

HOUSE BILL NO. 6542

December 18, 2020, Introduced by Reps. Aiyash, Gay-Dagnogo, Brenda Carter and Garza and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
(MCL 791.201 to 791.285) by adding section 64b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 64b. (1) There is established within the department a**
2 **workgroup responsible for all of the following:**

3 **(a) Reviewing the use of segregation, level IV, and level V,**
4 **as referenced in departmental policy directives, operating**

1 procedures, and memoranda issued by the director's office.

2 (b) Advising the department on the development of policies and
3 procedures regarding segregation, level IV, and level V.

4 (c) Providing guidance, expertise, and oversight, including,
5 but not limited to, on enforcement, to the department in an effort
6 to reduce the use of segregation, level IV, and level V by
7 correctional facilities.

8 (2) The workgroup must consist of the following members:

9 (a) The director of the department and the deputy director of
10 the correctional facilities administration.

11 (b) The department health services and behavioral health
12 administrator.

13 (c) The legislative corrections ombudsman or his or her
14 designee.

15 (d) Four individuals appointed by the governor from nonprofit
16 prisoners' rights and prisoner families' rights advocacy groups.

17 (e) Two mental health experts who are independent from the
18 department and appointed by the governor and who have particular
19 knowledge of correctional facilities and conditions of confinement.
20 The governor shall designate 1 of the 2 mental health experts as
21 the chairperson of the workgroup.

22 (f) One individual appointed by the governor who is a
23 recipient rights specialist.

24 (g) One individual appointed by the governor from the state-
25 designated protection and advocacy agency.

26 (3) The workgroup may do all of the following:

27 (a) Request and receive information from the department,
28 including, but not limited to, the information described in
29 subsection (8) related to the use of segregation, level IV, and

1 level V.

2 (b) Identify and tour a correctional facility, and speak
3 directly to prisoners who consent to speaking to the workgroup and
4 who are housed in segregation, level IV, or level V. A correctional
5 facility is subject to a tour under this subdivision not less than
6 twice yearly to ensure compliance with section 64a.

7 (c) Request and review the case file of an individual housed
8 in segregation, level IV, or level V and from whom the workgroup
9 has obtained a written and signed release of information.

10 (4) The workgroup may convene public meetings to address
11 issues related to conditions of confinement, policy and law
12 violations, and other problems related to the unique circumstances
13 of incarceration in segregation, level IV, and level V.

14 (5) The workgroup shall meet every other month to do the
15 following:

16 (a) Review department-generated reports on and provide
17 substantive feedback and directive guidelines related to the
18 implementation of section 64a. At the request of the workgroup, the
19 department shall provide department-generated reports, including,
20 but not limited to, unit logs, critical incident reports, death
21 reports, quarterly census summary reports, and segregation review
22 reports and data.

23 (b) Review and provide substantive feedback and directive
24 guidelines on all alternative mental health programs and
25 therapeutic mental health services being used by the department to
26 house prisoners under section 64a(6).

27 (c) Review and provide substantive feedback and directive
28 guidelines on all therapeutic programs for prisoners who are housed
29 in segregation, level IV, or level V.

1 (d) Review and provide substantive feedback and directive
2 guidelines on all educational programs for prisoners housed in
3 segregation, level IV, or level V.

4 (6) The workgroup shall tour not less than 2 correctional
5 facilities annually to monitor the use of segregation, level IV,
6 and level V at those facilities. The workgroup chairperson, in
7 coordination with the head of the department's mental health
8 services and the correctional facilities administration deputy
9 director, shall determine which correctional facilities the
10 workgroup shall tour.

11 (7) The workgroup shall provide written reports not later than
12 June 15 and December 15 of each year to all of the following:

13 (a) The house of representatives and senate appropriations
14 subcommittees on corrections.

15 (b) The house of representatives and senate standing
16 committees concerned with the judiciary and with criminal justice.

17 (c) The civil rights commission.

18 (d) The governor.

19 (e) The legislative corrections ombudsman.

20 (f) The state-designated protection and advocacy agency.

21 (8) The reports filed by the workgroup must address the
22 efficacy of the implementation of section 64a, and must include,
23 but need not be limited to, all of the following:

24 (a) Data regarding time spent in-cell and out-of-cell for all
25 prisoners housed in segregation, level IV, or level V.

26 (b) Levels of prisoner involvement in and effectiveness of
27 educational and psychological programming.

28 (c) Data regarding the efficacy of the department's
29 programming designed to assist with a prisoner's reentry from

1 segregation into the general population or into a specialized
2 housing unit for management of the prisoner's mental health needs,
3 as referenced in departmental policy directives, operating
4 procedures, or director's memoranda for all prisoners; therapeutic
5 step-down programs for prisoners with mental illness; and any other
6 department alternatives to segregation, level IV, or level V.

7 (d) Critical incidents resulting in the use of food loaf, gas
8 or pepper spray, tasers, water restriction, electricity
9 restriction, paper restriction, top of bed restraints, hog-tying
10 technique to restrain, or therapeutic restraints as directed in
11 departmental policy directives, operating procedures, or director's
12 memoranda.

13 (e) Recommendations for new policies and procedures to reduce
14 utilization of segregation, level IV, and level V.

15 (9) The department shall not interfere with a prisoner or
16 penalize a prisoner for speaking to the workgroup under subsection
17 (3) (b).

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 6541 (request no.
20 06353'20) of the 100th Legislature is enacted into law.