

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 12/16/2019	NUMBER 01.05.125
SUBJECT ESCAPE AND APPREHENSION REPORTING/PROCESSING		SUPERSEDES 01.05.125 (06/01/2008)	
		AUTHORITY MCL 750.193, 791.203, 791.231, 791.265a, 791.265d, 800.61	
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**POLICY STATEMENT:**

Escapes and subsequent apprehensions shall be reported and processed and shall include appropriate notifications and dead time calculations, as set forth in this policy.

**POLICY:**

GENERAL INFORMATION

- A. The Electronic Monitoring Center (EMC), FOA, is responsible for entering and canceling escape warrants. The EMC Manager shall ensure staff are available 24 hours per day, 7 days per week. EMC staff shall respond to all requests received via the Law Enforcement Information Network (LEIN) for information on escape warrants, including requests for verification of status. Responses shall be provided within ten minutes after receipt of the request. The EMC Manager shall ensure a monthly audit is conducted of all active escape warrants to ensure accuracy.

ESCAPE REPORTING AND PROCESSING

- B. The Warden of the facility from which an escape occurs shall be responsible for the escape reporting and processing requirements set forth in this section. If an escape occurs during transfer, the Warden of the sending facility shall assume these responsibilities. If an escape occurs from a non-Department facility (e.g., jail) or under any other circumstances where the prisoner had been removed from a Department facility (e.g., hospital, court appearance), the Warden of the facility at which the prisoner was most recently housed prior to the escape shall assume these responsibilities when notice of the escape is received. If notification of an escape is received by a staff person who does not work at the facility where the prisoner was most recently housed, the staff person shall convey this information immediately to staff at the appropriate facility.
- C. Whenever staff have determined that a prisoner has escaped, the Warden shall ensure the following occurs immediately:
1. The EMC is notified to enter an escape warrant into LEIN. The EMC shall immediately send written confirmation to the Warden or designee that the escape warrant has been entered; the confirmation shall be retained in the prisoner's Record Office file.
  2. The Absconder Recovery Unit is contacted in accordance with PD 06.01.130 "Absconder Recovery Unit."
  3. The Michigan State Police (MSP) post and Sheriff's Department serving the area from which the prisoner escaped, the county of sentence, and the county of the prisoner's home community are notified by LEIN administrative message. Follow-up telephone confirmation shall be made if confirmation of receipt is not received via LEIN within 30 minutes.
  4. Other law enforcement agencies are notified as deemed necessary.
  5. Victims and others who have requested to receive notice are notified as set forth in PD 01.06.120 "Victim Notification."

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- D. The Internal Affairs (IA) Manager and the Office of Executive Affairs (OEA) Administrator shall be notified by e-mail whenever there is an escape. The Procurement Monitoring and Compliance Division (PMCD) Administrator shall be notified if an escape occurs while an offender is being transported by a contracted vendor.
- E. An Emergency Response Team may be activated and deployed for the search and recovery of an escapee in accordance with PD 04.05.100 "Disturbance Control."
- F. All escapes shall be entered in the Department's computerized database during the same shift that the escape occurred.
- G. The Department offers up to a \$100 reward to a citizen providing information leading to the apprehension of an escapee. A reward greater than \$100 requires the approval of the Director. Department employees and law enforcement officials are not eligible to receive the reward. A Wanted - Reward form (CSJ-119), including the most recent photograph of the escapee, shall be forwarded to all law enforcement agencies notified via LEIN during the same shift that the escape occurred. Prior photographs of the escapee also may be provided as deemed appropriate. The Wanted - Reward form and any current or previous photographs of the escapee also shall be provided to other agencies and to news media representatives as deemed appropriate.
- H. Each escape or attempted escape shall be documented using a Notice of Escape or Attempt to Escape form (CSJ-202).
- I. An Administrative Warrant for Return of Escaped Prisoners form (CSJ-165) shall be completed for a prisoner who escapes from a correctional facility.
- J. When an escape occurs, a Class I misconduct report (CSJ-228) for escape shall be prepared in accordance with PD 03.03.105 "Prisoner Discipline" and retained in the prisoner's Record Office file until the prisoner is apprehended. Prisoners who attempt to escape also shall be subject to discipline in accordance with PD 03.03.105. SAI probationers who escape, or attempt to escape, shall be subject to termination from the program in accordance with PD 05.01.142 "Special Alternative Incarceration Program."
- K. Each escape or attempted escape shall be promptly reported in accordance with PD 01.05.120 "Critical Incident Reporting - Correctional Facilities Administration (CFA). Each escape or attempted escape shall also be promptly entered into the Administrative Investigations Management (AIM) database and investigated in accordance with PD 01.01.140 "Internal Affairs."
- L. If an escapee is discharged due to death or other reason in accordance with PD 03.01.135 "Discharge/Termination of Sentence," the appropriate Warden or designee shall notify the EMC to cancel the escape warrant from LEIN. The EMC shall immediately send written confirmation to the Warden or designee that the escape warrant has been canceled. The confirmation shall be retained in the prisoner's Record Office file.

#### APPREHENSION REPORTING AND PROCESSING/EXTRADITION

- M. The Warden of the facility from which an escape occurred shall be responsible for the apprehension reporting and processing requirements set forth in this section, except as set forth in Paragraphs V and X. If an escape occurred during transfer, the Warden of the sending facility shall assume these responsibilities. If an escape occurred from a non-Department facility (e.g., jail) or under any other circumstances where the prisoner had been removed from a Department facility (e.g., hospital, court appearance), the Warden of the Department facility at which the prisoner was most recently housed prior to the escape shall assume these responsibilities when notice of the apprehension is received.
- N. Upon notification of the apprehension of an escapee, the Warden or designee shall provide immediate telephone notification to the appropriate ADD. The Director shall be provided telephone notification

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through the appropriate chain of command at the earliest practical opportunity. Law enforcement agencies notified of the escape pursuant to Paragraph C shall be notified of the apprehension as deemed necessary, in accordance with established procedures.

- O. The Warden shall ensure the EMC is notified to cancel the escape warrant from LEIN upon confirmation that the escapee has been taken into custody. The EMC shall immediately send written confirmation to the Warden or designee that the escape warrant has been canceled; the confirmation shall be retained in the prisoner's Record Office file.
- P. The Warden shall ensure that the Notice of Escape or Attempt to Escape (CSJ-202) is prepared pursuant to Paragraph H is completed to include appropriate apprehension information (e.g., date and location; apprehending agency) and forwarded to the Time Computation Unit (TCU).
- Q. If the escapee is being held in a non-Department facility, the Warden shall ensure a copy of the Administrative Warrant for Return of Escaped Prisoners form (CSJ-165), Judgment of Sentence, Fingerprint Record (CSJ-184), as appropriate, and any other pertinent information is forwarded to the holding agency and arrangements are made to transport the prisoner to the appropriate Department facility as set forth in Paragraph V. If the escapee was apprehended in another state, extradition procedures shall be initiated immediately upon notification that the prisoner is available.
- R. Any pending felony charges for crimes committed while on escape shall be verified and recorded consistent with the requirements set forth in PD 03.01.120 "Detainers and Pending Felony Charges."
- S. Notification of the prisoner's apprehension and any new convictions shall be provided to the victim and others who have requested to receive notice in accordance with PD 01.06.120 "Victim Notification."
- T. If a citizen is eligible to receive the reward for providing information leading to the apprehension of the escapee, the Warden shall ensure the reward claim is fully corroborated with the arresting agency prior to payment being made.

#### Prosecution

- U. The Warden shall ensure each escape case is referred through the MSP or local law enforcement to the office of the prosecutor for the county in which the facility is located. However, an escape referral may be made directly to the prosecutor's office if an agreement for such referrals has been made with local officials. A referral for prosecution shall include a recommendation for or against prosecution only with prior approval of the Director or designee.

#### Return to Department Facility

- V. Prisoners returned as escapees shall be received at the appropriate facility for processing as determined by the CFA Deputy Director or designee. The Warden of the receiving facility shall ensure the Class I misconduct report prepared pursuant to Paragraph J is obtained, completed to include appropriate apprehension information, and processed in accordance with PD 03.03.105 "Prisoner Discipline."

#### Dead Time Computation

- W. The date the escapee is arrested is considered the official date of return to Department custody. The period during which the prisoner is on escape status and not being held in custody by any other law enforcement or corrections agency is considered dead time (i.e., time not counted toward the Michigan sentences for which the prisoner was serving at the time of the escape). Dead time shall be calculated on the basis of calendar days. Any period of incarceration will not be charged as dead time, however, verification of that incarceration must be obtained prior to crediting it as time served toward the prisoner's Michigan sentences. All dead time shall be added to the escapee's current release dates to arrive at corrected release dates. If the prisoner is released or escapes from the custody of the

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arresting authority, a new period of dead time shall commence and be in effect until the escapee is rearrested.

- X. The TCU shall calculate dead time for escapees as set forth in Paragraph W. If a prisoner has served their maximum sentence less applicable credits after the addition of all applicable dead time, the prisoner's discharge or termination of sentence, as appropriate, shall be processed in accordance with PD 03.01.135 "Discharge/Termination of Sentence."

#### PROCEDURES

- Y. If necessary, to implement requirements set forth in this policy directive, Wardens shall ensure that operating procedures are developed or updated.

#### AUDIT ELEMENTS

- Z. A Primary Audit Elements list has been developed and is available on the Department's Document Access System to assist Wardens with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 11/06/2019