

Promoting the Highest Standards of Justice

Ombudsperson for Corrections Removal for Just Cause

The Office of the Ombuds for Corrections (OBFC), as a government oversight entity representing the people of Minnesota, should be as free as possible from outside control or influence, or even perception of it.

The possibility of removal from office in retribution for carrying out an unpopular investigation or making a candid and critical report and recommendations, or for political reasons, can be a real or indirect threat to the Ombuds' independence.

Therefore, the removal of the Ombuds should only be allowed for just cause.

Background:

- Independence from the executive branch is particularly important to allow the OBFC to function as an impartial and critical entity, motivated only by facts, the law, reason, fairness, and the guidelines of their enabling statute.
- United States Ombudsman Association (USOA) Governmental Ombudsman Standards recommends removal only for just cause.
- Both the Minnesota Ombudsman for Mental Health and Developmental Disabilities and the Ombudsperson for Families enabling statutes include removal only for just cause.
- For unknown reasons, removal only for just cause was not included in the enabling statute for the Ombudsperson for Corrections.

Recommended Statutory Change:

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified service, and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

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The Office of the Ombuds for Corrections was established "to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections." More information can be found at <https://mn.gov/obfc/>.