



MICHIGAN

OFFICE OF THE AUDITOR GENERAL

AUDIT REPORT



THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

“...The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.”

– Article IV, Section 53 of the Michigan Constitution

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Michigan *Office of the Auditor General* **REPORT SUMMARY**

Performance Audit

Report Number:
47-280-04

Michigan Youth Correctional Facility

A Facility Under Contract With the Department of Corrections

Released:
May 2005

The Michigan Youth Correctional Facility (MYCF), located in Lake County, is the State's only privately owned and operated prison. MYCF opened in 1999 as a maximum security (level V) prison for young male prisoners. As of August 2004, MYCF housed 480 male prisoners who were 14 to 19 years of age and had been adjudicated as adults. MYCF is required by contract to comply with policy directives and operating procedures established by the Department of Corrections (DOC) as well as policies and procedures established by the private vendor and MYCF.

Audit Objective:

To evaluate the cost of MYCF's operations compared to other State correctional facilities.

Audit Conclusion:

We concluded that MYCF's daily cost per prisoner was higher than the daily cost per prisoner for 33 of 37 other State correctional facilities. We also concluded that MYCF's daily cost per prisoner was higher than the 31 other State correctional facilities that housed security level I through IV prisoners. We noted one material condition related to MYCF contracts (Finding 1).

Material Condition:

DOC did not efficiently use State resources when housing youthful prisoners at MYCF. In addition, DOC should consider the need for and use of MYCF and evaluate its contract options. (Finding 1)

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Audit Objective:

To assess DOC's efforts in evaluating the benefits of maintaining a separate correctional facility for youthful prisoners.

Audit Conclusion:

We concluded that DOC had not evaluated the benefits of maintaining a separate correctional facility for youthful prisoners. We noted one material condition regarding evaluation of benefits (Finding 2).

Material Condition:

DOC had not established performance measures, collected data, and evaluated the benefits of housing youthful prisoners separately from adult prisoners (Finding 2).

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Audit Objective:

To assess MYCF's compliance with selected policies and procedures related to safety and security.

Audit Conclusion:

We concluded that MYCF was moderately in compliance with selected policies and procedures related to safety and security. Our assessment disclosed one material condition related to prisoner housing assignments (Finding 3). Our assessment also disclosed reportable conditions related to annual security classification reviews, prisoner shakedowns and cell searches, employee searches, gate manifests, employee training, and security threat groups (Findings 4 through 9).

Material Condition:

DOC should discontinue the use of waivers as a means to maintain full occupancy at MYCF. In addition, MYCF should discontinue placing prisoners in the same cell or housing unit as a prisoner with a true security level that is two or more levels higher and discontinue double-bunking true security level V prisoners. (Finding 3)

Reportable Conditions:

MYCF did not consistently perform security classification reviews on an annual basis and did not correctly calculate and record

prisoner security levels (Finding 4). MYCF did not ensure that all corrections officers performed and documented the required number of prisoner shakedowns and cell searches (Finding 5). MYCF did not ensure that employees entering and exiting the security perimeter were subject to required random searches (Finding 6). MYCF did not properly complete and monitor gate manifests to help control the movement of critical and dangerous items in and out of MYCF (Finding 7). MYCF did not ensure that employees received the required hours of new employee and in-service training (Finding 8). MYCF did not enforce cell search requirements for prisoners identified as security threat group (STG) prisoners (Finding 9).

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Agency Response:

Our audit report includes 9 findings and 11 corresponding recommendations. DOC responded that it agrees with 10 of the 11 recommendations and partially agrees with 1 of the recommendations.

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A copy of the full report can be obtained by calling 517.334.8050 or by visiting our Web site at: <http://audgen.michigan.gov>



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THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

May 27, 2005

Ms. Patricia L. Caruso, Director
Department of Corrections
Grandview Plaza Building
Lansing, Michigan

Dear Ms. Caruso:

This is our report on the performance audit of the Michigan Youth Correctional Facility, a facility under contract with the Department of Corrections.

This report contains our report summary; description of agency; audit objectives, scope, and methodology and agency responses; comments, findings, recommendations, and agency preliminary responses; various exhibits, presented as supplemental information; and a glossary of acronyms and terms.

Our comments, findings, and recommendations are organized by audit objective. The agency preliminary responses were taken from the agency's responses subsequent to our audit fieldwork. The *Michigan Compiled Laws* and administrative procedures require that the audited agency develop a formal response within 60 days after release of the audit report.

We appreciate the courtesy and cooperation extended to us during this audit.

AUDITOR GENERAL

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Description of Agency

The Michigan Youth Correctional Facility (MYCF), located in Lake County, opened in July 1999 as a maximum security* (level V) facility for young male prisoners. MYCF is owned and operated by a private vendor under a management contract and a lease of the facility with the State of Michigan, Department of Corrections (DOC). The management contract authorizes MYCF to house up to 480 male youthful prisoners* who are 14 to 19 years of age and have been adjudicated as adults. DOC has two employees on-site: a contract monitor to ensure compliance with terms of the contract and a hearings officer who holds hearings for major misconducts.

MYCF sits on a 100-acre site and has two 12-foot high chain link perimeter fences, two 30-foot armed watchtowers, and 80 security cameras located throughout the premises. Prisoners are held in two identical housing pods that are divided into five separate units. Each of the 10 units provides 24 or 25 cells with two beds (double-bunking). MYCF also has a 40-bed disciplinary segregation unit, a 30-bed administrative segregation unit, and a 10-bed medical unit.

MYCF's programs include general educational development (GED) certificate preparation classes, remedial classes, counseling programs, and four vocational courses. MYCF provides program support areas, including food service, education, library, recreation, religious services, counseling, and a health care facility. MYCF's 24-hour medical department provides medical, dental, optical, psychological, and x-ray services. Off-site medical support is also available.

The State's two contracts for the management and lease expenditures for fiscal year 2003-04 totaled \$18.8 million, composed of \$13,280,996 in management costs (based on a rate of \$75.81 per prisoner per day) and \$5,519,197 in fixed lease payments. As of December 31, 2004, MYCF had 229 employees.

* See glossary at end of report for definition.

Audit Objectives, Scope, and Methodology and Agency Responses

Audit Objectives

Our performance audit* of the Michigan Youth Correctional Facility (MYCF), a facility under contract with the Department of Corrections (DOC), had the following objectives:

1. To evaluate the cost of MYCF's operations compared to other State correctional facilities.
2. To assess DOC's efforts in evaluating the benefits of maintaining a separate correctional facility for youthful prisoners.
3. To assess MYCF's compliance with selected policies and procedures related to safety and security.

Audit Scope

Our audit scope was to examine the program and other records of the Department of Corrections and the Michigan Youth Correctional Facility. Our audit was conducted in accordance with *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included such tests of the records and such other auditing procedures as we considered necessary in the circumstances.

Audit Methodology

Our audit procedures, performed from August 2004 through January 2005, included examination of program records and activities for the period October 1, 2001 through November 30, 2004.

To establish our audit objectives and to gain an understanding of MYCF's activities, we conducted a preliminary review of its operations. This included a review of the MYCF management contract and lease of the facility; discussions with MYCF staff regarding their functions and responsibilities; and examination of program records, DOC policy directives and operating procedures, and the private vendor's and MYCF policies and

* See glossary at end of report for definition.

procedures. In addition, we reviewed self-audits*, monthly reports to the warden, community liaison committee minutes, and the Commission on Accreditation for Corrections evaluation reports. We also reviewed DOC internal audit reports.

To evaluate the cost of MYCF's operations compared to other State correctional facilities, we compared the cost of leasing MYCF with the costs to build three newer correctional facilities. We also compared the daily cost per prisoner including the lease payment for MYCF to the daily cost per prisoner including depreciation expense for 37 other State correctional facilities. We excluded State correctional facilities that house women, serve as reception centers, serve as the psychiatric hospital, or contain a mental health residential treatment program because the operations of these facilities were not comparable to MYCF's operations. Using DOC per capita data, we compared specific operating costs of MYCF against similar costs at other State correctional facilities. We also compared the cost of housing prisoners at MYCF and the cost of housing MYCF prisoners at other State correctional facilities based on the prisoners' true security levels*. We obtained DOC statistics on vacant beds.

To assess DOC's efforts in evaluating the benefits of maintaining a separate correctional facility for youthful prisoners, we interviewed DOC and MYCF staff and reviewed educational and behavioral data maintained by DOC and MYCF. We compared the general educational development (GED) enrollment and pass rates of the youthful prisoners housed at MYCF to youthful prisoners housed at other selected State correctional facilities. We identified the number and type of vocational programs offered by MYCF and those offered by other selected State correctional facilities. To determine whether the benefits of a separate correctional facility included behavioral benefits, we compared the average number of misconducts and nonbondable misconducts* for youthful prisoners housed at MYCF and prisoners never housed at MYCF. We also determined the long-term behavioral benefits of prisoners housed at MYCF by comparing the average number of misconducts and nonbondable misconducts for MYCF prisoners who had been transferred to adult prisons and similar aged prisoners who entered prison before age 20 but had never been housed at MYCF.

To assess MYCF's compliance with selected policies and procedures related to safety and security, we conducted tests of records related to employee and visitor searches,

* See glossary at end of report for definition.

medication control, security threat group (STG) prisoners*, prisoner shakedowns* and cell searches*, prisoner security classification*, prisoner drug testing, employee training, and prisoner accounts. On a test basis, we inventoried keys, critical tools*, and the arsenal. In addition, we reviewed records for security monitoring exercises, self-audits, telephone monitoring, preventive maintenance, and documentation of items taken into and out of MYCF.

Agency Responses

Our audit report includes 9 findings and 11 corresponding recommendations. DOC responded that it agrees with 10 of the 11 recommendations and partially agrees with 1 of the recommendations.

The agency preliminary response that follows each recommendation in our report was taken from the agency's written comments and oral discussions subsequent to our audit fieldwork. Section 18.1462 of the *Michigan Compiled Laws* and Department of Management and Budget Administrative Guide procedure 1280.02 require DOC to develop a formal response to our audit findings and recommendations within 60 days after release of the audit report.

* See glossary at end of report for definition.

COMMENTS, FINDINGS, RECOMMENDATIONS, AND AGENCY PRELIMINARY RESPONSES

COST OF OPERATIONS

COMMENT

Background: Section 791.220g of the *Michigan Compiled Laws* permitted the Department of Corrections (DOC) to establish and operate a youth correctional facility or to contract with a private vender for the construction or operation, or both, of a youth correctional facility. This legislation provided DOC with an opportunity to test the concept of privatizing a prison's operation at a potential cost savings to the State.

At the time the legislation was introduced, State crime statistics reported a significant increase in the overall number of crimes committed by juveniles and in the level of violence involved in the crimes. Establishing a separate youth correctional facility provided DOC with a place to house juvenile offenders up through age 19 to accommodate the expected population increase. However, such an increase did not occur (see Exhibits 1 and 2, presented as supplemental information). As of December 1994, there were 1,312 male prisoners age 19 or less in State correctional facilities. As of December 2003, this population had dropped approximately 21% to 1,039.

The State issued an invitation to bid in November 1996 that specified the requirements to design, construct, and lease to the State a 480-bed correctional facility for prisoners age 19 or less. The facility would be located near Baldwin, Michigan, on a site to be sold to the successful bidder and was to be built as a maximum security adult prison housing multiple security level prisoners.

In 1999, DOC and the State started a 20-year lease for the newly constructed Michigan Youth Correctional Facility (MYCF), with the option to purchase the facility after the fifth year of possession. The lease agreement also contains a standard cancellation clause that allows the State to cancel the lease if the Legislature does not appropriate funds for the lease payment or if the lessor or its subcontractors fail to comply with fair labor practices, are convicted of certain crimes, or violate equal employment opportunity or disability requirements. The contract also allows for cancellation if the lessor fails to maintain the facility in a tenantable condition or refuses to make timely repairs. In 2004, the Department of Management and Budget and the lessor negotiated a 5% reduction in the cost of the lease.

DOC also entered into another contract with the lessor to manage the day-to-day operations of MYCF for a fixed daily cost per prisoner. This contract allows the lessor

and DOC to negotiate an increase or decrease in the daily cost per prisoner annually. This contract also contains provisions to cancel the contract if DOC determines that there is no longer a need for the services, DOC plans to operate the facility, the Legislature fails to appropriate funds, or the lessor fails to meet certain legal requirements.

Section 791.220g of the *Michigan Compiled Laws* requires that if DOC establishes a separate youth correctional facility, the facility must house all of the State's male prisoners who are age 16 or less in a separate unit from other prisoners, with some exceptions. DOC sent 27, 26, and 25 prisoners who were age 16 or less to MYCF during 2002, 2003, and 2004 (through November), respectively, in accordance with the statute. Older prisoners, ages 17 through 19, may be housed either at the youth correctional facility or at one of the other State correctional facilities. MYCF housed a total of 460, 480, and 480 prisoners age 19 or less during 2002, 2003, and 2004, respectively.

Audit Objective: To evaluate the cost of MYCF's operations compared to other State correctional facilities.

Conclusion: We concluded that MYCF's daily cost per prisoner was higher than the daily cost per prisoner for 33 of 37 other State correctional facilities. We also concluded that MYCF's daily cost per prisoner was higher than the 31 other State correctional facilities that housed security level I through IV prisoners. We noted one material condition* related to MYCF contracts (Finding 1).

Exhibit 3, presented as supplemental information, reflects our estimated daily costs per prisoner. Our estimated costs included direct and indirect costs for the daily operations of the prison, such as direct salaries and wages, food costs, health care, worker's compensation, legal expenses, and administrative services. Our estimated costs also included capital costs, such as depreciation expense and interest on State Building Authority bonds used to finance capital improvements. Our estimated costs did not include forecasting the impact of any future costs or savings, such as unemployment costs, economic impact on local municipalities and businesses, or impact on school aid funding because of unpredictable factors associated with those types of estimates.

* See glossary at end of report for definition.

FINDING

1. MYCF Contracts

DOC did not efficiently use State resources when housing youthful prisoners at MYCF. If DOC had housed the youthful prisoners in other lower cost State correctional facilities instead of MYCF, it could have achieved a cost savings of \$2.2 million annually. In addition, DOC should consider the need for and use of MYCF and evaluate its contract options.

DOC entered into two contracts with a private vendor to house youthful prisoners. The first contract to operate MYCF provides for \$75.81 a day for each prisoner housed at MYCF for the period July 2003 through July 2007. The second contract to lease the facility, which was built by the private vendor, provides for \$5.3 million in annual lease payments. The private vendor built the prison based on the specifications provided in the State's invitation to bid, which included requirements to design, construct, and lease a maximum security 480-bed correctional facility for housing multiple security level prisoners.

Section 791.220g of the *Michigan Compiled Laws* requires that if DOC establishes a separate youth facility, DOC must house youthful prisoners 16 years of age or less at the facility. DOC may house youthful prisoners ages 17 through 19 at the separate youth correctional facility or at one of the other State correctional facilities. As of August 2004, only 11 (2%) of the 480 prisoners at MYCF were age 16 or less and were required to be housed at the youth correctional facility. DOC had filled the remaining 469 (98%) beds with youthful prisoners ages 17 through 19, most of whom were classified at security levels other than maximum (see Finding 3). MYCF's population of prisoners age 17 and older included 323 (69%) prisoners classified at security levels I and II, 117 (25%) classified at security levels III and IV, and 29 (6%) classified at security level V (maximum).

DOC informed us that it sent prisoners age 17 and older to MYCF to keep the correctional facility at full occupancy because the State's anticipated increase in its youthful prisoner population age 16 or less needing incarceration did not materialize. In addition, DOC informed us that filling the remaining MYCF beds with youthful prisoners ages 17 through 19 freed up bed space and provided DOC with additional flexibility in other correctional facilities. However, in August 2004, DOC had 875 empty, operable, and funded beds in male prisons and 39 empty, operable, and funded beds in male camps to accommodate these youthful

prisoners. MYCF youthful prisoners ages 17 through 19 could have been housed in other State correctional facilities appropriate for their security levels at less cost to the State.

Maximum security facilities have different staffing and structural requirements, making them more costly to house prisoners than lower level facilities; therefore, we estimated that DOC could have saved \$2.2 million if it had housed MYCF youthful prisoners ages 17 through 19 at other State correctional facilities during fiscal year 2003-04. We did not project the need for future bed space due to the number of unpredictable factors that can affect the sentencing of youthful prisoners. Also, because DOC did not evaluate the educational and rehabilitation benefits of operating a separate youth correctional facility (Finding 2), DOC could not support that higher costs were justified by the benefits to the prisoners.

DOC should continue to explore options to more efficiently use MYCF if it determines that the need for bed space exists. If DOC determines that it needs to continue to house multiple security level youthful prisoners at MYCF, it should consider renegotiating the daily cost per prisoner to make the rate more comparable with other multiple security level State correctional facilities. Alternatively, DOC could seek statutory changes to allow for the housing of security level IV and V adult prisoners at MYCF, which may be a better use of the maximum security features of MYCF. Also, DOC has the option to cancel the first contract for the per prisoner daily cost to operate the prison without further liability if the need for bed space does not exist. In addition, the annual lease contract provides for cancellation of the second contract if the Legislature does not appropriate funding specifically for the lease.

DOC completed a cost-benefit analysis of the MYCF operational and lease costs and, in February 2005 (after the completion of our audit fieldwork), DOC began discussions with the Legislature and recommended cancellation of the contracts. The executive budget proposal for fiscal year 2005-06 includes the request to cancel the contracts with the private vendor.

RECOMMENDATIONS

We recommend that DOC efficiently use State resources when housing youthful prisoners.

We also recommend that DOC consider the need for and use of MYCF and evaluate its contract options.

AGENCY PRELIMINARY RESPONSE

DOC agrees and informed us that DOC and the Office of the State Budget agree that substantial savings can be achieved by placing MYCF prisoners into DOC correctional facilities and will consider options for the management contract and lease. DOC informed us that, in addition to the \$2.2 million that the auditors identified as annual savings related to the management contract, DOC can save \$5.3 million annually by canceling the lease for a total annual savings of \$7.5 million. The executive budget proposal for fiscal year 2005-06 calls for the cancellation of the management contract and the lease. DOC informed us that it will continue to work with the Legislature to obtain nonappropriation of the lease.

BENEFITS OF A SEPARATE YOUTH CORRECTIONAL FACILITY

COMMENT

Background: Legislation was passed in 1996 to allow DOC to establish a separate youth correctional facility, based in part on the belief that a separate correctional facility would provide educational, training, and rehabilitation programs specifically suited to juveniles that are not available in adult prisons; that juvenile offenders should not be housed with a predatory adult population; and that juveniles' chances of rehabilitation diminish when they come to see older adult inmates as role models.

All State correctional facilities and MYCF are statutorily required to provide educational services for all prisoners who have not earned a high school diploma or have not received a general educational development (GED) certificate. MYCF provides prisoners with GED preparation classes and remedial classes to help prisoners prepare for passing the GED test. State correctional facilities and MYCF also provide vocational

courses. During calendar years 2002 and 2003, 103 and 116 MYCF prisoners, respectively, passed all parts of the GED test.

Audit Objective: To assess DOC's efforts in evaluating the benefits of maintaining a separate correctional facility for youthful prisoners.

Conclusion: We concluded that DOC had not evaluated the benefits of maintaining a separate correctional facility for youthful prisoners. We noted one material condition regarding evaluation of benefits (Finding 2).

FINDING

2. Evaluation of Benefits

DOC had not established performance measures*, collected data, and evaluated the benefits of housing youthful prisoners separately from adult prisoners.

Without periodic evaluation of the benefits, DOC has no assurance that youthful prisoners benefited from confinement in a facility separate from adults. To evaluate the benefits of housing youth separately, DOC should have developed performance measures and collected data related to the benefits. Examples of performance measures that DOC could develop and data related to benefits that DOC could collect for evaluation include but are not limited to:

- A comparison of GED enrollment rates, test scores, or pass rates of MYCF youthful prisoners and youthful prisoners at other State correctional facilities to evaluate the educational benefits.
- A comparison of participation and completion of vocational courses and subsequent employment of MYCF youthful prisoners and youthful prisoners at other State correctional facilities to evaluate the vocational benefits.
- A comparison of violent behavior both against and by youthful prisoners at MYCF and at other State correctional facilities, including predatory violence against youthful prisoners by adult prisoners to evaluate violence against youthful prisoners.

* See glossary at end of report for definition.

- A comparison of recidivism rates and rehabilitation results of MYCF youthful prisoners and youthful prisoners at other State correctional facilities to evaluate the impact on reducing length of sentences.

Although DOC had not performed a formal evaluation of the benefits of housing youth in a separate correctional facility, our review of DOC and MYCF data disclosed that separating youthful prisoners did not have a positive impact on the number of serious or aggressive acts and did not result in increased vocational training opportunities. However, our review did disclose positive benefits related to GED enrollment and pass rates and limited benefits in long-term behavior once prisoners reached age 20. We noted:

- a. The average number of nonbondable misconducts (more serious or aggressive acts) for MYCF youthful prisoners was approximately 3.5 times greater than the average number for youthful prisoners housed at other State correctional facilities. We noted that MYCF prisoners averaged .96 nonbondable misconducts per prisoner, whereas similar aged prisoners housed at other State correctional facilities averaged .28 nonbondable misconducts per prisoner. Also, 45% (217 of 480) of MYCF prisoners had nonbondable misconducts as compared to 14% (72 of 498) of youthful prisoners housed at other State correctional facilities.
- b. The number of vocational courses offered by MYCF was limited to 4 vocational courses (basic computer literacy, custodial maintenance technology, business education, and horticulture) because MYCF is considered a maximum security correctional facility. Therefore, MYCF prisoners classified at security levels I through III (74% of MYCF's population) did not have the opportunity to participate in a wide range of vocational courses that are offered at other State correctional facilities. These courses include auto mechanics, building trades, electrical, food service/management, keyboarding, machine tool operations, optical technician, pesticides, technical math, visual graphic technology, and welding (see Exhibit 4, presented as supplemental information).
- c. MYCF's combined GED and remedial class enrollment and pass rates for youthful prisoners exceeded rates for youthful prisoners in 4 of 5 other State correctional facilities.

MYCF had 95% of its prisoners who either were currently enrolled in GED or remedial classes (55%) or had passed the GED test (40%). In total, the 5 other State correctional facilities had 61% of their youthful prisoners who either were currently enrolled in GED classes (29%) or had passed the GED test (32%). The total youthful population at these 5 correctional facilities was 66 as compared to 480 at MYCF.

- d. The average number of nonbondable misconducts committed by former MYCF prisoners after transfer to adult prisons was slightly less than the average for similar aged prisoners who were not housed at MYCF as youthful prisoners. We noted that former MYCF prisoners averaged .5 nonbondable misconducts between the ages of 20 to 22, whereas similar aged prisoners who were not housed at MYCF averaged .6 nonbondable misconducts.

DOC can best evaluate the costs and benefits of housing youthful prisoners separately from adult prisoners in either a State or a private correctional facility by collecting and evaluating performance measures, such as items a. through d. This information would be beneficial to management in making proposals for program modifications and decisions related to housing youthful prisoners.

RECOMMENDATION

We recommend that DOC establish performance measures, collect data, and evaluate the benefits of housing youthful prisoners separately from adult prisoners.

AGENCY PRELIMINARY RESPONSE

DOC agrees and informed us that it has been working with the University of Michigan since January 2004 to study juveniles in the justice system. In addition to the ongoing evaluations by the University, DOC informed us that it has named a work group to design age appropriate programs in the areas of education, health, and rehabilitative services for male prisoners who are age 16 or less and will be housed in a separate unit within a DOC correctional facility. DOC will develop a set of performance measures, collect the needed data, and evaluate the benefits of housing male prisoners who are age 16 or less in a separate unit.

SAFETY AND SECURITY OPERATIONS

COMMENT

Background: MYCF is required by contract to comply with policy directives and operating procedures established by DOC as well as policies and procedures established by the private vendor and MYCF. These policies and procedures were designed to have a positive impact on the safety and security of MYCF. They address many aspects of a prison's operations, including key, tool, and firearm security; prisoner, visitor, employee, and housing unit searches; fire safety, preventive maintenance, and disaster planning; food, medical, and educational services; and prisoner security classification. Although compliance with these procedures contributes to a safe and secure correctional facility, the nature of the prison population and environment is unpredictable and inherently dangerous. Therefore, compliance with the procedures will not entirely eliminate the safety and security risks.

Audit Objective: To assess MYCF's compliance with selected policies and procedures related to safety and security.

Conclusion: We concluded that MYCF was moderately in compliance with selected policies and procedures related to safety and security. Our assessment disclosed one material condition related to prisoner housing assignments (Finding 3). Our assessment also disclosed reportable conditions* related to annual security classification reviews, prisoner shakedowns and cell searches, employee searches, gate manifests*, employee training, and security threat groups (Findings 4 through 9).

FINDING

3. **Prisoner Housing Assignments**

DOC should discontinue the use of waivers* as a means to maintain full occupancy at MYCF. In addition, MYCF should discontinue placing prisoners in the same cell or housing unit as a prisoner with a true security level that is two or more levels higher and discontinue double-bunking true security level V prisoners. Both DOC and MYCF could improve overall staff and prisoner safety by appropriately housing youthful prisoners similar to DOC practices of housing adult prisoners in other State correctional facilities.

* See glossary at end of report for definition.

MYCF was built to the specifications of a maximum security (level V) prison. DOC waived the security level of youthful prisoners who were classified at true security levels I through IV to a security level V and then transferred the youthful prisoners to MYCF. DOC annually determines a prisoner's true security level according to management and confinement requirements necessary to protect the safety of staff and prisoners, to prevent escape, and to maintain institutional order. DOC practice allows for the increase or decrease of a prisoner's true security level through the use of a placement waiver based on bed space, medical, or program needs.

Our review of the MYCF prisoners' true security levels as of October 11, 2004 disclosed:

- a. DOC used an excessive number of waivers to increase 73% of MYCF prisoners' true security levels by two or more security levels before transfer to MYCF. In contrast, DOC waived only 2% of male prisoners in other State correctional facilities by two or more security levels. DOC's practice is to normally house prisoners in correctional facilities and housing units consistent with their true security level.

DOC's excessive use of waivers of two or more levels to transfer lower security level prisoners to MYCF increases the safety risk to staff and prisoners. This practice may be a contributing factor to MYCF prisoners having an average of 3.5 times as many serious misconducts as compared to prisoners housed at other State correctional facilities, as presented in Finding 2.

- b. In 17 (9%) of 185 double-bunked cells, MYCF housed prisoners whose true security levels were more than one level apart. Also, in 15 (8%) double-bunked cells, MYCF housed true security level V prisoners with other security level IV or V prisoners.

MYCF increased the safety risk to staff and prisoners when it assigned prisoners to the same cell as a prisoner with a true security level two or more levels higher or double-bunked prisoners with a true security level V prisoner. MYCF informed us that its practice was to only double-bunk prisoners within one security level of each other, but it did not always adhere to its practice. In addition, Standard #4-4131 of the American Correctional Association

recommends, as a best practice, that correctional facilities assign maximum custody (security level V) prisoners to single cells. DOC informed us that it does not double-bunk prisoners in cells designated for security level V prisoners in State correctional facilities.

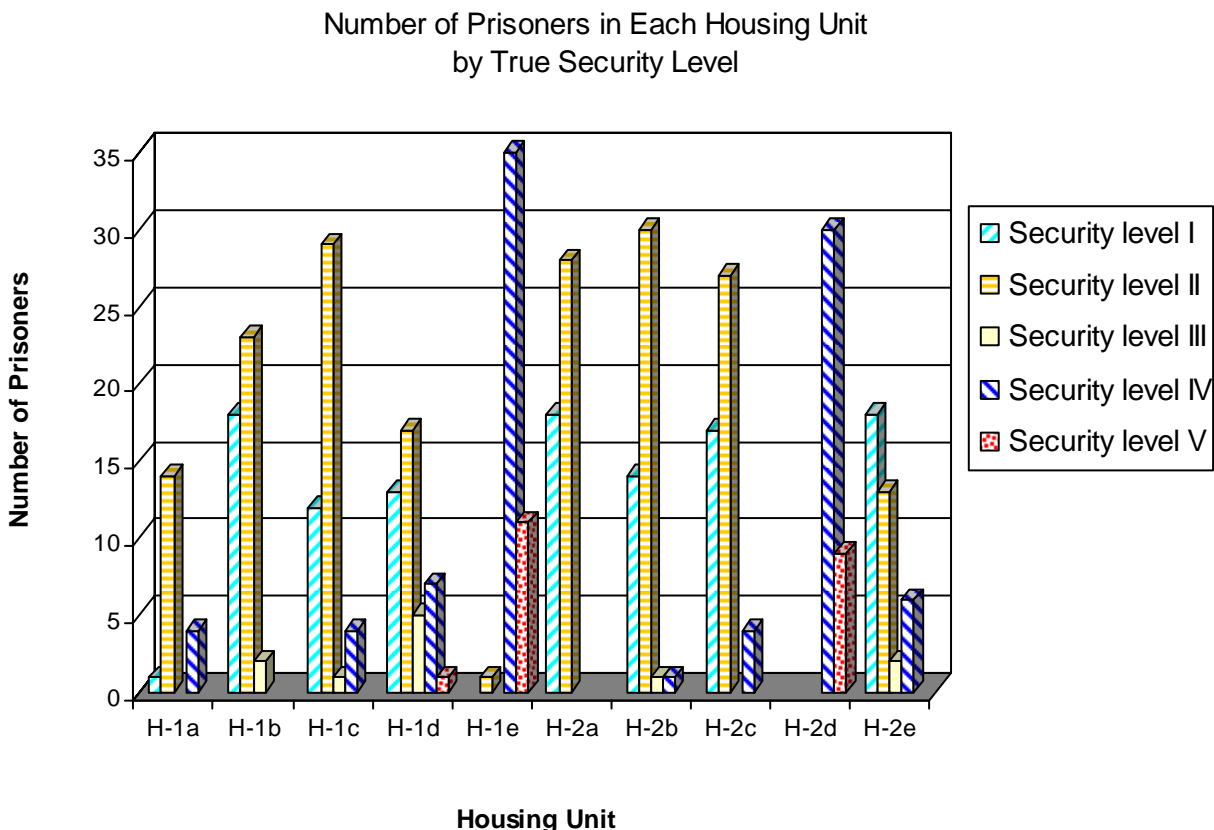
The following table summarizes MYCF's double-bunking of different true security level prisoners in the same cell and double-bunking of true security level V prisoners:

	True Security Level Combinations						
	<u>I and II</u>	<u>I and III</u>	<u>I and IV</u>	<u>II and III</u>	<u>II and IV</u>	<u>IV and V</u>	<u>V and V</u>
Number of combinations at MYCF	57	2	6	6	9	13	2

- c. In 8 of 10 housing units, MYCF housed prisoners from 3 to 5 different true security levels together. MYCF informed us that its practice is to separate lower (levels I, II and III) and higher (levels IV and V) security levels in separate housing units; however, it did not always adhere to its practice.

MYCF increased the safety risk to staff and prisoners when prisoners from several different true security levels were assigned to the same housing unit.

The following graph displays the number of different security level prisoners in each housing unit at MYCF as of October 2004, as provided by MYCF's housing records:



Source: MYCF Prisoner Housing Report dated October 11, 2004.

RECOMMENDATIONS

We recommend that DOC discontinue the use of waivers as a means to maintain full occupancy at MYCF.

We also recommend that DOC require MYCF to discontinue placing prisoners in the same cell or housing unit as a prisoner with a true security level two or more levels higher and discontinue double-bunking true security level V prisoners.

AGENCY PRELIMINARY RESPONSE

DOC agrees with the finding. However, DOC informed us that discontinuance of the use of waivers could cause the number of eligible prisoners to fall below 50, making it extremely inefficient to operate. Therefore, DOC will continue to pursue cancellation of the two contracts with the vendor. In the meantime, DOC will work with MYCF to ensure that prisoners are not placed in the same cell or housing unit as prisoners with true security levels two or more levels higher. DOC will also work with MYCF to discontinue double-bunking true security level V prisoners.

FINDING

4. Annual Security Classification Reviews

MYCF did not consistently perform security classification reviews on an annual basis and did not correctly calculate and record prisoner security levels. The failure to perform security classification reviews properly can result in prisoners with significantly different security levels being assigned to the same housing unit or the same cell, potentially increasing the safety risk to the prisoner and affecting the ability of staff to maintain control and order.

DOC policy directive 05.01.130 requires that each prisoner be provided a program classification review every 12 months. MYCF uses DOC security classification form (CSJ-481) for this review and records the results in the local management information system as well as in DOC's Corrections Management Information System (CMIS). As prisoners reach age 20 and are transferred to other adult correctional facilities, their MYCF classification will dictate their first placement in State correctional facilities.

In our review of records for 18 prisoners, we found:

- a. Seven (39%) prisoners had not received a classification review in the preceding 12 months. These reviews ranged from less than one month to 4 months overdue.
- b. Classification reviews for 2 (11%) prisoners contained calculation errors that resulted in MYCF placing these prisoners at one security level lower than their true security level. Errors in the classification review not only affect the prisoners' housing assignments, but lower security level prisoners may also

have opportunities for different job classifications, other vocational training opportunities, and fewer restrictions on visitation.

- c. A classification review for 1 (6%) prisoner was erroneously entered in CMIS as a security level III when it should have been a security level IV.

As a result of these errors, the CMIS database contained inaccurate security levels for 3 (17%) of the 18 prisoners included in our review. Both MYCF and DOC make prisoners' housing assignments based on their security levels in CMIS.

RECOMMENDATION

We recommend that DOC take steps to ensure that MYCF performs security classification reviews on an annual basis and correctly calculates and records prisoner security levels.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that security classification reviews are conducted on an annual basis and that prisoner security levels are correctly calculated and recorded. MYCF informed DOC that it has taken steps to ensure that all prisoners receive their annual classification reviews by having the case manager supervisor monitor files and classification reviews and by comparing them against the DOC security classification review listing report (CB-091) to ensure there are no review dates older than 11 months.

FINDING

5. Prisoner Shakedowns and Cell Searches

MYCF did not ensure that all corrections officers performed and documented the required number of prisoner shakedowns and cell searches. Conducting the required number of prisoner shakedowns and cell searches improves MYCF's likelihood of detecting and confiscating contraband* and improves the safety and security for staff and prisoners.

* See glossary at end of report for definition.

Our review of documentation supporting the corrections officers' shakedowns of prisoners and cell searches disclosed:

- a. Of 100 corrections officers assigned to housing units, 15 (15%) documented that they had completed only 14 of the 45 required daily cell searches for five days tested during September through November 2004.

DOC policy directive 04.04.110 requires corrections officers assigned to housing units to perform a minimum of three cell searches per day for the morning shift and the afternoon shift and to document them in the appropriate logbook.

- b. Of 135 non-housing unit corrections officers, 20 (15%) documented that they had completed only 16 of the 100 required daily prisoner shakedowns per officer for three days tested during September through November 2004.

DOC policy directive 04.04.110 requires non-housing unit corrections officers to perform a minimum of five prisoner shakedowns per day and to document them in the appropriate logbook.

RECOMMENDATION

We recommend that DOC take steps to ensure that all MYCF corrections officers perform and document the required number of prisoner shakedowns and cell searches.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that all corrections officers perform and document the required number of prisoner shakedowns and cell searches. MYCF informed DOC that the deputy warden of security will implement changes to ensure that prisoner shakedowns and cell searches are completed as required and that this process will be completed by June 1, 2005.

FINDING

6. Employee Searches

MYCF did not ensure that employees entering and exiting the security perimeter were subject to required random searches. Random searches of employees who enter and exit the security perimeter help deter employees from attempting to bring contraband into MYCF and to remove MYCF and/or State property without authorization.

MYCF policy and operating procedure 10.3.14B requires random searches of employees entering and exiting the security perimeter. Gate officers are required to conduct a minimum of five random searches of employees entering the security perimeter each shift. Shift commanders are required to order a minimum of five searches of housing unit officers prior to their exiting the security perimeter. The employee completing the search is responsible for recording the search in the logbook, including identification of the name of the person searched.

Our review of logbooks maintained at the security perimeter for five selected dates in 2004 disclosed that 59 (79%) of 75 required employee searches were not performed.

RECOMMENDATION

We recommend that DOC take steps to ensure that MYCF employees entering and exiting the security perimeter are subject to required random searches.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that employees entering and exiting the security perimeter are subject to required random searches. MYCF informed DOC that the security staff have been instructed to shakedown a minimum of 5 staff entering and 5 staff exiting the facility each day. MYCF also informed DOC that the chief of security and the deputy warden of security are monitoring the logbook to confirm compliance. In addition, MYCF informed DOC that its operating procedure will be revised to include compliance with the monitoring requirements by June 1, 2005.

FINDING

7. Gate Manifests

MYCF did not properly complete and monitor gate manifests to help control the movement of critical and dangerous items in and out of MYCF.

Gate manifests provide a record of items (critical and dangerous tools*, materials, supplies, etc.) entering and leaving the correctional facility. Failure to properly complete and monitor gate manifests could result in critical and dangerous items being left inside MYCF and endangering the safety of staff and prisoners.

MYCF policy and operating procedure 10.3.5P requires that gate manifests include a complete description of transported items and a signature of the individual receiving delivery. Manifests must be sequentially numbered with the starting and ending sequential manifest numbers recorded in the front gate logbook each day.

Our review of 61 gate manifests completed during seven days in November 2004 disclosed:

- a. MYCF staff who received items transported into the correctional facility did not properly sign any of the 24 manifests that required signatures when items were not returned back through the gate. Staff signatures would have provided assurance that items, such as medical supplies, brought into the correctional facility were delivered to the intended destination.
- b. Thirteen (21%) of the 61 manifests were issued without any numeric identification. In addition, starting and ending sequential manifest numbers were not logged into the front gate logbook as required by procedure. MYCF did not use press-numbered manifest forms; instead, MYCF staff hand-numbered gate manifests as they were being issued.

Without an appropriate numbering system, MYCF could not ensure that all gate manifests were accounted for and that all critical and dangerous items were removed from MYCF.

* See glossary at end of report for definition.

RECOMMENDATION

We recommend that DOC take steps to ensure that MYCF properly completes and monitors gate manifests to help control the movement of critical and dangerous items in and out of MYCF.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that gate manifests are properly completed and monitored to help control the movement of critical and dangerous items in and out of MYCF. MYCF informed DOC that it has established a system to sequentially number the gate manifests and ensure they are properly documented in the logbook and that the chief of security is monitoring the process to ensure compliance with this requirement.

FINDING

8. Employee Training

MYCF did not ensure that employees received the required hours of new employee and in-service training. With continued high employee turnover rates at MYCF for the last three years (53%, 33%, and 28% during calendar years 2002, 2003 and 2004, respectively), the lack of training had the potential to negatively impact the safety and security of MYCF's operations.

New employee training provides employees with the necessary knowledge to perform their jobs safely and securely based on their level of prisoner contact. In-service training reinforces employees' understanding of their job responsibilities.

The 2003 DOC New Employee Training Plan required that contractual workers with unsupervised offender contact receive a minimum of 80 hours of course specific training. The 2004 DOC In-Service Training Plan required that non-custody employees, including professional specialists and all employees with prisoner contact, receive a minimum of 40 hours of course specific training each year.

Our review of new employee and in-service training records for 12 employees (7 corrections officers, 3 non-custody employees, and 2 contractual employees) for the 2003 and 2004 training years disclosed:

- a. The 2 contractual employees received only 71 (44%) of the 160 required hours of new employee training during their first year of employment.
- b. Two non-custody employees received only 33 (41%) of the 80 required hours of in-service training.

RECOMMENDATION

We recommend that DOC take steps to ensure that MYCF employees receive the required hours of new employee and in-service training.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that employees receive the required hours of new employee and in-service training. MYCF informed DOC that it has initiated a monitoring plan to ensure that all new, contractual, and part-time employees attend the mandatory training as required by policy.

FINDING

9. Security Threat Groups (STGs)

MYCF did not enforce cell search requirements for prisoners identified as STG prisoners. Effective monitoring of STG prisoners assists in preventing violence and improves the overall safety and security of the correctional facility and may discourage other prisoners from joining STGs.

Prisoners considered a threat to the safety and security of the correctional facility because of gang-related activities or affiliations are identified as STG prisoners. Known leaders of gangs or groups are classified as STG II prisoners, whereas affiliates are classified as STG I prisoners.

As of September 2004, MYCF had 8 prisoners classified as STG I prisoners and 3 prisoners classified as STG II prisoners. In our review of logbooks, we noted that MYCF did not document 45 (90%) of 50 required cell searches for 2 of the STG I prisoners and 2 of the STG II prisoners for a two-month period. DOC policy

directive 04.04.113 requires that STG I prisoners receive a weekly cell search and STG II prisoners receive a cell search twice a week.

RECOMMENDATION

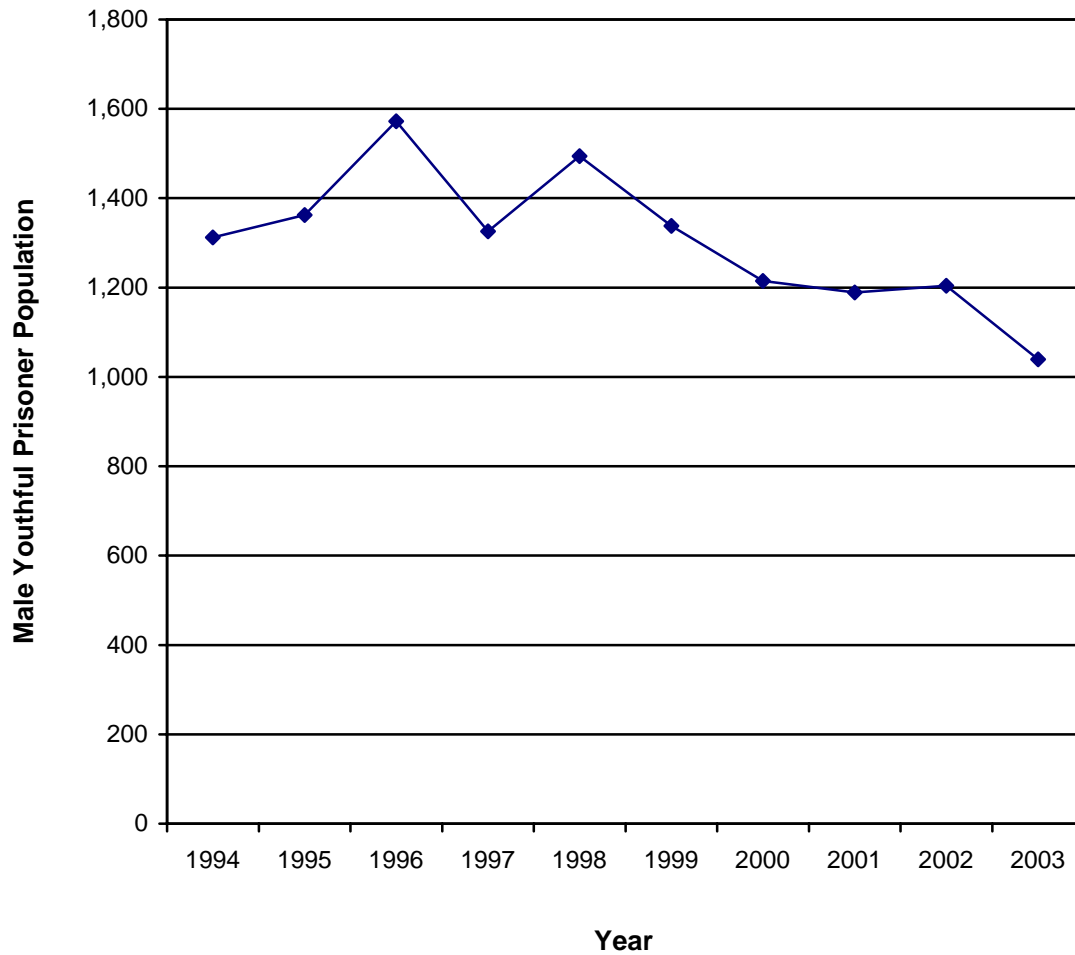
We recommend that DOC take steps to ensure that MYCF enforces cell search requirements for prisoners identified as STG prisoners.

AGENCY PRELIMINARY RESPONSE

DOC agrees and will work with MYCF to ensure that cell search requirements are enforced for prisoners identified as STG members. MYCF informed DOC that the STG coordinator has developed and implemented a cell search schedule for all STG I and II prisoners.

SUPPLEMENTAL INFORMATION

DEPARTMENT OF CORRECTIONS
Ten-Year Summary of Male Youthful Prisoner Population
(Less Than 20 Years of Age)
From 1994 Through 2003



Source: Department of Corrections' Annual Reports for 1994 through 2003.

DEPARTMENT OF CORRECTIONS
Summary of Statewide Youthful Prisoners by Age and Security Level
As of August 8, 2004

Youthful Prisoner Population by Age

Age	MYCF	Non-MYCF	Total
14	1	0	1
15	4	0	4
16	6	1	7
17	50	16	66
18	193	155	348
19	226	415	641
	<u>480</u>	<u>587</u>	<u>1,067</u>

Youthful Prisoner Population by Security Level

Security Level	MYCF	Non-MYCF	Total
I	125	196	321
II	206	200	406
III	22	15	37
IV	98	65	163
V	29	20	49
Intake, Reception		91*	91
	<u>480</u>	<u>587</u>	<u>1,067</u>

* Represents prisoners who have not been assigned a security level because they are located at the Reception and Guidance Center and the Cassidy Lake Intake.

Source: Department of Corrections' Corrections Management Information System.

DEPARTMENT OF CORRECTIONS
Daily Cost Per Prisoner by Prison(s)
For Fiscal Year 2003-04

Prison(s) (a)	Security Level(s)	Average Population	Daily Cost Per Prisoner Without Capital Costs (b)	Daily Cost Per Prisoner With Capital Costs (c)
Deerfield	I	960	\$ 56.37	\$ 57.03
Richard A. Handlon	II	1,320	\$ 58.38	\$ 58.96
Muskegon	II	1,310	\$ 59.81	\$ 60.55
Pine River	I	960	\$ 59.40	\$ 60.82
Cooper Street	I	1,360	\$ 59.89	\$ 60.94
Parnall	I	1,378	\$ 58.65	\$ 61.07
Earnest Brooks and West Shoreline	I, II, and IV	2,200	\$ 61.68	\$ 63.05
Pugsley	I	954	\$ 59.79	\$ 63.44
Lakeland	II	1,256	\$ 62.94	\$ 63.63
Carson City and Boyer Road	I, II, and IV	2,200	\$ 64.43	\$ 65.70
Kinross, Hiawatha, and Camp Koehler	I and II	2,423	\$ 65.16	\$ 65.94
Ojibway and Camp Ottawa	I and II	1,202	\$ 61.14	\$ 66.40
Florence Crane and Camp Branch	I	1,560	\$ 64.87	\$ 66.63
Chippewa and Straits	I, III, and IV	2,122	\$ 64.04	\$ 68.01
Macomb	I, II, and IV	1,468	\$ 59.10	\$ 68.23
Thumb and Camp Tuscola	I, II, and IV	1,393	\$ 67.89	\$ 70.70
G. Robert Cotton	I, II, and IV	1,734	\$ 69.73	\$ 70.99
Gus Harrison and Parr Highway	I, II, and IV	2,102	\$ 65.54	\$ 71.53
Saginaw	I, II, and IV	1,480	\$ 65.24	\$ 73.05
Bellamy Creek	I, III, and IV	1,830	\$ 73.39	\$ 75.05
Newberry and Camp Manistique	I and II	1,144	\$ 74.94	\$ 77.05
St. Louis and Mid-Michigan	I, III, and IV	2,224	\$ 67.97	\$ 77.46
Southern Michigan	II and IV	1,481	\$ 75.19	\$ 83.72
Mound	II and IV	1,051	\$ 78.48	\$ 86.14
Ryan	II and IV	1,059	\$ 79.59	\$ 88.14
Marquette Branch	I and V	1,129	\$ 94.06	\$ 95.24
Baraga Maximum and Camp Kitwin	I and V	1,084	\$ 93.16	\$ 104.86
Michigan Youth Correctional Facility	I,II,III,IV, and V	480	\$ 75.81	\$ 107.23 (d)
Oaks and Camp Sauble	I and V	900	\$ 98.41	\$ 110.48
Standish Maximum and Camp Lehman	I and V	906	\$ 109.20	\$ 113.18
Alger Maximum and Camp Cusino	I and V	849	\$ 102.31	\$ 114.18
Ionia Maximum	II and VI	636	\$ 125.58	\$ 137.17

(a) Prisons are summarized by appropriation reporting unit resulting in some prisons and camps being combined. Some State correctional facilities were excluded from this comparison because they have operations that are not comparable to MYCF or the other State correctional facilities included in the comparison. Those facilities include:

1. Robert Scott Correctional Facility because it is a reception center and women's facility.
2. Charles E. Egeler Reception Center because it is a reception center and medical facility.
3. Huron Valley Correctional Center because it is an acute care psychiatric hospital.
4. Riverside Correctional Facility because it contains a mental health residential treatment program for level II prisoners.
5. Western Wayne Correctional Facility because it was a women's facility (security level I and II facility) that was closed because the State deemed it too costly to run.

(b) Daily cost per prisoner without capital costs includes direct costs of the facilities plus indirect costs of DOC that are not charged directly to the facilities and have been allocated based on a per prisoner daily rate for the fiscal year ended September 30, 2004. These indirect costs total \$13.32 per prisoner per day and include the following: health care (\$9.28), education (\$1.62), worker's compensation (\$.90), legal expenses (\$.19), and administrative services (\$1.33).

(c) Daily cost per prisoner with capital costs includes the daily per prisoner costs for each appropriation reporting unit plus the capital costs. Capital costs include depreciation expense for State-owned prisons and interest on State Building Authority bonds used to finance capital improvements.

(d) MYCF daily cost per prisoner with capital costs includes the prisoner per diem rate of \$75.81 plus the daily per prisoner cost of \$31.42 for the annual lease.

DEPARTMENT OF CORRECTIONS
Career and Technical Education Programs Offered at Selected Correctional Facilities
During Fiscal Year 2002-03

Career and Technical Courses	Bellamy Creek	Deerfield	Gus Harrison	Richard A. Handlon	Huron Valley Men's	Macomb	Michigan Youth	Mound	Newberry	Objiway	Pine River	Saginaw	Southern Michigan	Thumb
Auto Mechanics				x										
Building Trades		x		x				x			x			x
Business Education Technology		x	x			x	x				x		x	
Basic Computer Literacy							x							
Custodial Maintenance Technology	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Electrical											x			
Food Service/Management			x			x					x	x		x
Horticulture	x	x	x	x	x	x	x	x			x	x		x
Keyboarding											x			
Machine Tool Operations				x										
Optical Technician													x	
Pesticides					x									
Technical Math													x	
Visual Graphic Technology		x											x	
Welding				x										
Total Programs Offered	<u>2</u>	<u>5</u>	<u>4</u>	<u>6</u>	<u>3</u>	<u>4</u>	<u>4</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>7</u>	<u>3</u>	<u>5</u>	<u>4</u>

Source: Department of Corrections' Career and Technical Education Programs Detail for Fiscal Year 2002-03.

We selected these 13 correctional facilities for comparison because each housed at least 10 male prisoners under the age of 20.

MYCF offered 4 career and technical courses. The 13 other facilities offered between 1 and 7 career and technical courses. MYCF offered one course, Basic Computer Literacy, which was not offered at any of the other 13 facilities. Courses offered at other facilities that were not available at MYCF included: auto mechanics, building trades, electrical, food service/management, keyboarding, machine tool operations, optical technician, pesticides, technical math, visual graphic technology, and welding.

GLOSSARY

Glossary of Acronyms and Terms

cell search	The act of going through a prisoner's cell and belongings looking for contraband.
CMIS	Corrections Management Information System.
contraband	Property that is not allowed on facility grounds or in the visiting rooms by State law, rule, or DOC policy. For prisoners, this includes any property that they are not specifically authorized to possess, authorized property in excessive amounts, or authorized property that has been altered without permission.
critical tools	Items designated specifically for use by employees only or use or handling by a prisoner while under direct employee supervision. Critical tools shall be stored only in a secure area and shall be accounted for at all times.
dangerous tools	Items that may be used or handled by prisoners while under indirect employee supervision. Dangerous tools shall be stored only in a secure area and shall be accounted for at all times.
DOC	Department of Corrections.
gate manifest	A record used to control materials and supplies entering and leaving the facility through the front gates and sallyport.
GED	general educational development.
material condition	A reportable condition that could impair the ability of management to operate a program in an effective and efficient manner and/or could adversely affect the judgment of an interested person concerning the effectiveness and efficiency of the program.

maximum security (level V)	The classification assigned to prisons that house prisoners who need close supervision because of the likelihood that they may try to escape or because they are difficult to control.
MYCF	Michigan Youth Correctional Facility.
nonbondable misconduct	A more serious or aggressive act of behavior by a prisoner that requires a prisoner to be confined to segregation or his/her cell.
performance audit	An economy and efficiency audit or a program audit that is designed to provide an independent assessment of the performance of a governmental entity, program, activity, or function to improve public accountability and to facilitate decision making by parties responsible for overseeing or initiating corrective action.
performance measures	Information of a quantitative or qualitative nature used to assess achievement of goals and/or objectives.
reportable condition	A matter that, in the auditor's judgment, represents either an opportunity for improvement or a significant deficiency in management's ability to operate a program in an effective and efficient manner.
security classification	A system used to determine the appropriate prison security level of a prisoner. Generally, the prisoner's institutional behavior, length of sentence, and escape potential are used in the determination.
security threat group (STG) prisoner	A prisoner who is considered a threat to the safety and security of an institution because of gang-related activities or affiliations or violence toward staff or other prisoners. Prisoners can be designated as STG I (members of gangs or groups) or STG II (leaders of gangs or groups). Prisoners who are designated as STG II must generally be housed in a maximum security (level V) facility.

self-audits	Audits performed by facility staff which enable management and staff to ensure that all operational units comply with policy directives and take proactive steps to correct any noncompliance. Performing self-audits is intended to maximize safe and efficient operations by DOC.
shakedown	The act of searching a prisoner, an employee, or a visitor to ensure that he/she does not have any contraband in his/her possession.
true security level	The higher of the confinement or management level of a prisoner as determined through security classification.
waiver	The act of increasing or decreasing a prisoner's actual placement level for reasons unrelated to security, such as bed space, medical, or program needs.
youthful prisoner	An individual under the age of 20 who has been convicted as an adult of a crime.

