

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 04/24/2017	NUMBER 03.03.140	PAGE 6 OF 10
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those involved should be included. Information should be confined to the form and not written on the back, sides or margins of the form, or in the area provided for a response. Additional pages may be attached to the grievance form if necessary to provide required information. If additional pages are necessary, the prisoner must submit four copies of each additional page.

- GG. A prisoner may file a PREA grievance at any time by submitting a completed CAJ-1038A to the appropriate staff, as identified by the warden, of the institution at which the prisoner is housed. Prisoners are not required to use any informal grievance process, or to otherwise attempt to resolve with staff an alleged incident of sexual abuse.
- HH. Staff shall log and assign a unique identifying number (facility code – year – month - AIM number - PREA) to each Step I PREA grievance received. The unique identifying number shall consist of the AIM number assigned to the investigation resulting from the grievance. If the grievance does not result in an investigation and subsequent AIM number, staff shall use a unique identification number (i.e., 00001,00002, etc.) in place of the AIM number. If any facility staff receives a PREA Grievance, the PREA Grievance shall be immediately forwarded to the appropriate facility staff, as identified by the Warden, to respond to the PREA grievance. Additionally, all allegations of sexual abuse not previously investigated shall be referred for investigation as set forth in PD 01.01.140 "Internal Affairs" and this policy.
- II. Any PREA Grievance containing issues other than sexual abuse shall be denied and returned to the prisoner with instructions to submit the grievance in accordance with PD 03.02.130 "Prisoner/Parolee Grievances." Any PREA grievance containing multiple issues, which include sexual abuse and non-sexual abuse issues, shall be processed in accordance with this policy in order to address the allegations of sexual abuse only. The prisoner shall be notified in the PREA Grievance response that s/he must submit a new grievance in accordance with PD 03.02.130 to address any concerns not related to sexual abuse.
- JJ. Prisoners shall not be required to submit a PREA grievance to a staff member who is the subject of the complaint, nor shall a PREA grievance be referred to a staff member who is the subject of the complaint.
- KK. The PREA Coordinator shall ensure a written response is provided to the prisoner within 60 calendar days of receipt of the Step I PREA Grievance, absent an extension. The facility may claim an extension, not to exceed an additional 70 calendar days, if the normal time period for response is insufficient to make an appropriate decision regarding the grievance. If an extension is taken, the facility shall notify the prisoner in writing of the extension and a date by which a decision will be made.
- LL. Prisoners may appeal a Step I decision to Step II if s/he is dissatisfied with the Step I response or did not receive a Step I response in a timely manner. The Step II response shall be the Department's final decision regarding the matter. The Step II response shall be issued within 90 calendar days of receipt of the Step I PREA Grievance, absent an extension. The time consumed by the prisoner to prepare his/her appeal shall not be included in the time limits listed above.
- MM. Third parties, including fellow prisoners, staff members, family members, attorneys, and outside advocates, shall be permitted to assist prisoners in filing PREA grievances related to sexual abuse, and shall be permitted to file such grievances on the prisoner's behalf.
- NN. If a PREA Grievance alleging sexual abuse is filed by a third party on behalf of a prisoner, the alleged victim must sign the PREA Grievance authorizing the grievance to be filed on his/her behalf. Failure to sign the grievance will result in the grievance being immediately dismissed. All Department responses to grievances filed by a third party shall be provided to the prisoner on whose behalf the grievance was filed. Any issues other than sexual abuse addressed in third party grievances shall be denied in accordance with this policy.
- OO. If a prisoner has reasonable belief s/he is subject to a substantial risk of imminent sexual abuse, s/he may file an Emergency PREA Grievance in order to seek protection from the imminent risk. The PREA Grievance filed must clearly indicate the grievance is an Emergency PREA Grievance and state in a clear and concise manner what the prisoner believes to be an imminent risk.
- PP. Upon receipt of an Emergency PREA Grievance, staff shall forward the grievance to the Warden, or designee, in order for immediate corrective action to be taken, if appropriate, to protect the prisoner from

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 04/24/2017	NUMBER 03.03.140	PAGE 7 OF 10
-----------------------------------	------------------------------	---------------------	--------------

sexual abuse. The Warden, or designee, shall provide an initial response within 48 hours addressing the prisoner's claim regarding imminent risk and whether emergent action is necessary. The facility's initial response shall be immediately forwarded to the PREA Manager who will provide the Department's final decision regarding the prisoner's claim of imminent risk. The PREA Manager will provide the decision within five calendar days of the submission of the grievance. The facility's response and the agency's final decision shall document whether the prisoner is in substantial risk of imminent sexual abuse and if any emergent action was necessary.

- QQ. If a prisoner makes false allegations of sexual abuse on a PREA grievance which is investigated and determined to be no evidence/unfounded, the prisoner may be disciplined in accordance with PD 03.03.105 "Prisoner Discipline" and this policy.

INVESTIGATION OF SEXUAL ABUSE/SEXUAL HARASSMENT

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- RR. Investigations of sexual abuse/sexual harassment shall be completed by staff who have received specialized investigator training as outlined in the PREA Manual. All investigations shall be conducted promptly, thoroughly and objectively. All PREA investigations shall be conducted in accordance with the Sexual Abuse/Sexual Harassment Investigations portion of the PREA Manual.
- SS. Facility staff shall work to avoid transferring prisoners if they are the alleged victim, perpetrator, or witness in a pending PREA related investigation. If a prisoner is transferred prior to the completion of an investigation, the facility shall document the rationale for the transfer.
- TT. Staff who are accused of, witnessed, or have personal knowledge of conduct prohibited by this policy and refuse to cooperate with an investigation shall be subject to discipline, in accordance with PD 02.03.100 "Employee Discipline."
- UU. The Warden or Lake County Residential Reentry Program (LCRRP) Manager, as appropriate, shall ensure the victim is notified in writing of the final disposition of an investigation involving allegations of sexual abuse. The PREA Prisoner Notification of Sexual Abuse Investigative Findings and Action Form (CAJ-1021) shall be used for this purpose. The CAJ-1021 shall be retained as part of the investigative packet.
- VV. Following an allegation that a staff member committed sexual abuse against a prisoner, the facility conducting the investigation shall inform the prisoner unless the investigation determines the allegation was unfounded, whenever:

1. Any disciplinary action is taken. However, details of the discipline, including specific charges and sanctions shall not be provided;
2. The staff member is no longer assigned within the prisoner's unit;
3. The staff member is no longer employed at the facility;
4. The Department learns the staff member has been indicted on a charge related to sexual abuse within the facility, or;
5. The Department learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

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- WW. Following allegations that a prisoner was sexually abused by another prisoner, the Department shall subsequently inform the alleged victim whenever:
1. The Department learns the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or;
 2. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 04/24/2017	NUMBER 03.03.140	PAGE 8 OF 10
-----------------------------------	------------------------------	---------------------	--------------

- XX. Wardens and the LCRRP Manager shall ensure that information on all allegations of prisoner-on-prisoner sexual abuse, staff sexual misconduct/sexual harassment, and staff overfamiliarity are entered into the MDOC computerized database at their respective facilities and investigated. In addition, information on the outcome of each investigation shall be entered. Information on allegations that do not result in sustained rule violations shall not be retained in an employee's Personnel file or used for any purpose not authorized by this or any other policy directive. Only the Deputy Director and his/her staff involved in employee disciplinary proceedings, including the Internal Affairs Division, the PREA Manager and his/her staff, and other staff specifically authorized by the Director or designee, shall have access to information in AIM.
- YY. For each investigation which sustains an allegation of prisoner-on-prisoner sexual abuse, and for each investigation which results in sustained disciplinary charges for staff sexual misconduct/sexual harassment, staff designated by the Warden shall ensure that a completed United States Department of Justice Survey on Sexual Violence Form (SSV-IA) is sent to the PREA Manager along with any other documentation as requested by the PREA Manager. If the case involves only an allegation of staff overfamiliarity, documentation shall be provided as requested by the PREA Manager or designee.

Prisoner-on-Prisoner Sexual Abuse

- ZZ. All reported allegations of prisoner-on-prisoner sexual abuse or threats of such behavior, whether reported verbally or in writing, shall be referred to the Warden or designee, or in FOA, to the Administrator of the Office of Parole and Probation Services or designee, for investigation. The assigned investigator shall personally interview the alleged victim, the alleged perpetrator, and sufficient witnesses to establish the facts, unless otherwise directed by the investigating law enforcement agency. The investigation shall be coordinated as necessary with the Hearing Investigator if misconduct charges are issued.
- AAA. Any allegation(s) that appear to be criminal shall be referred to the MSP or other appropriate law enforcement agency to be criminally investigated and referred for prosecution. The Department investigation shall be coordinated as necessary with the investigating law enforcement agency to ensure the Department's efforts will not be an obstacle for prosecution. However, the Department investigation shall proceed with PD 01.01.140 "Internal Affairs" and regardless of whether the referral results in criminal prosecution.

Staff Sexual Misconduct/Harassment and Staff Overfamiliarity

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- BBB. All reported allegations of staff sexual misconduct/sexual harassment or staff overfamiliarity, whether reported verbally or in writing, shall be referred for investigation as set forth in PD 02.03.100 "Employee Discipline" or PD 01.01.140 "Internal Affairs," as appropriate. Any allegation(s) that appear to be criminal shall be referred to the MSP or other appropriate law enforcement agency to be criminally investigated and referred for prosecution. The Department investigation shall be coordinated as necessary with the investigating law enforcement agency to ensure the Department's efforts will not be an obstacle for prosecution. However, the Department investigation shall proceed in accordance with PD 01.01.140 "Internal Affairs" and PD 02.03.100 "Employee Discipline" regardless of whether the referral results in criminal prosecution.
- CCC. In all investigations of staff sexual misconduct/sexual harassment or staff overfamiliarity, investigators shall personally interview the complainant, the alleged victim if not the complainant, the alleged perpetrator, and sufficient witnesses to establish the facts. The investigation shall not be closed simply due to the resignation, transfer, or termination of the accused staff person.

ADDITIONAL MEASURES TO MINIMIZE PROHIBITED CONDUCT

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- DDD. The Administrator of the Training Division, BOA, shall ensure both new employee and in-service training is available to staff regarding conduct prohibited by this policy. In addition, the Administrator of the Training Division shall ensure that training is available on how to conduct investigations under this policy. Staff, including investigators and facility administrators, shall attend training as required.
- EEE. The PREA Manager shall ensure standardized educational material to educate prisoners regarding conduct prohibited by this policy, self-protection, how to report conduct or threats of conduct prohibited by

this policy, and treatment and counseling is accessible to all prisoners. Educational materials shall be available to all prisoners, including any updates, in CFA and Reentry facilities and shall be incorporated into facility orientation programs. If needed, the Department will seek the assistance of interpreters for prisoners with disabilities or limited English proficiency.

- FFF. Each Warden shall take reasonable measures to eliminate prisoner access to secluded areas of the facility. This includes conducting rounds of such areas as set forth in PD 04.04.100 "Custody, Security, and Safety Systems."
- GGG. Each Warden shall ensure the facility's physical plant layout enables prisoners to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing the prisoner's breasts, buttocks or genitalia except in exigent circumstances or when such viewing is incidental to routine cell checks. Instances of cross-gender viewing in exigent circumstances shall be documented in writing to the Warden and retained for the PREA Audit.

Identification/Counseling of Prisoners with Histories of Sexual Victimization or Sexually Aggressive Behavior

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- HHH. Prisoners received at a reception facility who have been convicted of or identified as having a history of a predatory or assaultive sexual offense shall be interviewed by a Qualified Mental Health Professional or other appropriate staff as set forth in PD 04.01.105 "Reception Facility Services." Prisoners identified as having a history of physical or sexual abuse, or who pose a reasonable concern that they may be sexually victimized while incarcerated due to age, physical stature, history, or physical or mental disabilities shall be similarly referred as set forth in PD 04.01.105.
- III. Prisoners with a history of sexually aggressive behavior, or who are found guilty of sexually aggressive behavior while incarcerated, shall be referred to BHCS mental health services staff for assessment, counseling, and other necessary mental health services, as appropriate, consistent with the requirements set forth in PD 04.06.180 "Mental Health Services." Prisoners who are reasonably believed to be at risk of sexual victimization while incarcerated, or who have been sexually assaulted while incarcerated, shall similarly be referred.

Placement of Prisoner With History of Sexually Aggressive Behavior Involving a Victim of the Same Sex

- JJJ. With approval of the CFA Assistant Deputy Director (ADD) of the Operations Division or designee, a prisoner identified at a reception facility as having used force or the threat of force to engage in, or attempt to engage in, abusive sexual contact or a non-consensual sexual act with a victim of the same sex shall be placed only in single-cell housing only in a Level IV or V facility in accordance with PD 04.01.105 "Reception Facility Services" to reduce the potential assault risk to other prisoners. Similarly, if a prisoner is found guilty of misconduct for using force or the threat of force to engage in, or attempt to engage in, abusive sexual contact or a non-consensual sexual act with a victim of the same sex while incarcerated in a CFA facility, the prisoner shall be placed only in single-cell housing in a Level IV or V facility unless the Warden believes that such placement is not necessary and the CFA ADD of Operations or designee approves alternative placement.
- KKK. Whenever it is determined that a prisoner may be placed only in single-cell housing in a Level IV or V facility, the prisoner's continuing need for such placement shall be reassessed whenever s/he is screened for security classification pursuant to PD 05.01.130 "Prisoner Security Classification," the original reason for the placement and the prisoner's conduct since the original incident that led to the placement shall be taken into consideration. If it is believed that the prisoner may no longer require such placement, the case shall be referred to the Warden for review. If the Warden agrees that the prisoner may no longer require such placement, the case shall be referred to the CFA ADD of Operations or designee for a final determination. In all circumstances, however, the case shall be referred to the CFA ADD of Operations or designee for review at least every five years after the initial placement decision was made.
- LLL. The CFA Deputy Director may require that a prisoner who has used force or the threat of force to commit or attempt to commit a non-consensual sexual act involving a victim of the same sex be placed only in single-cell housing in a Level IV or V facility, or allow alternative placement, on his/her own initiative.

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DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 04/24/2017	NUMBER 03.03.140	PAGE 10 OF 10
-----------------------------------	------------------------------	---------------------	---------------

VICTIM ADVOCATES

MMM. The Department shall attempt to make available a victim advocate from rape crisis centers, which are not part of the criminal justice system, that provide counseling and confidentiality to prisoner victims. If a victim advocate from a rape crisis center is not available to provide victim advocate services, the facility shall make available to the prisoner a properly trained advocate from:

1. The hospital at which the prisoner will be transported for sexual abuse treatment,
2. The facility's medical and/or mental health staff,
3. On-shift facility staff who have agreed to be a victim advocate,
4. Off-shift facility staff who have agreed to be a victim advocate.

NNN. The Department shall provide prisoner victims with access to outside victim advocates for emotional support services related to sexual abuse if available.

PROCEDURES

OOO. The FOA Deputy Director and Wardens shall ensure that procedures are developed within 60 days after the effective date of this policy.

APPROVED: HEW 03/07/2017

PREA Manual
PREA Risk Assessments Manual

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MICHIGAN DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE	NUMBER
POLICY DIRECTIVE		03/18/2019	06.04.130
SUBJECT		SUPERSEDES	
CASE MANAGEMENT OF PROBATIONERS AND PAROLEES		06.04.130 (03/14/2011)	
		AUTHORITY	
		MCL 791.236 - 791.242, MCL 791.221 - 791.230a, MCL 750.224f; Administrative Rules 791.9901 - 791.9930	
		PAGE	1 OF 3

POLICY STATEMENT:

The primary goal of parole/probation supervision is to protect the public. Public protection is enhanced through case management methods and practices that have been validated as increasing the likelihood of offender success in the community. Within the framework of statutory requirements, policy and procedure, and risk assessment results, field Agents carry out their mission by utilizing professional judgment and experience in collaboration with community partners.

RELATED POLICIES:

PD 06.03.105 Electronic Monitoring of Offenders

POLICY:

DEFINITIONS

- A. Active Supervision: The supervision of all parole and probation offenders who are able to interact with the general public and are expected to report or maintain contact with the supervising Agent.
- B. Offender: A parolee or probationer who is not in the Special Alternative Incarceration (SAI) Program.

GENERAL INFORMATION

- C. Each offender shall be assigned to a field office and Agent for supervision unless otherwise directed by the Sentencing court. Following the initial assignment, offenders may be transferred to the county of residence or a different county in accordance with PD 06.04.135 "Transfer of Parole/Probation Supervision."
- D. Offenders serving multiple probation terms are to be initially assigned to the county of the first probation sentence unless otherwise approved by the Deputy Director of Field Operations Administration (FOA) or designee. Offenders being supervised on parole and specialty court probation term are to be initially assigned to the probation office for the county of sentencing unless supervision in the county of residence would clearly benefit the offender and is approved by the region Managers from both the sentencing county and the county of residence. All other offenders being supervised on both parole and probation are to be assigned to the parole office for the county of residence unless otherwise approved by the FOA Deputy Director or designee. The field office providing supervision must keep the other jurisdiction informed of events that may require action during supervision and is responsible for the enforcement of the terms of probation or parole of the other jurisdiction.
- E. If the offender is housed in a jail, residential program, or hospital and is not available for active supervision, the field Agent shall ensure that the offender signs and is provided a copy of the supervision order and receives reporting instructions at least three business days prior to release to the community.
- F. Each supervising field Agent is responsible for ensuring a thorough orientation with each offender under his/her supervision is conducted. The orientation shall occur no later than the first business day following availability for active supervision. Any orientation outside of this time frame (i.e., notification not received from the court) is permissible if approved by the immediate supervisor.
- G. A Correctional Offender Management Profile for Alternative Sanctions (COMPAS) assessment shall be completed on every offender at the time of the Presentence Investigation (PSI). The preparing Agent

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 03/18/2019	NUMBER 06.04.130	PAGE 2 OF 3
-----------------------------------	------------------------------	---------------------	-------------

shall include the results of the COMPAS assessment in the completed PSI and shall consider the COMPAS results when recommending programming, supervision objectives, and appropriate special conditions.

- H. For Parolees, the supervising Agent shall ensure that each paroled offender has a completed COMPAS that was prepared within 12 months of the date of parole. If at the time of parole, the offender does not have a completed COMPAS or has a COMPAS that was completed more than 12 months prior, the Agent shall complete a COMPAS assessment as detailed in OP 06.01.145 "Use and Administration of COMPAS and TAP."
- I. A Transition Accountability Plan (TAP) shall be completed for each offender and maintained throughout the term of supervision. The TAP shall clearly identify offender needs and detail goals and tasks to move the offender towards pro-social behavior.

SUPERVISION LEVEL ASSIGNMENTS

- J. The FOA Deputy Director shall establish criteria to be used to determine the appropriate level of supervision for offenders on parole or probation. The criteria shall take into consideration the current conviction(s), Violent Felony Offense (VFO) and Non-VFO scores, and the supervising Agent's professional judgment. In all cases, the supervising Agent shall determine and document a supervision level for each offender as detailed in OP 06.04.130I "Classification and Supervision Level Assignment."
- K. Offenders released from Statutory or Court ordered SAI placement shall be initially assigned to intensive supervision and remain at that level of supervision for at least the first 120 calendar days of community supervision.
- L. Offenders who are not available for active supervision (jail, hospital, etc.) shall be assigned to minimum - administrative supervision. Offenders in a residential program other than a Residential Reentry Program also shall be assigned to minimum - administrative supervision and are not allowed to leave the program for any period of time without Agent approval. Probationers for whom non-reporting status is ordered by the court also shall be assigned to minimum - administrative supervision. An offender who is not available for active supervision and is assigned to minimum - administrative supervision level under this paragraph shall be reassigned to an appropriate supervision level consistent with criteria established in OP 06.04.130I "Classification and Supervision Level Assignment" when s/he becomes available for active supervision.
- M. Paroled offenders who have been issued a #1 warrant shall be assigned a supervision level of "Parole Absconder Warrant Status." Probationers who have been issued an absconder warrant from the sentencing court shall be assigned a supervision level of "Probation Absconder Warrant Status." Paroled offenders who are in custody for alleged violation behavior but are not available to the Michigan Department of Corrections (MDOC) shall be assigned a supervision level of "Warrant Status." Paroled Offenders who have been paroled directly to a detaining authority shall be assigned a supervision level of "Paroled in Custody."
- N. Agents shall review, and where appropriate, modify the supervision level of offenders under their supervision in a manner consistent with OP 06.04.130I "Classification and Supervision Level Assignment." An offender's supervision level shall be immediately reviewed following any arrest for a felony or an assaultive misdemeanor. An offender's supervision level shall also be immediately reviewed if the offender has a history of drug or alcohol-related driving offenses, and a special condition that prohibits the operating of a motor vehicle and is arrested or ticketed for a driving related offense. An offender's supervision level shall be immediately increased whenever the supervising Agent believes the offender's behavior constitutes a public safety concern. If the offender remains on supervision after disposition of the charge(s) leading to the arrest, the supervising agent shall determine if a change in the supervision level is warranted.

CASE MANAGEMENT STANDARDS

- O. The FOA Deputy Director shall issue static case management standards and Agent Directed Case Management Standards that are to be followed by supervising agents for offenders under their

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 03/18/2019	NUMBER 06.04.130	PAGE 3 OF 3
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supervision. Agents who have completed at least 12 months of case management shall apply Agent Directed Case Management Standards unless specifically directed otherwise by his/her immediate supervisor.

SPECIFIC FIREARM REQUIREMENTS

- P. All parolees are prohibited as a condition of parole from being in the unauthorized company of a person the parolee knows to possess a firearm. The Regional Manager or designee may authorize an exception if the person who possesses the firearm is a verified employee of the MDOC or a criminal justice or law enforcement agency, and who is required as part of that employment to carry a firearm, provided the firearm is either in the physical possession of the person or stored in a locked location whenever the parolee is in the person's company. A parolee may be authorized to reside with that person only if the person is a verified employee of a law enforcement agency and meets all of the above criteria and is approved by the FOA Deputy Director. Each request for a parolee to reside with a person who possesses a firearm shall be submitted to the FOA Deputy Director in the form of a Case Report (CFJ-104). The Case Report shall detail the parolee's relationship to the individual possessing the firearm, the agency or Department where the individual possessing the firearm is employed, and an explanation of how the firearm will be handled, transported, and stored. Any authorization to reside with a person who possesses a firearm shall be for a period of time no greater than 180 calendar days. In all cases any authorized contact or residence with a person who is in possession of a firearm shall be documented on a Parole Condition Authorization Form (CFJ-429) and in the Department's computerized data base. The Regional Manager or FOA Deputy Director may withdraw his/her authorization at any time.
- Q. A probationer may be prohibited as a condition of probation from being in the unauthorized company of a person the probationer knows to possess a firearm. In such cases, approval from the sentencing court shall be requested to allow contact as set forth in Paragraph P for parolees; contact shall not be permitted unless such approval is received.

PROCEDURES

- R. If necessary, to implement requirements set forth in this policy directive, the FOA Deputy Director shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- S. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 02/18/2019

MICHIGAN DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE 06/01/2018	NUMBER 06.04.136
POLICY DIRECTIVE SUBJECT CRITICAL INCIDENT REPORTING - FIELD OPERATIONS ADMINISTRATION (FOA) AND REENTRY SERVICES		SUPERSEDES 06.04.136 (02/06/2017)	
		AUTHORITY MCL 791.203 - MCL 791.206, MCL 791.208	
		PAGE 1 OF 3	

POLICY STATEMENT:

Critical incidents shall be promptly reported to ensure the Department's chain of command is informed and prepared to respond to the inquiries of the Executive Office, Legislators, family members and the media. Critical incidents are reviewed to ensure that staff responded as outlined in policy and procedure.

POLICY:

DEFINITIONS

- A. **CRITICAL INCIDENT:** An event which is likely to attract widespread adverse public attention and/or create potentially serious issues for the Department, as determined by the Field Operations Administration (FOA) Deputy Director or Reentry Administrator. Such events shall be reported as soon as they come to the attention of staff by the most expeditious means available at the time (in-person, telephone, e-mail, etc.).
- B. **MEDICAL TREATMENT:** Treatment administered by a physician or registered professional. This does not include minor first-aid treatment, even if provided by a physician or registered professional.
- C. **SERIOUS PHYSICAL INJURY:** Injury to any part of the body which requires follow-up medical treatment, surgery or results in a person's inability to perform his/her regular duties for an extended period of time as a result of the injury.
- D. **SEXUAL ASSAULT:** Sexual penetration of, or sexual contact with, another person or intentional non-consensual touching of another person's genital area, buttocks or breasts. A Prison Rape Elimination Act (PREA) investigation packet shall be completed for all reported and/or alleged sexual assaults in accordance with PD 03.03.140 "Prison Rape Elimination Act (PREA) and Prohibited Sexual Conduct Involving Prisoners."

GENERAL INFORMATION

- E. For purposes of this policy, "employee" refers to Department employees, including contractual employees, unless otherwise specified.
- F. Critical incidents shall not be completed on discharged offenders.
- G. Staff at the Detroit Reentry Center (DRC) and the Detroit Detention Center (DDC) shall follow the guidelines set forth in PD 01.05.120 "Critical Incident Reporting - Correctional Facilities Administration (CFA)" when reporting a critical incident. However, DRC and DDC staff shall submit the Critical Incident Report (CAJ-570) and the Critical Incident Participation Report (CAJ-571) through the FOA and CFA chain of command.

CRITICAL INCIDENTS

- H. The following critical incidents shall be reported immediately by telephone and reported in writing on a FOA/Reentry Services Critical Incident Notification form (CFJ-144) as set forth in this policy:
 - 1. The death of any FOA employee and the death of any offender or visitor in a field office or reentry facility, unless the death was expected due to a terminal illness. These incidents shall also be reported pursuant to PD 04.06.110 "Deaths: Natural, Accidental, Suicide, Homicide"

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 06/01/2018	NUMBER 06.04.136	PAGE 2 OF 3
-----------------------------------	------------------------------	---------------------	-------------

when applicable. Any death of a foreign national must be reported in writing to the Office of Legal Affairs Administrator within 24 hours of death.

2. The death of any person as a result of the actions of an offender or FOA employee.
3. Serious physical injury of an offender or visitor in a FOA field office or reentry facility, or an offender housed in a contracted reentry facility or custody setting (e.g., jail, etc.).
4. Any work related assault of an employee.
5. Drawing/discharge of a firearm, electronic control device (ECD), or chemical agent in the employee's performance of his/her duties, except as required during training, qualification or practice. The drawing of a firearm, ECD, or chemical agent does not apply to Absconder Recovery Unit (ARU) staff in this instance.
6. Loss or theft of a Department-issued firearm, ECD, specialty impact device or chemical agent at any time, or loss or theft of a personal firearm if lost or stolen while on duty or while on facility property.
7. Escape or attempted escape from the Lake County Residential Reentry Program (LCRRP), DRC or DDC.
8. Any sexual assault of an offender under the Department's jurisdiction who is housed in a contracted residential facility or custody setting (i.e., jail, etc.).
9. Arrest of a Department employee for any felony, or a misdemeanor for which the employee is subject to immediate suspension or, if found guilty, may be subject to dismissal in accordance with PD 02.03.100 "Employee Discipline." This also applies to contractual employees working in a facility who are known to have been arrested for similar conduct.
10. Any sexual contact between a Department employee and an offender.
11. An unusual event not identified above which may attract adverse attention to the Department as determined by the Assistant Deputy Director (ADD) or designee.

CRITICAL INCIDENT REPORTING REQUIREMENTS

- I. Each employee who is a participant in or witness to a critical incident shall immediately verbally report the incident through the chain of command and complete a FOA/Reentry Services Critical Incident Participant Report form (CFJ-565) or Critical Incident Participant Report (CAJ-571) as appropriate. The completed report shall be submitted through the chain of command (FOA and/or CFA where applicable) where the incident occurred within 24 hours.
- J. A FOA/Reentry Services Critical Incident Notification (CFJ-144) shall be provided through the chain of command to the FOA Deputy Director or Reentry Administrator as appropriate. The FOA Deputy Director or Reentry Administrator shall in turn notify the Director.
- K. Any job-related fatality of an employee must be reported to the Central Office Human Resource office and a FOA/Reentry Services Critical Incident Notification (CFJ-144) must be completed within eight hours of notification in accordance with the Department's Occupational, Safety and Health Manual.
- L. The LCRRP supervisor shall ensure all critical incidents are recorded in appropriate facility logbooks as applicable.

RELEASE OF CRITICAL INCIDENT INFORMATION

- M. Requests for critical incident information under the Freedom of Information Act (FOIA) shall be handled in accordance with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records."

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 06/01/2018	NUMBER 06.04.136	PAGE 3 OF 3
-----------------------------------	------------------------------	---------------------	-------------

POST-INCIDENT REVIEW

- N. The Director shall determine the need to convene a Post Incident Review Committee. The Deputy Director will act as the chairperson and shall designate the members of the Post Incident Review Committee which shall include the Administrator of the Office of Legal Affairs.
- O. When a post-incident review is conducted, the review shall include:
 - 1. A copy of the FOA/Reentry Services Critical Incident Notification (CFJ-144).
 - 2. A detailed description of the sequence of events. The description shall include the date, time and location of all events and be accompanied by photographs and/or diagrams when available or appropriate. This section shall provide the names and titles of all participants and witnesses including employees, visitors and offenders.
 - 3. A detailed critique of the incident and how employees responded to the incident along with supporting documentation. Any changes in practice or procedure which were implemented or are planned to be implemented to correct a problem also shall be reported.
 - 4. All administrative rules, policy directives, operating procedures, and work statements applicable to the event shall be listed, accompanied by an explanation of compliance or non-compliance. This review also shall include an evaluation of training needs and any recommendations for change in policy directives, work statements or operating procedures.
 - 5. A plan of action, identifying deficiencies, if any, and providing a method of resolution. The plan will identify the staff responsible for the correction and the time frames for the completion of the recommended changes.
- P. The appropriate Administrator shall submit the post incident report through the chain of command to the FOA Deputy Director or Reentry Administrator as soon as possible after the incident.
- Q. The post incident report shall be reviewed by the FOA Deputy Director, the Reentry Administrator or their designees, to ensure it is complete, to evaluate staff response, and to determine if there are any violations of policy or procedure. The report shall then be forwarded to the Director for review.

DOCUMENTATION

- R. All documents, forms and videotapes related to critical incidents shall be retained as required by the Department's Record Retention and Disposal Schedule or, if not addressed in the schedule, for a minimum of six years from creation.

OPERATING PROCEDURES

- S. The FOA Deputy Director and the Reentry Administrator shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 days of its effective date.

AUDIT ELEMENTS

- T. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy, pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 04/30/2018

34 USC Ch. 303: PRISON RAPE ELIMINATION**From Title 34—CRIME CONTROL AND LAW ENFORCEMENT****Subtitle III—Prevention of Particular Crimes****CHAPTER 303—PRISON RAPE ELIMINATION**

Sec.	
30301.	Findings.
30302.	Purposes.
30303.	National prison rape statistics, data, and research.
30304.	Prison rape prevention and prosecution.
30305.	Grants to protect inmates and safeguard communities.
30306.	National Prison Rape Elimination Commission.
30307.	Adoption and effect of national standards.
30308.	Requirement that accreditation organizations adopt accreditation standards.
30309.	Definitions.

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Congress makes the following findings:

(1) 2,100,146 persons were incarcerated in the United States at the end of 2001: 1,324,465 in Federal and State prisons and 631,240 in county and local jails. In 1999, there were more than 10,000,000 separate admissions to and discharges from prisons and jails.

(2) Insufficient research has been conducted and insufficient data reported on the extent of prison rape. However, experts have conservatively estimated that at least 13 percent of the inmates in the United States have been sexually assaulted in prison. Many inmates have suffered repeated assaults. Under this estimate, nearly 200,000 inmates now incarcerated have been or will be the victims of prison rape. The total number of inmates who have been sexually assaulted in the past 20 years likely exceeds 1,000,000.

(3) Inmates with mental illness are at increased risk of sexual victimization. America's jails and prisons house more mentally ill individuals than all of the Nation's psychiatric hospitals combined. As many as 16 percent of inmates in State prisons and jails, and 7 percent of Federal inmates, suffer from mental illness.

(4) Young first-time offenders are at increased risk of sexual victimization. Juveniles are 5 times more likely to be sexually assaulted in adult rather than juvenile facilities—often within the first 48 hours of incarceration.

(5) Most prison staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

(6) Prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault—if they receive treatment at all.

(7) HIV and AIDS are major public health problems within America's correctional facilities. In 2000, 25,088 inmates in Federal and State prisons were known to be infected with HIV/AIDS. In 2000, HIV/AIDS accounted for more than 6 percent of all deaths in Federal and State prisons. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than for the American population as a whole. Prison rape undermines the public health by contributing to the spread of these diseases, and often giving a potential death sentence to its victims.

(8) Prison rape endangers the public safety by making brutalized inmates more likely to commit crimes when they are released—as 600,000 inmates are each year.

(9) The frequently interracial character of prison sexual assaults significantly exacerbates interracial tensions, both within prison and, upon release of perpetrators and victims from prison, in the community at large.

(10) Prison rape increases the level of homicides and other violence against inmates and staff, and the risk of insurrections and riots.

(11) Victims of prison rape suffer severe physical and psychological effects that hinder their ability to integrate into the community and maintain stable employment upon their release from prison. They are thus more likely to become homeless and/or require government assistance.

(12) Members of the public and government officials are largely unaware of the epidemic character of prison rape and the day-to-day horror experienced by victimized inmates.

(13) The high incidence of sexual assault within prisons involves actual and potential violations of the United States Constitution. In *Farmer v. Brennan*, 511 U.S. 825 (1994), the Supreme Court ruled that deliberate indifference to the substantial risk of sexual assault violates prisoners' rights under the Cruel and Unusual Punishments Clause of the Eighth Amendment. The Eighth Amendment rights of State and local prisoners are protected through the Due Process Clause of the Fourteenth Amendment. Pursuant to the power of Congress under Section Five of the Fourteenth Amendment, Congress may take action to enforce those rights in States where officials have

demonstrated such indifference. States that do not take basic steps to abate prison rape by adopting standards that do not generate significant additional expenditures demonstrate such indifference. Therefore, such States are not entitled to the same level of Federal benefits as other States.

(14) The high incidence of prison rape undermines the effectiveness and efficiency of United States Government expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment and homelessness. The effectiveness and efficiency of these federally funded grant programs are compromised by the failure of State officials to adopt policies and procedures that reduce the incidence of prison rape in that the high incidence of prison rape—

(A) increases the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) increases the levels of violence, directed at inmates and at staff, within prisons;

(C) increases health care expenditures, both inside and outside of prison systems, and reduces the effectiveness of disease prevention programs by substantially increasing the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases;

(D) increases mental health care expenditures, both inside and outside of prison systems, by substantially increasing the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates;

(E) increases the risks of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape; and

(F) increases the level of interracial tensions and strife within prisons and, upon release of perpetrators and victims, in the community at large.

(15) The high incidence of prison rape has a significant effect on interstate commerce because it increases substantially—

(A) the costs incurred by Federal, State, and local jurisdictions to administer their prison systems;

(B) the incidence and spread of HIV, AIDS, tuberculosis, hepatitis B and C, and other diseases, contributing to increased health and medical expenditures throughout the Nation;

(C) the rate of post-traumatic stress disorder, depression, suicide, and the exacerbation of existing mental illnesses among current and former inmates, contributing to increased health and medical expenditures throughout the Nation; and

(D) the risk of recidivism, civil strife, and violent crime by individuals who have been brutalized by prison rape.

(Pub. L. 108–79, §2, Sept. 4, 2003, 117 Stat. 972.)

CODIFICATION

Section was formerly classified to section 15601 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

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IMPLEMENTING THE PRISON RAPE ELIMINATION ACT

Memorandum of President of the United States, May 17, 2012, 77 F.R. 30873, provided:

Memorandum for the Heads of Executive Departments and Agencies

Sexual violence, against any victim, is an assault on human dignity and an affront to American values. The Prison Rape Elimination Act of 2003 (PREA) was enacted with bipartisan support and established a "zero-tolerance standard" for rape in prisons in the United States. 42 U.S.C. 15602(1) [now 34 U.S.C. 30301(1)].

My Administration, with leadership from the Department of Justice, has worked diligently to implement the principles set out in PREA. Today, the Attorney General finalized a rule adopting national standards to prevent, detect, and respond to prison rape. This rule expresses my Administration's conclusion that PREA applies to all Federal confinement facilities, including those operated by executive departments and agencies (agencies) other than the Department of Justice, whether administered by the Federal Government or by a private organization on behalf of the Federal Government.

Each agency is responsible for, and must be accountable for, the operations of its own confinement facilities, and each agency has extensive expertise regarding its own facilities, particularly those housing unique populations. Thus, each agency is best positioned to determine how to implement the Federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody. To advance the goals of PREA, we must ensure that all agencies that operate confinement facilities adopt high standards to prevent, detect, and respond to sexual abuse. In addition to adopting such standards, the success of PREA in combating sexual abuse in confinement facilities will depend on effective agency and facility leadership and the development of an agency culture that prioritizes efforts to combat sexual abuse.

In order to implement PREA comprehensively across the Federal Government, I hereby direct all agencies with Federal confinement facilities that are not already subject to the Department of Justice's final rule to work with the Attorney General to propose, within 120 days of the date of this memorandum,

any rules or procedures necessary to satisfy the requirements of PREA and to finalize any such rules or procedures within 240 days of their proposal.

This memorandum shall be implemented consistent with the requirements of Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments).

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

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§30302. Purposes

The purposes of this chapter are to—

- (1) establish a zero-tolerance standard for the incidence of prison rape in prisons in the United States;
- (2) make the prevention of prison rape a top priority in each prison system;
- (3) develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape;
- (4) increase the available data and information on the incidence of prison rape, consequently improving the management and administration of correctional facilities;
- (5) standardize the definitions used for collecting data on the incidence of prison rape;
- (6) increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape;
- (7) protect the Eighth Amendment rights of Federal, State, and local prisoners;
- (8) increase the efficiency and effectiveness of Federal expenditures through grant programs such as those dealing with health care; mental health care; disease prevention; crime prevention, investigation, and prosecution; prison construction, maintenance, and operation; race relations; poverty; unemployment; and homelessness; and
- (9) reduce the costs that prison rape imposes on interstate commerce.

(Pub. L. 108–79, §3, Sept. 4, 2003, 117 Stat. 974.)

CODIFICATION

Section was formerly classified to section 15602 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

§30303. National prison rape statistics, data, and research

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(a) Annual comprehensive statistical review

(1) In general

The Bureau of Justice Statistics of the Department of Justice (in this section referred to as the "Bureau") shall carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The statistical review and analysis shall include, but not be limited to the identification of the common characteristics of—

- (A) both victims and perpetrators of prison rape; and
- (B) prisons and prison systems with a high incidence of prison rape.

(2) Considerations

In carrying out paragraph (1), the Bureau shall consider—

- (A) how rape should be defined for the purposes of the statistical review and analysis;
- (B) how the Bureau should collect information about staff-on-inmate sexual assault;
- (C) how the Bureau should collect information beyond inmate self-reports of prison rape;
- (D) how the Bureau should adjust the data in order to account for differences among prisons as required by subsection (c)(3);
- (E) the categorization of prisons as required by subsection (c)(4); and
- (F) whether a preliminary study of prison rape should be conducted to inform the methodology of the comprehensive statistical review.

(3) Solicitation of views

The Bureau of Justice Statistics shall solicit views from representatives of the following: State departments of correction; county and municipal jails; juvenile correctional facilities; former inmates; victim advocates; researchers; and other experts in the area of sexual assault.

(4) Sampling techniques

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Joseph Cadwell — PETITIONER
(Your Name)

VS.

Broderick Fletcher et al — RESPONDENT(S)

PROOF OF SERVICE

I, Joseph Cadwell, do swear or declare that on this date, June 23rd, 2022, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

No parties will be served as I am
appealing a suit sought Dismissal
and disallowance to proceed IFP

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 23rd, 2022



Alnisha Jackson
4/23/22

[Signature]
(Signature)