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AT A GLANCE

- Jurisdiction to receive, investigate, and resolve complaints regarding 10 prisons and 150 local adult and juvenile facilities statewide, with a typical daily population of over 17,000 persons and over 210,000 intakes and releases over the course of a year.
- In 2020 received over 2,000 complaints, the vast majority related to COVID-19 prevention and mitigation, and used them to make recommendations to the DOC, the Legislature, the Governor, and the Department of Health
- Five full time staff

PURPOSE

The statutory purpose of the Office of the Ombudsperson for Corrections (OBFC) is “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections”. The Ombudsperson has the authority to take and investigate complaints from or about any Department of Corrections’ staff or facility charged with the care and custody of inmates and any regional or local correctional facility licensed by the DOC in Minnesota. The OBFC is neutral and independent. The OBFC works to resolve complaints, investigate, make recommendations, and publish reports. The OBFC is concerned with systemic/policy issues and so may also initiate systemic issue investigations. The goal is to provide for a safer and more just corrections system for staff, incarcerated individuals, and all Minnesotans.

BUDGET

The current OBFC budget is \$654,000 for FY20 and \$655,000 for FY21.

Currently, OBFC funding is within the Department of Corrections budget. The Governor’s 22-23 budget separates the OBFC budget in order to provide needed independence and separation from the DOC. 100% of the OBFC’s total biennial budget comes from the general fund.

STRATEGIES

The Office of the Ombudsperson for Corrections promotes the highest standards of corrections through the following strategies:

- **Receiving, Investigating and Resolving Complaints:** Provides an impartial and unbiased process for incarcerated individuals, staff, and community to share concerns about DOC and local facility actions and policies and have them investigated.
- **Providing Oversight:** Minnesota’s correctional facilities confine thousands of incarcerated adults and juveniles and place staff in often difficult work environments. Largely, the corrections system sets and manages the conditions of confinement and public access is highly restricted. This leaves the system in need of oversight. Access to an Ombudsperson provides a way to voice concerns and complaints for impartial and transparent consideration.
- **Promoting Efficiency and Justice:** The Ombudsperson independently draws conclusions, examines existing policies and procedures, identifies opportunities for raising overall standards, makes recommendations, and produces reports aimed at improving the corrections system in order to promote efficiency, justice, and fairness.
- **Providing Information:** The OBFC provides engagement, education, and information to incarcerated individuals, their family and loved ones, corrections staff, and the community.

- **Increasing Health and Safety:** The OBFC increases safety and health for incarcerated individuals, staff, and community members by
 - Providing incarcerated individuals and staff an opportunity to address their complaints and concerns about unsafe or unhealthy situations and conditions.
 - Providing a productive option for incarcerated individuals' complaints who may otherwise take out frustration on staff.
 - Provides for systemic health and safety improvements.
 - Ensures that inmate rights are protected, and that correctional programs and services promote rehabilitation, reduce recidivism, improve lives, and promote overall community safety.
 - **Promoting Equity:** People of color are disproportionately represented in prisons and jails. Over 55% of male inmates and 44% of female prison inmates are BIPOC. Addressing both individual and systemic complaints and issues advances equity and provides for greater accountability and greater transparency in addressing inequitable systems within and outside of corrections.
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M.S. 241.90 (<https://www.revisor.mn.gov/statutes/cite/241.90>) provides the legal authority for the OBFC.

(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
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Expenditures by Fund

1000 - General							659	663
Total							659	663
Biennial Change				0		0		1,322
Biennial % Change								
Governor's Change from Base								1,322
Governor's % Change from Base								

Expenditures by Program

Ombudsperson for Corrections							659	663
Total							659	663

Expenditures by Category

Compensation							409	413
Operating Expenses							250	250
Total							659	663

Full-Time Equivalents

							3.94	4.01
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(Dollars in Thousands)

	Actual FY18	Actual FY19	Actual FY20	Estimate FY21	Forecast Base FY22 FY23		Governor's Recommendation FY22 FY23	
1000 - General								
Direct Appropriation							659	663
Expenditures							659	663
Biennial Change in Expenditures				0		0		1,322
Biennial % Change in Expenditures								
Governor's Change from Base								1,322
Governor's % Change from Base								
Full-Time Equivalents							3.94	4.01

(Dollars in Thousands)

	FY21	FY22	FY23	Biennium 2022-23
Direct				
Fund: 1000 - General				
Change Items				
Office of Ombuds for Corrections		659	663	1,322
Total Governor's Recommendations		659	663	1,322

Ombudsperson for Corrections

FY 2022-23 Biennial Budget Change Item

Change Item Title: Ombudsperson for Corrections

Fiscal Impact (\$000s)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund				
Expenditures				
Department of Corrections	(659)	(663)	(663)	(663)
Ombudsperson for Corrections	659	663	663	663
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	0	0	0	0
FTEs	0	0	0	0

Request:

The Governor recommends a reduction of \$659 thousand in FY 2022 and \$663 thousand ongoing to the Department of Corrections and providing a separate new appropriation of the same amount to the recently created Office of Ombudsperson for Corrections. This will help to ensure the Ombudsperson for Corrections is a unique and independent agency.

This request represents a 100% reduction of the budget activity for the Office of the Ombudsman in the DOC budget. All funds will instead be appropriated separately to the new agency.

Rationale/Background:

The Legislature appropriated funds to the DOC during the 2019 Legislative Session to establish the Office of the Ombudsperson for Corrections. The office represents the interests of the public by investigating and addressing complaints reported by individual citizens related to the Minnesota DOC. Appropriated funds are currently included in a separate DOC budget activity within the DOC’s budget structure and are used solely for staff and operating expenses of the Ombudsperson.

The Ombudsperson for Corrections provides an impartial and independent outlet for investigating complaints. It is important for the office to proceed and operate as fully independent agency to ensure and maintain the integrity of the process.

Proposal:

The Governor recommends a budgetary and administrative separation of the Ombudsperson for Corrections from the DOC.

- Funds would be appropriated directly to the recently established agency instead of to the DOC.
- There would be a zero-net impact to the state’s general fund.
- This proposal will ensure the Ombudsperson for Corrections is a fully independent agency.
- The Ombudsperson for Corrections would procure necessary support services from a source outside of the DOC.
- Changes in appropriations would begin with fiscal year 2022.

Impact on Children and Families:

Families of incarcerated persons are assured there is an independent and impartial outlet available to investigate complaints and issues.

Equity and Inclusion:

The population served by the DOC is diverse in terms of race, ethnicity, gender, sexual orientation, disability and veteran status. The Ombudsperson for Corrections provides an additional resource to the corrections system, advocates, service organizations and other stakeholders.