

Have you filed an appeal or grievance regarding this matter with D.O.C.? Yes No

If you have filed an appeal or grievance, what was the result? Please attach copies of your appeal and D.O.C.'s response.

List the names and job titles of D.O.C. employees you have spoken with and/or written to about this matter.

Has this matter ever been the subject of a Court hearing? Yes No If yes, what is the cause number of the case? _____

Have you asked anyone else for help to fix this problem? (For example, an attorney, the Governor's office, a State Legislator?) Yes No

Name, address and phone number of persons you have spoken to about this matter:

Please provide any additional information that may help the Ombudsman investigate your complaint.

What are you hoping the Ombudsman can do for you?

Signature: _____

Indiana Ombudsman Bureau

402 W. Washington St., W479

Indianapolis, IN 46204

OMBUD@idoa.IN.gov

General Information

Is the Ombudsman Bureau part of the D.O.C.? The Ombudsman Bureau is separate and independent from the Department of Correction. The Director of the Bureau is appointed by the Governor, and the bureau is located within the Department of Administration.

What is an “Ombudsman”? The word “Ombudsman” means an employee or agent of the Bureau who investigates and resolves complaints.

What does the Ombudsman do? The Ombudsman will investigate and resolve complaints that the D.O.C. endangered the health and safety of any person, or that the D.O.C. violated specific laws, rules or its own written policies. The Ombudsman will not investigate complaints regarding D.O.C. employment issues.

Who can file complaints? Anyone may file a complaint with the Ombudsman.

Will the D.O.C. know if I file a complaint? Your name will not be disclosed without your permission except to the extent necessary to investigate and resolve your complaint.

How can I file a complaint? All complaints must be in writing. Fill out a complaint form and mail it to the Ombudsman Bureau.

Can the Ombudsman solve my problem? The Ombudsman can investigate complaints, answer questions, review policies and procedures, recommend changes, and mediate resolutions.

Will the Ombudsman represent me in Court? No. If you decide to sue the D.O.C. regarding your complaint, the Ombudsman will stop investigating and close the file.

Can the Ombudsman force the D.O.C. to make changes? The Ombudsman cannot give orders to the D.O.C. The Ombudsman can recommend changes, and can point out where there are problems.

Will I know what happened to my complaint? The Ombudsman will report the results of an investigation back to you. If the Ombudsman decides not to investigate, you will be told why.

What if I have more questions? Call the Ombudsman at (317) 234-3190 or e-mail OMBUD@idoa.IN.gov

Indiana Code § 4-13-1.2

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.