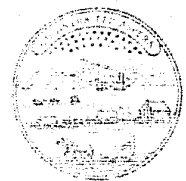


TENTH
ANNUAL
REPORT

OMBUDSMAN
FOR
CORRECTIONS



CORRECTIONS OMBUDSMAN BOARD
(Appointees as of June 30, 1987)

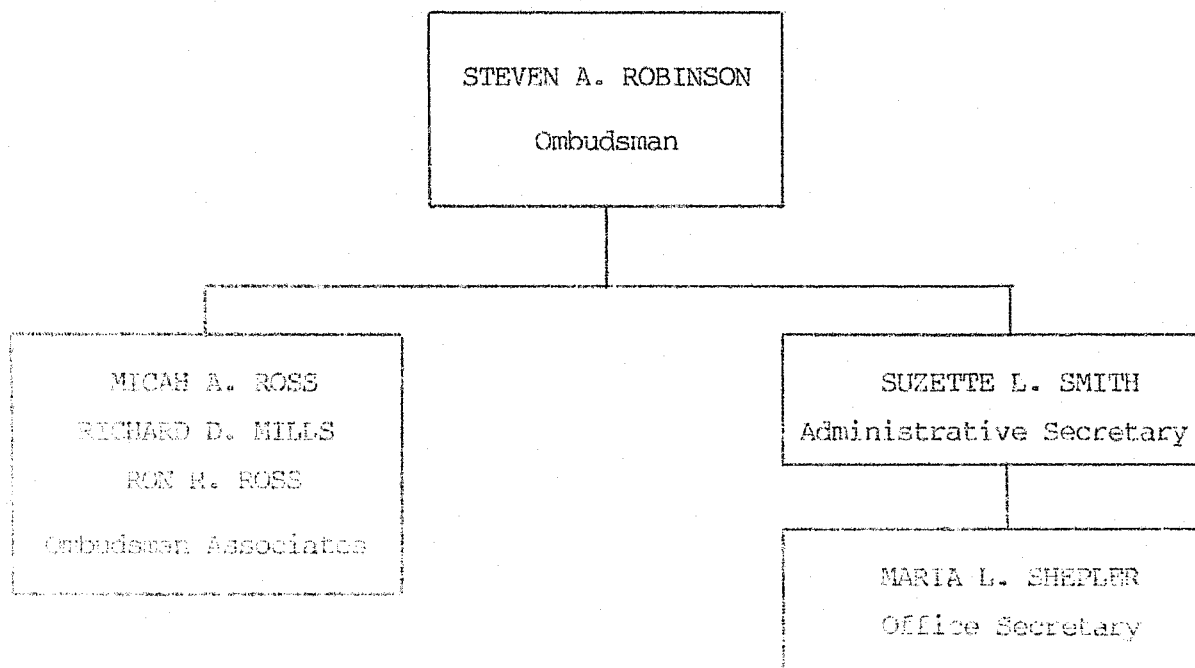
EXECUTIVE COMMITTEE

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(Attorney General Stephan)
Shari Caywood, Vice Chairperson
(Senate President Doyen)
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(Chief Justice Schroeder)

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(Senate President Doyen)
William Richards, Sr.
(Governor Carlin)
Representative Bob Wunsch
(Speaker Braden)

OFFICE OF THE OMBUDSMAN FOR CORRECTIONS
(As of June 30, 1987)



109486

TENTH ANNUAL REPORT
OF THE
OMBUDSMAN FOR CORRECTIONS
TO THE
CORRECTIONS OMBUDSMAN BOARD

FOR THE PERIOD
JULY 1, 1984 THROUGH JUNE 30, 1987

NCJRS
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ACQUISITIONS

**CORRECTIONS OMBUDSMAN BOARD
OFFICERS**

Barbara Owensby, R.N., Chairperson
Shari Caywood, Vice-Chairperson
Floyd Gaunt, Secretary



**OFFICE OF THE OMBUDSMAN
FOR CORRECTIONS**

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BOARD MEMBERS

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Bob Wunsch

STATE OF KANSAS

OMBUDSMAN

Steven A. Robinson

OMBUDSMAN ASSOCIATES

Micah A. Ross
Richard D. Mills
Ron R. Ross

M E M O R A N D U M

TO: Corrections Ombudsman Board

FROM: Steven A. Robinson, Ombudsman *SAR*

SUBJECT: Tenth Annual Report

DATE: January 22, 1988

In accordance with KSA 74-7403, I submit for your approval my combined Annual Report for Fiscal Years 1985 - 1987.

SAR:mls

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THE PROGRAM

Since its beginning in 1975, the Office of the Ombudsman for Corrections has been responsible for handling complaints from inmates and staff of the Kansas correctional institutions. The Office was established by statute and is separate from the Kansas Department of Corrections. As an independent agency, the role of the Ombudsman Office is that of an impartial finder of facts and an advocate of administrative justice and fairness.

Complaints are received from inmates and their families, corrections staff members, and correctional volunteers by mail, telephone, and personal contact during Ombudsman staff visits to the institutions. Some complaints are easily resolved by supplying information to the complainant. Other complaints require investigation. If the investigation of the Ombudsman Office shows that the procedure or practice complained about was appropriate and correct and within the published rules, regulations, policies and procedures of the Department of Corrections, the Ombudsman staff explains that to the complainant and the matter is closed. If, however, the investigation finds that the procedure or practice was contrary to the published rules, or that there are shortcomings in a procedure or practice, the Ombudsman recommends corrective action.

To say the Ombudsman "handles complaints," only tells a part of the story. Another function is that of impartial observer and monitor. During the course of institution visits, the Ombudsman staff may become aware of situations or practices that are problematic and may conduct investigations on their own initiative without having been contacted by a complainant. Additionally, an individual complaint (or a series of similar complaints) may lead to a study or investigation of a systemic issue that impacts many people. As an outsider, the Ombudsman is able to provide a different perspective in discussions with correctional administrators. This can lead to fresh ideas and innovative solutions to problems.

The Ombudsman is appointed by and accountable to the Corrections Ombudsman Board (COB). The ten-member Board is composed of two 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. Board members are appointed to a four-year term.

OVERVIEW OF FISCAL YEAR 1985

This year was fairly stable, without many changes occurring in the Office of the Ombudsman for Corrections. For the entire year the Office was fully staffed with three professional positions. This allowed for a reduction in the backlog of cases which had accumulated during the staff shortage in the previous fiscal year. The reduction was evidenced by the 27% increase in the number of cases closed (206) versus only a 14% increase in the number of cases opened during the year.

During the year, the Office did computerize its statistical data collection and analysis which allows the Office to collect a far greater number of statistics by which to assess its performance.

OVERVIEW OF FISCAL YEAR 1986

This was a year that brought two major changes for the Office. The first change was the relocation of the Office from its quarters for almost ten years in the New England Building at 503 Kansas Avenue. Effective July 1, 1985 the Office began operation from new quarters in the Crosby Place Mall at 717 Kansas Avenue.

The second major change was the resignation of Ms. Carol Keith as Ombudsman, effective December 31, 1985. Ms. Keith had been with the Office since January of 1981 and had been Ombudsman since April 1, 1984. Prior to her appointment as Ombudsman, she performed in an acting capacity for almost eight months.

Prior to Ms. Keith's departure from the Office, the Corrections Ombudsman Board appointed Mr. Steven A. Robinson, Ombudsman Associate, as Ombudsman effective January 1, 1986. Mr. Robinson joined the Office in May of 1983.

Because Ms. Keith's departure was anticipated, it enabled the Office to fill Mr. Robinson's vacated Ombudsman Associate position within three weeks of the vacancy. This, however, did not allow for a further reduction in the backlog of cases as was anticipated. Because the increase in the number of cases closed (7.3%) was offset by the increase in the number of cases opened (7.2%), the case backlog remained about the same as the previous fiscal year.

OVERVIEW OF FISCAL YEAR 1987

This again was a year of several staff changes within the Office. During the 1986 Legislative Session, funding was provided for an additional Ombudsman Associate position to be filled late in FY 1987. This position was the first professional staff increase since July of 1982 and would enable the establishment of a branch office in Hutchinson to occur in FY 1988, following a three month period of training in Topeka.

Just as that additional position was being advertised, the Ombudsman Associate hired in January of 1986 resigned, leaving two openings. In May of 1987, both positions were filled. In the almost five years between staff increases within the Office, the inmate population had grown over 110%.

During the fiscal year the number of cases opened decreased slightly and the number closed decreased even more so at 10%. Further, there were significant increases in the percentage of cases resolved both within seven days and within sixty days.

EXAMPLES OF COMPLAINTS

These case summaries show how the Ombudsman Office handles certain types of complaints. These particular examples were chosen because they reflect the five most frequent categories during Fiscal Years 1985-1987. An attempt has been made to avoid identifying the individuals and institutions involved by omitting names and referring to all complainants and correctional staff in the masculine gender. Additionally, all Ombudsman staff are referred to as the Ombudsman. All other information in these examples is factual. Definitions for the terms used for complaint and disposition categories can be found in Appendix I of this report.

Case #0241 -- Records

The Ombudsman received a letter from an inmate who on a number of occasions had requested without results that his counselor review with him his sentence computation. He said that he had been given four different computations since having his parole revoked on four new convictions. Because two of his sentences were to run consecutively and two were to run concurrently while being aggregated with his previous sentence, the process had become confusing. As a result, the inmate was given a minimum and a maximum release date, one and two years respectively, longer than he should have been.

During a visit to the institution a short time later, the Ombudsman reviewed the inmate's file. In the section for journal entries, an entry was found from the sentencing court that arrived at the institution after his records had been established. This entry verified that the inmate should have had a term less than had been given him. The Ombudsman took the file and journal entry to the records supervisor and asked to have it reviewed and corrected. The supervisor agreed to review the file, but made it clear that his current work load would keep him from the task indefinitely and asked to be given a few weeks.

During a subsequent visit to the institution some weeks later, the Ombudsman again attempted to review the inmate's file. Unable to find the file, the Ombudsman inquired with the records supervisor who informed him that the inmate had been transferred to another facility and that his records were being reviewed and corrected there. In a telephone interview with the records administrator where this inmate had been transferred, the Ombudsman learned that no mention had been made concerning this inmate's file. However, the administrator agreed to look into the matter and in a follow-up check of the inmate's file, the Ombudsman discovered that the appropriate corrections had been made.

Disposition -- Fully Rectified.

Case #0460 -- Disciplinary Procedure

While visiting an institution the Ombudsman was approached by an inmate who claimed he was denied access to the tape recording of his disciplinary hearing. Although the inmate wished to appeal the disciplinary action, he had been denied access by institution staff because by the time staff had received his request for the tape, the fifteen day time limit for making such a request had elapsed. The inmate claimed to have had difficulty in obtaining the necessary request form until the time limit had almost expired.

During a later visit with the institution's disciplinary staff the Ombudsman was informed that denial of appeals by institutional staff members was a common practice and that the recorded portion of this inmate's hearing had since been destroyed. According to their policy, the inmate should have had his appeal prepared while waiting for the tape recording. If the inmate wanted to appeal the case after the appeal time limit had lapsed, the Ombudsman would need to get special permission from the Department of Corrections' central office.

Because the inmate had submitted his request for the tape recording of hearing within the time limit, but the time limit had expired while the request was in distribution to the disciplinary administrator, the Ombudsman contacted the Department of Corrections' chief legal counsel. He was unaware that institutional staff were determining which appeals were being filed outside of the time limit. According to him, an inmate's appeal should always be forwarded to the Secretary of Corrections' office and should never be stopped by institutional staff. Once the appeal reached the Secretary's office, the Secretary or one of his designees would determine if the appeal would be accepted outside of the time limit. He agreed to issue a memorandum to all institutions to ensure their compliance with this practice.

Several days later the Ombudsman received a copy of the memorandum the chief legal counsel had agreed to issue. Much to the Ombudsman's satisfaction, it went further in its scope than the Ombudsman had requested. In addition to directing that determinations of accepting appeals out of time limits would be made at the Secretary level, it also directed institutional staff to forward appeals of disciplinary cases involving guilty pleas to the Secretary for determination of acceptance.

Following receipt of this memorandum, the inmate was contacted and told that although the tape recording of his disciplinary hearing was no longer available, he could still appeal his case to the Secretary. The inmate requested a copy of the handwritten summary of the hearing, in lieu of the tape recording, which the Ombudsman obtained and provided to the inmate.

Disposition -- Partially Rectified

Case #5900 -- Property Loss

A property loss complaint was forwarded to the Ombudsman from a legislative committee in which an inmate had incurred the loss of a radio/tape player. Apparently, the radio/tape player had been confiscated from another inmate and was to have been returned to the rightful owner once disciplinary action had been taken against the inmate in whose possession the radio had been found. The owner, however, never had his property returned.

In an interview with the Ombudsman, the owner verified the above information and stated that he had attempted to obtain the return of his radio but was told by staff that the serial numbers did not match those of the one registered to him and the radio/tape player would not be returned. A subsequent Department of Corrections property claim filed by the owner had been disapproved for the same reason.

The Ombudsman examined the radio being held in the evidence room and discovered that the radio was engraved with the complainant's inmate number, and the model number and serial number matched those noted in his central property file. The Ombudsman pointed out this discovery to the officer in charge of the evidence room, who then immediately returned the radio to the complainant.

Disposition -- Fully Rectified

Case #6206 -- Medical

The Ombudsman was contacted by a former office staff member concerning a phone call he had received about an inmate. He was unsure as to the exact nature of the inmate's problem and requested that the Ombudsman see the inmate.

Later, while at the institution, the Ombudsman saw the inmate who stated he was having difficulty receiving proper medical attention. He had injured his neck while playing basketball and as a result had lost all feeling and control of the right side of his face. Since the incident he had seen the institution physician several times, yet was told nothing could be done to relieve his condition. The Ombudsman agreed to pursue the issue for the inmate.

In reviewing the inmate's medical records the Ombudsman found that the physician had determined that the inmate's condition was not related to any sort of neck injury. However, no further action was recommended and no medication was prescribed. Therefore, the Ombudsman brought the matter to the attention of the infirmary administrator who agreed to reschedule the inmate to be seen by the physician for a possible referral to a neurologist.

The inmate was later seen by a neurologist who diagnosed the inmate to be suffering from a virus which caused the facial paralysis. As a result the inmate received the necessary medical care and slowly recovered full control of his facial muscles.

Disposition -- Fully Rectified.

Case #0063--Inter-Institutional Transfer

The Ombudsman received a letter from an inmate who had been denied acceptance at a work release facility and felt that he was being discriminated against. Several years before submitting his application, the inmate had been charged with an escape that was later dismissed. The inmate had been informed that this was the reason for the denial; however, according to regulations, since the charge was dismissed, it should not be used to deny his acceptance in the program.

On the inmate's behalf the Ombudsman took up this issue with the Department of Corrections' administrator responsible for approving and disapproving acceptance in work release. According to him, there was a backlog of inmates waiting to participate in the program who had been placed on continued status by the Parole Board. Because their possibility of being paroled depended on their participation in the work release program, these inmates are given priority for acceptance. The complainant had been denied because he had not been recommended for work release and was simply trying to gain admission on his own initiative. Thus, he was considered to be a low priority applicant. The Ombudsman then informed the complainant that he was being denied acceptance because of limited availability and the fact that he was in a low priority group, not because of the dismissed escape charge.

Disposition -- Unfounded

CLAIM INVESTIGATIONS

Claims for property loss or damage filed by inmates within the State system are referred to the Office of the Ombudsman by the Joint Committee on Special Claims Against the State. As a rule these claims have already been processed through the Department of Corrections claim procedure with negative results.

In Fiscal Year 1985 there were 26 claims accepted by the office for investigation, of which none were recommended for full reimbursement. Recommendations were made for partial reimbursement in 7 cases and denial in 15 cases. One case was withdrawn and the Office declined making a recommendation in 3 cases.

Accepted for investigation by the Office in Fiscal Year 1986 were 43 claims. Of those, 6 received a recommendation for full reimbursement, 12 for partial reimbursement, and 24 for denial. In 1 case the office declined making a recommendation.

Of the 33 cases accepted for investigation in Fiscal Year 1987, recommendation for full reimbursement occurred in 6 cases with partial reimbursement recommended in 3 cases and denial in 20 cases. Further, the office declined making a recommendation in 3 cases, and 1 case was carried over to the next fiscal year.

The following is an example of a report submitted during Fiscal Year 1987 to Senator Wint Winter, Chairman of the Joint Committee on Special Claims Against the State. Inmate and staff member names, as well as institution names and cellhouse designations, have been omitted.

Case #0154 - Property Loss Claim

November 7, 1986

Dear Senator Winter:

This report is in response to the \$125.00 property loss claim submitted by Mr. X, an inmate at a state correctional institution. This claim was accepted for investigation by our Office on August 29, 1986.

Claim

Mr. X claims that on June 24, 1986, while he was absent from his cell, his AM/FM stereo cassette player was stolen from the cell.

Department of Corrections' Findings

A Department of Corrections' claim was filed by Mr. X on June 25, 1986, and was denied by the Department on July 31, 1986 (copy enclosed). Basis for this decision was the Director's findings which states "K.A.R. 44-16-105 states that an inmate owns personal property at his own risk. Loss or damage of personal property shall not provide a basis for recovery on a claim unless the loss or damage directly resulted from the intentional or negligent act of a correctional employee. There is no accusation nor is there evidence in the investigation that there was any negligence on the part of a correctional employee."

Ombudsman Office Findings

In an interview with Ombudsman Office staff, Mr. X stated that at the time of his loss he lived in a six-man cell. Mr. X stated that as everyone in the cell went to breakfast together, the officer on duty opened all the cell doors of his tier at once, allowing all of the inmates to exit their cells at the same time. Mr. X further stated that when he and the other inmates left the tier, they exited in two different directions. Some inmates left the tier using the stairs at the front of the cellhouse by the lock box where the officer is stationed, while others left by going down the stairwell to the rear of the cellhouse directly in front of Mr. X's cell. About thirty minutes later, following breakfast, he and his cell partners returned to their cell. Mr. X stated that he went to his bunk and reached to turn on his stereo, but found it missing. Mr. X stated that he then checked the entire cell to find the stereo. Later, he notified the officer on duty of the loss of his stereo, and was informed that a report would be written for the next shift to conduct an investigation. Mr. X further stated that several hours later, he went to the unit team office and spoke with Correctional Counselor A who instructed Mr. X to file a property claim. After speaking with Mr. A, Mr. X went to the sergeant's office and spoke with Sergeant B about the stereo. Mr. X learned from Sergeant B that earlier an orderly had informed him that Mr. X's stereo was in the trash and after it was recovered, was turned over to the Intelligence and Investigation Section. Mr. X stated that his stereo was a Sharp AM/FM cassette, gray in color with two speakers in the front and two speakers in the back. Mr. X feels that someone entered his cell and took his stereo because it was too large to have been pulled between the cell bars, although he kept it at the head of his bunk near the bars. Mr. X further stated that he does not know the exact price his parents paid for the stereo and although he is claiming \$125.00, he feels that the actual price was more.

A check of Mr. X's central property file indicated that a Sharp AM/FM cassette, gray, manufacturer's serial number 40307205, model #GF4343, was registered to him on March 7, 1986. Also located was a Department of Corrections Inmate Property Receipt form from a work release facility. It shows that Mr. X received a Sharp cassette recorder, model #GF4343, from another inmate at that facility. The

form was signed and dated by Mr. X on November 11, 1986. Subsequent to the review of his property record, Mr. X was questioned concerning the source of his stereo cassette player. Mr. X further maintained that he received the stereo from his parents while on furlough.

An interview was conducted with an inmate who was one of Mr. X's cell partners at the time of the loss. He stated that he left the cell and ate breakfast at the same time as Mr. X. He further stated that the officer on duty opened all of the cell doors on the tier at the same time, and that three other tiers were allowed to go to breakfast at once. He provided the same information as Mr. X regarding the location of the claimed stereo and the manner in which inmates left the tier for breakfast. He stated that the stereo was in the cell because they had been listening to it prior to being released from the cell for breakfast. He also recalled that Mr. X notified officers immediately after discovering the stereo missing and overheard him speaking with an officer about filling out a property claim.

An interview was conducted with another inmate who was a cell partner of Mr. X at the time the loss occurred. He provided substantially the same information as Mr. X and the other inmate interviewed but added that he believed that the door of the cell must have been opened in order for someone to have stolen the radio, as its size would have made it difficult for someone to have pulled it between the cell bars.

An interview was then conducted with Correctional Officer C who informed Ombudsman Office staff that this incident happened during the latter part of the 10-6 shift. He reported for work on the 6-2 shift and was informed of the loss when he came on duty. Officer C stated that an inmate informed staff that Mr. X had trashed the stereo because it was not working and was going to later file a claim. After investigating, correctional staff found parts of the stereo case which bore Mr. X's inmate number. Officer C could not provide any further information because of the length of time since the incident.

An interview was conducted with the Cellhouse Sergeant who worked the 6-2 shift the day Mr. X's stereo was stolen. Sergeant B informed Ombudsman Office staff that after reporting on shift, he was informed by an inmate that Mr. X's stereo had been stolen. He further stated that they recovered the back casing of the stereo bearing Mr. X's number from a trash can in the cellhouse, but found no other parts. Sergeant B explained that he had received word that Mr. X had trashed the stereo, after scavaging and giving away parts for a tattoo gun.

An interview was conducted with Correctional Officer D, who was the officer on duty when this loss occurred. Officer C stated that he had opened the cell doors of Mr. X's tier for breakfast, and that he opened the rear half of the cell doors first and the front half last. Officer D also stated that it would have been difficult for someone to have stolen the stereo unless it was taken by one of the cell partners and given away. This was because he remembered that two of the cell

partners stayed in the cell and did not go to breakfast on the day of this loss.

A local retail store was contacted to verify the cost of a Sharp AM/FM cassette tape player of the same model. Ombudsman Office staff learned that their store catalog listed a price of \$70.00 for that model.

Recommendation

Based on the information gathered, Mr. X may have sustained a loss of property during the time of mass cellhouse movement when all or most of the cell doors on a tier are opened at one time. This situation makes it possible for an inmate to leave his cell and gain entry into another cell without detection, before the cell doors are closed. However, the information and documentation gathered is conflicting. Mr. X claims that his parents purchased the claimed radio, but documentation from his property file indicates it was received from another inmate at a work release facility. Two of his cell partners have substantiated Mr. X's possession of the stereo and the information that all of the cell doors on the tier were opened at once. However, the officer who opened the cell doors stated only half of the cell doors on the tier were opened at one time and two of Mr. X's cell partners remained in the cell during breakfast. Also, two officers recalled that an inmate, who neither can remember, provided information to them that Mr. X himself disposed of the stereo in order to file a claim. Therefore, because of the conflicting statements and documentation gathered, we respectfully decline making a recommendation on this claim.

I hope this information will be of some assistance to the Committee in making a decision on this claim. If further information is needed, please contact me.

Sincerely,

Committee action: Voted to deny claim.

STATISTICAL PRESENTATION

The following statistical sections provide an overview of the Office's complaint handling during fiscal years 1985-1987. This data not only provides an accountability of office activity to the Corrections Ombudsman Board and others, but also provides a means by which the office staff can measure the effectiveness of complaint handling and identify various problem areas. Definitions for the categories and dispositions are provided in Appendix I.

It should be noted that a fiscal year is from July 1 to June 30 of the following year. There will be a difference in the number of cases opened in a fiscal year and the number of cases closed. A majority of cases opened during a fiscal year are closed during that same year as well as cases carried over from previous fiscal years. One will also note a difference in the figures regarding the number of cases closed and the number of "complaints." This is because although a majority of cases are "complaints" requiring an investigation of some sort, there is always a certain percentage of cases which request that the Office provide "information" only.

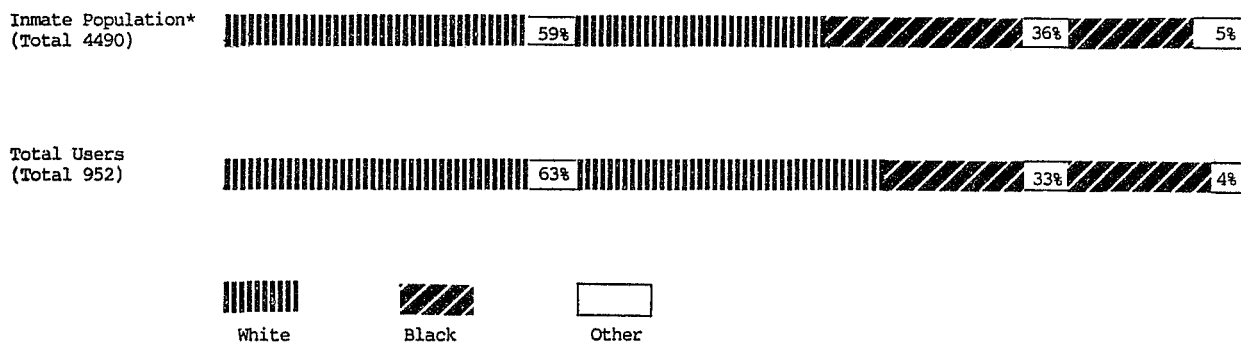
FY 1985

In FY 1985 the Ombudsman Office received a total of 941 cases, which represented a 14% increase over the 824 received during FY 1984. There were a total of 952 cases closed in FY 1985. Of these, 892 were complaint cases and 60 were information cases. A majority of these requests for information were in the categories of "property issues," "inter-institutional transfers," "KPB" and "other." The 952 cases closed represents a 28% increase over the number closed in FY 1984.

Each year the Ombudsman Office collects data on the race of inmate users of the Office and compares that to the racial breakdown of the Department of Corrections' inmate population. (Figure 1) This is done to evaluate the Office's distribution of services among racial groups.

FIGURE 1

RACIAL DISTRIBUTION OF OFFICE USERS
COMPARED TO INMATE POPULATION ON JUNE 30, 1985



*Data provided by Department of Corrections

For those unfamiliar with the operation of the Office, Figure 2 provides a categorical listing of the types of complaints handled. The overall rankings may or may not correspond with the rankings at the individual institutions. Again this fiscal year, "medical" complaints were the most frequent, followed closely by "property issues." There were no significant increases noted in complaint categories over FY 1984. The most significant decreases can be noted in the categories of "basic needs" and "grievance procedure," with only half as many complaints received in those categories during the year.

FIGURE 2
Complaints by Category FY 1985

<u>CATEGORIES</u>	<u>OVERALL RANK</u>	<u>KSP</u>	<u>KSIR</u>	<u>KCIL</u>	<u>OTHER</u>
Medical	125 (14.01)	90 (16.36)	18 (7.73)	14 (35.00)	3 (4.35)
Property Issues	104 (11.66)	85 (15.45)	10 (4.29)	1 (2.50)	8 (11.59)
Inter-Institutional Transfer	76 (8.52)	40 (7.27)	25 (10.73)	3 (7.50)	8 (11.59)
Records	75 (8.41)	51 (9.27)	17 (7.30)	1 (2.50)	6 (8.69)
Disciplinary Procedure	70 (7.85)	31 (5.64)	33 (14.16)	0 (0)	6 (8.69)
Custody Status	51 (5.72)	24 (4.36)	22 (9.44)	4 (10.00)	1 (1.45)
Outside Jurisdiction	41 (4.60)	17 (3.09)	16 (6.87)	5 (12.50)	3 (4.35)
Programs	41 (4.60)	23 (4.18)	13 (5.58)	1 (2.50)	4 (5.80)
Versus Staff	40 (4.48)	25 (4.55)	11 (4.72)	0 (0)	4 (5.80)
Daily Routine	39 (4.37)	30 (5.45)	8 (3.43)	0 (0)	1 (1.45)
KPB	26 (2.91)	14 (2.55)	10 (4.29)	0 (0)	2 (2.90)
Parole/DOC	25 (2.80)	12 (2.18)	10 (4.29)	0 (0)	3 (4.35)
Complaint of Staff	25 (2.80)	13 (2.36)	4 (1.72)	3 (7.50)	5 (7.25)
Unknown	18 (2.02)	16 (2.91)	2 (<1)	0 (0)	0 (0)
Counseling/Mental Health	16 (1.79)	13 (2.36)	2 (<1)	1 (2.50)	0 (0)
Other	15 (1.68)	7 (1.27)	3 (1.29)	2 (5.00)	3 (4.35)
Temporary Release	15 (1.68)	6 (1.09)	2 (<1)	1 (2.50)	6 (8.69)
Visiting	15 (1.68)	8 (1.45)	5 (2.15)	1 (2.50)	1 (1.45)
Physical Threat/Abuse	15 (1.68)	8 (1.45)	5 (2.15)	2 (5.00)	0 (0)
Grievance Procedure	14 (1.57)	8 (1.45)	6 (2.58)	0 (0)	0 (0)
Mail	12 (1.35)	8 (1.45)	3 (1.29)	1 (2.50)	1 (1.45)
Parole Eligibility	12 (1.35)	8 (1.45)	3 (1.29)	0 (0)	3 (4.35)
Legal	11 (1.23)	6 (1.09)	2 (<1)	0 (0)	0 (0)
Basic Needs	7 (<1)	5 (<1)	1 (<1)	0 (0)	1 (1.45)
Property Claims	4 (<1)	2 (<1)	2 (<1)	0 (0)	0 (0)
TOTALS	892 (100%)	550 (100%)	233 (100%)	40 (100%)	69 (100%)

The disposition of complaint cases closed in FY 1985 is depicted in Figure 3. There was a slight increase in the number of complaints requiring direct intervention with over a 7% increase in those complaints determined to be unfounded. It should be noted that a positive correlation exists between the amount of staff time spent at the various institutions and the type of intervention the Office can provide. At KSP where the majority of staff time is devoted, there were over 10% more cases involving direct intervention as compared to KSIR, where much less staff time was spent. Further, the percentage of cases at KSIR involving direct intervention increased about 14.5% over FY 1984.

FIGURE 3
DISPOSITION OF COMPLAINT FY 1985

DISPOSITIONS	ALL				
	DISPOSITIONS	KSP	KSIR	KCIL	OTHER
<u>Direct Intervention</u>					
Fully Rectified	138 (15.47)	99 (18.00)	29 (12.45)	4 (10.00)	6 (8.70)
Partially Rectified	22 (2.47)	18 (3.27)	0 (0)	4 (10.00)	0 (0)
Not Rectified	22 (2.47)	18 (3.27)	1 (.43)	1 (2.50)	2 (2.90)
Unfounded	188 (21.08)	118 (21.45)	52 (22.32)	3 (7.50)	15 (21.74)
Sub-Total	370 (41.48)	253 (45.99)	82 (35.20)	12 (30.00)	23 (33.34)
<u>Indirect Intervention</u>					
Observed/Monitored	39 (4.37)	25 (4.55)	4 (1.70)	7 (17.50)	3 (4.35)
Information	145 (16.26)	80 (14.55)	41 (17.60)	8 (20.00)	16 (23.19)
Referral	17 (1.91)	9 (1.64)	5 (2.15)	2 (5.00)	1 (1.45)
Sub-Total	201 (22.53)	114 (20.74)	50 (21.45)	17 (42.50)	20 (28.99)
<u>Incompleted Intervention</u>					
Declined	121 (13.57)	61 (11.09)	44 (18.88)	4 (10.00)	12 (17.38)
Withdrawn	83 (9.30)	56 (10.18)	15 (6.44)	3 (7.50)	9 (13.04)
Discontinued	34 (3.81)	24 (4.36)	6 (2.58)	3 (7.50)	1 (1.45)
Solved Prior	83 (9.30)	42 (7.64)	36 (15.45)	1 (2.50)	4 (5.80)
Sub-Total	321 (35.99)	183 (33.27)	101 (43.35)	11 (27.50)	26 (37.67)
TOTALS	892 (100%)	550 (100%)	233 (100%)	40 (100%)	69 (100%)

For FY 1985, the Ombudsman Office began looking at even more data to define its operation. Figures 4-6 present some interesting data as to the time it took the Office to make a "first response," to take a "first action" and to complete cases. A first response is the number of days elapsed between the Office receiving a complaint or inquiry and making a response to the complainant or person regarding the inquiry. Days to first action are the number of days between receipt of a complaint and when Office staff actually begin resolving a complaint. Days to completion are the number of days taken for a case to reach resolution.

FIGURE 4
Days to First Response FY 1985

Days	Frequency	Percent
0-7	560	58.80
8-14	150	15.80
15+	211	22.20
No Response	31	3.20
TOTALS	952*	100%

FIGURE 5
Days to First Action FY 1985

Days	Frequency	Percent
0-7	419	46.97
8-14	156	17.49
15-30	137	15.36
31+	180	20.18
TOTALS	892**	100%

FIGURE 6
Days to Completion FY 1985

Days	Frequency	Percent
0-7	157	17.60
8-14	83	9.30
15-30	179	20.07
31-60	207	23.21
61-120	154	17.26
121+	112	12.56
TOTALS	892**	100%

*includes both complaint and information cases
**includes complaint cases only

In FY 1985 the average number of contacts made per case was 5.97 with a total of 5,687 contacts made. This represented a decrease from FY 1984 when an average of 6.5 contacts per case were made.

Another interesting piece of data was collected in FY 1985. Of the 892 complaints and 60 information cases received by the Office, 41.7% were from individuals contacting the Office for the first time, while 58.3% were from individuals who had previously used the services provided by the Ombudsman.

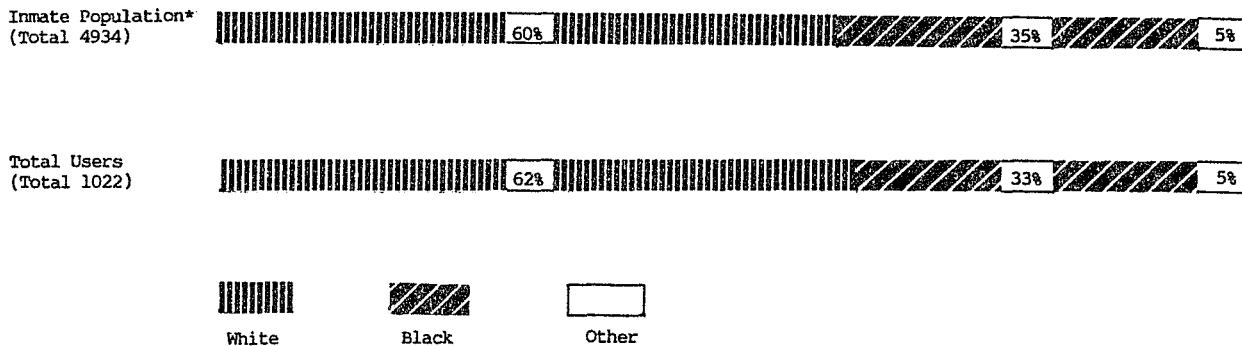
FY 1986

In FY 1986 the data collected did not indicate any significant differences from that collected in FY 1985. There were 1009 cases received versus 941 the previous fiscal year, an increase of 7.2%. A total of 1022 cases were closed during the year versus 952 in FY 1985. Of those closed, 936 were complaint cases and 86 were requests for information, the majority of which concerned "property issues," "records," "inter-institutional transfers," "KPB" or "other."

Figure 1 indicates that the Office's distribution of services among racial groups remained fairly balanced in comparison to the inmate population.

FIGURE 1

RACIAL DISTRIBUTION OF OFFICE USERS
COMPARED TO INMATE POPULATION ON JUNE 30, 1986



*Data provided by Department of Corrections

For the first year since FY 1982, "medical" complaints were not the most frequent complaint category (Figure 2), as "property issues" rose 3.19% and took the top position. "Medical" complaints did, however, only drop to the second place position with a 3.54% decrease in frequency. "Records" dropped from fourth to sixth, "KPB" rose from eleventh to eighth and "basic needs" rose from twenty-fourth to seventeenth among complaint categories.

FIGURE 2
Complaints by Category FY 1986

Categories	Overall Rank	KSP	KSIR	KCIL	OTHER
Property Issues	139 (14.85)	113 (19.55)	17 (6.59)	1 (2.56)	8 (13.11)
Medical	98 (10.47)	59 (10.21)	27 (10.47)	9 (23.08)	3 (4.92)
Inter-Institutional Transfers	66 (7.05)	41 (7.09)	22 (8.53)	0 (0)	3 (4.92)
Disciplinary Procedure Versus Staff	66 (7.05)	26 (4.50)	32 (12.40)	4 (10.26)	4 (6.56)
Records	65 (6.94)	26 (4.50)	26 (10.08)	6 (15.38)	7 (11.48)
Custody Status	54 (5.77)	39 (6.75)	13 (5.04)	1 (2.56)	1 (1.64)
KPB	51 (5.45)	32 (5.54)	17 (6.59)	2 (5.13)	0 (0)
Daily Routine	46 (4.91)	22 (3.81)	20 (7.75)	0 (0)	4 (6.56)
Parole/DOC	41 (4.38)	26 (4.50)	12 (4.65)	2 (5.13)	1 (1.64)
Programs	39 (4.17)	23 (3.98)	9 (3.49)	1 (2.56)	6 (9.84)
Outside Jurisdiction	38 (4.06)	17 (2.94)	15 (5.81)	1 (2.56)	5 (8.20)
Other	32 (3.42)	13 (2.25)	11 (4.26)	2 (5.13)	6 (9.84)
Visiting	28 (2.99)	15 (2.60)	8 (3.10)	1 (2.56)	4 (6.56)
Unknown	24 (2.56)	17 (2.94)	6 (2.33)	0 (0)	1 (1.64)
Parole Eligibility	21 (2.24)	15 (2.60)	3 (1.16)	2 (5.13)	1 (1.64)
Basic Needs	20 (2.14)	17 (2.94)	1 (<1)	1 (2.56)	1 (1.64)
Counseling/Mental Health	19 (2.03)	16 (2.77)	1 (<1)	2 (5.13)	0 (0)
Mail	18 (1.92)	17 (2.94)	1 (<1)	0 (0)	0 (0)
Physical Threat/Abuse	17 (1.82)	13 (2.25)	4 (1.55)	0 (0)	0 (0)
Temporary Release	16 (1.71)	13 (2.25)	2 (<1)	1 (2.56)	0 (0)
Grievance Procedure	11 (1.18)	3 (<1)	3 (1.16)	2 (5.13)	3 (4.92)
Complaint of Staff	10 (1.07)	8 (1.38)	2 (<1)	0 (0)	0 (0)
Legal	7 (<1)	2 (<1)	1 (<1)	1 (2.56)	3 (4.92)
Property Claims	6 (<1)	3 (<1)	3 (1.16)	0 (0)	0 (0)
	4 (<1)	2 (<1)	2 (<1)	0 (0)	0 (0)
TOTALS	936 (100%)	578 (100%)	258 (100%)	39 (100%)	61 (100%)

As shown in Figure 3 there was a significant drop (7%) from the previous fiscal year in the number of cases requiring direct intervention. Of further note was a 15% increase in dispositions involving incompleted intervention.

FIGURE 3
Disposition by Complaint FY 1986

DISPOSITIONS	ALL DISPOSITIONS	KSP	KSIR	KCIL	OTHER
<u>Direct Intervention</u>					
Fully Rectified	129 (13.78)	83 (14.36)	28 (10.85)	8 (20.51)	10 (16.39)
Partially Rectified	7 (.75)	4 (.69)	2 (.78)	1 (2.56)	0 (0)
Not Rectified	10 (1.07)	5 (.87)	5 (1.94)	0 (0)	0 (0)
Unfounded	178 (19.02)	119 (20.59)	48 (18.60)	3 (7.69)	8 (13.11)
Sub-Total	324 (34.62)	103 (36.50)	83 (32.17)	12 (30.76)	18 (29.50)
<u>Indirect Intervention</u>					
Observed/Monitored	31 (3.31)	19 (3.29)	11 (4.26)	0 (0)	1 (1.64)
Information	81 (8.65)	46 (7.97)	21 (8.14)	1 (2.56)	13 (21.31)
Referral	19 (2.03)	8 (1.38)	5 (1.94)	2 (5.13)	4 (6.56)
Sub-Total	131 (14.00)	73 (12.64)	37 (14.34)	3 (7.69)	18 (29.51)
<u>Incompleted Intervention</u>					
Declined	117 (12.50)	67 (11.59)	36 (13.95)	5 (12.82)	9 (14.75)
Withdrawn	146 (15.60)	79 (13.67)	54 (20.93)	8 (20.51)	5 (8.20)
Discontinued	126 (13.46)	91 (15.74)	21 (8.14)	7 (17.95)	7 (11.48)
Solved Prior	92 (9.83)	57 (9.86)	27 (10.47)	4 (10.27)	4 (6.56)
Sub-Total	481 (51.39)	294 (50.86)	138 (53.49)	24 (61.55)	25 (40.99)
TOTALS	936 (100%)	578 (100%)	258 (100%)	39 (100%)	61 (100%)

During FY 1986, first response time dropped 6% for responses made within seven days and 3% for those in the 8-14 day time frame (Figure 4). Further, as shown in Figure 5, there was a 15% decrease from FY 1985 in the number of cases in which a first action was made within seven days. However, the number of days taken to actually resolve those complaints closed in FY 1986 remained fairly constant (Figure 6). The most significant difference was that about 10% more complaints required more than 121 days to complete in FY 1986 versus the previous fiscal year.

FIGURE 4 Days to First Response FY 1986			FIGURE 5 Days to First Action FY 1986			FIGURE 6 Days to Completion FY 1986		
Days	Frequency	Percent	Days	Frequency	Percent	Days	Frequency	Percent
0-7	539	52.70	0-7	303	32.37	0-7	149	15.92
8-14	132	12.90	8-14	122	13.03	8-14	91	9.72
15+	269	26.30	15-30	135	14.42	15-30	137	14.64
No Response	82	8.10	31+	376	40.18	31-60	165	17.63
TOTALS	1022*	100%	TOTALS	936**	100%	61-120	185	19.76
						121+	209	22.33
						TOTALS	936**	100%

*includes both complaint and informaton cases
**includes complaint cases only

The average number of contacts per complaint was again down in FY 1986 by 0.17 to 5.8 contacts with a total of 5,928 contacts made. The percentage of first-time users of the Office (40.7%) versus repeat users (59.3%) both remained within 1% of the previous fiscal year.

FY 1987

The number of cases received in FY 1987 was down about 4% from the previous year to 971. During the year, 912 cases were closed, 100 of which were information. As seen in other years, information was most frequently sought in the categories of "records," "inter-institutional transfers," "KPB" and "other." For the first time "outside jurisdiction" joined the top requests for information.

In FY 1987 a number of changes occurred in the data collected by the Ombudsman Office. However, the racial breakdown of inmate population versus users of the Office remained relatively the same (Figure 1). The only real change being that nearly 1,100 more individuals were incarcerated in FY 1987 than in FY 1985 and 652 more than FY 1986.

FIGURE 1

RACIAL DISTRIBUTION OF OFFICE USERS
COMPARED TO INMATE POPULATION ON JUNE 30, 1987



*Data provided by Department of Corrections

A major change in FY 1987 Complaints by Category (Figure 2) was that for the first time in five years "medical" was not among the top two most frequent complaint categories, dropping to third place. "Disciplinary procedure" replaced it as one of the top two issues and "property issues" held the top complaint category for the second year in a row. Another significant change was that complaints "versus staff" dropped from fifth in FY 1986 to seventh during the fiscal year. The actual number and percentage of cases received from KSP and KSIR decreased slightly, with a slight increase in cases at KCIL and close to a 4% increase from "other institutions."

FIGURE 2
Complaints by Category FY 1987

Categories	Overall Rank	KSP	KSIR	KCIL	OTHER
Property Issue	108 (13.30)	85 (18.01)	18 (8.22)	1 (2.44)	4 (5.00)
Disciplinary Procedure	76 (9.36)	28 (5.93)	34 (15.53)	9 (21.95)	5 (6.25)
Medical	70 (8.62)	42 (8.90)	18 (8.22)	6 (14.63)	4 (5.00)
Records	65 (8.00)	36 (7.63)	25 (11.42)	1 (2.44)	3 (3.75)
Inter-Institutional Transfer	51 (6.28)	22 (4.66)	15 (6.85)	1 (2.44)	13 (16.25)
Custody Status	49 (6.03)	33 (6.99)	14 (6.39)	1 (2.44)	1 (1.25)
Versus Staff	41 (5.05)	17 (3.60)	17 (7.76)	5 (12.20)	2 (2.50)
KPB	39 (4.80)	18 (3.81)	13 (5.94)	3 (7.32)	5 (6.25)
Outside Jurisdiction	36 (4.43)	15 (3.18)	11 (5.02)	0 (0)	10 (12.50)
Unknown	35 (4.31)	27 (5.72)	5 (2.28)	2 (4.88)	1 (1.25)
Daily Routine	31 (3.82)	16 (3.39)	15 (6.85)	0 (0)	0 (0)
Visiting	30 (3.69)	23 (4.87)	5 (2.28)	0 (0)	2 (2.50)
Other	27 (3.33)	15 (3.18)	8 (3.65)	0 (0)	4 (5.00)
Programs	26 (3.20)	20 (4.24)	5 (2.28)	1 (2.44)	0 (0)
Counseling/ Mental Health	18 (2.22)	12 (2.54)	3 (1.37)	2 (4.88)	1 (1.25)
Parole/DOC	17 (2.09)	3 (<1)	5 (2.28)	1 (2.44)	8 (10.00)
Physical Threat/ Abuse	16 (1.97)	14 (2.97)	0 (0)	2 (4.88)	0 (0)
Basic Needs	15 (1.85)	8 (1.69)	3 (1.37)	3 (7.32)	1 (1.25)
Temporary Release	14 (1.72)	5 (1.06)	1 (<1)	2 (4.88)	6 (7.50)
Grievance Procedure	13 (1.60)	5 (1.06)	2 (<1)	1 (2.44)	5 (6.25)
Mail	11 (1.35)	10 (2.12)	1 (<1)	0 (0)	0 (0)
Parole Eligibility	10 (1.23)	10 (2.12)	0 (0)	0 (0)	0 (0)
Complaint of Staff	7 (<1)	2 (<1)	1 (<1)	0 (0)	4 (5.00)
Property Claims	5 (<1)	5 (1.06)	0 (0)	0 (0)	0 (0)
Legal	2 (<1)	1 (<1)	0 (0)	0 (0)	1 (1.25)
TOTALS	812 (100%)	472 (100%)	219 (100%)	41 (100%)	80 (100%)

As indicated in Figure 3, there was a 5% increase in cases determined to be unfounded in FY 1987, with a significant increase of 10% in complaints which required "information." Of further note, the number of cases "discontinued" was down by 10% in this fiscal year.

FIGURE 3

Disposition of Complaint FY 1987

<u>DISPOSITIONS</u>	<u>ALL DISPOSITIONS</u>	<u>KSP</u>	<u>KSIR</u>	<u>KCIL</u>	<u>OTHER</u>
<u>Direct Intervention</u>					
Fully Rectified	58 (7.14)	43 (9.11)	12 (5.48)	1 (2.44)	2 (2.50)
Partially Rectified	7 (.86)	4 (.85)	3 (1.37)	0 (0)	0 (0)
Not Rectified	11 (1.35)	3 (.64)	2 (.91)	2 (4.88)	4 (5.00)
Unfounded	201 (24.75)	115 (24.36)	52 (23.74)	12 (29.26)	22 (27.50)
Sub-Total	277 (34.10)	165 (34.96)	69 (31.50)	15 (36.58)	29 (35.00)
<u>Indirect Intervention</u>					
Observed/Monitored	32 (3.94)	17 (3.60)	9 (4.11)	3 (7.32)	3 (3.75)
Information	148 (18.23)	82 (17.37)	44 (20.09)	5 (12.20)	17 (21.25)
Referral	13 (1.60)	7 (1.45)	3 (1.37)	1 (2.44)	2 (2.50)
Sub-Total	193 (23.77)	106 (22.42)	56 (25.57)	9 (21.96)	22 (27.50)
<u>Incompleted Intervention</u>					
Declined	112 (13.79)	62 (13.14)	34 (15.53)	6 (14.63)	10 (12.50)
Withdrawn	130 (16.01)	87 (18.43)	29 (13.24)	5 (14.63)	8 (10.00)
Discontinued	27 (3.33)	12 (2.58)	9 (4.11)	2 (4.88)	4 (5.00)
Solved Prior	73 (8.99)	40 (8.47)	22 (10.05)	3 (7.32)	8 (10.00)
Sub-Total	342 (42.12)	201 (42.62)	94 (42.93)	17 (41.46)	30 (37.50)
TOTALS	812 (100%)	472 (100%)	219 (100%)	41 (100%)	80 (100%)

During the year there was a significant increase (20%) in the number of cases responded to within the first seven days (Figure 4). However, as shown in Figure 5, providing a "First Action" within seven days fell almost 4% with an 8% increase in the number of cases which had a first action occurring more than 31 days after receipt. Also significant in FY 1987 was a 7% increase in cases completed within seven days and almost 13% more cases completed within 60 days (Figure 6).

FIGURE 4

Days to First Response FY 1987

<u>Days</u>	<u>Frequency</u>	<u>Percent</u>
0-7	660	72.40
8-14	79	8.70
15+	148	16.20
No Response	25	2.70
TOTALS	912*	100%

FIGURE 5

Days to First Action FY 1987

<u>Days</u>	<u>Frequency</u>	<u>Percent</u>
0-7	232	28.57
8-14	84	10.34
15-30	103	12.68
31+	393	48.41
TOTALS	812**	100%

FIGURE 6

Days to Completion FY 1987

<u>Days</u>	<u>Frequency</u>	<u>Percent</u>
0-7	186	22.91
8-14	80	9.85
15-30	137	16.87
31-60	171	21.06
61-120	116	14.29
121+	122	15.02
TOTALS	812**	100%

*includes both complaint and information cases
**includes complaint cases only

In FY 1987 the average number of contacts made per complaint was up from 5.8 in FY 1986 to 6.05 for a total of 5,521 contacts. The percentage of first-time Office users (41.4%) versus repeat users (58.6%) both remained within 1% of the previous year, and were within .3% of FY 1985 when this data was first collected.

APPENDIX I

DEFINITION OF COMPLAINT-HANDLING TERMS

I. TYPE OF CASE:

- A. Complaint - Cases involving investigation and intervention by the Ombudsman Office.
- B. Information - Cases which involve providing information to the person requesting such. This information may be either readily available in the Ombudsman Office or gathered through contacts with other agencies. Information cases are categorized according to the type of information requested.

II. CATEGORIES OF COMPLAINTS:

A. Care and Maintenance:

- 1. Basic Needs - Provisions for essential body functions, such as the availability and quality of food, clothing, shelter, showers, exercise, and toilet facilities.
- 2. Medical - Availability and delivery of medical treatment and its documentation. (Includes only somatic and not psychiatric ailments.)
- 3. Records - Handling of all records, other than medical and mental health records.
- 4. Visiting - Management of inmate visiting lists, visits, and visitors.
- 5. Mail - Sending and receiving correspondence and packages.

B. Safety and Security:

- 6. Physical Threats/Abuse by Inmate - Threats or incidents of bodily harm.
- 7. Property Issues/Legislative Claim - Loss, destruction, theft, or temporary deprivation of personal property, allowable inmate personal property, and permanent disability injuries. Also, Legislative Claims resulting from any of the above.

8. Temporary Release/Sentence Modification - Process of reporting decisions, and providing reasons for decisions regarding home furloughs, funeral visits, and sentence modifications initiated by the Department of Corrections.
9. Inter-Institutional Transfers - Process of reporting decisions and providing reasons for decisions regarding institutional transfers.

C. Maintenance of Institutional Order:

10. Disciplinary Procedure - Management of the disciplinary process.
11. Daily Routine/Telephone - Informal and formal routinized practices and procedures which govern institutional life, to include availability of telephone usage by inmates and cell assignments.
12. Complaint Against Staff - Prejudicial and arbitrary behavior.
13. Internal Grievance Procedure - Processing of inmate grievances within the Department of Corrections.
14. Internal Property Claim Procedures - Processing of inmate property loss claims within the Department of Corrections.

D. Rehabilitation:

15. Parole (DOC) - Complaints dealing with matters within the jurisdiction of the Institutional Parole Coordinator, DOC processing of parole plans and interstate parole compact requests, and certain parolee complaints.
16. Counseling/Mental Health - Availability of professional counseling and services. Utilization of psychopharmacological medications and psychiatric evaluations.
17. Programs - Assignment and termination of work or education/vocational training programs. Development and carrying out of rehabilitation programs. Availability of recreation, library and religious programs, and of self-help programs.
18. Parole Eligibility - Complaints dealing with the awarding of allocated good time credits by the Unit Team, recording of such by Records Department, and forfeiture of good time credits as a result of Disciplinary Board action.
19. Custody Status - Accountability and documentation of decision making concerning custody level (classification), and cellhouse assignments based on special custody requirements (i.e. Protective Custody, and Administrative Disciplinary Segregation).

E. Miscellaneous:

20. Complaint From Staff - Complaints from Department of Corrections' staff members.
21. Outside Jurisdiction - Beyond statutory power to investigate.
22. Legal - Access to relevant legal documents, to legal professionals and inmate advocates, and to the courts.
23. KPB - Complaints relating to the Kansas Parole Board.
24. Other - Complaints which do not fit within any of the above categories.
25. Unknown - Withdrawn or solved prior to the collection of sufficient information to categorize.

III. DISPOSITION OF COMPLAINTS:

- A. Fully Rectified - In response to the Ombudsman's intervention, a problematic situation, practice, or policy is resolved in the opinion of the Ombudsman.
- B. Partially Rectified - In response to the Ombudsman's intervention, a problematic situation, practice, or policy is, in part, resolved in the opinion of the Ombudsman.
- C. Not Rectified - In response to the Ombudsman's intervention, a problematic situation, practice, or policy is not corrected in the opinion of the Ombudsman.
- D. Unfounded - Subsequent to the Ombudsman's investigation, no factual basis is found for the complaint.
- E. Observed and Monitored - Ombudsman presence in a situation for the purpose of preventing deviations from policy or preventing susceptibility of false allegations of such.
- F. Information - Complainant provided with information on how to go about solving a problem. In an information type of case, the person making the inquiry is provided with the requested information, such as: The operation of the Ombudsman Office, Department of Corrections, and other agencies; or the status of any action requiring formal approval.
- G. Referral - Complainant directed to other resources within and outside Department of Corrections, and resources are contacted by the Ombudsman.
- H. Declined - Investigation is either not started or is stopped because issue is outside jurisdiction and assistance cannot be provided, issue is beyond current capacity to handle, issue has not been appropriately pursued by complainant, or issue is frivolous.

- I. Withdrawn - Complainant requests Ombudsman take no further action, or fails to follow through with requests or recommendations made by Ombudsman.
- J. Discontinued - Ombudsman decided to stop investigation prior to completion and report of findings.
- K. Solved Prior - Rectified before completion of Ombudsman's investigation and report of findings.

IV. HIGHEST DOC MANAGEMENT LEVEL INVOLVED IN RESOLUTION:

- A. Not Applicable - None of the following levels were involved.
- B. Line Staff - Clerical staff, Correctional Officers, detail officers and maintenance staff.
- C. Line Supervisors - Correctional Supervisors (Lieutenants and Captains), all unit team members, and supervisors of work release facilities.
- D. Administrative Staff - Staff members operating in an administrative capacity, or in a supervisory capacity outside the normal chain-of-command. These include the Parole Planning and Disciplinary Coordinators, Central Property and Clothing Issue Officers, and Food Service, Laundry or other work supervisors.
- E. Professional Staff - Staff members operating in a professional or para-professional capacity in the medical, legal, mental health, religious, educational, and training fields.
- F. Middle Management - Supervises two or more line supervisors, and/or has major programmatic responsibilities.
- G. Directors - Institutional Directors and Deputy Directors.
- H. Secretary - The Secretary of Corrections and Deputy Secretaries.

APPENDIX II

SELECTED REPORTS ISSUED BY THE OMBUDSMAN

1. "Report on the Adjustment and Treatment Building at the Kansas State Penitentiary," March, 1977, 20 pp.
2. "Report on the Kansas Department of Corrections' Inmate Grievance Procedure," December 15, 1977, 25 pp.
3. "Inquiry into Inmate Self-Mutilation in the Adjustment and Treatment Building," April, 1978, 14 pp.
4. "Prison Gates: Personal Reflections of the Ombudsman Field Staff," July, 1978, 6 pp.
5. "Property Loss Study," August 29, 1978, 28 pp.
6. "The August 18, 1978 Mass Search and Shakedown of the Kansas State Penitentiary," October 23, 1978, 3 pp.
7. "A Study: The Documentation of Decision Making Processes for Inmate Management at the Kansas Correctional Institution for Women," December 7, 1979, 39 pp.
8. "Report on the KSP Inmate Work Stoppage/Lockdown from March 16, through March 20, 1981," May 12, 1981, 5 pp.
9. "Self-Mutilations in the Segregation Units at the Kansas State Penitentiary: March - April 1981," June 30, 1981, 10 pp.
10. "Follow-up Study to Recommendations for Changes in the Adjustment and Treatment Building at the Kansas State Penitentiary," June 30, 1981, 31 pp.
11. "The Inmate Grievance Procedure: A Study of Its Effectiveness, Implementation and Credibility," July 23, 1982, 54 pp.

APPENDIX III

**Article 74.—CORRECTIONS
OMBUDSMAN BOARD**

74-7401. Corrections ombudsman board; composition; appointment; terms; vacancies; officers; compensation and expenses; powers and duties; access to corrections records and facilities. (a) There is hereby established and created as an independent agency within the executive branch of state government, the corrections ombudsman board. Prior to September 1, 1980, such board shall consist of 15 members, three of whom shall be appointed by the governor; three of whom shall be appointed by the attorney general; three of whom shall be appointed by the chief justice of the supreme court; three of whom shall be appointed by the speaker of the house of representatives; and, three of whom shall be appointed by the president of the senate. On and after September 1, 1980, such board shall consist of 10 members, two of whom shall be appointed by the governor; two of whom shall be appointed by the attorney general; two of whom shall be appointed by the chief justice of the supreme court; two of whom shall be appointed by the speaker of the house of representatives; and, two of whom shall be appointed by the president of the senate.

The members of said board shall hold their respective offices for a term of four years and until their successors are appointed and qualified. On September 1, 1978, and on September 1 of each fourth year thereafter, the governor, attorney general, chief justice of the supreme court, speaker of the house of representatives and the president of the senate shall each appoint one member to such board. On September 1, 1980, and on September 1 of each fourth year thereafter, the governor, attorney general, chief justice of the supreme court, speaker of the house of representatives and the president of the senate shall each appoint one member to such board. Members serving on such board on the effective date of this act shall serve as members of the corrections ombudsman board for the remainders of the respective terms for which appointed. In case of a vacancy on such board, the person appointing the member creating the vacancy shall appoint a successor who shall serve for the remainder of the term of the member creating such vacancy. The members of such board shall be selected as far as practicable so that they will be residents of different parts of the state.

(b) The board shall select a chairperson from among its members. The board shall meet upon the call of the chairperson, or upon the call of the majority of the members of such board. A majority of the members of such board shall constitute a quorum to do business.

(c) Members of the board attending meetings of such board, or attending a subcommittee meeting thereof, or visiting any correctional institution for the purpose of acquiring information concerning policies, procedures and administrative actions of the department of corrections, when authorized by such board, shall be paid compensation as provided in subsection (a) of K.S.A. 75-3223, and amendments thereto, and in addition thereto the amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Payments made to board members for visiting correctional institutions prior to the effective date of this act are hereby authorized and validated.

(d) The board shall have the following powers and duties:

(1) Appoint and supervise the activities of the ombudsman of corrections and establish the amount of compensation to be paid to such ombudsman as provided by K.S.A. 74-7403 or any amendments thereto.

(2) Adopt and file with the division of budget its budget estimates for the operation of the board and the office of ombudsman of corrections.

(3) Make recommendations to the secretary of corrections concerning policies, procedures and administrative actions of the department of corrections, which recommendations shall not be binding upon the secretary.

(e) The secretary of corrections shall provide members of the board with access to records not otherwise privileged by law and with reasonable access to facilities and persons under the jurisdiction of the secretary subject to conditions and time limitations the secretary may establish in order to insure the orderly operation of the correctional institutions.

History: 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; L. 1978, ch. 370, § 1; L. 1981, ch. 316, § 1; May 14.

74-7402. Same; approval of expenditures; personnel and accounting services provided by secretary of corrections. All vouchers for expenditures from appropriations to the corrections ombudsman board shall be approved by the chairperson or by the ombudsman when the same is authorized by the board. The secretary of corrections shall provide the board and the office of the ombudsman with necessary personnel and accounting services.

History: L. 1978, ch. 370, § 2; July 1.

Article 74.—CORRECTIONS OMBUDSMAN BOARD

74-7403. Ombudsman of corrections; appointment; duties; compensation; office space; employees; complaints forwarded to secretary of corrections. The board shall appoint an ombudsman of corrections who shall serve at the pleasure of the board. The ombudsman shall act as secretary of the board and shall perform such other duties and functions as may be required by the board. The compensation paid to the ombudsman shall be fixed by the board subject to approval by the governor. The secretary of administration shall provide the ombudsman with office space at Topeka. The ombudsman may appoint such employees as may be necessary to carry out the duties of the office of ombudsman of corrections and as are within available appropriations. Clerical positions shall be in the classified service under the Kansas civil service act and all other employees shall be in the unclassified service under the Kansas civil service act. Any misfeasance or discrepancy in administration or any unreasonable treatment of inmates in the custody of the secretary of corrections which the ombudsman discovers or the inmates bring to the attention of the ombudsman 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 board. The ombudsman shall forward complaints and grievances directly to the secretary of corrections for consideration by the secretary.

History: L. 1973, ch. 339, § 52; L. 1974, ch. 402, § 2; L. 1976, ch. 399, § 1; L. 1978, ch. 370, § 3; L. 1978, ch. 330, § 41; L. 1987, ch. 314, § 1; July 1.

74-7404.

Attorney General's Opinions:

Corrections ombudsman board; authority to investigate complaints of inmates housed at Larned state hospital. 85-56.

74-7404. Ombudsman of corrections; access to correctional institutions. (a) The ombudsman of corrections may enter and inspect at any reasonable time any premises under the control of the secretary of corrections and may delegate that authority in writing to any employee of the office acting as an ombudsman.

(b) If the ombudsman of corrections or any employee of the office acting as an ombudsman who has been delegated in writing the authority granted under subsection (a) is denied access to any premises under the control of the secretary of corrections, the secretary or the secretary's designee, within 24 hours after the denial, shall give the ombudsman a written statement of the reason for the denial of access.

History: L. 1983, ch. 247, § 1; July 1.

74-7405. Same; confidentiality of records. Records of the office of the ombudsman of corrections or of the corrections ombudsman board which relate to complaints by correctional inmates or employees shall not be disclosed directly or indirectly to any person except as authorized by the ombudsman of corrections or by a majority vote of the corrections ombudsman board.

History: L. 1983, ch. 171, § 14; Jan. 1, 1984.

74-7406. Same; availability of records to department of corrections, when. No documents relating to complaints, investigations or studies in the possession of the ombudsman of corrections or any employee of the ombudsman shall be read, copied or taken by any officer or employee of the department of corrections except as authorized by the ombudsman or the employee of the ombudsman.

History: L. 1983, ch. 247, § 2; July 1.

74-7407. Same; power to administer oaths. The ombudsman of corrections is hereby authorized to administer oaths as specified by rules and regulations of the corrections ombudsman board and may delegate such authority in writing to any ombudsman associate.

History: L. 1983, ch. 247, § 3; July 1.