



MINNESOTA
OFFICE OF THE OMBUDS
FOR CORRECTIONS

Office of the Ombuds for Corrections
Annual Report 2021

December 2021

Message from the Ombuds for Corrections

I am proud to present the 2021 annual report of the Office of the Ombuds for Corrections (OBFC).

This year we continued to work through some administrative challenges related to establishing the office, such as moving finance and HR functions to the Department of Administration to make the office more independent from the Department of Corrections, which also required significant IT changes. We also continue to refine our procedures and our case management system. At the same time, we've been fully operational and had many successes in resolving complaints and changing correctional policies.

We have received and responded to over 440 complaints from incarcerated individuals, corrections staff, and concerned family and community members, and conducted over 90 investigations. We have also completed several systemic investigations, including one on the critically important DOC grievance process that resulted in significant policy changes; worked with our stakeholder advisory group; and developed a presentation series called Promoting Justice to engage community members and professionals on promising practices within corrections. This annual report provides details on our efforts and highlights a number of success stories.

At the close of 2021, the OBFC has continued to fulfill its important statutory role of promoting "the highest attainable standards of competence, efficiency, and justice in the administration of corrections," and is now firmly established to continue doing so into the future.

I submit this document in compliance with Minnesota Statute 241.95, Subdivision 2, which requires the Ombudsperson to report annually on functions during the preceding year.

We look forward to more accomplishments and progress in 2022.



Mark Haase
Ombudsperson for Corrections

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General Office Information

Mission

The mission of the Minnesota Office of the Ombuds for Corrections (OBFC) is, “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.”¹

Jurisdiction and Role

Minnesota statute grants the OBFC authority to take and investigate complaints about any state or local corrections agency. The OBFC can accept complaints from incarcerated individuals in Minnesota, concerned family members, corrections staff, and community members. The OBFC can investigate individual complaints and systemic issues that the Ombuds determines need review, work to resolve them, conduct investigations, make recommendations to agency leadership and the legislature, and publish reports.

The office is separate and independent from the Department of Corrections (DOC). Details on the authority and responsibilities of the OBFC can be found in Minnesota Statute, [Chapter 241](#), sections 90-95.

Local Facility Jurisdiction

[Minnesota statute 241.91](#) gives OBFC jurisdiction to investigate local adult and juvenile correctional facilities. However, the statute also requires that the similar services provided by Minnesota Department of Corrections Inspection and Enforcement (I&E) not be duplicated. The OBFC and the DOC have entered into an agreement, as required by statute, that maintains that the DOC has jurisdiction for local facility compliance complaints. The OBFC may investigate systemic and discretionary policy issues and make recommendations for changes.

Operations

During its first year of operations, the OBFC laid a solid foundation for future success, in addition to registering some important early accomplishments. In its second year of operations, the office has met the challenges of responding to an ever-developing landscape and continued to cultivate best practices and efficient processes.

Although the OBFC is an independent office separate from Minnesota’s Department of Corrections (DOC), the OBFC intersects with DOC as it reaches out to the prison population, investigates and resolves complaints, and recommends systemic improvements. For this reason, the OBFC continues regular conversations with DOC leadership. Additionally, the OBFC met regularly with certain DOC departments such as quarterly meetings with DOC Health Services division and regular conversations with DOC Inspections and Enforcement. Furthermore,

¹ Minnesota Statute, 241.90 2020, <https://www.revisor.mn.gov/statutes/cite/241.90>.

the OBFC has provided information about the office and its role which is included in all DOC Academy trainings for all incoming new staff.

Staff

The full-time staff at the OBFC consists of five individuals, all of whom bring valuable experience and useful skills to their positions. The full-time staff members are:

- Ombuds Mark Haase, who directs the office and leads its work. Additionally, Ombuds Haase leads investigations at certain facilities and reviews all office investigations as necessary.
- Assistant Ombuds for Operations Margaret Zadra, who manages operations; works with the Ombuds on stakeholder engagement, communication, policies, procedures, and program and resource development to advance the OBFC's mission and values; and leads investigations for juvenile complaints and local facilities.
- Assistant Ombuds Rea Smith, Shahna Fredrick, and Christian Dobratz, who receive and investigate complaints filed with the OBFC, resolve those complaints, investigate correctional policies and practices, make recommendations for changes to policy and practices, and represent the OBFC with various stakeholder groups.

Training

OBFC staff members continued to engage in extensive training for ombuds work overall and for the potentially sensitive investigations they carry out. Notable instruction in 2021 included the following:

- Trauma Informed Trainings
 - Participation in a four hour, in-person SAMSHA² certified training: How Being Trauma-Informed Improves Criminal Justice System Responses³
 - Follow up four hour, in-person workshop, customized for the OBFC on Trauma Informed Interviewing Skills
- In person facility security training for all OBFC staff at MCF Faribault.
- Individualized training and shadowing for staff at each MCF facility where they are assigned.
- Attended three-day 2021 Minnesota Corrections Association (MCA) Training Institute
- United States Ombudsman Association (USOA) Trainings including:
 - Unconscious Bias Training
 - De-escalation Training

² The Substance Abuse and Mental Health Services Administration (SAMHSA) is the agency within the U.S. Department of Health and Human Services that leads public health efforts to advance the behavioral health of the nation. SAMHSA's mission is to reduce the impact of substance abuse and mental illness on America's communities.

³ Trauma-informed care is an approach used to engage people with histories of trauma. It recognizes the presence of trauma symptoms and acknowledges the role that trauma can play in people's lives. Trauma-informed criminal justice responses can help to avoid re-traumatizing individuals.

<https://www.samhsa.gov/gains-center/trauma-training-criminal-justice-professionals>

- Understanding Poverty
- Other
 - Mandated reporter training for staff that work with juveniles.
 - Reports training

Budget

Although the OBFC is neutral and independent from the Department of Corrections, OBFC’s funding was originally placed within the Department of Corrections budget. The Governor’s 22-23 budget separated the OBFC budget to ensure full independence and provide separation from the DOC.

The OBFC has five full time staff who 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.

The OBFC budget was \$655,000 for FY21 and is \$659,000 for FY22 which sustains five FTEs. All funding is from the General Fund. Given the important work and benefits of the office the cost is minimal for a significant resource; for comparison, the OBFC budget equals .1% of the DOC budget.

Some challenges within the budget have arisen in ability to manage IT costs while sustaining FTEs and will need to be examined in the future.

FY 22 Budget	
Expenses	Amounts
Compensation	\$529,600
Space rental and utilities	\$30,200
Prof-Tech Serv-Outside Vend	\$2,000
Communications	\$6,600
Travel InState ⁴	\$8,000
Employee Development	\$1,700
State Agency-Prov Prof-Tech Serv	\$41,000
Rate-Based MNIT Services	\$5,000
Agency-Specific MNIT Services	\$30,000 ⁵
Supplies	\$1,000
Equipment	\$1,300
Other Operating Costs	\$2,600
Total	\$659,000

⁴ Mostly travel to facilities for site visits.

⁵ MNIT revised MNIT Budget December 12,2021 estimate total MNIT costs for FY22 as \$52,000.

Information Technology

Case Management Software

The OBFC spent considerable time customizing and optimizing the Workpro complaint management software for its operations and working with that vendor and MNIT to tailor a version matched with the needs of the office. Workpro is used worldwide to handle complaints for Ombuds offices. Using Workpro can identify cases by subject, facility, and outcome, and link related cases across all its Assistant Ombuds.

Workpro can produce reports in Microsoft applications on a wide range of topics, including types of complaints, themes, and who filed which complaints. It will track status, dates for action, and outcomes. In addition, the OBFC staff are able to upload relevant case documents into the system and graph complaints received versus complaints resolved.

Change in Domains

Because the OBFC's funding was originally placed within the Department of Corrections budget, information technology (IT) was provided under the umbrella of the DOC. When the Governor's 22-23 budget separated the OBFC budget to ensure full independence and provide separation from the DOC, IT also had to be separated by moving the OBFC from the DOC server to the state server which included moving all processes including moving the Workpro database to the new state domain. This was a complex process that took several months.

Complaints and Outcomes

A central focus for the OBFC is receiving, investigating, and resolving complaints from incarcerated individuals and others. Some complaints are able to be resolved quickly or the OBFC is able to provide resources and referral to the appropriate entity, and some are referred for deeper investigation or are used to inform future policy investigations.

Complaint Process

Prior to filing a complaint, the OBFC requires incarcerated individuals to have reasonably pursued resolution of their issues through the internal administrative and grievance procedures at their facilities. This protects the integrity of that important agency grievance process and protects the legal rights of incarcerated persons. However, this requirement may be waived under certain circumstances. The OBFC will not investigate complaints pertaining to an incarcerated individual's underlying criminal conviction or pertaining to an agency employee's employment status. Correspondence to and from the OBFC is protected, and corrections agencies are not permitted to review it.

Incarcerated individuals in DOC facilities use the OBFC's official form to file complaints via the mail. The OBFC official complaint form is available in facility libraries.

The office also accepts complaints from incarcerated persons and residents of local correctional facilities, which include all adult and juvenile facilities licensed by the DOC Inspections and Enforcement Unit (I&E). While the Ombuds has jurisdiction to receive and investigate complaints at local adult and juvenile correctional facilities, state statute requires that the office not duplicate services from DOC I&E. The OBFC also created [a page on its website](#) that instructs individuals with complaints about local correctional facilities to follow facility grievance processes, contact appropriate local authorities, and contact I&E regarding possible violations of state law or promulgated rules before raising concerns with the Ombuds. The web page provides specific details for juvenile facilities and information for immigration detention as well.

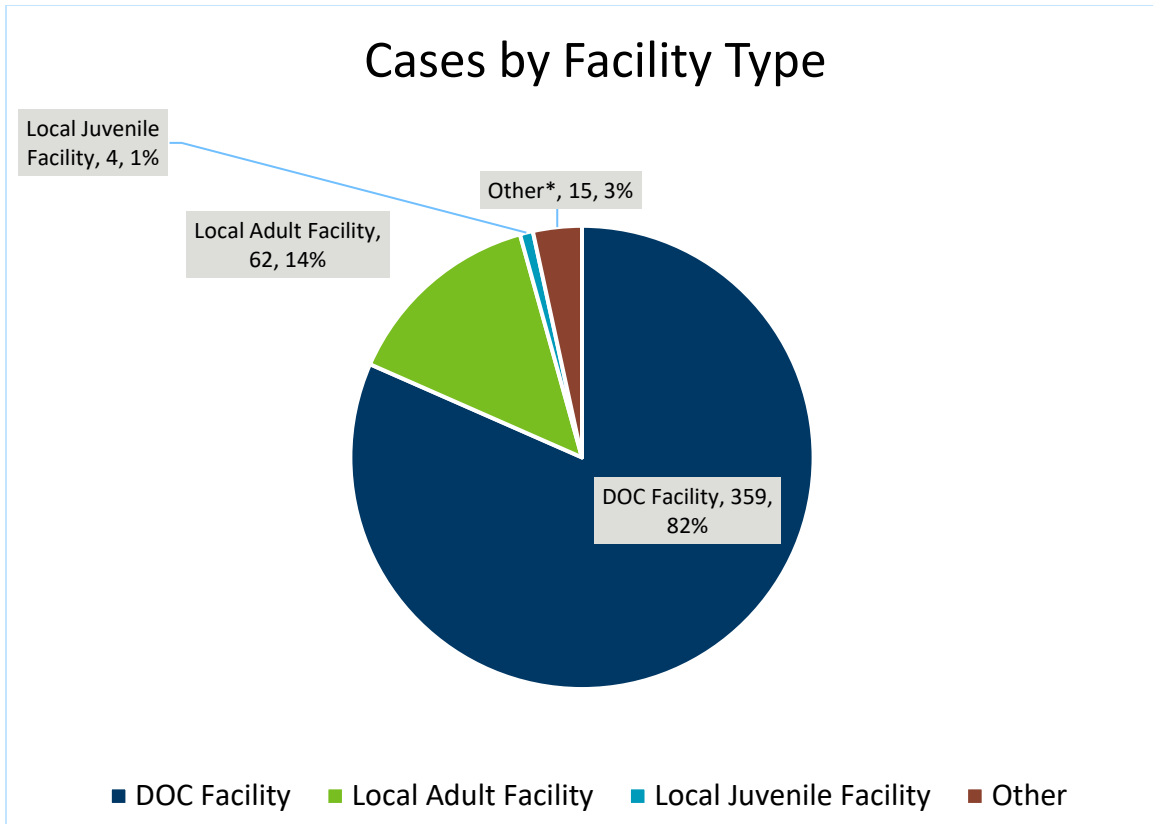
The OBFC is required by statute to focus on issues that impact the administration of corrections and may investigate complaints from staff about agency actions or policies that specifically and uniquely impact the administration of corrections. The OBFC requires that employees seek resolution through established agency processes but may investigate when these processes are not in place or are ineffective. The Ombuds will refer staff to internal processes and procedures when complaints pertain to an agency employee's employment status or law enforcement for any possible criminal matters. The OBFC has provided information for corrections staff on the office's complaint process and investigations.

Family members, advocates, and others may file a complaint using the form available on the OBFC website or following other options for contacting the office as provided on the website. The OBFC will not conduct investigations on behalf of another person without gaining their consent, unless the individual is unable to consent for some reason, or other unusual circumstances exist.

General Complaints to the OBFC

In the past year, the office handled more than 440 complaints.⁶ In response, the office has initiated investigations, compiled case-specific information, and worked to resolve issues as appropriate. In about three-fourths of the cases from 2021, the OBFC was able to conclude preliminary investigations through early resolution. The office conducted over 90 deeper investigations. More than 80% of complaint cases were from or regarding DOC facilities. The remaining complaints were regarding local facilities or entities listed as "other." "Other" includes entities not in OBFC jurisdiction such as complaints about federal facilities, public defenders, or probation or parole officers. Information about where to file those complaints is provided to complainants as available.

⁶ These are separate from and in addition to COVID-19 related complaints received through the email kiosks in DOC facilities through June 17, 2021, used to inform ongoing COVID -19 recommendations and to monitor conditions. OBFC proactively engaged with DOC to set up a system for incarcerated individuals at state correctional facilities to contact the office related to COVID-19. Incarcerated individuals used communications kiosks at the prisons to send electronic messages at no charge to confidentially report concerns and complaints to the Ombuds about COVID-19. The OBFC received a total more than 2,100 in Spring 2020 through the Fall 2020 highlighted in last year's annual report and received approximately 1,200 additional emails from Winter of 2020/2021 through Summer of 2021 at which time the COVID-19 specific email was discontinued. The OBFC did not respond to these COVID specific emails but tracked the complaints and used them to inform ongoing recommendations and to monitor conditions.



Complaint subjects are listed below by facility type. Each complaint may include multiple complaint subjects so total of complaint subjects does not equal number of complaints per facility.

Number of Complaint Subjects by Facility Type				
Complaint Subject	DOC Facilities	Local Adult Facilities	Local Juvenile Facilities	Other
Accommodations including for aging and disability	24	-	-	-
Agency Communication	20	-	-	-
Assault: Assault by IP	9	2	-	-
Assault: Assault by Staff	21	6	-	2
Canteen	5	-	-	-
CIP Denial	3	-	-	-
Conditions in Facility	24	15	-	-
COVID Policies and Practices ⁷	73	6	-	-

⁷ COVID Policies and Practices indicates complaints received in the mail that included complaints about facility COVID-19 policies and practices, separate from any COVID-19 email complaints.

Death Review	2	-	-	-
Dental Care	2	2	-	-
Discipline	91	1	-	-
Discrimination	21	3	-	-
Early Release Denial	5	-	-	-
Food Service	13	10	-	1
Grievance Process	29	6	-	-
Harassment: Harassment by IP	7	5	-	-
Harassment: Harassment by Staff	48	15	-	2
Hearing and Release Unit (HRU)	10	-	-	-
JPAY	6	-	-	-
Kite System	9	-	-	-
Law Library Access or Policies	4	3	-	-
Legal Calls	3	-	-	-
Legal Representation	4	3	-	-
Legal Mail	14	-	-	-
Library Access or Policies	3	-	-	-
Mail	17	1	-	-
Medical Care	54	38	2	2
Mental Health Care	20	13	-	-
MnSTARR	3	-	-	-
MinnCor	5	-	-	-
OPA/OSI	2	-	-	-
Other	42	13	1	6
Placement (Facility, Unit, or Cell)	13	5	1	1
PREA Policy or Procedures	8	1	-	-
Privileges	12	5	-	-
Programming	20	3	-	-
Property	46	-	-	-
Religious Accommodation	10	-	-	-
Retaliation	6	-	-	-
Sexual Abuse and Harassment	6	-	-	-
Step Down Management Program	2	-	-	-
Substance Use Disorder Treatment	3	-	-	-
Supervision Revocation	3	-	-	-
Systemic	39	16	-	1
Transgender Policies	5	3	-	-
Translation Issues	2	-	-	-
Visitation	21	4	-	-
Work	12	-	-	-

Resolved Complaint Examples

Cases are resolved in numerous ways including by referring to the appropriate agency or process, by providing information or referrals to resources, by alerting staff to concerns, by affirming agency actions, or through more in-depth investigation and recommendations. Here are some examples of resolved cases:

- **Affirming Actions in Discipline Case:** Incarcerated person was just over a week from release when involved in a fight with serious injuries to another incarcerated person. Complainant denied initiating the incident and requested a review of all video as the charges extended their incarceration 270 days. A full review of all camera footage was conducted by an OBFC investigator and it was clear that the complainant was the antagonist and the person who threw the first punch in the altercation. The actions of the DOC were affirmed as reasonable.
- **Chain of Command for Staff Conduct:** Incarcerated person tried to follow the chain of command process for an issue with alleged staff harassment but did not feel comfortable bringing the issue to the attention of the person involved which was required by policy. After this issue was brought to the attention of the Warden, an adjustment was made to not require following the typical chain of command for alleged staff misconduct. This case also led, in part, to the systemic investigation into DOC grievance policies described below, which resulted in significant changes to the DOC chain of command and grievance policies, including creating a separate and confidential process for incarcerated persons to report complaints about staff conduct.
- **Classification Explanation:** An incarcerated person was very upset over their Minnesota Screening Tool Assessing Recidivism Risk (*MnSTARR*) score and various other issues at the facility. OBFC arranged a meeting with the complainant, Assistant Ombuds, and Corrections Program Director where complainant was able to discuss all their concerns and obtain answers to their questions. This meeting also helped facilitate a transfer to a minimum facility immediately after they completed treatment.
- **Custody Change:** Incarcerated person reported to the OBFC that he was supposed to be moved to minimum custody a few months earlier. The incarcerated person continuously tried to reach out to administration at the facility but was not successful in getting a response. The incarcerated person contacted the assigned case manager, but the case manager was not able to get a response on the issue either. The Assistant Ombuds connected with the Assistant Warden of the facility and a few days later the incarcerated person was approved to be moved to minimum custody.
- **Disability Accommodation:** Incarcerated person had recently made two reasonable accommodation requests with the assistance of an attorney, but both were denied. One was related to work accommodations. The second request was for a single cell for privacy related to medical needs. OBFC investigated and found the denial reason for work placement was reasonable, but the denial reason for the single cell was based on mobility not on the privacy request. After recommendation by OBFC based on the unique circumstances, the facility agreed and placed complainant in a single cell.

- **Medical Co-pay:** Incarcerated person had been charged a co-pay for a sick call visit to Health Services to receive test results for an ongoing health issue and they claimed that this co-pay was charged incorrectly based on DOC policy. The incarcerated person was also told by a nurse to sign up for a sick call visit to receive the test results because that was the procedure. The Assistant Ombuds provided the Health Services Administrator with the information from the DOC policy and the information that the nurse told the incarcerated person to sign up for sick call to receive the test results. The Health Services Administrator reimbursed the incarcerated person for the sick call visit.
- **Medication:** Incarcerated person claimed to have previously been receiving a medication as a keep on person (KOP) medication, but later was not allowed to have this medication as a KOP due to a small amount of alcohol in the medication. The medication was extremely difficult to apply at the medication window during the day and the instructions of the medication were to apply it before bed, so the medication wouldn't be rubbed off by touching door handles and other objects. The medication cannot work effectively if rubbed off throughout the day. The Assistant Ombuds contacted the Director of Nursing for the DOC and was told that the medication would be approved to be a KOP medication. The Assistant Ombuds went to the facility and spoke with the Health Services Administrator a few days later to ensure the incarcerated person would receive the medication right away. The Health Services Administrator confirmed that it would be given to the incarcerated person the same day.
- **Medication Evaluation:** Incarcerated person claimed they were falsely accused of diverting a medication for later sale or trade. Case was dismissed for lack of evidence, but the prescription was stopped for medical reasons. Incarcerated person believed it was because of the unproven allegation, felt this was unjust, was very angry about it and refusing additional mental health treatment. Although the medical decision was not ultimately reversed, on the request of the Ombuds, the DOC's director of psychiatry reviewed the case and met with the individual to try and help them better understand the reasons for discontinuing the medication and other options.
- **Medical Supplies:** An incarcerated individual complaining of foot and knee pain was issued insoles for his shoes. After approximately a month, the insoles collapsed as they were not equipped to handle his weight. During a physical therapy session, the insoles were disposed of, and he was told he could purchase his own. After an in-person with the Health Services Director, and written recommendation from the Ombuds, the incarcerated person was issued replacement insoles and encouraged to keep Health Services up to date about his pain levels.
- **Information:** Family member called about her sister who is incarcerated at a local facility, and staff explained how her loved one can file an internal grievance and then next steps if that does not provide an agreeable solution. Family member said that, "I know you basically just got done saying you cannot help me, but you were the first person who listened and was nice to me and told me what we can do. That helped more than anything else I've tried."
- **Visiting Ban Appeal:** Incarcerated person's mother filed a complaint with the OBFC about a denied appeal for visiting. The mother was placed on an administrative ban from visiting for smuggling drugs into the facility seven years prior. The administrative ban policy allowed for an appeal after 7 years of restriction from visitation. However, the mother of the incarcerated person was denied

with no reason except what had happened seven years prior. The Assistant Ombuds requested the Warden of the facility reviewed the appeal further. The Warden decided to allow non-contact visitation to the mother and the incarcerated person. The Warden will monitor the non-contact visits and will allow contact visits if there are no issues with the non-contact visits after six months.

Systemic Investigations

The OBFC has completed numerous systemic investigations and reports informed by complaints or about issues initiated by the office. Systemic investigations are much more labor-intensive, and the timeline is often outside the scope of providing immediate resolution for individuals. However, systemic changes provide perhaps the greatest opportunity “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections⁸” by “strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.”⁹ The following investigations, reports, and responses concluded in 2021 are good examples of how the independent Office of the Ombuds for Corrections can help to improve our State’s corrections policies and practices.

CIP Random Drug Testing

In December of 2021, the OBFC published a report regarding a complaint that random Point-of-Care Testing (POCT) /Urinalysis in the Challenge Incarceration Program (CIP) was leading to segregation, disruption to programming, and loss of program time based on unconfirmed test results that later turned out to be negative.

The OBFC found that the temporary removal from programming based on random, unconfirmed testing with no other evidence of use is needlessly disruptive to treatment, unfair, and is not supported by federal treatment guidelines. The full report can be found at <https://mn.gov/obfc/reports/>.

The Ombuds recommended that DOC policies should be changed so that CIP participants, when a random POCT is presumed but unconfirmed positive, absent any other evidence of substance use, will remain in the program and not be put into segregated housing until the result of a requested confirmation test is received.

- DOC agreed that there were issues with the drug testing kits used for screening and have switched to another brand of screening tests.
- DOC reviewed protocols for the handling of confirmation testing samples to shorten the response time for urinalysis lab results.
- DOC disagreed with the recommendation that individuals are not put in prehearing segregation until a laboratory confirmation test result is obtained.

⁸ [MN Statute 241.90](#)

⁹ [MN Statute 241.93](#)

- DOC will work with CIP staff to explore other options, such as distance learning to allow an individual the possibility of continuing their programming while they are on prehearing detention status.

Covid-19

In March 2021, the OBFC published a report regarding Covid-19 Response within corrections.

In keeping with its role to recommend systemic improvements for corrections, the OBFC investigated the DOC response to Covid -19 and made several recommendations for next steps. The report provides an overview of corrections response during the COVID-19 pandemic thus far and includes recommendations and considerations for review.

The report found that despite laudable and courageous efforts by leadership, staff, and incarcerated people in challenging and unparalleled circumstances, our corrections system, and we as a State, clearly failed to protect those who are incarcerated on our behalf from harm and consequences beyond what was contemplated in their sentencing.

The report is a call to action to ensure that the lessons we learn are not lost and we do not find ourselves in a similar situation in the future. The full report can be found at <https://mn.gov/obfc/reports/>.

OBFC Covid-19 report recommendations include the following:

- There should be a comprehensive review of all actions taken to prevent and mitigate the spread of the coronavirus and to document lessons learned and actions to be taken to improve future responses to highly transmissible infectious diseases. Because the pandemic is not over and the Department of Corrections is still responding to the pandemic, the Legislature should allocate resources to independently study the response and make recommendations.
- The Legislature should thoroughly review this information through dedicated hearings or other means such as a working group or task force and consider any needed statutory or funding changes. Information about local facility response and plans for future prevention/mitigation should also be included.

While the pandemic has been difficult for everyone, those who work and are held in correctional facilities have experienced a uniquely challenging situation. We need to do everything in our power to ensure that we are prepared for a similar situation in the future.

Grievance Policies

In October 2021, the OBFC published a report on DOC Grievance policies. Few things are more important for the effective and just administration of corrections than incarcerated people having access to a clear, fair, and efficient means of communicating their needs and concerns.

The OBFC investigation found that the DOC grievance process is unnecessarily difficult to navigate, and the process lacks many important components. The full report can be found at <https://mn.gov/obfc/reports/>.

Based on the findings, the OBFC made nine recommendations. The DOC has accepted many of them, including:

- Allowing for consideration of communications and grievances when incarcerated people make procedural errors in good faith.
- Creating a clear and confidential process for incarcerated people to report staff misconduct.
- Including instructions and definitions for incarcerated person communications in an emergency.
- Tracking and publishing all grievance summary data.
- Providing information about remedies.
- Training staff in the grievance process.

The DOC will implement these changes by March 1, 2022.

Property Intake

In December of 2021, the OBFC published a report regarding a complaint about an incarcerated person's personal religious writings being discarded upon intake without him being given an opportunity to have them shipped as allowed by policy. The OBFC found that several Department of Corrections (DOC) policies were violated by staff, and some policies should be revised.

The Ombuds made the following recommendations, several which were accepted in whole or in part by the DOC:

- Complainant should be allowed an opportunity to file a claim for this loss of property and the \$8.00 filing fee should be waived. – *Recommendation accepted.*
- Increase the length of time allowed to make a property claim from 24 hours to 10 calendar days to allow a reasonable amount of time for such claims to be made. - *DOC accepted in part and agreed to increase the time from 24 hours to 3 calendar days. In addition, DOC will be implementing a new policy that no property will be destroyed or discarded until it is photographed, and the photograph stored in a central repository.*
- Property items should be searched/thrown away in owner's presence. - *DOC did not accept recommendation.*
- The DOC should revise the Offender Intake Inventory Record to allow for area(s) on the form to describe all allowed and non-allowable property more specifically in possession of the incarcerated person upon intake to the MN DOC Facilities. – *DOC did not accept recommendation.*
- Staff involved in the intake process should receive additional/refresher training on property intake policies and procedures. - *DOC accepted recommendation.*

The full report can be found at <https://mn.gov/obfc/reports/>.

Strengthening Families

In June 2021, OBFC published a report on supporting the families of people incarcerated in Minnesota prisons. The full report can be found here: <https://mn.gov/obfc/reports/>

Key findings include:

- Incarceration has devastating impacts on many families in Minnesota, and family support reduces recidivism.
- Existing resources and supports available to families are inadequate.
- Families face a wide array of barriers in supporting and staying connected with their loved one while they are incarcerated.
- Families want proactive and targeted resources to support them in navigating the system.
- DOC consideration of integrating family support and engagement and improving access to information and communications

Based on the findings, and as noted in the report, the OBFC recommends:

- Funding and support from the Governor and Legislature for a family support position at the Department of Corrections and community family support programming.
- Funding for effective family support programs.

This report included invaluable insight from families, staff, stakeholders, researchers, and community members.

Use of Force

In May 2021, the OBFC published a report providing a summary of an OBFC investigation into a staff use of force incident at MCF-Moose Lake, OBFC's recommendations, and the Minnesota Department of Corrections response.

One of OBFC's key findings in the report is that this incident reveals possible shortcomings in DOC policies on de-escalation of situations that could cause injury to both incarcerated people and staff.

The Office of the Ombuds for Corrections recommended de-escalation policy development including that the DOC Use of Force and other applicable policies should be revised to increase the use of de-escalation practices including requiring documentation of de-escalation efforts in use of force incident reporting. The DOC agreed to consider this as they work to revise overall use of force policies.

Other OBFC findings included a likely chemical irritant policy violation which the DOC disagreed with and possible handheld camera policy shortcomings which the DOC agreed to review for further action.

Community Engagement and Education

Promoting Justice Series

In June 2021, the office began hosting an ongoing series of speakers and discussions to educate and inform stakeholders and the public about promising practices and relevant issues highlighting people, organizations, models, and ideas that promote the highest standards of justice. The virtual events are held approximately every other month and average over 120 registrants and over 80 attendees. The lunch time presentations last for an hour and are followed by a half hour for questions and discussion. The Ombuds provides updates on the office's recent work and relevant reports at the beginning of each session. The OBFC plans to continue the Promoting Justice series in the coming year. Promoting Justice event descriptions for 2021 are included below.

Norwegian Based Reforms in North Dakota Corrections

Colby Braun, Director, Facility Operations, North Dakota Department of Corrections discussed North Dakota's efforts to reform correctional practices based on the Norwegian model of incarceration, and a panel of currently incarcerated people discussed how these reforms have directly impacted them.

Mental Health Reforms in Ramsey County Corrections

The Ramsey County Correctional Facility Mental Health Team discussed their use of dedicated corrections and public health employees to provide mental health and psychiatric care to individuals in their corrections system. This unique model allows those with mental health needs to connect with mental health care both in the facility and in their community. In this model, staff work across facilities and in the community with probation.

Note, after seeing the presentation, a rural Minnesota county brought their staff to tour the Ramsey County facility and to further discuss the model with the aim of replicating it within their county.

Supporting Families: The Healthy Start Act

State legislators, DOC Commissioner Schnell and DOC staff, impacted individuals, and advocates discussed the Healthy Start Act and implementation plans. In 2021, the Minnesota legislature passed the Healthy Start Act, which is the nation's first post-conviction incarceration alternative for mothers, allowing the Commissioner of Corrections to place new mothers into community alternatives. Presentation included information about the background of the legislation, implementation plans, and impact.

Legislative Advocacy - Changing Policy, Changing Lives

The Ombuds provided an overview of the OBFC's legislative priorities and a panel with community change advocates Gina Evans and Del Shea Perry discussed their experience with advocating for legislative change. Community groups with legislative priorities related to corrections were also invited to share about their upcoming legislative proposals.

Town Halls

Community Virtual Townhall

In January 2021, the OBFC hosted a Community Virtual Townhall to share more about the role of the Office of the Ombuds for Corrections, introduce the Ombuds and Assistant Ombuds, and allow an opportunity for questions and discussion. More than 60 community members attended.

COVID-19 Report Virtual Townhall

In March 2021, the OBFC hosted a COVID-19 Report Virtual Townhall to provide for an overview and allow for discussion on the report which reviewed the response within corrections to COVID-19.

Staff Tele-Townhall

In February 2021, the Ombudsperson for Corrections invited DOC staff to participate in a tele-town hall for an overview of the Office of the Ombuds for Corrections and an opportunity for staff to ask questions. All DOC staff were sent a handout about the office including information specific for staff. Two sessions were scheduled at different times to accommodate different shifts. This was an approved event for during work hours as long as staff had checked in with their supervisor for coverage and timing. At least 136 staff participated.

OBFC Advisory Group

The OBFC is working to build relations with key partners and those interested in its work. As a major part of that effort, the office has established the OBFC Advisory Group which meets quarterly. The OBFC invited participation in this group from members with important perspectives on corrections issues. They provide input for the OBFC as it develops and refines policies and practices and carries out its work.

The 10-member group currently includes individuals who were formerly incarcerated, loved ones of currently incarcerated persons, corrections officers, and other prison staff. The group is informal in nature because state statute does not require that the Ombuds have an advisory group.

Presentations and Engagement

The Ombuds and OBFC staff have met and connected with others in their work over the last year. Outreach efforts have included presentations on the office and discussions about the work to the following groups:

- Collaborative for Recovery, Reentry, and Renewal (R3 Collaborative)
- DOC Community Reentry
- MN Transition Coalition
- Public Defense Dispositional Advisors
- Twin Cities Incarcerated Workers Organizing Committee (IWOC)
- National Association for Civilian Oversight of Law Enforcement (NACOLE)
- Minnesota Corrections Association Annual Training Institute

- Safe Harbor Regional Navigators
- DOC Health Services

The OBFC also has participated in the monthly meetings of the State Advisory Task Force on Justice Involved Women and Girls and began attending Juvenile Justice Advisory Committee meetings. The Ombudsperson is a member of the State Correctional Facilities Security Audit Group which began meeting in late 2021.

Additional engagement includes the OBFC e-news service. Anyone interested can sign up on the website to receive updates via email.

Information and Resources

Juvenile Process Information

In examining juvenile issues, the OBFC found a gap in the lack of basic information all in one place about how and where to report concerns and complaints. The OBFC developed an information sheet with input from many stakeholders including those with lived experience, several Justice Involved Women and Girls Task Force members, and MN DOC Inspection and Enforcement. This document has been shared with all the Juvenile DOC licensed facilities and they have been asked by DOC I&E to post this information where youth can access it which helps ensure [2960.0050 Resident Rights and Basic Services: Subpart 1. Basic rights. L.](#) “right of access to protection and advocacy services, including the appropriate state-appointed ombudsman.”

Find the Information for Youth Residents one page document at this link:

https://mn.gov/obfc/assets/OBFC%20Info%20for%20Youth%20Residents%209.3.21_tcm1157-498070.pdf

It can also be found on the OBFC web page, on the local facilities page under the juvenile section:

<https://mn.gov/obfc/localfacilities/>

Information on Immigration and Customs Enforcement (ICE) Use of Local Jail Facilities

The Immigration and Custom Enforcement Department of the federal government (ICE) contracts with certain local jail facilities in Minnesota for the detention of individuals who are under the control of ICE. Some hold detainees for the entire course of their detention and others for shorter periods of time. The OBFC developed information to assist community members with questions regarding ICE detainees held in Minnesota jails after we received many related inquiries and discovered no such resource was available.

Find the Information on ICE Use of Local Facilities document at this link:

https://mn.gov/obfc/assets/Ombuds%20Information%20on%20ICE%20Detainees%20in%20Jails_tcm1157-477515.pdf

It can also be found on the OBFC web page, on the local facilities page, under the Immigration Detention section: <https://mn.gov/obfc/localfacilities/>

Resources on Website

The OBFC does not provide legal assistance or advice but can provide information and resources. Overall, there seems to be a significant need for information about the corrections process and how and where to direct complaints or requests for assistance. The OBFC has compiled information and resources on the website at <https://mn.gov/obfc/resources/>. In addition, all OBFC staff are kept up to date as much as possible on other basic processes so when calls come in outside of OBFC's jurisdiction, staff can provide community members with information on where they can address their concerns.

Legislative Recommendations and Request

Based on reports and recommendations cited above, legislators were provided with the following information:

Legislative Recommendations for Covid-19 Response: Comprehensive Review and Future Planning

The legislature should provide funding for an independent and comprehensive review of all actions taken to prevent and mitigate the spread of SARS-CoV-2 in corrections; and document lessons learned and actions to be taken to improve future responses to highly transmissible infectious diseases. The Legislature should thoroughly review this information through dedicated hearings or other means such as a working group or task force and consider any needed statutory or funding changes. Information about local facility response and plans for future prevention/mitigation should be included.

Legislative Recommendations for Strengthening Families: DOC Family Support Position and Community Programs

The legislature should fund a Department of Corrections (DOC) position focused on family support, navigation, and engagement. Without more coordination, it will be difficult to fully leverage existing resources and adequately prioritize integrating family support and connections into policies and programs.

There are numerous community groups waiting to do the work, but who need resources and opportunities to support families of currently incarcerated individuals. The Governor and Legislature should fund community organizations who are trusted by the communities they serve to provide opportunities to better navigate corrections systems and connect with their loved ones who are incarcerated.

In addition to these investigation related recommendations, the Ombuds made the following request:

Ombudsperson for Corrections Removal for Just Cause

The Office of the Ombuds for Corrections (OBFC), as a government oversight entity representing the people of Minnesota, should be as free as possible from outside control or influence, or even perception of it.

The possibility of removal from office in retribution for carrying out an unpopular investigation or making a candid and critical report and recommendations, or for political reasons, can be a real or indirect threat to the Ombuds' independence.

Therefore, the removal of the Ombuds should only be allowed for cause.