



## Office of Legislative Corrections Ombudsman

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### **Special Problem Offender Notice (SPON)**

The following information is based on Policy Directive 03.03.110 “Special Problem Offender Notice” and Policy Directive 05.01.140 “Prisoner Placement and Transfer.”

Information about dangerous or potentially dangerous offenders, and known or potential conflict situations between offenders, shall be reported, investigated and documented as a special problem offender notice (SPON).

#### **SPON Initiation and Investigation:**

1. Staff is responsible for initiating a SPON when specific and reliable information is received that warrants the issuance of a SPON..
2. A SPON must be issued whenever a prisoner is believed to present a genuine threat to the safety of an identified prisoner, volunteer, employee, or the order/security of a facility;
3. A SPON must be issued whenever a prisoner requires protection from another prisoner due to a known conflict. Examples include:
  - a. An act or threat of violence to or by a prisoner;
  - b. A prisoner is a serious escape risk;
  - c. When there is a gang vendetta;
  - d. When a prisoner has testified or provided information against another prisoner; or
  - e. When a prisoner in a MDOC facility has an immediate family member working or housed in any MDOC facility.
4. Before a SPON is issued, a thorough investigation must be conducted to determine if a SPON is actually needed. SPONs will not be issued based on general allegations that are not supported by the investigation.
  - a. SPONs are not intended to be issued for every confrontation or fight.
  - b. A SPON will not be issued if a prisoner fails to provide sufficient information to investigate the need for a SPON and it cannot be otherwise substantiated.
5. If, after the investigation, a SPON is believed to be needed, a Special Problem Offender Notice form (CAJ-544) will be completed for each prisoner to whom the SPON applies.

6. The SPON form and all supporting documentation will be forwarded to the Warden or Deputy Warden for approval.
7. If approved, the preparer will ensure that the SPON information is entered in the MDOC's computerized database (OMNI).

**Placement of Offenders with SPONS:**

1. When an offender with a SPON has been issued a transfer, SPON information is to be included on the transfer order.
2. A prisoner with a SPON is not to be housed in the same facility as another prisoner identified on his/her SPON form.
3. A prisoner with a SPON is not to be housed in a facility where an immediate family member identified on the SPON form is employed, unless prior approval is given by the CFA Deputy Director.

**SPON Review/Removal:**

1. SPONS are reviewed during security classification review or at the request of a prisoner with a SPON to determine if the SPON is still needed.
2. When a SPON is believed to be no longer necessary, a thorough investigation is to be done to determine if the SPON should be removed. A written report of the investigation goes to the Warden who determines if the SPON should be removed.
  - a. However, if the Warden wants to remove a SPON issued by another Warden, the report, along with his/her recommendation, is to be sent to the issuing Warden, or his/her successor.
  - b. The SPON will be removed if that Warden agrees the SPON should be removed.
  - c. If s/he does not agree and the initiating Warden still believes the SPON should be removed, the report and recommendation is forwarded through the chain of command to the CFA Deputy Director to make the final determination. The appropriate Wardens shall be notified of the final determination.
3. Whenever a SPON is to be removed, the Warden where the offender is housed shall ensure that the SPON form is removed from the prisoner's commitment files and the MDOC's computerized database (OMNI).
4. A memo should be placed in the commitment files indicating where the SPON was issued, the date it was made effective, the date/reason it was removed and the location it was removed. The original SPON form and report of investigation is to be retained for at least 3 years at the location where it was removed.