



# STATE OF INDIANA

Michael R. Pence, Governor

## DEPARTMENT OF ADMINISTRATION OMBUDSMAN BUREAU

Indiana Government Center South  
402 West Washington Street, Room W479  
Indianapolis, IN 46204

Dear Governor Pence, the Honorable Speaker, President Pro Tem, and Commissioners Lemmon and Robertson:  
Pursuant to IC 4-13-1.2-10, it is my great pleasure to submit to you the 2015 Annual Report of the Department of Corrections Ombudsman.

Included in this report you will find a breakdown of the number and types of complaints received by the Bureau in the calendar year 2015. Key characteristics of these complaints include:

- While the number of complaints slightly dropped, the Bureau more than doubled its contacts with over 2200 for the year.
- Medical complaints comprised of 37% of all complaints received by the Bureau and 66% of all substantiated complaints.
- Medical complaints increased by 17% since the previous year.
- Complaints from Adult Male Level 2 facilities comprised 66% of all complaints received by the Bureau.

The Bureau continued receiving electronic complaints successfully after its implementation in 2014. As a matter of fact, electronic complaints comprised 54% of the total number of complaints received by the Bureau and 77% of all substantiated complaints.

Included below are three Department- wide recommendations for the Department of Corrections. These recommendations were developed based upon an analysis of the complaints that the Bureau has received throughout the year. These recommendations are as follows:

1. Continue to strive to review the Grievance Process and ensure that the process is working properly at each facility and provide training for those who need it.
2. Continue to update policies and procedures as needed, including updating the offender wage scale to correspond with policy.
3. Transfer Level 1 offenders out of Level 2 facilities within 30 days of the offenders being classified as Level 1.

I am deeply humbled to have this opportunity to serve you and the people of our great state. May God bless our State, our work, and the great people of our state.

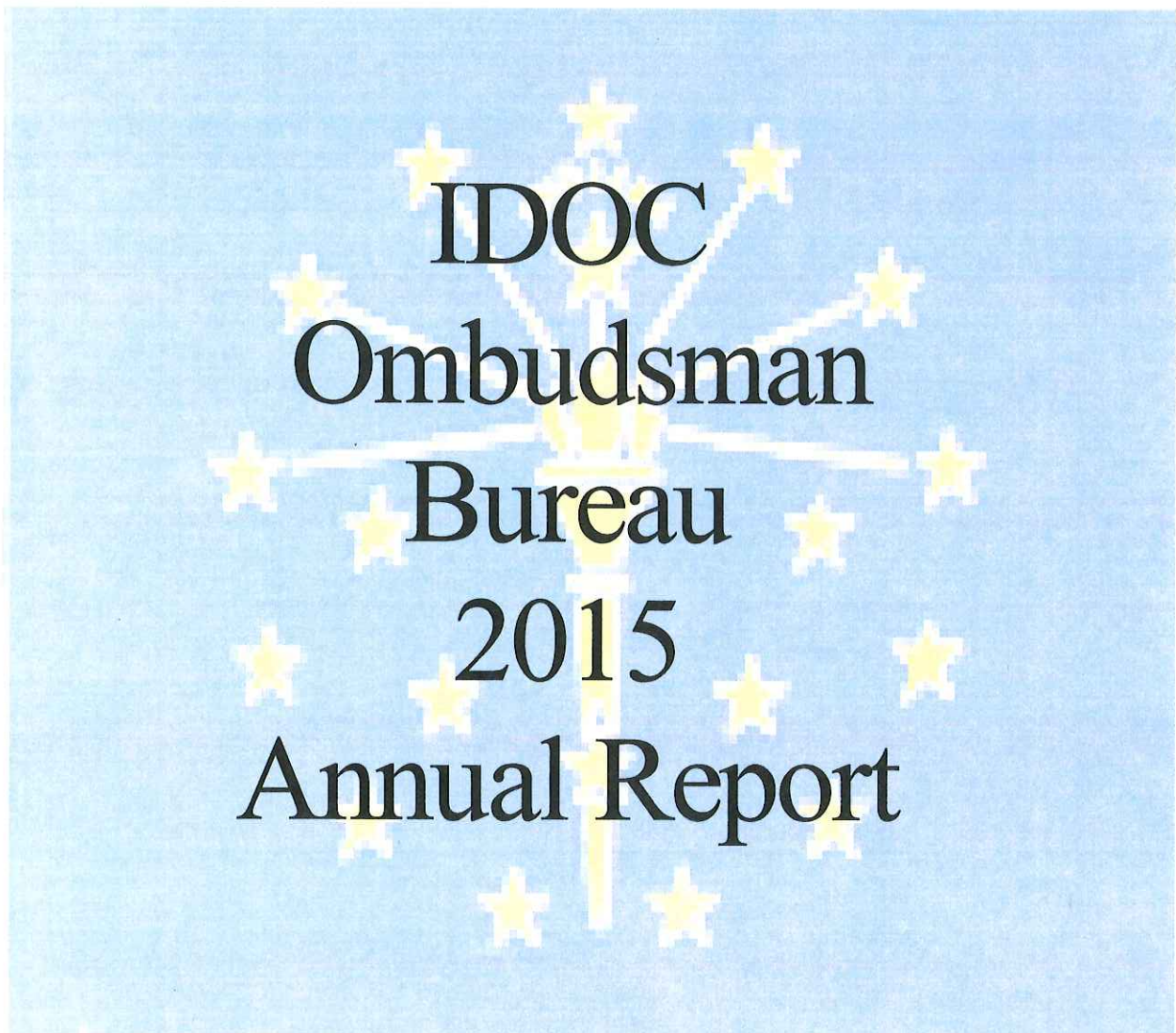
With Much Appreciation,

Charlene A. Burkett  
DOC Ombudsman Bureau Director

# Indiana DOC Ombudsman Bureau

402 W. Washington Room W479

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*A synopsis of the activity in 2015 of the IDOC*

*Ombudsman Bureau*

*Charlene A. Burkett, Director*

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Attachment 3 - Spreadsheet of all 2015 Complaints

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## **2015 Activity Summary**

In 2015 the Bureau received 1377 complaints. While the number of received complaints has dropped slightly since the prior year 2014, the number of contacts for the Bureau more than doubled reaching over 2000 and representing a percentage increase of over 100%. Of the 1377 complaints received, 54% of these complaints were received electronically by the Bureau. Of the 1377 complaints received, the Bureau investigated 838 complaints or 61% of the complaints received. Of this 61% of complaints investigated, the Bureau substantiated approximately 20% (164) and assisted in another 5% (40) of these complaints. In comparison to 2014, this is a 23% increase in the number of investigated complaints, a 5% increase in substantiated complaints, and 50% increase in assists. Additionally, the Bureau received 77% of the substantiated complaints electronically, whereas in 2014 the Bureau only received 70% of its substantiated complaints electronically.

Once again, the complaint category from which the Bureau received the most complaints was medical. The Bureau experienced a 17% increase in medical complaints in 2015, bringing the total number of medical complaints received by the Bureau to 509 for the year. As a matter of fact, medical complaints consisted of 37% of all complaints received by the Bureau in 2015. Of these 509 medical complaints received for the year, the Bureau investigated 474 or 93% of all medical complaints with 83% of these having been submitted electronically. In addition, the Bureau substantiated 109 medical complaints or 23% of the medical complaints investigated. As a matter of fact, medical complaints comprised of 66% of all substantiated complaints. Comparatively to 2014, however, these 474 investigated medical complaints represent a 23% increase. Whereas, the 109 substantiated medical complaints represent a 37% increase from 2014. Of the 109 substantiated medical complaints, 81% of these were received electronically.

As far as facilities, the Bureau received the most complaints from Adult Male Level 2 facilities in 2015, as in years' past. In 2015, complaints from Adult Male Level 2 Facilities comprised of 66% or 860 of all complaints received by the Bureau (1377). The facility from which the Bureau received the most complaints was New Castle Correctional Facility. The 298 complaints from New Castle, however, only comprise 22% of all complaints received by the Bureau. Notably, however, New Castle experienced a 14% increase in the overall number of complaints in the year 2015. Of the 298 complaints received from New Castle, 128 of these or 43% were medical complaints. Also notable, as far as facility numbers, is that Plainfield Correctional Facility (IYC) lowered its number of complaints by 11% and Westville Correctional Facility (WCC) lowered its number by 8%. The numbers are notable due to both of these facilities experiencing a superintendent change since the beginning of 2014.

## **II. Program Overview**

### **About the Bureau**

The Legislature first enacted legislation forming the Indiana Department of Correction (“IDOC”) Ombudsman Bureau (“Bureau”) in 2002. The Bureau is charged with receiving, investigating, and attempting to resolve matters, including those involving the health and safety of offenders housed in the IDOC. The Bureau determines whether a matter is being handled according to law and/or IDOC policy and/or procedure.

### **Our Process**

The Bureau requires that offenders attempt to resolve matters through the IDOC first, before filing a complaint with the Bureau.<sup>1</sup> This assumes that offenders are receiving access to the applicable process (tort claim process, grievance process, etc.) and that process is functioning as it should under policy. Thus, if offenders are having trouble with a process, the Bureau also addresses these issues. When an offender contacts the Bureau a general question that does not meet the criteria of a complaint, these are counted merely as contacts. These have greatly increased since the inception of JPay due to the high amount of offenders who contact the Bureau through JPay, but do not meet the criteria of a complaint. The Bureau thought it was important to count these in some way because it has so many of these, thus these are termed as Contacts.

After offenders file a complaint with the Bureau, the Bureau decides whether further investigation is required into the matter. If, however, the Bureau determines that no further investigation is necessary, then the complaint is disposed of in one of four ways: returned to IDOC for resolution, determined not to be a violation, determined not to have jurisdiction, or more information is required.

If, however, a complaint requires further investigation, then the Bureau will contact the appropriate IDOC personnel and make a recommendation to IDOC regarding resolution of the matter. The IDOC then reviews the matter and reports its action back to the Bureau. If the Bureau deems it to be appropriate, further investigation into the matter may take place. The investigation may entail the Bureau contacting IDOC personnel further, visiting the facility, interviewing the offender and/or other individuals.

After the investigation is complete, the Bureau then issues a monthly report, including any findings pertaining to the matter. This report is posted on the Bureau’s website and submitted to the Governor’s Office.

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<sup>1</sup> See Attachment 2 for a flow chart of this process



If the Bureau substantiates a complaint, this means that the Bureau has found the complaint is true and that some IDOC action is necessary to remediate the matter. Assists occur in the same manner, however, the key difference between a substantiated complaint and an assist is whether the offender has attempted to resolve the issue within the IDOC before contacting the Bureau. If an offender has not attempted to resolve the matter within the IDOC, then this is an Assist, whereas substantiated complaints occur after the IDOC has already been alerted of the issue.

### **Administration**

The Bureau currently consists of its current Director, Charlene Burkett and an Assistant, Amanda Bennett. Director Burkett was originally appointed in 2005 by Governor Daniels and reappointed by Governor Pence in 2013. Ms. Bennett joined the Bureau in April 2012.

### **Appropriations**

The current budget appropriation for the Bureau is \$151,179.00. The total spendable appropriation is \$144,376.00. The majority of the Budget is used with employee salaries and benefits and equipment and supplies. The budget also allots for necessary travel expenditures to facilities to investigate complaints. Notably, the Bureau's budget has fallen short in covering these travel expenses.

## **I. 2015 Activity Overview**

### **Outreach**

The Bureau continued its outreach efforts in several ways throughout 2015. Director Burkett again made efforts to visit the facilities several times throughout the year. Director Burkett made these visits as necessary to investigate complaints or to reach out to staff.

With the new IDOC partnership with Marion County Community Corrections housing IDOC offenders, Director Burkett made it a point to visit this facility so that she could familiarize herself with it and its procedures.

Director Burkett was part of a work group that revised the IDOC grievance process, which these revisions were implemented during 2015. Director Burkett was honored to serve and provide input to this group. This culminated with training of the Grievance Officers in July of 2015 where Director Burkett had the opportunity to address Grievance Officers from around the state. She took this opportunity to present the Grievance Officers with an explanation of how the Bureau's process works and is reliant upon the Grievance Process working, which makes their jobs so vital.

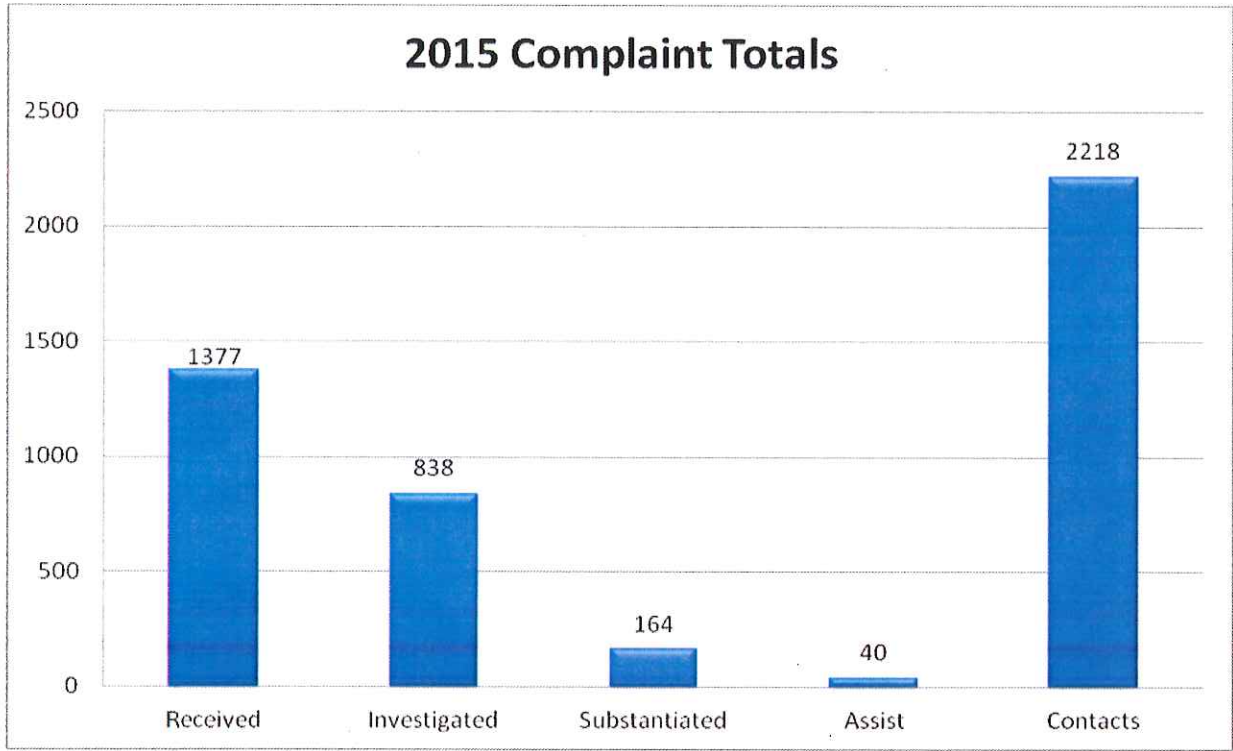
Additionally, Director Burkett was honored to have been asked to participate in a legislative committee hearing in New York to discuss the creation of an Ombudsman in New York. Director Burkett addressed the committee and shared her expertise gained through

practicing as an Ombudsman for over 10 years. New York hoped to have a bill passed during the 2016 legislative session creating a position similar to ours here in Indiana.

**II. Complaints**

**The Year in Review**

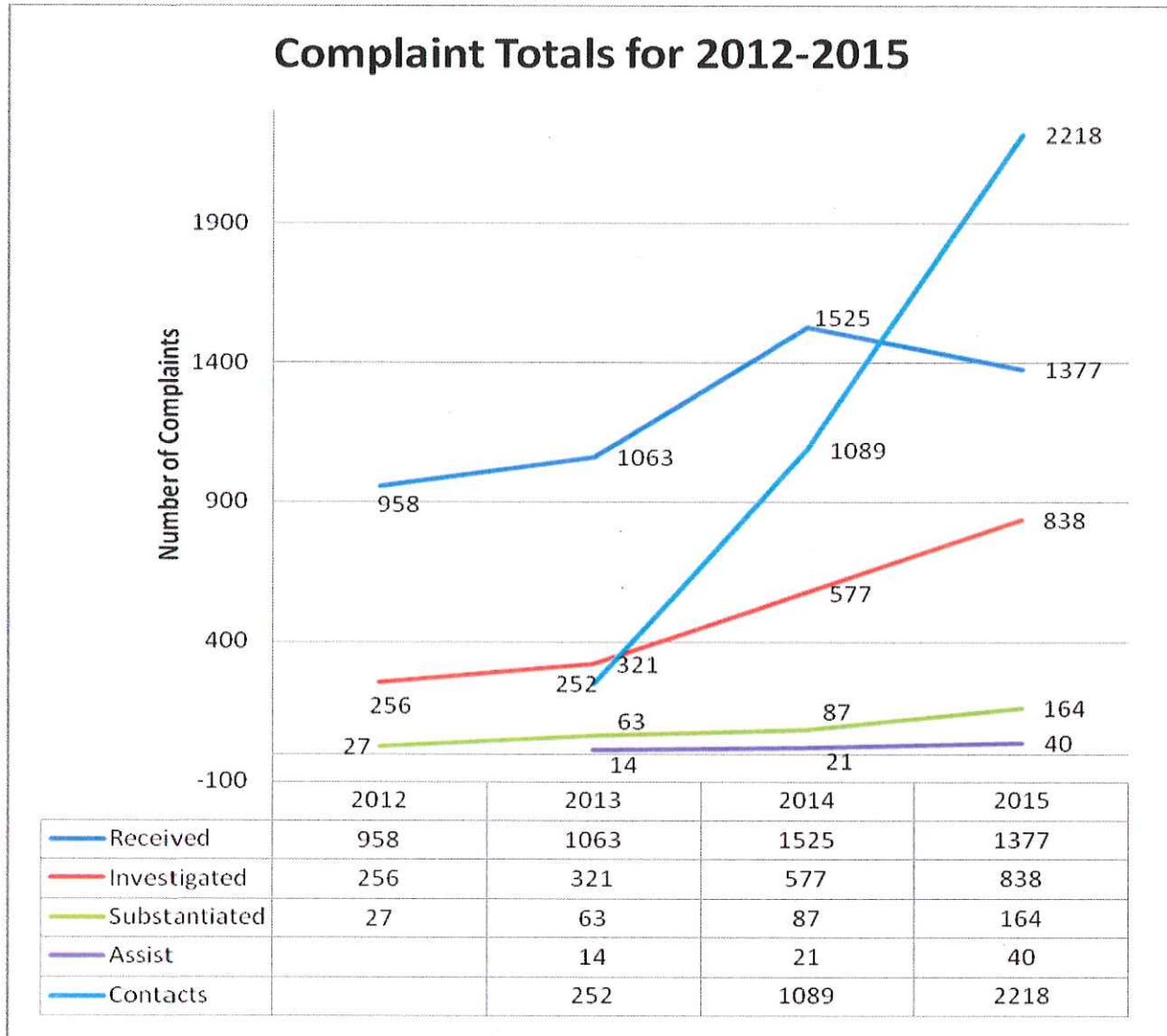
In the year 2015, the Bureau received a total of 1377 complaints and made an additional 2218 contacts. Of the 1377 complaints received 838 were investigated. Of the 838 of investigated complaints, which represents 61% of the total number of received complaints, 164 complaints or 20% of the investigated complaints were substantiated. Another 5% of the investigated complaints were Assists. See Figure 1 below.



**Figure 1**

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As Figure 2, below, depicts, the Bureau received 1377 complaints in 2015, which is a 10% decrease since 2014. The Bureau investigated 838 complaints, which represents a 23% increase over 2014. Furthermore, the Bureau substantiated 164 complaints this past year, which is a 5% increase overall compared to the 2014 amount. The Bureau also increased the number of contacts it made substantially in 2015 marking over a 100% increase for the second year. The number of assists also more than doubled since 2015. See Figure 2 below.

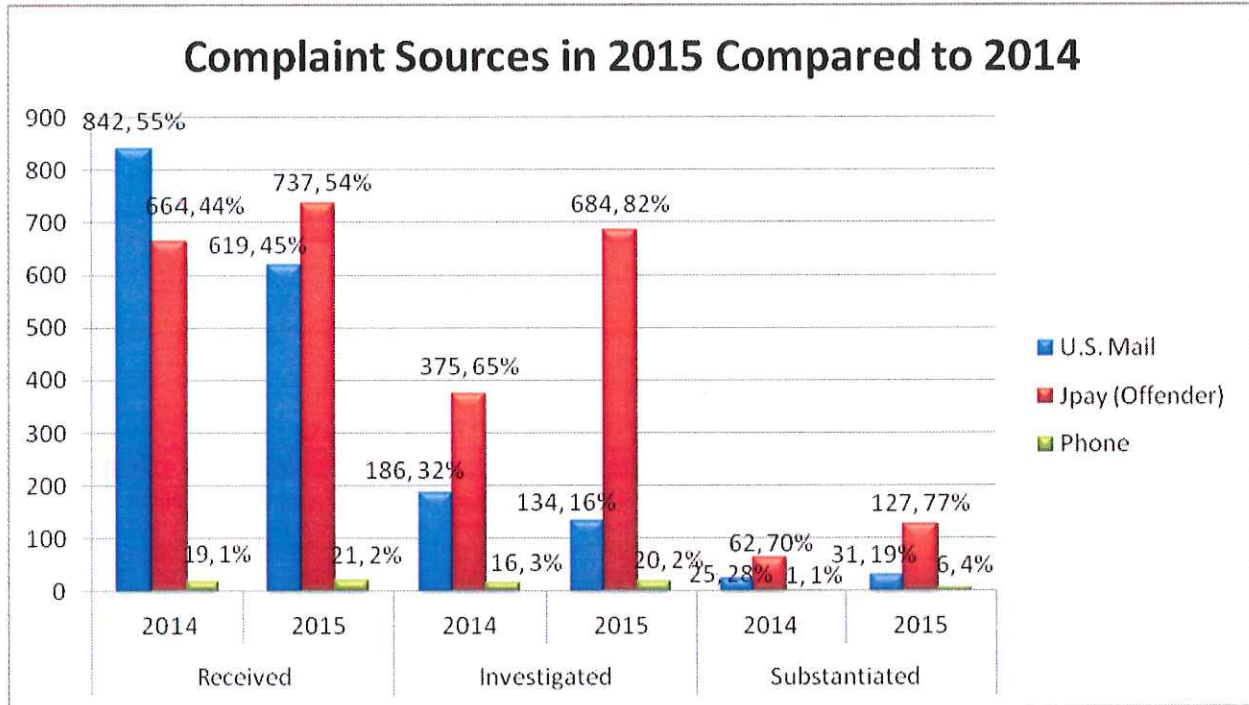


**Figure 2**

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The Bureau continued receiving complaints electronically (JPay) throughout 2015. Figure 3 below depicts the percentages of complaints received, investigated, and substantiated that were received electronically. Overwhelmingly, the Bureau received most of its complaints electronically, even more so than in 2014. In 2015, 77% of the Bureau's substantiated complaints were received electronically, which is a 7% increase over 2014. See Figure 3 below.



**Figure 3**

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As in years past, the Bureau has tracked the number of “not investigated” complaints, since these comprise 40% of the total number of received complaints. Of these not investigated cases, 327 or 60% were considered no violation, 178 or 33% were sent back to the IDOC process, 7 or 1% requested more info, and 31 or 6% lacked jurisdiction. Notably, 5% more than 2014 were referred back to the appropriate IDOC process. See Figure 4 below.

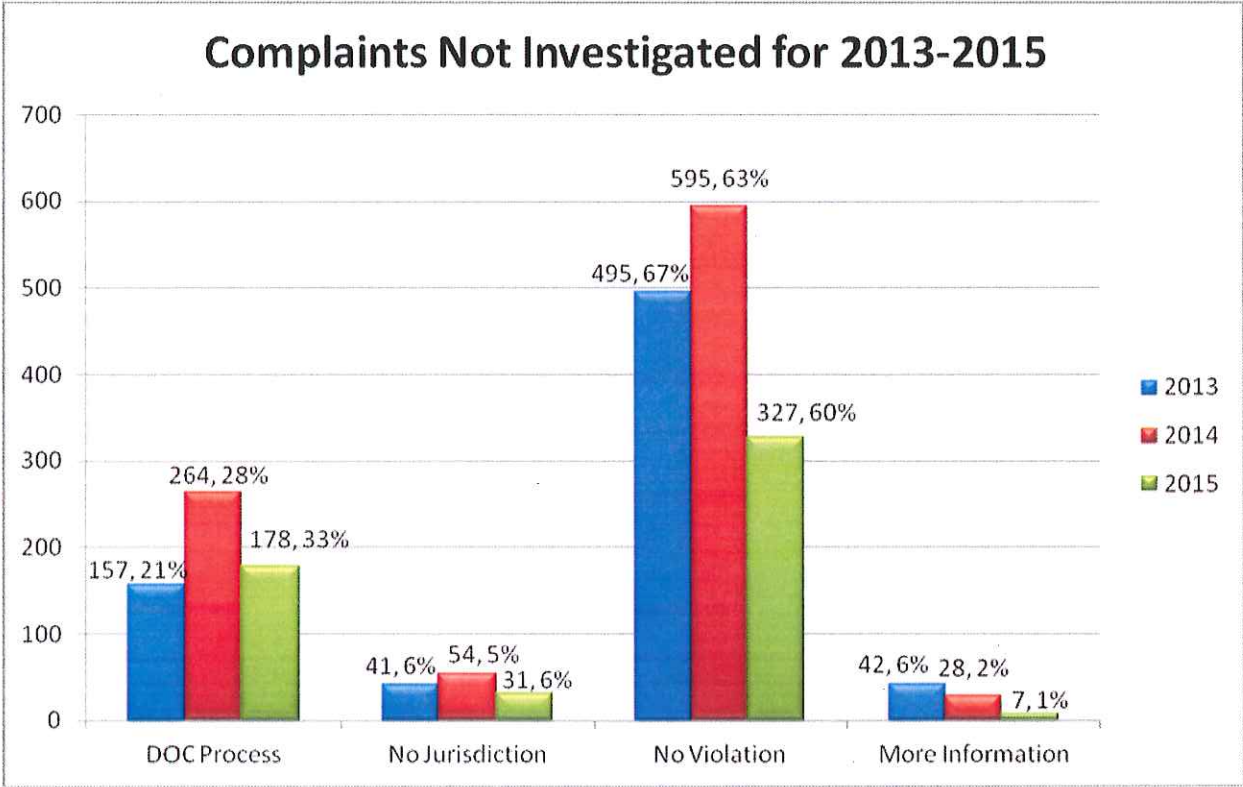


Figure 4

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### Complaint Characteristics

Even more so than in past years, the Bureau received, investigated, and substantiated more medical complaints than any other type of complaint. The Bureau received 17% more medical complaints this year than 2014, investigated 23% more, and substantiated 37% more than in 2014. **Ombudsman Perspective:** The Bureau accounts for this increase due to a change in leadership at the private medical vendor, Corizon. Not only did the main leadership in Corizon change, but also a few specific sites experienced personnel changes, which these numbers reflect. For a comparison to previous years, please see Figure 5 below.

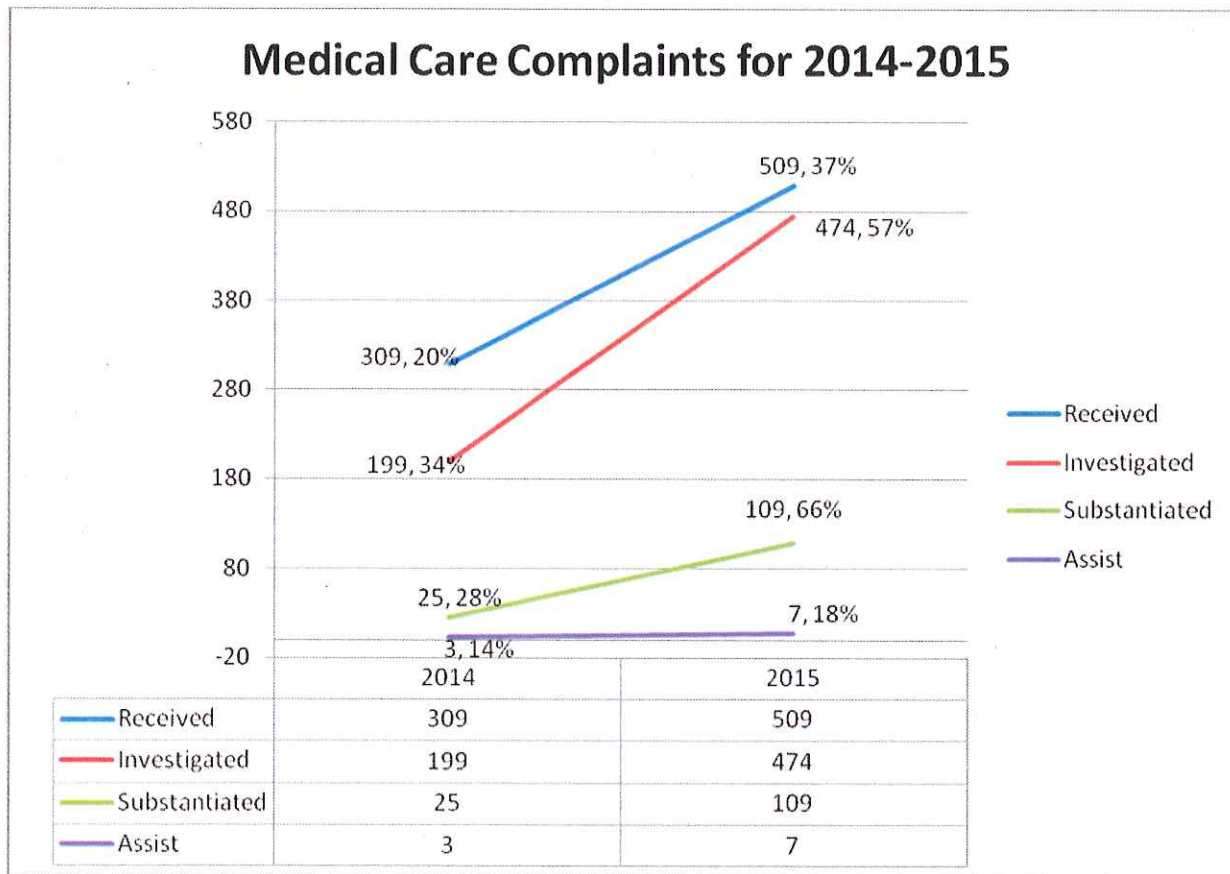


Figure 5

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Although medical complaints far outnumber other complaint categories, please see Figure 6 below for a complete breakdown of all complaints received by category and a comparison to 2014. **Ombudsman Perspective:** The Bureau receives more medical complaints than any other type. While we still request that offenders submit a Healthcare Request Form before contacting us, often if we believe that an offender may need medical care sooner, we will address the matter. We always, however, instruct offenders to tell someone on site or submit a Healthcare Request Form before contacting us.

**Percentage for Complaints Received by Type in 2015**

<b>Category</b>	<b>Total Complaints Received</b>	<b>Percentage</b>	<b>% increase from 2014</b>
Medical Care	509	37%	17%
Disciplinary Action	132	10%	1%
Personal Property	63	5%	-2%
Mental Health	51	4%	2%
Officer Misbehavior	51	4%	0%
Dental	47	3%	1%
Legal	46	3%	-2%
Food	44	3%	2%
Classification (Time Cut)	43	3%	-1%
Offender Safety	40	3%	-1%
Transfer	40	3%	-3%
Programs	34	2%	2%
Confinement Conditions	31	2%	-4%
Grievance	27	2%	-1%
Housing	25	2%	0%
Work	24	2%	-1%
Classification	23	2%	-1%
Clothing	22	2%	1%
Parole Board	19	1%	0%
Visitation	17	1%	-2%
Classification (Codes)	14	1%	-1%
Credit Time	14	1%	-1%
Mail	13	1%	-1%
Religious	12	1%	1%
Phone	10	1%	1%
Excess Force	9	1%	0%
Sex Offender*	6	0%	0%
Sanitation	4	0%	0%
Recreation	3	0%	0%

Offender Violence	2	0%	-1%
Security*	1	0%	0%
VMR	1	0%	0%
Contract	0	0%	0%
School	0	0%	0%

\* New Category in 2015

**Figure 6**

While the investigated medical complaints far outnumber any other category, see Figure 7 below for a complete listing of all categories of investigated complaint categories and a comparison to 2014. **Ombudsman Perspective:** The Bureau addresses more medical complaints than any other type. When the Bureau investigates a medical matter they reach out to medical to find out what information medical may have on the matter. This allows for medical to review the matter as well, in case further care or follow up is needed.

**Percentage for Complaints Investigated by Type in 2015**

Category	Total Complaints Investigated	Percentage	% increase from 2014
Medical Care	474	57%	23%
Dental	43	5%	3%
Mental Health	43	5%	2%
Personal Property	37	4%	-3%
Classification (Time Cut)	30	4%	1%
Clothing	20	2%	0%
Excess Force	18	2%	1%
Food	18	2%	1%
Transfer	14	2%	-2%
Confinement Conditions	12	1%	-6%
Legal	12	1%	-2%
Offender Safety	12	1%	-4%
Work	12	1%	-1%
Housing	11	1%	-1%
Classification	10	1%	-1%
Parole Board	10	1%	0%
Programs	10	1%	-1%
Officer Misbehavior	9	1%	-1%
Phone	9	1%	1%
Visitation	9	1%	-1%
Religious	8	1%	-3%
Disciplinary Action	7	1%	-1%

Grievance	6	1%	-2%
Classification (Codes)	5	1%	0%
Credit Time	5	1%	0%
Mail	5	1%	0%
Security*	1	0%	0%
Sex Offender*	1	0%	0%
VMR	1	0%	0%
Contract	0	0%	0%
Offender Violence	0	0%	0%
Recreation	0	0%	0%
Sanitation	0	0%	0%
School	0	0%	0%

\* Note a new category for 2015

Figure 7

Figure 8, below illustrates the percentage increase in the number of substantiated complaints for each complaint category in 2015. Medical complaints experienced the largest growth than any other category by far. Dental also experienced a significant increase in its 7% percent increase. **Ombudsman Perspective:** Often, we find that the offender may have seen the nurse several times, instead of being referred to a provider. Another common finding is that an offender should have received medication that he has not received.

**Percentage for Complaints Substantiated by Type in 2015**

Category	Total Complaints Substantiated	Percentage	% increase from 2014
Medical Care	109	66%	37%
Dental	12	7%	7%
Classification (Time Cut)	8	5%	-3%
Mental Health	8	5%	3%
Visitation	5	3%	1%
Personal Property	4	2%	-6%
Phone	3	2%	2%
Classification	2	1%	-4%
Clothing	2	1%	0%
Credit Time	2	1%	0%
Food	2	1%	-2%
Classification (Codes)	1	1%	0%
Excess Force	1	1%	0%
Housing	1	1%	-2%



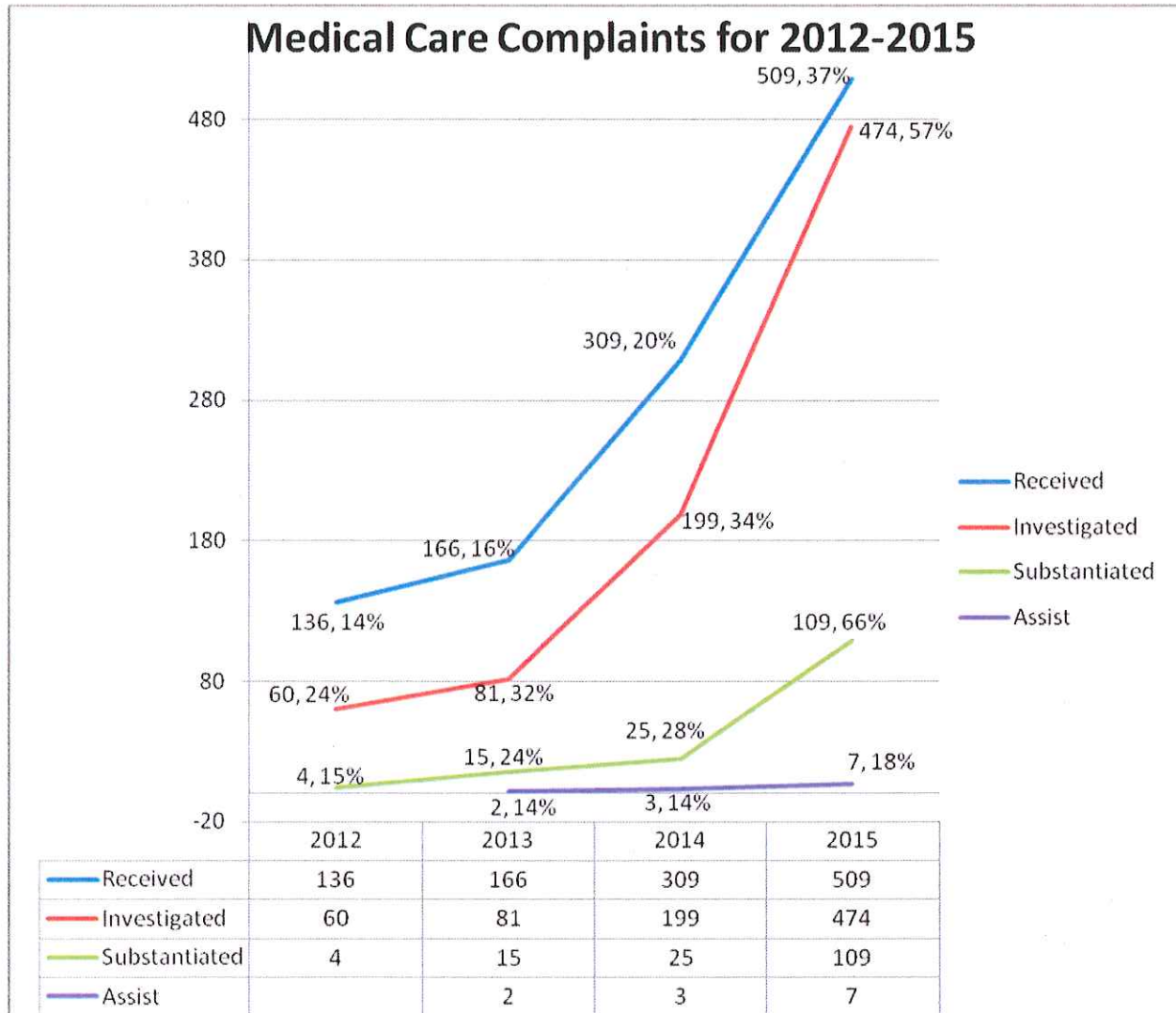
Offender Safety	1	1%	-2%
Officer Misbehavior	1	1%	-1%
Parole Board	1	1%	1%
Security*	1	1%	-2%
Confinement Conditions	0	0%	-5%
Contract	0	0%	0%
Disciplinary Action	0	0%	-5%
Grievance	0	0%	-6%
Legal	0	0%	-2%
Mail	0	0%	0%
Offender Violence	0	0%	0%
Programs	0	0%	-5%
Recreation	0	0%	0%
Religious	0	0%	0%
Sanitation	0	0%	0%
Sex Offender*	0	0%	0%
School	0	0%	0%
Transfer	0	0%	-1%
VMR	0	0%	-1%
Work	0	0%	-2%

\* Notes a new category in 2015

**Figure 8**

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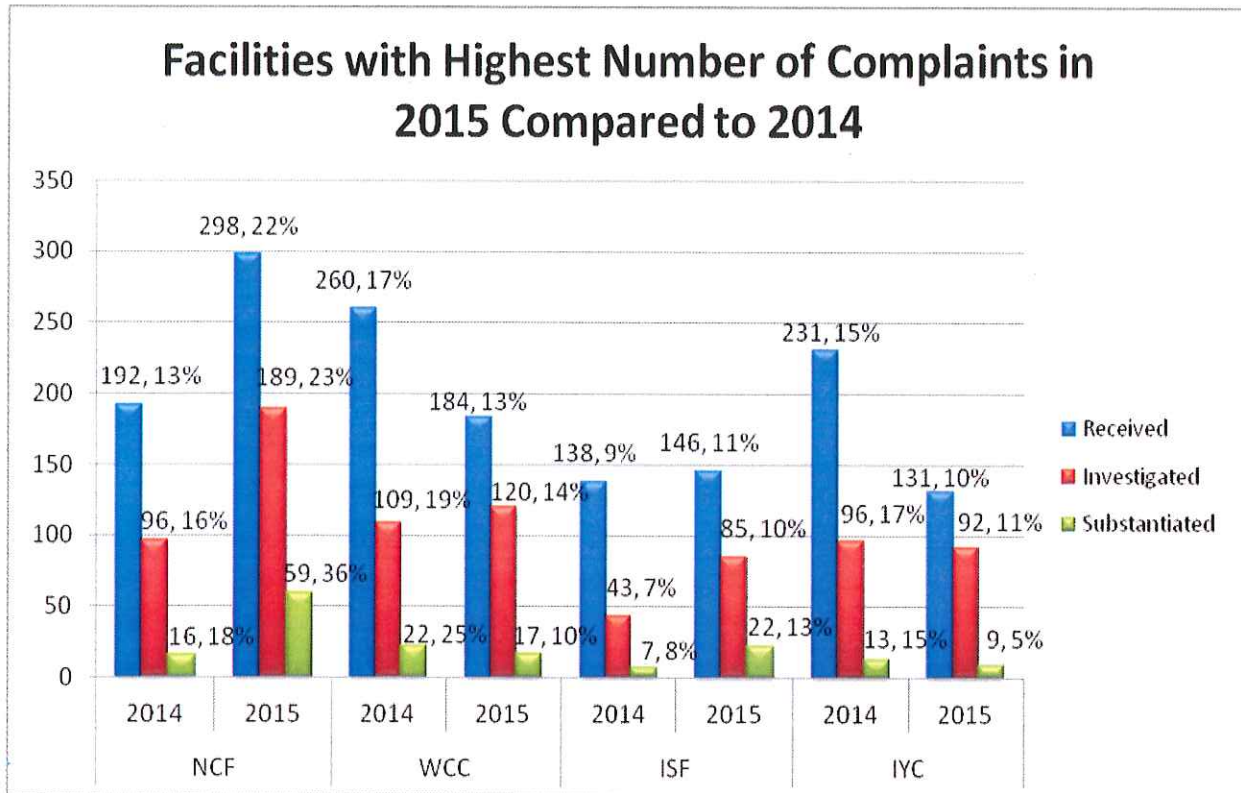
Figure 9 below depicts the rise in medical complaints the Bureau has received, investigated, and substantiated between the years 2012-2015. As the chart depicts, although the Bureau has experienced an increase each year, this increase has become more significant in 2014 and 2015.



**Figure 9**

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Figure 10 below depicts the facilities with the highest numbers of complaints received, investigated, and substantiated according to security level. **Ombudsman Perspective:** As in years past, the Bureau received, investigated, and substantiated the highest number of complaints from Male Level 2 facilities.

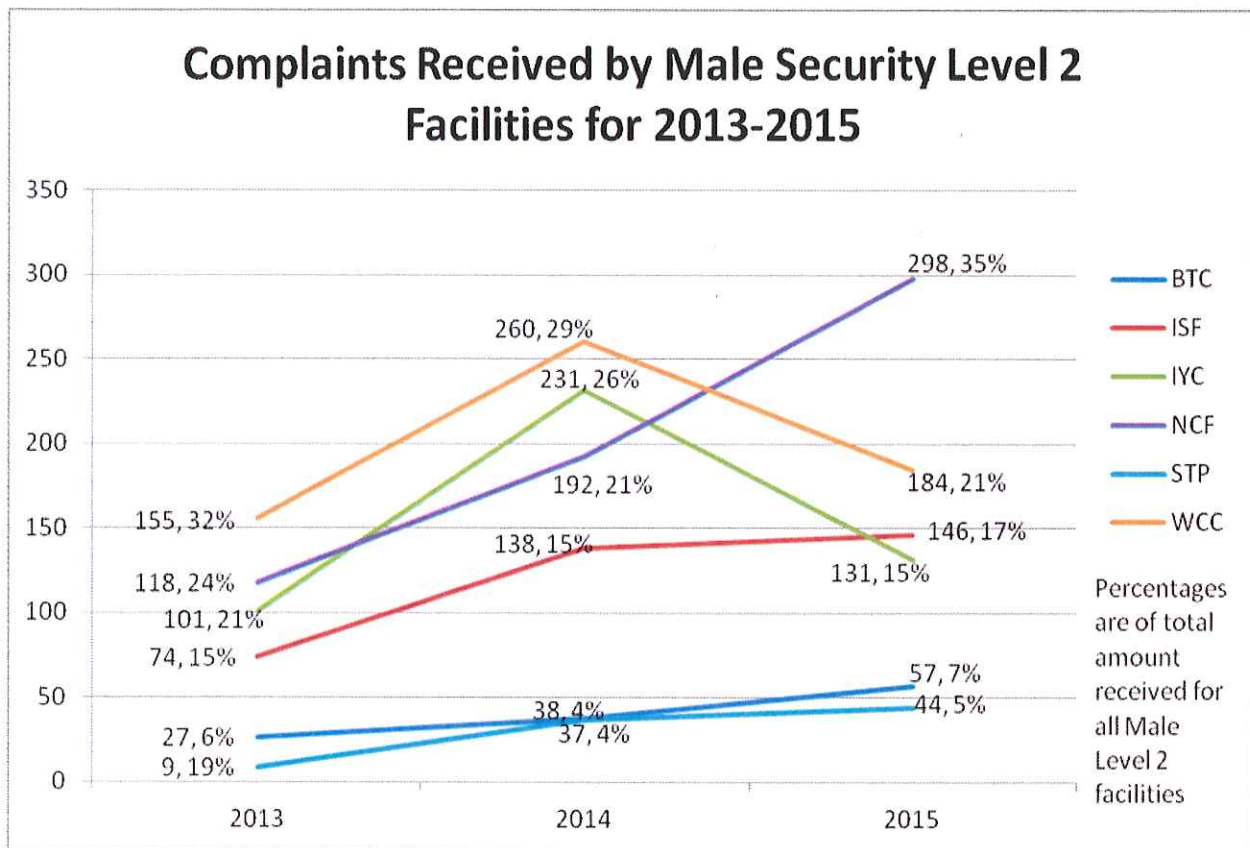


**Figure 10**

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In 2015, the facility whom the Bureau received the most complaints from was New Castle Correctional Facility. New Castle complaints received increased by 14% from 2014. Also, notable is that Plainfield Correctional Facility decreased their total number of complaints received by 11%. **Ombudsman Perspective:** In large part, this increase at New Castle can be contributed to medical complaints. Medical complaints at New Castle comprise of 43% of their total number of complaints received, which represents a 14% increase from 2014. Note that the increase percentages for medical and all complaints are both 14%. The decrease in Plainfield and increase at Putnamville are interesting given that the facilities swapped superintendents recently. Also, notable is the significant decrease in complaints at Westville given that a new Superintendent has also taken over there as well. See Figure 11 below.



**Figure 11**

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For a complete listing of all facilities in 2015, see Figures 12-17 below

Figure 12 below illustrates that of the Level 1 facilities and work release centers.  
**Ombudsman Perspective:** Overall, the complaints at these facilities have dropped slightly since 2014. For comparison sake, these facilities comprise 9% of the IDOC population and 2% of the complaints that we received in 2015.

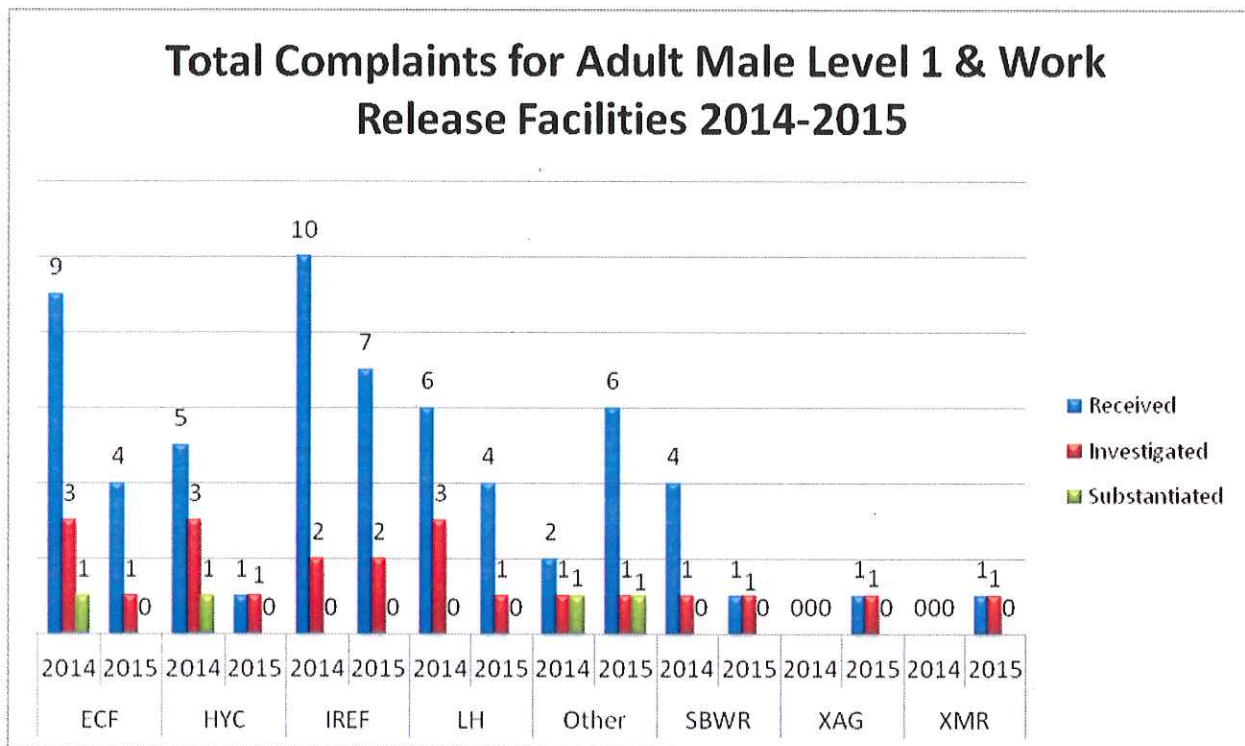
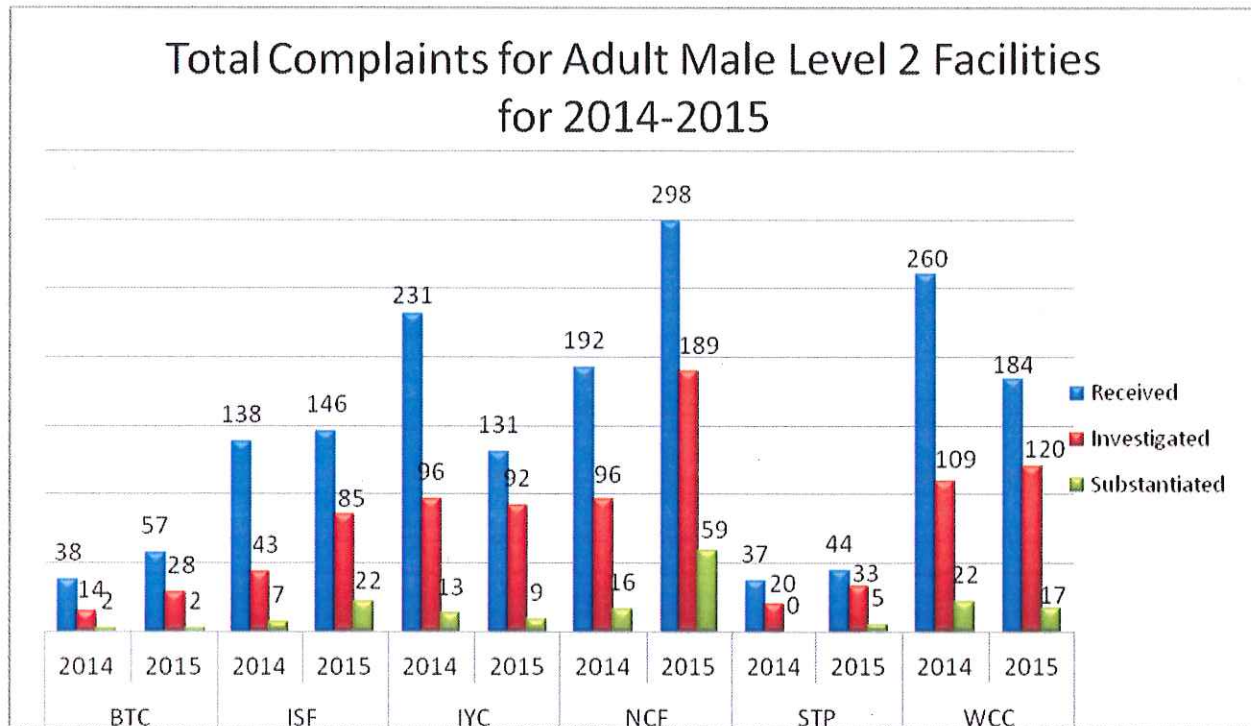


Figure 12

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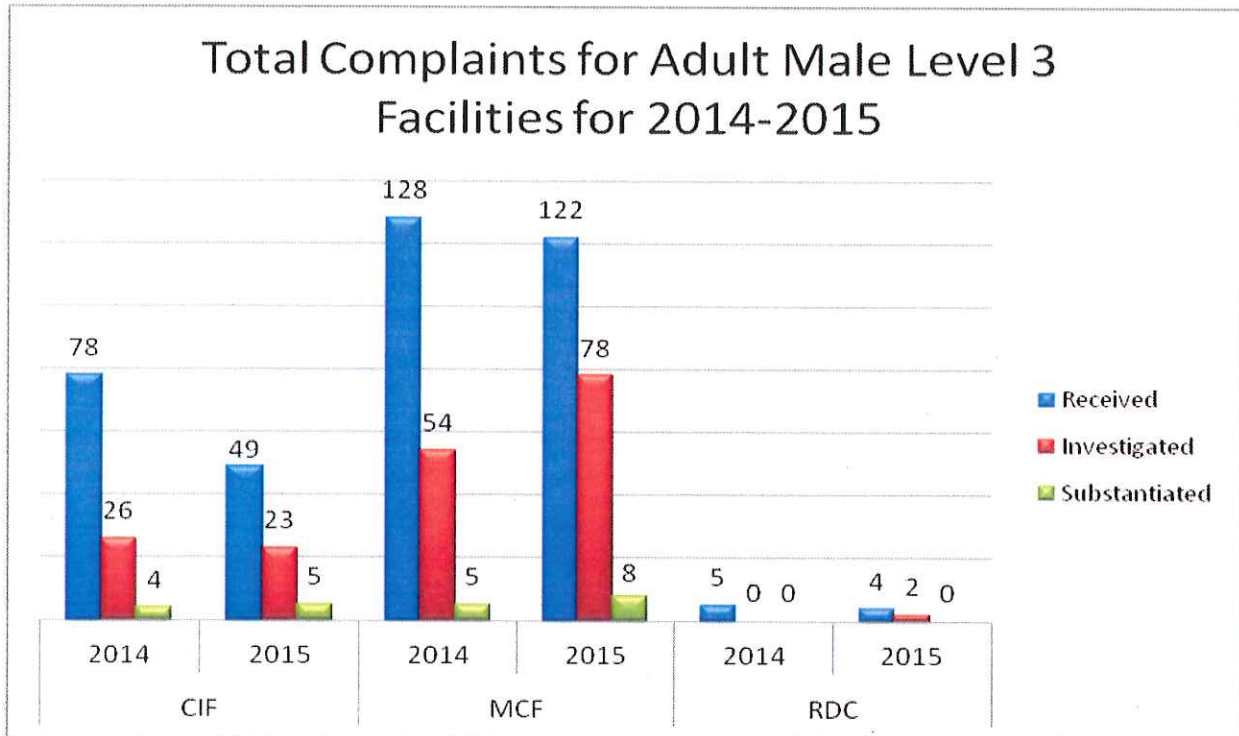
Figure 13 below depicts the numbers of complaints received, investigated, and substantiated for all Male Level 2 facilities. **Ombudsman Perspective:** The Level 2 population comprises 46% of the IDOC population, which is consistent with it being the largest population from which the Bureau receives and addresses complaints. In 2015, the Bureau received 66% of its complaints from Level 2 facilities.



**Figure 13**

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Figure 14 below depicts the number of complaints received, investigated and substantiated in calendar year 2015 by the Bureau from Male Level 3 facilities. **Ombudsman Perspective:** The Bureau receives many more complaints from Miami Correctional Facility than any of the other level 3 facilities. It should also be noted, however, that the population of Miami Correctional Facility is also almost double that of the Correctional Industrial Facility (“CIF”) and is almost quadruple that of the Reception Diagnostic Center (“RDC”).

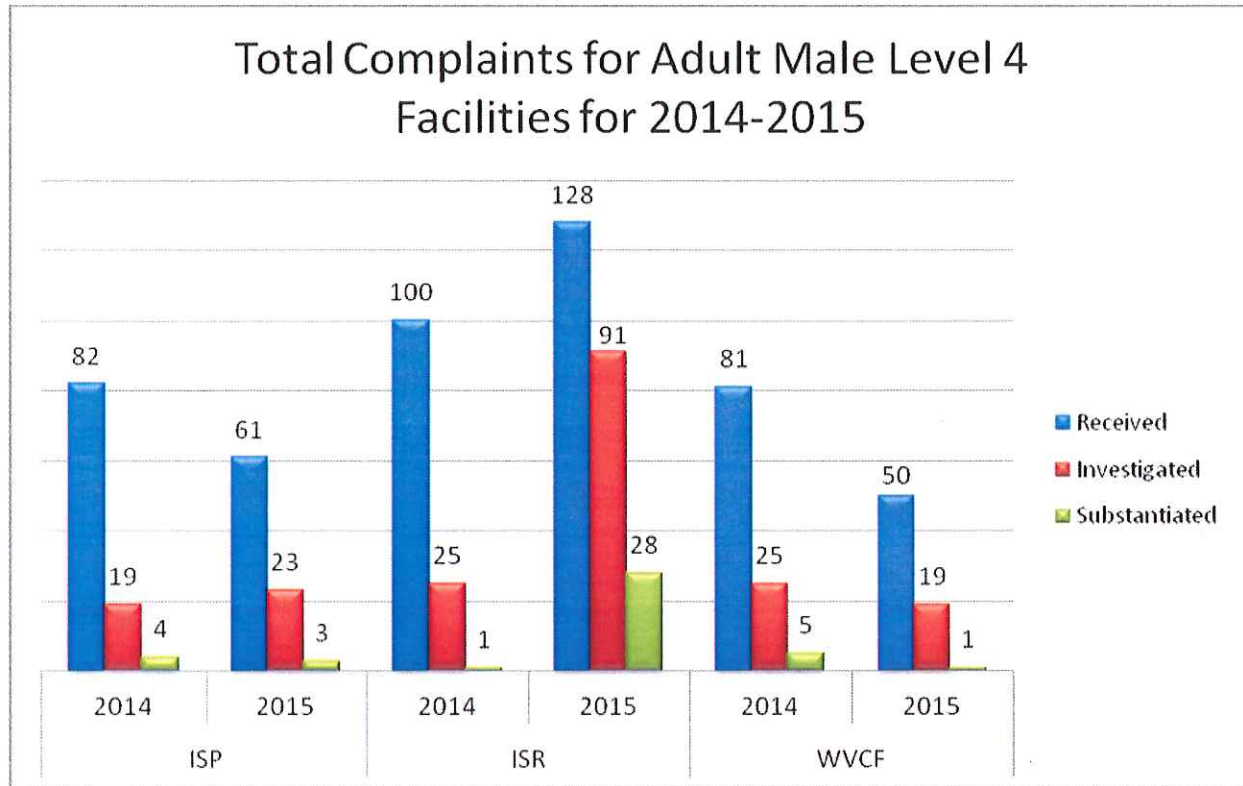


**Figure 14**

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Figure 15 below depicts the complaints received, investigated, and substantiated from Male Level 4 facilities. **Ombudsman Perspective:** It is consistent that this population is 24% of the IDOC and the Bureau received 18% of its complaints from this population.



**Figure 15**

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Figures 16 and 17 below address the complaint totals for the female and juvenile facilities, respectively. **Ombudsman Perspective:** While the Female population in IDOC consists of 9% of the total IDOC population, complaints from females comprise 10% of the total number of complaints received by the Bureau. Juveniles are also consistent in regard to the number of complaints filed according to its population percentage in the IDOC being around 1%.

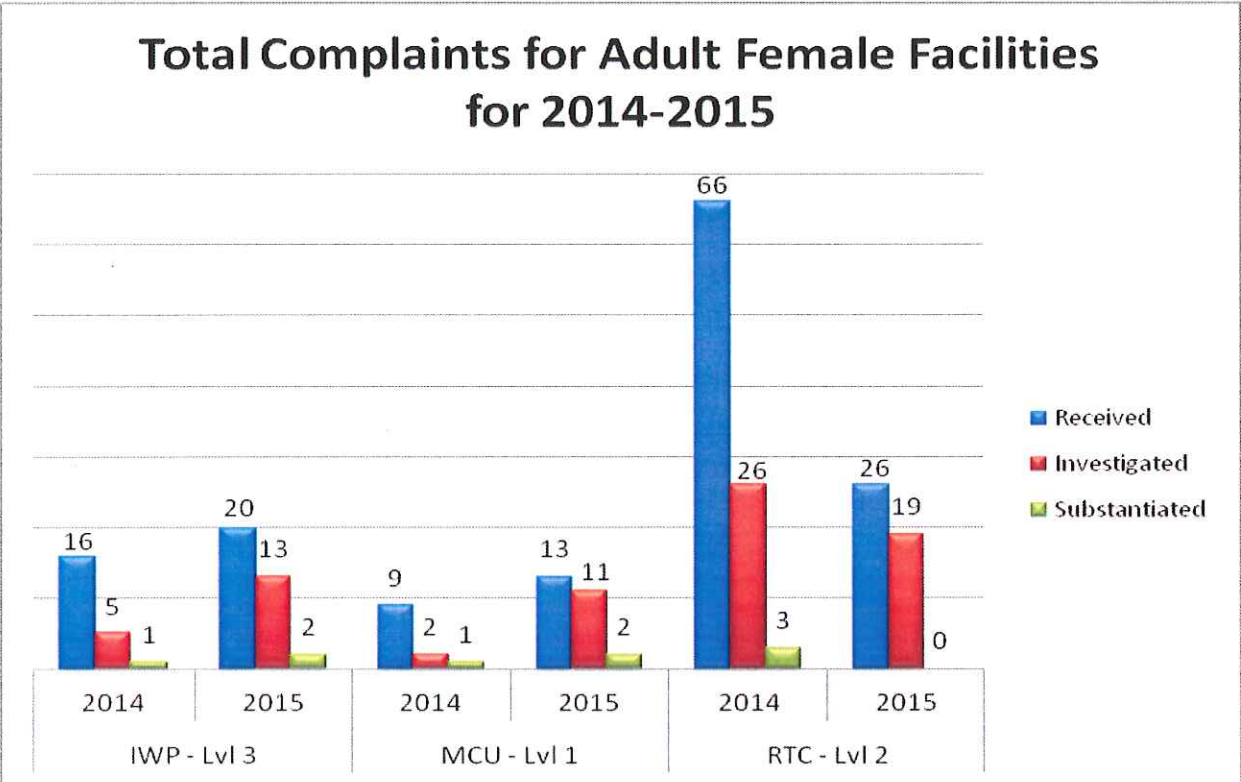
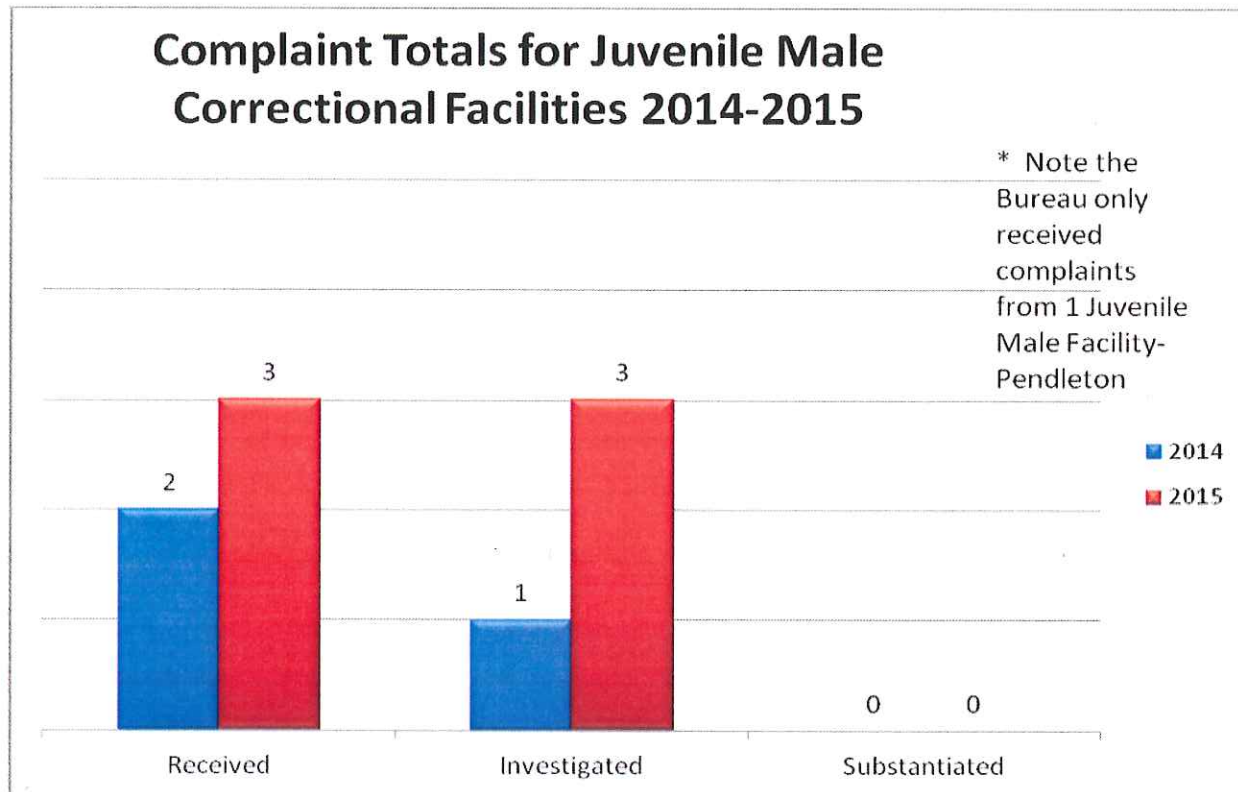


Figure 16

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**Figure 17**

#### Substantiated Complaints

The Bureau substantiated 164 complaints in 2015, which is 23% more than in 2014. The Bureau also worked with the Department on several key issues throughout the year through these substantiated complaints. Some of these key issues and specific instances that the Bureau addressed are listed below.<sup>2</sup>

##### 1. New Castle - Medical

**Synopsis:** An offender contacted us regarding not having his cast removed timely. He said that it should have been removed at least nine days prior. After the Bureau recommending that the matter be reviewed further by medical, medical discovered that the follow-up request had not been submitted. He was scheduled and the wound had healed well. The delay ultimately did not affect the offender.

**Outcome:** Medical reviewed its procedures for submitting follow-up requests.

<sup>2</sup> For a complete listing of all substantiated complaints in 2015, see the monthly reports posted on the IDOC website. [www.idoc.in.gov/2318.htm](http://www.idoc.in.gov/2318.htm)

## 2. New Castle - Medical

**Synopsis:** The offender contacted the Bureau regarding being tested for hearing aids and being told that he had qualified to receive them in June, but had not received the hearing aids by December. The Bureau recommended that the matter be reviewed. Medical reviewed the matter and discovered that he had qualified to receive the hearing aids, but he had been seen at a time when the facility did not have a provider.

**Outcome:** The Provider submitted the OPR for hearing aids and the offender received the hearing aids.

## 3. New Castle - Medication

**Synopsis:** An offender contacted the Bureau after he had been seen by the doctor and was told that the medication would be ordered. It had been since August (now December) and he still had not received the medication.

**Outcome:** Pharmacy procedures were reviewed. The Formulary Exception Request ("FER") had never been placed. The offender's medication was ordered and he received it.

## 4. New Castle – Medical

**Synopsis:** An offender contacted the Bureau regarding a finger that had been broken since April (now August) that needed care.

**Outcome:** The offender was seen and treated. The facility reviewed its scheduling procedures and made improvements to prevent matters such as this from occurring in the future.

## 5. New Castle – Medication

**Synopsis:** An offender contacted the Bureau concerning his medication being stopped. He says that he's been receiving Neurontin after receiving grafting and several surgeries on his hand, but the facility suddenly stopped it. He says that he's contacted medical, but has not received a response.

**Outcome:** The offender received the medication.

## 6. New Castle - Medical

**Synopsis:** An offender contacted the Bureau regarding a lump growing bigger daily in his neck and two in his armpit. He had submitted three healthcare request slips in a week, but had not been seen.

**Outcome:** The offender was seen and treated.



**7. New Castle – Medical**

**Synopsis:** An offender contacted the Bureau due to not being able to get his breathing treatments timely and the chairs being taken away while he is getting his treatments.

**Outcome:** The offender resumed getting breathing treatments regularly and the chairs were placed back in the area where he receives the treatments.

**8. New Castle – Medical**

**Synopsis:** An offender complained that he was six months overdue for his annual health screen.

**Outcome:** The offender was seen and given his annual health screen.

**9. New Castle – Medication**

**Synopsis:** An offender complained that he had stopped receiving his medication for diabetic foot pain.

**Outcome:** The facility provided him with the medication needed.

**10. New Castle – Medication**

**Synopsis:** An offender contacted the Bureau regarding being on medication for pain in his knee that he had replaced.

**Outcome:** The offender was given the pain medication.

**11. New Castle – Medication**

**Synopsis:** The offender contacted the Bureau regarding his seizure medication being discontinued.

**Outcome:** The offender's medications were renewed.

**12. Pendleton – Medical**

**Synopsis:** An offender's family member called concerned over care for her loved one after he received surgery. He is placed in a cell house, unable to move around or clean his cell, has soiled laundry and linens, and is in pain.

**Outcome:** The offender was moved to the infirmary and given fresh clothes and linens. His pain needs were reassessed. The facility reviewed and made improvements to communication with the provider.

### **13. Plainfield – Food**

**Synopsis:** Two offenders who were receiving renal diets contacted the Bureau concerning receiving too much peanut butter in their diets.

**Outcome:** The Bureau asked John Schilling, Director of Contract Compliance, to review the matter. He found that the menus differed from what was actually being served. While the menus had an appropriate amount of peanut butter, the facility had been serving it daily as a substitution. The matter was corrected so that only the appropriate amount would be served going forward.

### **14. Westville – Time Cut**

**Synopsis:** An offender contacted the Bureau regarding receiving a time cut for completion of PLUS and a GED.

**Outcome:** After Randy Short, Director of Offender Placement, in Central Office reviewed the matter further, it was discovered that the time cuts had not been submitted to Central Office. The time cuts were appropriately processed and applied to the offender's sentence.

### **15. Heritage Trail – Visitation**

**Synopsis:** A visitor had been to the facility to visit and had his Driver's License taken. When he left they handed him a license back, which he later realized was someone else's.

**Outcome:** Central Office reviewed the matter further and directed that all facilities immediately cease the procedure of taking licenses upon visitation.

### **16. Heritage Trail – Mental Health**

**Synopsis:** An offender contacted the Bureau because he had been waiting for over two weeks to be evaluated by mental health to have his medications updated and his mental health classification code changed.

**Outcome:** The offender was reviewed by a mental health provider, given medication and his mental health classification code was appropriately updated.

## **III. 2015 Wrap-Up**

### **Looking Forward**

The Bureau will continue to receive and investigate complaints and make recommendations regarding the complaints it receives. The Bureau will also continue to strive to be responsive to each offender who contacts the Bureau. Furthermore, the

Bureau will continue to keep the offender population aware of the Bureau and how to use the Bureau effectively.

#### **Department – wide Recommendations**

- 1. Continue to strive to review the Grievance Process and ensure that the process is working properly at each facility and provide training for those who need it.**

Over the past year, the Grievance Process was updated and training was provided to each grievance officer at every facility. Director Burkett was honored to be able to address these individuals since the process is so vital to the work of the Bureau. The Bureau is dependent upon this process working properly at each facility. With this being said, when the process is not working at a facility as it should, additional training should be provided to the grievance officer at the facility, in order to promote a working process. Additionally, all grievance officers should be updated on training annually and as grievance officers change, training should be provided. The Grievance Process should focus on resolution of complaints, which it seems often gets lost in denying offenders' grievances. The focus is more on keeping the number of grievances low rather than solving an offender's issue. We need to not be so focused on this number as we are solving offender's issues. Counselors and staff also need to keep in mind that they are a vital part of this process and offenders have no one but them to rely upon for answers.

- 2. Continue to update policies and procedures as needed, including updating the offender wage scale to correspond with policy.**

Offenders are paid on a wage scale of A-D pay. Policy 02-01-106 entitled Offender Assignment & Pay Schedules governs the offender pay scale. The policy identifies Grade 1-6 pay. These grades of pay do not match up with what is in practice in the IDOC. The policy has not been updated since 2007. The policy is not consistent with what is in practice in the IDOC.

- 3. Transfer Level 1 offenders out of Level 2 facilities within 30 days of the offenders being classified as Level 1.**

In 2014 the IDOC issued Executive Directive 14-45 which directed that a complete assessment of all Level 2 offenders be completed in order to aid in identifying offenders who qualified as Level 1 offenders and subsequently transferring these offenders to other facilities. Since this time, the Bureau has been inundated with complaints from offenders who qualify for Level 1 facilities, but are housed in Level 2 facilities. With the exception of holding these offenders at Level 2 facilities to fill jobs, these offenders should be identified and transferred to Level 1 facilities as soon as they can be. These transfers can easily

take place within 30 days of being reclassified to Level 1. Time and time again, the Bureau sees offenders who have been reclassified into Level 1, but are not being transferred. With Level 2 bed space being as full as it is, it is imperative that these offenders are transferred as soon as possible. If this is done as it should be, it will help with the back log of Level 2 beds.

### **Acknowledgements**

The Bureau is greatly appreciative of both the IDOC administration in Central Office and the Pence Administration in the Governor's Office. It has been my distinct honor and pleasure to work with true professionals who strive to do better for the people of our great state. We appreciate the timely responses, the guidance, and knowledge gained through working with such experienced personnel. It has truly been a remarkable experience.



# Attachment 1

## DOC OMBUDSMAN BUREAU 2015 POLICIES & PROCEDURES

### I. Definitions

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

- A. Assist – A complaint that requires further action by the DOC, but the offender has not necessarily attempted to resolve with the DOC prior to contacting the Bureau.
- B. 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.
- C. Bureau – Refers to the Department of Correction Ombudsman Bureau established in IC 4-13-1.2-3.
- D. 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.
- E. Contact – Refers to correspondence that the Bureau receives that does not meet the requirements of a complaint stated herein.
- F. Complainant – A person who submits a complaint to the DOC Ombudsman Bureau.
- G. DOC – Refers to the Indiana Department of Correction.
- H. Director – The person charged with fulfilling the duties under IC 4-13-1.2-7 and appointed under 4-13-1.2-4.
- I. Family Member – A person who is related to a person who is incarcerated in a DOC facility in the State of Indiana.
- J. Follow-up Complaint – A complaint that has previously been logged into the Access Database by the Bureau.
- K. Investigation – An in depth examination of a complaint.
- L. J-Pay – The electronic kiosk used by offenders that allows them to send e-mails. The Bureau allows the offenders to send e-mails to the Bureau through this system.
- M. New Complaint – A complaint received by the Bureau that has not previously been logged or reviewed by the Bureau.

# Attachment 1

- N. 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 and safety of offenders are protected and DOC policies and procedures as well as state laws and rules are upheld.

## 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, telephone and JPay.

- A. The Bureau requires offenders to attempt to resolve matters within the DOC before contacting the Bureau and should provide proof of having done so when contacting the Bureau.
- B. The Bureau will only accept complaints addressed specifically to the Bureau.
- C. The Bureau will only accept as complaints matters 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.

## **Attachment 1**

- D. The Bureau requires offenders to use the Ombudsman Complaint Form, if at all possible.
- E. The Bureau requires offenders to send all relevant paperwork with their complaints, if at all possible.
- F. The Director reserves the right to refuse complaints which contain subject matter not under the jurisdiction of the Bureau or adequate information is not provided.
- G. 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 piece of correspondence, a determination will be made whether the correspondence should be given a complaint number or entered into the contact log.
- B. When counted as a complaint, the Assistant determines whether a complaint needs:
  - 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 correspondence from offenders will be made in writing and sent through the U.S. Mail only. The Bureau will not reply to offender correspondence via e-mail. Responses should be made in a reasonably timely manner after receipt of the complaint and should be in writing as follows:

- A. More Information Required
  - 1. When new correspondence is received by the Bureau with insufficient information, then the letter of response instructs 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.



# Attachment 1

## 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 in which an investigation has been performed, the letter should indicate the outcome of the investigation or inquiry.
  - b. In the case in which 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.

## F. Summary of Findings

1. As required by IC 4-13-1.2-5(d), the Bureau shall submit on a monthly basis a report that contains a summary of findings for all substantiated complaints.

## **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.



## Attachment 1

- 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. It 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 communicated, one of three determinations may be made: that the complaint is true and needs DOC action; that it is not true; or that 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 above a complaint is considered resolved by the Bureau and is closed.

### **VIII. Making Recommendations**

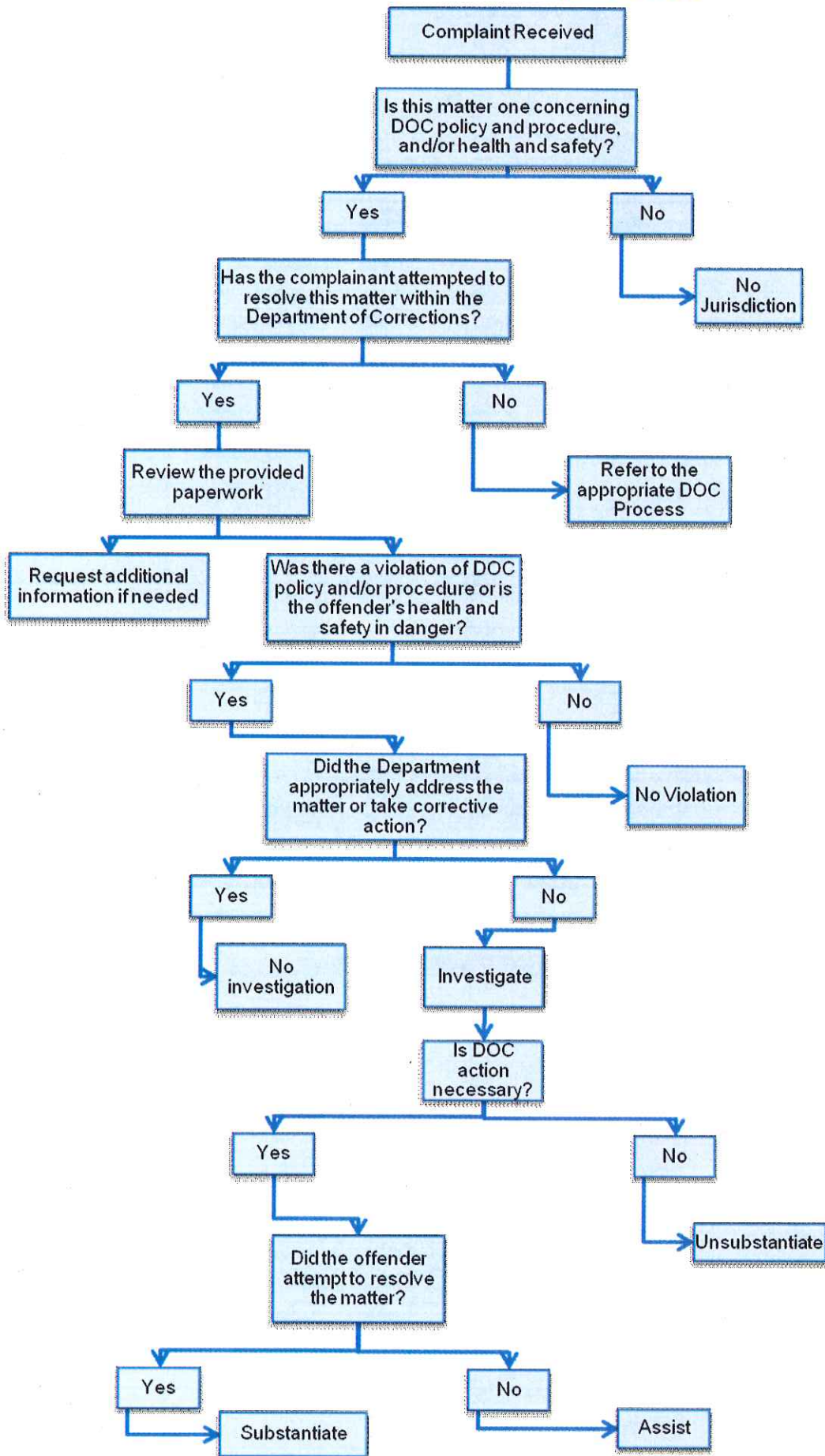
- A. As an investigation ensues, the Director may find it appropriate to make a recommendation as to action necessary when a complaint is substantiated.
- B. Recommendations should be made to the personnel who directly oversee the issue or facility contact person, but the Director may notify other facility/Central Office personnel.

## **Attachment 1**

- C. All recommendations and complaints must be reported to the DOC Commissioner monthly.

Attachment 2

DOC Ombudsman Complaint Process



Attachment 3

Indiana Ombudsman Bureau  
 Complaint Summary Report - Male Facilities Page 1 of 2  
 From: 1/1/2015 To: 12/31/2015

Received, Investigated, Substantiated, Assisted

	Total	BTC	CIF	ECF	HYC	IREF	ISF	ISP	ISR	IYC	LH
Classification (Codes)	13,51,0	1,0,0,0	1,0,0,0				3,2,1,0		1,0,0,0	3,2,0,0	
Classification (other than disciplinary)	22,10,2,3		2,1,0,0				5,1,1,0	1,0,0,0		2,1,0,1	
Classification (Time Cut)	41,28,8,7	3,2,0,0	2,0,0,0	1,0,0,0		2,2,0,1	5,2,2,0	2,2,0,0		2,2,0,2	
Clothing	22,20,2,5		2,2,0,0				1,1,0,1	1,0,0,0	2,1,0,1	4,5,1,2	
Confinement Conditions	29,11,0,0						4,2,0,0	4,0,0,0	1,0,0,0	5,2,0,0	
Correspondence	11,5,0,1						1,0,0,0		1,0,0,0	1,1,0,0	
Credit Time	13,4,2,0		2,1,1,0				2,0,0,0		2,2,1,0	1,0,0,0	
Dental	45,41,12,0	1,0,0,0					2,1,0,0	1,1,0,0	1,1,0,0		
Disciplinary Action	123,7,0,1	14,1,0,0	6,0,0,0	1,0,0,0		3,0,0,0	18,1,0,1	8,1,0,0	8,0,0,0	15,0,0,0	4,1,0,0
Excess Force	9,4,1,0		2,0,0,0				1,0,0,0	3,2,1,0		0,1,0,0	
Food	43,18,2,2	1,0,0,0							1,0,0,0	5,4,1,0	
Grievance	27,6,0,1	1,1,0,0				1,0,0,0		4,1,0,0	3,0,0,0	7,4,0,1	
Housing	24,10,1,0							1,0,0,0	2,2,0,0	4,2,0,0	
Legal	38,12,0,0	2,0,0,0	1,0,0,0				2,0,0,0	3,0,0,0	5,1,0,0	1,0,0,0	
Medical Care	474,442,105,7	17,16,1,0	14,13,3,0	1,1,0,0	1,1,0,0		51,45,14,2	12,8,0,0	71,68,24,0	46,47,5,1	
Mental Health	46,39,8,0	1,1,0,0					10,9,2,0	2,2,0,0	4,3,2,0	2,2,0,0	
Offender Safety	40,12,1,1	1,0,0,0	2,1,0,0				2,1,0,0	7,0,0,0		5,2,0,0	
Offender Violence	2,0,0,0		1,0,0,0						1,0,0,0		
Officer Misbehavior	47,8,1,0	1,0,0,0	3,0,0,0				6,0,0,0	2,1,1,0	4,0,0,0	6,4,0,0	
Parole	15,9,0,1						5,4,0,1	1,1,0,0	1,0,0,0	2,2,0,0	
Personal Property	62,36,4,6	4,3,1,0	5,3,1,0				5,4,0,0	3,2,0,0	7,6,0,0	5,1,0,1	
Phone	10,9,3,0	1,1,0,0					3,3,1,0			3,3,1,0	
Programs	32,9,0,0	4,1,0,0	3,1,0,0			1,0,0,0	5,1,0,0				
Recreation	3,0,0,0								3,0,0,0		
Religious	12,8,0,0	1,0,0,0					2,2,0,0	2,1,0,0	1,1,0,0		
Sanitation	4,0,0,0									1,0,0,0	
Security	1,1,1,0									1,1,1,0	
Sex Offender	6,1,0,0	1,1,0,0					1,0,0,0				
Transfer	37,14,0,0	1,0,0,0	2,1,0,0				7,3,0,0	2,0,0,0	4,1,0,0	7,3,0,0	
Visitation	17,9,5,2		1,0,0,0				3,2,1,1	2,1,1,0	2,2,1,0	1,1,0,1	
VMR	1,1,0,0										
Work	24,12,0,2	2,1,0,0		1,0,0,0			2,1,0,0		3,3,0,0	2,2,0,0	
<b>Total</b>	<b>1293,791,159,39</b>	<b>57,28,2,0</b>	<b>49,23,5,0</b>	<b>4,1,0,0</b>	<b>1,1,0,0</b>	<b>7,2,0,1</b>	<b>146,85,22,6</b>	<b>61,23,3,0</b>	<b>128,91,28,1</b>	<b>131,92,9,9</b>	<b>4,1,0,0</b>

**Facility Key**

- |   |  |
|---|--|
| BTC - Branchville Correctional Facility           | MCF - Miami Correctional Facility  |
| CIF - Correctional Industrial Facility            | NCF - New Castle Correctional Facility   |
| ECF - Edinburgh Correctional Facility             | RDC - Reception Diagnostic Center  |
| HYC - Henryville Correctional Facility            | SBWR - South Bend Community Re-Entry Facility  |
| IREF - Indianapolis Re-Entry Educational Facility | STP - Heritage Trail Correctional Facility (formerly Plainfield Short Term Offender Program) |
| ISF - Putnamville Correctional Facility           | WCC - Westville Correctional Facility  |
| ISP - Indiana State Prison                        | WVCF - Wabash Valley Correctional Facility   |
| ISR - Pendleton Correctional Facility             | XAG - Volunteers of America - Evansville   |
| IYC - Plainfield Correctional Facility            | XMR - Marion Co. (Duvall)  |
| LH - Liberty Hall                                 |  |



Attachment 3

Indiana Ombudsman Bureau  
 Complaint Summary Report - Male Facilities Page 2 of 2  
 From: 1/1/2015 To: 12/31/2015

Received, Investigated, Substantiated, Assisted

	Total	MCF	NCF	RDC	SBWR	STP	WCC	WVCF	XAG	XMR
Classification (Codes)	13,51,0	1,0,0,0	2,0,0,0				1,1,0,0			
Classification (other than disciplinary)	22,10,2,3	1,0,0,0	5,3,1,1		1,1,0,1	2,2,0,0	3,1,0,0			
Classification (Time Cut)	41,28,8,7	4,2,0,1	9,6,4,0			6,6,1,2	4,3,1,1	1,1,0,0		
Clothing	22,20,2,5	4,4,0,0	2,2,1,1				6,5,0,0			
Confinement Conditions	29,11,0,0		9,4,0,0			2,1,0,0	4,2,0,0			
Correspondence	11,5,0,1	3,0,0,0	3,3,0,1			1,1,0,0		1,0,0,0		
Credit Time	13,4,2,0	2,0,0,0	1,1,0,0			1,0,0,0	2,0,0,0			
Dental	45,41,12,0	2,1,0,0	10,10,5,0				27,26,6,0	1,1,1,0		
Disciplinary Action	123,7,0,1	7,0,0,0	9,0,0,0	1,0,0,0		5,0,0,0	16,2,0,0	8,1,0,0		
Excess Force	9,4,1,0	1,0,0,0	1,0,0,0			1,1,0,0				
Food	43,18,2,2	3,3,0,0	23,4,0,2			2,2,0,0	5,3,1,0	3,2,0,0		
Grievance	27,6,0,1	3,0,0,0	5,0,0,0				1,0,0,0	2,0,0,0		
Housing	24,10,1,0	3,2,1,0	6,1,0,0				3,1,0,0	5,2,0,0		
Legal	38,12,0,0	9,7,0,0	8,4,0,0			1,0,0,0	3,0,0,0	3,0,0,0		
Medical Care	474,442,105,7	45,43,5,3	128,118,45,0	3,2,0,0		12,12,2,1	60,57,6,0	12,10,0,0		1,1,0,0
Mental Health	46,39,8,0	7,6,1,0	14,11,2,0			1,1,1,0	4,3,0,0	1,1,0,0		
Offender Safety	40,12,1,1	4,1,0,0	9,6,1,1			1,1,0,0	7,0,0,0	2,0,0,0		
Offender Violence	2,0,0,0									
Officer Misbehavior	47,8,1,0	4,0,0,0	13,3,0,0				3,0,0,0	5,0,0,0		
Parole	15,9,0,1		5,2,0,0				1,0,0,0			
Personal Property	62,36,4,6	5,3,0,1	10,2,0,0			3,2,0,1	13,9,2,2	1,0,0,0	1,1,0,1	
Phone	10,9,3,0	1,1,1,0	1,1,0,0				1,0,0,0			
Programs	32,9,0,0	2,1,0,0	5,2,0,0			3,1,0,0	8,1,0,0	1,1,0,0		
Recreation	3,0,0,0									
Religious	12,8,0,0		4,3,0,0				1,1,0,0	1,0,0,0		
Sanitation	4,0,0,0	2,0,0,0					1,0,0,0			
Security	1,1,1,0									
Sex Offender	6,1,0,0	1,0,0,0	2,0,0,0				1,0,0,0			
Transfer	37,14,0,0	3,3,0,0	4,1,0,0				5,2,0,0	2,0,0,0		
Visitation	17,9,5,2	2,0,0,0	3,0,0,0			1,1,1,0	2,2,1,0			
VMR	1,1,0,0	1,1,0,0								
Work	24,12,0,2	2,0,0,0	7,2,0,0			2,2,0,1	2,1,0,1	1,0,0,0		
Total	1293,791,159,39	122,78,8,5	298,189,59,6	4,2,0,0	1,1,0,1	44,33,5,5	184,120,17,4	50,19,1,0	1,1,0,1	1,1,0,0

Facility Key

BTC - Branchville Correctional Facility	MCF - Miami Correctional Facility
CIF - Correctional Industrial Facility	NCF - New Castle Correctional Facility
ECF - Edinburgh Correctional Facility	RDC - Reception Diagnostic Center
HYC - Henryville Correctional Facility	SBWR - South Bend Community Re-Entry Facility
IREF - Indianapolis Re-Entry Educational Facility	STP - Heritage Trail Correctional Facility (formerly Plainfield Short Term Offender Program)
ISF - Putnamville Correctional Facility	WCC - Westville Correctional Facility
ISP - Indiana State Prison	WVCF - Wabash Valley Correctional Facility
ISR - Pendleton Correctional Facility	XAG - Volunteers of America - Evansville
IYC - Plainfield Correctional Facility	XMR - Marion Co. (Duvall)
LH - Liberty Hall	

### Attachment 3

Indiana Ombudsman Bureau

Complaint Summary Report - Women, Juvenile, and County Facilities

From: 1/1/2015 To: 12/31/2015

Received, Investigated, Substantiated, Assisted

	Total	County	IWP	MCU	Other	PJCF	RTC
Classification (Codes)	1,0,0,0		1,0,0,0				
Classification (other than disciplinary)	1,0,0,0						1,0,0,0
Classification (Time Cut)	2,2,0,0		1,1,0,0	1,1,0,0			
Confinement Conditions	2,1,0,0		1,1,0,0				1,0,0,0
Correspondence	2,0,0,0						2,0,0,0
Credit Time	1,1,0,1		1,1,0,1				
Dental	2,2,0,0			2,2,0,0			
Disciplinary Action	9,0,0,0		3,0,0,0		3,0,0,0		3,0,0,0
Food	1,0,0,0				1,0,0,0		
Housing	1,1,0,0		1,1,0,0				
Legal	8,0,0,0	7,0,0,0		1,0,0,0			
Medical Care	35,32,4,0	3,0,0,0	9,9,2,0	7,7,2,0			16,16,0,0
Mental Health	5,4,0,0	1,0,0,0				2,2,0,0	2,2,0,0
Officer Misbehavior	4,1,0,0	1,0,0,0	1,0,0,0		1,0,0,0		1,1,0,0
Parole	4,1,1,0	3,0,0,0			1,1,1,0		
Personal Property	1,1,0,0			1,1,0,0			
Programs	2,1,0,0			1,0,0,0		1,1,0,0	
Transfer	3,0,0,0	1,0,0,0	2,0,0,0				
<b>Total</b>	<b>84,47,5,1</b>	<b>16,0,0,0</b>	<b>20,13,2,1</b>	<b>13,11,2,0</b>	<b>6,1,1,0</b>	<b>3,3,0,0</b>	<b>26,19,0,0</b>

**Facility Key**

County - County Jails

IWP - Indiana Women's Prison

MCU - Madison Correctional Facility

Other

PJCF - Pendleton Juvenile Correctional Facility

RTC - Rockville Correctional Facility