

POLICIES & PROCEDURES OF THE DOC OMBUDSMAN BUREAU

I. Definitions

The Ombudsman Bureau Policy references the following terms, defined here:

- A. Assistant – A person serving the role classified as AA3 for the State of Indiana who is charged with assisting in performing the duties of the Ombudsman Bureau.
- B. Bureau – Refers to the Department of Correction Ombudsman Bureau established in IC 4-13-1.2-3.
- C. Complaint – Refers to a piece of mail, e-mail, or phone call received from offenders, family members, friends, or other agencies that concerns the DOC and contains an issue the Bureau can address.
- D. Complainant – A person who submits a complaint to the Ombudsman Bureau.
- E. DOC – Refers to the Indiana Department of Correction.
- F. Director – The person charged with fulfilling the duties under IC 4-13-1.2-7 and appointed under 4-13-1.2-4.
- G. Family Member – A person who is related to a person who is incarcerated in a DOC facility in the State of Indiana.
- H. Follow up Complaint – A complaint that has previously been logged into the Access Database by the Bureau.
- I. Investigation – an in depth examination of a complaint.
- J. New Complaint – A complaint received by the Bureau that has not previously been logged or reviewed by the Bureau.
- K. Substantiated Complaint – A complaint that is found to be true and requires the DOC to take some action on the matter.

II. Mission Statement

- A. To work in concert with the DOC towards the common goal of public safety through making recommendations to the DOC in order to ensure

that the health safety of offenders are protected and DOC policies and procedures as well as state laws and rules are adhered to.

III. Purpose and general principle

- A. Purpose: It is the purpose of the Ombudsman Bureau to develop policies and procedures that promote the expeditious resolution to complaints received from persons incarcerated in the DOC, their family members, and other interested parties. These specifically-designed procedures and policies provide for the consistent implementation of complaint resolution activities, and promote the enforcement of DOC policies and procedures, the health and safety of offenders, and state law.
- B. General Principle: These policies and procedures establish procedural guidelines for consistent handling and resolution of complaints submitted for resolution to the Ombudsman Bureau. The following procedures should apply in the handling of each complaint submitted to the Bureau.

IV. Intake Procedures

The Bureau receives complaints by mail, e-mail, and telephone.

- A. The Bureau will only accept complaints addressed specifically to the Bureau.
- B. The Bureau will only accept complaints concerning whether the Department of Correction:
 - 1. Violated a specific law, rule, or department written policy; or
 - 2. Endangered the health or safety of a person.
- C. The Bureau requires offenders to use the Ombudsman Complaint Form, if at all possible.
- D. The Bureau requires offenders to send all relevant paperwork with their complaints, if at all possible.
- E. The Director reserves the right to refuse complaints in which the Bureau cannot address or adequate information is not provided.
- F. If the Bureau has already addressed a matter further correspondence regarding the matter will be noted and filed.

V. Determining Appropriate Action

- A. As soon as possible after receipt of a complaint, the Intake Assistant determines whether a complaint is in need of:
 - 1. Further review, in which case it is given to the Director.
 - 2. Further investigation, in which case it may be given to the Director.

VI. Response Procedures

Responses to complaints should be made in a reasonably timely manner after receipt of the complaint and should be as follows:

A. More Information Required

- 1. When a new complaint as described above in I. I. is received by the Bureau, if insufficient information is submitted then the letter of response requires the complainant to send the Bureau additional information.

B. No Violation Letters

- 1. If all information is reviewed and the Bureau determines that no violation of DOC policy or procedure has occurred, the Bureau shall respond with a letter expressing that no violation has been found in the matter and no investigation is necessary.

C. No Jurisdiction Letters

- 1. If the Complainant has submitted a complaint concerning a matter that that the Bureau does not have the statutory power to address, the complainant is sent a letter explaining that the Bureau does not have jurisdiction over such a matter.

D. Use the DOC process Letters

- 1. If the Bureau receives a letter from a complainant and it has come to be determined that the complainant has not completed a DOC process that could be used to resolve the complaint, the Bureau may send the complainant a letter explaining that the offender must first complete the DOC process available to the offender. See exceptions to this in section VII part A.

E. Report of Investigation

1. As required by IC 4-13-1.2-5(b), the Bureau should submit a letter to an offender once an investigation or inquiry has been completed or it has been determined that an investigation is not needed.
 - a. In the case where an investigation has been performed, the letter should indicate the outcome of the investigation or inquiry.
 - b. In the case where the decision has been reached that an investigation or inquiry is not necessary, the letter should state the reason an investigation was found to be unnecessary.

VII. Procedures Upon Investigation

- A. The Bureau may conduct an investigation into a matter when an offender has completed the appropriate DOC process or when an offender may not have completed this process, but the matter involves a health or safety matter.
- B. Investigations shall be completed in a timely manner.
- C. Once it is determined that a complaint requires an investigation, one or more of the following people may need to be contacted:
 1. Facility contact
 2. Final review authority
 3. Grievance Officer
 4. Superintendent
 5. Offender
 6. Offender's family
 7. Policy Manager
 8. Classification
 9. Assistant Superintendent
 10. Central Office personnel
 11. Medical personnel
 12. Other personnel
- D. Once the appropriate contact has been made, it may be necessary to visit the facility in order to address the issue.
- E. If may also be necessary to hold a meeting at the facility with the offender and the relevant DOC personnel.
- F. Once the relevant people have been spoken to, it is determined that the complaint is true and needs DOC action or it is not true or the DOC has already addressed the issue, as described in section I.

- G. A recommendation, as described below in Section VIII., is made when a complaint is substantiated.
- H. Reports of investigation are written as described above in section VI. part E.
- I. After completion of these Procedures Upon Investigation stated herein a complaint is considered resolved.

VIII. Making Recommendations

- A. As an investigation ensues the Director may find it appropriate to make a recommendation as to action necessary when a complaint is substantiated.
- B. Recommendations should be made to the personnel who directly oversees the issue or facility contact person, but the Director may notify other facility/central office personnel.
- C. All recommendations and complaints must be reported to the DOC Commissioner monthly.