

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.220i Correctional facility described in MCL 791.220g; use; interlocal agreement; contract for housing, custody, and care of detainees or inmates from other agencies; requirements; performance of duties by personnel; oversight; civil liability; definitions.

Sec. 20i. (1) If the correctional facility described in section 20g is not utilized by the department for housing inmates or detainees under the terms of section 20g, the private contractor that operates that correctional facility may utilize the facility for housing, custody, and care of detainees or inmates from any of the following agencies, either by directly contracting with those local, state, or federal agencies or by having 1 or more local, state, or federal agencies enter into an interlocal agreement with the township or county in which the facility is located, or the county sheriff for the county in which the facility is located, who in turn may contract with the private contractor for services to be provided under the terms of the interlocal agreement, subject to the requirements of this section:

(a) Other local, state, or federal agencies.

(b) The department if the detainees or inmates are older than 19 years of age and under the jurisdiction of the department.

(2) If all contractual factors regarding potential inmates or detainees are equal, the private contractor shall give preference to the admission of inmates or detainees sent from agencies within this state, including the department.

(3) Any contract under this section for the housing, custody, and care of detainees or inmates from other local, state, or federal agencies shall require all of the following:

(a) The private contractor that operates the facility shall do all of the following:

(i) Obtain accreditation of the facility by the American Correctional Association within 24 months after the private contractor commences operations at the facility and maintain that accreditation throughout the term of any contract for the use of the facility.

(ii) Operate the facility in compliance with the applicable standards of the American Correctional Association.

(b) The personnel employed by the private contractor in the operation of the facility shall meet the employment and training requirements set forth in the applicable standards of the American Correctional Association, and also shall meet any higher training and employment standards that may be mandated under a contract between the private contractor and a local, state, or federal agency that sends inmates or detainees to the facility.

(c) Any serious incident that occurs at the facility shall be reported immediately to the sheriff of the county and the state police.

(4) An inmate or detainee housed at the facility shall not participate in work release, a work camp, or another similar program or activity occurring outside the secure perimeter of the facility without the authorization of the initiating jurisdiction.

(5) The facility shall allow the presence of on-site monitors from any local, state, or federal agency that sends inmates or detainees to the facility, for the purpose of monitoring the conditions of confinement of those inmates or detainees. Whenever the private contractor submits a written report to a local, state, or federal agency that sends inmates or detainees to the facility, the private contractor shall send copies of the written report to the township supervisor, the board of county commissioners, the county sheriff, and the department.

(6) Personnel employed at the facility by the private contractor who have met the employment and training requirements set forth in the applicable standards of the American Correctional Association have full authority to perform their duties and responsibilities under law, including, but not limited to, exercising the use of force in the same manner and to the same extent as would be authorized if those personnel were employed in a correctional facility operated by the department.

(7) A contract with a local, state, or federal agency that sends inmates or detainees to the facility shall not require, authorize, or imply a delegation of the authority or responsibility to the private contractor to do any of the following:

(a) Develop or implement procedures for calculating inmate release and parole eligibility dates or recommending the granting or denying of parole, although the private contractor may submit written reports that have been prepared in the ordinary course of business.

(b) Develop or implement procedures for calculating and awarding earned credits, including good time credits, disciplinary credits, or similar credits affecting the length of an inmate's incarceration, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates

engaging in that work, and granting, denying, or revoking earned credits.

(8) Inmates and detainees shall be transferred to and from the facility in a secure manner. Any inmate or detainee housed at the facility who was sent from another state, a local agency outside this state, or the federal government shall be returned to the agency that sent the inmate or detainee upon completion of the inmate's or detainee's term of incarceration in the facility and shall not be released from custody within this state.

(9) The department of corrections is not responsible for oversight of the facility. This state, or any department or agency of this state, is not civilly liable for damages arising out of the operation of the facility.

(10) As used in this section:

(a) "Facility" means the former Michigan youth correctional facility described in subsection (1).

(b) "Serious incident" means a disturbance at the facility involving 5 or more inmates or detainees, a death of an inmate or detainee, a felony or attempted felony committed within the facility, or an escape or attempted escape from the facility.

History: Add. 2006, Act 351, Imd. Eff. Sept. 18, 2006;—Am. 2012, Act 599, Eff. Mar. 28, 2013;—Am. 2015, Act 49, Imd. Eff. June 9, 2015.

Popular name: Department of Corrections Act