



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 4157 (Substitute H-1 as reported without amendment)

Sponsor: Representative Sandra Hill

House Committee: Judiciary and Civil Rights

Senate Committee: Judiciary

Date Completed: 4-21-95

### **RATIONALE**

Since 1980, Michigan has had in place statutory provisions for "regional prisons" (correctional facilities located in each of nine regions of the State to which prisoners from that region are to be sent if possible). According to the Department of Corrections (DOC), the provisions were never implemented as a statutory *requirement*, although they have led to confusion regarding a prisoner's perceived "right" to be assigned to a regional prison, which in turn has generated a number of prisoner lawsuits. These legal actions, though unsuccessful, have increased burdens on the courts and State employees who must deal with the suits. Of greater importance to many, however, are the problems that the regional prison concept can present for prisoner management. Corrections officers reportedly are concerned about greater risk to themselves and their families when prisoners' friends and relatives are in the same geographical area. In addition, imprisoning people from the same area in the same prison can lead to gang members' being housed together, which enables them to continue to exist as a cohesive unit while behind prison walls. While the regional prison concept evidently has been criticized for some time, several recent events have brought fresh attention to the matter.

One instance occurred last summer, when 10 inmates from the Ryan Regional Correctional Facility in Detroit were able to escape quickly into the surrounding community (although most of these inmates were soon caught). Of apparently greater consequence for the regional prison concept, however, have been the concerns that have arisen due to a triple murderer who was housed in the Thumb Regional Correctional Facility. This man apparently has threatened his victims' family members and his co-defendant (who reportedly was housed elsewhere because of these threats). The DOC has cited this case in

explaining the Department's decision to end the regional prison concept through a policy directive that took effect on January 30, 1995. Department representatives note that, while incarceration close to home can still be used to reward good behavior and to ease re-entry for prisoners nearing release, regional placement no longer will be done simply as a matter of policy. Some people believe that the regional prison provisions of the DOC law should be repealed.

### **CONTENT**

The bill would repeal four sections of the Department of Corrections law that do all of the following:

- Require the division of the State into nine corrections regions.
- Establish procedures for the DOC to select regional prison sites.
- Require the DOC to promulgate rules to establish placement procedures for prisoners that maximize the placement of each prisoner in a regional prison located in the region in which the prisoner resided, as space is available in that regional prison.

MCL 791.220-791.220c

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The bill would eliminate confusing statutory provisions regarding regional prisons, thereby also eliminating the source of many burdensome, though unsuccessful, prisoner lawsuits and giving

clear legislative approval to the DOC's current prisoner placement policy. The regional prison concept, under which prisoners from a given area are incarcerated in a prison near home, is flawed in a number of ways. It puts guards and their families at risk of retaliation from a prisoner's nearby acquaintances, fosters the continuation of gang activity behind bars, enables escapees to find ready shelter with nearby friends and relatives, and prevents putting a decent distance between victims and violent offenders. The bill, however, would not forbid regional placement. The DOC could continue to place prisoners near family as a reward for good behavior, and could continue to use regional placement to ease re-entry into the community for prisoners approaching their release date.

### **Opposing Argument**

The regional prison concept should not be abandoned. When prisoners who eventually are to be reintegrated into society are able to maintain regular contact with family members, it stands to reason that they will have a more stable support system when released. This benefits both the prisoners and society. Whether a prisoner has been able to maintain family relationships can be crucial to whether that prisoner returns to criminal activity. Current shortcomings of the regional prison concept can be addressed, as they have been, through making exceptions for certain cases. Regional prisons and regional placement should remain as a matter of basic policy.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

To the extent that the bill resulted in fewer lawsuits filed by prisoners over the right of being incarcerated in a particular region, the bill could result in some cost savings.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.