

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 04/01/2023	NUMBER 04.02.135
SUBJECT FRIENDS AND FAMILY PACKAGE PROGRAM		SUPERSEDES 04.02.135 (01/14/2019)	
		AUTHORITY MCL 791.203, MCL 791.204	
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**POLICY STATEMENT:**

All Michigan Department of Corrections (MDOC) general population prisoners may receive MDOC approved items ordered through the Friends and Family Package Program as set forth in this policy.

**RELATED POLICIES:**

- 04.02.105 Prisoner Funds
- 04.02.110 Prisoner Benefit Fund
- 04.02.130 Prisoner Store
- 04.07.112 Prisoner Personal Property

**POLICY:**

- A. The Friends and Family Package Program allows family members and others to send authorized items to prisoners while safeguarding against the introduction of contraband. Prisoners in general population also may place orders for their personal use in accordance with facility ordering procedures. A vendor catalog identifying items available for purchase through the Friends and Family Package Program shall be available to prisoners in each general population housing unit via the vendor kiosk and in other areas of the facility as identified by the Warden. Prisoners who do not have access to a vendor kiosk will place Friends and Family Package Program orders through alternative means approved by the appropriate Deputy Director or designee. This does not apply to prisoners who do not have access to the kiosk due to a disciplinary sanction. Items available for purchase will be identified through the prisoner store list as determined by security level and special populations.
- B. Prisoners shall be permitted to have in their possession items received through the Friends and Family Package Program only as authorized pursuant to PD 04.07.112 "Prisoner Personal Property." Items may be limited for prisoners in a Department medical in-patient facility/unit, a Residential Treatment Program (RTP), Secure Status Outpatient Treatment Program (SSOTP), or any non-traditional general population setting. Prisoners designated as Security Threat Group (STG) members shall be restricted from receiving a Friends and Family Package order as set forth in PD 04.04.113 "Security Threat Groups."
- C. The vendor of the Friends and Family Package Program will be responsible for processing all orders, including enforcing any product or ordering restrictions as directed by the Department. The vendor is also responsible for maintaining detailed reporting of all orders placed, which will be available to designated Department staff upon request. Revenues from the vendor shall be accounted for in the Prisoner Benefit Fund (PBF) pursuant to PD 04.02.110 "Prisoner Benefit Fund."
- D. The Store Contract Committee, as identified in PD 04.02.130 "Prisoner Store," shall be responsible for determining which items shall be available for purchase through the Friends and Family Package Program. Items available for sale through the Friends and Family Package Program are identified in Attachment A of PD 04.02.130 "Standardized Store List." Other items may be made available with approval of the Store Contract Committee. Any item available for purchase through the Friends and Family Package Program must be the same item that is available for purchase from the Standardized Store List unless otherwise approved by the appropriate Deputy Director. The item cannot be a different brand or size or sold in a different quantity. The Store Contract Committee may limit the quantity of items allowed to be purchased per order and, after taking into consideration recommendations from the Warden or designee, may prohibit the purchase of certain items by or for prisoners based on security level or institutional placement beyond the restrictions identified in the attachment.

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- E. There is a limit of \$125, not including tax and shipping, per Friends and Family Package Program order placed. For prisoners, this is in addition to the \$125 bi-weekly limit on the purchase of Standardized Store List items from the vendor. If, at the time the order is processed, a prisoner does not have sufficient funds for all items they ordered, the order will not be processed.
- F. Only one Friends and Family Package Program order may be placed by or for a prisoner per quarter (i.e., Jan-Mar; Apr-Jun; Jul-Sep; Oct-Dec). Only the first order placed by or for a prisoner each quarter will be processed, regardless of who placed the order or the value of the order. The vendor will notify the purchaser if their order cannot be processed or delivered for any reason and provide the purchaser with a full refund, not including the cost of shipping/handling. Refunds to prisoners shall not be subject to debt collection under PD 04.02.105 "Prisoner Funds."
- G. The vendor will be responsible for delivery of orders to the facility or other area designated by the appropriate Deputy Director or designee, including redelivery if a prisoner transfers to another Department facility. If a prisoner is in segregation at the time of delivery and therefore ineligible to receive the Friends and Family Package Program order, the order shall be returned to the vendor and will not be redelivered. However, the order shall not count toward the quarterly limit. Orders received by prisoners who are out to court on writ for more than five business days also will be returned to the vendor and the order not counted toward the quarterly limit. A prisoner may not decline receipt of a Friends and Family Package Program order that is ordered in accordance with this policy. However, an item may be returned if it is received damaged or is not the item ordered.
- H. Boxes from Friends and Family Package Program orders shall not be reused by MDOC staff for personal or business use.
- I. Prisoners are prohibited from receiving Friends and Family Package Program orders known to be purchased by or on behalf of another prisoner, parolee, or probationer. Prisoners also are prohibited from receiving Friends and Family Package Program orders known to be purchased by a family member of another prisoner, parolee, or probationer unless the purchaser also is a family member of the prisoner receiving the item. For purposes of this policy, a "family member" is defined as a grandparent, parent, stepparent, spouse, mother-in-law, father-in-law, child, stepchild, grandchild, sibling, stepbrother, and stepsister. An aunt and/or uncle also is considered a family member if there is adequate verification that the aunt and/or uncle served as a surrogate parent of the prisoner.
- J. Prisoners shall be permitted to continue to possess items no longer available for purchase through the Friends and Family Package Program if the item was legitimately purchased, subject to PD 04.07.112 "Prisoner Personal Property." The item shall be deemed contraband, however, if the appropriate Deputy Director determines that continued sale and/or possession of the item poses a custody and security concern. Notice that the item has been deemed contraband by the appropriate Deputy Director shall be posted in all housing units. A prisoner shall not be issued a misconduct report for possession of the item until the notice has been posted for at least 30 calendar days.

#### DISPOSITION OF ORDERS RECEIVED IN VIOLATION OF POLICY

- K. The vendor will notify the Department of suspicious Friends and Family Package Program orders. However, staff designated by the Warden to monitor funds received for credit to prisoner trust accounts pursuant to PD 04.02.105 "Prisoner Funds" shall be responsible for monitoring the receipt of Friends and Family Package Program orders at their respective facilities to identify activity that may violate this policy or may be related to illegal activity. The following steps shall be taken if an order has been placed in violation of this policy:
  - 1. If the order has been placed but not yet received by the Department, the vendor shall be notified of the specific policy violation to allow for cancellation of the order and notification to the purchaser.
  - 2. If the order has been received by the Department but has not been delivered to the prisoner, the order shall be returned to the vendor with notification of the specific policy violation to allow for cancellation of the order and notification to the purchaser.

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3. If the order has been delivered to the prisoner and the items received can be specifically identified as being ordered through the Friends and Family Package Program, the items may be confiscated as contraband. If the items are confiscated, the prisoner shall be provided notice and an opportunity for a hearing consistent with requirements set forth in PD 04.07.112 "Prisoner Personal Property" or, if circumstances warrant, PD 03.03.105 "Prisoner Discipline." If the prisoner waives the hearing or the hearing officer determines that the items were purchased in violation of this policy, the only allowable disposition of the items is to have the item destroyed or donated to a charity approved by the Warden. If a hearing is conducted, the hearing officer must identify in the hearing report which allowable disposition is being ordered.

#### RESTRICTING PRISONER ACCESS TO THE FRIENDS AND FAMILY PROGRAM

- L. In addition to actions taken pursuant to Paragraph K, a prisoner found at a misconduct or other hearing conducted in accordance with Administrative Rule 791.3310 or 792.11903 to be knowingly involved in sending or receiving a Friends and Family Package order in violation of this policy shall be prohibited from purchasing and/or receiving items through the Friends and Family Package Program for a period of time determined by the Warden or designee. However, written approval from the appropriate Assistant Deputy Director (ADD) is required to restrict the prisoner for more than two quarters. The restriction will begin upon a guilty finding of the misconduct or the conclusion of an upheld administrative hearing and will be for the balance of the quarter in which the infraction occurred plus the number of successive quarters as determined by the Warden or their designee or the ADD. Any additional restrictions shall be imposed in quarterly increments. If a package has been ordered and is received after a restriction is imposed, it shall be returned to the vendor.
- M. A prisoner found at a misconduct or other hearing conducted in accordance with Administrative Rule 791.3310 or 792.11903 to be knowingly involved in sending or receiving fraudulent Friends and Family Package Program orders, including the forging of Friends and Family Package Program documentation, shall be prohibited from purchasing and/or receiving items through the Friends and Family Package Program for a period of time determined by the Warden or designee. However, written approval from the appropriate ADD is required to restrict the prisoner for more than four quarters. The restriction will begin upon a guilty finding of the misconduct or the conclusion of an upheld administrative hearing and will be for the balance of the quarter in which the infraction occurred plus the number of successive quarters as determined by the Warden or their designee or the ADD. Any additional restrictions shall be imposed in quarterly increments.
- N. The Warden or designee shall notify the CFA ADD of Operations or designee of any restrictions imposed pursuant to Paragraphs L and M within three business days after imposition of the restriction. The ADD or designee shall provide notice of the restriction to the vendor.

#### PROCEDURES

- O. If necessary, to implement this policy directive, Wardens shall ensure that operating procedures are developed or updated.

#### AUDIT ELEMENTS

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

APPROVED: HEW 03/03/2023