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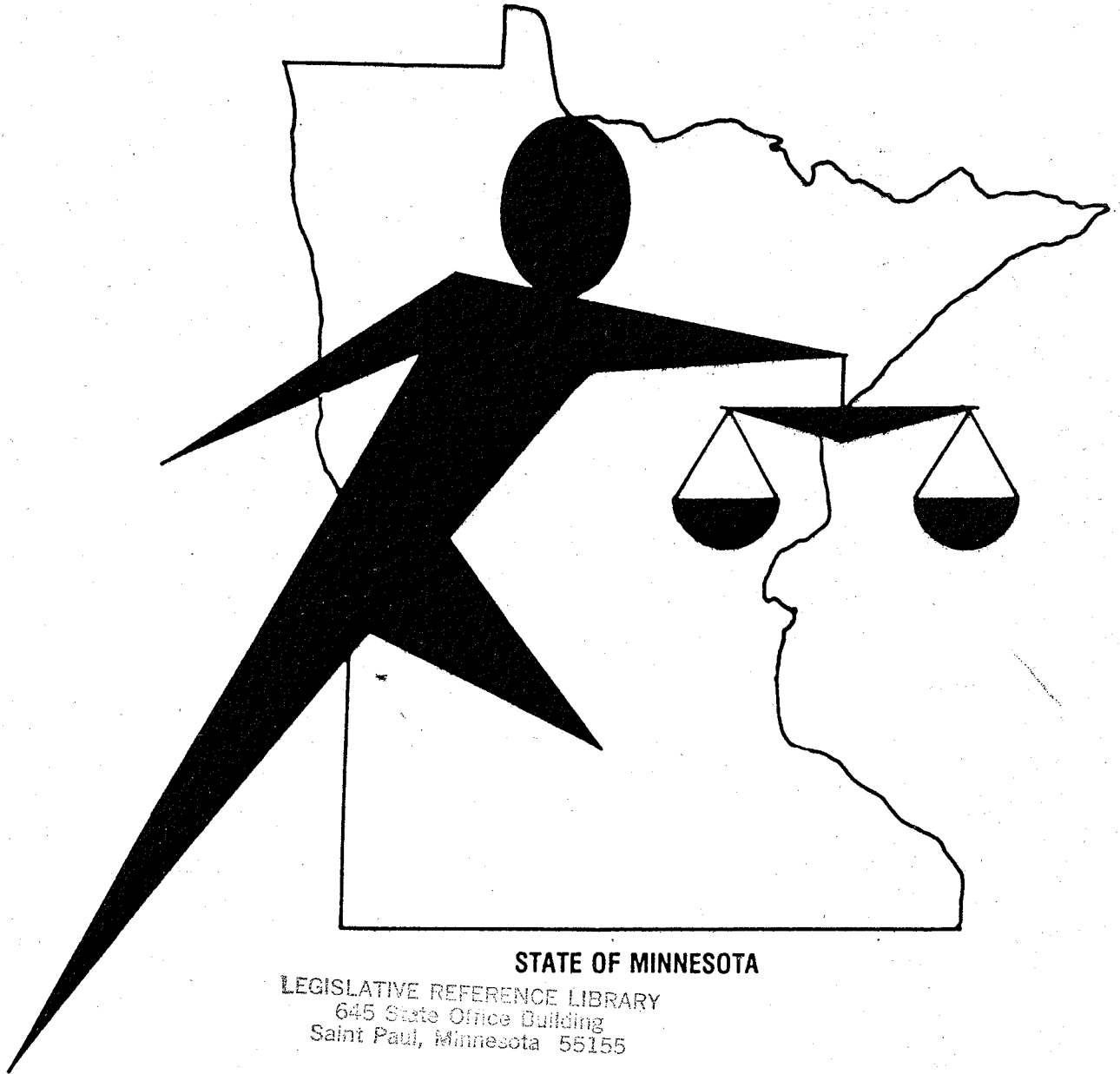


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OIVIBUDSMAN FOR CORRECTIONS



STATE OF MINNESOTA

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STATE OF MINNESOTA

**REPORT OF
THE OMBUDSMAN FOR CORRECTIONS
FOR THE PERIOD
JULY 1, 1985—JUNE 30, 1986**

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

**John Poupart
Ombudsman for Corrections**

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October 1986



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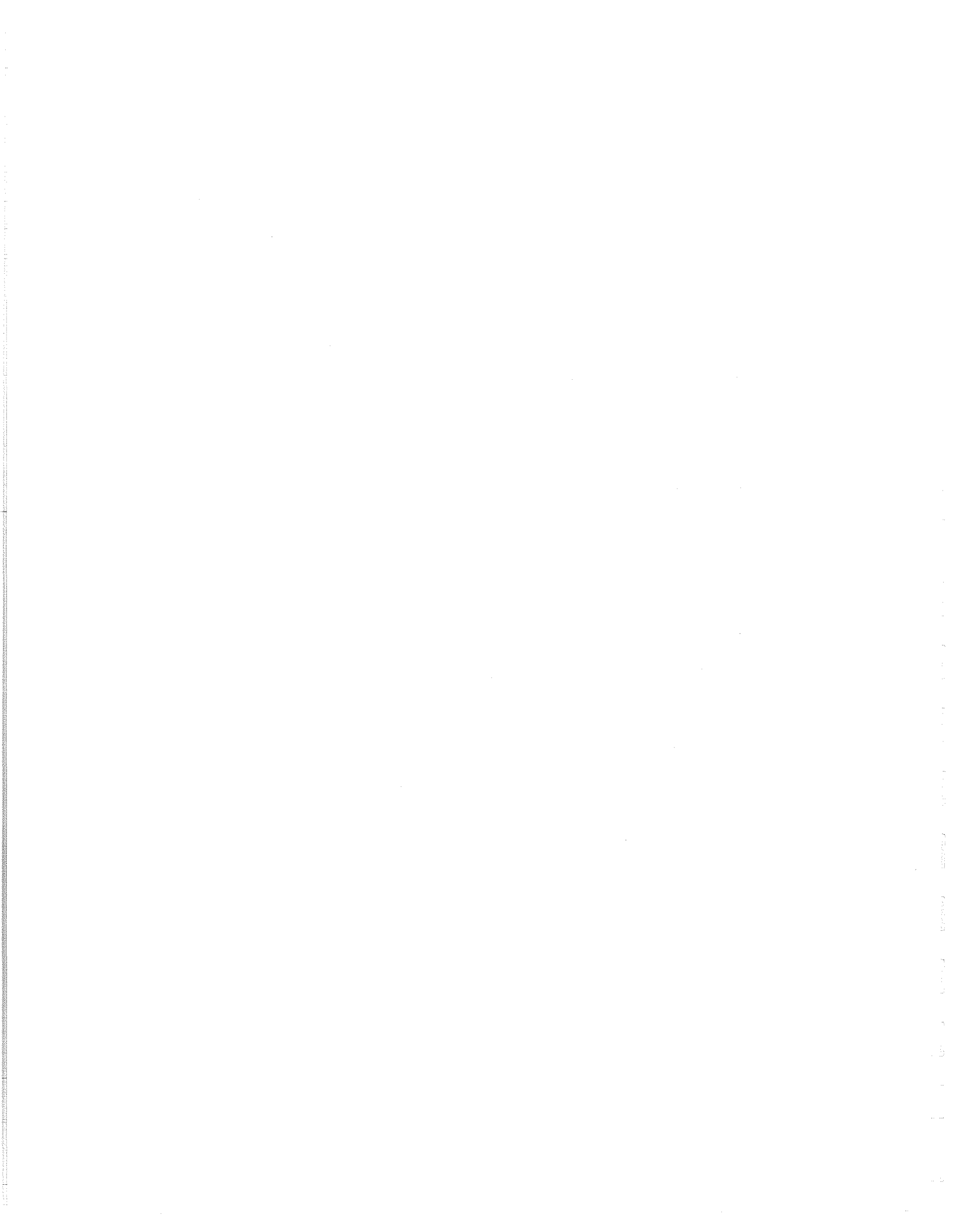
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INTRODUCTION

THE OMBUDSMAN CONCEPT

Government has witnessed a dramatic growth, especially in the recent past. As government became more complex, citizens experienced bewilderment when confronted by a seemingly infinite array of rules, regulations and policies. This combination has generated an array of grievances when citizens, rightly or wrongly, feel that government has treated them in a manner that's unreasonable, unfair or improper. Many grievances may be left unresolved because no avenue for resolution exists, which tends to alienate citizens from their government.

In order to deal with this problem, many governments worldwide have turned to the Swedish concept of an Ombudsman. Although specific characteristics may differ, the basic concept of an Ombudsman office is that it be an independent office authorized to receive, investigate and resolve complaints relating to government.

The Ombudsman powers of investigation must be broad. Without the power to investigate thoroughly the Ombudsman would be crippled in his efforts to understand and resolve grievances. Additionally, the Ombudsman's office can generally publish its findings and conclusions and make recommendations where necessary. The Ombudsman does not force a government agency to accept its conclusions, but rather relies on fairness and persuasiveness to achieve his objectives.

The Ombudsman for Corrections in Minnesota functions in a similar manner, and is further discussed in the section titled "Operation of the Ombudsman's Office".

The office was established in 1972 as a constructive means for examining and resolving inmate grievances. It was hoped that the Ombudsman system would give inmates another mechanism for resolving their grievances, other than violence. This hope has been fulfilled. Twelve 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."¹

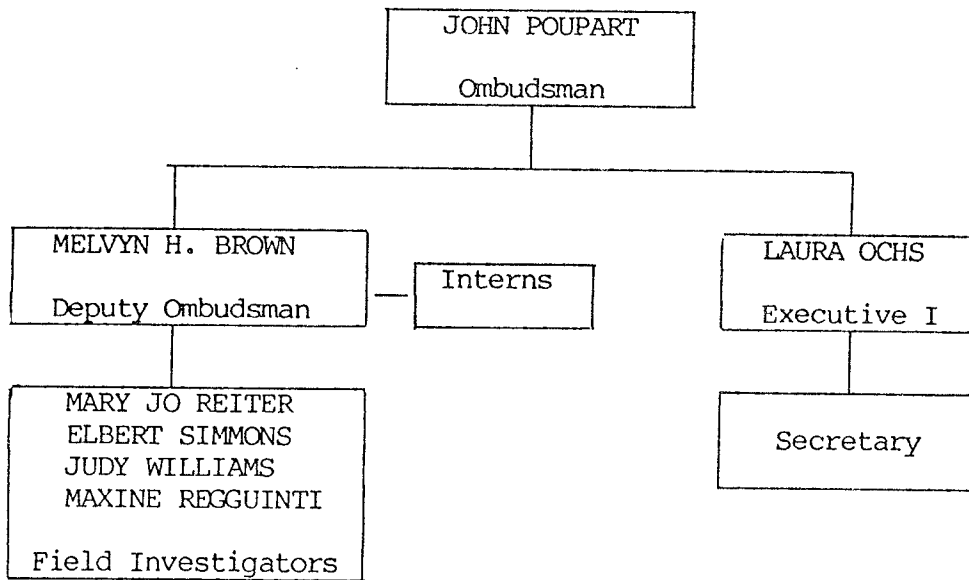
1. Minnesota Ombudsman for Corrections
Statute 241.41

BUDGET - FISCAL YEAR 1986

	<u>ORIGINAL</u>	<u>ACTUAL EXPENDITURES</u>
Personnel Services.....	\$270,978	\$267,722
Rents & Leases.....	20,000	19,461
Printing & Binding.....	3,500	2,674
Professional/Technical Services Contracts.....	500	185
Computer System.....	15,000	16,319
Communication.....	3,500	2,805
Travel.....	12,500	10,610
Fees/Other Fixed Charges...	100	200
Office Supplies, Equipment and Repairs.....	<u>2,900</u>	<u>2,400</u>
 TOTALS	 \$328,978	 \$322,376
Closing Budget Adjustment (Cancellations)	 <u>6,602</u>	
 GRAND TOTAL	 \$322,376	

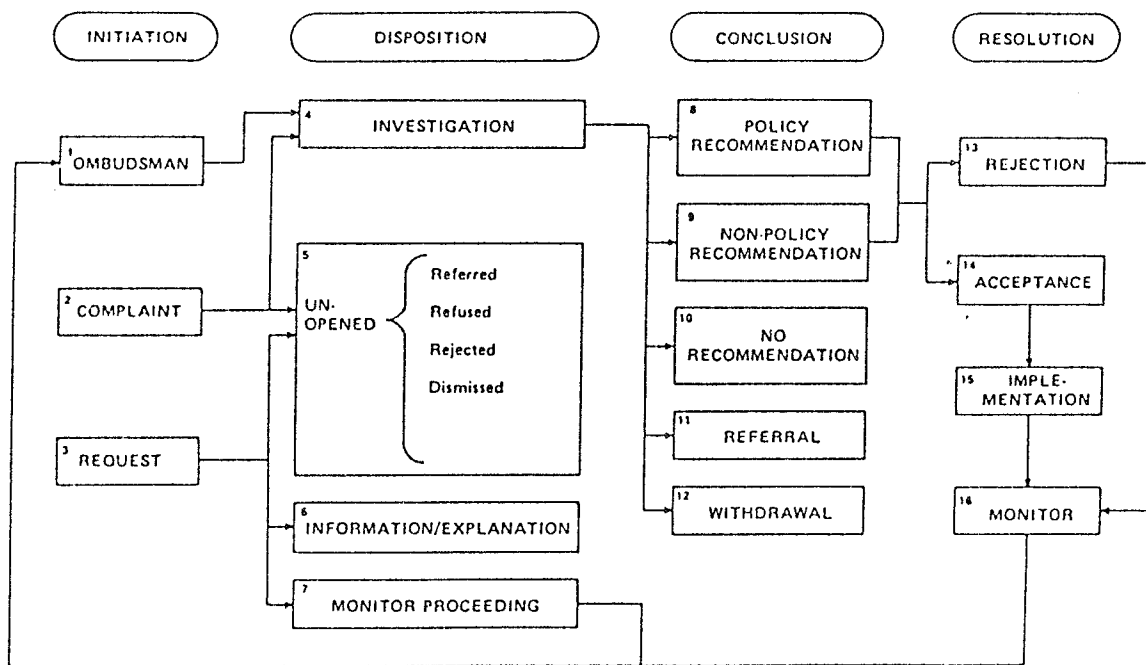
ORGANIZATION CHART

Figure I



CASE PROCESSING PROCEDURE

Figure II



PHILOSOPHY

The right to complain, the right to be heard and to have corrective action taken are human rights. These rights, are essential to the dignity of man, and only words and phrases without substance unless there is a mechanism in place that will address them.

Nowhere are procedural safeguards more important than in our prisons. It is out of this philosophy that the Ombudsman for Corrections was born in Minnesota.

The Ombudsman for Corrections knows how important it is to establish and maintain a good working relationship with all who work in the field of corrections. By doing so, the Ombudsman assures ample opportunity to resolve matters at the most informal level possible.

To resolve issues with little or no conflict is the goal of an effective Ombudsman. One of the first Ombudsmen in the United States, Mr. Herman S. Doi of Hawaii said in a speech at the International Conference of Professionals in Dispute Resolution, October 1984:

".....an independent and impartial complaint resolution mechanism, such as an Ombudsman's office, (is) needed to supplement, rather than supplant, the traditional modes. That office need(s) to be impartial, objective, timely, easily accessible, cost-free to complainants and should resolve complaints by reasoned persuasion within the confines of law, equity and fairness rather than by overruling administrators".

The Minnesota Ombudsman for Corrections believes very much in Mr. Doi's perception on the operation of an effective Ombudsman's office. In fact, virtually every complaint received by the Ombudsman is approached with cautious observation; first to its validity, and then to see if it is possible to be resolved at an informal level.

Thus, as the Ombudsman's credibility and his familiarity with corrections' administrators increases, he has been able to issue fewer formal recommendations. Assisted by an experienced staff, he can identify the need for policy change which in turn eliminate many redundant complaints on one issue.

The Ombudsman must also keep abreast of numerous issues in the corrections arena relating to public policy. In keeping with this attitude the Ombudsman participates in several activities not directly involving complaint resolution. He is a member of the Governor's Criminal Justice Task Force; is Chairman of Hennepin County Indian Juvenile Justice Task Force; is a member of the Governor's Human Services sub-cabinet, and; Hennepin County Equal Justice Task Force. Within the context of these activities many broad public policy issues are discussed.

ISSUES

Prison overcrowding has become a national corrections' concern. Thirty-one states in the union are overcrowded with some being over 150 percent of capacity. Many of those prisons are under some type of court order involving conditions and/or overcrowding. Many states in the union have approved bond issues for corrections to meet the heavy demand for additional correctional facilities. Increasing crime rates and increasing numbers of causal factors such as unemployment, homelessness, increases in drug use and abuse have caused the numbers of inmates and potential inmates to rapidly rise.

History has proven that crowded conditions in our penal institutions often leads to violence and prison unrest. Recent prison outbursts can be directly correlated to overcrowded conditions in many of our nation's prisons.

For example, a recent uprising in the West Virginia Penitentiary in Moundsville in which three inmates died and fifteen guards were taken hostage, was attributed to poor living conditions, unfair treatment, and abolishment of the inmates' council. The institution is operating under a 1983 court order to ease overcrowding and conditions that include rat infested cells, maggots in the food, and sewage dripping from the ceiling pipes.

Also, Tennessee has been involved in a lawsuit since 1975 regarding steadily worsening overcrowding of its prisons. In 1982, the United States District Court found ten of Tennessee's eleven prisons unconstitutional and directed the governor to submit a plan along with appointing a Special Master. The court rejected the plan and in 1984 the state was required to hire outside experts to make recommendations. Problems persisted and finally in October of 1985 the court enjoined the state from admitting any new prisoners into the system.

United States correctional systems planned to spend more than \$3 billion in 1986 for 59,000 new beds in correctional facilities, according to a survey published in the May 1986 issue of Corrections Compendium. Over ninety percent of this amount will be spent by the states and the balance of it by the federal government. The nation's state and federal prison population increased 5% during the first six months of 1986. At this rate, according to Steven R. Schlesinger, United States Justice Department's Bureau of Justice Statistics Director, an increase of 1,000 new prison beds a week will be needed.

With the advent of new and additional prisons will come an additional need to staff and maintain these facilities; at an additional cost to the taxpayer. The very hard question which the public must face is: Can they continue to support this extra tax burden in concert with the repayment of the bonds already issued? Corrections' administrators must begin to face the reality which these questions will bring.

Minnesota has never had the kinds of complaints alluded to above, for many reasons. The number of sentenced prisoners per 100,000 population on June 30, 1986 is 58 in Minnesota. Only North Dakota has a lower rate which is 55. Contrast this to 267 in Arizona, 448 in Nevada and 198 in California. In the 1970's the need for another male prison was seen and met in time to avoid overcrowding. A new women's prison was very recently opened which replaced the old antiquated and outdated facility. Sentencing guidelines were introduced in 1980 as a mechanism to make prison sentences more equitable and to establish a firm release date.

OPERATION OF THE OMBUDSMAN'S OFFICE

In order to efficiently function, the Ombudsman must be independent so he can be impartial and objective. He must have access to all elements of the correctional system, inmates, the public, correctional staff and administrations. He must have sufficient authority and access to information to carry out the functions of the office.

Good staff is a major ingredient to an effectively functioning Ombudsman's office. They need to respond in a timely and effective manner to the complaints that are received in the Ombudsman's office. This component of the Ombudsman's team are referred to as Field Investigators.

When a complaint is received via an inmate, friend or family of the inmate, staff, or is Ombudsman initiated, the Deputy Ombudsman assigns the complaint to a Field Investigator. He does this after deciding if a complaint has validity and needs to be reviewed further and analyzed. At this point, the complaint may be not investigated for a variety of reasons or might be rejected or dismissed.

A Field Investigator, after receiving the complaint may interview persons who can furnish relevant information; review file documentation, statutes, regulations, policies and procedures, the American Correctional Association standards; meet with corrections officials to discuss areas of concern; and any other steps necessary to gather information relevant to making a determination on the validity of the grievance. Investigators travel to the various institutions to perform site inspections, conduct interviews and gather documentation.

A Field Investigator must carefully document all information pertinent to the investigation so the Ombudsman's recommendations can be thoroughly supported by fact. This includes telephone interviews, meetings, personal interviews, as well as obtaining copies of all pertinent documents. To assist the Field Investigator in this task, policy manuals from all the correctional institutions are kept in the office and updated on a regular basis.

Investigators, after careful analysis, notify the complainant of the outcome of the investigation. Every effort is made to solve the complaint at the level at which the complaint occurred. This is not always possible. Sometimes an investigation will result in a formal written recommendation being made by the Ombudsman to a correction's administrator. These recommendations, along with the response, are carefully documented. Many times recommendations will suggest a change in policy or procedure; so the outcome will affect more inmates or staff than the one making the complaint.

In one instance, staff at a particular institution expressed concern over the Acquired Immune Deficiency Syndrome (AIDS) medical issue. The investigator then attended Minnesota Department of Health's Task Force on AIDS and reported the information received to concerned staff. The investigator also sat in on AIDS training sessions given at the institution. This assuaged fears that staff had regarding the disease.

In another instance, a Field Investigator suggested to prison administration that Spanish speaking persons be added to their staff complement. Many Cubans were entering the criminal justice system and could only speak Spanish. The suggestion was accepted and carried out.

Another Field Investigator brought to the attention of the prison administration that outdoor exercise was not being provided to inmates in segregation. The investigator pointed out that the American Correctional Association standards called for "one hour per day, five days per week of exercise outside their cells...with opportunities for exercise outdoors, weather permitting." The prison administration agreed and the prison policy was changed to reflect this.

Many other examples can be cited where the Field Investigator resolved the situation without the need for issuance of a written formal recommendation by the Ombudsman. The result has been a reduction in the number of cases received. Fewer repetitive cases allow for more time to be spent on development of substantive policy-oriented cases and issues.

In summary, well trained, experienced Field Investigators continue to provide a valuable component to the Ombudsman's office. Although Field Investigators by law do not make formal written recommendations, they function as a delegate of the Ombudsman,

the arms and legs of the Ombudsman as it were, helping him to fulfill his mandate. Consequently, investigators must establish and maintain effective working relationships with corrections agencies and officials to ensure proper investigations as well as appropriate and effective referrals. Investigators may also perform public relations functions, attending and/or speaking at conferences and seminars or attending public functions. The Field Investigators also participate in the Department of Corrections' training of new staff at several correctional institutions.

A Field Investigator may also be called upon by correction officials to assist in formulating new policy or to reformulate existing policy; for example, revamping a due process disciplinary procedure or programming for a particular unit in an institution.

FORMAL RECOMMENDATIONS

Only the Ombudsman can make a written formal recommendation. The recommendation may be for the purpose of advising 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 other steps he deems appropriate.

Following are the formal written recommendations the Ombudsman made in Fiscal Year 1986 and the agency's response.

1. Forced Participation of Inmates in Institution's Treatment Programs.

RECOMMENDATION: That inmates not be penalized by imposing sanctions tantamount to denial of upward movement through the "level" system if they refuse to participate in institutional treatment programs.

RESPONSE: Inability to progress to higher levels does not constitute a penalty.

2. CEO Options For Transfer to Minimum Security.

RECOMMENDATION: That adjustments to the Chief Executive Officer (CEO) classification system be made as there are too many reclassifications to minimum custody.

RESPONSE: Adjustments are being made in the system to minimize or even eliminate the need for the excessive use of the CEO system.

3. Security Covers for Cell Fronts.

RECOMMENDATION: That plywood covers for cell fronts be utilized when an inmate is removed from his cell and placed in segregation status.

RESPONSE: A cell cover will be utilized when an inmate is removed from his cell for any reason.

4. Reportability in Case of Alleged Abuse by Minneapolis Police to a Juvenile.

RECOMMENDATION: That a legal opinion be sought as to child abuse reportability if there is suspected abuse to a juvenile by the Minneapolis Police.

RESPONSE: All resident allegations of police brutality, abuse, excessive force resulting in injury shall be phoned in to County Child Protection Intake. A typed copy shall also be forwarded to them.

5. Reportability in Case of Alleged Abuse by Institution Staff to Juvenile.

RECOMMENDATION: That written policy cover reportability in case of alleged abuse by institution staff.

RESPONSE: Allegations of abuse/brutality by residents against institution personnel shall be reported to County Child Protection Intake. An investigation will also be conducted by the administration of the facility.

6. Training in Negotiating Skills.

RECOMMENDATION: That training in negotiating skills that focus on basic interests, mutually satisfying options and fair standards be implemented for all juvenile staff.

RESPONSE: Focus on behavior de-escalation technique training will be a part of future training plans.

7. Keeping Racial Minority Statistics.

RECOMMENDATION: That racial minority statistics be kept at a participating juvenile program at a youth correctional facility.

RESPONSE: Information regarding racial minorities can be obtained from the Juvenile Family tracking System as well as from intake records.

8. Medical Care Emergencies.

RECOMMENDATION: Staff should be guided by written policy of the necessity for calling the doctor or nurse.

RESPONSE: Accepted

9. RECOMMENDATION: The policy for use of the "911" number should be spelled out.

RESPONSE: Accepted

10. RECOMMENDATION: When a resident has a history of medical problems there should be a formal written procedure of how this is communicated to staff; especially if a reoccurrence of those problems could create a present danger to one's health.

RESPONSE: Accepted

11. RECOMMENDATION: When there is a need to contact a doctor for urgent medical advise and/or direction, a stand-by or back-up to the present medical resource should be developed.

RESPONSE: Pending

SUMMARY

Over the four years the present Ombudsman has been in office, the number of complaints received has steadily declined. From a record high of 3,722 cases opened in fiscal year 1983 when he took office to this year's 2,592, the rate of decline continues. This reflects the achievement of objectives set forth in the present action plan 1984-1986 which was, "to reduce numbers of repetitive, petty complaints."

This reduction was possible, in part, due to an experienced staff, who recognized important issues and resolved these issues before they resulted in multiple complaints. This, combined with informal and formal recommendations made by the Ombudsman, have reduced the number of complaints, allowing more time for analysis and research of issues which impact on corrections. The reduction in number of complaints was accomplished with no lessening of quality in service provided to inmates and staff.

There are two complaint categories most often cited: "Rules" and "Placement". They accounted for 29% of the total number of complaints received by the Ombudsman's office last year.

The category "Rules" encompasses all of the administrative policies establishing regulations that an inmate, staff, or other persons affected by the operation of a facility or program is expected to follow. All policies, procedures, and practices relating to such matters as visits, searches, dress, discipline, promotions, hearings, and classification are examples of "Rules" complaints.

In addition, the percentages of inmate complaints that fall into the "Rules" category has remained fairly consistent over the last four years. This would be expected, due to the fact many of these complaints encompass the disciplinary system, which can result in an inmate losing his freedom in segregation for periods of time. The result is many complaints in this particular area.

The other category "Placement" encompasses such matters as:

1. Assignment to a facility such as Minimum Security Unit Lino Lakes, or Volunteers of America.
2. Assignment to areas within an institution such as a particular cell block or to Administrative Segregation.
3. Assignment to an out of state institution.
4. Assignment to a certain treatment facility.

When an inmate leaves one institution to be placed elsewhere in the correctional system, it has a significant impact on his life. Therefore, he usually has justifiable concerns as to where

he might be going and how this will affect him. The Ombudsman can address these concerns and make the transition easier for both staff and the inmate.

Another objective established was for the installation of micro-computers. That objective was achieved when four terminals, a printer and a control unit were installed this past year.

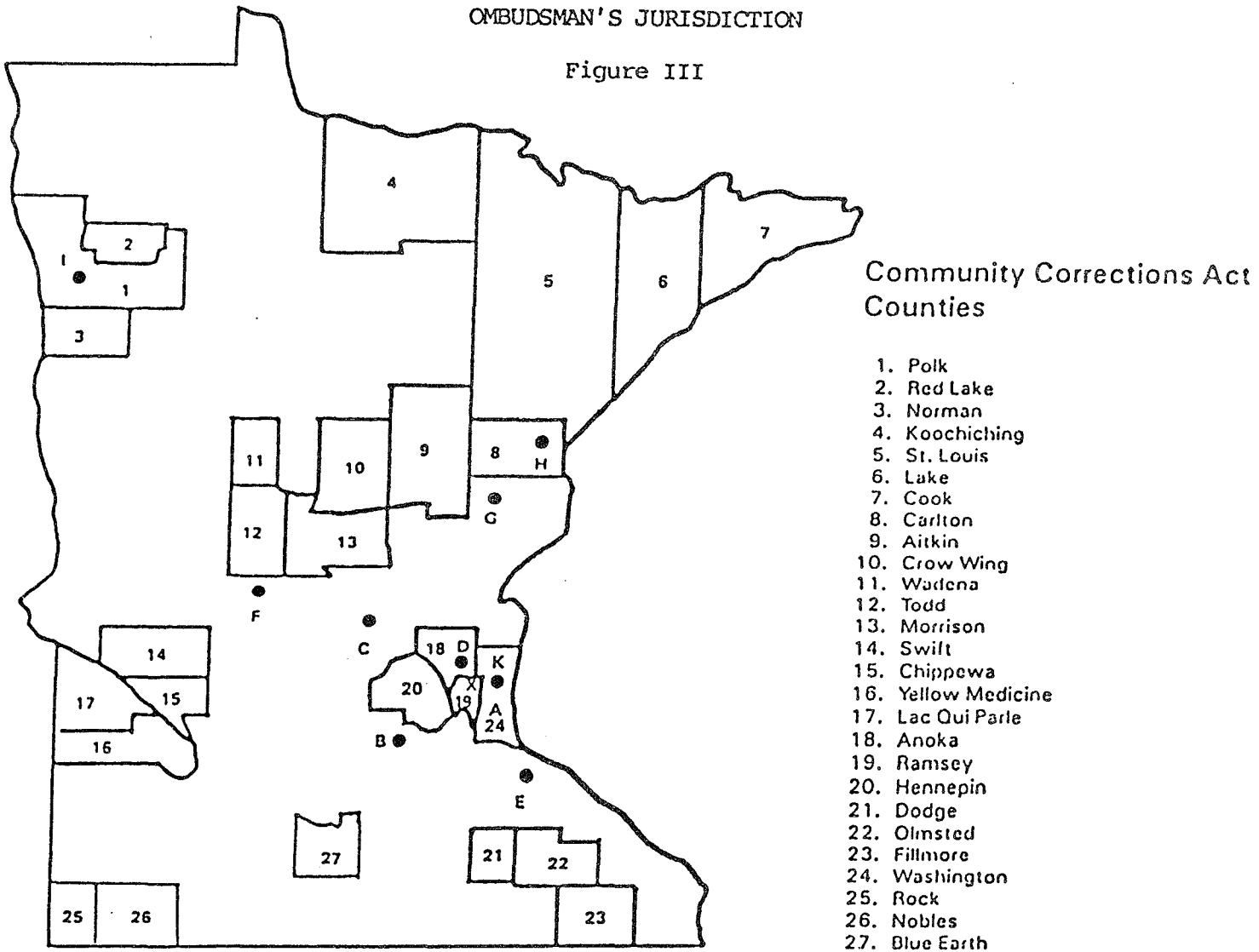
With this additional equipment it is now possible to construct a data base from which will come better capabilities to analyze data. Obviously a reduction in the amount of paper collected will be realized and there will also be speedier retrieval of desired records.

Before the installation of the new computer system, all data was kept in files that had become cumbersome and posed a problem for retrieval. Retrieval is a necessity in providing accurate, efficient service to clients, as areas of importance sometimes emerge as a pattern of a certain type of case develops. Without a computer, this was very difficult to track. This new system will provide better service as well as provide a data base to extrapolate trends and future planning needs.

In summary, the Ombudsman and his staff continue to offer a rapid, quality service in response to complaints and issues in the corrections arena. Moreover, the agency continues to look to the future, not only for more efficient methods in complaint resolution, but also to assure a more proactive posture so that emerging issues and trends can continue to be handled in the most efficient manner with available resources.

OMBUDSMAN'S JURISDICTION

Figure III



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 handles 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

<u>MONTH</u>	<u>TOTAL OPENED</u>	<u>TOTAL UNOPENED</u>	<u>TOTAL CONTACTS</u>
July	229	20	249
August	258	40	298
September	188	18	206
October	209	15	224
November	186	10	196
December	158	15	173
January	218	16	234
February	161	12	173
March	164	10	174
April	233	21	254
May	206	19	225
June	166	21	187
TOTAL	2,376	217	2,593

TABLE II
METHODS OF COMMUNICATION

<u>TYPE</u>	<u>CLOSED</u>	<u>UNOPENED</u>	<u>TOTAL</u>
Written Direct	597	35	632
Written Indirect	41	2	43
Personal Direct	445	5	450
Personal Indirect	21	0	21
Telephone Direct	1,067	155	1,222
Telephone Indirect	179	20	199
Ombudsman Initiated	47	0	47
TOTAL	2,397	217	2,614

TABLE III
CASELOAD SUMMARY

Carried Over from Fiscal Year 1985	120
Fiscal Year 1986 Contacts Received	<u>2,593</u>
Fiscal Year 1986 Caseload	2,713

Fiscal Year 1986 Caseload Disposition:	Cases Closed	2,397	
	Unopened Cases	<u>217</u>	
	TOTAL		2,614

Cases Carried Over to Fiscal Year 1987	99
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TABLE IV
REFERRALS*

Institution Staff	9
Legal Assistance to Minnesota Prisoners	8
Department of Corrections	6
State Public Defender	4
Private Attorney	4
Other**	<u>10</u>
TOTAL	41

*Unopened cases are not included.

**Other category contains organizations to which fewer than four referrals were made during F.Y.986.

TABLE V

INSTITUTION ADULT POPULATION
CLOSED CASES COMPARISON

<u>INSTITUTIONS</u>	<u>AVERAGE MONTHLY POPULATION</u>	<u>PERCENTAGE OF ADULT AVERAGE MONTHLY POPULATION</u>	<u>NUMBER OF CASES CLOSED</u>	<u>PERCENTAGE OF CASES CLOSED</u>
Stillwater	1,127	45.8%	740	39.8%
Oak Park Heights	359	14.6%	333	17.9%
St. Cloud	633	25.7%	447	24.1%
Lino Lakes	199	8.1%	198	10.6%
Shakopee	88	3.6%	139	7.5%
Willow River	53	2.2%	1	0.1%
TOTALS	2,459	100.0%	1,858	100.0%

TABLE VI

CLOSED CASE DISTRIBUTION COMPARISON

<u>CATEGORY</u>	<u>F.Y. 1985</u>		<u>F.Y. 1986</u>	
	<u>NUMBER</u>	<u>PERCENT</u>	<u>NUMBER</u>	<u>PERCENT</u>
Parole	125	5.0%	138	6.0%
Medical	213	9.0	209	9.0
Legal	203	9.0	223	9.0
Placement	261	11.0	294	12.0
Property	218	9.0	221	9.0
Program	353	15.0	225	9.0
Discrimination	31	1.0	42	2.0
Records	121	5.0	105	4.0
Rules	406	17.0	416	17.0
Threats/Abuse	170	7.0	215	9.0
Mail	24	1.0	35	2.0
Hygiene	10	1.0	11	1.0
Services	31	1.0	28	1.0
Other	207	9.0	235	10.0
TOTAL	2,373	100.0%	2,397	100.0%

TABLE VII

TOTAL CASES CLOSED

<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	64	3	9	14	2	21	3	8	0	0	8	6	138
Medical	78	21	19	37	0	10	24	0	0	3	15	2	209
Legal	53	28	56	43	2	12	7	4	0	1	3	14	223
Placement	147	41	41	28	3	9	11	3	0	1	2	9	295
Property	61	35	58	20	12	22	4	2	0	0	4	3	221
Program	74	19	41	21	2	50	10	1	0	4	1	2	225
Discrimination	21	1	2	3	0	7	5	0	1	1	1	0	42
Records	50	6	28	3	0	12	2	0	0	0	0	4	105
Rules	101	131	26	55	19	21	43	2	0	5	7	5	415
Threats/Abuse	23	12	89	49	4	10	17	4	0	1	1	6	216
Mail	14	5	7	5	1	3	0	0	0	0	0	0	35
Hygiene	4	1	0	6	0	0	0	0	0	0	0	0	11
Services	9	2	9	2	0	4	1	0	0	0	1	0	28
Other	<u>41</u>	<u>28</u>	<u>62</u>	<u>38</u>	<u>5</u>	<u>17</u>	<u>12</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>4</u>	<u>26</u>	<u>234</u>
TOTAL	740	333	447	324	50	198	139	24	1	17	47	77	2,397

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

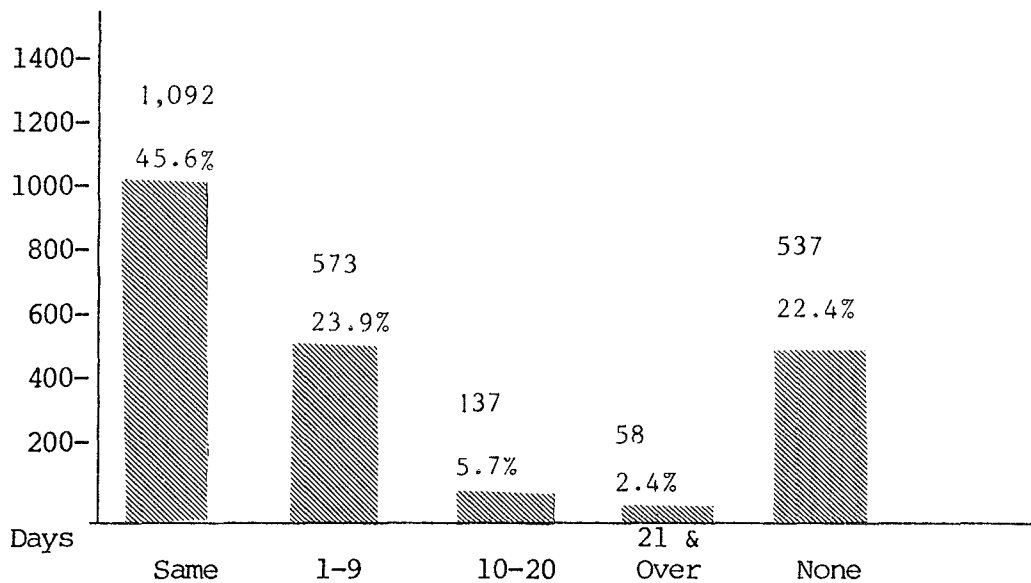
<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	53	2	5	14	2	13	2	7	0	0	8	3	109
Medical	76	15	18	34	0	9	22	0	0	3	15	1	193
Legal	42	10	12	14	0	4	1	1	0	0	1	4	89
Placement	144	32	30	23	3	9	10	2	0	1	1	6	261
Property	58	35	37	20	11	19	4	2	0	0	4	3	193
Program	71	19	36	20	2	44	10	1	0	3	1	2	209
Discrimination	18	1	2	3	0	7	5	0	1	1	1	0	39
Records	47	4	10	2	0	5	1	0	0	0	0	2	71
Rules	100	121	21	53	19	15	39	2	0	4	7	5	386
Threats/Abuse	23	12	87	49	4	10	17	4	0	1	1	6	214
Mail	14	5	6	5	1	3	0	0	0	0	0	0	34
Hygiene	4	1	0	6	0	0	0	0	0	0	0	0	11
Services	9	2	8	2	0	4	0	0	0	0	1	0	26
Other	<u>32</u>	<u>27</u>	<u>27</u>	<u>17</u>	<u>3</u>	<u>6</u>	<u>8</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>8</u>	<u>112</u>
TOTAL	691	267	299	262	45	148	119	19	1	13	43	40	1,947

TABLE IX

REQUEST CASES CLOSED

<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	11	1	4	0	0	8	1	1	0	0	0	3	29
Medical	2	6	1	3	0	1	2	0	0	0	0	1	16
Legal	11	18	44	29	2	8	6	3	0	1	2	10	134
Placement	3	9	11	5	0	0	1	1	0	0	1	3	34
Property	3	0	21	0	1	3	0	0	0	0	0	0	28
Program	3	0	5	1	0	6	0	0	0	1	0	0	16
Discrimination	3	0	0	0	0	0	0	0	0	0	0	0	3
Records	3	2	18	1	0	7	1	0	0	0	0	2	34
Rules	1	10	5	2	0	6	4	0	0	1	0	0	29
Threats/Abuse	0	0	2	0	0	0	0	0	0	0	0	0	2
Mail	0	0	1	0	0	0	0	0	0	0	0	0	1
Hygiene	0	0	0	0	0	0	0	0	0	0	0	0	0
Services	0	0	1	0	0	0	1	0	0	0	0	0	2
Other	<u>9</u>	<u>20</u>	<u>35</u>	<u>21</u>	<u>2</u>	<u>11</u>	<u>4</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>18</u>	<u>122</u>
TOTAL	49	66	148	62	5	50	20	5	0	4	4	37	450

FIGURE I
INITIAL INTERVIEW*



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

FIGURE II
TIME TAKEN TO RESOLVE CASES

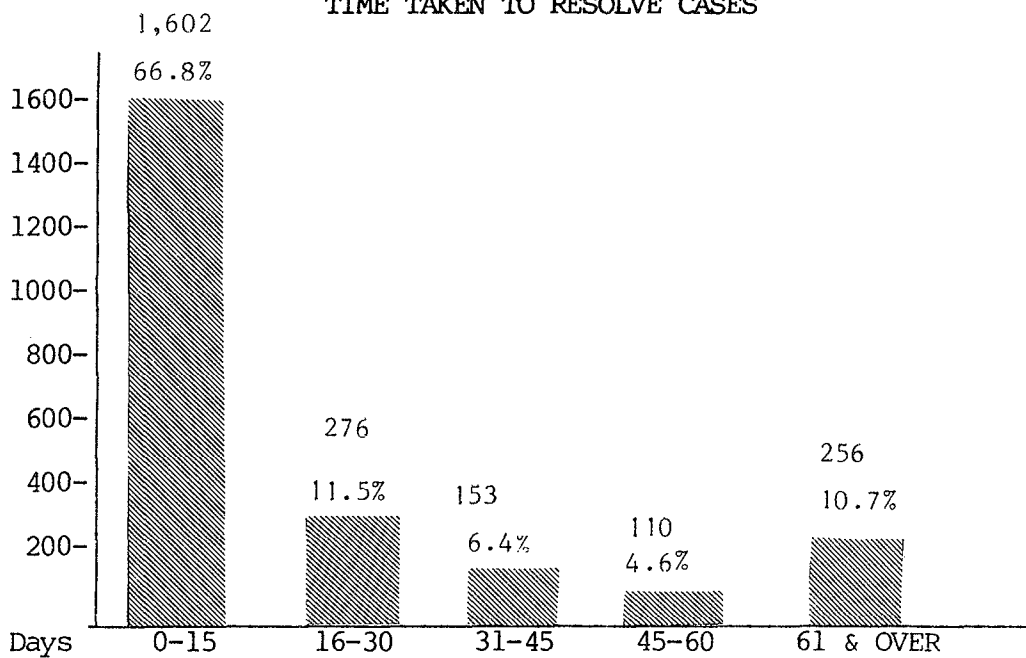


TABLE X

CASE RESOLUTION BY CATEGORY
(Cases Closed Only)

<u>CATEGORY</u>	<u>Full</u>	<u>Partial</u>	<u>None</u>	<u>TOTAL</u>	<u>With- drawn</u>	<u>Referred</u>	<u>TOTAL</u>
Parole	136	0	2	138	3	1	4
Medical	206	3	0	209	11	2	13
Legal	223	0	0	223	15	8	23
Placement	294	0	0	294	7	0	7
Property	207	14	0	221	13	3	16
Program	223	1	1	225	13	2	15
Discrimination	41	1	0	42	0	1	1
Records	101	4	0	105	3	0	3
Rules	411	4	1	416	19	1	20
Threats/Abuse	198	16	1	215	29	7	36
Mail	34	1	0	35	4	0	4
Hygiene	11	0	0	11	1	0	1
Services	27	1	0	28	2	2	4
Other	<u>226</u>	<u>9</u>	<u>0</u>	<u>235</u>	<u>30</u>	<u>6</u>	<u>36</u>
TOTAL	2238	54	5	2397	150	33	183
PERCENTAGE	97.5%	2.3%	.2%	100.0%	82.0%	18.0%	100.0%

TABLE XI

UNOPENED CASE DISPOSITION BY CATEGORY

<u>CATEGORY</u>	<u>REFERRED</u>	<u>REFUSED</u>	<u>REJECTED</u>	<u>DISMISSED</u>	<u>TOTAL</u>
Parole	15	2	3	3	23
Medical	1	2	8	1	12
Legal	36	2	10	0	48
Placement	5	1	2	1	9
Property	3	3	6	1	13
Program	2	3	3	0	8
Discrimination	1	0	1	0	2
Records	8	0	3	0	11
Rules	6	2	17	1	26
Threats/Abuse	6	6	13	1	26
Mail	1	0	2	1	4
Hygiene	0	0	1	0	1
Services	0	0	1	0	1
Other	<u>10</u>	<u>6</u>	<u>13</u>	<u>4</u>	<u>33</u>
TOTAL	94	27	83	13	217
PERCENTAGE	43.4%	12.4%	38.3%	5.9%	100%

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 here-by 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 242.42 to 242.45, 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 section 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of

appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in section 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 action 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 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 complainant 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 RECOMMENDATION; REPORTS.

Subd. 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.