

## **IC 4-13-1.2**

### **Chapter 1.2. Department of Correction Ombudsman Bureau**

#### **IC 4-13-1.2-1**

##### **"Bureau" defined**

Sec. 1. As used in this chapter, "bureau" refers to the department of correction ombudsman bureau established by section 3 of this chapter. The term includes individuals approved to act in the capacity of ombudsmen by the department of correction ombudsman bureau.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-2**

##### **"Ombudsman" defined**

Sec. 2. As used in this chapter, "ombudsman" means an employee of the bureau or an individual approved by the bureau to investigate and resolve complaints that the department of correction endangered the health and safety of any person, or that the department of correction violated specific laws, rules, or written policies.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-3**

##### **Ombudsman bureau; separate bureau within department of administration**

Sec. 3. The department of correction ombudsman bureau is established as a separate bureau within the department of administration.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-4**

##### **Appointment of director by governor; technical experts and other employees**

Sec. 4. (a) The governor shall appoint a director of the bureau. The governor shall appoint a successor director within thirty (30) days after a vacancy occurs in the position of the director. The director serves at the pleasure of the governor.

(b) The director may employ technical experts and other employees to carry out the purposes of this chapter. However, the director may not hire an individual to serve as an ombudsman who has been employed by the department of correction during the preceding year.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-5**

##### **Powers of ombudsman; report following investigation; notice of decision not to investigate**

Sec. 5. (a) The ombudsman may receive, investigate, and attempt to resolve complaints that the department of correction:

(1) violated a specific law, rule, or department written policy;

or

(2) endangered the health or safety of any person.  
However, the ombudsman shall not investigate a complaint from an employee of the department of correction that relates to the employee's employment relationship with the department of correction.

(b) At the conclusion of an investigation of a complaint, the ombudsman shall report the ombudsman's findings to the complainant.

(c) If the ombudsman does not investigate a complaint, the ombudsman shall notify the complainant of the decision not to investigate and the reasons for the decision.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-6**

##### **Access to records and facilities; immunity for release of records**

Sec. 6. (a) An ombudsman shall be given:

- (1) appropriate access to the records of an offender who files a complaint under this chapter; and
- (2) immediate access to any correctional facility administered or supervised by the department of correction.

(b) A state or local government agency or entity that has records that are relevant to a complaint or an investigation conducted by the ombudsman shall provide the ombudsman with access to the records.

(c) A person is immune from:

- (1) civil or criminal liability; and
- (2) actions taken under a professional disciplinary procedure dealing with an employee of the department of correction;

for the release or disclosure of records to the ombudsman under this chapter.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-7**

##### **Duties of ombudsman; privileged communication**

Sec. 7. (a) The ombudsman shall do the following:

- (1) Establish procedures to receive and investigate complaints.
- (2) Establish access controls for all information maintained by the bureau.
- (3) Except as is necessary to investigate and resolve a complaint, ensure that the identity of a complainant will not be disclosed without:
  - (A) the complainant's written consent; or
  - (B) a court order.

(b) The correspondence and communication between the ombudsman and any person is a privileged communication.

*As added by P.L.292-2001, SEC.2.*

#### **IC 4-13-1.2-8**

##### **Adoption of rules**

Sec. 8. The bureau may adopt rules under IC 4-22-2 necessary to carry out this chapter.

*As added by P.L.292-2001, SEC.2.*

**IC 4-13-1.2-9**

**No civil liability for good faith performance of duties**

Sec. 9. The ombudsman is not civilly liable for the good faith performance of official duties.

*As added by P.L.292-2001, SEC.2.*

**IC 4-13-1.2-10**

**Annual report on ombudsman bureau**

Sec. 10. (a) The director of the bureau shall prepare a report each year on the operations of the bureau.

(b) A copy of the report shall be provided to the following:

- (1) The governor.
- (2) The legislative council.
- (3) The department.
- (4) The department of correction.

A report provided under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

*As added by P.L.292-2001, SEC.2. Amended by P.L.28-2004, SEC.40.*

**IC 4-13-1.2-11**

**Violations; penalty**

Sec. 11. A person who:

- (1) intentionally interferes with or prevents the completion of the work of the ombudsman;
- (2) knowingly offers compensation to the ombudsman in an effort to affect the outcome of an investigation or a potential investigation;
- (3) knowingly or intentionally retaliates against an offender or another person who provides information to the ombudsman; or
- (4) makes threats because of an investigation or potential investigation against the ombudsman, a person who has filed a complaint, or a person who provides information to the ombudsman;

commits a Class A misdemeanor.

*As added by P.L.292-2001, SEC.2.*

**IC 4-13-1.2-12**

**Office space for ombudsman bureau**

Sec. 12. The department of administration shall provide and maintain office space for the bureau.

*As added by P.L.292-2001, SEC.2.*