

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE	EFFECTIVE DATE 11/01/2018	NUMBER 03.03.110
	SUBJECT SPECIAL PROBLEM OFFENDER NOTICE	
SUPERSEDES 03.03.110 (05/20/2002)		
AUTHORITY MCL 791.203; 791.204		
ACA STANDARDS NONE		
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POLICY STATEMENT:

Specific information about dangerous or potentially dangerous offenders, and known or potential conflict situations between offenders, shall be reported, investigated, and if determined appropriate, documented as a Special Problem Offender Notice (SPON), as set forth in this policy.

RELATED POLICY:

01.06.120 Victim Notification

POLICY:

GENERAL INFORMATION

- A. For purposes of this policy, "offenders" means prisoners, parolees and probationers who are housed in, or about to be housed in, a Department correctional facility.
- B. For purposes of this policy, an "immediate family member" is a grandparent, parent, stepparent, spouse, mother-in-law, father-in-law, child, stepchild, grandchild, sibling, stepbrother, stepsister, half-brother, half-sister, aunt and uncle.
- C. Requests from a victim or other person to receive notification of a prisoner's transfer or release shall not be documented as SPONs. Such requests shall be handled as set forth in PD 01.06.120 "Victim Notification."

SPON INITIATION AND INVESTIGATION

- D. All staff are responsible for initiating a SPON when specific reliable information is brought to their attention that warrants issuance pursuant to this policy. A SPON shall be issued whenever an offender is believed likely to represent a genuine threat to the safety of an identified offender, volunteer or employee, including a contractual employee, or to the order or security of a correctional facility. A SPON also shall be issued whenever an offender will require protection from another offender due to a known conflict. Examples of circumstances under which a SPON would be issued include the following:
 - 1. When there is a specific act or threat of violence to or by an offender.
 - 2. When a prisoner is a serious escape risk.
 - 3. When there is a gang vendetta.
 - 4. When an offender has testified or is known to have provided information against another offender.
 - 5. When it is known that an offender in a Department correctional facility has an immediate family member working or housed in any Department correctional facility.
- E. Before a SPON is issued, a thorough investigation shall be conducted to determine if there is a legitimate need for the SPON. SPONs shall not be issued based solely on general allegations that are not supported by the investigation. It is not intended that a SPON be issued for every confrontation or

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fight or when an offender cannot or will not give sufficient information to investigate the need for a SPON if the claim cannot otherwise be substantiated.

- F. If, after completion of the investigation, a SPON is believed to be warranted, a written report shall be prepared for each offender to whom the SPON will apply. The written report, along with supporting documentation, shall be forwarded to the Correctional Facility Administration (CFA) Deputy Director or designee to determine if a SPON shall be issued. The written report shall include a completed Request for Protection/Investigation Report (CSJ-686) when appropriate. A copy of the written report shall be retained by the CFA Deputy Director. If approved, the Warden shall ensure the SPON is issued and information is entered on the Department's computerized database and that the SPON is distributed as expeditiously as possible. The SPON shall include a red border to ensure it is easily identifiable and shall be placed in the prisoner commitment file.

PLACEMENT OF OFFENDERS WITH SPONS

- G. Whenever an offender for whom a SPON has been issued transfers, SPON information shall be included in the appropriate transfer order.
- H. An offender with a SPON shall not be housed in the same correctional facility as another offender identified on the SPON unless prior approval is received from the CFA Deputy Director or designee. This restriction does not apply at a reception facility, Detroit Reentry Center (DRC), Duane L. Waters Health Center (DWH), Women's Huron Valley Correctional Facility (WHV), and Woodland Center Correctional Facility (WCC).
- I. An offender with a SPON shall not be housed in a correctional facility in which an immediate family member identified on the SPON is employed without prior approval of the appropriate Deputy Director or designee.

SPON REVIEW/REMOVAL

- J. Whenever it is believed that a SPON may no longer be necessary, a thorough investigation shall be conducted to determine if the SPON should be removed. If it is determined that the SPON should be removed, the Warden at the facility where the investigation occurred shall consult with the Warden where the other offender is housed. Unless the Wardens agree the SPON should not be removed, the Warden at the facility that initiated the investigation shall submit a detailed report to the Deputy Director or designee explaining the circumstances surrounding the issuance of the SPON and explaining why the SPON may no longer be necessary. The Deputy Director or designee shall determine whether the SPON will be removed after reviewing the report and consulting with both Wardens.
- K. Whenever a SPON is to be removed, the Wardens of the facilities where the offenders are housed shall ensure the SPON is removed from their commitment files and SPON information is removed from the Department's computerized database. The original SPON and written report of the investigation identified in Paragraph K shall be retained for at least three years at the location where the SPON was removed.

OPERATING PROCEDURES

- L. If necessary, to implement requirements set forth in this policy directive, Wardens shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- M. 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 09/24/2018