

Michigan DOC Glossary

Definitions/Glossary

Absconder Recovery Unit (ARU) - Armed employees in these units apprehend escapees and parole absconders. Staff members receive specialized training in the areas of investigation and surveillance techniques. The process was started with a pilot project in 1985 in an attempt to reduce escapes from corrections centers. Most parole violators or escapees are caught within a few days.

Administrative Segregation - A separate housing unit inside a prison in which prisoners are confined to their cells at all times except for limited outdoor exercise, showers and specific needs such as a medical visit. Segregation is used to manage offenders who have violated prison rules.

Community Corrections (Office of) - An office in the Department of Corrections created by Public Act 511 of 1988. The office grants funds to counties that divert prison-bound offenders into locally operated punishment options developed by local boards, recommended by the state Community Corrections Board and approved by the department's director.

Community Residential Programs - The division within the department's Field Operations Administration responsible for electronic monitoring and corrections centers.

Commutations and Pardons - Under the authority of the state constitution, the governor has the power to grant executive clemency through pardons and commutations. The Michigan Parole Board reviews clemency applications and makes recommendations to the governor. In some cases, the board may conduct a public hearing to gather comments from interested parties prior to deciding on a recommendation. In a commutation, the life sentence is reduced to the number of years already served by the offender and parole is granted. State law allows any prisoner serving any length of time to apply for a commutation. State law requires a public hearing before the board can recommend executive clemency in all cases, including pardons. In a pardon, the prisoner's sentence is effectively voided and the prisoner freed.

Crime Victim's Rights Act - This law establishes certain rights to victims of crime and was first adopted in July, 1985. The law was reinforced by a constitutional amendment, adopted by the voters in 1988, which gives crime victims certain constitutional rights. Under the law, victims can request to be notified and consulted during the various steps of the criminal justice processes. The victim can submit a written or oral impact statement to the probation officer preparing the Pre-Sentence Investigation Report (PSI), and a written statement from the victim will be included in the PSI report if the victim requests it. Victims can also request information about a prisoner, including the earliest parole eligibility date, any transfers or pending transfer of the prisoner to

minimum security, a release or pending release to community placement, an escape or a pending discharge. The victim also can get notice of any Parole Board decision, a public hearing on a reprieve, commutation or parole, and also can address or submit a written statement to the Parole Board. Under a 1992 amendment to state law, a victim can also appeal a parole decision.

Disciplinary Credits - A system originally created as an incentive for good behavior for those prisoners effected by Proposal B of 1978, a referendum which abolished good time credits for primarily assaultive offenders. Passed into law in 1982, the Disciplinary Credits legislation was amended in 1987 so that all prisoners convicted of a crime committed after April 1, 1987, can earn Disciplinary Credits. At the same time, the good time law was repealed for all new crimes. The credits accelerate a prisoner's parole eligibility five days for every month served, plus two more days per month where behavior is exceptionally good. The seven days are automatically lost if a prisoner is found guilty of a major misconduct during the month. A warden can forfeit additional credits already earned for such misconducts. The maximum yearly reduction for Disciplinary Credits is 84 days. As a result of a Truth in Sentencing law enacted in 1998, prisoners who commit an assaultive crime on or after Dec. 15, 1998, or any other crime on or after Dec. 15, 2000, are prohibited from earning Disciplinary Credits.

Drug Lifer Law - The 1978 law required mandatory life imprisonment for delivery, possession or conspiracy to possess 650 or more grams of opiate narcotics or cocaine. The Michigan Supreme Court struck down the mandatory life for simple possession but remained for those convicted of delivery. In mid-1998, the law was revised. As of Oct. 1, 1998, lifers were eligible for parole after 20 years if they have an earlier and separate conviction for a "serious crime" as defined by the revised law. The revision of the drug lifer law also allows an eligibility reduction of two and one-half years if the sentencing judge or successor determines that the prisoner cooperated with law enforcement in solving any crime. Eligible cases are considered pursuant to the "lifer law."

Felon - A person convicted of a felony crime.

Felony - In Michigan, any serious crime for which the possible maximum sentence is more than one year in prison. (Probation can be an alternative to prison in most felony crimes.)

Good Time - Days subtracted from certain prisoners' sentences for good behavior, required under Michigan law unless the prisoner has violated prison rules; it escalates from 5 days a month to 15 days a month on very long sentences. An additional one-half of regular good time can also be earned for exemplary behavior. Prisoners sentenced for crimes committed after April 1, 1987, do not earn good time.

Habitual Offender - The habitual criminal designation is not a separate crime but augments the punishment for second or subsequent felonies. That is, in Michigan anyone convicted of more than one felony can have his or her sentence lengthened if requested by the prosecutor and agreed to by the court. Prisoners serving under the habitual offender statute cannot be paroled prior to their calendar minimum (i.e. the

minimum sentence without reduction by Disciplinary Credits or Good Time) without permission of the sentencing judge or successor.

Holmes Youthful Trainee Act - State law allows a judge to place a youth between 17 and 20 who is alleged to have committed a crime and who has pleaded guilty to that crime to be placed in prison or on probation without a conviction to avoid a criminal record. Excluded from this program are youth who are charged with a felony for which the maximum punishment is life imprisonment, a major controlled substance offense or a traffic offense. This action protects the privacy of the offender while on trainee status. If the youth successfully completes the program, there is no criminal record. Imprisonment or probation cannot exceed three years.

Indeterminate Sentencing - In Michigan, which has a modified indeterminate sentencing structure, convicted felons, with few exceptions, are given a minimum and a maximum time to be served on their sentences. The maximum is usually determined by law, and the minimum is set by a judge with the legal restriction that it is not to exceed two-thirds of the maximum. The Michigan Parole Board has jurisdiction over the prisoner when he or she has served the minimum portion of the sentence.

Jail - A county institution that houses persons awaiting trial, unsentenced felons and misdemeanants, and sentenced misdemeanants and felons.

Jail Reimbursement - A per diem pay to counties to house prisoners in a jail who traditionally would be in prison. Eligibility is determined yearly in the department's annual appropriations act.

Level I - V prison housing - In general, the higher the security level, the more security risk a prisoner presents in terms of manageability or escape potential. Level I has a single security fence and does not house sex offenders; Secure Level I can house sex offenders and has full security perimeters; Secure Level I and above all have secure perimeters which include double fences, razor wire, video monitoring systems and a perimeter detection system. Some prisons have more than one security level.

Life Imprisonment - A mandatory term of life imprisonment without the possibility of parole must be imposed if an offender is convicted of First-Degree Murder or placing explosives with personal injury resulting. As long as the offender is serving a mandatory life sentence, the offender cannot be paroled unless the sentence is commuted or pardoned by the governor. A second type of life sentence, from which a prisoner can be paroled, may be imposed for offenders convicted of life offense crimes other than Murder First or Placing Explosives and for habitual offenders. These cases are commonly referred to as "lifer law" cases. In such instances, the Parole Board can consider parole after ten calendar years where the offense occurred before Oct. 1, 1992, and if the sentencing or successor judge does not file written objections. When the offense occurred on or after Oct. 1, 1992, the board can consider parole after 15 years if the sentencing or successor judge does not file written objections. A public hearing where victims and others can present testimony for or against parole is required prior to parole consideration. (See Drug Lifer Law regarding parole eligibility for prisoners serving life under the drug lifer law.)

Misdemeanor - A crime less serious than a felony for which the maximum sentence is usually not more than one year in a county jail. A sentence usually involves probation, jail time, a fine, or a combination of any or all of these three. Except in certain specific instances, persons convicted of a misdemeanor cannot be sentenced to prison.

Parole - A term of community supervision afforded by the Parole Board to a prisoner who has served the minimum portion of his or her sentence, less good time or disciplinary credits if applicable. While on parole, a parolee is supervised by an agent who is an employee of the Department of Corrections. At the successful completion of the parole period, the offender is "discharged" from his or her sentence. If a parolee violates the parole terms, he or she can be sent back to prison. The Parole Board retains jurisdiction until the maximum-sentence is served in prison or the offender discharges from parole.

Pre-Sentence Investigation Report (PSI) - State law requires that an investigation be completed and a report be prepared for every person convicted of a felony. This investigation and resulting report is used by the judge in sentencing and, if sentenced to prison, it is used by the Department of Corrections in determining classification, risk potential and other programming. The investigation is conducted by a state probation officer after the defendant has been convicted of a crime. The report contains a description of the crime; any prior criminal record; information on the offender's marital status and family; any impact statement from the victim; information on employment and economic status, education, substance-abuse history, and mental and physical health. Probation officers are required by law to recommend a sentence.

Prison - A correctional facility where offenders serve a felony sentence imposed by the court under the supervision of the Michigan Department of Corrections.

Prison Reimbursement Act - A law allowing the state to collect money from prisoners to help defray the costs of imprisonment. All prisoners must notify the department of their assets, and a prisoner's lack of cooperation in supplying such information can be taken into consideration by the Parole Board. Assets are reported to the Attorney General who determines whether to file a lawsuit for collection. The law allows the government to seek reimbursement if a prisoner has enough money to recover 10% of the estimated cost of care or 10% of the estimated cost for two years, whichever is less. Not more than 90% of the assets can be secured. Assets include payments from worker's compensation, veteran's compensation, previously earned salary or wages, bonuses, annuities, and retirement benefits. Money saved from wages and bonuses earned while in prison cannot be taken, according to the law.

Probation - A term of supervision afforded either a convicted felon or a convicted misdemeanant by a court as an alternative to prison or jail, although some judges may sentence offenders to a combination of both probation and jail or boot camp. The Michigan Department of Corrections supervises convicted felons who are serving probation sentences under the jurisdiction of the sentencing court.

Protective Segregation - A separate housing unit usually in a higher security prison for prisoners who are in danger of being assaulted by other prisoners. Movement and

property in segregation areas is usually restricted. However, prisoners are ordinarily entitled to writing materials, normal meals, mattresses, visits, clothing, showers and exercise.

Public Works - In this program eligible minimum-security prisoners are allowed to provide labor to public and, in some circumstances, to nonprofit agencies. The agency is charged a per diem per prisoner. Prisoners go out in crews of usually eight to ten, under the supervision of a department employee or a civilian who has received special training in managing the prisoner crews. They work on renovations of nature areas, clean up parks and cemeteries, help remodel community buildings and sandbag during flooding, among other projects.

Punitive Segregation (Detention) - Usually a small section within the segregation unit of a higher security prison for prisoners who are confined as a sanction for violating prison rules.

Risk Prediction - Statistically validated factors that predict the probability of an offender committing assaultive and property crimes while on parole. Using various factors, the department considers potential risk-very high, high, medium and low for new violent crimes while on parole; and for property crimes-high, medium and low probability. Risk screening is used in determining eligibility for the state's Community Residential Programs and is incorporated within the department's security classification system.

Security Classification - The system used by the department to determine the appropriate prison security level of a prisoner. Levels range from I (minimum) to V (maximum). Generally, the prisoner's institutional behavior, length of sentence and escape potential determine the appropriate level.

Sentencing Guidelines - Sentencing guidelines, signed into law by Gov. John Engler in 1998, are numeric ranges used by sentencing judges to determine an appropriate minimum sentence. They are determined by the seriousness of the offense and the prior criminal record of the offender and are expected to further shift punishment for appropriate felons toward community sanctions to help reserve prison beds for the most dangerous and persistent offenders. They will impact offenders whose crimes occurred after Jan. 1, 1999. Replacing guidelines imposed by the Michigan Supreme Court in 1988, the guidelines represent the state's best efforts at deciding an appropriate sentence for a specific crime. The guidelines were developed and recommended to the Legislature by the Sentencing Guidelines Commission, whose makeup was determined by law and which considered the potential impact of the guidelines on the state's prison population.

Sex Offender Registration Act - This 1994 law requires certain offenders convicted of identified sex offenses to register with the Michigan State Police. The MDOC assists in that registration process. Probation agents are responsible for registering offenders during the pre-sentencing investigation process and when supervision is transferred from another state to Michigan. Intake staff at the department's reception and guidance

centers check the Law Enforcement Information Network to confirm that all prisoners serving for an offense requiring registration are registered.

Residential Reentry Program - The Residential Reentry Program was established to enhance public safety and parolee success through assistance in their transition back to their communities. Comprehensive and structured programming will include facilitated groups that address issues of Domestic Violence, Substance Abuse, Parenting, Criminal Thinking, Recreation, Employment Preparation, Finance/Budgeting, Life Skills, Family Reunification, 12 Step programs, and other programs identified to meet their needs. Core reentry principles provide the foundation for how the facility is operated. As a designated in-reach facility, staff connect residents with community-based partners to ensure a continuum of care, immediate engagement in programming, and access to needed services.

Truth in Sentencing - A 1998 state law which eliminates Disciplinary Credits and good time for certain offenders and requires offenders to serve the entire minimum sentence in prison prior to being considered for parole. It replaces Disciplinary Credits with "disciplinary time" or bad time, which is accumulated for incurring misconducts while in prison. This bad time is not to be formally added to the minimum sentence, but the Parole Board must consider the amount of time each prisoner has accumulated when it considers parole. The law applies to assaultive crimes committed on or after Dec. 15, 1998, and all other crimes committed on or after Dec. 15, 1998, and all other crimes committed on or after Dec. 15, 2000.