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OMBUDSMAN FOR CORRECTIONS

STATE OF MINNESOTA

FISCAL YEAR

1976-77

ANNUAL REPORT

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1976/77



ERRATA

The figures in the left column of page 12 should read as follows:

Contact Category	Rate of Full Resolution
Parole	84.6%
Medical	69.3
Legal	56.6
Placement	75.2
Property	77.0
Program	68.8
Discrimination	41.7
Records	90.4
Rules	75.8
Threats	52.9
Other	50.0



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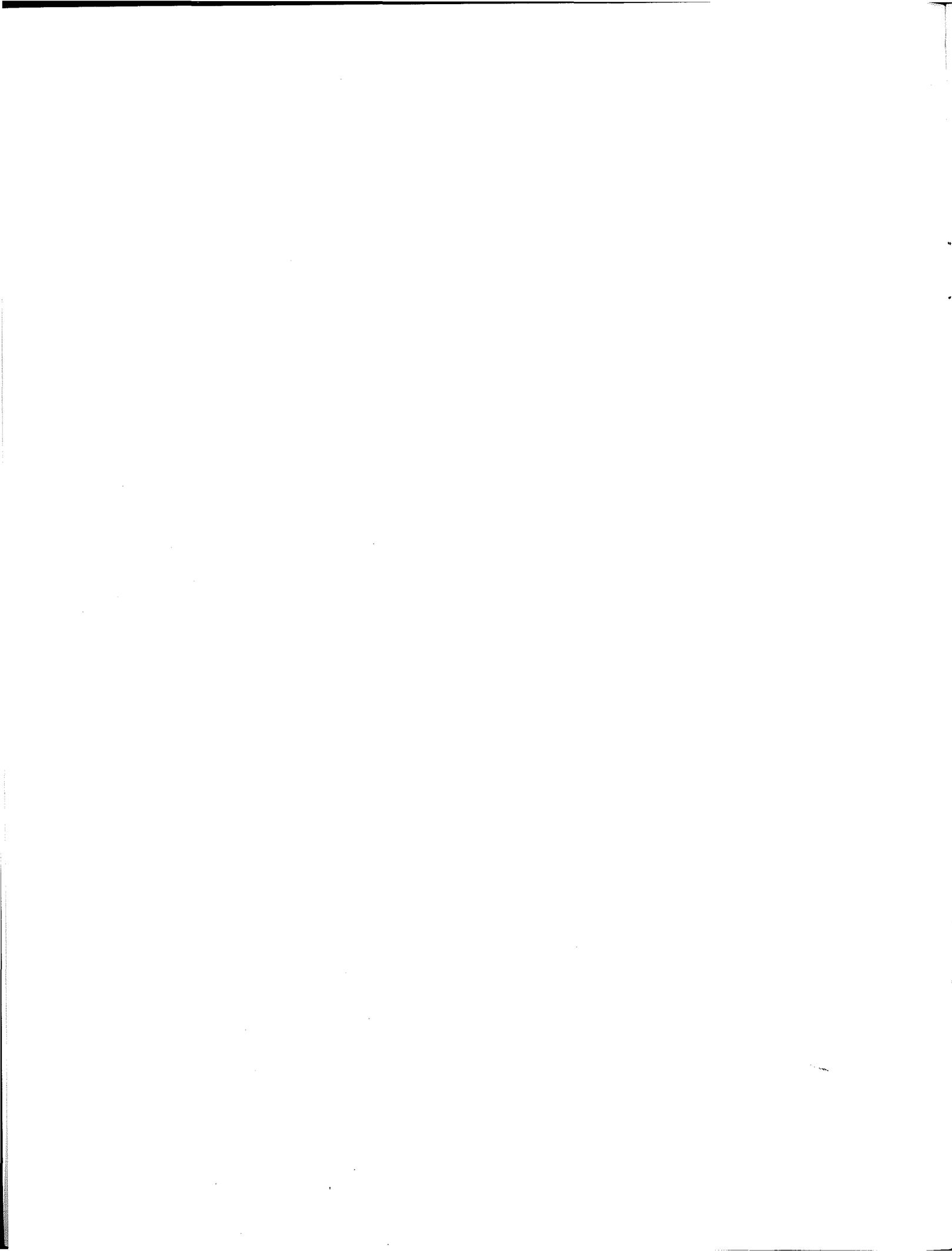
REPORT OF
THE OMBUDSMAN FOR CORRECTIONS
FOR THE PERIOD
JULY 1, 1976 – JUNE 30, 1977

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

From
Theartrice ("T") Williams
Ombudsman for Corrections
333 Sibley Street
Suite 102
St. Paul, MN
55101

NOVEMBER 1977





OMBUDSMAN
THEARTRICE (T) WILLIAMS
(Area Code 612)
296-4500



STATE OF MINNESOTA
OMBUDSMAN FOR CORRECTIONS
333 SIBLEY STREET, SUITE 102
SAINT PAUL, MN 55101

The Honorable Rudy Perpich
Governor of the State of Minnesota
Capitol Building
St. Paul, MN 55155

Dear Governor Perpich:

In compliance with Section 241.45, Subdivision 2 of the Minnesota Statutes, I hereby submit a report of the activities of the Office of the Ombudsman for Corrections for fiscal year 1976-1977. This is the fifth annual report since the office was established in 1972.

This year action was completed on 1,221 contacts made to the Ombudsman's Office. In comparison to last year, this figure represents a rise of eight percent in our caseload. Some of this increase is due to the fact that our jurisdiction was expanded effective July 1, 1976 to include county and regional corrections' programs and facilities. This report shows how those and all other contacts were processed and it uses a variety of charts and tables to give a full picture of the operation of the office.

As in the preceding four years, the office received the full cooperation of the commissioner of corrections, his deputy and assistants, the warden of the prison and the superintendents of the various corrections' institutions. The reception from county and regional officials has varied from genuine openness to guarded apprehension. Yet the overall experience in this area has been largely positive. The expansion of the Ombudsman's authority into the regional and county level of corrections has taken place at a measured deliberate pace. We are gradually developing experience in this area that will enhance our effectiveness during the upcoming year.

I would like to take this opportunity to again express my thanks and appreciation to my staff for their hard work, loyalty and dedication. It is because of their excellence that the office continues to be held in high regard by people in the State of Minnesota and throughout the country.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Theartrice Williams".

Theartrice Williams
Ombudsman

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OVERVIEW

The Ombudsman for Corrections' Office is an independent state agency with statutory authority — 1) to receive complaints from any source concerning matters relating to the administration of corrections programs and facilities at the entire state and regional level and in counties participating in the Community Corrections Act; 2) to investigate those complaints; 3) to make recommendations based upon the findings of the investigations; and 4) to publish those recommendations. The Ombudsman is appointed by the governor, hires his own staff (see Figure I) and is responsible for the administration of an annual budget of approximately \$200,000. (See Appendix C).

In fiscal year 1977 the Ombudsman opened 1,250 case files as a result of contacts made to his office. For the first time during an entire year, each case opened was recorded either as a complaint or as a request. A complaint represents a dissatisfaction with any action taken by officials included within the Ombudsman's jurisdiction. A request represents an inquiry for information regarding an aspect of the Minnesota Corrections system. Approximately 80 percent of the contacts received this year were determined to be complaints.

The Ombudsman was able to provide full resolution for 70 percent of those who contacted his office during the past year. Among the most important policy changes that occurred as a consequence of the Ombudsman's intervention were — 1) the development of an affirmative action program by Stillwater Data Processing System Incorporated at the Prison; 2) the incorporation of several important revisions into the Department of Corrections' rules governing the operation and management of holding facilities, lockups, jails and adult corrections facilities; and 3) the development of a uniform policy of hiring and firing inmate workers. As evidenced by the following list, most policy recommendations have directly involved the Prison:

Minnesota State Prison	31
Department of Corrections	17
Minnesota Metropolitan Training Center	8
State Training School	2
State Reformatory for Men	1
Minnesota Correctional Institution for Women	1
Minnesota Corrections Board	1
Field Services	1
County	1
TOTAL:	63

A complete list of these recommendations can be found in Appendix B of this report.

In order to maintain a successful program, the Ombudsman keeps in close contact with all levels of the state's corrections system. The Ombudsman and his staff visit the major state correctional facilities frequently; they accept complaints by mail, telephone, or in person; and

they are regular participants in the Department of Corrections Training Academy which provides training for correctional counselors. This effort to be accessible to both staff and inmates is linked to a process by which the Ombudsman provides a quick initial response to those who contact his office, a thorough investigation of the complaints opened as cases, and a vigorous pursuit of recommendations made as a consequence of those investigations. This process is completed within 30 days in 70 percent of the cases.

The Ombudsman maintains high visibility within the state's correctional system. However, he functions with a low profile insofar as every effort is made to resolve situations of conflict close to their origin within the framework of the appropriate jurisdictional level. This mode of operation has proven successful. The Ombudsman has not yet elected to utilize political pressure to assist in the adoption or implementation of any of his recommendations. He does, however, from time to time offer testimony before state legislative committees and subcommittees which consider matters dealing with corrections in Minnesota. The Ombudsman and his staff also seek to inform the public about crucial corrections issues by participating in local and national seminars, writing in local newspapers, serving on local and national committees and by speaking throughout the state. For instance, the Ombudsman participated in a panel on grievance procedures during the National Institute of Crime and Delinquency Conference held in Salt Lake City in June 1976. One staff member presented a paper concerning the Ombudsman's function at the National Conference on Criminal Justice Evaluation held in Washington, D.C., in February 1976.

This report describes the Ombudsman's activity in fiscal year 1977. It will discuss the organization and function of the Ombudsman's Office focusing specifically on the type of complaints received and the methods by which each was investigated. By design, the report is shorter than last year's version. It represents an effort to succinctly answer the questions most frequently asked by a variety of groups — inmates, politicians, academicians, students, the general public and fellow ombudsmen. These questions include:

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

Anyone interested in information regarding the ombudsman program not covered in this report should contact the office directly by telephone at (612) 296-4500 or by mail at Suite 102, 333 Sibley, St. Paul, MN 55101.

ORGANIZATION AND FUNCTION OF THE OMBUDSMAN OFFICE

The basic goal of the ombudsman office as set forth in law is to "promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections". This broad objective is accomplished by providing an external administrative grievance mechanism to be used when corrections' internal procedures result in an action which is contrary to law or regulation; unreasonable, unfair, oppressive, or inconsistent; mistaken in law or arbitrary in the ascertainment of facts; unclear or inadequately explained when reasons should have been revealed; or inefficiently performed. The ombudsman's effectiveness, in reviewing such matters, depends in large measure upon his method of operation. His operational style must establish, through case-by-case analysis, a standard dedicated to thorough fact-finding, detailed research, and sound evaluation.

The ombudsman office consists of a full-time staff of eight people — the ombudsman, the deputy ombudsman, a research analyst, three field investigators, one administrative secretary and one clerk typist. In addition there is usually at least one part-time person employed through the Governor's Internship Program. (See Figure I). Every professional staff member, including interns, has an assigned caseload of complaints. The number of cases varies with the responsibilities of each position. The entire staff is involved in the complaint processing procedure shown in Figure II. This process consists of four phases:

Initiation

The ombudsman may investigate upon complaint (#2) or his own motion (#1) the action of any division, official or employee of the Minnesota Department of Corrections, the Minnesota Corrections Board, the Board of Pardons, regional correctional institutions and specified county facilities and programs. The ombudsman may also provide information concerning the Minnesota corrections system upon request (#3). All complaints or requests may be filed personally, by telephone, or by mail.

Disposition

Requests to the ombudsman are assigned by the deputy ombudsman for an informational or explanatory response (#7). Complaints may be referred to other agencies (#6), refused as being premature, extrajurisdictional, or trivial (#5) or assigned by the deputy ombudsman for investigation (#4). Once a case file is opened for a complaint, the investigator proceeds in the following manner:

... Interview the complainant to get a detailed account of his/her grievance. Determine exactly what steps the

complainant has previously taken to resolve his/her problem.

- ... Explain to the complainant the function of the ombudsman office and how it relates to his/her specific case.
- ... Prepare a list of staff, inmates and appropriate others to interview.
- ... Prepare a list of documents, reports and other written material to review.
- ... Notify selected officials of the Department of Corrections that an investigation is being undertaken when appropriate.
- ... Conduct additional interviews and review documents, thus gathering all necessary and pertinent information.
- ... Formulate a conclusion on the basis of accumulated evidence.

At any time during this procedure the complainant may withdraw his complaint (#8) or the investigator may refer him/her to another agency (#6).

Conclusion

Every complaint that is fully investigated may be concluded in one of four ways. First, it may be dismissed as being invalid or unsubstantiated (#9). Second, it may result in a written recommendation that a policy will be formulated, altered, or eliminated (#10). Third, it may result in a written recommendation regarding the application of a policy to a specific individual or instance (#11). Fourth, it may result in a situation in which assistance is provided to the complainant but in which no written recommendation is directed to any official (#12).

Resolution

Recommendations are submitted in writing to corrections' officials at the state, regional or county level. These agents may be asked to consider a matter further, modify or cancel an action, alter a regulation or ruling, explain more fully the action in question or take any other step which the ombudsman states as his recommendation. If a recommendation is accepted (#14), the ombudsman notifies the complainant and monitors (#16) its implementation (#15). If a recommendation is rejected (#13), the ombudsman must determine whether or not the rejection is based upon sound reasoning. If he accepts the rationale he notifies the complainant and closes the case. If the rationale is not accepted, the ombudsman may pursue the case with the governor, the legislature, or the general public.

Figure I
ORGANIZATION CHART

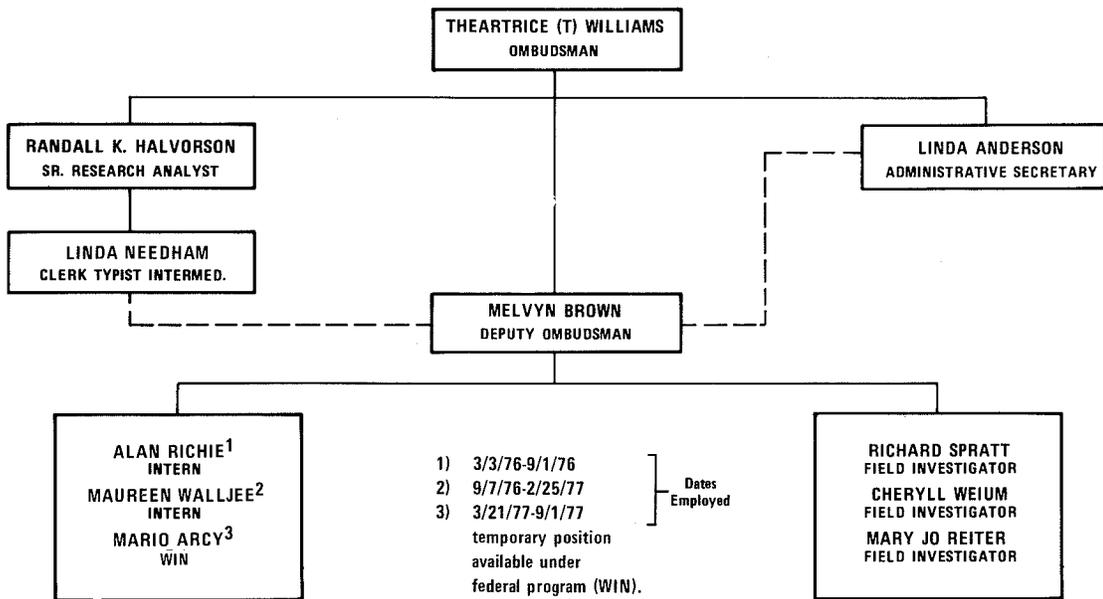
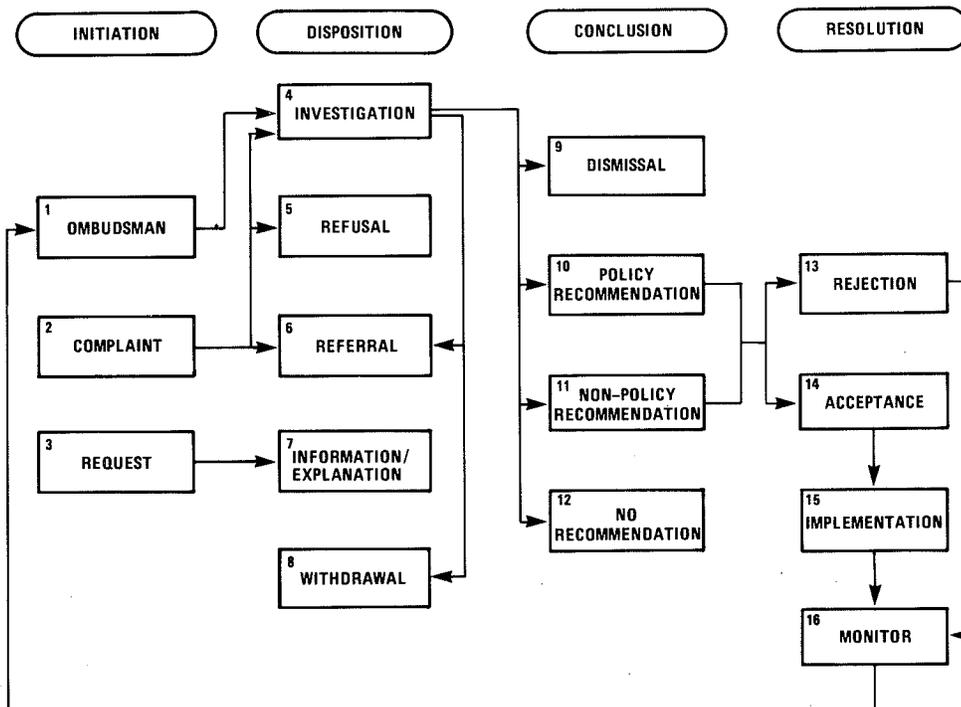


Figure II
COMPLAINT PROCESSING PROCEDURE



ANALYSIS OF CONTACTS

Each year the ombudsman receives several hundred contacts involving problems that arise in virtually all areas of the corrections system. The issues range from determining the accuracy of the calculation of pre-conviction jail time credit to an assessment of the appropriateness of standards of conduct which regulate "displays of affection" in the prison visiting room. Tables I and V indicate the system distribution of these contacts. The ombudsman's caseload is generated primarily from the following seven institutions under the jurisdiction of the State Department of Corrections — Minnesota State Prison (adult male); State Reformatory for Men (young men); Minnesota Correctional Institution for Women (adult women); Willow River Camp (adult and young male); Minnesota Metropolitan Training Center (adult male); Minnesota Home School (male and female juveniles); and the State Training School (male and female juveniles). MAP I shows the location of these state institutions as well as those at the regional and county level. The ombudsman still maintains contact with inmates from correctional institutions who transfer to the Minnesota Security Hospital which is under the jurisdiction of the Department of Welfare. Last year the security hospital was listed in Table I as a separate institution division.¹ Because of the small number of contacts registered from this institution, it was eliminated as a separate division along with Thistledeew Camp. Contacts from both of these institutions are now placed in the division labeled Other. This change was also made to accommodate data collection from the new regional and county jurisdiction.²

During fiscal year 1977 a total of 1,308 contacts were registered with the ombudsman (see Table IV). Investigations were completed in 1,221 of the 1,291 cases that were opened. As compared to last year, there has been some notable shifts in the contact distribution among the institutions. The prison continues to generate the greatest caseload for the ombudsman. However, unlike last year, the number of contacts is not proportionate to this institution's inmate population.³ As Tables V and VI indicate, almost sixty percent (690) of the contacts registered with the Ombudsman's Office came from approximately forty percent (999) of the population served. While the prison's population increased by approximately seven percent (+64), the number of contacts increased by slightly over thirty percent (+167). The second shift occurred at MMTTC. This institution experienced a one hundred-thirty-seven percent (+62) increase in contacts made to the ombudsman while its population decreased less than five percent (-3). As shown by Tables V and VI, MMTTC's nearly four percent (97) of the

¹Ombudsman for Corrections-Fiscal Year 1975-76 Annual Report, P. 22.

²Effective July 1, 1976 the Minnesota State Legislature amended M.S. 241.42, Subd. 2 by broadening the ombudsman's jurisdiction to include regional corrections or detention facilities and those county programs or facilities operating under the Community Corrections Act.

³See note 1, Tables III and IV, P. 23.

institutionalized population registered nine percent (107) of the contacts. The third shift took place at MCIW. The population at this institution increased fifteen percent (+7) but the number of contacts with the ombudsman dropped almost seventy percent from 137 in 1976 to 43 this year. However, MCIW's population-contact ratio is now 2.0 to 3.6 as compared to 2.2 to 12.1 last year.⁴ The fourth shift occurred at STS where the population decreased by almost twenty-five percent (-46) and the number of contacts decreased by approximately fifty percent (-68). However, as in the case of MCIW this change resulted in a very close population-contact ratio of 5.8 to 5.0.

An explanation for the shifts in contact distribution among the institutions can likely be found by close inspection of the number and nature of the contacts. For it is then possible to isolate areas that have either improved or deteriorated in comparison with the previous year. This process is facilitated by the fact that each contact opened as a case by the ombudsman is assigned to one of the following categories:

Parole — Contacts concerning any matter under the jurisdiction of the Releasing Authority. For example, work release, temporary parole, special review, etc.

Medical — Contacts concerning treatment from a staff physician or other medical professional.

Legal — Contacts that require legal assistance or problems with getting a proper response from the public defender or other legal counsel.

Placement — Contacts concerning the facility, area, or physical unit to which an inmate is assigned.

Property — Contacts dealing with the loss, destruction or theft of personal property.

Program — Contacts relating to a training or treatment program or to a work assignment.

Discrimination — Contacts concerning unequal status based upon race, color, creed, religion, natural origin, or sex.

Records — Contacts concerning data in an inmate's Department of Corrections' file.

Rules — Contacts about administrative policy establishing regulations that an inmate is expected to follow, i.e., visits, disciplinary hearings, dress, etc.

Threats — Contacts concerning threats or bodily harm to an inmate.

Other — Contacts not covered in the previous categories.

⁴In other words, in 1975-76 MCIW had 2.2% of the institutionalized population but accounted for 12.1% of the contacts registered with the ombudsman. In 1976-77 MCIW's 2.0% of the population accounted for 3.6% of the contacts. It is assumed that the number of contacts registered by the inmates at a particular institution should be relatively proportionate to that institution's population.

As indicated by Table XIII, the categorical distribution of contacts from all sources remains relatively constant. In comparison to last year, the percentage change ranges from a decrease of 2.3 percent in the Rules category to an increase of four percent in the number of contacts concerning Property. When the categories are examined by institutional distribution, however, shifts of greater magnitude are apparent. For instance, almost 60 percent of the increase in the number of contacts from the prison relate to the categories of Parole, Placement and Property.⁵ These increases are directly attributable to developments in at least three areas: 1) the maximum custody unit; 2) the parole process; and 3) the segregation unit.

1) **The Maximum Custody Unit** — The prison's maximum custody unit which had been opened on April 1, 1975 was closed in December 1976 by Federal Court Order. Inmates who were housed in the unit were transferred to other living areas in the prison. Each inmate was granted a special review by the Parole Board since none of them had been eligible for parole while in the unit. Many of the inmates who had been assigned to the unit filed claims for damaged or lost property. The validity and value of these claims were determined by a special three-man committee consisting of the Ombudsman, Associate Warden and the Executive Director of the State Indian Affairs Inter-Tribal Board.

2) **The Parole Process** — The parole process itself underwent major change with the implementation in May 1976 of new standards and procedures for determining the release date of adults admitted to the state correctional institutions. Also, in September 1976 the Department of Corrections developed and implemented a mutual agreement programming system in which prisoners assume responsibility for planning, in conjunction with prison staff, and completing successfully an individually tailored rehabilitative program to obtain parole release on a mutually agreed date. Several requests and complaints were made to the ombudsman regarding these new procedures.

3) **The Segregation Unit** — Another major change occurred within the prison with the establishment of a new segregation unit. As a result of concerns raised by inmates, the ombudsman made several suggestions regarding this unit's operating policy.

It is not surprising that almost 80 percent of the increase in the number of contacts at MMTC were in the category of Parole, Program, or Rules.⁶ During this fiscal year, this institution was converted from a juvenile to an adult medium security facility. In conjunction with this change, the Department of Corrections also located a major portion of its industry program there. The problems

⁵Parole contacts increased 34 from 86 to 120; Placement increased 27 from 58 to 85; and Property increased 55 from 62 to 117.

⁶Parole contacts increased by 25 from 14 to 39, Program contacts increased by 12 from 12 to 24, and Rules contacts increased by 12 from 1 to 13.

encountered in the establishment of a new program of this sort are reflected particularly in the Ombudsman's Program and Rules categories.

Both MCIW and STS experienced sharp declines in the number of contacts registered with the ombudsman. Over 80 percent of the reduction at STS occurred in the categories of Program and Rules.⁷ This change is likely related to the establishment on November 16, 1976 of criteria for institutional treatment and release of juveniles committed to the State Department of Corrections. A prescribed program which can be achieved within three or six months is now set for each juvenile at his/her initial staffing. Presumably this procedure has contributed to a more equitable treatment program. In addition, the decline may be also attributed in part to the ombudsman staffing pattern. During fiscal year 1976 several interns were employed by the ombudsman. They were assigned primarily to STS and MCIW. Only two interns were employed during fiscal year 1977 and they were assigned to the prison. Therefore, STS and MCIW were visited with less regularity than during the preceding year.

Although the ombudsman staffing pattern may account for a portion of the overall decline in the contacts registered from MCIW, there are nonetheless some noteworthy shifts by category at this institution. The categories of Parole, Medical, Program, and Rules account for approximately 65 percent of the decline.⁸ Guidelines used by the Parole Board at MSP are also those applied to inmates at MCIW. Yet Parole contacts declined almost 15 percent at MCIW while increasing 20 percent at MSP. The implication, of course, is that the guidelines have been more easily adopted at MCIW than at MSP. This may be due solely to the size of the institutions. Yet it may also be related to the institutional capability. At any rate this difference coupled with suggestions from an independent review of the parole contacts have resulted in a division for fiscal year 1978 of the Parole category into complaints directly involving the Parole Board and those involving all other levels of the parole process, i.e., the institutional staff.⁹ Hopefully such a refinement will provide a more useful guide in determining the exact nature of problems relating to the parole process. The decline in the other categories at MCIW may be due to the institution's revisions of its agreement system and detention criteria during the fall of 1976. The dialogue among staff, inmates and the ombudsman during the revision process contributed to greater clarity

⁷Program contacts decreased by 29 from 38 to 9, Rules contacts decreased by 27 from 34 to 7.

⁸Parole contacts decreased by 13 from 25 to 12, Medical contacts decreased by 24 from 32 to 8, Program contacts decreased by 16 from 21 to 5, and Rules decreased by 8 from 19 to 7.

⁹An independent review of the Parole contacts was made in April-May 1977 by Mr. Dale Parent and Mr. Tim Cleveland of the Department of Corrections Research Unit. On June 23, 1977 they made several useful written observations and suggestions regarding the ombudsman's record-keeping procedure.

of program objectives and to a more consistent application of rules.

The ombudsman's effectiveness at resolving problems at any institution or level of the corrections system depends first upon his accessibility to those who may need his service. A free flow of information between the ombudsman and his client is guaranteed by statute. Written communication is assured by M.S. 241.44, subdivision 3 (see Appendix A). In addition, this law assures that no complainant shall be punished nor shall the general condition of his confinement or treatment be unfavorably altered as a result of his/her having made a complaint to the ombudsman. As indicated by Table VII, approximately 30 percent of the contacts made to the ombudsman are written. Because of the frequency with which the ombudsman and his staff visit the major institutions, another 30 percent of the contacts are received personally. The remaining 40 percent are received by telephone. Telephones are available to the general population in every institution's major living units and also on a more limited basis to those in specialized or closed custody units. It is therefore relatively easy to call the ombudsman and explain a problem to the staff member who is assigned as intake officer for the day.

Once the ombudsman has clearly established channels by which contacts can be initiated, his effectiveness depends upon his capacity to respond quickly. This response begins with a prompt indepth interview with the complainant. The confidence that a complainant has in the Ombudsman's Office is determined initially by the time lag between the date a complaint was made and the date the complainant was interviewed indepth by the ombudsman's staff. As indicated by Table VIII, the overwhelming majority (86 percent) is interviewed in a relatively short time. During the initial interview, the ombudsman's staff member to whom a case has been assigned outlines to his/her client the steps of his/her proposed investigation and establishes a tentative conclusion date. The ombudsman's effectiveness at this stage depends on his ability to complete a thorough investigation within a relatively short period of time. Table IX reveals that, just as in the last two years, 70 percent of the contacts were closed within 30 days. However, many cases are neither quickly nor easily resolved. Some can continue for as long as five months as in the following instance. On December 13, 1976 the ombudsman received a telephone call from Emily Galusha of the Bush Foundation concerning a letter she received from an inmate at the State Prison. Ms. Galusha indicated that the inmate believed that racial discrimination existed in the hiring practices of the newly established Stillwater Data Processing Service Incorporated (SDPSI).¹⁰ As with all

complaints registered by a third party on another's behalf, Ms. Galusha was advised to have the inmate contact the ombudsman directly. On December 15 the deputy ombudsman began a formal investigation examining the circumstances which led to the charge of racial discrimination. On January 20 the ombudsman received a complaint from a second inmate who also requested an investigation of the hiring practices of the SDPSI. Since an investigation was already underway, this second complaint was incorporated into the first. In a report, released on March 18, 1977, the ombudsman noted that the SDPSI program represented a unique venture between private industry and the prison. He stated, "All persons involved in the effort recognized that it would be a difficult undertaking. SDPSI represents an attempt to introduce the private and free enterprise system into a community which is neither private nor free. In order to make such a program work, it will require that extraordinary measures be taken on the part of the people operating the program. They will need to know and give special attention to differences that exist between the prison community and the free community. Special steps will have to be taken to keep from creating an elitist homogeneous community within the prison environment. If such did happen it would create special problems for the prisoners as well as the management of the prison." The ombudsman continued by noting that the issue at stake in the SDPSI complaint was not simply whether two inmates had been victimized by racial discrimination. He suggested that the more fundamental question related to the plan which created the program and the effort made to hire its initial personnel. The ombudsman charged that "it was incumbent upon SDPSI from the very beginning to be affirmative in its hiring practices. Deliberate effort was needed to make sure the initial work force reflected the racial composition of the prison. A new venture such as SDPSI did not need added problems of having to overcome allegations of racial discrimination in its hiring practices. Allegations were bound to come if the initial work force did not include minorities. There was a need not only to avoid racial discrimination, but the appearance of racial discrimination." The ombudsman's report contained 14 specific findings and seven recommendations. In response to these, SDPSI developed a comprehensive equal employment opportunity and affirmative action plan which became effective April 26, 1977. In a cover letter to the ombudsman, the Chairman of SDPSI stated, "While technically we are not yet of sufficient size to be legally bound by EEO/Affirmative Action Guidelines, we are concerned now to effect the unanimous commitment of the SDPSI board and management to the plan attached."

The ombudsman's investigation in the aforementioned racial discrimination charge took three months to complete. The thoroughness with which any complaint is investigated and the amount of time taken to complete it are important factors in determining the ombudsman's effectiveness. Though a few complainants are impatient for immediate results, the vast majority allow enough time to ensure a thorough investigation of their problem.

¹⁰Stillwater Data Processing Systems, Inc. (SDPSI) is a non-profit corporation operating within the Minnesota State Prison system. The corporation's revenue is obtained from contract programming services marketed to Minnesota government and industry.

Most realize that the process of an investigation is as important as the product of that investigation. Yet to be sure, the ombudsman's success ultimately depends in large measure on his ability to produce acceptable solutions to a variety of problems. Determining what constitutes success in an individual case can be difficult. For instance, the ombudsman may be able to effectuate a policy change only after the issue of concern is moot for the complainant. Such was the situation in the following case. On November 29, 1976, an inmate from Willow River Camp called the Ombudsman office regarding the denial of his application for a furlough. The conviction for which the inmate was **currently** incarcerated met the statutory and administrative criteria for furlough eligibility. However, he was declared ineligible because a firearm had been involved in a **prior** felony for which he had been convicted. The inmate argued that since he had been discharged from the sentence imposed for the prior crime, he should be eligible for the furlough.

In reviewing the furlough program, the ombudsman noted that effective August 9, 1976, the Commissioner of Corrections was granted statutory authority (M.S. 241.01, subd. 8) to "grant furloughs to the inmates of medium/minimum security facilities for a period not to exceed five days, subject to criteria, terms and conditions as he shall prescribe, provided however that no inmate convicted of an offense involving death, great bodily harm, criminal sexual conduct in the first, second or third degree, or who had a firearm in his possession at the time of offense may be granted a furlough. No inmate may receive more than six furloughs in any twelve month period." On September 9, 1976, the commissioner issued an administrative directive outlining the policies and procedures of the furlough program. He stated that subject to the statutory requirements, no inmate of a minimum security facility may be granted a furlough unless; "1) he/she has been on minimum custody status for at least ninety (90) days. 2) He/she has had no disciplinary infractions within the six (6) month period immediately preceding the request for furlough. 3) There are no gross misdemeanor or felony detainers on file against the inmate. 4) The inmate has financial resources sufficient to: a) pay transportation costs to and from the destination, b) provide at least \$10 per day for each day of furlough, c) recommendation of the classification team, agreement of the parole agent of record and approval of the institution superintendent is obtained."

During the investigation of this case, the ombudsman learned that the staff at Willow River Camp had denied the inmate's furlough primarily on the basis of a memo written on November 12 by a staff member of the Department of Corrections' central office. The position outlined in this memo made it clear that the inmate would not be eligible for a furlough if he was armed during the prior offense in question. It was also largely on the basis of this memo that the ombudsman determined that the only feasible remedy in this case was a statutory amendment. Such an amendment would have limited the exclusionary provisions of Minnesota Statute 241.01,

subd. 8, to those convictions for which an inmate was currently serving time and not to those convictions for which an inmate had been discharged. On December 15 the ombudsman recommended that the Commissioner of Corrections support such an amendment. The ombudsman notified the inmate that a recommendation had been made and also noted that he would likely have completed the program at Willow River before any amendment could be enacted into law.

On January 27, 1977, the ombudsman received a written response to his recommendation. The deputy commissioner indicated that a statutory amendment would be unnecessary because he had determined that the "law applied to instant offenses only". He further stated that this construction would provide the basis for the department's policy governing the granting of furloughs in medium/minimum security facilities. The ombudsman then pointed out the contradiction between this policy statement and the position taken by a staff member in the memo written to Willow River on November 12, 1976. The ombudsman asked if the inmate who had complained to his office was now eligible to participate in the furlough program at Willow River. On February 10, the ombudsman was informed by telephone that the inmate complainant was eligible. This information was relayed by telephone and later verified in writing to the superintendent at Willow River.

In the preceding case, the ombudsman was satisfied at having clarified a major policy. However, the interpretation, favorable though it was, had little impact upon the complainant since he had nearly completed his program and was scheduled for release within a few days when the policy clarification was made. The resolution of this complaint, as with all others, was measured against the goals set during the conclusion stage (see Figure II) of the investigation. Since the goal set in this instance was to declare the inmate, and those similarly situated, eligible for the furlough program, the ombudsman closed the case as having been fully resolved. The inmate had accepted the fact early in the investigation that a policy change may not occur in time to be of benefit to him.

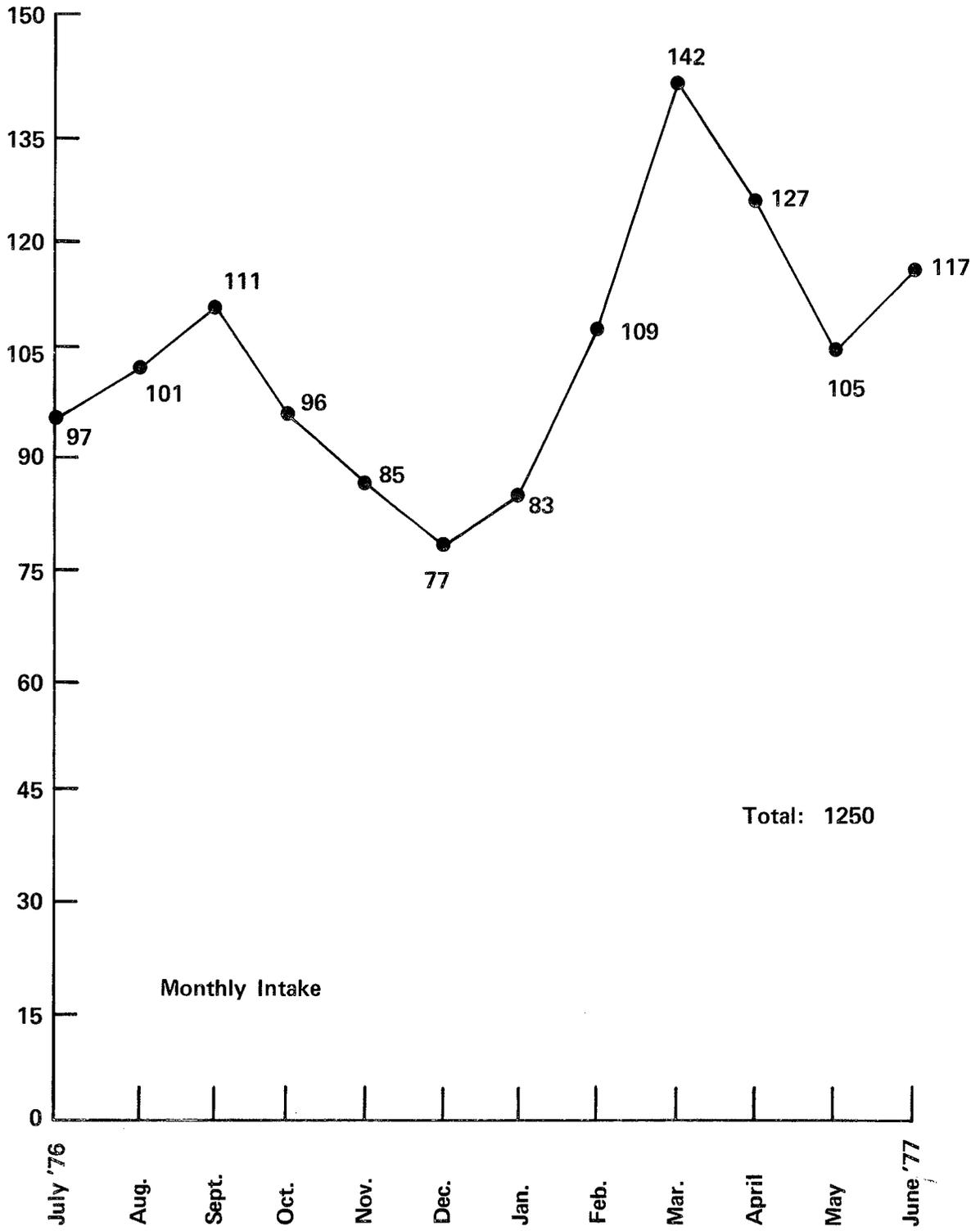
The extent to which each complaint is resolved is difficult to quantify. The measure of the ombudsman's impact on a specific case will likely vary among inmates, corrections line staff, corrections administrators, and the ombudsman. Nonetheless, the ombudsman assesses his success in every case which he opens for investigation. By his own standard the ombudsman was able to achieve a high degree of positive impact over 85 percent of the time. Tables X and XI, which represent the judgment of the ombudsman and his staff, indicate that over 70 percent of the cases in fiscal year 1977 were resolved fully and that approximately ten percent were resolved partially. The degree to which contacts are fully resolved varies somewhat by category as indicated by the following list:

Contact Category	Rate of Full Resolution
Parole	84.6%
Medical	69.2
Legal	56.6
Placement	75.2
Property	80.0
Program	86.9
Discrimination	41.7
Records	90.3
Rules	75.8
Threats	52.9
Other	50.0

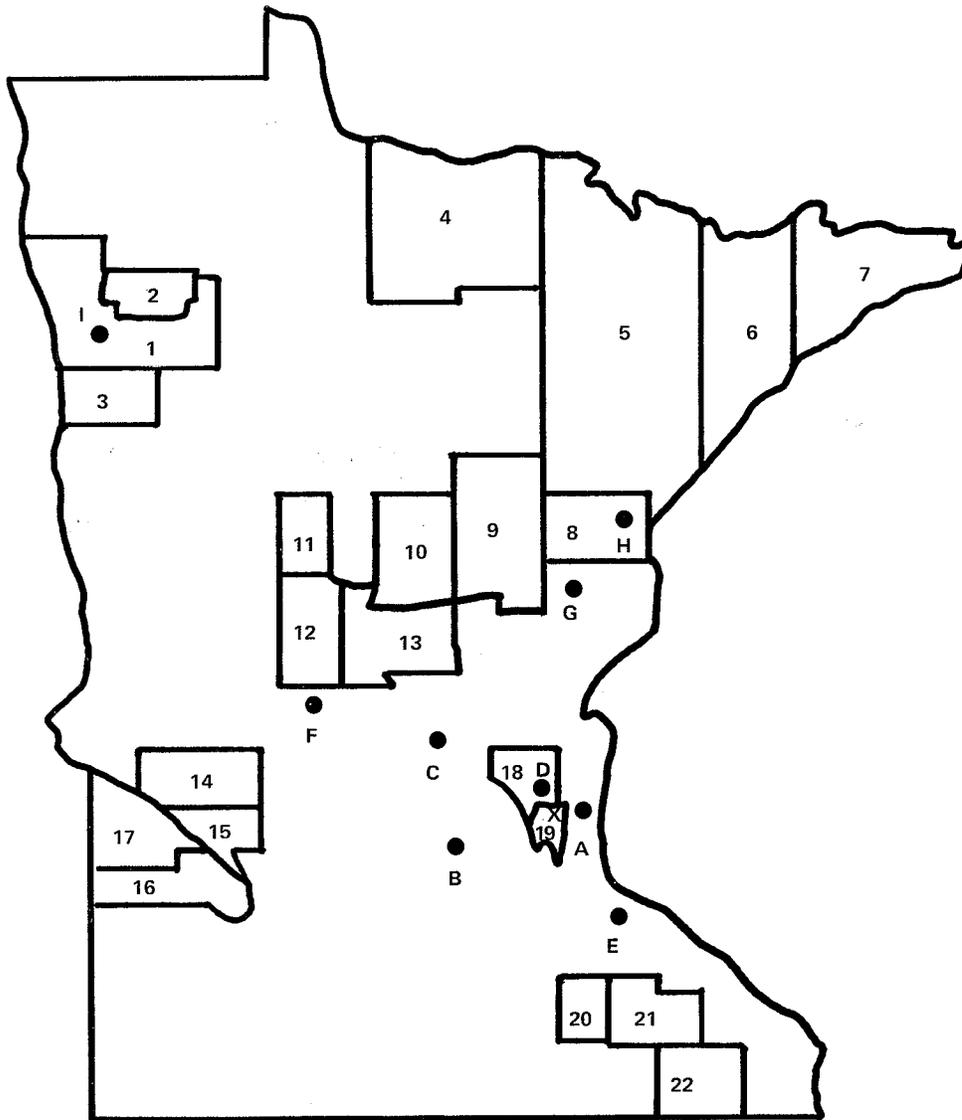
These figures are consistent with the Ombudsman's role as an external agent agitating for positive change. The ombudsman cannot order compliance with his recommendations and must rely upon his ability to persuade others that change should occur. A significant number of the ombudsman's policy recommendations have been implemented during this fiscal year but as Appendix B indicates several were also rejected.

Few complaints registered with the Ombudsman's Office are rejected outright or dismissed as invalid after investigation. In fiscal year 1977 only 58 complaints were rejected by the ombudsman as being premature, extra-jurisdictional or trivial. Of the 1,221 investigations closed during the year, only 49 or 4.0 percent were dismissed. The legitimacy of each case opened is measured primarily by its inclusion into at least one of five criteria. A complaint is legitimate if it concerns issues or actions which are proven to be: 1) contrary to law or regulations; 2) unreasonable, unfair, or inconsistent; 3) arbitrary in the ascertainment of facts; 4) unclear or inadequately explained; 5) inefficiently performed. While the ombudsman either rejects or dismisses 8.5 percent of the contacts registered with his office, he also refers another 5.0 percent to other agencies as indicated by Table X. Table XI shows the distribution of these referrals by category and Table XII lists the agencies to whom the referrals were made. Just as last year most of the referrals were of a legal nature.

GRAPH I



MAP I



COUNTIES IN COMMUNITY CORRECTIONS ACT

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

X - OMBUDSMAN, ST. PAUL

- A MSP - Minnesota State Prison, Stillwater
- B MCIW - Minnesota Corrections Institution for Women, Shakopee
- C SRM - State Reformatory for Men, St. Cloud
- D MMTC - Minnesota Metropolitan Training Center, Lino Lakes
- E STS - State Training School, Red Wing
- F MHS - Minnesota Home School, Sauk Centre
- G WRC - Willow River Camp
- H NERCC - Northeast Regional Adult Corrections Center - Saginaw
- I NWCC - Northwest Corrections Center - Crookston

Table I

Ombudsman Contacts (Closed July 1976-June 1977)

	MSP	MCIW	SRM	MMTC	STS	MHS	WRC	REG.	CTY.	FS	Other	Total
Parole	120	12	54	39	9	4	1	1	1	6	0	247
Medical	62	8	26	7	4	1	0	1	3	1	1	114
Legal	34	2	24	1	7	1	1	3	1	1	1	76
Placement	85	1	18	7	12	0	0	0	2	2	2	129
Property	117	3	34	3	5	0	0	0	1	2	0	165
Program	64	5	16	24	9	2	1	4	8	3	2	138
Discrimination	8	1	1	1	1	0	0	0	0	0	0	12
Records	27	2	13	5	1	0	0	1	0	2	1	52
Rules	131	7	32	13	7	3	3	4	6	4	1	211
Threats	9	0	6	1	0	0	0	0	1	0	0	17
Other	33	2	10	6	4	0	0	0	1	2	2	60
Total:	690	43	234	107	59	11	6	14	24	23	10	1,221
F.Y. 77 (Est.)												
Average Daily												
Population Under												
Supervision	999	53	514	97	151	119	51	110	525	2,400	—	5,019

MSP — Minnesota State Prison; MCIW — Minnesota Correctional Institution for Women; SRM — State Reformatory for Men; MMTC — Minnesota Metropolitan Training Center; STS — State Training School; MHS — Minnesota Home School; WRC — Willow River Camp; REG. — Regional facilities; CTY. — County facilities; FS — Field Services (including parole and probation).

Table II

Ombudsman Requests (Closed July 1976-June 1977)

	MSP	MCIW	SRM	MMTC	STS	MHS	WRC	REG.	CTY.	FS	Other	Total
Parole	34	6	18	17	3	1	0	0	1	1	0	81
Medical	2	2	1	2	2	0	0	1	0	0	0	10
Legal	10	0	7	0	2	0	1	1	1	1	0	23
Placement	6	0	1	2	4	0	0	0	0	2	0	15
Property	4	0	1	0	1	0	0	0	0	1	0	7
Program	2	2	1	1	0	0	0	0	0	2	0	8
Discrimination	1	0	0	0	0	0	0	0	0	0	0	1
Records	11	1	1	2	1	0	0	0	0	0	0	16
Rules	14	0	2	2	0	0	1	1	0	0	1	21
Threats	0	0	0	0	0	0	0	0	0	0	0	0
Other	13	1	5	0	1	0	0	0	0	1	0	21
Total:	97	12	37	26	14	1	2	3	2	8	1	203

Table III

Ombudsman Complaints (Closed July 1976-June 1977)

	MSP	MCIW	SRM	MMTC	STS	MHS	WRC	REG.	CTY.	FS	Other	Total
Parole	86	6	36	22	6	3	1	1	0	5	0	166
Medical	60	6	25	5	2	1	0	0	3	1	1	104
Legal	24	2	17	1	5	1	0	2	0	0	1	53
Placement	79	1	17	5	8	0	0	0	2	0	2	114
Property	113	3	33	3	4	0	0	0	1	1	0	158
Program	62	3	15	23	9	2	1	4	8	1	2	130
Discrimination	7	1	1	1	1	0	0	0	0	0	0	11
Records	16	1	12	3	0	0	0	1	0	2	1	36
Rules	117	7	30	11	7	3	2	3	6	4	0	190
Threats	9	0	6	1	0	0	0	0	1	0	0	17
Other	20	1	5	6	3	0	0	0	1	1	2	39
Total:	593	31	197	81	45	10	4	11	22	15	9	1,018

Table IV
TOTAL CASELOAD

Number of cases opened July 1976 through June 1977	1,250*
Number of cases carried from June 1976	41
TOTAL	1,291
Number of cases closed July 1976 through June 1977	1,221
Number of cases carried into July 1977	70

*1,308 contacts were registered with the Ombudsman Office; 58 of these were refused and not opened as cases for investigation.

Table V
Contact Distribution by Institution

<u>Institution</u>	<u>Contacts</u>	<u>Percent</u>
MSP	690	58.1
MCIW	43	3.6
SRM	234	19.7
MMTC	107	9.0
STS	59	5.0
MHS	11	0.9
WRC	6	0.5
REG.	14	1.2
CTY.	24	2.0
TOTAL:	1,188	100.0%

MSP—Minnesota State Prison; MCIW—Minnesota Correctional Institution for Women; SRM—State Reformatory for Men; MMTC—Minnesota Metropolitan Training Center; STS—State Training School; MHS—Minnesota Home School; WRC—Willow River Camp; REG.—Regional; CTY.—County.

Table VI
Population by Institution*

<u>Institution</u>	<u>Population</u>	<u>Percent</u>
MSP	999	38.2
MCIW	53	2.0
SRM	514	19.6
MMTC	97	3.7
STS	151	5.8
MHS	119	4.5
WRC	51	1.9
REG.	110	4.2
CTY.	525	20.1
TOTAL:	2,619	100.0%

*Estimated average daily population under supervision for F.Y. 1977.

Table VII
Methods of Communication

<u>Method</u>	<u>Contacts</u>	<u>Percent</u>
W.D.	353	28.9
W.I.	29	2.4
P.D.	309	25.3
P.I.	51	4.2
T.D.	360	29.5
T.I.	115	9.4
O.I.	4	0.3
TOTAL:	1,221	100.0%

W.D. — Written Direct; W.I. — Written Indirect; P.D. — Personal Direct; P.I. — Personal Indirect; T.D. — Telephone Direct; T.I. — Telephone Indirect; O.I. — Ombudsman Initiated.

Table VIII
Initial Interview*

<u>Time Lapse</u>	<u>Contact</u>	<u>Percent</u>
Same day	650	53.2
1-6 days	399	32.7
7-10 days	78	6.4
11-15 days	20	1.6
16+ days	46	3.8
No Interview	28	2.3
TOTAL:	1,221	100.0%

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

Table IX
Time Taken to Resolve Contacts

<u>Time</u>	<u>Contact</u>	<u>Percent</u>
0-30 days	850	69.6
31-45 days	186	15.2
46-60 days	90	7.4
61+ days	95	7.8
TOTAL:	1,221	100.0%

Table X
Contact Resolution

<u>Resolution</u>	<u>Contact</u>	<u>Percent</u>
Full	901	73.8
Partial	143	11.7
None	23	1.9
Withdrawn	46	3.8
Dismissed	49	4.0
Referred	59	4.8
TOTAL:	1,221	100.0%

Table XI
Contact Resolution by Category

	<u>Full</u>	<u>Partial</u>	<u>None</u>	<u>Withdrawn</u>	<u>Dismissed</u>	<u>Referred</u>	<u>Total</u>
Parole	209	21	4	4	4	5	247
Medical	79	21	3	2	4	5	114
Legal	43	1	0	2	3	27	76
Placement	97	17	0	6	5	4	129
Property	127	20	2	6	6	4	165
Program	95	22	7	4	8	2	138
Discrimination	5	5	0	1	1	0	12
Records	47	0	0	3	2	0	52
Rules	160	23	3	9	10	6	211
Threats	9	4	0	2	1	1	17
Other	30	9	4	7	5	5	60
TOTAL:	901	143	23	46	49	59	1,221

Table XII

Referrals

Legal Assistance to Minnesota Prisoners	20
Legal Advocacy Program	5
Neighborhood Justice Center	2
Hennepin County Welfare Department	2
Department of Corrections	2
Public Defender	10
Private Attorney	4
License Bureau	1
SRM-Staff	3
Public Safety Department	1
County Board	1
Legal Bar Committee	1
Caseworker	1
Warden	1
Fireman's Union	1
Legal Advice Clinic	1
Hennepin Courthouse	2
Ramsey County Workhouse	1
TOTAL:	59

Table XIII

Contact Distribution by Category
F.Y. 1976-F.Y. 1977 Comparison

Category	F.Y. 1976		F.Y. 1977		Change - F.Y. '76-F.Y. '77	
	Number	Percent	Number	Percent	Number	Percent
Parole	210	18.6	247	20.2	+37	+1.6
Medical	106	9.4	114	9.3	+08	+0.1
Legal	101	8.9	76	6.2	-25	-2.7
Placement	109	9.6	129	10.6	+20	+1.0
Property	107	9.5	165	13.5	+58	+4.0
Program	162	14.3	138	11.3	-24	-3.0
Discrimination	7	0.6	12	1.0	+05	+0.4
Records	24	2.1	52	4.3	+28	+2.2
Rules	221	19.6	211	17.3	-10	-2.3
Threats	17	1.5	17	1.4	00	-0.1
Other	66	5.9	60	4.9	-06	-1.0
TOTAL:	1,130	100.0%	1,221	100.0%	+91	0.0%*

*Actual total is 0.2 due to rounding.

APPENDIX A

MINNESOTA OMBUDSMAN FOR CORRECTIONS STATUTE

241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION. The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

241.42 DEFINITIONS. Subdivision 1. For the purpose of sections 241.41 to 241.45, the following terms shall have the meanings here given them.

Subd. 2 "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the Minnesota corrections authority, the board of pardons and regional correction or detention facilities or agencies for correction or detention programs including those programs or facilities operating under chapter 401, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or his personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Subd. 3 "Commission" means the ombudsman commission.

241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN. Subdivision 1. The Ombudsman may select, appoint, and compensate out of available funds such assistants and employees as he may deem necessary to discharge his responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service. The ombudsman and his full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate one of his assistants to be the deputy ombudsman.

Subd. 3. The ombudsman may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

241.44 POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS. Subdivision 1. Powers. The ombudsman shall have the following powers:

(a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;

(b) He may determine the scope and manner of investigations to be made;

(c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. Neither the ombudsman nor any member of his staff shall be compelled to testify in any court with respect to any matter involving the exercise of his official duties except as may be necessary to enforce the provisions of section 241.41 to 241.45;

(d) He may investigate, upon a complaint or upon his own initiative, any action of an administrative agency;

(e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;

(f) He may examine the records and documents of an administrative agency;

(g) He may enter and inspect, at any time, premises within the control of an administrative agency;

(h) He may subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the law of this state;

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal council. The provisions of 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 sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process.

(j) He may be present at Minnesota correction authority parole and parole revocation hearings and deliberations.

Subd. 1a. No proceeding or civil action except removal from office or a proceeding brought pursuant to sections 15.162 to 15.168 shall be commenced against the ombudsman for actions taken pursuant to the provisions of section 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 2. Matters appropriate for investigation. (a) In selecting matters for his attention, the ombudsman should address himself particularly to actions of an administrative agency which might be:

- (1) contrary to law or regulation;
- (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;
- (3) mistaken in law or arbitrary in the ascertainment of facts;
- (4) unclear or inadequately explained when reasons should have been revealed;
- (5) inefficiently performed;

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 3. Complaints. The ombudsman may receive a complaint from any source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. A reply from the ombudsman to the

person shall be delivered unopened to the person, promptly after its receipt by the institution.

No complainant shall be punished nor shall the general condition of his confinement or treatment be unfavorably altered as a result of his having made a complaint to the ombudsman.

Subd. 4. Recommendations. (a) If, after duly considering a complaint and whatever material he deems pertinent, the ombudsman is of the opinion that the complaint is valid, he may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a regulation or ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman states as his recommendation to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time he specifies, inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

(b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, he may refer the matter to the appropriate authorities.

(c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature his view concerning desirable statutory change.

241.45 PUBLICATION OF RECOMMENDATIONS; REPORTS. Subdivision 1. The ombudsman may publish his conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to him by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall at the end of each year report to the governor concerning the exercise of his functions during the preceding year.

APPENDIX B

SUMMARY OF FISCAL YEAR 1977 OMBUDSMAN POLICY RECOMMENDATIONS*

Recommendations accepted	
totally	38
partially	9
Recommendations rejected	11
Recommendations pending	5
TOTAL	63

The ombudsman recommended:

- | | |
|--|---|
| <p>1. that a caseworker at MMTC be assigned to Newgate and the Work Programs to do casework only.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—accepted</i></p> <p>2. that the screening of inmates for placement at MMTC be primarily on the basis of program rather than specific positions or jobs.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—accepted</i></p> <p>3. that MMTC review the Step Program and privileges in order to ensure their availability for inmates who are eligible.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—accepted</i></p> <p>4. that regular MCB hearings be scheduled at MMTC.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—accepted (currently the practice)</i></p> <p>5. that MMTC hire personnel with appropriate training to implement and supervise the industry program.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—rejected because of budget limitations</i></p> <p>6. that MMTC implement a training program for current staff involved in the industry program and for all staff responsible for the total adult program.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—partially accepted; current industry staff adequately trained, general training dealing with programs for adults implemented.</i></p> <p>7. that the existing industry program at MMTC be stabilized before it is expanded.
 Issued: <i>July 8, 1976</i>
 Response: <i>July 15, 1976—accepted</i></p> | <p>8. that the Reformatory document more thoroughly information pertinent to an inmate's assignment to or removal from a particular cell hall.
 Issued: <i>July 30, 1976</i>
 Reissued: <i>November 29, 1976</i>
 Response: <i>December 3, 1976—partially accepted</i></p> <p>9. that distinction be made between voluntary non-working idle and involuntary non-working idle at the prison.
 Issued: <i>July 15, 1976</i>
 Response: <i>September 1, 1976—rejected, however, privileges for both groups increased.</i></p> <p>10. that inmates who are discharged from their job at the prison be given written reasons for their dismissal and that they be afforded an opportunity to appeal their dismissal.
 Issued: <i>July 15, 1976</i>
 Response: <i>September 1, 1976—accepted</i></p> <p>11. that MSP discontinue the practice of concealing contraband on "volunteer" inmates for the purpose of testing the thoroughness of the shakedown procedures used by staff.
 Issued: <i>July 19, 1976</i>
 Response: <i>July 30, 1976—accepted</i></p> <p>12. that STS establish guidelines for the treatment of youth who are returned to the institution at night from run; groups should not be convened late at night.
 Issued: <i>July 22, 1976</i>
 Response: <i>August 3, 1976—partially accepted; groups can be convened late at night but discussion period will be limited.</i></p> <p>13. that MSP develop a classification system for all inmate jobs.
 Issued: <i>August 25, 1976</i>
 Reissued: <i>December 1, 1976</i>
 Response: <i>February 8, 1977—accepted</i></p> |
|--|---|

*Recommendation implemented on date of acceptance unless otherwise noted.

14. that inmates at MSP be able to receive packages through the mail from approved visitors and government agencies.
 Issued: *September 28, 1976*
 Reissued: *November 29, 1976*
 Response: *None*
15. that an inmate be allowed to consult with an attorney when entering into a MAP contract and that he be afforded the opportunity for legal representation when his MAP contract is terminated or revised.
 Issued: *September 27, 1976*
 Response: *October 6, 1976—rejected; representation to be made by caseworkers and institutional MAP coordinators.*
16. that the warden or superintendent of an institution have no authority to veto an inmate's application to participate in MAP.
 Issued: *September 27, 1976*
 Response: *October 6, 1976—accepted (original intent of the program)*
17. that a sentence be added to the MAP refusal form indicating that only one opportunity exists for an inmate to enter into a MAP contract.
 Issued: *September 27, 1976*
 Response: *October 6, 1976—accepted*
18. that existing programs, i.e., Willow River, continue to be available to inmates who are not participants in MAP.
 Issued: *September 22, 1976*
 Response: *October 6, 1976—accepted*
19. that MSP discontinue the practice of handcuffing all Phase I inmates when they are out of their cells in the C Max unit, and that a differentiation be made between Phase I inmates who are assaultive and those who are nonassaultive.
 Issued: *October 7, 1976*
 Response: *October 15, 1976—rejected (explanation given for handcuffing all Phase I inmates)*
20. that MSP increase the amount of money received by an inmate on permanent non-working idle status.
 Issued: *September 15, 1976*
 Response: *October 5, 1976—accepted (allotment doubled)*
21. that the sixty day waiting period for transferring from one inmate's list to that of another be eliminated at MSP.
 Issued: *November 5, 1976*
 Response: *February 1, 1977—rejected; MSP visiting regulations issued*
22. that a policy be developed regulating transactions among staff, volunteers and adult residents of MMTC, i.e., purchase and securing of personal property.
 Issued: *November 24, 1976*
 Response: *December 17, 1976—accepted*
23. that the Department of Corrections discontinue the practice of using institutional hearing officers as temporary replacements as members of the MCB.
 Issued: *November 29, 1976*
 Response: *December 27, 1976—accepted; temporary replacements for MCB to be selected from cabinet level positions*
24. that the exclusionary provision of M.S. 241.01 subd. 8, should apply only to those crimes for which an inmate is currently serving time.
 Issued: *December 15, 1976*
 Response: *January 21, 1977—accepted; law applies to instant offenses only*
25. that the proposed regulations for MSP's A Segregation specify the type of personal property that an inmate will be allowed to have when he is placed in the unit.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—accepted*
26. that inmates moved to MSP's A Segregation by force be placed temporarily in a holding cell on the first level.
 Issued: *December 17, 1976*
 Response: *March 1, 1977; partially accepted (when cell available)*
27. that the proposed sentence reduction plan for MSP's A Segregation apply to all inmates placed in the unit.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—rejected; ten exemptions listed*
28. that isolation cells in MSP's A Segregation unit be located on the first level of the unit.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—partially accepted*
29. that an inmate held in pre-hearing detention in MSP's A Segregation be released within one hour after the disciplinary board finds the inmate not guilty, gives a suspended sentence, or places him on probation.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—rejected; if notification received before 2:00 p.m. release will occur prior to 3:20 p.m. count; if notification is received after 2:00 p.m., release will occur before 10:00 a.m. the following morning.*

30. that the proposed formula regulating exercise time in MSP's A Segregation be simplified and that it specify where inside exercise will occur and under what weather conditions outside exercise will be permitted.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—partially accepted; conditions, time and place specified*
31. that calls made by inmates in MSP's A Segregation unit to the ombudsman be excluded from the number of telephone calls allowed each inmate.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—rejected*
32. that each inmate transferred to MSP's Segregation unit must sign and receive a copy of his personal property inventory.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—accepted*
33. that inmates at MSP who are placed on psychological observation status be checked by staff at least once an hour.
 Issued: *December 17, 1976*
 Response: *March 1, 1977—accepted*
34. that the MSP psychological services advising committee meet more frequently and that the role of the action committee in removing an inmate from observation status be clarified.
 Issued: *December 17, 1976*
 Response: *None*
35. that Project Re-Entry formulate a written policy governing furlough checks.
 Issued: *December 27, 1976*
 Response: *January 27, 1977—accepted*
36. that individuals who are visiting inmates in PCU at MSP be permitted to register 30 minutes prior to scheduled visiting hours.
 Issued: *January 10, 1977*
 Response: *January 14, 1977—accepted*
37. that a uniform policy for the hiring and firing of all inmate workers at MSP be developed.
 Issued: *February 3, 1977*
 Response: *February 25, 1977—accepted; inmate pay committee to formulate proposal*
38. that a distinction be made between the restrictions placed on inmates on NWI status because no jobs are available for them and those assigned NWI status for other reasons.
 Issued: *February 16, 1977*
 Response: *February 28, 1977—accepted; cell hall directors given authority to transfer certain NWI inmates to administrative idle.*
39. that all inmates in A Segregation be given proper bedding.
 Issued: *February 17, 1977*
 Response: *February 23, 1977—accepted; clarification of staff's discretion but policy already in practice.*
40. that promotional ratings should be reviewed with an employee at STS before being considered final and made a part of the employee's personnel record.
 Issued: *March 4, 1977*
 Response: *April 7, 1977—accepted*
41. that a resident at MCIW be allowed to speak personally by telephone to the institution's physician when warranted.
 Issued: *March 3, 1977*
 Response: *March 14, 1977—accepted*
42. that a policy be developed governing the use of C Annex at MSP.
 Issued: *March 15, 1977*
 Response: *April 18, 1977—accepted; policy governing transfers to C Annex issued this date.*
43. that SDPSI develop and implement an affirmative action program at MSP.
 Issued: *March 18, 1977*
 Response: *May 17, 1977—accepted; plan effective from April 26, 1977*
44. that SDPSI clearly define selection criteria for positions filled by inmates.
 Issued: *March 18, 1977*
 Response: *May 17, 1977—accepted*
45. that SDPSI should maintain records of all job applicants and dispositions of those applications for at least 90 days.
 Issued: *March 18, 1977*
 Response: *May 17, 1977—accepted; records to be retained indefinitely*
46. that SDPSI give high priority to hiring a minority person to fill the next vacancy.
 Issued: *March 18, 1977*
 Response: *May 17, 1977—accepted*
47. that the MSP policy of posting interest only on inmate savings on account for a full year be modified to allow more frequent payment of interest.
 Issued: *April 12, 1977*
 Response: *May 26, 1977—accepted; interest to be paid bi-annually*
48. that MSP honor warranties of T.V. sets opened by staff during a recent shakedown.
 Issued: *April 12, 1977*
 Response: *April 22, 1977—rejected*

49. that MSP accept claims and compensate inmates for lost or destroyed property resulting from a recent shakedown.
 Issued: *April 12, 1977*
 Response: *April 16, 1977—partially accepted; payment for raw materials will be considered*
50. that security measures at MSP should include periodic unannounced pat searches of all persons who enter and leave during a designated time.
 Issued: *April 12, 1977*
 Response: *April 16, 1977—accepted*
51. that the MCB revise section 4.05 H of the "Parole Decision-Making Guidelines" by assigning target release dates to all inmates including those serving minimum sentences.
 Issued: *April 14, 1977*
 Response: *May 12, 1977—partially accepted; TRD's set for inmates serving minimum sentences for all crimes except murder I.*
52. that the Ramsey County Workhouse provide each inmate who violates the rules a copy of his disciplinary report.
 Issued: *April 27, 1977*
 Response: *May 5, 1977—accepted*
- *53. that a procedure be established which will allow each inmate the opportunity to read the "factual" data in his personnel file.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—department to review proposal*
- *54. that prisoners automatically be advised of their legal rights with respect to detention or confinement by facility personnel.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—department to review proposal*
- *55. that the district court approve a system of due process in each institution's disciplinary plan.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—accepted*
- *56. that written notice be provided to an inmate within 24 hours of his being charged with a rule violation.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—department to review proposal*
- *57. that a minimum monetary compensation be provided for juvenile and adult inmates who work.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—rejected as being outside scope of proposed rules.*
- *58. that there shall be no inspection or censorship of incoming or outgoing mail between an inmate and any elected official, the commissioner of corrections, inmates' attorneys and judges.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—partially accepted; inspection but no censorship.*
- *59. that each inmate be furnished with a signed copy of his property inventory.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—accepted*
- *60. that the cost of a deceased inmate's funeral shall be paid by the institution or facility in which the inmate died.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—rejected as being outside scope of the proposed rules.*
- *61. that a prisoner's medical record shall accompany him upon transfer to a hospital or any other facility for medical care.
 Issued: *May 9, 1977*
 Response: *May 10, 1977—accepted*
- *62. that the Department of Corrections support the repeal of Minnesota Statute 641.18 and 641.09 (both statutes allow a prisoner to be put in solitary confinement on bread and water).
 Issued: *May 9, 1977*
 Response: *May 10, 1977—accepted*
63. that the Department of Corrections clarify (with respect to an inmate's crime and his release program) the commissioner's authority to grant furloughs and notify the appropriate institutions of this clarification.
 Issued: *June 28, 1977*
 Response: *July 1, 1977—accepted*

*Recommendations 53-62 were submitted to the Department of Corrections on May 9, 1977 and proposed by the Ombudsman at the May 10, 1977 public hearing regarding the proposed adoption of the rules of the Department of Corrections governing the operation and management of holding facilities, lockups, jails and adult correction facilities.

APPENDIX C

FISCAL YEAR 1977 FINANCIAL INFORMATION

	<u>Budget Allocation</u>	<u>Actual Expenditures</u>
Personal Services	\$161,204	\$157,672
Rents and Leases	10,102	10,374
Printing and Binding	3,700	2,830
Communications	4,500	2,943
Travel	15,366	9,721
Contract Services	287	585
Office Supplies, Equipment, Repairs	2,300	2,826
Data Processing	200	0
	<u>\$197,659</u>	<u>\$186,951</u>

(UNAUDITED)

Budget Source:	Minnesota State Legislature:	\$174,300
	LEAA:	20,000
	WIN:	3,359
		<u>\$197,659</u>