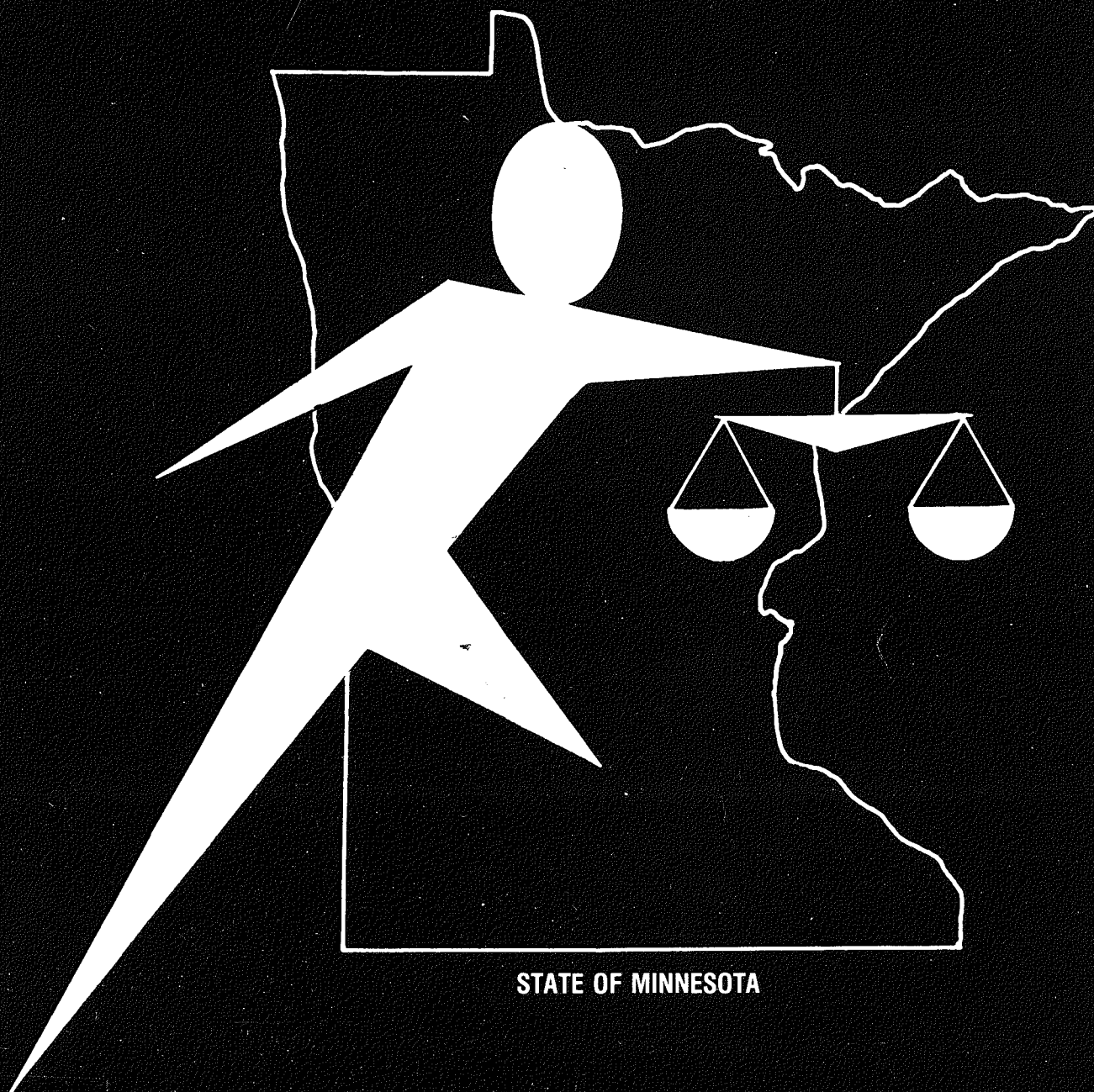




OMBUDSMAN FOR CORRECTIONS



STATE OF MINNESOTA

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1983/84

**FISCAL YEAR
1984
ANNUAL REPORT**

Pursuant to Mn Stat 241.45, sd 2



STATE OF MINNESOTA

**REPORT OF
THE OMBUDSMAN FOR CORRECTIONS
FOR THE PERIOD
JULY 1, 1983 — JUNE 30, 1984**

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

from
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October 1984

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INTRODUCTION

The Minnesota Ombudsman for Corrections was established in 1972 by an Executive Order issued by the Governor of Minnesota.

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 for resolving their grievances involved violence.

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

By State Legislative action, the Office of Ombudsman for Corrections was established as an independent State agency in 1973.

Since inception of this program in 1972, substantial changes have occurred in the Minnesota Corrections system which have affected the Ombudsman's activities. In the Corrections system, the Parole Board changed from part time to full time operation and was subsequently abolished; a Sentencing Guidelines Commission was created; due process was introduced into the inmate disciplinary system; and a new maximum security prison at Oak Park Heights was built and opened.

Each of these changes has had some measure of effect upon the Ombudsman program and a pronounced effect upon inmate life in the institutions. 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.

The three years, from 1977 to 1980, represented a challenging 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 accounted for the program's capacity to absorb increased jurisdiction and caseload during those years.

Between 1980 and 1982, the Ombudsman program underwent some retrenchment because of the impact of the economic recession on State revenues. One professional and two intern positions were eliminated. The level and quality of caseload service were not adversely affected by the loss of these positions because the focus on service delivery rather than legislative research was retained by investigative staff. However, the administrative and research tasks of the eliminated positions have accrued to the Ombudsman, which impacts on his ability to address policy issues on the administration of justice in the Corrections system at legislative and administrative hearings.

Fiscal year 1984 was the first full year of management of the office by a successor to the first Ombudsman who had served since 1972. No significant changes in program were made when the new Ombudsman assumed his responsibilities, as it was felt that the program had been successful through previous years and should remain intact.

However, the necessity to maintain an emphasis on policy issues with fewer staff positions than previously has led to initiation of a system to automate data collection and retrieval. This effort will proceed into the next biennium.

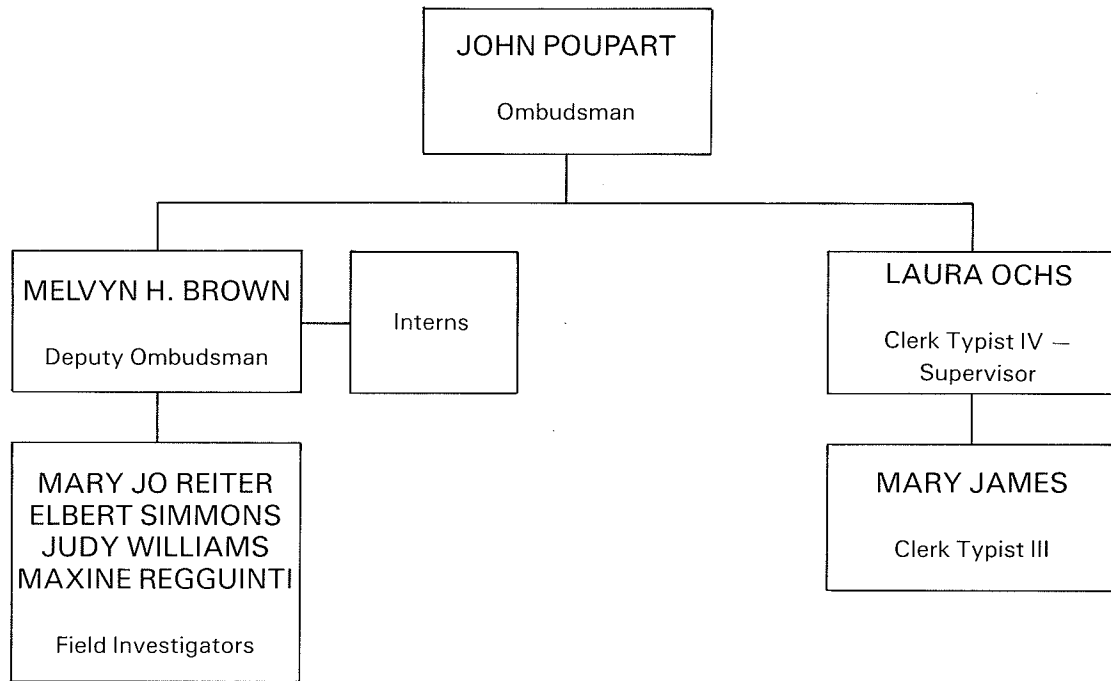
The Ombudsman is an integral component of the Minnesota Corrections system. Both the Ombudsman and Corrections officials work to maintain the independence of the Office of the Ombudsman as an adjunct to the Corrections system.

This report summarizes the Fiscal Year 1984 activities of the Office of the Ombudsman for Corrections. The report presents information on the current status of the program through an analysis of the nature and sources of case intake, illustrations of case outcomes, and a summary of policy recommendations and responses.

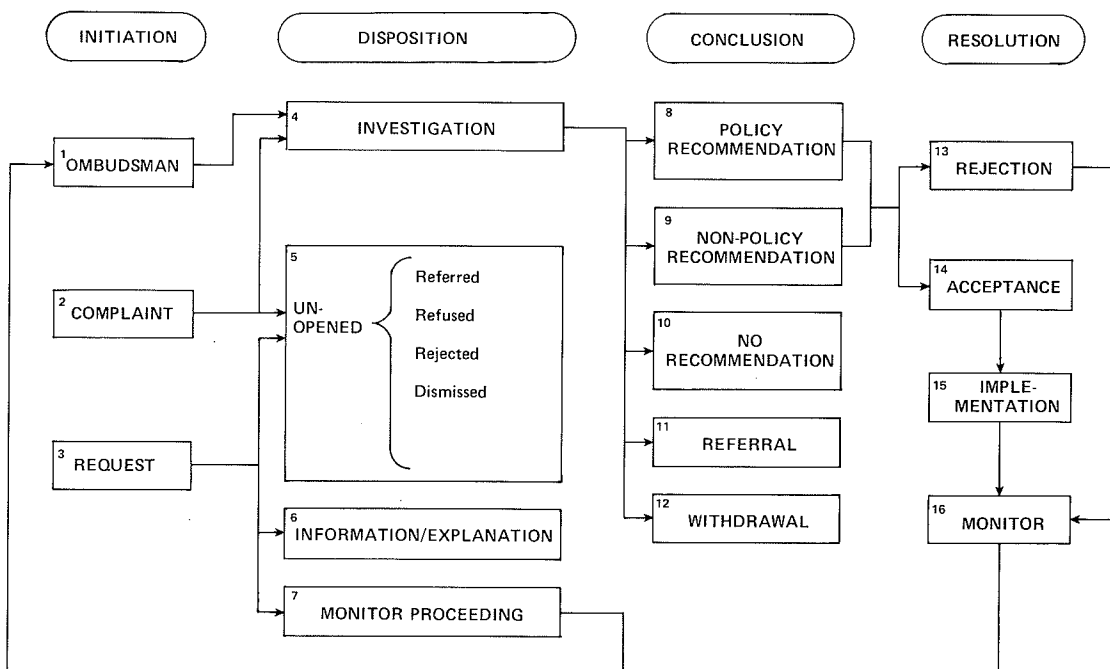
BUDGET — FISCAL YEAR 1984

| | <u>ORIGINAL</u> | <u>ACTUAL EXPENDITURES</u> |
|--|-----------------|--------------------------------|
| Personnel Services | 242,077 | 229,255 |
| Rents & Leases | 19,900 | 19,045 |
| Printing & Binding | 2,100 | 1,905 |
| Professional/Technical Services Contracts | 0 | 465 |
| Communication | 4,300 | 4,348 |
| Travel | 12,200 | 9,812 |
| Fees/Other Fixed Charges | 300 | 139 |
| Office Supplies, Equip- ment and Repairs | 3,200 | 2,398 |
| TOTALS | 284,077 | 267,367 |
| Closing Budget Adjust- ment (Cancellations) | 16,710 | |
| GRAND TOTAL | 267,367 | |

**FIGURE I
ORGANIZATION CHART**



**FIGURE II
CASE PROCESSING PROCEDURE**



OMBUDSMAN ACTIVITIES

SPECIAL INVESTIGATION OF STILLWATER PRISON DISTURBANCE

A major disruption occurred at Stillwater State Prison on September 11, 1983. Early reports referred to the incident as a riot, but on further observation and inquiry it became apparent the situation was more properly termed a major disturbance.

The Ombudsman responded as soon as he was notified and had staff at the prison in the days immediately following the disruption. Investigation was conducted into the causes of the incident and the events that occurred through its duration. Within thirty days of the disturbance the Ombudsman's investigation was completed, a twenty-page report and analysis was issued, and ten recommendations were forwarded to Corrections officials.

The Ombudsman's involvement with the situation and its aftermath continued with monitoring of inmate disciplinary actions relating to the disturbance, and will extend to the 1985 Legislative Session when final disposition is made on the claims of inmates whose personal property was lost when staff relinquished control of the unit to the disputant groups.

A synopsis of the Ombudsman's recommendations regarding this matter appears in the Policy Recommendations section of this report. A copy of the special report may be obtained from the Ombudsman's office.

STATUTORY GOOD TIME

The computation and administration of statutory Good Time (Minnesota Statute 244.04) was the subject of complaints and confusion following enactment of the Determinate Sentencing law in 1980. Subsequent legislation clarified the issue as to the vesting of Good Time and the discretionary restoration of Good Time previously lost as a disciplinary measure. Remaining at issue during 1983-84, however, were apparently conflicting statutory provisions relating to Good Time and Supervised Release.

The Ombudsman's position on these matters was formally presented to Corrections officials in May, 1983. The questions raised were referred to the Department's Assistant Attorney General, who responded to the Department the following month. An informational copy of that analysis was provided to the Ombudsman in August, 1983; no reply was made on the specific concerns regarding administration of the contradictory provisions.

An inmate who was being detained in disciplinary segregation beyond his Supervised Release Date as determined by his earned and vested Good Time filed a Petition for Writ of Habeas Corpus, which was heard in Tenth District Court on January 6, 1984. On February 16, the court granted the petition and ordered that the inmate's term of incarceration be reduced by his earned and vested Good Time notwithstanding the balance of his sentence to disciplinary confinement.

The 1984 Legislature further amended the Good Time and Supervised Release sections of the statutes to defer Supervised Release Dates until completion of punitive segregation confinement, in effect codifying the past practice which the court had disallowed.

GUARDIAN AD LITEM

For several years the Ombudsman, or his designee, served as guardian *ad litem* for Stillwater and St. Cloud inmates on whom petitions for commitment as mentally ill persons had been filed. It had been the practice to designate an inmate's defense counsel as guardian *ad litem* during commitment hearings, and the inherent conflict was recognized by officials in the Departments of Corrections and (then) Public Welfare and the courts serving Washington and Stearns Counties, who called upon the Ombudsman to fulfill this role.

Subsequent legislative action eliminated the guardian *ad litem* in adult commitment proceedings, and in the absence of a statutory provision for that position the Ombudsman ceased to participate in such hearings except at an inmate's request.

On June 20, 1984, the judges, principally chambered in Washington County, requested in writing that the Ombudsman resume the function of guardian *ad litem* at adult commitment proceedings heard by them. The Ombudsman is pleased to resume this service.

DATA PRIVACY

Access to Department of Corrections personnel records by the Ombudsman for Corrections was altered due to recent data privacy legislation. The Ombudsman no longer has unlimited access to these personnel records by virtue of a written opinion from the Minnesota Attorney General to the Department of Corrections who advised them not to allow access by the Ombudsman to data that is not public. Of course the Ombudsman, by statute, has subpoena power. Presently the status of this statutory device to obtain access of those records which are not public has not been determined. It has not been necessary to use this subpoena power.

FUTURE DIRECTION

The Office of the Ombudsman for Corrections handled over 3,200 contacts in 1983 — 84 from inmates, their families, correctional staff and concerned citizens. The Ombudsman, as mandated, conducts investigations of complaints and makes recommendations to the Corrections Department, and performs a variety of other program and policy functions related to the State and some local correctional systems in Minnesota.

Over the next three years, the greatest potential for increase in contacts to the Ombudsman's office is in the regional and local facilities, which have an average daily population greater than that of the State correctional facilities. The office already receives total contacts at the rate of 1.2 per every person imprisoned in State institutions per year.

In order to respond in a timely and substantive manner to contacts, and to absorb any increase in complaint investigation without an increase in staff, an automated data management system based on micro-computers will be necessary.

This will permit more effective deployment of staff and will permit the analysis of data necessary to develop policy recommendations designed to reduce complaints. Also, this one time expenditure will lead to a reconfiguration of staff activity, permitting more staff time to be spent on forecasting problem situations and resolving them at the policy level before they become volatile.

The increasingly complex nature of prisoner complaints and situations, involving legal, mental health, refugee and foreign language, drug pharmacology, and other issues, require increasing staff sophistication. Management of this change will be accomplished by topical staff development programs.

In summary, management of an increasing and changing caseload to which the Ombudsman is mandated to respond will be accomplished through automation and training.

FORMAL RECOMMENDATIONS

Of the 3,200 contacts the Ombudsman's office received in fiscal year 1984, most were handled at the level at which the complaint occurred with few requiring a formal policy recommendation by the Ombudsman. In a formal recommendation, the Ombudsman may advise an administrative agency to consider the matter further, to modify or cancel its actions, to alter a regulation or ruling, to explain the actions more fully or to take any other step the Ombudsman deems appropriate.

Following are the formal written recommendations the Ombudsman made in fiscal year 1984 and the response from the agency to whom the recommendation was made.

1. DISCIPLINE — Hennepin County Home School

RECOMMENDATION (July 12, 1983)

That a policy and procedure be developed to provide fairness and consistency in placing residents in disciplinary confinement.

RESPONSE (September 8, 1983)

Policy and procedures were issued effective September 8, 1983.

2. TRAINING — Hennepin County Juvenile Facilities

RECOMMENDATION (August 17, 1983)

That because security staff at these facilities have extensive contact with residents, they be required to have training in human relations and intercultural relations.

RESPONSE (September 7, 1983)

Training objectives were revised, effective September 7, 1983, to make such training available for staff at these facilities in all classifications.

3. CANTEEN — Hennepin County Juvenile Facilities

RECOMMENDATION (August 17, 1983)

That staff be prohibited from accepting canteen (refreshments or other gifts) from residents.

RESPONSE (October 19, 1983)

Token Economy Standards were revised, effective October 19, 1983, to clarify procedures and to strengthen the prohibition on exchanges of canteen and related items between staff and residents.

4. PERSONAL PROPERTY OF NEW ADMISSIONS — MCF — Shakopee

RECOMMENDATION (September 23, 1983)

That personal property of new inmate admissions be inventoried and receipted if valued at more than \$25.00 and stored by the facility during the admissions process.

RESPONSE (October 18, 1983)

The present policy will be maintained due to limited staff and storage space; the institution expects that inmates will assume responsibility for their property or arrange to have it sent out (some small items excepted).

5. CONFINEMENT CONDITIONS — Hennepin County Adult Women

RECOMMENDATION (November 17, 1983)

That out-of-cell exercise periods be provided daily for inmates on disciplinary and administrative segregation status, consistent with accepted standards.

RESPONSE (December 1, 1983)

Procedures were issued December 1, and implemented December 5, 1983, to provide two daily periods of out-of-cell exercise for separated residents.

6. JAIL CREDIT ADJUSTMENTS — Department of Corrections

RECOMMENDATION (April 23, 1984)

That the Department of Corrections' Office of Adult Release adjust the release dates of inmates whose jail credit was incorrectly computed when their sentences were calculated according to the Minnesota Corrections Board matrix in effect at the time of sentencing.

RESPONSE (May 2, 1984)

No action was taken by the Office of Adult Release for the stated reason that the affected inmates had not brought the error to the attention of the Minnesota Corrections Board at or subsequent to sentencing. (NOTE: By Legislative action, the Minnesota Corrections Board was dissolved after the sentences in questions were imposed. Although arrested on the same date and given identical sentences, the two inmates involved had a six-day discrepancy in their release dates which they became aware of when they were placed in the same facility several years after their incarceration began.)

STILLWATER PRISON DISTURBANCE

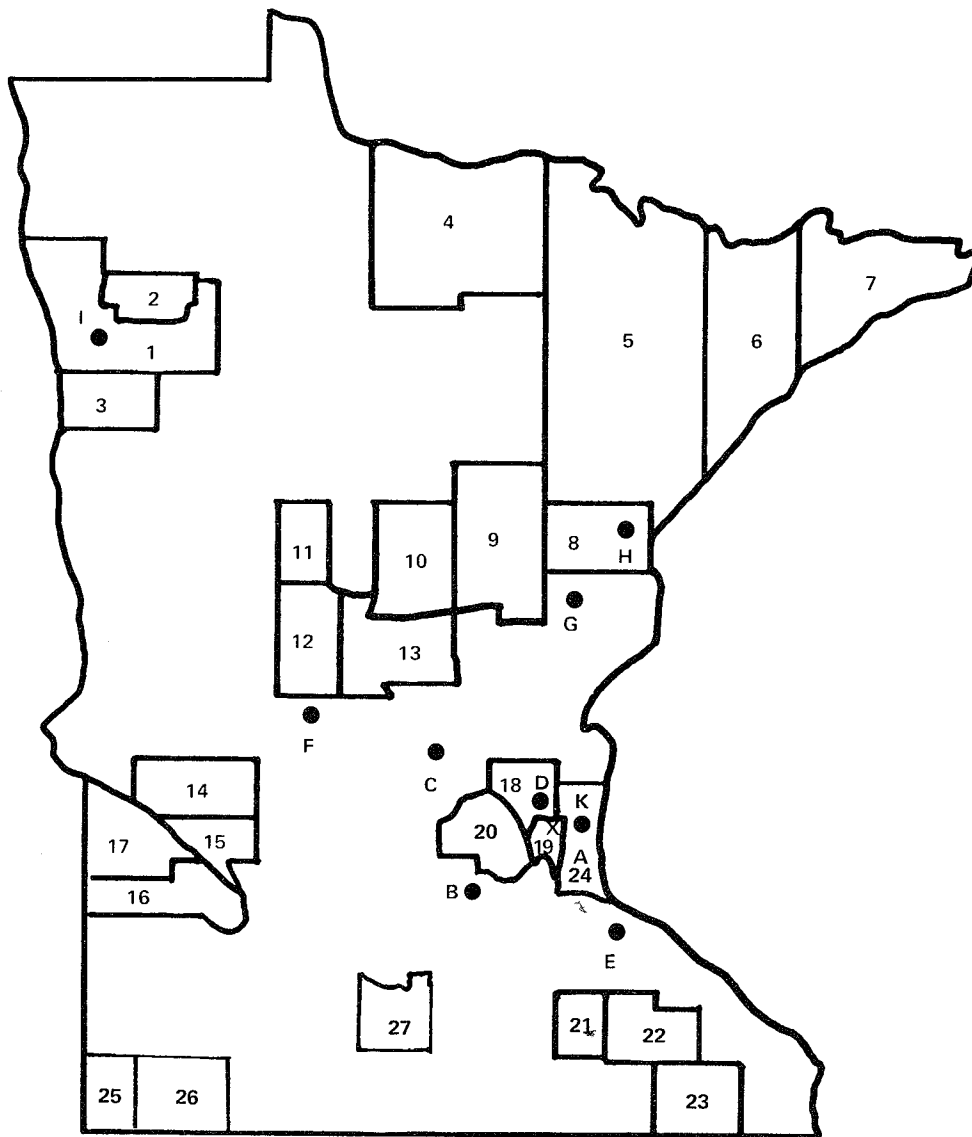
Following the Ombudsman's special investigation into the major disturbance at MCF-Stillwater on September 11, 1983, the following recommendations were forwarded to Department of Corrections officials, with the responses indicated.

RECOMMENDATION (October 14, 1983)

1. Expand efforts to recruit minority staff members.
2. Include human relations training in academy coursework.
3. Reactivate the Cell Hall Advisory Council.
4. Purchase, install, and use videotaping equipment to provide thorough coverage and an accurate record for assessment of incidents.
5. Study the feasibility of storing emergency equipment in the cell block tunnels.
6. Improve procedures for regulating and monitoring unscheduled gatherings.
7. Install catwalks in cell halls for observation of inmate activities.
8. Require that Tower staff log incidents which occur in the yard.
9. Equalize telephone access among racial groups.
10. Conduct a study to determine why racial minorities are disproportionately represented among inmate populations in Minnesota.

RESPONSE (October 20, 1983)

1. Accepted.
2. Accepted; Race Relations Inservice Training was also included in the program as of January 19, 1984.
3. Accepted.
4. Accepted.
5. Taken under advisement.
6. Taken under advisement; policy issued December 20, 1983.
7. Taken under advisement.
8. Accepted.
9. Accepted.
10. Rejected as being beyond the scope of the prison administration.



Community Corrections Act Counties

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. Lac Qui 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 (19)

Department of Corrections Facilities

- | | |
|------------|---|
| 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. RGL | — NE Regional Corrections Center-Saginaw |
| I. RGL | — NW Regional Corrections Center-Crookston |
| K. MCF-OPH | — Minnesota State Prison, Oak Park Heights |

TYPES OF CONTACTS

Every contact received is categorized to make annual comparisons and identify trends. Prior to the current year, eleven categories were utilized. However, during fiscal year 1984, the "Other" category was further divided to establish three additional areas. Each contact received is then assigned to one of the following:

Parole — Concerning any matter under the jurisdiction of the releasing authority, e.g., work release, supervised release, 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 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.

Mail — Anything that may impact upon the normal, legal flow of mail in or out of an institution or how it is handled by institution staff.

Hygiene — Having to do with access to supplies and necessities for personal hygiene or the hygiene of physical surroundings.

Services (Institution) — Regarding heat, water, window screens, blankets, etc.

Other — Contacts not covered in the previous categories, e.g., food, etc.

CASE EXAMPLES

LEGAL

During his incarceration an inmate learned that he had inherited real property in another state from a deceased relative. The inmate and his immediate family had not maintained contact since his imprisonment on a life sentence, but when he learned that he was terminally ill he sought the Ombudsman's assistance in locating his family in order to pass his inheritance on to them. Investigators were able to locate six of nine relatives named and the inmate had the opportunity to have a will drawn up before his death.

PLACEMENT

An inmate whose father was terminally ill had been sentenced and was to be transferred from the county jail to a regional correctional facility before his father could be brought for a visit. The Ombudsman obtained the consent of the county and State officials in an effort to persuade the court to order that the inmate be held at the jail until the visit could be arranged. The court consented to the request and ordered the inmate held for a final visit with his father.

RECORDS

A 1982 conviction resulted in an inmate receiving a 15 year sentence, which was reduced on appeal to 108 months. The presumptive sentence for the inmate's offense was 54 months at the time of the appeal, and the court doubled the term in its decision. The Minnesota Sentencing Guidelines Commission subsequently revised the guidelines affecting such sentences, but the inmate learned that his sentence had not been reduced accordingly. His attorney contacted the Ombudsman for information and assistance. The Department of Corrections confirmed that the inmate was eligible to have his sentence recalculated on the basis of the new presumptive sentence of 43 months. Documentation was submitted to the court for its consideration in appropriately resentencing the inmate.

RULES

An inmate on the Work Release Program had an opportunity to resume his career as a musician. The band's engagement began four days before the inmate's discharge from custody but was at a location beyond the 50 mile travel limit permissible for persons in supervised release programs. His parole officer could not grant a rule exception unless it was approved by the court, and was not inclined to seek one since the new employment was unrelated to the Work Release Program. The Ombudsman explained the inmate's situation to the court, which issued an order that he be furloughed for travel on the days in question in order to accept the offer of continued employment.

Table I
CONTACTS RECEIVED

| MONTH | OPENED | UNOPENED | TOTAL |
|------------|--------|----------|-------|
| July | 155 | 70 | 225 |
| August | 206 | 80 | 286 |
| September | 203 | 72 | 275 |
| October | 202 | 56 | 258 |
| November | 215 | 42 | 257 |
| December | 154 | 41 | 195 |
| January | 262 | 57 | 319 |
| February | 203 | 35 | 238 |
| March | 259 | 34 | 293 |
| April | 262 | 38 | 300 |
| May | 215 | 45 | 260 |
| June | 268 | 38 | 306 |
| TOTALS | 2,604 | 608 | 3,212 |
| PERCENTAGE | 81.1 | 18.9 | 100% |

Table II
METHODS OF COMMUNICATION

| TYPE | CLOSED | UNOPENED | TOTAL |
|---------------------|--------|----------|-------|
| Written Direct | 779 | 145 | 924 |
| Written Indirect | 54 | 5 | 59 |
| Personal Direct | 551 | 62 | 613 |
| Personal Indirect | 26 | 1 | 27 |
| Telephone Direct | 974 | 344 | 1,318 |
| Telephone Indirect | 179 | 51 | 230 |
| Ombudsman Initiated | 28 | 0 | 28 |
| TOTAL | 2,591 | 608 | 3,199 |

Table III
CASELOAD SUMMARY

| | |
|---------------------------------|-------|
| Carried Over from F.Y. 1983 | 79 |
| F.Y. 1984 Contacts Received | 3,212 |
| | <hr/> |
| F.Y. 1984 Caseload | 3,291 |
| ----- | |
| F.Y. 1984 Caseload Disposition: | |
| Cases Closed | 2,591 |
| Unopened Cases | 608 |
| | <hr/> |
| TOTAL | 3,199 |
| | |
| Cases Carried Over to F.Y. 1985 | 92 |

Table IV
CLOSED CASES DISTRIBUTION COMPARISON

| CATEGORY | F.Y. 1983 | | F.Y. 1984 | |
|----------------|-----------|---------|-----------|---------|
| | NUMBER | PERCENT | NUMBER | PERCENT |
| Parole | 196 | 6.7 | 160 | 6.2 |
| Medical | 252 | 8.7 | 254 | 9.8 |
| Legal | 236 | 8.1 | 170 | 6.5 |
| Placement | 287 | 9.9 | 296 | 11.4 |
| Property | 261 | 9.0 | 240 | 9.3 |
| Program | 421 | 14.5 | 310 | 11.9 |
| Discrimination | 10 | 0.3 | 53 | 2.0 |
| Records | 144 | 5.0 | 172 | 6.6 |
| Rules | 449 | 15.5 | 470 | 18.1 |
| Threats/Abuse | 217 | 7.5 | 218 | 8.4 |
| Other* | 428 | 14.8 | 252* | 9.8 |
| TOTAL | 2,901 | 100.0% | 2,591 | 100.0% |

*During F.Y. 1984 Other was divided into additional sections to separately identify concerns involving mail, hygiene, and institutional services; the present categories (Mail, Hygiene, Services and Other) have been consolidated for comparison to F.Y. 1983 figures.

| | | |
|----------|-------|-----|
| Mail | 75 | 2.9 |
| Hygiene | 20 | 0.8 |
| Services | 13 | 0.5 |
| Other | 144 | 5.6 |
| | <hr/> | |
| | 252 | 9.8 |

Table V
INSTITUTION ADULT POPULATION
CLOSED CASES COMPARISON

Department of Corrections accounted for 1,981 (76.5%) of the Ombudsman's total closed cases for Fiscal Year 1984.

| INSTITUTIONS | AVERAGE DAILY POPULATION | PERCENTAGE OF ADULT AVERAGE DAILY POPULATION | NUMBER OF CASES CLOSED | PERCENTAGE OF CASES CLOSED |
|------------------------------|--------------------------------|--|------------------------------|----------------------------------|
| Stillwater | 1,029 | 45.4 | 791 | 39.9 |
| Oak Park Heights | 311 | 13.7 | 476 | 24.0 |
| St. Cloud | 592 | 26.1 | 510 | 25.7 |
| Lino Lakes | 198 | 8.7 | 114 | 5.8 |
| Shakopee | 69 | 3.1 | 79 | 4.0 |
| Willow River and Regional | 67 | 3.0 | 11 | 0.6 |
| TOTALS | 2,266 | 100% | 1,981 | 100% |

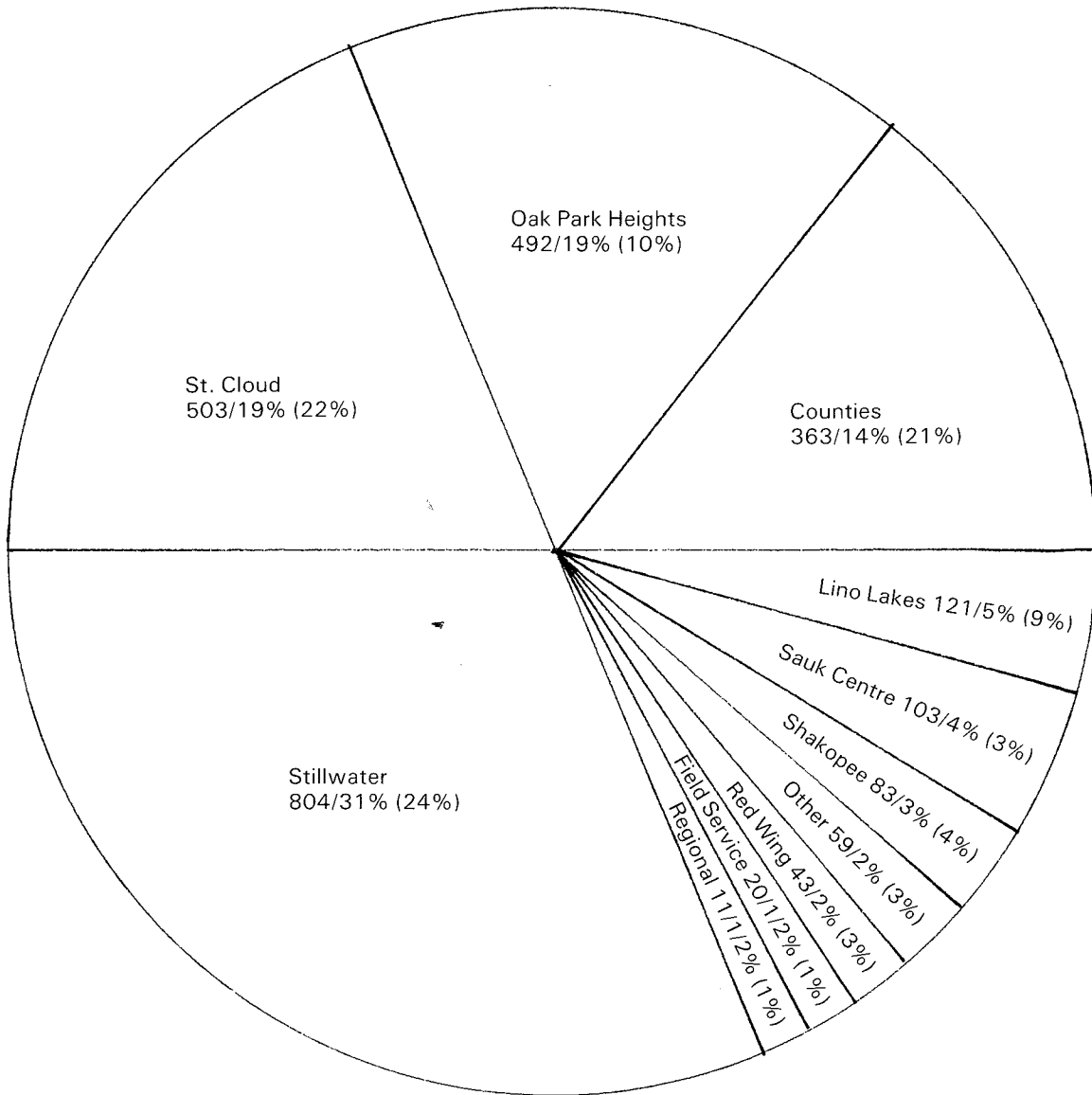
Table VI
REFERRALS*

| | |
|---|------------|
| Legal Assistance to Minnesota Prisoners | 18 |
| State Public Defender | 9 |
| House/Senate Claims Commission | 12 |
| Department of Corrections | 5 |
| Private Attorney | 4 |
| Institution Staff | 55 |
| Other** | 24 |
| TOTAL | 127 |

*Unopened cases are not included.

**Other category contains organizations to which fewer than four referrals were made during F.Y. 1984.

FIGURE IV
OPENED CASE DISTRIBUTION



F.Y. 1984 Opened Case Distribution By Institution: Number of Cases/Percentage of Total (F.Y. 1983 Percentage of Total)

Table VII
TOTAL CASES CLOSED

| CATEGORY | STW | OPH | SCL | CTY | RW | LL | SHK | SCR | WRC | RGL | FS | OTHER | TOTAL |
|----------------|------------|------------|------------|------------|-----------|------------|-----------|------------|----------|-----------|-----------|-----------|--------------|
| Parole | 77 | 10 | 12 | 13 | 6 | 18 | 2 | 9 | 0 | 0 | 3 | 10 | 160 |
| Medical | 85 | 49 | 34 | 35 | 2 | 11 | 23 | 9 | 0 | 2 | 0 | 4 | 254 |
| Legal | 30 | 17 | 50 | 39 | 7 | 6 | 2 | 6 | 0 | 0 | 2 | 11 | 170 |
| Placement | 129 | 48 | 52 | 24 | 5 | 6 | 4 | 16 | 1 | 0 | 3 | 8 | 296 |
| Property | 70 | 53 | 53 | 30 | 7 | 9 | 5 | 5 | 0 | 1 | 3 | 4 | 240 |
| Program | 100 | 47 | 85 | 39 | 2 | 20 | 8 | 5 | 0 | 1 | 3 | 0 | 310 |
| Discrimination | 14 | 11 | 14 | 8 | 0 | 3 | 0 | 2 | 0 | 0 | 0 | 1 | 53 |
| Records | 80 | 32 | 37 | 9 | 1 | 9 | 0 | 1 | 0 | 1 | 2 | 0 | 172 |
| Rules | 118 | 128 | 46 | 86 | 7 | 21 | 22 | 33 | 0 | 3 | 0 | 6 | 470 |
| Threats/Abuse | 23 | 39 | 72 | 45 | 7 | 2 | 6 | 16 | 0 | 0 | 2 | 6 | 218 |
| Mail | 17 | 19 | 17 | 7 | 1 | 4 | 2 | 7 | 0 | 0 | 0 | 1 | 75 |
| Hygiene | 4 | 4 | 4 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 20 |
| Services | 5 | 1 | 2 | 3 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 13 |
| Other | 39 | 18 | 32 | 27 | 6 | 5 | 3 | 4 | 0 | 2 | 1 | 7 | 144 |
| TOTAL | 791 | 476 | 510 | 372 | 51 | 114 | 79 | 108 | 1 | 10 | 20 | 59 | 2,591 |

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

Table VIII
COMPLAINT CASES CLOSED

| CATEGORY | STW | OPH | SCL | CTY | RW | LL | SHK | SCR | WRC | RGL | FS | OTHER | TOTAL |
|----------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|----------|-----------|-----------|-----------|--------------|
| Parole | 60 | 7 | 9 | 13 | 5 | 13 | 2 | 7 | 0 | 0 | 3 | 7 | 126 |
| Medical | 85 | 48 | 31 | 30 | 2 | 10 | 22 | 9 | 0 | 2 | 0 | 3 | 242 |
| Legal | 20 | 14 | 26 | 17 | 5 | 4 | 1 | 4 | 0 | 0 | 2 | 6 | 99 |
| Placement | 121 | 40 | 39 | 18 | 44 | 6 | 4 | 12 | 1 | 0 | 3 | 4 | 252 |
| Property | 68 | 40 | 46 | 28 | 7 | 7 | 5 | 5 | 0 | 1 | 3 | 4 | 214 |
| Program | 98 | 46 | 72 | 32 | 1 | 17 | 7 | 4 | 0 | 1 | 2 | 0 | 280 |
| Discrimination | 13 | 11 | 13 | 6 | 0 | 3 | 0 | 2 | 0 | 0 | 0 | 1 | 49 |
| Records | 78 | 28 | 29 | 8 | 1 | 6 | 0 | 1 | 0 | 1 | 1 | 0 | 153 |
| Rules | 115 | 115 | 38 | 78 | 7 | 20 | 19 | 32 | 0 | 3 | 0 | 6 | 433 |
| Threats/Abuse | 23 | 38 | 69 | 44 | 7 | 2 | 6 | 15 | 0 | 0 | 2 | 6 | 212 |
| Mail | 17 | 18 | 12 | 7 | 1 | 2 | 1 | 2 | 0 | 0 | 0 | 1 | 61 |
| Hygiene | 4 | 4 | 3 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 19 |
| Services | 5 | 0 | 2 | 3 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 11 |
| Other | 36 | 15 | 18 | 25 | 4 | 3 | 3 | 1 | 0 | 2 | 1 | 2 | 110 |
| TOTAL | 743 | 424 | 407 | 316 | 44 | 93 | 71 | 94 | 1 | 10 | 17 | 41 | 2,261 |

Table IX
REQUEST CASES CLOSED

| CATEGORY | STW | OPH | SCL | CTY | RW | LL | SHK | SCR | WRC | RGL | FS | OTHER | TOTAL |
|----------------|-----------|-----------|------------|-----------|----------|-----------|----------|-----------|----------|----------|----------|-----------|------------|
| Parole | 17 | 3 | 3 | 0 | 1 | 5 | 0 | 2 | 0 | 0 | 1 | 3 | 35 |
| Medical | 0 | 1 | 3 | 5 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 12 |
| Legal | 10 | 3 | 24 | 22 | 2 | 2 | 1 | 2 | 0 | 0 | 0 | 5 | 71 |
| Placement | 8 | 8 | 13 | 6 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | 4 | 44 |
| Property | 2 | 13 | 7 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 26 |
| Program | 2 | 1 | 13 | 7 | 1 | 3 | 1 | 1 | 0 | 0 | 1 | 0 | 30 |
| Discrimination | 1 | 0 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 |
| Records | 2 | 4 | 8 | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 1 | 0 | 19 |
| Rules | 3 | 13 | 8 | 8 | 0 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | 37 |
| Threats/Abuse | 0 | 1 | 3 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 6 |
| Mail | 0 | 1 | 5 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 9 |
| Hygiene | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Services | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 |
| Other | 3 | 3 | 14 | 2 | 2 | 2 | 0 | 3 | 0 | 0 | 0 | 5 | 34 |
| TOTAL | 48 | 52 | 103 | 56 | 7 | 21 | 8 | 14 | 0 | 0 | 3 | 18 | 330 |

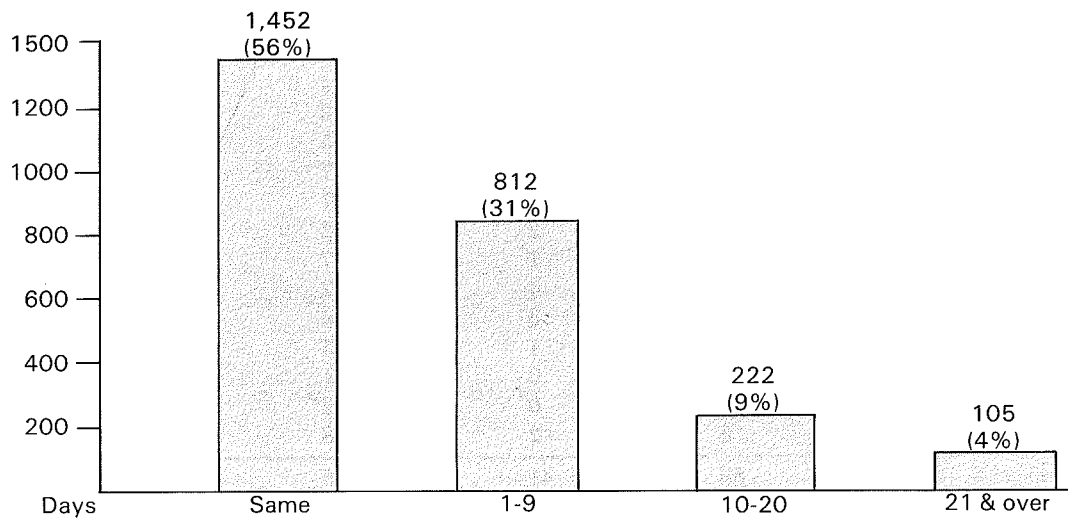
Table X
CASE RESOLUTION BY CATEGORY
(Cases Closed Only)

| CATEGORY | FULL | PARTIAL | NONE | WITHDRAWN | REFERRED | TOTAL |
|-------------------|--------------|------------|------------|------------|------------|--------------|
| Parole | 139 | 6 | 5 | 7 | 4 | 161 |
| Medical | 219 | 8 | 2 | 14 | 11 | 254 |
| Legal | 122 | 2 | 7 | 12 | 27 | 170 |
| Placement | 252 | 8 | 7 | 15 | 14 | 296 |
| Property | 204 | 9 | 3 | 7 | 17 | 240 |
| Program | 251 | 12 | 4 | 37 | 6 | 310 |
| Discrimination | 47 | 2 | 2 | 2 | 0 | 53 |
| Records | 152 | 2 | 1 | 7 | 10 | 172 |
| Rules | 399 | 12 | 4 | 42 | 12 | 469 |
| Threats/Abuse | 151 | 14 | 3 | 36 | 14 | 218 |
| Mail | 55 | 4 | 1 | 5 | 6 | 71 |
| Hygiene | 16 | 1 | 0 | 1 | 2 | 20 |
| Services | 11 | 0 | 0 | 2 | 0 | 13 |
| Other | 110 | 8 | 2 | 18 | 6 | 144 |
| TOTAL | 2,129 | 88 | 41 | 205 | 129 | 2,591 |
| PERCENTAGE | 82.2 | 3.4 | 1.5 | 7.9 | 5.0 | 100% |

Table XI
UNOPENED CASE DISPOSITION BY CATEGORY

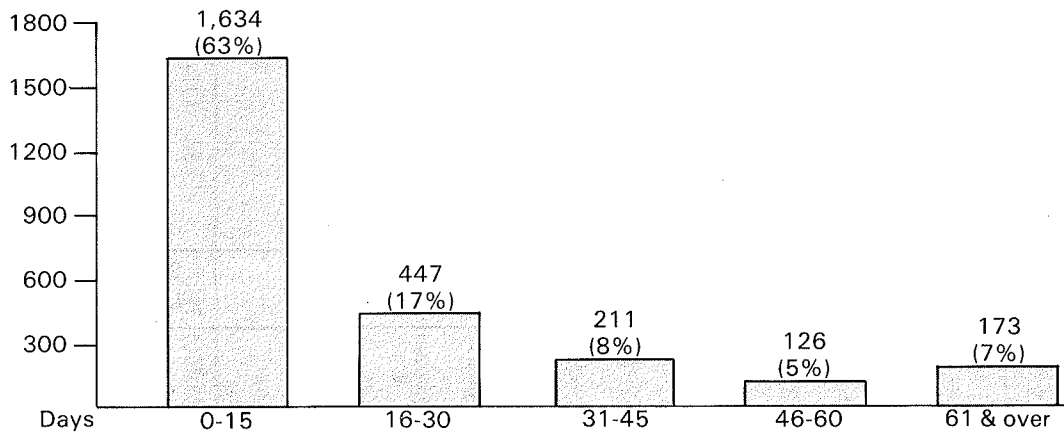
| CATEGORY | REFERRED | REFUSED | REJECTED | DISMISSED | TOTAL |
|-------------------|-------------|-------------|-------------|------------|-------------|
| Parole | 8 | 4 | 24 | 4 | 40 |
| Medical | 14 | 4 | 31 | 1 | 50 |
| Legal | 84 | 5 | 26 | 4 | 119 |
| Placement | 7 | 8 | 13 | 2 | 30 |
| Property | 16 | 4 | 17 | 3 | 40 |
| Program | 11 | 4 | 22 | 3 | 40 |
| Discrimination | 0 | 0 | 1 | 0 | 1 |
| Records | 24 | 4 | 7 | 2 | 37 |
| Rules | 23 | 19 | 71 | 4 | 117 |
| Threats/Abuse | 2 | 2 | 15 | 2 | 21 |
| Mail | 0 | 1 | 4 | 0 | 5 |
| Hygiene | 0 | 1 | 1 | 0 | 2 |
| Services | 1 | 0 | 1 | 0 | 2 |
| Other | 12 | 11 | 77 | 4 | 102 |
| TOTAL | 202 | 67 | 310 | 29 | 608 |
| PERCENTAGE | 33.2 | 11.0 | 51.0 | 4.8 | 100% |

FIGURE V
INITIAL INTERVIEW*



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

FIGURE VI
TIME TAKEN TO RESOLVE CASES



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.