

Content

Abbreviations	XV
Figures	XVII
Tables	XVIII
A Introduction	1
B Current state of research	7
I. The ombudsman as a concept	7
1. Short history	8
2. Double function.....	12
3. Features	14
4. Practice	17
5. Expectations	20
a) positive	21
b) negative.....	23
6. Categorization	25
a) Public and private sector.....	26
b) Traditional, classical, parliamentary, legislative, executive.....	27
c) Organizational, corporate, advocate	31
d) General, specialty, single subject	32
e) Multiple-mandate, hybrid	33
7. Definition	34
a) Existing definitions	34
b) New definition	36
II. Prison Ombudsmen	37
1. Demand	39
a) Internal grievance channels	41
aa) Administration	41
bb) Prison boards	42
cc) Inmate councils	44

b) External grievance channels	44
aa) Parliamentarians; parliamentary committees; monarchs and other heads of state	45
bb) General ombudsmen	46
cc) NGOs, pastoral caregivers and the media.....	48
dd) European and international authorities.....	49
ee) Courts	50
c) The prison ombudsman as an alternative solution.....	53
2. Legal basis.....	54
3. Remit	55
4. Investigations	56
a) Reactive.....	57
b) Proactive	58
5. Expectations	60
a) Positive.....	60
b) Negative.....	61
6. Existence	64
III. Learning processes in between legal systems	66
1. The possibility of knowledge transfer.....	66
a) Negated	67
b) Accepted	70
2. The perspectives.....	71
3. The two step process	73
4. The driving factors	78
C Methodology.....	83
I. Method selection.....	83
1. Grounded theory	83
2. Qualitative instead of quantitative research.....	87
3. Research materials and sources	88
a) Literature.....	89

b) Experts	91
4. Data collection	91
a) Qualitative content analysis	92
b) Partially-structured, explorative, guided interviews.....	93
aa) Definition, advantages, disadvantages.....	94
bb) Selection of specific interview form	95
cc) Design	97
dd) Analysis	99
c) Integration.....	100
5. Selection of two examples	102
6. Influence of the researcher	105
II. Method execution	110
D Analysis	113
I. The Prisons and Probation Ombudsman for England and Wales.....	113
1. Country survey	113
a) Current state of research	114
b) Brief history of imprisonment in England and Wales.....	116
c) Inmate population and characteristics	118
d) Legal basis of imprisonment	120
e) Current prison organisation	121
f) External and internal grievance channels.....	125
2. How was the Prisons and Probation Ombudsman for England and Wales implemented?	128
a) The process of implementation: History of the Prisons and Probation Ombudsman for England and Wales.....	128
aa) Brief history of institution.....	129
bb) The Prisons and Probation Ombudsman for England and Wales as a product of cross-fertilization.....	132
b) The outcome of implementation: Structures of the Prisons and Probation Ombudsman for England and Wales.....	139
aa) Legal basis and categorization	139

bb) Role and remit	142
cc) Execution	145
II. The Justizvollzugsbeauftragter des Landes Nordrhein-Westfalen.....	155
1. Country survey	155
a) Current state of research	155
b) Brief history of imprisonment in North Rhine-Westphalia.....	157
c) Inmate population and characteristics	158
d) Legal basis of imprisonment	159
e) Current prison organisation	160
f) External and internal grievance channels.....	162
2. How was the Justizvollzugsbeauftragter des Landes Nordrhein-Westfalen implemented?	166
a) The process of implementation: History of the Justizvollzugsbeauftragter des Landes Nordrhein-Westfalen	166
aa) History of institution	166
bb) The Ombudsmann für den Justizvollzug Nordrhein- Westfalen as a product of cross-fertilization	173
cc) The Justizvollzugsbeauftragter des Landes Nordrhein- Westfalen as a product of cross-fertilization	181
b) The outcome of implementation: Structures of the Justizvollzugsbeauftragter des Landes Nordrhein-Westfalen	186
aa) Legal basis and categorization	186
bb) Role and remit	187
cc) Execution	190
III. Synthesis.....	199
IV. Brief Overview of further cases.....	203
E Conclusion	205
I. Compilation and potential impact of research results	205
II. Potential impact on research and praxis	206
III. Critical analysis of the constraints of the research.....	207
IV. Future prospects for research in this field.....	210

References	213
German Abstract.....	235
Publications	246