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STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

WILLIAM G. MILLIKEN
GOVERNOR

August 4, 1981

The Honorable William G. Milliken
Governor of Michigan
State Capitol
Lansing, Michigan 48909

Dear Governor Milliken:

The riots of May 22, 1981 at the State Prison of Southern Michigan and the Michigan Reformatory at Ionia and those of May 26, 1981 at the State Prison of Southern Michigan and at the Marquette Branch Prison caused you to appoint this Special Committee on Prison Disturbances.

Much of our discussion and many of our recommendations may be familiar. Some aspects of this report are new. But the tragedy is that others before this Committee have studied the same or similar fact situations, have exercised the same or similar judgments and the public reaction has been short-lived and incomplete. Those who inhabit or work in prisons are a tiny constituency. Public attention paid to their problems is transitory. But the importance of solving those problems is great.

The impact upon the public into whose ranks our prisons empty should be a matter of concern to all those who worry about their personal safety or that of loved ones. It is necessary to develop a system with procedures to accomplish desired goals at as low a cost as possible.

The threatened unauthorized lockdown of the State Prison of Southern Michigan by prison guards the morning of May 22 was the immediate cause of the rioting there.

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Prisoners, upset by the possibility of spending the holiday weekend in their cells, took advantage of confusion between the administration and the line staff to seize control of cellblocks 3 and 4 in the Central Complex. While nearly 1,000 prisoners roamed the yard, fires were set in the counselors' offices and in the former officers' dining room and caused extensive damage. The inmate store was looted, and windows in several buildings were broken. Prisoners in the North Complex attempted to set fires in the module housing units there, and succeeded in destroying one. Prison officials regained control in the North Complex and cellblocks 3 and 4 by mid-afternoon, while fire fighters began putting out the fires. By nightfall, prisoners had returned to their cells, most of them peacefully. Seven inmates and one staff member reported injuries.

News of the disturbance at Jackson reached the prisoners at the Michigan Reformatory in Ionia the afternoon of May 22, through the media, from personal phone calls and by word of mouth. At 7:00 p.m. that evening, J Block residents, comprising about half of the prison population, were released into the recreational yard. Shortly after 8:00 p.m., three fights broke out. As officers moved in to break up the first fight, those fighting turned and assaulted the officers. One officer was knocked down. The officer working 11 Post fired a blank warning shot to protect the officer, and the prisoners in the yard, as is standard procedure, began returning to their cells.

At that point, some inmates again started toward the fallen officer, drawing a second warning shot, this one live. The siren was blown, mobilizing prison staff, and ordering inmates to return to their cells.

However, once in the cellblock, inmates overpowered a floor guard, taking his keys and releasing the balance of the inmate body. A group of about 75 white

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inmates fled for an area of relative safety. Officers were pulled from the yard to prevent the taking of hostages, and some inmates proceeded to set fire to the school, the cellblocks and the food service area, again causing extensive damage. A number of prisoners were assaulted.

Prison officials organized platoons that systematically swept the institution, gradually returning inmates to their cells, while fire fighters worked to contain the fires. By 3:30 a.m., the institution was secure. Nearly 60 inmates and 26 staff members were injured, many of the latter by tear gas.

While the remainder of the holiday weekend at Jackson and Ionia passed relatively peacefully (the Michigan Reformatory was locked down), indications of continued problems at Jackson were readily apparent the morning of May 26. At 7:00 a.m., roughly 200 of the 709 North Complex inmates did not report for assignments. The absenteeism was the most concentrated in the Northside industries. Around 10:30 a.m., the deputy director in charge of industries contacted Deputy Warden Scott, in Lansing, where he was meeting with Warden Mintzes and Corrections Director Johnson. Deputy Scott called the North Complex assistant deputy who was unaware of the problem and promised to check into it. In the interim, civilian maintenance workers and other employees had been removed from the North Complex area. While information was exchanged between Jackson and Lansing, the morning schedule proceeded unimpeded.

During the morning yard, many North Complex inmates were observed wearing distinguishing arm bands and arming themselves. Many of those living in the modules carried their belongings in hand. About 11:15 a.m., the mounting trouble quickly got out of control. Fires broke out in the remaining modules,

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in the school and in the food service building. Warden Mintzes returned to Jackson, and officials spent the remainder of the afternoon attempting to secure the institution. At about 7:15 p.m., the prisoners returned to their cells, again, most of them peacefully. Again, both guards and inmates were injured.

About an hour after SPSM had been secured, the Marquette Branch Prison erupted. Shortly before the end of the evening yard, an officer stopped two inmates to shake them down for weapons. One inmate fled, but the other began hitting the officer. At this point, inmates simply seized the initiative in a wanton display of destruction. Inmates set 28 separate fires, destroying the vocational school building and damaging numerous others. Ten officers and 14 inmates were injured. Officials secured the institution about 12:30 a.m.

In your charge to us on June 1, 1981, you requested an interim report within 30 days and our final conclusions within 60 days. The interim report was filed June 30, 1981. This is our final report.

The Committee, operating as a group of volunteers, were all comfortable with the time constraints imposed. We had an excellent staff consisting of three individuals assigned to us by other departments of state government on a temporary basis. Our budget was \$16,667. The final reconciliation will demonstrate that more than half of the budget was spent on hiring the services of court reporters during the investigative phase of our work, with the other half required to meet the costs of transportation, meals, lodging, postage, etc. We have met your schedule within the budget established.

We did not hire investigators. We did not have the power of subpoena, and those who appeared before our Committee were not sworn. Lest this recital be mis-

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understood, it is not in the nature of a complaint. The record must, however, reflect the fact that we were dealing with information voluntarily provided to us, information which we believe was accurate to a high degree and upon which we exercised the collective judgment of each of the members of the Committee.

Procedurally, the Committee met twelve days in June and ten days in July, including two and one-half days in public hearing sessions. The Committee visited the State Prison of Southern Michigan, the Michigan Reformatory at Ionia, the Marquette Branch Prison, the new Huron Valley Men's Facility, the Muskegon Correctional Facility and the Cassidy Lake Training School.

At these facilities and in our Lansing office, the Committee conducted a total of 89 interviews and responded to a total of 96 letters. We received testimony from 49 people in public sessions, and individual members conducted interviews and received comments from numerous others.

Those interviewed by the Committee represented the following groups:

- Corrections Commission - 1 interview (group)
- Department Administrators - 4 interviews
- Regional Administrators/Wardens/Deputy Wardens - 15 interviews
- Teachers/Psychologists/Counselors - 8 interviews
- MSEA/Labor & Trades employees - 2 interviews
- Captain/Sergeant/Shift Commander - 3 interviews
- Hearing Officer - 2 interviews
- MCO Corrections Officer - 20 interviews
- Housing Unit Manager - 8 interviews
- State Police/Institution Investigator - 2 interviews
- Prisoners - 21 interviews
- Officers' Wives - 2 interviews
- MCO Official - 1 interview

The people testifying before the Committee represented the following groups:

- American Association of Corrections Officers
- American Friends Service Committee

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Legislative Corrections Ombudsman
Michigan Corrections Organization
Michigan Council on Crime and Delinquency
Michigan Sheriff's Association
Oakland County Prosecutors's Office
Project Cease-Fire
State Appellate Defenders Office
Team for Justice

Many concerned private citizens were represented as well.

It is important to state at the outset that while we have devoted much time and thought to an analysis of existing situations to avoid future provocations for riot, there is no justification for the senseless and lawless destruction of property and injury to prisoners and prison personnel. Prisoners must realize that the use of riots to attain goals is counter-productive. The majority of prisoners who did not participate in the riots are experiencing today the discomfort and deprivation brought upon them by the relatively few perpetrators of violence and destruction. But that is an expected consequence of a riot and the resultant need to reestablish security. Additionally, a riot creates an atmosphere among the general public in which intelligent steps to remedy justifiable grievances are made more difficult.

I.

You requested first that we "investigate the causes of the disturbances, both in terms of the immediate factors which set off the disturbances at each of the institutions, as well as the deeper problems which led to the disturbances."

It is important in discussing this charge, as well as the others, to reemphasize the above noted limitations upon the Committee's work.

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In our interim report to you we said, "In analyzing possible contributing factors one must recognize that the Michigan Department of Corrections has a history of the following actual or perceived problems:

- 1) An overcrowded correctional system
- 2) Overly large, antiquated and poorly designed institutions
- 3) Inadequately trained staff
- 4) Insufficient staff to provide adequate security and control
- 5) A discipline system that is perceived by staff as inadequate and counter-productive to institution safety.

Immediate factors, added to all others then existing, were:

- For the Jackson riot of May 22, the threatened unauthorized complete lockdown of prisoners by the guards for the 4-day weekend.
- For the Ionia riot, the news of the Jackson riot.
- For the Jackson riot of May 26, the failure of the administration to act upon information it had of an impending riot in the North Complex, and to establish an effective chain of command in the institution generally.
- For the Marquette riot, the news of the second Jackson riot."

Nothing that has come to the attention of the Committee since that interim report leads us to change any of the recitals of causes.

You will find in this final report a greater discussion of, and emphasis on, the deeper problems which led to the disturbances at the three largest institutions than of the immediate factors. Additional investigations of the immediate factors have been conducted by the Department of Corrections, the State Police, and by the Special Legislative Committee established to probe the riot situation.

II.

Our second charge was to "evaluate the responsive actions taken by the Department of Corrections and other public agencies to restore order."

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The Department of Corrections, the Michigan State Police, other public agencies and fire departments are to be commended for their responsive actions to the riots at Marquette and Ionia and the riot of May 22 at Jackson. The numerous fire departments from the City of Jackson and the neighboring townships performed admirably in containing the loss by fire at Jackson on May 26.

The fact that no lives were lost in four riots indicates that the force used to quell the violence and terminate the disorder among the lawless and unruly prisoner elements was adequate and not excessive.

However, the events of May 26 do not reflect credit upon the Department of Corrections. Information which was not communicated, was received on May 25th that trouble was planned for the 26th. The failure of many of the North Complex prisoners on work assignment to report was known about 7:00 a.m. Some civilian maintenance people and other employees were removed from the area in the early morning hours. Warden Mintzes was not alerted to trouble until he received a call in Lansing at mid-morning. By 11:15 a.m. on May 26, the North Complex had called Director of Resident Services Utess and Administrative Assistant Pogats to come to the North Complex to talk with the inmates. At that time inmates were observed wearing distinguishing arm bands and were carrying their personal belongings and baggage around with them. Deputy Warden Anderson, who is supposed to be in charge of the institution in the absence of Warden Mintzes and Deputy Warden Scott, was in his office that morning. He was not told that the Warden and Deputy Scott planned to be absent at a meeting in Lansing until he made a call to the Warden's office shortly before lunch. Nothing was conveyed to him earlier or at that time about problems in the North Complex, although the Director's Office in Lansing had a report between 10:00

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and 11:00 a.m. Deputy Warden Anderson left the institution to attend a luncheon meeting and was not aware of trouble at the North Complex until he had returned to the institution in the early afternoon hours. The meeting called by the department director in Lansing, which took the Warden and Chief Deputy Warden away from the institution on the first full business day after a riot had occurred, should not have been convened away from the scene of that riot. In any event, Deputy Warden Anderson should have been advised of their absence and that he was in charge. Immediate steps taken to exercise control during the early morning hours would have very likely averted the attendant destruction altogether. There would have been no newsworthy event and consequently the Marquette riot might have been avoided.

We conclude that the preventive and responsive actions taken at the State Prison of Southern Michigan on May 26 left much to be desired at the leadership level, but were more than adequate by the prison personnel, State Police and fire fighters.

III.

You next charged our Committee to "consider the contention of corrections officers that security within the correctional facilities needs improvement." We detail below, in specific recommendations, matters pertaining to physical facilities, staffing, training, prisoner discipline and others, all of which bear upon a resultant level of security. To the extent improvements are recommended, it is an indication that the level of security is inadequate. When we discuss security in this context, of course, we are considering the security of all personnel: guards, counselors, teachers, other employees, as well as prisoners.

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However, the concern of the guards relative to security was not justified at a higher level on May 22 than it had been for the past few months. Since February the number of assaults by prisoners appeared to have actually decreased, and the assault of May 21 was clearly an isolated incident. Concern for security would not justify the staff actions of the morning of May 22.

IV.

The fourth charge to the Committee was to "assess the likelihood that additional disturbances might occur, especially in the immediate future." In our preliminary report, we provided you with our views of the likelihood of such future riots, noting that the conditions for such occurrences are seemingly everpresent. Institutions as large as those at Marquette, Ionia and Jackson, which contain populations with a high potential for violence, are always subject to the threat of riot. The present lockdown is a temporary measure to avoid a reoccurrence. However, the continuation of that lockdown of the maximum security facilities is of immediate concern to our Committee.

We realize the Department of Corrections shares this concern. Our interviews with all people in positions of major responsibility indicate a clear sensitivity to this matter. On the question of timing and procedures to terminate the lockdown and return to normalcy, we defer to the department.

The Committee recognizes, also, that each institution with its individual problems must progress toward a condition of relative normalcy in an individual manner. While the degree of sensitivity to the problem on the part of the department is acute, we are troubled by the fact that the development of a

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plan for the return to normalcy has not been completed, nor is it clear that a mechanism is in place to develop such a plan. One should be.

V.

Your last charge to the Committee was to "make recommendations with respect to executive and legislative actions which should be taken to alleviate the actions which led to these disturbances." On this charge we have focused the vast majority of this report.

Issues and Recommendations

Classification/Overcrowding

For the past several years, the Michigan prison population has been increasing at an alarming rate, at times being nearly 2,000 over capacity. The impact of overcrowding on prison facilities and the operation of the facilities is obvious enough. No system of penology functions adequately with persistent overcrowding. The most obvious example of the negative operational effects of overcrowding is seen in the classification process.

The issue of overcrowding widely reported in the media and alluded to by prisoners and staff is often a misunderstood issue. That is to say overcrowding in its most visible sense, i.e., double celling, temporary bunks in cellblocks, or crowded dormitories, generally did not exist immediately prior to the disturbances. In Ionia, however, there is the use of indoor recreation facilities for administrative segregation. This plus the use of modules are the only two readily visible signs of overcrowding.

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It would be more appropriate to characterize the correctional system as overcrowded with inadequate resources to accommodate the custodial and rehabilitative requirements of prisoners. This is an important distinction. Institutional overcrowding creates adverse living conditions, tension and security problems. In Michigan its impact is felt on the ability of the system to accommodate proper prisoner classification. Actually, the inability or failure of the system to classify prisoners in the appropriate institutional setting may create even greater security problems than institutional overcrowding. That is, there is a rotation of 40 or more inmates a month between various correctional facilities which means that the three maximum security prisons are releasing some inmates to medium security facilities when they should more appropriately remain in maximum security.

Medium security facilities then filter down inmates to minimum security and persons are released from minimum security into community-based programs before they are ready for it. There are prisoners in various correctional facilities, including community-based facilities, who even three years ago would not have been placed there.

Simply stated, prisoners enter the system and require space. Pressure is put on the system to accommodate them and the result is a reclassification of prisoners to enable some of them to be moved. That is, those classified as unsuitable for the general prison population are moved to a higher level of security, those classified as lower level problems are moved to medium or minimum security, and those eligible for release are moved out of the system altogether.

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Our criticism of classification flows from the fact that frequently inappropriate criteria are applied and prisoners are reclassified (either upward or downward) more to meet the need for space due to overcrowding than to reflect behavioral problems and rehabilitation needs. This, of course, ignores both custodial (security) requirements and treatment needs.

Prisoners believe that reclassification criteria are being applied for various motives such as racism and harassment. Guard staff, conversely, accuse classification personnel of being insensitive to security needs. They also allege that they have no input into classification decisions. Housing staff counselors feel that classification is more concerned with security than the potential for prisoner rehabilitation.

Community-based treatment facilities are appropriate for certain prisoners. If some prisoners are filtered into those facilities because of overcrowding and inappropriate classification then the facilities become counter-productive for both the community and prisoners who can benefit from them.

We recommend:

- 1) That the classification process be refined to give increased emphasis to both security factors and the individual treatment needs of the prisoners.
- 2) That the reasons for classification decisions be communicated to both staff and prisoners.
- 3) That classification be based more on behavioral patterns and security requirements than concepts of racial balance and expected behavior based on pre-institution statistical norms.

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Discipline - Major Misconduct

In 1974, the United States Supreme Court imposed basic due process safeguards in prison disciplinary proceedings. Wolff vs. McDonnell, 418 U.S. 539. Wolff held that prisoners who are subject to serious deprivations such as solitary confinement or loss of good time, as punishment for specific misconduct have a right to:

- 1) Written notices of the charges at least 24 hours prior to a hearing.
- 2) An opportunity to call witnesses and present documentary evidence in defense.
- 3) Staff assistance to illiterate prisoners or in cases that present complex issues.
- 4) An impartial fact finder.
- 5) A written statement of the decision and the evidence relied on.

Michigan has incorporated the basic procedural requirements of Wolff in MCL 791.251 et seq. (1979, PA 140). Administrative rules (Michigan Administrative Code R.791.3315; R.791.550) and Department of Corrections policy statements supplement these general requirements. The department has listed twenty-three major rule violations subject to the above procedures. The maximum penalty for any single violation is seven days punitive detention.

The basic major misconduct process is as follows:

- 1) Staff member writes a misconduct report or "ticket."
- 2) Supervisory staff member reviews the ticket.
- 3) If the supervisor determines that the evidence supports a major misconduct charge, the supervisor reads the ticket to the prisoner and gives him or her a copy.

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- 4) The reviewing officer also determines whether the offense is "bondable" (e.g., whether or not the prisoner is segregated pending the hearing) and whether, if requested, a hearings investigator is necessary.
- 5) When assigned, the hearings investigator gathers available information but does not function as an advocate for either prisoner or staff.
- 6) Within four days (ten days if the prisoner is on "bond") a hearing officer must conduct a hearing.
- 7) The prisoner may appeal an adverse determination by right to Circuit Court.

There were 57,231 major misconduct charges in 1977, and 60,185 in 1980. The department employs sixteen full-time hearings officers plus additional supervisory and investigative staff to operate the system.

The department is bound by the mandate of Wolff and the legislation of 1979, PA 140, which codified supplemental requirements for the disciplinary process.

The Committee heard considerable dissatisfaction with the present disciplinary system. Guards who had lost summary powers which they once had, perceived it as ineffective in a large number (some said a majority) of cases. The major misconduct statistics demonstrate that one-third of those charged at Jackson, Huron Valley Women's Facility and Phoenix are found not guilty or have the matter dismissed. But at Marquette only 12%, Ionia Reformatory and Training Unit only 14%, and in the community programs only 5% are found not guilty or dismissed, with other institutions falling in between. In any system error may be present. The Committee cannot conclude that, except in the three institutions with the highest percentage of not guilty or dismissal determinations, the disciplinary process is faulty.

However, even where the process works, its effectiveness is perceived by the security force to be slight. When detention of up to seven day can be added

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to a resultant loss of good time, it is more effective. The inability to take away a period of good time, which is no longer available, takes away an important management tool to control prisoner behavior.

There is strong evidence that the discipline system itself does little to control prisoner behavior--particularly in the close and maximum security institutions. A pattern appears to have developed in which a relatively small number of guards write a large number of major misconduct tickets against a relatively small number of prisoners. Yet predatory and disruptive behavior remains a routine part of everyday life at these institutions.

The prisoner discipline system, of course, does not operate in a vacuum. Conditions and factors mentioned elsewhere in this report would place any penalty system under considerable strain. Prisoners with long terms, few privileges and sociopathic backgrounds have little inclination or incentive to conform to strict institutional rules. Punitive detention of whatever length or the threat of a bad institutional record will do little to deter such persons from undesirable behavior.

It is also important to remember that the discipline system represents an indeterminate response to such behavior. Effective supervision can frequently eliminate the need for a misconduct ticket. Administrative segregation or more restrictive security classifications can neutralize persistent trouble-makers. These techniques, of course, do not function independently, since they may depend to some extent on either the threat or result of a disciplinary proceeding.

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The classification system affects the discipline process because it fails to reflect prisoner behavior. The risk assessment process of the Department places a strong emphasis on a person's criminal record prior to entering the corrections system, and uses other factors over which an individual has no control, such as age and family situation. Thus, a prisoner may have a most commendable record while in prison, but if such other factors as criminal record, age and family situation are against the inmate, he or she will remain in a very secure classification level, while someone who may have a worse record in prison but whose criminal record, age and family situation are judged more favorable, may have a less secure classification. Such a situation has obvious negative implications for maintaining discipline within the prison. One can also question the justice of making decisions which affect individuals on the basis of group averages or statistical norms. We believe the disciplinary process would be made more effective and the sense of hopelessness often present among prisoners reduced if one's classification would be tied more closely into one's record of behavior while in the corrections system.

The right of Circuit Court review simply provides an opportunity for prisoners to clog the court system at a heavy cost. Appeal by leave only after exhaustion of internal department review would provide an adequate safeguard for prisoners' rights.

The issue of discipline lends itself to use as a camouflage. Administrative measures presently exist for the segregation of those who threaten institutional security. Artificial limitations on segregation units set by the prison administration can be changed by that administration.

We recommend:

- 4) That the Legislature amend PA 140, 1979, to eliminate the right of Circuit Court appeal, making it discretionary with the court.
- 5) That guards have authority, subject to administrative review and supervision, to summarily detain disruptive prisoners.
- 6) That the department establish procedures for education and training of enforcement personnel.
- 7) That training programs in disciplinary procedures recognize the peculiarities of each institution.
- 8) That the department consider its limitation on segregation facilities so that the number of such facilities shall be adequate for the need demonstrated.
- 9) That a prisoner found guilty of a major misconduct face immediate review by the institutional classification committee to determine if reclassification is justified.
- 10) That the present maximum major misconduct penalty of seven days detention be increased to fourteen days detention, and that the administration modify existing cells to provide enough detention cells to accommodate demand.

Good Time

The use of good time in prison systems across the nation is extensive. It has been a useful disciplinary tool for the administration and the guards. There was virtual unanimity among institutional administrators, all levels of staff and prisoners who appeared before the Committee that the repeal of the good time statute by Michigan voters in 1978 has had and continues to have a significant and negative impact on the peaceful and orderly operation of the prisons. The cost to Michigan taxpayers of this repeal is heavy because inmates who could appropriately be released with good time now have to remain in costly prison cells.

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The percentage of prisoners serving time for crimes committed after December 10, 1978, the effective date of the law, is just under fifty percent. This percentage will increase.

Prior to the referendum, Michigan law provided that every prisoner who had no infraction of the rules of the prison or the laws of the state recorded against him was entitled to receive a reduction from his sentence in accordance with a uniform scale applicable to all prisoners. The number of days of "regular good time" which were granted increased with the number of years served.

In addition to "regular good time," the wardens of the various prisons, with the consent and approval of the Director of Corrections, could grant prisoners "special good time" in amounts not to exceed one-half of the amount of "regular good time" permitted.

Good time was earned for good behavior and lost for bad behavior and applied to both minimum and maximum sentences. A prisoner who behaved and avoided disciplinary problems could expect to be released from confinement earlier than if he had not behaved.

In 1978, the people, perceiving that violent crime was directly related to early parole, overwhelmingly supported Proposal B, abolishing good time and, thus, mandating that prisoners serve the full minimum of an indeterminate sentence.

Its passage, coupled with the public's demand that governmental spending be curtailed, tougher laws be passed and longer sentences be imposed, has the net effect of sending more people to prison for longer periods of time without the Department of Corrections being given the resources to meet the extra load.

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As discussed above, the resulting overcrowding has a devastating effect on prison programs and prison operation. It requires higher staffing levels, complicates classification procedures and reduces treatment program possibilities. Add to this the youthful, aggressive and volatile nature of the current prison population and the significance of the loss of an effective tool for controlling behavior among prisoners cannot be overlooked. Proposal E to construct new prison facilities was rejected by the people in 1980. Prison officials are then left with the enormous responsibility of maintaining order under increasingly difficult circumstances.

Using good time to prevent overcrowding, however, is improper. The resolution of overcrowding problems must be left to other remedies.

We recommend:

- 11) That the Department of Corrections immediately develop alternative sanctions and rewards designed to control prisoner behavior to replace the use of good time.

Physical Facilities

Michigan has some of the newest and some of the oldest prison facilities in the country. The three riot torn institutions are antiquated, difficult and costly to maintain and designed in such a manner that serious security problems are created. They were built before recent court decisions and modern penological theory. Manufacturing of weapons, assaults and other predatory behavior, and trafficking in contraband are the direct result of such deficiencies. In addition, the sheer size of the cell blocks and their physical shabbiness contributes to low staff morale, high maintenance costs and serious communi-

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cation problems. The cellblocks of the three facilities seriously exceed the maximum size prescribed for the safe operation of the prisons. The smaller facilities at Muskegon and Huron Valley facilitate informal communication among staff and between staff and prisoners.

The Committee finds that the use of the term "country club" to describe any Michigan penal institution is inaccurate, misleading and destructive of a rational evaluation of the prison problems.

The use of modules for housing in conjunction with traditional housing increases supervisory problems and causes competition and resentment among prisoners.

We recommend:

- 12) That the State Prison of Southern Michigan be divided into several separate, autonomous institutions using some common facilities as needed and reducing as much as possible the number of prisoners in each to less than 1,000.
- 13) That each of these institutions have a distinct name and a separate warden and staff.
- 14) That staff transfers among the institutions be accomplished by the same method that transfers are now accomplished between other state corrections institutions.
- 15) That architectural and structural changes be made in order to accomplish the complete separation of the inmates who would be in these facilities.
- 16) That a fence separating the Central Complex at SPSM be completed within a month.
- 17) That the construction of the new Northville and Lansing facilities be expedited.
- 18) That the locking system at Ionia, Marquette and especially SPSM be improved and updated.

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- 19) That more prisoner labor be used to improve at once the repair and maintenance of the SPSM facility.
- 20) That modules not be used for housing within the maximum security institutions.

Labor-Management Relations

In our preliminary report, the Committee highlighted the fact that collective bargaining is a new phenomenon to state government, and that the lack of familiarity with such a system has led to significant labor-management problems at some institutions. Additional factors also require recognition at this time.

Not all of the institutions visited evidenced major personnel and labor relations problems. At several institutions, the degree of cooperation between labor and management was very good. However, where those relationships were bad, the entire management of the prison was threatened, as well as the safety of the guards. These problems cannot be attributed solely to unfamiliarity with the collective bargaining process. Rather, where major problems exist, it is our view that the trouble is evidence of dissatisfaction far beyond contract administration, and extending into the day-to-day management of the facility.

Certainly, there is inexperience and immaturity present, but we see the evidence of deep-seated discord and distrust on the part of both management and line staff toward each other, especially at SPSM.

Management, on the one hand, beset by financial problems of significant proportions, and by an incredibly complex series of institutions to manage, sometimes seemingly cannot be bothered with following the letter of the contract, fully and timely responding to employee grievances and, in general, adequately

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communicating with employees. In addition, it has not satisfactorily addressed the security staffing requirements and the issues of worker safety.

The union, on the other hand, frustrated with the absence of an effective mechanism for dispute resolution, seems determined to become a co-equal partner with management in running the institution. This clearly is an intrusion into management prerogatives, so pronounced at times as to be categorized as insubordination.

In the final analysis, the success or failure of the Michigan corrections system is highly dependent upon the cooperation between labor and management in running the individual institutions. This is evidenced by the statement of the department and the union of June 26, 1981. The prisoner population seizes upon and exploits for their own ends, any discord and disharmony. Effective management responsibly addresses employee grievances, communicates with staff, and complies with all provisions of a legally executed labor agreement. Effective employee unions voice their concerns within the proper channels as outlined in the labor agreements, will let the wardens run the prisons and will obey the spirit and letter of directions issued.

There must be no question as to who runs the prison and, supervises and directs the workforce. Those persons must be fully aware of employee concerns, fears, and ideas, and maintain an open and objective mind in listening to and evaluating suggestions from employee unions and individuals that could make the prison function more smoothly and provide better control and better relationships between all groups. It is obvious that some degree of labor-management

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tension will always be present, but this tension must be channeled through the proper process, and must not interfere with the effective managing of the prisoner population.

We recommend:

- 21) That both management and the union live up to the spirit of the labor agreements and comply with the terms and conditions of the agreement.
- 22) That an individual with considerable labor relations experience be assigned to SPSM as soon as possible.
- 23) That the channels of communication provided for by the contract be more fully utilized in order to enhance cooperation.

Staffing/Communication

Staffing and communication are interrelated because judgements about staffing levels cannot be made without considering the quality of communication. If there is inadequate communication among staff and between staff and prisoners, the sheer increase in the number of personnel will not solve the problems. Extensive discussion of staffing levels without considering communication processes is pointless. The problems that manifested themselves at the May riots were not simply related to the numbers of staff on the scene, but were more reflective of problems with communication.

The age old conflict between treatment and custody staff is only exacerbated when there are not clear lines of authority and responsibility. In addition, "treatment" can be a very nebulous concept if it is not well defined by specific performance objectives linked to the treatment approach and an organizational framework designed to bring together various disciplines around common goals.

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There does not appear to be either clear role definitions between treatment and custody staff nor is the system clear about the treatment programs that are to be used to accomplish "rehabilitation." This lack of clarity makes effective communication impossible.

There should be a re-examination of the role of the regional administrator and the type of person who best fits that role. If the regional administrator is supposed to relieve the work load of the deputy director, then the administrator should be given authority and responsibility commensurate with that role. If the regional administrator only handles those functions that wardens could deal with and is circumvented on more serious matters, then the position should be eliminated. Delegation of authority from upper levels of the Corrections Department administration should be placed at the lowest level possible freeing up top administrators for planning and policy development. There appears to be too much upper level administrative involvement in day-to-day decision making.

Employees of the department are covered under Civil Service but normal management tools are frequently lacking or unused. There is no established "career ladder" for corrections officers and the fact is that numbers of them are employees of the department in second jobs and do not regard that employment as the major focus of their careers. Moreover, the department operates without a process for evaluating adequately the level of employee performance.

The newer institutions, in particular the Muskegon facility, have quite effectively dealt with the role definition problem. At Muskegon there is only one assistant deputy and his function is to administer the housing units.

He interviews candidates for the staff, unlike at the three maximum security institutions where a custody person makes assignments to housing units. The members of the team in the units at Muskegon change very infrequently which contributes to a consistent treatment approach. Team members can only be temporarily "loaned" to security with the written permission of the assistant deputy. Night shift staff are under the direct supervision of custody and are not considered a part of the team. The Resident Unit Manager is the first line supervisor for both treatment and housekeeping activities.

At the new Huron Valley facility there will be at least three staff per 120 prisoners on duty in the housing units at all times during the first two shifts. At the Jackson cellblocks the ratio is often three staff members for a cellblock of over 400. The staff-prisoner ratio in the housing units at Jackson makes it impossible for the team concept treatment model to function.

We recommend:

- 24) That at no time should the security staffing levels of any institution be allowed to fall below critical levels.
- 25) That staff assignments to a housing unit be of a permanent nature and clear lines of supervision be established.
- 26) That the position of assistant deputy for custody be phased out.
- 27) That the position of regional administrator be critically re-examined.
- 28) That there needs to be an effective personnel performance appraisal system.
- 29) That there be a "career ladder" system for corrections officers so that the position is not merely viewed as a second or temporary job.
- 30) That adequate supervision of guards and appropriate control of housing units requires a "shift boss" (sergeant) on duty during the day and evening shifts.

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Racism

The Committee examined statistics and heard testimony from prison administrators, guards and prisoners in order to assess the impact of racism on the operations of the prisons. The prison population, predominantly black, is being supervised by a staff overwhelmingly white.

Minorities make up just over sixty percent of Michigan's prison population, the vast majority coming from inner-city and urban areas with the accompanying cultural orientation. Michigan prisons, like all American prisons, has always held a number of blacks disproportionate to the number of blacks in the general population.

In recent years there has been a dramatic increase in their numbers, in part due to an equally dramatic increase nationwide in the general population of young people between the ages of fourteen and twenty-four. In contrast to former times, the black prisoner, like his white counterpart, is younger, more aggressive, more volatile, and sentenced for longer periods.

Racial tension between black and white prisoners is evident. When the riots began at the Michigan Reformatory, white prisoners, for their safety, fled the cellblock and took refuge on the roof of a prison building, refusing to leave unless assured of protection by the State Police and prison officials.

Further hostility between the prisoners is reflected in those prisoners requesting and receiving protective custody who fear for their safety in the general population. Seventy-five percent of those seeking such protection are whites.

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In addition, there is pronounced, self-imposed segregation of the races in the dining rooms and other activities.

Black prisoners, sensitive to life in a racist society, express no hesitation in concluding that racism is a pervasive factor in the prisons, illustrated by the insensitivity of prison officials to respond to the concerns raised by prisoners through the grievance process, the Warden's Forum and the treatment and harassment by the guards.

At Jackson, Marquette and Ionia, ninety percent of the guards are white and live, for the most part, in the rural areas surrounding the prisons. Many have friends and relatives who have worked and are working in the prisons, a circumstance which has the effect of perpetuating a closed white society. Virtually all of the guards interviewed had little, if any, contact with blacks other than with prisoners.

Very few of the white guards interviewed acknowledge that racism is a significant factor in the operation of the prisons. On the contrary, its existence is either denied or admitted only in isolated and infrequent instances.

However, it is abundantly clear that most white guards have little knowledge, empathy, or awareness of the black experience, particularly as it relates to young, black prisoners from urban environments.

The Committee was appalled to learn that very little if any training in race relations is given new employees. None were able to detail the nature and extent of the training. Further, no in-service training in race relations is provided for the guards, either by the Department of Corrections or the MCO.

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The Committee finds racism is a major problem in the operation of the prisons, reflected in the handling of black prisoners, the hostility and violence toward black staff and the insolence and insubordination toward black supervisors who represent less than ten percent of the staff.

Although the Civil Service Service Commission and the Department of Corrections have developed and pursued a policy of affirmative action in the hiring of minorities, the effort is currently being challenged in the courts. If the courts validate the procedure it will open the way for increased minority hiring.

We recommend:

- 31) That there be developed intensive programs for initial and on-going training of all prison personnel in race relations.
- 32) That more attention be given to consideration of techniques to ease racial tensions among prisoners.
- 33) That there be continued and active efforts to hire more minorities at all levels of prison personnel.

Procedure for Dealing with Prisoner Grievances

Formal grievance procedures now exist in every state and in the federal prison system. These systems vary greatly as to prisoner access, time limits, appeals, hearings, types of problems handled, prisoners and staff involvement and review process. Among the reasons for the development of the procedures are reduction of tension, avoidance of problems of discipline, reduction of judicial intervention in the management of prisons and the training of prisoners to resolve complaints through orderly and established channels.

Although Michigan early on developed an administrative grievance procedure for the entire correctional system, the mechanism put into operation has apparently never received the support of many throughout the system. Additionally, failure to provide for prisoner participation, ignoring time limits, the lack of training and follow-up as to compliance has destroyed credibility of the process in the eyes of the prisoners and staff alike.

The Department of Corrections operates an internal prisoner grievance mechanism, and the Legislature has created a Legislative Corrections Ombudsman's office. Decisions of the internal grievance mechanism can be "appealed" to the Ombudsman, but exhaustion of the internal grievance procedure is required in all cases before the Ombudsman will take action on a grievance.

There is little confidence in a mechanism which should be the "safety valve" for the resolving of problems. What could be a formal mechanism for the resolution of many problems has instead become a paper processing procedure with little credibility. The process is given little credence by prisoners because of the absence of any participation, failure to follow time limits and a perception that reprisal often occurs. It is seen as a time consuming and often threatening procedure by staff. There appears to be little or no training of staff or prisoners in the use of the grievance procedure. There also appears to be little administrative support of the procedure, particularly at mid-management levels. Record keeping of grievances during the past year, particularly at SPSM, indicates an almost total lack of any administrative monitoring or management control.

We recommend:

- 34) That the grievance mechanism be so designed that prisoners and line staff participate at some level in the complaint resolution process.

- 35) That the grievance procedure meet its own deadlines and abide by its established procedures.
- 36) That the grievance procedure receive stronger administrative support.
- 37) That there be specific provision for initial and on-going training of all who will be affected by the grievance procedure.
- 38) That adequate record keeping be instituted and enforced in order that the procedures can be adequately monitored and evaluated.
- 39) That the Department of Corrections request assistance from the National Institute of Corrections for an indepth evaluation of the current system and further technical assistance and training as the evaluation would indicate.

Guard Training

Proper training is an essential element in maintaining order, safety, and control of a prison population. One of the objectives of a correctional system is to create an environment in which rehabilitation may occur, with prisoners emerging as better persons as a result of their confinement, equipped to function adequately and lead future productive lives. Whether this objective can be carried out is dependent to a great degree on the understanding and assistance given to prisoners by those staff who work with them on a daily basis. Prisoners, by definition, are anti-social; they bring to the sterile environment of a prison all the hate, despair, fear and emotional disturbances which caused them to commit serious felony offenses. They must survive in an environment in which terror is their constant companion--deprivation is the core of their existence--and adherence to the prison code of conduct is often their only hope of survival. Society expects the prison to rehabilitate offenders in a setting which provides little support or encouragement for such a radical change. The basic responsibility for such change rests with the line

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staff. The staff given this responsibility must bring to the task knowledge and maturity, and upon assignment to the job must be given adequate training.

Prison conditions in Jackson, Ionia and Marquette are uncomfortable, unpleasant and barely tolerable at best for both employees and prisoners. These conditions, plus a lack of public awareness and public concern, have helped produce an employee morale problem. Guards have not received the public attention or departmental and legislative recognition their jobs deserve. The result, in many cases, is that prison guards have a low self-image. The Michigan correctional system has not recognized this situation and has not worked toward improving guards' self-perception by supplying incentives through initial and ongoing training and correctional educational programs. Unless this situation is corrected quickly, militant unionism will be the predictable consequence.

The lack of employee professionalism is especially evident at Jackson, less so at Ionia and Marquette. The lack of employee professionalism has a major impact on prisoners and contributes to the fact that many prisoners return to society worse for their confinement than when they originally entered the prison system. Public awareness must be focused on this point. Government has a moral obligation to try to render a prisoner better equipped to return to society because the longer we continue to fail, the longer society's safety is jeopardized. The fact remains that today's prisoners, in most cases, will be residents of Michigan's neighborhoods tomorrow.

Although Michigan is experiencing financial constraints, the training of all prison employees is extremely important. The first priority must be better training of staff who have day-to-day contact with the prisoners. Inadequately

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trained prison personnel has added to the problems of the Michigan prison system. Because of the high turn-over rate among staff in direct contact with the prison population and the frustration and burn out rate of prison guards, there are not sufficient numbers of educated and dedicated guards. New employee selection and training is critical to ensure that only persons who are physically and mentally qualified, as well as emotionally suited, are certified for permanent employment. The present level of 160 hours of classroom training is demonstrably inadequate. Basic police training is significantly higher, and, moreover, police officers must be state certified.

We recommend:

- 40) That at least a high school diploma (or equivalent) be required for hiring of correction officers.
- 41) That persons hired as corrections officers, line staff, and line staff supervisors be given a psychological placement examination to help determine their suitability for employment and proper job placement.
- 42) That additional related educational attainment be weighted into promotional scores.
- 43) That new employee basic training be expanded to at least 320 classroom hours and at least 320 hours of on-the-job training.
- 44) That prison union leadership be encouraged to assist in the development and implementation of initial training, ongoing training and career development.
- 45) That the Michigan Legislature proceed as quickly as possible to establish a Michigan Academy of Corrections to train prison personnel using the Michigan State Police Academy as a model.
- 46) That the Department of Corrections pursue the development of ongoing training and career development with community colleges and universities throughout Michigan.

- 47) That the department pursue tuition reimbursement and salary incentives to motivate staff to further their education.
- 48) That prison staff receive increased and intensive training in the area of the black urban experience and culture.
- 49) That the Legislature develop legislation to create a council, similar to the Michigan Law Enforcement Training Officers Council, responsible for standardizing and upgrading the training content of initial and ongoing correctional training.
- 50) That the Legislature develop legislation leading to state certification of correctional officers.

Miscellaneous

Food - The Committee's investigation into the underlying causes of the recent disturbances at the Michigan Reformatory, the Marquette Branch Prison, and the State Prison of Southern Michigan revealed serious inadequacies in prisoner living conditions. Particularly at SPSM, the condition of the cellblocks and the quality of the food is so poor as to communicate to prisoners a basic disregard for their health and their minimal daily needs.

At SPSM, the Committee observed few faucets that did not leak, and found the stench overpowering. Prisoners there complain that the food preparation and serving areas are filthy and unsanitary and that the food itself often tastes and smells terrible. Some inmates claim they rarely eat three meals a day, while some find themselves compelled to eat cold pork and beans from a can which they must purchase from the inmate store, rather than eat the institutional dinner. Kitchen workers receive the lowest pay and the longest hours of the inmate work force.

While the above observations pertain primarily to SPSM, the Committee feels improvement is warranted at the Michigan Reformatory and the Marquette Branch Prison, as well.

The Committee believes that more sanitary living conditions and better food will contribute to reducing hostility in prison environments.

The Committee recommends the following with regard to SPSM and, where applicable, to the Marquette Branch Prison and the Michigan Reformatory, as well.

We recommend:

- 51) That pay and other incentives for prisoner kitchen workers be increased to assist in recruiting quality help within the prisoner population.
- 52) That multiple shifts be developed to reduce hours worked to a level to better compete with other prison job assignments.
- 53) That frequent, unannounced inspections by the Department of Public Health be conducted.
- 54) That standards of cleanliness for workers and food preparation be upgraded.
- 55) That the quality of food preparation be improved.

Appearance of Guards - There were obvious and readily observable differences between the guards at the three maximum security prisons. Those at Jackson were the most unprofessional in appearance; uniforms were dirty and hair and beards were generally unkempt. Staff directives prohibiting the wearing of western clothing (e.g., cowboy hats and boots) while on duty have been resisted and ignored.

While the situation was somewhat better at the Michigan Reformatory, there is need for considerable improvement. The appearance of the guards at Marquette, on the other hand, was consistent with professional expectations.

The Committee strongly feels that appearance is directly related to job performance and has a decided affect on the relationship between guards and prisoners.

We recommend:

- 56) That a uniform code of appearance be adopted and enforced.

Media - During the course of the riots at both Jackson and Ionia, certain media representatives used helicopters to fly at relatively low levels over the prisons for the purposes of photographically recording the scenes and observing what was going on. Additionally, members of the radio, television and press corps at Jackson took photographs and interviewed prisoners through the wire barricades surrounding the North Complex. At Jackson, the memory of the use of helicopters at the Attica Prison riot, together with their presence over the prison, created apprehension and anxiety on the part of both prisoners and staff. At Ionia, the use of floodlights from helicopters disclosed the position of some of the security forces being used to round up the prisoners, endangering the lives of security personnel. The presence of reporters on the scene outside the wire barricades at the Jackson North Complex added to the confusion and may have fed the aggressions of those bent on committing acts of violence and damage. The Department of Corrections does not adhere to an effective system-wide media policy in tactical situations.

The Corrections Department has addressed the helicopter problem. We have been informed that arrangements have now been made for the imposition, by the Federal Aviation Administration, of a zone of 3,000 feet around and above prison property. That zone will be effective upon notification to the FAA in times of emergency and will prohibit the flying of craft within that zone. We applaud this prompt attention to that problem, but anytime a helicopter is over a prison a potential problem regarding an escape attempt is present.

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We recommend:

- 57) That there be permanent prohibition of overflights of prison facilities by helicopters.
- 58) That the Department of Corrections review, with representatives of the media, its media relations policy for use in tactical situations.

Disparity of Sentences - Under Michigan law, the trial judge has the sole authority to impose sentence. From time to time, there has been considerable disparity in the sentences imposed by different trial judges for the same crime. While there may be good reason for such disparity, the fact that there is no review possible of sentences and that the disparity seems to be a result of geography, tends to breed anger and frustration in prisoners which leads to behavior control problems in the institution.

We recommend:

- 59) That the Supreme Court or the Legislature address the problem of disparity of sentences.

Summary

The people of Michigan are divided in their perception of the goals of our prison system. Some believe rehabilitation is the principal goal. Others concentrate upon a desire for punishment, and still others merely regard prisons as a place for legally warehousing disruptive segments of the population to separate them from the general public. The Committee recognizes that all of these goals are a part of the total purpose of the system.

Each, however, requires different physical facilities, staff, programs and levels of expenditure. Some prisoners are incapable of being rehabilitated.

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With respect to others, however, it violates our concern for public safety, our desire to avoid costly incarceration and our perception of the need to avoid the waste of human resources to fail in rehabilitation.

Basic to a resolution of all problems is the development of adequate physical facilities to avoid system overcrowding. Proper classification of prisoners to determine which of the system goals apply, cannot be accomplished if system overcrowding is not solved.

The ability to control the prisoner population, to enhance the safety of guards, staff and other prisoners, depends upon the success of the classification system and the ability to move the elements of the prison population in conformity with it.

Rehabilitation today is a dream, more often realized by accident than plan. Most of our recommendations with respect to discipline of prisoners, training of guards, avoidance of racism and improvements in the administration of the system would help Michigan to attain its rehabilitation goals. But they also will help in the attainment of those goals of punishment and segregation from society which exist.

The Committee is concerned that its recommendations not only be in the public interest, but be so perceived. The trauma of riots, the expense of costly repair and the threat of death or injury to employees of the system and prisoners are all to be avoided.

These are complicated problems. Simplistic answers to complicated problems are frequently attractive. Also, they are frequently deceptive in that they may be incapable of achieving the goals which their proponents claim.

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More difficult answers require extended public attention and understanding. Leaders who have the public interest at heart will need determination, patience and dedication. The media will have to assist in public education and enlightenment on a subject to which the public historically has devoted only sporadic and short-lived attention.

As we said in our preliminary report about predecessor groups who have studied Michigan's penal institutions, "For years recommendations made here collected more dust than attention." This report, too, may share that fate. If so, we predict that some day some future riot with a potential of death and destruction far transcending the results of the riots of May, will again focus the attention of the public.

Our recommendations are not panaceas. They reflect the best collective judgment of our members who have devoted great amounts of time and thought to their development. At the very least, they deserve close attention and evaluation. To the extent they are judged to have merit, those responsible for their implementation delay at the risk of public peril.

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