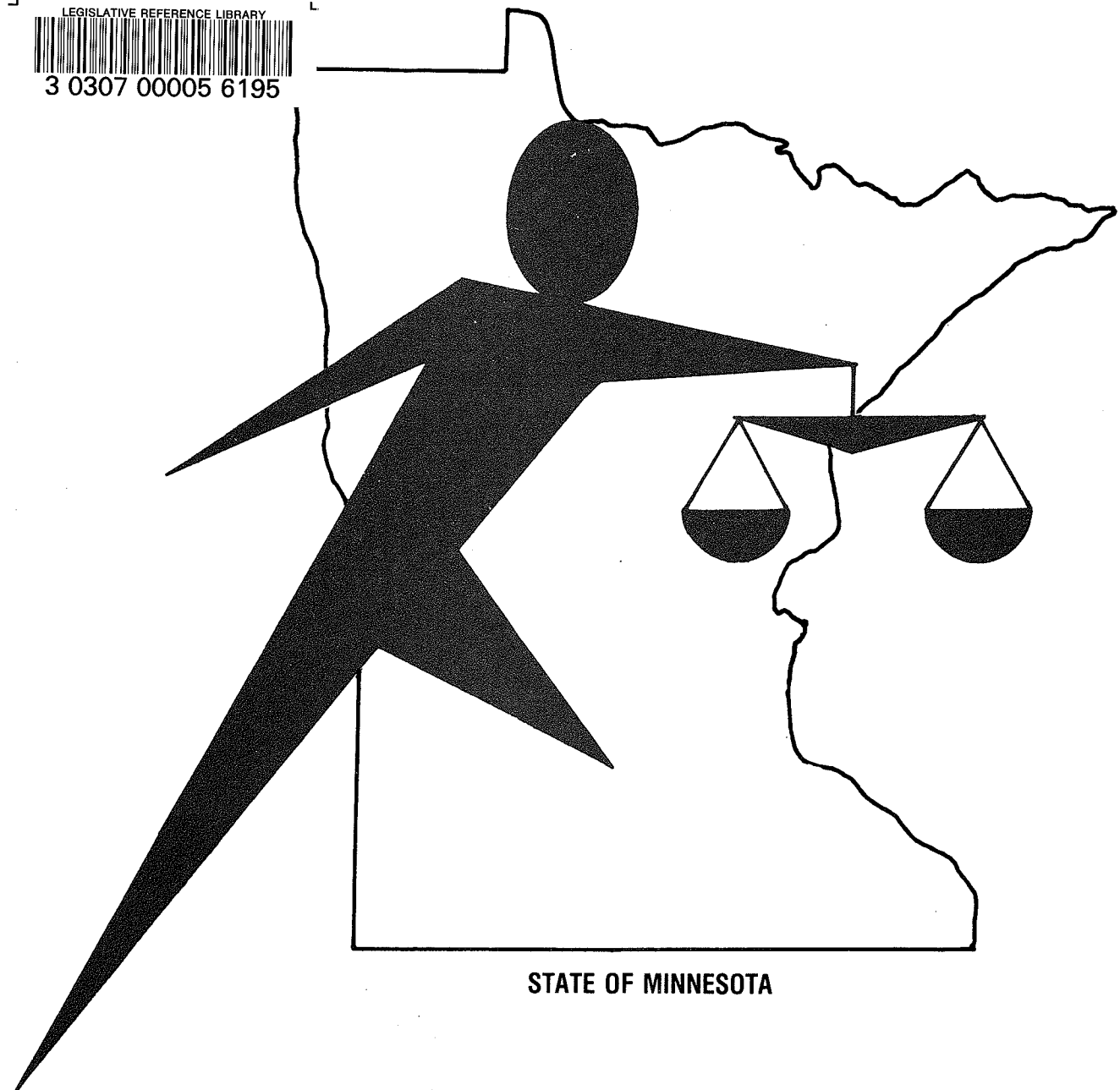


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OMBUDSMAN FOR CORRECTIONS

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**FISCAL YEAR
1980-81
ANNUAL REPORT**



STATE OF MINNESOTA

REPORT OF
THE OMBUDSMAN FOR CORRECTIONS
FOR THE PERIOD
JULY 1, 1980 – JUNE 30, 1981

Submitted to
The Honorable Albert H. Quie
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
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December 1981

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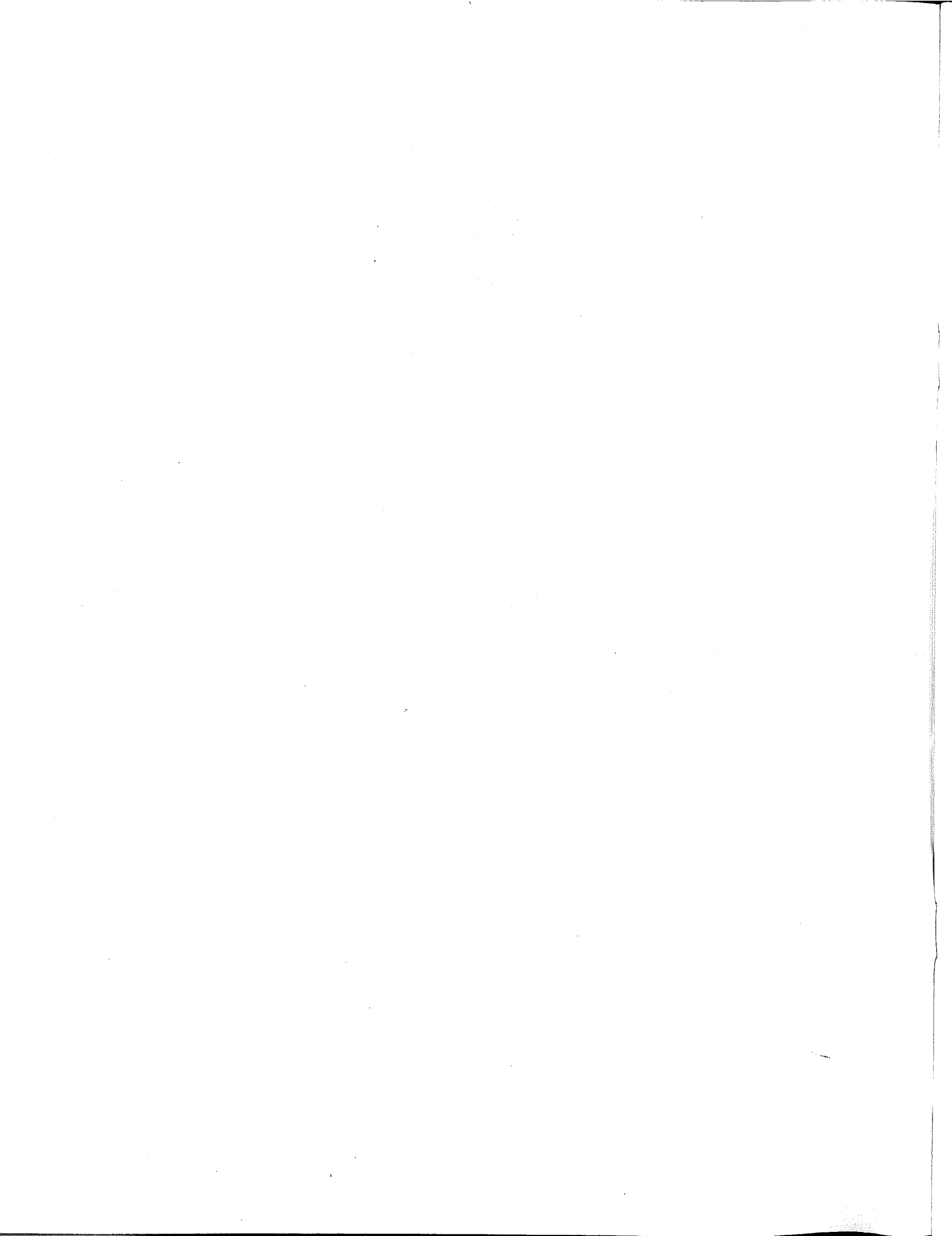
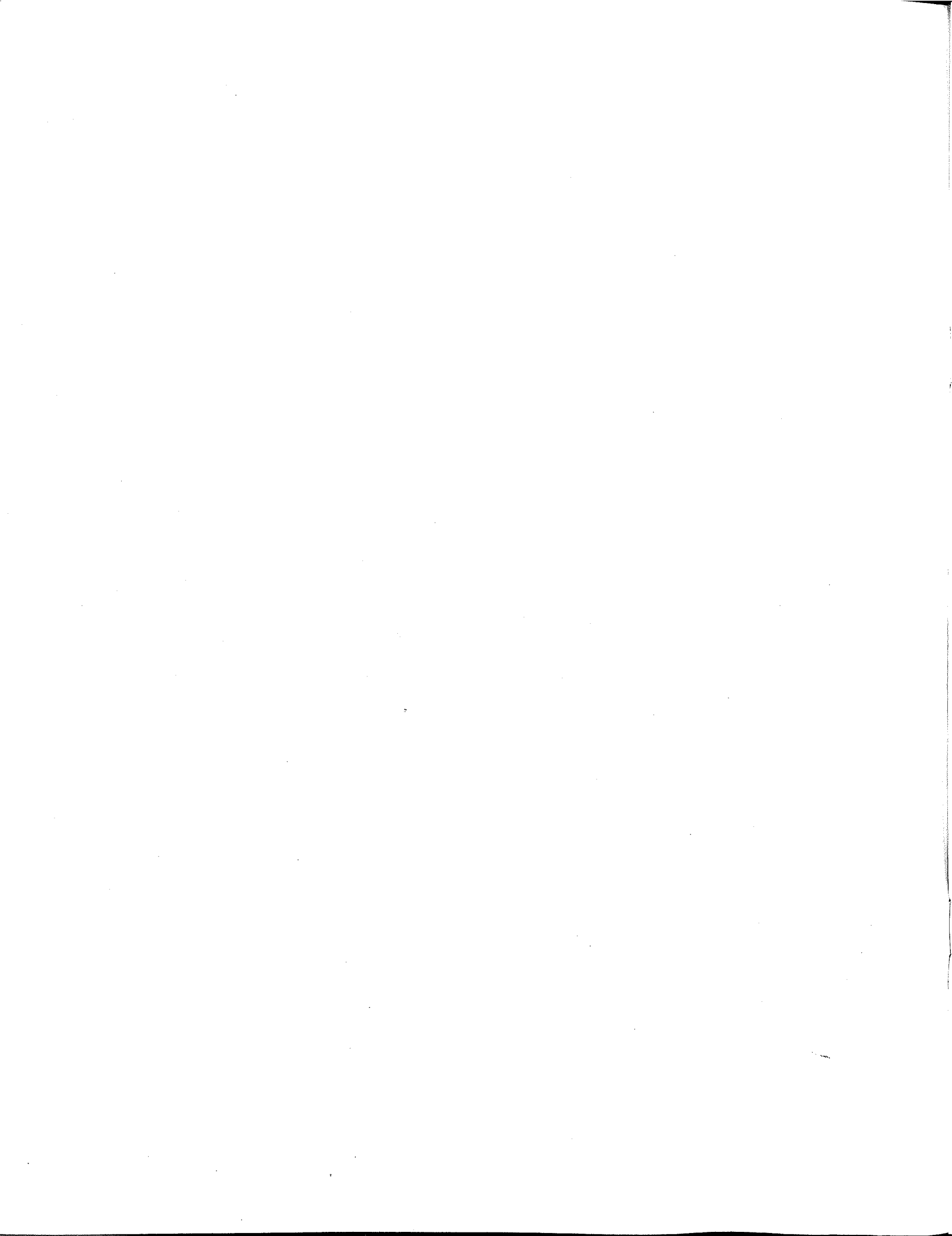


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INTRODUCTION

The Office of the Minnesota Ombudsman for Corrections was established in 1972 with the incumbent Ombudsman, Theartrice "T" Williams. The agency, which is in the executive branch of government, has functioned under three governors, representative of both the Democratic-Farmer-Labor and Independent Republican parties, since its inception. The ability of the office to remain non-partisan in the face of administrative changes in government attests to the important role of the office and its independence.

AUTHORITY

The statutory authority of the office, MS 241.41 (see Appendix), proscribes the responsibilities of the Office as follows:

-to receive complaints from any source concerning the matters relating to the administration of state and regional correctional programs and county correctional programs which participate in the Community Corrections Act (MS 401);
-to investigate complaints;
-to make recommendations based upon the findings of investigations; and
-to publish recommendations.

Therefore, the purpose of the Ombudsman's Office may be broadly stated as "to foster efficient and equitable correctional administration". The Ombudsman may further establish general agency goals and objectives to help improve the administration of corrections. Two ongoing objectives, since the agency's inception, are:

- .Enhancement of correctional staff/inmate relations through clear, precise, and timely information on administrative actions in correctional institutions and/or programs.
- .Clarification and modification of Department of Corrections' administrative policies and

procedures to improve its capacity for efficient and equitable administration.

This report summarizes the fiscal year 1981 activities of the Office of the Ombudsman for Corrections. Further, the report is organized to present the current status of the Office through an analysis of the intake, investigations and recommendations, and to answer questions commonly raised by inmates, politicians, academicians, students, and the general public. The questions are:

- 1) What is the Ombudsman's jurisdiction?
- 2) What is the extent of the Ombudsman's authority?
- 3) How many complaints are filed each year with the Ombudsman?
- 4) What is the general nature of the complaints filed with the Ombudsman?
- 5) How long does the Ombudsman take to investigate a complaint?
- 6) Is the Ombudsman successful in resolving complaints?
- 7) What is the size of the Ombudsman's budget and staff?

BUDGET - FISCAL YEAR 1981

	<u>Original</u>	<u>Adjusted</u>	<u>Actual Expenditures</u>
Personal Services	\$215,581	\$209,972	\$202,969
Rents & Leases	11,300	13,900	14,236
Printing & Binding	3,700	2,000	1,461
Communication	5,100	4,100	2,994
Travel	14,600	11,000	9,573
Contract for Services	800	800	435
Office Supplies, Equipment and Repairs	2,200	2,200	1,294
	<u>\$253,281</u>	<u>\$243,972</u>	<u>\$232,986</u>
Closing Budget Adjustment		9,936	
		<u>\$234,036</u>	

During the course of the fiscal year, the Ombudsman's budget was revised to reflect decreases arising from insufficient State revenue. The biennial budget for 1981-83 will continue to reflect the growing problem of inadequate State revenue. The annual operating budget for 1981-83 is \$233,000.

ORGANIZATION AND FUNCTION OF THE OMBUDSMAN OFFICE

THE STAFF

The staff of the office includes five full-time professionals (Ombudsman, Deputy Ombudsman, three field investigators), one part-time professional (field investigator) and two support staff (Executive I and Clerk-Typist III). The office uses part-time interns from time to time.

Each field investigator and intern is assigned responsibility for cases at specific correctional facilities. Each caseload varies based upon the complexity of the cases and the responsibility of the investigators. Interns, and field investigators, are supervised by the Deputy Ombudsman.

The administrative secretary was upgraded to an Executive I position. The incumbent person functions as the office manager, personnel administrator, bookkeeper, and as secretary to the Ombudsman.

Each member of the Ombudsman's staff is involved in four case processing procedures which are: initiation, disposition, conclusion, resolution. (See figure II). These phases are defined as:

INITIATION

Any person may elicit the Ombudsman's assistance in matters involving the action of any division, official or employee of the Minnesota Department of Corrections, the Minnesota Corrections Board, the Board of Pardons, regional correctional institutions and county facilities participating under the Community Corrections Act. A person may file a complaint (#2) objecting to a specific administrative action or policy. The Ombudsman may monitor agency proceedings upon request (#3) as well as supply information regarding the Minnesota corrections system. Further, the Ombudsman may initiate an investigation on his own motion (#1). Registration of complaints and requests with the Ombudsman can be accomplished by telephone, in person or by mail.

DISPOSITION

A complaint or request received by a member of the Ombudsman's staff is referred to the Deputy Ombudsman for review and disposition. The review determines if a case should be opened and what action is required. The action taken ranges from an investigation to an informational letter to monitoring a specific proceeding in the correctional system. The disposition includes a decision on whether or not the case should be opened; and, if it is opened, the staff assignment.

Criteria for "Unopened Cases" are: the subject matter is not within the Ombudsman's jurisdiction; complaint is premature; complaint unreasonable or unfounded. All other cases are opened and assigned to staff field investigators.

The field investigators respond to the complaint on which the case is founded through the following process:

-Explain to the complainant the function of the Ombudsman Office and how it relates to his/her specific case;
-Determine which staff, inmates and appropriate others to interview;
-Determine what documents, reports and other written material to review;
-Notify selected officials of the Agency, as appropriate, that an investigation is being undertaken;
-Conduct additional interviews and review of documents, to ensure collection of all necessary and pertinent information;
-Formulate a conclusion on the basis of accumulated evidence from previous steps.

CONCLUSION

The investigation of a complaint may be concluded in one of five ways. At any time during or following the investigation the investigator may refer the case to another agency (#11) or the complainant may withdraw his/her complaint (#12). The investigation may prompt a written recommendation suggesting the creation, alteration or elimination of a policy (#8). In some instances a written recommendation regarding the application of a policy to a specific individual or instance may be issued (#9). More frequently the complaint is resolved without the need for the Ombudsman to direct a formal written recommendation to an official (#10).

RESOLUTION

Recommendations are submitted in writing to corrections officials at the state, regional or county level. These agents may be asked in the recommendation to consider a matter further, modify or cancel an action, alter a regulation or ruling, explain more fully the action in question or take other steps specific to the recommendation. If a recommendation is accepted (#14), the Ombudsman notifies the complainant and monitors (#16) the 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 reissue the recommendation or pursue the case with the governor, the legislature or the general public.

Figure I
 ORGANIZATION CHART

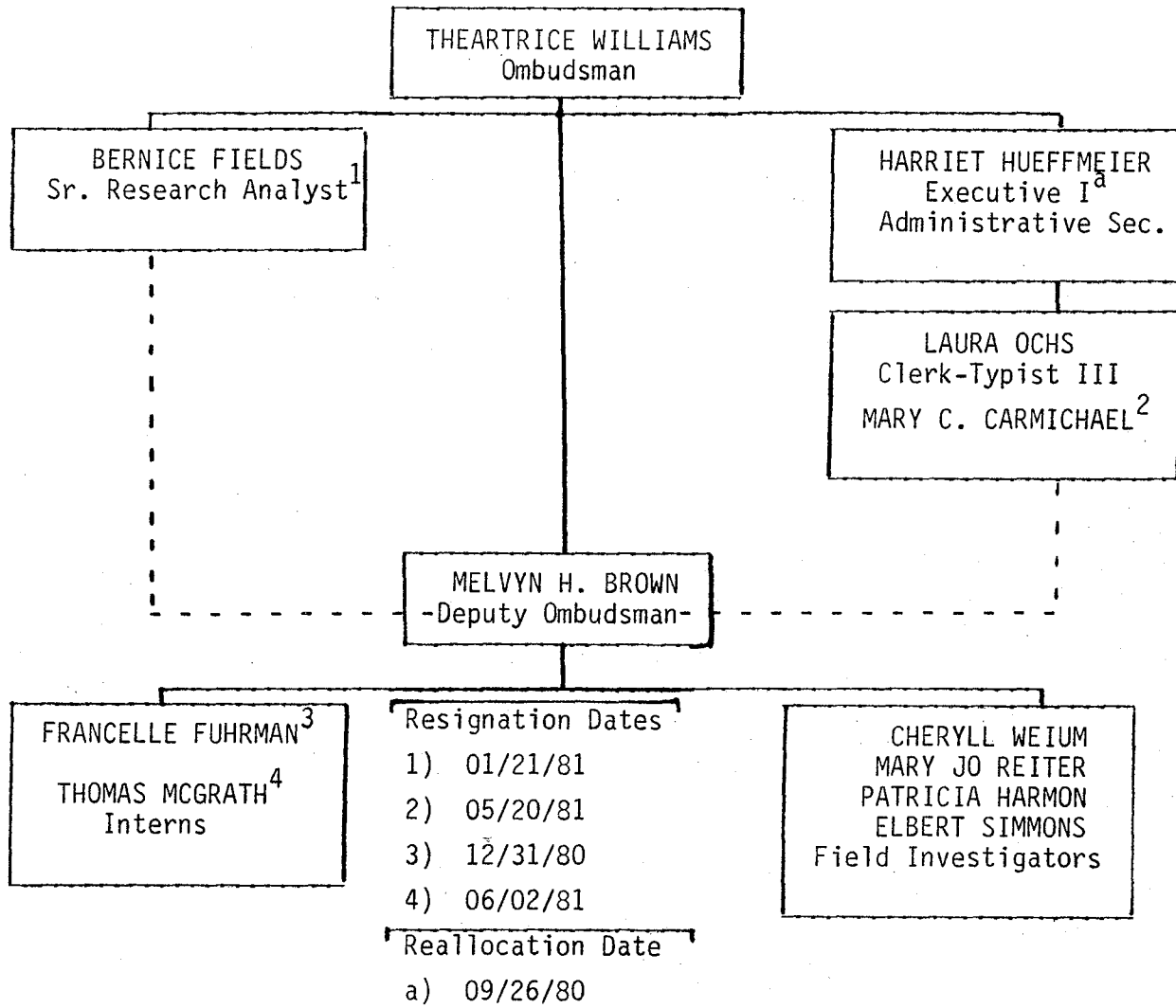
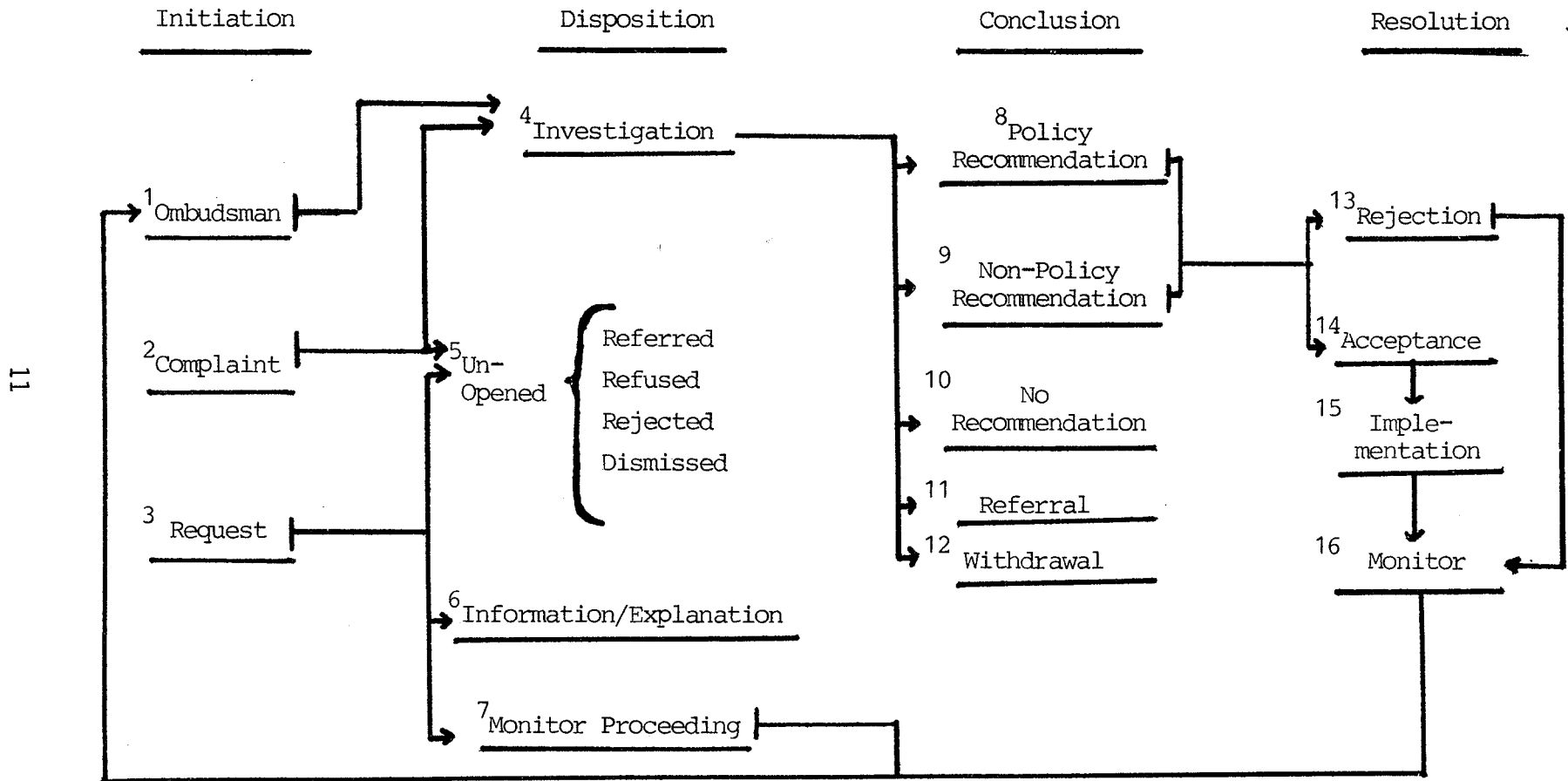


Figure II

CASE PROCESSING PROCEDURE



CASELOAD ANALYSIS

A total of 3,429 contacts were registered with the Ombudsman during fiscal year 1981. Graph I illustrates the total intake for the year while Chart I shows the distribution by institution. Of the 3,429 contacts received, 2,701 resulted in opened cases.

Failure to open a case for investigation does not necessarily mean service was not provided. Cases may not be opened for investigation because the Ombudsman lacks jurisdiction, the complaint is premature or there is no basis for the complaint. In the case of a lack of jurisdiction, the Ombudsman may make a referral to an appropriate resource. Complaints may be premature because the complainants have either anticipated outcomes or have failed to use the internal grievance system before contacting the Ombudsman.

Ombudsman contacts were up 16.6% from last year. Cases not opened for investigation were down by 10.5%. The increased number of contacts may be due in part to the continued high level of inmate population in the State Correctional Facilities (See Table V).

INSTITUTIONAL DISTRIBUTION

Stillwater continues to generate the largest portion of Ombudsman contacts. Fiscal year '81 contacts from Stillwater were up from 752 in 1980 to 971, representing a 29% increase. Approximately 25% of the increase contact from Stillwater may be directly attributed to a disturbance at the prison on August 17, 1980 involving a group of Indian inmates. The Ombudsman investigated individual complaints related to the incident and conducted a special investigation (discussed elsewhere in this report).

The 29% rise in Stillwater contacts did not significantly affect the portion of Stillwater contacts in the total number of contacts. In 1980, Stillwater generated 35.4% of the total contacts compared to 36% for 1981.

The two other adult male state correctional facilities, St. Cloud and Lino Lakes, remained relatively stable in their proportion of the total contacts. St. Cloud contacts declined from 21.2% of the total for 1980 to 20.4% for 1981; Lino Lakes' contacts increased from 7.1% of the total to 7.4%. At St. Cloud a 22% increase in the institutional contacts took place over the last year; Lino Lakes recorded a 34% increase. St. Cloud also had a disturbance (February 19, 1981) involving Indian inmates which resulted in a special investigation by the Ombudsman. Approximately 20% of the contacts at St. Cloud may be attributable to the disturbance involving the Indian inmates.

The women's institution (Shakopee) showed a marked decline in both the number of contacts with the Ombudsman and its proportion of the total. The institutional contacts were down by 6% while the overall proportion declined by approximately 100%.

Other significant source of contacts, were from the county facilities. The proportion of the total contacts from this source increased by approximately 2% while institutional contacts increased by approximately 39% over 1980.

CATEGORIES OF CONTACTS

The Ombudsman systematically categorizes each contact received to help further define the source(s) of changes in both the number and nature of cases. To facilitate year-to-year comparisons of the cases handled by the Ombudsman, each case is assigned to one of the following categories:

Parole - concerning any matter under the jurisdiction of the releasing authority, e.g., work release, temporary parole, special review, etc.

Medical - concerning availability of treatment or accessibility of a staff physician or other medical professional.

Legal - involving legal assistance or problems with getting a response from the public defender or other legal counsel.

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

Property - dealing with loss, destruction or theft of personal property.

Program - relating to a training or treatment program or to a work assignment.

Discrimination - concerning unequal treatment based upon race, color, creed, religion, national origin or sex.

Records - concerning data in inmate or staff files.

Rules - regarding administrative policies establishing regulations which an inmate, staff member or other person affected by the operation of a facility or program is expected to follow, e.g., visits, disciplinary hearings, dress, etc.

Threats/Abuse - concerning threats of bodily harm or actual physical abuse to an inmate or staff; including charges of harassment.

Other - concerning issues not covered in previous categories, e.g., food, mail, etc.

Table X shows the comparative categorical case distribution. Although nine of the eleven categories showed a numerical increase over 1980, only six registered a corresponding percentage increase with respect to the total. An individual review of the categories reveal that significant numerical and percentage increases occurred in Legal, Placement, Property and Program. The greatest numerical (169) and percentage (89.4) increases occurred in the category of program complaints.

Parole complaints continues to decline in its percentage of the Ombudsman's caseload. In 1978, Parole complaints represented 22.1% of the Ombudsman's caseload, in 1981 is 15.1% and the decline is expected to continue. Some reasons for the decline are: better defined parole guidelines, greater consistency, assigning target release dates and (more recently 1980) changes in the sentencing laws. (The 1978 State Legislature passed legislation creating the Minnesota Sentencing Guidelines Commission which developed guidelines to be followed by Judges in establishing sentences. The guidelines became effective May, 1980, and removed the Minnesota Corrections Board (parole) from establishing the release date for prisoners.)

The complaints category of Rules shows a decrease in percentage of the total as significant as in the case of parole complaints. The decline is not steady. In 1978, Rules represented a 19.3% of the total, declined to 18.3% in 1979 and rose to 19.8% in 1980 to decline again in 1981 to 15.6%. Rules complaints will likely continue to fluctuate from year to year. Institutional disturbances often contribute to the number of Rules contact made with the Ombudsman.

DISPOSITION OF CASES

A number of factors contribute to the effective operation of the Ombudsman Office. The Ombudsman's accessibility is crucial to the successful resolution of the increasing number of contacts received by the Ombudsman (See Table IV). Moreover, Minnesota law (MN Stat. Sections 241.41 to 241.45 are reproduced in Appendix A) ensures every person's right to contact the Ombudsman and prohibits punishment or unfavorable changes in confinement or treatment of a complainant who makes a complaint to the Ombudsman.

The telephone contacts continues to be the most frequent means for registering complaints with the Ombudsman (1,446 or 41.9%); written contacts are the second most frequently used method. The method of contact does not influence the nature of the Ombudsman's response.

After a complaint or request is received the Ombudsman attempts to respond to the complainant's concern as quickly as possible. The Ombudsman's initial response is to promptly arrange for an in-depth interview where indicated. The promptness of the interview is an important element in establishing the complainant's confidence in the Ombudsman's function, procedure, and results. Frequently interviews can be completed at the time the complaint is registered; other times it is delayed to accommodate a variety of impinging circumstances.

As indicated in Graph III, 57.5% (1,458) of the complainants were interviewed the same day of contact. The interviews occurred either in person or over the telephone. Within 10 days, over 90% of all complainants were interviewed. However, cases involving extensive travel are consolidated to reduce frequency of trips (and energy consumption) to distant institutions. This consolidation accounts for some delays of interviews. Other delays are accounted for because of the complainant's limited access to a telephone.

Rapid conclusion of a case, after prompt interview, is considered important to the case resolution process. The Ombudsman resolved 57.6% (1,567) of his cases within 15 days and a total of 81.1% within 30 days (See Graph IV). This rate of resolution within 30 days remains relatively consistent over the past four years, ranging from 79.1% (1978) to 81.1% (1981).

Tables VI and VII show the resolution of cases closed by the Ombudsman during fiscal year 1981. In making determinations about case resolution, the Ombudsman's judgement is guided by whether an agency's actions are:
1) contrary to law or regulations; 2) unreasonable, unfair or inconsistent;
3) arbitrary in the ascertainment of facts; 4) unclear or inadequately explained; or 5) inefficiently performed.

Approximately 6.3% of the fiscal year 1981 cases closed by the Ombudsman were referred to other agencies or organizations. This occurs when total resolution of the issue(s) presented by a case entails work beyond the expertise or jurisdiction of the Ombudsman. As Table IX shows, a major number of those referrals were legal in nature.

The Ombudsman's response to a contact ranges from a quick dismissal of a meritless complaint to a lengthy formal written recommendation to an agency or state department head. The Ombudsman may also bring issues to the attention of the Governor or the Legislature when he determines it is appropriate.

All contacts received by the Ombudsman require a response. Contacts filed as unopened may receive a considerable amount of attention before they are classified as unopened.

Often the Ombudsman receives contacts which are premature or beyond the jurisdiction or the scope of his office. The reason(s) for the case dismissal is identified and referral to an appropriate resource is made. The Ombudsman also clarifies to complainants in unopened cases the conditions for contact or recontact of the Ombudsman.

For example, the Ombudsman received a letter from an inmate at a county jail who was concerned that he was about to be released from jail without a job, no family or financial resources. The writer wanted to know what the Ombudsman could do to help. It was clear that the inmate articulated a problem but it was not within the scope of the Ombudsman's function. A response to the inmate stated the function of the Ombudsman and referred the inmate to more appropriate resources in the county to help him address his needs. In another case, an inmate contacted the Ombudsman requesting help in filing a personal damage suit against the Warden and other prison officials for injuries he received on his prison job. This person was referred to legal counsel for consultation on determining his rights in such a situation. A final example, another prisoner in a very upset state telephoned the Ombudsman's office but could not clearly articulate his problem. After the Ombudsman listened for 10-15 minutes, the inmate calmed down and said he really didn't have a complaint...he was just angry and needed someone who was not a part of the prison staff to talk to.

None of these cases required and reflected an important part of the Ombudsman's function: to be available to clarify the role of the agency and to make appropriate referrals, when possible. The 30 to 60 minutes of staff time required to respond to those three contacts may have helped to avoid circumstances which could eventuate in more serious complaints. The Ombudsman's staff plays a critical role in helping to postpone, or perhaps prevent, the "final straw that breaks the camel's back".

More than 85% of the Ombudsman's contacts came directly from the complainant. Third parties will contact the Ombudsman occasionally on behalf of someone and the Ombudsman may initiate an action on his own.

A third party contact this past year did not involve a Minnesota prisoner, but involved an action on the part of Minnesota Department of Corrections:

Mrs. - - - contacted the Ombudsman's office to complain that the State of Minnesota had rejected a request from the State of California that her 74 year old father be accepted on an interstate parole from California. She believed the decision was unfair and unjust. The Ombudsman investigated the complaint and sent a letter to the State Commissioner of Corrections which stated in part:

"This letter is to request that you reconsider the decision made by the Interstate Compact Unit on February 24, 1981 not to accept - - - for supervision on parole from the State of California.

I reviewed the report...and - - - found it to be biased, incomplete and inadequate. - - - seems to be overly concerned about protecting the State of Minnesota from a 74 year old man whose health is failing. He is concerned that - - - may become a welfare recipient. - - - makes no mention in his report that the state of California considers - - - an excellent parole risk. ...Their problem is that he does not have a place to live in California. They are unable to locate any relatives for him in the state. Mrs. - - - is his only known relative and she is willing to offer her father a home.

His daughter wants him to come to Minnesota to spend the last years of his life with her and her family...He has some savings plus he receives social security benefits. He is not coming to Minnesota to go on Welfare. Mrs. - - - said that whether her father comes to live with her or not, her rent will be the same. His coming is not going to create a burden. If anything, it will bring joy to the family.

It might be a different story if Minnesota had never accepted people on parole from other states with records that are equal to, if not worse than, Mr. - - -. The least Minnesota could do would be to offer Mr. - - - an opportunity to come and live with his family."

The commissioner responded as follows:

"I received your request to reconsider Mr. - - - case for parole supervision under the Interstate Compact. I have also reviewed the report by the Ramsey County parole officer recommending against accepting the case.

...I have asked John Elholm the Deputy Compact Administrator, to resubmit the referral to Ramsey County for reconsideration. Occasionally a second look discloses additional information upon which to base a decision. If Ramsey County again refuses, a further evaluation will be made by my staff."

The interstate parole was granted shortly after this office received the Commissioner's letter.

A total of 15 investigations were initiated by the Ombudsman.

Two of these were the Special Investigations of disturbances at Stillwater and St. Cloud.

SPECIAL INVESTIGATIONS

A policy of the Ombudsman is to initiate an inquiry following a major disturbance at any of the state correctional facilities to attempt to determine the circumstances preceding the disturbance and the response. Following an inquiry (investigation), a report with the Ombudsman's findings and recommendations is issued. During fiscal year 1981, the Ombudsman conducted two investigations, one at the Stillwater facility and one at the St. Cloud facility.

STILLWATER

On August 17, 1980, a riot occurred at the prison involving 36 inmates and staff. The incident resulted in the injury of five staff members. The Ombudsman's investigation identified an earlier incident (involving staff and one Indian inmate which resulted in injury to that inmate) as the precipitating factor in the riot. The Ombudsman's investigation was concerned with more than the specific detailed circumstances of the riot and the assessment of "blame". Exploration of the prison environment was included and revealed some factors which the Ombudsman believed were important to identify as possible impact on creating a situation in which a riot occurs.

The Ombudsman issued a report following the investigation which concluded that correctional officer behavior exacerbated the situation when they failed to take preventive action based on the reasons they had to believe that there would be a disturbance. A total of seven recommendations were issued by the Ombudsman which he believed could minimize the chances of similar occurrences. (See Appendix for recommendations.) The Department of Corrections accepted three of the recommendations in full, one in principle and totally rejected three.

Some changes were made in the report to correct factual errors. The revised report was released in late January, 1980. The Correction's officials reacted

negatively to the report based on their belief that the tone of the report was anti-staff and demonstrated insensitivity to the problems of the correctional officers. The Ombudsman discussed the report with the prison officials prior to releasing it. An article which appeared in the February 5, 1981 edition of the Minneapolis Tribune with the following headline "Report Says Stillwater Staff's Action Led to Riot" exacerbated the tensions between the Ombudsman's office and some prison staff over the report.

The Ombudsman's position in all reports and investigations, is to ensure that the investigation and report are objectively prepared. The Ombudsman recognizes that controversies are based on disparities of perceptions among the participants and that he and his office are available to hear critical comments which can help improve the accuracy and objectivity of his investigations.

ST. CLOUD

On February 19, 1981 a disturbance at the St. Cloud facility occurred involving 29 inmates.

The Ombudsman for Corrections learned initially about the February 19, 1981 disturbance at the Minnesota Correctional Facility St. Cloud via a radio news bulletin on that date. The disturbance was in progress at the time of the bulletin and Associate Superintendent Gadbois emphasized, on the bulletin, that the institution was not negotiating with the inmates. He stated that "our policy is not to negotiate in a hostage situation".

On the morning of February 20, the Ombudsman telephoned Associate Superintendent Gadbois to briefly discuss the disturbance which had occurred. The Ombudsman advised Mr. Gadbois that his office would be conducting an investigation of the incident. Mr. Gadbois had anticipated that such an investigation would take place.

The following is a summary of the findings and conclusions from that investigation report:

The February 19, 1981 incident at the Minnesota Correctional Facility - St. Cloud was precipitated by what Indian inmates believed had happened to their fellow inmate. Other inmates were the principal source of information on which the Indians based their conclusions. This second and third-hand information was either distorted or exaggerated in its repetition of the facts.

The relationship between Indian inmates and institutional staff does not inspire trust between the two groups and trust is essential in potentially volatile situations. Indian inmates believe that institutional staff are both insensitive to their needs and concerns and disrespectful to Indian customs and beliefs. Indian inmates point to the absence of Indian persons in institutional staff positions as an example of the lack of commitment to Indian concerns. Alternatively, some staff believe that Indian inmates use their ethnic differences to take advantage of a situation. The claims of

Indian inmates that - - - was beaten and denied adequate medical care were unfounded. No evidence in the Ombudsman's investigation revealed that - - - was beaten or that he received inadequate medical care.

Once the decision was made to use forcible entry, the institution staff acted swiftly and professionally in bringing the situation under control.

Information issued to the public about institutional policy regarding hostage negotiation was misleading and implied the existence of a firm institutional policy stating that the administration will never negotiate with inmates for the release of hostages. No such written policy exists; however, a "Riot and Disorder Policies and Plans" exists which outlines procedures for responding to a "disturbance within the institution". Each disturbance is unique and the extent of hostage negotiation which is appropriate requires individual determination.

Four policy recommendations resulted from the Ombudsman's investigation. (See Appendix B recommendations 23-26.)

An article appeared in the June 24, 1981 Minneapolis Tribune following the release of the St. Cloud Report with the headline "Report: Reformatory Guards Acted Properly In Disturbance". This report led an official from the Stillwater facility to ask a member of the Ombudsman's staff if the Ombudsman took "sweetness pills" before he prepared the St. Cloud report. The Ombudsman's position in both investigations was to conduct a fair and thorough investigation and allow the facts to determine the outcome.

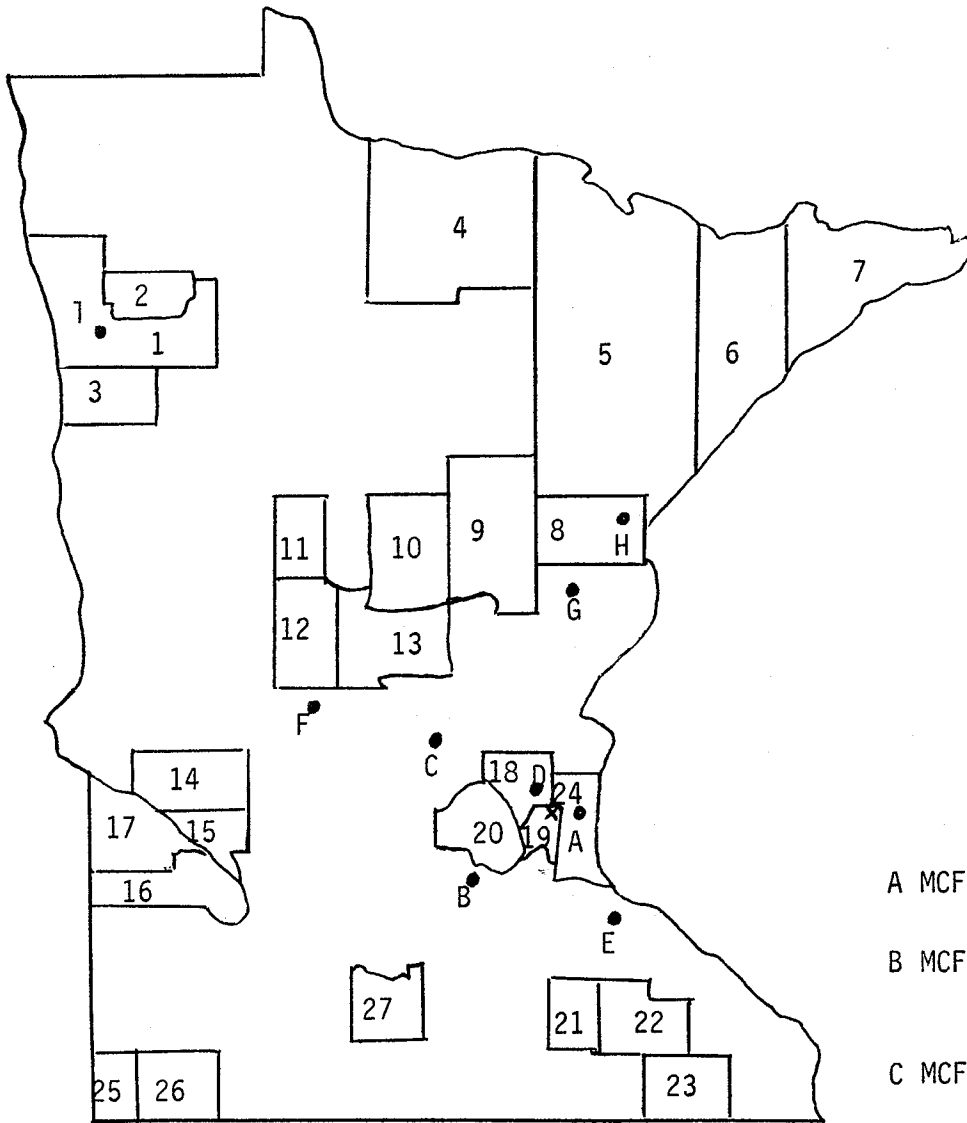
The two special investigations led to a total of 11 specific written policy recommendations. The vast majority of the Ombudsman's investigations do not result in written policy recommendations; less than one percent (26) of the cases closed in 1981 resulted in a policy recommendation. Recommendations are made only when adjustments or changes are required to maintain safe, secure, and humane administration of correctional facilities..

The acceptance rate of Ombudsman recommendations is 70% and is testimony to the independent functioning and credibility of the Office of Ombudsman for Corrections.

MAP I

COUNTIES IN COMMUNITY CORRECTIONS ACT

1. Polk
2. Red Lake
3. Norman
4. Koochiching
5. St. Louis
6. Lake
7. Cook
8. Carlton
9. Aitkin
10. Crow Wing
11. Wadena
12. Todd
13. Morrison
14. Swift
15. Chippewa
16. Yellow Medicine
17. LacQui Parle
18. Anoka
19. Ramsey
20. Hennepin
21. Dodge
22. Olmsted
23. Fillmore
24. Washington
25. Rock
26. Nobles
27. Blue Earth

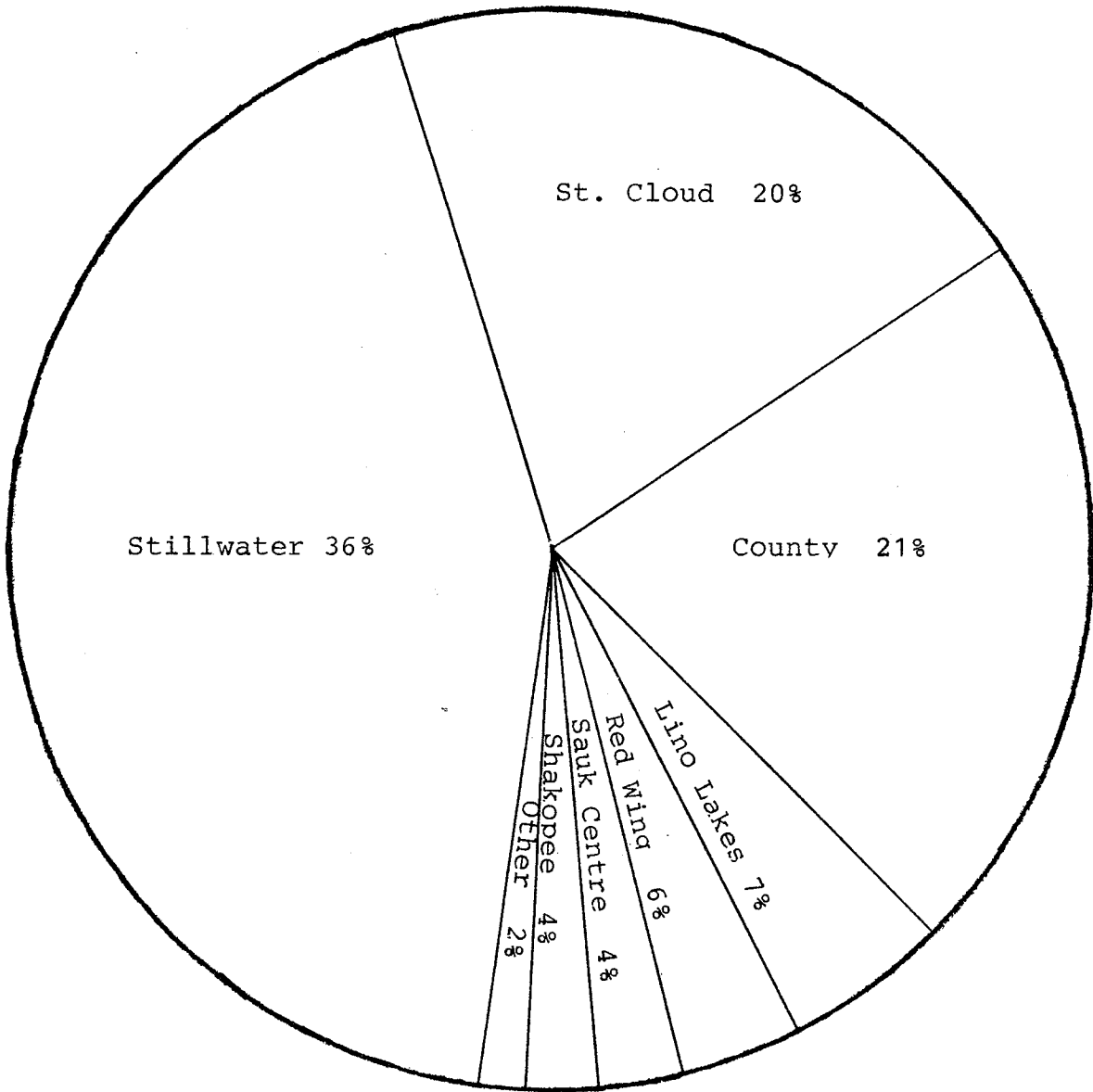


X - Ombudsman, St. Paul

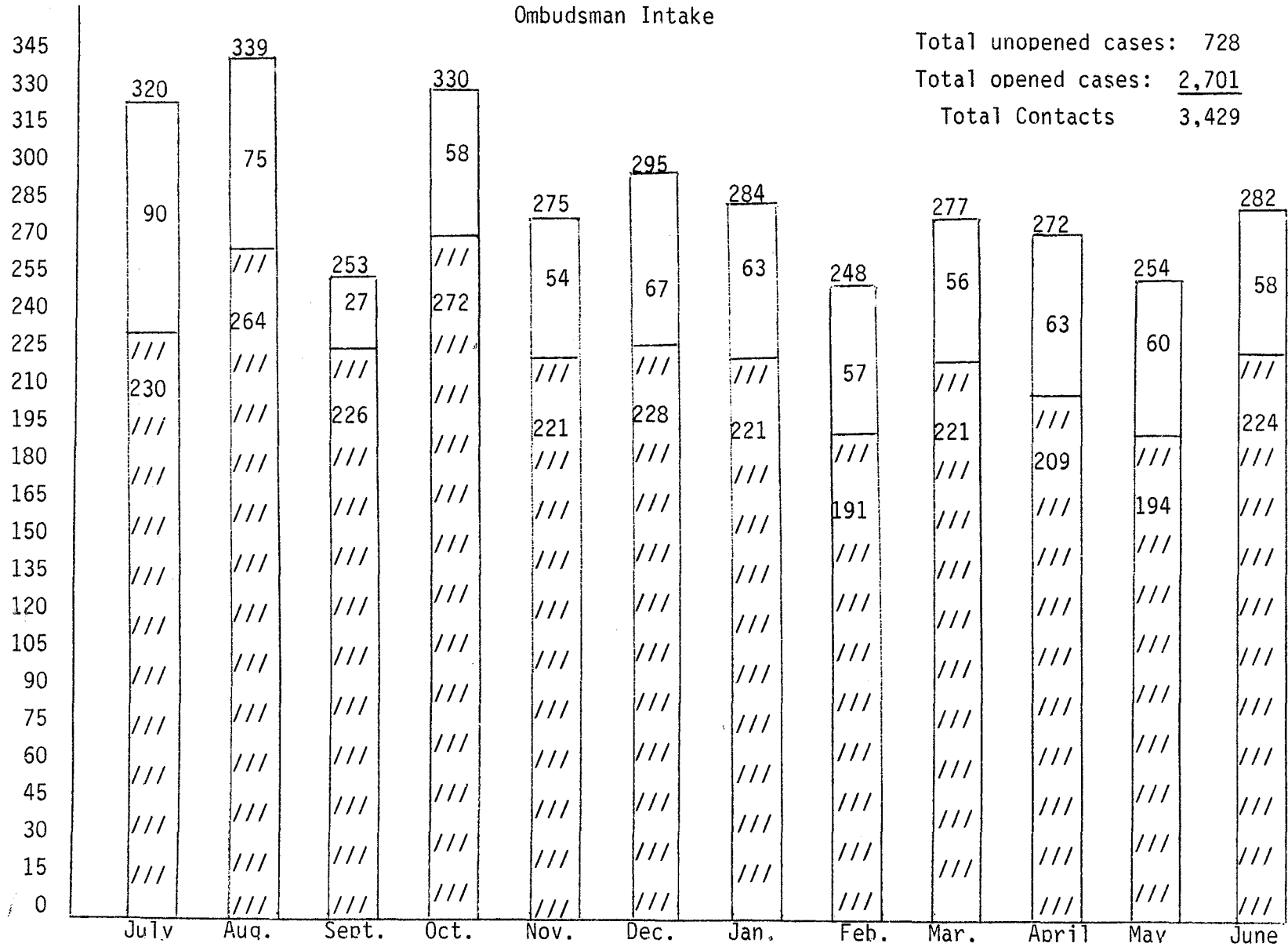
- A MCF-STW - Minnesota State Prison, Stillwater
- B MCF-SHK - Minnesota Corrections Inst. for Women, Shakopee
- C MCF-SCL - State Reformatory for Men, St. Cloud
- D MCF-LL - Minnesota Correctional Facility - Lino Lakes
- E MCF-RW - State Training School, Red Wing
- F MCF-SCR - Minnesota Home School, Sauk Centre
- G MCF-WRC - Willow River Camp
- H REG - Northeast and Northwest Regional Corrections Center

FY 1980-81 Intake Case Distribution by Institution

Chart I



GRAPH I
Ombudsman Intake



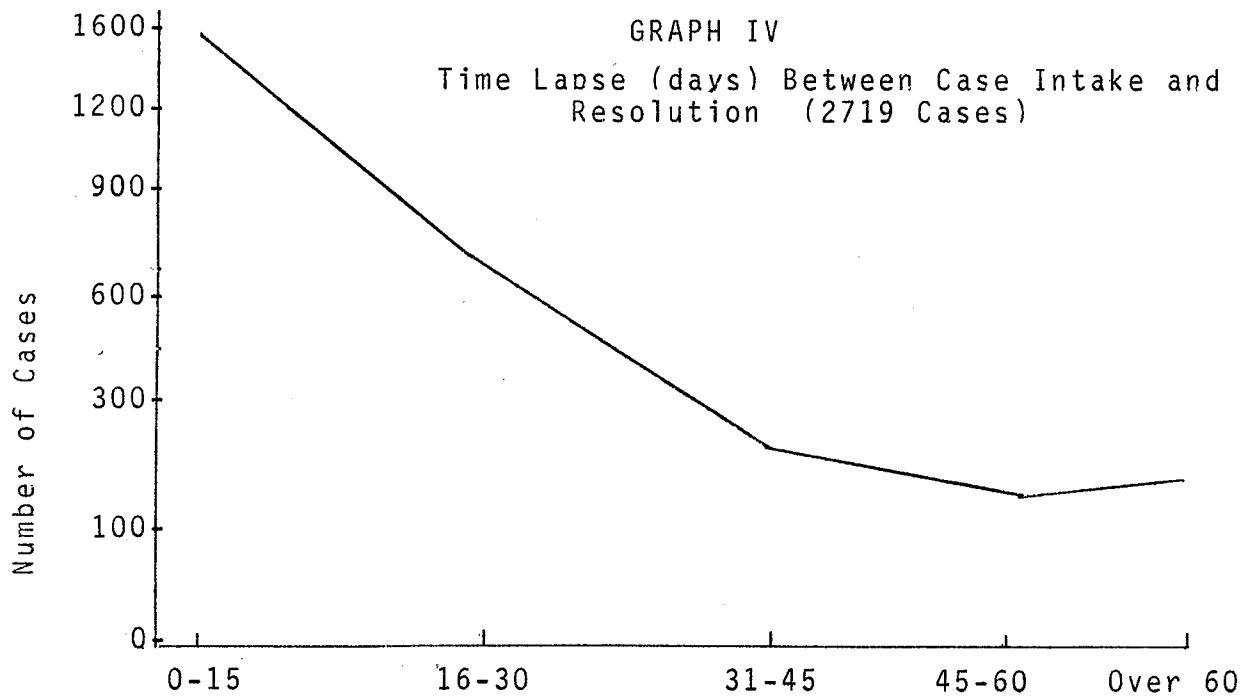
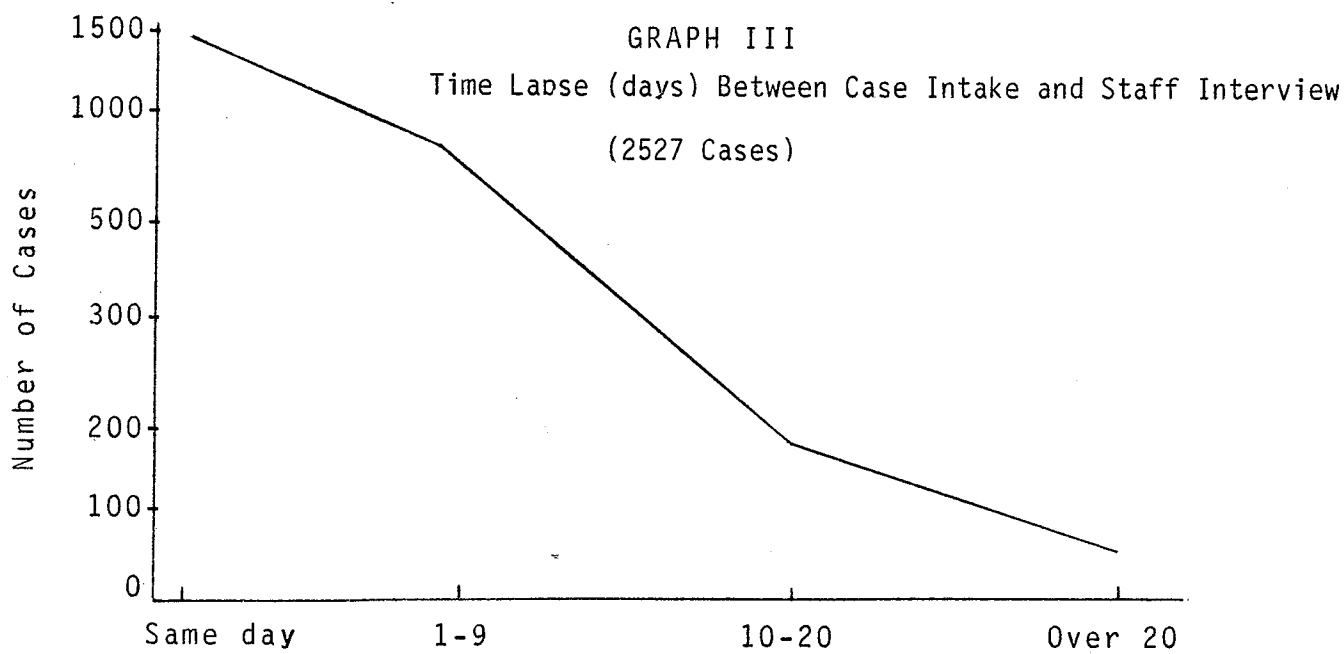
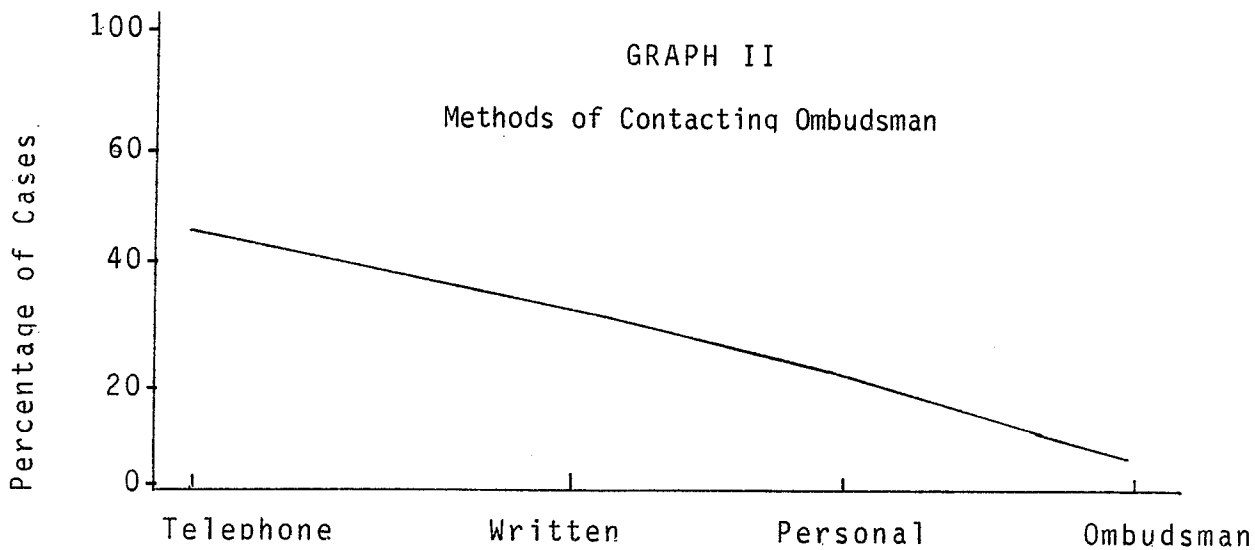


Table I

Total Ombudsman Cases Closed July 1980 - June 1981

(Unopened Cases*)

	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG.	F.S.	OTHER	TOTAL
Parole	190(65)	17(13)	114(9)	39(12)	20(0)	16(1)	1(1)	1(6)	0(0)	3(1)	5(4)	406(112)
Medical	84(33)	18(4)	33(2)	12(2)	10(0)	3(0)	0(0)	49(8)	3(1)	0(0)	2(2)	214(52)
Legal	49(44)	2(4)	31(6)	5(8)	11(3)	3(2)	0(1)	98(19)	0(3)	0(3)	1(13)	200(106)
Placement	141(32)	8(3)	49(6)	7(1)	31(0)	21(0)	1(0)	30(6)	2(0)	0(1)	5(5)	295(54)
Property	112(34)	9(3)	75(3)	12(2)	10(0)	0(0)	0(0)	41(1)	2(0)	2(0)	0(4)	263(47)
Program	112(37)	5(6)	51(1)	63(7)	36(2)	31(0)	1(0)	51(4)	1(1)	3(0)	3(3)	357(61)
Discrimination	2(3)	4(0)	3(0)	1(0)	1(0)	0(0)	0(0)	4(0)	0(0)	0(0)	0(0)	15(3)
Records	46(7)	1(1)	25(0)	18(2)	3(0)	0(0)	0(0)	4(0)	0(0)	0(0)	2(1)	99(11)
Rules	150(58)	50(20)	45(7)	33(12)	6(0)	6(1)	0(0)	129(22)	4(3)	0(0)	2(5)	425(128)
Threats	21(16)	4(2)	48(1)	3(0)	7(0)	7(0)	0(0)	51(7)	0(0)	1(0)	1(2)	143(28)
Other	93(45)	5(5)	58(30)	9(3)	20(1)	1(1)	0(0)	108(33)	0(1)	0(2)	8(5)	302(126)
TOTAL	1,000(374)	123(61)	532(65)	202(49)	155(6)	88(5)	3(2)	566(106)	12(9)	9(7)	29(44)	2,719(728)

Minnesota Correctional Facility (MCF): MCF-STW - Stillwater; MCF-SHK - Shakopee (Women); MCF-SCL - St. Cloud; MCF-LL - Lino Lakes; MCF-RW - Red Wing (Juvenile); MCF-SCR - Sauk Centre (Juvenile); MCF-WRC - Willow River; CTY. - County facilities (including Hennepin and Ramsey Counties adult and juvenile corrections facilities); REG. - Regional facilities; FS - Field Services (including parole and probation.)

*Contacts received which were not opened for investigation are shown in parenthesis.

Table II

Ombudsman Request Cases Closed July 1980 - June 1981

(Unopened Request Cases*)

	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG.	F.S.	OTHER	TOTAL
Parole	97(18)	4(4)	17(2)	10(3)	8(0)	2(1)	0(1)	0(2)	0(0)	1(0)	0(1)	139(32)
Medical	18(2)	1(0)	6(0)	3(0)	0(0)	1(0)	0(0)	3(1)	0(0)	0(0)	0(0)	32(3)
Legal	20(16)	0(3)	13(1)	4(5)	3(1)	2(0)	0(1)	62(7)	0(0)	0(1)	0(2)	104(37)
Placement	43(6)	0(0)	16(2)	1(1)	5(0)	1(0)	0(0)	8(0)	0(0)	0(0)	2(2)	76(11)
Property	30(4)	0(0)	20(1)	2(0)	1(0)	0(0)	0(0)	2(0)	1(0)	0(0)	0(1)	56(6)
Program	20(8)	1(1)	12(0)	9(1)	2(0)	2(0)	0(0)	16(2)	0(0)	0(0)	1(2)	63(14)
Discrimination	0(1)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(1)
Records	3(3)	0(0)	9(0)	4(0)	0(0)	0(0)	0(0)	3(0)	0(0)	0(0)	2(1)	21(4)
Rules	25(1)	2(2)	7(1)	4(1)	0(0)	1(0)	0(0)	17(0)	0(0)	0(0)	1(0)	57(5)
Threats	1(0)	0(0)	1(0)	0(0)	0(0)	0(0)	0(0)	1(0)	0(0)	0(0)	0(1)	3(1)
Other	30(9)	0(0)	18(13)	2(0)	2(1)	0(0)	0(0)	26(5)	0(0)	0(0)	2(1)	80(29)
TOTAL	287(68)	8(10)	119(20)	39(11)	21(2)	9(1)	0(2)	138(17)	1(0)	1(1)	8(11)	631(143)

*Request contacts received which were not opened are shown in parenthesis.

Table III

Ombudsman Complaint Cases Closed July 1980 - June 1981

(Unopened Complaint Cases*)

	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG .	FS	OTHER	TOTAL
Parole	93(47)	13(9)	97(7)	29(9)	12(0)	14(0)	1(0)	1(4)	0(0)	2(1)	5(3)	267(80)
Medical	66(31)	17(4)	27(2)	9(2)	10(0)	2(0)	0(0)	46(7)	3(1)	0(0)	2(2)	182(49)
Legal	29(28)	2(1)	18(5)	1(3)	8(2)	1(2)	0(0)	36(12)	0(3)	0(2)	1(11)	96(69)
Placement	98(26)	8(3)	33(4)	6(0)	26(0)	20(0)	1(0)	22(6)	2(0)	0(1)	3(3)	219(43)
Property	82(30)	9(3)	55(2)	10(2)	9(0)	0(0)	0(0)	39(1)	1(0)	2(0)	0(3)	207(41)
Program	92(29)	4(5)	39(1)	54(6)	34(2)	29(0)	1(0)	35(2)	1(1)	3(0)	2(1)	294(47)
Discrimination	2(2)	4(0)	3(0)	1(0)	1(0)	0(0)	0(0)	4(0)	0(0)	0(0)	0(0)	15(2)
Records	43(4)	1(1)	16(0)	14(2)	3(0)	0(0)	0(0)	1(0)	0(0)	0(0)	0(0)	78(7)
Rules	125(57)	48(18)	38(6)	29(11)	6(0)	5(1)	0(0)	112(22)	4(3)	0(0)	1(5)	368(123)
Threats	20(16)	4(2)	47(1)	3(0)	7(0)	7(0)	0(0)	50(7)	0(0)	1(0)	1(1)	140(27)
Other	63(36)	5(5)	40(17)	7(3)	18(0)	1(1)	0(0)	82(28)	0(1)	0(2)	6(4)	222(97)
TOTAL	713(306)	115(51)	413(45)	163(38)	134(4)	79(4)	3(0)	428(89)	11(9)	8(6)	21(33)	2,088(585)

*Complaint contacts received which were not opened for investigation are shown in parenthesis.

Table IV
Total Caseload
FY 1980-81

Number of open cases carried from previous FY	123
Number of contacts received July 1980 - June 1981	3,429
TOTAL CASELOAD	3,552
FY 1980-81 Caseload Disposition	
Number of cases closed	2,719
Number of unopened cases	728
TOTAL	3,447
Number of cases carried into FY 1981-82	105

Table V
Population by Institution*

Institution	Population	Percent
MCF/STW	1,072	45.9
MCF/SCL	564	24.2
MCF/LL	180	7.7
MCF/RW	140	6.0
MCF/SCR	110	4.7
MCF/SHK	63	2.7
MCF/WRC	51	2.2
REG.	154	6.6
TOTAL:	2,334	100.0%

*Estimated average daily population under supervision from FY 1981.
State & Regional Facilities only.

Table VI
Case Resolution by Category
(Cases Closed July 1980 - June 1981)

	Full	Partial	None	Withdrawn	Referred	Total
Parole	336	17	15	27	13	408
Medical	173	9	7	15	11	215
Legal	112	1	4	33	50	200
Placement	229	13	7	32	12	293
Property	213	10	6	15	21	265
Program	259	26	11	52	10	358
Discrimination	10	1	1	2	0	14
Records	77	4	2	7	9	99
Rules	334	15	10	50	15	424
Threats	86	15	7	23	11	142
Other	206	18	6	52	19	301
TOTAL:	2,035	129	76	308	171	2,719
PERCENTAGE:	74.8	4.7	2.8	11.4	6.3	100%

Table VII
Complaint Validity
(Complaint Cases Closed July 1980 - June 1981)

	Substantiated (%)	Unsubstantiated (%)	Total
Parole	93 (40.1)	139 (59.9)	232
Medical	74 (46.0)	87 (54.0)	161
Legal	30 (62.5)	18 (37.5)	48
Placement	94 (51.9)	87 (48.1)	181
Property	126 (70.8)	52 (29.2)	178
Program	137 (54.6)	114 (45.4)	251
Discrimination	6 (50.0)	6 (50.0)	12
Records	24 (39.3)	37 (60.7)	61
Rules	173 (54.7)	143 (45.3)	316
Threats	44 (41.1)	63 (58.9)	107
Others	108 (64.7)	59 (35.3)	167
TOTAL:	909 (53.0)	805 (47.0)	1,714*

*Excludes complaints which were referred or withdrawn.

Table VIII

Unopened Case Disposition by Category
(July 1980 - June 1981)

	Referred	Refused	Rejected	Dismissed	Total
Parole	20	23	62	5	110
Medical	16	5	27	6	54
Legal	72	11	22	2	107
Placement	18	5	27	5	55
Property	22	2	19	3	46
Program	14	7	34	5	60
Discrimination	0	1	2	0	3
Records	4	1	4	2	11
Rules	30	21	72	4	127
Threats	4	8	19	1	32
Other	13	28	72	10	123
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL:	213	112	360	43	728

Table IX

Referrals

Legal Assistance to Minnesota Prisoners	19
Legal Advocacy Program	18
State Public Defender	18
Department of Corrections	4
House/Senate Claims Subcommittee	6
Institution Staffs	52
County Attorney	5
Private Attorney	13
Legal Services	4
Other *	32
	<hr/>
TOTAL:	171

*Includes organizations to which fewer than four referrals were made during F.Y. 1981.

Table X
Case Distribution Comparison
F.Y. 1980 - F.Y. 1981

Category	F.Y. 1980		F.Y. 1981		Change F.Y. '80-F.Y.81	
	Number	Percent	Number	Percent	Number	Percent
Parole	358	17.2	408	15.1	+50	-2.1
Medical	197	9.5	215	8.0	+18	-1.5
Legal	137	6.6	200	7.4	+63	+0.8
Placement	199	9.6	293	10.9	+94	+1.3
Property	153	7.4	265	9.8	+112	+2.4
Program	189	9.1	358	13.2	+169	+4.1
Discrimination	26	1.2	14	0.1	-12	-1.1
Records	42	2.0	99	3.6	+57	+1.6
Rules	411	19.8	424	15.6	+13	-4.2
Threats	147	7.1	142	5.2	-05	-1.9
Other	218	10.5	301	11.1	+83	+0.6
TOTAL:	2,077	100.0%	2,719	100.0%	+642	0.0%

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 sections 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;

(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 sections 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; and

(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 sections 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 judgment 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 conclusions 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 FISCAL YEAR 1981

OMBUDSMAN POLICY RECOMMENDATIONS

Recommendations Accepted.....	20
Recommendations Rejected.....	6
TOTAL	26

The Ombudsman recommended:

1. That the Minnesota Correctional Facility-Stillwater (MCF-STW) and the Department of Corrections (DOC) review and revise if necessary its policies and practices regarding the interinstitution transfer of prisoners with serious medical or mental health problems.
Issued: *June 6, 1980*
Response: *June 9, 1980 - accepted; policy will be altered in keeping with the Ombudsman's suggestions.*
2. That the Minnesota Corrections Board provide inmates with copies of the tape recording of their parole hearings.
Issued: *June 26, 1980*
Response: *July 7, 1981 - rejected.*
3. That the Hennepin County Adult Corrections Facility for Women (HACW) abolish the policy prohibiting unrelated male visitors.
Issued: *July 11, 1980*
Response: *July 24, 1980 - accepted; policy abolished.*
4. That the Industry Policy at MCF-STW be revised to allow more "out" hours for inmates who are legitimately absent from the job for medical reasons or that inmates whose job performances have been otherwise excellent, be given preferential consideration for future assignments.
Issued: *July 5, 1980*
Response: *August 5, 1981 - rejected; the total number of jobs in industry are being reduced.*
5. That the DOC review the Minimum Security Policy for prisoners serving life sentences specifically enumerating the conditions under which a "lifer" may be classified as "minimum security".
Issued: *August 13, 1980*
Response: *September 29, 1980 - accepted; new policy developed.*

6. That the disciplinary plan at Minnesota Correctional Facility-St. Cloud (MCF-SCL) be amended to allow stay of imposition of disciplinary sentences of inmates convicted of minor offenses who do not present a threat to institutional security.
Issued: *October 14, 1980*
Response: *December 8, 1980 - accepted; for immediate implementation.*
7. That the Minnesota State Sheriff's Association advise inmates in county jails of their voting rights.
Issued: *October 22, 1980*
Response: *November 20, 1980 - accepted; teletype sent to all county sheriffs on October 28, 1980.*
8. That the Minnesota Supreme Court consider revising the Minnesota Rules of Criminal Procedure 2703 subdivision (4) to allow jail time to be credited to the sentence imposed.
Issued: *October 28, 1980*
Response: *November 4, 1980 - accepted; referred to Supreme Court Advisory Committee for consideration.*
9. That the Minnesota Sentencing Guidelines Commission amend the Sentencing Guidelines to allow good time credit to all preconviction time served.
Issued: *October 28, 1980*
Response: *November 3, 1980 - accepted; for consideration by the commission.*
10. That the DOC amend the Proposed Rules Governing Secure Juvenile Detention Facilities to include "an admittance form...for every juvenile admitted to the facility contains at least the following information: name, title and signature of the delivering officer."
Issued: *December 3, 1980*
Response: *December 9, 1980 - accepted; proposed rules amended.*
11. That the non-contact visiting policy at MCF-SCL be revised to place a limit on the time an inmate can be placed on such status after being discovered with contraband following a visit.
Issued: *October 30, 1980*
Response: *August 7, 1981 - accepted; a 30 day limit will be used.*
12. That the unit director at MCF-SCL review all inmate suspensions and dismissals from the Reshape Treatment Program before they become final.
Issued: *January 6, 1981*
Response: *January 6, 1981 - accepted; negotiated during a meeting with the unit director.*

13. That psychological screening be used on the applicants for correctional counselor positions.
14. That whenever an inmate is injured out of the surveillance of his peers that a committee be convened to review the necessity of the use of force against the inmate.
15. That siblings and married persons not be assigned to the same unit to avoid an overreaction by the one if the other is in physical danger.
16. That the Segregation Unit be equipped with video-taping equipment.
17. That the A-Academic Unit be equipped with video-taping equipment.
18. That the prison administration re-emphasize its policy to talk to the leaders of potentially disruptive groups whenever the signals of such situations are observed and that the policy be communicated in writing to all appropriate staff.
19. That the office of Hearing Examiner be used to conduct disciplinary hearings.

Issued: *January 17, 1981*

Response: *February 25, 1981 - accepted; for implementation #16, 17, and 18; accepted; in principle #15, implementation must be consistent with the union agreement. Rejected; #13, 14, and 19.*

20. That the escort policy at Minimum Security Unit MCF-STW be reviewed and the restriction removed pertaining to group affiliation.

Issued: *April 6, 1981*

Response: *April 15, 1981 - rejected; prefer to retain same policy and handle exceptions on a case by case basis.*

21. That the policy covering visitation at Minnesota Correctional Facility-Sauk Centre (MCF-SCR) be reviewed and updated to make practice consistent with the written policy. Further, that the visitation policy provide an appeal process for when a resident has been denied a visit.

Issued: *February 12, 1981*

Response: *March 27, 1981 - accepted; policy revised accordingly.*

22. That an interim policy be developed at MCF-STW to allow for room ventilation in the Mental Health Unit.

Issued: *April 13, 1981*

Response: *April 17, 1981 - accepted; policy developed.*

A special investigation of a February 19, 1981 incident at MCF-SCL resulted in recommendations #23-26.

23. That the Ombudsman be added to the list of people to be notified whenever a disturbance occurs at any of the DOC facilities.
24. That at future disturbances involving hostages or potential hostages, correctional facility administrators refrain from issuing policy statements concerning the institution's negotiation posture.
25. That staff training in human and race relations be instituted in the institution's overall training plan. In addition, that the DOC, and all correctional facilities, review all Departmental Training Plans with regard to race and human relations and integrate this component into the plan wherever it is lacking.
26. That the St. Cloud Correctional Facility make every effort to recruit and hire Indian Correctional Officers as vacancies become available.

Issued: *June 3, 1981*

Response: *June 16, 1981 - accepted; for implementation.*