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OMIBUDSMAN FOR CORRECTIONS

10TH ANNIVERSARY



STATE OF MINNESOTA

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1981/82

FISCAL YEAR 1981-82 ANNUAL REPORT

Pursuant to Mn Stat. 241.45, subd 2



STATE OF MINNESOTA

REPORT OF
THE OMBUDSMAN FOR CORRECTIONS
FOR THE PERIOD
JULY 1, 1981 - JUNE 30, 1982

SUBMITTED TO

*THE HONORABLE ALBERT H. QUIE
GOVERNOR, STATE OF MINNESOTA
pursuant to Section 241.45
Subd 2 of the Minnesota Statutes*

FROM

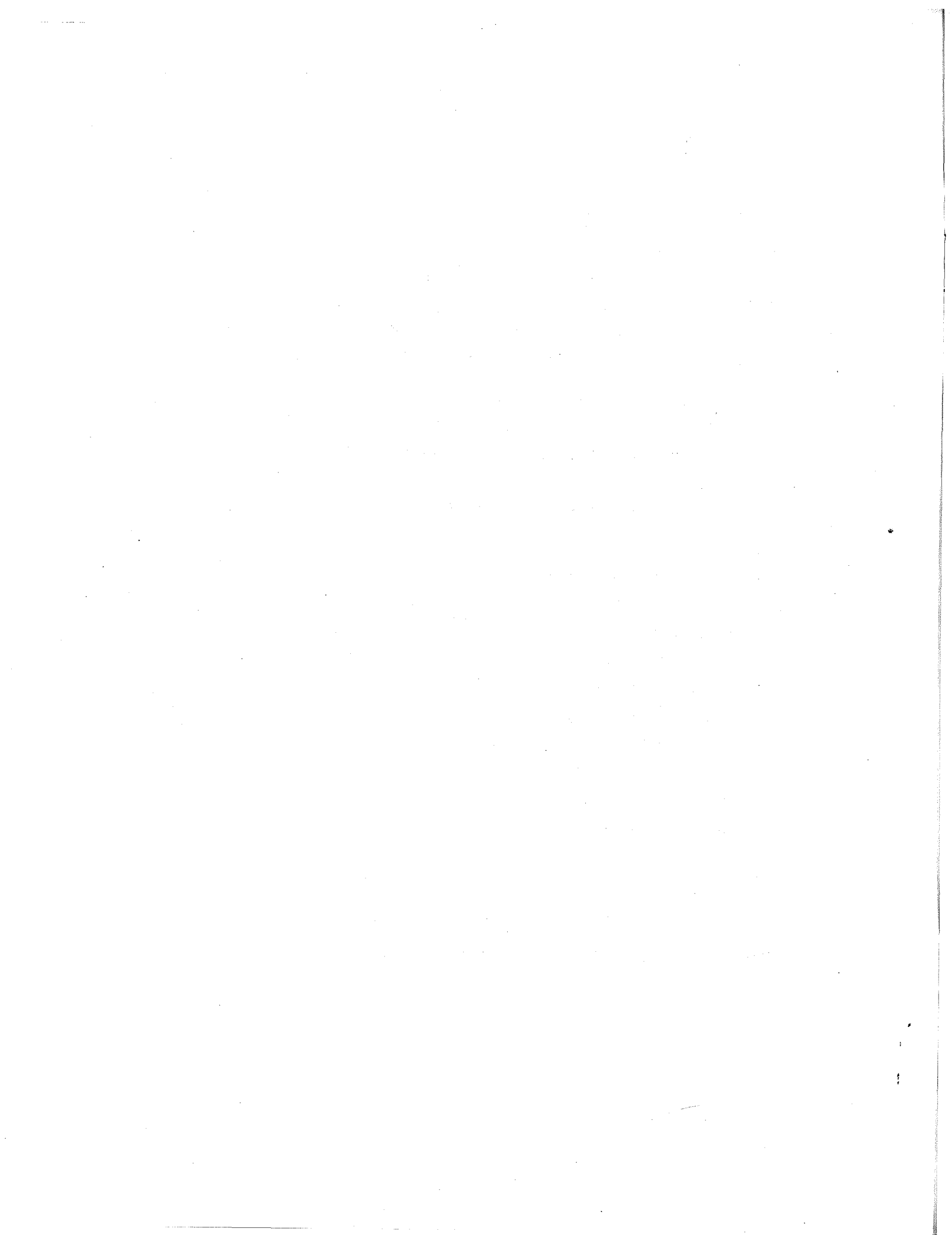
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NOVEMBER 1982

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INTRODUCTION

The Minnesota Ombudsman for Corrections was established ten years ago by an Executive Order issued by Governor Wendell R. Anderson. Theartrice "T" Williams, present incumbent, was appointed as the first independent Corrections Ombudsman in the United States.

The Ombudsman concept grew out of the Governor's desire to provide a constructive means for examining and resolving inmate grievances. The hope was that with an Ombudsman system it would be less necessary for inmates to feel that the only options available for resolving their grievances involved violence.

The Governor and the Commissioner of Corrections provided leadership and support to this untried concept. No one knew at that time what precise outcome to expect from the program because the use of an Ombudsman in Corrections was untried.

Eight broad objectives were set forth in the program mission. The objectives were outlined in the First Annual Report 1972-73:

- . Improving the relationship between staff and inmate by providing the inmates with information on the actions, motives and design of administrative action.
- . Alleviation of tension within the prison by means of more open communications, i.e., a "release valve".
- . The improvement and clarification of administrative procedures and regulations.
- . Reorganization and revitalization of internal prison review procedures.
- . Increased access to judicial review by cooperation and coordination with the various legal aid services.
- . Encouragement of more active involvement of private and governmental agencies and interest groups in alleviating the grievances.
- . Coordination of overlapping governmental agencies by means of increased flow of information from the agencies to inmates and staff regarding functions, programs and procedures.
- . Strengthening and correcting legislation by providing the Legislature with information and recommendations regarding correctional institutions.

Progress toward meeting those broad objectives was initiated the first year. Ten years later, the Ombudsman continues to evaluate the program's effectiveness based upon those founding objectives.

Since 1972 changes have occurred in both the Minnesota Corrections system and in the Ombudsman program. In the corrections system, the parole board moved from part time to full time and was subsequently abolished; a Sentencing Guidelines Commission was created; due process was introduced into the inmate disciplinary system and a new high security prison at Oak Park Heights was constructed and opened.

Each of the above changes has had a measure of effect upon the Ombudsman program and a pronounced effect upon inmate life in the institution. Whenever life in the inmate community is affected, the Ombudsman is often called in to investigate complaints, help clarify and interpret policy or listen to the concerns of those affected by the changes.

Since 1972 changes have occurred in the Ombudsman's office. The first five years represented growth in the Ombudsman's program: staff increased from two full-time professionals and a secretary to six full-time professionals, two secretaries and three interns by the fifth year, and the size of the caseloads and the number of intake calls increased. Chart V illustrates the ten-year activity.

The Ombudsman Statute was enacted in 1973; the jurisdiction of the Ombudsman increased through a 1976 amendment to the Statutes to include County and Regional programs and facilities covered under the Community Corrections Act.

The next five years (1977-82) have represented an interesting period for the Ombudsman: the size of staff and jurisdiction stabilized, and the increase in intake and caseload was significant. The program maturity, staff experience and credibility in the system account for the program's capacity to absorb increased jurisdiction and caseload.

During the past two years (1980-82) the Ombudsman program underwent some retrenchment because of the impact of the economic recession on State revenue. One professional and two intern positions were eliminated. The level and quality of caseload service were not adversely affected by the loss of the staff and intern positions because the focus on service delivery rather than legislative research has been maintained. However, the administrative and research tasks of the eliminated position have accrued to the Ombudsman which impacts his ability to address policy issues on the administration of justice in the corrections system at legislative and administrative hearings.

Another change in the Ombudsman office relates to his role involving mental illness commitment hearings. In October, 1980, the Ombudsman or his designee was appointed guardian ad litem for all inmates involved in mentally ill commitment hearings in Washington County. (The Stillwater and Oak Park Heights facilities are located in Washington County). The appointment as guardian ad litem was made in response to an Ombudsman request to the court. The request was based on information from prior monitoring of commitment hearings which involved inmates from the Stillwater facility which the

Ombudsman felt supported the need to separate the guardian ad litem role from that of the defense counsel in the hearings.

The Ombudsman assists the court in determining the "best interest" of the inmate. Through this role, if requested by the court, he may offer his own recommendations or support the recommendations of the mental health professionals.

The Ombudsman is an integral component of the Minnesota Corrections system. Both the Ombudsman and the Minnesota Corrections officials work to maintain the independence of the Office of the Ombudsman within the corrections system.

The role of the Ombudsman in the administration of justice in the Minnesota correctional system has not been diminished by the increased economic pressures and constraints placed upon State government.

This report summarizes the fiscal year 1982 activities of the Office of Ombudsman for Corrections. The report presents information and data on the current status of the office through an analysis of the intake, investigations and recommendations. Moreover, the report attempts to answer questions commonly raised by inmates, politicians, academicians, students and the general public:

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

BUDGET - FISCAL YEAR 1982

	<u>Original</u>	<u>Actual Expenditures</u>
Personnel Services	211,674	206,274
Rents & Leases	16,100	16,421
Printing & Binding	1,900	1,330
Communication	3,900	3,050
Travel	10,600	8,048
Contract for Services	600	391
Office Supplies, Equipment and Repairs	2,400	885
	<hr/>	<hr/>
	247,174	236,399
 Closing Budget Adjustment	 10,775	
	<hr/>	
	236,399	

Figure I
Organization Chart

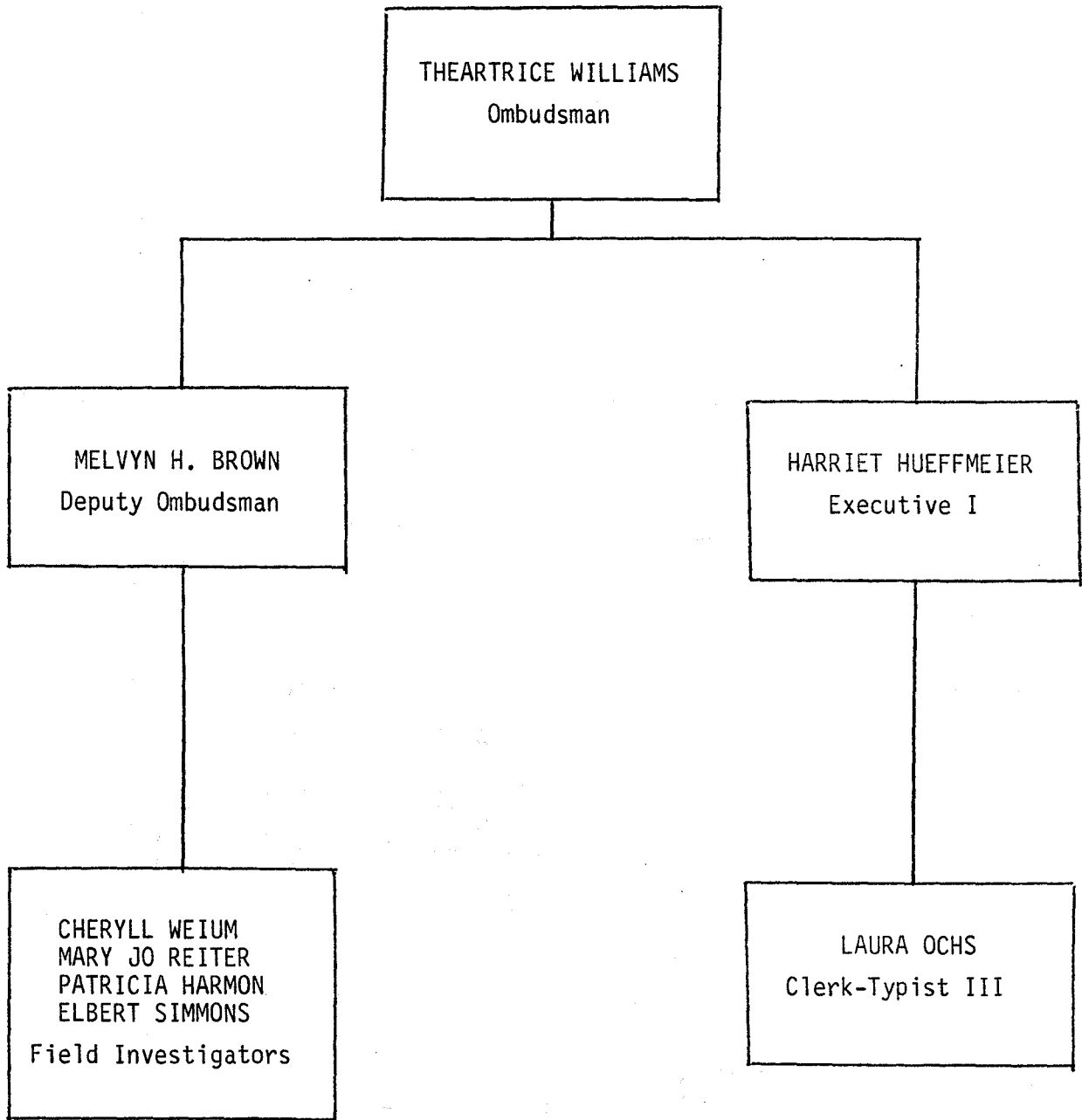
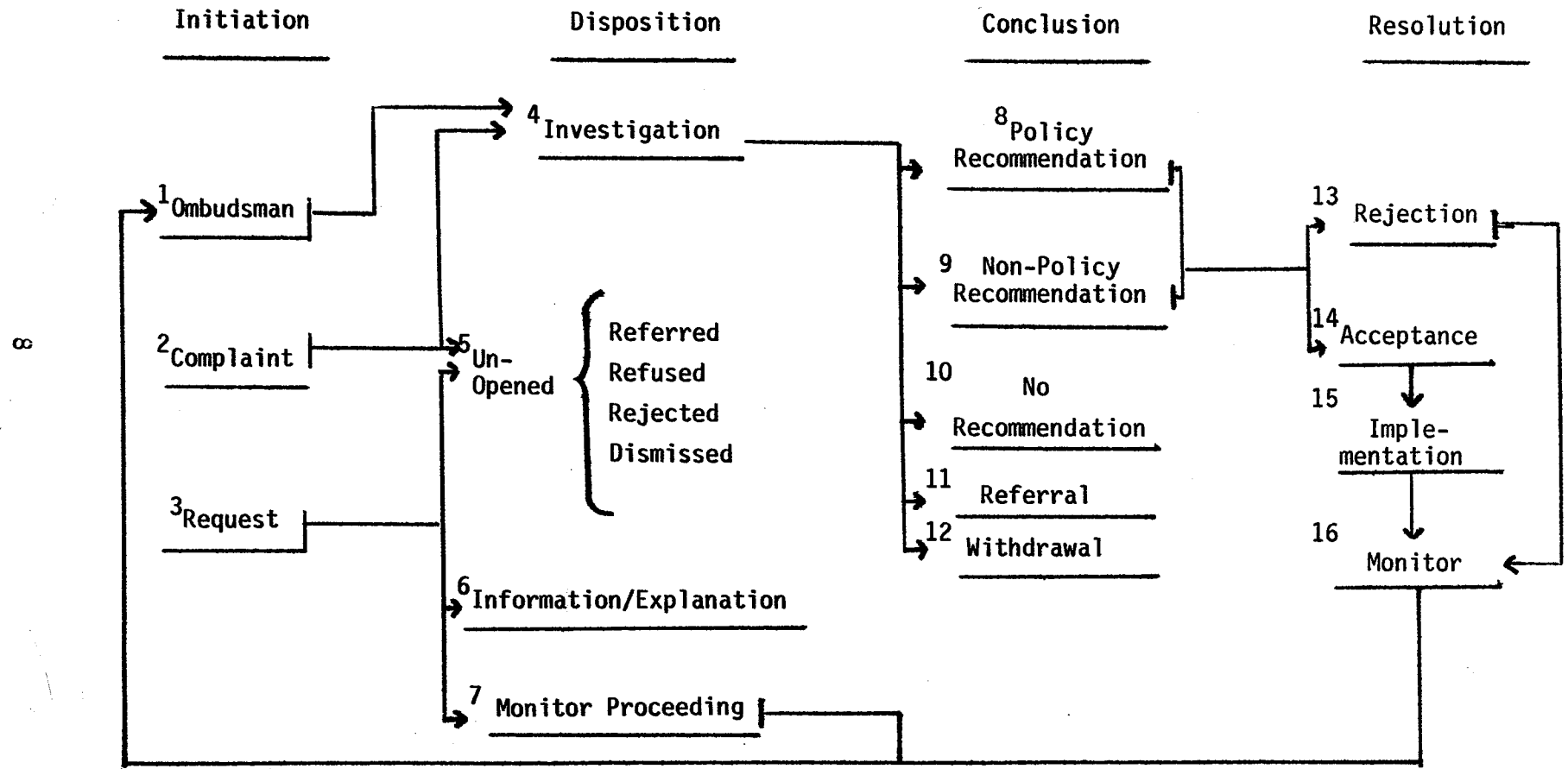


Figure II
CASE PROCESSING PROCEDURE



CASELOAD ANALYSIS

A total of 3,211 contacts were registered with the Ombudsman during fiscal year 1982. This total represented a decline of 218 contacts from 1981, which is the second time in the ten year history of the Ombudsman office it has experienced a decline in the number of contacts from the previous year. In 1976, a decline in contacts preceded the 8.6% increase in 1977.

The reason for the decline in contacts is unclear. It is not related to a decline in institutional population. Table V shows that the average daily population in the State correctional facilities has not declined significantly, 2,316 in 1982 compared to 2,334 in 1981. The decline in contacts may represent the Ombudsman's effectiveness in resolving complaints with the first contact which eliminates multiple contacts on the same issue.

Of the 3,211 contacts registered with the Ombudsman in 1982, 2,589 (80.6%) resulted in open cases. From 1979 to the present, the ratio of opened to unopened cases remains relatively stable. (Collection of this data was initiated in 1979). The ratio in 1981, 1980 and 1979 was 79.8%, 73.4% and 79.6%, respectively.

INSTITUTIONAL DISTRIBUTION

Stillwater continues to generate the largest portion of Ombudsman contacts. Stillwater contacts increased 9.7% from 1981 to 1982. Stillwater's portion of total office contacts increased from 36% in 1981 to 38% in 1982. (See Chart I)

The increased portion of total contacts at Stillwater is reflected in the following 1982 declines: St. Cloud declined to 17% of the total contacts in 1982 compared to 20% and 21.2% in 1981 and 1980, respectively. Lino Lakes, Red Wing and Shakopee also declined in their portion of total contacts. Contacts from St. Cloud declined 17.6%, 551 in 1981 to 454 in 1982. Contacts from Shakopee declined by 36.3% for the third consecutive year.

In April, 1982, the Ombudsman began to accept contacts from the newly opened correctional facility at Oak Park Heights. All of the inmates at Oak Park Heights (OPH) were transferred there from other State facilities. A total of 51 contacts (2% of total contacts) were processed since the facility was opened. The 50 inmates who represented the opening population of the facility generated the 51 contacts.

Contacts from the county facilities remained relatively stable. Facilities in Hennepin and Ramsey counties generated more than 90% of the county contacts.

CATEGORIES OF CONTACTS

The Ombudsman systematically categorized each contact received to help make annual comparisons and to define the source(s) of any quantitative or qualitative changes. 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, treatment program or 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, actual physical abuse or harassment to an inmate or staff.

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

Table X shows the comparative 1981-82 categorical case distribution. The largest numerical and a significant percentage change occurred in parole - a drop of 126 cases and a reduction from 15.1% of the total to 10.8% for a decline of 28.5%. This decrease was anticipated because of the abolishment of the Minnesota Corrections Board (MCB) effective July, 1982, and the move from indeterminate sentencing to more presumptive sentencing under the Minnesota Sentencing Guidelines.

Another category which showed a significant change was records, a 91.6% increase. This increase may be a result of changes in the sentencing laws and the Department of Corrections efforts to reflect those changes.

DISPOSITION OF CASES

The Ombudsman's accessibility is crucial to the effective operation of the Ombudsman office and successful resolution of the contacts received. Minnesota law (MN Stat. Sections 241.41 to 241.45 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.

From 1975 through 1981, the most frequent means of contacting the Ombudsman was the telephone. In 1982, written and telephone contacts were essentially identical, 1,250 and 1,248 respectively, or 38.6% each. (See Graph II) Since the method of contact bears no influence on the Ombudsman's response, these changes seem to indicate increased inmate confidence that the Ombudsman does receive his correspondence, either through the U. S. mail or at the institution.

After a complaint or request is received, the Ombudsman responds to the complainant's concern as quickly as possible. The initial response arranges an in-depth interview where presenting facts indicates a need. The promptness of the interview is critical for establishing the complainant's confidence in the Ombudsman's function, procedure and results. Frequently interviews are completed at the time the complaint is registered; other times it is delayed to accommodate a variety of impinging circumstances.

Graph III indicates that in 1,394 cases out of 2,426 (57.4%), complainants were interviewed on the day of contact. Interviews occurred either in person or over the telephone. Within ten days from contact date, 92.3% of all complainants requiring interviews, were completed. These statistics are essentially identical to 1981 data. Interviews are delayed in some cases due to geographic location of the facility where the complainant is confined and the inmate's restricted access to a telephone.

Rapid conclusion of a case after the interview is important to the case resolution process. The Ombudsman resolved 62.8% (1,642) of his cases within 15 days and a total of 84.1% within 30 days. (See Graph IV) The rate in 1982 of resolution at the 15 day and 30 day time frames increased 5.2% and 3.0% respectively over 1981.

Table VI and VII show the resolution of cases closed during fiscal year 1982. Determinations about case resolution are made by the Ombudsman. This judgment is guided by whether or not an agency's or institution'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 7% of cases closed in the fiscal year 1982 were referred to other agencies or organizations. Referral occurs when total resolution of the issue(s) presented by a case requires work beyond the expertise or jurisdiction of the Ombudsman. In some instances, referrals are made to members of the institutional staff when a complaint is filed prematurely. Table IX shows 68 referrals were made to institutional staff and 64 to legal resources.

The Ombudsman's response to a contact ranges from a quick dismissal of a meritless complaint to a formal written recommendation to an agency or State department head. The amount of time required ranges from quick action to lengthy investigative research. The Ombudsman, when he determines it is appropriate, may bring issues to the attention of the Governor or the Legislature.

During fiscal year 1982, the Ombudsman issued 17 formal policy recommendations

to Minnesota Correction's officials, sixteen of which were accepted for implementation. These recommendations covered a diverse range of issues. For example, the Department of Corrections furlough policy criteria was reviewed; a request was made that the Hennepin County Home School develop and implement a resident disciplinary due process system, and a request that the Minnesota Correctional Facility - Red Wing (MCF-RW) not force a resident to pay restitution for breaking his eyeglasses. In the latter case, the recommendation from the Ombudsman was reissued a second time before the recommendation was acted on and accepted. The Ombudsman's action to reissue a recommendation depends upon the facts of the case, the issues involved and the perceived impact on the system.

In the MCF-RW case, the facts revealed that the resident did not like wearing eyeglasses provided by the State and deliberately broke them. The resident further stated that if the glasses were replaced, he would not wear them and would probably break the new eyeglasses. The State had provided him with the pair he broke. MCF-RW's position was that the resident was required to pay for the broken glasses regardless of the question of replacement. The provisions of an MCF-RW restitution policy were the grounds for the decision. The policy requires residents to pay for any State property they destroy.

The Ombudsman's position was that it may be reasonable to require the resident to pay for a replacement pair of eyeglasses, but that it was unreasonable and of questionable legality to force him to pay for the broken eyeglasses under the restitution policy. The Ombudsman believed that the restitution policy was unapplicable because the eyeglasses were not State property. The fact that State paid for the eyeglasses was irrelevant. The facts are that they were medically prescribed, purchased and given to the resident for his exclusive use.

The reissued recommendation was accepted by the MCF-RW after consultation with appropriate Department of Corrections officials. (See Appendix B for Ombudsman Policy Recommendations)

The scope of the Ombudsman's authority and responsibility requires a dynamic approach to the investigation of complaints and issuance of recommendations. A major concern of the Ombudsman is the administration of justice, as related to his jurisdiction. For example, the Ombudsman received a contact from an inmate at the Hennepin County Correctional Facility for Women. The inmate was pregnant and due to deliver about 30 days before her scheduled release date. Her concern was that she would deliver her baby and have to return from the hospital to the correctional facility to serve the balance of her sentence, leaving her baby to be cared for by others. She had no family in the area and wished to live near her family in another state after release from the institution.

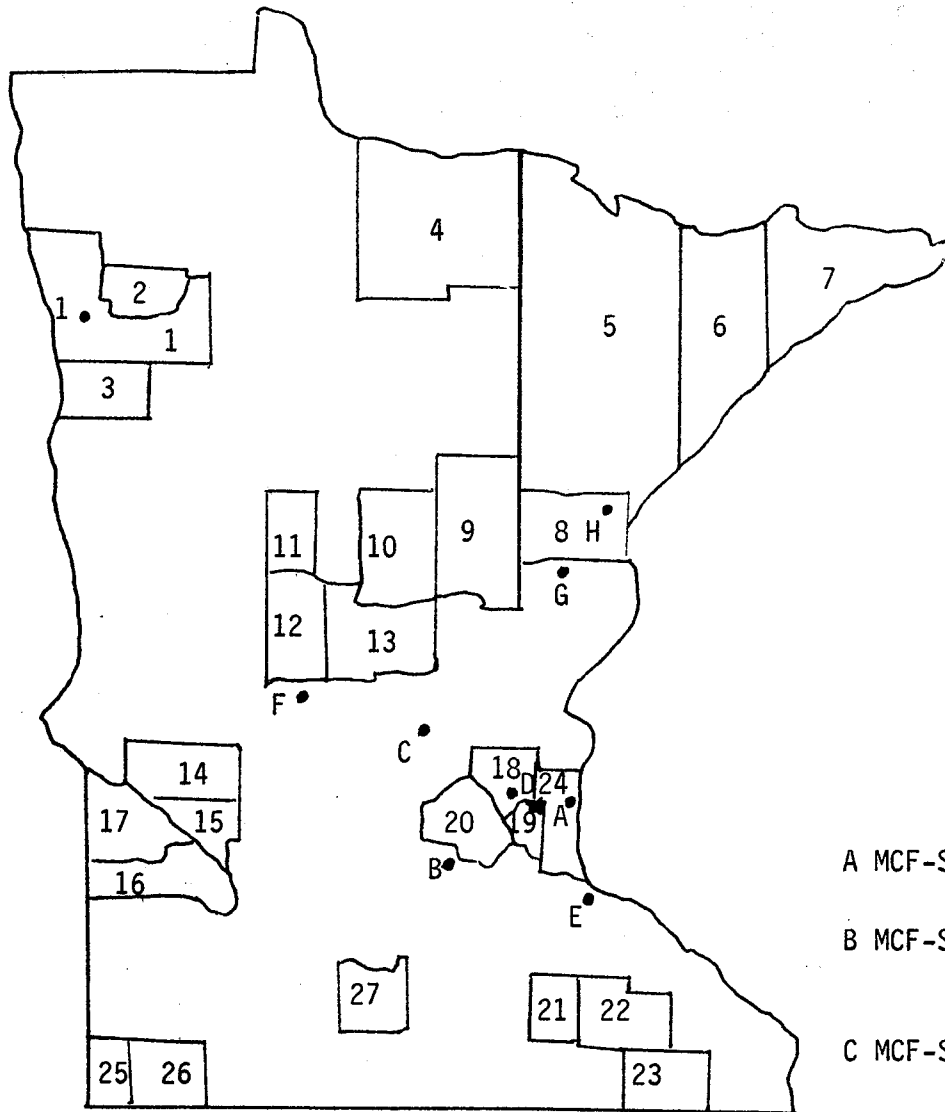
A staff member, acting for the Ombudsman, contacted the inmate's defense attorney and the two Judges who were involved in her case. She inquired about an early release to permit the woman to be discharged from her sentence at the time she delivered her baby. After considerable consultation on the facts between the attorney, the Judges and the Ombudsman staff, the woman was permitted to go home with her baby directly from the hospital, and was

discharged from her sentence 17 days earlier than her scheduled release date.

This report represents an attempt to demonstrate the extent and nature of the services provided by the Ombudsman's Office. Ten years in office has given the Ombudsman some insight into how critical the services of the Ombudsman's Office is to the correctional system in the State of Minnesota. To maintain a high level of effectiveness, the Ombudsman must continue to review the performance of his Office and make adjustment where indicated.

MAP I

COUNTIES IN COMMUNITY CORRECTIONS ACT

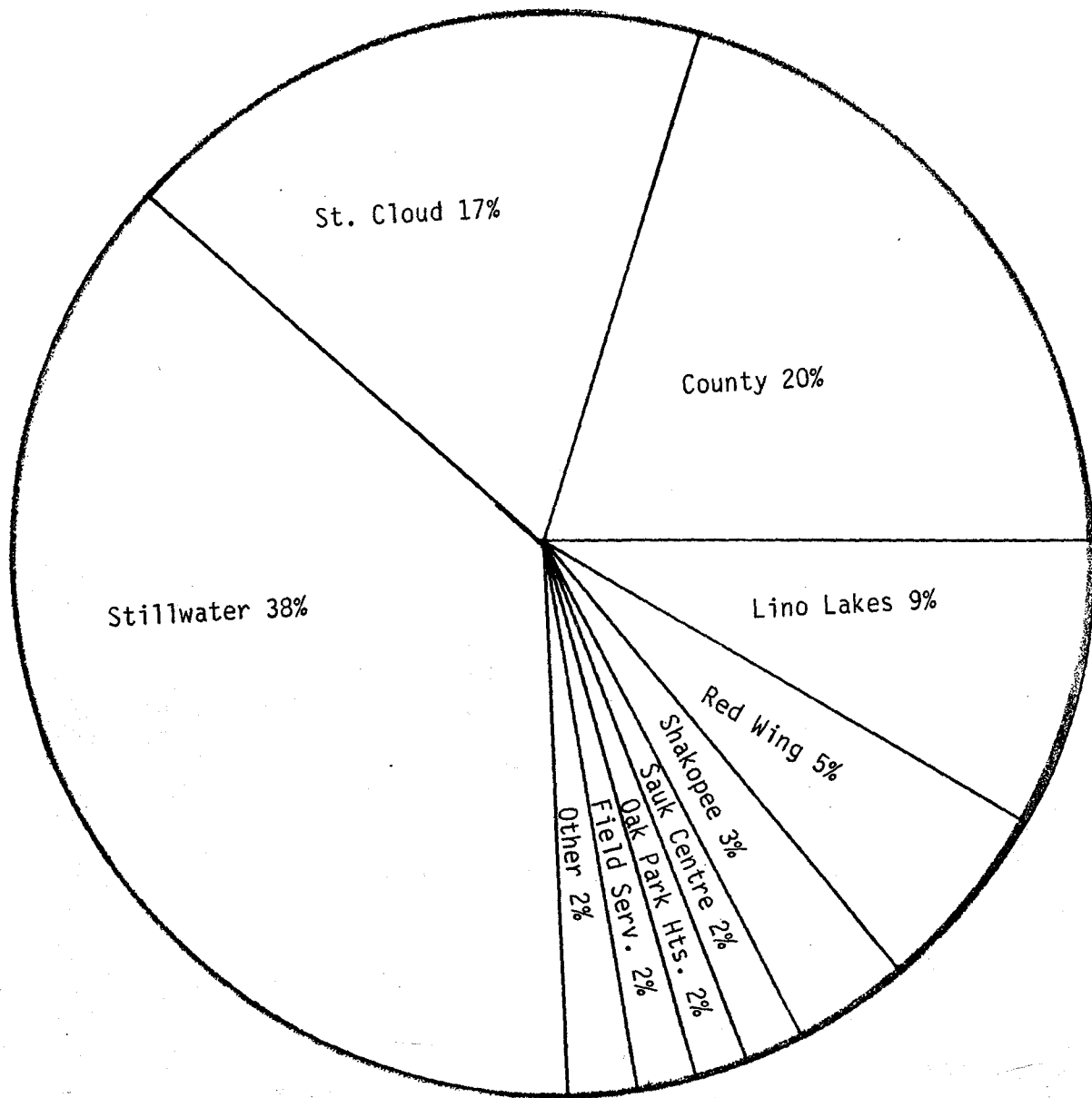


1. Polk
2. Red Lake
3. Norman
4. Koochiching
5. St. Louis
6. Lake
7. Cook
8. Carlton
9. Aitkin
10. Crow Wing
11. Wadena
12. Todd
13. Morrison
14. Swift
15. Chippewa
16. Yellow Medicine
17. LacQui Parle
18. Anoka
19. Ramsey
20. Hennepin
21. Dodge
22. Olmsted
23. Fillmore
24. Washington
25. Rock
26. Nobles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

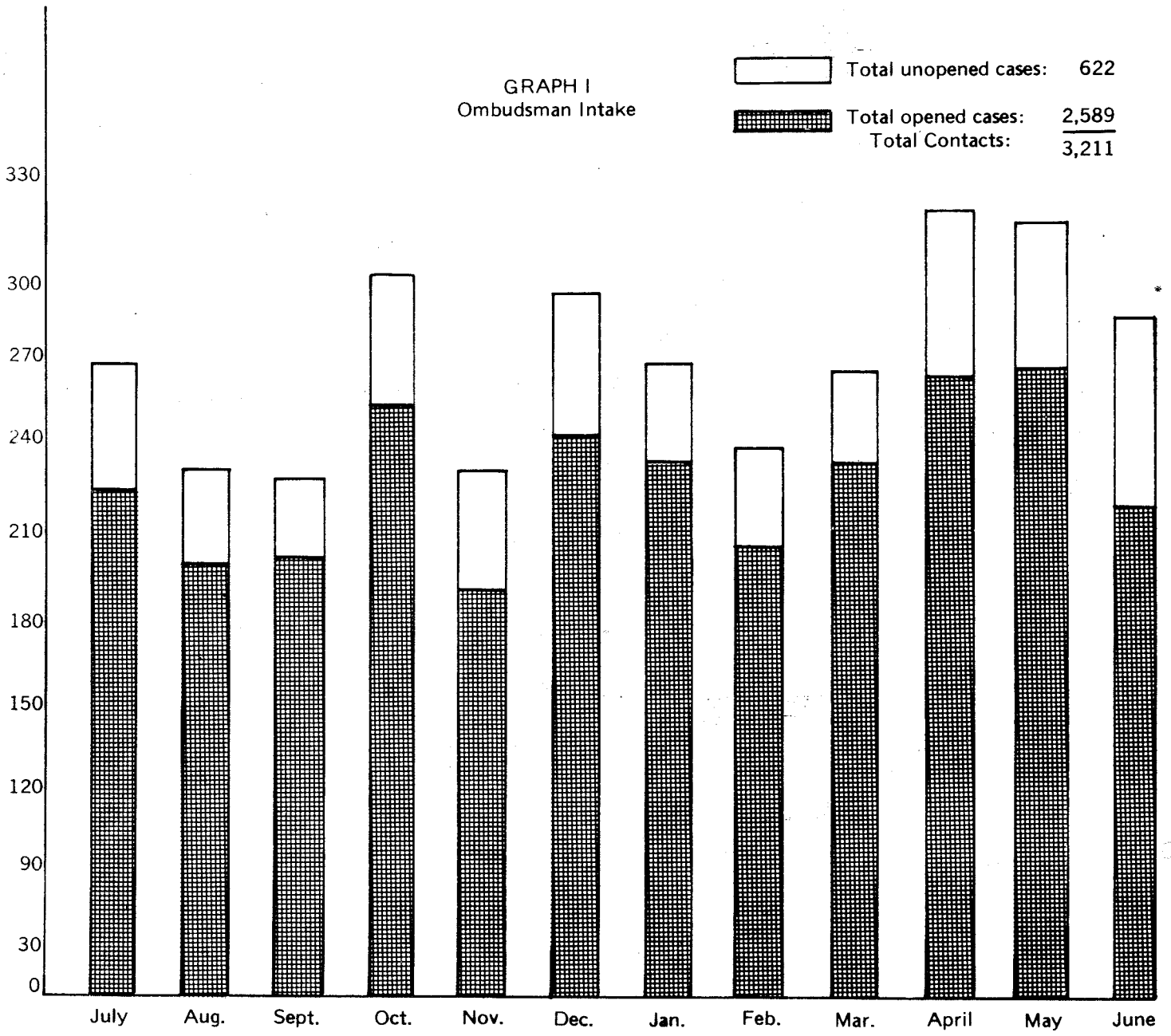
- A MCF-STW - Minnesota State Prison, Stillwater
- B MCF-SHK - Minnesota Corrections Inst. for Women, Shakopee
- C MCF-SCL - State Reformatory for Men, St. Cloud
- D MCF-LL - Minnesota Correctional Facility - Lino Lakes
- E MCF-RW - State Training School, Red Wing
- F MCF-SCR - Minnesota Home School,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

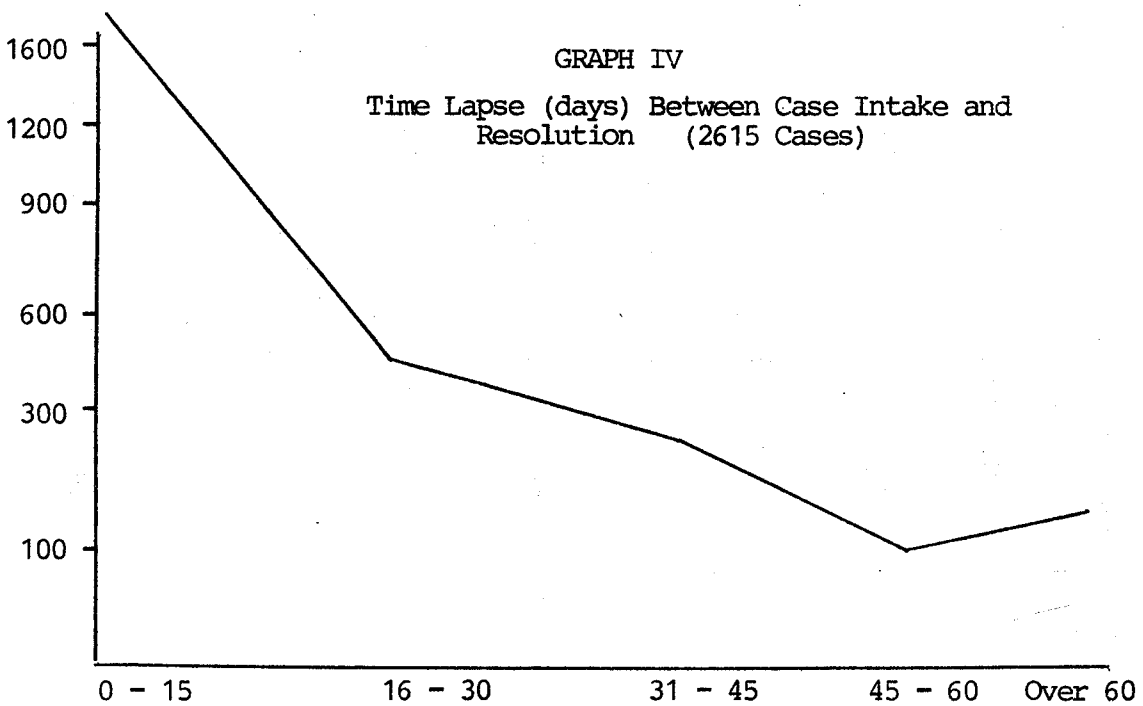
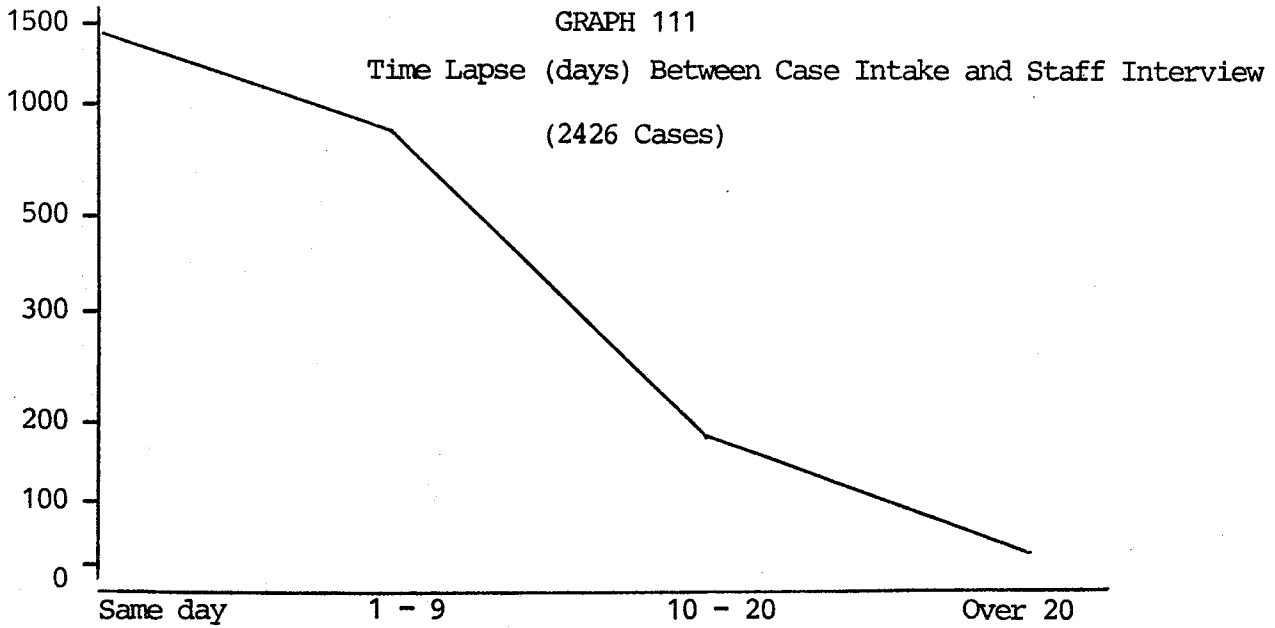
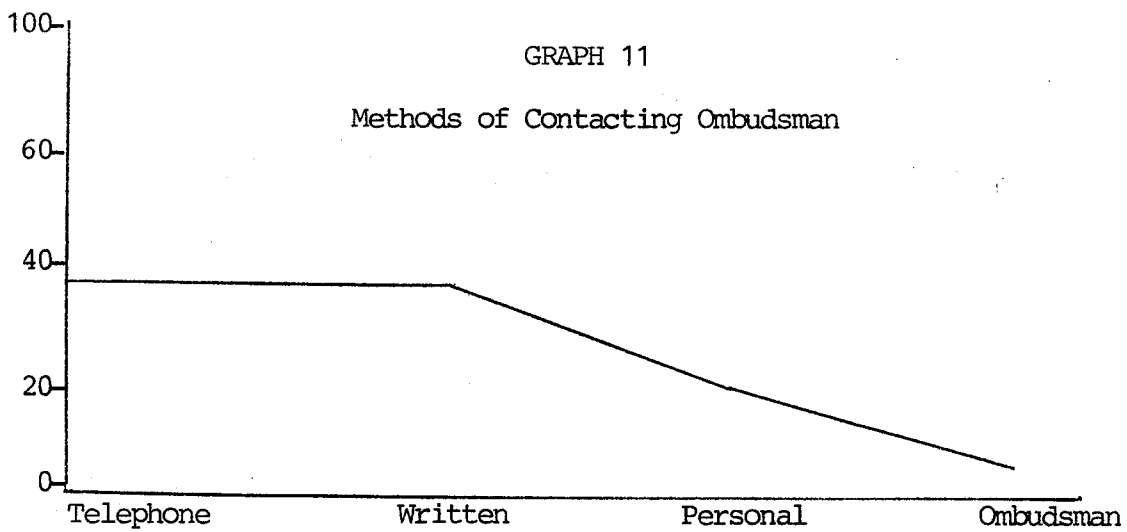
X - Ombudsman, St. Paul (19)

FY 1981-82 Intake Case Distribution by Institution
CHART I



GRAPH I
Ombudsman Intake





GRAPH V
TOTAL CONTACTS RECEIVED - (1973 - 1982)

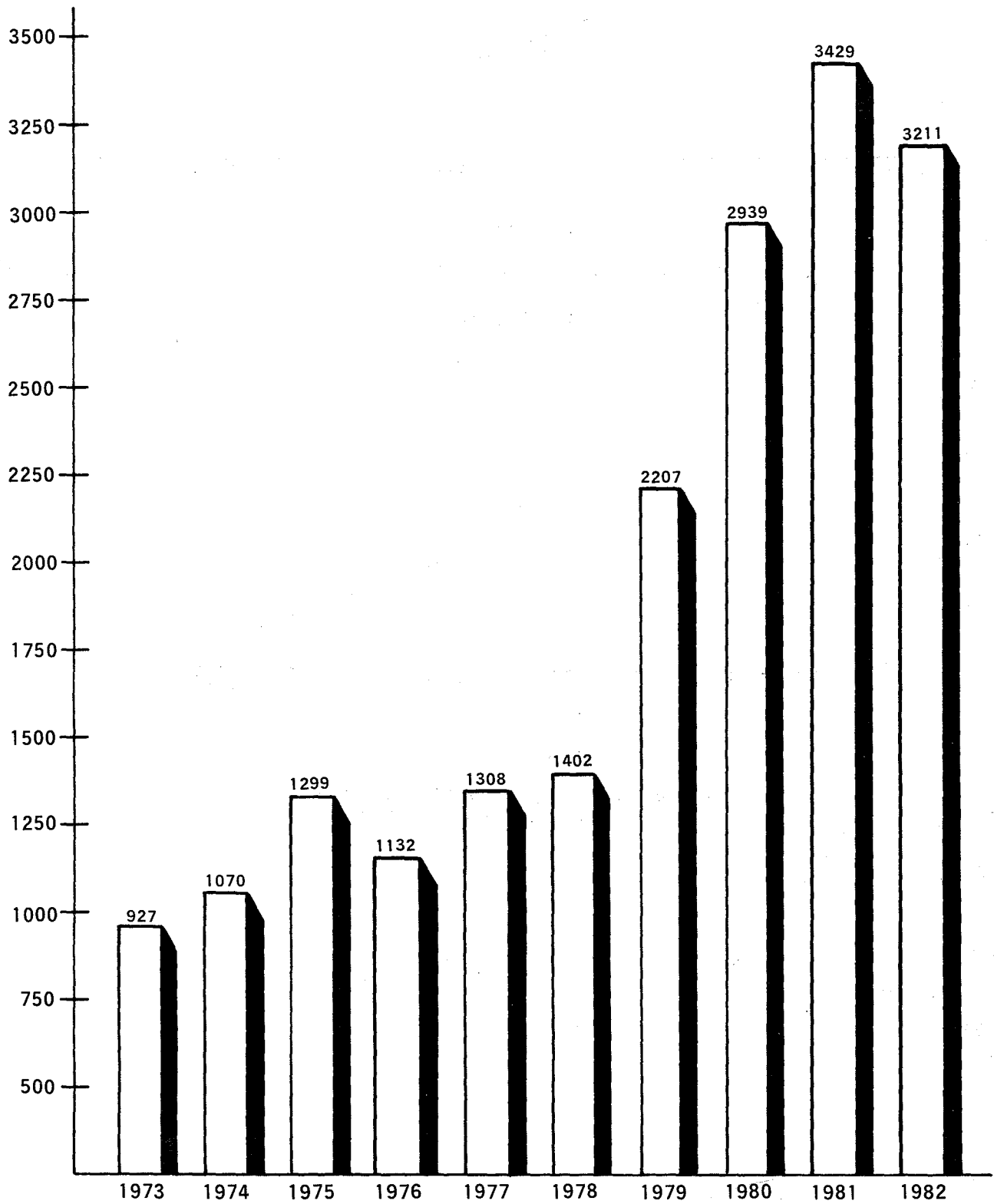


Table I

Total Ombudsman Cases Closed July 1981 - June 1982

(Unopened Cases*)

	OPH	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG.	F.S.	OTHER	TOTAL
Parole	9(1)	134(44)	5(1)	30(2)	55(7)	23(0)	8(1)	0(0)	7(1)	0(0)	9(7)	2(3)	282(67)
Medical	4(2)	78(21)	15(1)	22(1)	8(1)	9(0)	1(0)	0(0)	36(9)	3(1)	1(1)	1(0)	178(37)
Legal	2(4)	44(48)	3(2)	36(7)	4(4)	4(0)	1(2)	0(0)	97(27)	1(3)	5(4)	4(9)	201(110)
Placement	0(1)	98(42)	3(0)	33(2)	11(0)	15(1)	18(0)	0(0)	29(6)	0(0)	4(2)	3(0)	214(54)
Property	8(2)	156(33)	7(1)	56(2)	33(2)	7(0)	3(0)	1(0)	30(1)	0(0)	4(0)	8(2)	313(43)
Program	4(1)	110(26)	10(3)	58(1)	72(6)	36(2)	12(2)	0(0)	71(1)	2(0)	7(3)	1(1)	383(46)
19 Discrimination	1(0)	3(2)	1(0)	3(0)	0(0)	3(0)	1(0)	0(0)	5(0)	1(0)	0(0)	1(0)	19(2)
Records	1(0)	107(30)	0(1)	37(0)	18(1)	7(0)	0(0)	0(0)	8(0)	0(1)	3(3)	0(0)	181(36)
Rules	10(3)	163(49)	17(5)	39(8)	28(3)	6(0)	1(1)	0(1)	103(12)	1(4)	4(5)	4(4)	376(95)
Threats	0(0)	30(9)	2(0)	69(1)	6(0)	7(0)	1(0)	0(0)	52(0)	0(0)	2(2)	2(0)	171(12)
Other	5(2)	84(60)	5(1)	80(12)	12(2)	10(0)	2(0)	0(1)	83(32)	1(2)	4(4)	11(4)	297(120)
TOTAL	44(16)	1,007(364)	68(15)	463(36)	247(26)	127(3)	48(6)	1(2)	521(89)	9(11)	43(31)	37(23)	2,615(622)

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), MCF-OPH - Oak Park Heights.

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

Table II

Ombudsman Request Cases Closed July 1981 - June 1982

(Unopened Request Cases*)

	OPH	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG.	F.S.	OTHER	TOTAL
Parole	2(0)	76(15)	2(0)	4(1)	19(2)	7(0)	2(0)	0(0)	6(0)	0(0)	6(2)	0(2)	124(22)
Medical	0(1)	6(3)	0(0)	3(0)	0(0)	0(0)	0(0)	0(0)	1(1)	0(0)	1(0)	0(0)	11(5)
Legal	2(2)	28(16)	2(2)	23(2)	3(0)	1(0)	1(2)	0(0)	65(14)	1(3)	2(0)	0(2)	128(43)
Placement	0(0)	15(3)	0(0)	10(0)	1(0)	2(0)	0(0)	0(0)	6(0)	0(0)	0(0)	2(0)	36(3)
Property	0(1)	34(2)	0(0)	16(0)	6(0)	1(0)	0(0)	0(0)	3(0)	0(0)	3(0)	0(0)	63(3)
Program	0(0)	14(4)	0(2)	12(0)	12(1)	2(0)	0(0)	0(0)	24(0)	0(0)	0(0)	0(0)	64(7)
Discrimination	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)	0(0)
Records	1(0)	20(4)	0(0)	17(0)	5(0)	5(0)	0(0)	0(0)	4(0)	0(0)	1(0)	0(0)	53(4)
Rules	1(0)	37(4)	1(0)	5(1)	4(0)	0(0)	0(0)	0(0)	24(0)	0(0)	1(0)	0(0)	73(5)
Threats	0(0)	0(0)	0(0)	1(0)	0(0)	0(0)	0(0)	0(0)	2(0)	0(0)	0(0)	0(0)	3(0)
Other	0(0)	26(4)	1(0)	33(1)	5(1)	4(0)	1(0)	0(0)	17(7)	0(1)	1(1)	7(3)	95(18)
TOTAL	6(4)	256(55)	6(4)	124(5)	55(4)	22(0)	4(2)	0(0)	152(22)	1(4)	15(3)	9(7)	650(110)

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

Table III

Ombudsman Complaint Cases Closed July 1980 - June 1981

(Unopened Complaint Cases*)

	OPH	STW	SHK	SCL	LL	RW	SCR	WRC	CTY.	REG.	F.S.	OTHER	TOTAL
Parole	7(1)	58(29)	3(1)	26(1)	36(5)	16(0)	6(1)	0(0)	1(1)	0(0)	3(5)	2(1)	158(45)
Medical	4(1)	72(18)	15(1)	19(1)	8(1)	9(0)	1(0)	0(0)	35(8)	3(1)	0(1)	1(0)	167(32)
Legal	0(2)	16(32)	1(0)	13(5)	1(4)	3(0)	0(0)	0(0)	32(13)	0(0)	3(4)	4(7)	73(67)
Placement	0(1)	83(39)	3(0)	23(2)	10(0)	13(1)	18(0)	0(0)	23(6)	0(0)	4(2)	1(0)	178(51)
Property	8(1)	122(31)	7(1)	40(2)	27(2)	6(0)	3(0)	1(0)	27(1)	0(0)	1(0)	8(2)	250(40)
Program	4(1)	96(22)	10(1)	46(1)	60(5)	34(2)	12(2)	0(0)	47(1)	2(0)	7(3)	1(1)	319(39)
21 Discrimination	1(0)	3(2)	1(0)	3(0)	0(0)	3(0)	1(0)	0(0)	5(0)	1(0)	0(0)	1(0)	19(2)
Records	0(0)	87(26)	0(1)	20(0)	13(1)	2(0)	0(0)	0(0)	4(0)	0(1)	2(3)	0(0)	128(32)
Rules	9(3)	126(45)	16(5)	34(7)	24(3)	6(0)	1(1)	0(1)	79(12)	1(4)	3(5)	4(4)	303(90)
Threats	0(0)	30(9)	2(0)	68(1)	6(0)	7(0)	1(0)	0(0)	50(0)	0(0)	2(2)	2(0)	168(12)
Other	5(2)	58(56)	4(1)	47(11)	7(1)	6(0)	1(0)	0(1)	66(25)	1(1)	3(3)	4(1)	202(102)
TOTAL	38(12)	751(309)	62(11)	339(31)	192(22)	105(3)	44(4)	1(2)	369(67)	8(7)	28(28)	28(16)	1,965(512)

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

Table IV
Total Caseload
FY 1981-82

Number of open cases carried from previous FY	105
Number of contacts received July 1981 - June 1982	<u>3,211</u>
TOTAL CASELOAD	3,316
FY 1981-82 Caseload Disposition	
Number of cases closed	2,615
Number of unopened cases	<u>622</u>
TOTAL	3,237
Number of cases carried into FY 1982-83	79

Table V
Population by Institution*

Institution	Population	Percent
MCF/STW	1,061	31.0
MCF/SCL	601	17.6
MCF/LL	180	5.3
MCF/RW	135	3.9
MCF/SCR	95	2.8
MCF/SHK	58	1.7
MCF/WRC	51	1.5
REG.	135	3.9
COUNTIES	<u>1,103</u>	<u>32.2</u>
TOTAL:	3,419	100.0%

*Estimated average daily population under supervision from FY 1982
(Excluding Oak Park Heights)

Table VI

Case Resolution by Category

(Cases Closed July 1981 - June 1982)

	Full	Partial	None	Withdrawn	Referred	Total
Parole	242	11	3	17	8	281
Medical	154	6	1	12	8	181
Legal	121	1	2	19	55	198
Placement	150	18	4	29	13	214
Property	238	18	7	17	34	314
Program	292	42	8	29	10	381
Discrimination	13	0	0	5	1	19
Records	157	0	1	10	12	180
Rules	294	11	9	56	9	379
Threats	113	15	3	31	7	169
Other	213	7	6	47	26	299
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL:	1,987	129	44	272	183	2,615
PERCENTAGE:	76.0	5.0	2.0	10.0	7.0	100%

Table VII

Complaint Validity

(Complaint Cases Closed July 1981 - June 1982)

	Substantiated (%)	Unsubstantiated (%)	Total
Parole	72 (51.1)	69 (48.9)	141
Medical	66 (44.0)	84 (56.0)	150
Legal	22 (59.5)	15 (40.5)	37
Placement	85 (59.9)	57 (40.1)	142
Property	142 (68.3)	66 (31.7)	208
Program	151 (53.7)	130 (46.3)	281
Discrimination	3 (23.1)	10 (76.9)	13
Records	56 (50.5)	55 (49.5)	111
Rules	153 (61.7)	95 (38.3)	248
Threats	64 (50.8)	62 (49.2)	126
Other	94 (65.3)	50 (34.7)	144
	<hr/>	<hr/>	<hr/>
TOTAL:	908 (56.7)	693 (43.3)	1,601*

*Excludes complaints which were referred or withdrawn.

Table VIII

Unopened Case Disposition by Category
(July 1981 - June 1982)

	Referred	Refused	Rejected	Dismissed	Total
Parole	18	13	34	2	67
Medical	6	4	26	2	38
Legal	75	10	25	0	110
Placement	12	13	27	2	54
Property	8	8	24	3	43
Program	15	7	21	3	46
Discrimination	1	0	1	0	2
Records	16	6	12	3	37
Rules	10	17	62	5	94
Threats	2	1	7	1	11
Other	14	30	65	11	120
TOTAL:	177	109	304	32	622

Table IX

Referrals

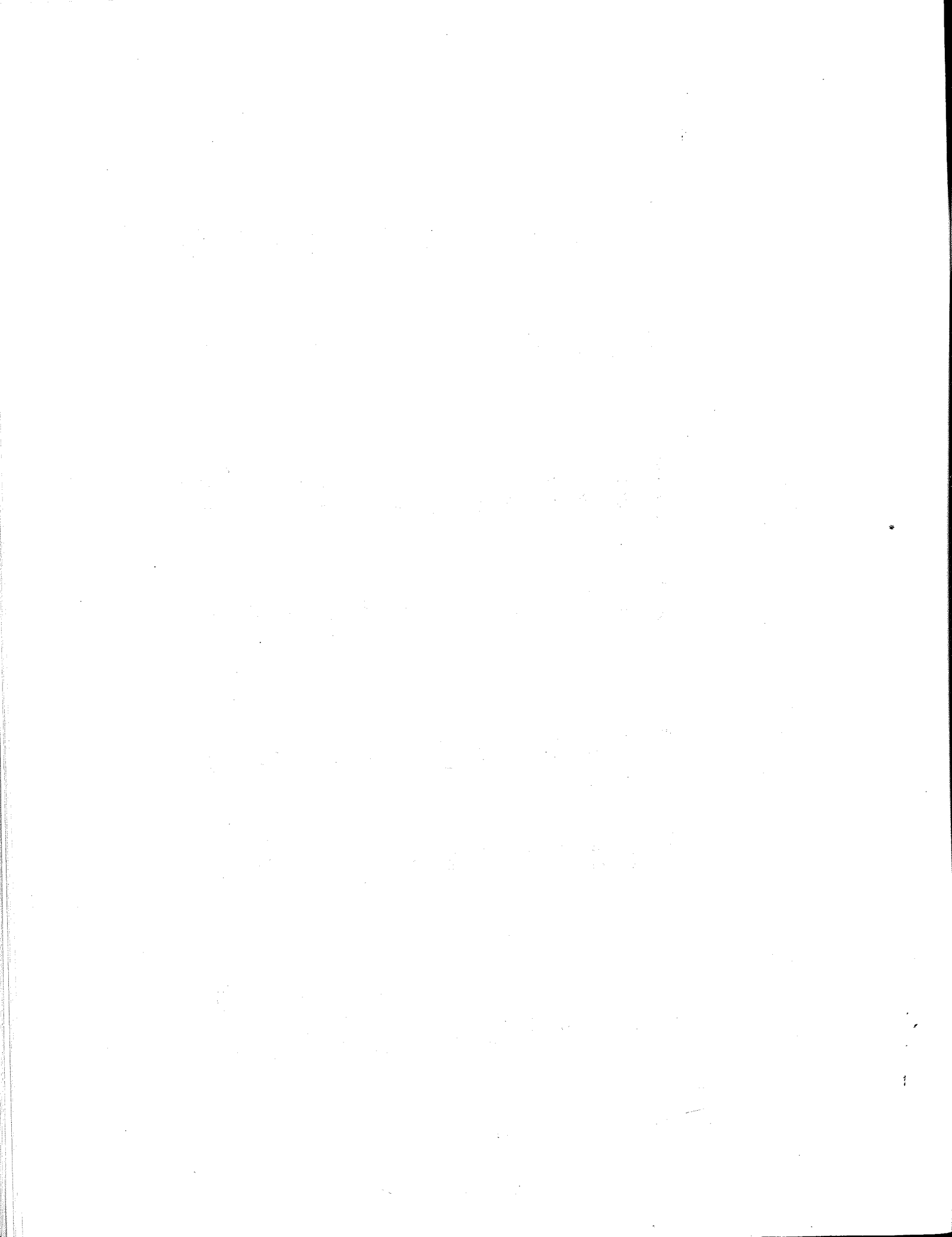
Legal Assistance to Minnesota Prisoners	20
Legal Advocacy Program	14
State Public Defender	16
House/Senate Claims Commission	12
Private Attorney	14
Institution Staffs	68
Other**	39
TOTAL:	183*

* Unopened cases not included

** Includes organizations to which fewer than four referrals were made during F.Y. 1981-82.

Table X
Case Distribution Comparison
F. Y. 1981 - F. Y. 1982

Category	F.Y. 1981		F.Y. 1982		Change F.Y.1982-F.Y.1981	
	Number	Percent	Number	Percent	Number	Percent
Parole	408	15.1	282	10.8	-126	-4.3
Medical	215	8.0	178	6.8	-37	-1.2
Legal	200	7.4	201	7.7	+01	+0.3
Placement	293	10.9	214	8.1	-79	-2.8
Property	265	9.8	313	12.0	+48	+2.2
Program	358	13.2	383	14.7	+25	+1.5
Discrimination	14	0.1	19	0.7	+5	+0.6
Records	99	3.6	181	6.9	+82	+3.3
Rules	424	15.6	376	14.4	-48	-1.2
Threats	142	5.2	171	6.5	+29	+1.3
Other	301	11.1	297	11.4	-4	+0.3
TOTAL:	2,719	100.0%	2,615	100.0%	-104	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 matter 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 counsel. 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 1982

OMBUDSMAN POLICY RECOMMENDATIONS

Recommendations Accepted.....16

Recommendations Rejected..... 1

TOTAL17

The Ombudsman recommended:

1. That the existing inmate pass system at Minnesota Correctional Facility - Stillwater (MCF-STW) in Cell Hall D be used to govern inmate movement in and out of the unit.

Issued: *July 10, 1981*
Response: *August 7, 1981 - accepted.*

2. That the MCF-STW policy on notification of an inmate's family concerning his involuntary transfer to another prison or jail be reviewed and appropriate changes made to provide for proper notification.

Issued: *August 12, 1981*
Response: *August 14, 1981 - accepted.*

3. That the Department of Corrections review its furlough policy criteria in relation to prior offenses and clarify where indicated.

Issued: *August 28, 1981*
Response: *September 8, 1981 - accepted; policy reviewed, no changes needed.*

4. That MCF-STW amend its Inmate Discipline Plan to reflect that whereas mental illness may be considered as a mitigating factor in the disposition of a case, it is not acceptable as a defense for an inmate.

Issued: *November 13, 1981*
Response: *September 12, 1982 - accepted.*

5. That the Hennepin County Adult Corrections Facility for Men amend its inmate discipline plan to exclude caseworkers from serving as hearing officers on cases involving their clients.

Further, that correctional officers nor their immediate supervisors be permitted to serve as hearing officers on cases where they were the charging officers.

Issued: *November 19, 1981*
Response: *December 7, 1981 - accepted.*

6. That the MCF-STW staff be instructed as to the proper use of the Personal Property and Hobby Craft Dispositional Request form 385 and be required to use it accordingly.

Issued: *December 3, 1981*
Response: *February 2, 1982 - accepted.*

7. That Minnesota Correctional Facility - Red Wing (MCF-RW) not use its restitution policy to force a resident to pay for breaking his eye glasses.

Issued: *January 5, 1982*
Response: *January 8, 1982 - rejected.*
Reissued: *January 13, 1982*
Response: *January 14, 1982 - accepted.*

8. That MCF-STW Mental Health Unit either proceed with a commitment hearing according to the due process requirement of MS 243 A .04 Sub. 3 or discharge an inmate from the Mental Health Unit.

Issued: *January 15, 1982*
Response: *February 10, 1982 - accepted.*

9. That MCF-STW revise its property inventory policy to allow for disposal of spoiled or partially opened food packages.

10. That MCF-STW be required to separate food stuff from mail and clothing during storage.

Issued: *January 21, 1982*
Response: *October 13, 1982 - accepted. Policy actually implemented shortly after the recommendation was made. Administrator did not realize the Ombudsman required a formal response.*

11. That the Wisconsin Division of Corrections deliver mail from Minnesota Ombudsman to Wisconsin inmates unopened.

Issued: *February 10, 1982*
Response: *February 18, 1982 - accepted.*

12. That the Hennepin County Home School develop and implement a resident disciplinary due process system.

Issued: *February 12, 1982*
Response: *April 30, 1982 - accepted; during meeting with
Ombudsman and field investigator.*

13. That Hennepin County Home School provide mattress and bedding to all residents on room restrictions unless it is being destroyed by the resident.

14. That residents on room restrictions be provided one hour exercise outside of the room without regards to whether it has been "earned".

15. That residents on room restriction be required to wear a robe only when there is documented evidence that the resident is a "run" risk.

Issued: *February 12, 1982*
Response: *June 23, 1982 - accepted.*

16. That MCF-STW grant back pay to inmates reinstated on their jobs after not being charged for a rules infraction.

Issued: *April 1, 1982*
Response: *April 29, 1982 - rejected.*

17. That Minnesota Correctional Facility - St. Cloud (MCF-SCL) provide inmates with proper instructions on the use of weight lifting equipment in the cell blocks before permitting them to use such equipment.

Issued: *June 30, 1982*
Response: *July 19, 1982 - accepted.*