



STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

GRETCHEN WHITMER
GOVERNOR

HEIDI E. WASHINGTON
DIRECTOR

DIRECTOR'S OFFICE MEMORANDUM 2021 - 32

EFFECTIVE: Immediately

DATE: September 27, 2021

TO: Executive Policy Team
Administrative Management Team
Wardens

FROM: Heidi E. Washington, Director

SUBJECT: Post-Litigation Critique

A post-litigation critique of any lawsuit and surrounding circumstances may be conducted by the Office of Legal Affairs Administrator in conjunction with the litigating attorneys from the Department of Attorney General. The intent of the critique is to identify, assess, and correct any noted problem areas. The Office of Legal Affairs Administrator shall chair the critique and shall determine which staff will attend.

A post-litigation critique is required to be conducted for the following lawsuits:

1. Failure to Protect.
2. Use of Force.
3. Searches.
4. Mishandling of prisoner property.
5. Cruel & unusual punishment.
6. Access to the Courts
7. Deliberate Indifference
8. Retaliation.
9. Civil Rights violation, such as disability discrimination, sex/gender/gender identity discrimination (including transgender), deaf and/or hard of hearing, blind/low vision.
10. Any lawsuit not listed above, as determined by the Director, Deputy Director, or the Office of Legal Affairs Administrator.

The critique shall include the following:

1. A review of the incident that led to the lawsuit.
2. Recommendations for how staff could have handled the incident differently.
3. A determination if any policy directives, operating procedures, or training needs to be developed or updated.
4. If necessary, a plan of action to address any deficiencies that were discovered.

Minutes from the post-litigation critique along with the plan of action, if applicable, shall be sent to the appropriate Executive Policy Team (EPT) member(s).