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The following represents responses to some frequently asked questions I have been receiving since the last update and has not been covered in previous LCO COVID Updates.

#### MDOC guidelines for housing unit fans/air circulation

There are basically 3 types of fans used inside housing units: ceiling style fans, floor/box fans, and air handling units. The first two are used predominantly in open bay style housing units (the pole barn style units). The last is common inside cells in the more "permanent" style prisons (such as Macomb and Saginaw).

Ceiling fans and floor fans are not to be used right now based on the direction of MDOC's Environmental Services Section and Healthcare staff. Those fans can move particulates within a unit without any form of filtration and spread the virus to others inside the unit.

Air handlers can be used because they don't project particulates in the same way and they have inline filters. Facilities have all received information about the appropriate filter usage.

#### Face masks and prisoner misconducts

MDOC advises there is no set rule about issuing a specific misconduct (Class I, II, or III) because the misconduct is dependent on the specific situation. For example, has the prisoner continually failed to wear their mask, have they ignored staff when told to wear their mask, have they become argumentative with staff, is this being done on assignment where they are creating a greater risk, etc? This would be a Class II or III misconduct only after the prisoner has been given the opportunity to wear a mask (or previous direction to wear one). Sanctions are the purview of the hearings officer and again would need to reflect the details of the specific situation.

I recommended that MDOC develop more specific guidelines for facility staff when considering writing a ticket for failure to wear masks or other behaviors at this time until the prison environment returns to some type of normal operations. However, that has not occurred at this time and it is unknown whether MDOC will provide these guidelines.

## COVID swab or antibody test refusal

There are two types of tests being conducted in prisons – the PCR/Swab test for active illness and the Antibody Blood test for illness exposure – and these two tests are handled differently.

PCR/Swab for Active Illness – A prisoner refusing to complete this test is not issued a misconduct, but is placed in quarantine status as a Person Under Investigation for 14-days to see if symptoms develop. A prisoner can leave quarantine status by completing a negative test or after 14 days if no symptoms develop.

Antibody/Blood Draw for Illness Exposure – This is a voluntary test and a prisoner can decline without receiving a misconduct or being placed in quarantine. This information was relayed to the facilities conducting antibody testing this week to make sure prisoners (and staff) are aware. Overall, MDOC has seen limited refusals for either test type, as prisoners generally want to know their status.

Some prisoners are candidates for both types of testing, so a refusal for the PCR swab would result in a placement in quarantine, but as the antibody test doesn't tell MDOC current status, it isn't being used for movement or placement of prisoners at this time, but is very useful information.

## Prisoner COVID testing

As you may be aware, the MDOC has partnered with the Michigan National Guard to conduct mass COVID and antibody testing beginning in the Upper Peninsula and continuing in downstate facilities. This has enabled the MDOC to identify which prisoners are positive for COVID even if they have not experienced active symptoms. As seems to be the case in the community, many prisoners have tested positive for COVID with no symptoms or very mild symptoms that went unreported. This has allowed the MDOC to separate the positive and negative prisoners to help slow down the infection rate within the prison system.

## Incoming Funds taken for restitution/court fees

I have had a lot of questions asking if the MDOC can/will stop taking funds when loved ones send money to their incarcerated loved ones so they can use that to purchase more things from the store since the monthly amount prisoners can spend has been increased.

MDOC doesn't have any choice with the restitution dollars, it's required by law. MDOC policy simply reflects the law in regard to restitution collection and sends the money to the court for distribution to crime victims. It would require legislative action to change the law for this to stop which I don't expect at this time, at least not in the short term. You can find the law at:

<http://legislature.mi.gov/doc.aspx?mcl-791-220h>

The removal of other court-ordered fees is not specifically statutory (in terms of how these funds are collected), but uses the same approach as restitution unless the court orders a different payment schedule. MDOC says it is not currently considering

suspending these collections as they are valid court ordered payments to children or the courts.

MDOC advised they don't consider these "confiscated funds" or keep them, they collect the funds on behalf of the parties that have a legal court order for their collection based on the court orders. MDOC indicated they understand some families don't like to see their deposits partially directed to those costs, but believe that waiving prisoner's legal obligations to allow for more store purchases sends a message to the people who have been impacted like the prisoners' children for whom they have a support obligation.

#### Free Phone calls

The MDOC telephone vendor, GTL, has dropped its free service for free prisoner phone calls a week during the pandemic from two to one call per week. MDOC has notified the prisoner population, and I have explained this to many of your constituents. MDOC said they didn't agree with the decision, but have no way of dictating how many free calls GTL provides because of contractual obligations. GTL had offered the free phone calls after MDOC contacted them to see if the company could assist it with maintaining family contact since in-person visits have been suspended during the pandemic. GTL justified reducing the free phone calls to one stating that the two free calls was no longer a sustainable model for them.

#### County Jail transfers to state prison

The Governor's Executive Order preventing county jails from transferring prisoners to the state prison system has ended and county jail inmates will start to be transferred to the Egeler Reception and Guidance Center as they were before the pandemic beginning this month.

There has been a decline in the prison population during the pandemic because county jail inmates have not been sent to the state and due to the increase in paroles. The population is now just less than 37,000 prisoners and small increases to the state prisoner population will likely be seen as this process reengages.

All newly transferred county jail inmates will be given the PCR/Swab test and those refusing will be quarantined.

#### Additional COVID information

The MDOC has maintained the numbers of prisoners and staff who have tested positive and negative for COVID along with many frequently asked questions the MDOC has received from prisoners' loved ones and the MDOC's responses throughout the pandemic. That information can be found here:

<https://medium.com/@MichiganDOC/mdoc-takes-steps-to-prevent-spread-of-coronavirus-covid-19-250f43144337>

As always, if you have any general or specific concerns of your own or from your constituents, please do not hesitate to contact the Ombudsman Office.