

# OMBUDSMAN FOR CORRECTIONS

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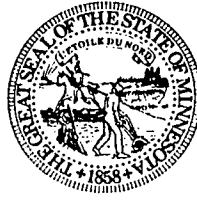


STATE OF MINNESOTA

## FISCAL YEAR 1985 ANNUAL REPORT

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Pursuant to Mn Stat 241.45, sd 2



**STATE OF MINNESOTA**

**REPORT OF  
THE OMBUDSMAN FOR CORRECTIONS  
FOR THE PERIOD  
JULY 1, 1984--JUNE 30, 1985**

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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## INTRODUCTION

What is an Ombudsman? - The "Ombudsman" concept had its origin in Sweden. In 1809 when the Swedish Parliament rewrote their Constitution, they provided for an official to help people resolve complaints against the government. Earlier King Charles XIII in 1713 had appointed a personal representative to check on the work of Sweden's royal officials. Gradually, this royal representative became the King's Chancellor of Justice. The Chancellor investigated complaints against tax collectors and judges. However, Parliament felt the Chancellor's status as part of the Executive branch made him too dependent on the Executive and subsequently unable to challenge the administration. Parliament then appointed a "defender of the law" or "Justieombudsman".

The word "Ombudsman" dates back even further. Its origin is in a primitive legal order of the Germanic tribes where two types of punishment were meted out the death penalty or a fine paid in personal property. To avoid any possibility of violence, a neutral person was designated to collect the fine and carry it safely to its destination. This was the original Om-buds-man, literally the man about the fine or idiomatically the representative of another.

The Minnesota Corrections Ombudsman was fashioned after the Scandinavian Ombudsman concept. This was done in order to provide a constructive means for examining and resolving inmate and staff grievances and to ensure procedural safeguards which are so fundamental to our system of justice, i.e. due process. Author Kenneth C. Davis has noted the importance of such safeguards:

The first line of protection everywhere in the world lies in the attempt to provide able and conscientious personnel striving for the highest quality of performance. But, experience both in America and elsewhere shows that achievement in this area is likely to be uneven. The second line of defense is procedural safeguards. Our American achievement of the development and refinement of procedural safeguards is a great and significant one - probably by a wide margin the best in the world.

Nowhere are procedural safeguards more important than in our prisons where inmates feel a sense of frustration due to their inability to affect their own milieu. The Minnesota Ombudsman was established in 1972 in part to answer this need.

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1. Kenneth C. Davis, Ombudsman in America: Officers to Criticize Administrative Acts, 109 U. Pa. L. Rev. 1057, 1059 (1961)

At the time the statute was written, it was recognized that in order for the Ombudsman's office to be effective, the investigating powers must be very broad. Without the power to investigate thoroughly, an Ombudsman's office would be crippled in its efforts to understand and resolve grievances. In addition to its investigatory authority, an Ombudsman's office is also generally empowered to publish its findings and conclusions relative to grievances and make recommendations. The Ombudsman's office does not have the authority to compel an administrative agency to accept and implement its conclusions and recommendations. In its formal relationship with agencies under its jurisdiction, an Ombudsman's office performs solely an advisory role. However, it provides a direct and informal avenue for mediating inmate and staff grievances and ultimately for improving the administration of corrections.

Eleven years later, the purpose of the Ombudsman's office remains the same: "to promote the highest attainable standards of competence, efficiency and justice in the administration of corrections."<sup>2</sup>

This report presents information on the current status of the office of the Ombudsman and reflects and summarizes Fiscal Year 1985 activities.

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2. Minnesota Ombudsman for Correction Statute, 241.41

# BUDGET - FISCAL YEAR 1985

	ORIGINAL	ACTUAL EXPENDITURES
Personnel Services . . .	\$255,648	\$245,517
Rents & leases . . . . .	21,000	19,274
Printing & Binding . . .	2,200	3,553
Professional/Technical Services Contracts . . .	500	400
Communication. . . . .	4,500	2,808
Travel . . . . .	12,800	11,085
Fees/Other Fixed Charges	300	0
Office Supplies, Equip- ment and Repairs . . .	<u>2,800</u>	<u>3,280</u>
TOTALS	\$299,748	\$285,917
Closing Budget Adjust- ment (Cancellations) .	<u>13,831</u>	
GRAND TOTAL	\$285,917	

Figure 1  
ORGANIZATION CHART

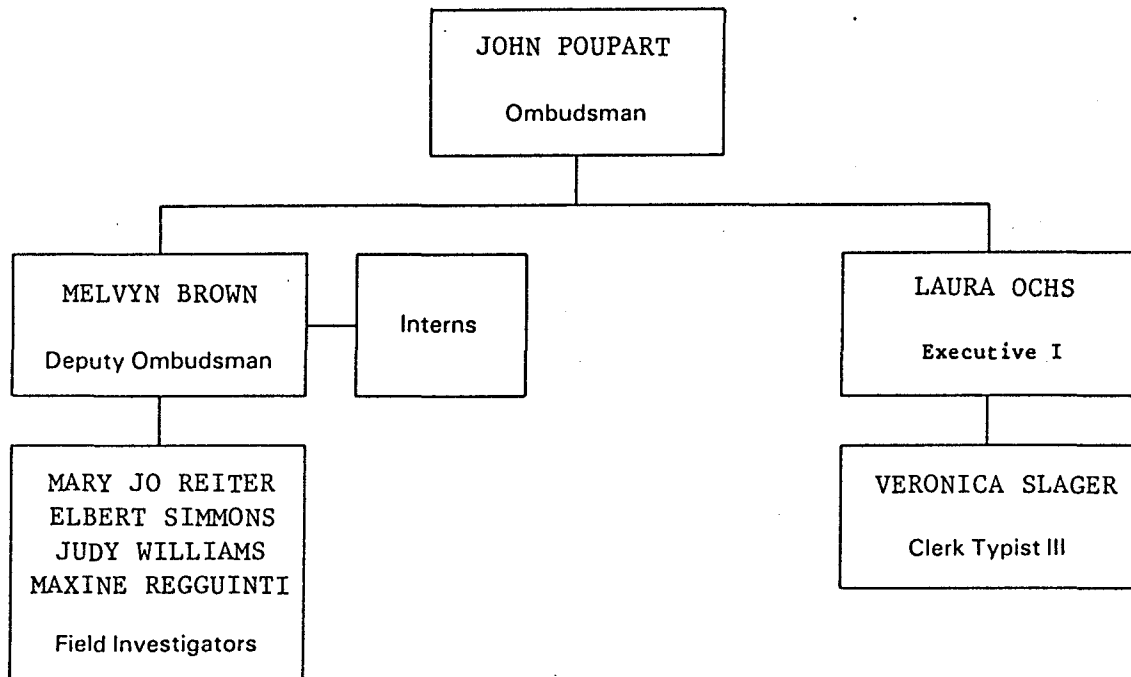
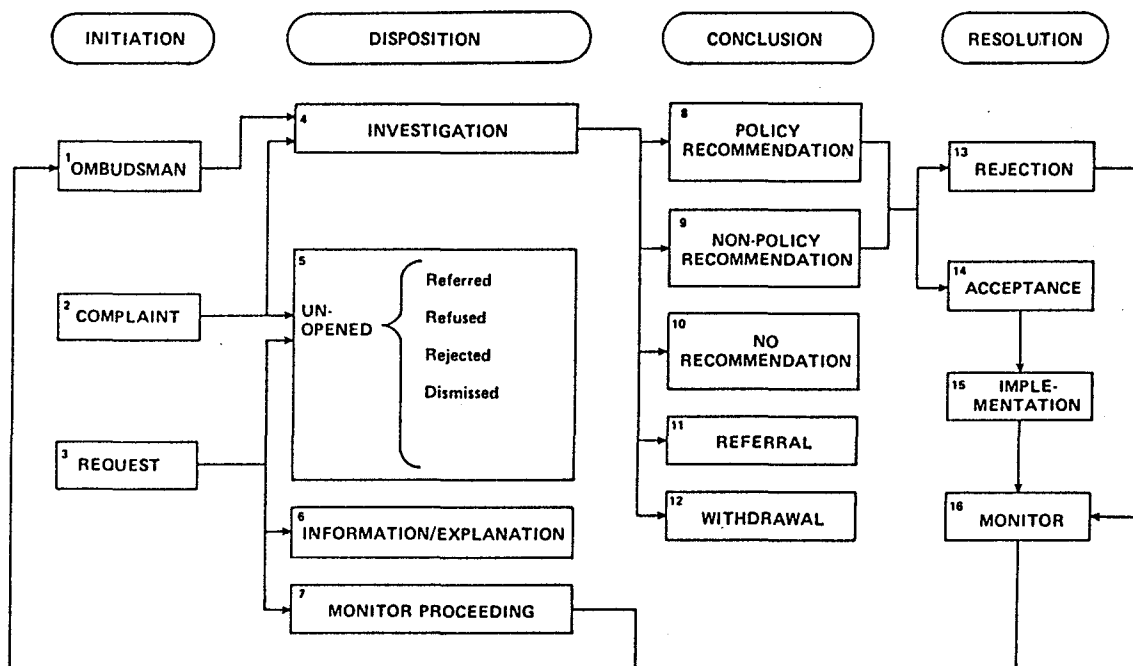


Figure 2  
CASE PROCESSING PROCEDURE



## OMBUDSMAN'S ACTIVITIES IN FISCAL YEAR 1985

Fiscal year 1985 saw a reduction in the total number of contacts received. In 1984 the number was 3,212, but in 1985 it was 2,666, a reduction of 546 contacts or 17%.

On the whole, the reduction in contacts is attributed to the increase in the group complaints being dealt with, i.e., the Ombudsman has been effective in changing policy which in turn effects more inmates than an individual complaint would. For example, a number of inmates who are vegetarians are requesting special menus. Another example is a complaint made by the Afro group dealing with discrimination regarding job placement. Steps were taken to influence change in policy which had the desired effect of reducing individual, repetitive complaints.

Also affecting the size of the caseload has been the increase in programs that are being implemented under the Ombudsman. These activities include dealing with the problems racial minorities face in the prison system, State Claims Sub-Committee for the Stillwater inmates, and several juvenile issues.

Most contacts received were via the "telephone direct" method. That is, the complainant contacted the agency themselves via a telephone call and the field investigator then followed up on the complaint. Of all contacts received, 44% were through this method.

The next most often used method was "written direct". A letter by U.S. mail, an institutional "kite" given to a field investigator, or State of Minnesota inter-office mail was used. Of all contacts, 26% were handled in this manner.

These two methods account for 70% of all contacts, with "personal direct" in third place with 18%. It appears then, that most of the contacts received are derived from an inmate and/or resident.

It could be concluded that the Ombudsman and his staff must remain visible and accessible to the institutions and their populations. In keeping with this philosophy, field investigators are assigned one or more institutions which they then visit on a regular basis to follow-up and/or investigate complaints.

In the area of staff training, the Deputy Ombudsman attended a one week seminar sponsored by National Institute of Corrections in Boulder, Colorado, on legal issues. He subsequently conducted 14 sessions for Ombudsman staff to upgrade their skills in dealing with cases involving legal questions.

Several issues of broad, far reaching impact were identified during the past year. Among those concerns was the fact that there is a disproportionately large number of racial minorities committed to the corrections system. "Identifying Minority Concerns in Corrections," formulated in the Ombudsman's office, is a special report dealing with this area. The summarization particularly focuses on problems minorities face in sentencing, parole revocation, and juvenile justice.

Since the problems minorities face are of too great a scope to be dealt with in their entirety, it was decided to focus on Indian juvenile minority concerns in the corrections system. This choice was due, in part, to the Ombudsman's personal experience in the Indian community and his knowledge of its key resources, as well as his professional experience and training in the corrections field. Also, this focus was chosen as a result of a Hennepin County statistic in the report "Identifying Minority Concerns" that in 1983 of 97 juveniles committed to the state, 52.5% were minorities, far exceeding the juvenile minority population in Hennepin County of 6.8%.

The Minnesota Department of Corrections was very concerned and Bruce McManus, Deputy Commissioner, wrote Dale Ackman, Hennepin County Administrator, a letter requesting that the 1985 comprehensive plan for correctional services include specific objectives and a work plan to address this problem. One of the purposes of the Community Corrections Act in which Hennepin County participates is to discourage juvenile commitments to the state institutions, as the county receives a subsidy for keeping juveniles within the county.

The Ombudsman was also concerned with the Hennepin County disproportionate racial minority commitments to state institutions. This problem could not be altered or reduced by corrections policy very easily because of the many variables, nor could it be approved through a change in court or correctional authority. Law and policy were simply not effective. This dilemma motivated the Ombudsman to form a Hennepin County/American Indian Juvenile Justice Task Force in September 1984 with the hope of upgrading conditions for Indian youth.

Several meetings followed and the group adopted the following goals:

1. To reduce the disproportionate number of racial minority juveniles being sent to state and county correctional facilities
2. To achieve maximum utilization of current minority community resources for the care and support of juveniles in need of such services
3. To make more effective Hennepin County's social services as they impact upon the racial minority community

4. To identify the need for more appropriate services from the racial minority community.

A one day working conference was held on February 26, 1985. The conference participants made recommendations that included the need for an Indian Juvenile Group Home and a longer conference to continue the dialogue, determine future directives for the Task Force and to educate Social Service and Hennepin County Corrections employees regarding Indian community services to youth as well as Indian culture.

The "For Our Children" conference resulted on May 16 and 17 with speakers that included: Allen Oleisky, Juvenile Court Judge, Hennepin County; Tom Lavelle, Acting Director, Hennepin County Court Services; Don Fraser, Mayor, Minneapolis; Steve Chapman, Director of Indian Support, Minneapolis Community College; Frances Fairbanks, Director, Minneapolis American Indian Center; Jeff Spartz, Chairman of the Board, Hennepin County; Dr. John Red Horse, Director for Indian Education, Arizona State University Center and, Roger Buffalohead, Director, Migizi Communications. Sixteen workshops were presented representing both Hennepin County and American Indian programs and issues. Plans are underway to formulate a permanent board that will consist of representatives for Hennepin County Juvenile Justice System and American Indian Community organizations.

Rural Minority Juvenile Community Support Services Program - The Ombudsman office had been concerned with the problem juvenile Indians face during placement after the completion of their time in a state institution. The result of this situation led to a high rate of return to institutions for juvenile offenders and revocation of the juvenile's parole privileges. The Ombudsman was looking for an alternative solution for these juveniles that would assist them in their local communities, both during and after their incarceration.

A meeting was called at the Ombudsman Office, in which alternatives were discussed. The Rural Minority Juvenile Community Support Services Program developed from this exchange.

The program grew and now successfully provides a number of necessary services to Indian youths from outstate, rural communities. The staff of this organization conduct regular visits to Red Wing and Sauk Centre Juvenile facilities, and provide transportation to the parents of residents upon request. Post-release support services include individually based community support programs prior to parole, and follow-up support services to assist youth in accomplishing re-entry and successful community adjustment.

American Indian Inmate Counseling Act - The Ombudsman Office was asked to participate in preliminary discussions on the American Indian Inmate Counseling Act, which would more formally enable American Indian inmates to receive spiritual and cultural counseling services. The Ombudsman encouraged and supported the bill that was eventually passed.

## JUVENILE RECODIFICATION

The Ombudsman's Office has observed and is continuing to monitor the activities surrounding the recodification of the Juvenile Code. The agency views the process of developing a new Juvenile Code as a forum for further discussion and debate involving the important topic of how society deals with its troubled youth. The Ombudsman is convinced that the present system of juvenile justice can and ought to be improved upon. The Ombudsman also believes the deep-rooted poverty factors associated with family and community relate to the institutionalization of many youngsters.

Ultimately, the end product of the process will bring juvenile justice in closer proximity to the family unit and provide more leverage for the family to prevent situations that lead juveniles into correctional institutions.

## PROPERTY CLAIMS

Although the disturbance at Stillwater State Prison took place on September 11, 1983, property claims were not settled until 1984. Although the Ombudsman does not normally get involved in subcommittee affairs, the Ombudsman was requested to review the various claims and submit comments to the Joint Senate-House Claims Subcommittee. During the review, the Ombudsman's Office also encouraged inmates to file relevant claims.

The Claims Subcommittee agreed with the Ombudsman on a section of their memorandum. Those inmates that lost property as a direct result of the strip search prior to being assigned temporary housing were reimbursed. All other claims were denied.

## FORMAL RECOMMENDATIONS

The Ombudsman's office received 2,666 contacts in fiscal year 1985, most of which were handled without a formal policy recommendation by the Ombudsman. By statute, only the Ombudsman can make a formal recommendation. In a formal recommendation, the Ombudsman, in writing, advises 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 steps he deems appropriate.

Following are a number of the formal written recommendations the Ombudsman made in fiscal year 1985 and the agencies response to the recommendations.

### 1. WAGE DISPARITY AMONG RACIAL MINORITIES

Recommendation - That corrective steps be taken to offset any wage disparities among racial minority groups.

Response - It was concluded that all racial minority inmates would bid on their jobs and be selected based on seniority. Jobs that are classified skilled, are granted based on rank and necessary experience. The Ombudsman will be notified if a senior applicant is passed over for a position.

### 2. COMMUNICATION - IMPAIRING DISABILITIES

Recommendation - That a long term solution be found to provide services and accommodations for inmates who have communications-impairing disabilities and that these services be available during a deaf inmate's receiving and orientation period.

Response - Five staff members have agreed to enroll in American Sign courses by August 30, 1984. Until these staff can be trained, a policy has also been adopted which states that the institution will utilize community resources if a person requiring "signing" is admitted to the institution.

### 3. SMOKING AREA ADJUSTMENTS

Recommendation - That a solution be adopted to provide a smoking area in the Education Department which would be regarded as acceptable to both smokers and non-smokers given the physical limitations of the facility and the spirit of the Clean Indoor Air Act.

Response - A plan was implemented providing designated smoking areas, similar to the Ombudsman's, a few days prior to the institution receiving the above recommendation.

4. AUTHORIZATION OF IDENTIFICATION PASSES

Recommendation - That maximum custody inmates should not be given their identification passes until they have been fully authorized to move. This action would prohibit inadvertently enabling the inmate to breach rules by issuing his pass and then leaving him to interpret whether a guard's gesture indicates assent to move onward.

Response - Staff will be instructed to authorize a move prior to actually handing the maximum custody inmate his card.

5. MOVEMENT TO AN UNAUTHORIZED AREA

Recommendation - That an inmate who appears to be embarking on a movement to an unauthorized area should be questioned at the earliest possible point on his journey, so that potential violations can be averted or curtailed immediately, with the least attention of others.

Response - The system as it stands evokes challenge at the earliest possible point for maximum custody inmate movement. Procedure was re-emphasized to the staff.

6. NON-ASSAULTIVE VIOLATIONS

Recommendation - That apparent "unauthorized area" or other "non-assaultive" violations should first be addressed, when feasible, by paging the maximum custody inmate to report to the appropriate control point, and employing more assertive means only in the event of non-compliance with the order.

Response - The present policy of both paging and searching for a maximum custody inmate will continue. Maximum custody inmates are so classified because of escape risk or danger to themselves or others. The institution doesn't believe it would be in the best interest of security to simply page such inmates.

7. IDENTIFICATION OF THE SECURITY SQUAD VERBALLY

Recommendation - That the Security Squad identify itself verbally when apprehending any inmate, particularly when use of force or restraints is contemplated.

Response - This procedure was not accepted. The institution feels uniforms and identification cards adequately identify the staff to any inmate. If an inmate is approached from behind, it would be normal instinct to quickly turn and identify whoever is taking hold of one's arms. In the case where the staff anticipates opposition, the institution does not feel that it would be prudent to give the inmate time to get ready to resist while the staff identify themselves.

8. PROCEDURES FOR APPREHENSION OF AN INMATE

Recommendation - That Security Squad procedures for apprehension of an inmate, compatible with the verbal identification of a security squad (as stated in #7) be developed for consistency of operation as appropriate to the daily routines of the three watches.

Response - Squad members, as well as the Captains and Watch Lieutenants will be reminded of appropriate procedures and the need for consistency.

9. FILMING OF THE USE OF RESTRAINTS

Recommendation - That orders for use of restraints, whether in conjunction with transport to Segregation or other circumstances deemed appropriate, be accompanied by a documented request to film the incident. Exception reports should be filed by the officer authorized to order use of restraints or the communications officer who receives but cannot implement such order if filming is not done.

Response - The existing practice will be continued, but the policy will be modified to clarify procedures. Inmates being moved to detention or being taken to the Security Center for questioning regarding possible violation, have routinely been moved in handcuffs. This is a preventive measure that the institution feels has served very well to minimize incidents over the years. Filming is used only when it is apparent that moving an inmate will likely be a problem.

10. LOGGING REPORTS IN THE STAFF TOWERS

Recommendation - That procedures be developed and appropriate training provided to all officers who may be assigned to staff towers so that they may be able to define what constitutes an incident in the perimeter which may warrant recording in the log and/or filing of a report detailing such observations.

Response - Tower Officers will be re-instructed in regard to logging their observation of incidents.

11. TIME LIMITATION ON ADMINISTRATIVE SEPARATION POLICY

Recommendation - That a time limitation be incorporated on the Administrative Separation Policy. The present system allows for a resident to be separated, that is removed from the general population and isolated in a cell, for an accumulation of incidents, without any regard to how far in the past these occurrences took place.

Response - The newly revised Administrative Separation Standard Operating Procedure states that only incidents that have occurred within five years can be used as justification for administrative separation.

12. SEGREGATION OF CLIENTS

Recommendation - That if the secure unit (meaning a unit away from the normal living quarters) is to be used, an acceptable plan be developed by and approved by all parties.

Response - Policies for the use of the secure unit were revised in May 1985 to partially comply with the concerns of the Ombudsman.

13. USE OF SHACKLES

Recommendation - That the policy stating shackles be used on juvenile residents at all time, in the Hennepin County Medical Center, be modified and that the Department of Corrections Standards for Secure Juvenile Detention Facilities which sets out the conditions for the utilization of shackles, be used as guidelines.

Response - A new policy was initiated in which use of shackles under certain conditions was spelled out.

14. MONITORING OF PHONE CALLS

Recommendation - That privileged calls to court, counsel, Ombudsman, officials of the confining authority, and government officials be free from any monitoring when a juvenile is a patient at Hennepin County Medical Center.

Response - A new procedure was instituted allowing residents to make unmonitored phone calls to their Attorney, Probation Officer, Social Worker, or Ombudsman. During these calls, Security Officers are to be outside the door.

15. AVAILABILITY OF PROTECTIVE CLOTHING FOR WELDING

Recommendation - That a policy be established requiring protective jackets for welding to be worn by all inmates unless a waiver is signed by the inmate. It is also recommended that a set procedure be implemented for the use of this gear.

Response - Inmate safety rules for the welding shop were revised to fit the recommended specifications of the Ombudsman.

## 16. CLARIFICATION OF POLICIES

Recommendation - That the policies: Use of Residential Conditions of Supervised Release-Parole, and Use of Program Condition of Incarceration be appropriately bifurcated for ease in translation of conditions that apply to the inmates.

Response - The policy will be clarified and rewritten sometime before the end of the summer

## 17. SUICIDE OR DEATH OF A RESIDENT

Recommendation - That a policy be developed to cover suicide or death of a resident.

Response - A policy was formulated to regulate procedures in the event of a death, suspected death, or incident which might result in death.

## FUTURE DIRECTIONS

Due to the fact the Ombudsman's Office is service oriented, it is difficult to predict the number of investigations that will be handled from year to year. Many factors, out of the Ombudsman's control, determine the problems that will arise in Correctional facilities. However, the Ombudsman plans to continue to focus on policy recommendations as problem solving. Unnecessary repetitive complaints will be reduced. More time can then be spent analyzing policy-oriented issues.

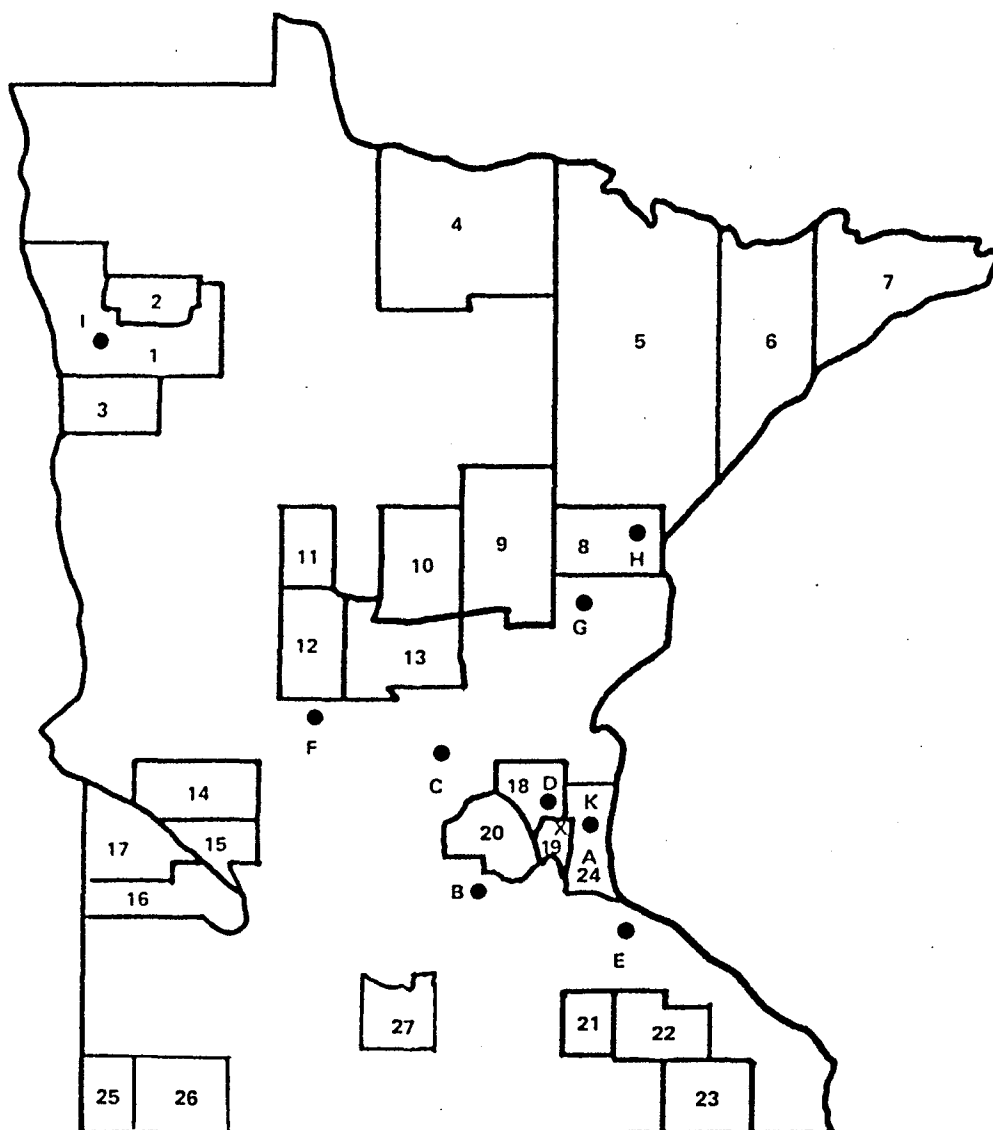
Due to this expansion in recommendations, the number of contacts is also estimated to remain the same. However, if the large number of persons in jails and lockups begin to avail themselves of Ombudsman services at anything approaching the rate that the correctional population does, the Ombudsman caseload could increase.

In order to make possible the analysis of data necessary to develop policy recommendations designed to reduce complaints and to permit more effective deployment of staff, a request was made for a one-time expenditure of \$15,000 to provide for microcomputers, peripherals and software. This requisition to the legislature was granted.

The added equipment will enable the staff to continue to respond in a timely and substantive manner to contacts. Cases that secure an interview the day the contact was made are expected to rise 10% within two years. In that same time period, cases resolved within 0-15 days are also expected to grow.

In summary, the Ombudsman will strive to meet its legislative mandate which is "to promote the highest attainable standards of competence, efficiency and justice in the administration of corrections."

Figure III



### 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

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, 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 on 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.

Table I

**CONTACTS RECEIVED**

MONTH	OPENED	UNOPENED	TOTAL
July	193	25	218
August	268	26	294
September	177	27	204
October	226	16	242
November	170	18	188
December	146	26	172
January	213	23	236
February	187	27	214
March	195	26	221
April	229	23	252
May	201	26	227
June	196	30	225
TOTALS	2,401	293	2,693
PERCENTAGE	89.0%	11.0%	100.0%

Table II

**METHODS OF COMMUNICATION**

TYPE	CLOSED	UNOPENED	TOTAL
Written Direct	657	41	698
Written Indirect	56	2	58
Personal Direct	469	14	483
Personal Indirect	24	2	26
Telephone Direct	962	200	1,162
Telephone Indirect	166	34	200
Ombudsman Initiated	39	0	39
TOTAL	2,373	293	2,666

Table III  
CASELOAD SUMMARY

Carried Over from F.Y. 1984	92
F.Y. 1985 Contacts Received	<u>2,694</u>
F.Y. 1985 Caseload	2,786
-----	
F.Y. 1985 Caseload Disposition:	
Cases Closed	2,373
Unopened Cases	<u>293</u>
Total	2,666
Cases Carried Over to F.Y. 1986	120

Table IV  
CLOSED CASES DISTRIBUTION COMPARISON

CATEGORY	F.Y. 1984		F.Y. 1985	
	NUMBER	PERCENT	NUMBER	PERCENT
Parole	160	6.2%	125	5.0%
Medical	254	9.8	213	9.0
Legal	170	6.5	203	9.0
Placement	296	11.4	261	11.0
Property	240	9.3	218	9.0
Program	310	11.9	353	15.0
Discrimination	53	2.0	31	1.0
Records	172	6.6	121	5.0
Rules	470	18.1	406	17.0
Threats/Abuse	218	8.4	170	7.0
Mail	75	2.9	24	1.0
Hygiene	20	.8	10	1.0
Services	13	.5	31	1.0
Other	144	5.6	207	9.0
TOTAL	2,591	100.0%	2,373	100.0%

Table V.

# INSTITUTION ADULT POPULATION CLOSED CASES COMPARISON

INSTITUTIONS	AVERAGE MONTHLY POPULATION	PERCENTAGE OF ADULT	NUMBER OF CASES CLOSED	PERCENTAGE OF CASES CLOSED
		AVERAGE MONTHLY POPULATION		
Stillwater	1,076	46.5%	827	45.2%
Oak Park Heights	347	15.0	317	17.3
St. Cloud	563	24.4	474	25.9
Lino Lakes	198	8.6	118	6.4
Shakopee	78	3.4	94	5.1
Willow River	<u>48</u>	<u>2.1</u>	<u>1</u>	<u>0.1</u>
TOTALS	2,310	100.0%	1,831	100.0%

Figure IV

## REFERRALS\*

Legal Assistance to Minnesota Prisoners . . . . .	12
State Public Defender . . . . .	6
Department of Corrections . . . . .	8
Legal Aid for Prisoners . . . . .	4
Private Attorney. . . . .	5
Institution Staff . . . . .	17
Other** . . . . .	19
TOTAL	71

\*Unopened cases are not included.

\*\*Other category contains organizations to which fewer than four referrals were made during F.Y. 1985.

Table VI

## CASES REFERRED AND WITHDRAWN

CATEGORY	REFERRED	WITHDRAWN
Parole	3	2
Medical	3	11
Legal	22	6
Placement	5	15
Property	9	10
Program	6	17
Discrimination	2	3
Records	3	10
Rules	7	41
Threats/Abuse	4	23
Mail	0	1
Hygiene	1	1
Services	1	0
Other	5	51
TOTAL	72	191
PERCENTAGE	3%	8%

Figure V

### OPENED CASE DISTRIBUTION

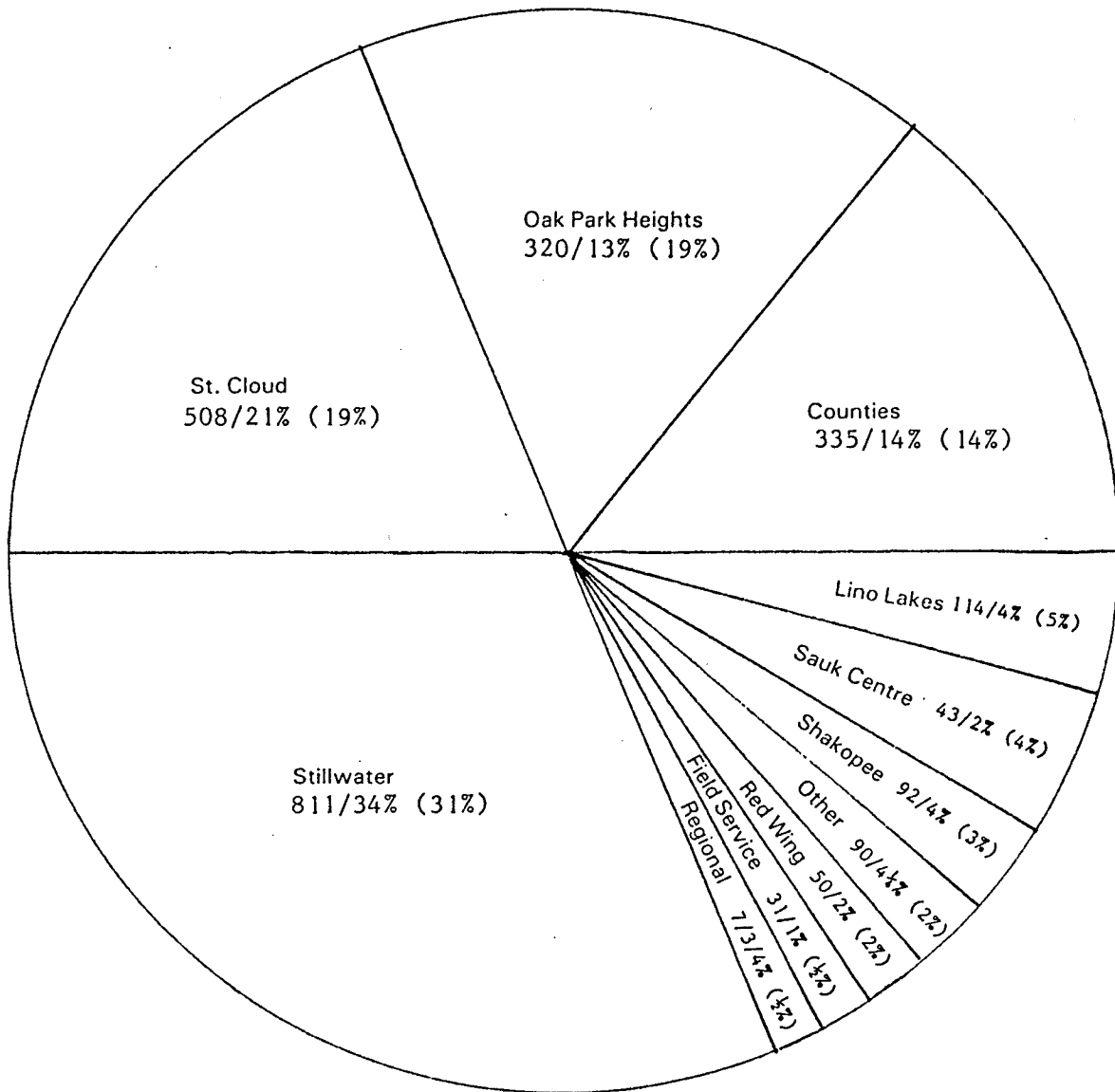


Table VII

## TOTAL CASES CLOSED

CATEGORY	STW	OPH	SCL	CTY	RW	LL	SHK	SCR	WRC	RGL	FS	OTHER	TOTAL
Parole	56	12	13	12	3	8	7	4	1	0	4	5	125
Medical	83	43	24	21	4	9	18	2	0	2	3	4	213
Legal	62	20	48	47	3	2	0	2	0	0	1	18	203
Placement	130	35	45	16	4	7	11	6	0	1	0	6	261
Property	70	40	55	19	12	7	2	6	0	0	3	4	218
Program	175	34	52	36	1	27	10	1	0	3	4	10	353
Discrimination	12	5	1	4	1	2	1	2	0	0	0	3	31
Records	63	12	26	10	1	4	1	0	0	0	0	4	121
Rules	96	65	73	75	10	27	27	12	0	0	8	13	406
Threats/Abuse	26	21	50	38	6	8	5	5	0	0	4	7	170
Mail	7	6	4	6	0	0	0	0	0	0	0	1	24
Hygiene	1	3	2	2	0	0	1	0	0	1	0	0	10
Services	5	2	9	2	0	7	6	0	0	0	0	0	31
Other	41	19	72	35	4	10	5	3	0	0	4	14	207
<b>TOTAL</b>	<b>827</b>	<b>317</b>	<b>474</b>	<b>323</b>	<b>49</b>	<b>118</b>	<b>94</b>	<b>43</b>	<b>1</b>	<b>7</b>	<b>31</b>	<b>89</b>	<b>2,373</b>

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	46	8	8	9	3	8	4	4	1	0	3	4	98
Medical	80	41	20	20	4	9	17	2	0	2	3	4	204
Legal	46	14	22	29	3	0	0	2	0	0	0	12	128
Placement	126	33	28	16	4	6	11	6	0	1	0	4	235
Property	68	39	42	19	12	5	2	6	0	0	2	3	198
Program	169	34	41	31	1	20	9	1	0	3	4	7	320
Discrimination	12	4	1	4	1	2	1	2	0	0	0	2	27
Records	60	12	17	10	1	3	1	0	0	0	0	4	108
Rules	92	62	66	73	10	24	26	12	0	0	8	11	384
Threats/Abuse	26	20	44	38	6	8	5	5	0	0	4	7	163
Mail	7	6	4	6	0	0	0	0	0	0	0	1	24
Hygiene	1	3	2	2	0	0	1	0	0	1	0	0	10
Services	5	2	9	2	0	7	6	0	0	0	0	0	31
Other	32	14	43	27	4	6	3	3	0	0	1	5	138
<b>TOTAL</b>	<b>770</b>	<b>292</b>	<b>347</b>	<b>286</b>	<b>49</b>	<b>98</b>	<b>86</b>	<b>43</b>	<b>1</b>	<b>7</b>	<b>25</b>	<b>64</b>	<b>2,068</b>

Table IX

## REQUEST CASES CLOSED

CATEGORY	STW	OPH	SCL	CTY	RW	LL	SHK	SCR	WRC	RGL	FS	OTHER	TOTAL
Parole	10	4	5	3	0	0	3	0	0	0	1	1	27
Medical	3	2	4	1	0	0	1	0	0	0	0	0	11
Legal	16	6	26	18	0	2	0	0	0	0	1	6	75
Placement	4	2	17	0	0	1	0	0	0	0	0	2	26
Property	2	1	13	0	0	2	0	0	0	0	1	1	20
Program	6	0	11	5	0	7	1	0	0	0	0	3	33
Discrimination	0	1	0	0	0	0	0	0	0	0	0	1	2
Records	3	0	9	0	0	1	0	0	0	0	0	0	13
Rules	4	3	7	2	0	3	1	0	0	0	0	2	22
Threats/Abuse	0	1	6	0	0	0	0	0	0	0	0	0	7
Mail	0	0	0	0	0	0	0	0	0	0	0	0	0
Hygiene	0	0	0	0	0	0	0	0	0	0	0	0	0
Services	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	9	5	29	8	0	4	2	0	0	0	3	9	69
<b>TOTAL</b>	<b>57</b>	<b>25</b>	<b>127</b>	<b>37</b>	<b>0</b>	<b>20</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>25</b>	<b>305</b>

Table X

**CASE RESOLUTION BY CATEGORY**  
(Cases Closed Only)

CATEGORY	FULL	PARTIAL	NONE	TOTAL
Parole	119	2	4	125
Medical	209	2	2	213
Legal	190	10	3	203
Placement	257	4	0	261
Property	207	11	0	218
Program	342	7	4	353
Discrimination	30	1	0	31
Records	117	3	1	121
Rules	401	3	2	406
Threats/Abuse	159	8	3	170
Mail	23	1	0	24
Hygiene	10	0	0	10
Services	29	2	0	31
Other	195	7	5	207
<b>TOTAL</b>	<b>2,288</b>	<b>61</b>	<b>24</b>	<b>2,373</b>
<b>PERCENTAGE</b>	<b>96.5%</b>	<b>2.5%</b>	<b>1.0%</b>	<b>100.0%</b>

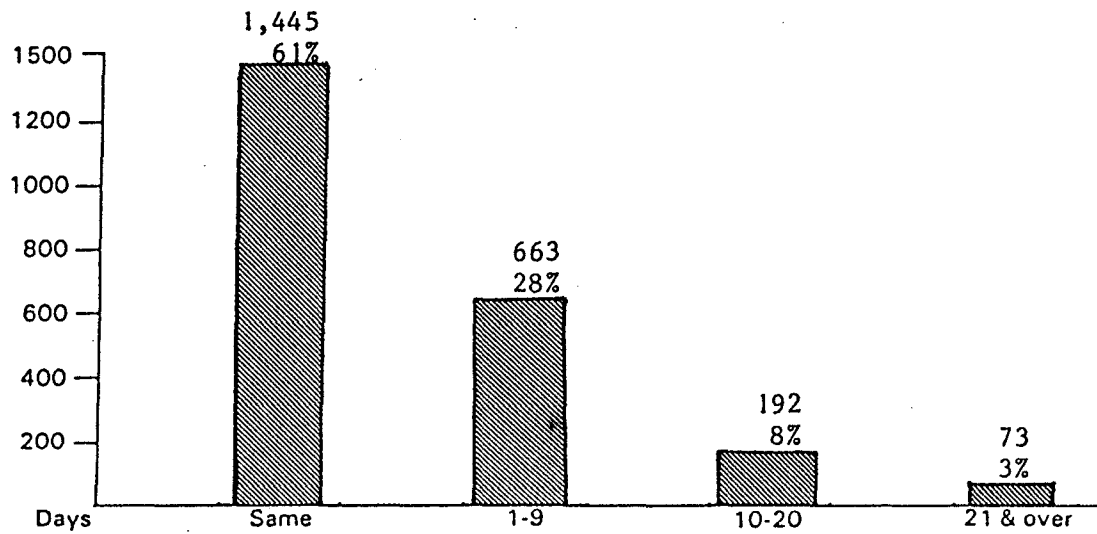
Table XI

**UNOPENED CASE DISPOSITION BY CATEGORY**

CATEGORY	REFERRED	REFUSED	REJECTED	DISMISSED	TOTAL
Parole	5	1	8	0	14
Medical	11	3	16	1	31
Legal	48	7	19	1	75
Placement	5	1	9	1	16
Property	2	3	14	1	20
Program	3	2	11	1	17
Discrimination	3	2	1	0	6
Records	2	0	5	0	7
Rules	10	3	25	6	44
Threats/Abuse	3	4	12	1	20
Mail	0	0	3	0	3
Hygiene	0	1	0	0	1
Services	0	0	1	0	1
Other	10	7	17	4	38
<b>TOTAL</b>	<b>102</b>	<b>34</b>	<b>141</b>	<b>16</b>	<b>293</b>
<b>PERCENTAGE</b>	<b>34.8%</b>	<b>11.6%</b>	<b>48.1%</b>	<b>5.5%</b>	<b>100%</b>

Figure VI

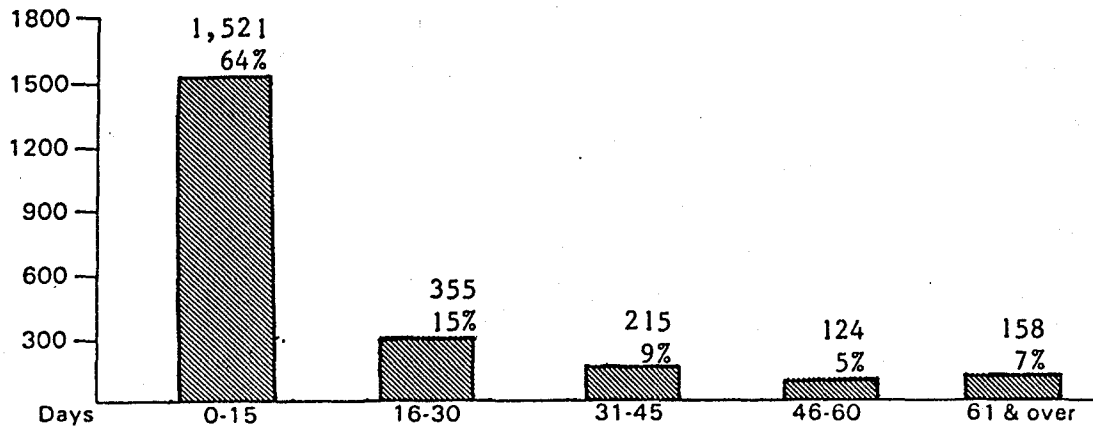
**INITIAL INTERVIEW\***



\*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 VII

**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.