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Office of the Ombudsperson for Corrections

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

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.
- 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’ (DOC) staff or facility charged with the care and custody of incarcerated people 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 and 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 people, and all Minnesotans.

BUDGET

Although the OBFC is neutral and independent from the Department of Corrections, when the office was newly recreated in the 2019 legislative session, 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. Beginning July 1, 2021 (FY22), OBFC became its own independent agency. Therefore, there is no historical independent spending chart available for FY20-21.

The OBFC has five full time staff who receive, investigate, and resolve complaints regarding 10 prisons and 150 local adult and juvenile facilities statewide.

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 under the supervision of state employees. Largely, the corrections system sets and manages the conditions of confinement and public access is highly restricted. The Ombudsperson provides a way for the incarcerated and staff 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 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 incarcerated people and 44% of female incarcerated people 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.

RESULTS

A central focus is receiving, investigating, and resolving complaints from incarcerated individuals and others. Some complaints can 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.

OBFC COMPLAINTS BY YEAR IN OPERATION

	<i>Complaints Early Resolution 2020</i>	<i>Complaints Investigation 2020 (individual and Systemic)</i>	<i>Complaints¹ Covid 2020</i>	<i>Complaints Early Resolution 2021</i>	<i>Complaints Investigation 2021 (Individual and Systemic)</i>	<i>Complaints Covid 2021</i>
Number of Complaints	68	32	2100	350	90	1200

[M.S. 241.90-95 \(https://www.revisor.mn.gov/statutes/cite/241.90\)](https://www.revisor.mn.gov/statutes/cite/241.90) provides the legal authority for the Office of the Ombudsperson for Corrections.

¹ The OBFC proactively engaged with DOC to set up a system for incarcerated people at state prisons to contact the office at no charge through the communication kiosks to share concerns related to COVID-19. The OBFC received more than 2,100 emails in 2020 (see [2020 Annual Report](#)) and approximately 1,200 emails in the first half of 2021 (see [2021 OBFC Annual Report](#)). The OBFC did not respond to these COVID specific emails but tracked the complaints and used them to inform recommendations and to monitor conditions

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base		Governor's Recommendation	
					FY24	FY25	FY24	FY25
<u>Expenditures by Fund</u>								
1000 - General			569	753	663	663	1,105	1,099
Total			569	753	663	663	1,105	1,099
Biennial Change				1,322		4		882
Biennial % Change						0		67
Governor's Change from Base								878
Governor's % Change from Base								66

Expenditures by Program

Ombudsperson for Corrections			569	753	663	663	1,105	1,099
Total			569	753	663	663	1,105	1,099

Expenditures by Category

Compensation			455	528	485	498	702	735
Operating Expenses			113	220	177	164	402	363
Other Financial Transaction				5	1	1	1	1
Total			569	753	663	663	1,105	1,099

Full-Time Equivalent

			4.09	5.00	4.00	4.00	6.00	6.00
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(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
1000 - General								
Balance Forward In				90				
Direct Appropriation			659	663	663	663	1,105	1,099
Balance Forward Out			90					
Expenditures			569	753	663	663	1,105	1,099
Biennial Change in Expenditures				1,322		4		882
Biennial % Change in Expenditures						0		67
Governor's Change from Base								878
Governor's % Change from Base								66
Full-Time Equivalents			4.09	5.00	4.00	4.00	6.00	6.00

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1000 - General				
FY2023 Appropriations	663	663	663	1,326
Forecast Base	663	663	663	1,326
Change Items				
Maintain Current Service Levels		225	199	424
Expand Staffing		217	237	454
Total Governor's Recommendations	663	1,105	1,099	2,204

Office of the Ombudsperson for Corrections

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	225	199	199	199
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	225	199	199	199
FTEs	1	1	1	1

Recommendation:

The Governor recommends additional funding of \$225,000 in FY 2024 and \$199,000 in each subsequent year from the general fund to maintain the current level of service delivery at the Office of Ombudsperson for Corrections.

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For the Office of Ombudsperson for Corrections, the following efficiencies have been implemented to help offset rising operating costs:

- Using a case management database to efficiently track cases and flag items for review by Ombudsperson staff.
- Contracting with MN.IT to ensure that the office’s equipment functions properly.

However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For the Office of the Ombudsperson for Corrections, operating cost pressures exist in multiple categories—separation costs from the Department of Corrections, increases in compensation and insurance costs at the agency, increasing costs to maintain the office’s current staff complement in a challenging labor market, and increasing IT costs. If an operational increase is not provided, the services Ombudsperson delivers to Minnesotans will be impacted. An example of potential impacts includes having to reduce the number of FTEs that the office can maintain. Currently, Ombudsperson’s budget sustains five FTEs to provide neutral and independent analysis.

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For the Office of the Ombudsperson for Corrections, this funding will cover maintaining the same level of service that the office provides without having to decrease FTEs.

Results:

This proposal is intended to allow the Office of Ombudsperson for Corrections to continue to provide current levels of service and information to the public. A central focus for the office is receiving, investigating, and resolving complaints from incarcerated individuals and others. Some complaints can be resolved quickly, or the office 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.

Ombudsperson for Corrections Complaints by Year in Operation

	<i>Complaints Early Resolution 2020</i>	<i>Complaints Investigation 2020 (individual and Systemic)</i>	<i>Complaints¹ Covid 2020</i>	<i>Complaints Early Resolution 2021</i>	<i>Complaints Investigation 2021 (Individual and Systemic)</i>	<i>Complaints Covid 2021</i>
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Office of the Ombudsperson for Corrections

FY 2024-25 Biennial Budget Change Item

Change Item Title: Expand Staffing

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	217	237	237	237
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	217	237	237	237
FTEs	2	2	2	2

Recommendation:

The Governor recommends \$217,000 in FY 2024 and \$237,000 ongoing beginning in FY 2025 from the General Fund. This will cover expanding the Office of the Ombudsperson for Corrections (OBFC) staffing from five FTEs to seven FTEs in order to meet the growing service needs.

Given the broad and varied needs of the large population and communities the office serves across the state, hiring an administrative support staff and an additional assistant ombuds staff would allow for more efficient and more equitable service. This request represents a 34% increase ongoing.

Rationale/Background:

The legislature and Governor created the OBFC as a neutral and independent office from the Department of Corrections to promote the highest standards of justice. In order to better serve the needs of the thousands of Minnesotans incarcerated, community members, and corrections staff, the office needs to increase staffing levels.

The vast majority of office resources are devoted to staff time and expertise. Hiring an administrative support staff would allow other staff to spend more of their time and energy in more efficient and cost-effective service. One additional Ombuds staff would allow for greater and more equitable outreach and coverage.

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 approximately .1% of the DOC budget.

Proposal:

This funding would allow for the hiring of two additional FTEs.

Impact on Children and Families:

Children of incarcerated parents are known to be a vulnerable population. The OBFC can improve the lives of their parents and that can have a positive impact on them. This proposal allows for better staffing of the office which contributes to successful operation of the OBFC and therefore can have an indirect positive impact on these children.

Equity and Inclusion:

The racial disparities in the criminal justice system for Black, Brown, Indigenous, and people of color community members are some of the highest in the nation. Incarcerated Minnesotans and their families are already an overburdened and vulnerable population and are often disproportionately impacted by cuts to services. In order for the Office of the Ombuds for Corrections to effectively fulfill the statutory directive “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections,” (241.90) the office must be fully staffed to be able to competently serve currently and formerly incarcerated Minnesotans, family and loved ones, corrections staff, and community members.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

Yes

No

Results

A central focus is receiving, investigating, and resolving complaints from incarcerated individuals and others. Some complaints can 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. Right now, the office must prioritize which cases to accept for investigation and which cases to move into broader systemic investigation as office capacity limits those abilities. There are significant opportunities to be able to better serve complainants.

Another role of the office is to provide education, which is also currently restricted by the limits of the staff time resources available.

OBFC Complaints by Year in Operation

	<i>Complaints Early Resolution 2020</i>	<i>Complaints Investigation 2020 (individual and Systemic)</i>	<i>Complaints¹ Covid 2020</i>	<i>Complaints Early Resolution 2021</i>	<i>Complaints Investigation 2021 (Individual and Systemic)</i>	<i>Complaints Covid 2021</i>
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