Annual Regulatory Plan 2020-2021

Department of Corrections, Bureau of Correctional Facilities

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

None

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

None at this time. Due to the COVID-19 crisis, the Department doesn't anticipate rescinding obsolete rules during this period, however, we will continue to work towards this goal. As it relates to rules governing the county jails, these rules ensure the safe design and operation of county jails in Michigan. No new legislation has been passed in the last year making any of these rules obsolete or superseded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

N/A – A small number of jails have expressed concerns about Use of Force policies required by these rules, but the MDOC does not believe changing this rule would be appropriate in light of its purpose.

    A. Whether there is a continued need for the rules.

Yes, these rules are important for the sake of maintaining safe and humane county jails.

    B. A summary of any complaints or comments received from the public concerning the rules.

Some sheriffs dislike state involvement in their operations. Some members of the public have expressed a desire to see the MDOC more involved in overseeing these operations (which the MDOC does not favor), especially as some jails are housing ICE detainees, which is drawing more attention to these operations.

    C. The complexity of complying with the rules.

The rules have been in place for many years and compliance is not difficult.

    D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

N/A

    E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last evaluated in January of 2018 as the MDOC intensified the jail inspection process. Technology can have some impact on the rules in terms of cameras and other technology being used to meet certain requirements.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/914_10878_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

No action items were listed for this rule set in the previous ARP.

Department of Corrections, Executive Bureau

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021. [Give brief description.]

> **The MDOC believes that a number of rules need to be amended, deleted, or added to this rule set, but due to the COVID-19 pandemic, our current workload, and the comprehensive nature of the rule set, the Department does not believe it will be ready to propose a completely amended rule set this year. The MDOC will be putting together a multi-disciplinary team to review the rules starting later this year.**

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

> **The MDOC would prefer to propose a complete rule set package, rather than simply removing obsolete rules, since these rules are closely interconnected. 791.4410, 791.4420, and 791.4425 are all obsolete, as are others.**

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

> **No, there are no statutorily required rules that are awaiting promulgation.**

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

> **N/A – The rules only apply to the MDOC.**

> **A.** Whether there is a continued need for the rules.

> > **Yes, the MDOC needs to maintain many of the rules to be able to function as an agency.**

> **B.** A summary of any complaints or comments received from the public concerning the rules.

> > **We receive comments from prisoners and the public about potentially restrictive or punitive rules, specifically around visiting and misconducts. The MDOC believes these rules are necessary to operate safe and orderly facilities.**

> **C.** The complexity of complying with the rules.

> > **The rules have been in place for many years and the Department is complying with them.**

> **D.** Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

> > **N/A**

> **E.** The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

> > **A full review has not been completed in the last 3 years, but the MDOC will be creating a workgroup to review the rules in their entirety over the next year in the hopes of proposing changes in the next ARP.**

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

http://dmbinternet.state.mi.us/DMB/ORRDocs/AdminCode/1556_2015-052CO_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

The Department did not make significant progress on the items in the 2020 ARP due to staff turnover, changes, and the COVID-19 pandemic. Administrative Rules will be a focus for the Department during the upcoming year.