

STATE OF KANSAS

OMBUDSMAN FOR CORRECTIONS

FIRST ANNUAL REPORT

to the

CITIZENS' ADVISORY BOARD ON CORRECTIONS

as required by

K.S.A. 1975 Supp. 75-5231  
(As amended by 1976 Session Laws, Chapter 399)

For the Period

SEPTEMBER 15, 1975 THROUGH JUNE 30, 1976

Office of the Ombudsman for Corrections  
503 Kansas Avenue, Suite 543  
Topeka, Kansas 66603  
Phone: (913) 296-5295

87667  
49948

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Ombudsman

Mr. Philip A. Ringstrom, M.S.W.  
Ombudsman Representative (federally funded)

Miss Nancy R. Grant  
Administrative Secretary

\*Resigned November 20, 1975.

# NCJRS

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## FOREWORD

## ACQUISITIONS

The Citizens' Advisory Board on Corrections is pleased to approve this First Annual Ombudsman's Report for publication. The Report identifies the first year's implementation of the Office of the Ombudsman for Corrections, authorized by K.S.A. 75-5231 (L. 1973, Ch. 399, Sec. 52; L. 1975, Ch. 402, Sec. 2; L. 1976, Ch. 399, Sec. 1).

We wish to express our sincere appreciation to the Governor, the Legislature, the Secretary of Corrections, other involved state officials, and interested citizens for their interest and support of the Ombudsman's Office.

Kansas is privileged to have a highly qualified and competent Ombudsman and staff. We commend the Ombudsman for meeting the challenge of establishing the Office, while obviously responding so well to the needs of the correctional system.

David L. Ryan, *Chairman*  
Citizens' Advisory Board on Corrections  
September 16, 1976

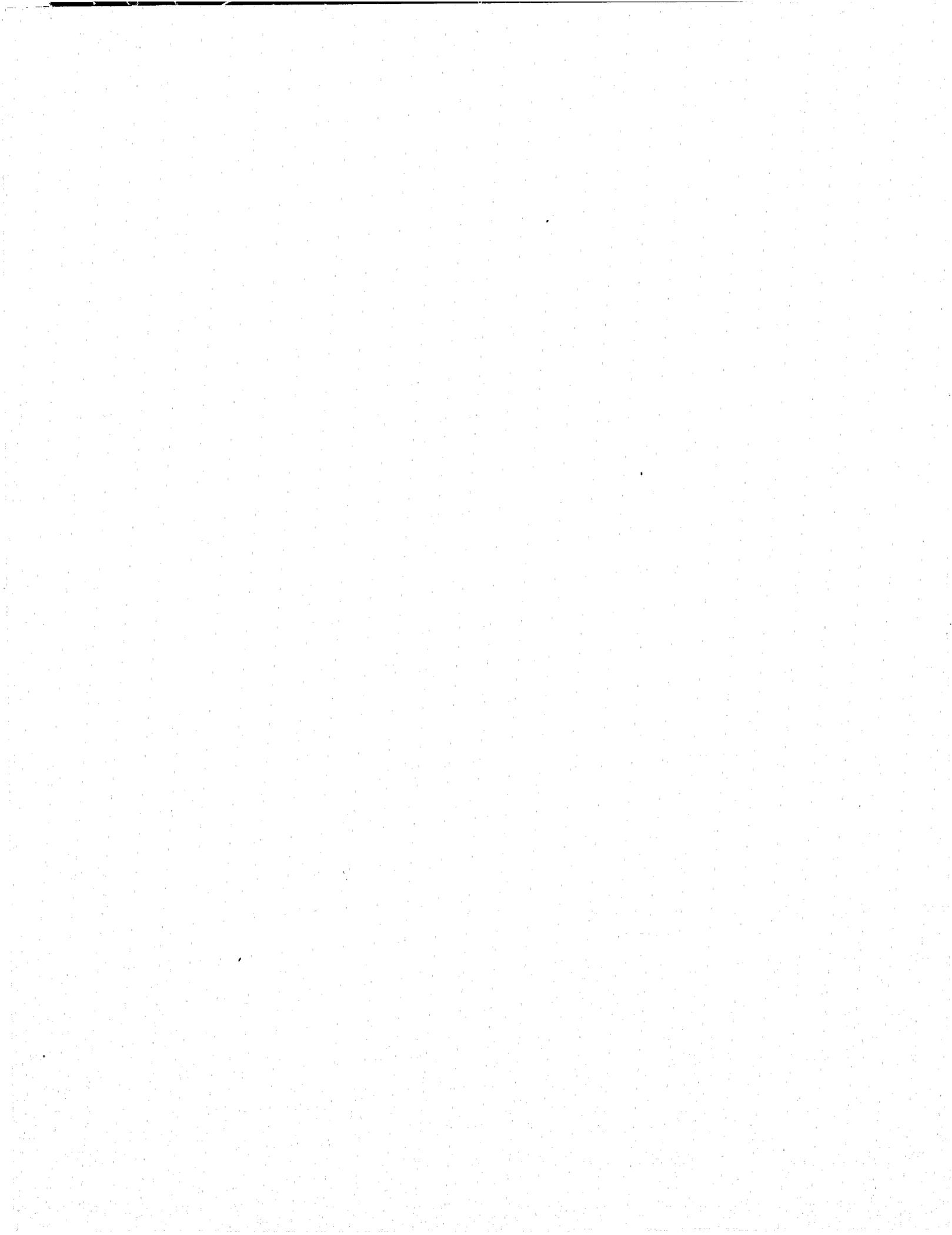
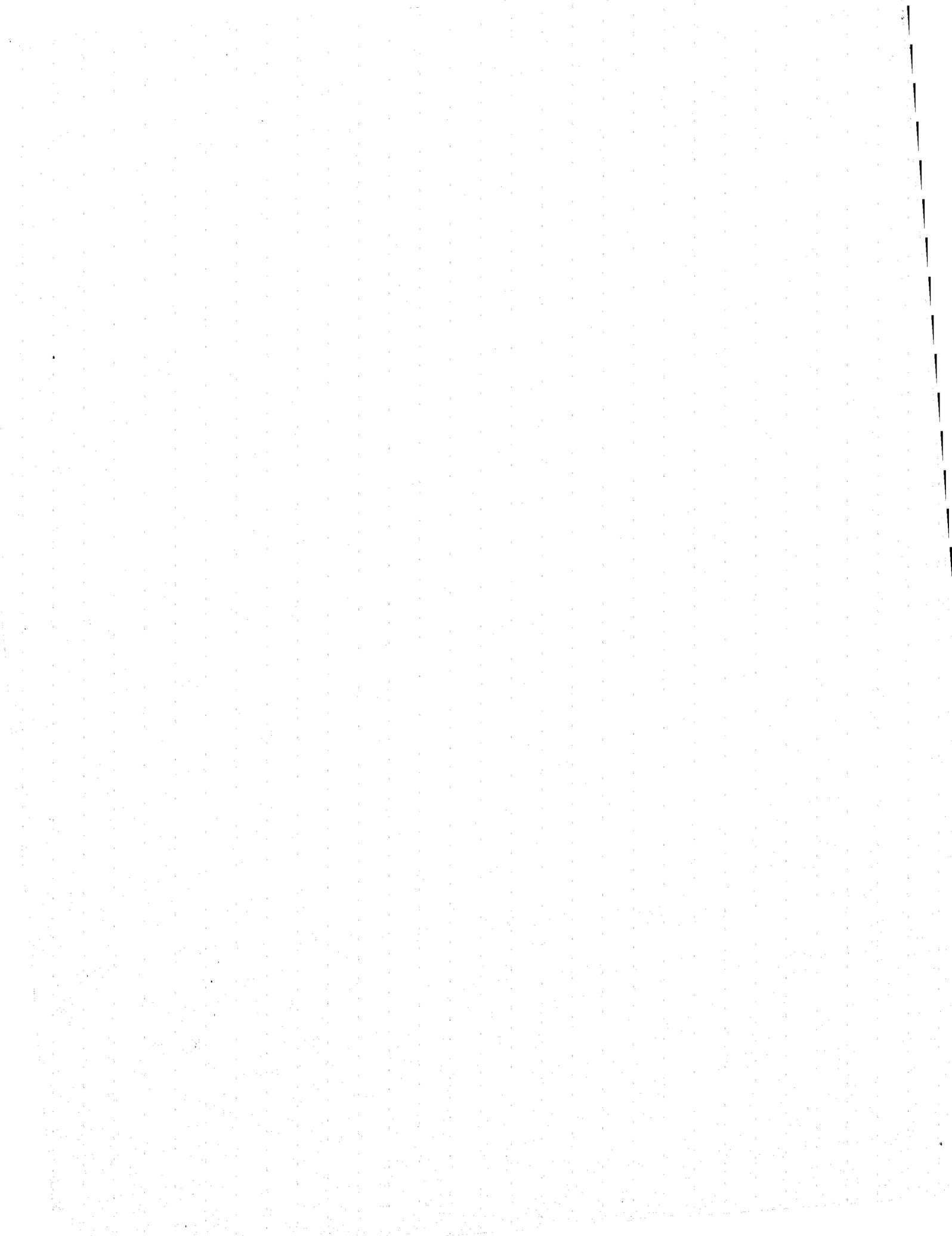


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## I. PURPOSE AND ORGANIZATIONAL STRUCTURE

### a. The Ombudsman Concept and the Kansas Program

The Office of the Ombudsman for Corrections was the first state ombudsman program to be established in Kansas. To a large extent, this Office is designed and operated in accordance with the traditional concept of an ombudsman program. The goals of such a program are to "clear the air of unfounded complaints, rectify others, improve administrative procedure and assist legislators, chief executives, and top officials to monitor the form and substance of administration." (Stanley V. Anderson, LL.D., Ph.D., author and scholar on ombudsman programs, from an unpublished manuscript, April, 1976.)

A distinction is made between a "general ombudsman" and a "specific ombudsman". The former has jurisdiction over all or most governmental agencies in a particular jurisdiction (i.e., country, state, county or city). The specific ombudsman is one with jurisdiction over one particular function of government, in this case, the corrections system at the state level. Whether the ombudsman's jurisdiction is of a specific or general nature, the program provides an external review mechanism to safeguard against failures of internal machines for the handling of individual complaints and the development of effective policies and procedures.

Some generalizations about ombudsman programs can be identified. In listing the following eight characteristics, application to the Kansas Corrections Ombudsman Program is noted.

(1) Independence - An ombudsman is independent of the governmental body or bodies over which he has jurisdiction. The Kansas Corrections Ombudsman is autonomous from the Department of Corrections by being held accountable to the Citizens' Advisory Board on Corrections.

(2) Investigatory Powers - An ombudsman is provided the ability to conduct investigations within the governmental department or departments under his jurisdiction. Through statutory authority provided to the Citizens' Advisory Board on Corrections, the Kansas Corrections Ombudsman has access within the Department of Corrections to persons, records, and facilities.

(3) Responsibility to Report Findings - The ombudsman is expected to make his investigatory findings known through reports and recommendations to the proper authorities and to the public, if necessary. In the case of the Kansas Corrections Ombudsman, the Secretary of Corrections and the Citizens' Advisory Board on Corrections are the authorities (or bodies) most frequently involved.

(4) Powers of Influence - Not burdened with the ability or responsibility for making or reversing administrative decisions, an ombudsman relies on his ability to influence administrators by means of careful presentation of the facts and creative recommendations for a constructive resolution of the presenting problem. By establishing a reputation through this process, the ombudsman attempts to create credibility within the system being monitored, as

well as with individual citizens. One means the ombudsman has at his disposal for resolving problems is to inform the public. The Kansas Corrections Ombudsman has not yet done that. He has relied on the Citizens' Advisory Board on Corrections and the informal processes for resolving conflict.

(5) Impartiality - Being apart from the administrative structure of the department over which he has jurisdiction, an ombudsman has no personal stake in the administrative decisions made. While not being an advocate for the governmental body (or bodies) over which he has jurisdiction, neither is he an advocate for the individual complainant or complainant group. By virtue of his being a government official, apart from the system he monitors, an ombudsman is enabled to take impartial stands in an effort to bring about what will be the most meaningful resolution for all parties involved.

(6) Expertise - The ombudsman needs to have expertise in administrative matters (in this case, within a corrections setting) and in conflict resolution, as a prerequisite for establishing credibility.

(7) Speedy and Informal - As it encompasses an approach toward solving problems by seeking administrative remedies, an ombudsman program is an informal and speedy process compared to the relatively highly structured, expensive, and lengthy process of seeking legal remedies through the courts. In contrast to the courts, however, the findings of the ombudsman are not binding.

(8) Accessibility - Prospective complainants must be able to have access to an ombudsman. For a Corrections Ombudsman, this is particularly important since prospective complainants are either confined or employed at institutions at various distances from his office. Thus, it is critical that a corrections ombudsman program maintain the capability of taking its services to the institutions. As has been pointed out by Professor Anderson, "Presence on the premises is what defines the work of prison ombudsmen and what distinguishes their work from the prison work of other ombudsman. Being on the scene alters the way in which complaints and inquiries are received and handled." Anderson views the notion of bringing the ombudsman to the inmate as "the American contribution to ombudsmanry". (Stanley V. Anderson, *op. cit.*)

In addition to the above eight traditional ombudsman functions, the statute establishing the Kansas Corrections Ombudsman directs that he "shall act as secretary of such board". (K.S.A. 1975 Supp. 75-5230). Reference here is made to the Citizens' Advisory Board on Corrections (CAB). The Board's meetings and committee meetings are staffed by the Kansas Corrections Ombudsman. On occasion, he has been called upon to represent the CAB with regard to its position on various legislative issues. He is responsible for studying and providing recommendations on the CAB's budget and other administrative concerns. He, also, is responsible for insuring that the necessary secretarial support is provided to the CAB and its members.

#### b. The Citizens' Advisory Board on Corrections

As a state governmental body, the Citizens' Advisory Board on Corrections has been given the following powers and duties:

1. Make recommendations to the secretary (of Corrections) concerning the planning, operation and facilities of the correctional system;
2. make recommendations to the governor for the selection of a secretary of corrections, when a vacancy occurs in the secretary's office, which recommendation shall not be binding; and
3. appoint the ombudsman of correctional institutions.... (K.S.A. 1975 Supp. 75-5230)

The 15-member Board is appointed by the following five state officials (with three appointments each): the Governor, the Attorney General, the Chief Justice of the Supreme Court, the President of the Senate, and the Speaker of the House. In order to facilitate the CAB in carrying out its functions, the statute directs the Secretary of Corrections to provide members with "access to records not otherwise privileged by law, and with reasonable access to facilities subject to the conditions and time limitations the secretary may establish in order to insure an orderly operation of the correctional institutions." (K.S.A. 1975 Supp. 75-5230)

The Board, first appointed in the summer of 1974, conducted its first meeting on August 1, 1974. Upon the formation of the CAB, members were entitled to \$35 per day compensation, in addition to reimbursement of travel and subsistence expenses. During its 1975 Session, however, the Kansas Legislature eliminated compensation for all state advisory boards. As a result of this action, the CAB became an entirely voluntary citizens board.

The personal contribution of time and effort made by individual board members is significant. In order to conduct CAB business and supervise the Office of the Ombudsman for Corrections, it has been necessary for the Board to meet as a whole on a monthly basis. In addition, the officers have met monthly in separate sessions. Individual Board members have also given their time to visiting institutions and in doing the work of the various task force committees. It was through considerable effort on the part of Board members that, after the appointment of the Ombudsman, the program was so quickly set up to function within the administrative processes of the state government.

To our knowledge, having an ombudsman report to a citizens board is unique for correctional ombudsmanry and rare for other kinds of ombudsman programs. It is most common to find the ombudsman accountable to the legislative body, or in some cases, to the executive head of a particular governmental jurisdiction (such as a president or governor). It may very well be that through the Citizens' Advisory Board, the Kansas Corrections Ombudsman is further supported in his stance to remain impartial than his colleagues who report directly to a legislative body or chief executive. Through the diversified appointing process and the establishment of four-year tenured terms, Board members (like the Ombudsman) are insulated from unwarranted pressures and enabled to respond impartially to the corrections system.

## II. BEGINNING DEVELOPMENT

### a. History and Establishment of the Program

When the first Ombudsman for Corrections in Kansas assumed his duties on September 15, 1975, the notion of a corrections ombudsman was not novel in Kansas. The idea had first been introduced and accepted in 1972 with the adoption of House Bill 2030. While this first version of the Kansas Penal Reform Act was not implemented, it did lead to three years of study, discussion and revision of the notion of a corrections ombudsman and its implications for Kansas. In addition to its legislative support, the idea received much impetus and support from a variety of citizen organizations throughout the State.

Another important antecedent to the implementation of the Corrections Ombudsman Program was the formation of the Citizens' Advisory Board on Corrections (CAB) a little more than a year earlier. The CAB spent considerable time and effort concentrating on further developing its understanding of the notion of an ombudsman and how it could be best operationalized. It also had the task of establishing its place within state government and specifically its relationship to the Department of Corrections. The sense of newness and the accompanying elements of the unknown, were equally shared between the Board and the Department of Corrections.

Thus, it was with a mutual sense of reservation and lack of clarity that on September 15, 1975, the Ombudsman assumed his duties. It was necessary for the Ombudsman to devote considerable time and energy in developing operational procedures for this new program. As Executive Secretary to the Board, he had the additional task of attempting to establish an effective working relationship between the Board and the Department, necessary in working toward their mutual goal of providing a high quality corrections program for Kansas.

Coinciding with the arrival of the Corrections Ombudsman, was the Department of Corrections' implementation of an internal inmate grievance system two months earlier. At this time, two implications of this occurrence are understood. The first implication is that the existence of an internal grievance system is a prerequisite of any effective ombudsman program. There must be a system for the resolution of day-to-day problems for inmates and staff. These problems are numerous and largely routine, and may most effectively be handled internally, inasmuch as it is the administrators within the Department who have the authority to make the necessary decisions for resolving these problems. Any attempt by an external ombudsman to take on this task would be overwhelming. With the introduction of an internal grievance system, the Ombudsman may assume a monitoring or review function for the internal grievance procedures, thus, lending credibility to that internal grievance system.

The second implication of the introduction of an internal grievance system is the difficulty it creates in measuring the impact of the Ombudsman Program. Any decrease in the number of civil litigations against the Department, in the

number of complaints against the Department registered in the offices of state officials (such as the Attorney General and the Governor) cannot be clearly attributed to either the internal grievance system or to the Ombudsman Program. This removes one tool for measuring effectiveness of either program. It, therefore, is necessary for any evaluation of the program to use other measurements, which by necessity, would be more descriptive than evaluative. Much of the remainder of this Report will be devoted to such an evaluation.

b. Chronicle of the First Nine and a Half Months

The nine and a half months the Corrections Ombudsman Program functioned during Fiscal Year 1976 was primarily a period of discovery. It was a period of discovery not only for the Ombudsman in defining and experimenting with his function within the Corrections Department and state government, but also for the Department of Corrections, other state agencies, and inmates in testing out what an Ombudsman Program could mean for them.

On September 9, 1975, the Ombudsman and the Secretary of Corrections, Mr. Robert R. Raines, were formally introduced by the officers of the CAB. They began the task of establishing a mutual understanding of how they would work together. The Ombudsman became familiar with the operation of the main office of the Department, and was furnished with considerable information concerning departmental operations. The Secretary provided the Ombudsman with a pass for entrance into the adult correctional institutions in Kansas and issued a directive to the institutions to insure that correspondence to and from inmates would be handled in ways to insure confidentiality. As has been frequently pointed out in literature, an ombudsman can function only with the cooperation and responsiveness of the governmental bodies over which he has jurisdiction. During the first reporting period, the Secretary and other officials in the Department of Corrections indeed provided the Ombudsman with the assistance necessary to begin this new endeavor in Kansas state government.

It was expected that the accessibility to the Kansas prison system and its accompanying information would be handled in a responsible fashion by the Ombudsman. It was agreed that the Ombudsman would work on complaints by attempting to bring about resolutions at the lowest possible level in the chain of command. After a proper assessment of the facts of the situation, the Ombudsman would give each level within the chain of command an opportunity to respond to the situation before bringing it to the attention of the level above it. Thus, no complaint would be taken outside of a particular institution until the Director of that institution had had an opportunity to respond to the situation. Likewise, the Secretary of Corrections would be given an opportunity to do the same before any attempt would be made to bring the matter to the public's attention - the Ombudsman's ultimate leverage. This chain of command approach, however, cannot be employed in all cases. The Ombudsman does have statutory responsibility to report "any misfeasance or discrepancy in administration or any unreasonable treatment of inmates..." to the Secretary of Corrections (K.S.A. 1975 Supp. 75-5231).

During the Office's first nine and a half months of operation, the Ombudsman was able to complete in-depth orientation at the three long-term facilities: the Kansas Correctional Institution for Women (KCIW), the Kansas State Peni-

tentiary (KSP) and the Kansas State Industrial Reformatory (KSIR). Orientation efforts at a fourth institution were begun but not completed due to a commitment to sustain services already begun at the other institutions.

The Ombudsman began his work at each institution by conferring with its director to determine what would be the most effective working arrangement with the director and institution. An extensive tour of the institution would follow, lasting in one case as long as three days. Following the tour, continued discussions with the director helped to further clarify the working plans. This occurred before the first complaint was accepted at an institution.

The process of receiving complaints was viewed as an extension of the orientation process. By following up complaints, the Ombudsman was able to meet various staff members and establish working understandings with them. It, also, helped him to identify various issues of administration -- policies and operations. For this reason, no priorities were set during the first reporting period for the acceptance or rejection of complaints; indeed, the Ombudsman did not refuse any complaints which appeared to be within the jurisdiction of the Office. The receipt of numerous individual complaints at each institution provided the Ombudsman an opportunity to gain considerable knowledge and insight into the way of life at each of the three institutions from both the inmates and staff members' perspectives.

After establishing an office in Topeka and receiving his orientation to the departmental staff there, the Ombudsman began his work in the field at the Women's Prison on October 7, 1975, three weeks after he assumed his duties. His work at KCIW was interrupted after three weeks by a request from the Secretary of Corrections to enter the Kansas State Penitentiary in the aftermath of a disturbance.

The Secretary of Corrections introduced the Ombudsman at a meeting at the Penitentiary of a majority of the inmate population on October 23, 1975. The Secretary was there to speak with the inmates and provided the Ombudsman an opportunity to give a brief description of the Ombudsman Program. This began an intensive three-month effort on the part of the Ombudsman to work at the Penitentiary. Expectations on the part of both staff and inmates were understandably high. Although the Ombudsman was able to resolve a large number of individual complaints, there may well have been disappointment due to the high hopes of staff and inmates that his arrival would dramatically lessen the existing tensions.

The Ombudsman left the Penitentiary to go on to work on an intensive basis at the Reformatory beginning on February 2, 1976. Toward the end of this period of orientation at the Reformatory, the addition of a staff member to the office on May 3, 1976 (through Comprehensive Employment Training Act - CETA - funds) made it possible to sustain services at the Reformatory, which had not been possible at the other institutions. This additional capability will make the Ombudsman Program more accessible to inmates and staff; it will increase visibility and the Office's capacity to make quick responses to requests for assistance.

By the end of the reporting period, the Ombudsman was beginning to glean from the individual complaints, possible policy and legislative issues to be addressed during the second reporting period of the program. Within this context, the functions of Ombudsman and Executive Secretary came to be seen as complimentary. The Ombudsman attempted to resolve individual complaints through the lowest possible level on the chain of command. As resolution efforts began to move up through the chain of command, implications for possible policy or legislative changes began to appear. It is expected that, as the focus shifts from individual cases to larger system issues, the Ombudsman's role as Executive Secretary to the Citizens' Advisory Board on Corrections will definitely complement his functions as Ombudsman. He will be able to bring to the Board areas of concern for further study and possible action by that body.

At the end of April, after seven months of operation, the Ombudsman spent a week visiting the Minnesota Corrections Ombudsman Program. Mr. Theatrice Williams, the Minnesota Ombudsman, had been to Kansas on two occasions to speak and consult during the three-year period of study and discussion prior to the implementation of Kansas' own corrections ombudsman program. This visit was extremely important in assisting the Ombudsman in assessing the Kansas Program and in complementing the considerable material generously made available to him by ombudsmen and scholars of ombudsmanry in other states and countries.

### III. MANAGEMENT OF COMPLAINTS

#### a. The Development of Procedures

In order for the Ombudsman to carry out his function, he has: 1) access to inmates and staff, either in person or through correspondence; 2) access to records; and 3) access to facilities. He derives this access from the statutory authority provided to the Citizens' Advisory Board on Corrections. This "power of presence" within the Department of Corrections and its various institutions provides the Ombudsman, as an external agent, the ability to perform the following four functions:

(1) Discoverer - of presenting problems experienced by inmates and staff.

(2) Mediator - of conflict and crisis situations, by investigating the perspectives of all parties involved and by recommending alternative approaches to the areas of concern.

(3) Observer - of facilities, daily routines, incidences and disturbances, and various meetings and hearings.

(4) Preventer - of unfair practices, by being present to observe procedures and by reviewing the appropriateness of various administrative policies.

From the time he first assumed his duties, the Ombudsman was concerned about finding ways to describe the work accomplished by performing these four functions and the findings he would make within the Department of Corrections. Thus, records have been maintained for each complaint. During the first three and a half months of operation, these records primarily provided information necessary to manage and investigate complaints. By the end of that time, however, some generalizations could be made about the complaints so that they could be put into 15 categories. Equally important, the various possible results of a case were conceptualized into nine types of dispositions. These categorization schemes, along with some other new data, were utilized by the Office from January 1, 1976 through the end of the reporting period, June 30, 1976.

The new data collection system has enabled us not only to gain information concerning the operation of the Ombudsman Program and the kinds of problems existing within Kansas institutions, but also to identify the need for further refining recordkeeping procedures. For this purpose, Dr. James Taylor, a research consultant, has been working with the Office to review present practices and assist in developing a more accurate design for data collection. It is expected that a new recording and statistical system will be instituted sometime during the next fiscal year.

#### b. The Categories of Complaints

For the purposes of describing the work of the Office of the Ombudsman for the last six months of this reporting period, the following fifteen complaint categories and their definitions have been utilized:

(1) Procedural Discrepancies - These include all deviations from prescribed administrative procedures which would not otherwise be included under one of the other headings. Complaints in this category pertain to staff behaviors which are not consistent with the laws of Kansas, the Administrative Procedures of the Department of Corrections, or the General Orders of the Institutions. This category includes the decision-making processes (but not the decisions *per se*) for such matters as cellhouse assignments, permission for home visits, transfer to other institutions within or outside the Department of Corrections, and a large number of other similar routine areas of institutional discretion. This category may very well suggest arbitrariness in the decision-making process, including racial and other kinds of discrimination against a complainant.

(2) Medical - This includes complaints pertaining to the availability of medical staff, facilities, and treatment.

(3) Mail - This group of complaints concern the handling of correspondence to and from inmates in ways which are not consistent with the Administrative Procedures of the Department of Corrections.

(4) Physical Abuse - Allegations of threats or actual incidents of bodily harm to an inmate from other inmates or staff members are handled under this category.

(5) Claimed Loss - Complaints dealing with the loss, destruction or theft of personal property are investigated when there are implications that the loss was a result of inadequate security procedures or mishandling by staff. As many of these cases are routinely referred to (or from) the Joint Legislative Committee on Special Claims Against the State, physical disability loss claims are also considered in this category, as they are handled by the same Committee.

(6) Food - These complaints relate to the preparation and serving of food at the institutions.

(7) Facility - Complaints in this category pertain to problems with the physical facilities at an institution, other than those relating to medical and food.

(8) Inmate Activity Group - Complaints in this category relate to both procedural discrepancies and policy issues pertaining to the functioning of inmate activity groups and their outside sponsoring agencies. (At the time this category was established, there were no administrative procedures relating to this large area of institutional activity.)

(9) Program - This complaint category concerns an inmate's work or educational/vocational training assignments. A key factor here is the appropriate development and carrying out of the individual's "rehabilitation plan."

(10) Policy - These complaints have to do with the unnecessary negative impact on the complainant (or complainant group) of a law of the State, an Administrative Procedure of the Department of Corrections, or a General Order of the institution.

(11) Global - These are complaints which are too broad or general to be conducive to investigation. They may involve one or several issues. They often relate to observations and general concerns the complainant wishes to make known, but which often do not pertain to events specifically involving the complainant. Such complaints will normally result in a disposition of "no action" in the short run; however, on a long-term basis, they may serve as important data for future investigations, having implications for policy and legislative changes.

(12) Parole - These complaints relate to the Kansas Adult Authority (formerly, the Kansas Board of Probation and Parole) concerning which the Ombudsman has jurisdiction only by invitation of the Kansas Adult Authority. These, also, may involve complaints pertaining to the Inter-State Parole Compact Program, which is administered by the Department of Corrections.

(13) Outside of Jurisdiction - These complaints pertain to issues over which the Ombudsman has no current authority. Dispositions in these cases will be noted as "no action" or "referral."

(14) Other - This is an infrequently used category to indicate a case for which no other category exists or for which two or more categories would appear to apply equally.

(15) Unknown - This is a more commonly utilized category, reflecting the Office's current need to rely heavily on correspondence in order to conduct its business. Information provided by an inmate in a letter often does not provide sufficient data upon which to categorize a complaint.

### c. The Categories of Dispositions

When the work on a complaint has been completed, the case is closed and a disposition is assigned to it. The kind of disposition achieved on a case reflects the nature of the complaint, the effectiveness of the work of the Office, and the very important aspect of the responsiveness to the Ombudsman by the corrections administrators and complainant. Importantly, each case must be included in such a way that it fits one of the nine disposition categories; there is no category "other". The nine categories for disposition are as follows:

(1) Full Resolution - The presenting problem has been resolved to the extent that the best possible solution has been reached, given the existing resources and circumstances.

(2) Partial Resolution - The solution arrived at has mitigated some but not all of the presenting problems raised in the complaint, given the existing resources and circumstances.

(3) No Resolution - No positive movement was made toward achieving a solution for a complaint.

(4) Referral - Referrals to resources outside of the Department of Corrections are made by the Ombudsman's Office when the complaint does not appear to fall within its jurisdiction and expertise. Rather than merely turning down

a case, it is seen as important for the Office to be responsive in a positive way to some extent -- in this instance, providing resource information.

(5) Withdrawal by Complainant - This category designates those cases which were closed at the request of the complainant before a resolution of the complaint could be achieved. This category also reflects those instances in which complainants fail to follow through with requests or recommendations made by the Ombudsman in order for him to properly work on a complaint. This latter occurrence happens frequently when the Office must rely on correspondence in the handling of a particular complaint.

(6) No Action - This designation reflects a case which was not conducive to investigation, or which would not significantly reflect the interests of the complainant. By definition, complaints categorized as "global" (see complainant category No. 11) are closed with this disposition.

(7) Information - The complaint was satisfied by providing readily available information concerning either the institution or the Office of the Ombudsman. No further action was required.

(8) Unfounded Complaint - Through independent investigation by the Office of the Ombudsman, it has not been possible to substantiate the complaint.

(9) Solved Prior to Ombudsman Intervention - Between the time of the initial receipt of the complaint and the time of the initial response by the Office, the presenting problem has been resolved between the complainant and corrections officials without intervention by the Ombudsman's Office.

The present categorization scheme of having 15 complaint categories and nine disposition categories has tended to spread out numbers so as to make the establishment of statistical significance difficult. In our attempt to develop a new data collection system, deliberate efforts are being made to re-define categories so that there can be either fewer categories or that categories can be grouped into larger subdivisions for the purposes of statistical analysis. Before discussing the findings of our current data, a presentation of some case examples should help bring the above information alive and make the data to follow more meaningful.

#### IV. EXAMPLES OF COMPLAINTS

This section will present a sampling of the diverse problems which are presented to the Ombudsman, as well as the variety of problem-solving approaches utilized by the Ombudsman. It is hoped that each case will consistently demonstrate certain basic principles utilized by the Ombudsman in intervening in any particular situation.

The Ombudsman approaches each case with several objectives in mind, in spite of the wide differences in complaints. The complaint examples presented demonstrate the Ombudsman's use of the chain of command within the Department of Corrections and state government as a whole. This involves the principle of attempting to resolve problems at the lowest possible level in the chain of command. It also involves the expectation that the complainant will allow the Ombudsman to discuss the problem with the most immediate person with whom the complainant is having difficulties. This presumes that this person is concerned about finding ways to resolve the problem -- until there are clear indications that this assumption is not true. It gives the other person involved with the complainant the opportunity to take the initiative, perhaps with some encouragement and assistance from the Ombudsman, to resolve the presenting problem. It also insures that the other party, or parties, involved have the opportunity to have input into the Ombudsman's understanding of the complaint.

There is the additional concern on the part of the Ombudsman that the complainant has done all he or she appears to be capable of doing at that time to resolve a particular issue on his or her own. In many cases, such as in Example 12, the Ombudsman confines his efforts to working entirely through the complainant, without having any direct contact with anyone else. He becomes a sounding board for the complainant and, also, a source of information relating to problem-solving within the corrections system.

The Ombudsman consistently has refused to become involved in any case in which he has not had direct involvement with the identified complainant. It is not infrequent that a person will bring to his attention the problems of someone else. However, unless that individual is willing for the Ombudsman to become involved in his situation, the Ombudsman will refuse to intervene. This is especially important when family members will call for assistance. The Ombudsman is quite willing to visit with the complainant, but will make no commitments to the referring party beyond agreeing to meet with the identified complainant. This is demonstrated in Example 9.

Complaint Example 5 demonstrates a highly valued goal of the Ombudsman Program. In this instance, the Ombudsman deliberately stepped aside to give the staff member the opportunity to resolve the problem and, thus, earn credibility in the eyes of the complainant. This staff member met this challenge and succeeded in doing so, with the Ombudsman's indirect assistance in negotiating administrative channels. In this case, not only was the problem resolved, but the relationship between the inmate and staff member was improved as a result of the Ombudsman's involvement. The staff member can now be viewed by the complainant as a resource person for problem solving.

Example 1 is another example in which there was a positive change in relationships. Although the Ombudsman found the complaint to be unfounded, his intervention aided the two persons involved to establish a more positive relationship with one another. Also demonstrated in Example 1 is the frequent finding that the stated complaint and the actual problem are not the same. In this case, the complaint was that a staff member had physically assaulted the inmate complainant. While this was unfounded, it was determined there was significant misunderstanding and distrust within their relationship.

Examples 3 and 11 point out the Ombudsman's efforts to distinguish between the substance of a decision made within the discretionary powers of the Corrections Department, and the manner in which it is made and explained. While both complainants were contesting the actual decision, the Ombudsman redefined the complaint. In Example 3, he determined that the complainant was unclear as to the reasons for the decision. In Example 11, what was of concern was the manner in which the decision was made.

In nearly every complaint which was resolved, the resolution was brought about by the inmate's and staff member's willingness to be responsive to the Ombudsman's work. In both Examples 5 and 1, this was clearly demonstrated. This was again the case in Example 10, in which the Ombudsman needed to turn to the institution for assistance in conducting the investigation, as well as relying on the institution to suggest what changes might be effected to prevent a re-occurrence of the problem of delivering certified mail.

#### EXAMPLE 1 - Physical Abuse Complaint

The Ombudsman was approached by an inmate who displayed an extremely swollen hand. The inmate claimed that a correctional officer had intentionally closed his cell door on him. After interviewing the officer, four inmates who were identified as witnesses of the alleged incident, and thoroughly familiarizing himself with the electric locking system in the cellhouse, the Ombudsman was convinced that it would not have been possible for this to have been a deliberate act. Indeed, there was no corroborating evidence or witnesses that this was in fact the way his hand had been injured.

These findings were presented first individually to the inmate and officer, and subsequently in a joint conference. In the joint conference, it became clear that there was a considerable amount of difficulty in their relationship. This was the inmate's second time at the institution, so their relationship spanned several years. The inmate's feelings that the officer was "after him" were brought out to the surface and talked through. Reports from both the inmate and officer during subsequent months indicated that their relationship had improved considerably.

Due to the seriousness of the charges involved, the director of the institution was briefed on the facts of the case.

Disposition: Resolved - complaint unfounded.

#### EXAMPLE 2 - Staff Complaint

A staff member complained to the Office that he had been unable to get information from his supervisor with regard to the hours he would be required to work. He was going on a day-to-day basis at the time that he contacted the

Office and thus, was unable to make any plans with his family, community activities and the like. The Ombudsman encouraged him to go through the chain of command further than his immediate supervisor. Since this advice was followed to no avail, the Ombudsman became directly involved in the situation. The administration was willing to acknowledge the potential morale problem being created by this situation and resolved the matter by providing a definite answer as to the new work hours and when they would be instituted. The Ombudsman's efforts were not to influence the institution as to which shift the staff member would be assigned, but rather to insure that the staff member receive the information necessary for him to plan his personal life.

Disposition: Full Resolution

### EXAMPLE 3 - Procedural Discrepancy Complaint

A letter was received from an inmate complaining that he had not been told why the institution had not reduced his custody status, in order to make it possible for him to see the Kansas Adult Authority sooner. While the Ombudsman's Office clearly has no say in decisions relating to custody status and parole eligibility, it is appropriate for the Office to be involved to the extent of insuring that the inmate receive clear and straightforward reasons as to decisions made about him. Only in this way would he be able to work for a better status.

In a letter to him, he was advised to try again to get an answer from a member of his unit team. If this could not be accomplished, he was further advised to request an interview with a deputy director of the institution. The inmate followed through on both recommendations. The unit team member felt he was unable to provide any further information and an attempt was made by that staff member (at the inmate's request) to establish an appointment with the deputy director. This appointment was denied.

The Ombudsman visited with the inmate and unit team member individually, and subsequently jointly in an effort to clarify the issues. When this was not accomplished, he took the matter to the deputy director, providing him with a description and understanding of the kind of interaction that had been observed between the inmate and the unit team member. As a result, the inmate was granted an interview with the deputy director and subsequently wrote that he was satisfied as to having been given the reasons for the decisions made about his status. He, however, remained unsatisfied with the actual decision, a matter over which the Office maintained it had no jurisdiction.

Disposition: Full Resolution

### EXAMPLE 4 - Medical Complaint

The Ombudsman was approached in the yard at one of the institutions by an inmate with a severely distorted nose. He had had it broken three times. He was experiencing intermittent pain and the inability to breathe through one nostril. While apparently not a chronic complainer, he contended that as long as a month and a half ago, the institutional physician had referred him on two occasions to a medical facility outside the institution for corrective surgery. This allegation was quickly verified along with the discovery of a breakdown

in communications. The physician's orders had been misunderstood by the administrators responsible for carrying them out. Within a few days of the receipt of this complaint, the inmate was seen by a specialist for consultation.

Disposition: Full Resolution

#### EXAMPLE 5 - Physical Abuse Complaint

An inmate requested the Ombudsman's assistance in what initially appeared to be a matter of the loss of personal property. He described various items which had been taken out of his cell in his absence and identified the correctional officers on duty at the time of the incident. The Ombudsman first discussed the situation alone with the cellhouse sergeant (one of the officers identified) and then jointly with both the inmate and the sergeant. It was the sergeant's contention that the items were most likely stolen from the inmate's cell by means of a "fish hook" or some similar method and not by the opening of his door by an officer. The inmate contended that this would have been impossible. To resolve the matter, the Ombudsman accompanied the inmate and sergeant up to the third tier in the cellhouse to inspect the inmate's cell. It was evident to both the sergeant and Ombudsman that the inmate was right. His personal belongings were indeed very secure. The only way any items could have been removed would have been through the opening of his cell door.

The cellhouse sergeant recognized that this could be a problem, especially when a new or substitute officer was working with him, which was in fact the situation in this case. There would be no way that an officer new to the cellhouse could know well over a hundred inmates and know in which cells they did or did not belong.

This realization had serious implications. The institution had recently experienced some disturbances, and was under considerable tension at the time. The unspoken assumption and fear was that if an inmate could get into another inmate's cell in that inmate's absence, it would be quite possible to do so with the inmate present. There clearly was a fear of bodily harm of this particular inmate as well as others, given the existing system within the cellhouse.

At this point, the Ombudsman turned to the cellhouse sergeant as the expert in the running of the cellhouse and the locking procedures. The cellhouse sergeant responded by coming up with a tentative proposal and at a later date, finalized this proposal and sent it up through channels. The proposal set forth a means for correctional officers to identify inmates and match them up with their cells. This was to be done by maintaining a set of photographs on each run. The information would include each inmate's cell number.

After this proposal had been available to the administration for two months, the Ombudsman inquired as to the institution's response to it. Two days after this inquiry, it was announced that a demonstration project of this proposal would be conducted in the same cellhouse. After a 30-day trial period, the system was declared a success and was adopted for use in the other locked cellhouses at the institution. As the inmate did not press further for recovery

of his personal property and appeared pleased with the results, it did seem that the real problem had to do with personal protection.

Disposition: Full Resolution

#### EXAMPLE 6 - Procedural Discrepancy Complaint

By correspondence, an inmate communicated that he had filed a grievance with the Office of the Secretary of Corrections over 30 days earlier and had yet to receive a reply. According to the Kansas Department of Corrections' Administrative Procedure No. 135, an inmate is to receive an answer to a grievance within 10 days of its receipt. In a telephone conversation with the staff member who was handling this grievance in the Office of the Secretary of Corrections, the Ombudsman learned that the grievance was in fact being answered that very day and that a backlog in the workload had created the delay. A letter was sent to the inmate with this information. During the next visit to the institution, a follow-up interview conducted with the inmate verified the information received from the staff member.

Disposition: Full Resolution

#### EXAMPLE 7 - Program Complaint

An inmate approached us at an institution with the complaint that he had not received proper medical attention to help him with his problem of obesity. It became apparent that he was looking for a "quick cure" and one most likely involving some kind of medication. At the same time, however, he did establish to our satisfaction that the problem of being overweight was not an isolated one at that institution. While a physician claimed that only two or three inmates had weight problems, this inmate convincingly demonstrated that there were many more inmates who could use help in this area. What inspired this particular inquiry was the inmate's awareness of a correctional officer's recent accomplishment of losing 80 pounds. This officer served as an example to this and other inmates that it was possible to lose weight. The Ombudsman encouraged the inmate to utilize already existing institutional resources to assist him in establishing a program for weight reduction.

On a subsequent visit to the institution, the inmate informed the Ombudsman that there were at least two staff members willing to work with him and five other inmates who had indicated that they were wanting a program of this sort. The Ombudsman contacted one of these staff members. In individual conferences and subsequently, in a joint conference, the Ombudsman assisted the staff member and inmate in establishing the initial structure of a weight loss group therapy program, with a heavy emphasis on peer self-help. Such a group was established and is still in existence, meeting on a weekly basis.

Disposition: Full Resolution

#### EXAMPLE 8 - Complaint Outside Jurisdiction

An inmate wrote concerning problems he was having in getting mail delivered to his former wife. It was being consistently returned, "addressee unknown."

He, in fact, did have the correct address. The local U.S. Post Office accepted the Ombudsman's referral of this matter and resolved it.

Disposition: Full Resolution

#### EXAMPLE 9 - Staff Complaint

During a visit to an institution, the Ombudsman was approached by an extremely concerned staff member. Word had just come out concerning a series of promotions. This staff member was of the opinion that one individual, who was not promoted, should have been. The Ombudsman refused to accept this complaint, advising the staff member that the individual involved could bring the matter directly to the Ombudsman.

This message was in fact transmitted to the individual concerned. He later identified himself to the Ombudsman indicating he did not desire the Office's involvement since he had decided to resign, based on his failure to receive the promotion.

Disposition: No Action.

#### EXAMPLE 10 - Mail Complaint

The Ombudsman was present when an inmate was reading a letter he had received that day and in doing so, discovered a significant discrepancy in dates. The letter had been sent by a government official and postmarked seven days earlier. Complaints relating to mail normally defy investigation. This case, however, was an exception because the letter had been certified by the governmental agency sending it. A check with the Post Office and institutional mail room indicated that the institution had received this certified letter six days before it was delivered to the inmate. Although it could not be unequivocally proven, there was considerable evidence to indicate that the inmate received the letter on the day he claimed. There was sufficient staff support to this claim to give it credibility.

The Ombudsman was unable on his own to discover what had happened to the letter during the six days it was at the institution prior to the delivery to the inmate. Personnel in the mail room indicated that the letter would have been made available to the inmate's classification officer on the day it was received. The inmate's classification officer indicated that he had given the letter to the inmate on the day the inmate claimed he had received it. Since the Ombudsman was unable to discover what had happened, the institution agreed to cooperate by conducting its own investigation. Its conclusions were very similar to the Ombudsman's. The six days remained a mystery.

As a result of this case, the Ombudsman was informed that two procedural changes in the handling of certified mail would be instituted. First, all certified mail being removed from the mail room by staff would be signed for and dated. Second, whenever an inmate received a certified letter, he would be required to sign for it and date it.

Disposition: Partial Resolution--New Policy Instituted

#### EXAMPLE 11 - Procedural Discrepancy Complaint

During a visit to one of the institutions, the Ombudsman was approached by an inmate concerning his complaint that he had been removed from the dormitory to a locked cellhouse, as the result of an incident in which he was not involved. He had been moved along with several other inmates at the time of the incident, five days earlier. This was seen as a necessary immediate step to prevent any further incidents. However, he remained in the locked cellhouse even though no charges had been pressed against him for rule violations and even though no due process hearings had been conducted. There were indications that the unit team supervisors of both cellhouses were amenable to having this inmate returned to the dormitory. However, each denied having authority to initiate the move. The Ombudsman had direct contact with one of the unit team supervisors, the supervisor of the guard force, and a deputy director.

As a result, the deputy director initiated further inquiry into the incident for his own information and clarification. A few weeks later, the matter was resolved by giving the inmate permission to return to the cellhouse as an investigation had cleared him of any direct involvement in the incident. Interestingly, the inmate chose not to return to the dormitory because the locked cellhouse had proved to be more conducive to studying at night, as he was enrolled in college courses.

Disposition: Full Resolution

#### EXAMPLE 12 - Staff Complaint

A staff member complained to the Ombudsman that he had been assigned a shift which created a hardship on his personal life and which did not appear to be called for in view of his work record. Additionally, other personnel with considerably less seniority were being assigned more desirable shifts.

When the Ombudsman called the complainant to discuss the matter, he was informed that the complainant planned to submit his resignation within the hour, giving no notice. (According to Civil Service Rules and Regulations, state employees are to give one week advance notice of resignation.) The Ombudsman confronted the complainant with the consequences of this kind of behavior. Also discussed were the realities of working in a setting requiring 24-hour coverage--realities which were known by the complainant prior to his employment. While the staff member had been assuming that this assignment was "punishment," the Ombudsman pointed out a number of possible alternative implications for the assignment.

Through a follow-up contact, it was learned that the complainant had decided not to walk off the job without notice, and not even to resign. He had decided to give the new shift a try and, in fact, was enjoying it considerably more than his earlier assigned shift.

Disposition: No Action

### EXAMPLE 13 - Facility Complaint

The Ombudsman was approached by several inmates complaining of a number of conditions existing in their cellhouse -- most notably, the inability to keep it sufficiently warm. A considerable draft had been created by a new directive to remove all sheets from the front of cells, for security purposes. Another significant contributing factor to the drafts were a large number of broken window panes in the cellhouse. The following evening, temperatures dropped below zero, aggravating the situation further. In checking with the institutional physician, the Ombudsman learned that there were no known cold injuries. When approached with the situation, the institutional director was aware and concerned about it, and encouraged involvement on the part of the Ombudsman and the Citizens' Advisory Board on Corrections. As a result, the Ombudsman and a member of the Citizens' Advisory Board on Corrections toured the institution a week or two later. By that time, the institution had repaired the windows in all cellhouses and had replaced a malfunctioning part in the heating system of one of the cellhouses. It was the opinion of the Ombudsman and Board member that by the time of the inspection, the institution had done all it could within its existing resources to insure proper heating in the institution.

Disposition: Partial Resolution

### EXAMPLE 14 - Observation Crisis

March 10, 1976 was the third day of a four-day visit by the Ombudsman to the Kansas State Industrial Reformatory at Hutchinson, Kansas. At about 3:30 p.m., three inmates took a staff member and his secretary hostage, beginning what was to be a five-hour ordeal. The eventual surrender of all three captors brought the situation to a fortunate ending, in which no one was injured.

The Ombudsman was apprised of the situation from the start. Whenever possible, he was allowed to observe and participate in the proceedings, and when not possible, he was kept fully informed. He was available to work with inmates in the general population should there have been a need to validate communications and stop harmful rumors. This, however, was not indicated as a need.

What is significant about this incident in the development of the Ombudsman Program is that it gave the Ombudsman and the Department of Corrections their first opportunity to test out their respective roles with one another in the face of a crisis. It also brought to light the important observation function which can be performed by the Ombudsman. As an agent outside of the Institution and the Department of Corrections, the Ombudsman was present to make objective observations and assessments as to the management of the crisis. This observation function is seen as a preventative measure to insure that unfair and irregular procedures are not utilized against inmates, as well as to be available to testify to such, should accusations of the kind be made.

The above complaint examples have been presented in an effort to give the reader an indication of the kinds of complaints which are received by this Office and the manner in which this Office responds to them. An effort is made to maintain a low profile in handling each case with the goal in mind to attempt to reduce tensions, fears and conflicts through mediating, clarifying, and opening up channels of communication. As operationalized during this reporting period, the Office of the Ombudsman for Corrections has attempted to demonstrate to individual inmates and employees 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 people.

## V. STATISTICAL ANALYSIS

### a. Data Available

During the start-up period of the Correctional Ombudsman Program, data was collected primarily for case management, and secondly, to establish where patterns or problem areas might exist. Certain areas of information were only retrievable from January 1 through June 30, 1976 because a new system of data collection was instituted at the beginning of the second reporting period. During the first period of operation (September 15, 1975 through December 31, 1975), data collected for statistical purposes included: the complainant's name, institution or affiliation, prison number or position, and finally, the date the complaint was received by the Office.

Under the new system all the preceding information was collected, plus: the location in an institution where the inmate complainant resided, the means by which complainant initially contacted the Office, the category of the complaint, the final disposition of the complaint, and the date upon which the complaint was closed. While 40% of the complaints were handled on the old system, over half of the complaints received during the nine and a half month reporting period have adequate data recorded for meaningful analysis.

### b. Discussion of Data

During the nine and a half month period of operation, 310 complaints were received by the Office. At the end of this period, 52 complaints remained in the pending/active status. As indicated in Table I, complaints were received from the following institutions or complainant groups: The Kansas State Penitentiary (KSP) - 161, (52%); The Kansas State Industrial Reformatory (KSIR) - 88, (28%); The Kansas Correctional Institution for Women (KCIW) - 23, (7%); other Department of Corrections' institutions, including: The Kansas Reception and Diagnostic Center (KRDC), The Kansas Correctional/Vocational Training Center (KCVTC), The Toronto Honor Camp - 6, (2%); staff - 21, (7%); volunteers - 9, (3%); others - outside the Department of Corrections, such as The Larned State Hospital, Dillon Unit - 2, (1%).

Initial contact by the complainant was made either by letter, personal interview, or telephone conversation. Over 82% of the communications were made directly from the complainant to the Ombudsman. Close to 16% came indirectly through a third party on behalf of a complainant. A little less than 2% of the complaints were initiated by the Ombudsman without reference to a specific complainant. In this manner, a complaint could be investigated, while insuring the confidentiality of the complainant. Table II represents the number and percentage of each method of contact with this Office utilized by complainants.

The 15 categories of complaints are broken down numerically, and the percentage of each category is represented in Table III. Table IV depicts the nine types of dispositions by number and percentage. Definitions of the categories and disposition of complaints can be found on pages 9 through 11 of this Report.

The number and percentages of days of in-person contacts are broken down by institution in Table V. The Ombudsman spent 48 of the 190 available working days visiting institutions, representing 25% of his time in the field. A considerable amount of time was then utilized researching and following up on cases from the Office. After the Ombudsman leaves the institution, correspondence picks up for days from complainants who became aware of the Program as a result of his visit.

As indicated in Table I, only 10% of the total complaints came from staff and outside volunteers (7% staff and 3% volunteers). Clear categories of complaints have not currently been designed to handle staff or outside volunteer complaints. Additional experience with such cases will be necessary before patterns of complaints can be categorized. The low percentage of these complaints reflects a clear priority for handling inmate complaints during the beginning phases of the Program.

c. Significance of Data

The data relevant to this section of the Report was collected over a six-month period. It is, of course, a limited representation of complaints emanating from the Department of Corrections. In spite of the short period of time, there are still some consistent patterns which evolve when one asks how, when, and where complaints were received and handled. From these patterns, some tentative interpretations can be made.

It appears there is a direct correlation between the amount of time the Ombudsman spends in a particular institution and the size of the caseload he will carry at that institution. Comparing Table V and Table I, we find 54% of the Ombudsman's work in the field was spent at KSP, and 52% of the total complaints came from KSP. The figures on KSIR showed 33% of his total time visiting prisons was spent at KSIR, with 28% of the total complaints; KCIW, 9% of his total field time, and 7% of the total complaints; and other institutions inside the Department of Corrections, 4% of time in the field, with 2% of the total complaints.

One implication of this data is that the actual number of existing complaints far exceeds the number of complaints the Ombudsman receives. It is expected that in a prison system, where the freedom of one group is limited by another, there will always be a high incidence of grievances. One must question in any program of this nature, how often complaints are found to be without merit. The dispositions of complaints received by the Office show less than 4.5% of the complaints were unfounded.

There are indications that the present caseload goes beyond the management capabilities of the Ombudsman staff. If the nine and a half month reporting figure of 310 complaints received was projected to 12 months, the figure would exceed 390 complaints. A similar correctional ombudsman program in the State of Minnesota, staffed by nine employees, handled 1,304 complaints in F.Y. 1975. (Ombudsman for Corrections: State of Minnesota 1974-1975 Annual Report) The vast majority of complaints of the first nine and

a half month reporting period in the Kansas Program were handled by the Ombudsman and his secretary. In the last two months of the reporting period, a CETA-funded staff member was added to the Ombudsman Program on a temporary contract. The limitations in staff produce a staggering caseload for the Office, and constrict the flexibility in handling the diversity of complaints the Office receives.

Beyond the obvious benefit of a smaller caseload per staff member is the increased potential of responding to crises or complaints which require prompt intervention and investigation. There is also a greater opportunity of collaborating on cases, or referring a case to another staff member when a previous encounter with an institutional staff member or inmate prevents a representative of the Ombudsman's Office from maintaining the impartial, objective posture so crucial to the functioning of an ombudsman program. (This idea was first suggested to us by Professor Stanley Anderson during a visit to the Kansas Program. It has since been borne out by our own experience.)

Because over 80% of the data collected came from KSP and KSIR combined, further discussion of the significance of the data will come through comparing these two institutions. The fact there is such a similarity in the complaint categories of the two institutions, as noted in Table III, and such a dissimilarity in the disposition of the complaints, raises some interesting questions. The objective in comparing KSP and KSIR is to establish possible differences in how the Ombudsman Program will function in relation to the two institutions.

The higher incidence of information and referral dispositions at KSIR over KSP (44.1% vs. 25.5%) suggests KSIR inmates are not as familiar with the institutional channels through which they can negotiate problems. Supporting this hypothesis is the high incidence of solved prior (to Ombudsman intervention) dispositions at KSP over KSIR, (14.6% vs. 3.4%). These are situations in which a complaint received by the Office is resolved by the staff and complainant prior to our intervention. The key difference is suggested to be the level of institutional savvy exhibited between the two populations. Inmates at KSP are characteristically older, having most likely spent more years in institutions. As a whole, the population at KSP is more experienced and hence, more knowledgeable in negotiating the system.

There are almost twice as many withdrawn dispositions from KSIR as from KSP, (22% vs. 12.7%). The key factor here would seem to be geography. Travel to KSIR necessitates spending several days out of the office. Trips to KSIR could not be maintained on a regularly scheduled basis. The fact that visits were often spaced out over a month and a half at a time, sometimes impeded timely responses to complaints. This factor could be mitigated to some degree at KSP, because its geographic accessibility allows for one-day trips, and shorter periods between visits.

Understanding the higher incidence of full and partial resolutions at KSP over KSIR, (total: 34.5% vs. 13.6%), is somewhat more difficult. The key factors hypothesized are again the differences in the institutional savvy between the inmate populations at KSP and KSIR, and the difference in accessibility and response time to the two institutions. The differences in institutional

knowledge suggests a number of KSIR complainants needed information on how to utilize institutional channels, while a larger number of KSP complainants had already gone through appropriate channels, and as a result, had more solid complaints.

Lack of accessibility and slower response time at KSIR may have caused some cases to be withdrawn which might otherwise have been resolved. By the time the Ombudsman intervened, the issue was no longer provoking, and the complainant felt pursuing it would produce greater dysfunction in his relationship with the institution.

Though the information is limited, it appears the Program may have differently emphasized tasks in the two institutions. Clearly one difference is the necessity of improving KSIR inmates' understanding of the Ombudsman Program, what kinds of complaints are within its functions and which ones are better handled by the departmental inmate grievance procedure.

The need to increase days of the Ombudsman's institutional visits and to shorten the length of time between the receipt of the complaint and an in-person response will continue to be a problem with the current small staff. This problem will continue to affect KSIR even more than the other two long-term institutions (KSP and KCIW).

VI. STATISTICAL TABLES

Table 1  
Distribution of Complaints by Complainant Group  
 (September 15, 1975 to June 30, 1976)

<u>Complainants</u>	<u>Number of Complaints</u>	<u>Percent</u>
KSP Inmates	161	51.9%
KSIR Inmates	88	28.4%
KCIW Inmates	23	7.4%
Other Inside DOC (Inmates/Parolees)	6	1.9%
Other Outside DOC (Inmates/Parolees)	2	.7%
Staff	21	6.8%
Outside Volunteer	9	2.9%
	310	100%

Table 2

Method of Initial Contact By KSP, KSIR and All Complainants

(January 1 to June 30, 1976)

<u>Method</u>	<u>a</u>		<u>b</u>		<u>c</u>	
	Total Complaints		KSP Complaints		KSIR Complaints	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Letter Direct	83	44.4%	44	56.4%	31	38.8%
Personal Direct	61	32.6%	11	14.1%	44	55.0%
Telephone Direct	11	5.9%	4	5.1%	2	2.5%
Letter Indirect	15	8.0%	10	12.8%	2	2.5%
Personal Indirect	9	4.8%	4	5.1%	1	1.2%
Telephone Indirect	5	2.7%	2	2.6%	--	--
Ombudsman Initiative	3	1.6%	3	3.9%	--	--
<b>Total:</b>	<b>187</b>	<b>100%</b>	<b>78</b>	<b>100%</b>	<b>80</b>	<b>100%</b>

Table 3

Distribution of KSP and KSIR and Total Complaints by Complaint Category

(January 1 to June 30, 1976)

<u>Category of Complaint</u>	<u>a</u> Total Complaints		<u>b</u> KSP Complaints		<u>c</u> KSIR Complaints	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 Procedural Discrepancy	47	25.3%	20	25.6%	23	28.8%
2 Policy	6	3.2%	3	3.9%	1	1.2%
3 Program	5	2.7%	2	2.5%	2	2.5%
4 Inmate Activity Group	2	1.1%	1	1.3%	--	--
5 Medical	15	8.0%	7	9.0%	8	10.0%
6 Mail	5	2.7%	3	3.9%	2	2.5%
7 Food	3	1.6%	2	2.5%	1	1.2%
8 Facility	2	1.1%	1	1.3%	1	1.2%
9 Physical Abuse	6	3.2%	2	2.5%	4	5.0%
10 Property	15	8.0%	8	10.3%	6	7.5%
11 Parole	12	6.5%	7	9.0%	5	6.3%
12 Global	11	5.9%	--	--	9	11.3%
13 Outside Jurisdiction	26	14.0%	10	12.8%	14	17.5%
14 Other	8	4.3%	3	3.9%	2	2.5%
15 Unknown	23	12.4%	9	11.5%	2	2.5%
<b>Total:</b>	<b>186</b>	<b>100%</b>	<b>78</b>	<b>100%</b>	<b>80</b>	<b>100%</b>

Table 4

Distribution of Dispositions of KSP, KSIR and Total Complaints

(January 1 to June 30, 1976)

<u>Disposition</u>	<u>a</u>		<u>b</u>		<u>c</u>	
	All Dispositions Number	Percent	KSP Dispositions Number	Percent	KSIR Dispositions Number	Percent
1 Information	31	23.1%	10	18.2%	19	32.2%
2 Referral	12	9.0%	4	7.3%	7	11.9%
3 No Action	13	9.7%	4	7.3%	6	10.1%
4 Solved Prior	10	7.5%	8	14.6%	2	3.4%
5 Withdrawn	29	21.6%	7	12.7%	13	22.0%
6 Unfounded	6	4.5%	3	5.4%	3	5.1%
7 No Resolution	2	1.5%	--	--	1	1.7%
8 Partial Resolution	10	7.5%	7	12.7%	1	1.7%
9 Full Resolution	21	15.6%	12	21.8%	7	11.9%
Total:	134	100%	55	100%	59	100%

Table 5

Distribution of Ombudsman Time Spent in Institutions

(September 15, 1975 to June 30, 1976)

<u>Institutions</u>	<u>Days/Institution</u>	<u>Percent</u>
KSP	26	54%
KSIR	16	33%
KCIW	4	9%
Other Inside DOC	2	4%
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VII. APPENDIX - STATUTORY CITATIONS

From 1975 Supplement to Kansas Statutes Annotated

**75-5230.** Citizens' advisory board; composition, terms, compensation and allowances, powers and duties. There is hereby established and created the citizen's advisory board to the secretary of corrections. The citizen's advisory board shall consist of fifteen (15) members, three (3) of whom shall be appointed by the governor; three (3) of whom shall be appointed by the attorney general; three (3) of whom shall be appointed by the chief justice of the supreme court; three (3) of whom shall be appointed by the speaker of the house of representatives; and, three (3) of whom shall be appointed by the president of the senate.

The members of said advisory board shall hold their respective offices for a term of four (4) years and until their successors are appointed and qualified except that the members of the first advisory board shall hold their offices for terms as follows: Two (2) appointed by the governor for a term of two (2) years and one for a term of four (4) years; two (2) appointed by the attorney general for a term of two (2) years and one for a term of four (4) years; two (2) appointed by the chief justice of the supreme court for a term of two (2) years and one for a term of four (4) years; two (2) appointed by the speaker of the house of representatives for a term of two (2) years and one for a term of four (4) years; and, two (2) appointed by the president of the senate for a term of two (2) years and one for a term of four (4) years. The person appointing shall designate the term for which each of his or her appointees is to serve. The successor of each appointee shall be appointed for a term of four (4) years commencing on September 1 of the year such successor is appointed. The members of such board shall be selected as far as practicable so that they will be residents of different parts of the state.

The advisory board established by this section shall at the first meeting to be held not more than ninety (90) days after the effective date of this act select a chairman from among its members. Thereafter, the advisory board shall meet upon the call of the chairman, or upon the call of the majority of the members of such advisory board. Eight (8) members shall constitute a quorum to do business.

In case of a vacancy on the advisory board, the person initially appointing the advisory board member shall appoint a successor in like manner as the original appointment was made to fill out the remainder of such term.

Members of the advisory board to the secretary of corrections attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid amounts provided in subsection (e) of K. S. A. 1975 Supp. 75-3223 and amendments thereto.

The advisory board shall have the following powers and duties:

(1) Make recommendations to the secretary concerning the planning, operation and facilities of the correctional system;

(2) make recommendations to the governor for the selection of a secretary of corrections, when a vacancy occurs in the secretary's office, which recommendations shall not be binding; and

(3) appoint the ombudsman of correctional institutions and establish the amount of compensation to be paid to such ombudsman as provided by K. S. A. 1975 Supp. 75-5231 or any amendments thereto.

The secretary shall provide members of the advisory board with access to records not otherwise privileged by law and with reasonable access to facilities subject to conditions and time limitations the secretary may establish in order to insure the orderly operation of the correctional institutions. [L. 1973, ch. 339, § 51; L. 1974, ch. 348, § 97; L. 1974, ch. 403, § 11; L. 1974, ch. 404, § 1; L. 1975, ch. 416, § 23; July 1.]

From 1976 Session Laws of Kansas, Chapter 399.

Senate Bill No. 1017

*AN ACT* concerning the ombudsman of correctional institutions; amending K. S. A. 1975 Supp. 75-5231 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

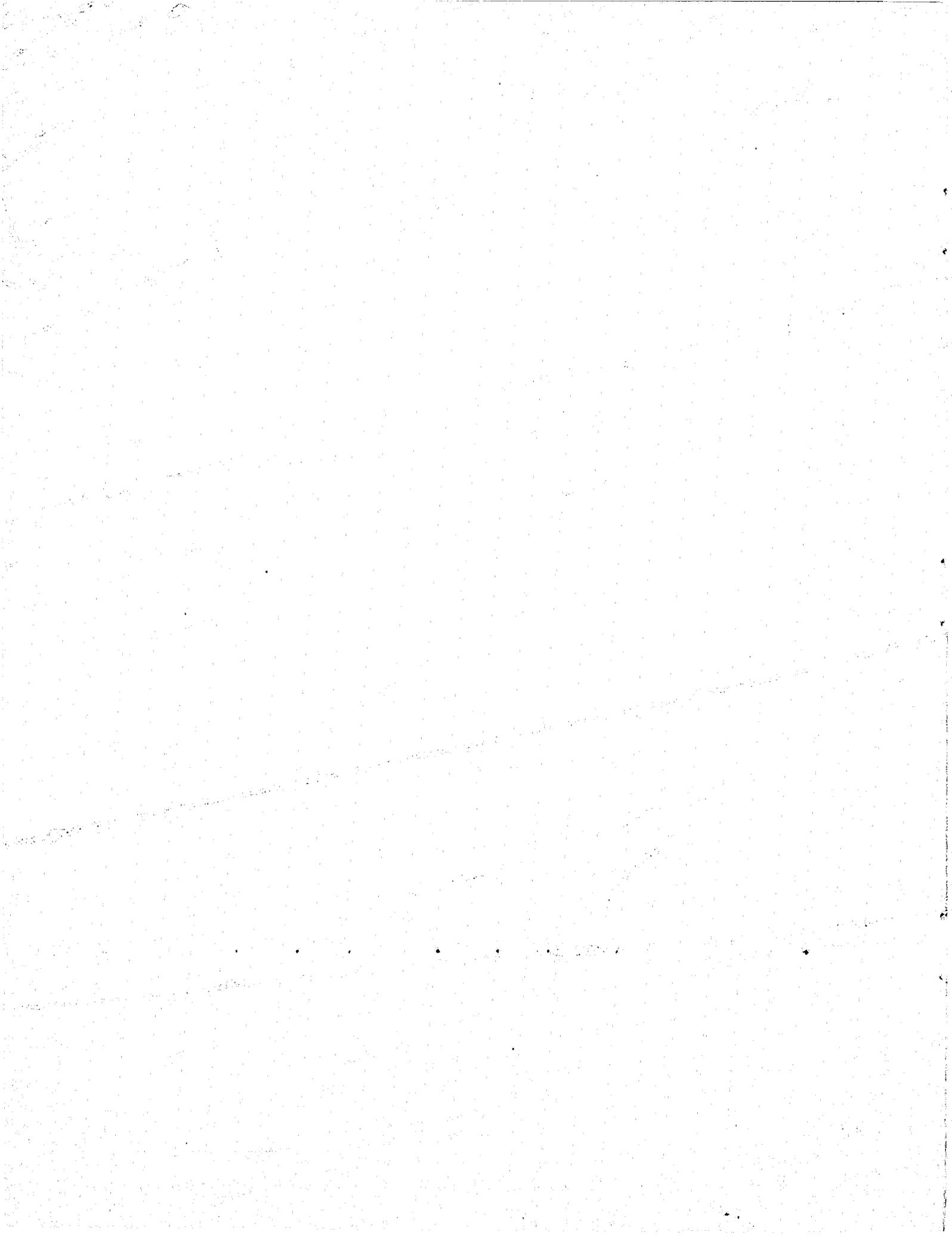
Section 1. K. S. A. 1975 Supp. 75-5231 is hereby amended to read as follows: 75-5231. There is hereby created and established the office of ombudsman of correctional institutions. Such ombudsman shall be appointed by the citizens' advisory board established by K. S. A. ~~1973~~ 1975 Supp. 75-5230, shall serve at the pleasure of such citizens' advisory board and shall act as secretary of such board. The compensation paid to such ombudsman shall be fixed by the citizens' advisory board subject to approval by the finance council. The director of architectural services shall provide the office of ombudsman with office space at Topeka. The ombudsman shall *may* appoint such ~~clerical personnel~~ *employees* as may be necessary to carry out the duties of the office of ombudsman of correctional institutions and as are within available appropriations, and such employees shall be in the ~~classified~~ *unclassified* service under the Kansas civil service act. Any misfeasance or discrepancy in administration or any unreasonable treatment of inmates at any correctional institution which such ombudsman discovers or the inmates bring to his *or her* attention shall be brought to the attention of the secretary of corrections and shall be made known in periodic reports and in an annual report issued by the ombudsman to the citizens' advisory board. The ombudsman shall forward direct complaints and grievances to the secretary of corrections for consideration by the secretary.

Sec. 2. K. S. A. 1975 Supp. 75-5231 is hereby repealed.

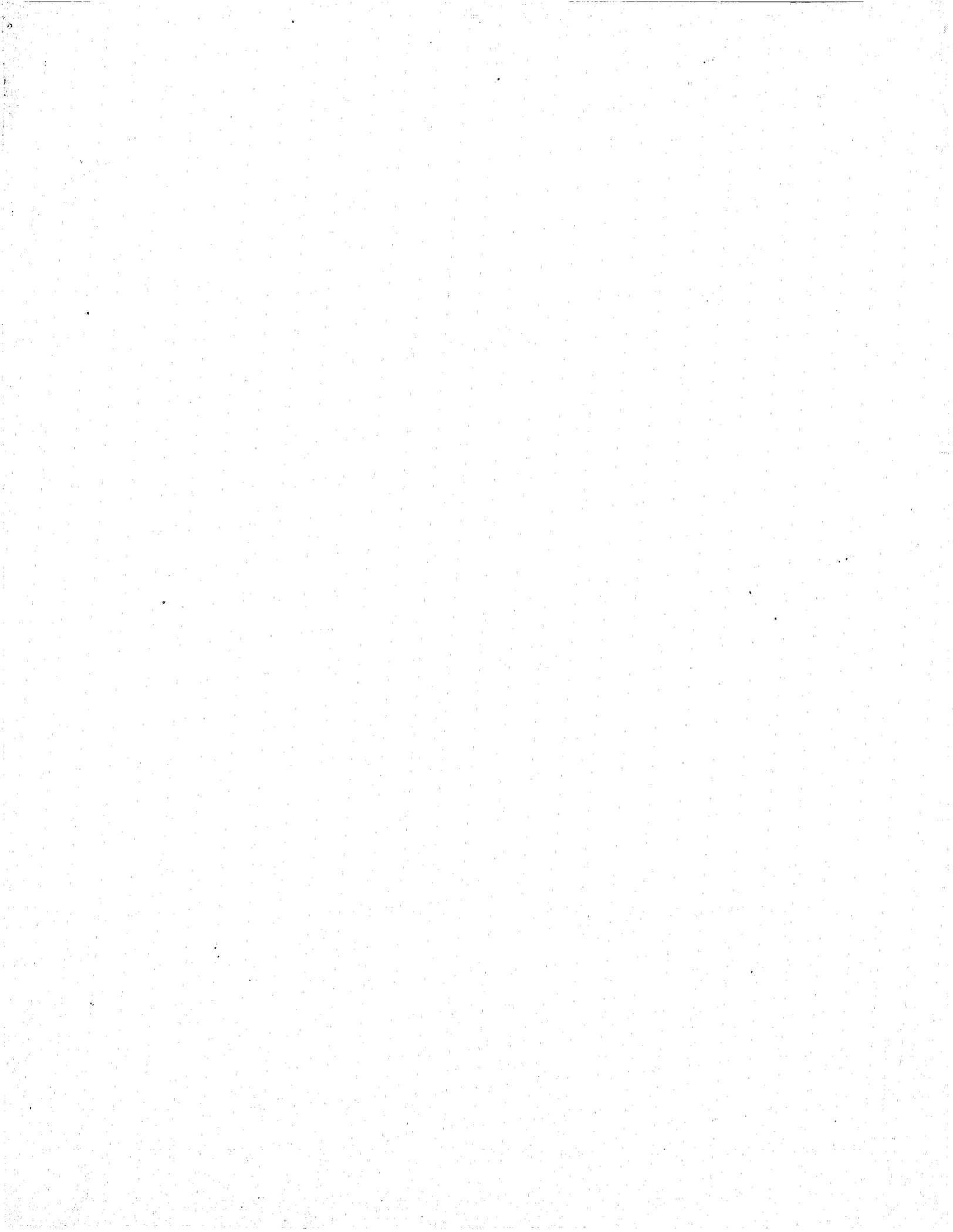
Sec. 3. This act shall take effect and be in force from and after its publication in the official state paper.

Approved May 4, 1976.

Published in the official state paper May 8, 1976.



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**END**