

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 11/21/2016	NUMBER 06.05.103
SUBJECT PAROLE ELIGIBILITY/LIFER REVIEW REPORTS		SUPERSEDES PD 06.05.103 (09/02/2013)	
		AUTHORITY MCL 791.203, MCL 791.233d, MCL 791.235, MCL 800.403a	
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POLICY STATEMENT:

Parole Eligibility/Lifer Review Reports (PERs) shall provide a summary of a prisoner's prior record, adjustment and other information to be considered by the Parole Board, as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. This policy does not apply to prisoners in the Special Alternative Incarceration (SAI) Program.
- B. The Parole Board shall consider prisoners for parole as set forth in PD 06.05.104 "Parole Process."
- C. For prisoners serving a sentence of a term of years, the Parole Board Jurisdiction (PBJ) date is the minimum date less applicable good time or disciplinary credits or, for habitual offenders, as set forth in PD 03.01.102 "Habitual Offenders."

INITIATION OF PAROLE ELIGIBILITY/LIFER REVIEW REPORT (PER)

- D. The Administrator of Office of Research and Planning (ORP) shall notify Wardens when PERs are due for prisoners under their supervision who are serving a sentence of a term of years. Such notification shall be provided at least eight months prior to the prisoner's PBJ date or, for a prisoner previously denied parole, the parole reconsideration date. For a prisoner received less than eight months prior to the PBJ date, such notification will not be provided, instead, the PER shall be due as soon as possible and prepared as set forth in Paragraph G.
- E. Pursuant to PD 06.05.104 "Parole Process," the Parole Board is required to interview a prisoner who is serving a life sentence at the conclusion of ten calendar years of the sentence, and review the prisoner's file every five years thereafter until the prisoner is granted a reprieve, commutation, pardon or, if applicable, parole. This includes prisoners serving a life sentence for a violation of the Controlled Substances Act (MCL 333.7101, *et seq.*). The Parole Board shall notify Wardens that a PER is due for a prisoner serving a life sentence at least eight months prior to each scheduled interview and review date.
- F. A PER also may be requested by the Parole Board for prisoners being considered for a special parole pursuant to PD 06.05.104 "Parole Process."
- G. Each Warden shall ensure PERs are prepared for prisoners under their supervision when notified by ORP or the Parole Board that a PER is due. Wardens of reception facilities shall ensure PERs are prepared as soon as possible for newly committed prisoners who are past due or eligible for parole consideration within eight months of reception. Wardens also shall ensure PERs are prepared as soon as possible when a special parole is recommended pursuant to PD 06.05.104 "Parole Process" for a prisoner under their supervision and when requested by the Parole Board.
- H. When notification is received that a PER is due for a prisoner being considered for transfer, every attempt shall be made to complete the PER prior to the prisoner's transfer. When it is not possible to complete the PER prior to transfer, adequate information shall be provided to the receiving facility to enable timely preparation of the PER. Appropriate staff at the receiving facility shall complete the PER as required.

PER PREPARER

- I. Each Warden shall designate staff to prepare PERs for prisoners under their supervision. The PER preparer shall interview the prisoner and review with him/her the parole consideration process.
- J. Prior to the completion of the PER, the prisoner may request to review the contents of his/her Counselor file, unless the information is exempt from disclosure pursuant to PD 01.06.110 "Freedom of Information Act-Access to Department Public Records" (e.g., Special Problem Offender Notices [SPON]).
- K. The prisoner may present letters, offers of employment and other information supporting parole to the PER preparer. The PER preparer shall make note of this information in the PER and return to the prisoner all written information provided. The prisoner also may present this information directly to the Parole Board if interviewed.
- L. A copy of the completed PER shall be provided to the prisoner. The prisoner shall attempt to resolve any questions regarding the content of the PER with the PER preparer prior to the PER being submitted to the Parole Board. The prisoner may present any unresolved questions regarding the content of the PER to the Parole Board member.
- M. Parole Board staff shall contact the appropriate Bureau of Health Care Services (BHCS) staff for results from any of the prisoner's physical and mental health examinations. BHCS staff shall forward such reports directly to the Parole Board with notification to the PER preparer regarding when the reports were sent. Questions from the Parole Board regarding receipt of required reports shall be directed to the appropriate Warden for resolution.
- N. For prisoners serving life sentences, a 90 day notice containing a list of prisoners eligible for review will be provided by the Parole Lifer and Commutation Unit within the Parole Board, Field Operations Administration (FOA). A Parole Eligibility/Lifer Review Report form (CSJ-123) should be completed within two business days.

CONTENT OF PER

- O. Each PER shall be prepared in accordance with OP 06.05.103 "Preparing Parole Eligibility/Lifer Review Reports," using the Parole Eligibility/Lifer Review Report form (CSJ-123). The report shall contain information as required by MCL 791.235 and any other information requested by the Parole Board, including but not limited to:
 - 1. The active offenses for which the prisoner is serving. For a prisoner subject to disciplinary time, the amount of disciplinary time the prisoner has accumulated which has not been reduced shall be indicated for each active sentence.
 - 2. The prisoner's prior criminal record.
 - 3. The prisoner's overall adjustment while incarcerated or since the last Parole Board review date, as appropriate. This shall include a summary of Class I misconduct violations by the prisoner.
 - 4. The prisoner's identification as a Security Threat Group member, pursuant to PD 04.04.113 "Security Threat Groups," including group name and validation level and date.
 - 5. The prisoner's current status toward completion of programs recommended in accordance with PD 04.01.105 "Reception Facility Services" and PD 05.01.100 "Prisoner Program Classification." For a prisoner sentenced to serve a minimum sentence of two years or more for a crime committed after December 15, 1998, the PER shall indicate if the prisoner is exempt from General Education Development (GED) requirements pursuant to PD 05.02.112 "Education Programs for Prisoners." If not exempt and currently enrolled in GED programming, an estimated date of completion shall be included.
 - 6. The prisoner's adjustment while on parole for an active sentence, if applicable.
 - 7. The prisoner's physical and mental health information.

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8. The prisoner's cooperation in providing information regarding his/her financial assets as required pursuant to PD 04.02.140 "Reporting of Offender Assets."
 9. The prisoner's parole plans unless the PER is being prepared for a prisoner serving a life sentence or being considered for a special parole pursuant to PD 06.05.104 "Parole Process." In such cases, the prisoner's parole plans shall be included only upon request of the Parole Board.
 10. Verification that the Documentation Verification Request (CSJ-489) has been completed.
- P. If a prisoner whose true security level is Level I or Level II chooses commercial placement as his/her only choice of placement, the PER preparer shall encourage the prisoner to list a home placement, and have a thorough discussion with the prisoner to obtain home placement information. The PER preparer shall review the prisoner's visiting list and discuss with the prisoner if any person on the list would be able to provide support and housing if s/he is granted a parole. After this discussion, if the prisoner still chooses commercial placement as his/her only choice of placement, the PER preparer shall e-mail the Parole Supervisor in the county in which the prisoner is to parole and request assistance in obtaining a home placement for the prisoner. The Supervisor shall assign an agent to work with the PER preparer in an attempt to find a supportive, non-commercial placement for the prisoner.
- Q. The PER shall be prepared using information contained in the prisoner's files, an interview with the prisoner, and, when appropriate, input from family and friends who are willing to provide housing for the prisoner. The PER shall not include a recommendation for or against parole.
- R. Staff shall ensure a Documentation Verification Request (CSJ-489) has been completed. If a CSJ-489 has been completed for the prisoner, the PER preparer shall review the CSJ-489 with the prisoner to determine if the information is still accurate. If a CSJ-489 has not been completed for the prisoner, the PER preparer shall complete the form with the prisoner. The PER preparer shall assist the prisoner in obtaining a birth certificate and/or Social Security Card if s/he does not already have these documents.

OPERATING PROCEDURE

- S. Wardens and the FOA Assistant Deputy Directors shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive within 60 days of the effective date.

AUDIT ELEMENTS

- T. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 10/20/2016