

LEGISLATIVE CORRECTIONS OMBUDSMAN (EXCERPT)
Act 46 of 1975

***** 4.355.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 29, 2019 *****

4.355.amended Access to physical and electronic information, records, and documents; authorization to interview; inspection of premises; informal hearings; appearance; evidence.

Sec. 5. (1) Upon request and without the requirement of any release, the ombudsman shall be given access to and physical or electronic copies of all information, records, and documents in the possession of the department that the ombudsman considers necessary in an investigation, including, but not limited to, prisoner medical health records, prisoner mental health records, and prisoner mortality and morbidity records. Upon request, the ombudsman may interview any of the following individuals whom the ombudsman considers necessary in an investigation:

(a) An individual employed by or retained under contract by the department.

(b) An individual employed by or retained under contract by a private contractor that operates a facility or institution that houses prisoners under the jurisdiction of the department.

(2) Upon request and without notice, the ombudsman must be granted entrance to inspect at any time any premises under the control of the department. One ombudsman staff person must also be granted entry into a correctional facility or the department's "think tank" or "command center" during emergency situations including, but not limited to, correctional facility disturbances, riots, and hostage incidents, and must be provided with updates regarding the status of the emergent situation as well as the department's efforts to address the situation. The ombudsman staff person granted entry for an emergency situation under this subsection is present for observation and to report on the emergency situation.

(3) The ombudsman may hold informal hearings and may request that any person appear before the ombudsman, or at a hearing, and give testimony or produce documentary or other evidence that the ombudsman considers relevant to a matter under investigation.

(4) The ombudsman shall arrange an interview under subsection (1) in cooperation with the department at a time and location that does not interfere with the operation of a correctional facility.

History: 1975, Act 46, Imd. Eff. May 16, 1975;—Am. 2010, Act 287, Imd. Eff. Dec. 16, 2010;—Am. 2018, Act 571, Eff. Mar. 29, 2019.