



House
Legislative
Analysis
Section
Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

PRISONS: DOUBLE BUNKING

House Bill 4156 as introduced
First Analysis (2-2-95)

Sponsor: Rep. Sandra Hill
Committee: Judiciary and Civil Rights

THE APPARENT PROBLEM:

The Department of Corrections act (Public Act 232 of 1953) contains a requirement for single occupancy cells that originally was part of the now-repealed Prison Overcrowding Emergency Powers Act, which was enacted in 1980; under this requirement, new corrections facilities were to have only single occupancy cells. However, subsequent needs for additional prison bed space led to amendments in 1984, 1986, and 1987 that created exemptions to the single occupancy requirement. Public Act 315 of 1984 permitted the purchase, lease, construction, or conversion of facilities with multiple occupancy cells during 1985, and allowed the department to use such housing facilities until January 1, 1987. Public Act 199 of 1986 extended the time period during which the department could utilize multiple occupancy cells until January 1, 1988. Public Act 100 of 1987 extended the time period to January 1, 1991, for prison space acquired or converted between January 1, 1985 and December 1, 1988. Finally, Public Act 469 of 1988 allowed the department to use multiple occupancy cells until January 1, 1997 in prisons acquired or converted between January 1, 1985 and December 31, 1992.

The state currently has 21,000 prisoners in multiple-occupancy cells that would otherwise be subject to the statutory single-occupancy requirement. Chronic overcrowding problems, which led to the creation and extension of the exceptions to the single-bunking requirement, have not eased. On the contrary, the corrections department reports that under current multiple-occupancy arrangements, it will run out of bed space in March, and be short 1,220 beds by the end of 1995. The department is projecting a worsening problem with shortage of bed space, necessitating the construction of new prison facilities. In the meantime, the department is urging that it be relieved of the coming requirement to provide single-occupancy cells in certain facilities.

THE CONTENT OF THE BILL:

The bill would amend the Department of Corrections act (Public Act 232 of 1953) to delete a requirement that cells in prisons purchased, leased, constructed, or converted between January 1, 1985 and December 31, 1992 must be single occupancy after January 1, 1997. The bill thus would allow these prisons to continue to have multiple occupancy rooms or cells.

MCL 791.269

FISCAL IMPLICATIONS:

There is no fiscal information at present. (2-1-95)

ARGUMENTS:

For:

The bill would eliminate the statutory requirement for single occupancy cells in corrections facilities constructed or converted between January 1, 1985 and December 31, 1992; while this requirement is not currently in effect, existing statute calls for it to take effect January 1, 1997. The current effective date is the last in a long line of repeatedly-postponed effective dates. Clearly, multiple occupancy is a necessity that is here to stay, at least for the foreseeable future. Under the bill, current and future bedspace shortages, which are projected to be severe and worsening, would be eased at least in the sense that they would not be exacerbated by the triggering of an ill-timed single occupancy requirement. The bill would not mandate multiple occupancy; on the contrary, about twenty percent of the prison population is and would continue to be in single-occupancy placement in reception centers, high-security placement, administrative segregation, and in facilities that operate under federal consent decrees. The bill simply would allow the current multiple occupancy arrangements to be maintained.

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Against:

The bill does not go far enough. It eliminates an upcoming single occupancy requirement for facilities acquired between 1985 and 1992, but it retains an overall single occupancy requirement for new prison facilities. What is needed is full repeal of the single occupancy requirement, so that new prisons can be built with multiple-occupancy cells. Standard use of multiple-occupancy cells reduces construction costs and increases prison capacity.

Against:

Single-occupancy cells tend to provide a modicum of privacy and reduce inmate tensions, and give guards better control over dangerous situations. With multiple occupancy, when a belligerent prisoner must be removed from a cell, a guard may be exposed to attack from cellmates. The department tracks major critical incidents (including threatening behavior, fighting, stabbing, and worse) attributable to double bunking, and while the numbers are not particularly large, they are significant, amounting to roughly one or two dozen incidents per year. Sound prison management and regard for staff safety suggests that single occupancy should be retained as basic policy, even if circumstances demand that the policy be temporarily set aside.

Response:

It is not clear exactly what constitutes an incident "attributable to double bunking." Some of the reported incidents may not be directly caused by having more than one prisoner in a cell, but rather may have occurred coincidentally in double bunking situations. Further, it is not clear how many incidents were directed against self or other prisoners, and how many were directed against guards.

Against:

Many are concerned about the effects of double-bunking and overcrowded facilities on rehabilitative efforts. If prisoners are maintained in multiple-occupancy arrangements in facilities that were designed for single-occupancy, efforts to provide adequate work and educational programs may be compromised, with the result that opportunities to reduce recidivism and improve public protection are lost.

POSITIONS:

The Department of Corrections supports the bill. (2-1-95)

The Michigan Corrections Organization has no position on the bill. (2-1-95)