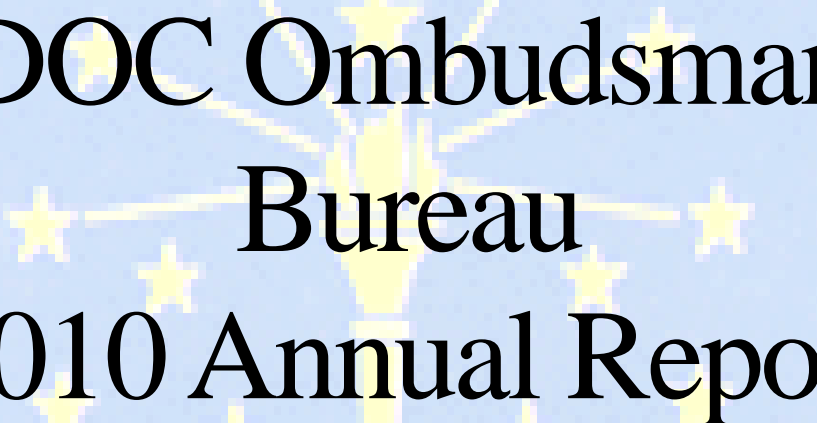


# Indiana DOC Ombudsman Bureau

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402 W. Washington Room W479  
Indianapolis IN 46204



## DOC Ombudsman Bureau 2010 Annual Report

*A synopsis of the 2010 DOC Ombudsman  
Bureau Activity*

January 24, 2010

Dear Governor Daniels, the Honorable Speaker, President Pro Tem, and Commissioners Lemmon and Wynkoop,

I have the honor of submitting to you the 2010 Annual Report of the Department of Correction Ombudsman Bureau as required by I.C. 4-13-1.2-10.

Sincerely,

A handwritten signature in black ink that reads "Charlene A. Burkett". The signature is written in a cursive style with a large initial "C" and "B".

Charlene A. Burkett  
DOC Ombudsman Bureau Director

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## **Ombudsman's Message**

In 2010, the Department of Correction (“DOC”) Ombudsman Bureau strived to provide excellent customer service to its complainants. I find it imperative, that even when perhaps a person has been misdirected to the Bureau, to point that person in another direction (hopefully, the correct one) to give that person another resource. Providing excellent customer service, even to people who may have contacted our office in error, is perhaps one of the most important things that we do.

Sometimes, just the care and hearing that cheerful voice on the other end of the phone can be enough to make a difference in someone's life. This is especially true when, probably the most common type of caller, a distressed family member, calls into the Bureau. These conversations are of a very sensitive nature to the family member, who is often on the verge of tears or in a very fragile state. The care and support that we can provide that family member can truly make a difference to that person.

We often encounter callers who are frustrated and worried about their loved ones because they cannot be there with their loved one to know exactly what that person is experiencing. This unknown can wreak havoc on the psyche of the family member. The Bureau strives to sympathize with the callers in these cases. Sometimes, it is not just the actual information that we provide concerning the complaint that may soothe a family member, but how we speak to them and handle the complaint, the timeliness in responses, and manner in which we respond can make all the difference to a complainant.

## **The Year in Review**

The Ombudsman Bureau received 790 complaints in 2010, which is slightly lower than 2009.<sup>1</sup> Although statutorily the Ombudsman Bureau can receive complaints from any source, as in past years, most complaints were received from offenders themselves.<sup>2</sup> Complaints were also received from State Representatives' Offices, the Governor's Office, and Family Members.<sup>3</sup>

Of the 790 complaints received by the Bureau in 2010, 198 were investigated.<sup>4</sup> This represents 25% of the total number of complaints received for 2010.<sup>5</sup> Of the 198 complaints investigated by the Bureau, 31 were substantiated.<sup>6</sup> This represents 15% of the total number of complaints investigated. Compared to 2009, not only did the number of received complaints decrease slightly, but also both investigated and substantiated complaints decreased slightly as well.<sup>7</sup> A summary of the 31 substantiated cases can be found later in this report. Overall, the substantiated cases were facility specific cases involving policy or procedure that had not been followed or a matter needed to be addressed to protect someone's health or safety. The incidents addressed, however, were isolated incidents rather than systemic issues that would require recommending a policy change.<sup>8</sup>

As in 2009, the complaint subject in 2010 for which the Bureau received the most complaints was medical care with 153.<sup>9</sup> This climb in this number is significant because

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<sup>1</sup> See Attachments A and B

<sup>2</sup> See Attachment C

<sup>3</sup> See Attachment D

<sup>4</sup> See Attachment E

<sup>5</sup> See Attachment E

<sup>6</sup> See Attachment E

<sup>7</sup> See Attachment B

<sup>8</sup> See page 10 for a sampling of the substantiated cases

<sup>9</sup> See Attachment F

although the total number of complaints received for the year was less than the year before, the Bureau received more medical complaints than the year prior. Of these 153 complaints, 49 were investigated and only 6 were substantiated.<sup>10</sup> Both of these numbers also represent the highest numbers overall in all categories.

Overall, of the complaints that were not investigated, most were determined not to contain a violation. Notably, 25% of the complaints not investigated were routed back to the DOC and were told to use the appropriate DOC process before contacting the Bureau.<sup>11</sup> This percentage matches the percent that were directed to do the same in 2009.

The facility from which the Bureau received the most complaints in 2010 was Miami Correctional Facility with 139 complaints received, 22 complaints investigated and 4 complaints substantiated.<sup>12</sup> These numbers vary from those of 2009 in that the Bureau received the highest number of complaints from Miami and not Wabash as in 2009. In the current year, Wabash was third highest in submitting complaints behind, not only Miami, but also Pendleton who we received 98 from, investigated 32, and substantiated five. Wabash, on the other hand, 86 were received, 28 were investigated, and 1 was substantiated. For a review of these numbers and more complete comparison from 2009, please see “Attachment K” included herein.

Finally, Director Burkett would like to extend a sincere thank you to Commissioner Buss as well as the numerous DOC staff members that respond to Bureau’s inquiries for their support and timely responses to the Ombudsman Bureau. Without this support the Bureau would not be able to continue to resolve complaints in a timely manner. Furthermore, the Director is grateful for the cooperation that she receives

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<sup>10</sup> See Attachments G and H

<sup>11</sup> See Attachment I

<sup>12</sup> See Attachment K

from professionals throughout the DOC in resolving complaints. The Director is honored to be able to work together for the common good of the DOC.

### **The Year in Review**

In its 2009 Annual Report, the Ombudsman Bureau set three goals for 2010. These goals are not delineated statutorily, but are functions necessary for the effective and efficient operation of the Bureau. Moreover, the Bureau's operating procedures now include the setting of annual goals. These goals are an effort to increase the Bureau's utility to the Department and the offender population. The goals and results follow.

**1. Continue to send timely reports to interested parties and continue to improve/expand reporting mechanisms.**

The Bureau continued sending monthly reports to the DOC and DOA Commissioners, Rep. Vernon Smith, and Executive Director Stanley Knight. These reports were often issued well before the required 15<sup>th</sup> of the month. The monthly reports not only include the basic raw numbers for the month broken down by subject matter and facility, but also graphs to help better understand the information. These reports are meant to keep all parties up-to-date on the monthly activities of the Bureau. The Bureau occasionally receives inquiries regarding these reports and generally responds back within five days, but most often responds within a matter of a day.

Each month throughout the year the Bureau submits Monthly Reports to the Commissioners as well as other interested parties. These reports were improved upon over the year in that the Director worked in conjunction with IT to format the Access Database to allow for more efficient and accurate generation and tracking of the monthly numbers and quarterly metrics.

The Bureau continued sending monthly summaries to each individual facility as well. These reports give a brief summary of all cases received from each facility by the Bureau and their outcomes. The Bureau has received good feedback concerning this practice from facility administrators.

**2. Meet the green performance goals set for the Bureau in respect to the number of days complaints are open.**

The total average number of days all complaints were open in 2010 was 5.05 days. This represents a slight drop from the 6.17 days in 2009.<sup>13</sup> Additionally, this is slightly higher than that of 4.3 in 2008. When breaking down this number into complaints investigated and substantiated, the time investigated complaints were open was slightly increased from 11.28 days in 2009 to 14.35 days in 2010. Additionally, the number of days substantiated complaints were open slightly increased from 11.37 days in 2009 to 14.51 days in 2010.<sup>14</sup> With the slight increase in the number of days all complaints were open, the Ombudsman Bureau slightly exceeds its green goal of all complaints being open less than 5 days, but has however, come closer to meeting this goal than in 2009. The Bureau also slightly exceeded its yellow goal for investigated complaints with the investigated complaints being closed in an average of 14.35. The Bureau met its yellow goal, however, in substantiated complaints with these only being open an average of 14.51 days.

**3. Continue to raise awareness about the Bureau both within the Department and outside the Department.**

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<sup>13</sup> See Attachment J

<sup>14</sup> See Attachment J



Director Burkett made 16 trips to facilities over the past year. During these trips, she achieved a number of objectives. If she were investigating a complaint she may interview staff and/or offenders or inspect areas of the facility.

The trip may have also been made to attend the facility's Offender Dorm Representative meeting. The Director made it a point to attend these meetings at several facilities over the past year. At these meetings, the Director was able communicate with offenders concerning using the Ombudsman Bureau, as well as hear issues the offender population may have been experiencing. As she took these trips, she was also able to check and ensure the Bureau's materials were available to offenders. At times, she recommended places where forms could be readily available or where information about the Bureau could be posted. In addition, she also responded to numerous requests from facilities to provide the facilities with complaint forms.

The Ombudsman Bureau DVD also continued to occasionally be shown at facilities and during DOC intake. The Ombudsman Bureau DVD is shown periodically at the facilities that have closed captioned television capabilities. The DVD is a brief three and a half minute video that discusses what issues the Bureau can address, how to file a complaint with the Bureau, and what to expect once a complaint is filed. This informative DVD is also shown to every offender that comes into DOC at RDC as part of the Admission and Operation Procedure.

The Director also updated the information posted for the public on the Bureau's website. ([www.in.gov/idoa/2356.htm](http://www.in.gov/idoa/2356.htm)) In addition to the complaint forms and general information about the Bureau that the site contained in the past, the website now contains

links to all past Annual Reports as well as a link to the policies and procedures of the Bureau.

### **The Complaint Resolution Process**

The Ombudsman Bureau's complaint resolution process is delineated specifically in its Policies and Procedures located at [www.idoa.in.gov/idoa/2356.htm](http://www.idoa.in.gov/idoa/2356.htm). Below is a summary of its policies and procedures.

#### *Complaint Origination:*

The Ombudsman Bureau receives most of its complaints from offenders. However, as directed statutorily, the Bureau may receive complaints from any source. As a result, the Bureau also received complaints from the Governor's Office, legislators, family members of offenders, and other governmental agencies.<sup>15</sup>

#### *Jurisdiction of the Bureau:*

IC 4-13-1.2 is very specific concerning the jurisdiction of the Bureau. It limits the Bureau to investigate and attempt to resolve complaints that the DOC, (1) violated a specific law, rule, or department written policy; or (2) endangered the health or safety of any person.

#### *The Complaint Process:*

Once the Bureau receives a complaint, it determines whether the matter falls under its jurisdiction. The limited jurisdiction of the Bureau is stated above. If a matter is not within the Bureau's jurisdiction then a letter is sent in response to this effect. In 2010, these responses comprised 7% of the total responses to complaints not investigated

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<sup>15</sup> See attachment C

by the Bureau.<sup>16</sup> If it is within the Bureau's jurisdiction, the complaint is further reviewed to determine whether the DOC has already attempted to resolve the issue.

The Bureau requires that any offender who submits a complaint must first attempt to resolve the complaint using the DOC process that properly addresses the issue. If the offender has prematurely contacted the Bureau, the Bureau directs the offender to use the proper DOC process and lets the offender know when it would be appropriate to contact the Bureau.<sup>17</sup> These complaints represented 25% of the total number of complaints that were received but not investigated by the Bureau.

The Bureau maintains some latitude in enforcement of the requirement of offenders using the DOC process first. Once the Bureau is contacted concerning an imminent matter of offender safety or health, the Bureau immediately investigates the matter, before ensuring the offender has already filed a grievance or used the appropriate DOC resolution process.<sup>18</sup> Even in these cases, however, the Bureau does stress to the complainant the importance of notifying the facility first and directs the complainant to use the proper channels in the future.

During preliminary review, the Bureau may determine that a complaint does not require further investigation because no violation of law, policy, or rule exists. These complaints were the largest category representing 60% of the complaints received but not investigated in 2010.<sup>19</sup>

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<sup>16</sup> See attachment I

<sup>17</sup> Please note that the Bureau does not send letters of receipt to offenders. Due to the response time of averaging within seven days of receipt, it does not seem necessary to send such letters.

<sup>18</sup> In most of these instances, however, the offender has already notified someone at the facility, but has just not received action.

<sup>19</sup> See attachment I

If the Bureau believes that it is necessary to receive further information regarding a complaint, then an investigation commences. The investigation begins by contacting the necessary Department of Correction personnel. Once the Bureau reviews the matter with Department of Correction personnel, the Bureau determines whether the complaint is substantiated or not substantiated. In either case, the complainant is sent a letter once the investigation is completed informing the complainant of its findings during the investigation.<sup>20</sup>

A substantiated complaint is one that is found to be true and requires the DOC to take some action on the matter. The Bureau may find that a complaint is true, but actions have already been taken or the offender has not given the facility time to respond to the matter. In either case, the matter would not be substantiated. For a partial list of substantiated complaints in 2010 see below.

### **Summary of Selected 2010 Substantiated Complaints:<sup>21</sup>**

#### **County Jail**

##### **1. Medical Care**

**Complaint:** Putnam County Jail; family member is concerned with offender's medical care.

**Recommendation:** Review matter to see if offender is receiving proper medical care.

**DOC Action:** Due to medical needs being made aware to DOC offender was transferred to DOC.

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#### **Indiana State Prison**

##### **1. Food**

**Complaint:** Sent in grievance regarding food being cold and response was due Oct 23. Was 60 days past the due date so he was inquiring where the response is.

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<sup>20</sup> As required, per IC 4-13-1.2-5

<sup>21</sup> A complete list of 2010 substantiated cases can be requested from the Ombudsman Bureau.

**Recommendation:** Review matter and provide responses as policy requires

**DOC Action:** Response just received from the kitchen 1/1/10 and response given to offender.

## 2. Personal Property

**Complaint:** Family member says her son is not receiving his commissary orders.

**Recommendation:** Review matter with PEN Products to see if offender is receiving his commissary orders, and if not, where his commissary orders are going.

**DOC Action:** The appropriate PEN Products personnel were contacted regarding this matter; the offender was not receiving his commissary and they are taking appropriate measures to ensure that this does not happen again.

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## Miami Correctional Facility

### 1. Classification

**Complaint:** Family member says that her brother should not be listed as a sex offender or classified as a PREA predator as he is not a convicted sex offender and the only charge he's ever had is one drug charge, which he is currently serving. She says that his information has been confused with his brother, who is a sex offender.

**Recommendation:** Review matter to see if offender should be listed as a sex offender and PREA predator.

**DOC Action:** The sex offender and PREA classifications have been removed.

### 2. Credit Time

**Complaint:** Offender says he received his bachelor degree but has not received his time cut.

**Recommendation:** Review matter to see why the offender has not received his time cut.

**DOC Action:** The offender's time cut has now been received and applied to his EPRD.

### 3. Medical Care

**Complaint:** He says he went to Chronic Care and meds were ordered. He says he hasn't received his medication yet.

**Recommendation:** Review matter to see if offender has received his medication and if not, when offender will receive his medication.

**DOC Action:** Offender's meds were delayed due to a computer error. Offender will be receiving the meds.

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### **Pendleton Correctional Facility**

#### **1. Food**

**Complaint:** Offender says he is on the 2500 ADA diabetic diet and snack sack and has a diet card to receive 3 meals per day; offender says the facility is on lockdown and he is not receiving his diet meals.

**Recommendation:** Review matter to see why the offender has not been receiving his 2500 ADA diabetic diet and snack sack.

**DOC Action:** The Bureau has contacted the appropriate facility personnel regarding this issue. Medical has corrected the problem and Aramark is adding the offender to the list to receive the 2500 ADA diabetic diet and snack sack.

#### **2. Programs**

**Complaint:** Family member complains that fiancée does not have access to law library and education materials in AS. Also complains that he has only had recreation one time (March 1) since October.

**Recommendation:** Review matter to see if offender received recreation more than one time and if he will be receiving education materials.

**DOC Action:** Offender began receiving recreation shortly after contact and also was able to receive GED worksheets.

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### **Putnamville Correctional Facility**

#### **1. Personal Property**

**Complaint:** Offender was released from the facility in December and says he is owed State Pay for November and December.

**Recommendation:** Review matter to see if offender is owed State Pay.

**DOC Action:** The error has been corrected and he will be receiving his money.

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### **Westville Correctional Facility**

### **1. Classification**

**Complaint:** Offender claims that his DS release date has passed and he is still being held in DS.

**Recommendation:** Review offender's status and place appropriately.

**DOC Action:** Offender moved to AS pending transfer.

### **2. Confinement Conditions**

**Complaint:** Offender wants P-2 dayroom and building inspected for safety. Offender was in infirmary for 5 days after ceiling tiles collapsed in P-2 dayroom.

**Recommendation:** Review issue to see if P-2 dayroom is unsafe and if facility could have prevented the ceiling tiles from falling.

**DOC Action:** There is no evidence the facility could have been aware this would happen other than the tiles were being removed around window area from condensation. Offender received appropriate medical treatment. Offender had no physical wounds.

### **3. Personal Property**

**Complaint:** Offender claims that he was transferred from New Castle to WCU and all of his property is missing.

**Recommendation:** Review matter to see if facility has offender's personal property.

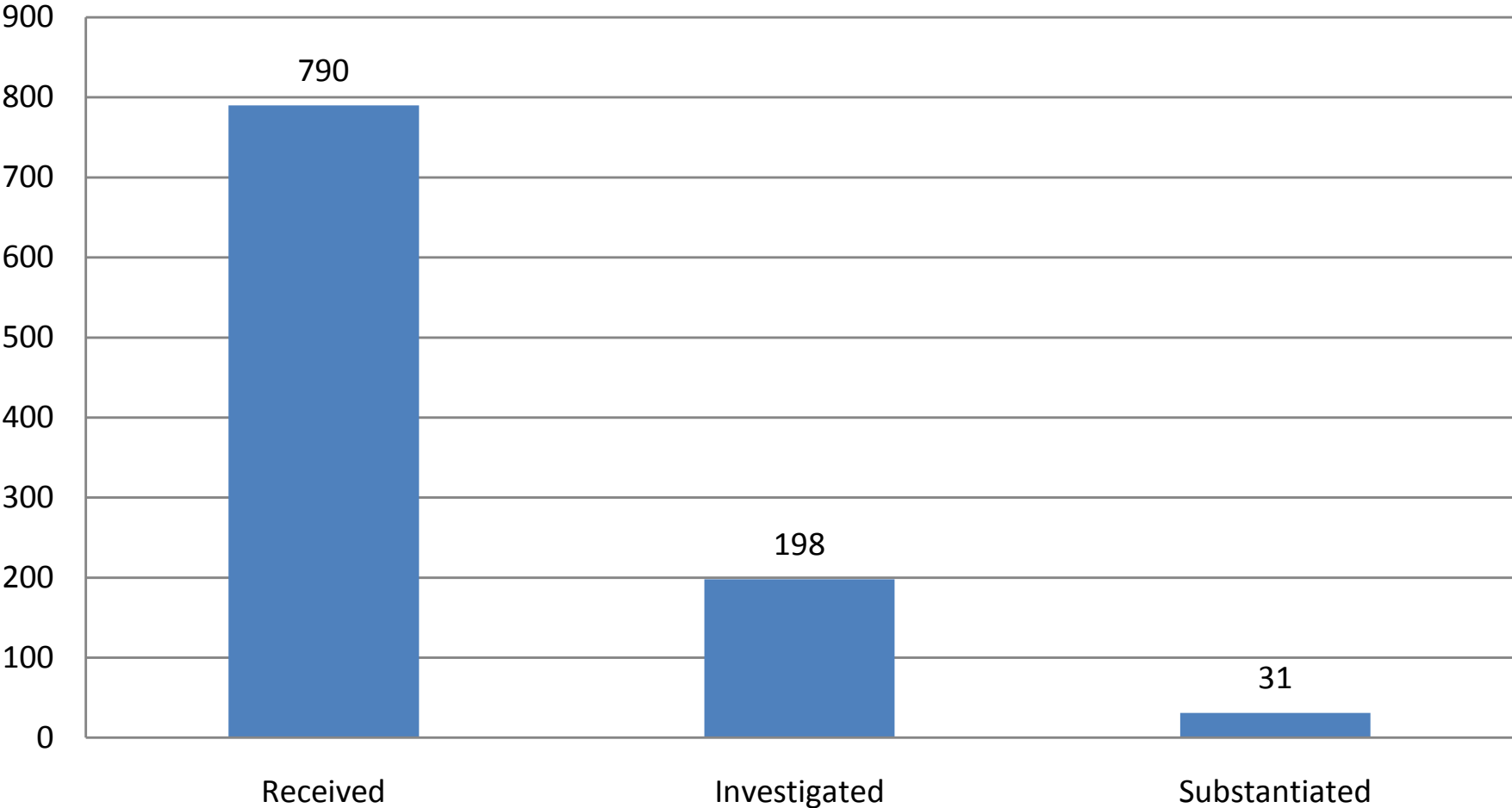
**DOC Action:** Offender's property has been located and is being shipped to him.

### **Looking into the Future**

The Ombudsman Bureau has set the following goals for the year 2011:

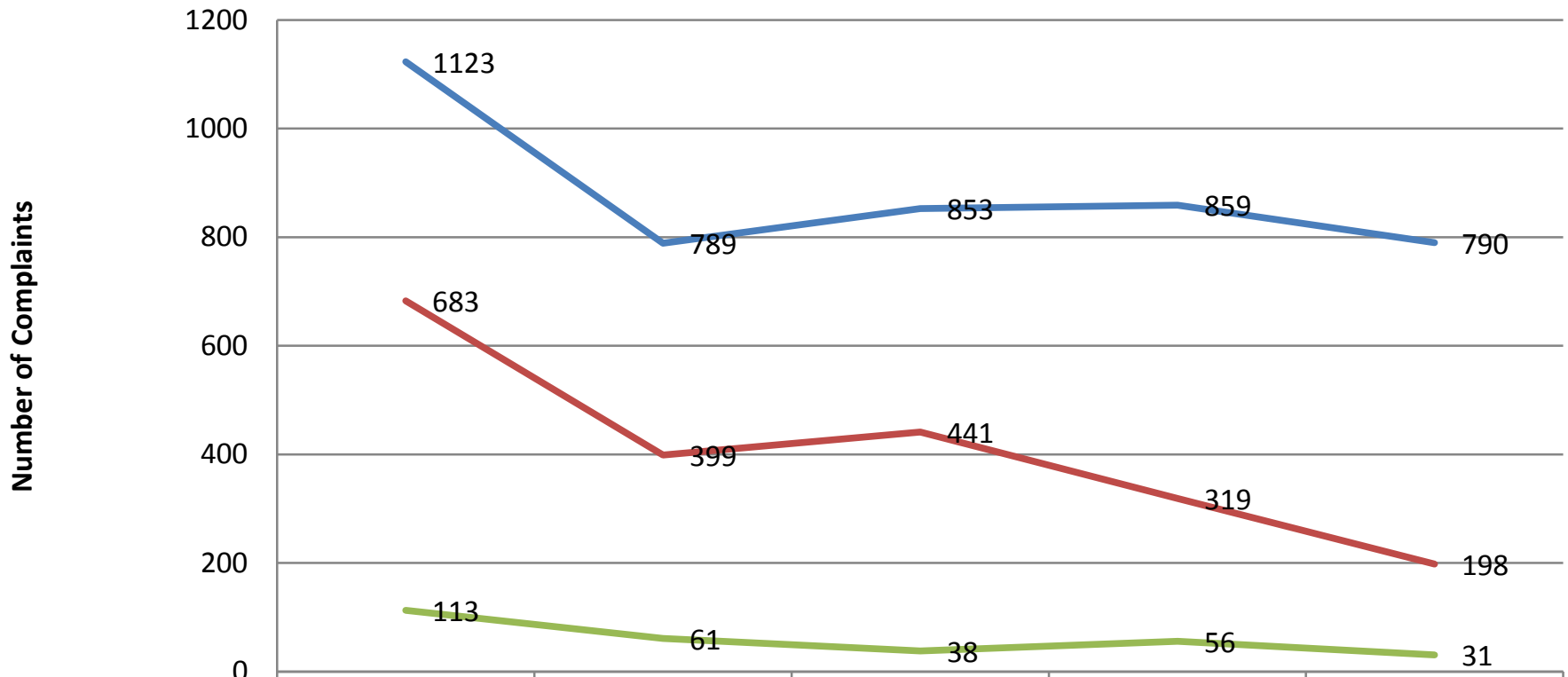
1. Meet the green performance goals set for the Bureau in respect to the number of days complaints are open.
2. Continue to send timely reports to interested parties and continue to improve/expand reporting mechanisms.
3. Continue to keep the offender population aware of the Bureau.

# 2010 Complaint Totals



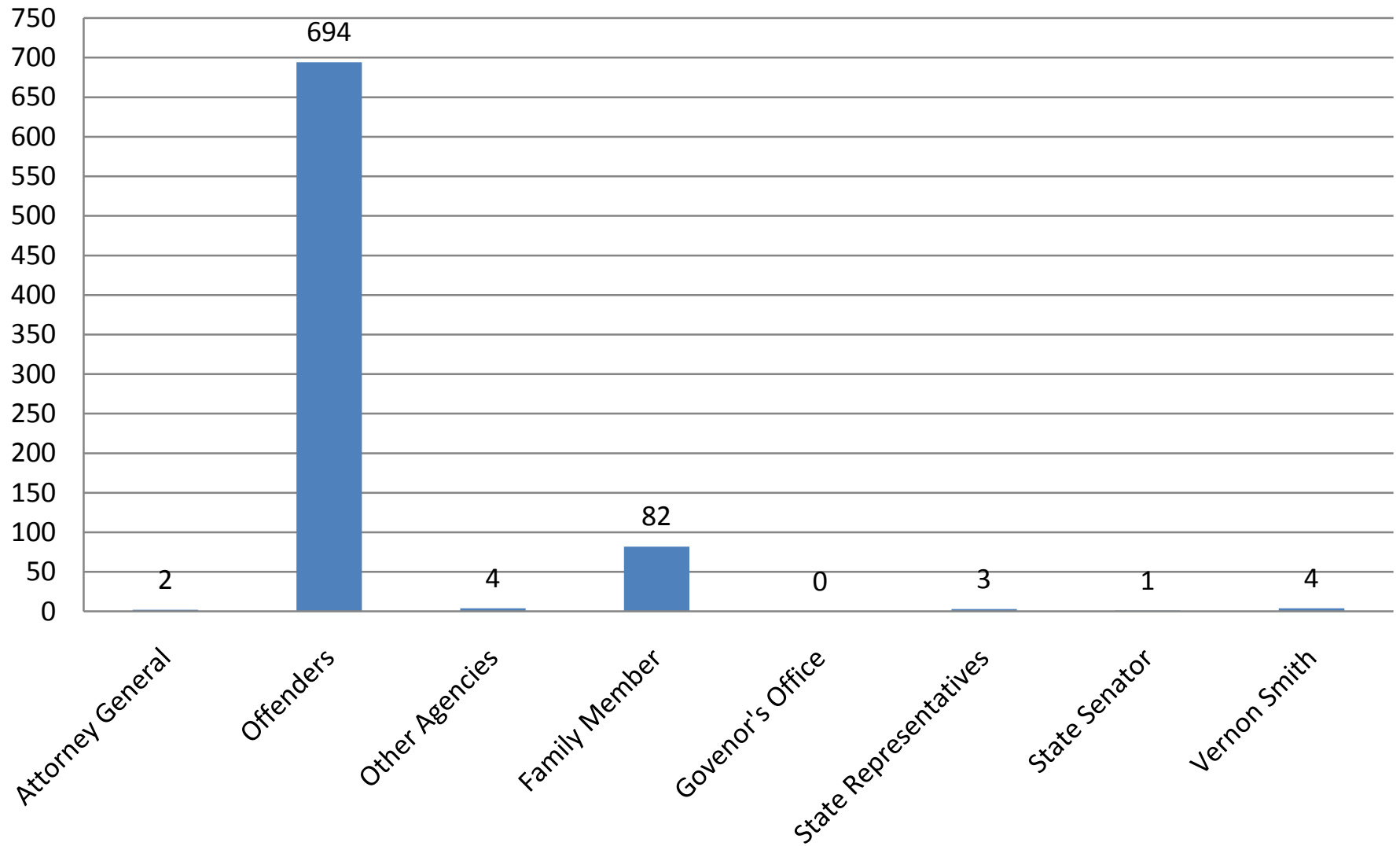


## Complaint Totals for 2006-2010

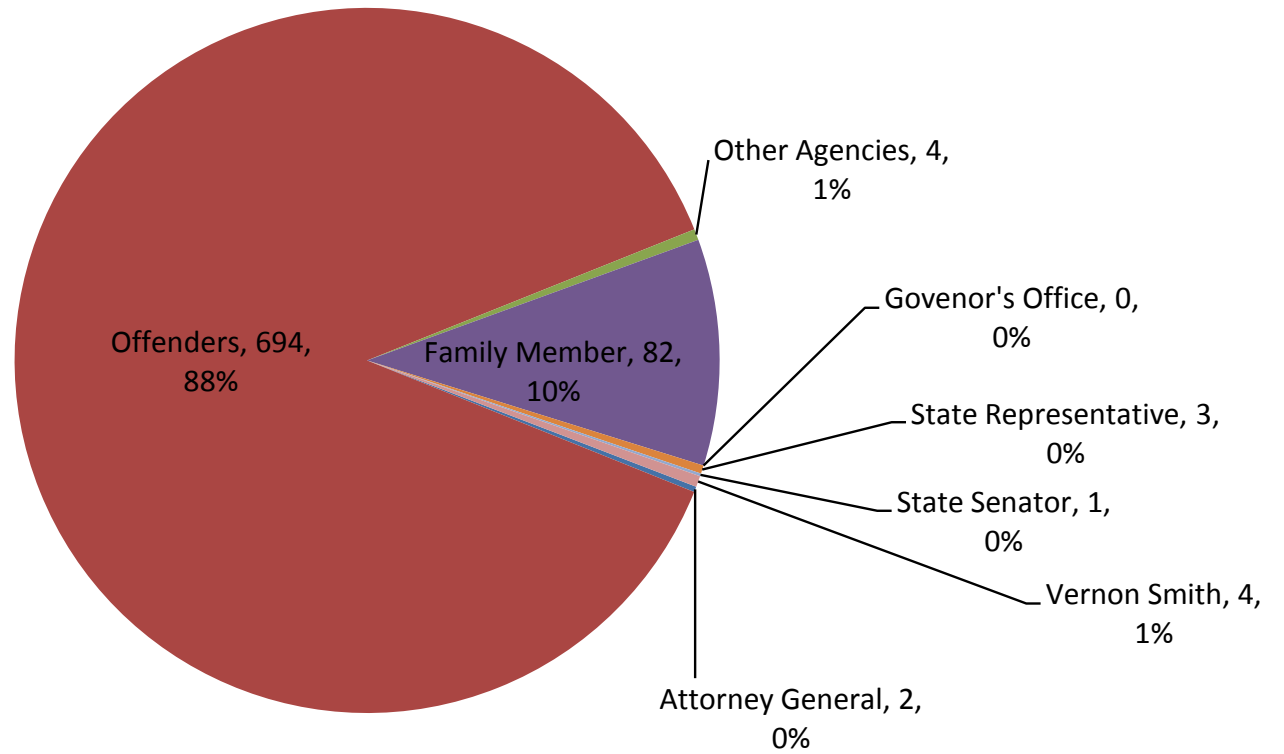


|               | 2006 | 2007 | 2008 | 2009 | 2010 |
|---------------|------|------|------|------|------|
| Received      | 1123 | 789  | 853  | 859  | 790  |
| Investigated  | 683  | 399  | 441  | 319  | 198  |
| Substantiated | 113  | 61   | 38   | 56   | 31   |

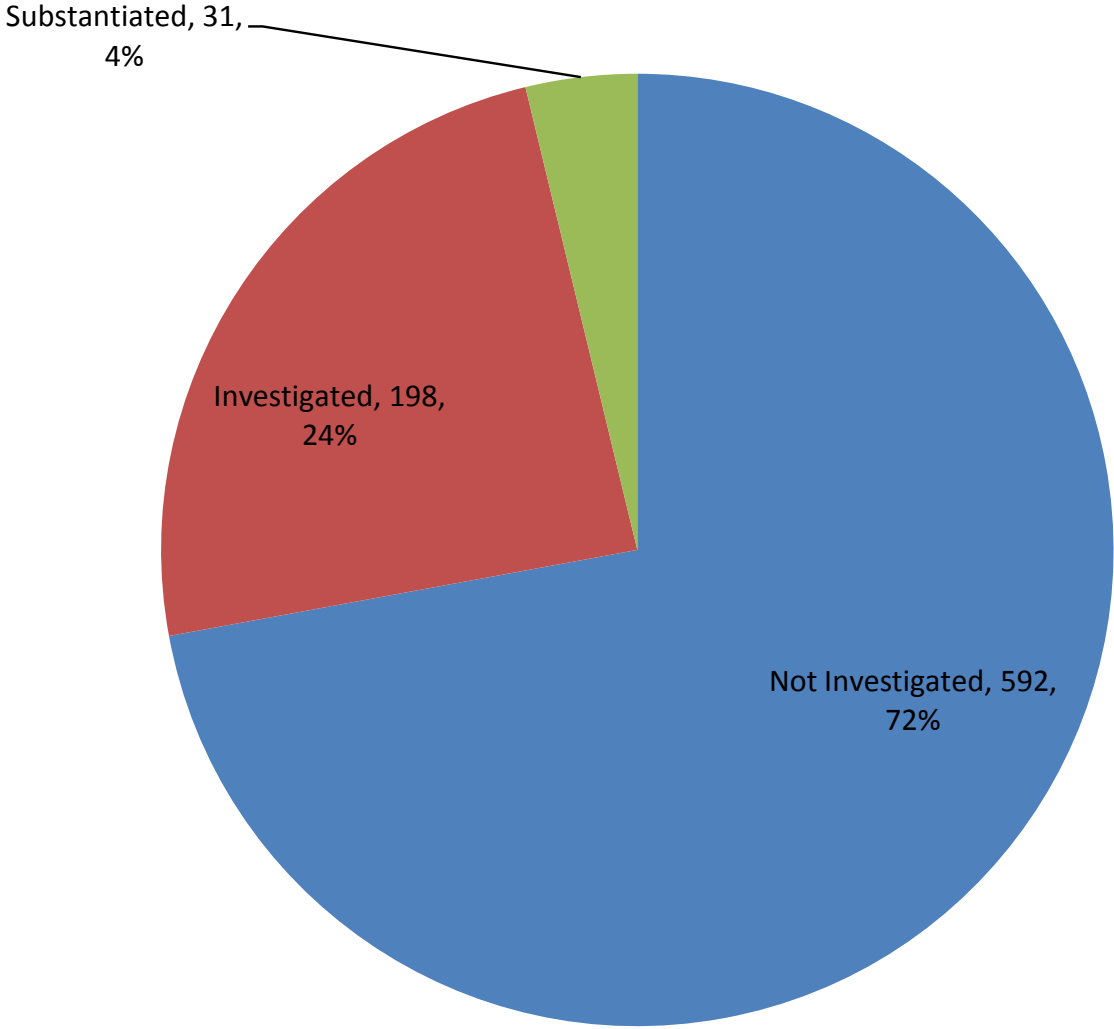
# How Complaints Were Received in 2010



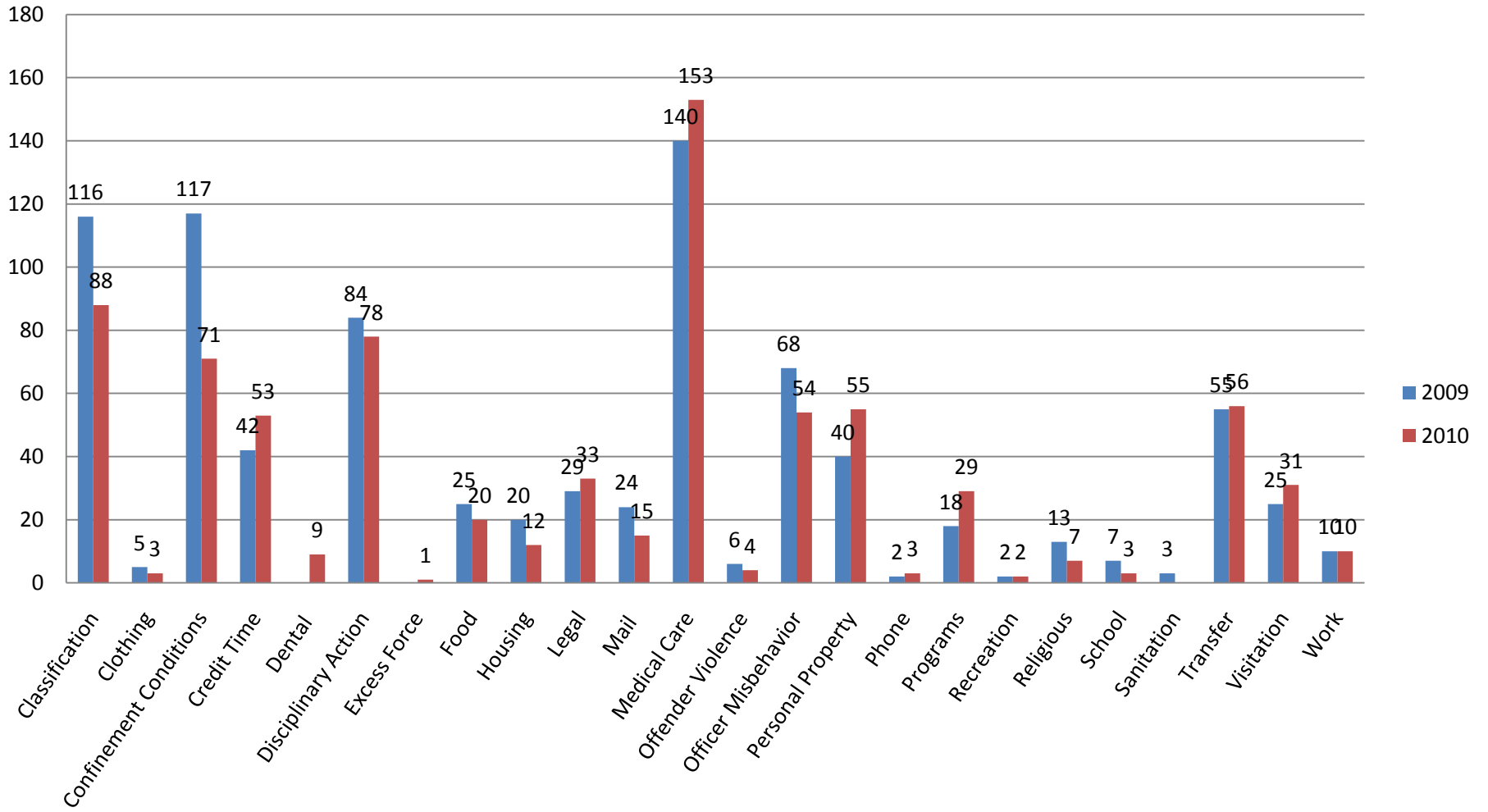
## How Complaints Were Received in 2010



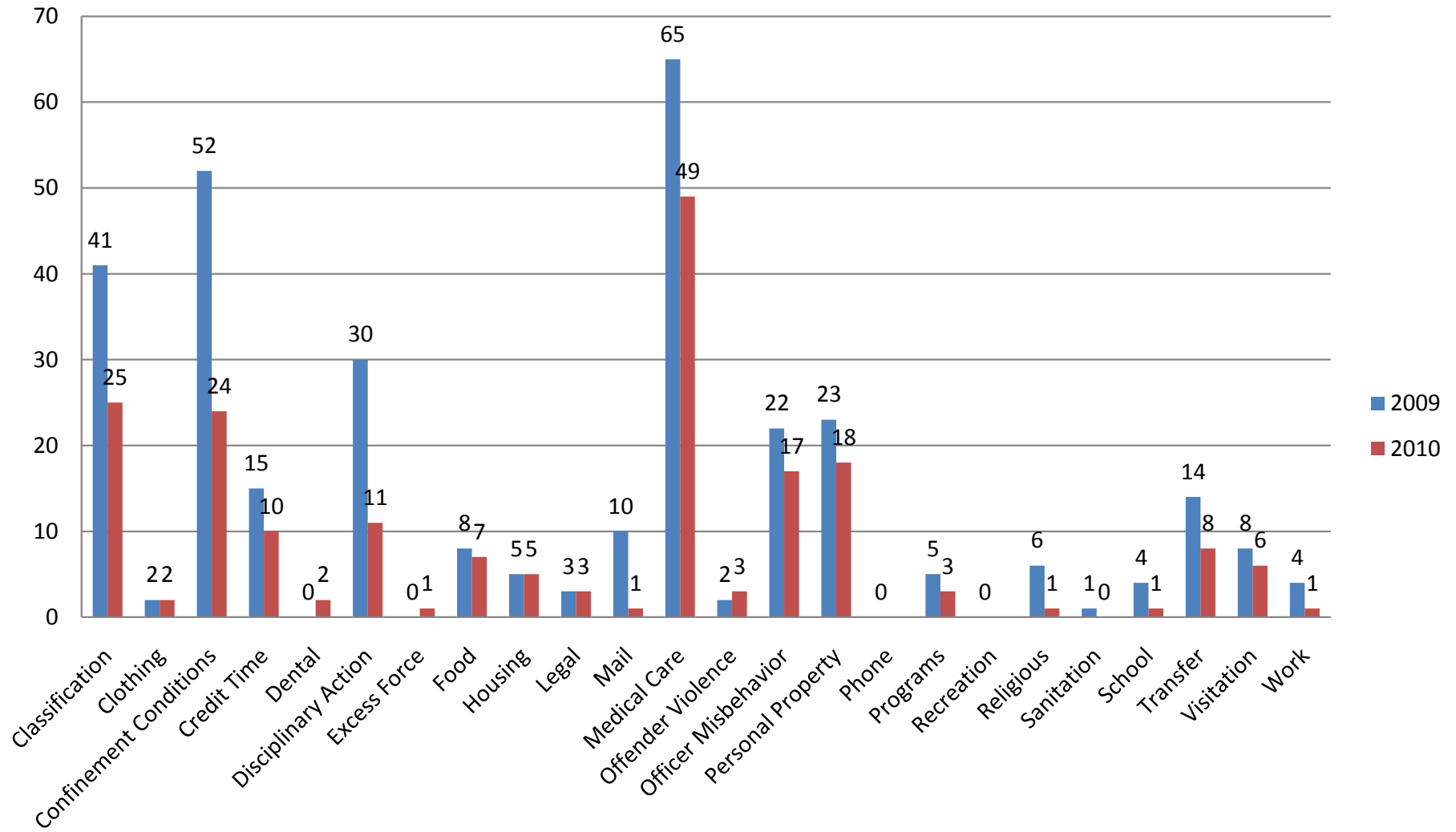
# 2010 Complaint Totals



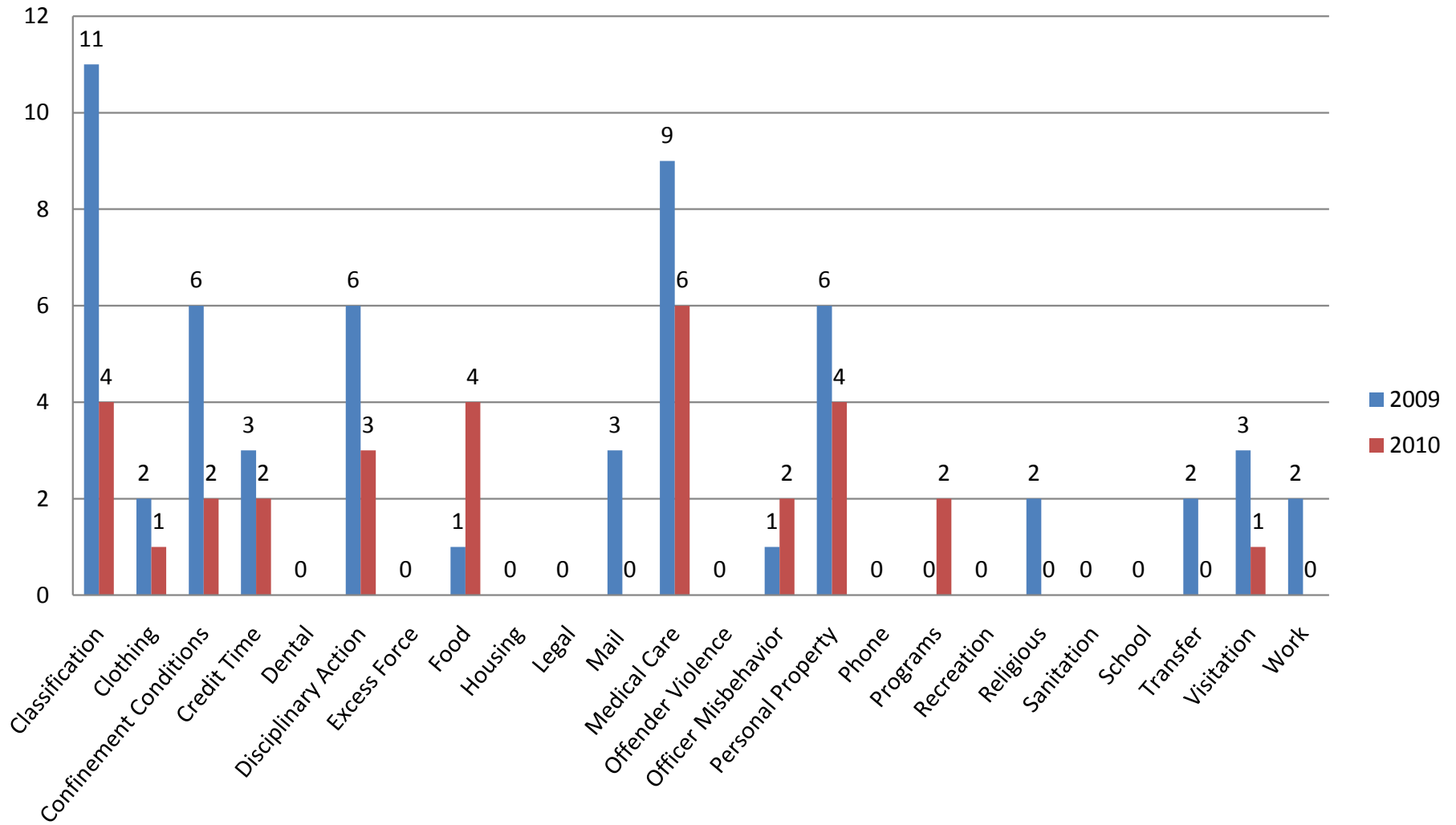
## Total Complaints Received by Type in 2009 and 2010



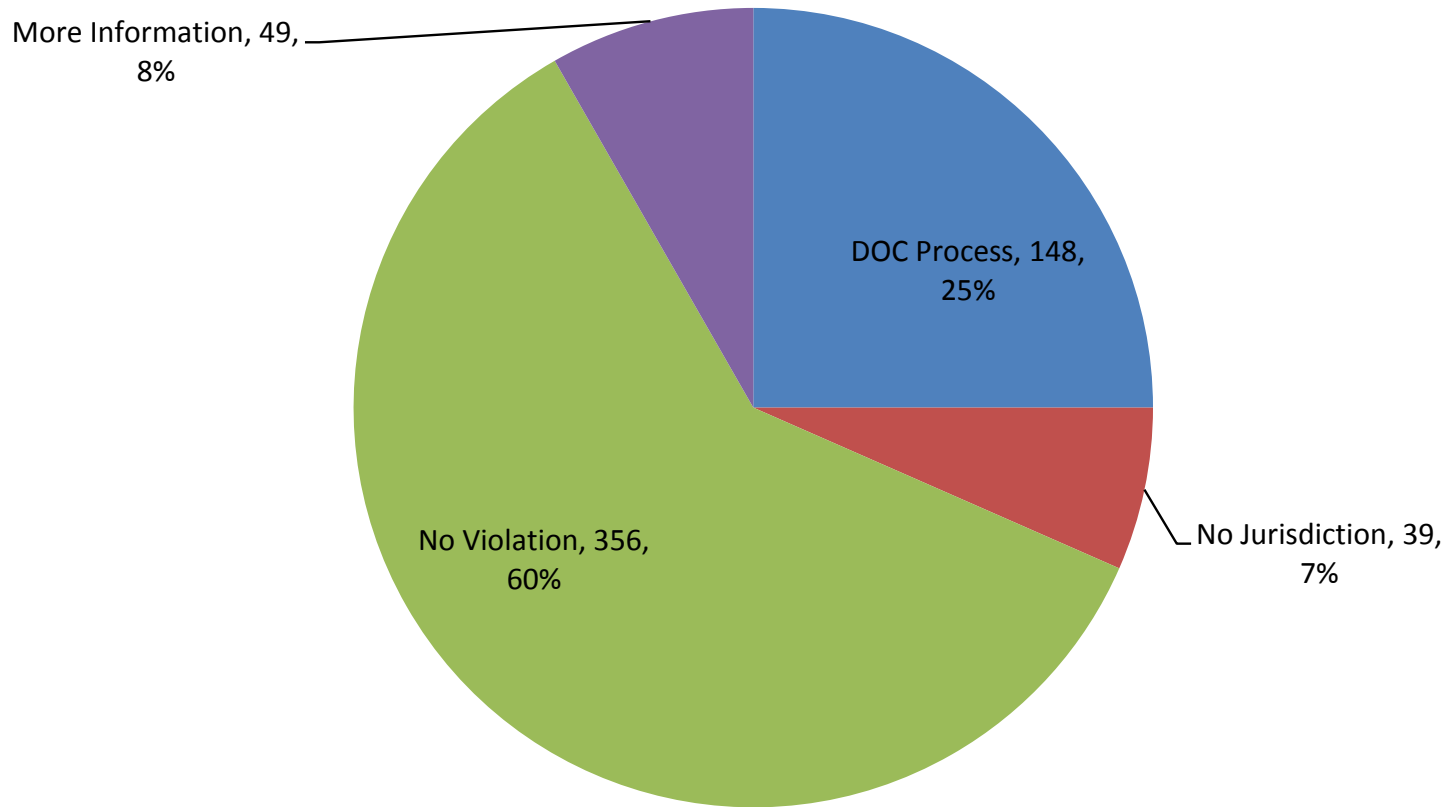
## Investigated Complaints by Type in 2009 and 2010



## Substantiated Complaints by Type in 2009 and 2010



## 2010 Complaints Not Investigated





**PERFORMANCE METRICS FOR OMBUDSMAN**

| <b>Metric</b>   | <b>2010 Reported Performance</b> | <b>2009 Reported Performance</b> | <b>Green Target</b> | <b>Yellow Target</b> | <b>Rationale</b>  |
|---|----------------------------------|----------------------------------|---------------------|----------------------|---|
| Average number of days investigated complaints are open   | 14.35                            | 11.28                            | 10                  | 12                   | Accountability / Offender complaints being addressed in a timely manner |
| Average number of days substantiated compalaints are open | 14.51                            | 11.37                            | 15                  | 22                   | Accountability / Offender complaints being addressed in a timely manner |
| Average response time to all complaints (in days)         | 5.00                             | 6.17                             | 5                   | 7                    | Accountability / Offender complaints being addressed in a timely manner |

## Facilities with Highest Number of Complaints 2009-2010

