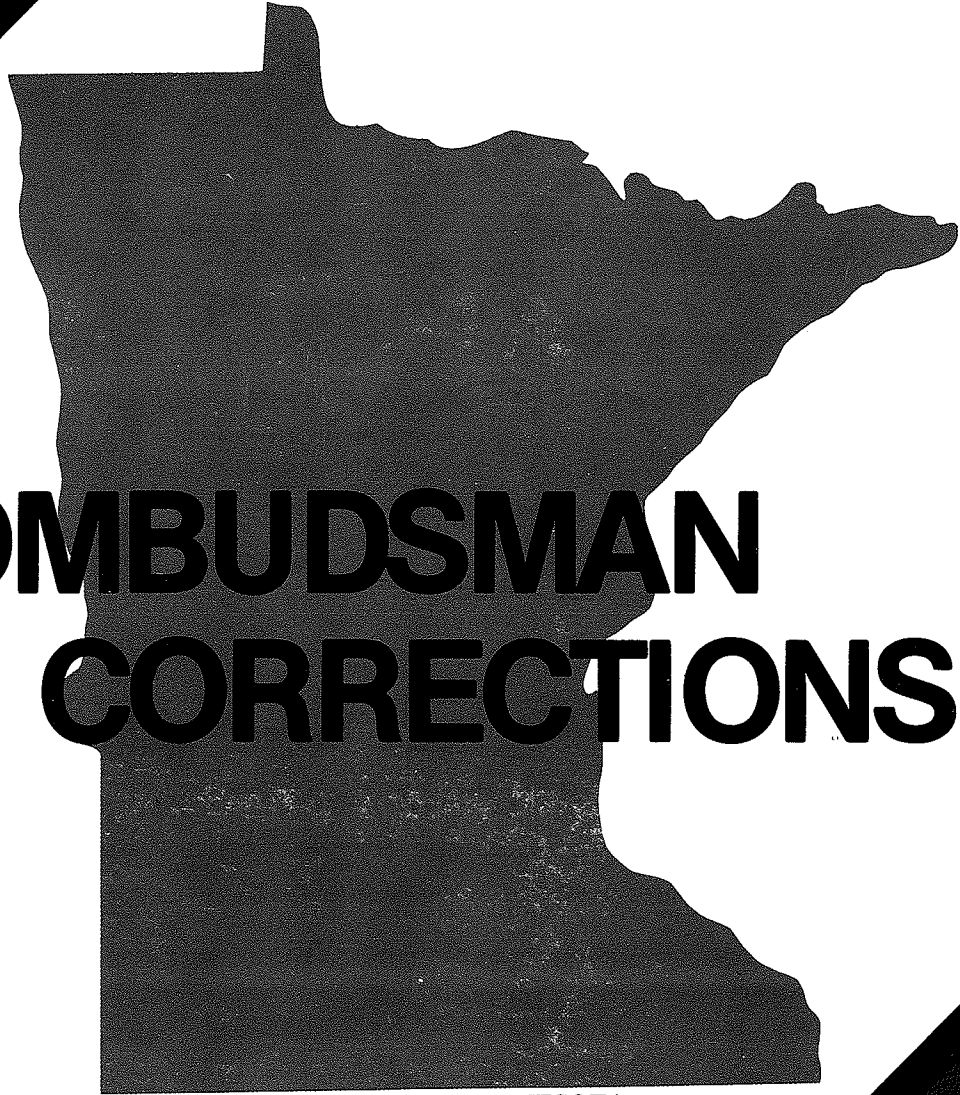


LEGISLATIVE REFERENCE LIBRARY  
3 0307 00005 6245

1173(76)



# OMBUDSMAN FOR CORRECTIONS

STATE OF MINNESOTA

LEGISLATIVE REFERENCE LIBRARY

FISCAL YEAR STATE OF MINNESOTA

1975-76

ANNUAL REPORT

HV  
7273  
.A35a  
1975/76





STATE OF MINNESOTA

REPORT OF  
THE OMBUDSMAN FOR CORRECTIONS

FOR THE PERIOD  
JULY 1, 1975 — JUNE 30, 1976

Submitted to  
The Honorable Wendell Anderson  
Governor, State of Minnesota  
pursuant to Section 241.45  
Subd 2 of the Minnesota Statutes

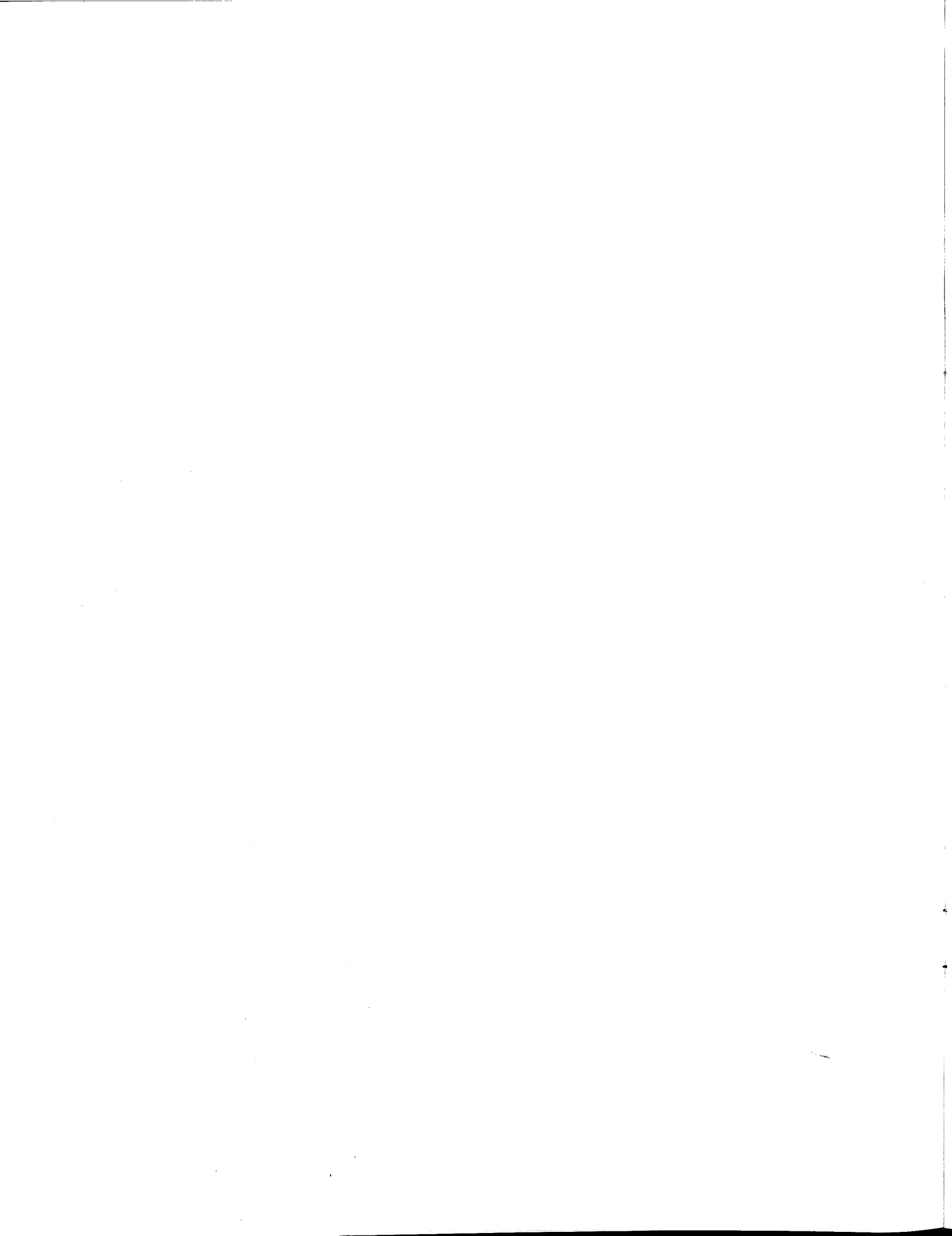
From  
Theartrice ("T") Williams  
Ombudsman for Corrections  
333 Sibley Street  
Suite 102  
St. Paul, MN  
55101

September 1976

LEGISLATIVE REFERENCE LIBRARY  
STATE OF MINNESOTA  
1

*Correction  
State of Minnesota - Department of Corrections*

020  
8883  
1975-76



OMBUDSMAN  
THEARTRICE (T) WILLIAMS  
(Area Code 612)  
296-4500



**STATE OF MINNESOTA**  
OMBUDSMAN FOR CORRECTIONS  
333 SIBLEY STREET, SUITE 102  
SAINT PAUL, MN 55101

The Honorable Wendell R. Anderson  
Governor of the State of Minnesota  
Capitol Building  
St. Paul, MN 55155

Dear Governor Anderson:

In compliance with Section 241.45, Subdivision 2 of the Minnesota Statutes, I hereby submit a report of the activities of the office of the Ombudsman for Corrections for fiscal year 1975-1976. This is the fourth annual report since the office was established in 1972.

As in the preceding three years, the ombudsman's office has been very active. This fiscal year, however, the number of contacts made to the ombudsman has leveled off as expected. This report shows how those contacts were processed and it will use a variety of charts and tables to give a full picture of the operation of the office.

Once again the office received the full cooperation of the commissioner of Corrections, his deputy and assistants, the warden of the prison and the superintendents of the various corrections' institutions. As you are aware, the 1976 legislature expanded the jurisdiction of the office to cover regional programs and facilities and programs and facilities covered under Chapter 401 of the Minnesota Statutes (Community Corrections Act). During the next year the expanded jurisdiction will be implemented in accordance with the operational standards that have been successfully applied at the state level.

I wish also to express my thanks and appreciation to my staff for their hard work, loyalty and dedication. It is because of their excellence that the office is held in high regard by people in the State of Minnesota and throughout the country.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Theartrice Williams".

Theartrice Williams  
Ombudsman



## TABLE OF CONTENTS

	<b>PAGE</b>
LETTER OF TRANSMITTAL .....	3
OVERVIEW .....	5
ORGANIZATION AND FUNCTION .....	6
Figure I-Organization Chart .....	7
Figure II-Complaint Processing Procedure .....	7
ANALYSIS OF COMPLAINTS .....	8
PROJECTION .....	11
EXAMPLES OF COMPLAINTS .....	11
GRAPH I-Monthly Intake .....	20
MAP I-Minnesota Correctional Facilities .....	21
<b>TABLES</b>	
I Ombudsman Contacts Closed .....	22
II Caseload .....	23
III Contact Distribution by Institution .....	23
IV Population by Institution .....	23
V Methods of Communication .....	23
VI Initial Interview .....	23
VII Time Taken to Resolve Contacts .....	23
VIII Contact Distribution by Category .....	24
IX Contact Resolution .....	24
X Contact Resolution by Category .....	24
XI Referrals to Agencies .....	25
XII Number of Contacts Per Individual .....	25
<b>APPENDIX</b>	
A Ombudsman for Corrections Statute .....	26
B Ombudsman Policy Recommendations .....	28
C Budget .....	31

## OVERVIEW

The Ombudsman for Corrections office is an independent state agency with statutory authority — 1) to receive complaints from any source concerning the action of any division, official, or employee of the Minnesota Department of Corrections, the Minnesota Corrections Board, and the Board of Pardons; 2) to investigate those complaints; 3) to make recommendations based upon the findings of an investigation; and 4) to publish those recommendations. The ombudsman, an appointee of the governor, hires his own staff (see figure I) and has an annual budget of \$175,000 at his disposal. (See Appendix C).

During the 1976 session of the Minnesota Legislature, a bill was introduced at the ombudsman's request which incorporated several changes into Minnesota Statutes 241.41-241.45 (See Appendix A). The bill was enacted into law effective July 1, 1976; it strengthened and expanded the office's authority by —

- 1) broadening the ombudsman's jurisdiction to include regional corrections or detention facilities and those county programs or facilities operating under the Community Corrections Act.
- 2) providing that "neither the ombudsman nor any member of his staff shall be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provision of section 241.41 to 241.45";
- 3) granting the ombudsman subpoena power;
- 4) granting the ombudsman the right to be present at Minnesota Corrections Board parole and parole revocation hearings and deliberations;
- 5) providing that "no proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to 15.168 shall be commenced against the ombudsman for actions taken pursuant to the provisions of section 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent."
- 6) providing that mail from the ombudsman to a client who is incarcerated shall be delivered unopened, promptly after its receipt by the institution.
- 7) making it illegal to punish any person for registering a complaint with the ombudsman.
- 8) making the ombudsman for corrections' office a permanent state agency by removing its July 1977 expiration date.

During this fiscal year the ombudsman closed 1130 of the 1171 cases he opened. He was able to effectuate a satisfactory resolution in 65 percent of these cases. Among the most important policy changes that occurred as a consequence of the ombudsman's intervention were — 1) improvements in the prison's segregation unit; 2) formulation of a policy governing the lockup of juveniles; and 3) formulation of policies governing the theft, damage, loss, or transfer of inmate property (See Appendix B).

In order to maintain a successful program the ombudsman keeps in close contact with all segments of the state corrections system. The ombudsman and his staff visit the major state correctional facilities frequently; they accept complaints by telephone, by mail, or in person; and they are regular participants in the Department of Corrections Training Academy which provides training for correctional counselors. This effort to be accessible to both staff and inmates is linked to a process by which the ombudsman provides a quick initial response to those who contact his office, a thorough investigation of the complaints opened as cases, and a vigorous pursuit of recommendations made as a consequence of those investigations.

The ombudsman maintains high visibility within the state correctional system. However, he functions with a low profile insofar as every effort is made to resolve situations of conflict within the framework of the department of corrections. This mode of operation has proven successful. The ombudsman has not yet elected to utilize public pressure or the governor's office to assist in the adoption or implementation of any recommendations made to the commissioner of corrections. The ombudsman has, however, sought to inform the public about crucial corrections' issues by serving on local and national committees, writing in local newspapers and national publications and by speaking throughout the state. For instance, the ombudsman was a member of the Twentieth Century Fund Task Force on Criminal Sentencing which published *Fair and Certain Punishment* in April 1976. He had articles published in the November 1975 issue of *Social Work* and in the March 1976 issue of *Trial Magazine*. The latter was reprinted in the *Congressional Record* on March 11, 1976 at the request of Minnesota Representative Don Fraser.

This report describes the ombudsman's activity in fiscal year 1976. It will discuss the organization and function of the ombudsman office focusing specifically on the type of complaints received and the method by which each was investigated.

# ORGANIZATION AND FUNCTION OF THE OMBUDSMAN OFFICE

The basic goal of the ombudsman office as set forth in law is to "promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections". This broad objective is accomplished by providing an external administrative grievance mechanism to be used when corrections' internal procedures result in an action which is contrary to law or regulation; unreasonable, unfair, oppressive, or inconsistent; mistaken in law or arbitrary in the ascertainment of facts; unclear or inadequately explained when reasons should have been revealed; or inefficiently performed. The ombudsman's effectiveness, in reviewing such matters, depends in large measure upon his method of operation. His operational style must establish, through case-by-case analysis, a standard dedicated to thorough fact-finding, detailed research, and sound evaluation.

The ombudsman office consists of a full-time staff of eight people — the ombudsman, the deputy ombudsman, a research analyst, three field investigators, one administrative secretary and one clerk typist. In addition there is always at least one part-time person employed through the Governor's Internship Program. (See figure I). Every professional staff member, including interns, has an assigned caseload of complaints. The number of cases varies with the responsibilities of each position. The entire staff is involved in the complaint processing procedure shown in Figure II. This process consists of four phases:

## Initiation

The ombudsman may investigate upon complaint (#2) or his own motion (#1) the action of any division, official or employee of the Minnesota Department of Corrections, the Minnesota Corrections Board and the Board of Pardons. The ombudsman may also provide information concerning the Minnesota corrections system upon request (#3). All complaints or requests may be filed personally, by telephone, or by mail.

## Disposition

Requests to the ombudsman are assigned by the deputy ombudsman for an informational or explanatory response (#7). Complaints may be referred to other agencies (#6), rejected as being pre-mature, extra-jurisdictional, or trivial (#5) or assigned by the deputy ombudsman for investigation (#4). Once a case file is opened for a complaint, the investigator proceeds in the following manner:

... Interview the complainant to get a detailed account of his/her grievance. Determine exactly what steps the complainant has previously taken to resolve his/her problem.

- ... Explain to the complainant the function of the ombudsman office and how it relates to his/her specific case.
- ... Prepare a list of staff, inmates and appropriate others to interview.
- ... Prepare a list of documents, reports and other written material to review.
- ... Notify selected officials of the Department of Corrections that an investigation is being undertaken when appropriate.
- ... Conduct additional interviews and review documents, thus gathering all necessary and pertinent information.
- ... Formulate a conclusion on the basis of accumulated evidence.

At any time during this procedure the complainant may withdraw his complaint (#8) or the investigator may refer him/her to another agency (#6).

## Conclusion

Every complaint that is fully investigated may be concluded in one of four ways. First, it may be dismissed as being invalid or unsubstantiated (#9). Second, it may result in a written recommendation that a policy be formulated, altered, or eliminated (#10). Third, it may result in a written recommendation regarding the application of a policy to a specific individual or instance (#11). Fourth, it may result in a situation in which assistance is provided to the complainant but in which no written recommendation is directed to any official (#12).

## Resolution

Recommendations are submitted in writing to officials at the appropriate staff level of the Department of Corrections, to the chairman of the Minnesota Corrections Board, or to the members of the Board of Pardons. These agents may be asked to consider a matter further, modify or cancel an action, alter a regulation or ruling, explain more fully the action in question or take any other step which the ombudsman states as his recommendation. If a recommendation is accepted (#14), the ombudsman notifies the complainant and monitors (#16) its implementation (#15). If a recommendation is rejected (#13), the ombudsman must determine whether or not the rejection is based upon sound reasoning. If he accepts the rationale he notifies the complainant and closes the case. If the rationale is not accepted, the ombudsman may pursue the case with the governor, the legislature, or the general public.

Figure I  
ORGANIZATION CHART

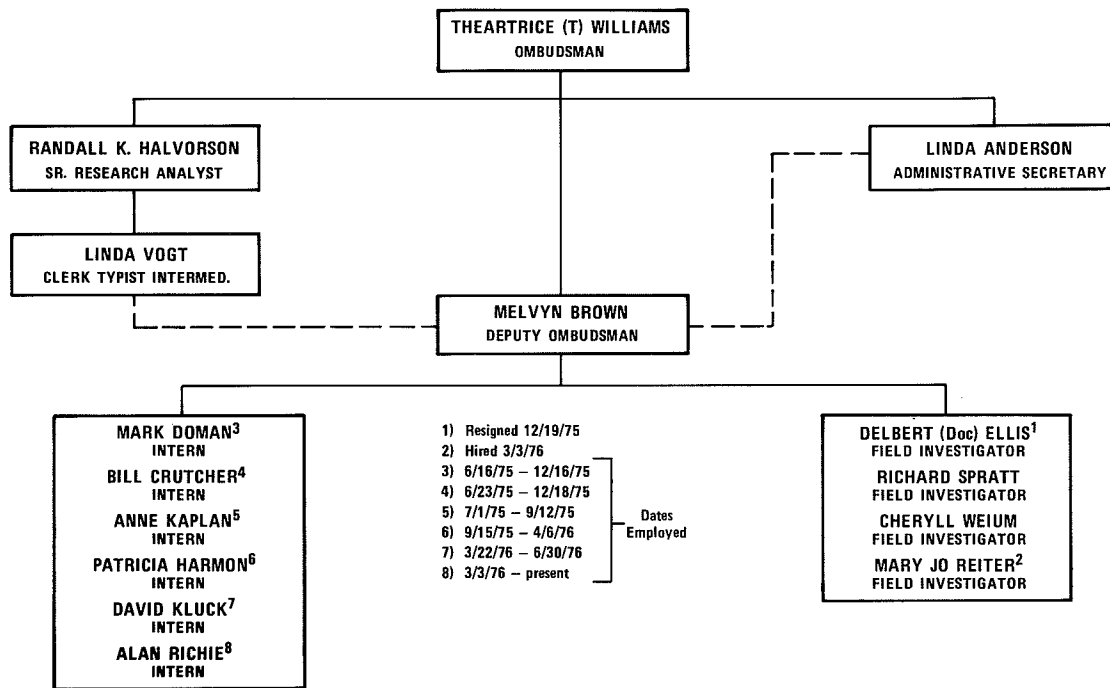
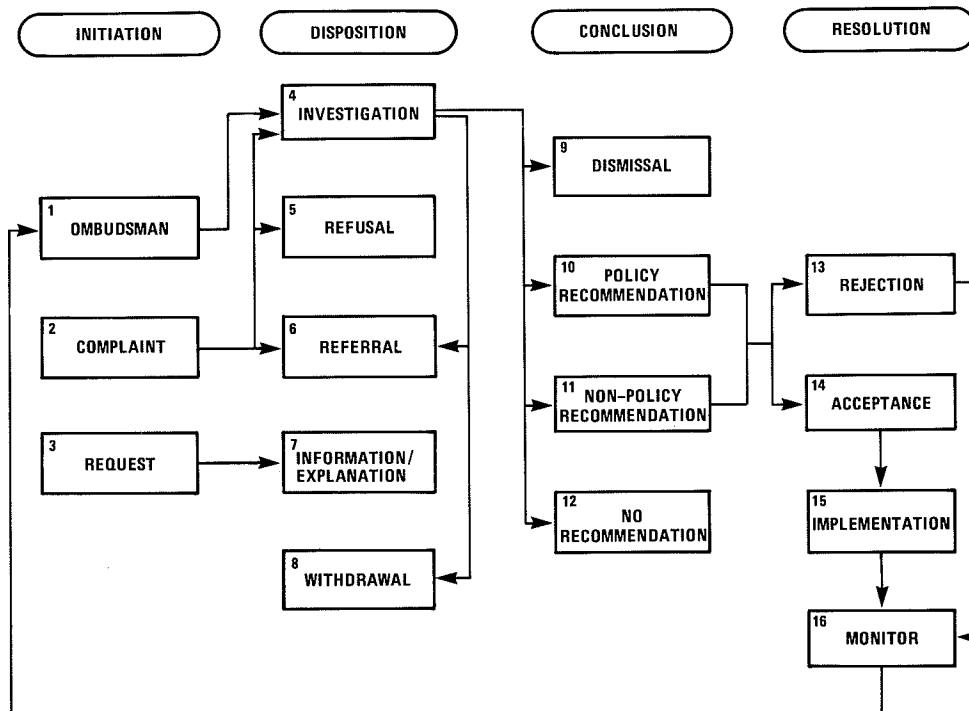


Figure II  
COMPLAINT PROCESSING PROCEDURE





## ANALYSIS OF COMPLAINTS

The ombudsman may investigate upon complaint or his own motion the action of any division, official or employee of the Minnesota Department of Corrections, the Minnesota Corrections Authority and the Board of Pardons. The ombudsman's services are directly available to any person under the jurisdiction of the Minnesota Department of Corrections and includes all persons in state correctional institutions and all persons on parole or probation under the supervision of the commissioner of corrections or the Minnesota Corrections Authority.

During fiscal year 1976 the ombudsman dealt with a total of 1171 cases (see graph I and table II). Each case was assigned to one of the following categories:

**Parole**—Contacts concerning any matter under the jurisdiction of the Releasing Authority. For example, work release, temporary parole, special review, etc.

**Medical**—Contacts concerning treatment from a staff physician or other medical professional.

**Legal**—Contacts that require legal assistance or problems with getting a proper response from the public defender or other legal counsel.

**Placement**—Contacts concerning the facility, area, or physical unit to which an inmate is assigned.

**Property**—Contacts dealing with the loss, destruction or theft of personal property.

**Program**—Contacts relating to a training or treatment program or to a work assignment.

**Discrimination**—Contacts concerning unequal status based upon race, color, creed, religion, natural origin, or sex.

**Records**—Contacts concerning data in an inmate's Department of Corrections' file.

**Rules**—Contacts about administrative policy establishing regulations that an inmate is expected to follow, i.e. visits, disciplinary hearings, dress, etc.

**Threats**—Contacts concerning threats of bodily harm to an inmate.

**Other**—Contacts not covered in the previous categories.

Prior to October 1975 every case opened and assigned to a category was referred to as a complaint. However, the ombudsman, in an effort to more accurately define his function, decided to label every CONTACT made with his office as either a COMPLAINT or a REQUEST. A complaint represents a dissatisfaction with any action taken by officials included within the ombudsman's jurisdiction. A request represents an inquiry for information regarding an aspect of the Minnesota corrections system. Because this differentiation did not encompass the entire fiscal year, Tables

I-XII of this report refer only to contacts and do not distinguish between requests and complaints. However, it should be noted that approximately 80 percent of the contacts during the last three quarters of fiscal year 1976 were classified as complaints and 20 percent were classified as requests.

Table I indicates that the ombudsman acts primarily on individual contacts from the following seven institutions under the jurisdiction of the Department of Corrections — Minnesota State Prison (adult male), State Reformatory for Men (young men), Minnesota Correctional Institution for Women (adult women), Willow River Camp (adult and young male), Minnesota Metropolitan Training Center (male and female juveniles and adults), Minnesota Home School (male and female juveniles), and State Training School (male and female juveniles). Map I shows the location of these institutions as well as two others. The ombudsman maintains contact with inmates from corrections institutions who transfer to the Minnesota Security Hospital which is under the jurisdiction of the Department of Welfare. In addition the ombudsman occasionally visits Thistledeew Camp, a facility which provides a short-term program for boys ages 14-18. Of all these institutions the prison generates the greatest caseload for the ombudsman. As Table III indicates, 46.3 percent of the contacts received by the ombudsman directly concern the prison. This is not surprising since the prison is a maximum security facility for adult male felons and has the largest institutionalized population in the state correctional system. Still, the ombudsman does not spend a disproportionate amount of his time at the prison. Table IV reveals that the percentage (46.3 percent) of contacts from the prison is very close to its portion (45.3 percent) of the total institutionalized population in the seven correctional facilities.

The ombudsman's effectiveness at resolving problems at the prison or at any of the other institutions depends first upon his accessibility to those who may need his service. In recognition of this fact, the ombudsman has established several methods by which he may be contacted. As Table V shows, the telephone has become the most frequently used method. Telephones are available to the general population in every institution's major living units and also on a more limited basis to those in specialized or close custody units. It is relatively easy to call the ombudsman and explain a problem to the staff member who is assigned as intake officer for the day. The intake officer may conduct a preliminary or an in depth interview depending upon the circumstances of the caller. In the former instance a date for a more thorough personal review is set. This practice allows each ombudsman staff member to have a specific agenda when he/she visits an institution, although each must still be available for receiving personal contacts.

In comparison to last year the use of the personal method of initial communication decreased approximately 20 percent. At the same time, use of the telephone increased approximately 15 percent and the use of letters by approximately five percent. The number of ombudsman initiated investigations remained constant at less than one percent. The number of cases initiated by the ombudsman is insignificant in comparison to the other methods (written 23.5 percent; personal 30.2 percent; telephone 45.7 percent; and ombudsman 0.6 percent). Yet it is the ombudsman initiated investigations that are frequently the most time consuming and that often have the most significant impact on policy. For example the ombudsman is empowered to enter and inspect, at any time, premises under his jurisdiction. On May 11, 1976 the ombudsman visited the segregation unit of the prison. The inspection was prompted in part by complaints received from several inmates concerning the unit's unkempt appearance and the lack of individual sinks and toilets, many of which had been destroyed by previous residents. In a letter written to the warden on May 14, the ombudsman outlined in considerable detail what he observed during his inspection. He found that the unit was dirty, that there were empty milk cartons and other kinds of debris in each cell and that there were open drain pipes and water lines in several of the cells. He was informed by both inmates and staff that those inmates who occupied cells without sinks had access to running water only on the one day a week that they were permitted to shower. At any other time they had to get water from their toilet or from a cooperative neighbor whose cell had a functional sink.

After explaining his concern about the health hazard created by such conditions the ombudsman made the following recommendations:

"I would strongly recommend that every effort be made to quickly install the sinks in Cell Hall D. . .

Secondly I would recommend that until the sinks are installed in the cells, that every effort be made not to assign men to cells without sinks. If that is not possible, some provision should be made for those men to have access to running water during the course of each day.

Thirdly I would recommend that every effort be made to increase the number of showers that the men are allowed per week. . .

A fourth recommendation is that written guidelines be developed outlining the conditions under which an inmate can be placed in a stripped cell with a limitation on the amount of time he is kept there.

My fifth recommendation would require a periodic changing of the mattresses in the stripped cell and covers provided for the mattresses.

Finally I would urge that every effort be made to establish some regular outside exercise period when

the weather permits. . . I do hope that this matter will be given your early attention and that of your staff and immediate steps be taken to improve the situation in the segregation unit in cell hall D."

On May 25 the warden forwarded a response written by one of his unit directors. The warden stated in this accompanying memo that, "There are many things we would like to accomplish in the institution regarding human amenities. Some of these things we find possible to do and some impossible. Needless to say, budgets and salaried staff as well as the physical constraints of our facility play a great part in determining what we can and cannot achieve."

The formal response by the unit director stated:

"1 & 2. I agree with the recommendation to install sinks quickly and to arrange for any inmate whose cell does not have a sink to be given access daily to a sink. Accordingly, we have found emergency procedures to accomplish the following:

- a. Secure the specialized equipment necessary and begin to replace sinks by 8:00 a.m. on 5/21/76.
- b. Temporarily reduce population from 45 to 37 effective 5/23/76 so fewer non-sink cells are available.
- c. Each inmate in a non-sink cell given access daily to a sink and running water effective 5/24/76.

3. I disagree with the recommendation of two showers weekly. Current procedures require two days weekly to complete one shower per man. The physical plant, staffing patterns, and competing procedural demands combine to make two showers per week not feasible. Additionally, I suggest, the matter of one shower weekly for inmates on relatively short, punitive segregation or isolation sentences does not seem to be below acceptable humane levels.

4. I agree with the fourth recommendation and state that such is already the case. The policy and procedure covering same was printed January 1, 1976 and has been in effect since that time. . .

5. The periodic changing of mattresses is not contemplated but periodic linen exchange is provided.

6. Outside exercise is available but supplants existing inside exercise. We are looking for procedures to make outside exercise available without supplanting inside exercise as the inmates are required in choosing outside exercise to lose not only inside exercise but also the phone privilege which accompanies inside exercise. A reminder of availability of outside exercise options up to one hour weekly will be given in writing to all inmates in cell hall D-Segregation on May 28, 1976."

Once the ombudsman has clearly established channels by which contacts can be initiated, his effectiveness depends upon his capacity to respond quickly.

This response begins with a prompt indepth interview with the complainant. Table VI indicates that 90.4 percent of the individuals contacting the ombudsman were interviewed within six days. This figure is virtually synonymous with last year's figure on 89.5 percent. However, the distribution between the two categories labeled "same day" and "1-6 days" has changed. The latter category increased by 15 percent (from 18.8 percent to 33.1 percent) while the former dropped 13 percent (from 70.7 percent to 57.3 percent). This shift is explained, in part, by an effort this year to differentiate between a preliminary interview and an indepth interview. If the circumstances of either a telephone or personal contact restrict conversation, a second interview is set usually within one week. Table VI represents the time lag between the date a contact was received and the date the individual initiating the contact was interviewed in depth by a member of the ombudsman staff.

During the indepth interview the ombudsman staff member outlines the steps of his investigation and sets a tentative conclusion date. The ombudsman's effectiveness at this stage depends on his ability to complete a thorough investigation within a relatively short period of time. Table VII reveals that, just as last year, 70 percent of the contacts were closed within 30 days. However, many cases are neither quickly nor easily resolved. Most of those held open longer than 30 days are "treatment" oriented and generally are categorized as parole, program, or placement. For instance, the process of applying for a special review by the parole board can take 60 to 90 days and the process by which an inmate is classified minimum security at the prison sometimes takes 45 to 60 days.

The thoroughness with which a complaint is investigated and the amount of time taken to complete it are important factors in determining the ombudsman's effectiveness. In many respects the process is as important as the product. Yet in the final analysis the ombudsman's success depends in large measure on his ability to frequently produce acceptable solutions to a variety of problems.

In an effort to measure their success, the ombudsman and his staff determine the extent to which each complaint is resolved. The basic standard is simply whether or not the ombudsman did all he could as well as he could within the limits of his jurisdiction. In so doing the ombudsman is concerned with procedure as well as with the results or consequences of procedure. For example, an individual who has lost his personal property through no fault of his own may be little satisfied that his case resulted in a policy change if his property is not recovered. Such was the case when the ombudsman's intervention resulted in the following policy change issued in cell hall A at the prison on May 10, 1976 —

"The ombudsman's office has been receiving increasing complaints from inmates who have moved from their regular cells to C Max and PCU. These inmates have been having problems receiving their personal property. Effective 05/14/76 cell hall A will begin immediate implementation of new procedure and format for inventory of personal property of all inmates in cell hall A...

This new personal property inventory sheet will become a permanent part of the cell hall A inmates' folder. It will also bear the signature of the custody staff person who effected the personal property inventory. A copy will go to the inmate who is out of the unit... All inmates that leave the unit and are known to be out of their living unit, or cell, for seventy-two (72) hours will be given a personal property inventory...

Implementation of these procedures will begin Friday, 05/14/76 and will be a continual priority procedure of cell hall A in the medium unit..."

The ombudsman was satisfied at having effectuated a policy change in this instance. However, the change did little to retrieve the inmates' property that had been lost under the previous transfer system.

As in the example just cited, the measure of the ombudsman's impact in a specific case will likely vary among inmates, corrections line staff, corrections administrators, and the ombudsman. The extent to which each complaint is resolved is difficult to quantify or measure in any exact terms. Nonetheless the ombudsman assesses his success in every case in which he is involved. By his own standard, the ombudsman was able to have some degree of positive impact over 80 percent of the time. Tables IX and X, which represent the judgement of the ombudsman and his staff, indicate that 65.4 percent of the cases in fiscal year 1976 were resolved fully and that 17.7 percent were resolved partially. These figures seem consistent with the ombudsman's role as an external agent agitating for positive change. The ombudsman cannot order compliance with his recommendations and must rely upon his ability to persuade others that change should occur. A significant number of the ombudsman's policy recommendations have been implemented during this fiscal year but as appendix B indicates several were also rejected.

Few complaints registered with the ombudsman's office are dismissed as invalid after investigation. Table IX indicates that only two percent of the 1130 cases closed this year were found to be completely without merit. The legitimacy of each case is measured primarily by its inclusion into at least one of five criteria. A complaint is legitimate if it concerns issues or actions which are proven to be 1) contrary to law or regulations; 2) unreasonable, unfair, oppressive or inconsistent; 3) arbitrary in the ascertainment of facts;

4) unclear or inadequately explained; or 5) inefficiently performed.

The ombudsman determines which complaints merit investigation. In making that judgement he also decides whether or not a case may be more properly handled by another agency. Table IX shows that 63 cases were referred this year to other agencies for final resolution. As Table X reveals, over 70 percent of these referrals were of a legal nature. Table XI indicates that over 50 percent of the referrals were made to either public defenders or attorneys from the Legal Assistance to Minnesota Prisoners Program.

The ombudsman referred 94 fewer cases this year in comparison to last year. This figure may well be attributed to the fact that inmates have become more familiar with the "system" through contact with the ombudsman. Instead of contacting the ombudsman about every unresolved problem, many inmates now presumably contact other agents directly when appropriate.

The ombudsman may accept complaints from "any source" regarding matters under his jurisdiction. The overwhelming majority of contacts with the ombudsman come from individual inmates in the state's correctional facilities. Less than two percent of the contacts are made by correctional staff, groups of inmates or other interested persons. Table XII indicates that 693 individuals contacted the ombudsman this year. The majority, 66 percent, contacted the ombudsman one time; 21 percent contacted him twice and the remaining 13 percent contacted him from three to eleven times. In comparison to last year, both the total number of individuals contacting the ombudsman and the total number of cases opened dropped by 13 percent.

## **PROJECTION**

During the next fiscal year the ombudsman will implement the new statutory provision expanding jurisdiction to regional correction and detention facilities and county programs and facilities operating under the Community Corrections Act. The process will entail the deliberate application of the same method of operations that has worked well at the state level. The achievement of this goal may necessitate the addition of at least one more staff member. However by October 1976 the ombudsman will have personally contacted the directors of the major programs and facilities included within the expanded jurisdiction to set a time table for the implementation process.

## **EXAMPLES OF COMPLAINTS**

### **Parole**

In May 1976 new procedures and standards for determining the release date of adults committed to

state correctional institutions were adopted by the Minnesota Corrections Board (MCB). In outlining its new system, the board stated that it has three main goals: "(1) to protect the public, (2) to deter crime, and (3) to rehabilitate offenders. In order to accomplish these goals, the Minnesota Corrections Board will consider factors relating to risk of failure on parole, severity of the committing offense, and inmate behavior and conduct while imprisoned to determine the length of time individual inmates will be incarcerated." The board also established parole decision-making guidelines in order to "provide a rational method of determining length of incarceration which allows the Minnesota Corrections Board to accomplish its goals; establish a method of parole decision-making that assures equitable treatment of inmates; and assign target release dates to inmates at their initial appearance before the Minnesota Corrections Board". Upon implementation of these guidelines, each inmate is assigned a target release date, either at his admission hearing or at his next annual review. However, the board provides that "in the event that an inmate in the population on the date of implementation will have served longer than the "upper limit" indicated by the Parole Release Date Matrix before his/her next annual review, that inmate may request a special review prior to the next annual review."

On June 10, 1976 an inmate at the Minnesota Metropolitan Training Center told an ombudsman field investigator that he had been unjustly denied a special review for parole. He stated that he had been assigned an 11-17 month incarceration period in accordance with the new parole release date matrix. His caseworker told him that he was not eligible for a special review by the MCB because he had not served more than 17 months of his sentence. The inmate argued, however, that the admission date for computing the amount of time served should be May 4, 1974 instead of the April 29, 1975 date used by the caseworker. He explained that he had transferred to the Minnesota State Reformatory on April 29, 1975 from an institution in Wisconsin where he had been admitted on May 4, 1974. Since his Minnesota sentence ran concurrent with his Wisconsin sentence he reasoned that his caseworker had used the wrong admission date to determine his eligibility for a special review.

On June 11, 1976 the field investigator discussed the inmate's concern with his program director. The director agreed to review the inmate's record in an attempt to verify the time served in Wisconsin. On June 17, 1976 the inmate was given credit for this time and was therefore eligible to be reviewed by the MCB. However, since his annual review was due in July, he was placed on the MCB calendar in accordance with the regular procedure. On July 14, 1976 he was discharged by the MCB.

## Medical

As a consequence of several medical complaints received from inmates at the Minnesota Correctional Institute for Women (MCIW) the ombudsman contacted the deputy commissioner by phone on January 12, 1976 and subsequently by letter on January 13, 1976. After outlining the areas of general concern, the ombudsman recommended that the Department of Corrections, through its health care administrator and health care advisory committee, take a critical look at the health care delivery system at MCIW and make recommendations for appropriate changes. This recommendation resulted in a request on January 19 by the health care administrator for more specific documentation of the concerns raised by the ombudsman. In response to this request the following letter outlined four complaints about the medical care received by inmates at MCIW.

"...The cases outlined below and other medical complaints to our office can be placed into two basic categories — 1) those which concern the process by which an inmate is referred to an M.D. and 2) those which concern actual treatment by the M.D.

### I. The Referral Process

a. At approximately 1:15 p.m. on January 8, 1976 an inmate called the ombudsman office stating that earlier in the day her right foot had been accidentally run over by the car in which she rode from MCIW to a vocational school in Minneapolis. She indicated that since she felt no immediate harsh pain she went to class as scheduled. However, by noon her foot began to swell and ache; therefore, she requested an X-ray of it as soon as possible. She was then apparently informed by staff that she had to return to MCIW to be examined by the nurse. The nurse would then decide whether or not the inmate would see the M.D. The next day the M.D. in turn would decide if the injured foot needed to be X-rayed. The inmate protested that such a procedure would cause an unwarranted delay. An ombudsman staff member agreed, and upon her recommendation, the inmate was taken the same day to St. Francis Hospital. An examination revealed that the injured foot was bruised but had no fractured bones.

b. An inmate called an ombudsman staff member at home at 1:30 a.m. on December 11, 1975 stating that she had an epileptic seizure at 12:45 p.m. Since the institution physician could not be reached by phone, staff took the inmate to the clinic in Shakopee. While she was there the institution physician was contacted and consulted. After the inmate was returned to the institution, she requested that the M.D. be consulted again regarding the need for additional medication. When her request to contact the M.D. was

denied, she called the ombudsman. The M.D. was called by the ombudsman and additional medication was prescribed.

The general issue raised by such cases concern the identification of circumstances which warrant exemption from routine procedure. The following questions should be considered:

1. What sort of injuries or conditions require immediate special attention and/or examination by a physician?
2. What non-medical factors, if any, effect staff referrals to the M.D.?

### II. Medical Treatment by an M.D.

a. At 7:30 p.m. on July 13, 1975 an inmate called an ombudsman staff member at his home. She explained that a window had fallen on her hand causing a break in the skin and suspected fracture. The institution M.D. in consultation with staff had refused a transfer to the clinic. In discussing the situation with the ombudsman, the M.D. stated that a fractured finger was not a serious matter and that it should be soaked in ice until the morning when X-rays could be taken. After consultation with a physician at Sundance Clinic in Shakopee, the ombudsman recommended to the staff that the inmate be taken immediately for examination. The staff complied and the clinic medical personnel cleaned the wound and confirmed by X-ray the suspicion that the finger was in fact fractured.

b. At 10:15 p.m., January 11, 1976 an inmate called the ombudsman at home. She had fallen on a step at 2:00 p.m. and had taken medication prescribed by phone by the institution physician. The inmate has a well-documented history of back problems. She claimed to be in severe pain and feared that she had injured another spinal disc. At the request of the ombudsman the inmate was taken at 7:00 a.m. on January 12, to St. Paul Ramsey Hospital, where she was diagnosed as having a muscle spasm.

The general issue raised by these two cases concern medical judgements regarding the care and treatment of an inmate. The following questions should be considered:

1. When staff consult the M.D. by telephone should the M.D. talk directly to the inmate who is ill or injured?
2. What consideration, if any, is given to budget, time, day, and staff convenience when circumstances require a medical decision to hospitalize or examine an injured or ill inmate?"

On February 6, 1976 the health care administrator indicated that the ombudsman concerns would be reviewed by the medical subcommittee of the depart-

ment's health advisory committee. The committee's investigation was still in progress when this fiscal year ended June 30, 1976.

### Legal

On November 13, 1975 the ombudsman received a letter from a juvenile at the State Training School inquiring about the status of a trust fund established for him by his grandfather. He stated that his parents had withdrawn the money from his account apparently without his approval. He asked, "One of my group members has a trust fund and he had to sign or his parents couldn't [sic] get the money, why is that?"

On November 19, 1975 a field investigator interviewed the juvenile. Since he could furnish very few particulars about his trust fund, the investigator telephoned an attorney who had once defended the youth in juvenile court. On December 9, 1975 the attorney reported that he had taken the following steps:

"I went over to the Clerk of County Court/ Probate Division and asked if there were any guardianship accounts in the name of XXXXX. The Clerk checked their entire index and could find none.

I then went to the Clerk of District Court's Office and requested they search for any trust accounts and the Clerk indicated after a search that there were none.

I then asked the Clerk of District Court to review all of their files and she said there were none in the names of the XXXXX children and the only file on hand was the divorce case involving the parents.

I then reviewed that file and found that the Judgement and Decree . . . did refer to the re-establishment of certain savings accounts in the names of the minors.

I enclose for your information a copy of that Judgement and Decree and refer you to Paragraph 4B."

He reported again on December 12, 1975 that upon direct inquiry with the father of the juvenile, he learned that

"1,700.00 had been invested in a certificate of deposit at the Northwestern State Bank of XXXXX, Minnesota in the name of the father in Trust for the son. That there was no certificate of deposit at this time and that this sum had been "reinvested".

I was given no information, though I requested it, as to what the reinvestment was or in what amount, except that the father said that when his son reached of age and needed the money it would be turned over to him."

On December 16, 1975 the investigator wrote to the father inquiring about the status of the trust account and the reinvestment. On December 19, 1975 he

responded that he had in fact borrowed the money to purchase a house which he now retains as rental property. He stated that a portion of the rent money is used to repay the amount borrowed from the trust accounts.

On January 5, 1976 the investigator wrote to the appropriate district court judge regarding this matter. She explained:

"Our interest in the trust fund lies in our concern that the money will be available to XXXX when he needs it. Since the decree stipulates that XXXX can use the money for post-high school education before he reaches maturity, it could be very significant in the determination of XXXX future when he does leave Red Wing."

Moreover she indicated that on the basis of her investigation to date, "We have some doubt as to whether the benefits to XXXX will be provided as required by the judgement and decree." On January 21, 1976 the judge responded,

"After reviewing various items included with your letter, including the copy of the decree, it seems to me that an appropriate motion ought to be made in XXXX County District Court regarding the handling of these funds. If such a motion is made, I will be happy to consider the situation when it is formally brought before the Court."

Upon receipt of this letter the investigator called the appropriate county attorney. After hearing the circumstances of the case, he stated that a suit for contempt of court would be filed but only at the request of the youth. The juvenile complainant was so informed but was reluctant to press formal charges against his father. After making certain that the youth understood who he could contact at the county attorney's office, the case was closed on February 27, 1976.

### Placement

During the latter part of December 1975 and early January 1976 the ombudsman received several inquiries, both written and verbal, from juveniles at the State Training School (STS) regarding treatment of youth on lockup status. They raised questions concerning the procedure by which individuals were placed in lockup, the length of time served, and the privileges afforded those on lockup status.

Resolution of specific problems raised by individual juveniles proved difficult because of the absence of a general institution policy governing the use of lockup. Therefore on January 29, 1976 the ombudsman, in a telephone conversation with the acting superintendent, requested that a policy be formulated and implemented. In a letter written the same day the ombudsman stated that, "It will be extremely beneficial to all parties concerned if STS can develop policies and procedures governing placing youth or groups on restric-

tions or lockup. . . There should be records kept of the decision to place a person on restriction or lockup and the rationale offered for that decision." He argued that such a policy was entirely compatible with the institution's treatment process. In fact, it could very well "provide some additional structure that could enhance the treatment process."

On February 10, 1976 the program director at STS responded that "the concerns expressed. . . are very understandable and the need for the guidelines is clear." He indicated that his staff was in the process of developing a policy for the use of lockup. That policy, finalized in May 1976, contains the following preamble,

"The use of lockup for juveniles is not seen as a desirable practice, however, experience indicates that at times physical restraint is necessary. In fitting with the philosophy of PPC, juveniles should be locked up only when the group is unable to deal with problem behavior. It follows then, that when lockup is deemed necessary it should be non-punitive and as humane as possible. Every attempt should be made to safeguard the rights and the physical and mental well-being of the juvenile. For purpose of this policy lockup is defined as any time a student is confined to his room."

#### **Property**

On January 8, 1976 an ombudsman field investigator was approached at the state prison by an inmate who maintained that he had been overcharged for a sink that he had broken the previous month. He indicated that two other inmates had also been overcharged and supplied the vouchers authorizing withdrawal of funds from their separate accounts.

The field investigator contacted the prison finance officer who believed that the costs listed were correct but was uncertain what the amounts actually included. He referred the investigator to the lieutenant who had affixed the actual amounts. The lieutenant stated that he had received the price list from the finance department but suggested contacting the sergeant in charge of the unit where the property was destroyed. The sergeant stated that he had prepared the vouchers but had not inserted the prices for the items broken. The field investigator then returned to the finance officer who located a price list dated December 26, 1975. The investigator pointed out that there was in fact a deviation between the actual cost and the price charged to the inmates. The finance officer replied that there may be a charge for installation and fixtures for which he was unaware.

On January 19, 1976 a letter was written to the warden asking whether or not the prices in question included labor and parts. On January 20, 1976 the warden responded that no labor and parts are charged to the inmate. On February 4, 1976 the finance officer

was presented with the warden's correspondence. He agreed that the inmates had been overcharged but stated he would need a directive from the warden in order to correct the error. On February 20, 1976 approval for the change was given by the associate warden of administration and industry.

On February 27, 1976 the finance officer authorized changes in the original vouchers which resulted in a reimbursement of \$9.00 for each of the three inmates.

#### **Program**

During the period of time from April 1975 to December 1975 the ombudsman received several complaints from inmates in the prison's maximum custody unit (C-Max). The complainants expressed dissatisfaction with the procedure by which they were assigned to the unit, with the privileges afforded to them while they resided there, and with the method by which they were returned to the general population. Because of these concerns the ombudsman decided to closely examine the unit's overall operation. His general investigation was completed on December 29, 1975. At that time he made several observations and recommendations concerning the unit's function and operational procedures. In a lengthy letter to the warden the ombudsman noted that the unit's program was "basically a time serving experience" in which inmates could easily conclude that there was "not too much to lose if one's behavior is negative and not too much to gain if one's behavior is positive." He further observed that "there are no individual programs developed for each inmate which would cause him to deal directly with the attitudes and behavior patterns which caused him to be classified originally as C-Max status. There is no way the inmate can demonstrate changes of behavior by actually performing in a setting which is devoid of such extreme restrictive 'supports'". As a remedy to this situation, the ombudsman proposed the following general program—

"... The program should contain activities which could be critically evaluated and which allow and demand an inmate to demonstrate the successful mastery over those traits and actions which caused him to be classified originally in C-Max. . .

With exemplary behavior manifested on a base level status, the inmate would move to phase II for a period of about 2-4 months. The primary purpose of this phase is to reward the positive behavior exhibited on base level. There has to be some easily discernible goals which can be achieved in a relatively short period of time for which rewards will be received.

After successfully completing phase II, the inmate could move to phase III for a period of 2-4 months. This phase could be housed in C-Annex and could be operated in a "Huber" manner with release to population for work and/or school and return to annex

for group sessions and individual counseling. He would have more privileges than on phase II, yet less than that of the general population. . .

The inmates in phase IV would be "paroled" to the population on a contract. He would be paroled in that he could be brought back to C-Annex for violation of contract.

It should be understood by all involved that:

1. Inmates may move "up" the levels toward their release back to the general population of the prison or they may move "down" the levels toward base level.
2. An inmate is responsible for how fast and for the direction in which he moves.
3. Classification committee will make the decision based strictly on what the inmate does. . ."

In a meeting on March 25, 1976 the warden told the ombudsman that he had outlined a response to these observations and recommendations. However, he indicated that he would make no commitments concerning these matters until the conclusion of legal action taken against the prison by attorneys representing inmates in the C-Max Unit.

While the ombudsman was conducting his investigation, attorneys from the Legal Assistance to Minnesota Prisoners program were also reviewing the circumstances of the inmates in C-Max. On the basis of their independent analysis, a class action suit contesting the legality of the maximum custody unit was filed in federal district court. The hearings for this legal action began in May 1976. On May 13 and May 27 the ombudsman testified. He summarized for the court his efforts to deal with the problems he had observed in the maximum custody unit. Upon request of the plaintiff's attorney, the judge permitted portions of the hearings to be tape-recorded and subsequently played for the inmates in C-Max by the ombudsman's staff. The judge also appointed a special committee to investigate the unit for the court. The proceedings were still in progress at the end of this fiscal year.

### **Discrimination**

Late in the afternoon of October 27, 1975 a member of the Native American Folklore Group (NAFG) at the prison asked an ombudsman staff member to investigate an incident that had resulted in the placement of an inmate on segregation status. In response to this request an investigation was started that afternoon. The following morning the director of the cell hall in which the incident had originated met with the ombudsman field investigator and the cabinet of NAFG. During that meeting it was agreed that the director would investigate the incident and that the ombudsman would verify the results of that investigation. This agreement led to a report which reconstructed the events of October 27, 1975. On that date

the inmate in question had gone to a new work assignment in the shop area. However, the "master galley desk book" had not been changed by the staff to indicate the inmate's new status. Therefore when he returned to his cell hall at the noon count, he was locked in his cell as a non-worker. The director acknowledged that this action was an administrative error. The inmate, in frustration over his predicament, busted his sink. He was permitted to go to work, however, by the officers who came to his cell to investigate the water that was running into the galley. While he was at work a disciplinary report was written charging him with destruction of state property. When he returned to his cell for the afternoon count, an order had been issued for his removal to segregation. In response to that order the third watch security squad went to his cell, told him that he was being taken to segregation and asked him if he was willing to go. The inmate claimed that he nodded affirmatively and said that he would go as soon as he put on his shoes. The squad members, however, stated that the inmate did not respond at all and that he became aggressive as they entered his cell. Even though the circumstances of this initial contact remain unclear, the cell hall director did question the amount of force used by the squad in removing the inmate from his cell. He stated that as a consequence of the encounter, the inmate was "bleeding profusely from the nose" and that he received facial "cuts and bruises".

The unit director, as a result of his own findings, the report of the ombudsman, and a consultation with the associate warden, ordered the disciplinary charges against the inmate to be dropped on October 29, 1975. The inmate was removed from the segregation unit back to his own cell. In addition, the cell hall director met with the security squad to review the incident in order to prevent further such occurrences. An informal agreement was reached with the NAFG in which members of the cabinet would be notified if possible in the future when a Native American inmate refused to go to segregation. The cabinet members would be afforded the opportunity to observe the transfer process and to assist in maintaining calm when appropriate.

This unfortunate incident was properly summed up by the cell hall director who stated, "I do not condone Mr. XXXXX for breaking his sink nor do I condone him for being aggressive with the Staff as they came to get him. On the other hand, given the same circumstances, I doubt that any of us would have been very pleased with the handling of the situation had it been us personally."

### **Records**

On December 11, 1975 an inmate from the Minnesota Metropolitan Training Center called the ombudsman stating that he had an opportunity to participate



in a vocational training program if he could be released during January 1976. He believed that he could meet this deadline if the Department of Corrections would restore some of the "good time" he had lost while incarcerated at the reformatory and prison. He requested that the ombudsman support his request for restoration of his "good time".

Minnesota Statutes 243.18 outlines a diminution of sentence formula commonly referred to as the "good time" provision. It provides that,

"Every convict sentenced for any term other than life whether confined in the state prison, the state reformatory, or the Minnesota correctional institution for women, or on parole therefrom, may diminish the term of his sentence as follows:

- (1) For each month, commencing on the day of his arrival, during which he has not violated any prison rule or discipline and has labored with diligence and fidelity, five days;
- (2) After one year of such conduct, seven days for each month.
- (3) After two years of such conduct, nine days for each month.
- (4) After three years, ten days for each month for the entire time thereafter.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away".

A review of the inmate's file indicated that a petition for restoration of "good time" had been received by the commissioner of corrections. The petition had been forwarded to the prison warden for review and recommendation. On December 12, 1975, the ombudsman sent a letter to the warden outlining what he considered to be the salient issues of concern. Included was an observation that the inmate was "among those precious few prisoners who are confronted with having to serve until the expiration of their sentences. Inasmuch as he is doing expiration, the loss of good time then becomes much more crucial to him than to other persons who may expect to be released on parole". Moreover, in reviewing the inmate's disciplinary history at the prison, the ombudsman discovered that all of his loss of "good time" occurred prior to the implementation of the current disciplinary system which, by court order, assures a large measure of due process that was not available to inmates under the former system. He stated, "it seems to me that prior to the implementation of that court order, loss of good time for infractions such as the one that XXXX committed was commonplace. I do not see that people committing similar infractions have lost good time at the same rate that was the case during XXXX's infractions."

Within the next two weeks, the ombudsman discussed this case with several people including prison staff, a private attorney, a deputy commissioner, and the commissioner of corrections. These conversations culminated in the following letter written by the ombudsman on January 6, 1976 to the deputy commissioner.

"This letter will confirm our telephone conversation of January 5, 1976 in which we discussed the restoration of "good time" for XXXX. You indicated you did not feel that you could recommend to the commissioner that XXXX's "good time" be restored because you did not see where XXXX had done anything special to warrant restoring his "good time". The warden's position is the same. In addition, he did not see how restoration of "good time" could have any rehabilitative effect upon XXXX.

I disagree with both of you. I have observed some significant changes in XXXX since I first met him in C-Segregation at the prison in October 1972. The warden had XXXX on administrative lockup for the security of the institution. I was not sure then, nor am I now, what that really meant. What it, in fact, meant at that time was that the warden could use administrative lockup with a great deal more discretion and more indiscriminately than is the case now. . . .

XXXX has done expiration on a 0-10 year sentence. The loss of "good time" plus a failure of the MCB in granting him credit for the time he served in the Ramsey County Workhouse in early 1975 is what still has XXXX doing time. His situation is an exceptional one in that very few people do expiration on a 0-10 year sentence. . . .

At this time his opportunity for a good start depends upon his ability to get out by January 15, 1976. If he is out by this time his chances for employment and financial assistance with his education and training will be greatly enhanced. . . .

It seems to me that there is little, if anything at all, to be gained by keeping XXXX in prison. He most certainly has been sufficiently punished. He now has an opportunity to become a productive citizen. Timing is crucial and the Department of Corrections can be of real assistance in this matter by restoring XXXX's "good time".

I encourage you to act quickly and positively".

On January 13, 1976 the deputy commissioner wrote the following memo to the commissioner:

"After much deliberation the MCA has restored 79 days to XXXX based on what they considered both his and the state's best interest. I have been informed that if XXXX, who is now completing a 10-year sentence, were to be released next week he could then take part in a vocational training program — something which he apparently needs and could utilize.

While I recognize that with a man of XXXX's rather extensive background the notion of rehabilitation at this point seems rather questionable, it does appear that to hold him for several more weeks would not be in his best interests as release at this time at least gives him an opportunity to get involved in a positive activity.

I therefore recommend that you restore 26 days to XXXX, which would result in his being released from your custody and control on Monday, January 19".

On January 15, 1976 the commissioner concurred and restored 26 days "good time" to the inmate. He was subsequently released on January 19, 1976.

### Rules

On August 25, 1975 an inmate from the Minnesota Correctional Institute for Women telephoned the office regarding the status of another inmate. The latter had recently been returned to the institution from escape status and was currently being held in the segregation unit. Contrary to written policy, however, she had not been afforded the opportunity to negotiate an agreement with her classification team.

On August 26, 1975 the inmates were interviewed by an ombudsman field investigator. The investigator also reviewed the institution's "escape policy" and noted that provision number three states:

"If the escapee chooses, she will negotiate an agreement with her team — part of this agreement will include segregation or isolation time. The segregation or isolation time will be decided on by the team with the approval of the Superintendent. Length of time in segregation or isolation will depend on activities while on escape, number of past escapes and behavior when returned to the institution."

On September 8, 1975 the ombudsman wrote the following letter to the institution superintendent:

"Recently two residents on segregation status in the institution filed a complaint with our office concerning interpretation of the Institution's Escape Policy. It seems the policy allows the women to negotiate an agreement with their team which may include the amount of time they are required to spend in segregation or isolation upon their return to the institution from escape status.

We were informed by the residents that they were not provided with an opportunity to negotiate their status with their team. It seems that many of the women are unaware of this policy and it is seldom that they request a team meeting to determine their status upon return to the institution.

Inasmuch as that policy does exist, it seems to me there should be a concomitant policy that would require staff to inform the women, upon their return,

that they may request a team meeting to determine their status at the institution. An alternative to that, if the policy is not to be enforced consistently, would be an elimination of said policy.

Your cooperation in resolving this matter would be greatly appreciated. Please inform me at your earliest convenience how this matter has been resolved."

On October 1, 1975 the superintendent responded by letter to the ombudsman. She acknowledged that the segregation/isolation time was not being negotiated in accordance with the "escape policy". She further stated that the following memo had been issued to rectify the oversight:

"Mr. T. Williams, Ombudsman, has written me re: complaints from two escapees who stated they were unable to negotiate Segregation/Isolation time as stated in the 8/13/75 Escape Policy. Please refer to #3 in the Escape Policy which states that the time in Segregation/Isolation is negotiable with the team, final approval by the Superintendent. The fact of spending some time in Segregation/Isolation is not negotiable.

In talking to some of you, I understand that this complaint is valid. Evidently #3 has been ignored. Therefore in the future please do the following:

1. Place the woman in segregation immediately on return from escape.
2. Hold a team meeting with her as soon as possible — hopefully within 36 hours. At that time talk to her about time in Segregation as well as our expectations. If there will be unusual requirements for her due to her past record, this should be discussed with her at this time.
3. Following this team meeting, talk to me re: the negotiated time and any unusual requirements.
4. Following my approval, write up the time and behavior expectations for the resident and the file."

### Threats

On October 15, 1975 the ombudsman received a letter from an inmate who indicated that six weeks earlier he had been involved in an incident at the reformatory in cell block A. As a result he was placed on protective custody in cell block D for approximately four weeks. During that time he had unsuccessfully sought to have the county attorney bring a charge of assault against the inmates with whom he had fought.

Upon the inmate's return to population he was placed in cell block E. Since that time he claimed to have been threatened by the inmates against whom he had attempted to file charges. The inmate was therefore concerned for his safety and stated, "I am writing to you cause I feel that I've tried just about everybody else..."

On October 20, 1975 the deputy ombudsman discussed the inmate's concern with the captain at the reformatory. The captain was well aware of the inmate's situation and explained that adequate precautions could be taken to keep the inmate separated from the residents of A house who had threatened him. The inmate was so informed and was asked to contact the ombudsman's office again if he was dissatisfied with the precautions that were to be arranged.

#### Other

On March 23, 1976 an inmate from the state prison requested to see the ombudsman regarding the food served to inmates residing in the maximum custody unit (C-Max). The next day a field investigator interviewed the inmate who indicated that the food received in the unit frequently deviated from the menu and was too often cold. This concern was largely substantiated by the unit lieutenant who was already in the process of documenting what he considered to be recent difficulty with the food service.

Food service at the prison is provided through contract with a private company. On March 25, 1976 the ombudsman field investigator discussed the C-Max situation with the owner of that company. On March 29, 1976 she also discussed the matter with the director of food services at the prison.

On April 5, 1976 the ombudsman received a letter from three inmates in which they enclosed a menu for the week of March 28-April 3. They noted several items on the menu that had not actually been received in the unit. During the next two weeks, two other inmates and two staff members commented personally to the ombudsman about the quality of food service at the prison.

After discussing this matter with the warden the ombudsman wrote the following letter to him on May 5, 1976.

"Recently we have received several complaints concerning the food service, particularly in Cell Hall C, Maximum Custody Unit. I discussed this matter with you briefly during our last meeting together. At that time I indicated I would be making some suggestions pertaining to certain aspects of the food service.

In addition to the complaints we have received about the food in C-Max, we have also received complaints from other inmates within the institution concerning the overall quality of the food. There seems to be considerable feeling on the part of inmates and some staff that the quality of the food has deteriorated significantly within the past few months. In addition to the specific C-Max complaints, we have also received specific complaints concerning the food service in Cell Hall D. We have met with the food service people at the prison and discussed some of the concerns that we had, particularly in relation to the service in Cell Hall D and Cell Hall C. As a consequence

of those discussions, I offer the following recommendations for your consideration:

1. Provide an additional staff person to assist with the serving of food in Cell Halls C and D. That staff person could be an inmate. This should only require the creation of an inmate staff position for Cell Halls C and D.
2. That Styrofoam trays be purchased for the food delivery to the D-Segregation Unit. If a staff position is provided in Cell Hall D, it could minimize the need for Styrofoam trays. In Cell Hall D, once the food is brought in, serving becomes a problem because of the locations of inmates on the upper tiers. The consequence of all that motion back and forth has sometimes caused the food to arrive with some debris in it that ought not be there. The idea behind the Styrofoam trays is that the food will be covered and the debris could not get into it.
3. For a variety of reasons substitutions are made on the menu from time-to-time. It appears to be more practical to make the substitutions in relation to Cell Halls C and D. We have discussed this matter with the food service personnel and indicated that when there are substitutions, the substitutions be on a par with the food previously served. We were informed by the food service people that they were endeavoring to do that and did not see that as a problem. They did see a problem with the need of additional personnel in the serving of the food in Cell Halls C and D."

On May 28, 1976 the warden forwarded the following response prepared for him by the associate warden for administration and industry. After acknowledging that the "allegations" of the ombudsman were "substantially correct" he stated:

"I have talked to Best Food Services personnel in regard to having the meals in Cell Hall C served from a hot food cart. The problem we have run into is that the officers in Cell Hall C would have to serve the food from this cart to the trays and then distribute them to the inmates. We have been informed that Cell Hall C does not have sufficient personnel to carry out this function.

In Cell Hall D the problem is a little different in that major concern is carrying the trays up to the top tiers. In so doing, trays are left on the steps and this is when debris falls onto the trays. We have developed a metal closed tray by welding together two metal trays and this would seem to take care of the problem of debris falling on the food. Also, we are in process of constructing a dumb-waiter to expedite delivery of the food to the tiers. We have been continually confronted with obstacles in our efforts to construct this dumb-waiter because we have been advised that a homemade operation will not pass OSHA or Health Department inspection. However, I have since talked

to my personnel and we are constructing a unit which we feel will take care of our needs without jeopardizing safety or health. As a matter of fact, we hope to improve the health factor considerably by delivering the enclosed metal trays to the tiers, thus obviating debris falling on the food.

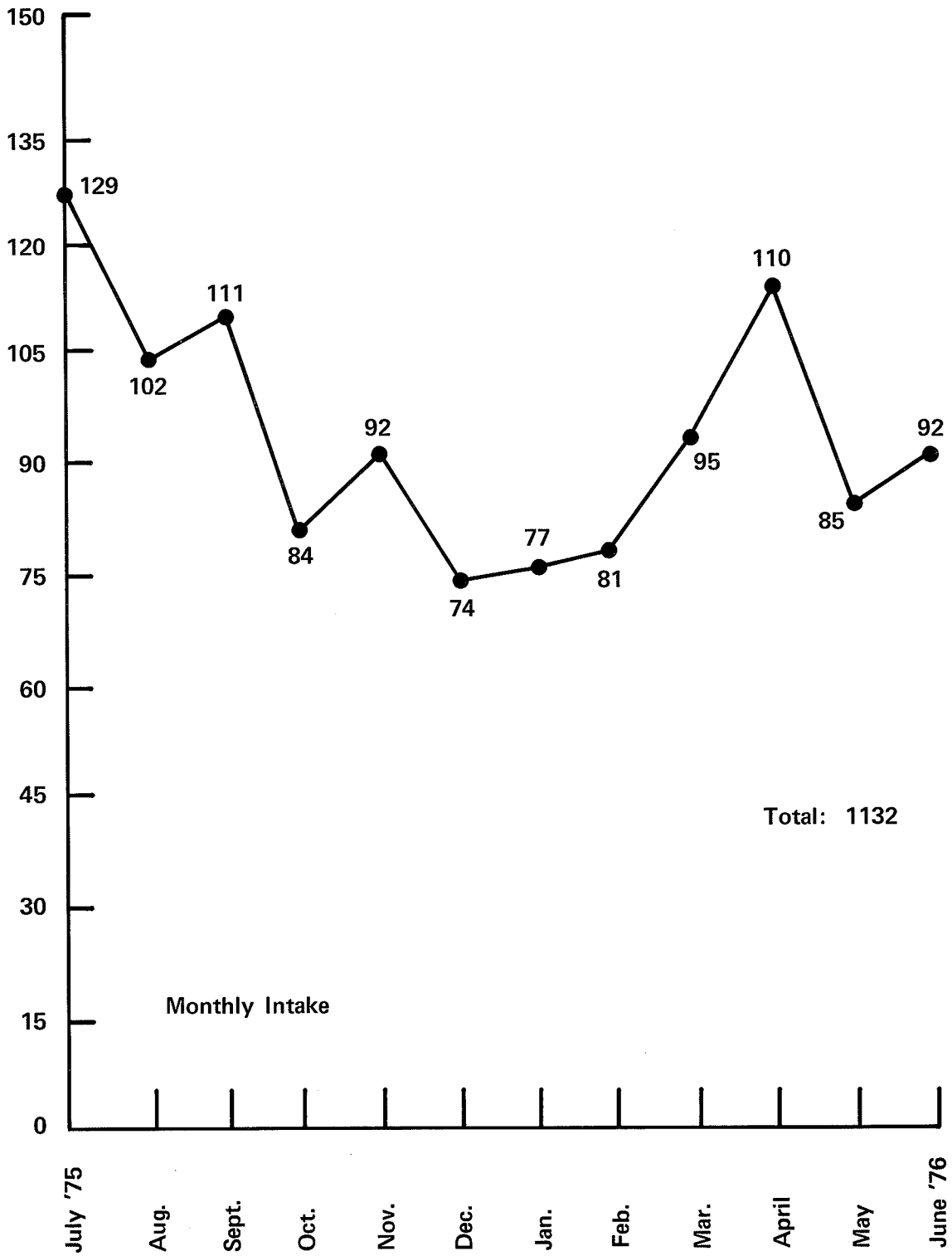
Mr. Williams indicates that we should provide additional staff to serve food in Cell Halls C and D. I think the major need for staff is in Cell Hall C where the food would have to be served from a hot food cart to the trays. This perhaps could be done by an inmate although I think a staff person would be advisable.

He also refers to the purchase of Styrofoam trays which in our view, is beyond our budgetary capability and thus we have designed the metal trays which I think should end the problem but we cannot use them until our dumb-waiter is operational.

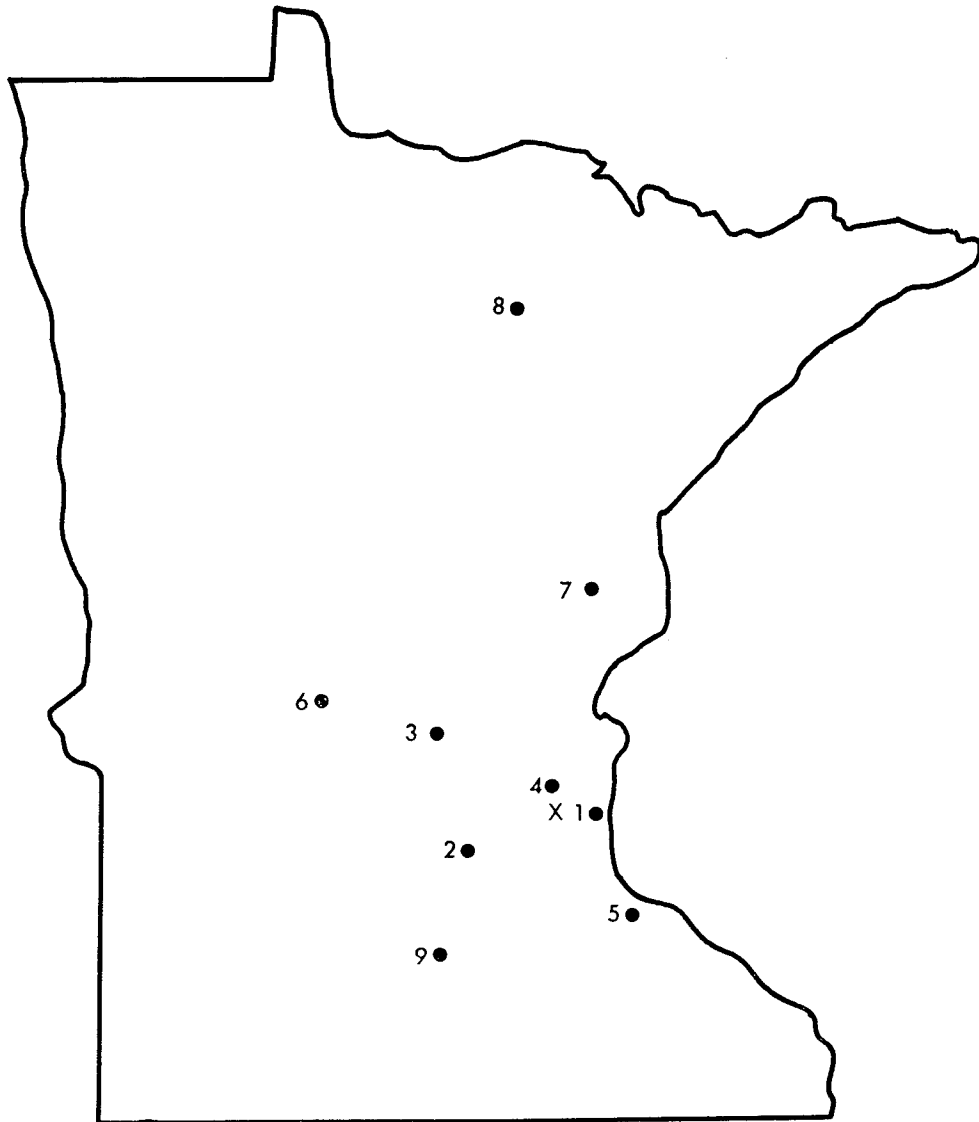
I have talked to Best Foods personnel in regard to substitutions that are made on the menu to these units and they indicated that they will make every effort to hold substitutions to a minimum and that when they are forced to substitute, the substitution will be on a par with the food that was scheduled to be served.

I will follow up on the contents of this memorandum with Best Food Services, Inc. to ensure that we work out a suitable solution to the serving problems in these units. I will keep you advised of my progress.”

GRAPH I



MAP I



X — OMBUDSMAN, St. Paul

- 1 MSP — Minnesota State Prison, Stillwater
- 2 MCIW — Minnesota Corrections Institution for Women, Shakopee
- 3 SRM — State Reformatory for Men, St. Cloud
- 4 MMTC — Minnesota Metropolitan Training Center, Lino Lakes
- 5 STS — State Training School, Red Wing
- 6 MHS — Minnesota Home School, Sauk Centre
- 7 WRC — Willow River Camp, Willow River
- 8 TC — Thistledew Camp, Togo
- 9 MSH — Minnesota Security Hospital, St. Peter

Table I

## Ombudsman Contacts (Closed): July 1975-June 1976

	MSP	MCIW	SRM	MMTC	STS	MHS	WRC	TC	MSH	FS	Other	Totals
Parole	86	25	53	14	13	1	2	0	1	12	3	210
Medical	55	32	11	1	4	0	0	0	0	2	1	106
Legal	35	11	38	2	7	0	0	0	0	2	6	101
Placement	58	5	22	4	13	1	0	0	0	4	2	109
Property	62	7	27	5	1	2	1	0	0	2	0	107
Program	62	21	15	12	38	3	2	0	2	6	1	162
Discrim.	3	1	0	1	2	0	0	0	0	0	0	7
Records	4	5	6	2	7	0	0	0	0	0	0	24
Rules	121	19	34	1	34	1	2	0	0	8	1	221
Threats	4	5	4	1	3	0	0	0	0	0	0	17
Other	33	6	9	2	5	0	0	0	0	4	7	66
Totals	523	137	219	45	127	8	7	0	3	40	21	1,130
F.Y. 76 (Est.)												
Average Daily												
Population Under												
Supervision	935	46	567	100	197	97	55	45	20	2,400	—	4,462

MSP—Minnesota State Prison; MCIW—Minnesota Correctional Institution for Women; SRM—State Reformatory for Men; MMTC—Minnesota Metropolitan Training Center; STS—State Training School; MHS—Minnesota Home School; WRC—Willow River Camp; TC—Thistledew Camp; MSH—Minnesota Security Hospital; FS—Field Services (including parole).

**Table II**  
**TOTAL CASELOAD**

Number of cases opened July 1975 through June 1976 .....	1,132
Number of cases carried from June 1975....	39
<b>TOTAL .....</b>	<b>1,171</b>
Number of cases closed July 1975 through June 1976 .....	1,130
Number of cases carried into July 1976....	41

**Table III**  
**Contact Distribution by Institution**

<u>Institution</u>	<u>Contacts</u>	<u>Percent</u>
MSP	523	46.3%
MCIW	137	12.1%
SRM	219	19.4%
MMTC	45	4.0%
STS	127	11.2%
MHS	8	.7%
WRC	7	.6%
TC	0	.0%
MSH	3	.3%
FS	40	3.5%
Other	21	1.9%
<b>TOTAL:</b>	<b>1,130</b>	<b>100.0%</b>

MSP—Minnesota State Prison; MCIW—Minnesota Correctional Institution for Women; SRM—State Reformatory for Men; MMTC—Minnesota Metropolitan Training Center; STS—State Training School; MHS—Minnesota Home School; WRC—Willow River Camp; TC—Thistledeew Camp; MSH—Minnesota Security Hospital; FS—Field Services (including parole).

**Table IV**  
**Population by Institution\***

<u>Institution</u>	<u>Population</u>	<u>Percent</u>
MSP	935	45.3%
MCIW	46	2.2%
SRM	567	27.5%
MMTC	100	4.9%
STS	197	9.6%
MHS	97	4.7%
WRC	55	2.7%
TC	45	2.2%
MSH	20**	0.9%
<b>TOTAL:</b>	<b>2,062</b>	<b>100.0%</b>

\*Estimated average daily population under supervision for F.Y. 76

\*\*MSH has a capacity of 115 patients; an average of 20 of these are from the Department of Corrections.

**Table V**  
**Methods of Communication**

<u>Method</u>	<u>Contacts</u>	<u>Percent</u>
W.D.	227	20.0%
W.I.	40	3.5%
P.D.	297	26.3%
P.I.	43	3.9%
T.D.	358	31.7%
T.I.	158	14.0%
O.I.	7	.6%
<b>TOTAL:</b>	<b>1,130</b>	<b>100.0%</b>

W.D.—Written Direct; W.I.—Written Indirect; P.D.—Personal Direct; P.I.—Personal Indirect; T.D.—Telephone Direct; T.I.—Telephone Indirect; O.I.—Ombudsman Initiated.

**Table VI**  
**Initial Interview\***

<u>Time Lapse</u>	<u>Contacts</u>	<u>Percent</u>
Same day	647	57.3%
1-6 days	374	33.1%
7-10 days	30	2.6%
11-15	20	1.8%
16 and over days	21	1.9%
No Interview	38	3.3%
<b>TOTAL:</b>	<b>1,130</b>	<b>100.0%</b>

\*Time lag between the date a complaint was received and the date the complainant was interviewed in depth by a member of the Ombudsman staff.

**Table VII**  
**Time Taken to Resolve Contact**

<u>Time</u>	<u>Contacts</u>	<u>Percent</u>
0-30	789	69.8%
31-45	152	13.5%
46-60	110	9.7%
61-over	79	7.0%
<b>TOTAL:</b>	<b>1,130</b>	<b>100.0%</b>



**Table VIII**  
**Contact Distribution by Category**  
**'75-'76 Comparison**

<u>Category</u>	<u>#75</u>	<u>#76</u>	<u>%75</u>	<u>%76</u>	<u># Change</u>
Parole	269	210	20.6%	18.6%	-59
Medical	95	106	7.3%	9.4%	+11
Legal	174	101	13.4%	8.9%	-73
Placement	140	109	10.7%	9.6%	-31
Property	98	107	7.5%	9.5%	+ 9
Program	174	162	13.4%	14.3%	-12
Racial	3	0	0.2%	0.0%	- 3
Staff	57	0	4.4%	0.0%	-57
Rules	171	221	13.1%	19.6%	+50
Threats	20	17	1.5%	1.5%	- 3
Other	103	66	7.9%	5.9%	-37
Discrimination	0	7	0.0%	0.6%	+ 7
Records	0	24	0.0%	2.1%	+24
<b>TOTAL:</b>	<b>1,304</b>	<b>1,130</b>	<b>100.0%</b>	<b>100.0%</b>	<b>-174</b>

Note: The categories of "racial" and "staff" were eliminated this year and replaced by "discrimination" and "records".

**Table IX**  
**Contact Resolution**

<u>Resolution</u>	<u>Number</u>	<u>Percent</u>
Full	739	65.4%
Partial	200	17.7%
None	79	7.0%
Withdrawn	26	2.3%
Not Valid	23	2.0%
Referred	63	5.6%
<b>TOTAL:</b>	<b>1,130</b>	<b>100.0%</b>

**Table X**  
**Contact Resolution by Category**

	<u>Full</u>	<u>Partial</u>	<u>None</u>	<u>Withdrawn</u>	<u>Not Valid</u>	<u>Referred*</u>	<u>Total</u>
Parole	149	41	14	2	3	0	209
Medical	83	12	4	0	4	2	105
Legal	34	15	5	0	2	45	101
Placement	76	19	10	1	2	1	109
Property	78	20	4	2	0	3	107
Program	109	32	11	6	4	0	162
Discrimination	3	1	2	1	0	0	7
Records	15	5	1	2	0	1	24
Rules	144	44	21	4	4	4	221
Threats	9	3	2	1	2	1	18
Other	39	8	5	7	2	6	67
<b>TOTAL:</b>	<b>739</b>	<b>200</b>	<b>79</b>	<b>26</b>	<b>23</b>	<b>63</b>	<b>1,130</b>

\*Includes contacts over which the ombudsman had no legal jurisdiction.

**Table XI**  
**Referrals to Agencies**

<u>Organizations</u>	
Legal Assistance to Minnesota Prisoners . . . . .	23
County Officials . . . . .	5
Legal Rights Center . . . . .	4
Legal Advocacy Project . . . . .	4
Neighborhood Justice Center . . . . .	6
Public Defender . . . . .	12
Inmate/Staff Advisory Council (Reformatory) . .	1
Human Rights Department . . . . .	1
City Attorney . . . . .	1
Legal Aid Society . . . . .	1
Private Attorney . . . . .	1
Department of Public Welfare . . . . .	4
TOTAL:	63

**Table XII**  
**Number of Contacts per Individual**

<u>Individuals</u>		<u>Number of Separate Contacts</u>	<u>Total Contacts</u>	
Number	Percent		Number	Percent
455	65.7%	1=	455	40.2%
143	20.6%	2=	286	25.3%
47	6.8%	3=	141	12.5%
20	2.9%	4=	80	7.0%
13	1.8%	5=	65	5.7%
6	0.9%	6=	36	3.2%
6	0.9%	7=	42	3.7%
2	0.3%	8=	16	1.4%
1	0.1%	11=	11	1.0%
TOTAL: 693	100.0%		1,132	100.0%

## APPENDIX A

### MINNESOTA OMBUDSMAN FOR CORRECTIONS STATUTE\*

**241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION.** The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

**241.42 DEFINITIONS.** Subdivision 1. For the purpose of sections 241.41 to 241.45, the following terms shall have the meanings here given them.

Subd. 2 "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the Minnesota corrections authority, the board of pardons and regional correction or detention facilities or agencies for correction or detention programs including those programs or facilities operating under chapter 401, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or his personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Subd. 3 "Commission" means the ombudsman commission.

**241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN.** Subdivision 1. The Ombudsman may select, appoint, and compensate out of available funds such assistants and employees as he may deem necessary to discharge his responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service. The ombudsman and his full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate one of his assistants to be the deputy ombudsman.

Subd. 3. The ombudsman may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

**241.44 POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.** Subdivision 1. Powers. The ombudsman shall have the following powers:

(a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;

(b) He may determine the scope and manner of investigations to be made;

(c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. Neither the ombudsman nor any member of his staff shall be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provisions of section 241.41 to 241.45;

(d) He may investigate, upon a complaint or upon his own initiative, any action of an administrative agency;

(e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;

(f) He may examine the records and documents of an administrative agency;

(g) He may enter and inspect, at any time, premises within the control of an administrative agency;

(h) He may subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the law of this state;

\*includes amendments effective July 1, 1976.

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal council. The provisions of section 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process.

(j) He may be present at Minnesota correction authority parole and parole revocation hearings and deliberations.

Subd. 1a. No proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to 15.168 shall be commenced against the ombudsman for actions taken pursuant to the provisions of section 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 2. Matters appropriate for investigation. (a) In selecting matters for his attention, the ombudsman should address himself particularly to actions of an administrative agency which might be:

- (1) contrary to law or regulation;
- (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgement of an administrative agency;
- (3) mistaken in law or arbitrary in the ascertainment of facts;
- (4) unclear or inadequately explained when reasons should have been revealed;
- (5) inefficiently performed;

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 3. Complaints. The ombudsman may receive a complaint from any source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. A reply from the ombudsman to the person shall be delivered unopened to the person, promptly after its receipt by the institution.

No complainant shall be punished nor shall the general condition of his confinement or treatment be unfavorably altered as a result of his having made a complaint to the ombudsman.

Subd. 4. Recommendations. (a) If, after duly considering a complaint and whatever material he deems pertinent, the ombudsman is of the opinion that the complaint is valid, he may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a regulation or ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman states as his recommendation to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time he specifies, inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

(b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, he may refer the matter to the appropriate authorities.

(c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature his view concerning desirable statutory change.

**241.45 PUBLICATION OF RECOMMENDATIONS; REPORTS.** Subdivision 1. The ombudsman may publish his conclusion and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to him by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall at the end of each year report to the governor concerning the exercise of his functions during the preceding year.

## APPENDIX B

### Summary of F.Y. 1976 Ombudsman Policy Recommendations\*

Recommendations accepted	
totally .....	28
partially .....	1
Recommendations rejected .....	12
Recommendations pending .....	2
Total .....	43

The ombudsman recommended:

- |   |  |
|---|--|
| <p>1) that the prison discontinue its policy that allows for a 30 day suspension of any visitor who refuses to submit to a search before entering the prison. The policy should be replaced by one which permits suspension of visiting rights only for the day on which the refusal occurred.</p> <p>Issued — <i>June 22, 1976</i><br/>Response — <i>July 9, 1976—rejected; procedure clarified but unchanged.</i></p> <p>2) that the prison change the wording on its property restitution form to clarify whether or not deductions can exceed a minimum balance in an inmate's account.</p> <p>Issued — <i>June 16, 1976</i><br/>Response — <i>June 30, 1976—rejected; accompanied by explanation of wording.</i></p> <p>3) that all prison inmates be permitted to attend their MCB hearings during a general lockup.</p> <p>Issued — <i>May 25, 1976</i><br/>Response — <i>June 10, 1976—accepted</i></p> <p>4) that inmates in the prison's maximum custody unit be eligible for release from the institution by parole.</p> <p>Issued — <i>May 25, 1976</i><br/>Response — <i>June 3, 1976—rejected</i></p> <p>5) that every cell in which an inmate is held in the prison's segregation unit be equipped with a functional sink.</p> <p>Issued — <i>May 14, 1976</i><br/>Response — <i>May 24, 1976—accepted</i></p> <p>6) that inmates held in the prison's segregation unit be allowed more than one shower per week.</p> <p>Issued — <i>May 14, 1976</i><br/>Response — <i>May 24, 1976—rejected</i></p> <p>7) that written guidelines be developed for the prison's segregation unit outlining the conditions under which an inmate may be placed in a</p> | <p>stripped cell with a limitation on the amount of time he is kept there.</p> <p>Issued — <i>May 14, 1976</i><br/>Response — <i>May 24, 1976—accepted</i></p> <p>8) that the mattresses in the prison segregation unit's strip cell be periodically changed and that covers should be provided for these mattresses.</p> <p>Issued — <i>May 14, 1976</i><br/>Response — <i>May 24, 1976—partially accepted (periodic linen exchange provided.)</i></p> <p>9) that regular outside exercise be permitted to inmates held in the prison's segregation unit.</p> <p>Issued — <i>May 14, 1976</i><br/>Response — <i>May 24, 1976—accepted; studying ways to implement.</i></p> <p>10) that a procedure be established and adhered to for transferring inmate property from cell hall A to other units of the prison.</p> <p>Issued — <i>May 6, 1976</i><br/>Response — <i>May 10, 1976—accepted; implemented May 14, 1976</i></p> <p>11) that the Minnesota Correctional Institution for Women develop a training program to supplement procedure outlined in <i>Male Staff Who Work With Female Offenders</i>.</p> <p>Issued — <i>May 6, 1976</i><br/>Response — <i>May 11, 1976—accepted</i></p> <p>12) that an additional staff person assist with the serving of food in cell halls C and D at the prison.</p> <p>Issued — <i>May 5, 1976</i><br/>Response — <i>May 19, 1976—accepted</i></p> <p>13) that Styrofoam trays be purchased for food delivery in the prison's segregation unit.</p> <p>Issued — <i>May 5, 1976</i><br/>Response — <i>May 19, 1976—rejected; beyond budgetary capability but covered metal trays were designed which accomplished the same purpose.</i></p> |
|---|--|

\* recommendation implemented on date of acceptance unless otherwise noted.

- 14) that food substitutions be on a par with the original item on the prison menu.  
 Issued — *May 5, 1976*  
 Response — *May 28, 1976—accepted*
- 15) that the prison publish in the inmate newspaper the procedure to be followed by inmates who do not wish to be photographed or filmed when the news media is in the prison.  
 Issued — *March 30, 1976*  
 Response — *April 15, 1976—accepted; implemented April 30, 1976*
- 16) that the prison discontinue housing two men in one cell in A hall.  
 Issued — *April 27, 1976*  
 Response — *Accepted; implemented April 30, 1976*
- 17) that the prison inmate staff advisory council be restructured in accordance with the mini prison concept.  
 Issued — *April 20, 1976*  
 Response — *April 23, 1976; under consideration*
- 18) that the prison clarify the policy regarding the transfer of television sets from one inmate to another.  
 Issued — *January 29, 1976*  
 Response — *February, 1976—accepted*
- 19) that the State Training School formulate a written policy regarding the placement of juveniles on lockup status.  
 Issued — *January 29, 1976*  
 Response — *February 11, 1976—accepted Implemented May 1976.*
- 20) that the prison clarify the circumstances under which an inmate may sign a restitution voucher and what funds in his account may be used to pay for destroyed property.  
 Issued — *January 16, 1976*  
 Response — *January 27, 1976—accepted*
- 21) that a program be developed for the prison's maximum custody unit similar to that outlined by the ombudsman.  
 Issued — *December 29, 1975*  
 Response — *Under consideration pending results of litigation.*
- 22) that the Department of Corrections create a judicial subdivision that would be responsible for administering the disciplinary hearings at all adult institutions.  
 Issued — *December 4, 1975*  
 Response — *December 1975—rejected*
- 23) that the prison publish a financial statement explaining the inmate social welfare fund.  
 Issued — *October 31, 1975*  
 Response — *November 14, 1975—accepted.*
- 24) that the Department of Corrections formulate a written policy regarding the theft, damage or loss of property for juveniles incorporating six specific suggestions made by the ombudsman.  
 Issued — *October 24, 1975*  
 Response — *November 25, 1975—accepted by Minnesota Home School; implemented January 1, 1976*
- 25) that the Minnesota Correctional Institution for Women adopt the policy governing sexual behavior of inmates as defined in the inmate discipline plan at the prison and reformatory.  
 Issued — *October 24, 1975*  
 Response — *November 1975—rejected*
- 26) that the policy for transferring inmates from the prison to the Lino Lakes Newgate program be reviewed and that the veto power of the inmate screening committee be eliminated.  
 Issued — *October 6, 1975*  
 Response — *October 21, 1975—accepted; on this date a policy statement was released covering application and intake procedure for all minimum security programs from the prison.*
- 27) that item 3 of Minnesota Correctional Institution for Women's "escape policy" of August 3, 1975 be implemented as written or discarded.  
 Issued — *September 8, 1975*  
 Response — *October 1, 1975—accepted; policy implemented as written.*
- 28) that a time for exercise be provided for all inmates at the Minnesota Correctional Institution for Women who are on lockup status.  
 Issued — *August 28, 1975*  
 Response — *September 5, 1975—accepted but unable to implement because of shortage of staff.*
- 29) that the prison formulate a written policy governing the assignment of inmates to cell hall A and B.  
 Issued — *July 29, 1975*  
 Response — *August 1975—accepted*
- 30) that the prison maximum custody classification committee be chaired by a staff member from the Department of Corrections central office.  
 Issued — *July 11, 1975*  
 Response — *July 21, 1975—rejected*

31) that the prison clarify the policy regarding the circumstances under which a person may be banned temporarily or permanently from visiting inmates.

Issued — *February 25, 1976*

Response — *April 23, 1976—accepted; policy issued regarding visiting room regulations and shakedown procedures that apply to visitors.*

32) that showers for inmates in the prison maximum custody unit be increased from one to two weekly.

Issued — *July 11, 1975*

Response — *July 21, 1975—rejected; on May 27, 1976 a federal judge ordered that showers be increased from one to two weekly*

33) that inmates in the maximum custody unit be allowed periodic visits in the prison's main visiting area.

Issued — *July 11, 1975*

Response — *July 21, 1975—rejected but later implemented in policy statement of August 26, 1975*

34) that custody staff make hourly rounds during the third watch checking the inmates in the prison's maximum custody unit.

Issued — *July 11, 1975*

Response — *July 21, 1975—accepted (currently the practice)*

35) that telephone privileges for inmates in the prison's maximum custody unit be extended to include 6:00 p.m. to 9:00 p.m. on certain week days.

Issued — *July 11, 1975*

Response — *July 21, 1975—rejected*

36) that during the month of July 1975 the wages earned by inmates be deposited by the prison into each worker's spending account and not split 50-50 between savings and spending accounts.

Issued — *July 9, 1975*

Response — *July 23, 1975—rejected*

37)\* that the Department of Corrections construct a 400 bed maximum security facility at or near the present location of the prison in Stillwater.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted*

38)\* that the Department of Corrections convert MMTC to an adult institution with expanded capacity to 350 beds with accommodation of medium and minimum security.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted (400 bed capacity)*

39)\* that the Department of Corrections retain SRM with 620 bed capacity.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted*

40)\* that the Department of Corrections convert MHS into an adult facility with a 250-300 bed capacity for medium-minimum security.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted; 250 bed capacity*

41)\* that the Department of Corrections merge MCIW with MMTC and close MCIW. The 350 bed capacity at MMTC would include women.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted*

42)\* that the Department of Corrections retain Willow River with a 50 bed capacity.

Issued — *January 8, 1976*

Response — *February 16, 1976—accepted*

43)\* that the Department of Corrections retain STS as a juvenile facility, making whatever adjustments, if any, that are required to make it the principal institution for the detention of juvenile offenders.

Issued — *January 8, 1976*

Response — *February 6, 1976—accepted; 210 bed capacity.*

\*recommendations 37-43 were made by the ombudsman in his capacity as a member of the Minnesota Task Force on Correctional Institutions. The recommendations were made to the Task Force which issued a report to the legislature on February 16, 1976.

## APPENDIX C

### FISCAL YEAR 1976 FINANCIAL INFORMATION

	<u>Budget Allocation</u>	<u>Actual Expenditures</u>
Personal Services .....	\$147,723	\$148,325
Rents and Leases .....	8,180	8,180
Printing and Binding .....	3,500	1,263
Communications .....	2,700	2,700
Travel .....	9,300	8,698
Subscriptions and Memberships .....	300	300
Office Supplies and Equipment .....	2,500	1,644
Data Processing .....	120	120
	<hr/>	<hr/>
	\$174,323	\$171,230

(UNAUDITED)

Budget Source:	Minnesota State Legislature:	\$154,323
	LEAA:	<hr/> 20,000
		\$174,323