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Mich. Dept. of Corrections
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COMPREHENSIVE PLAN FOR CORRECTIONAL FACILITIES

ACQUISITIONS INTRODUCTION

This document is presented pursuant to P.A. 303 and P.A. 485 of 1980. Its purpose is to present the current plans of the Department of Corrections for future correctional facilities, and to describe the process for locating those facilities. This plan is updated significantly from the last revision (January 18, 1984) since substantial changes have occurred in the corrections system since that date.

P.A. 485 (see Appendix #1 for a copy of this Act) has divided Michigan counties into nine Corrections regions:

- (a) Region 1: Wayne.
- (b) Region 2: Oakland.
- (c) Region 3: Macomb and St. Clair.
- (d) Region 4: Genesee, Lapeer, and Shiawassee.
- (e) Region 5: Sanilac, Huron, Tuscola, Saginaw, Bay, and Midland.
- (f) Region 6: Monroe, Lenawee, Hillsdale, Branch, St. Joseph, Kalamazoo, Calhoun, Jackson, Washtenaw, and Livingston.
- (g) Region 7: Ingham, Eaton, Barry, Clinton, Ionia, Kent, Montcalm, Gratiot, Isabella, Gladwin, Clare, and Osceola.
- (h) Region 8: Cass, Berrien, Van Buren, Allegan, Ottawa, Muskegon, Oceana, Newaygo, Mecosta, Mason, Lake and Manistee.
- (i) Region 9: The Upper Peninsula and Arenac, Iosco, Ogemaw, Roscommon, Missaukee, Wexford, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Alpena, Montmorency, Otsego, Antrim, Leelanau, Charlevoix, Emmet, Cheboygan, and Presque Isle.

P.A. 303 (see Appendix #2 for a copy of this Act) establishes a general site selection process whereby state, county and local units of government, schools, universities and other organizations can work cooperatively to develop and assess sites for correctional facilities. (The specifics of the site selection process will be dealt with later.) P.A. 303 also states that the Department of Corrections shall develop a comprehensive plan for determining the need for establishing various types of correctional facilities, for selecting the location of a correctional facility, and for determining the size of a correctional facility.

This plan addresses these mandates by stating: (1) The problem; a description of our current situation and how it developed; (2) A regional plan for long-term facilities, which is presented as a major component to solve this problem. (This regional plan also addresses need, locations and size as P.A. 303 requires.); (3) A plan for community residential programs; (4) The site location and selection process; and, (5) Summary.

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II. THE PROBLEM

In 1975, the population of Michigan's prison system began to exceed its capacity, and during the late 1970's severe crowding in the prison system was the result of continued population growth. Despite efforts to promote alternative programs, convert other facilities to prisons, and build new facilities, the population growth, and its excess over capacity, continued.

The utilization of the Prison Overcrowding Emergency Powers Act (P.A. 519 of 1980) from 1981 through 1984 provided a temporary resolution of the overcrowding problem by shortening prisoners' sentences and increasing the volume of paroles. Use of this act was discontinued in 1984 as a result of increasing concern about crimes in the community--some of these very serious--committed by persons so released. The general conclusion was that this act, intended as an emergency measure, had been used as a long-term intervention much more often and frequently than contemplated by those drafting it initially.

As a result of ever increasing prison commitments, increased lengths of sentence, and abandonment of the Emergency Powers Act, the increase of prison population over the last 13 months has been the highest on the record in Michigan. The population increased by just over 3,000 persons during calendar year 1985, and continues at an increase of approximately 240 a month during the early part of 1986.

During 1985, the capacity of the prison system was expanded by some 3,000 beds, keeping pace with population growth, but leaving the situation in a crowded condition as of this writing. This unprecedented expansion in capacity was accomplished in part by conversion of existing facilities to prison use by the acquisition of the former Detroit House of Corrections Men's Division, and by construction of temporary wood frame, metal sheet structures, as well as the addition of permanent housing units to existing facilities.

As of the most recent tabulation, the population and capacity of the system were as follows:

Michigan Prison Population and Capacity
April 2, 1986

	<u>Male</u>	<u>Female</u>	<u>Total</u>
Population	16,114	728	16,842
Capacity	<u>14,736</u>	<u>722</u>	<u>15,458</u>
Difference	1,378	6	1,384

The excess of population over capacity is accommodated by crowding persons into dormitory settings beyond the rated capacity of those units, by housing persons in dayrooms, gymnasiums, and other program areas, and in modular units which cannot be counted in rated capacity under the provisions of Public Act 519 of 1980.

The past and current overcrowding of the prison system has several serious consequences:

1. A significant number of prisoners are housed in security classifications not appropriate to their needs and requirements. For example, many persons housed in minimum-security housing units should be retained in medium custody; there are persons in close custody who should be housed in maximum-security facilities, and there are some imbalances in other levels of custody. A principal aim of the construction program proposed in this document is to provide adequate housing at appropriate security levels to eliminate this problem.
2. Constructive programs in which prisoners are involved must sometimes be interrupted because the prisoner must be removed from the institution where this program is being delivered to make room for new prisoners, due to lack of space.
3. Both the overcrowded situation and inappropriate security classification which results make prisons more difficult to manage increasing the potential of danger to both prisoners and staff. This also increases the potential for liability, since overcrowding has been a factor in past lawsuits.
4. Overcrowding is such a comprehensive problem that it takes away the time of people managing the Department and the institutions who should be dealing with other matters relating to improving correctional operations.
5. Relating to the first item above, overcrowding, and attendant misclassification, it leads to an increased walkaway rate from minimum security and puts the public at greater risk as a result.

For all of the reasons given above, it is essential that adequate facilities be provided to house the prison population appropriately, and that these facilities be of sufficient number and appropriate nature to give the greatest chance possible that prisoners will return to the community as law-abiding citizens. It is the intent of the plan proposed in this document to create a system that is adequately, but not excessively, sized; to handle the population which is projected for the future; and to mount an effective correctional program.

The following sections will discuss the basis for the regionalized prison system, since that defines the location and nature of most proposed facilities; it will then present the projected population and facilities now being planned or constructed to meet the population need in the immediate future, and those which may be needed beyond that point; finally, issues of site location for both prisons and community corrections facilities will be discussed.

III. THE LONG-RANGE PLAN - A REGIONALIZED CORRECTIONS SYSTEM

A. The Case for Regional Prisons

The Michigan Department of Corrections has for several years advocated meeting the better part of its housing needs current and future, by the construction of "regional prisons." This is in line with accepted national goals and standards, and it has long-term advantages in both cost and effectiveness over continued expansion of our traditional system. P.A. 485 of the Public Acts of 1980 has made this plan law.

The Regional Prison Concept

The notion of a regional prison and a regional prison system as a longer range goal may be best understood by contrasting it with our existing correctional facilities. The existing penal system is "centralized"; all male offenders are sent to a reception facility and transferred from that facility to institutions elsewhere in the state based on each person's security needs and program requirements. As these needs change, the individual may be transferred from one institution to another until eventual release back to the community. The particular community from which he comes, and to which he will return, is rarely a factor in deciding which institutions he serves time in. For female offenders there is less choice since the state currently operates only two institutions for women, but it is not unusual for a male prisoner to serve time at three or four different institutions before release.

While some prisons will serve special needs and will remain "centralized," the regional prison, by way of contrast, would be located near the community from which the offender comes, and he would typically serve his entire institutional sentence, progressing through security levels, at that one facility. To accomplish this, the regional institution would differ from our conventional prisons in some important ways:

- a) The institution would normally contain levels of security from close through minimum. Most individuals would start out in close custody and would progress through medium and minimum at the same institution before transfer to a community center or parole. A small segregation unit would be needed for temporary detention for institutional misconduct.
- b) None of the security groupings at such a facility would be larger than 390. Goals and standards now being promulgated nationally, and almost certain to require conformity for accreditation and for future federal funding, indicate that no institution should be designed to house more than 500 persons. We can conform to that standard in a multisecurity institution, if we design for a medium security population of 384, a separate close custody unit of 96 beds, a segregation unit of 10 beds, a 10-bed reception unit and a 48-bed minimum security work release unit. The operating capacity of the 548-bed facility would be 500, since some beds in the general population will necessarily be vacant to retain flexibility and some special purpose beds (e.g., detention) will not be counted in the general population.

These size levels are not dictated solely by desire to conform to national standards. Our own experience with institutions of various sizes indicates that population groupings much larger than this are difficult to manage safely and effectively. So this limitation on population size is desirable with or without regionalization. Some correctional theorists even advocate much smaller population groupings than this but operating costs begin to escalate as economies of scale are lost. The recommended population size is regarded as a realistic compromise. With experience, later regional prisons may vary as to the "mix" of custody level beds.

- c) The regional institutions should be located in or near one or more major population centers from which the offender population flows. This means in practice they should be no further than about a half an hour driving time from one or more of the major communities being served. This may not always be achievable for a variety of reasons and is more easily complied with in urban areas than in northern Michigan where some distances will necessarily be greater than this.
- d) The regional facility will be much more closely integrated with correctional services in the community - such as probation and parole services - than is true of the existing prison system. It will also make greater use of community resources, such as education and volunteer services. The concept is of a state institutional service provided in an area, rather than a remote outland to which the community exports people.

Advantages of the Regional Prison

To understand the major advantages of a regional prison system, it is first necessary to recognize that most of the people going into prison will be back in the home community in a relatively short time. This is true even though Michigan prison terms are longer than the national average. To be more specific, 75% of the people coming into the Michigan prison system will be released inside of four years. More than half will be back in the community in less than three years. This is important because it means that the community does not really "rid itself of a problem" when it sends someone to prison. It means that it is really in the immediate and direct self-interest of the community that the correctional system be designed in the most effective way to return its prisoners as law-abiding citizens. We are convinced that the regional concept is best suited to that need.

To see why this is so, consider once again the existing corrections system. The individual goes through it as though on an assembly line. A probation officer makes a recommendation as to sentence - probation or prison. If prison, the offender is removed to a distant reception center which decides as to an appropriate program. The probation office is not involved in that decision. The offender is then sent to yet another institution by the reception center which then has no further involvement. In short, as the offender goes from one part of the correctional system to another, from one institution to another, the only continuity is the accompanying paper file. When the prisoner arrives on the street again, the institution closes out responsibility and the parole officer who must provide reintegration into the community knows little of the institutional experience which has supposedly prepared him or her for that release.

Contrast this with a truly regionalized corrections system, in which the institution, probation and parole are part of the same correctional administration. All phases of this system will be integrated toward the offender's successful return to the community. This is not only true because the various aspects of this system are integrated under a common administration, but also because all its components are parts of the same community. For example, the job obtained on work pass can be continued

as the parole job, and trade training in the facility can be geared directly to employment needs of that same part of the state. Furthermore, since the administration of the facility will be localized, the result should be much better coordination with local government leaders and their needs and concerns. The system cannot be organized in that way now, because the facilities are too large and too remote. Nor will this reorganization occur when the first regional facility is built. But this is the way the corrections system should operate, and can operate as regional facilities are added to increase capacity and to replace obsolete institutions.

A second advantage of a regional facility is that it can draw on community resources. We have obtained the services of community colleges in some existing institutions, but some programs available only in larger metropolitan areas have not been accessible. Drug treatment programs provide one example. Psychiatric services are another, and these are only examples.

A third advantage is availability of staff. It has always been difficult for us to obtain professional employees - doctors, psychiatrists, etc. - at our existing facilities. People at these professional levels are often not willing to relocate, especially to more rural areas. They demand the professional community, access to metropolitan hospitals, and other advantages of more urban settings.

It is also difficult to obtain adequate minority staffing for prisons in remote rural locations. Some of the soundest research done in corrections indicates that those offenders who do change for the better in prison often do so because they have been able to identify with a staff member whom they liked and respected. While it probably should not be the case, it is no doubt true that a young black prisoner from Detroit will have a hard time identifying with a white middle class resident of a small town who was raised in an entirely different culture. Problems for both staff and residents result from this culture gap.

A fourth advantage of the regional institution is that it facilitates visits by family, friends, and volunteer groups. Most persons coming to prison are young, barely out of the school years. It is a real hardship for parents who cannot now afford the time or money to visit our existing institutions. These visits help preserve important family ties which can facilitate return to the community. And volunteer services can be obtained more readily if travel time is not an issue. These services can save money for the state and provide help in job finding later on.

Finally, however, perhaps the most pressing argument for regionalizing the corrections system is not that it is internally more effective, true though that is. There is a broader issue than this involved, which must be dealt with. That is the increasing tendency of local communities, under press of ever-diminishing resources, to try to export their problems to the state. So long as our facilities are centralized and remote it is both fiscally and psychologically inviting for the community to solve the problem presented to it by the offender by exiling him. As funding becomes short for local jails and courts, sending more people away for longer periods will predictably become an increasingly

inviting solution to those operating local governments. The point here is that this is much easier to do psychologically when the destination of the prisoner is an abstraction - "the state prison system" than when it is an institution which the judge has visited; which has a common administration over the probation staff in his or her court; and whose administrators belong to the same civic groups as the leaders in the police, prosecutors and judges communities. It cuts both ways of course. The correctional administrator will also necessarily be much more aware of the concerns of the police, prosecutors and courts. But the end result is a criminal justice community which should have some common aims, a feature which is now too much lacking. The alternative, if we continue as at present, is an oversized and overcostly prison system which is not only divorced from the community, but whose costs and excesses are out of sight and out of mind, and whose prisoners, when they return, are viewed as aliens imported by an unfeeling state government.

B. Projected Growth of the Prison System

The current capacity of the prison system (excluding community corrections facilities) is 15,458, with a current prisoner count of 16,842. While that count has been growing rapidly, straightline projections of growth are notoriously inaccurate. To project a long-term increase of the 3,000 a year experienced in 1985 would suggest a doubling of the population by 1992. While that is not inconceivable, the enormous cost of constructing and operating such a system mandates that a much more conservative projection be employed.

The estimate of need for construction which follows is based on a population projection using the following assumptions:

1. With the passing of the post World War II "baby boom" through the age at which most persons are sent to prison (early 20's), prison intake will decline from its present record levels. In 1985, there were 7,767 commitments to prison. A decline of 15% in prison commitments should bring this back to some 6,600 a year during the 1990's (some demographers predict that this will be a temporary decline, resuming with an "echo boom" in the following decade). There is some indication that the intake has leveled, that a slow decline may be imminent. This is suggested that the fact that total crime volumes have decreased, though this decrease seems not to have affected some of the more serious crimes such as murder and rape. In any case, the figure of 6,600 as an annual intake will be used here as a conservative estimate. It will be high or low depending on future crime rates and on changes in sentencing law and policy.
2. The second assumption is that the length of prison sentences will not continue to increase. This is also a conservative estimate since sentence lengths have tended to increase over the last 15 years. There is certainly no indication that a decrease is likely, and again, changes in sentencing, law or policy can materially affect this. The average minimum term issued by the courts in 1984 was approximately 4.5 years. After deducting all good time and disciplinary allowances, this comes to a minimum prison term of 3.7 years. That is the figure used for the long-range projection.

3. The current population in our community corrections center program is 1,800. Given the larger total population anticipated in this projection, it may be possible to increase that count somewhat, but not proportionately to the population increase. The population in community centers is more reflective of the volume of flow through the system than it is of the total residual population. For this long-range projection, we are assuming a possible community corrections center population of 2,000. This may be optimistic, but again leads to a conservative estimate of the size of the prison system needed to house those not in community corrections centers.

The above are the major assumptions used in the long-range projection. Clearly, the projection could be improved if we could add into the model assumptions about future economic conditions, arrest and conviction rates, and other factors which influence prison intake. Unfortunately, these are not particularly more predictable than prison intake itself, and the correlation between these factors and intake has never been established by social scientists in a quantified way so that it can be used for projection.

To arrive at a long-range projection, which will be high or low depending on the accuracy of the assumptions, requires only the following steps:

1. The projected annual intake (6,600) is multiplied by the projected minimum prison-term length (3.7 years) to obtain an estimate of the number of prisoners who will be serving minimum sentences if intake and sentence length stabilize at those levels.
 $6,000 \times 3.7 = 24,420$.
2. Some prisoners will be retained in the system after their minimum term has expired. These are individuals who have violated parole and been returned, and those whom the Parole Board deems too high a risk to parole at the expiration of the minimum term. A conservative estimate of the number of such individuals in a prison population of this size is some 3,500. This number must be added to the 24,420 serving their minimum terms, which gives a total of 27,920.
3. Of this 27,920, the 2,000 expected to be in community corrections facilities can be deducted. This leaves a total projected need for prison bedspace of 25,920. For the reasons given above, this projection, while it is about 2,000 higher than any previous because volumes of intake have increased more than expected, and because parole policy has tightened, should be regarded as a long-range conservative estimate of need.

This projection indicates an eventual (by the late 1990's) need for about 10,500 more prison beds than the system now has in its appropriate capacity. To meet such a need would require the construction of approximately 20 prisons of the size now being built as regional facilities. Another four will be needed eventually to replace the Phoenix Correctional Facility, part of the Michigan Reformatory and part of SPSM. That may be many years off, but needs to be considered in any long-range plan.

Many of these prisons are being built or planned now, but given the implication of this number, it is natural that several questions must be asked by any responsible decision-maker. One is, how likely is it that this projection is materially mistaken? The second is, whether there are ways of avoiding such a massive construction program by changes in public policy? A third is, how a construction program can be undertaken so as to minimize or eliminate the possibility that changing circumstances--or mistakes in the assumptions given above--will not lead to construction which turns out not to be needed, at an enormous cost to the taxpayer? A final question is, if the assumptions are correct, how rapidly these facilities need to be constructed--when they need to come on line? The following will address these questions directly:

1. How likely is it that this projection is materially mistaken?

While long-range projections are subject to many changes, as indicated, the conservative nature of the assumptions listed makes it unlikely that a prison system smaller than that projected will suffice. The error is more likely to be in the other direction. Some confirmation of this may be had from the fact that many other large states are also projecting dramatic long-term increases in prison population. In any case, however, the essential thing is to guard against actual construction of more prisons than are in fact needed. The long-range projection should be regarded as a guideline, and certainly not as a request that immediate construction begin on enough prisons to accommodate this number. The next two questions address the issue of avoiding unnecessary construction.

2. Are there ways of avoiding massive construction by changes in public policy?

Since prison population is a function of the number of persons sentenced to prison, and the length of time served, any policy changes would have to be addressed to one of these two factors. Changes aiming to decrease the number of people coming to prison are usually called "diversion" proposals. The Department is already pursuing more intensive supervision of selected probationers, electronic "house arrest", and the Legislature has appropriated \$100,000 to perform a study aimed at identifying any potential for increased diversion. It is possible that one or more of these efforts will result in decreasing the proportion of convicted offenders sentenced to prison. Given the fact, however, that in 1985, where the judge had the option of probation or jail as an alternative to prison, only 22 percent of the cases actually went to prison--with the balance--nearly four cases out of five being diverted from prison--it seems unlikely that the proportion going to prison will be dramatically reduced. So it would probably be too much to expect that diversion efforts would obviate the need for more than one or two of the 24 prisons suggested as needed. This is especially true since the cases most likely to be diverted would be those receiving relatively short prison terms. This does not reduce the importance of going after such diversion potential as is there, but it would be unrealistic to expect that the need for prison cells can be markedly reduced by diversion options.

The other policy potential--reduction in length of prison terms--would require a change in sentencing practice or in the statutes which govern and limit sentences. Since sentences have been getting longer rather than shorter, and since the control of this factor is in the judiciary and Legislature, no Department policies can have impact here. Based on past experience, it appears that any legislative attempt to constrain sentences based on prison space in Michigan is unlikely to prevail, even if initiated. In Minnesota, it appears that sentencing guidelines tied to prison capacity have been effective in controlling population; but, the assumption underlying this projection is that such a change in policy and practice is unlikely here, especially since much criticism directed at the corrections system in this state appears to be based on the perception that many prisoners are serving too little time, not too much.

3. How can we engage in a construction program which prevents unnecessary building if the assumptions above are wrong and fewer prisons are needed than now anticipated?

It takes at least three years to plan and build prisons under current practice. The actual construction phase takes about two years. Since most of the cost to the taxpayer is associated with construction and operation of prisons, not with site acquisition and planning, the most responsible public policy would be not to begin construction of any institution which the projections at that time suggest may not be needed two years hence. At the present time, because of the existing bed shortage and the rapid growth of prison population, that is a substantial number; in future years, if the growth slows as projected, the number to which there is a commitment for construction would be much lower. If the policy suggested here is followed, there is virtually no danger of overbuilding even if there was a very sudden cessation in the growth of prison population which had not been anticipated.

A second need, which the Department is now moving on, is the development of a computerized population projection system to make more timely and accurate projections of population change over the foreseeable future. This system, which should be available in about a year, will provide additional insurance against unnecessary construction. Meanwhile, population projections, such as the one given here, are made intentionally conservative, as they have proved to be in the past to avoid overbuilding.

It may be well, nevertheless, to at least mention the argument that building prison beds creates the need to fill them, and if they are not built, they will not be needed. This is an inviting suggestion because it implies that to do nothing is to solve the problem. It is readily disproven by the fact that in Michigan, as in most states, insufficient beds were provided over the last decade or two, and it has not been the case that they are not needed. We do not believe that any reasonable person observing legislative and judicial activities in the sentencing area will conclude that either legislators or judges are basing policies (or should base policies) on the amount of bedspace available. In any case, in projecting

this need, the Department of Corrections is not attempting to set public policy in this area; we are simply identifying the resources which will be required to meet the public policies which exist and are projected to continue.

4. How rapidly do the facilities for which a long-range need has been identified need to be constructed?

Prisons now in some stage of planning or construction are the following:

Changes in Prison Capacity 1986-1989

<u>Mo/Yr</u>	<u>Event</u>	<u>Adds To Capacity</u>	<u>Total Capacity</u>
1/86	(Start)		15367
3/86	Replace Ojibway (20) & 2/80 bed units (160)	180	15547
5/86	Bldg. 233-Kinross	146	15693
5/86	80 bed unit, SPSM	80	15773
6/86	Lakeland	300	16073
6/86	Open closed wing, H.V.M.	42	16115
7/86	SPSM South Temporary	320	16435
7/86	Add to Ionia Temporary	160	16595
8/86	5/80 bed camp units	400	16995
8/86	Medium custody, Cotton	384	17379
9/86	Macomb Jail Lease	216	17595
10/86	Open Scott Regional & Reduce W. Wayne by 150	378	17973
11/86	Muskegon Temporary	480	18453
11/86	Cusino Replacement	30	18483
12/86	Montcalm Temporary	480	18963
	TOTAL ADDED, 1986	<u>3,596</u>	
4/87	Remove one 160 bed unit, at Jackson Temporary	-160 ¹	18803
6/87	Min. custody, Cotton	48	18851
6/87	Consent Decree	150 ²	19001
8/87	Thumb Regional	480	19481
8/87	Ionia Maximum	400	19881
8/87	Consent Decree	213 ²	20094
9/87	Close Bldg. 233--Kinross	-146	19948
	TOTAL ADDED, 1987	<u>985</u>	

Changes in Prison Capacity 1986-1989 - Continued

<u>Mo/Yr</u>	<u>Event</u>	<u>Adds To Capacity</u>	<u>Total Capacity</u>
4/88	Open last unit, Cotton	96	20044
7/88	Detroit Regionals	1,056	21100
7/88	Macomb Regional	528	21628
	TOTAL ADDED, 1988	1,680	
2/89	Arenac Maximum	400	22028
2/89	Mskgn. Rgnl. repl. Temp.	48	22076
2/89	Close SPSM South Temp.	-320	21756
5/89	Oakland Regional	528	22284
5/89	Area 5 Regional	528	22812
5/89	Mont. Regnl. repl. Temp.	48	22860
5/89	Close temporaries at Ionia, Jackson, MTU	-1,200	21660
	TOTAL ADDED, 1989	32	
	GRAND TOTAL, CAPACITY ADDED	6,293	

1. Must be removed to start permanent unit on site.
2. Housing Units returned to capacity after renovation per USA v Johnson.

If we place a conservative estimate of prison population growth over the next four years against the capacity expansion indicated above, we get the following:

	<u>End of Year Estimated Population</u>	<u>End of Year Total Capacity</u>	<u>End of Year Available Space</u>
1986	18,750	18,963	213
1987	20,450	19,948	<502>
1988	21,600	21,628	28
1989	22,350	21,660	<690>

From this projection, it appears that approximately two more prisons are needed by 1990 than the 6,293 cells currently on the drawing board.

To meet this need we recommend that:

1. In addition to the maximum security prison being proposed for Arenac County, one more site for such an institution needs to be identified and construction completed by 1990.
2. One more site for a regional prison should be found and construction completed by 1990.

It needs to be reemphasized that the population projection on which the above needs are based is a conservative one. The slow-down in growth contained in that projection has not yet occurred. Therefore, these should be regarded as minimal estimates of need. The construction program called for above would bring the total system capacity to approximately 22,500, some 3,000 short of long-range need which might be expected by the turn of the century. The following sections will discuss a geographic distribution of prisons based on longer range projections.

It must also be made clear that the actions indicated in the table showing planned additions to capacity are subject to frequent change; these represent actions proposed by the Department as of this writing, some of which are subject to legislative authorization or further feasibility study. Given the current degree of overcrowding, measures not shown here must be found and implemented to add emergency housing within the next few months. The fact that these are not included in the plan is not to be taken as a prohibition against dealing with such needs.

C. Distribution of Regional and Non-regional Prisons

Regional prisons are appropriate for the "average" offender who does not present unusual management or treatment needs. A considerable number of institutions will always be required for those who do present such needs--who have psychiatric or medical problems, who are deemed to be very high escape risks or who cannot be managed in the general population. The small proportion of female offenders in the system (about 5 percent of the total) makes it unfeasible to regionalize that population as well.

Under current projections it appears that we need to plan in the long range for a prison population of nearly 26,000. While that is a conservative estimate, the construction plan which follows is even more conservative in that it proposes a system of just over 24,000 beds as a template to guide the construction and location of future prisons. Approximately half of these will be non-regional in nature for the reasons just given. The table which follows lists the non-regional prisons by type and size:

Long Range Projection - Non-regional Facilities

<u>Womens Prisons</u>	<u>Capacity</u>	<u>Medium Security</u>	<u>Capacity</u>
Huron Valley Womens	260	Dunes	400
Florence Crane	500	Jackson Southside	1,000
Womens Camps	<u>160</u>	Western Wayne	500
	920	Lakeland	<u>300</u>
			2,200

<u>Maximum Security and Segregation</u>		<u>Minimum Security</u>	
MIPC	80	Mens Camps	1,100
Marquette	500	Jackson Farms	160
Huron Valley Men's	400	Marquette Trusty & Farms	160
Ionia Maximum	400	MI Reformatory-Trusty	160
Arenac Maximum	400	Cassidy Lake	<u>260</u>
Northern Michigan Max	400		
Jackson No. Central	1,000		1,840
MI Reformatory	<u>190</u>		
	3,370		

Close Security

MI Reformatory	500
Jackson So. Central	700
Jackson Northside	1,000
Riverside Reception	90
Jackson Reception	500
Comprehensive Care	<u>200</u>
	2,990

TOTAL NON-REGIONAL 11,320

Discussion of Above Facilities:

A. Womens Prisons

These facilities already exist, except that the Florence Crane at Coldwater will eventually be expanded from 300 to 500 by converting the present male public works unit to female housing and adding it to the Crane facility.

B. Maximum Security and Segregation

The first four facilities listed here are in use or under construction. The Arenac prison is in the proposal stage; feasibility and environmental impact statements need to be done; the Northern Michigan Maximum Security prison is being proposed for the first time in this report; it is recommended we look at jurisdictions in the northern part of the lower peninsula and in the Upper Peninsula which have expressed interest in such an institution to determine the best location.

C. Close Security

The Michigan Reformatory is currently slated for demolition by 1990, according to statute. Since considerable investment has been placed in that institution under the Department of Justice Consent Decree, it is expected that the law will be changed. The facility does need to be down-sized from its present capacity in the long run, hence in the 500 figure shown here (and the 190 beds of maximum security also included). Jackson Northside is currently operated as a medium-security institution; we project a need for these cells as close custody, and no physical conversion would be required for that change. The Comprehensive Care Unit is a mental health unit for which a location would need to be determined. The 200-bed figure is a rough estimate at this point.

D. Medium Security

The Jackson Southside Unit will consist of Cellblocks 8, 9 and 10; 8 Block is currently close custody and 9 and 10 Blocks are minimum. The proposal is to fence the southside yard and add program space converting all three to medium-security housing. Western Wayne will serve when Phoenix is closed, as it will be in the long run, as a recycling institution for a community center and parole returnees, a function now fulfilled by that unit and Phoenix.

E. Minimum Security

These facilities are largely unchanged from the present system except that it is intended that 16 Block at Jackson be razed in the long run, Jackson Farms down-sized to 160, and Jackson Southside changed as indicated. It is also proposed that living areas at all camps be fenced, and two camps be expanded as medium security public work units.

Distribution of Regional Prisons:

To accommodate a prison population of 24,000, given the approximately 11,300 non-regional prisons, it will be necessary to accommodate some 12,700 prisoners in regional facilities. Most of these facilities will have a capacity of 528 beds, though some which are being converted from existing facilities will be larger and, at least one (Lapeer) will be slightly smaller since it does not have a minimum-security unit. The distribution of regional prisons among the nine regions designated by the Legislature in Public Act 485 of 1980 is primarily based on the commitments from each region. Since the intent is to place prisoners near the locations from which they come, and to which they will return on parole, it is necessary to make two adjustments to a distribution based purely on commitments. The first stems from the fact that Jackson County generates enough commitments from persons already housed in the prison there, but who will not be paroled to Jackson County, that distribution based purely on commitments would call for one more prison in that region than is actually needed. The other adjustment arises from the fact that something over half the commitments from Oakland County are of people actually residing in Wayne County (approximately 13 percent of the persons committed to prison are sent from the Oakland

Circuit Court, but only 5 percent of our parolees go to Oakland County). If that fact were ignored, it would appear that Oakland County would come in for three regional prisons, and Wayne County seven, whereas a distribution based on prisoners' residence calls for one in Oakland County and nine in Wayne. In all other regions, commitment patterns are close enough to the residence of offenders that they may be used in determining the distribution. Based on commitment patterns in 1983 and 1984 (the most recent years available), we project the following distribution of regional prisons if we are to accommodate more than 12,000 prisoners in these institutions.

Long Range Projection - Regional Facilities

<u>Region</u>	<u>Total Regional Prisons</u>	<u>Now Being Planned or Constructed</u>	<u>To Be Converted From Non-Regional</u>	<u>For Future Determination</u>
I	9	3		6
II	1	1		
III	1	1		
IV	2	1		1
V	1	1		
VI	3	1		2
VII	3	1	1	1
VIII	2	1	1	
IX	1		1	
	<u>23</u>	<u>10</u>	<u>3</u>	<u>10</u>

Discussion of Regionals by Region:

Region I: The three prisons now being planned or constructed are the Scott Regional, near Northville, due to open in October, 1986, and two prisons in the City of Detroit on the Mound-Ryan site, currently under planning and environmental impact study.

Region II: A site is now being sought for the Oakland County prison; it is our hope that a site may be identified, environmental assessment completed, and construction started some time in 1986.

Region III: Planning is now underway for the regional prison in Lenox Township of Macomb County.

Region IV: One regional prison is being built near Lapeer; a site will need to be found for another prison, in Genesee County.

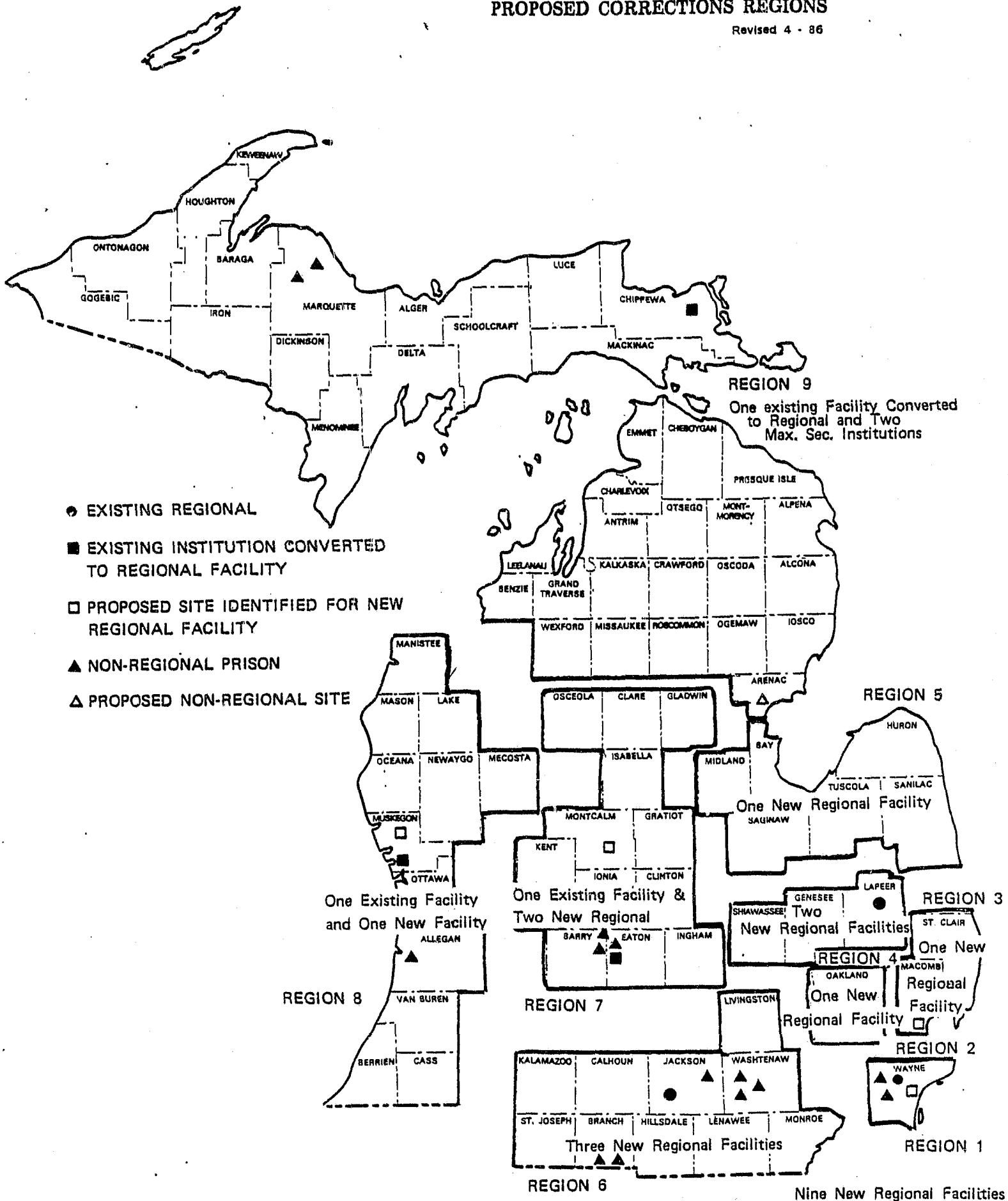
Region V: We have requested authorization for locating a prison somewhere in the Saginaw/Bay/Midland area; it is intended that a site be identified yet this year and construction begun early in 1987.

Region VI: The Cotton Regional Facility is under construction at Jackson; two other sites need to be found--one near Kalamazoo and the other at a site to be determined.

Region VII: We have requested planning funds for a regional prison near Carson City; the long-range plan calls for the conversion of the

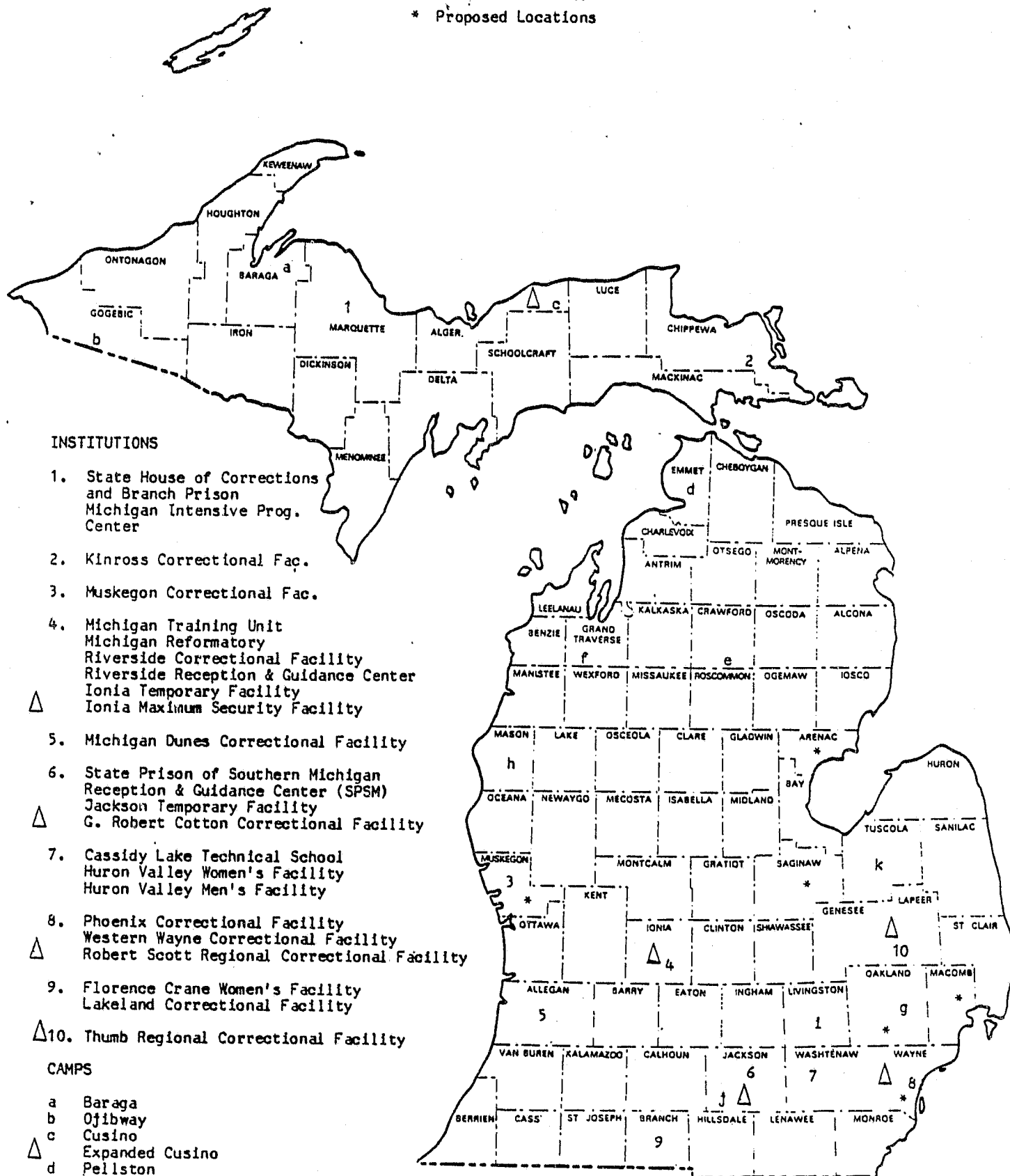
PROPOSED CORRECTIONS REGIONS

Revised 4 - 86



MICHIGAN DEPARTMENT OF CORRECTIONS FACILITY MAP

- △ Under Construction
* Proposed Locations



INSTITUTIONS

1. State House of Corrections and Branch Prison
Michigan Intensive Prog. Center
2. Kinross Correctional Fac.
3. Muskegon Correctional Fac.
4. Michigan Training Unit
Michigan Reformatory
Riverside Correctional Facility
Riverside Reception & Guidance Center
Ionia Temporary Facility
Ionia Maximum Security Facility
5. Michigan Dunes Correctional Facility
6. State Prison of Southern Michigan
Reception & Guidance Center (SPSM)
Jackson Temporary Facility
G. Robert Cotton Correctional Facility
7. Cassidy Lake Technical School
Huron Valley Women's Facility
Huron Valley Men's Facility
8. Phoenix Correctional Facility
Western Wayne Correctional Facility
Robert Scott Regional Correctional Facility
9. Florence Crane Women's Facility
Lakeland Correctional Facility
10. Thumb Regional Correctional Facility

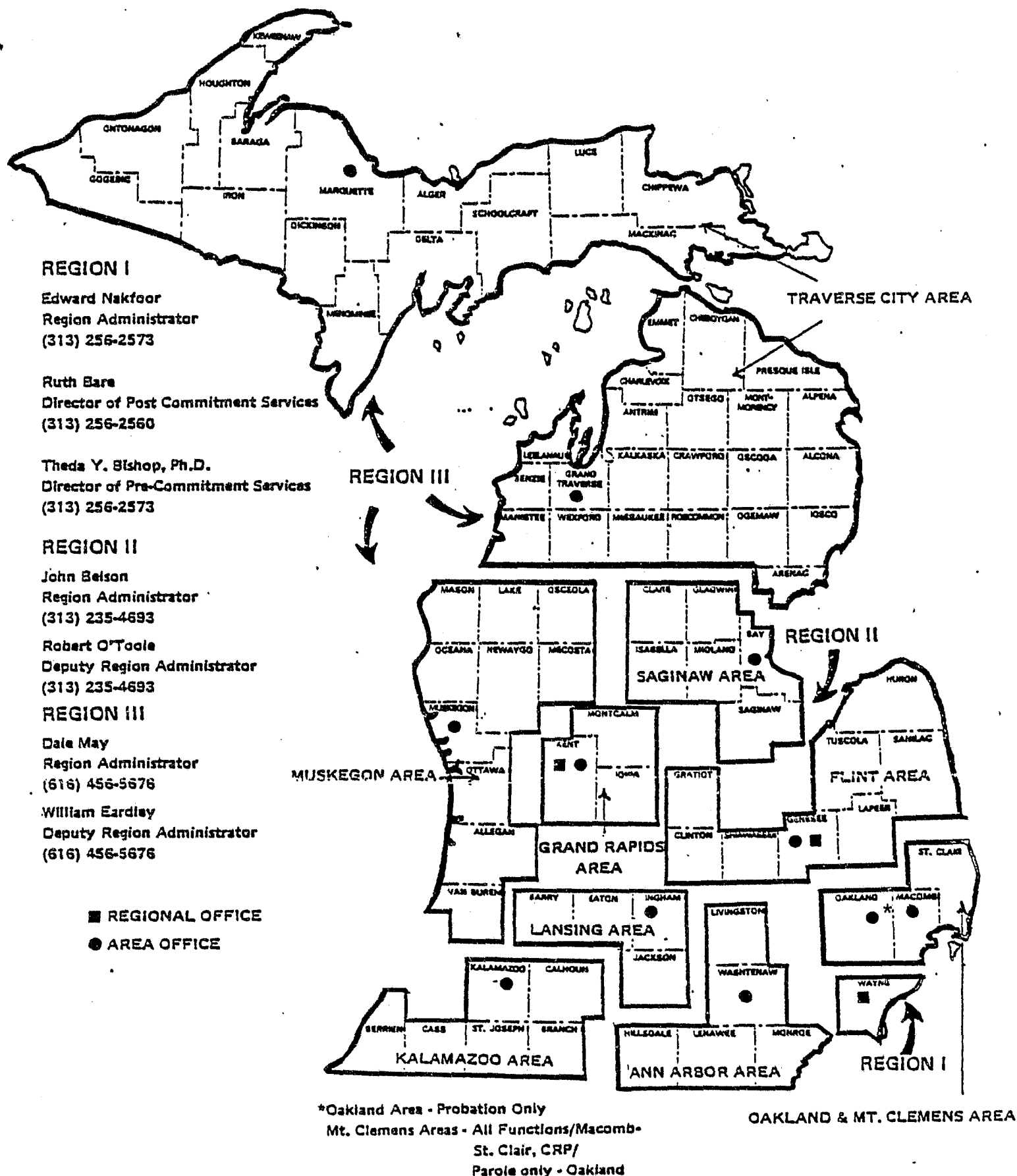
CAMPS

- a Baraga
- b Ojibway
- c Cusino
- d Expanded Cusino
- e Pellston
- f Lehman
- g Pugsley
- h Pontiac
- i Gilman (Female)
- j Sauble
- k Brighton
- l Parole Camp
- m Waterloo
- n Tuscola

- * Region No. 5 (Bay, Midland, Saginaw
Tuscola, Huron, Sanilac)
Arenac Maximum Facility
Detroit Regional Facility (2)
Macomb Regional Facility
Muskegon Regional Facility
Muskegon Temporary Facility
Oakland Regional Facility

MAP

Bureau of Field Services Regions and Areas as of Dec. 31, 1984.



Michigan Training Unit at Ionia to a regional facility; one additional site in the region needs to be found.

Region VIII: Funding has been requested for planning of a regional facility next to the Muskegon Correctional Facility; long-range plans also call for conversion of the Muskegon Correctional Facility to a regional institution.

Region IX: The long-range plan is to convert the Kinross Correctional Facility to a regional prison for the northern part of Michigan.

Possible Departure from the Locations Specified for Regional and Non-Regional Prisons:

While the above gives the best indication we can make at this time of the location of future facilities, it needs to be recognized that both circumstances and opportunities may dictate that the best public policy will call for an institution not included in this plan. For example, if the state should identify some existing structure which can be converted to effective prison use at a significant savings to the taxpayer, prudence would indicate that advantage be taken of that fact. Similarly, if it proves impossible to locate sites so that we can proceed in conformity to the above plan, we have already indicated to communities requesting prisons, but which are not in accord with the rationale or specifics of this plan, that we would give them every consideration. The primary responsibility is to find adequate beds to house prisoners; we feel the plan is soundly based and should be followed if possible, but it would be a mistake to rule out departures in an area of public concern as volatile as that of prison construction.

Criteria for Locating Future Regional Prisons:

Specific sites still need to be found for the majority of the 23 regional prisons identified above. The Department's criteria for locating these sites is as follows:

Essential

- Within one-half hour of one or more major communities in the region being served.
- Utilities can be provided.
- Forty-acre location; may be reduced to 20 acres in urban locations.
- Year-round access road.

Important

- Reasonable acquisition cost.
- Reasonably buffered by site or style of construction from homes and retail businesses.
- Low negative impact on environment, compared with other available and suitable sites in area.

- No excessive air pollution.

Desirable

- On land already state owned.
- Public transportation accessible (not usually available at non-urban sites).
- Proximity to civilian hospital.
- Some fire protection backup locally available.

The construction of new regional facilities on sites yet to be identified, then, should be in conformity to this plan in terms of the maximum number of such facilities within the boundaries of each region defined here, and in terms of location within each region according to the criteria just listed. Any future sites complying with these two stipulations will be deemed by the Department to be in conformity to this plan. Sites specifically identified in this Plan will also be deemed in conformity with it.

The above criteria are intended for locating regional prisons. These criteria can be considered to apply to non-regional prisons as well, with the following two exceptions:

Non-regional facilities can be located anywhere in the state so long as they are within one-half hour of some community sufficiently large to provide necessary professional services.

The site size may be more or less than indicated for regional prisons, depending on the size and nature of the facility.

Obviously, the system just outlined would take decades to implement in its entirety. The intent of this plan is to identify a long-range goal so that immediate construction is consistent with eventual evolution toward that goal. Before proceeding to discuss that evolution, some potential problems and constraints should at least be mentioned:

The first is that the racial distribution of the general population of Michigan is not homogenous. Operating as a centralized system the Department has been able to constrain the racial balance of any given facility within reasonable limits to avoid any de facto segregation. It must be recognized, however, that a correctional system which operates regionally cannot maintain the same racial proportions between regions any more than can public school systems on a state-wide basis. This is intrinsic to such a system. It is not a desirable feature, but does have some compensating advantages, since the racial composition of staff will more closely represent the racial composition of the prison population. There is, however, potential for at least one very serious problem if that is not consciously and systematically prevented. That is, for example, if through local resistance it proved possible to obtain sites initially only in western and northern regions, the result would be that prisoners having advantage of the newer regional facilities would be predominantly white, and Detroit prisoners would continue

to be shipped off to existing older and less adequate facilities. This would produce de facto discrimination. For this reason it is important to give early priority to the construction of regional prisons in the southeast Michigan area.

A second constraint which must be recognized is that the regional system cannot always achieve all its aims perfectly. In Regions III, IV and V, the integration of parole, probation and halfway houses with the regional facility under one administration works out in almost ideal fashion because the population density is appropriate. Region I, on the other hand, has too great a density to subdivide the field service population into districts associated with each separate institution. In Region IX the opposite difficulty prevails. The field service operation is geographically spread out, and the communities from which the offenders come are so dispersed that the local interaction with the facility is not always possible. We point this out, not as a reason against regionalization, but only to indicate that not every region will operate in the same way. Most of the advantages of regionalization will still hold - the much reduced distance from the offender's home to the institution, the reduction of transportation and energy costs associated with visits and transfers, and the closer involvement with other criminal justice agencies in the regions being served, for example, still prevail.

IV. COMMUNITY RESIDENTIAL PROGRAMS

History/Concept

The Corrections Commission takes the position that there is a legitimate role for community residential programs in any effective corrections system. When used appropriately, such placement assists in reintegration of offenders and is currently saving the necessity of constructing some 1800 to 2000 prison beds.

In Michigan the practice of placing offenders who do not constitute an unusual risk of violence to the public in their home communities, prior to parole, began in 1963 as a joint project of the Federal Bureau of Prisons and the Michigan Department of Corrections. This project, a residential prerelease center for state and federal offenders, was located in a converted convent in downtown Detroit. Initially designated a "community treatment center," it was designed to assist offenders with employment, job stabilization, and the reestablishment and maintenance of family relationships. The overall goal was to facilitate the reintegration of offenders into their home communities. This was the beginning of the Department of Corrections' Community Residential Programs.

In 1968, the Department of Corrections opened its own prerelease center in Detroit. This center, the Detroit Corrections Center, opened in the downtown branch of the Detroit Young Men's Christian Association (Y.M.C.A.).

Outside Detroit the only such facility was a program called "The Resident Home Program" which operated in Grand Rapids in the mid-sixties. Then, in 1968, the Detroit Women's Corrections Center opened. This center, providing the first prerelease program for women, operated in a facility leased from the League of Catholic Women.

After positive experience in the operation of these centers, a program of expansion was initiated. Unlike most prisons, which historically were located in rural areas, corrections centers, in order to serve their purpose, were located in urban areas. In 1969, new centers were opened in Ann Arbor, Bay City, Benton Harbor, Flint, Muskegon, Grand Rapids, Port Huron and Saginaw. At that time, since each center housed between three and nine individuals, there was not the differentiation between a resident home and a corrections center that exists today. By 1970, an average of some 58 individuals were participating in such programs. This number grew slowly to 428 in 1975, since which time there has been tremendous growth in the program to more than 2000 by 1981. (See Figure #4.) With implementation of the Emergency Powers Act, the count rose temporarily above this figure, but the long-range plan given in the preceding uses 2,000 as an estimate in order to be conservative as to the need for more secure beds.

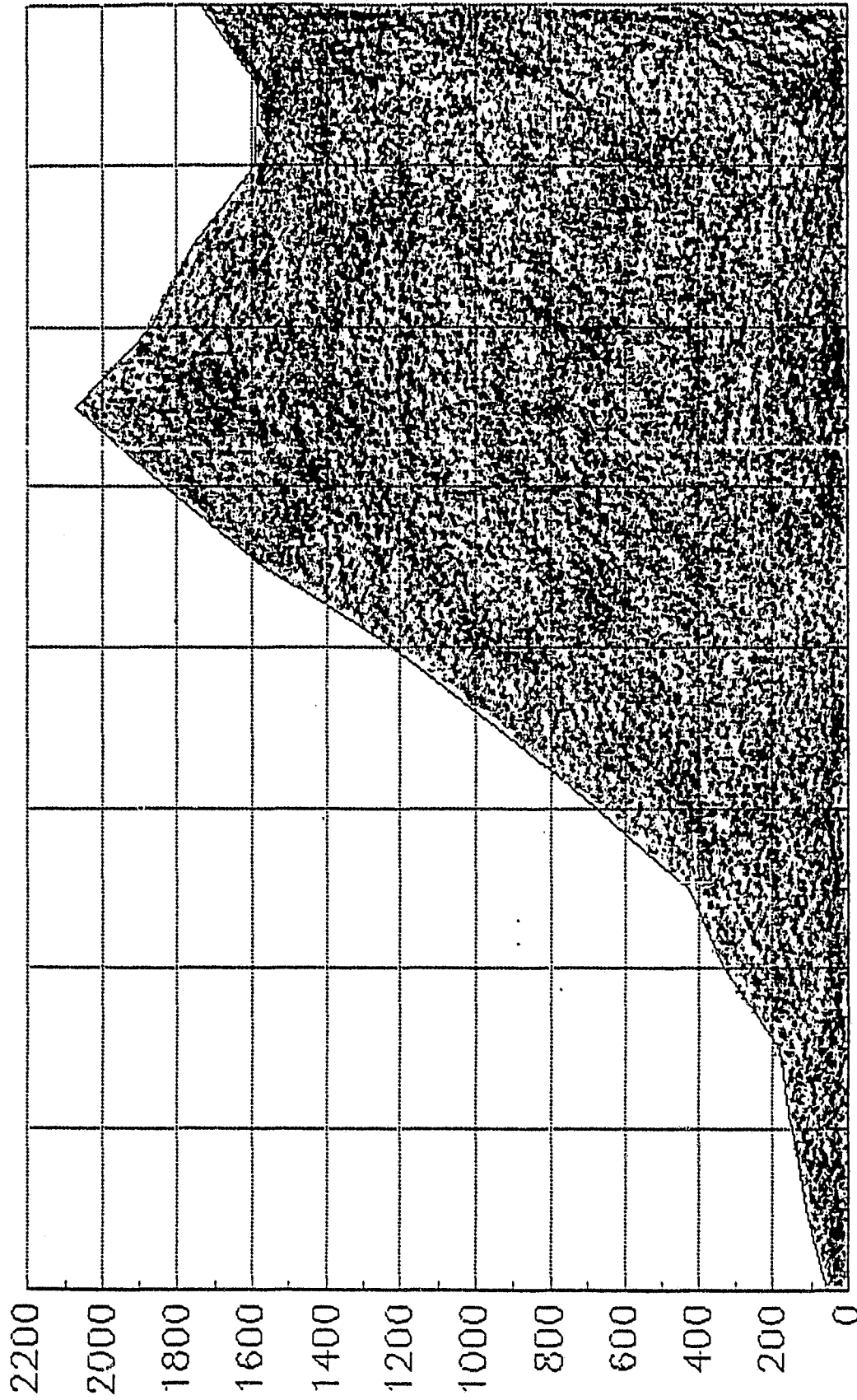
Individuals involved in Community Programs are housed in more than 100 separate sites, ranging from one to 150 individuals each. About half are in corrections centers, and half are in resident homes. Some, who have established stable work patterns, will be on furlough to their own residences.

NEED, LOCATION AND SIZE

As stated earlier, this document is presented pursuant to P.A. 303 and P.A. 485. Since P.A. 485 addresses prison regions, it is not particularly applicable here, but P.A. 303 mandates a comprehensive plan for correctional facilities and does apply. This is because, as used in this Act, a "correctional facility" is any facility or institution which is maintained and operated by the Department. Community corrections centers are such facilities; resident homes, since the department does not operate these, are not. Thus the following specifically addresses corrections centers:

Of those individuals incarcerated at any given time, over 98% will eventually be released. Of those released, the overwhelming majority will return to the community that sent them to prison. The corrections center serves as a screening device for parole readiness and provides assistance (job finding, renewing family ties, etc.) in the transition to parole status. Data indicates that individuals going from prison to a corrections center placement to parole do significantly better in the community than those who go directly from prison to parole status. (This study was in particular concerned with involvement in violent crime.) The fact that centers do not present an untoward threat to society, but actually better prepare an individual for ultimate release to parole in the home community more than justifies the need for such programs. However, if further justification is necessary, economic issues also apply here. The number of individuals housed in centers reduces by that same number the need for more secure prison beds. In 1985, it cost the Department of Corrections \$24.84 per resident per day to house an individual in a community program while at the same time costing about \$50.00 per resident per day to house an individual in a secure institution. In these times of tight fiscal policy such savings cannot be overlooked, nor can the fact that community programs residents earned over \$4 million dollars in salary in 1980 while paying \$800,000 in taxes as well as helping to support families that might otherwise be on welfare rolls. Finally, when the prison system is at or over capacity as it now is, community corrections placements save construction of secure prisons

CRP POPULATION



1970 - 1972 1974 1976 1978 1980 FY 81/2 FY 83/4 JAN 86

at a cost of \$72,000 per bed, not included in the above per diem comparisons.

Location/Size

Consistent with the goals of the Community Corrections Program, it is the Department's practice to place people in the community to which they are most likely to parole. How many of those individuals are housed in resident homes and how many in corrections centers is basically dependent on the total number of individuals on community status in a given area. It is the preferred practice to consolidate into a corrections center on a single site, whenever the population on community status in a particular locale justifies hiring of full-time staff to supervise around the clock. For management reasons a center serving 150 individuals is the maximum size we now operate, and a larger facility would not be considered desirable. Thus a large urban area such as Detroit with over 5,000 individuals in prison may have some 800 in community status at any one time. Obviously, this population would not best be served by 20 to 25 different 30-bed centers, but rather by several large centers. On the other hand, a county such as Kalamazoo or Muskegon can be served by one well-placed center.

As to location within the community, each facility must be serviced by public transportation, thus providing access to employment, health care facilities, and educational/vocational programs. The facility must have on-site food service capabilities, or be in a location that food service can be provided through nearby restaurants. The latter is actually preferred. Single floor, individual room facilities are preferred since operating a multistory structure usually requires more staff. The facility must be able to meet all appropriate codes and; since the department leases all such facilities, available to lease at a reasonable cost.

While this plan does not call for much long-range expansion of community programs this does not mean that additional corrections centers are not needed. Several facilities are needed now, in fact, to more adequately serve the population already on community program status. Because of the number of individuals on resident home status in the following communities a center and/or centers are needed immediately in: Ann Arbor, Battle Creek, Wayne County, Jackson, Mt. Clemens and Pontiac. In the future it is anticipated that replacement facilities will also be necessary in Grand Rapids, Port Huron and Kalamazoo.

Additionally as stated earlier, new facilities will be necessary when the total number of individuals on community program status in a given locale reaches 30 plus. Lastly, because all center facilities are leased, the Department is subject to changing plans of the facility owners and may find it necessary to relocate as a result of this.

The site selection process is detailed in the following section.

V. THE SITE LOCATION AND SELECTION PROCESS

Public Act 303 details the procedures for selecting sites for new correctional facility. However, the procedures in that act are given effect (according to Section 19 of the Act) only if and when the Comprehensive Plan (this document) receives approval by concurrent resolution of both houses of

the Legislature. The Plan has been submitted to the Legislature, originally in 1981 and on each revision since, but has never made its way through the entire concurrent resolution process. Therefore, there is no statutory provision currently in effect with respect to correctional facility site location. House Bill 4185, introduced in 1985, is aimed to remedy this shortcoming by prescribing the same site selection process contained in Public Act 303, but without tying the effective date of that process to approval of the Plan. If that bill should become law, the Department and local communities will necessarily follow that process. The same will occur, should this current version of the plan be approved by concurrent resolution if Public Act 303 remains in effect.

Until such time as either of these events occurs, the Department will attempt to follow the spirit of the recommendations contained in the legislation referred to above by involving localities in the site selection process so far as possible.

For regional prisons, once the Department has made a determination that a particular county is the appropriate location for the prison, the usual process will be to notify the county board of that need, furnish our selection criteria given in this Plan, and request that the Board appoint a study committee to identify a site or sites meeting these criteria. If, after reasonable time, the Board has not been able to, or prefers not to, identify a site meeting the criteria, then the Departments of Corrections and Management and Budget will proceed to make such identification and selection for recommendation to the Corrections Commission.

For non-regional prisons, where there is no overriding necessity to pick a particular location for the new facility, every effort will be made to place the institution in a jurisdiction where there is local support for that placement, if one can be found which meets the criteria for non-regional facilities.

One other circumstance may occur which creates special conditions. That is when it is determined that some existing non-prison structure is suitable for conversion to correctional use, and that such conversion would save time or cost or both, as compared with building a new facility. When such circumstances exist, the Department will notify the specific village or township of intent to establish the facility there.

Once a particular site has been identified by one of the above means and if approved by the Corrections Commission, it will ordinarily be necessary to perform a feasibility study to verify that the necessary utilities can be made available, the soil structure is such that building is possible, and that other physical constraints are met. If there is serious question as to impact on the physical environment, or if there is significant local controversy about the location, an environmental impact statement will need to be prepared, and public meetings or hearings conducted to attain full local input. In any case, it is desirable as soon as practical to establish a local community advisory board to perform liaison between the community and state government.

The final decision as to location of a prison rests with the Legislature.

The attached flow charts more clearly indicate in the site selection process and alternatives within that process for prisons and corrections centers

(corrections centers subject to this process are those owned and/or operated by the Department of Corrections; these requirements do not apply to resident home facilities which the Department does not operate).

Relevant legislation is also included in the appendix.

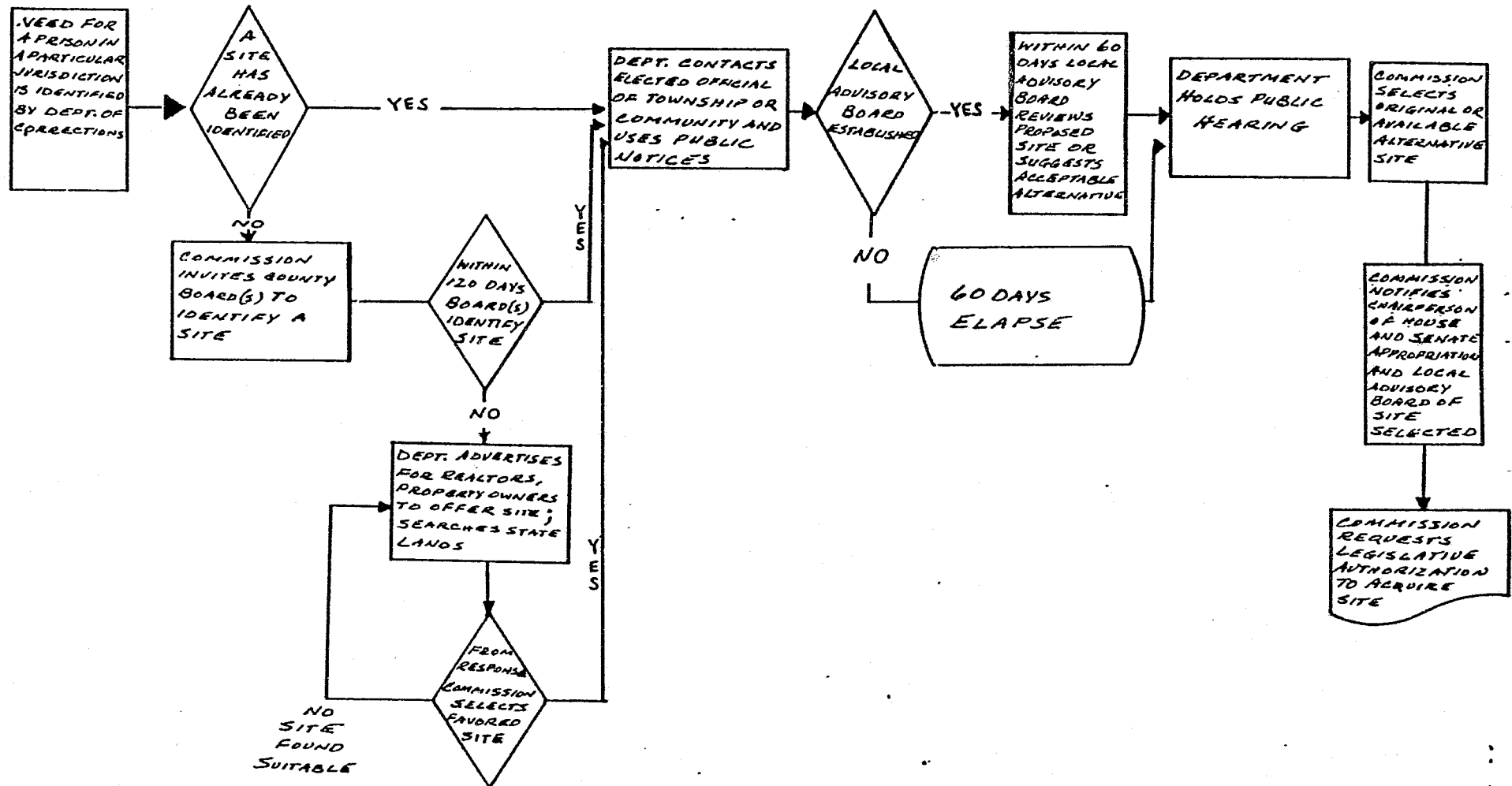
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APPROVED BY THE MICHIGAN CORRECTIONS COMMISSION:

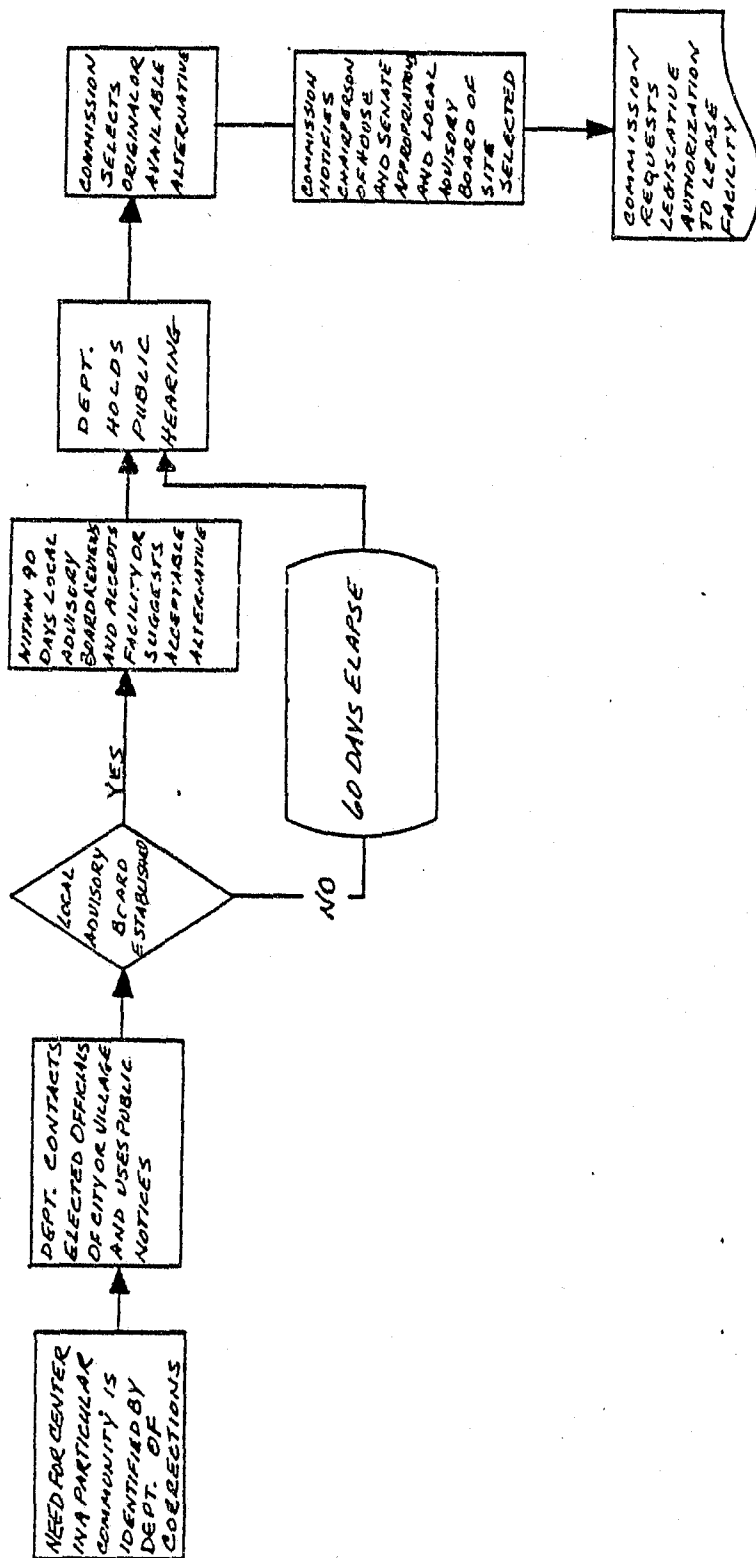
Brunetta Shandy, Chairperson

4-17-86, Date

PRISON SITE LOCATION PROCESS



CORRECTIONS CENTER SITE LOCATION PROCESS



Appendix

Appendix 1

Act No. 485
Public Acts of 1980
Approved by Governor
January 20, 1981

STATE OF MICHIGAN
80TH LEGISLATURE
REGULAR SESSION OF 1980

Introduced by Senator J. Hart

ENROLLED SENATE BILL No. 880

AN ACT to amend Act No. 232 of the Public Acts of 1953, entitled as amended "An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended, being sections 791.201 to 791.283 of the Compiled Laws of 1970, by adding sections 20, 20a, 20b, 20c, and 20d.

The People of the State of Michigan enact:

Section 1. Act No. 232 of the Public Acts of 1953, as amended, being sections 791.201 to 791.283 of the Compiled Laws of 1970, is amended by adding sections 20, 20a, 20b, 20c, and 20d to read as follows:

Sec. 20. As used in this section and sections 20a, 20b, and 20c:

- (a) "Region" means a region as described in section 20a.
- (b) "Regional prison" means a prison which houses not more than 700 inmates and primarily serves the population of a region.
- (c) "Site" means the location where a regional prison may be constructed and operated.

Sec. 20a. For purposes of this act, the state shall consist of the following corrections regions:

- (a) Region 1 consists of the county of Wayne.
- (b) Region 2 consists of the county of Oakland.
- (c) Region 3 consists of the counties of Macomb and St. Clair.
- (d) Region 4 consists of the counties of Genesee, Lapeer, and Shiawassee.
- (e) Region 5 consists of the counties of Sanilac, Huron, Tuscola, Saginaw, Bay, and Midland.
- (f) Region 6 consists of the counties of Monroe, Lenawee, Hillsdale, Branch, St. Joseph, Kalamazoo, Calhoun, Jackson, Washtenaw, and Livingston.
- (g) Region 7 consists of the counties of Ingham, Eaton, Barry, Clinton, Ionia, Kent, Montcalm, Gratiot, Isabella, Gladwin, Clare, and Osceola.
- (h) Region 8 consists of the counties of Cass, Berrien, Van Buren, Allegan, Ottawa, Muskegon, Oceana, Newaygo, Mecosta, Mason, Lake, and Manistee.
- (i) Region 9 consists of the Upper Peninsula and the counties of Arenac, Iosco, Ogemaw, Roscommon, Missaukee, Wexford, Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, Alcona, Alpena, Montmorency, Otsego, Antrim, Leelanau, Charlevoix, Emmet, Cheboygan, and Presque Isle.

Sec. 20b. The commission shall select sites as necessary to implement this section and sections 20, 20a, and 20c. In the comprehensive plan required by Act No. 303 of the Public Acts of 1980, the commission shall select 3 sites in region 1, of which not more than 2 shall be located in the city of Detroit, 1 site in region 2, 1 site in region 3, 1 site in region 4, 1 site in region 5 and shall report those recommended sites to the governor, the senate and house appropriations committees, the state senator and state representative representing a district in which a recommended site is located, and the senate and house fiscal agencies.

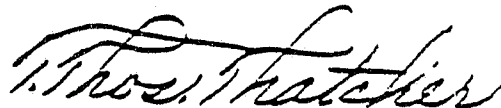
Sec. 20c. The department shall promulgate rules establishing placement procedures for prisoners which maximize the placement of each prisoner in a regional prison located in the region in which the prisoner resides, as space is available in the regional prison.

Sec. 20d. The comprehensive plan required by Act No. 303 of the Public Acts of 1980 shall provide that the Michigan reformatory in Ionia shall be demolished by not later than 1990.

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved _____

Governor.

Act No. 303
Public Acts of 1980
Approved by Governor
November 26, 1980

Appendix 2

**STATE OF MICHIGAN
80TH LEGISLATURE
REGULAR SESSION OF 1980**

Introduced by Reps. Kilpatrick, Collins, Raymond W. Hood, Terrell, Vaughn, Virgil C. Smith and Watkins

ENROLLED HOUSE BILL No. 4106

AN ACT to amend the title of Act No. 232 of the Public Acts of 1953, entitled "An act to revise, consolidate and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations and paroles, to the administration of penal institutions, correctional farms and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions and officers, and to abolish certain boards, commissions and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act," as amended, being sections 791.201 to 791.283 of the Compiled Laws of 1970; and to add sections 15, 16, 17, 18, and 19.

The People of the State of Michigan enact:

Section 1. The title of Act No. 232 of the Public Acts of 1953, as amended, being sections 791.201 to 791.283 of the Compiled Laws of 1970, is amended and sections 15, 16, 17, 18, and 19 are added to read as follows:

TITLE

An act to revise, consolidate, and codify the laws relating to probationers and probation officers as herein defined, to pardons, reprieves, commutations, and paroles, to the administration of penal institutions, correctional farms, and probation recovery camps, to prison labor and prison industries, and the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are hereby transferred; to prescribe penalties for the violation of the provisions of this act; and to repeal all acts and parts of acts inconsistent with the provisions of this act.

Sec. 15. As used in this act, "correctional facility" means a facility or institution which is maintained and operated by the department.

Sec. 16. (1) The department shall develop a comprehensive plan for determining the need for establishing various types of correctional facilities, for selecting the location of a correctional facility, and for determining the size of the correctional facility. The comprehensive plan shall not be implemented until the legislature, by concurrent resolution adopted by a majority of those elected and serving in each house by a record roll call vote, approves the comprehensive plan.

(2) The department shall determine the need for a correctional facility based upon the comprehensive plan developed pursuant to subsection (1).

(3) The department shall publish a notice that it proposes to establish a correctional facility in a particular city, village, or township. The notice shall appear in a newspaper of general circulation in the area. In addition, the department shall notify the following officials:

(a) The state senator and the state representative representing the district in which the correctional facility is to be located.

(b) The president of each state supported college or university whose campus is located within 1 mile of the proposed correctional facility.

(c) The chief elected official of the city, village, or township in which the correctional facility is to be located.

(d) Each member of the governing body of the city, village, or township in which the correctional facility is to be located.

(e) Each member of the county board of commissioners in which the correctional facility is to be located.

(f) The president of the local school board of the local school district in which the correctional facility is to be located.

(g) The president of the intermediate school board of the intermediate school district in which the correctional facility is to be located.

(4) With the notice, the department shall request the chairperson of the county board of commissioners of the county in which the correctional facility is to be located and the person notified pursuant to subsection (3)(c) to create a local advisory board to assist in the identification of potential sites for the correctional facility, to act as a liaison between the department and the local community, and to ensure that the comprehensive plan is being followed by the department. The officials requested to create a local advisory board pursuant to this subsection shall serve as co-chairpersons of that local advisory board.

(5) After the requirements of subsections (1), (2), (3), and (4) are completed and the department has selected a potential site, the department shall hold a public hearing in the city, village, or township in which the potential site is located. The department shall participate in the hearing and shall make a reasonable effort to respond in writing to concerns and questions raised on the record at the hearing. The hearing shall not be held until the local advisory board created by subsection (4) has organized, or sooner than 30 days after the notice is sent pursuant to subsection (3), whichever occurs first.

(6) Hearings the department shall conduct under subsection (5) shall be open to the public and shall be held in a place available to the general public. Any person shall be permitted to attend a hearing except as otherwise provided in this section. A person shall not be required as a condition to attendance at a hearing to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance. A person shall be permitted to address the hearing under written procedures established by the department. A person shall not be excluded from a hearing except for a breach of the peace actually committed at the meeting.

(7) The following provisions shall apply with respect to public notice of hearings required under this section:

(a) A public notice shall always contain the name of the department, its telephone number, and its address.

(b) A public notice shall always be posted at the department's principal office and other locations considered appropriate by the department.

(c) The required public notice for a hearing shall be posted in the office of the county clerk of the county in which the facility is to be located and shall be published in a newspaper of general circulation in the county in which the facility is to be located.

(d) A public notice stating the date, time, and place of the hearing shall be posted at least 10 days before the hearing.

(8) Minutes of each hearing required under this section shall be kept showing the date, time, place, members of the local advisory board present, members of the local advisory board absent, and a summary of the discussions at the hearing. The minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices pursuant to subsection (7). Copies of the minutes shall be available from the department to the public at the reasonable estimated cost for printing and copying.

(9) On the basis of the information developed by the department during the course of the site selection process, and after community concerns have been responded to by the department pursuant to subsection (5), the commission shall make a final site determination for the correctional facility. The commission shall make a finding that the site determination was made in compliance with this section. This finding and notice of final site selection shall be transmitted in writing by the commission to the local advisory board, the officials described in subsection (3), and the chairpersons of the senate and house appropriations committees.

(10) An option to lease, purchase, or use property may be obtained but shall not be exercised by the state for a correctional facility until the commission has made a final site determination and has transmitted a notice of final site selection as required in subsection (9).

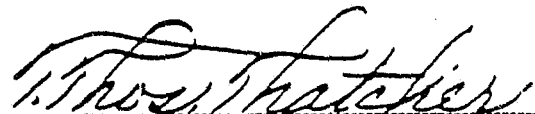
Sec. 17. (1) A person who resides in the city, village, or township in which the department has determined a need for a correctional facility may bring an action in a court of proper jurisdiction against the department if the department is not abiding by the site selection process provided in section 16.

(2) An action brought under this section shall not be maintained if it is filed more than 45 days after the commission sends notification of the final site selected to the officials as required in section 16(9).

Sec. 18. After a correctional facility is established, the department shall maintain relations with the city, village, or township in which the facility is located. The department shall request the officials notified under section 16(3)(b) to (g) to appoint an advisory committee or continue the advisory board established pursuant to section 16(4) to meet with the department and correctional facility representatives to assist in the identification of community concerns, to assist in the identification of problems, and to recommend methods for resolving those concerns and problems.

Sec. 19. This section and sections 15 to 18 shall apply to correctional facilities established or proposed after the effective date of the concurrent resolution approving the comprehensive plan and to correctional facilities which are proposed before the effective date of the concurrent resolution approving the comprehensive plan but for which sites have not been selected by the commission as of that date.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.



1-26-81, I.E.

As amended by
1983 PA 255
and
1984 PA 315

STATE OF MICHIGAN
80TH LEGISLATURE
REGULAR SESSION OF 1980

Introduced by Reps. Kilpatrick, Dressel, Henry, Ballantine, Padden, Hollister, Vaughn, Cushingberry,
Virgil C. Smith, Stanley Stopczynski and Dongvillo

ENROLLED HOUSE BILL No. 6049

AN ACT to authorize the governor to declare a prison overcrowding state of emergency under certain circumstances; to prescribe the powers and duties of the governor and the commission of corrections; and to provide remedies for a prison overcrowding state of emergency.

MCLA 800.72

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "prison overcrowding emergency powers act".

Sec. 2. As used in this act:

- (a) "Commission" means the commission of corrections.
- (b) "Prison" means a correctional facility operated by the department of corrections, other than a community corrections center or residential home.
- (c) "Prison system" means the prisons of this state.
- (d) "Rated design capacity" means the actual available bedspace as certified by the commission in the prison system subject to applicable federal and state laws and the rules and regulations promulgated under those laws.

Sec. 2. As used in this act:

- (a) "Capacity" means the actual available bedspace as certified by the commission in either the female or male prison system, as applicable, subject to applicable federal and state laws and the rules and regulations promulgated under those laws.
- (b) "Commission" means the commission of corrections.
- (c) "Female prison system" means the prisons of this state in which only female prisoners are incarcerated.
- (d) "Male prison system" means the prisons of this state in which only male prisoners are incarcerated.
- (e) "Prison" means a correctional facility operated by the department of corrections, other than a community corrections center or resident home.

Sec. 3. The commission shall request the governor to declare a state of emergency whenever the population of either the female prison system or the male prison system exceeds the capacity of that system for 30 consecutive days. In making the request, the commission shall certify the capacity and current population of the particular prison system and that all administrative actions consistent with applicable state laws and the rules promulgated under those laws have been exhausted in an attempt to reduce the prison population of the applicable prison system to the capacity.

Sec. 4. Unless the governor finds within 15 calendar days of the commission's request under section 3 that the commission acted in error, the governor shall declare a prison overcrowding state of emergency within that 15 days. If a state of emergency is declared for the female prison system, the minimum sentences of all female prisoners who have established minimum prison terms shall be reduced by 90 days by the director of the department of corrections. If the state of emergency is declared for the male prison system, the minimum sentences of all male prisoners who have established minimum prison terms shall be reduced by 90 days by the director of the department of corrections.

Sec. 5. If the actions under section 4 do not reduce the population of the applicable prison system to 95% of the capacity within 90 days of the date of the declaration of the prison overcrowding state of emergency the following shall occur:

(a) If the state of emergency is declared for the female prison system, the minimum sentences of all female prisoners who have established minimum prison terms shall be reduced by 90 days by the director of the department of corrections.

(b) If the state of emergency is declared for the male prison system, the minimum sentences of all male prisoners who have established minimum prison terms shall be reduced by 90 days by the director of the department of corrections.

Sec. 6. If at any time during the state of emergency, either the population of the female or male prison system, as applicable, is reduced to 95% of the capacity or 180 days have elapsed since the declaration of the state of emergency by the governor pursuant to section 4, the commission shall certify that fact to the governor and request that the governor rescind the state of emergency.

Sec. 7. Unless the governor finds within 15 calendar days of the commission's request that the commission has acted in error in requesting the rescission of the state of emergency, the governor shall declare the prison overcrowding state of emergency ended within that 15 days.

Sec. 8. (1) Except as provided in subsection (3), after January 26, 1981, all new housing or facilities purchased, leased, constructed, or converted by the department of corrections for use as a prison shall have only single occupancy rooms or cells and comply with all applicable federal and state laws and the rules and regulations promulgated under those laws.

(2) After January 1, 1986, capacity shall not include trailers or modular units or bedspace not designed for prisoner housing.

(3) All new housing or facilities purchased, leased, constructed, or converted by the department of corrections for use as a prison from January 1, 1985 to December 31, 1985 may have multiple occupancy rooms or cells except that such rooms or cells must comply with the single occupancy requirements of subsection (1) after January 1, 1987.

Sec. 9. The provisions of this act shall not take effect if the prison population of the female or male prison system exceeds the capacity of that system as the direct result of loss of bedspace due to either a natural disaster or any unlawful destruction of property that occurs after January 1, 1984.

T. Thos. Thatcher

Clerk of the House of Representatives.

William C. Londer

Secretary of the Senate.

Approved

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Governor.