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MINNESOTA OMBUDSMAN FOR CORRECTIONS

An Evaluation Report

November, 1974



MINNESOTA

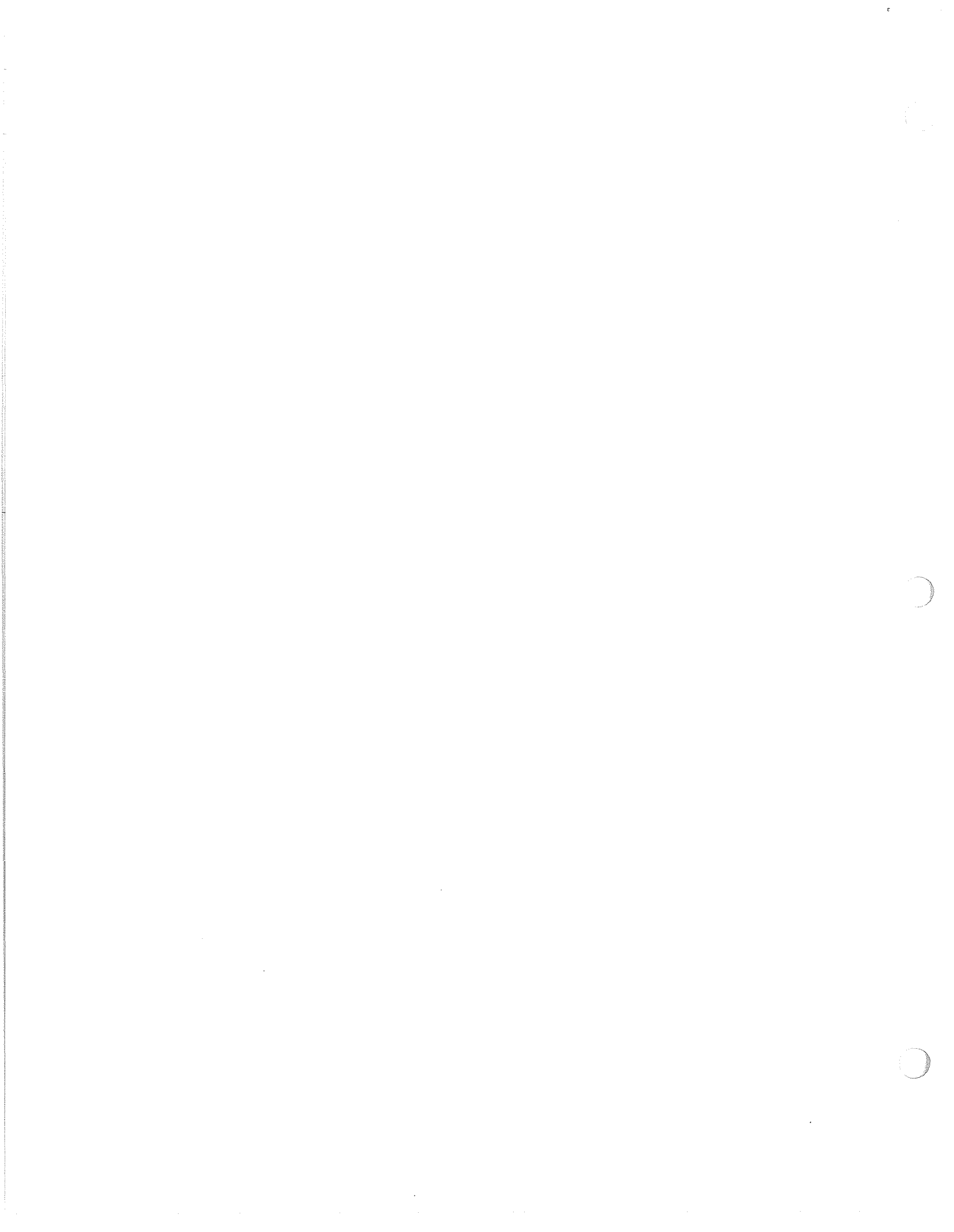
OMBUDSMAN FOR CORRECTIONS

prepared by

Project Evaluation Unit

Governor's Commission on Crime Prevention and Control

November, 1974



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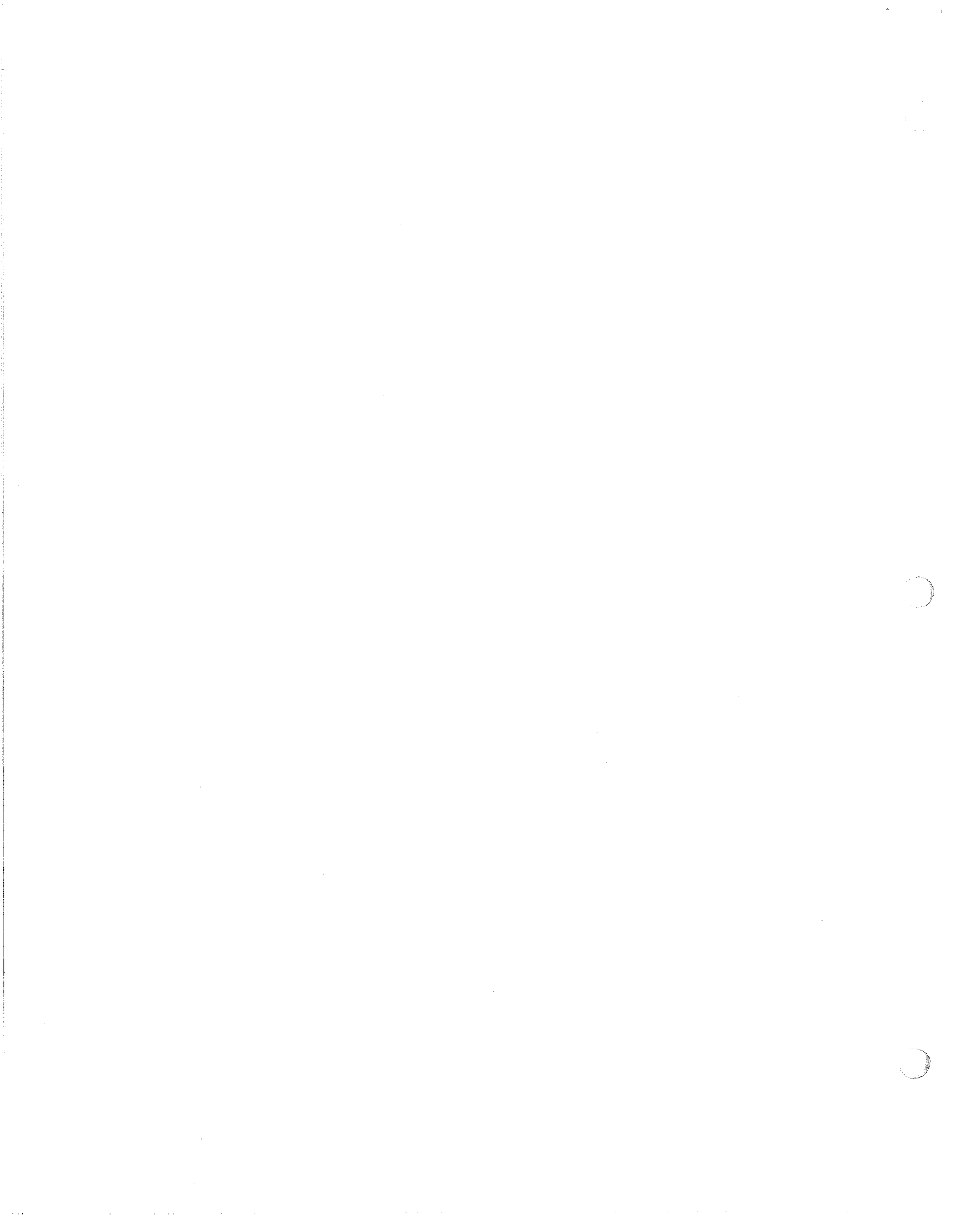


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I. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

A. ASSESSMENT OF EFFORT

1. Finding. The Ombudsman conducts approximately one thousand investigations annually. These investigations involve over 5,000 separate investigative contacts of which about half are with the client and about half are with other individuals. Most of these contacts are personal contacts (72%) with the remainder being either by telephone (18%) or in writing (10%).

2. Finding. Within the past year the Ombudsman has conducted three very extensive special investigations which have required a substantial expenditure of his resources as each investigation involved extensive hearings and other investigative procedures.

3. Conclusion. The available data strongly suggest that the Ombudsman and his staff meet normal expectations regarding productiveness. There seems to be little evidence of lack of effort and the Ombudsman and his staff may well be unusually dedicated and hard working.

B. PROGRAM ANALYSIS

4. Finding. The Ombudsman's caseload is not significantly unbalanced in terms of the facilities involved or in terms of the age, sex or ethnic background of his clients.

5. Findings: Virtually all requests (95.9%) which come to the Ombudsman are investigated.

6. Finding. Only a relatively small number (13.2%) of the requests for assistance are seen as totally without merit.

7. Finding. Very few (5.8%) of the Ombudsman's cases are referred to Legal Aid to Minnesota Prisoners (LAMP).

C. ASSESSMENT OF EFFECT

1. Implementation

8. Finding. The Ombudsman disposes of most requests for assistance (77.7%) in a manner which does not require a formal recommendation.

9. Finding. Although the Ombudsman makes relatively few formal non-policy recommendations, these recommendations are usually implemented.

10. Finding. The Ombudsman has made fifty-six policy recommendations and approximately one-half of these have been implemented. The exact proportion varies somewhat from institution to institution and it varies greatly depending on whether one asks administrators, staff members, or inmates. However, at least one-fourth of these policy recommendations have been implemented and the figure may be as high as 70%.

11. Conclusion. Even though the data clearly show that the Ombudsman is not always successful in getting administrative agencies to follow his recommendations, there seems to be little question that he is frequently successful in gaining their cooperation.

2. Satisfaction

12. Finding. All of the administrative personnel who were interviewed seemed to be basically satisfied with the Ombudsman's performance.

13. Finding. Most, but not all, of the staff personnel who were interviewed were supportive of the Ombudsman. There was, however, some general feeling that the Ombudsman was not fulfilling his responsibility concerning staff grievances.

14. Finding. Among inmates the general level of satisfaction with the Ombudsman's efforts was less than overwhelming as less than half (45.5%) were satisfied with the Ombudsman's efforts on their behalf. This low level

of satisfaction is probably due to some combination of factors including:
1) performance failures, 2) unrealistic expectations, 3) cynicism,
4) selection bias and 5) inadequate communications.

15. Conclusion. The level of reported satisfaction with the Ombudsman's efforts varies widely depending upon the role of the respondent. Generally speaking, it seems that those who were initially least enthusiastic about the concept (administrators and guards) are now most satisfied with his efforts while those who were originally most enthusiastic about the concept (inmates) are now least satisfied with his efforts.

16. Recommendation. The Ombudsman should develop a formal procedure for informing all clients, in writing, when their case is to be closed. This notification should briefly describe the investigation which was conducted on their behalf and explain why the case is to be closed.

II. INTRODUCTION

In July 1972, the Governor's Commission on Crime Prevention and Control funded the Minnesota Ombudsman for Corrections as an experimental program whose purpose was to assist in the promotion of ". . . the highest attainable standards of competence, efficiency and justice in the administration of corrections."¹ This program consisted of establishing and maintaining an Office of Ombudsman for the State Department of Corrections. Although the Ombudsman now operates as an independent State agency, the Commission maintains an interest in the performance of this and other projects which it has funded. For this reason, the Commission requested its Evaluation Unit to conduct a study of the Ombudsman for Corrections in order to provide a reliable assessment of its performance.

Evaluation as used in this report refers to the process of utilizing scientific research methods in an effort to provide accurate and objective information concerning the process and effects of social action programs. This evaluation will devote little attention to the staffing patterns and administrative practices of the Ombudsman's office as these matters are adequately described in the Ombudsman's annual reports. Persons who are interested in these descriptive materials should refer to the Ombudsman for Corrections' Annual Reports which are available to all interested parties.

This evaluation report focuses on how the Ombudsman for Corrections is fulfilling his responsibilities and to what effect. This evaluative information is useful for many purposes but it is directed, in this case, specifically toward providing reliable and relevant information to the

¹Minnesota Statute 241.407.

Ombudsman and to policy-makers. The aim is to provide the Ombudsman with an organized set of empirically based observations and recommendations which may be utilized by him to improve the methods whereby he seeks to provide services or otherwise fulfill his responsibilities. Beyond the programmatic perspective there is the broader question of what effects or impacts the operations of this office are having on the State correctional system and whether these impacts are consistent with the intent of those who created and sustain the program.

This evaluation represents, then, an effort to employ scientific research methods to collect and analyze relevant information concerning the operation and effectiveness of the office of the Ombudsman and thereby assist the Ombudsman in maximizing his effectiveness while providing a base of information upon which authoritative decision-makers may draw when determining the appropriate public policy vis-a-vis the continuation and/or modification of this program.

Before discussing the evaluation design used in this study, and before analyzing the data, a brief description and background of the Ombudsman's office is appropriate.

The modern version of the old Swedish idea² of an Ombudsman refers to a "person with a reputation for integrity, objectivity and courage to act as conciliator for the people in handling complaints about their treatment by governmental agencies."³ An Ombudsman is expected to fulfill this obviously

²The Ombudsman dates back to 1809 when the Swedes created a Riksdagens Justitieombudsman.

³Policy statement of the University of Illinois Assembly on the Ombudsman, meeting at Zien, Illinois, March 13-14, 1969. In University of Illinois Bulletin, 66 (131):5 (June 25, 1969).

difficult role by receiving, investigating and reporting citizens' complaints of bureaucratic abuse while exhibiting the essential characteristics of (1) independence, (2) impartiality, (3) expertise in government, (4) universal accessibility, and (5) power only to recommend and to publicize.⁴ The Minnesota experiment is an effort to apply this concept to the administration of corrections in the expectation that improved administrative practices will result.

The specific responsibilities of the Ombudsman are delineated in the legislative act which established the office of Ombudsman for Corrections as an independent agency of government. This act states that the ". . . Ombudsman should address himself particularly to actions of an administrative agency⁵ that 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 be revealed; or (5) inefficiently performed."⁶ The means which are provided to the Ombudsman to fulfill these responsibilities are an investigative authority coupled with the power to make recommendations and to act as an advocate for such recommendations.

⁴Timothy L. Fitzharris, The Desirability of a Correctional Ombudsman, (Berkeley: Institute of Governmental Studies, 1973), p.9.

⁵"Administrative agency" or "agency" means a division, official, or employee of the Minnesota Department of Corrections, the Youth Conservation Commission, the Adult Correction Commission and the Board of Pardons.

⁶Minnesota Statute 241.42, Subd. 2.

The investigative authority which has been granted to the Ombudsman is quite broad. He has been given the authority to examine records and documents; enter and inspect premises; and order persons to appear, give testimony, or produce documentary or other evidence which the Ombudsman deems relevant to a matter under inquiry.⁷ The Ombudsman may utilize this grant of authority to investigate complaints which come to him from others or he may conduct investigations on his own initiative. Even though this grant of investigative authority provides wide latitude, it should always be borne clearly in mind that the Ombudsman is not permitted, on his own authority, to change any administrative decision. He may recommend changes in agency policy or actions and he may publicly advocate such modifications but he does not have the authority to "order" compliance with his recommendations.

In view of the fact that the creation of an Ombudsman for Corrections is a somewhat unorthodox approach toward resolution of some of the problems which afflict correctional efforts, it seems useful to review some of the goals and objectives which were set forth for this program at its inception.

The program's principal stated goals and objectives were:

1. Improving the relationship between staff and inmates by providing the inmates with information on the actions, motives, and design of administrative action.
2. Alleviation of tension within the prison by means of more open communications, i.e., a "release valve."
3. The improvement and clarification of administrative procedures and regulations.
4. Reorganization and revitalization of internal prison review procedures.
5. Increased access to judicial review by cooperation and coordination with the various legal aid services.

⁷Minnesota Statute 241.44.

6. Encouragement of more active involvement of private and governmental agencies and interest groups in alleviating the grievances.
7. Coordination of overlapping governmental agencies by means of increased flow of information from the agencies to inmates and staff regarding functions, programs and procedures.
8. Strengthening and correcting legislation by providing the Legislature with information and recommendations regarding correctional institutions.⁸

While a review of these goals and objectives is useful in that it conveys the flavor of what was intended by those who were responsible for the creation of this program, these goal statements do not, by and large, lend themselves to evaluation. They are too vague to serve as standards against which to judge the Ombudsman's performance. Because of this problem, it was necessary to develop an alternative design for evaluating this program. This evaluation design is presented in the following section.

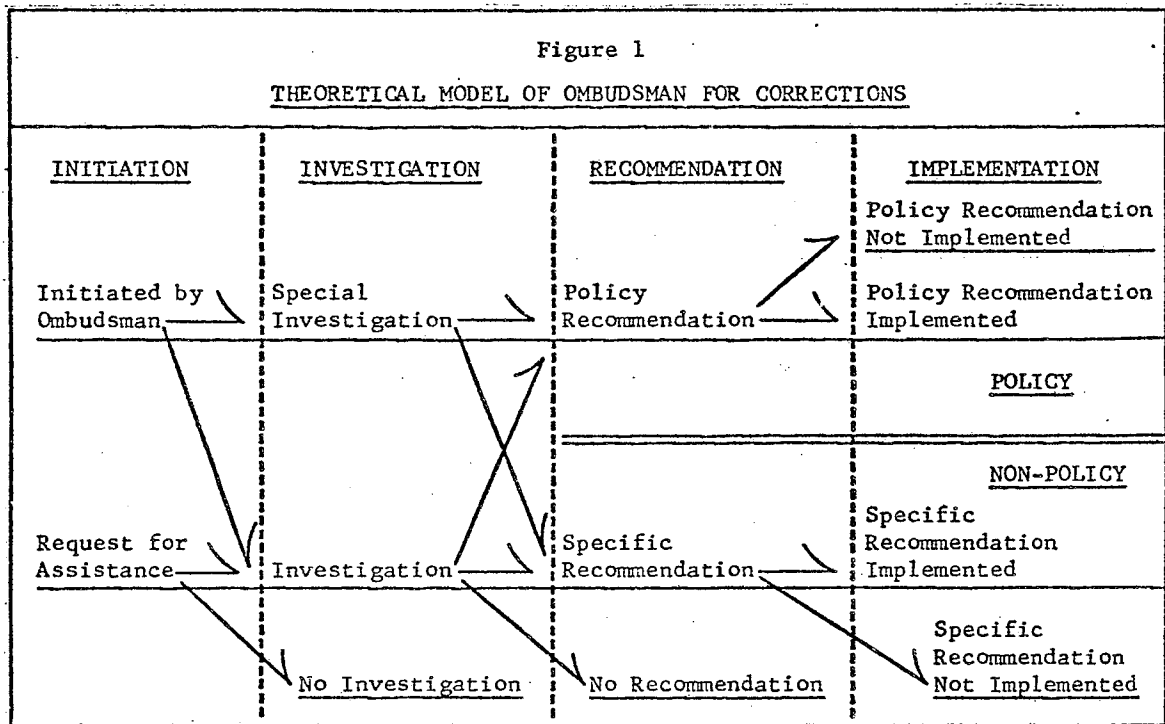
⁸ Theartrice Williams, A Report on the First Twelve Months of Operation of the Ombudsman for Corrections for the State of Minnesota, (St. Paul: State Of Minnesota, July, 1973), pp.1-2.

III. EVALUATION DESIGN

Evaluation research must proceed from a well-conceived and well-articulated theoretical framework to allow the researcher and relevant others to conceptualize the problems in an organized and coherent manner. This ability to grasp the overall research problem is fundamental since it is from this understanding that all research decisions should proceed. Without a sound model as a point of reference, it is virtually certain that the research effort will lack integration and that many of the decisions which must be made in the course of design and execution will be made in a disorganized and counter-productive fashion.

Since there is seldom only one way of addressing a research problem, choices must be made when developing an evaluation design. There are not only good and poor approaches to a research problem, there are also simply different approaches. It should be borne in mind that there is generally more than one design which can be applied to a given research problem. The choice of a particular evaluation design will color the research effort and should be kept in mind as one seeks to utilize the research product.

After studying the literature on the Minnesota Ombudsman for Corrections and observing him and his staff in the performance of their daily tasks, a model of the Ombudsman's function in Minnesota has been constructed in Figure 1, (shown on page 10).



This model makes a distinction between Policy and Non-Policy issues and it distinguishes among the four stages of Initiation, Investigation, Recommendations, and Implementation. We have chosen to emphasize the distinction between Policy and Non-Policy issues as this distinction seems to parallel one which is made by the Ombudsman and is one which seems to comport well with our observations. This distinction between Policy and Non-Policy is intended to refer to the differences between those instances when the Ombudsman seeks to have an impact on the methods or procedures whereby the Department of Corrections and/or its subdivisions seek to fulfill their responsibilities (Policy) and those instances when the Ombudsman seeks to resolve individual problems not involving changes in Department of Corrections' methods or procedures (Non-Policy). Inasmuch as these are two clearly different issues, it seems most useful to keep them conceptually distinct even though both types of issues may be present in some cases. The four stages in this model define

the four phases through which issues coming to the attention of the Ombudsman may pass. These stages, representing the normal sequential flow of requests through the Ombudsman's administration procedures, define a complete cycle. It is, of course, probable that many requests do not complete the entire cycle. The extent to which this is true, of course, represents one of the more important research questions.

Reflecting on this model, there are three general kinds of issues which must be analyzed. For convenience in reference, these three types of issues will be referred to as "Assessment of Effort," "Program Analysis," and "Assessment of Effect." The Assessment of Effort issue deals with the quantity of energy expended by the Ombudsman and his staff and the best approach to such an Assessment seems to be to compile and report objective, quantitative data which is indicative of the amount of work-energy expended. The second area of interest is Program Analysis. In the Program Analysis section, sources of requests and internal program processes will be examined. The Assessment of Effect issue concerns the extent to which the Ombudsman produces results. The approach dictated here is one which will measure the end-products or outputs of the Ombudsman and the most appropriate focus seems to be the issues of recommendation, implementation and client satisfaction.

Just as the critical issues are deduced from the theoretical model, so also the data needs and methods may be deduced from the nature of the critical issues. This will be further elaborated in the succeeding sections wherein the basic issues will be further developed and the data needs and methods of analysis will be defined.

IV. ASSESSMENT OF EFFORT

The assessment of effort provides a basis for understanding how much energy is expended by the Ombudsman and his staff in seeking to fulfill the program's assigned responsibilities. There are, however, two major difficulties with this type of assessment. The first problem is that it is not practical to attempt to directly measure "human energy" so indicators of effort must be used in lieu of direct measures. The problem with this sort of indirect measurement is that it is almost always imperfect and there is, therefore, almost always some distortion present. The reader should clearly recognize, therefore, that the data presented in this section are only some indirect indications of effort rather than direct measurements of effort. Bearing this in mind the reader would be ill-advised to read too much into this data as it simply does not present the entire picture and many efforts may not be reflected in the data.

The measurement issue aside, the second major problem is that it is difficult to establish a basis of comparison with which to judge the apparent staff efforts. That is, even if reasonably good indicants of effort are established, the question of what should be expected remains open. This is always a problem with innovative programs for which no performance standards have yet been developed. The only choice in this instance seems to be to provide information concerning variables which seem to be reflective of program efforts and to offer tentative judgments concerning the apparent adequacy of these efforts. This seems to be the best that can be done under the circumstances which prevail at this time and it does permit readers to

reach their own conclusions should their performance standards vary from those suggested in the evaluation.

The very nature of the Ombudsman's role clearly suggests that the most appropriate place to look for indicators of programmatic effort is in the area of investigation. While investigation is not the only activity of this office, it is the core activity around which all other efforts should revolve. Therefore, it would seem that if we can provide data relative to the number and magnitude of the investigations conducted by this office, we should also have a clear impression concerning the magnitude of the general administrative, research, reporting, and information activities which are associated with this core function.

Prior to examining the magnitude of the investigative activities undertaken by the Ombudsman's office, it is necessary to distinguish the two general types of investigations which are conducted by this office. The vast majority of investigations which are conducted by the Ombudsman involve an investigation by a single field investigator of a specific client-related issue. Special investigations, of which there have been only three, are broad investigations wherein the total resources of the office are employed to explore issues which are perceived by the Ombudsman to be of singular and immediate

import for the State correctional program.⁹

Since the client specific investigation remains the principal function of the Ombudsman, it would seem appropriate to first turn our attention to this activity in order to begin to grasp the magnitude of the workload borne by the Ombudsman and his staff. During the six-month period (November 1, 1973 - April 30, 1974) which was examined for this evaluation, the Ombudsman's files showed that 511 investigations had been initiated. Based on this six-month figure, we can, ignoring minor seasonal variations, estimate that the Ombudsman's office is conducting somewhere on the order of 1,000 investigations annually. While this is a fairly impressive figure, it is obvious that what constitutes an investigation can vary from a case wherein almost no effort is required to an extremely difficult and burdensome enterprise. In order to seek to further define what is involved in an investigation, we selected a sample of 121 cases¹⁰ and sought to

⁹Detailed reports regarding these special investigations are available from the Ombudsman. These reports are titled: Investigative Report of the August 5, 1973, Incident at the State Reformatory for Men at St. Cloud, (November 1, 1973); Investigation Report of the Deaths of John Love and Thomas Durham, (December 12, 1973); and Investigation Report of the Deaths of Rick Fultz and James Martin, (May 1, 1974).

¹⁰The specific cases for which detailed data were sought were chosen by selecting a 25% random sample of the complaints reaching the Ombudsman between November 1, 1973 and April 30, 1974. This procedure produced a sample of approximately 127 cases. The actual working sample was 121 as six cases were still pending when this data for this study were collected. This sample is sufficiently large to permit reasonably reliable statistical inferences and it was near the upper limit which available research resources permitted. While this data collection process falls short of the research ideal, there is good reason to believe that the results are sufficiently accurate to be highly useful. Because of their relatively small numbers, it was not necessary to sample special investigations or policy recommendations as all such investigations and recommendations were examined without over-extending research resources.

reconstruct¹¹ the important aspects of each investigation. From this data we are able to provide some fairly precise information concerning the staff effort which is involved in conducting this type of investigation.

An examination of our sample of cases showed that the total number of contacts for an investigation ranged from 0 to 32 with a mean (average) number of 5.1 contacts per investigation. (See TABLE I, below, and TABLE II, on page 16.)

TABLE I			
INVESTIGATIVE CONTACTS BY TYPE OF INDIVIDUAL CONTACTED			
Type of Individual Contacted	Range	Mean	Median
Client	0-19	2.488	1.829
Other	0-22	2.620	1.704
TOTALS	0-32	5.107	3.583

¹¹ Having identified the nature of the evaluation which was expected; and having established a theoretical framework wherein such an evaluation effort could be conceptualized; and having determined the data requirements for the evaluation -- it was abundantly clear that the written records available from the Ombudsman's files would not, by themselves, support this evaluation. Given the fact that adequate data were not available from the Ombudsman's written records and that a redesigned system currently being implemented would not generate representative data soon enough -- it was necessary that some data source, in addition to written records, be tapped. The only available source for such supplemental data was, therefore, the memories of the Ombudsman's investigators. While it is recognized that the investigators' memories are something less than ideal sources, they were much better than it might seem at first glance. Since each case involved specific individuals or groups, the investigator, with the aid of the files, was usually able to reconstruct his investigations in the course of a carefully structured interview.

TABLE II			
INVESTIGATIVE CONTACTS BY TYPE OF CONTACT			
<u>Type of Contact</u>	<u>Range</u>	<u>Mean</u>	<u>Median</u>
Personal	0-20	3.760	2.523
Written	0- 4	.537	.318
Telephone	0-15	.942	.220

If we break this total number of contacts down in terms of whether the investigator contacted the client or someone else, we find that the number of client contacts ranged from 0 to 19 with a mean of 2.5 while the number of contacts with others ranged from 0 to 22 with a mean of 2.6. While these figures are appropriate in estimating the effort expended, it should be realized that they do somewhat distort the picture of the typical investigation. This occurs because of a relatively small number of cases involving very high numbers of contacts which tend to inflate the mean. The more appropriate picture of the typical case is obtained by looking at the median which shows a median number of contacts with clients of 1.8 and with others of 1.7. Therefore, the median number of total contacts is 3.5.

Since the nature of the contact also tells us something about the amount of energy expended by the staff, we have broken down the contact data in terms of whether the contact was in person, written or telephone. This tells us that the number of personal contacts varies from 0 to 20 with the average number being 3.8. Written contacts, on the other hand, are far fewer with a range of only 0 to 4 and an average of .5. Telephone contacts are also relatively infrequent with a range of 0 to 15 with an average of less than one (.9) per investigation.

Based on these figures, some annual estimates have been developed and are displayed in TABLE III and TABLE IV, below.

TABLE III ESTIMATED ANNUAL INVESTIGATIVE CONTACTS BY TYPE OF INDIVIDUAL CONTACTED				
Type of Individual Contacted	Mean Number of Contacts	Est. Number of Investigations Annually	Est. Number Investigative Contacts Annually	% of Total
Client	2.488	1,022	2,543	48.7%
Other	2.620	1,022	2,678	51.2%
TOTALS	5.108	1,022	5,219	99.9%

TABLE IV ESTIMATED ANNUAL INVESTIGATIVE CONTACTS BY TYPE OF CONTACT				
Type of Contact	Mean Number of Contacts	Est. Number of Investigations Annually	Est. Number of Investigative Contacts Annually	% of Total
Personal	3.760	1,022	3,843	71.7%
Written	.537	1,022	549	10.2%
Telephone	.942	1,022	963	17.9%

These estimates are based on the assumption that in the course of normal operations somewhere in the neighborhood of 1,000 investigations are conducted annually by the Ombudsman and his staff. In the course of these investigations, it is estimated that over 5,000 investigative contacts are made of which about one-half are with the client and about one-half are with other individuals. Most of these contacts (72%) are personal contacts with the remainder being either by telephone (18%) or in writing (10%).

In addition to these investigations, the Ombudsman has conducted three

special investigations.¹² These investigations have utilized a large proportion of the Ombudsman's resources during the month or so during which each investigation was being conducted and testimony taken. In addition to the investigative effort, the preparation of reports also required staff resources. Therefore, while these special investigations have been relatively few in number, they definitely represent a considerable effort.

In summary then, the evidence suggests that the Ombudsman and his staff are putting forth a substantial effort in fulfilling their responsibilities. This judgment is reinforced by information which was provided by the administrators, staff and inmates who were interviewed in the course of this evaluation. There were, as one might expect, some instances wherein individuals berated the Ombudsman for lack of effort on their behalf but this was relatively infrequent even among those who were dissatisfied with the fruits of the Ombudsman's efforts. The available data, supplemented by the general responses during interviews, suggest that the Ombudsman and his staff meet normal expectations regarding productiveness. There seems to be little evidence of lack of effort and the Ombudsman and his staff may well be unusually dedicated and hard-working.

¹²See footnote 9 on page 14.

V. PROGRAM ANALYSIS

One of the important services which a comprehensive evaluation provides to a program is detailed analysis of how the program functions. The bulk of this feedback is provided in the Program Analysis section which seeks to dissect the program and, in so doing, to provide clear, objective information to those interested in maximizing the utility of the Ombudsman. The empirical basis for this analysis is our sample of specific cases handled by the Ombudsman. The structure for this analysis is, of course, provided by the theoretical model which was developed earlier in this report (Figure 1, page 10).

A. REQUESTS FOR ASSISTANCE

The central issue in this area is the type of clients which generate requests for assistance. While there are unquestionably a myriad of potential variables which might be utilized to seek to define these clients, we have chosen to examine those variables which are either frequently alleged to be operative or which seem to have some broad policy implications. The four variables which seemed to fit these requirements are 1) the type of correctional facility involved, 2) the age, 3) the sex and 4) the ethnic background of the client. It seems useful, in an effort to understand the sources of the Ombudsman's caseload, to examine each of these factors separately by comparing the characteristics of our sample of clients with the institutional populations which they represent.

1. Facility.

TABLE V REQUESTS for ASSISTANCE from ADULTS and ADULT CORRECTIONAL POPULATIONS -- BY FACILITY				
<u>Facility</u>	Requests for Assistance		Institutional Population	
	<u>N =</u>	<u>% =</u>	<u>N =</u>	<u>% =</u>
MSP-Stillwater	63	67.7%	819	61.3%
SRM-St. Cloud	22	23.6%	461	34.5%
MCIW-Shakopee	8	8.6%	55	4.1%
	<u>93</u>	<u>99.9%</u>	<u>1,335</u>	<u>99.9%</u>

An examination of the data presented in TABLE V (above) demonstrates that there are no meaningful differences among the adult institutions as to the rate at which inmates request assistance from the Ombudsman. There are, of course, some minor variations but these are easily attributable to sampling error. These data strongly suggest that a similar rate of requests prevails among adult institutions.

2. Age of Clients.

TABLE VI REQUESTS for ASSISTANCE from ADULTS and ADULT CORRECTIONAL POPULATIONS -- BY AGE GROUP				
<u>Age Group</u>	Requests for Assistance		Institutional Population	
	<u>N =</u>	<u>% =</u>	<u>N =</u>	<u>% =</u>
18 - 25	46	48.9%	617	46.2%
26 +	48	51.0%	718	53.7%
	<u>94</u>	<u>99.9%</u>	<u>1,335</u>	<u>99.9%</u>

With this variable, as with the previous variable, there is nothing to suggest that, among adults, age is related to the likelihood that an inmate will request assistance from the Ombudsman.

3. Sex of Clients.

TABLE VII REQUESTS for ASSISTANCE from ADULTS and ADULT CORRECTIONAL POPULATIONS -- BY SEX				
Sex	Requests for Assistance		Institutional Population	
	N =	% =	N =	% =
Male	85	91.3%	1,280	95.8%
Female	8	8.6%	55	4.1%
	<u>93</u>	<u>99.9%</u>	<u>1,335</u>	<u>99.9%</u>

Again, as with the two previously examined variables, there is very little to suggest any serious imbalance in the source of requests by sex. The small discrepancy which is apparent in TABLE VII (above) is quite obviously not significant.

4. Ethnic Background.

TABLE VIII REQUESTS for ASSISTANCE from ADULTS and ADULT CORRECTIONAL POPULATIONS -- BY ETHNIC BACKGROUND				
Ethnic Background	Requests for Assistance		Institutional Population	
	N =	% =	N =	% =
White	73	65.7%	990	75.1%
Black	27	24.3%	206	15.6%
American Indian	11	9.9%	121	9.1%
	<u>111</u>	<u>99.9%</u>	<u>1,317</u>	<u>99.8%</u>

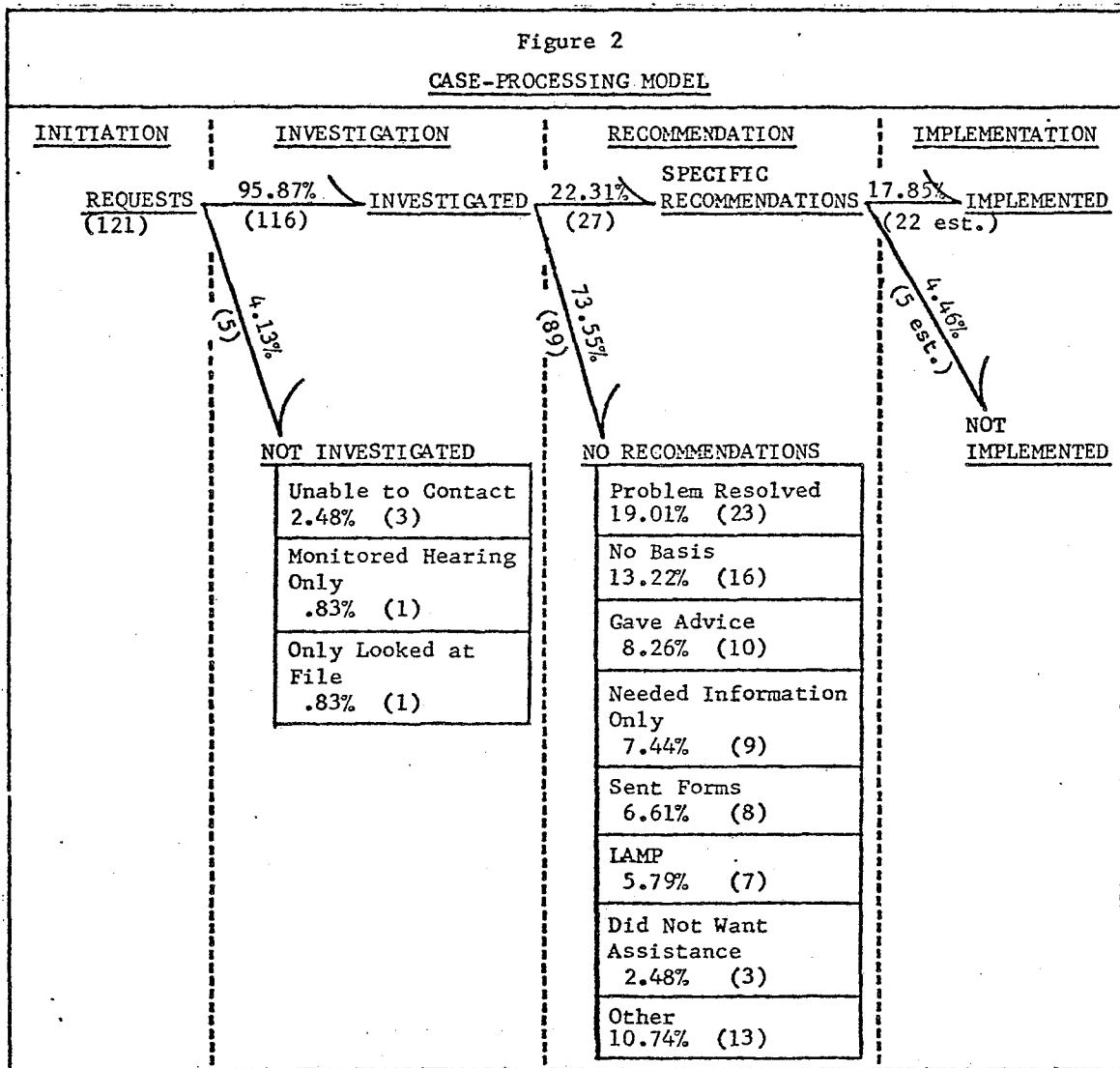
Ethnic background is of particular importance because it has been frequently suggested that the Ombudsman is involved with minority inmates to the extent that white inmates are ignored. While there is a mild over-representation of blacks in our sample, it is not statistically significant¹³ and there appears to be no empirical evidence of ethnic imbalance.

The inevitable conclusion which is drawn from this brief examination of these client-related variables is that there is no evidence to suggest that the requests for assistance which come to the Ombudsman are coming from anything other than a broad and balanced spectrum of inmates.

B. INVESTIGATION

The investigative phase of the Ombudsman's case processing procedure has already been extensively examined in the Assessment of Effort component of this report. The only data relevant to this area which has not been discussed are those instances where no investigation was conducted. An examination of the case-processing model shown in Figure 2, (on page 23), discloses that five (4.1%) of the sample cases were not investigated. The reasons why these cases were not investigated are apparent from Figure 2 and it is obvious that little of note is occurring here. It does not seem, therefore, that any treatment of this area beyond that already provided is necessary.

¹³ $\chi^2 = 6.01, d.f. = 2, p > .01.$



C. RECOMMENDATION.

At this point there are two basic issues about the recommendation process which have not already been adequately discussed. The first issue is that as shown in Figure 2, above, only 22.3% of the requests which come to the Ombudsman result in a specific recommendation being made. The vast majority of cases are either terminated without a recommendation being made

(73.6%) or are not investigated (4.1%). A second major issue -- the reason why no recommendations were made -- is also most informative. The suggestion here is that many of the requests are matters which are either readily resolved, such as cases where only forms are provided, or which are seen as inappropriate issues for the Ombudsman to handle. Two other more minor points are that relatively few of the requests are seen as totally without merit (13.2%) and it is also interesting that few (5.8%) are referred to Legal Aid to Minnesota Prisoners (LAMP). These two findings seem to run counter to some of the allegations which have been made regarding the claim that inmates are just "blowing smoke" and to the suggestion that the Ombudsman passes a large part of his caseload on to LAMP. Neither allegation is supported by the data.

D. IMPLEMENTATION.

Most of the important issues in this area will be discussed in the Assessment of Effect component following this section. The two factors shown in the model (Figure 2, page 23) which do seem worthy of additional note are that only 17.9% of the requests which come to the Ombudsman seem to succeed in surviving through the entire process of investigation, recommendation and implementation. This suggests that the Ombudsman is using the formal recommendation procedure rather infrequently and as noted earlier that he uses it with a high degree of success.

VI. ASSESSMENT OF EFFECT

The component of the evaluation which focuses on the impacts, results or effects is always a point of central concern and also the component which is most resistant to research. The primary reason for this problem is that in order to attribute observed changes to an intervention program, it is necessary that all other potential sources of change be controlled. Without such control, it is not possible to establish, in a rigorous scientific sense, that observed changes are attributable to the intervention program rather than to other causes. Inasmuch as such scientific control is impossible as a practical matter for the Ombudsman program, the ability to make inferences concerning the causes of observed changes is impaired. Nevertheless, it seems useful to report observable changes in the areas wherein the Ombudsman seeks to have effects and to make observations as to the probable causes of such changes. While this procedure is somewhat short of the scientific ideal, it can be most useful and represents the best that can be done in this area given conditions over which researchers have no control.

The principal areas which will be examined for evidence of effect by the Ombudsman are implementation and client satisfaction. The implementation facet will maintain the theoretically grounded distinction between policy and non-policy recommendations. Policy recommendations, as previously differentiated, refer to those instances wherein the Ombudsman recommends a change in the practices and procedures of the Department of Corrections or one of its components. Examples of policy recommendations follow:*

* See APPENDIX A for a complete list of the Ombudsman's Policy Recommendations.

1. Written records should be made of disciplinary court proceedings.
2. The culture groups should be continued with those suspended reactivated immediately.
3. The Department of Corrections should undertake the development of a comprehensive training program for all staff regarding disciplinary proceedings and "due process" as outlined in Judge Neville's court order.
4. Upon the death of an inmate not due to obviously natural causes, the appropriate law enforcement officials should be called in immediately and efforts should be made to leave things undisturbed until their arrival.

Non-policy recommendations, on the other hand, refer to instances where the Ombudsman recommends that some specific action be taken on behalf of a single individual or group which does not require a change in basic practices or procedures. Some examples of this would be cases where the Ombudsman recommends that an inmate's property claim be paid or when he recommends that a parole plan be developed for a specific inmate.

A. IMPLEMENTATION

The basic issue for implementation effects will be to assess the extent to which the recommendations of the Ombudsman are implemented. This is, at least conceptually, a very straightforward question and will constitute the main focus of this part of the analysis. As a practical matter, however, how one determines if a recommendation has been implemented and, if implemented, whether the Ombudsman was the probable cause of that action presents formidable research problems.

1. Non-Policy Recommendations. Prior to addressing the issue of the impact of the Ombudsman in terms of getting his non-policy recommendations actually implemented, it is necessary to establish how frequently such

recommendations are made. Somewhat surprisingly it does not seem that the Ombudsman makes many non-policy recommendations.

Turning to our sample of 121 cases we find that only 27 (22.3%) resulted in a formal recommendation to an administrative agency. The remainder were disposed of in some manner short of a recommendation (see Figure 2, page 23). Since it seems that the best source of information concerning whether a non-policy recommendation had been actually implemented would be the client who was to be affected by the recommendation, we hoped to personally contact each of these 27 individuals. However, because of the great difficulty involved in locating persons who have been released from custody, our resources limited us to contacting those individuals who were still incarcerated. In spite of the fact that all of the cases under study were less than nine months old, we found only 10 of the 27 to be still incarcerated. Interviews with these ten individuals told us that eight (80%) of these persons felt that the Ombudsman's recommendations in their case had been implemented while two (20%) felt that they had not. This is a rather impressive proportion given the fact that the Ombudsman does not have power to enforce these recommendations and given the fact that the ten individuals who were contacted were, by virtue of being still incarcerated, probably biased against the system. The thrust of all of this is, of course, that the Ombudsman appears to make relatively few non-policy recommendations (22.3%) but that these recommendations are usually (80%) implemented.

2. Policy Recommendations. The problem of determining to what extent

the policy recommendations of the Ombudsman have been implemented presents, however, a somewhat different problem. Inasmuch as there is no specific client on whose behalf a recommendation is made, there is no one client who can be consulted regarding implementation. Likewise, since policy recommendations are seldom directed at a particular individual in the Department of Corrections, it is usually unclear as to whom in the Department to contact regarding implementation.

As a research device to circumvent these problems, it was necessary to select a panel of "experts" to judge the extent to which the Ombudsman's policy recommendations have been implemented. Separate panels consisting of nine members¹⁴ were selected from the State Reformatory for Men, Minnesota State Prison, Minnesota Correctional Institution for Women, and Minnesota Metropolitan Training Center. These panels consisted of a specially selected group of three inmates, three staff members and three administrators. Panel members were selected by the evaluator in consultation with the Department of Corrections, the appropriate employees union, and inmate advisory groups in order to maximize the likelihood that members would be informed, fair-minded and capable of relating actual policies to recommendations. After selection, panel members were interviewed individually by the evaluator and judgments concerning policy implementation were developed based upon these individual interviews.

¹⁴In a few cases all nine members could not be contacted. At the State Reformatory for Men we were unable to contact one of the selected administrators and one inmate chose not to be interviewed. At the Minnesota Metropolitan Training Center one of the selected inmates had been released before we could contact her. With only these three exceptions, all panel members (N = 33) were personally interviewed.

Before examining the results of this component of the analysis, there are two very important issues which must be addressed in order to assure that the findings are not misinterpreted. First, since the data here concern panel members' judgments of whether present policies are consistent with the Ombudsman's policy recommendations, it is possible that the Ombudsman's recommendations came after the policy change had already occurred. This would mean, then, that rather than bringing about change, his recommendations are simply reflecting changes which have already occurred. If this were the case, it would produce a relationship between his recommendations and present policies which might lead one to believe that he caused a change which, in fact, occurred before he even made his recommendation. While it is possible that this may have occurred in some instances, it seems most unlikely that it has occurred to any large degree. The evidence for this inference is twofold. First, the data clearly show that regardless of which set of panel members is examined, a substantial number of the Ombudsman's recommendations have not been implemented. This, of course, would not occur if he were simply suggesting already operationalized changes. Another point which is less concrete, but which is at least equally persuasive, is that the Ombudsman could not maintain his credibility if he frequently recommended changes which had already taken place. Such behavior would surely be reflected in the Ombudsman's correspondence and our interviews. There is, however, little evidence of this phenomenon.

The other major question which can be raised is that, even though policies may have changed in the manner recommended by the Ombudsman, the Ombudsman may not have caused the change. That is, it can be suggested that he is simply anticipating changes which would have occurred regardless

of his efforts. This problem is most difficult to deal with as causality is extremely hard to establish. About the only thing which can be done to address this issue is to recognize that it may be present and to interpret the findings with this possibility in mind. We do feel that it can be said, based on rather extensive interviews, that this phenomenon does not seem sufficient to explain all of the observed effects.

The data for this section were generated by simply asking each panel member to provide us with his or her best judgment concerning whether the Ombudsman's recommendations which were relevant to their situation had been implemented.¹⁵ These recommendations were isolated by examining the Ombudsman's correspondence and official reports to identify any policy recommendations. The majority of these recommendations (60.7%) come from special investigations but many (39.3%) also come from specific investigations of individual complaints. This produced a set of 56 distinguishable recommendations. These recommendations are presented in APPENDIX A and the mean response for each recommendation for all respondents (TABLE IX) and by both facility (TABLE X) and type of respondent (TABLE XI) are presented on pages 32, 33 and 34 respectively.

An examination of the data in TABLES IX, X, and XI (pages 32-34) shows a number of interesting effects and it seems best, therefore, to examine the overall effects first. If we require that all groups (by facility and by type of respondent) agree, then an overview of these TABLES

¹⁵ An "I don't know" option was also provided and these responses were excluded from all calculations which accounts for the reduced "N"s in some cases.

tells us that there is agreement that at least 19 (33.9%) recommendations have been implemented. Likewise, there are at least 13 (23.2%) for which it is agreed that no implementation has occurred.¹⁶ This means, of course, that there is some disagreement concerning the implementations of 24 (42.8%) of these recommendations. If, however, we put aside the requirement that all groups of respondents give the same general response and simply look at the mean scores for all respondents (TABLE IX, page 32) we get a slightly different result which shows that 25 (44.6%) have been implemented with 20 (35.7%) not implemented and 11 (19.6%) remaining ambiguous. If we do not allow for an "ambiguous" finding but simply determine implementation based upon a mean score of greater or less than 1.5, we then have an implementation rate of 55.5%. It would seem then that at least one-third (33.9%) of the Ombudsman's recommendations have been implemented and the actual figure may well exceed one-half (55.5%). It is also clear, however, that at least one-fourth (23.2%) have not been implemented and that figure may be as high as one-half (44.5%). As a loose generalization, then, we might conclude that, looking at the panel members as a group, the suggestion is that somewhere in the neighborhood of 50% of the Ombudsman's policy recommendations are being implemented and approximately the same number, or somewhat fewer, are not being implemented.

¹⁶The criteria being employed here is that the mean response by both facility and by role must be either all positive or all negative.

TABLE IX
OVERALL POLICY IMPLEMENTATION RATINGS¹

Policy Number	Rating ²	Policy Number	Rating ²	Policy Number	Rating ²	Policy Number	Rating ²	Policy Number	Rating ²
1	+	13	+	25	0	37	-	49	-
2	+	14	+	26	-	38	0	50	-
3	0	15	+	27	0	39	0	51	0
4	-	16	-	28	0	40	-	52	+
5	+	17	+	29	+	41	-	53	0
6	+	18	-	30	0	42	+	54	-
7	+	19	-	31	+	43	-	55	+
8	-	20	+	32	+	44	-	56	+
9	+	21	-	33	+	45	-		
10	+	22	-	34	+	46	+		
11	+	23	0	35	-	47	+		
12	-	24	-	36	0	48	+		
									Implementation Rate ³ = 55.5%

¹See APPENDIX B for actual scores.

²Using a score of 1 = yes and 2 = no, the following symbolic meanings are used:
+ = Implemented (\bar{X} = 1.0-1.4); - = Not Implemented (\bar{X} = 1.60-2.00); and
0 = Ambiguous (\bar{X} = 1.41-1.59).

³This rate is computed by eliminating the ambiguous category and simply dividing scores on the basis of \bar{X} = 1.00-1.50 being considered Implemented and \bar{X} = 1.51-2.00 being considered Not Implemented.

If we look at the implementation rate across institutions (TABLE X, page 33), we get roughly the same proportions at MSP-Stillwater (55.5%), SRM-St. Cloud (37.5%), MCIW-Shakopee (50.0%), and MMTC-Lino Lakes (33.3%).¹⁷ Most of this rather modest variation in implementation percentages appears to be due to the fact that somewhat different sets of recommendations apply to each institution and one would expect these differences to account for most of the variance in overall implementation rates. This inference is supported by the finding that if one examines only those recommendations which apply to more than one institution, the implementation rates are nearly identical. (Stillwater - 41.2%; St. Cloud - 41.2%; and Shakopee - 44.4%)

¹⁷The figure for the MMTC-Lino Lakes (33.3%) is not very meaningful as only seven recommendations could possibly apply to this institution.

TABLE X
POLICY IMPLEMENTATION RATINGS² BY FACILITY¹

Policy Number	FACILITY ⁴				Policy Number	FACILITY ⁴				Policy Number	FACILITY ⁴			
	MSP	SRM	MCIW	MMTC		MSP	SRM	MCIW	MMTC		MSP	SRM	MCIW	MMTC
1	+	+	+		21		-			41	-			
2	+	+	+		22		-			42	+			
3	-	-	+		23	0	0			43	-			
4	-	-	-		24	-	-			44	-			
5			+		25	+	-			45	0	-		
6	+				26		-			46	+	+		
7	+				27		0			47	+	+		
8	-				28	0				48	+			
9	+				29	+				49	-			
10	+				30	-				50	-	-	-	+
11	+				31	+				51	-	+		
12	-				32	+				52		+		
13	+				33	+				53	+	-		
14	+				34	+				54	-	-		
15	+				35	-	-	-	-	55	+			
16	-	-	-	+	36	-	+	0	0	56	+			
17	+				37	-	-	0	-	Implementation Rate ³ = 55.5% 37.5% 50.0% 33.3%				
18	-				38	-	0	+	-					
19		-			39	+	+	-	-					
20		+			40	-								

¹See APPENDIX B for actual scores.

²Using a score of 1 = yes and 2 = no, the following symbolic meanings are used:
+ = Implemented (\bar{X} = 1.0-1.4); - = Not Implemented (\bar{X} = 1.60-2.00); and
0 = Ambiguous (\bar{X} = 1.41-1.59).

³This rate is computed by eliminating the ambiguous category and simply dividing scores on the basis of \bar{X} = 1.00-1.50 being considered Implemented and \bar{X} = 1.51-2.00 being considered Not Implemented.

⁴FACILITY: MSP Minnesota State Prison (Stillwater)
SRM State Reformatory for Men (St. Cloud)
MCIW Minnesota Correctional Institution for Women (Shakopee)
MMTC Minnesota Metropolitan Training Center (Lino Lakes)

If, however, we look at the perceived implementation rate by type of respondent (TABLE XI, page 34), we get a radically different picture. The perceived implementation rate varies from 71.4% for staff members to 59.3% for administrators down to 26.8% for inmates. It is difficult to know what causes this wide variation. One possible source of variation could be that the members of these three groups do in fact "see" things this differently.

This would not be too surprising given the radically different roles fulfilled by each group. Another possibility is that some, or all, of these respondents were less than candid in responding to our inquiries. This also would not be too surprising inasmuch as each group may well have perceived that they had something to either gain or lose if they succeeded in distorting the picture of the Ombudsman's actual policy impact.

TABLE XI
POLICY IMPLEMENTATION RATINGS² BY TYPE OF RESPONDENT¹

Policy Number	Admin.	Staff	Inmate	Policy Number	Admin.	Staff	Inmate	Policy Number	Admin.	Staff	Inmate
1	+	+	+	21	-	-	-	41	-	+	-
2	+	+	+	22	-	-	-	42	+	+	-
3	0	+	-	23	+	-	-	43	-	+	-
4	-	0	-	24	+	-	-	44	-	-	-
5	+	+	+	25	+	-	-	45	-	0	0
6	+	+	-	26	-	-	-	46	+	+	+
7	+	+	+	27	+	0	-	47	+	+	+
8	-	+	-	28	+	+	-	48	+	+	+
9	+	+	+	29	+	+	0	49	-	-	-
10	+	+	+	30	-	0	-	50	0	-	-
11	+	+	+	31	+	+	0	51	+	+	-
12	-	-	-	32	+	+	-	52	+	+	-
13	+	+	+	33	+	+	+	53	+	0	-
14	+	+	+	34	+	+	+	54	-	0	-
15	-	+	+	35	-	-	-	55	+	+	+
16	-	-	-	36	+	+	-	56	-	+	+
17	+	+	+	37	-	+	-				
18	-	-	-	38	-	+	0				
19	-	-	-	39	+	+	-				
20	+	+	+	40	-	-	-				
									Implementation Rate ³ =		
									59.3%	71.4%	26.8%

¹ See APPENDIX B for actual scores.

² Using a score of 1 = yes and 2 = no, the following symbolic meanings are used: + = Implemented ($\bar{X} = 1.0-1.4$); - = Not Implemented ($\bar{X} = 1.60-2.00$); and 0 = Ambiguous ($\bar{X} = 1.41-1.59$).

³ This rate is computed by eliminating the ambiguous category and simply dividing scores on the basis of $\bar{X} = 1.00-1.50$ being considered Implemented and $\bar{X} = 1.51-2.00$ being considered Not Implemented.

While it is not possible to analyze the data so as to tell which of these phenomena are affecting the data, we can get some clues by reflecting on the apparent candor of the respondents during the interviews. In so doing we must conclude that there did seem to be a tendency for staff members to seek to respond in the affirmative whenever they were not totally certain of the response or when the language of the policy recommendation was at all ambiguous. Conversely, inmates generally tended to prefer a negative response where ambiguity was present. These apparent patterns probably account for much of the variance in this area but there is also almost surely some real perceptual differences. Whatever the source of these variations, we can almost surely assume that these percentages (71.4% and 26.8%) establish the parameters within which the actual policy impact falls. If we were forced to speculate as to the actual rate at which the Ombudsman's policy recommendations have been implemented, we would think that somewhere in the area of 50% would be appropriate.

While this might seem at first glance to be a rather low implementation rate, it is probably about what one would hope to find given the nature of the Ombudsman's role. The Ombudsman is not an administrative head issuing orders to subordinates which one would always expect to find carried out. He is, rather, an external agent agitating for positive change. Given this role, one would hope to find that a significant number of his recommendations had been implemented in order to show that some of his suggestions had been found worthy of implementation. If, on the other hand, one found

that all or nearly all of his recommendations had been implemented, one would have cause to wonder as to whether the Ombudsman was as active and aggressive as his role implies he should be.

The data suggest that somewhere in the area of one-half of the Ombudsman's policy recommendations are actually being implemented by the Department of Corrections. While this is less than total success, it is probably a favorable sign in that it suggests that the Ombudsman is having an impact but that he is also aggressive enough to be recommending changes which the Department is not, as of yet at least, prepared to accept.

B. SATISFACTION

The extent to which relevant others are satisfied with the Ombudsman is most important. It is important because the extent to which personnel in relevant administrative agencies are satisfied with the Ombudsman's performance is indicative of the nature of organizational relationships. It is also important because the extent to which clients are satisfied reflects the quality of his relationships with his clientele. In addition the level of satisfaction among the Ombudsman's clientele is important because it is clear from an examination of his goals that the Ombudsman hopes to find solutions to disputes which will satisfy all parties and thereby reduce tension and conflict.

Satisfaction with the Ombudsman among administrators and guards was assessed during the course of the personal interviews wherein the policy implementation data were collected. The general procedure was to follow the highly structured policy implementation questions with a series of

informal questions designed to elicit the subject's attitudes toward the Ombudsman and his staff. These interviews made abundantly clear that both the staff and the administrators were generally satisfied with the Ombudsman's performance. This is most remarkable as many of these same individuals indicated that they were extremely concerned when they first heard of the idea of an Ombudsman for Corrections but that, based on their experiences with him, they had come to feel that the Ombudsman was a positive force within the correctional system. There were, however, a few exceptions which are worthy of note.

1. Administrators. In our discussions with administrators we found no one who was fundamentally dissatisfied with the Ombudsman. There were, of course, a few occasions where an instance was cited wherein it was thought the Ombudsman had acted incorrectly but none of these individuals seemed seriously disturbed by these differences of opinion and all felt that the Ombudsman was a useful and worthwhile addition to the correctional system. One administrator did indicate that he felt that a different administrative arrangement would be more economical and possibly even more effective but even he seemed to have no serious objections to the present structure. Interestingly, most administrators indicated they liked having an Ombudsman available as it freed them from a great deal of paperwork by handling problems which would otherwise have had to go through the cumbersome departmental grievance procedures. Also it was suggested more than once that a clever administrator could use the Ombudsman as an excuse to institute an unpopular change or as someone to pass the buck to when the administrator was unable or unwilling to act himself.

2. Guards. The guards who were interviewed tended to be, as a group, somewhat less satisfied with the Ombudsman than were administrators. The cause of this lower level of satisfaction is that two of the eleven guards who were interviewed were very dissatisfied with the Ombudsman and a number of them felt that he has failed to fulfill his responsibility toward resolving staff grievances.

The two guards who were unhappy with the Ombudsman seemed to base their dissatisfaction on their belief that he tends to interfere in matters which they are better equipped to deal with and that he was responsible for the new "due process" requirements which, in their judgment, have made their jobs nearly impossible. A few of the guards alluded to the fact that they did not think the Ombudsman was aggressive enough in trying to resolve staff grievances but this seemed to be more a matter of principle as they almost all indicated that they preferred to take their grievances to the union. Nevertheless, their point regarding a lack of effort in this area is probably well taken.

Lest these examples of dissatisfaction distort the general picture, it should be clearly borne in mind that the majority of the staff members interviewed were supportive of the Ombudsman and some were enthusiastically so. By and large it seemed that the staff reaction to the Ombudsman very much reflected their personal correctional philosophies. That is, the guards who tended to place high values on discipline, respect and authority tended to be less enthusiastic about the Ombudsman. In any case, it is clear that a marked transformation in attitudes toward the Ombudsman has

occurred as almost all staff members stated that they were very concerned about the Ombudsman concept when it was first initiated but that they generally felt, with some exceptions, that their worries had been shown to be ill-founded.

3. Clients. The impact of the Ombudsman's actions in terms of client satisfactions were assessed by directly asking each available client in our sample if he was satisfied with the manner in which the Ombudsman had handled his request. The focus here was simple, straightforward and isolated on the specific issue which had been selected by the sampling procedure. The question centered on the issue of whether they were satisfied with how the Ombudsman had handled a specific request, not on the question of whether they supported or approved the Ombudsman concept or any other more general issue.

Prior to examining the findings in this area it might be well to recapitulate the distinction between the satisfaction issue and the implementation issue. While there may be a tendency to confuse satisfaction with implementation they are, in fact, quite different. For example, it is entirely possible that a client could be completely satisfied with an action of the Ombudsman which fell far short of implementation and it is also possible that a client may be quite dissatisfied even though the Ombudsman may have conducted an investigation, made a recommendation, and succeeded in getting that recommendation implemented.

At first blush, it might seem that the effects which the Ombudsman produces in terms of client satisfaction are essentially trivial and that

all that really matters are his objective accomplishments. This might be so except for the fact that a large part of the rationale for having an Ombudsman revolves around a belief that his actions will produce favorable feelings in the client population. Therefore, it seems most legitimate and necessary that the feelings of his clients toward his efforts be evaluated.

The data which were produced in response to this effort to assess the level of satisfaction among program clients is presented, by facility, in TABLE XII, below.

Degree of Satisfaction	MSP Stillwater		SRM St. Cloud		MCIW Shakopee		MMTC Lino Lakes		TOTALS	
	N =	% =	N =	% =	N =	% =	N =	% =	N =	% of Total
Satisfied	9	37.5%	6	46.2%	3	75.0%	2	66.7%	20	45.5%
Somewhat Satisfied	1	4.2%	1	7.7%					2	4.5%
Not Satisfied	14	58.3%	6	46.2%	1	25.0%	1	33.3%	22	50.0%
	<u>24</u>	<u>100.0%</u>	<u>13</u>	<u>100.1%</u>	<u>4</u>	<u>100.0%</u>	<u>3</u>	<u>100.0%</u>	<u>44</u>	<u>100.0%</u>

As can be seen by a cursory examination of TABLE XII, above, the general level of satisfaction with the Ombudsman's efforts among inmates is something less than overwhelming. In fact we find that less than one-half (45.5%) are satisfied with what the Ombudsman did for them while exactly one-half (50.0%) were not satisfied. The two remaining respondents (4.5%) were somewhat satisfied.

SOURCES OF DISSATISFACTION

In seeking to understand the reasons why such a large proportion (54.5%)

of the clients whom we interviewed were less than satisfied, we have been able to isolate five possible explanations. These factors are discussed individually in the following brief paragraphs.

1) Performance Failures. It is possible that some clients are dissatisfied with the Ombudsman's efforts on their behalf because they have good cause in that the Ombudsman may not have fulfilled his responsibilities toward them. The extent to which this kind of failure has actually occurred cannot be established short of an extensive case-by-case examination which is far beyond the resources available for this study. We can note, however, that there did seem to be at least a few cases wherein it appeared that performance had been less than adequate. Examples would be the few cases where the client had not been contacted or where no apparent effort had been made to ascertain the nature of the complaint. This kind of obvious performance failure seemed to be very exceptional and we could find no evidence to suggest that this kind of blatant failure could account for anything more than a minute proportion of the cases wherein the Ombudsman was involved. This type of failure does not account for much of the client dissatisfaction.

2) Unrealistic Expectations. Another factor which surely has a role in explaining the extent to which clients are dissatisfied with the Ombudsman is that many subjects had unrealistic expectations regarding what the Ombudsman could do. Many inmates seemed to feel that the Ombudsman could "move mountains" and that all that prevented him from resolving their problems was an unwillingness to act. As we have seen from previous dis-

cussions, nothing could be further from the truth as the Ombudsman's power is actually constrained by many factors and he is often unable to resolve conflicts no matter how fervently he desires a solution and no matter how diligently he pursues a solution. The failure of clients to appreciate the limitations under which the Ombudsman must function surely contributed to the dissatisfaction with his performance.

3) Cynicism. Another obvious, but difficult to handle, problem is that at least some of the dissatisfaction came out of a generalized distrust of the correctional system and anyone involved with it. In these cases the Ombudsman was seen as just another one of "them" and therefore not to be trusted. It also was suggested that he had been co-opted as evidenced by the fact that he was State supported. State support was a fact which was frequently sighted as evidence of co-option in that "he receives his paycheck from 'them' and cannot, therefore, really be on 'our' side."

4) Selection Bias. Another fact contributing to dissatisfaction may be that we were only able to contact those individuals in our samples who were still incarcerated. While there is no way to be certain if this selection bias has affected the findings in this area, it is not unreasonable to suspect that it may have. It is also not unreasonable to speculate that those who remain incarcerated are more likely to be dissatisfied than those who have been released. It is unlikely, however, that this possible bias will, by itself, go very far toward explaining the problem being examined here.

5) Inadequate Communications. It is possible that some of the apparent dissatisfaction with the Ombudsman's efforts are due to the Ombudsman's failure to effectively communicate to his clients what he has done on their behalf. We found considerable evidence of this phenomenon in our interviews with inmates when they would tell us that little or nothing had been done in response to their requests and yet we would have official records which showed that this was not the case. It is possible that these inmates were intentionally misrepresenting the facts but it most often seemed that they actually were not aware of some of the Ombudsman's efforts on their behalf.

While, as suggested previously, all five of these factors probably contribute something to the relatively low level of client satisfaction, some of them do not lend themselves to a ready remedy. While performance failures can, in theory, be corrected, it seems that the Ombudsman's performance is already quite good and it seems inevitable in a human organization that some failures will occur. So far as unrealistic expectations are concerned, they are probably endemic to an organization such as this. This occurs because the Ombudsman must convince people that he can help them in order to encourage them to seek his assistance. Yet this effort to encourage the use of his office will almost certainly be misread by some to mean that he has more power and authority than is actually the case. This problem, however, seems to be on the way to resolution as experience, either personal or indirect, is beginning to tell people what they can reasonably expect from the Ombudsman.

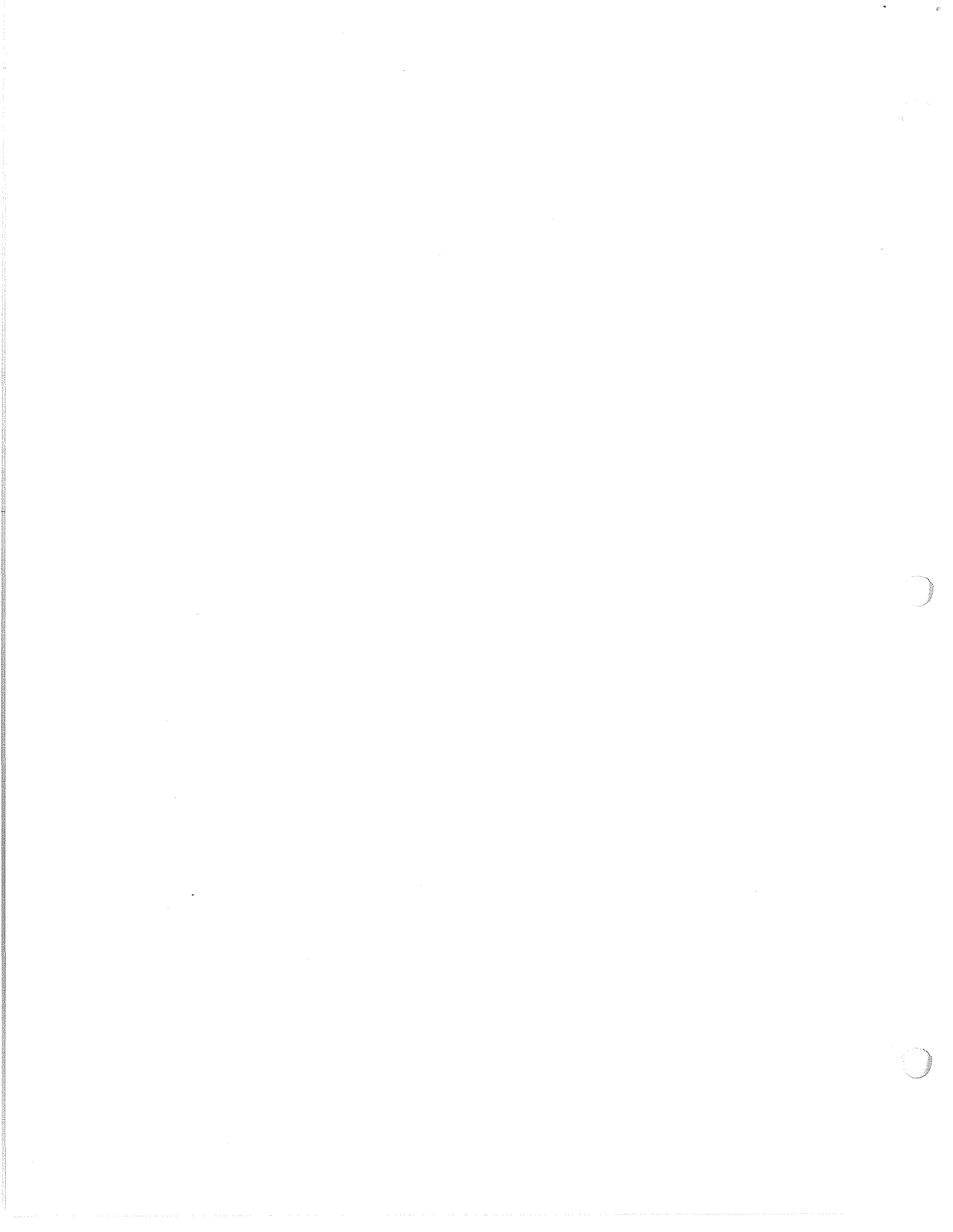
The problem of cynicism is a very real one and one which probably accounts for a large part of the dissatisfaction. There is also very little that the Ombudsman can do directly which will have any significant impact on this problem. It is largely for this reason that the Ombudsman will never be able to satisfy everyone. Cynicism seems to be a fact of life in the correctional system and it surely will continue to affect the responses of those subjected to it.

There does appear to be one area, however, wherein the Ombudsman can do something which will almost certainly improve the level of satisfaction among those he serves. Presently the Ombudsman opens a file for every case which he investigates and then closes that file when, in his judgment, the matter is closed. The only source of information about the investigation available to the client has been either irregular contacts with the Ombudsman and his staff or from receiving copies of correspondence to others regarding his case. There is no formal procedure for informing the client when the Ombudsman has decided to close his case and there is no systematic procedure for telling the complainant what was done on his behalf. It would go a long way toward reducing client dissatisfaction if the Ombudsman would immediately establish a formal procedure for informing all clients, in writing, when their case is to be closed. This notification should briefly describe the investigation which was conducted on their behalf and explain why the case is to be closed. It seems that this is not only required as a step toward increasing client satisfaction but it also seems to be required by the spirit -- if not the actual letter -- of the Act which created the Ombudsman. This Act states that:

"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."¹⁸

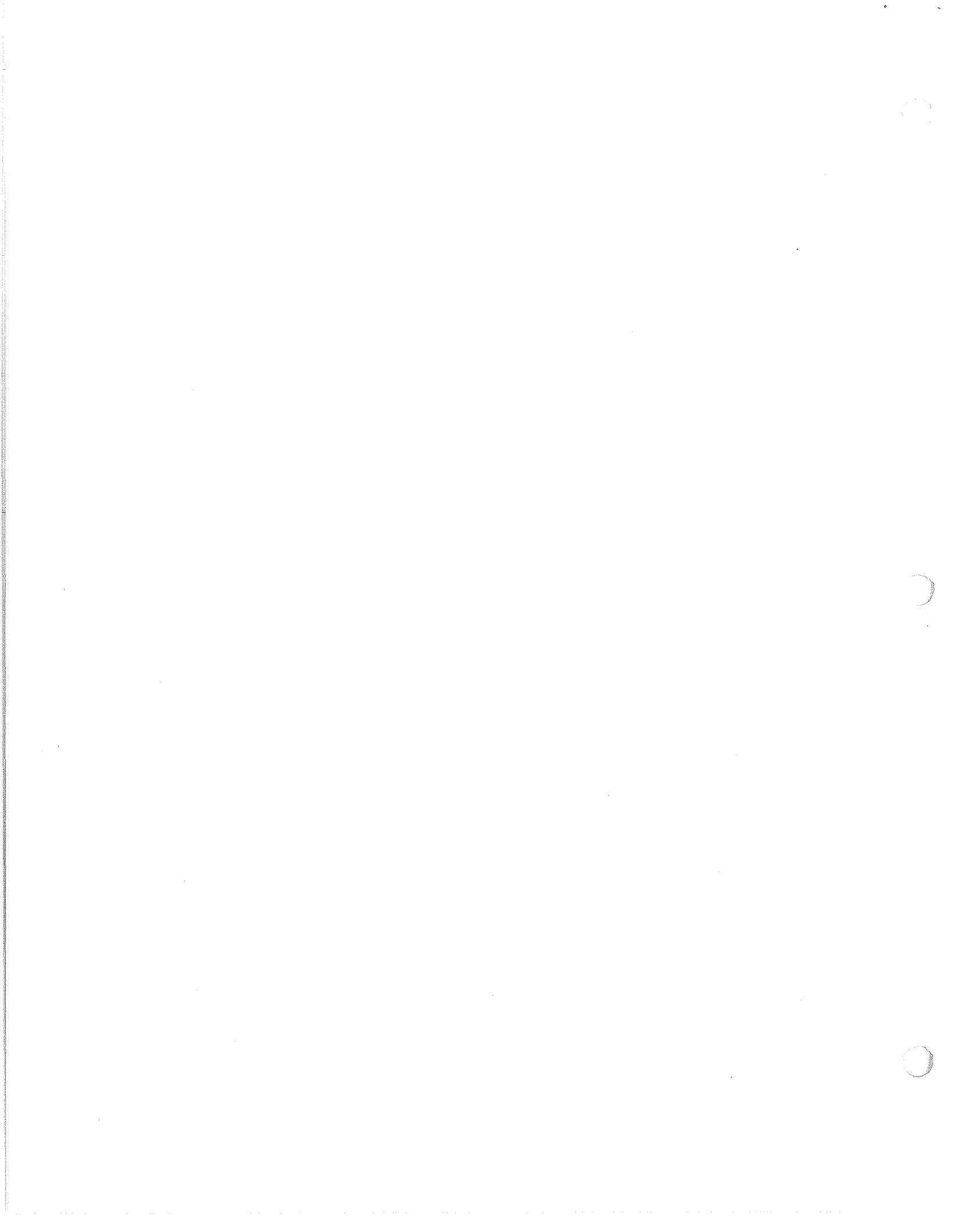
We would strongly recommend, therefore, that a procedure be developed for meeting this requirement.

¹⁸Minnesota Statute 241.44, Subd. 3. (Underline added.)



APPENDIX A

POLICY RECOMMENDATIONS



THE OMBUDSMAN'S LIST

of

POLICY RECOMMENDATIONS

1. Reasons for denial of parole, special review, work release, and temporary parole should be issued in writing.
2. All continuances should be dated - the month in which the person will be seen again by the Parole Board should be specified.
3. There should be developed meaningful standards and a system of applying those standards to the individual being evaluated for parole.
4. Existing material defining the function of the Parole Board should be distributed to all inmates.
5. The rule banning matches should be rescinded. Inmates should be permitted to possess matches as they wish.
6. The law library should be open to inmates for unrestricted use in the evenings.
7. A formal grievance procedure should be developed and implemented.
8. The "Inmate Handbook" should be revised to include all rights afforded to prisoners as well as responsibilities.
9. The disciplinary plan should be spelled out in detail in one document, including a specification of offenses and associated punishments.
10. A time limit should be established between the occurrence of an incident and the issuance of a formal written charge.
11. The accuser should write up and sign the charge.
12. There should be inmates on the disciplinary board.
13. If a man in lock-up status is found not guilty, a system should be set up to release him immediately.
14. There should be a time limit set on the appeal or the review of disciplinary decisions.

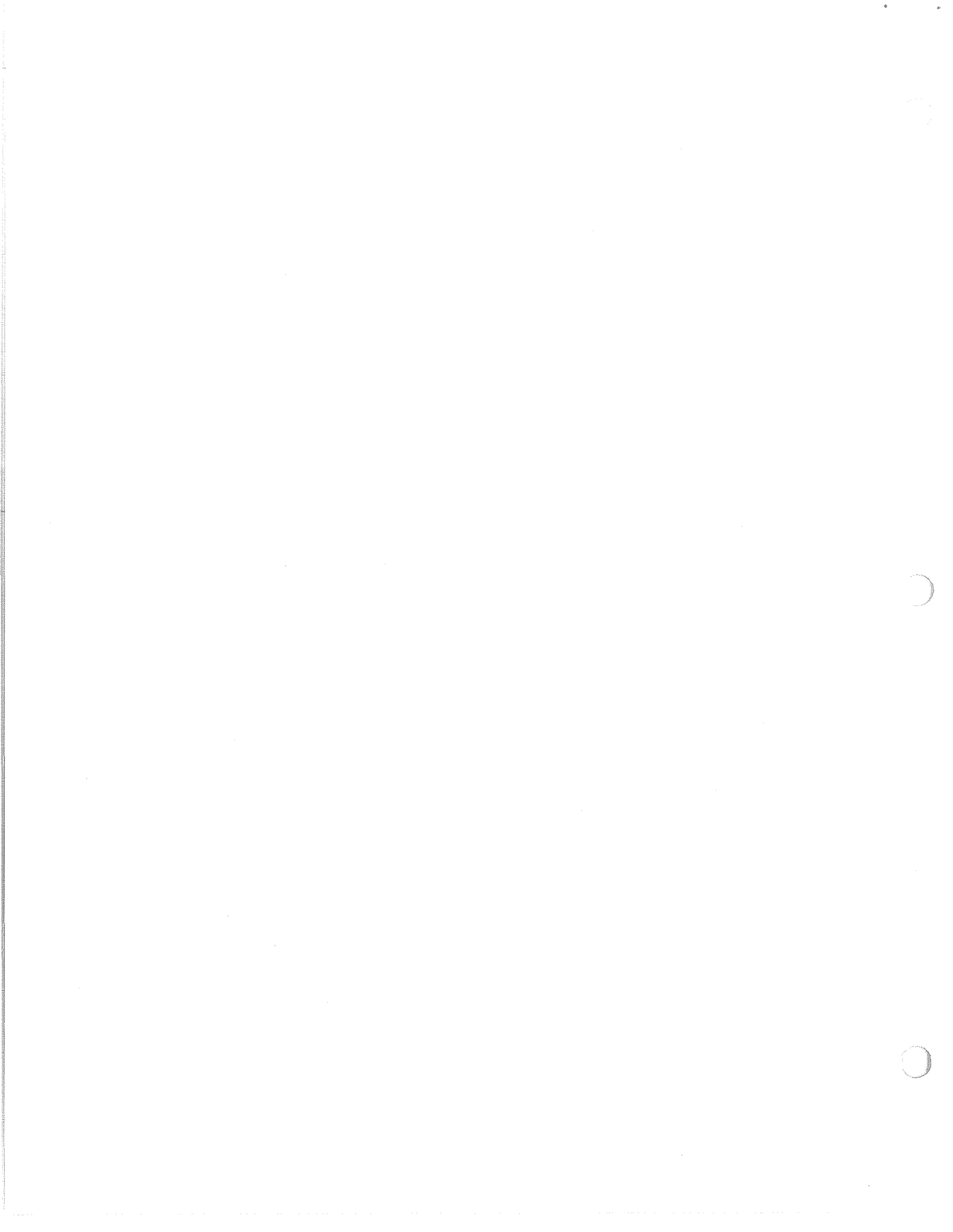
15. A specific control system should be set up where the warden is aware of the status of all inmates in lock-up.
16. Inmates should be able to examine their base files.
17. Written records should be made of disciplinary court proceedings.
18. Some mechanism should be initiated for the sale of postage stamps to inmates.
19. A human relations training program should be developed and implemented for the entire staff, dealing with problems of race, prison culture, and the impact of prison on individuals.
20. The culture groups should be continued with those suspended reactivated immediately.
21. All staff should be required to become acquainted with the various culture groups.
22. Those persons functioning as sponsors for cultural groups should undergo specific training and orientation with a significant input from the culture groups.
23. The Department of Corrections should undertake the development of a comprehensive training program for all staff regarding disciplinary proceedings and "due process" as outlined in Judge Neville's court order.
24. Policy affecting the transfer of inmates from one institution to another ought to be clearly stated.
25. Transfer to another institution should not be used as a disciplinary measure.
26. There should be established an inmate/staff advisory council to advise the superintendent of those matters that affect inmate life in the Reformatory.
27. There should be established a systematic review program for inmates in segregation.
28. Inmates put in segregation should receive a disciplinary hearing within a reasonable time (four days from lock-up) even though a county or district court may be intending to bring him to trial for the same charge.
29. Persons put in segregation should be given a review of this placement after no more than 30 days.
30. Visiting should be considered as a right of all inmates including those who are in segregation, isolation and detention and ought not to be denied any inmate without due process.

31. Upon the death of an inmate not due to obviously natural causes, the appropriate law enforcement officials should be called in immediately and efforts should be made to leave things undisturbed until their arrival.
32. Staff should be trained in the protection of evidence for criminal investigation.
33. The officer's check sheet for Cell Hall C should fully reflect the traffic in and out of the area.
34. A program should be developed to train staff in fire-fighting, first-aid and rescue procedures.
35. A system for evaluating services of psychiatric and psychological consultants should be developed.
36. "Mood-altering" drugs should be used only within the context of a treatment plan and not merely for the purpose of controlling behavior.
37. Detailed information concerning the possible side effects of psychiatric drugs being used should be presented to the inmates, the prison administrations, and the Department of Corrections.
38. A public defender system should be developed to provide counsel for disciplinary hearings to those inmates who cannot supply their own.
39. Materials concerning disciplinary charges that are dismissed should not be included in the file that is given to the MCA for review prior to an inmate's appearance.
40. The budget of the Social Welfare Fund should be submitted to some representative body of inmates for review and comment.
41. An inmate advisory group should be required to review and concur with any request for the expenditure of funds not covered in the approved budget.
42. Provisions should be made for greater input on the part of inmates for the operation of the canteen.
43. The services and consultation of a psychiatrist should be available for at least three days per week.
44. The Intensive Treatment Unit should be reactivated to provide immediate treatment to persons showing signs of mental disturbance.
45. A crisis intervention team should be established for the purpose of intervening in personal crisis situations.

46. Inmates should be requested to consume prescribed medications, particularly psychiatric medications, in the presence of the dispensing officer so that a more accurate record of his treatment could be maintained.
47. A more complete psychiatric history, including records of previous hospitalizations and information on current behavior patterns, should be made available to psychiatrists and psychologists on inmates referred for consultation.
48. Hospital "quiet cells" should be used only in extreme circumstances and when used, a trained person should be with the individual on a 24-hour basis.
49. Intake procedures should be expanded to include more sophisticated psychological evaluations.
50. Transfer procedures should be established that would permit inmates to be admitted to the psychiatric facilities of the Department of Public Welfare or other community mental health facilities on a volunteer basis, bypassing the cumbersome commitment procedure.
51. The use of isolation as punishment should be abolished.
52. Four-point restraints should be used only as a last resort to control an inmate from self-abuse and only for "medical reasons" upon the written recommendation of an M.D.
53. A program should be developed to make effective use of inmate counselors.
54. Crisis teams and therapeutic attention should be immediately available on a routine basis to all persons who attempt suicide.
55. There should be established a careful and accurate system of receipts for the property of inmates stored by the prison.
56. The number of people handling inmate's property and the number of people with access to property in storage should be reduced.

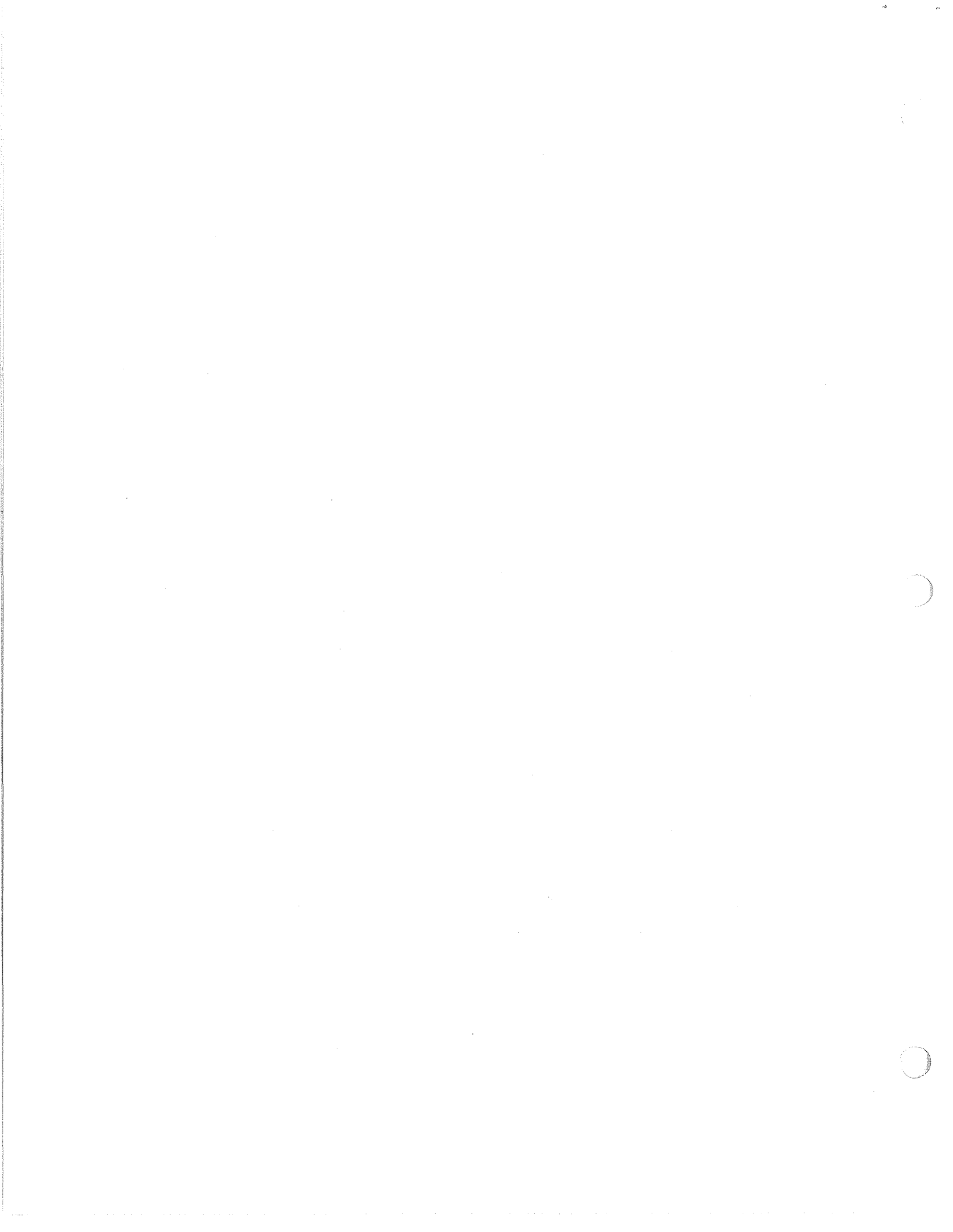
APPENDIX B

ACTUAL POLICY IMPLEMENTATION SCORES



ACTUAL POLICY IMPLEMENTATION SCORES

Policy Number	ALL		MSP		SRM		MCIW		MMTC		ADMIN.		STAFF		INMATES	
	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =	\bar{X} =	N =
1	1.200	20	1.167	6	1.400	5	1.111	9			1.200	5	1.000	7	1.375	8
2	1.087	23	1.222	9	1.000	5	1.000	9			1.000	8	1.000	7	1.250	8
3	1.550	20	1.833	6	1.833	6	1.125	8			1.500	6	1.333	6	1.750	8
4	1.824	17	2.000	5	1.800	5	1.714	7			1.800	5	1.500	4	2.000	8
5	1.000	10					1.000	9			1.000	3	1.000	4	1.000	3
6	1.333	9	1.333	9							1.333	3	1.000	3	1.667	3
7	1.125	8	1.125	8							1.000	2	1.000	2	1.333	3
8	1.625	8	1.625	8							1.667	3	1.000	3	2.000	3
9	1.000	8	1.000	8							1.000	3	1.000	3	1.000	2
10	1.111	9	1.111	9							1.333	3	1.000	3	1.000	3
11	1.000	9	1.000	9							1.000	3	1.000	3	1.000	3
12	1.889	9	1.889	9							2.000	3	1.667	3	2.000	3
13	1.000	7	1.000	7							1.000	3	1.000	3	1.000	1
14	1.000	9	1.000	9							1.000	3	1.000	3	1.000	3
15	1.286	7	1.286	7							2.000	2	1.000	3	1.000	2
16	1.815	27	2.000	7	2.000	6	2.000	8	1.167	6	1.727	11	1.857	7	1.889	9
17	1.000	8	1.000	8							1.000	3	1.000	3	1.000	2
18	2.000	9	2.000	9							2.000	3	2.000	3	2.000	3
19	2.000	6			2.000	6					2.000	2	2.000	2	2.000	2
20	1.000	7			1.000	7					1.000	2	1.000	3	1.000	2
21	2.000	6			2.000	6					2.000	2	2.000	3	2.000	1
22	2.000	6			2.000	6					2.000	2	2.000	2	2.000	2
23	1.571	14	1.571	7	1.571	7					1.200	5	1.833	6	1.667	3
24	1.700	10	1.667	6	1.750	4					1.400	5	2.000	3	2.000	2
25	1.500	14	1.375	8	1.667	6					1.000	5	1.600	5	2.000	4
26	2.000	7			2.000	7					2.000	2	2.000	3	2.000	2
27	1.500	6			1.500	6					1.000	2	1.500	2	2.000	2
28	1.500	8	1.500	8							1.333	3	1.333	3	2.000	2
29	1.125	8	1.125	8							1.000	3	1.000	3	1.500	2
30	1.625	8	1.625	8							1.667	3	1.500	2	1.667	3
31	1.125	8	1.125	8							1.000	3	1.000	3	1.500	2
32	1.222	9	1.222	9							1.000	3	1.000	3	1.667	3
33	1.143	7	1.143	7							1.000	2	1.000	2	1.333	3
34	1.222	9	1.222	9							1.333	3	1.000	3	1.333	3
35	1.941	17	2.000	5	2.000	5	2.000	3	1.750	4	2.000	9	1.667	3	2.000	5
36	1.444	27	1.600	5	1.286	7	1.500	8	1.429	7	1.200	10	1.333	9	1.875	8
37	1.700	20	1.667	3	2.000	4	1.571	7	1.667	6	1.778	9	1.250	4	1.857	7
38	1.516	31	1.667	9	1.571	7	1.111	9	1.833	6	1.818	11	1.182	11	1.556	9
39	1.478	23	1.167	6	1.167	6	1.600	5	2.000	6	1.364	11	1.286	7	2.000	5
40	2.000	4	2.000	4							2.000	1			2.000	3
41	1.750	8	1.750	8							2.000	3	1.000	2	2.000	3
42	1.333	9	1.333	9							1.000	3	1.000	3	2.000	3
43	1.667	9	1.667	9							2.000	3	1.333	3	1.667	3
44	2.000	8	2.000	8							2.000	3	2.000	2	2.000	3
45	1.667	15	1.444	9	2.000	6					2.000	5	1.500	6	1.500	4
46	1.067	15	1.125	8	1.000	7					1.000	5	1.000	6	1.250	4
47	1.100	10	1.167	6	1.000	4					1.200	5	1.000	4	1.000	1
48	1.333	9	1.333	9							1.333	3	1.333	3	1.333	3
49	2.000	5	2.000	5							2.000	2	2.000	3	2.000	2
50	1.708	24	2.000	9	1.600	5	1.800	5	1.200	5	1.455	11	1.875	8	2.000	5
51	1.533	15	1.778	9	1.167	6					1.400	5	1.333	6	2.000	4
52	1.200	5			1.200	5					1.000	2	1.333	3		
53	1.500	16	1.111	9	2.000	7					1.400	5	1.500	6	1.600	5
54	1.813	16	1.667	9	2.000	7					2.000	5	1.500	6	2.000	5
55	1.222	9	1.222	9							1.333	3	1.000	3	1.333	3
56	1.286	7	1.286	7							1.667	3	1.000	2	1.000	2

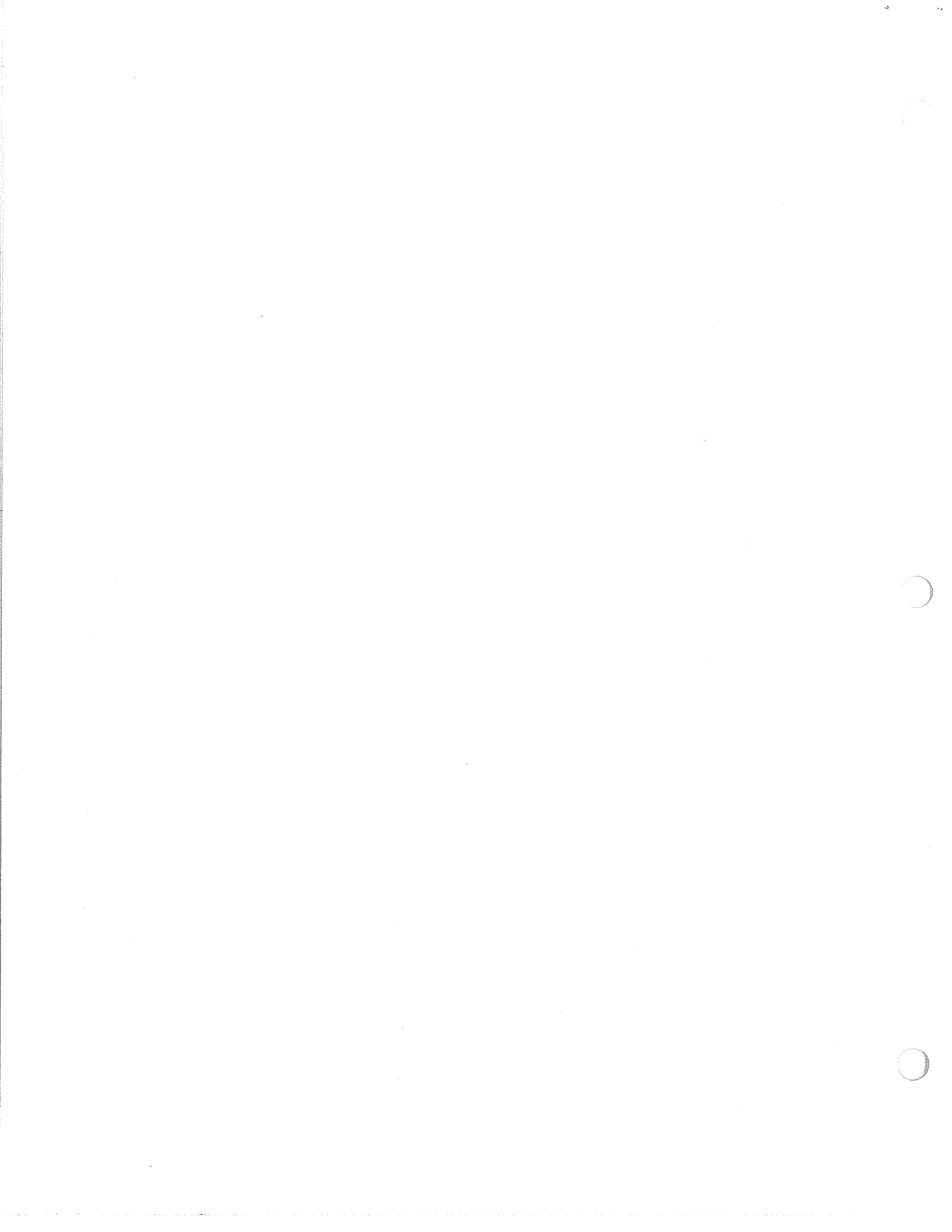


APPENDIX C

DATA COLLECTION INSTRUMENTS

OMBUDSMAN EVALUATION DATA

OMBUDSMAN EVALUATION - POLICY RECOMMENDATIONS



OMBUDSMAN EVALUATION DATA

NAME: _____ I.D. NUMBER: _____

FACILITY: _____ DATE OPENED: _____

<p>CHARACTERISTICS OF SUBJECT</p>	<p>AGE: _____ SEX: _____ RACE: _____ NUMBER OF PREVIOUS REQUESTS: _____</p>																					
<p>REQUEST FOR ASSISTANCE</p>	<p>METHOD OF XMIT: _____ TYPE OF REQUEST: _____ SPECIFICS: _____ _____</p>																					
<p>INVESTIGATION</p>	<p>INVESTIGATOR: _____ DATE COMPLETED: _____</p> <table border="0"> <thead> <tr> <th colspan="3" style="text-align: center;"><u>PERSONS CONTACTED</u></th> </tr> <tr> <th style="text-align: center;">Name</th> <th style="text-align: center;">Position</th> <th style="text-align: center;">Type of Contact</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>2.</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>3.</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>4.</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>5.</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table>	<u>PERSONS CONTACTED</u>			Name	Position	Type of Contact	1.	_____	_____	2.	_____	_____	3.	_____	_____	4.	_____	_____	5.	_____	_____
<u>PERSONS CONTACTED</u>																						
Name	Position	Type of Contact																				
1.	_____	_____																				
2.	_____	_____																				
3.	_____	_____																				
4.	_____	_____																				
5.	_____	_____																				
<p>RECOMMENDATION</p>	<p>METHOD OF XMIT: _____ DATE OF XMIT: _____ RECIPIENT OF RECOMMENDATION: _____ TARGET OF RECOMMENDATION: _____ RECOMMENDATION: _____ <input type="checkbox"/> NO RECOMMENDATION - REASON: _____ _____</p>																					
<p>IMPLEMENTATION</p>	<p>RESPONSIBLE PARTY: _____ DATE IMPLEMENTED: _____ <input type="checkbox"/> NOT IMPLEMENTED - REASON: _____ _____</p>																					
<p>SATISFACTION</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> PARTLY - EXPLAIN: _____ _____</p> <p><input type="checkbox"/> NO - EXPLAIN: _____ _____</p>																					

OMBUDSMAN EVALUATION - POLICY RECOMMENDATIONS

Interview Date: _____ Interviewer: _____

Date Recommendation Xmitted: _____ Recipient of Recommendation: _____

Target of Recommendation: _____

Recommendation: _____

Facility(ies) Affected:

Type of Recommendation:

- 1 MSP
- 2 SMR
- 3 MCIW
- 4 MRDC
- 5 STS
- 6 MAS
- 7 FS
- 8 MMTC
- 9 All

- 1 Parole
- 2 Medical
- 3 Legal
- 4 Placement
- 5 Property
- 6 Program
- 7 Racial
- 8 Staff
- 9 Rules
- 10 Other: _____

Administration:

NAME	POSITION	Has this policy been put into effect?		
1. _____	_____	1 Yes	2 No	3 Don't Know
2. _____	_____	1 Yes	2 No	3 Don't Know
3. _____	_____	1 Yes	2 No	3 Don't Know

Staff:

1. _____	_____	1 Yes	2 No	3 Don't Know
2. _____	_____	1 Yes	2 No	3 Don't Know
3. _____	_____	1 Yes	2 No	3 Don't Know

Inmates:

1. _____	_____	1 Yes	2 No	3 Don't Know
2. _____	_____	1 Yes	2 No	3 Don't Know
3. _____	_____	1 Yes	2 No	3 Don't Know

If not implemented, reason:

- 1. _____
- 2. _____
- 3. _____