

DOC FAMILY ADVISORY BOARD

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House Bill 4965 (reported from committee as H-2)

Sponsor: Rep. Stephanie Chang

Committee: Criminal Justice

Complete to 4-26-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill creates a Family Advisory Board within the Department of Corrections (DOC), prescribes membership and duties, and requires an annual report to the House and Senate criminal justice-related committees regarding the Board's activities in the preceding year. The bill is part of the legislative package to reform juvenile justice. Other bills in the package include HB 4947-4964 and HB 4966.

House Bill 4965 adds a new section to the Corrections Code to create the Family Advisory Board within the Department of Corrections (DOC). The Board would consist of not fewer than 10 but no more than 15 members, one of which must be the Legislative Corrections Ombudsman and one individual appointed by the governor who is an employee of the DOC from the Community Corrections Division. Membership would also include individuals appointed by the governor, based upon recommendations submitted by nonprofit entities serving individuals with incarcerated family members, as follows:

- Not fewer than two or more than three individuals who are family members of individuals *currently* incarcerated in Michigan.
- Not fewer than one or more than three who are family members of individuals *formerly* incarcerated in Michigan.
- At least one individual who has a parent formerly or currently incarcerated in Michigan.
- At least one but not more than two individuals who were formerly incarcerated in Michigan.
- One individual who is an advocate for or mentor to individuals incarcerated in Michigan.
- At least one but not more than two individuals representing the State Bar of Michigan who have experience working with formerly or currently incarcerated individuals and their family members.

With some exceptions, terms would be for two years and vacancies would be filled in the same manner as the original appointment. The Board would select officers to serve one-year terms. The first meeting would have to be held not more than 90 days after the bill's effective date and subsequent meetings would have to be held at least quarterly.

The business of the Board would have to be conducted at a public meeting held in compliance with the Open Meetings Act. Writings prepared, owned, used, in the possession of, or retained by the Board in the performance of an official function would be

subject to the Freedom of Information Act. Members would serve without compensation but could be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

The Board would have to do all of the following:

- Assist and advise the DOC with the development of policies and procedures, and programs, that support family reunification during and after incarceration.
- Enhance communication between the DOC and families regarding issues impacting a broad range of current and formerly incarcerated individuals and their families.
- Identify barriers concerning family reunification during and after incarceration.
- File an annual report with the chairs of the Senate and House committees concerned with the DOC and criminal justice issues regarding its activities under the bill. The report must be filed not later than October 1 of each year.

The bill would allow the Board, in its discretion, to create regional committees or facility-focused family councils to further its mission.

Further, necessary staffing for the Board to fulfill its duties would be provided by the DOC. The DOC would also have to provide information about the Board on its website and in the waiting rooms of correctional facilities. The information would have to include the Board's contact information for obtaining information and assistance with family-related issues.

The bill would take effect 90 days after enactment.

MCL 791.214a, proposed

FISCAL IMPACT:

As introduced, House Bill 4965 would have an indeterminate, but likely minimal, fiscal impact on the state Department of Corrections. Members of the board would serve without compensation, but would be reimbursed for their actual and necessary expenses incurred while performing their duties as board members. Additional costs to the state would depend on the amount of expenses incurred.

BRIEF DISCUSSION OF THE ISSUES:

Multiple studies have found that maintaining positive family and friendship relationships during a period of incarceration is a key factor in reducing recidivism. But limits on visits and phone calls, plus the costs to travel to the prison (which may be hundreds of miles away with no available public transportation) and the cost of long distance phone calls make staying in contact difficult and burdensome. According to a recent study, 34 percent (about one in three) of family members interviewed went into debt just to pay for phone calls and visits. Family members who were unable to communicate with the inmate reported experiencing negative health impacts which included feelings of hopelessness,

depression, and anxiety. ["Who Pays? The True Cost of Incarceration on Families", research conducted by the Ella Baker Center for Human Rights, Forward Together, and Research Action Design, as well as others, as quoted by the Michigan Council on Crime and Delinquency on its website in a post entitled "New Report Highlights Harmful Impact of Incarceration on Family Members, Communities", <http://www.miccd.org/2015/09/new-report-highlights-harmful-impact-of-incarceration-on-family-members-communities/>.]

The MCCD post also described the pioneering work of the Family Participation Program, a pilot project in four state prisons to help families "navigate the prison system by providing educational workshops and other informational workshops." In addition, a formal Family Advisory Board has been created. The diverse membership of family members and formerly incarcerated individuals from different regions of the state assist and advise the DOC on policies and programs to support family reunification both during and after incarceration.

House Bill 4965 would codify the Family Advisory Board, ensuring that the Board, and its duties, could continue the important work it has already started. Proponents say that though the research unequivocally shows the positive impact of maintaining connections with friends and family, the reality is that few inmates receive regular visits. Thus, placing creation of the Board, along with its responsibilities, in statute will ensure the Board can continue to enhance communication between the DOC and families, identify barriers to family reintegration, and strengthen ties with families.

The actual cost to taxpayers to create and maintain the Board would be minimal. However, in the long run, if more effective policies are developed and implemented, and more individuals are able to successfully reintegrate into their families and society upon release, overall societal costs will be reduced as fewer return to prison, more are able to be gainfully employed and support their families, and less strain is placed on the public welfare system.

POSITIONS:

The following entities expressed *support* for the bill:

Michigan Council on Crime and Delinquency
Michigan Catholic Conference
Michigan United
Governors' Committee on Juvenile Justice
Michigan Legislative Black Caucus
Family Advisory Board, Family Participation Program
First Unitarian Universalist Church of Ann Arbor
Coalition Against Mass Incarceration
Michigan's Children
Michigan Probate Judges Association (in concept)
National Association of Social Workers-MI
Citizens Alliance on Prisons & Public Spending (CAPPS)
A.R.R.O. (Advocacy, Reentry, Resources, & Outreach)

Criminal Defense Attorneys of Michigan (in concept)
Citizens for Prison Reform
American Friends Service Committee
ACLU of Michigan

The Michigan Department of Corrections is *neutral* on the bill.

The following entities expressed *opposition* to the bill:

Michigan Association of Counties
Ottawa County
Livingston County
Wayne County
Prosecuting Attorney Association of Michigan

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.