

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 02/23/2009	NUMBER 03.03.130
	SUBJECT <b>HUMANE TREATMENT AND LIVING CONDITIONS FOR PRISONERS</b>	
SUPERSEDES 03.03.130 (03/27/06)		AUTHORITY MCL 791.203
ACA STANDARDS 4-ACRS-1A-07,2A-03,2A-04,2A-05,3A-07, 4A-03,5A-07,6A-03,6A-04,6A-04-2, 6A-05,4B-01, 6B-01,6B-02,4C-06; 4-4133, 4-4137-4-4139,4-4141,4-4153, 4-4180, 4-4182,4-4227,4-4231,4-4281,4-4283, 4-4306, 4-4326-4-4328, 4-4341-4-4343, 4-4428, 4-4429,4-4433,4-4435		
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**POLICY STATEMENT:**

All prisoners committed to the jurisdiction of the Department shall be treated humanely and with dignity in matters of health care, personal safety and general living conditions. They also shall not be discriminated against based on race, religion, ethnic background, sex, sexual orientation, gender identity, national origin, or disability. Youths adjudicated as delinquent offenders or charged with offenses that would not be crimes if committed by adults are not under the jurisdiction of the Department and therefore are not housed in Department facilities.

**RELATED POLICY:**

03.03.140 Prohibited Sexual Conduct Involving Prisoners

**POLICY:**

GENERAL INFORMATION

- A. Each prisoner shall be assigned to a housing unit upon arrival at a correctional facility. Housing unit staff shall be available to provide advice and assistance to prisoners in their respective housing units. They also shall ensure prisoners are referred to other staff as necessary to provide any required counseling services, in accordance with Department policy.

LIVING CONDITIONS

- B. Living conditions in Correctional Facilities Administration (CFA) facilities shall be consistent with American Correctional Association (ACA) Standards for Adult Correctional Facilities insofar as feasible. Prisoners in CFA facilities shall be provided with the following:
  1. Clean and orderly surroundings.
  2. A sufficient number of toilets, washbasins, and showers to meet the needs of the prisoner population and is consistent with Department of Consumer and Industry Services regulations. Urinals may be substituted for up to half the toilets in male facilities.
  3. Laundry and other facilities for personal hygiene.
  4. Lighting, ventilation, heating, and noise levels which are adequate for comfort.
  5. Non-housing areas maintained in a healthy and safe manner.
- C. Prisoners shall be encouraged to maintain a "well groomed" appearance. Prisoners shall be provided or permitted to purchase personal hygiene items, including soap, toothbrushes,

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toothpaste/toothbrushes/shaving necessities, shampoo, toilet paper, suitable comb/pick/hairbrush, deodorant, and, for female prisoners, sanitary napkins. Showers shall be offered in general population as often as possible. Showers shall be offered in segregation in accordance with PD 04.05.120 "Segregation Standards".

- D. Prisoners shall be permitted to maintain head and facial hair in accordance with their personal beliefs provided that reasonable hygiene is maintained. Hair care services shall be offered at each CFA institution in accordance with applicable sanitation and health requirements.
- E. All prisoners shall be provided wholesome and nutritionally adequate meals as set forth in PD 04.07.100 "Offender Meals". Meals shall be prepared and served in accordance with MCL 333.12901 et seq. of the Michigan Public Health Code. CFA prisoners shall be permitted to eat in group dining facilities, unless they are restricted for security, medical, or behavior reasons. During meal periods, prisoners shall be permitted to talk using normal conversational tones.
- F. All CFA general population prisoners shall be afforded the opportunity for at least one hour per day indoor or outdoor recreation (i.e., yard), unless restricted for medical or security reasons, including due to potentially dangerous weather conditions (e.g., lightning; low wind chill factor). Segregation prisoners shall be permitted out-of-cell movement as set forth in PD 04.05.120 "Segregation Standards".

#### HEALTH CARE

- G. Health care, including psychological services, shall be available to prisoners consistent with contemporary standards of medical practice in the community, as set forth in PD 03.04.100 "Health Services". Health care shall be available, accessible and organized for delivery in a humane, cost-effective and efficient manner.
- H. All seriously ill or injured prisoners shall receive prompt medical attention as set forth in PD 03.04.125 "Medical Emergencies". Appropriate staff shall be informed of any special needs of prisoners due to physical or mental problems.

#### PROTECTION FROM MENTAL OR PHYSICAL ABUSE

- I. To prevent abuse of prisoners, the following safeguards shall apply:
  - 1. Facility staff shall identify prisoners who are assaultive or predatory. Such prisoners shall be placed at the level of security necessary to control such behavior.
  - 2. The cell or room assignment of prisoners shall be regulated to prevent manipulation by other prisoners. Cell or room changes should be made only on the basis of program need or facility security, or for good order of the housing unit, as determined by housing staff. A prisoner shall be placed in a single occupancy cell when necessary to ensure the safety of the prisoner or others.
  - 3. Prisoners shall be provided reasonable safety from assaults. This shall include adequate staff supervision, as set forth in institutional staffing charts, and the strict control of tools and weapons.
  - 4. No prisoner or group of prisoners shall be given control or authority over other prisoners.
  - 5. Activity against a prisoner which may constitute a felony shall be reported to appropriate law enforcement authorities. In addition, prisoners shall be subject to the Department disciplinary process in accordance with PD 03.03.105 "Prisoner Discipline".
  - 6. Staff shall not use or engage in, and shall discourage through appropriate means any person's use of, derogatory, demeaning, humiliating, or degrading actions or language toward others. It

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is a violation of Department work rules for staff to engage in sexual harassment or sexual misconduct with a prisoner, as defined in the Employee Handbook. Staff also are prohibited from retaliating against a prisoner who refuses to participate in prohibited staff conduct or who files a complaint or cooperates in an investigation of prohibited staff conduct. Staff engaging in sexual harassment, sexual misconduct, or other prohibited conduct shall be subject to discipline in accordance with PD 02.03.100 "Employee Discipline" and in accordance with PD 03.03.140 "Prohibited Sexual Conduct Involving Prisoners", as appropriate.

- J. Prisoners shall not be subjected to personal abuse from staff. Staff shall act objectively and with restraint when in conflict with a prisoner or under threat of personal danger. Facility authorities shall be alert to identify staff members unable to properly respond to these pressures to ensure corrective action. Allegations of use of force in violation of PD 04.05.110 "Use of Force" shall be investigated and appropriate action taken in accordance with PD 02.03.100 "Employee Discipline".
- K. Staff have a responsibility to protect the lives of both employees and prisoners, provide for the security of the State's property, prevent escape, and maintain good order and discipline. Thus, they are sometimes required to act under circumstances where the use of physical restraint or force is required. The following are prohibited:
  - 1. Corporal punishment.
  - 2. Deprivation of clothing, light, ventilation, heat, balanced diet, or hygienic necessities or subjection to excessive noise, except as set forth in PD 04.05.120 "Segregation Standards" and PD 04.06.115 "Suicide Prevention".
  - 3. Any act or lack of care, whether by willful act or neglect, that injures or significantly impairs the health of any prisoner.
  - 4. Willful infliction of mental distress, degradation, or humiliation.
  - 5. Willful damage to prisoner property.
- L. Discrimination based on personal prejudices as to race, religion, color, national origin, age, sex, sexual orientation, gender identity, height, weight, marital status, or disability is prohibited. This includes sexual harassment. This also includes discrimination in the form of paternalism or expecting less than full responsibility from members of minority, ethnic or racial groups or from either sex.
- M. Prohibited forms of discrimination shall not serve as the basis for prisoner programming, including work and school assignments, or other administrative decisions.
- N. The Administrator of the Office of New Employee Training and Professional Development, Operations Support Administration, shall ensure training is available to all staff in the areas of race relations, the understanding of cultural differences, and sexual equality.

PROCEDURES

- O. Operating procedures are not required for this policy directive.

AUDIT ELEMENTS

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

APPROVED: PLC 02/05/09