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ACQUISITIONS

SUMMARY  
THE SECOND ANNUAL REPORT  
OF THE KANSAS OMBUDSMAN FOR CORRECTIONS  
(July 1, 1976 - June 30, 1977)

Complaint Handling

Complaints are accepted from inmates, volunteers, and correctional staff members. Referrals are received from a variety of interested persons including family members, agency representatives and state officials. During the year, the Ombudsman Office was able to maintain on-going services at both the Kansas State Penitentiary (KSP) and the Kansas State Industrial Reformatory (KSIR), which together represented 79.5% of the average daily institutional population in Kansas state adult institutions during FY 1977.

In Fiscal Year 1977, the Office of the Ombudsman for Corrections handled a total of 424 complaints. Of these complaints, 318 were both received and closed within the fiscal year. Of these 318 complaints, 21 or 6.6% were determined to be "Unfounded". The remaining 93.4% of the complaints were either valid or were closed before a determination of validity could be made (such as in those cases which were withdrawn or those which were solved prior to intervention by the Ombudsman).

A close statistical relationship exists between the amount of manpower available in the Ombudsman Office--and, particularly, the amount of time it is able to spend in an institution--with the number of complaints it receives from an institution. For example, 61.3% of the Ombudsman staff time was spent at the Kansas State Penitentiary, from which the Office received 54.5% of its complaints. Also, the Office devoted 35.5% of its time in the field to the Kansas State Industrial Reformatory, from which it received 32.3% of its complaints.

The 318 complaints received and closed during the reporting period are depicted in Table A according to complaint categories. (Definitions for the terms used can be found in the Second Annual Report.) The largest number of complaints received were those relating to rehabilitation issues which represented 28.6% of all complaints. The second highest area of complaining concerned issues relating to care and maintenance, which accounted for 23% of the complaints. Issues relating to maintenance of institutional order accounted for the third highest area of complaining which included 20.4% of all complaints received. Complaints involving issues of safety and security ranked fourth, accounting for 10.7% of the Office's case load. The remaining complaint categories included 5% for those related to complaints against staff members and 1.9% for those concerning the internal Inmate Grievance Procedure. Another 10.4% of the complaints either fell outside of the established categorization scheme or were not known because the case was closed prior to a determination of the specific nature of the complaint.

The manner in which these 318 cases were resolved is shown on Table B. There was direct intervention by the Ombudsman Office in 130 or 40.8% of the complaints. This direct intervention included the following:

1. In 50 or 15.7% of the complaints, the method of presenting recommendations was used for resolving complaints. Thirty-eight or 11.9% of these recommendations were fully accepted, 4 or 1.3% were partially accepted and 8 or 2.5% were not accepted by the corrections system.

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2. The method of facilitating communications between the grievant and one or more parties representing the corrections system was successful in 37 or 11.6% of the complaints. In these cases, the Ombudsman staff opted for allowing the parties involved to develop their own resolution rather than imposing recommendations from the Office.
3. During its first year of operation, the Ombudsman Office discovered that a useful method of intervention in resolving and, especially, preventing problems was that of observing and monitoring various activities. This new approach was utilized in 22 or 6.9% of the complaints.
4. The final method of intervention was making the determination that a complaint was unfounded. As previously mentioned, this occurred in only 21 or 6.6% of the complaints.

The Ombudsman Office additionally brought about resolutions to complaints through the use of indirect intervention by providing information and referral. This was done in 98 or 30.8% of the complaints.

Ninety or 28.3% of the cases were closed before intervention was completed either because the complainant withdrew the complaint or because the complaint was resolved prior to intervention by the Ombudsman Office.

The number of interviews, telephone calls, letters received and letters sent regarding each of the 318 complaints is presented in Table C. There was an average of 6.4 contacts made by the Office in resolving each complaint during FY 1977. As to be expected the least used mode of contact was the telephone (1.1 contacts per complaint), while the amount of correspondence and number of interviews were about equal (2.6 and 2.7 contacts per complaint, respectively).

In the Second Annual Report, 15 examples of complaints are presented. These case anecdotes are presented for the purposes of describing how the Office of the Ombudsman works and for presenting some of the different kinds of problems encountered in the Kansas corrections system.

#### Policy Recommendations

In addition to individual complaint handling, the Office of the Ombudsman in FY 1977 began formulating recommendations for policy changes. In some instances, these recommendations were the result of individual complaint work and, in other instances, they were the result of special studies conducted by the Ombudsman Office.

The Ombudsman formally presented 32 policy recommendations to the Secretary of Corrections. These recommendations were changes related to the KSP Lifer's Club, the computation of Incentive Good Time, the joint holding of a checking account by an inmate and staff member, and conditions in the Adjustment and Treatment Building (A & T) at the Kansas State Penitentiary.

The conclusions drawn in the report on A & T point beyond changes in policy to changes in legislation as well in order to correct the "emotional and physical injuries inflicted upon inmates and staff who spend any considerable time in this bleak windowless building with continuous echoing noises." The study's findings suggest the need for the development of new programs so that A & T will not continue to be used to confine inmates needing psychiatric care and/or protective custody.

Summaries of the reports of each of these studies are presented in the Second Annual Report. Additionally, each report is available in its entirety from the Ombudsman Office, upon request.

### Program Description

During the second year, the work of the Ombudsman Office was conducted by two full-time state employees, one full-time federally funded CETA employee and a part-time graduate student intern. During the last month and a half of the fiscal year, two additional CETA funded positions were established.

In addition to accepting complaints and grievances from inmates, staff members and volunteers within the Kansas Department of Corrections, the Ombudsman initiates studies on his own motion. The Office maintains a policy of investigating and attempting to resolve complaints at the lowest possible organizational level in the Department of Corrections. Complaints are not brought to the next higher level of management until the lower level has been informed and has had an opportunity to respond. This approach, however, cannot be employed in all cases because the Ombudsman has the legal responsibility to report serious discrepancies directly to the Secretary of Corrections.

A major goal of the Kansas corrections Ombudsman program is to demonstrate to employees and inmates the State's commitment to be responsive to individual concerns, while at the same time providing programs to meet the needs of large numbers of persons. The Office is established by statute in accordance with the traditional Ombudsman concept. (See KSA 1976 Supp. 75-5231.) The following definition of an Ombudsman was recently adopted by the International Ombudsman Steering Committee:

An Office created by law whose incumbent is an independent, high-level, public official with responsibility to receive complaints from aggrieved persons against agencies, officials, and employees of federal, national, state, provincial, municipal, or local government or who acts on his own motion and who has the power to investigate and recommend corrective action and issue reports. (Page 30 of the minutes of the International Ombudsman Steering Committee, Paris, France, May 9-12, 1977.)

The Ombudsman for Corrections is appointed by and accountable to the Citizens' Advisory Board on Corrections. This fifteen member Board is composed of three appointees selected by each of the following five state officials: the Governor, the Attorney General, the Chief Justice of the Supreme Court, the President of the Senate and the Speaker of the House. Members are appointed for four year terms and serve without monetary compensation for

their time. In addition to having the statutory Ombudsman authority, the Citizens' Advisory Board has the duty of making recommendations to the Secretary of Corrections concerning the planning operation and facilities of the corrections system, and the duty of making non-binding recommendations to the Governor for the selection of the Secretary of Corrections, when a vacancy in that position occurs.

A more complete description of the work of the Ombudsman Office and a description of its findings during the 1977 fiscal year is provided in the Second Annual Report. This description is provided through a variety of methods including a chronological narrative, a news article, a summary of formal recommendations, anecdotes of complaints, a description of record-keeping procedures, a presentation of statistical data, a list of the members of the Citizens' Advisory Board and biographical sketches of the members of the Ombudsman staff.

Table A

Distribution of Dispositions of KSP, KSIR, and Total Complaints  
(July 1, 1976 - June 30, 1977)

<u>Dispositions:</u>	(a) All Dispositions*		(b) KSP Dispositions		(c) KSIR Dispositions	
	Number	Percent	Number	Percent	Number	Percent
<u>Direct Intervention</u> <u>Between</u> <u>Complainant and DOC:</u>						
Recommendation for Corrective Action:						
Fully Accepted	38	11.9%	26	14.1%	10	10.2%
Partially Accepted	4	1.3%	3	1.6%	-	-
Not Accepted	8	2.5%	6	3.3%	2	2.0%
Facilitated Communication	37	11.6%	17	9.2%	20	20.4%
Observed & Monitored	22	6.9%	9	4.9%	13	13.3%
Unfounded	21	6.6%	16	8.7%	5	5.1%
<u>Indirect Intervention</u> <u>Between</u> <u>Complainant and DOC:</u>						
Information & Referral	98	30.8%	51	27.7%	24	24.5%
<u>Case Closed Prior to</u> <u>Completed Intervention:</u>						
Withdrawn	65	20.4%	42	22.8%	15	15.3%
Solved Prior	25	7.9%	14	7.6%	9	9.2%
TOTAL	318	100.0%	184	100.0%	98	100.0%

\* This column incorporates complaints from all sources as well as KSP and KSIR.

Table B

Activity Invested in Resolving Complaints  
(July 1, 1976 - June 30, 1977)

(a)  
Comparison of Number of  
Complaints with Contacts

<u>Institutions</u>	<u>Total</u> <u>Contacts</u> <u>per</u> <u>Institution</u>		<u>Number of</u> <u>Complaints</u> <u>per</u> <u>Institution</u>		<u>Average</u> <u>Number of</u> <u>Contacts per</u> <u>Complaint</u>
KSP	1324	÷	184	=	7.2
KSIR	568	÷	98	=	5.8
OTHER	139	÷	36	=	3.9
TOTAL	2031	÷	318	=	6.4

(b)  
FORM OF CONTACT

	<u>Letter</u>		<u>Personal</u>		<u>Phone</u>		<u>Total</u>
KSP	467	+	649	+	208	=	1324
KSIR	255	+	214	+	99	=	568
OTHER	90	+	8	+	41	=	139
TOTAL	812	+	871	+	348	=	2031

(c)  
INDIVIDUAL CONTACTED

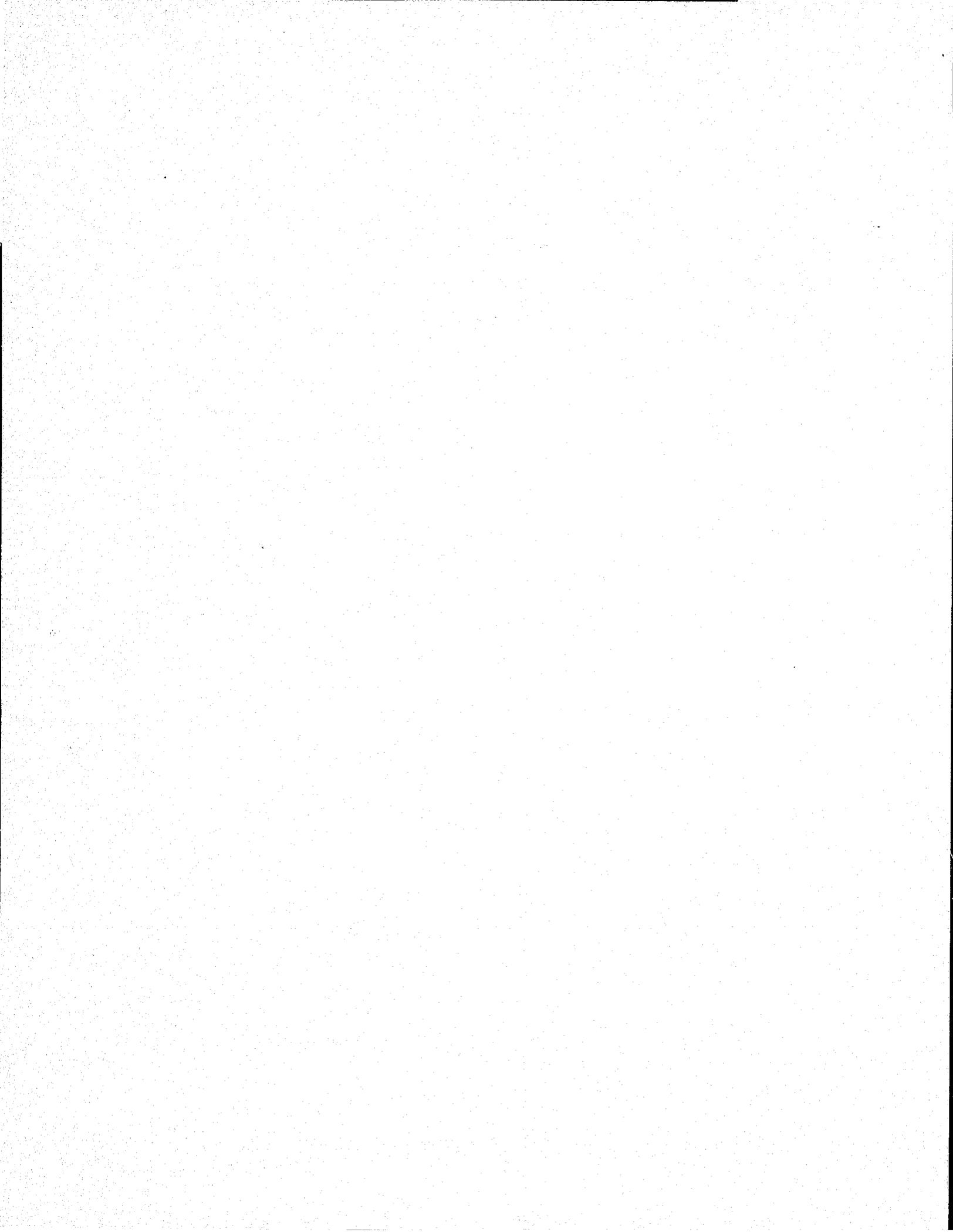
	<u>Complain-</u> <u>ant</u>		<u>DOC Staff</u>		<u>Outside</u> <u>DOC</u>		<u>Total</u>
KSP	646	+	502	+	176	=	1324
KSIR	314	+	196	+	58	=	568
OTHER	60	+	50	+	29	=	139
TOTAL	1020	+	748	+	263	=	2031

Table C

Distribution of KSP, KSIR, & All Complaints by Category  
(July 1, 1976 - June 30, 1977)

<u>Major Complaint Subdivisions</u>	(a) Complaints*		(b) KSP Complaints		(c) KSIR Complaints	
	Number	Percent	Number	Percent	Number	Percent
<u>Care and Maintenance</u>						
Food	5	1.6%	4	2.2%	1	1.0%
Medical	22	6.9%	17	9.2%	5	5.1%
Recordkeeping	19	6.0%	16	8.7%	2	2.0%
Visiting	8	2.5%	6	3.3%	-	-
Physical Facilities	8	2.5%	5	2.7%	2	2.0%
Mail	11	3.5%	6	3.3%	3	3.1%
Subtotal:	73	23.0%	54	29.4%	13	13.3%
<u>Safety and Security</u>						
Physical Threat	20	6.3%	9	4.9%	11	11.2%
Property Loss	14	4.4%	9	4.9%	4	4.1%
Subtotal:	34	10.7%	18	9.8%	15	15.3%
<u>Maintenance of Institutional Order</u>						
Disciplinary Procedure	29	9.1%	17	9.2%	9	9.2%
Daily Routine	36	11.3%	16	8.7%	13	13.3%
Subtotal:	65	20.4%	33	17.9%	22	22.4%
<u>Rehabilitation</u>						
Inmate Activity Group	2	.6%	1	.5%	-	-
Parole	18	5.7%	11	6.0%	3	3.1%
Counseling/Mental Health	9	2.8%	4	2.2%	5	5.1%
Education, Work, Training	8	2.5%	4	2.2%	3	3.1%
Custody Status: Parole Eligibility	54	17.0%	29	15.7%	22	22.4%
Subtotal:	91	28.6%	49	26.6%	33	33.7%
<u>Miscellaneous</u>						
Internal Grievance	6	1.9%	5	2.7%	-	-
Complaints Against Staff	16	5.0%	10	5.4%	4	4.1%
Other	33	10.4%	15	8.2%	11	11.2%
Subtotal:	55	17.3%	30	16.3%	15	15.3%
<b>TOTAL:</b>	<b>318</b>	<b>100.0%</b>	<b>184</b>	<b>100.0%</b>	<b>98</b>	<b>100.0%</b>

\* This column incorporates complaints from all sources, as well as KSP and KSIR.



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