

**ADVOCATING
WITH THE
INCARCERATED
IN MICHIGAN**

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FOREWORD

Supporting and advocating for an incarcerated individual is one of the most difficult tasks we will ever work at. The Department of Corrections' first priority is ensuring the security of their facilities. This priority often clashes with the individual's well-being and rehabilitation. Because of this, it may seem (indeed, in many cases it may actually be) that the department is simply not concerned with an incarcerated individual's wellness. Nor are they often concerned about those of us on the outside who advocate on behalf of those incarcerated.

This should not prevent us from trying to help those who are locked up. It is our duty to give our best efforts to ensure that those incarcerated receive everything they are entitled to. We do not believe it is "pampering convicts" to simply treat them fairly and with dignity. It is not inappropriate to demand that the Department provide these people with rehabilitative programs or substance abuse counseling. If we hope for them to return to society in better shape than we sent them away in, we believe it is important to rehabilitate them, not abuse them. In our years of experience, however, we have witnessed everything from callous negligence to horrific abuse in the prison system.

The Department often states that individuals are "sent to prison as punishment, not for punishment." Unfortunately, simply stating it doesn't always make it so. Those of us who care about incarcerated individuals need to make sure we do all we can to make sure the experience is not any worse than it must be for them. This booklet is intended to help you do just that. Thank you for making it to this point in the process. You are part of the solution.

BASIC HELPFUL HINTS

- We have included a glossary of terms in Appendix section. Look there if you see a word or phrase you do not understand.
- We have used the male pronouns (he/him) throughout the book. Obviously, the advice applies whether the incarcerated person is male or female.
- Encourage the incarcerated person to do all he can to correct a problem situation. If he has received an unfair ticket, he should ask for a hearing. If he can grieve the situation, he should do so. In most cases, you will not get help from Michigan Department of Corrections (MDOC) employees until all these steps have been exhausted.
- When working on a problem, document everything. Write down what happened. Save a copy of all letters you write. Take notes during phone calls, including the date and time of the call, with whom you spoke, and what was said.
- Remember that others are busy. Be as brief as possible.
- Do not threaten anyone.
- If you are very angry, wait until you calm down before you act.

- Understand that there may be some retaliation if you complain. We know of incarcerated persons who have been transferred and some who have been threatened, because they stood up for their rights or someone else stood up for their rights.

HOW DO I GET THE FACTS?

Write Down What Happened

The facts are very important. If you or your loved one has a problem, take time to write down what happened. Don't forget to include the following

- When it happened – date and time
- Where it happened
- Who was involved, including officers, other incarcerated persons, family members, friends, and witnesses
- What happened, including:
 - Who said what
 - Who did what
 - In what order things were said or done

Do not trust your memory. It may seem, at the time, that you will never forget the details. Don't believe it. We all forget. Play it safe, and write as complete a record as you can. Do it as soon as possible after the incident.

Request Any Other Documentation

If you are going to try to help, you must have all the facts. That means you must have all the documentation. As we explained in the earlier section, it is important that those who were involved write down exactly what happened.

It is also important to get the MDOC's side of the story. To do that, you must know which documents you need. In nearly every case, there is a Policy Directive that describes the Department's official policy on this type of problem. For example, if the problem involves a grievance, there is a Policy Directive relating to grievances (P.D. 03.02.130). The incarcerated individual can get a copy by going to the Law Library and asking for the one that applies. The Policy Directives are also available on line at http://www.michigan.gov/corrections/0,1607,7-119-1441_44369---,00.html.

Below is a list of types of problems we know others have had. With each problem is a list of documents that you should have if you are to learn the whole story.

TICKET OR MAJOR MISCONDUCT (see P.D. 03.03.105 and the Hearings Handbook)

- The Major Misconduct Report
- Photographs
- All documents generated because of the ticket investigation
- Hearing Investigation Report
- Witness statement(s)
- Hearing Report
- Security Classification Committee Report

PROBLEMS WITH MEDICAL CARE (see P.D. 03.04.100 – 03.04.125)

- Progress Notes
- Physicians Orders
- All off-site treatment records
- Lab results
- Test results
- Surgery treatment reports
- Patient's Authorization for Disclosure of Health Records (release signed by incarcerated person)

FORFEITURE OF GOOD TIME (see P.D. 03.01.100; P.D. 03.01.101; and P.D. 03.03.105)

- The Major Misconduct Report(s)
- Notice of Intent to Forfeit
- Time Review and Disposition Report

PROPERTY (see P.D. 04.07.112)

- The Property Rejection Slip
- Receipt of packing
- Resident's personal property receipt

ASSAULT

- Major Misconduct Reports
- Critical Incident Reports
- Any hearing documents
- Witness statements provided by incarcerated persons
- Control log entry
- State Police Report, if it exists
- Unit Log

MAIL (see P.D. 05.03.118)

- Property Rejection Slip
- Returned mail envelopes
- Notice of Intent to Conduct Administrative Hearing
- Administrative Hearing Report

PAROLE (see P.D. 06.05.100 – 06.05.130)

- Parole Guideline Scoresheet
- Parole Board Hearing Comments
- Notice of Action/Parole Board
- Past security classification reports
- Parole Board Hearing Comments
- Notice of Intent to Conduct Parole Board Interview
- 20 Questions About Parole

TRANSFER (see P.D. 05.01.140)

- Transfer Order
- Past Security Classification Reports
- Security Classification Committee Reports

Your incarcerated loved one will have most of these papers, and can send you a copy. If he does not have copies, you can use the Freedom of Information Act (FOIA) to get them.

The next section of this booklet explains how to use the Freedom of Information Act.

Using the Freedom of Information Act

The Freedom of Information Act (FOIA) can be used to request documents from the MDOC (or any other government department or agency)

Usually, the documents you want will be at the prison where your loved one is (or was) held. If that is the case, you should send your FOIA request to the FOIA Coordinator at that prison. If the documents you want are in the Central Office, (for example parole documents) you must send your request to the FOIA Coordinator at Central Office. (See Important Addresses in the Appendix for the address.)

When you are writing your request, describe what you want as carefully as you can. Give as much information as you have. For example, list the date the document was prepared, the author, the subject, to whom it was written, the name of the report, etc.

The FOIA Coordinator may refuse to give you the records. In that case, you will receive a form explaining why the records cannot be sent. The papers may not be available. (Be certain that you explained exactly what you wanted in your request.) They may be confidential. In this case, you may need the written approval of the incarcerated person to get the records. They may affect the security of the institution. Challenging this ruling may take a long time and may be expensive. You may decide to drop it at this point.

If the records can be sent to you, you will be charged a fee. Generally, it is just a charge for copying and postage. If, however, there is a lot of work needed to get the papers together, you may be charged an hourly rate for that work. Be careful, then, to explain exactly what you want. You will get a form or letter telling you the cost of the request. The papers will not be sent to you until you send a check or money order made out to the State of Michigan for the amount of the FOIA request.

In the following section, we have given a sample of the FOIA request.

Sample FOIA Request

Your address
Your city, state and zip code
Date

FOIA Coordinator	or	FOIA Coordinator
Address of Institution		Michigan Department of Corrections
City/State/Zip		PO Box 30003
		Lansing, MI 48909

Dear FOIA Coordinator:

Pursuant to the Michigan Freedom of Information Act, MCLA 15.231 et. seq., I am requesting copies of the following records:

The critical incident report describing an incident that involved John Doe 111111 and Rudy Roe 222222 that occurred March 22, 2007 at approximately 10:30 a.m. at the Muskegon Correctional Facility.

Please contact me with the cost of processing the above request and forward the records to me at the above address.

Sincerely,

(Your Signature)

Your Name

I HAVE THE FACTS. SHOULD I TRY TO DO SOMETHING?

Once you have collected all the information, you must decide whether to work to change the situation. Only you and your loved one can decide. Below is a list of things you should think about when making your decision.

- Was there a violation of law, Administrative Rule, Policy Directive, or Employee Code?
- Is the issue important enough? It isn't practical to argue about everything. Pick only the most important.
- Is there agreement on what happened? Is your loved one's description or what happened the same as the official MDOC version or is it the Department's work against the word of the incarcerated citizen?
- Does the incarcerated person want something done?
- Can you change anything? Some issues are very difficult. For example, it is nearly impossible to reverse a transfer decision. Decide if you have enough of a case.

- Can you point to other cases that are much the same? Will others work with you to make the problems known?
- Understand that you and/or the incarcerated person may be harassed. For example, the incarcerated individual may lose a job, receive tickets without good cause, or be transferred. You may be treated rudely when you visit. Harassment is very difficult to prove. Outside organizations usually cannot help in these cases. You must decide if it is worth the risk.

WHO DO I CONTACT?

Should I Contact the Facility?

Most problems do begin in the facility. Most tickets, medical care, forfeiture of good time, property, assault, mail, transfer, and visiting room problems all begin at the prison. So, if you have decided to do something, you should usually start there.

Below is a suggested list of persons at the facility to contact for each type of problem.

Ticket or Major Misconduct	RUM or ARUS
Forfeiture of Good Time	Assistant to the Warden or Deputy Warden
Property	Property Room or Mail Room
Assault	RUM or ARUS
Mail	Mail Room
Transfer	Assistant Deputy Warden or Transfer Officer
Clearing Outstanding Warrants	Records
Visiting Problems	Warden or Officer in Charge or Assistant to Warden
Grievance	Grievance Coordinator

Should I Contact Central Office?

There are some problems that begin at Central Office or may eventually involve Central Office. Below is a list of those problems and whom you might wish to contact.

Parole	Parole Board Chairperson or Office of Field Operations
Administrative Rules	SOAHR
Delayed Hearings	SOAHR
3 rd Step Grievance Problems	Grievance Coordinator
Medical Care	Health Care Risk Management Coordinator
Records	Records
Psychological Services	Health Care Risk Management Coordinator and Director of Psychological Services

The Central Office address is in the Important Addresses section of the Appendix.

HOW DO I MAKE THE CONTACT?

Should I Write or Call or Do It In Person?

When deciding how to handle the problem, think about your own personal strengths, how urgent the situation is, and what you want to accomplish.

Consider writing if:

- You write well or can get help in writing.
- You get angry quickly.
- Travel is difficult or expensive.
- You don't want to deal only with the person directly involved in the incident.
- You want a written record.
- The situation is not urgent.
- You haven't much money.

Consider phoning if:

- You talk well on the phone.
- You do not write very well.
- You are able to stay calm, even when frustrated.
- Travel is difficult.
- A written record is not important.
- You can afford the phone call.
- The situation is urgent.

Consider discussing it in person if:

- You do not write very well.
- You are able to stay calm, even when frustrated.
- Travel is not difficult or you are at the institution where you are having difficulty.
- A written record is not important.
- The situation is urgent.

Tips on Writing

When you write a letter, follow these simple rules...

- Keep your letter short – no more than one page.
- Include important facts like dates, times, and names of MDOC employees, if those are important.
- If you cannot say everything in one page, think about listing key events on a separate page as a list. For example, list the date and time and (briefly) what happened.
- If you have important documents, attach them to the letter. Be certain they are readable.
- Keep a copy of everything you send.
- Ask a friend or family member to read the letter, so you know that it is clear and has no major errors.
- Be polite. Do not use vulgar language. Do not threaten.
- If you want something to be done, state very clearly what you want to happen.
- Ask the person to contact you with the results of their actions.
- Be certain to include your own address and phone number.

If you believe that the person to whom you are writing may not do anything with your complaint, send a copy to that person's boss or the boss's boss. (See the insert of Chain of Command.) Do not expect an answer from the persons to whom you sent copies. You are sending the copies so that, if the person you are writing does not answer within a month, you can contact his or her boss. (See the section on Following Up.)

Tips on Calling

When making a phone call, follow these simple rules:

- Have all the facts and all the records handy when you call. If you need to look something up, it should be easy to do so.
- Stay calm. Do not shout or threaten. If you are feeling very angry, do not call until you feel better.

- Do not call near the end of a shift. Employees are getting ready to go home, and are not interested in talking. (The shift for security staff ends at 2 p.m. Office shifts end at 4:30 p.m.)
- Be as brief as possible.
- Remember to listen carefully. Take notes so you will know with whom you spoke and what was said.
- Do not call often or with petty complaints. You will be ignored if you are a nuisance.
- If you want something to be done, state very clearly what you want.
- If the person says they will do something, politely ask when that will be done.
- If you agree to talk again, decide who will call and when the call will be made.

Tips on Personal Contact

When you decide to have personal contact, follow these simple rules:

- Stay calm. Do not shout or threaten. If you are feeling very angry or emotional, do not try to have personal contact.
- Be certain you are talking with the right person. If in doubt, briefly explain the type of problem you are having and ask with whom you should talk,
- If possible, make an appointment. (That may not be possible, if you are dealing with a problem that occurred on a visit, for example.)
- Have all the facts and all the records handy. If you need to look something up, it should be easy to do so.
- Be as brief as possible.
- Remember to listen carefully. Take notes so you will know with whom you talked and what was said.
- If you want something to be done, state very clearly what you want.
- If the person says they will do something, ask when that will happen.
- Decide who will follow up, and when it will be done.

FOLLOW UP – WHO? WHEN? HOW?

If the situation is urgent (for example, a medical emergency), you may expect an answer within hours or days. If you do not hear anything, try to contact the person again. If that fails, contact the person's boss or boss's boss. (See the section on Chain of Command.)

If the situation is not an emergency, but you do expect a response, allow more time. If the MDOC employee promised to contact you within a certain period of time, wait a few days beyond that before contacting him or her again. Unless you have made other arrangements, you should not have to wait more than one month for a response.

If you believe the person you first contacted was sincere, follow up with that person. Politely remind him or her of the problem. Explain what you thought he or she promised to do. Ask what has been done.

Keep a record of all follow-up activities. Note to whom you wrote or with whom you spoke, the date and time it was done, what was said, who will follow up, and when.

If you do not believe that the person with whom you dealt will do anything with your problem, then contact the boss to whom you have sent copies. When you contact the boss, be certain to

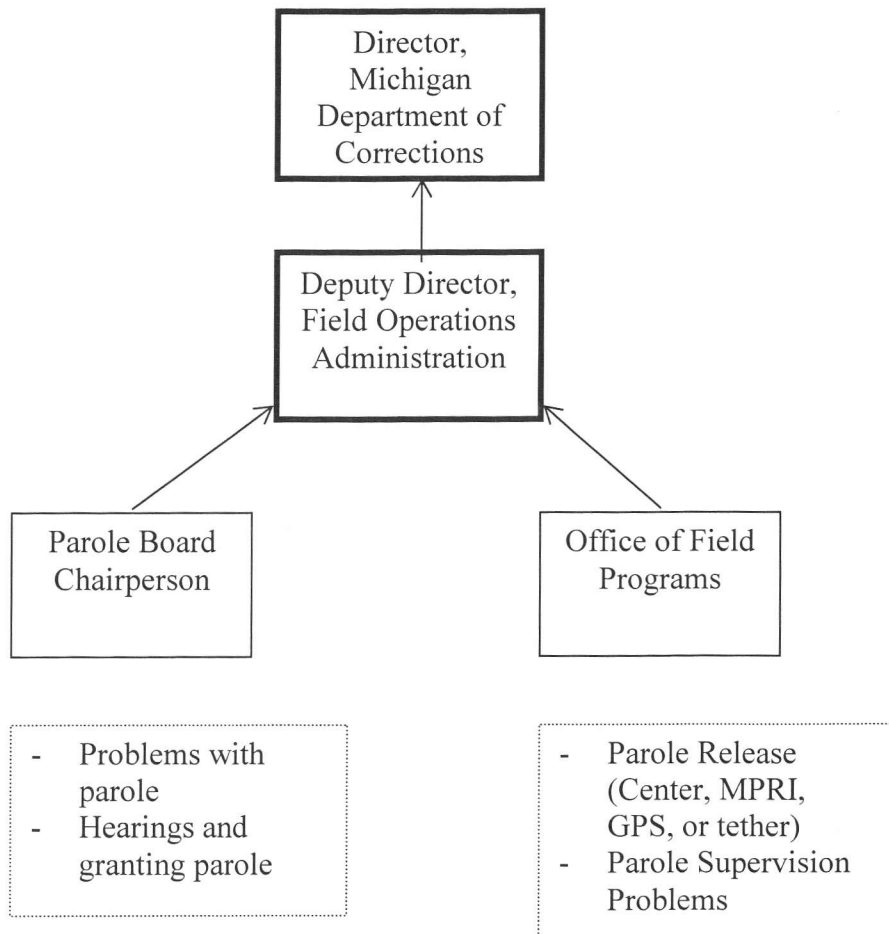
include a list of all attempts to fix the problem. List the date, time, type of contact, follow-up agreements, and any other important information.

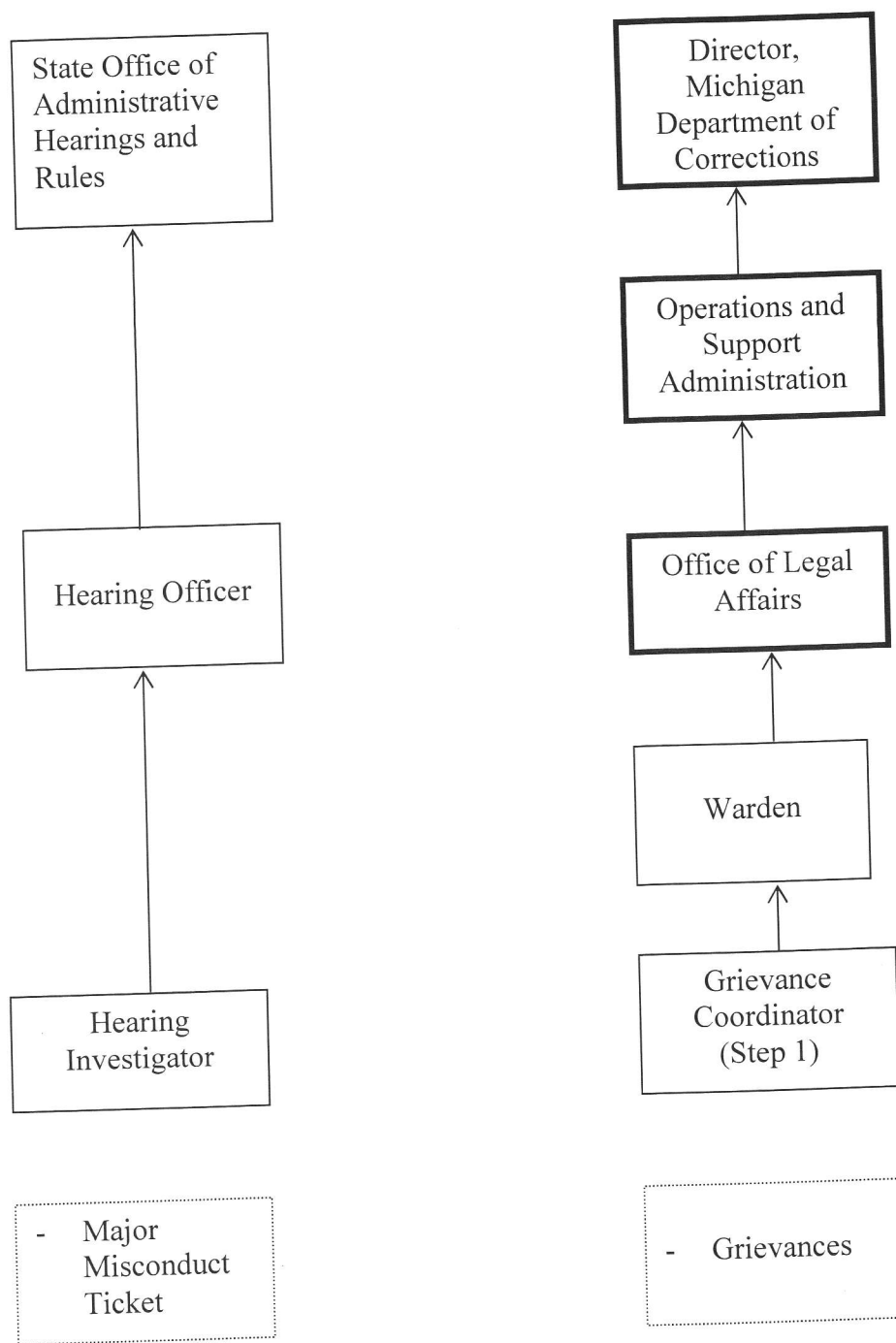
If the problem still is not fixed, contact any of the appropriate organizations listed in the Appendix under the Agencies Who May Help heading.

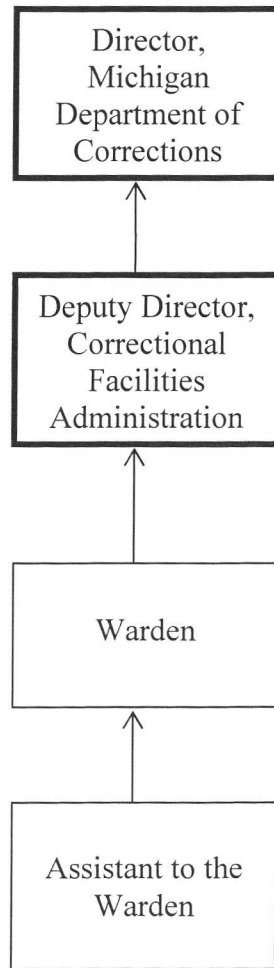
APPENDICES

Chain of Command

If the first person you contact does not fix the problem, you may want to contact someone else. The following charts give you some ideas of whom you might contact. Begin at the bottom of each chart, and work your way to the top. The heavily lined boxes are personnel at central office in Lansing. The address and phone number of each prison or camp is listed in the Appendix. The address and phone number of the Central Office is listed in Appendix section Important Addresses.

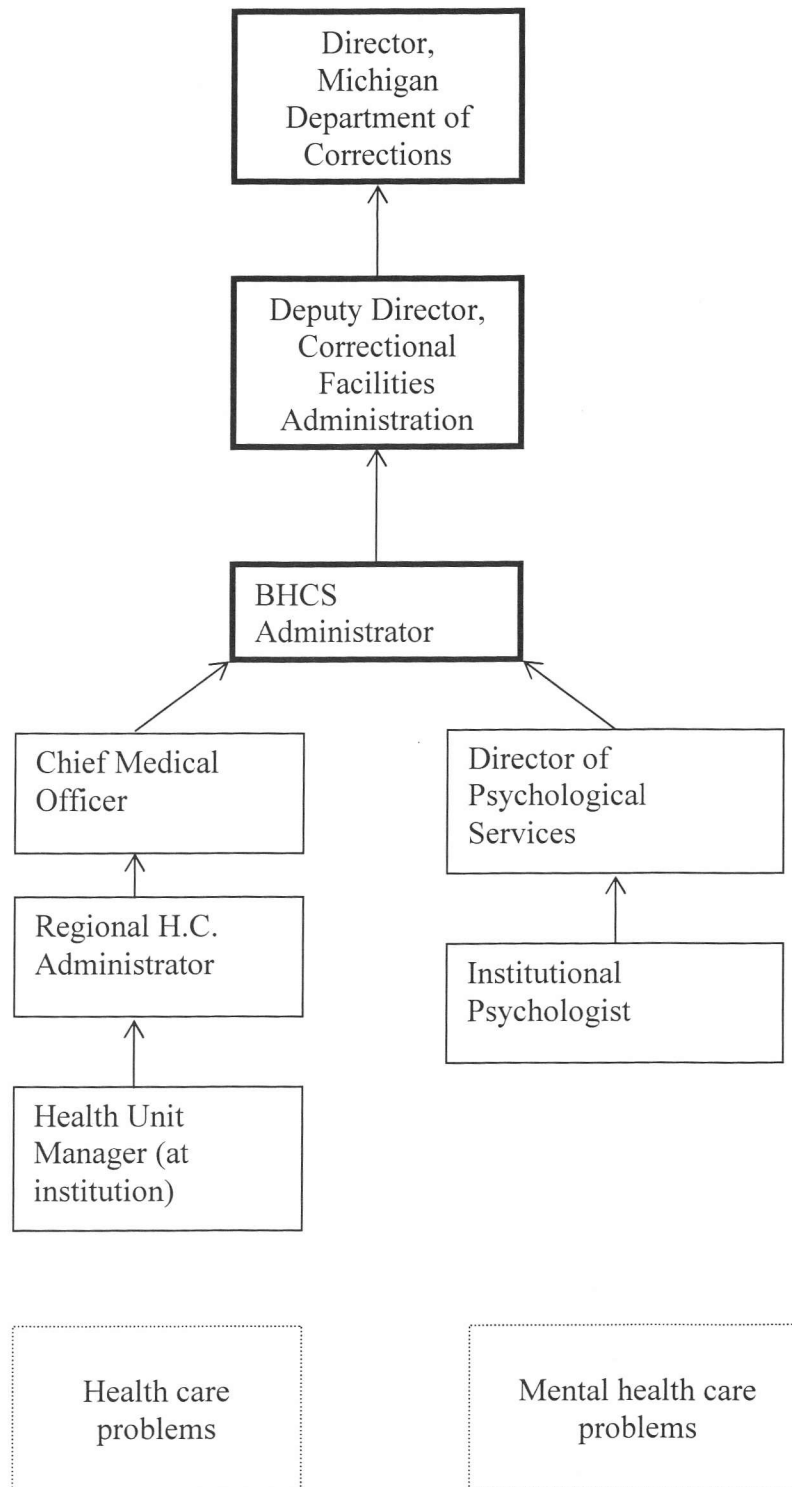






Problems that should follow this chain of command include:

- Tickets
- Forfeiture of good time
- Property
- Assault
- Mail
- Transfer
- Visits
- Family emergencies (e.g. death bed visits, funerals)



Facility Addresses and Phone Numbers

For more information about each prison, including the name of the current warden, go to http://www.michigan.gov/corrections/0,1607,7-119-1381_1385---,00.html.

PRISONS	
<p>Alger Max Industrial Park Drive P.O. Box 600 Munising, MI 49862 TELEPHONE: (906) 387-5000</p>	<p>Baraga Max 13924 Wadaga Road Baraga, MI 49908 TELEPHONE: (906) 353-7070</p>
<p>Bellamy Creek 1727 West Bluewater Highway Ionia, MI 48846 TELEPHONE: (616) 527-2510</p>	<p>Boyer Road 10274 Boyer Road Carson City, MI 48811 TELEPHONE: (989) 584-3941</p>
<p>Brooks 2500 S. Sheridan Drive Muskegon Heights, MI 49444 TELEPHONE: (231) 773-9200</p>	<p>Carson City 10522 Boyer Road Carson City, MI 48811 TELEPHONE: (989) 584-3941</p>
<p>Chippewa 4269 W. M-80 Kincheloe, MI 49784 TELEPHONE: (906) 495-2275</p>	<p>Cooper Street 3100 Cooper St. Jackson, MI 49201 TELEPHONE: (517) 780-6175</p>
<p>Cotton 3500 N. Elm Road Jackson, MI 49201 TELEPHONE: (517) 780-5000</p>	<p>Florence Crane 38 Fourth Street Coldwater, MI 49036 TELEPHONE: (517) 279-9165</p>
<p>Charles Egeler R&GC 3855 Cooper St. Jackson, MI 49201-7547 TELEPHONE: (517) 780-5600</p>	<p>Gus Harrison 2727 East Beecher St. Adrian, MI 49221 TELEPHONE: (517) 265-3900</p>
<p>Handlon Michigan Training Unit 1728 Bluewater Highway Ionia, MI 48846 TELEPHONE: (616) 527-3100</p>	<p>Huron Valley Complex for Women 3511 Bemis Road Ypsilanti, MI 48197 TELEPHONE: (734) 434-5888</p>
<p>Ionia Max 1576 W. Bluewater Highway Ionia, MI 48846 TELEPHONE: (616) 527-6331</p>	<p>Kinross 16770 S. Watertower Drive Kincheloe, MI 49788 TELEPHONE: (906) 495-2282</p>
<p>Lakeland 141 First St. Coldwater, MI 49036 TELEPHONE: (517) 278-6942</p>	<p>Macomb 34625 26 Mile Rd. New Haven, MI 48048 TELEPHONE: (586) 749-4900</p>

Advocating with the Incarcerated in Michigan

Marquette 1960 U.S. Hwy. 41 South Marquette, MI 49855 TELEPHONE: (906) 226-6531	Mid-Michigan 8201 N. Croswell Road St. Louis, MI 48880 TELEPHONE: (989) 681-4361
Mound 17601 Mound Road Detroit, MI 48212 TELEPHONE: (313) 368-8300	Muskegon 2400 S. Sheridan Drive Muskegon, MI 49442 TELEPHONE: (231) 773-3201
Newberry 3001 Newberry Avenue Newberry, MI 49868 TELEPHONE: (906) 293-6200	Oaks 1500 Caberfae Highway Manistee, MI 49660 TELEPHONE: (231) 723-827
Ojibway N5705 Ojibway Road Marenisco, MI 49947-9771 TELEPHONE: (906) 787-2217	Parnall 1780 E. Parnall Jackson, MI 49201 TELEPHONE: (517) 780-6004
Parr Highway 2727 East Beecher St. Adrian, MI 49221 TELEPHONE: (517) 263-3500	Pine River 320 N. Hubbard St. Louis, MI 48880 TELEPHONE: (989) 681-6668
Pugsley 7401 East Walton Road Kingsley, MI 49649 TELEPHONE: (231) 263-5253	Ryan 17600 Ryan Road Detroit, MI 48212 TELEPHONE: (313) 368-3200
Saginaw 9625 Pierce Rd. Freeland, MI 48623 TELEPHONE: (989) 695-9880	St. Louis 8585 N. Croswell Road St. Louis, MI 48880 TELEPHONE: (989) 681-6444
Straits 4387 W. M-80 Kincheloe, MI 49785 TELEPHONE: (906) 495-5674	Thumb 3225 John Conley Drive Lapeer, MI 48446 TELEPHONE: (810) 667-2045
West Shoreline 2500 S. Sheridan Drive Muskegon Heights, MI 49444 TELEPHONE: (231) 773-9200	

Important Addresses

Michigan Department of Corrections
Grandview Plaza
PO Box 30003
Lansing, MI 48909
517-373-0284

Governor
State Capitol
PO Box 30013
Lansing, MI 48909

Your State Senator
State Capitol
PO Box 30036
Lansing, MI 48909-7536

Your State Representative
State Capitol
PO Box 30014
Lansing, MI 48909-7514

Agencies Who May Help

American Friends Service Committee 1414 Hill St. Ann Arbor, MI 48104	MI-CURE P.O. Box 2736 Kalamazoo, MI 49003
The University of Michigan Law School Clinical Law Programs 363 Legal Research Bldg. 801 Monroe St. Ann Arbor, MI 48109	Legislative Ombudsman Office P.O. Box 30036 124 W. Allegan Lansing, MI 48909

Glossary of Terms

ADW	Assistant Deputy Warden. There are generally multiple ADWs at each facility, each assigned to either security, programs, or housing. Supervisor to the RUM.
AOT/AOP	Assaultive Offender Therapy/Program is designed to help individuals who have a history of assaultive behavior and/or often use poor judgment. This therapy is often part of the R&GC recommendations.
ARUS	Assistant Resident Unit Supervisor. The ARUS is an assistant supervisor within a housing unit. She or he is generally in the first step into a career of administration within the MDOC. The ARUS should be able to answer questions and help to resolve problems.
BOOT CAMP	This is a 90-day paramilitary program for young non-violent offenders. Participants perform strenuous physical labor and exercise. Those who cannot complete the program are usually sent to prison.
CENTER	Residential program operated by the MDOC or under contract to the MDOC. Located in cities throughout the state, they serve as transitional housing for persons leaving prison.
CONTINUANCE	See flop.
ERD	Earliest Release Date. This is the earliest date an individual can be released from prison. It is the minimum sentence minus any good time earned.
FLOP	The decision by the Parole Board not to release an individual who has reached the earliest release date or the end of a previous flop. Also called a continuance.
FOIA	The Freedom of Information Act. Any citizen can use the FOIA to ask for documents from any government department.
GED	General Educational Development program. Passing the GED test is equivalent to earning a high school diploma. The law requires that a high school diploma or GED is required for release. Exceptions are made for those unable to complete the program successfully.
GPS	Global positioning system. The system may be used to track the movements of an individual who has been paroled.

KITE	The kite is a request written by an incarcerated citizen for psychological services, medical treatment, or any other need or service.
MDOC	The Michigan Department of Corrections. The Department runs the prisons, parole, and circuit court probation. It also oversees the jails in Michigan.
MPRI	Michigan Prisoner Reentry Initiative. This program is designed to prepare incarcerated citizens for reentry and to assist them in transitioning to freedom with a network of community resources.
PER	Parole Eligibility Report. This report contains a brief description of the crime, prior parole history, institutional conduct (education, work, substance abuse programming, therapy, etc.), physical health, financial status, parole plans, etc. It is one of the tools used by the Parole Board to make its decision to release or flop someone.
PAROLE	If an individual is released before the end of the maximum sentence, he is being paroled. A parole agent will supervise the individual in the community. It is important that the parolee follow all the rules set up by the Parole Board and the Parole Agent.
PAROLE GUIDELINE SCORESHEET	A tool used by the Parole Board to determine the probability of parole (high, medium, or low). The tool is used to determine a score based upon the nature of the current offense, criminal history, property and assaultive risk screens, age, conduct, programming completed, and mental health.
PROBATION	A convicted person may be sentenced to probation in addition to a jail term or instead of jail or prison. A Probation Agent will supervise him in the community. It is important that the probationer follow all the rules set up by the Probation Agent.
RECEPTION AND GUIDANCE CENTER	Every person entering the prison system spends the first few weeks in the Reception and Guidance Center. Here, MDOC personnel check the person's education level, work skills, mental health, physical health, etc. They then make recommendations on where the individual should be housed and what type of programming he should have.
R&GC or RGC	See Reception and Guidance Center.
RUM	Resident Unit Manager. This person is in charge of the housing unit. Supervises the ARUS (or ARUSes, if there are more than one in a housing unit) and custody staff (the officers). The RUM should be able to answer questions and help to resolve problems. On the

administrative chain of command, the RUM is on the rung below the assistant deputy warden (ADW).

RWA	Routine Work Assignment. The Reception and Guidance Center often recommends that individuals be given a routine work assignment. This means the individual should be given a job in the prison.
SAI	Special Alternative Incarceration. See Boot Camp.
SOAHR	State Office of Administrative Hearings and Rules. This office is responsible for formal hearing and re-hearings.
SOT/SOP	Sex Offender Therapy/Program. Individuals convicted of rape or criminal sexual conduct are required to participate in this therapy. It is designed to help them understand why the offense was committed, to have some understanding of the feelings of the victim, and to learn how to avoid future offenses.
TETHER	An electronic device worn around the ankle that is used to keep track of the person wearing it. It is sometimes used to track a person who has left prison and is on parole.