

THE EFFECTS OF MASS INCARCERATION ON CONDITIONS OF CONFINEMENT IN MICHIGAN'S PRISONS

By Peter J. Martel



Confiscated Goods by Bryan Picken

The long flow and recent ebb of Michigan's prison population is relatively well known: during the three decades spanning 1976–2006, the number of individuals locked up in our state's prison system grew from fewer than 12,000 to more than 51,000. From 2007 until present, the prison population declined, dipping below 42,000 for the first time since 1995.¹ Throughout those four decades, however, the conditions of confinement in our prisons continued to deteriorate across the board. People were crowded into smaller quarters. Maintaining or developing ties to families and communities became more difficult. Shortages in programming required for release on parole kept people in prison longer than required by sentencing judges. Adequate food, medication, and personal hygiene products became more difficult to obtain. In these and other ways, the conditions of confinement for those locked up in Michigan's prisons have become increasingly harsh and punitive throughout the era of mass incarceration.

Housing

Before the sharp increase in the prison population in the late 1970s and '80s, Michigan had three major prisons, each with prison camps and farms nearby: the State Prison of Southern Michigan in Jackson, the Michigan Reformatory in Ionia, and the Marquette Branch Prison in the Upper Peninsula. In the 1980s, as the prison population grew and those facilities became overcrowded, conditions declined, creating problems with safety, sanitation, and healthcare. The U.S. Department of Justice filed two class-action lawsuits against the state, resulting in a host of federal court orders directing the Michigan Department of Corrections (MDOC) to bring its facilities into compliance with constitutional standards. The litigation spanned 30 years from 1985 to 2015.

In response to the litigation and surging prison population, Michigan opened an astonishing 25 new correctional facilities between 1985 and 1995. In addition to those new facilities, MDOC also began double-bunking prisoners in the 1990s, where two prisoners shared a cell designed for one occupant. The practice of increasing prison capacity continued over the years as cubicles designed to house four people were housing six or even eight. Elsewhere, rooms that were never designed to house prisoners, such as offices and TV rooms, were converted into housing areas because of overcrowding.² Throughout these years, the baseline of how prisoners were expected to “do their time” changed drastically, creating an environment where individuals no longer had any retreat from others. The polar opposite of solitary confinement—double-bunking and cubicle settings—left those incarcerated with no opportunity for respite or privacy.

Contact with family and community support

Research shows that visitation and maintaining family ties are two of the best ways to reduce recidivism.³ Bonds to family

Fast Facts

1. The explosion of Michigan's prison population from 1975 through 2006 led to conditions of confinement that were often detrimental to prisoners' rehabilitation.
2. As conditions became more harsh and the environment became more volatile, it also became more difficult for prisoners to maintain contact with family and participate in rehabilitative programs.
3. Before closing correctional facilities and camps to directly coincide with the decrease of the prisoner population, we should consider recalibrating the conditions inside to provide an environment more conducive to rehabilitation.

members and the community promote successful reentry into society after a prison sentence by providing assistance with things like housing, transportation, employment, and education and training. During a prison sentence, developing or maintaining those bonds is accomplished through visitation, telephone calls, and correspondence. Mass incarceration has made these means of connection difficult.

Visitation has become increasingly burdensome for family members or friends for a number of reasons: the introduction of new procedures required to become an approved visitor, increased travel time to distant correctional facilities, and the reduction of available visiting hours.

In the mid-'90s, as a response to overcrowded visiting rooms, MDOC instituted statewide procedures for people wanting to visit prisoners. Before being allowed to visit someone in a state prison, friends and relatives must first be added to a prisoner's visiting list—something that can happen only once every six months. After being added to the list, potential visitors are then required to submit applications to the prison and wait for approval, which is by no means automatic. Once they receive approval from prison administrators, visitors are allowed to meet with prisoners only during regularly scheduled visiting hours on assigned days. Officials expected these new procedures to reduce the number of visits by 10–15 percent, but the burdens created by the new procedures instead reduced visitation by approximately 50 percent.⁴

Additionally, most of the new facilities that opened during the '80s and '90s are located far from southeastern Michigan. This is important because most of the people we incarcerate (and their family members) are from southeastern Michigan, and long travel times make visits more difficult to carry out. MDOC currently operates seven correctional facilities located in the upper peninsula. Ojibway Correctional Facility—a minimum security facility that should be a reward for good

behavior—is nearly 600 miles from Detroit. In comparison, Montreal and Nashville are closer to Detroit than Ojibway Correctional Facility.

Most recently, in an effort to address staffing demands, MDOC reduced available visiting hours across the board and eliminated visits on Tuesdays and Wednesdays statewide. When these reductions caused overcrowded visiting rooms, long waiting times for visitors, and visits being terminated early to allow others to visit, Tuesday and Wednesday visiting hours were reinstated, but only at a small number of facilities.

When family members or friends cannot make in-person visits, they must rely on mail, phone calls, or a secure e-mail system that requires prisoners to purchase a tablet designed specifically for use inside prisons. Throughout the years, prisoners and their family members or friends have been charged high rates to place long-distance phone calls. Although Michigan is one of the states that has reduced the cost of phone calls, prisoners or the recipients of their calls continue to pay at least \$2 for every 15-minute call. Paying this fee is often the only way for many prisoners to speak with their parents, spouses, or children. Verbal communication is vital, given the fact that at least 40 percent of prisoners are functionally illiterate (as evidenced by litigation over MDOC's burdensome visitation procedures).⁵

Access to programming

In Michigan, prisoners are eligible for release on parole once they have served the entirety of their minimum sentence. To be granted parole, however, they are generally required to successfully complete programs recommended at intake. For those incarcerated for committing sex offenses or other violent crimes, MDOC has a long history of refusing to provide the required programming until a prisoner has already served his or her minimum sentence. For more than two decades, there have been waiting lists for prisoners to get into Assaultive Offender Therapy (now replaced by the Violence Prevention Program) or Sex Offender Therapy. Often, those on the waiting list for the 6- or 12-month group therapy program have already served their minimum sentence and are denied parole—for the very reason that they have not successfully completed the required programming.

In recent years, MDOC has made significant strides in addressing the wait lists. In 2012, there were 1,254 prisoners who were “post-ERD”—they had served their minimum sentences and were therefore eligible for parole, or past their earliest release date.⁶ By 2016, MDOC had reduced the number of people who were post-ERD to 348.⁷ But the issue continues to be a concern given the lack of sufficient space to run the programs on the one hand and the high number of prisoners required to complete these programs on the other, as well as staffing shortages.

Costs and wages

An enduring misconception about prison life is the extent to which prisoners are provided free necessities or allowed to “live off of the state” during their incarceration. While clichés like “three hots and a cot” may still be technically true—that is, prisoners in Michigan *are* still provided three meals a day and some sort of cushion or surface to sleep on—the decades-long mission to create more efficiencies at MDOC has created a harsher and more austere environment. For instance, prisoners' wages for work assignments have generally decreased over the past decade. Though the policy directive still lists the same wages for workers—indeed, the wages listed in the directive have not changed in at least three decades—MDOC has implemented procedures to pay prisoners less for the same work.

A majority of the work assignments available to Michigan prisoners consist of working in the chow hall, on the yard crew, or in a housing unit as a porter.⁸ Yard crew workers and housing unit porters earn between 74 cents and \$1.54 a day. Chow hall workers earn between 17.5 and 32.5 cents an hour.⁹ Up until 2007, chow hall workers could also earn monthly bonuses of \$20–\$40, depending on their job.

Upon reaching the skilled wage (32.5 cents an hour) and earning a bonus, a prisoner working in the chow hall could occasionally send some of his or her earnings home, if only as a symbol of support—helping to raise children or toward household bills. Alternatively, earnings could be saved throughout a prison sentence to be used for initial expenses upon release. Through hard work, patience, and frugality, some small amount of savings could be accumulated.

Over the years, however, earnings for these jobs have decreased. Chow hall workers, for instance, no longer receive monthly bonuses; their earnings are capped at 32.5 cents an hour. Similarly, hours for yard crew workers and housing unit porters have been reduced and monthly pay is prorated for half-days of work, effectively cutting monthly paychecks in half.

As earnings stagnated, a number of new expenses arose. For example, MDOC started charging prisoners \$5 copays for healthcare visits. State soap, deodorant, and toothpaste¹⁰—items that were once provided monthly for free to inmates who could not afford to buy them at the commissary store—are no longer provided.¹¹ Over-the-counter medications, once available through healthcare staff during a medical visit if necessary, have to be purchased through the commissary store.¹² Small supplies of writing paper and envelopes that were once passed out for free at the beginning of every month also became available by purchase only.

Commissary items have also increased in price over time as costs for those products increased in free society. For example, a 24-count bottle of Aleve® currently costs \$4.72. A 4.6-ounce tube of Colgate® toothpaste costs \$3.82. A 3-ounce container

of Speed Stick® deodorant costs \$3.49. A 10-pack of Bic® pens costs \$2.39. A regular envelope stamped for 49 cents costs 56 cents. With yard crew workers or housing unit porters often earning less than \$12 a month on prorated paychecks, a modest commissary order quickly exhausts that month's earnings.

Probably the biggest change as a result of mass incarceration and the effort to trim runaway corrections budgets is the “three hots” provided in the chow hall. Over the past 20-plus years as the MDOC administration has struggled to find additional ways to save money, the quality of food served to prisoners has steadily declined. Prisoners are currently fed a little more than a dollar's worth of food a day. Recent news coverage has focused on the prisoner protests and disturbances at correctional facilities, highlighting the poor performance of privatized food services.¹³ But many long-term prisoners have reported to the American Friends Service Committee's Michigan Criminal Justice Program¹⁴ that portion sizes and food quality were in decline long before food service was privatized in 2012. Many prisoners no longer go to breakfast because it's not worth the trip to the chow hall. Some have reported relying on eating ramen noodles in place of lunches and dinners served in the chow hall because the quality of the food has become so poor.¹⁵

Food quality and portion sizes, living quarters, work opportunities, access to rehabilitative programming, and staying connected to one's family are only some of the aspects of prison life negatively affected by mass incarceration. Issues such as delivering adequate mental healthcare in a carceral setting, the high costs of an aging prison population,¹⁶ and the effect on staff and their families of working in such a volatile, high-stress environment are issues that warrant separate articles of their own.

Work continues on smarter responses to crime, better use of tax dollars, and reducing prison populations. As new programs and methods are developed to accomplish this work, we should keep in mind the harsh conditions created by mass incarceration as well as the effect on prisoners' families and friends, prison staff, and the general public. The ultimate question is whether these conditions are helping or harming returning citizens' chances of living a life free of crime upon release. ■



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ENDNOTES

1. MDOC, *2015 Statistical Report* (2015), p C-12 <https://www.michigan.gov/documents/corrections/MDOC_2015_Statistical_Report_-_2016.08.23_532907_7.pdf>. All websites cited in this article were accessed August 7, 2017.
2. Egan, *Budget Cuts Would Hit Michigan's Prison for Women the Hardest*, Detroit Free Press (May 4, 2017) <<http://www.freep.com/story/news/local/michigan/2017/05/04/michigan-budget-women-prison/101283020/>>.
3. Rabuy & Kopf, *Separation by Bars and Miles: Visitation in State Prisons*, Prison Policy Initiative (October 20, 2015) <<https://www.prisonpolicy.org/reports/prisonvisits.html>>; see also *Bazzetta v McGinnis*, 148 F Supp 2d 813, 851 (ED Mich, 2001) (citing evidence that prisoners who maintained quality contact with three people during their incarceration were one-sixth as likely to return to prison within one year of release).
4. *Bazzetta*, 148 F Supp 2d at 821.
5. *Id.* at 851.
6. MDOC, *Assaultive Offender and Sex Offender Programming Report—2nd Quarter* <http://www.michigan.gov/documents/corrections/04-15-12_-_Section_913_382493_7.pdf>.
7. MDOC, *Assaultive Offender and Sex Offender Programming Report—2nd Quarter* <http://www.michigan.gov/documents/corrections/Section_9133_2nd_Quarter_558788_7.pdf>.
8. Working in the chow hall (the kitchen and dining area) includes basic cleanup duties such as running dirty trays to the dish tank, working in the dish tank washing trays, prepping food, cooking food, and serving food. Working on the yard crew generally requires mowing the lawn or shoveling snow. Working in a housing unit as a porter is a janitorial job, which includes sweeping and mopping, dusting, and cleaning showers or community restrooms.
9. MDOC, *Policy Directive 05.02.110A: Prisoner Work Assignment Pay and School Stipend*, Attachment A <http://www.michigan.gov/documents/corrections/05_02_110_225743_7.pdf>.
10. State soap, deodorant, and toothpaste are not the items one would generally associate with such toiletries. The state toothpaste, for instance, is simply a small manila envelope that was half-filled with a sweet, white powder—though it was something with which a person could clean his or her teeth.
11. If during any month prisoners have less than \$11 in their account, they can apply for indigent status the following month. If they qualify for indigent status, they will be loaned up to \$11 each month they qualify as indigent. Prisoners who have been terminated from a job for unsatisfactory performance or for being found guilty of misconduct will not qualify for an indigent loan until 12 months after the disqualifying event.
12. If a person did not happen to have the required over-the-counter medication at the time of the healthcare visit, he or she would need to wait for the next commissary store order to be delivered, which could be up to two weeks away.
13. See, e.g., Gerstein, *Michigan Prison Food Woes Drag On*, Detroit News (May 10, 2017) <<http://www.detroitnews.com/story/news/local/michigan/2017/05/10/prison-food/101529948/>>.
14. AFSC is a nonprofit organization that has been monitoring prison conditions and assisting prisoners in Michigan since the 1980s. More information about the organization is available at <<http://www.prisoneradvocacy.org>>.
15. Reliance on commissary food by those who can afford it comes with risks that often lead to healthcare costs. Most of the food items available through the commissary store are high in sodium, sugar, or both, leading to high blood pressure, diabetes, and other conditions that typically require medication and chronic care.
16. Roelofs, *After Spending More Money on Prisons than Higher Education, Michigan Gets Serious About High Cost of Corrections*, Bridge Magazine (April 15, 2014) <http://www.mlive.com/politics/index.ssf/2014/04/michigan_gets_serious_about_hi.html>.