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Office of the Ombuds for Corrections  
**Annual Report 2022**

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# Message from the Ombuds for Corrections

I am proud to present the 2022 annual report of the Office of the Ombuds for Corrections (OBFC).

The last few years have been difficult for all of us; the challenges for those who have been incarcerated, their loved ones, and those who work in correctional facilities have been immense. The talented team at the Office of the Ombuds for Corrections has worked hard to address these challenges by providing independent and impartial investigations, reports, and recommendations to resolve complaints and improve policies. The work of the office increases safety, wellbeing, equity, accountability, and transparency within corrections, promoting safer and more just communities for all Minnesotans.

This year provided additional opportunities for growth with a change in leadership as well as staff and process transitions. We continued to meet the challenges of being a small office with big tasks and had many successes in resolving complaints and changing correctional policies.

We have received and responded to over 380 complaints from incarcerated individuals, corrections staff, and concerned family and community members, and conducted over 50 investigations. We have also conducted several systemic investigations; worked with our stakeholder advisory group; and developed a collaborative pilot project with the DOC to better communicate and support loved ones of incarcerated people. This report provides details on our efforts and highlights a few resolution narratives.

At the close of 2022, 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.”

With gratitude for the opportunity to do this work and with deep resolve to continue towards a more just Minnesota, I submit this document in compliance with Minnesota Statutes 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 2023.



Margaret Zadra  
Ombudsperson for Corrections

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# General Office Information

## Mission

The mission of the Minnesota Office of the Ombuds for Corrections is, “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.”<sup>1</sup>

## 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 Statutes, [chapter 241](#), sections 90-95.

## Local Facility Jurisdiction

[Minnesota Statutes, 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 primary jurisdiction for local facility compliance complaints. The OBFC may investigate systemic and discretionary policy issues and make recommendations for changes.

## Budget

The OBFC has five full time staff who receive, investigate, and resolve complaints regarding 11 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. However, for most of calendar year 2022, the office had only four FTE, and part of the year was down to three FTE, which brought challenges but also provided significant salary savings so that no layoffs were necessary. Critical trainings and IT investments were funded.

The OBFC budget was \$659,000 for FY22 and \$663,000 for FY23 which maintains 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 about one tenth of a percent of the DOC budget.

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<sup>1</sup> Minnesota Statutes, 241.90 (2020), <https://www.revisor.mn.gov/statutes/cite/241.90>.

Budget challenges have affected OBFC's ability to sustain a full complement FTEs and manage critical operations costs and are reflected in upcoming budget requests.

## Complaints and Outcomes

A central focus for the OBFC is receiving, investigating, and resolving complaints from incarcerated individuals and others. Some complaints are quickly resolved or the OBFC provides 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 as well as the legal rights of incarcerated persons. However, this requirement may be waived if there is not a process, or the process is not working as it should. Correspondence to and from the OBFC is protected, and staff of corrections agencies are not permitted to read it.

#### Minnesota Prisons

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.

#### Local Facilities

The office has jurisdiction to accept complaints from incarcerated persons and residents of local correctional facilities, including all adult and juvenile facilities licensed by the DOC Inspections and Enforcement Unit. The local facilities page on the OBFC website at <https://mn.gov/obfc/localfacilities/> 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.

#### Staff Complaints

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 refers staff

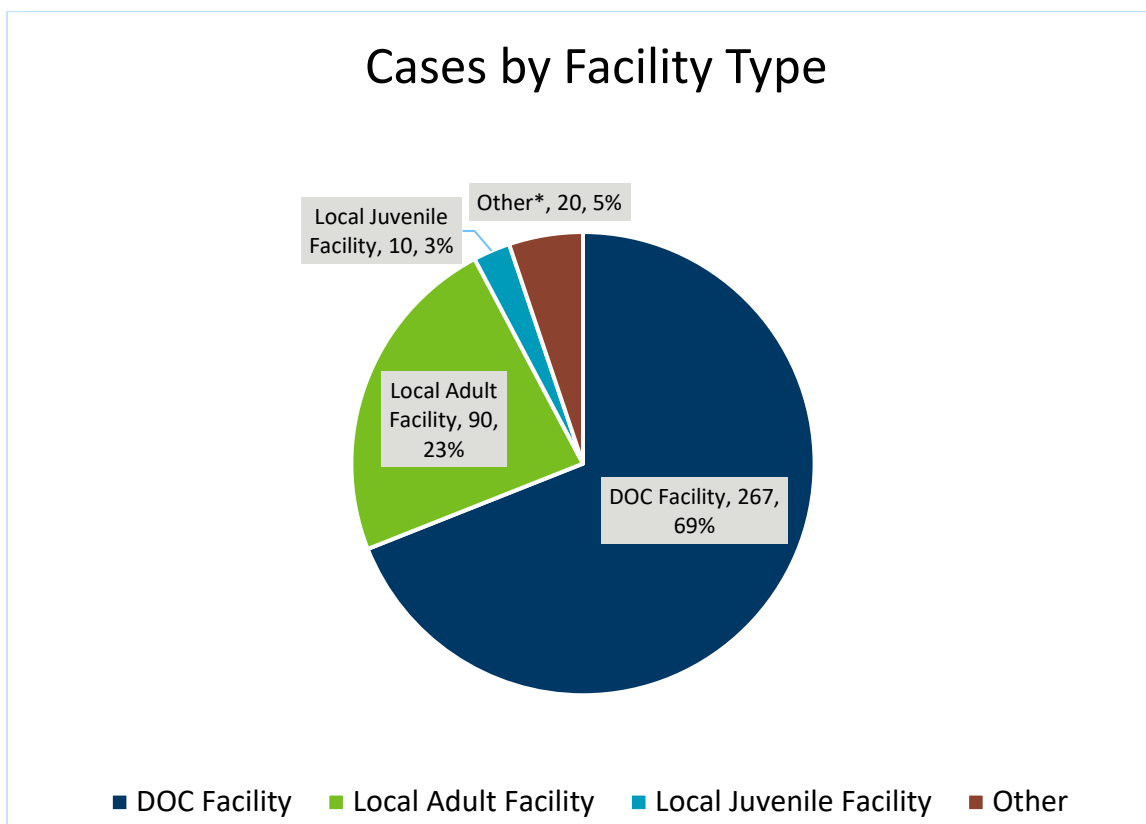
to internal processes and procedures when complaints pertain to an agency employee’s employment status or to law enforcement for any possible criminal matters. The OBFC has provided information for corrections staff on the office’s complaint process and investigations.

### Community Complaints

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 an incarcerated person without gaining their consent, unless the individual is unable to consent, or other unusual circumstances exist.

## General Complaints to the OBFC

In the past year, the office handled more than 380 complaints. In response, the office has initiated investigations, compiled case-specific information, and worked to resolve issues as appropriate. In more than three-fourths of the cases from 2022, the OBFC was able to conclude preliminary investigations through early resolution. Early resolution includes providing information or resources, referrals to relevant agencies, or alerting facility to concerns and assisting in providing a resolution within a few days. The office conducted over 50 in-depth investigations. Almost 70% 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 under 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.



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.

<b>Number of Complaint Subjects by Facility Type</b>				
<b>Complaint Subject</b>	<b>DOC Facilities</b>	<b>Local Adult Facilities</b>	<b>Local Juvenile Facilities</b>	<b>Other</b>
Accommodations including for aging and disability	10	3	1	-
Agency Communication	7	-	2	1
Assault: Assault by Incarcerated Person	5	-	-	-
Assault: Assault by Staff	17	5	1	-
Canteen	5	-	-	-
CIP Denial	4	-	-	-
Conditions in Facility	14	11	6	2
COVID Policies and Practices	22	6	1	-
Death Review	2	-	-	-
Dental Care	4	-	-	-
Discipline	39	7	3	-
Discrimination	14	1	2	-
Early Release Denial	5	-	-	-
Food Service	13	5	5	2
Grievance Process	18	5	4	-
Harassment: Harassment by Incarcerated Person	6	2	-	-
Harassment: Harassment by Staff	32	9	3	-
Hearing and Release Unit (HRU)	6	-	-	-
JPay	5	-	-	-
Kite System	4	-	-	-
Law Library Access or Policies	3	-	-	-
Legal Calls	1	-	-	-
Legal Representation	4	1	-	-
Legal Mail	3	2	-	-
Library Access or Policies	3	-	-	-
Mail	10	1	-	2
Medical Care	47	28	3	2
Mental Health Care	19	14	-	2
MnSTARR	6	-	-	-
MinnCor	5	-	-	-
OPA/OSI	4	-	-	-
Other	27	15	4	4

Placement (Facility, Unit, or Cell)	13	5	1	1
PREA Policy or Procedures	8	-	-	-
Privileges	9	5	3	1
Programming	12	-	3	2
Property	15	1	-	-
Religious Accommodation	8	-	1	1
Retaliation	7	2	-	-
Sexual Abuse and Harassment	6	3	-	-
Step Down Management Program	4	-	-	-
Substance Use Disorder Treatment	4	2	1	2
Supervision Revocation	3	-	-	-
Systemic	22	16	-	1
Transgender Policies	5	-	-	-
Translation Issues	2	-	-	-
Visitation	11	3	-	-
Work	12	-	-	-

## Resolved Complaint Examples

Cases are resolved by referring to the appropriate agency or process, providing information or referrals to resources, alerting staff to concerns, affirming agency actions, providing resolution through mediated processes, or through more in-depth investigation and recommendations.

Despite managing multiple roles, the OBFC team were able to respond to all complaints in meaningful ways. However, due to limited resources and capacity, some of the broader, systemic investigations took longer and promotion of promising practices was suspended to prioritize investigations. The office prioritizes cases that address safety and wellness or affect many people. Cases are informally resolved when possible. Informal recommendations can be implemented more quickly and collaboratively. The office balances the transparency of our work with the vulnerability of the populations we serve, while protecting sensitive, confidential and security data.

Ongoing work includes efforts to support challenges that corrections staff and incarcerated people face in a difficult and stressful environment.

A few examples of resolved cases include the following:

- Disability Accommodations:** Incarcerated person with multiple health concerns and accommodation requests contacted the OBFC regarding mobility concerns in his living unit. Ombuds staff found that facility staff placed complainant in a temporary placement that met the standards for their accommodation needs and took precautions for complainant's safety until a longer-term resolution was found, and the OBFC continued to monitor the issue. Complainant was then moved to a one-person cell to better accommodate them as soon as possible, and the issue was resolved.



- **Language Use:** Two incarcerated people reported feeling unfairly targeted by staff for using a language other than English during group therapy. In review, policy was followed in this situation. Considering historical trauma from being denied use of their traditional language, the Ombudsperson met with facility and program leadership and recommended additional trainings and meetings. Staff attended trainings provided by the Minnesota Indian Affairs Council. Follow up meetings included DOC tribal liaison, staff and program leadership, the Ombudsperson, and the complainants. This resulted in complainants feeling heard and validated, an apology and better understanding of the situation, and a resolution that provided for better processes in the future.
- **Medical Confusion Resolved with Interpreter:** Complainant contacted OBFC with concerns regarding health services and recent complex treatment he received. A recommendation was made to the facility to meet with the complainant, using an interpreter to ensure the complainant understood the treatment regimen, and to clarify any remaining questions he may have. This resolved the issues.
- **Process Explanation:** Community member called with many concerns related to their loved one with multiple significant needs held on federal charges at a local facility. Staff explained each process, how and where to access information, what to generally expect regarding next steps and shared multiple resources. Complainant was grateful to be able to ask questions and talk about all the different complex issues.
- **Property Receiving:** Received a complaint from an incarcerated person who was given notice that an approved item from an approved vendor that they had spent a large amount of money on was delivered, however Facility Receiving had no record of the package arriving and the item could not be found. OBFC staff assisted in incarcerated person accessing the process for filing a claim. While investigating the issues, OBFC staff became aware that “receiving” did not keep logs of packages entering the facility so additionally made a recommendation regarding that and followed back up with facility staff to ensure logs are now kept for packages that come into the facility.
- **Referral Assistance:** When a complaint is not in our primary jurisdiction, we provide information on where to file their complaint whenever possible. Some individuals have a difficult time filling out forms for other entities due to disability or computer access. One example is someone calling with concerns about their loved one at a local jail facility. When staff explained that DOC I&E had primary jurisdiction in this situation, the complainant shared they were currently unable to use their hands due health issues to type out the online form or fill out a mailed, written version. Staff assisted them by filling the appropriate form over the phone and logged their concerns with our office for potential systemic review. They were grateful for the assistance as they had already attempted to lodge their complaint in other ways and were frustrated at being unable to do so.
- **Staff Response:** Incarcerated person did not receive assistance in a timely manner for significant self-injuries but was concerned about reporting facility staff as he didn’t feel safe to do so. Ombuds staff was able to verify that leadership at the facility was aware of the incident and addressed it right away in appropriate ways (typically training and/or discipline). The Ombuds investigator was able to let the incarcerated person know it had been addressed, where they could go for follow up questions, and how to access mental health support.

- **Two-Bin Property Clarification:** Incarcerated people filed complaints about not having enough room in their allowed two property bins for their canteen and were frustrated that some other facilities were allowed use of a mesh bag to keep canteen items in addition to two property bins. The OBFC made a recommendation for clarification on the mesh bag as an option for additional storage and the facility agreed. A two-bin compliance memo went out to all facility residents clarifying an allowance for two bins for property and one mesh bag for canteen when in their room. Residents were reminded that if property is packed up, there is still a requirement to be within the two-bin limit, and the excess property/canteen still needs to be disposed of or sent out of the facility, but an additional mesh bag is allowed while in their rooms. This seemed to have resolved the issue.

## Systemic Investigations

The OBFC initiated numerous systemic investigations and reports informed by complaints or about issues initiated by the office. Systemic investigations are much more labor-intensive, and can take significant time to resolve, oftentimes not providing immediate resolution for individuals. However, systemic changes provide the greatest opportunity “to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections<sup>2</sup>” by “strengthening procedures and practices that lessen the risk that objectionable actions of the administrative agency will occur.”<sup>3</sup> The following investigations, reports, and responses concluded in 2022 are examples of how the independent Office of the Ombuds for Corrections can help to improve our state’s corrections policies and practices.

Many of these reports represent ongoing investigation and communication with relevant corrections leadership throughout the process to better ensure opportunities for influencing substantive change more quickly while research and investigation was ongoing as well as developing greater likelihood for sustainable adaptation of the recommendations.

## ADA Accommodations in Segregation

The OBFC received a complaint from an individual who had served a ten-day accountability sentence in segregation without provision of disability modification accommodations. The OBFC found the actions of the Department of Corrections in this incident to be likely unfair and inconsistent with policies, and additionally found there were likely some opportunities for better communication about accommodation needs before being moved. The Ombudsperson made recommendations to better ensure disability modifications in segregation in the future.

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<sup>2</sup> [MN Statue 241.90](#)

<sup>3</sup> [MN Statue 241.93](#)

Find the complete report at <https://mn.gov/obfc/reports/>

## Sexual Assault

The OBFC received multiple complaints of sexual assault and initiated a broader systemic investigation. Confidential reports related to relevant cases were shared with the DOC and systemic recommendations were made based on ongoing review and collaboration. That investigation ultimately led to a public report to the DOC at the end of 2022, with an expected response from DOC in early 2023. Highlights from the report are summarized below and the full report can be found at <https://mn.gov/obfc/reports/>.

The OBFC found that the overall process and investigation into the alleged incidents were thorough and reasonable. However, there are some additional findings and opportunities for better processes. Recommendations to the DOC include the following:

- Provide additional support and communication to staff and incarcerated people.
- Train staff on better communication with incarcerated people regarding processes.
- Prioritize officer worn cameras to ensure safety for population and staff.
- Provide additional reminders to staff about retaliation.
- Develop a framework for body scanner use.
- Review process to screen additional information from investigative interviews.
- Provide clearer and more consistent victim advocate education template for staff to utilize.
- Develop and utilize a clearer framework for trauma-informed care and the right to decline health services.

Additionally, the OBFC recommends that the Legislature prioritize additional resources to the DOC for responding to Prison Rape Elimination Act (PREA) reports.

## Video Visiting Restrictions

The Office of the Ombuds for Corrections received a complaint from MCF-Oak Park Heights in September 2021, regarding video visiting not being permitted for incarcerated persons who fall under video visiting restrictions during times when in-person visiting is closed and the only option is by video.

The OBFC found that while prohibiting *unsupervised* video visiting is reasonable for some individuals, when video visiting is the only option for any visiting, prohibiting video visiting has an unfair impact that unnecessarily limits an activity that supports restoration and a safer correctional setting. The Ombuds recommended these policy revisions:

If incarcerated persons are eligible for in-person visiting, they should be allowed to participate in supervised video visits with persons on their approved visiting list during times of visiting closure.

To accommodate any needed staff supervision, these visits could be scheduled for specific days and times and locations where the visiting can occur, just like would be done for normal in-person visiting.

The DOC agreed to review the policies. Find the complete report at <https://mn.gov/obfc/reports/>.

# Community Engagement and Education

## Family and Friends of Incarcerated Group Pilot

In 2021, the OBFC developed a report focusing on resources and supports available for families of people incarcerated in Minnesota prisons; barriers preventing families from navigating the system; and resources and programs that could strengthen families' ability to self-advocate. Findings included that existing resources and supports available to families are inadequate and that families want proactive and targeted resources to support them in navigating the system. The report entitled "Strengthening Families" can be found at:

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

In responding to some of the concerns and needs highlighted within that report, the OBFC initiated a pilot project in May of 2022 in collaboration with the Department of Corrections designed to strengthen the ability of the loved ones of incarcerated individuals to provide positive support.

The pilot is open to those with loved ones at either MCF-St. Cloud or MCF-Rush City. The group meets online, on the second Wednesday of every month for the MCF-St. Cloud group. This group provides an overview of processes for those who may be new to having an incarcerated loved one, includes updates from facility staff, and provides an opportunity to ask questions. More information can be found on the MCF- St. Cloud facility page: <https://mn.gov/doc/facilities/st-cloud/>. The virtual group meets online on the third Wednesday of every other month for those with loved ones at MCF-Rush City. More information can be found on the MCF-Rush City facility page at: <https://mn.gov/doc/facilities/rush-city/>

A report and recommendations regarding this project will be available in the coming year.

## OBFC Advisory Group

As a major part of the effort to continue to build relations with key partners and prioritize feedback from those most affected, the office utilizes 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 includes individuals who were formerly incarcerated, loved ones of currently incarcerated persons, corrections officers, and other prison staff. The group is informal in nature as state statute does not require that the Ombuds have an advisory group.

## Minnesota Corrections Association (MCA) Annual Training Institute

In responding to complaints, OBFC staff often observed corrections staff meeting challenging situations repeatedly and saw a need for additional training and support for corrections staff. The OBFC developed a training session called “Over It – Trauma Informed Complaint and Compassion Fatigue” which was provided at the 2022 MCA Annual Training Institute conference. The training addressed staff and incarcerated person trauma, neurodivergent frameworks, complaint fatigue and how utilizing both internal facility processes and external oversight processes leads to safer, more stable and sustainable environments for staff and incarcerated people. It utilized a trauma-informed lens as well as trauma-informed tools and practical best practice pathways. The office seeks to continue to develop and build on this training.

## Committees

### State Correctional Facilities Security Audit Group

The Ombudsperson is a member of the State Correctional Facilities Security Audit Group. The group creates security standards for state correctional facilities, reviews inspection reports, and provides recommendations to the Commissioner of Corrections. More information can be found at:

<https://www.lrl.mn.gov/agencies/detail?AgencyID=2486>.

### 2911 Rules Advisory Committee

The Ombudsperson is a member of the 2911 Rules Advisory Committee. [Chapter 2911 Rules](#) provide minimum standards for local facilities or jails throughout the state. The Department of Corrections is in the process of reviewing those standards through rulemaking. More information can be found at: <https://mn.gov/doc/staff-partners/doing-business-doc/rulemaking/chapter-2911-jail-facilities/>

## Legislative Recommendations and Request

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

**Officer Worn Body Cameras: Prioritize Resources**

The legislature should prioritize funding for body worn cameras at facilities that the DOC identifies as highest need and prioritizes additional funding for a study to research, engage in stakeholder and labor feedback, and plan for body cameras at other facilities.

#### **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.