



WISCONSIN LEGISLATIVE REFERENCE BUREAU

MEMORANDUM

TO: Representative Travis Tranel

FROM: Jillian Slaight, managing legislative analyst
Ben Jaccard, legislative analyst

DATE: August 22, 2025

SUBJECT: Ombudsman offices

Overview

You relayed materials provided by a constituent group relating to ombudsman offices. Per your request, this memorandum briefly summarizes the structure of such offices under neighboring states' laws, reviews recent Wisconsin bills proposing to create such an office, addresses general resources relating to ombudsman offices, and addresses your questions about potential drafting options.

Neighboring states' laws

State laws and policies generally provide procedures by which inmates of correctional institutions may submit complaints. (See Wis. Admin. Code DOC ch. [310](#).) Certain states' laws also provide for an office of the ombudsman or ombudsperson that investigates such complaints. In some states, such an office is attached to the state agency that oversees corrections, whereas elsewhere, the office is separate from that state agency. Among states neighboring Wisconsin, only two states—Michigan and Minnesota—have an ombudsman office relating to corrections generally. Of the remaining two states, Illinois's office investigates complaints relating to juvenile corrections *only*, whereas Iowa's office investigates complaints relating to any state agency.

Michigan. In Michigan, state law establishes the Office of the Legislative Corrections Ombudsman (LCO).¹ The Legislative Council, a bipartisan committee of legislators from both houses of the legislature, appoints the principal executive officer of the LCO, who serves as the state's corrections ombudsman.² The LCO exists within the Legislative Council, separate from

¹ Mich. Comp. Laws §§ [4.351](#) to [4.364](#).

² Mich. Comp. Laws § [4.352](#).

the Michigan Department of Corrections (DOC).³ The LCO may investigate complaints from prisoners, legislators, or Michigan DOC staff or take up investigations on its own initiative, but it need not investigate all complaints.⁴ In conducting investigations, the LCO must be given access to prisoner records, must be granted entrance to Michigan DOC facilities, and may interview Michigan DOC staff and contractors.⁵ The LCO may request testimony from any person as part of an investigation, but only the Legislative Council holds subpoena power, which it may employ during an investigation at the recommendation of the LCO.⁶ Upon completion of an investigation, and upon making one of various findings enumerated under statute, the LCO has 30 days to submit a report to the Legislative Council with recommendations.⁷ Additionally, the LCO must submit an annual report documenting its conduct.⁸ By practice rather than requirement, the LCO also makes recommendations to the legislature based on its findings.⁹

Minnesota. In Minnesota, the governor appoints an ombudsperson who oversees the Office of the Ombuds for Corrections (OBFC), an independent state agency that reports to the governor.¹⁰ The OBFC is authorized to receive a complaint from any source—including inmates, staff, and the public—concerning any action of Minnesota DOC relating to the care and custody of inmates.¹¹ These complaints commonly concern medical care, mental health treatment, and discipline.¹² Although state law enumerates matters appropriate for investigation, the OBFC exercises discretion in determining which matters to investigate.¹³ If the complaint concerns a local facility, the OBFC may refer the complaint to Minnesota DOC’s Inspection and Enforcement Unit.¹⁴

Among other powers, the OBFC may examine Minnesota DOC records, enter and inspect Minnesota DOC facilities, and subpoena a person to appear and give testimony relating to the matter under inquiry.¹⁵ If the OBFC determines a complaint to be valid, the ombudsperson may provide recommendations to Minnesota DOC and the governor.¹⁶ In addition, the ombudsperson must annually submit a report to the governor and the legislature.¹⁷ By practice rather than

³ See, generally, “[Legislative Corrections Ombudsman](#),” Mich. Legislative Council, accessed Aug. 11, 2025, <https://council.legislature.mi.gov>.

⁴ Mich. Comp. Laws §§ [4.354](#) and [4.356](#). Note that if the ombudsman declines to investigate, they must notify the complainant, in writing, and inform the affected prisoner or prisoners of the reasons for their decision, per Mich. Comp. Laws § [4.357](#).

⁵ Mich. Comp. Laws § [4.355](#).

⁶ Mich. Comp. Laws § [4.358](#).

⁷ Mich. Comp. Laws § [4.360](#).

⁸ Mich. Comp. Laws § [4.362](#).

⁹ “Legislative Corrections Ombudsman,” Michigan Legislative Council.

¹⁰ Minn. Stat. § [241.90](#). See, generally, “[Office of the Ombuds for Corrections](#),” accessed Aug. 11, 2025, <https://mn.gov/obfc>.

¹¹ Minn. Stat. §§ [241.91](#) and [241.93](#).

¹² Minn. Office of the Ombuds for Corrections, *Annual Report: Promoting the Highest Standards of Justice* (St. Paul, MN: Office of the Ombuds for Corrections, 2024), <https://mn.gov/obfc>.

¹³ Minn. Stat. § [241.93](#).

¹⁴ Minn. Stat. § [241.93](#). See also Minn. Office of the Ombuds for Corrections, *Annual Report*.

¹⁵ Minn. Stat. § [241.93](#).

¹⁶ Minn. Stat. § [241.93](#).

¹⁷ Minn. Stat. § [241.95](#).

requirement, the OBFC assists complainants in finding resources relating to the corrections system and publishes public reports on specific issue areas.¹⁸

Illinois. In Illinois, a similar office oversees matters relating only to juvenile offenders.¹⁹ Specifically, the Office of the Independent Juvenile Ombudsman (OIJO) is created within the Department of Juvenile Justice (DOJJ);²⁰ however, the OIJO and the ombudsman function independently, reporting instead to the governor,²¹ who appoints the ombudsman with the advice and consent of the senate.²² The OIJO's duties include the following: reviewing the implementation of rules and standards established by DOJJ; investigating and attempting to resolve complaints made by or on behalf of youth; reviewing or inspecting youth facilities; and reporting various forms of misconduct or abuse to DOJJ and the governor.²³ The ombudsman may make unannounced visits to youth facilities and access various facility records but does not exercise subpoena power.²⁴ The OIJO's annual reports to the governor and legislature provide a helpful summary of the ombudsman's activities, including data on calls received from youths and on-site facility visits.²⁵

Iowa. In Iowa, the Office of Ombudsman is an independent entity within state government, with the ombudsman appointed by the Legislative Council, a bipartisan committee of legislators from both houses of the legislature, with the approval and confirmation of a constitutional majority of both the senate and the house of representatives.²⁶ The office's scope of responsibilities is not limited to corrections, however. Instead, it oversees various areas of state government.²⁷ The office's powers are broad and include the investigation—on complaint or at its own discretion—of nearly any administrative action of any state agency. The office is also authorized to investigate the administrative actions of any person contracted with a state agency to provide child welfare or juvenile justice services. To this end, the office or ombudsman may issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry.²⁸ The ombudsman must also appoint an assistant to be primarily responsible for investigating complaints relating to correctional

¹⁸ See “[Resources](#)” and “[Ombuds for Corrections Reports](#),” Minn. Office of the Ombuds for Corrections, accessed Aug. 12, 2025, <http://www.mn.gov.obfc>.

¹⁹ See, generally, “[Independent Ombudsman](#),” Ill. Department of Juvenile Justice, accessed Aug. 11, 2025, <http://www.idjj.illinois.gov>.

²⁰ [730 Ill. Comp. Stat. 5/3-2.7-10](#).

²¹ [730 Ill. Comp. Stat. 5/3-2.7-25](#).

²² [730 Ill. Comp. Stat. 5/3-2.7-15](#).

²³ [730 Ill. Comp. Stat. 5/3-2.7-25](#).

²⁴ [730 Ill. Comp. Stat. 5/3-2.7-30](#).

²⁵ [730 Ill. Comp. Stat. 5/3-2.7-35](#); Ill. Office of the Independent Juvenile Ombudsperson, [Fiscal Year 2024: Annual Report](#) (Chicago, IL: Office of the Independent Juvenile Ombudsperson, 2024), <http://www.idjj.gov>.

²⁶ Iowa Code § [2C.3](#).

²⁷ “[About](#),” Iowa Office of Ombudsman, accessed Aug. 11, 2025, <http://www.ombudsman.iowa.gov>. See also Iowa Code ch. [2C](#) and Iowa Admin. Code r. [141](#).

²⁸ Iowa Code § [2C.9](#).

facilities.²⁹ The office does not appear to regularly publish annual reports; however, it publishes investigative reports on specific matters, including matters relating to corrections.³⁰

Table 1. Summary of ombudsperson offices in states neighboring Wisconsin

State	Ombudsperson appointed by	Office status	Subpoena power	Jurisdiction
Illinois	Governor	Independent but attached to DOJJ	No	Juvenile corrections
Iowa	Legislature	Independent	Yes	Any state agency
Michigan	Legislature	Within Legislative Council	No	Corrections
Minnesota	Governor	Independent	Yes	Corrections

Wisconsin proposals

No standalone bill has proposed the creation of a Wisconsin ombudsperson; however, Governor Tony Evers’s 2025 executive budget bill included such a proposal. 2025 Senate Bill 45 §§ [68](#) and [2583](#) proposed the creation of an Office of the Ombudsperson for Corrections (OOC) to be attached to Wisconsin DOC. Under this legislation, the governor appoints an ombudsperson to lead the office, subject to confirmation by three-fourths of the members elected to the senate. The OOC is authorized to investigate—based on complaints or its own initiative—Wisconsin DOC facilities and policies and potential violations of prisoners’ rights. To this end, the OOC may access Wisconsin DOC institutions, examine records and data, and communicate with prisoners confidentially. Furthermore, the OOC is authorized to subpoena witnesses and produce written materials. Upon review of each complaint, the OOC may (1) make no recommendation or (2) submit a recommendation to the correctional institution where the prisoner or juvenile is housed, the governor, the legislature, or another party. Upon receiving such a recommendation, the correctional institution must respond within 30 days. Finally, the OOC must annually submit a report summarizing its findings and recommendations to the governor, legislature, and secretary of corrections and must report to the governor by request at any time.

In addition, LRB-0377 establishes an Office of the Ombudsman for Corrections (OOC), led by an ombudsman appointed by the governor. However, under LRB-0037, the governor’s appointee must be confirmed by a simple majority of the senate. Under LRB-0377, the ombudsman serves at the pleasure of the governor, whereas under the budget proposal, the ombudsperson may be removed only by the governor for just cause. The functions of the OOC under LRB-0377 are similar to those of the OOC under the governor’s budget proposal, with the two entities having similar powers (e.g., subpoena witnesses) and duties (e.g., submit reports annually). However,

²⁹ Iowa Code § [2C.6](#).

³⁰ For a list of recent reports, see “[Investigative Reports](#),” Iowa Office of Ombudsman, accessed Aug. 11, 2025, <http://www.ombudsman.iowa.gov>.

LRB-0377 specifies that prisoners, prison staff, and state contractors must first exhaust any internal complaint processes before filing a complaint with the OOC. In addition, LRB-0377 requires—rather than authorizes—the ombudsman to investigate certain complaints. Finally, LRB-0377 authorizes 47.0 FTE to staff the OOC and appropriates more than \$13 million to fund these positions over the biennium, whereas the governor’s proposal authorizes the ombudsperson to appoint one deputy and an unspecified number of employees and appropriates only about \$2 million to operate the OOC during the same period.

Table 2. Summary of ombudsperson offices under Wisconsin proposals

	Budget proposal	LRB-0377
Office name	Office of the Ombudsperson for Corrections	Office of the Ombudsman for Corrections
Office status	Attached to DOC	Attached to DOA
Appointed by	Governor, subject to confirmation by three-fourths of members elected to the senate	Governor, subject to confirmation by the senate
Removed by	Governor for just cause only	Governor
Subpoena power	Yes	Yes
FTEs	Unspecified	47.0

General resources

There are very few resources on ombudsman offices relating to corrections specifically, with the exception of a feasibility study commission by the Virginia DOC pursuant to legislation enacted in 2021. This study provides a helpful overview of models based on existing laws in other states. Specifically, the study includes a comparison of budgets, staffing, and complaint volumes from similar offices in other states (i.e., Iowa, Michigan, New Jersey, and Washington), using 2020–21 data. Tables 3 and 4 summarize the study’s findings in these areas.³¹

Table 3. Costs (\$) associated with salaries and benefits for ombudsperson offices, as compared with 2020 budgets

	Iowa	Michigan	New Jersey	Washington
Salaries	1,242,000	711,000	795,000	707,250
Benefits (est.)	434,700	248,850	278,250	250,237
Total salaries and benefits	1,676,700	959,850	1,073,250	957,487
Budget	2,000,000	1,020,000	784,000	1,150,000

³¹ DLB Strategic, LLC, “[Department of Corrections Ombuds Study](#),” *Ombudsman Study* DOC-22-005 (Richmond, VA: Va. Department of Corrections, Dec. 1, 2021): 66–67, <https://famm.org>.

Total as percentage of budget (%)	83	95	130	83
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Table 4. Full-time employees (FTEs) and complaint volumes for ombudsperson offices, as reported by each state’s office

	Iowa	Michigan	New Jersey	Washington
FTEs	15	8	8	8
Annual complaints	6,000	1,550	14,105	2,983
Complaints per FTE	400	193	1,763	372

Drafting options

You asked us which neighboring state’s model would be easiest to integrate into Wisconsin law and the structure of Wisconsin state agencies. Generally speaking, an ombudsperson is meant to operate independently of any one agency in exercising their authority to investigate complaints against a government agency or agencies. As such, any approach to drafting would likely result in the creation of a new, independent entity. Costs associated with the creation of such an entity are generally related to staffing and would vary depending on the number of personnel assigned to the office.

My colleague Cathlene Hanaman, who drafts in this area, would be happy to draft whichever model you prefer. You may wish to reach out to her to discuss your goals.

We hope this information is helpful. Feel free to reach Jillian with any follow-up questions at jillian.slaight@legis.wisconsin.gov or (608) 504-5884.