

MINUTES
OF THE
JOINT COMMITTEE ON PRISON DISTURBANCES

June 16, 1981
5:00 P.M.

1st Floor Conference Room
Roosevelt Building

Representative Jeffrey Padden called the meeting to order at 5:10 P.M.

Members present were: Representatives Padden, Henry, Lalonde, Griffin and
Cropsey.
Senators Brown, Pierce, Irwin and Arthurhultz.

Members absent were: Representatives Kilpatrick and Owen.
Senators Holmes, Gast and Mowat.

Staff: Mary Kay Scullion and Jim Boyd.

Also present were: Representative Mary Keith Ballantine,
House Corrections Committee
Representative Debbie Stabenow,
House Corrections Committee
Mick Meddaugh for Senator Gast
Tom Olechowski for Senator Holmes
Anne Fett, House Democratic Staff
Leonard Esquina, Jr.,
Legislative Corrections Ombudsman
Clayton Burch,
Legislative Corrections Ombudsman's Office
Sue Herman,
Legislative Corrections Ombudsman's Office
Bert Useem, Center for Research on Social
Organization, University of Michigan
Kevin McKinney, Senate Fiscal Agency
Dick McKeon, House Fiscal Agency
Jerry DeJuliannie, Senate Fiscal Agency
Barry Mintzes, Warden, SPSM
Elton Scott, Deputy Warden, SPSM
Michael Wenzel, Legislative Service Bureau
Pat Donath, House Republican Office
Lynn Welmeister, House Republican Office
Tom Patten, Department of Corrections
Greg Hoyle, Michigan Council on Crime and Delinquency
Gerry Fryt, Michigan Corrections Organization
Fred Park, Michigan Corrections Organization
Dave VanKoevering, Michigan Corrections Organization
Dale Davis, Michigan Sheriff's Association
William F. Siewertsen,
Office of Highway Safety and Planning
Harry Downs
Stanley Stoddard
Brian Walsh

After several administrative announcements, Representative Padden announced that the Joint Committee would interview Warden Barry Mintzes and Deputy Warden Elton Scott in connection with the disturbances at the State Prison of Southern Michigan.

May 20, 1981 - Mobilization/Shakedown

At the Wardens' and Superintendents' quarterly meeting in April, it was decided to omit all other kinds of drills and training exercises in connection with the spring mobilization, and to focus on shakedowns in all institutions. To make effective use of staff available for the mobilization at SPSM, the shakedown was to be concentrated for weapons only; not for property.

In a mobilization, off-duty staff are called in to work with the regularly assigned staff. In the mobilization/shakedown of May 20, 1981, the following staff were used:

Civilians--Maintenance & Teachers	152
Corrections Officers	68
Total	<u>220</u>

Of the civilians, there were some with no custodial training or experience. Staff was divided into teams of four to five under the supervision of a resident unit officer, with each team responsible for shaking down a specific area. The shakedown covered approximately 2400 cells in four hours.

In reviewing these details with Warden Mintzes and Deputy Warden Scott, Joint Committee members expressed concern that these plans could result in staff with no custodial experience entering cells alone to shake them down. Deputy Scott indicated this was not unusual, that team members were at all times under the supervision of a Resident Unit Officer.

In computing the time of five minutes per shakedown per cell, joint committee members asked if this was considered to be adequate. Deputy Scott felt that in some cases, it was adequate; in others, probably not. He indicated the time per shakedown varies according to the amount of legal property the resident has in the cell, and according to the kind of shakedown. Because this was a weapons shakedown only, the search was conducted differently than if it had been a shakedown for property. Shakedown results also vary--some shakedowns turn up many more weapons than others in less time.

Because Joint Committee members noted there have been indications that staff and inmates knew about the mobilization/shakedown one to two weeks before it occurred, a May 14, 1981 memo about a mobilization/shakedown from Deputy Scott was discussed as a possible cause. Warden Mintzes indicated that only he, Deputy Director Robert Brown and Training Director Richard Johnson had prior knowledge of the mobilization/shakedown scheduled for May 20, 1981. The memo in question was a handout prepared for distribution to team leaders on the day of the mobilization/shakedown. It was not distributed earlier.

Deputy Scott made the point because DOC policy mandates an annual mobilization, and that, historically, it has been in the spring, it was not unusual for those kinds of rumors to be spread. Deputy Scott also maintained the May 14 memo was

worded so generally that it could have been used at any time; from reading it no one could have predicted when a mobilization/shakedown would actually occur, or that one definitely would occur.

In answer to questions about a report-evaluation of the mobilization/shakedown, Warden Mintzes indicated that there was an immediate staff critique of procedural details; in addition, team leaders compiled reports on their operations. However, these have not yet been summarized into a single report.

At this point, upon Senator Brown's request, the Joint Committee asked Warden Mintzes to discuss his philosophy, and tabled discussion of the Chronology of Events until later in the meeting.

Philosophy

In responding to this request, Warden Mintzes discussed the importance of staff and inmates working together. The state maintains control over rules, procedures and guidelines but the goal is to achieve a balance so that both inmates and staff perceive some degree of fairness and understanding in what is expected. He cited the need for opportunities for change--for the constructive outlets of education, vocation and recreation. When asked how he would design a penal system, Warden Mintzes recommended establishing smaller (pop. 500-600) institutions while eliminating the larger ones, and emphasized that there is never enough staff. He was asked to provide the Joint Committee with written suggestions for Jackson, which would be in line with the objectives he expressed.

In a wide-ranging examination of the relationship of theory to practice, members focused their questions on a variety of areas including:

- 1) arming of guards;
- 2) single cells for inmates;
- 3) communication between frontline staff and top level administrators;
- 4) critical staffing levels;
- 5) violence in the prison--specifically, inmate on inmate;
- 6) shakedown policies and procedures;
- 7) effect of the passage of the "good time" proposal; and
- 8) regional prisons.

In addition, SPSM statistics from the most recently released report of the Auditor General were cited by Representative Henry as indicators that theory was being lost in administration. It was recommended that all these factors be reviewed in connection with tensions and disturbances in the institutions.

May 21, 1981 - MOC Resolution, Assault on Officers

In discussing the MCO Resolution, Warden Mintzes stated that it had been presented to him as a reflection of the MCO membership's attitude--it stated that an action would be taken somewhere and at some point in time, but gave no specific information as to what, where or when. He stated it was not possible to anticipate the action that was taken on May 22, 1981 from the MCO Resolution.

In response to questions about the assault on the officers, Deputy Scott discussed the actions he had taken immediately following the assault to resolve the situation. At the hospital later that evening, in conversations with the officers and their families, Deputy Scott had no indication that any of them believed the assault was premeditated, or that any job action was planned in connection with it. He further stated that inmates' reaction at the arrival of the ambulance was not unusual, and that the assault on either of the officers could not have been predicted. There was some discussion of a previous assault on Officer Kelly, but Warden Mintzes explained that from the circumstances he saw no relationship between that assault and the one under discussion.

May 22, 1981 - Chronological List of Events

In reviewing this chronology with Warden Mintzes and Deputy Warden Scott, joint committee members discussed the following with them:

- 1) the information prison officials received about decisions and events which disrupted the daily routine, and the effect on the inmates;
- 2) when the officials received this information;
- 3) the decisions of administrators at critical times; and
- 4) the objectives behind those decisions.

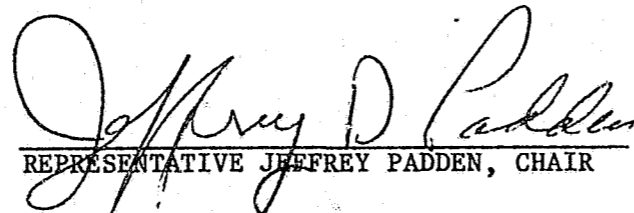
The administrators indicated one of their major objectives had been to keep inmates informed about what was actually happening to counteract widespread rumors about what might happen.

An area of particular concern involved the communication between administrators/supervisors and officers who were MCO officials. There are unresolved differences at this time.

The movement of prisoners from the yard was extensively discussed. Both Warden Mintzes and Deputy Warden Scott supplied the Joint Committee with much detail about the usual schedule and movement of inmates, as contrasted with what occurred on the morning of May 22. In particular, they felt movement from the yard was delayed that morning because of widespread rumors generated by the changes in routine which had occurred and were occurring.

At this point, Representative Padden indicated it was time to adjourn the meeting, and asked Joint Committee members present for a decision on how to proceed. It was agreed that the interviews should continue. Warden Mintzes and Deputy Scott indicated they would return for the meeting on Thursday morning, at 8:00 A.M.

Representative Padden adjourned the meeting at 8:10 P.M.


 REPRESENTATIVE JEFFREY PADDEN, CHAIR

JP:sg

MINUTES
 OF THE
 JOINT COMMITTEE ON PRISON DISTURBANCES

June 18, 1981
 8:00 A.M.

1st Floor Conference Room
 Roosevelt Building

Representative Jeffrey Padden called the meeting to order at 8:05 A.M.

Members present were: Representatives Padden, Henry, Lalonde, Griffin, Cropsy and Kilpatrick.
 Senators Brown and Pierce.

Members absent were: Representative Owen.
 Senators Holmes, Gast, Mowat, Irwin and Arthurhultz.

Staff: Mary Kay Scullion and Jim Boyd.

Also present were: Representative Mary Keith Ballantine,
 House Corrections Committee
 Representative Debbie Stabenow,
 House Corrections Committee
 Mick Meddaugh for Senator Gast
 Tom Olechowski for Senator Holmes
 Ann Waidley for Senator Pierce
 Tony Randall, Senate General Counsel
 Anne Fett, House Democratic Staff
 Leonard Esquina, Jr.,
 Legislative Corrections Ombudsman
 Sue Herman,
 Legislative Corrections Ombudsman's Office
 Bert Useem, Center for Research on Social
 Organization, University of Michigan
 Kevin McKinney, Senate Fiscal Agency
 Dick McKeon, House Fiscal Agency
 Jerry DeJuliannie, Senate Fiscal Agency
 Barry Mintzes, Warden, SPSM
 Elton Scott, Deputy Warden, SPSM
 Michael Wenzel, Legislative Service Bureau
 Pat Donath, House Republican Office
 Cheryl Fischre, Counsel to House Judiciary Committee
 Tom Patten, Department of Corrections
 Greg Hoyle, Michigan Council on Crime and Delinquency
 Gerry Fryt, Michigan Corrections Organization
 Fred Park, Michigan Corrections Organization
 Dave VanKoevering, Michigan Corrections Organization
 Dale Davis, Michigan Sheriff's Association
 Roger Ceglarek
 Jeff Dongvillo, Michigan Catholic Conference
 Hugh Wolfenbarger, Michigan Corrections Organization
 Gordon Gotts, Michigan State Troopers Association
 Richard Putney, Michigan State Troopers Association

At the beginning of the meeting, there was discussion of the Joint Committee visit to the State Prison of Southern Michigan (SPSM) scheduled for Friday, June 19, 1981. Because members will need additional time to interview a representative sampling of administrators, staff and inmates at both Northside and the Central Complex, it was agreed by members present to schedule a second day of interviews for Monday, June 22, 1981, and reschedule the visit to the Michigan Reformatory at Ionia.

Because the Michigan Corrections Organization (MCO) has called a strike vote for Tuesday, June 23, 1981, members present agreed to end discussion of the SPSM chronology in time to allow for a review of strike contingency plans with Warden Mintzes before the end of the meeting.

SPSM Chronology

Turning to the chronology of disturbances at SPSM, Joint Committee members focused on the activities from 9:45 when the yard bugle was blown until 11:55 when 3-block was taken by inmates.

In attempting to clarify the sequence of events, there was extensive discussion of the unauthorized actions by staff--orders for the lockdown, traffic stoppages and refusal to unlock for lunch. The point was made that the officers involved were acting in their capacity as union members and officers, and not in accordance with their responsibilities as prison staff. Warden Mintzes, in response to members' questions, maintained that it was this combination of actions which triggered the disturbance of May 22, 1981.

Also of concern were:

- 1) the number of inmates who remained in the yard for longer than the usual time, and the reasons for this; and
- 2) communication and actions taken by prison officials in response to what was occurring in the prison and in the yard.

In response, Warden Mintzes asserted that during this time he had no knowledge of plans for an indefinite lockdown. He also felt that given the unusual circumstances, the response times and action taken by administrators to deal with these events were within reasonable bounds; there was no perception that the situation had reached the point where armed force was necessary.

Continuing the chronology, members reviewed the actions of gun squads during the disturbance, and were concerned with clarifying the use of force, especially deadly force, during a disturbance. After describing hypothetical situations in which warning shots, shots to disable and shots to kill might be fired, Warden Mintzes indicated that the intent of DOC policy was that officers use the minimum amount of force according to the needs of the situation, to bring it under control. When to fire and how remain judgements of the officers involved, and permission from a supervisor is not required. There was some committee discussion and questions about alternatives to deadly force; however, no conclusions were reached.

Contingency Plans

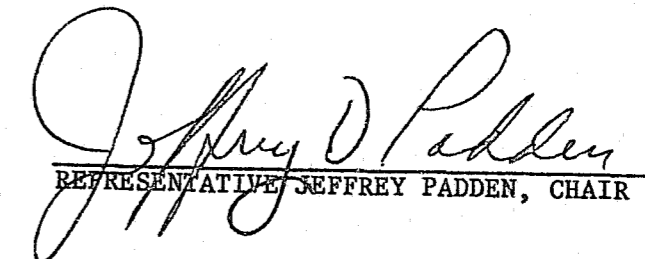
Questions by the Joint Committee established that the routine during the lockdown in effect since the disturbances includes: 1) feeding in cells, 2) health service, and 3) escort service for visits (hours have been curtailed), showers, medical treatment and some telephone calls. However, should a strike by MCO members take place, operations would be limited to food service and essential medical care. Both officials emphasized the importance of communicating with the residents about what was occurring, and extensive use of the inmate radio to assure residents they would not be left unattended.

Members also expressed concern about the process to end the lockdown and the steps being taken to prepare inmates and staff. Deputy Warden Scott indicated that termination planning is scheduled and will include representatives from the labor organizations and from the custodial staff.

SPSM Visits by the Joint Committee

Representative Padden announced that information about the SPSM visit has been delivered to Joint Committee members' offices. Those wishing to go were to confirm by noon Thursday, June 18, 1981.

There being no further comments, Representative Padden adjourned the meeting at 10:05 A.M.


 REPRESENTATIVE JEFFREY PADDEN, CHAIR

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