

Office of the Auditor General
Performance Audit Report

**Prisoner Security Classification and
Recommended Programming**
Michigan Department of Corrections

November 2019

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The auditor general may make investigations pertinent to the conduct of audits.

Article IV, Section 53 of the Michigan Constitution



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Report Summary

*Performance Audit
Prisoner Security Classification and
Recommended Programming
Michigan Department of Corrections
(MDOC)*

Report Number:
471-0350-18

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November 2019

MDOC's security classification process assesses a prisoner's security level and determines the appropriate housing placement to help ensure the protection of the general public, prevention of escape, maintenance of control and order, and safety of staff and prisoners. MDOC assesses each prisoner's risks, needs, and strengths in order to provide responsive treatment, programming, and opportunities during the prisoner's incarceration to provide the prisoner with the tools to make a successful transition back into the community upon release. As of July 31, 2018, MDOC housed 38,635 prisoners in 30 prisons.

Audit Objective			Conclusion
Objective #1: To assess the sufficiency of MDOC's security classification process.			Sufficient, with exceptions
Findings Related to This Audit Objective	Material Condition	Reportable Condition	Agency Preliminary Response
In 4,031 instances, MDOC transferred prisoners between security levels without completing a timely security classification assessment, including 2,855 instances in which the prisoners were moved to a lower security level (Finding #1).		X	Agrees

Audit Objective			Conclusion
Objective #2: To assess the sufficiency of MDOC's efforts to ensure that prisoners receive recommended programming.			Sufficient, with exceptions
Findings Related to This Audit Objective	Material Condition	Reportable Condition	Agency Preliminary Response
Three (7%) and 5 (12%) of 43 prisoners did not have the opportunity to complete recommended programming by their earliest release dates or Parole Board interviews, respectively, potentially resulting in extended incarceration periods and additional costs to the State (Finding #2).		X	Agrees

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November 27, 2019

Ms. Heidi E. Washington, Director
Department of Corrections
Grandview Plaza Building
Lansing, Michigan

Dear Ms. Washington:

This is our performance audit report on Prisoner Security Classification and Recommended Programming, Michigan Department of Corrections.

We organize our findings and observations by audit objective. Your agency provided preliminary responses to the recommendations at the end of our fieldwork. The *Michigan Compiled Laws* and administrative procedures require an audited agency to develop a plan to comply with the recommendations and to submit it to the State Budget Office upon completion of an audit. Within 30 days of receipt, the Office of Internal Audit Services, State Budget Office, is required to review the plan and either accept the plan as final or contact the agency to take additional steps to finalize the plan.

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

Sincerely,

Doug Ringler
Auditor General

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AUDIT OBJECTIVES, CONCLUSIONS, FINDINGS, AND OBSERVATIONS

SECURITY CLASSIFICATION PROCESS

BACKGROUND

Security classification is the Michigan Department of Corrections' (MDOC's) process to assess a prisoner's security level* and determine the appropriate housing placement. The classification process has been designed to ensure that each classification decision is made in a manner that is consistent, fair, and fiscally responsible, while recognizing that the primary responsibility and overall goal is to protect the public, employees, and prisoners.

A prisoner's security classification is based on the prisoner's:

- Confinement level - An assessment of documented facts in the prisoner's history that suggest an increased potential for escape or that may pose an imminent threat to prisoners, staff, or the community. These facts include the prisoner's history of escape/attempts, length of sentence, sexually aggressive behavior, security threat group membership, and assaultive behavior.
- Management level - An assessment of documented facts of the prisoner's conduct, adjustment, and performance while incarcerated.

MDOC performs an initial security classification assessment* during the intake process. Additional security classification assessments are required to be completed at least annually and when a prisoner is being transferred, has received an additional sentence, or has been identified as a security threat. Also, security classification assessments may be completed if staff have reason to believe the security level would change (i.e., prisoner received misconducts or completed programming). In addition, the security level determined by an assessment can be increased or reduced by the facility deputy warden or designee.

As of July 31, 2018, MDOC had 38,635 prisoners, each assigned to one of its five facility security levels (see Exhibit #1).

AUDIT OBJECTIVE

To assess the sufficiency of MDOC's security classification process.

CONCLUSION

Sufficient, with exceptions.

* See glossary at end of report for definition.

**FACTORS
IMPACTING
CONCLUSION**

- Our review of 150 prisoner security classification assessment forms related to 50 prisoners determined that:
 - All 150 assessments were required or determined to be necessary, contained accurate information, and were properly calculated, and 95% were properly approved.
 - MDOC placed the 50 prisoners in the appropriate housing based on the security classification assessment results.
 - The 12 prisoners whose assessed security levels were reduced to a lower level did not have an increase in the number of misconducts, indicating that the lower level placement was appropriate.
- Reportable condition* relating to MDOC not always performing security assessments in a timely manner to support prisoner security level housing changes (Finding #1).

* See glossary at end of report for definition.

FINDING #1

MDOC could improve the timeliness of its security classification assessment process.

Security classification assessments not completed in a timely manner for 4,031 (9.9%) prisoner transfers.

MDOC did not always complete required security classification assessments in a timely manner to support prisoner security level housing changes, potentially compromising the safety and security of staff, prisoners, and the community.

MDOC's prisoner security classification policy, Policy Directive 05.01.130 Section I, requires that, unless a transfer is temporary for medical, psychiatric, or other treatment unrelated to security needs, MDOC shall complete a security classification assessment within 60 calendar days prior to transferring a prisoner to a different security level.

We analyzed 40,556 security level transfers (23,341 unique prisoners) from October 1, 2015 through July 31, 2018. We did not include temporary security level transfers for medical, psychiatric, or other treatment unrelated to security needs. We identified 4,031 (9.9%) instances (3,354 unique prisoners) in which MDOC transferred the prisoner to a different security level without having completed a security classification assessment in the previous 65 days, which allowed a 5-day grace period from the 60-day requirement. We also noted that in 2,855 of the 4,031 instances, MDOC transferred the prisoner to a reduced security housing level. We understand that it may be necessary for MDOC to move a prisoner prior to completing an assessment, i.e., in emergency or dangerous situations; however, our analysis noted that MDOC had not completed a security classification assessment for 1,554 (38.6%) of the 4,031 exceptions within 10 calendar days after the transfer.

MDOC indicated that the untimely security classification assessments were because of its decentralized process to complete the assessments and a lack of centralized monitoring controls.

RECOMMENDATION

We recommend that MDOC complete security classification assessments as required.

AGENCY PRELIMINARY RESPONSE

MDOC provided us with the following response:

Agree.

MDOC agrees that we need to complete required security classification screens in a timely manner. We recognize security classification screens need to be completed, on time, when the prisoner is being transferred to a different security level or to a different institution and it has been at least 60 calendar days since the prior screening or the prisoner has incurred a Class I or Class II misconduct since the prior screening.

While our process is inherently decentralized, this is necessary to allow facilities to manage their population and beds.

Plan of Action: MDOC will continue to work with facilities and monitor quarterly to ensure the completion of timely and appropriate classification screens.

PRISONER PROGRAMMING

BACKGROUND

MDOC's program classification process assesses each prisoner's risks, needs, and strengths in order to provide responsive treatment, programming, and opportunities during the prisoner's incarceration by using evidence-based principles, assessments, individualized case planning, and specialized transition planning.

Programming recommendations are identified and approved during the intake process and can be updated throughout the prisoner's incarceration. MDOC monitors a biweekly prisoner programming status report to help ensure that prisoners are on track to complete all recommended programming prior to their earliest release date (ERD). Five months prior to the prisoner's ERD, the Parole Board interviews the prisoner in part to determine whether the prisoner is on track with his/her recommended programming.

As of July 31, 2018, 31,262 prisoners were enrolled in or were on a waiting list for the 23 core* or elective programs offered by MDOC (see Exhibit #2).

AUDIT OBJECTIVE

To assess the sufficiency of MDOC's efforts to ensure that prisoners receive recommended programming.

CONCLUSION

Sufficient, with exceptions.

FACTORS IMPACTING CONCLUSION

- The Parole Board reviewed and approved all programming recommendations made by MDOC staff during the intake process for all 50 prisoners that we reviewed who were sentenced from October 1, 2015 through July 31, 2018.
- The 43 prisoners that we reviewed with ERDs from June 1, 2016 through July 31, 2018 completed the recommended programming, 40 of whom completed it prior to their ERD.
- MDOC's prisoner transfers did not negatively affect the completion of recommended programming for the 3 prisoners who did not complete recommended programming prior to their ERD.
- Reportable condition related to the timeliness of scheduling prisoner programming (Finding #2).

* See glossary at end of report for definition.

FINDING #2

Timely scheduling of recommended programming needed.

MDOC could improve its process for scheduling prisoner programming to better ensure that prisoners are provided recommended programming in advance of their Parole Board interview and their ERD. Incomplete programming may inhibit prisoners' parole possibilities, resulting in extended incarceration periods and additional costs to the State.

Section 913(2), Public Act 107 of 2017, a boilerplate section of a fiscal year 2018 appropriations act, requires that MDOC provide prisoners with access to programming that is recommended as a condition for parole to ensure the prisoners' timely completion of that programming prior to their ERD. Also, Section 18.1485(2)(f) of the *Michigan Compiled Laws* (Section 485, Public Act 431 of 1984, as amended) requires departments to include internal control* techniques that are effective and efficient, which would include having the necessary mechanisms in place to help ensure that prisoners complete recommended programming by their ERD.

Three (7.0%) prisoners did not have the opportunity to complete recommended programming by their ERD.

Our review of 43 prisoners who were assigned programming and who had an ERD from June 1, 2016 through July 31, 2018 noted that MDOC did not provide 3 (7.0%) prisoners with the opportunity to complete their recommended programming prior to their ERD. MDOC indicated that offering programming at all facilities is not practical and that a lack of qualified clinicians and available beds at facilities providing the recommended programming are the primary reasons that prisoners may not have an opportunity to complete recommended programming sooner.

These 3 prisoners were not paroled at their ERD and the Parole Board cited the completion of programming as a factor that may facilitate their release in the future. In an effort to help ensure that prisoners complete programming prior to their ERD, MDOC established a goal in March 2016 that all prisoners complete their recommended programming in advance of their Parole Board interview; however, we noted that MDOC did not provide an additional 5 (11.6%) prisoners with this opportunity.

RECOMMENDATION

We recommend that MDOC improve its process for scheduling prisoner programming.

AGENCY PRELIMINARY RESPONSE

MDOC provided us with the following response:

Agree.

MDOC notes that it is relevant to this audit finding to document that this is a resource driven process. We are proactive in establishing timely goals for prisoner placement and have created a monthly report that tracks programs and facility availability to ensure prisoners are placed promptly. As we continue to improve our process, a further plan of action is not needed.

* See glossary at end of report for definition.

SUPPLEMENTAL INFORMATION

UNAUDITED
Exhibit #1

PRISONER SECURITY CLASSIFICATION AND RECOMMENDED PROGRAMMING

Michigan Department of Corrections

Number of Prisoners by Correctional Facility and Facility Security Level
As of July 31, 2018

Facility	Facility Security Level				Total
	I or Secure I	II	IV	V	
Alger Correctional Facility	0	192	526	170	888
Baraga Correctional Facility	231	0	0	536	767
Bellamy Creek Correctional Facility	301	705	779	0	1,785
Carson City Correctional Facility	1,263	695	378	0	2,336
Central Michigan Correctional Facility	2,526	0	0	0	2,526
Charles Egeler Reception and Guidance Center	75	37	0	998	1,110
Chippewa Correctional Facility	114	1,909	302	0	2,325
Cooper Street Correctional Facility	1,730	0	0	0	1,730
Detroit Reentry Center	0	79	0	0	79
Earnest C. Brooks Correctional Facility	112	687	395	0	1,194
G. Robert Cotton Correctional Facility	908	694	138	0	1,740
Gus Harrison Correctional Facility	1,248	711	233	0	2,192
Ionia Correctional Facility	0	264	0	366	630
Kinross Correctional Facility	139	1,214	0	0	1,353
Lakeland Correctional Facility	2	1,393	0	0	1,395
Macomb Correctional Facility	106	889	368	0	1,363
Marquette Branch Prison	400	0	0	399	799
Michigan Reformatory	0	461	696	0	1,157
Muskegon Correctional Facility	0	1,295	0	0	1,295
Newberry Correctional Facility	1,091	0	0	0	1,091
Oaks Correctional Facility	0	370	617	0	987
Ojibway Correctional Facility	769	0	0	0	769
Parnall Correctional Facility	1,655	0	0	0	1,655
Richard A. Handlon Correctional Facility	0	1,246	0	0	1,246
Saginaw Correctional Facility	116	712	614	0	1,442
Special Alternative Incarceration Facility	221	0	0	0	221
St. Louis Correctional Facility	0	0	1,126	0	1,126
Thumb Correctional Facility	0	1,028	0	0	1,028
Women's Huron Valley Correctional Facility	1,064	815	182	0	2,061
Woodland Center Correctional Facility	117	0	228	0	345
Total	<u>14,188</u>	<u>15,396</u>	<u>6,582</u>	<u>2,469</u>	<u>38,635</u>

Source: The OAG prepared this exhibit based on data from MDOC's Offender Management Network Information System (OMNI).

PRISONER SECURITY CLASSIFICATION AND RECOMMENDED PROGRAMMING
Michigan Department of Corrections

Number of Prisoners Who Completed, Were Enrolled, or Were on a Waiting List by Program*
As of July 31, 2018

<u>Program Type/Program Name</u>	<u>Completed</u>	<u>Enrolled</u>	<u>On a Waiting List</u>
Core Programming			
Advanced Substance Abuse Treatment	2,041	763	3,438
Beyond Violence	123	58	366
Building Responsible Individualized Dynamics Gaining Essential Safety - Domestic Violence	667	213	1,006
Meridians - Domestic Violence	104	19	21
Michigan Sex Offender Programming (males)	194	433	4,433
Moving On	475	182	166
Residential Substance Abuse Treatment	162	1	6
Seeking Safety	312	62	28
Sex Offender Programming (females)	619	9	57
Substance Abuse - Phase II	4,987	630	6,747
Thinking For a Change	4,097	762	3,000
Violence Prevention Program High Intensity	541	246	2,153
Violence Prevention Program Moderate Intensity	2,315	394	4,138
Elective Programming			
Academic Education	15,294	3,641	4,982
Assaultive Offender Program	502	1	9
Career and Technical Education	5,856	1,143	10,861
Careerscope Career and Technical Counseling	11,158	71	11,197
College - Post-Secondary Programs	3	157	23
Detroit Reentry Center Programming	52	2	130
Inside Out Dad	102	3	31
Pre-Release - Employment Readiness	4,469	1,098	22,158
Vocational Village - Career and Technical Counseling	9	378	44
WorkKeys Career and Technical Counseling	14,040	781	11,836
Total	68,122	11,047	86,830

* Figures represent only prisoners incarcerated at an MDOC correctional facility as of July 31, 2018.

Source: The OAG prepared this exhibit based on data from MDOC's Office of Offender Reentry report.

DESCRIPTION

MDOC's mission* is to create a safer Michigan by holding prisoners accountable while promoting their success.

Security Classification Process

MDOC determines each prisoner's security classification by assessing the prisoner's confinement level and management level and assigns each prisoner to a correctional facility that has adequate security to address the higher of these two assessments. From October 1, 2015 through July 31, 2018, MDOC completed approximately 186,000 security classification assessments of 60,970 prisoners.

Prisoner Programming

MDOC identifies each prisoner's programming needs and provides treatment, programming, and opportunities during the prisoner's incarceration to provide the prisoner with the tools to make a successful transition back into the community upon release. From October 1, 2015 through July 31, 2018, MDOC assigned 128,350 programming recommendations to 31,979 prisoners, including 30,213 recommendations to core programs.

As of July 31, 2018, MDOC housed 38,635 prisoners in 30 prisons.

* See glossary at end of report for definition.

AUDIT SCOPE, METHODOLOGY, AND OTHER INFORMATION

AUDIT SCOPE

To review the records and operations of MDOC as it relates to prisoner security classification and recommended programming. We conducted this performance audit* in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

PERIOD

Our audit procedures, which included a preliminary survey, audit fieldwork, report preparation, analysis of agency responses, and quality assurance, generally covered MDOC's activities from October 1, 2015 through July 31, 2018.

METHODOLOGY

We conducted a preliminary survey to gain an understanding of MDOC's prisoner security and program classification processes in order to establish our audit objectives, scope, and methodology. During our preliminary survey, we:

- Conducted site visits at the Charles Egeler Reception and Guidance Center and at the Bellamy Creek Correctional Facility and interviewed MDOC management and staff to obtain an overall understanding of the prisoner security classification and programming processes.
- Reviewed applicable laws, regulations, policies, and procedures.
- Researched security classification and programming processes of neighboring states.
- Analyzed MDOC's OMNI data to determine prisoner demographics, security classification assessment levels and dates, ERDs, Parole Board programming reviews, prison bed availability, and prisoner housing transfers.
- Conducted research and interviewed MDOC staff to identify any significant lawsuits related to security classification or programming.

OBJECTIVE #1

To assess the sufficiency of MDOC's security classification process.

* See glossary at end of report for definition.

To accomplish this objective, we:

- Selected 50 of the 67,012 prisoners who were incarcerated at any time during the period October 1, 2015 through July 31, 2018. We randomly selected our sample to eliminate bias and enable us to project the results to the entire population. Specifically, we reviewed:
 - The 150 security classification assessments completed from October 1, 2015 through July 31, 2018 to determine if they were necessary, accurately calculated, and properly approved.
 - The appropriateness of the resulting housing level placement.
 - Prisoner misconducts for the 12 prisoners whose security classification assessments were reduced.
 - The security assessments for the 45 prisoners who had a change in housing level placement to determine if a security assessment was performed to support the change in security level.
- Analyzed the population of prisoner security level movements and corresponding security assessments.

OBJECTIVE #2

To assess the sufficiency of MDOC's efforts to ensure that prisoners receive recommended programming.

To accomplish this objective, we reviewed:

- Prisoner case files for 50 of the 10,780 prisoners who had an initial Parole Board interview during the period October 1, 2015 through July 31, 2018 to determine whether the programming recommendation was properly approved by the Parole Board.
- Prisoner case files for 50 of the 17,891 prisoners who had an ERD from June 1, 2016 through July 31, 2018. We determined that 43 of the 50 prisoners were assigned to recommended core programming during their incarceration. We determined if:
 - The 110 program classification review forms applicable to the 43 prisoners were completed in a timely manner.
 - The 43 prisoners completed the recommended programming prior to their Parole Board interview and ERD.

We randomly selected our samples to eliminate bias and enable us to project the results to the entire population.

CONCLUSIONS

We base our conclusions on our audit efforts and any resulting material conditions* or reportable conditions.

When selecting activities or programs for audit, we direct our efforts based on risk and opportunities to improve State government operations. Consequently, we prepare our performance audit reports on an exception basis.

**AGENCY
RESPONSES**

Our audit report contains 2 findings and 2 corresponding recommendations. MDOC's preliminary response indicates that it agrees with both of the recommendations.

The agency preliminary response that follows each recommendation in our report was taken from the agency's written comments and oral discussion at the end of our fieldwork. Section 18.1462 of the *Michigan Compiled Laws* and the State of Michigan Financial Management Guide (Part VII, Chapter 4, Section 100) require an audited agency to develop a plan to comply with the recommendations and to submit it to the State Budget Office upon completion of an audit. Within 30 days of receipt, the Office of Internal Audit Services, State Budget Office, is required to review the plan and either accept the plan as final or contact the agency to take additional steps to finalize the plan.

**SUPPLEMENTAL
INFORMATION**

Our audit report includes supplemental information presented as Exhibits #1 and #2. Our audit was not directed toward expressing a conclusion on this information.

* See glossary at end of report for definition.

GLOSSARY OF ABBREVIATIONS AND TERMS

core programming	Specific MDOC programming that must be recommended to prisoners if they meet specific criteria.
ERD	earliest release date.
internal control	The plan, policies, methods, and procedures adopted by management to meet its mission, goals, and objectives. Internal control includes the processes for planning, organizing, directing, and controlling program operations. It also includes the systems for measuring, reporting, and monitoring program performance. Internal control serves as a defense in safeguarding assets and in preventing and detecting errors; fraud; violations of laws, regulations, and provisions of contracts and grant agreements; or abuse.
material condition	A matter that, in the auditor's judgment, is more severe than a reportable condition and 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. Our assessment of materiality is in relation to the respective audit objective.
MDOC	Michigan Department of Corrections.
mission	The main purpose of a program or an entity or the reason that the program or the entity was established.
OMNI	Offender Management Network Information System.
performance audit	An audit that provides findings or conclusions based on an evaluation of sufficient, appropriate evidence against criteria. Performance audits provide objective analysis to assist management and those charged with governance and oversight in using the information to improve program performance and operations, reduce costs, facilitate decision-making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability.
reportable condition	A matter that, in the auditor's judgment, is less severe than a material condition and falls within any of the following categories: an opportunity for improvement within the context of the audit objectives; a deficiency in internal control that is significant within the context of the audit objectives; all instances of fraud; illegal acts unless they are inconsequential within the context of the audit

objectives; significant violations of provisions of contracts or grant agreements; and significant abuse that has occurred or is likely to have occurred.

security classification
assessment

As used in this report, an initial or subsequent evaluation by MDOC involving an assessment of confinement and management levels to determine a prisoner's security level and respective housing. MDOC refers to security classification assessments as security classification screens.

security level

A security classification assigned to a facility or a prisoner. MDOC's security levels are:

- Level I - A security classification assigned to a facility or a prisoner. The facilities house prisoners who have met certain criteria and whose behavior has shown that they can be safely housed there. This is the lowest custody level supervised by the Correctional Facilities Administration.
- Secure level I - A security classification assigned to a facility. The facilities house prisoners who have shown good institutional adjustment and behavior. These facilities have electronic detection systems, double fences, concertina wire, and an armed perimeter security vehicle patrolling the perimeter of the institution.
- Level II - A security classification assigned to a facility or a prisoner. The facilities are transitional prisons where prisoners who show good institutional adjustment and have a low security risk go to complete programs and prepare for eventual release. Long-term or prisoners sentenced to life terms may also qualify for level II facilities if their security and management risks are low.
- Level IV - A security classification assigned to a facility or a prisoner. The facilities are general population medium-high security prisons for new commitments and prisoners who are a higher management and/or escape risk. Level IV facilities may have less mass movement, more restricted programming, and fewer group activities than lower level classifications.
- Level V - A security classification assigned to a facility or a prisoner. The facilities have a high level of institutional security for prisoners who have a high security and management risk. Often, these prisoners show little or no institutional adjustment and are a high or very high assault risk. They may have attempted escapes during their supervision in State or local correctional facilities.



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