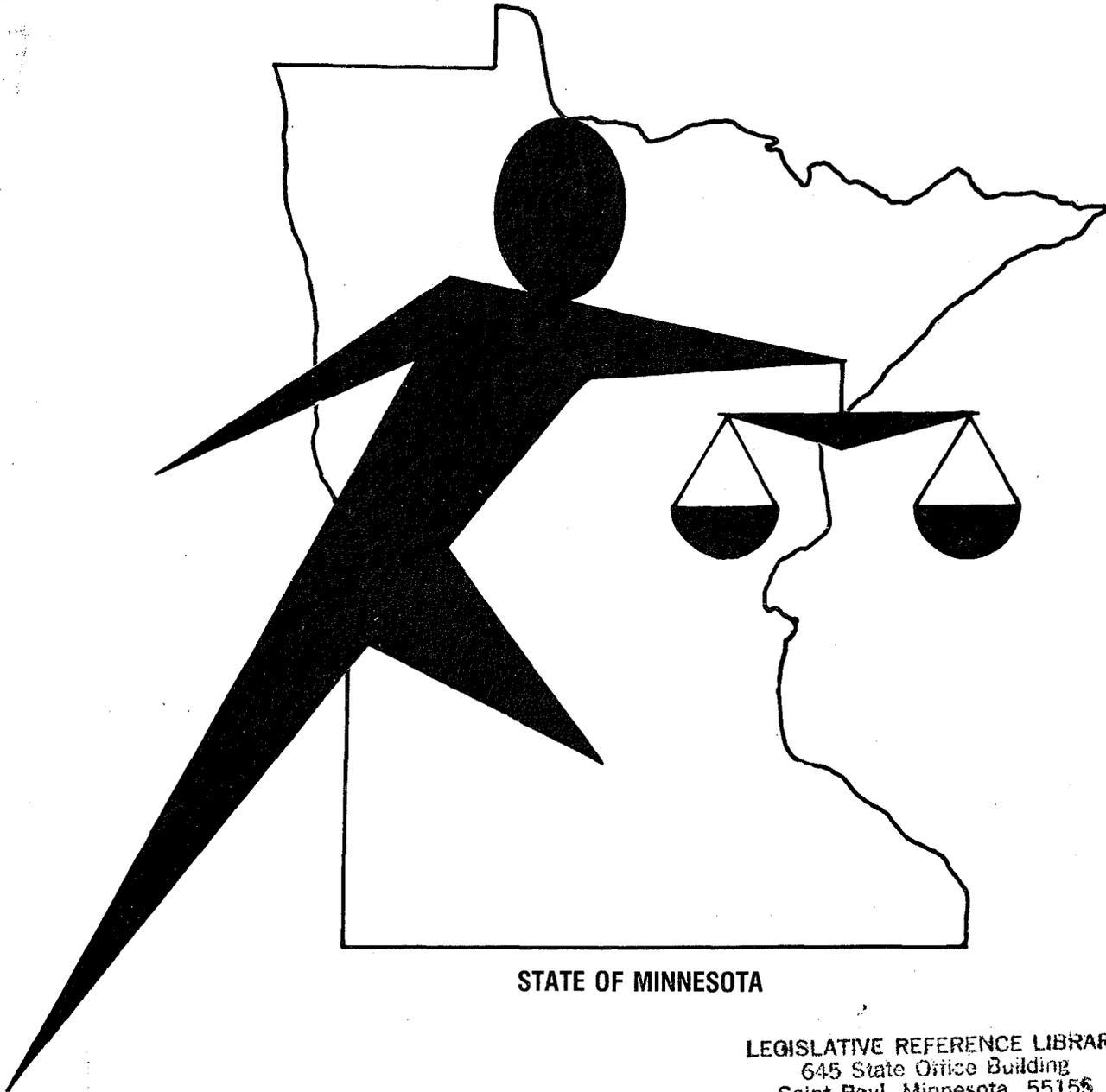




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OMBUDSMAN FOR CORRECTIONS

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STATE OF MINNESOTA

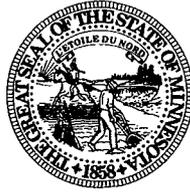
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**FISCAL YEAR
1987
ANNUAL REPORT**

HV
7273
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STATE OF MINNESOTA

OMBUDSMAN FOR CORRECTIONS

**REPORT FOR THE PERIOD
JULY 1, 1986 — JUNE 30, 1987**

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

**John Poupart
Ombudsman for Corrections**

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October 1987



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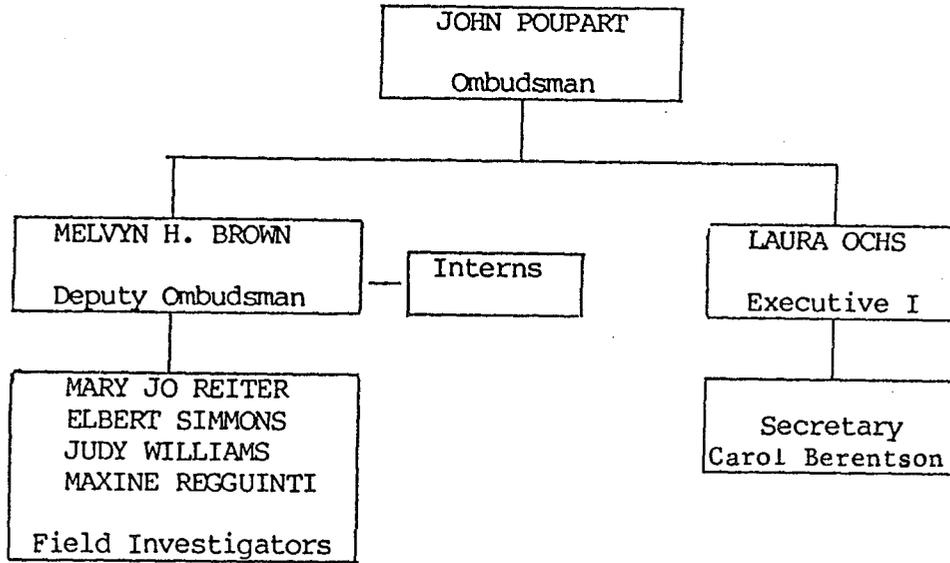


BUDGET - FISCAL YEAR 1987

	<u>ORIGINAL</u>	<u>ACTUAL EXPENDITURES</u>
Personnel Services	\$282,286	\$280,547
Rents & Leases	20,756	20,729
Repairs & Maintenance	1,705	1,466
Printing & Binding	3,280	3,248
Data Process & System Services	3,000	155
Communications	3,800	3,582
Travel	11,600	11,021
Fees/Other Fixed Charges	100	180
Equipment, Material, & Supplies	<u>3,859</u>	<u>6,317</u>
TOTAL	\$330,386	\$327,245
Closing Budget Adjustment (Cancellations)	<u>3,141</u>	
GRAND TOTAL	\$327,245	

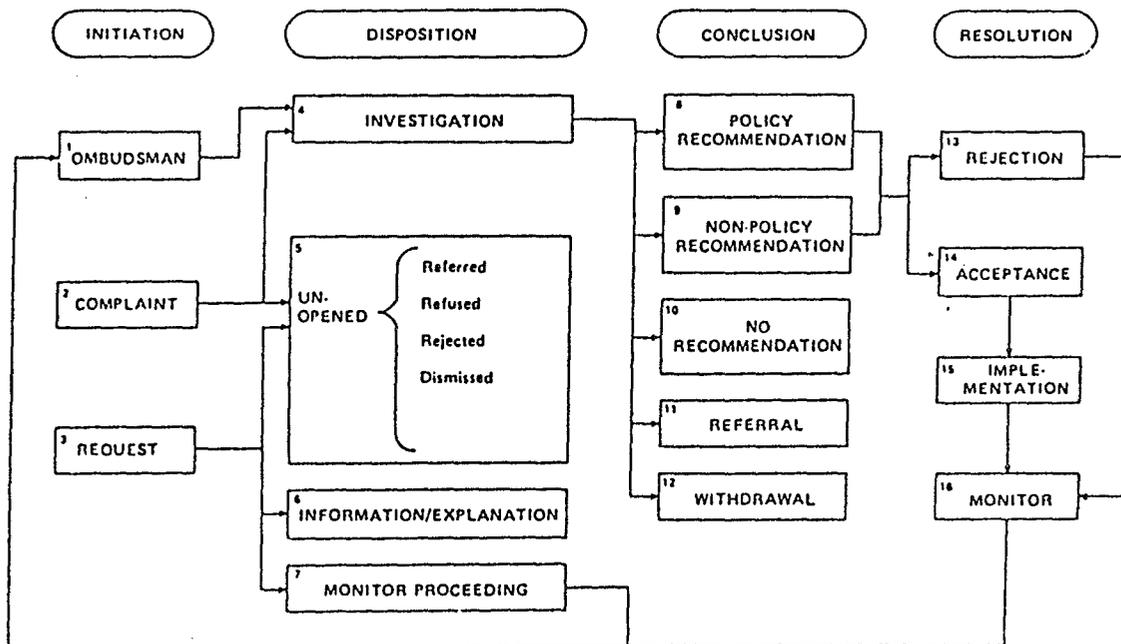
ORGANIZATION CHART

Figure I



CASE PROCESSING PROCEDURE

Figure II



WHAT IS AN OMBUDSMAN?

America's version of an Ombudsman was borrowed from Sweden where the earliest Ombudsman existed in 1713 under the King. In 1809 Swedish Parliament revised its constitution and provided for the role of an Ombudsman. The Ombudsman remains part of Swedish government today. Ombudsman is a Swedish word meaning "protector or defender of citizen rights", says Dr. Daniel G. Hill, Ombudsman for the province of Ontario, Canada. The American Bar Association has a lengthier version. They say, "The Ombudsman is an independent governmental official who receives complaints against government agencies and officials from aggrieved persons, investigates, and, if the complaints are justified, makes recommendations to remedy the complaints." The Minnesota Ombudsman for Corrections in all likelihood fits the latter description.

Every piece of literature on the Ombudsman concept identifies Sweden as the founding place of the Ombudsman. For nearly 200 years the Ombudsman operation has thrived in that country. It seems to have survived because of its independence from the government.

Sweden's governmental structure and society differs from that found in America. While the Ombudsman appears to be endemic to Sweden, it nevertheless has undergone adaptations to fit American government. Moreover, the development of Ombudsman offices throughout this country occurred from "the bottom upward". That is, numerous Ombudsman agencies were created as Specialty Ombudsman, i.e, corrections, mental health, crime victims, etc. Those particular sectors saw the need for an Ombudsman, especially in view of the apparent success of the Corrections Ombudsman, and sought appropriate legislation.

In Minnesota the Ombudsman concept is gaining more acceptance. But even at that, there is plenty of room for Minnesotans to better understand the term: Ombudsman. Ideally the Ombudsman should be independent from the system over which they watch. In Minnesota this is not always true. Several Ombudsmen are appointed by department heads, rather than the legislature or the Governor. The Department of Human Services, for example, has an Ombudsman for Mental Health who is appointed by the Governor. Within this same department, the Long Term Care Ombudsman (federally funded), under the Older Americans Act, is appointed by its commissioner. The Crime Victims Ombudsman is appointed by the Commissioner of Public Safety. It is easy to see that the Ombudsman concept is on the move in Minnesota. However, it does lack a Master Plan.

In a speech given to the United States Ombudsman Association the executive director of the International Ombudsman Institute commented on the need for more states to establish state-wide Ombudsman offices. Presently several states have Ombudsmen with state-wide responsibilities: Hawaii, Alaska, Iowa and Nebraska. In the last Minnesota legislative session the state Ombudsman idea was raised but no legislation was introduced. The idea might be worthy of discussion and planning in the future.

Every Ombudsman agency in Minnesota serves a distinct clientele. Their function is to not only protect the rights of patients, inmates, clients or victims of a crime, but to intercede where bureaucracies appear to be not acting in the best interests of the clientele. These various Ombudsman agencies are staffed and funded in several different ways. For example, the Crime Victims Ombudsman receives its funding from the Federal government but its physical operation is within the state's Public Safety Department. The Ombudsman for Older Minnesotans also receives Federal funding and like the Ombudsman for Corrections is not under any particular state agency. The Ombudsman for Corrections in Minnesota is an independent agency with its Ombudsman appointed by the Governor.

Ever since the 1940's American government has accelerated its growth in size. Along with this growth in government came a concurrent growth in complexity of bureaucracies. Protection was needed against executive and administrative mistake and abuse of power. Thus, the introduction of the American Ombudsman.

A common misconceived notion of the Ombudsman in America is that he or she serves only as an advocate. This misconception can cause undue problems for an Ombudsman. An advocate does things for and on behalf of a client or an interest group. When people feel that they have been wronged, they also feel comforted if someone advocates on their behalf. This is where an advocate's role is most often displayed. An advocate invariably takes the client's side of the issue.

The Ombudsman, on the other hand, seeks out facts in terms of law, policy and procedure and makes a determination, based on the results of the investigation, on where the complainant could have possibly "fallen between the cracks" of a bureaucracy. If an Ombudsman served only as an advocate this would tend to create polarity between issues and between people; the very thing which a successful Ombudsman is to avoid. In the public's eye, it is difficult

to separate an Ombudsman and an advocate. However, it must be emphasized that an Ombudsman has a responsibility to see that government systems are fair and efficient and he or she works to reduce, if not eliminate, conflict.

In summary, there is vast difference in the definition of the "classical Ombudsman" concept and that of an advocate. Each has its own place and each has its own meaning. Care should be taken to not confuse the two. To do so would only create confusion and would not be helpful to either function.

It is very important to remember that should the legitimate authority of an Ombudsman be misconstrued and/or diminished, so will his or her effectiveness. There is an implied mandate for the Ombudsman, and that is to strive to fulfill the standards of the "classical Ombudsman" model and to avoid actions which would make them be seen as a "blind, passionate advocate." The following list of standards define the "classical Ombudsman".

Ombudsman Standards (per United States Association of Ombudsmen)

1. A governmental official created by constitution, charter legislation or ordinance;
2. An official whose independence is guaranteed through
 - a) a defined term of office and/or
 - b) appointment by other than the executive and/or
 - c) custom;
3. An official of high stature;
4. An official with the responsibility to receive and investigate complaints against governmental agencies;
5. Freedom of the official to investigate on his or her own motion;
6. An official who may exercise full powers of investigation to include access to all necessary information both testimonial and documentary;
7. The ability of the official to criticize governmental agencies and officials and to recommend corrective action;
8. An official with the power to issue public reports concerning his or her findings and recommendations;

9. An official who is restricted from activities constituting a personal, professional, occupational or political conflict of interest; and,
10. An official with freedom to employ and remove assistants and to delegate administrative and investigative responsibilities to them.

The Minnesota Ombudsman for Corrections

The first Ombudsman for Corrections was established in 1972 by an Executive Order issued by then Governor Wendell Anderson. In 1973 the Minnesota legislature adopted the idea and created the Minnesota Ombudsman for Corrections. Theartrice "T" Williams was the first Corrections Ombudsman and the current Ombudsman, John Poupart, was appointed by the Governor in March 1983.

The Ombudsman for Corrections is an integral component of Minnesota's corrections system. Both the Ombudsman and Minnesota corrections officials work to maintain the independence of the Office of the Ombudsman. The Minnesota Ombudsman for Corrections is more than likely to fit within the "specialty" Ombudsman category because his or her authority rests only within Corrections. Moreover, he or she may, on his or her own motion or at the request of another, investigate any action of a corrections administrative agency. If, after duly considering a complaint and whatever material deemed pertinent, the Ombudsman is of the opinion that the complaint is valid, a recommendation may be made that the 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 or her recommendation to the administrative agency involved.

The Ombudsman's staff is comprised of the Ombudsman, a Deputy Ombudsman, a secretary, an Executive I and four Field Investigators. Complaints are received by letter, telephone or in person. After receiving a complaint, a Field Investigator may interview persons who can furnish relevant information; review files; seek documentation; research statutes, regulations, policies and procedures; reference the American Correctional Association standards; meet with

corrections officials to discuss areas of concern, and; take any other steps necessary to gather information relevant to making a determination on the validity of the grievance. The first phase of an investigation is to determine if there is basis in fact for a complaint before pursuing it further.

Field Investigators also travel to the various institutions to perform site inspections, conduct interviews and gather documentation. They, after careful analysis, notify the complainant of the outcome of the investigation. Every effort is made to solve the complaint at the level at which the complaint occurred. This is not always possible. Sometimes an investigation will result in a formal written recommendation made by the Ombudsman to a correction's administrator. Such written recommendations can, by statute, only be made by the Ombudsman and not by the Field Investigators. Many times these recommendations will suggest a change in policy or procedure; so the outcome will affect more inmates or staff than the one making the complaint.

Inmates are disappointed when they feel that the Ombudsman does not advocate strenuously enough on their behalf. However, when there is no basis in fact for a complaint, it is to nobody's benefit to pursue the matter. In this regard, the Ombudsman is many times, "in the middle". As one former Ombudsman put it, "an Ombudsman has no permanent friends and he has no permanent enemies."

The Ombudsman is often seen as having a great deal of power, but by law only has the power to make recommendations. An Ombudsman's power lies in his or her ability to use reasoned persuasion. With this in mind one can see the value of the Ombudsman having a lasting, working relationships with correctional administrators; but not to the extent that the Ombudsman abandons the inmates.

Access to data is another important aspect of the Ombudsman operation. When the Ombudsman has access to information, this translates to an enhanced capacity to investigate complaints. In other words, when the Ombudsman has access to records and files he or she then has the necessary facts with which to more fully investigate a complaint. To possess knowledge of all pertinent facts then, helps to upgrade the capacity for the Ombudsman to make more suitable recommendations.

OMBUDSMAN ISSUE AREAS

The Ombudsman for Corrections agency processed over 2400 complaints last fiscal year. It also concerned itself with numerous issue areas of a broader nature. Issues ranged from how the Department of Corrections was handling the recent challenge, Acquired Immune Deficiency Syndrome (AIDS), to whether the Department of Corrections could properly and/or legally attach an inmate's wages, on behalf of an outside collector, while he was incarcerated. Often such issues are brought to the attention of the Ombudsman by one of his field staff and/or Deputy Ombudsman.

When deciding whether to pursue one of these more expansive issues, the Ombudsman must concern himself with the propriety of the issue. He must search for substantial reason to delve further into the issue, even though a complaint might not have been registered with the agency on the subject. It is at this time that the Ombudsman invokes a seldom recognized authority, and that is to open a case "upon his own initiative" as defined in the statute which created the agency.

Mental Health

One issue which developed recently is the question of whether an inmate who was identified mentally ill, can be found in violation of institution rules and regulations. In this case, an inmate who was in the Oak Park Heights Mental Health Unit, caused a disturbance and was "written up" in a discipline report. The question was, did the inmate have control over himself, and could he further offer a reliable defense at this subsequent disciplinary hearing?

Penalties for disciplinary infractions in prison range from loss of privileges to segregation including loss of good time. The Ombudsman was concerned that inmates housed in the Mental Health Unit be afforded additional protection to insure fairness in the disciplinary process.

As a result of recent institutional decisions, inmates who are housed in the Mental Health Unit, before they can be placed in Segregation or lose good time, must be examined by mental health staff to determine if he is capable of making a rational choice. If he is found competent to make such a choice, he must then be found in violation of the rule, utilizing the disciplinary due process system before he is penalized. If, in the opinion of the mental health staff, the inmate cannot make a rational choice he will not be placed in segregation status nor will he lose good time.

Juvenile Gangs

Another issue that developed involved juvenile gangs.

The Ombudsman's Office became increasingly aware of a gang problem in the metropolitan Twin Cities area due, in part, to complaints received from the state juvenile facilities at Red Wing and the Hennepin County Home School. Both institutions had banned gang-related clothing, colors, and behavior. Our office began to receive complaints from juvenile institution residents who belonged to gangs. These juveniles were told they couldn't wear gang clothing and colors or engage in gang behavior at the institution. They felt the institution was treating them unfairly and asked the Ombudsman to investigate.

The field investigators handling those complaints realized corrections workers needed more knowledge concerning gang related activity. A gang workshop was then sponsored by Ombudsman staff at the Minnesota Corrections Association Conference in October of 1986 to give corrections practitioners more information regarding gang identity and activity.

According to corrections officials, gang activity lessened in the juvenile institutions over the previous year. There could be several explanations for this. Both MCF-Red Wing and the Hennepin County Home School officials feel the regulations they have in effect banning "gang behavior" have helped alleviate problems, although they continue to get alleged gang members in their population.

Hennepin County Court Services did a "Staff Survey on Youth Gangs" and published its results in January of 1986. The survey goes into detail regarding specific crimes, reasons for gang affiliation and community concerns regarding gangs. A long list of suggestions for curtailing gang activity was also part of the report.

In summary, gangs, because of our office's intervention, are more likely to be seen as a symptom of what is going on in the total community. Youths who do not feel they can be of value in or to the community are meeting their needs in gangs which offer status, recognition and power, even though gangs are seen as a negative force in the community. Thus, the gang problem is more than just a "corrections" or "education" problem, it cuts across all strata of youth activity and needs to be addressed not by just one segment of the community, but the community in its entirety.

MCF-Shakopee

The new Minnesota Correctional Facility-Shakopee opened its doors to inmates in the summer of 1986, with much needed space to provide more programming, services, work, and educational opportunities. The new institution hopefully will lead to the release of an inmate with enough skills to lead a useful life and the ability to reenter the community as a productive and contributing member.

Since the old institution had been built in 1920 with minimal security, both staff and inmates had to adjust to a more secure facility and specified movement times. It took some time to work these procedures out which generated a few complaints to the Ombudsman's office.

MCF-Shakopee's policies are in the process of being completely revised in order to meet accreditation standards set by the American Correctional Association. This will give explicit, specific and definitive guidance on correctional issues and provide a framework for decision-making. An Inmate Handbook was recently published that covers rules, programs and areas of interest to inmates.

Crowding of our Prisons

The potential for over populating prisons in Minnesota remains with us. This particular issue has troubled many states throughout the nation including the U.S. Bureau of Prisons. As reported last year, 31 states were under some sort of court order to improve upon conditions stemming from the "prison overcrowding" issue. That number has risen to 35 at last count. The Department of Corrections and the State Sentencing Guidelines Commission are doing all they possibly can to manage this situation.

Data Privacy

A cornerstone to the successful Ombudsman is his or her ability to obtain pertinent information. When the Ombudsman for Corrections was created certain statutory language enabled the Ombudsman to access all data, records and files in the possession of a corrections administrator. However, with the advent of the Minnesota Data Privacy Act, access to that information was curtailed. What was once routine for the Ombudsman, in terms of unrestricted access to information, now became burdensome, time consuming, and

inefficient. News media and the public in general had as much, if not more, access to corrections data as did the Ombudsman. The situation was remedied in the last legislative session when the Ombudsman sought and won passage of an amendment to the Data Privacy Act. The amendment made legal the Ombudsman's access to both private and confidential data contained in the files involving Health Records and Corrections and Detention data.

Lawsuits

Interestingly, Minnesota has one of the lowest lawsuits by inmates rates in the nation. Perhaps this is due, in part, to the presence of the Ombudsman for Corrections who often recommends administrative resolution to inmate complaints long before they reach litigation. Of course, there is always the exception when, regardless of what the Ombudsman or anyone else does, the inmate is bent on pursuing the matter in court. When the inmate does decide to take an issue to the courts, the Ombudsman is no longer a viable resource for him. State law limits the agency to the field of corrections and the Ombudsman has no authority in the courts.

Lesser Issues

In contrast to the broader issue areas sometimes the Ombudsman receives complaints and/or requests that are, to say the least, most unusual. For example, we have been asked to assist an inmate in a local jail who wanted to receive an electric massager; we have been asked by a female inmate to ensure that her incarcerated boyfriend receive her panties in the mail, and; we have been asked to provide legal forms to enable an inmate to sue the state because he was convicted of driving after his license had been revoked, with no license plates on the car and with no proof of insurance.

Cases in this category are but a small portion of the total caseload and reflect some peculiarities and strange notions that people have about our purpose. Needless to say, all of these lesser issue cases were rejected or refused. They simply did not meet any criteria which would merit the Ombudsman's involvement.

SUMMARY

Contacts Received

Ninety-six percent of all contacts received were "opened" compared to 91% the previous year. Whether a case is opened is often determined by many separate, different factors. The determination is usually based on, but not limited to, whether we have jurisdiction; if it involves correctional institution policy or department-wide policy; or; if it happens to be unfair or inadequately explained. Those contacts not opened were often "referred". This year there was a 5% increase in opened cases over the previous year.

Methods of Communication

Clearly, the most often used method of contacting the Ombudsman is the telephone. Last year 47% of all contacts to our office were via telephone. The year before, 45%. The next most often used method was the written method. Either the inmate used the U.S. mail or the Ombudsman mailbox located at some institutions. Twenty-three percent used this method compared to 25% the previous year.

The third most often used method was what is called personal direct. This is when someone talks to us in person and registers his or her complaint. Usually this occurs when a Field Investigator visits an institution. This method was used 17% of the time last year compared to 19% the previous year.

The above three methods of making initial contact with our office constituted nearly 90% of all complaints filed with the agency.

Institution Comparison

The state prison at Stillwater continues to top the list among correctional facilities that utilize the Ombudsman services. 43% of our caseload came from that institution last year, compared to 40% the previous year. However, it must be noted, Stillwater has 44.7% of all adults incarcerated in Minnesota.

Case Distribution

Two complaint areas, "Rules" and "Placement", once again reflected the most activity. They accounted for 28% of the totals, compared to 29% the previous year. A third complaint category, "Medical", presented a slight 2% increase; from 9% to 11% this year. This slight increase deserves comment.

The medical complaint numbers remained rather stable at various correctional institutions over the last two years, except at Oak Park Heights. Here they showed a dramatic increase from 15 the previous year to 40 complaints last year. This increase is attributable to complaints from inmates that they are not being seen by a doctor on a timely basis or, they are dissatisfied with the Registered Nurse's diagnosis.

At year's end our agency is looking into this complaint category and will be offering suitable recommendations to the administration at Oak Park Heights.

Initial Interview

Initial interviews occur as soon as reasonably possible after the complainant contacts the Ombudsman, whether the contact is in person, by mail or by telephone.

About one-fourth of all complaints were followed-up with an interview within 1-9 days. Further, approximately 46% were interviewed on the same day the complaint was registered with Ombudsman. This means that about 70% of our cases had rapid responses to them.

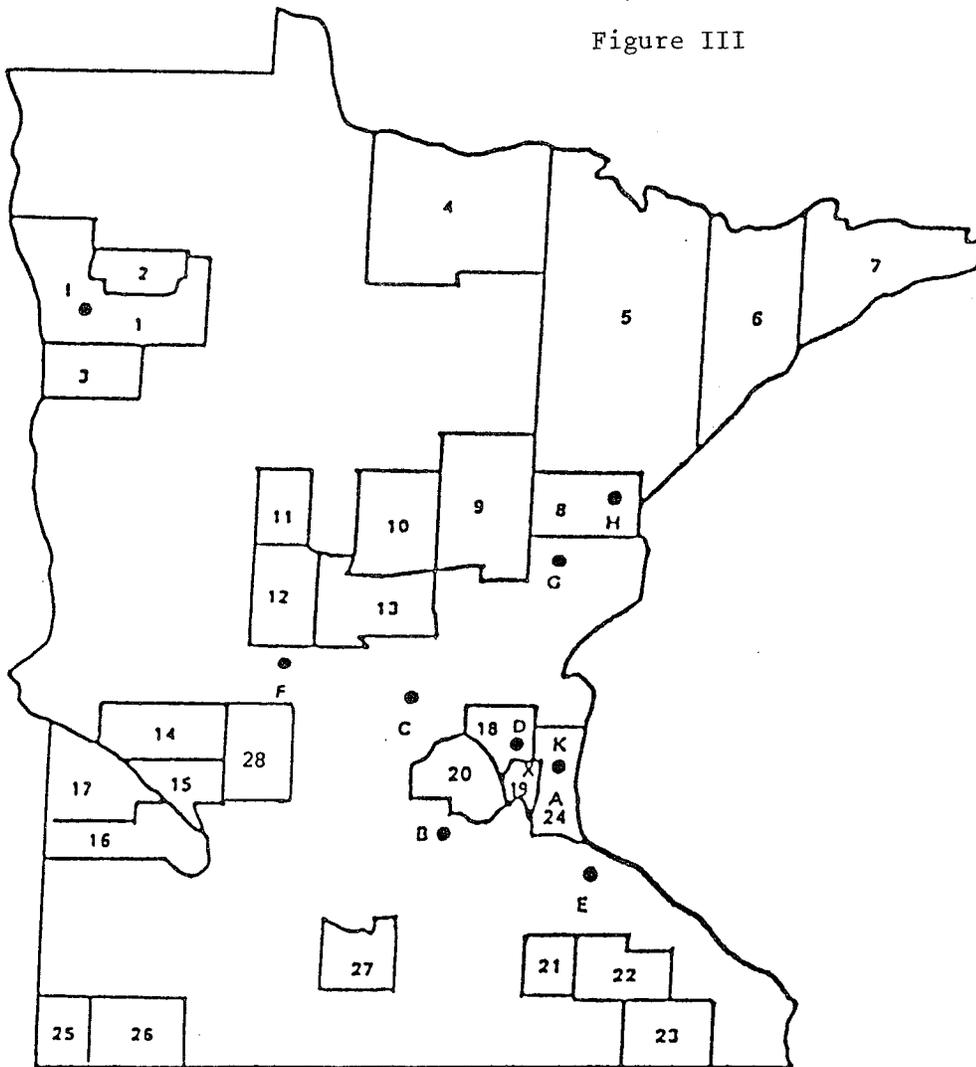
A small percentage of cases (4.1%) took over 21 days to have an interview with a field investigator. Reasons for this vary from the complainant being from the out-state area to a lag in information requested from another source; information necessary to determine the facts of the complaint or its legitimacy.

Time Taken to Resolve Cases

A superior number of all cases were resolved in a speedy, efficient manner. That is, it took anywhere from 0 days to 15 days to completely resolve 69.3% of our total caseload. Another 11.8% took from 16 to 30 days to resolve. This activity helps to illustrate what makes the Ombudsman an effective tool in resolving corrections problems.

OMBUDSMAN'S JURISDICTION

Figure III



COMMUNITY CORRECTIONS ACT COUNTIES

1. Polk
2. Red Lake
3. Norman
4. Koochiching
5. St. Louis
6. Luke
7. Cook
8. Carlton
9. Aitkin
10. Crow Wing
11. Wadena
12. Todd
13. Morrison
14. Swift
15. Chippewa
16. Yellow Medicine
17. Lac Qui Parle
18. Anoka
19. Ramsey
20. Hennepin
21. Dodge
22. Olmsted
23. Fillmore
24. Washington
25. Rock
26. Nobles
27. Blue Earth
28. Kandiyohi

X - Ombudsman, St. Paul (19)

DEPARTMENT OF CORRECTIONS FACILITIES

- A. MCF-STW --- Minnesota State Prison, Stillwater
- B. MCF-SHK --- Minnesota Corrections Institution for Women, Shakopee
- C. MCF-SCL --- State Reformatory for Men, St. Cloud
- D. MCF-LL --- Minnesota Correctional Facility -- Lino Lakes
- E. MCF-RW --- State Training School, Red Wing
- F. MCF-SCR --- Minnesota Home School, Sauk Centre
- G. MCF-WRC --- Willow River Camp
- H. RGL --- Northeast Regional Corrections Center, Saginaw
- I. RGL --- Northwest Regional Corrections Center, Crookston
- K. MCF-OPH --- Minnesota State Prison, Oak Park Heights

TYPES OF CONTACTS

The Ombudsman systematically categorizes each contact received to help further define the source(s) of changes in both the number and nature of cases. To facilitate year-to-year comparisons of the cases handles by the Ombudsman, each case is assigned to one of the following categories:

Parole - Concerning any matter under the jurisdiction of the releasing authority, e.g., work release, supervised release, special review, etc.

Medical - Concerning availability of treatment or accessibility of a staff physician or other medical professional.

Legal - Involving legal assistance or problems with getting a response from the Public Defender or other legal counsel.

Placement - Concerning the facility, area or physical unit to which an inmate is assigned.

Property - Dealing with loss, destruction or theft of personal property.

Program - Relating to training, treatment program or work assignment.

Discrimination - Concerning unequal treatment based upon race, color, creed, religion, national origin or sex.

Records - Concerning data on inmate or staff files.

Rules - Regarding administrative policies establishing regulations which an inmate, staff member or other person affected by the operation of a facility or program is expected to follow, e.g., visits, disciplinary hearings, dress, etc.

Threats/Abuse - Concerning threats of bodily harm, actual physical abuse or harassment to an inmate or staff.

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

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

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

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

TABLE I

CONTACTS RECEIVED

<u>MONTH</u>	<u>TOTAL OPENED</u>	<u>TOTAL UNOPENED</u>	<u>TOTAL CONTACTS</u>
July	196	17	213
August	179	07	186
September	196	14	210
October	194	12	206
November	170	04	174
December	149	12	161
January	185	09	194
February	210	08	218
March	209	11	220
April	218	05	223
May	205	02	207
June	<u>222</u>	<u>04</u>	<u>226</u>
TOTAL	2,333	105	2,438

TABLE II

METHODS OF COMMUNICATION

<u>TYPE</u>	<u>CLOSED</u>	<u>UNOPENED</u>	<u>TOTAL</u>
Written Direct	550	13	563
Written Indirect	34	2	36
Personal Direct	408	0	408
Personal Indirect	16	0	16
Telephone Direct	1,092	76	1,170
Telephone Indirect	216	14	230
Ombudsman Initiated	<u>28</u>	<u>0</u>	<u>28</u>
TOTAL	2,344	105	2,449

TABLE III
CASELOAD SUMMARY

Carried Over from Fiscal Year 1986	99
Fiscal Year 1987 Contacts Received	<u>2,438</u>
Fiscal Year 1987 Caseload	2,537

Fiscal Year 1987		
Caseload Disposition:	Cases Closed	2,344
	Unopened Cases	<u>105</u>
	TOTAL	2,449

Cases Carried Over to Fiscal Year 1987	88
--	----

TABLE IV
REFERRALS*

Institution Staff	14
Legal Assistance to Minnesota Prisoners	9
Department of Corrections	10
State Public Defender	8
Private Attorney.	15
Other**	<u>14</u>
TOTAL	70

*Unopened cases are not included.

**Other category contains organizations to which fewer than four referrals were made during F.Y.1987.

TABLE V
 INSTITUTION ADULT POPULATION
 CLOSED CASES COMPARISON

<u>INSTITUTIONS</u>	<u>AVERAGE MONTHLY POPULATION</u>	<u>PERCENTAGE OF ADULT AVERAGE MONTHLY POPULATION</u>	<u>NUMBER OF CASES CLOSED</u>	<u>PERCENTAGE OF CASES CLOSED</u>
Stillwater	1,149	44.7%	745	43.4%
Oak Park Heights	361	14.1%	289	16.8%
St. Cloud	688	26.8%	407	23.7%
Lino Lakes	204	7.9%	105	6.1%
Shakopee	107	4.2%	169	9.9%
Willow River	<u>58</u>	<u>2.3%</u>	<u>2</u>	<u>0.1%</u>
TOTALS	2,567	100.0%	1,717	100.0%

TABLE VI
 CLOSED CASE DISTRIBUTION COMPARISON

<u>CATEGORY</u>	<u>F.Y. 1986</u>		<u>F.Y. 1987</u>	
	<u>NUMBER</u>	<u>PERCENT</u>	<u>NUMBER</u>	<u>PERCENT</u>
Parole	138	6.0%	145	6.0%
Medical	209	9.0	244	11.0
Legal	223	9.0	221	9.0
Placement	294	12.0	263	11.0
Property	221	9.0	127	5.0
Program	225	9.0	200	9.0
Discrimination	42	2.0	61	3.0
Records	105	4.0	120	5.0
Rules	416	17.0	397	17.0
Threats/Abuse	215	9.0	192	8.0
Mail	35	2.0	52	2.0
Hygiene	11	1.0	24	1.0
Services	28	1.0	64	3.0
Other	<u>235</u>	<u>10.0</u>	<u>234</u>	<u>10.0</u>
TOTAL	2,397	100.0%	2,344	100.0%

TABLE VII

TOTAL CASES CLOSED

<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	60	1	12	22	4	16	8	10	0	0	4	8	145
Medical	89	40	25	43	1	11	26	2	1	3	2	3	246
Legal	56	20	33	64	3	9	6	7	0	3	0	21	222
Placement	137	38	27	15	4	6	18	3	0	0	1	15	264
Property	27	18	38	13	3	13	5	2	0	0	2	5	126
Program	84	30	35	21	2	7	9	3	0	6	0	3	200
Discrimination	24	6	7	13	1	3	7	0	0	0	0	0	61
Records	55	10	29	7	0	9	3	3	0	0	2	2	120
Rules	109	60	62	55	2	20	48	7	0	10	9	11	393
Threats/Abuse	20	21	78	44	2	3	13	1	0	3	1	6	192
Mail	18	10	12	10	2	0	1	0	0	0	0	0	53
Hygiene	5	6	0	5	0	2	4	0	0	1	0	1	24
Services	18	5	10	15	1	0	9	0	0	5	0	1	64
Other	<u>43</u>	<u>24</u>	<u>39</u>	<u>62</u>	<u>1</u>	<u>6</u>	<u>12</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>45</u>	<u>234</u>
TOTAL	745	289	407	389	26	105	169	38	2	32	21	121	2,344

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

TABLE VIII

COMPLAINT CASES CLOSED

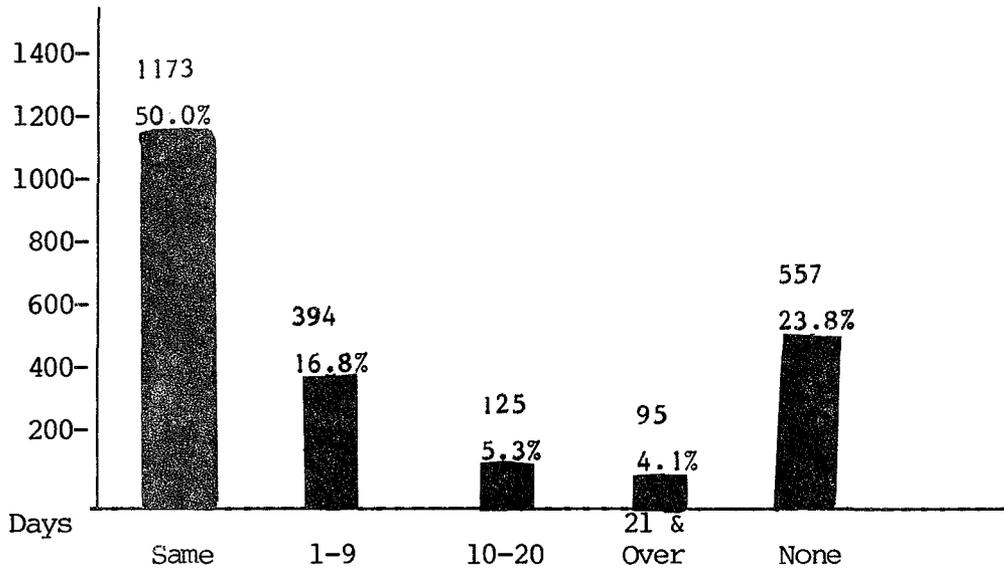
<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	55	0	8	19	3	14	7	7	0	0	4	6	123
Medical	88	35	23	41	1	9	26	2	1	3	2	2	233
Legal	50	14	10	43	1	4	3	5	0	2	0	8	140
Placement	129	33	23	11	4	5	17	3	0	0	1	12	238
Property	24	17	34	12	3	13	5	2	0	0	2	4	116
Program	80	29	33	19	1	6	8	3	0	5	0	3	187
Discrimination	24	6	7	13	1	3	7	0	0	0	0	0	61
Records	52	6	24	6	0	8	3	2	0	0	2	1	104
Rules	105	58	58	54	2	17	45	7	0	10	8	7	371
Threats/Abuse	18	21	77	43	2	3	13	1	0	3	1	5	187
Mail	16	9	11	10	2	0	1	0	0	0	0	0	49
Hygiene	5	6	0	5	0	2	4	0	0	1	0	1	24
Services	18	5	9	15	0	0	8	0	0	5	0	0	60
Other	<u>32</u>	<u>6</u>	<u>17</u>	<u>28</u>	<u>1</u>	<u>4</u>	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>99</u>
TOTAL	696	245	334	319	21	88	154	32	1	29	20	53	1,992

TABLE IX

REQUEST CASES CLOSED

<u>CATEGORY</u>	<u>STW</u>	<u>OPH</u>	<u>SCL</u>	<u>CTY</u>	<u>RW</u>	<u>LL</u>	<u>SHK</u>	<u>SCR</u>	<u>WRC</u>	<u>RGL</u>	<u>FS</u>	<u>OTHER</u>	<u>TOTAL</u>
Parole	5	1	4	3	1	2	1	3	0	0	0	2	22
Medical	1	5	2	2	0	2	0	0	0	0	0	1	13
Legal	6	6	23	21	2	5	3	2	0	1	0	13	82
Placement	8	5	4	4	0	1	1	0	0	0	0	3	26
Property	3	1	4	1	0	0	0	0	0	0	0	1	10
Program	4	1	2	2	1	1	1	0	0	1	0	0	13
Discrimination	0	0	0	0	0	0	0	0	0	0	0	0	0
Records	3	4	5	1	0	1	0	1	0	0	0	1	16
Rules	4	2	4	1	0	3	3	0	0	0	1	4	22
Threats/Abuse	2	0	1	1	0	0	0	0	0	0	0	1	5
Mail	2	1	1	0	0	0	0	0	0	0	0	0	4
Hygiene	0	0	0	0	0	0	0	0	0	0	0	0	0
Services	0	0	1	0	1	0	1	0	0	0	0	1	4
Other	<u>11</u>	<u>18</u>	<u>22</u>	<u>34</u>	<u>0</u>	<u>2</u>	<u>5</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>41</u>	<u>135</u>
TOTAL	49	44	73	70	5	17	15	6	1	3	1	68	352

FIGURE IV
INITIAL INTERVIEW*



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

FIGURE V
TIME TAKEN TO RESOLVE CASES

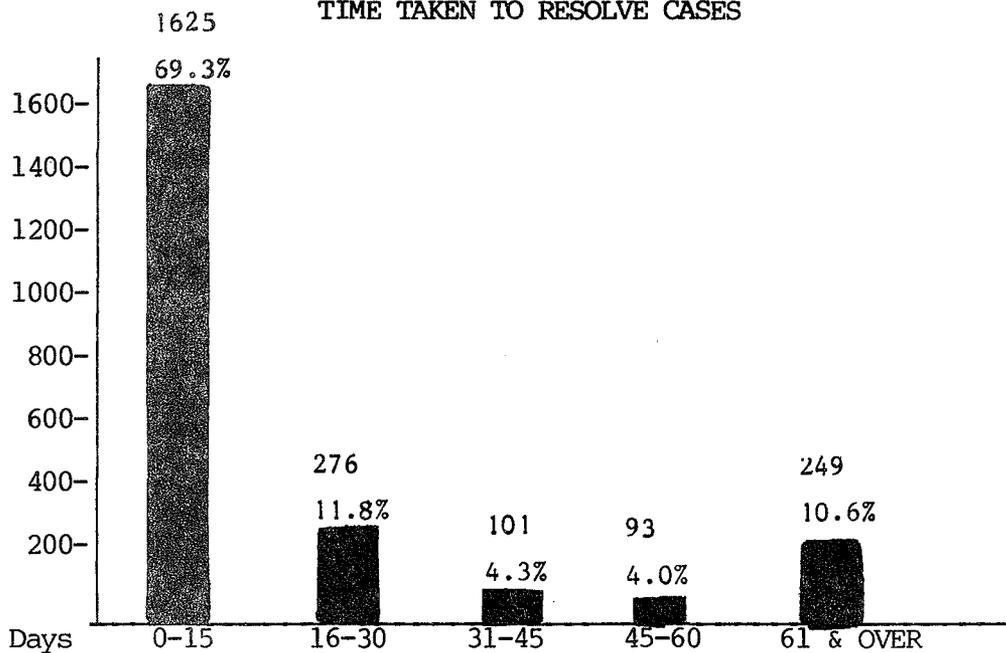


TABLE X

CASE RESOLUTION BY CATEGORY
(Cases Closed Only)

<u>CATEGORY</u>	<u>Full</u>	<u>Partial</u>	<u>None</u>	<u>TOTAL</u>	<u>With- drawn</u>	<u>Referred</u>	<u>TOTAL</u>
Parole	145	0	0	145	3	1	4
Medical	241	2	1	244	8	1	9
Legal	219	1	1	221	6	9	15
Placement	260	2	1	263	3	1	4
Property	122	5	0	127	3	1	4
Program	197	2	1	200	3	0	3
Discrimination	61	0	0	61	4	0	4
Records	120	0	0	120	1	0	1
Rules	394	0	3	397	9	1	10
Threats/Abuse	180	8	4	192	19	1	20
Mail	50	1	1	52	3	0	3
Hygiene	24	0	0	24	1	0	1
Services	64	0	0	64	0	0	0
Other	<u>228</u>	<u>2</u>	<u>4</u>	<u>234</u>	<u>30</u>	<u>5</u>	<u>35</u>
TOTAL	2305	23	16	2344	93	20	113
PERCENTAGE	98.3%	1.0%	.7%	100.0%	82.3%	17.7%	100.0%

TABLE XI

UNOPENED CASE DISPOSITION BY CATEGORY

<u>CATEGORY</u>	<u>REFERRED</u>	<u>REFUSED</u>	<u>REJECTED</u>	<u>DISMISSED</u>	<u>TOTAL</u>
Parole	2	1	3	0	6
Medical	1	0	6	1	8
Legal	20	5	6	0	31
Placement	2	0	2	0	4
Property	0	0	1	0	1
Program	0	1	1	4	6
Discrimination	0	0	2	0	2
Records	0	1	0	0	1
Rules	3	3	12	2	20
Threats/Abuse	0	1	2	0	3
Mail	0	1	0	0	1
Hygiene	0	0	1	1	2
Services	2	0	4	0	6
Other	<u>6</u>	<u>1</u>	<u>5</u>	<u>2</u>	<u>14</u>
TOTAL	36	14	45	10	105
PERCENTAGE	34.3%	13.3%	42.9%	9.5%	100%



MINNESOTA
OMBUDSMAN FOR CORRECTIONS
STATUTE

241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION. The office of ombudsman for the Minnesota state department of corrections is 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 matter of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

241.42 DEFINITIONS. Subdivision 1. For the purpose of sections 242.42 to 242.45, the following terms shall have the meanings here given them.

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

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;

(c) the governor or his personal staff;

(d) any instrumentality of the federal government of the United States;

(e) any political subdivision of the state of Minnesota;

(f) any interstate compact.

Subd. 3. "Commission" means the ombudsman commission.

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

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

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

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

- (a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that

he may not levy a complaint fee;

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

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

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

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

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

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

(h) He may subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry, and

may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the law of this state;

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of section 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in section 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

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

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

Subd. 2. Matters appropriate for investigation. (a) In selecting matters for his attention, the

ombudsman should address himself particularly to actions of an administrative agency which might be:

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

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

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

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

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the

administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. A reply from the ombudsman to the person shall be delivered unopened to the person, promptly after its receipt by the institution.

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

Subd. 4. Recommendations.

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

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

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

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

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

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

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