



STATE OF KANSAS

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May 20, 1985

ATTORNEY GENERAL OPINION NO. 85- 56

Ms. Carol Keith
Ombudsman, State of Kansas
503 Kansas Avenue, Suite 539
Topeka, Kansas 66603

Re: State Boards, Commissions and Authorities --
Corrections Ombudsman Board -- Authority to
Investigate Complaints of Inmates Housed at
Larned State Hospital

Synopsis: The Kansas Ombudsman has no duty or authority
to investigate complaints filed by inmates
who have been transferred from a correctional
facility to the state security hospital at
Larned. Cited herein: K.S.A. 1984 Supp.
74-7401; 74-7404; K.S.A. 76-1305.

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Dear Ms. Keith:

You have requested our opinion regarding whether the
Ombudsman of Corrections for the State of Kansas may respond
to complaints received from inmates who, although in the
custody of the Secretary of Corrections, are being held at
Larned State Hospital. You state that you are uncertain as
to the applicability of K.S.A. 1984 Supp. 74-7404(a),

which authorizes the Ombudsman to "enter and inspect at any reasonable time any premises under the control of the Secretary of Corrections;" (Emphasis added.) Your uncertainty stems from the fact that Larned State Hospital is not a Department of Corrections institution.

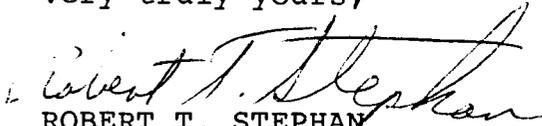
K.S.A. 76-1305 states in pertinent part:

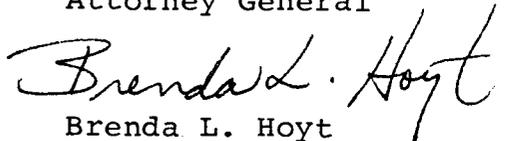
"The secretary of social and rehabilitation services is authorized and directed to establish, equip and maintain, in connection with and as a part of the Larned state hospital, suitable buildings to be known as the 'state security hospital' for the purpose of holding in custody, examining, treating and caring for such mentally ill persons as may be committed or ordered to the state security hospital by courts of criminal jurisdiction or inmates with mental illness who are transferred for care or treatment to the state security hospital from the state penitentiary, the state reception and diagnostic center, the state correctional-vocational training center and the state industrial reformatory, The secretary of social and rehabilitation services is hereby authorized and empowered to supervise and manage the state security hospital." (Emphasis added.)

Said statute places the state security hospital under the control of the Secretary of Social and Rehabilitation Services and specifically provides for the care and treatment of inmates at that facility. Nothing in the statute indicates that the Secretary of Corrections has any responsibility for caring for inmates while they are held at the state security hospital. Thus, we are of the opinion that the Ombudsman has no authority or duty to investigate complaints filed by inmates who have been transferred from a correctional facility to the state security hospital at Larned.

In view of the above, you may wish to refer any such complaints either to the Superintendent of Larned State Hospital or to the Secretary of SRS for investigation.

Very truly yours,


ROBERT T. STEPHAN
Attorney General


Brenda L. Hoyt
Deputy Attorney General

RTS:BLH:may