. At the interview, the Parole Board may approve, amend, or add additional program recommendations. This early interaction between the prisoner and the Parole Board is intended to familiarize the prisoner with the Parole Board's concept of parole readiness and its expectations for the prisoner's conduct and achievements while incarcerated.

The Prisoner Reentry Model holds that the offender population most in need of services is comprised of those who pose a moderate to high risk of violence and/or recidivism. Objective risk assessments such as the COMPAS are used to help rate the level of risk. Support services following parole release are based on both risk of recidivism and temporary need for achieving stabilization and self-reliance. Because of the limited housing choices for sex offenders, they may be referred for housing assistance regardless of their measured level of risk. Assistance with housing needs is intended to prevent homelessness and provide the parolee with a short-term base from which to establish personal housing he or she can sustain with his/her own resources.

At the time of parole consideration, the Parole Board expects the prisoner to have done everything in his/her power to create a parole plan that includes stable housing, employment (or at least employment prospects) and to have identified supportive community contacts, including family and friends that can assist in the prisoner's transition. The prisoner should be able to provide the names, addresses and phone numbers of these important contacts.

PAROLE IS NOT GUARANTEED

Parole is not assured for any prisoner; there is no guarantee of parole based merely on technical eligibility for release prior to the expiration of the prisoner's maximum term. The Parole Board makes a decision according to the guidelines and requirements in the Administrative Rules and state law governing the parole consideration process. A decision to grant parole is made only when the Parole Board has reasonable assurance that the prisoner will not become a menace to society or to the public's safety.

WHAT FACTORS DOES THE PAROLE BOARD CONSIDER?

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

- 1.) The length of time the prisoner has been incarcerated.
- 2.) The nature and seriousness of all crimes for which the prisoner is under sentence, including aggravating and mitigating conditions. Aggravating conditions include the use of or threat of a weapon, physical or psychological injury to the victim, excessive violence to the victim beyond that necessary to commit the offense, if the victim was transported or held captive, if the victim was unusually vulnerable, if there was property loss or damage, if the crime is a sexual offense or involved sexually assaultive behavior, or if there were other offenders involved and the prisoner acted as a leader. Mitigating conditions exist if the act was situational with little likelihood of recurrence, or if there were other offenders involved and the prisoner's role was minor.

- 3.) The number, frequency and nature of all misdemeanor and felony convictions, any juvenile history, and any failures while on delayed sentence, probation or parole.
- 4.) Pending criminal charges or detainers.
- 5.) Institutional adjustment as reflected by performance on work or school assignments, findings of guilt on major misconduct charges, periods of confinement in administrative segregation, forfeitures or restorations of good time or disciplinary credits, the amount of accumulated disciplinary time for prisoners subject to disciplinary time, completion of and performance in recommended programs, and interactions with staff and other prisoners.
- 6.) Readiness for release as shown by a vocational skill or educational degree that will assist in obtaining employment, and the development of a suitable and realistic parole plan. Prisoners sentenced for crimes committed after December 15, 1998 and whose minimum term of imprisonment is two years or more, are required by law (MCL 791.233) to have a high school diploma or a GED before being released on parole. The Department of Corrections may waive this requirement in some cases as explained in MCL 791.233.
- 7.) The prisoner's personal history including employment history before incarceration, family or community ties, and a demonstrated willingness to accept responsibility for past behavior.
- 8.) The prisoner's physical and mental health, any hospitalizations or treatment for mental illness, and any irreversible physical or mental condition which would reduce the likelihood of further criminal acts.
- 9.) The prisoner's assaultive and property risk screening (statistical risk factors).
- 10.) The prisoner's age as it is significant to the likelihood of further criminal behavior. The Parole Board may consider a prisoner's marital history and prior arrests that did not result in conviction, but a decision to deny parole shall not be based solely on either of those factors.
- 11.) By law, crime victims have a right to make a statement to the Parole Board. The statements of crime victims are confidential.

WHERE DOES THE PAROLE BOARD OBTAIN THE INFORMATION IT CONSIDERS?

The Parole Board considers information from many sources. Key sources of information considered by the Parole Board are the Presentence Investigation Report (PSI), Parole Eligibility Report (PER), psychological reports, misconduct reports, security classification reviews, Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) assessment, Transition Accountability Plan (TAP), and the Vermont Assessment of Sex Offender Risk (VASOR), if applicable. The prisoner is provided a copy of these documents as they are generated. Since additional copies of these documents are no longer available to the prisoner under the Freedom of Information Act, the prisoner needs to keep the copies that are originally provided.

WHAT ARE PAROLE GUIDELINES?

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

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

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

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

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

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

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

A prisoner upon intake at the Reception & Guidance Center (RGC) will receive specific recommendations for program participation. When the Parole Eligibility Report (PER) is written, the prisoner's involvements in those programs will be reported. The parole guidelines program performance score is calculated by comparing the information in the PER with the programs recommended by RGC and the Parole Board during the Phase I interview.

PREPARING FOR PAROLE CONSIDERATION

Prisoners should begin preparing for parole as early as possible during their minimum terms. Preparing is a mental, emotional and logistical pursuit. It is not an exercise to rehearse answers to anticipated questions by the Board in a shallow attempt to make a good impression. This sort of preparation is easily discerned by the members of the Board in most cases and is likely to arouse suspicion and cast doubt on the prisoner's true readiness to accept the responsibility that comes with freedom.

WILL THE PRISONER BE INTERVIEWED BEFORE A DECISION IS MADE?

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

HOW SHOULD A PRISONER PREPARE FOR A PAROLE INTERVIEW?

A prisoner looking forward to parole consideration should be mindful of the factors the Parole Board considers in making these decisions and should prepare for his or her interview with the Board's concerns in mind. The prisoner should review the Parole Eligibility Report, Presentence Investigation Report, major misconduct reports, psychological or therapy reports, parole guideline score sheet and Transition Accountability Plan. Then the prisoner should take stock of his or her readiness for parole, as the Board would likely evaluate it. The prisoner should expect the Board to inquire about his or her plans for a placement, employment, occupying personal time, managing a drug or alcohol addiction, avoiding criminal associates, etc. The prisoner's answers to these questions should demonstrate that he or she has given these matters serious consideration and has developed a realistic plan for how to avoid past mistakes, manage frustration, accept responsibility for personal conduct, avoid criminal thinking errors and co-exist peacefully with other people.

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

PAROLE BOARD INTERVIEW

If an interview is to be conducted, it will occur approximately 4 to 8 months prior to the prisoner's minimum date or the reconsideration date if parole was previously denied. Interviews are typically held at the facility via video where the prisoner is incarcerated. The prisoner's rights in the interview process are as follows:

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

attorney by profession, he/she would not be excluded. However, prisoners are not entitled to legal representation at the interview. It is the prisoner's responsibility to notify the representative of the date and time of the interview. Interviews will not be delayed if the representative is late or cannot attend on the date and time scheduled.

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

PAROLE BOARD DECISIONS

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

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

In some cases, additional information may be needed before a decision can be reached. The Parole Board may defer the decision until after required information is received from the Bureau of Health Care Services or facility staff. The Parole Board will review the information as quickly as it is received and a Notice of Decision will be issued. The length of time that a case may be in deferred status can vary from weeks to months, depending on the time it takes to receive the required information. Psychological evaluations and Sex Offender Risk Assessments are required by statute prior to a Parole Board decision for certain cases.

Some deferrals produce a CMIS generated notice of action; others do not.

D42 – Defer for health care information (i.e. Psychological Reports, Violence Prevention Program reports, Sex Offender Therapy reports, Sex Offender Risk Assessments, etc.).

D46 – Utilized by interviewing member if (s)he decides not to cast a final vote at the interview. Upon return to the office, the central office file will be returned to the interviewer for further deliberation to the case before voting.

D47 – Defer for further investigation (Prisoner ReEntry – Special Needs, Mental Health).

D48 – Defer for satisfactory parole placement (typically due to healthcare needs).

Once a decision is made, the prisoner will receive the written decision in the mail. Generally, prisoners will receive the Parole Board's decision within 60 days of a parole violation finding or the Parole Board interview. However, if the Parole Board needs to obtain a psychological report or other information, the decision may take longer. If parole is granted, the decision will include a (projected) parole date. State law requires a 30 day notice be sent to the prosecutor and the registered victim(s) before release can occur. A pre-parole investigation of the proposed home placement must be conducted before a definite release date is set. If the proposed placement is out of state, the Department of Corrections in the receiving state will be asked to conduct an investigation and advise whether the prisoner will be accepted on parole in that state. The parole release date will generally occur on a Tuesday, Wednesday or Thursday.

If the Parole Board denies parole, the decision will include a reconsideration date. The Parole Board will begin the reconsideration process approximately 4 to 8 months prior to the reconsideration date. If the parole denial is to the maximum discharge date (the end of the sentence), the prisoner will discharge

without parole on the date the maximum sentence expires. The maximum sentence date is subject to change if the prisoner incurs misconduct which results in the loss of time or if the Warden does not grant all the good time or disciplinary credits available to be awarded when the case is reviewed prior to the expiration of the maximum sentence.

INTERVIEW AND REVIEW PROCESS FOR LIFE SENTENCES

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

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

A prisoner due an initial interview will be scheduled after the LRR is received. If a file review is due, the Parole Board will review the LRR to determine whether there is interest in interviewing the prisoner. Once the review has been completed, the prisoner will receive written notice of the decision. If the Parole Board decides to interview the prisoner, a written notice will be provided to the prisoner 30 days prior to the scheduled interview date. The notice will indicate the special issues and concerns to be discussed. If the Parole Board has no interest, the prisoner will be advised that the next file review will be conducted in five years.

PROCEDURE WHEN A LIFE SENTENCE IS REVIEWED

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

Life Sentences Requiring a Commutation of Sentence

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

Life Sentence for Drug Offenses

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

A prisoner sentenced to life under MCL 333.7403 (2)(a)(i) Possessing 650 Grams or more of a Controlled Substance must serve at least 10 calendar years on the life sentence if the crime was committed before October 1, 1992, or 15 calendar years if the crime was committed on or after October 1, 1992.

Other Life Sentences

For all other life sentences, the prisoner must serve at least 10 calendar years on the life sentence if the crime was committed before October 1, 1992, or 15 calendar years if the crime was committed on or after October 1, 1992.

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

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

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

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

PAROLE TERM

If a prisoner serving a life sentence is granted parole, the parole period shall not be for less than four (4) years.

For prisoners not serving a sentence of life, parole terms ordered by the Parole Board may be 6 months, 12 months, 15 months, 18 months, 24 months, or to the SMX date (the date that the maximum sentence expires).

Extension of the parole term shall be recommended if the parolee is ineligible for discharge. Extension of the parole term may also be recommended in response to parolee non-compliance. The extension shall be only for the period of time deemed appropriate to address the matter at hand.

PAROLE SUSPENSIONS

If the Parole Board receives new information after parole is granted, parole may be suspended and a suspension interview ordered. This could include Class I misconduct(s) incurred after parole was granted, the lack of resolution of pending charges, or information the Parole Board was unaware of when the decision granting parole was made. If parole is suspended, the prisoner will be notified of the reason for the suspension. If a suspension interview is held, a representative is not permitted as the only purpose of the

interview is to consider and act upon the information which resulted in the parole suspension. Following the interview, the Parole Board may reinstate parole or continue the prisoner's incarceration.

PAROLE TO DETAINER

The Parole Board sometimes paroles prisoners to a detainer that has been lodged by another agency. Generally, these detainees are in place to assure that the offender serves a sentence on a conviction for which the sentence has not yet been served. Detainers can be placed by federal authorities such as the U.S. Marshal or Immigration and Customs Enforcement, or a state, county or local agency. If a prisoner is paroling to a detainer, Record Office staff will make arrangements with the agency that lodged the detainer to take custody of the prisoner upon release from the MDOC facility.

If a prisoner is paroling to a detainer, the Parole Board Order for Parole will identify the prisoner's parole obligations if s/he is released from the detaining agency's custody prior to the expiration of the parole period. When a parolee is released from a detaining authority, it is the responsibility of the parolee to contact the Michigan Department of Corrections in accordance with the instructions outlined on the Order for Parole.

PAROLE OF ILLEGAL ALIENS

Prisoners who are not United States citizens are currently eligible for parole after they have served their minimum sentence minus any applicable credits unless they are serving for certain identified drug offenses. When paroled, these prisoners are routinely paroled to a detainer filed by the United States Immigration and Customs Enforcement (ICE) to allow for deportation. Public Act 223 of 2010, which took effect March 30, 2011, requires the Parole Board to parole an illegal alien who has a final order of deportation issued against him/her when the prisoner has served 1/2 of the minimum non-life sentence imposed by the court provided that ICE can assure the Department that the prisoner will be removed from the United States or, if that is not possible, that the prisoner will be returned to Department custody. This does not apply, however, to the following prisoners:

1. Prisoners who were sentenced as a habitual offender under MCL 769.10, 769.11, or 769.12.
2. Prisoners serving for either of the following offenses, including an attempt to commit the offense:
 - a. Murder in the first or second degree, being MCL 750.316 and 750.317.
 - b. Criminal Sexual Conduct in the first, second, or third degree, being MCL 750.520b, 750.520c, and 750.520d.

Prisoners who are not eligible for parole under PA 223, or cannot be placed on parole under the Act, remain eligible for parole as set forth in [PD 06.05.104](#) "Parole Process".

Any parole under PA 223 is required to be for the remaining balance of the paroled prisoner's maximum sentence as imposed by the court. The Parole Board shall include as special conditions of parole that the paroled prisoner cannot return illegally to the United States and that the paroled prisoner must report for supervision if s/he returns legally to the United States. PA 223 also requires the Parole Board to revoke parole upon notification from any law enforcement agency that the paroled prisoner has returned illegally to the United States and has been taken into custody.

A paroled prisoner whose parole is revoked under PA 223 is not eligible for reparole, or any other release from confinement, during the remainder of the sentence on which s/he was paroled.

MEDICAL PAROLE

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

SPECIAL ALTERNATIVE INCARCERATION (SAI)

SAI is offered at the SAI facility, which is supervised by the Warden of the Cooper Street Correctional Facility (JCS). It is designed to assist offenders in developing a sense of individual responsibility, self-discipline, and a positive work ethic through physically strenuous work, strict discipline, physical exercise, and programming (e.g., education, substance abuse awareness, basic life skills, anger management). SAI generally takes 90 calendar days to complete; however, it may be extended up to a total of 120 calendar days. Parole from the SAI program is facilitated statutorily rather than as the result of a decision by the Michigan Parole Board.

Prisoners are eligible to be considered for placement in SAI if they meet all of the following requirements:

1. Have not served a previous sentence in a federal or state prison.
2. Do not have a verified pending felony or immigration detainer, a pending felony charge, or felony suspect information.
3. Have not previously been placed in SAI as a prisoner or a probationer unless terminated for medical reasons or due to a pending felony detainer, felony charge, or felony suspect information verified while in SAI which has since been cleared. This does not apply to a prisoner placed in SAI prior to October 1, 2009.
4. Are physically able to participate in SAI.
5. Have no evidence of a mental disability that would prevent participation in SAI.
6. Are serving an indeterminate sentence or sentences with a minimum sentence of 36 months or less, except that a prisoner serving for Breaking and Entering an Occupied Dwelling pursuant to MCL 750.110 or Breaking and Entering a Dwelling (Home Invasion) pursuant to MCL 750.110a is eligible only if the minimum sentence is 24 months or less.
7. Are not serving a sentence for an offense specified in policy or an attempt, conspiracy, or solicitation to commit one of those offenses.
8. Do not screen very high or potentially very high assault risk according to the most recent Assaultive Risk Screening sheet (CSJ-353).
9. Do not have a true security level of IV or V.
10. Do not have a prior or current conviction involving assaultive sexual behavior.
11. Are not serving a sentence for any offense involving a death, including Negligent Homicide (MCL 750.324).
12. If serving a sentence for a violation of MCL 333.7401 or 333.7403 of the Controlled Substances Act, must have served statutory minimum if there is a prior conviction for a violation of either MCL 333.7401 or 333.7403(2)(a), (b), or (e).

13. If serving a sentence under the felony firearm law (MCL 750.227b) followed by an indeterminate sentence, must have served the two-year felony firearm sentence and have a total minimum term of 36 months or less, including the felony firearm sentence.

STANDARD AND SPECIAL CONDITIONS OF PAROLE

The Parole Board Order for Parole shall set forth standard conditions for parole and special conditions for parole ordered by the Parole Board, including those specifically required pursuant to MCL 791.236.

During the course of supervision, amendment of the Order for Parole (OFP) may be necessary. The amendment may be for the length of the parole term and/or additions or deletions of special condition(s).

PAROLE BOARD REFERRED RESIDENTIAL PROGRAMMING

The Parole Board may require a parolee to complete a residential program immediately upon release from prison. Residential programming may be delivered by contracted vendors in local communities or at a Residential Reentry Facility such as the Detroit ReEntry Center in Detroit. Moderate or high-risk parolees who successfully complete these programs are deemed to have special needs and may be eligible to receive additional community services through Prisoner Reentry funding as referred by the Field Agent.

PAYMENT OF RESTITUTION AND COURT ORDERED CRIME VICTIM ASSESSMENT

Whenever a parolee is ordered to pay court-ordered victim restitution as a condition of parole, the supervising field Agent shall review the case at least every six (6) months to ensure restitution is being paid as ordered. The final review shall be conducted not less than sixty (60) days prior to the scheduled parole discharge date. Absent compelling reasons to the contrary, if it is determined at the sixty (60) day review that the parolee willfully failed to pay restitution or crime victim assessment(s), a parole extension shall be requested unless the parolee has reached the PMX date.

PAROLE LOANS

Implementation of the Prisoner ReEntry Model has significantly reduced the need for parole loans and prisoners cannot apply for or request one.

If it is recommended by the field agent, there is a process for approval of a parole loan for room and board expenses for up to a **two-week** period after parole release. The prisoner is required to sign a Prisoner Loan Agreement (CSJ-159) prior to receiving payment of the parole loan. A copy of the signed form, with the amount of the loan noted, shall be forwarded by staff to the Finance Division of the Bureau of Fiscal Management (BFM). The paroled prisoner shall be required to repay the parole loan within 180 calendar days after receipt of the warrant and/or release debit card. If a parolee discharges or absconds supervision with a parole loan balance, the Finance Division Manager or designee will report the balance to the Department of Treasury.

STANDARD CONDITIONS OF PAROLE

The release conditions common to Michigan orders for parole are stated on the reverse side of each parolee's order, as is on the following page:

PAROLE CONDITIONS

Parole supervision is intended to protect the public while providing assistance and guidance to facilitate the parolee's transition from confinement to free society. To meet these goals, minimum conditions are established which may be enhanced by special individual conditions. A parolee's failure to comply with any condition may result in revocation and return to confinement.

- (1) **REPORTS:** You must contact the field agent as instructed no later than the first business day following release. Thereafter, you must report truthfully as often as the field agent requires. You must report any arrest or police contact or loss of employment to the field agent within 24 hours, weekends and holidays excepted.
- (2) **RESIDENCE:** You must not change residence without prior permission of the field agent.
- (3) **TRAVEL:** You must not leave the state without prior written permission.
- (4) **CONDUCT:** You must not engage in any behavior that constitutes a violation of any criminal law of any unit of government. You must not engage in assaultive, abusive, threatening or intimidating behavior. You must not use or possess controlled substances or drug paraphernalia or be with anyone you know to possess these items.
- (5) **TESTING:** You must comply with the requirements of alcohol and drug testing ordered by the field agent or law enforcement at the request of the field agent. You must not make any attempt to submit fraudulent or adulterated samples for testing. You must not hinder, obstruct, tamper, or otherwise interfere with the testing procedure.
- (6) **ASSOCIATION:** You must not have verbal, written, electronic, or physical contact with anyone you know to have a felony record without permission of the field agent. You must not have verbal, written, electronic, or physical contact with anyone you know to be engaged in any behavior that constitutes a violation of any criminal law of any unit of government.
- (7) **FIREARMS:** You must not own or possess a firearm of any type, including any imitation or simulation of a firearm. You must not be in the company of anyone you know to possess these items unless you have received written permission from the field agent.
- (8) **OTHER WEAPONS:** You must not use any object as a weapon. You must not own or possess a weapon of any type or any imitation thereof, any ammunition, or any firearm components or be in the company of anyone you know to possess these items.
- (9) **EMPLOYMENT:** You must make earnest efforts to find and maintain legitimate employment, unless engaged in an alternative program approved by the field agent. You must not voluntarily change employment or alternative program without the prior permission of the field agent.
- (10) **SPECIAL CONDITION:** You must comply with special conditions imposed by the Parole and Commutation Board and with written or verbal orders made by the field agent.

WAIVER OF EXTRADITION: I hereby waive extradition to the state of Michigan from any jurisdiction in or outside the United States where I may be found and also agree that I will not contest any effort to return me to the state of Michigan.

AGREEMENT OF PAROLE: I have read or heard the parole conditions and special conditions and have received a copy. I understand that failure to comply with any of the conditions or special conditions may result in revocation of parole and return to confinement. I understand and agree to comply with the parole conditions and special conditions.

(PAROLEE)

SIGNED _____

(WITNESS)

RELEASED BY:

DATED:

SPECIAL CONDITIONS OF PAROLE

The Board generally relies on a menu of assorted special conditions from which to choose requirements or prohibitions that respond to the particular needs or risks of individual offenders. A list of the most commonly selected special conditions follows. The Board has the discretion to write other conditions it deems necessary.

- 1.0 You must not have any verbal, written, electronic, or physical contact with any individual age 17 or under, or attempt to do so, either directly or through another person.
- 1.1 You must not live in a residence where any individual age 17 or under stays or is cared for. You must not provide care for any individual age 17 or under.
- 1.2 You must not have verbal, written, electronic, or physical contact with any individual age 17 or under or attempt to do so either directly or through another person, unless you are with an adult responsible for that individual and have first obtained written permission from the field Agent.
- 1.3 You must not marry, date, or have any romantic involvement with anyone who resides with or has physical custody of any individual age 17 or under, unless you first obtain written permission from the field Agent.
- 1.4 You must not purchase, possess or use sexually stimulating materials of any kind, or sexually stimulating materials as defined by your relapse prevention plan, therapist or counselor, and/or the field Agent. You must not enter places where sexually explicit or stimulating materials are sold or used.
- 1.5 You must complete sex offender treatment or other treatment when you are referred by the field Agent.
- 1.6 You must not reside, work, or loiter within a student safety zone defined as 1,000 feet of school property (developmental kindergarten through 12th grade school) unless you meet a statutory exemption.
- 1.7 You must not go to or be within 500 feet of parks, municipal swimming pools, playgrounds, child care centers, pre-schools, arcades, or other places primarily used by individuals age 17 or under without prior written approval of the field Agent.
- 1.8 You must not possess children's clothing, toys, games, or videos unless you first obtain written permission from the field Agent.
- 1.9 You must not possess or use any photographic equipment or photographic development equipment.
- 1.10 You must fully cooperate with the administration of the polygraph exam administered by a polygraph examiner at your own expense, as designated and ordered by the field Agent. Any refusal to cooperate or any attempt to tamper with or impede the administration of the polygraph will constitute a violation of parole.
- 1.11 You must register as required by the Michigan Sex Offender Registration Act and comply with all of the requirements of that Act. You must provide a completed copy of the Michigan Sex Offender

- Registration form to your field Agent on your first in-person report following vacating your residence, any address change, address verification, or change in your status with an institution of higher education. At each address change or verification period, you must present your Michigan Operator's License, Chauffeur's License, or Personal Identification Card to the field Agent at your first in-person contact.
- 1.12 You must not own, possess, or use any computer or any device capable of connecting to the Internet either directly or indirectly through a third party provider or reside in any residence in which these are present unless you first obtain written permission from the field Agent.
 - 1.13 You must not use any telephone numbers or telephone services which are sexually oriented.
 - 1.14 You must not enter topless bars, or places where there is exotic dancing, stripping, or simulation of sexual acts or where public nudity is a source of entertainment.
 - 1.15 To facilitate sex offender case management team (CMT) meetings, you must waive confidentiality and allow the disclosure and exchange of information between the Michigan Department of Corrections, including its authorized Agents, and all CMT members.
 - 2.0 You must not use or possess alcoholic beverages or other intoxicants. You must not enter bars or other places where the primary purpose is to serve alcoholic beverages for drinking on site, unless the field Agent has first given you written permission for your employment at a specific location.
 - 2.1 You must complete outpatient or residential substance abuse treatment or Reentry program when you are referred by the field Agent.
 - 2.2 You must complete a substance abuse assessment when you are referred by the field Agent.
 - 3.0 You must take medication as prescribed by a licensed physician.
 - 3.1 You must participate in adult education or a GED program as directed by the field Agent.
 - 3.2 You must complete a psychological evaluation when you are referred by the field Agent.
 - 3.3 You must complete mental health, domestic violence/batterer intervention, or other recommended treatment following assessment by a qualified community-based service provider.
 - 3.4 You must complete the _____ program.
 - 3.5 You must waive confidentiality and allow any treatment program that you are required to attend to disclose information to the field Agent.
 - 3.6 You must complete the Michigan Department of Corrections Special Alternative Incarceration Program, including residential aftercare.
 - 3.7 You must comply with the Michigan Department of Corrections Electronic Monitoring Program and/or remote alcohol monitoring when referred by the field Agent and reimburse the State at a rate established by the Michigan Department of Corrections.
 - 4.0 You must not enter (City/County/Other Location) unless you first obtain written permission from the field Agent.

- 4.1 You must not leave _____ County unless you first obtain written permission from the field Agent.
- 4.2 Written consent to search the parolee's person and/or property, MCL791.236 (19): I voluntarily consent to a search of my person and property upon demand by a peace officer or parole officer. If I do not sign this written consent, I understand that my parole may be rescinded or revoked.
- 4.3 You must reside in/at _____ upon your release to parole.
- 4.4 You must be in your approved residence between the hours of 11:00 p.m. and 6:00 a.m. unless excused by first obtaining written permission from the field Agent.
- 4.5 You must not have verbal, written, electronic, or physical contact with _____, either directly or through another person and you must not be within 500 feet of their residence, school, or place of employment.
- 4.6 You must not have verbal, written, electronic, or physical contact with _____, either directly or through another person.
- 4.7 You must not have verbal, written, electronic, or physical contact with anyone you know to be a member of a gang and you must not be involved in any gang-related activities.
- 4.8 You must not provide care for any adults, age 62 or older, or for any disabled adults.
- 4.9 You must not participate in gambling or gaming activities or enter gambling or gaming establishments unless you first obtain written permission from the field Agent.
- 4.10 You must have a functioning telephone in your approved residence. You must not change your telephone number unless you first obtain written permission from the field Agent.
- 4.11 You must not have a post office box number unless you first obtain written permission from the field Agent.
- 4.12 You must not use any names which are not your legal name.
- 4.13 You must not purchase, possess, or wear any costumes or masks unless you first obtain written permission from the field Agent.
- 4.14 You must not possess identification, insignia, badges, and uniforms, other items associated with a criminal justice or law enforcement agency, or any item that suggests you are a member of a criminal justice or law enforcement agency.
- 4.15 You must not hitchhike or pick up hitchhikers.
- 4.16 You must obey all court orders.
- 4.17 You must possess either a valid State of Michigan driver license or a Personal Identification Card issued by the Michigan Secretary of State.
- 4.18 You must submit periodic medical reports as ordered by the field Agent. Since your release is based on medical mercy conditions, any significant improvement will be reviewed by the Parole and Commutation Board, with the possibility of your being returned to prison.

- 4.19 You must submit to Global Positioning System monitoring and comply with all requirements of the system as directed by the field Agent or managing law enforcement agency. You must also comply with the requirements of any other systems of Electronic Monitoring if so ordered during the term of supervision. You must pay for the cost of your monitoring and any loss of or damage to monitoring equipment at rates established by the Michigan Department of Corrections.
- 4.20 You shall not return illegally to the United States. If permitted to make legal entry during the parole period, you must contact the field Agent at the parole office indicated on this order no later than the first business day following entry.
- 5.0 You must not drive a motor vehicle unless you first obtain written permission from the field Agent.
- 5.1. You must not drive a motor vehicle.
- 6.0 You must not be self-employed unless you first obtain written permission from the field Agent.
- 6.1 You must not work in a position involving _____.
- 6.2 You must not work in any residence unless you first obtain written permission from the field Agent and unless you first advise the homeowner you are on parole.
- 6.3 You must not work in a position where you have direct control over, or access to, another person's money.
- 7.0 You must not apply for, possess or conduct any financial transactions by means of; a checking account, charge account, credit card, debit card, or other financial transaction device except a government-issued device in your name.
- 7.1 You must pay the cost of your treatment program according to your ability as determined by the treatment program.
- 7.2 Pursuant to MCL 791.236a, as amended by Public Act 184 of 1993, you must pay a supervision fee of \$_____. The fee is payable when the parole order is entered, but the fee may be paid in monthly installments to be determined by the field Agent. You will not be required to pay a supervision fee to Michigan when you are being supervised in another state under the provisions of the Interstate Probation and Parole Compact, pursuant to MCL 798.103.
- 7.3 You must pay restitution of \$_____ as ordered by the sentencing court as indicated on the Judgment of Sentence. Restitution is payable when the parole order is entered, but may be paid in regularly scheduled monthly installments as directed by the field Agent. You must execute a wage assignment to pay the restitution if you are employed and miss two regularly scheduled payments.
- 7.4 Pursuant to MCL 780.905, you must pay the Crime Victims Assessment of \$_____ as ordered by the sentencing court as indicated on the Judgment of Sentence. The Crime Victims Assessment is payable when the parole order is entered, but may be paid in monthly installments to be determined by the field Agent.
- 7.5 You must pay \$_____ State cost as ordered by the sentencing court on the Judgment of Sentence. The State cost is payable when the parole order is entered, but may be paid in monthly installments to be determined by the field Agent.

RELEASE INSTRUCTIONS

- 9.1 Despite having been approved for parole, pursuant to MCL 791.233, the Department of Corrections SHALL NOT release you on parole unless you have earned a high school diploma or a GED certificate or have been granted a waiver from this restriction.
- 77.1 You are being released to the Immigration authorities. This order for parole is null and void if not called for by the Immigration authorities. If and when you are released by the Immigration authorities for any reason prior to deportation, you must contact the field Agent at the parole office indicated on this order no later than the first business day following release. If deported, you are not to reenter the United States illegally during your parole period. If permitted to make legal entry during that period, you must contact the field Agent at the parole office indicated on this order no later than the first business day following entry.
- 77.2 You are being released to the U.S. Marshal. This order for parole is null and void if not called for by the U.S. Marshal. If and when you are released by the U.S. Marshal for any reason, you must contact the field Agent at the parole office indicated on this order no later than the first business day following release.¹
- 77.3 You are being released to the _____ (County, City, etc., in Michigan) _____ authorities. This order for parole is null and void if not called for by those authorities. If and when you are released by those authorities for any reason, you must contact the field Agent at the parole office indicated on this order no later than the first business day following release.
- 77.4 You are being released to the U.S. Marshal. This order for parole is null and void if not called for by the U.S. Marshal. If and when you are released by the U.S. Marshal for any reason, you must contact the assigned parole office no later than the first business day following release. If you have not received notification of an assigned parole office, you must contact the Office of Parole and Probation Services Interstate Compact Unit by telephoning (517) 335-1370 no later than the first business day following release and provide your complete address and telephone information.²
- 77.5 You are being released to the _____ (State, County, etc. Out state) _____ authorities. This parole order is null and void if not called for by those authorities. If and when you are released by those authorities for any reason, you must contact the assigned parole office no later than the first business day following release. If you have not received notification of an assigned parole office, you must contact the Interstate Compact Unit by phoning (517) 335-1370 no later than the first business day following release and provide your complete address and telephone information.
- 77.6 This is a commutation or lifer case and must serve a minimum of 48 months on parole or until discharge on the maximum term, whichever occurs first.
- 77.7 You are being released to the Immigration authorities for deportation pursuant to Public Act 223. Your parole term is equal to the balance of your maximum sentence. This order for parole is null and void if you are not deported. If deported, you are not to reenter the United States illegally during your parole period. If you reenter the United States illegally during your parole period you are in violation of this Act and shall be returned to prison, and your parole shall be revoked and you will not be eligible for parole or any other release from confinement during the remainder of your maximum sentence. If permitted to make legal entry during the parole period, you must contact the field Agent at the parole office indicated on this order no later than the first business day following entry.

PAROLE DISCHARGE

A Parole Board Order for Discharge from Sentence (CAX-115) shall be issued when a parolee has complied with all conditions and requirements of his/her parole, has successfully completed the parole period ordered by the Parole Board, including any mandatory period of parole and has met any additional requirements identified by the Deputy Director.

ADDITIONAL INFORMATION ABOUT PAROLE

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

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

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

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

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