



STATE OF INDIANA

DEPARTMENT OF ADMINISTRATION OMBUDSMAN BUREAU

Michael R. Pence, Governor

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

May 20, 2015

Dear Governor Pence, the Honorable Speaker, President Pro Tem, and Commissioners Lemmon and Robertson:

In accordance with IC 4-13-1.2-10, I humbly submit to you the 2014 Annual Report of the Department of Correction Ombudsman Bureau.

Included herein you will find an overview of the complaints the Bureau received and resolved during the course of the 2014 calendar year. Significant characteristics of the complaints received are:

- The Bureau received a total of 1,525 complaints for the year or 43 percent more than in 2013.
- Most of these complaints continue to be medical complaints, which contributed to 31 percent of the overall increase.
- The Bureau's number of contacts increased by more than 100 percent in 2013.

In 2014, the Bureau implemented electronic receipt of complaints. This allows for the offenders to directly e-mail their complaints to the Bureau. This has become the primary way for offenders to send complaints to the Bureau. This has allowed for savings in postage and paper costs to the offenders, allowed for the Bureau to more quickly address matters and made the process "green" through utilizing technology that was already in place with absolutely no additional costs to use in this way.

The Bureau contributes the increase in the number of complaints it received in 2014 to the implementation of receipt of electronic complaints. Also notable, the only category of complaints in which the Bureau received an increase was in medical complaints. This 4 percent increase over 2013 was significant. Medical complaints also consisted of 20 percent of the total complaints received in 2014, by far the largest category of any type of complaint.

This report further contains a breakdown of the types of issues addressed by the Bureau in 2014 in listing and giving a brief synopsis of some of the 87 complaints that the Bureau substantiated (pages 21 – 25).

Furthermore, the Bureau has included, herein, recommendations to the DOC, including:

1. **Develop a tracking system for Tort Claims filed against IDOC.** The Bureau has recognized a need for such a tracking system due to receiving numerous complaints concerning tort claims. Offenders often will send tort claims, but they are never received or never receive responses. The tracking system could log all incoming tort claims into the system as they are received and the date of receipt could be noted. Additionally, once the response from the Attorney General's Office is made, this date should also be logged. If any case does not have a response from the Attorney General within 60 business days, follow-up contact should be made to the Attorney General's Office. If such a tracking mechanism were used, then the Bureau would not experience the complaints about this issue that it does. A database could be set up without creating a financial impact on the Department. Such a system could be devised using available resources, which would not put any additional financial burden on the agency.
2. **Develop a tracking system for Classification Appeals.** After receiving numerous complaints regarding Classification Appeals, the Bureau has recognized a need for this system. It is all too often that the Bureau has to tell an offender to resend a Classification Appeal to Central Office because it was never received. Such a tracking system could be developed with relative ease, using resources already available. Thus it would have little, if any, financial impact on the Department.



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Lastly, thank you, Governor Pence. I am truly deeply humbled to be given the opportunity to serve the great people of our state. It is with great pleasure that I strive each day to bring you honor through serving Hoosiers.

God bless,


A handwritten signature in black ink that reads "Charlene A. Burkett". The signature is written in a cursive, flowing style.

Charlene A. Burkett
DOC Ombudsman Bureau Director

Indiana DOC Ombudsman Bureau

402 W. Washington Street, Room W479

Indianapolis, IN 46204

The graphic features a light blue background with a faint, stylized map of Indiana overlaid with a grid of yellow stars. The text is centered and reads:

IDOC
Ombudsman
Bureau
2014
Annual Report

*A synopsis of the activity in 2014 of the IDOC
Ombudsman Bureau*

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“A nation should not be judged by how it treats its highest citizens, but its lowest ones.” Nelson Mandela

I. 2014 Activity Summary

In 2014, the Bureau received 1,525 complaints. This is a 43 percent increase over 2013 in the number of received complaints. Of these 1,525 complaints, 44 percent were received electronically. The Bureau investigated 577 complaints. In comparison to 2013, this is an 80 percent increase in the number of investigated complaints. The number of complaints investigated make up 38 percent of the complaints received. Of this 38 percent of complaints investigated, the Bureau received approximately 65 percent of these electronically. Additionally, the Bureau substantiated 38 percent more complaints in 2014, as well, increasing the total substantiated to 87. The Bureau received 71 percent of the substantiated complaints electronically.

The Bureau also experienced significant growth in the number of contacts that it received for the year, increasing to 1,089 from 252 in 2013. Electronic complaints contacts comprise 888 of these or 82 percent. Note that the number of contacts received by other than electronic means – 201 – is smaller than the *total* number of contacts in 2013. This demonstrates the extent to which offenders utilized electronic access.

As in years past, the complaint category in which the Bureau received the most complaints was medical. The Bureau experienced an 87 percent increase in medical complaints in 2014, bringing the total number of medical complaints received by the Bureau to 310 for the year. Despite the 87 percent increase in the total number of medical complaints, only 54 percent of these complaints were generated electronically. Medical complaints made up 20 percent of all complaints received by the Bureau in 2014. Additionally, of the 43 percent increase in the total number of received complaints for 2014, the increase in medical complaints makes up 31 percent of this increase. Of these 310 medical complaints received for the year, the Bureau investigated 199 or 64 percent of these complaints with 69 percent of these having been submitted electronically. In addition, the Bureau only substantiated 25 or 13 percent of the complaints investigated. Compared to 2013, however, these 199 investigated medical complaints represent more than a 100 percent increase. The 25 substantiated complaints represent a 67 percent increase from 2013. Of the 25 substantiated complaints, 19 or 76 percent of these were received electronically.

II. Activity Overview

A. Program Development

Electronic Filing of Complaints

In 2014, the offenders in virtually every facility throughout IDOC had access to JPay terminals. The Bureau saw this as an opportunity to be better able to reach the offender population. The Bureau worked with IDOC and JPay to have a button available to offenders for them to be able to email the Bureau directly. In March, the Bureau began allowing some offenders at select facilities to have access to the Bureau through the button on a trial basis. After 30 days, the Bureau found no reason not to continue to allow other offenders access to emailing the Bureau and by July 1, 2014, all offenders throughout the IDOC who had JPay access also had access on their terminals to the Bureau.

While the Bureau decided that the offenders should have direct access to the Bureau through e-mail, the Bureau also decided against being able to respond directly to offenders through e-mail. Thus, despite offenders being able to e-mail the Bureau, the Bureau still only responds to offenders by written correspondence sent through the U.S. Postal Service.

Legislation

During the 2014 legislative session, Director Charlene Burkett had the opportunity to work with Representative Peggy Mayfield in revising IC 4-13-1.2-5, which delineates the duties of the Bureau. Director Burkett believed that this update was necessary to preserve some of the activities of the Bureau. The Bureau's activities have expanded since Director Burkett took over in 2005 to a much larger role than just "receiving, investigating, and attempting to resolve complaints," as the statute previously read. Director Burkett wanted to ensure that the additional activities that the Bureau has assumed, such as submitting monthly reports and reporting findings of investigations, would be required in the future.

Director Burkett testified before the House Courts and Criminal Code Subcommittee and the bill was passed unopposed to the Senate Corrections Subcommittee. Senator Mike Young introduced an amendment before the Senate hearing. Director Burkett worked with members of the committee to finalize the language of the bill to include the amendment. Finally, the bill was passed by the Senate and signed into legislation by the Governor. The new language reflected in IC 4-13-1.2-5 now reads (with the new portions in **bold**),

IC 4-13-1.2-5

Powers of ombudsman; reports, notices, and recommendations following report; notice of decision not to investigate; evidence of crimes

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.

(d) The ombudsman shall create a monthly report that includes a summary of the findings of all substantiated complaints.

(e) The ombudsman may conduct investigations of alleged violations of department of correction policy, state or federal laws, and department of correction administrative rules at any department of correction facility.

(f) The ombudsman may recommend changes to the commissioner of the department of correction concerning department of correction policies or practices based upon information learned or observations made by the ombudsman during the course of an investigation.

(g) If the ombudsman discovers evidence that the ombudsman reasonably believes constitutes the commission of a crime, the ombudsman immediately shall, if the ombudsman considers it appropriate, inform the commissioner of the department of correction, who shall conduct an

investigation. If, after conducting the investigation, the commissioner has reasonable suspicion to believe that a crime has been committed, the commissioner shall:

(1) if the crime involves any person who is not an offender, immediately report the crime to an appropriate law enforcement agency; and

(2) if no person other than an offender is involved in the crime, immediately report the crime to an appropriate law enforcement agency if the commissioner believes that the prison disciplinary process is not appropriate.

As added by P.L.292-2001, SEC.2. Amended by P.L.69-2014, SEC.1.

Training

Director Burkett had the honor of presenting at the semi-annual American Correctional Association Conference in February. The Director -- along with Howard Sapers, Correctional Investigator in Canada, and James Basinger, Deputy Commissioner of the IDOC -- presented "Ombudsman: Friend or Foe," which gave a brief overview of the relationship that the Bureau has formed with the Department over the years as well as a brief synopsis of the type of work performed by both the Bureau and Ombudsman.

In March, the Director appeared before a work group consisting of scholars and other government officials affiliated with the American Society for Public Administration. She presented general information about ombudsmen and their usefulness. The subject of the forum was "Quality of Governance," and participants were particularly interested in discussing integrity systems, the values they promote and the contexts in which they work. No state funds were spent for Director Burkett to make this presentation.

In September, the Director received firearms field training. The Bureau had received questions about whether various firearms employed by DOC staff were used properly. In order to best understand all of the firearms and in what circumstances they should be used and how, the Director wanted demonstrations and hands-on training. The Director and IDOC Training Executive Director Richard Curry went through each weapon and its proper usage and handling according to policy.

Outreach

Director Burkett was also contacted by a group interested in forming a corrections ombudsman office in Washington State. Director Burkett testified via Skype to the group. After the presentation, the Senator who attended the meeting introduced a bill to create a corrections ombudsman in Washington State. Although the bill was not ultimately successful, the Director's testimony helped advance the merits of the work of ombudsmen.

"Only free men can negotiate; prisoners cannot enter into contracts. Your freedom and mine cannot be separated." Nelson Mandela

III. Complaints

The Year in Review

In the year 2014, the Bureau received a total of 1,525 complaints and made an additional 1,089 contacts. Of the 1,525 complaints received, 941 complaints or 61 percent were not investigated (595 were considered no violation, 264 were sent back to the IDOC process, 28 resulted in requests for more information, and in 54 the Bureau lacked jurisdiction). Of the 577 investigated complaints, which represents 38 percent of the total number of received complaints, 87 complaints or 15 percent of these were substantiated. See Figure 1 below.

¹**Ombudsman Perspective:** The Bureau has included the number of contacts that it received in its totals for the year for the first time. A contact is defined in Bureau policy as an interaction with the Bureau that doesn't rise to the level of a complaint.

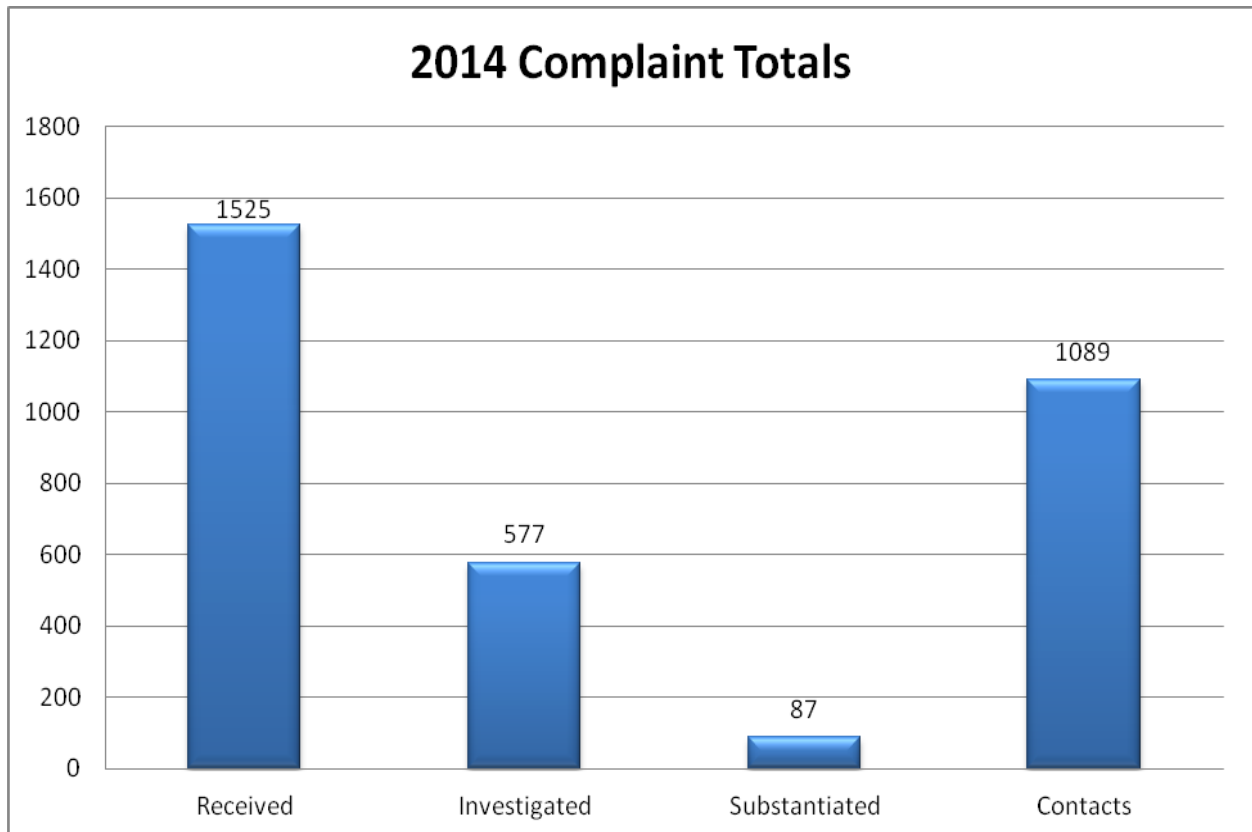


Figure 1

¹ The Ombudsman Perspective will provide additional commentary to each of the graphs to provide further insight into the numbers on each graph.

As Figure 2, below, depicts, the Bureau received 1,525 complaints in 2014, which accounts for a 43 percent increase over the 2013 total. The Bureau substantiated 87 complaints in 2014, which is a 38 percent increase over the 2013 total. The number of contacts the Bureau made substantially increased in 2014, marking more than a 100 percent increase over 2013. **Ombudsman Perspective:** The Bureau attributes these increases to the implementation of electronic access by offenders to the Bureau. Electronic access not only increased the number of contacts that the Bureau received, but it also increased the number of complaints the Bureau received. Although an increase in complaints could be interpreted as indicating an increase in concerns, the Bureau believes the increase in 2014 also could be attributable partly to the offenders' new ability to send complaints electronically.

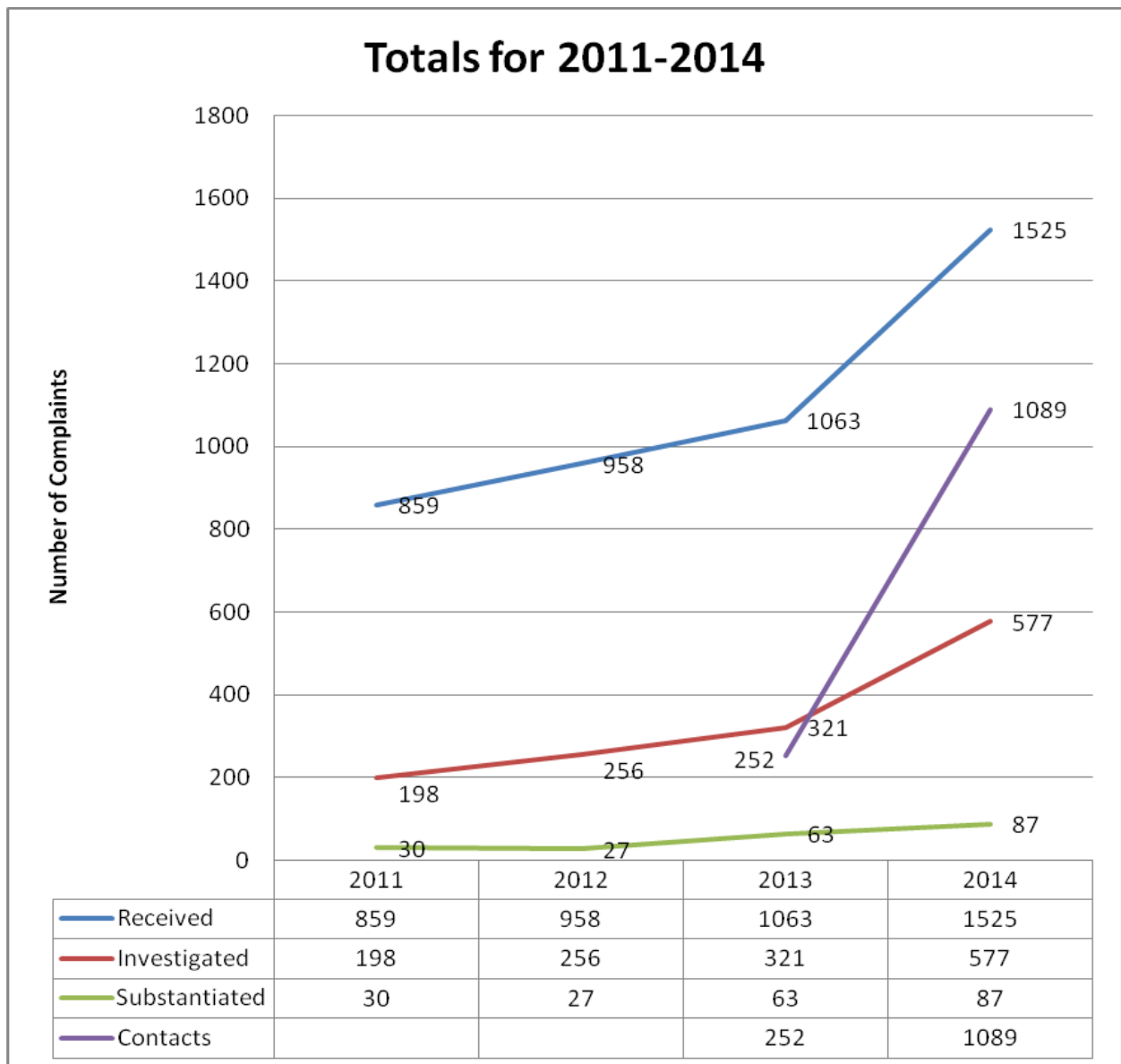


Figure 2

With the implementation of the receipt of complaints electronically from offenders, the Bureau has tracked how it received complaints in 2014 and evaluated which methods were most effective. Figure 3 below depicts the percentage of complaints received electronically and the percentage of complaints investigated and substantiated. **Ombudsman Perspective:** Prior to the implementation of receiving complaints electronically through JPay in 2014, the Bureau received 98 percent or almost all complaints through the mail. Figure 3 below demonstrates that more than a third of all complaints came from electronic means and 65 percent of all investigated complaints came through electronic means.

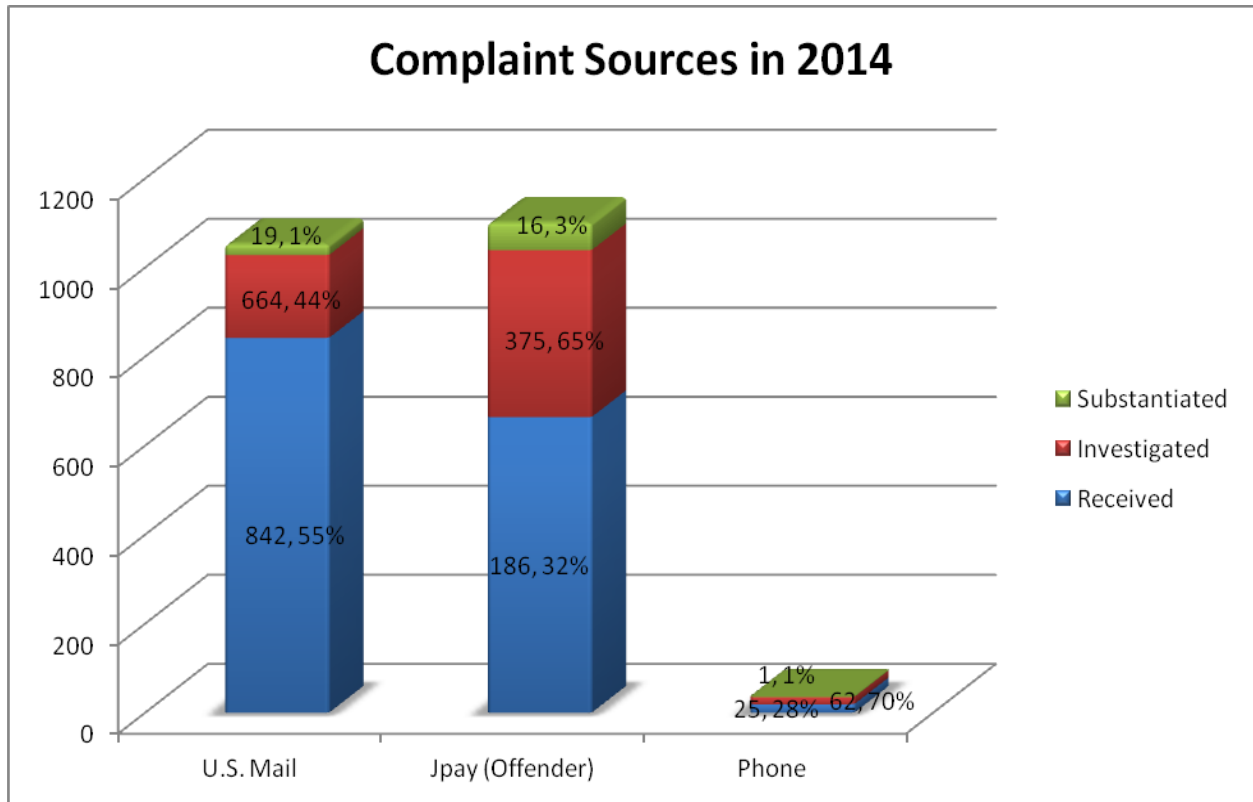


Figure 3

“Lead from the back and let others believe they are in front.” Nelson Mandela

As in years past, the Bureau has tracked the number of “not investigated” complaints and categorized the disposition of these in four ways: no violation, no jurisdiction, more information and IDOC process. As in previous years, most of these complaints were determined not to be a violation of any law or DOC policy and/or procedure. Also, notably, 28 percent were referred back to the appropriate DOC process. See Figure 4 below. **Ombudsman Perspective:** The notable increase in Figure 4 below is in the percentage of complaints that the Bureau referred back to IDOC, which is the highest percentage ever for the Bureau. Also notable is that the percentage of complaints determined to be “No Violation” has actually decreased.

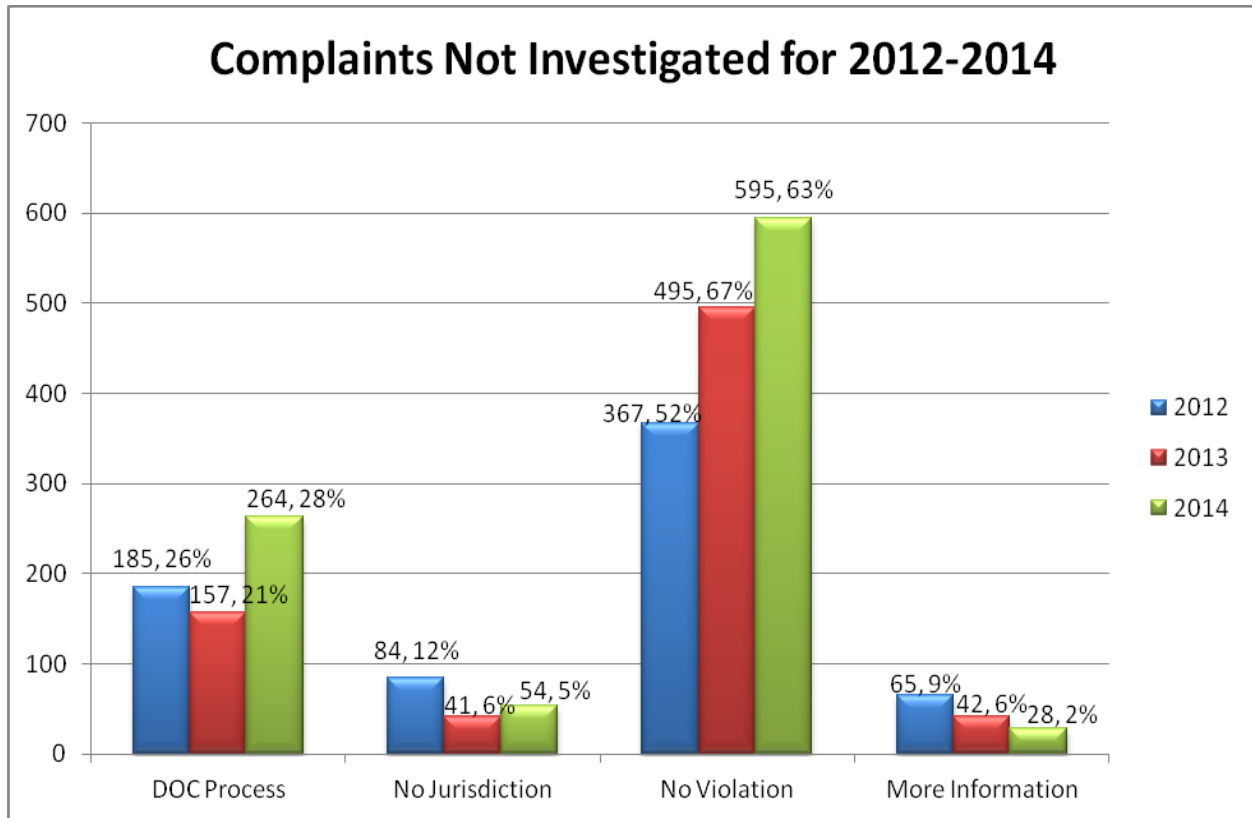


Figure 4

As depicted in Figure 5 below, the source of complaints received by the Bureau in 2014 predominantly remained the offenders themselves. **Ombudsman Perspective:** The fact the Bureau overwhelmingly received most of its complaints from the offenders themselves continues a pattern seen in previous years.

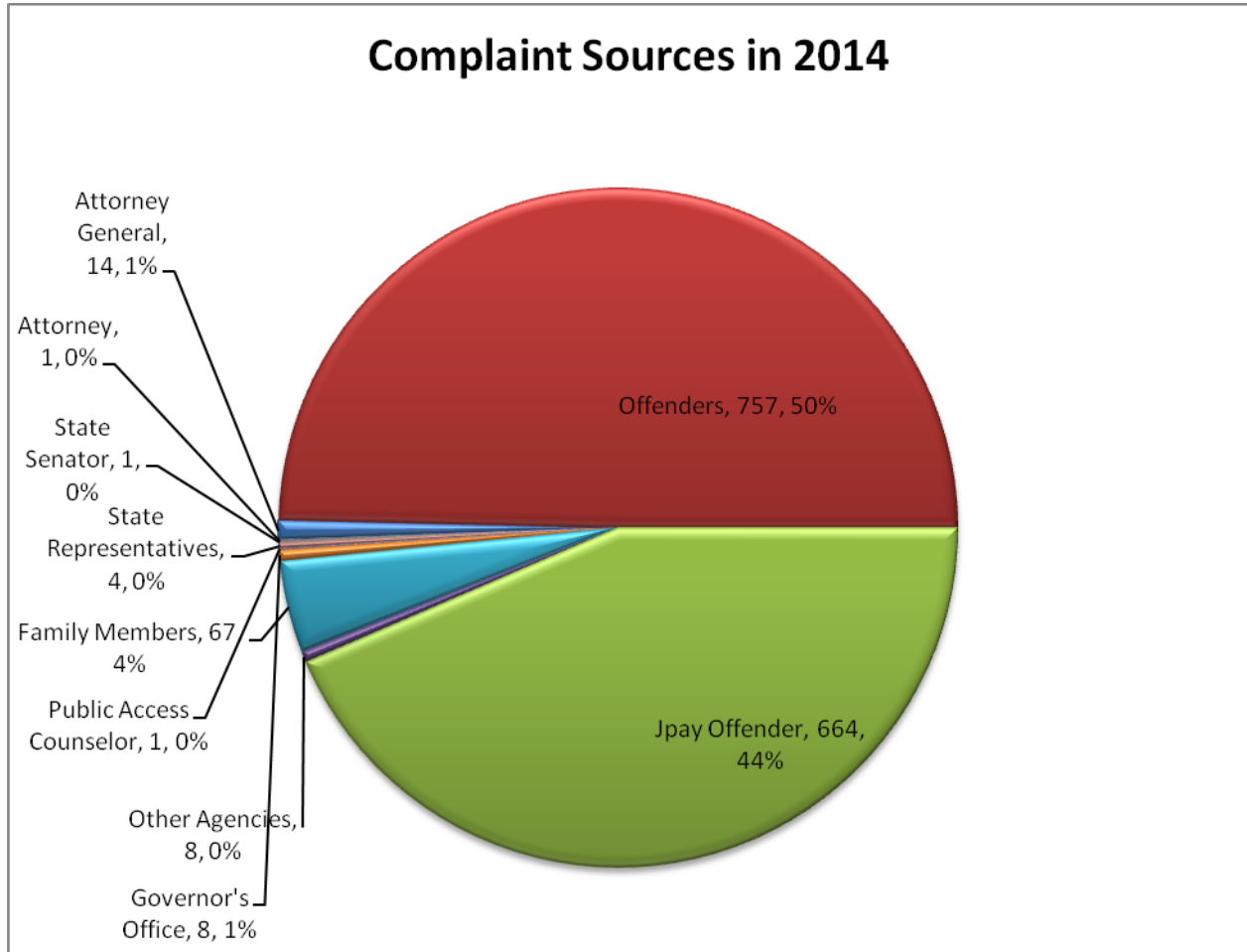


Figure 5

“If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart.” Nelson Mandela

Complaint Characteristics

The only pre-existing complaint category in which the Bureau experienced growth in 2014 is medical. As Figure 6 below depicts, in 2014, the percentage increase of medical complaints increased to 4 percent from 2013. This increase not only represents the largest increase in complaint categories, but also it is the only complaint category that experienced growth larger than 1 percent in 2014 out of all existing categories. See Figure 6 below for a complete breakdown of all complaints received and a comparison to 2013. **Ombudsman Perspective:** The most notable increase in the percentage of received complaints is the 4 percent increase in medical complaints in 2014 as compared to 2013. Note that this was the only complaint category that experienced growth in 2014. The Bureau attributes this increase primarily to the changeover of some key Corizon Correctional Healthcare personnel in 2014.

Percentage for Complaints Received by Type in 2014

Category	Total Complaints Received	Percentage	% increase from 2013
Medical Care	310	20%	4%
Disciplinary Action	141	9%	-5%
Personal Property Confinement	110	7%	-1%
Conditions	94	6%	1%
Transfer	86	6%	-1%
Legal	72	5%	-3%
Classification (Time Cut)	65	4%	-1%
Programs	58	4%	1%
Officer Misbehavior	56	4%	0%
Offender Safety	54	4%	-1%
Work	53	3%	1%
Classification	51	3%	1%
Grievance*	46	3%	n/a
Visitation	40	3%	0%
Classification (Codes)	37	2%	-1%
Religious	37	2%	0%
Housing	29	2%	-1%
Mail	26	2%	0%
Mental Health	26	2%	0%
Credit Time	25	2%	1%
Dental	25	2%	1%
Parole Board	19	1%	-1%
Clothing	16	1%	1%
Excess Force	12	1%	1%
Food	12	1%	-1%
Offender Violence	9	1%	0%
Contract	5	0%	0%
Recreation	3	0%	0%

Phone	2	0%	0%
Sanitation	1	0%	0%
School	1	0%	0%
VMR	1	0%	0%

* Note a new category for 2014

Figure 6

Once again, as listed below in Figure 7, the only complaint category in existence prior to 2014 in which the Bureau experienced more than 1 percent growth in investigated complaints was medical. Notably, despite the Bureau only receiving 4 percent more medical complaints in 2014, the Bureau investigated 9 percent more medical complaints in 2014 than 2013. **Ombudsman Perspective:** As in received complaints, the most notable increase for investigated complaints was in medical care. Note that several categories experienced a decrease in the percentage of investigated complaints

Percentage for Complaints Investigated by Type in 2014

Category	Total Complaints Investigated	Percentage	% increase from 2013
Medical Care	199	34%	9%
Personal Property	43	7%	1%
Confinement Conditions	42	7%	1%
Offender Safety	29	5%	-4%
Religious	23	4%	1%
Transfer	22	4%	2%
Mental Health	20	3%	-1%
Classification (Time Cut)	19	3%	1%
Legal	19	3%	-4%
Grievances*	15	3%	n/a
Classification	14	2%	1%
Disciplinary Action	14	2%	-3%
Work	14	2%	1%
Housing	13	2%	-2%
Dental	12	2%	1%
Officer Misbehavior	12	2%	-1%
Programs	12	2%	-1%
Clothing	10	2%	1%
Visitation	10	2%	0%
Classification (Codes)	6	1%	-1%
Excess Force	6	1%	1%
Food	6	1%	-2%
Mail	6	1%	0%
Credit Time	4	1%	1%
Offender Violence	2	0%	-1%
Parole Board	1	0%	-2%
Phone	1	0%	0%
Sanitation	1	0%	-1%

School	1	0%	0%
VMR	1	0%	-2%
Contract	0	0%	0%
Recreation	0	0%	0%

*** Note a new category for 2014**

Figure 7

Figure 8 below illustrates the percentage increase in the number of substantiated complaints for each complaint category in 2014. Medical complaints experienced the largest growth in categories other than those just created in 2013 with a 5 percent increase over 2013. **Ombudsman Perspective:** Medical care was also the category with the largest increase over 2013 in substantiated complaints.

Percentage for Complaints Substantiated by Type in 2014

Category	Total Complaints Substantiated	Percentage	% increase from 2013
Medical Care	25	29%	5%
Classification (Time Cut)	7	8%	100%
Personal Property	7	8%	0%
Grievance*	5	6%	n/a
Classification	4	5%	3%
Confinement Conditions	4	5%	-3%
Disciplinary Action	4	5%	-3%
Programs	4	5%	3%
Food	3	3%	100%
Housing	3	3%	1%
Offender Safety	3	3%	1%
Religious	3	3%	-3%
Legal	2	2%	-11%
Mental Health	2	2%	0%
Officer Misbehavior	2	2%	100%
Visitation	2	2%	-4%
Work	2	2%	-1%
Classification (Codes)	1	1%	-1%
Credit Time	1	1%	100%
Excess Force	1	1%	100%
Transfer	1	1%	0%
VMR	1	1%	-7%
Clothing	0	0%	-2%
Contract	0	0%	0%
Dental	0	0%	-3%
Mail	0	0%	0%
Offender Violence	0	0%	-2%
Parole Board	0	0%	0%

Phone	0	0%	0%
Recreation	0	0%	0%
Sanitation	0	0%	0%
School	0	0%	0%

* Notes a new category in 2014

Figure 8

**“The greatest glory in living lies not in never failing,
but rising each time we fail.” Nelson Mandela**

Figure 9 below depicts the facilities with the highest numbers of complaints received, investigated and substantiated in 2014 compared to 2013. Most notably, Plainfield Correctional Facility (IYC) experienced a 5 percent growth in 2014 over 2013 in the percentage of complaints received. Plainfield Correctional Facility also experienced a 7 percent climb in the percentage of complaints investigated from 2013. Despite this, however, the percentage of substantiated complaints only rose 2 percent over 2013. See Figure 9 below for a further comparison in the percentages of complaints received, investigated and substantiated in 2013 and 2014 for the facilities with the highest numbers of complaints in these years. **Ombudsman Perspective:** The most notable figure below, as far as substantiated complaints, is the percentage of substantiated complaints at New Castle Correctional Facility (NCF). As depicted below, New Castle experienced a 4 percent increase in substantiated complaints in 2014 compared to 2013.

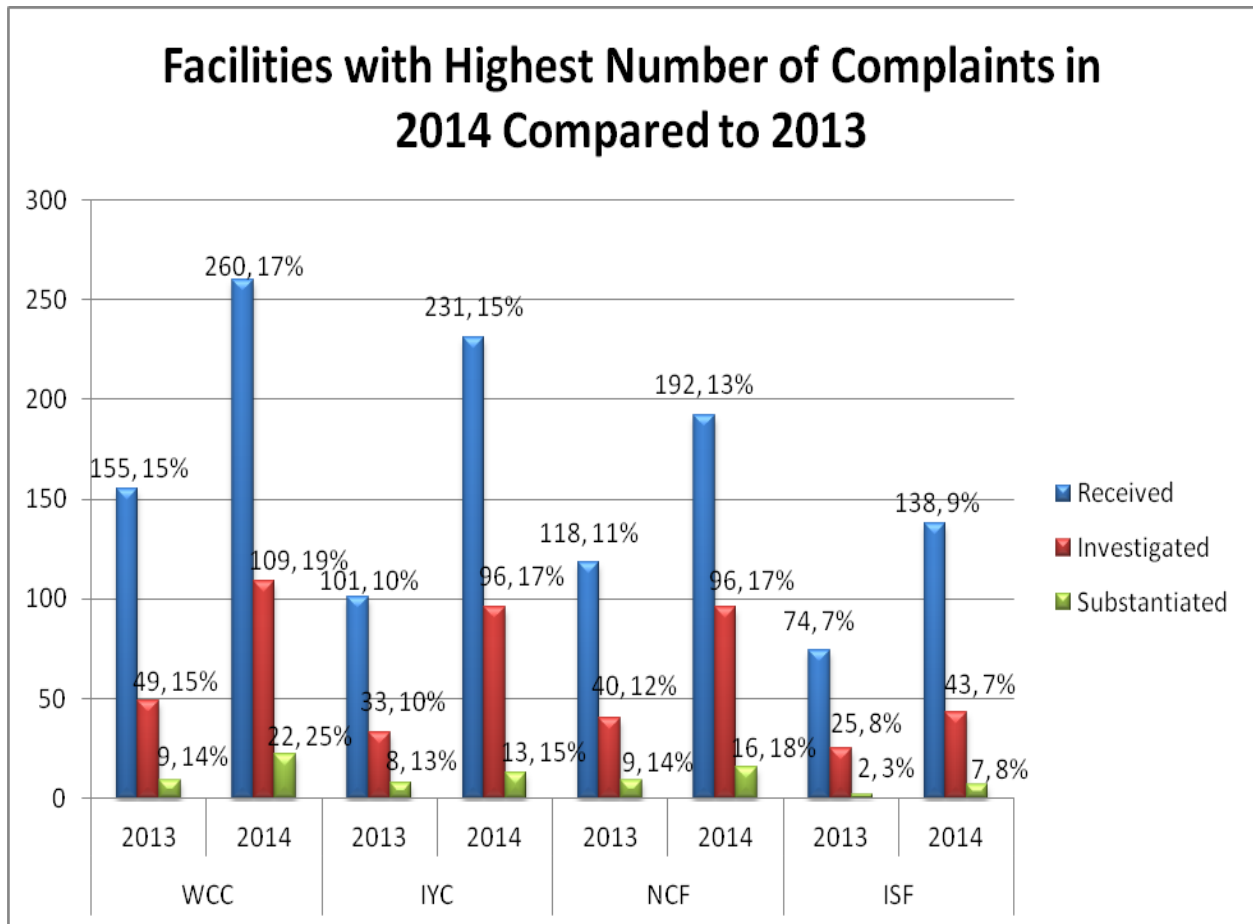


Figure 9

For a complete listing of all facilities in 2014, see Figures 10-15 below.

Figure 10 below illustrates the numbers of complaints received, investigated and substantiated in 2013 and 2014 at Level 1 facilities and work release centers. **Ombudsman Perspective:** The numbers at these lower-level facilities tend to stay constant, as depicted below. These offenders tend not to complain as much as higher-level offenders. Also, these facilities tend to have fewer problems and maintain a focus on re-entry since the offenders are closer to their release dates.

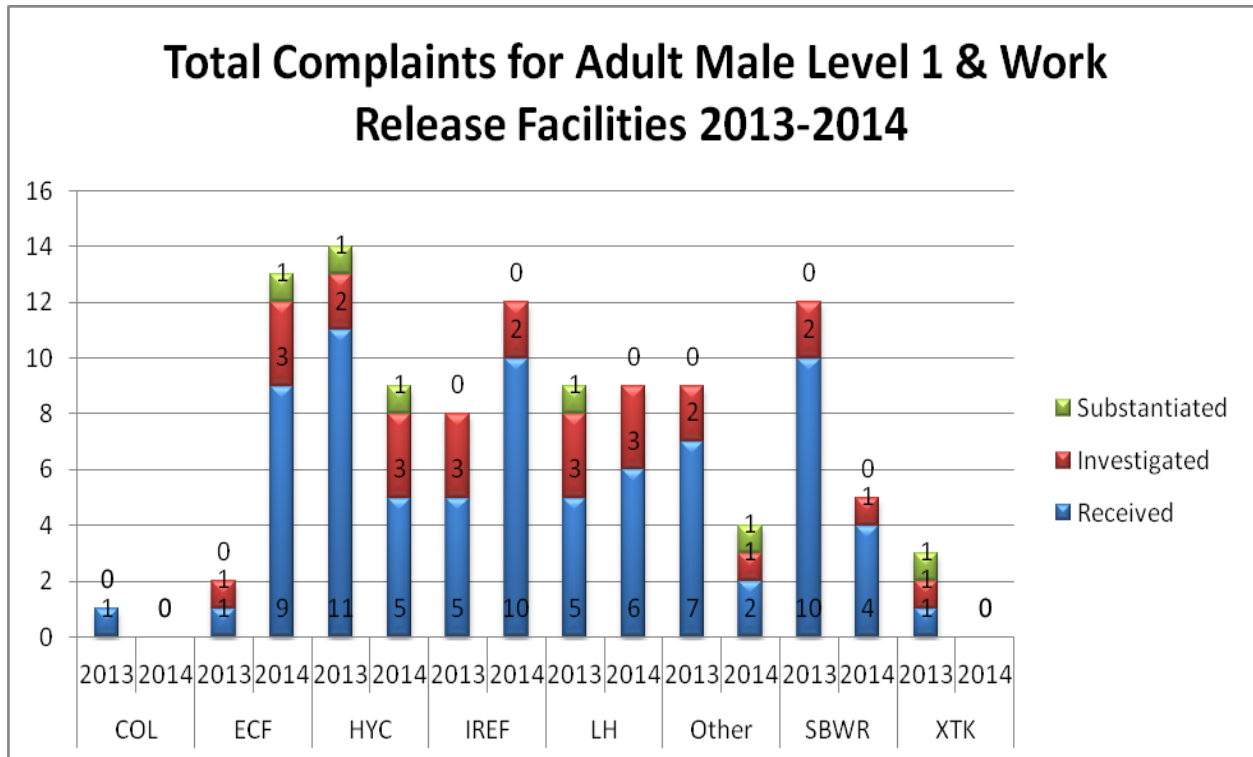


Figure 10

“It is what difference we have made to the lives of others that will determine the significance of the life we lead.” Nelson Mandela

Figure 11 below depicts the numbers of complaints received, investigated and substantiated for Level 2 facilities in 2014 compared to 2013. Westville (“WCC”), which also houses at least 300 more offenders than the next largest facility, notably has the highest number of complaints received, investigated and substantiated in 2014 among these facilities. Plainfield Correctional Facility (“IYC”), however, experienced the highest percentage change from 2013 in the number of received and investigated complaints with more than a 100 percent increase. When comparing the percentage change in substantiated complaints, however, Westville had the highest percentage change over 2013 -- increasing more than 100 percent. **Ombudsman Perspective:** A contributing factor of the increase at both of these facilities could be the level of the offender at the facility. Traditionally, this level offender does complain more. Giving these offenders access to the Bureau electronically contributed to this increase as well. Also, these two facilities tend to have more physical plant problems than any other IDOC facility. These physical plant problems contribute to a good number of the complaints at the facilities. Additionally, at Westville the facility experienced a changeover in administration, which always tends to cause a spike in complaints. We would expect to see the numbers at Westville decrease in 2015, given no major occurrences throughout the year.

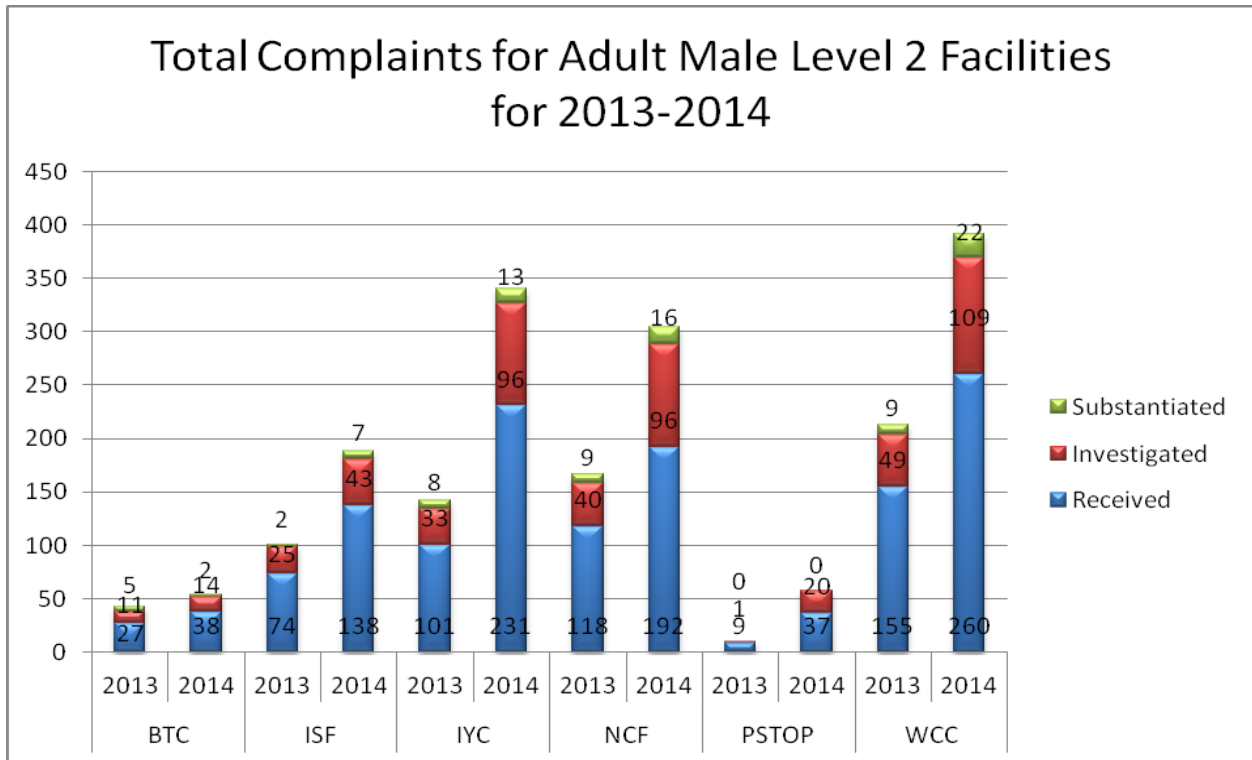


Figure 11

Figure 12 below depicts the numbers of complaints received, investigated and substantiated by the Bureau in calendar years 2013 and 2014 from Adult 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”).

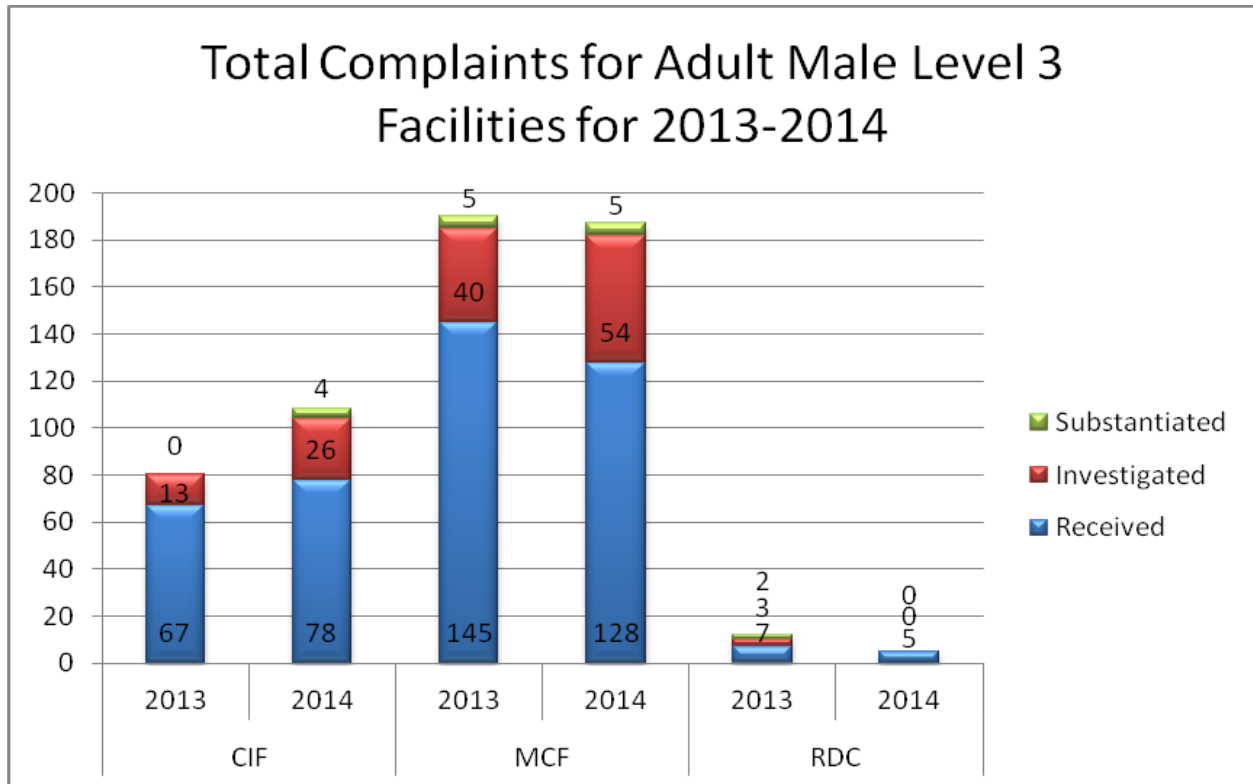


Figure 12

Figure 13 below depicts the complaints received, investigated and substantiated from Adult Male Level 4 facilities. **Ombudsman Perspective:** This graph illustrates that all of the complaint totals for Level 4 facilities are relatively consistent across the board compared to 2013.

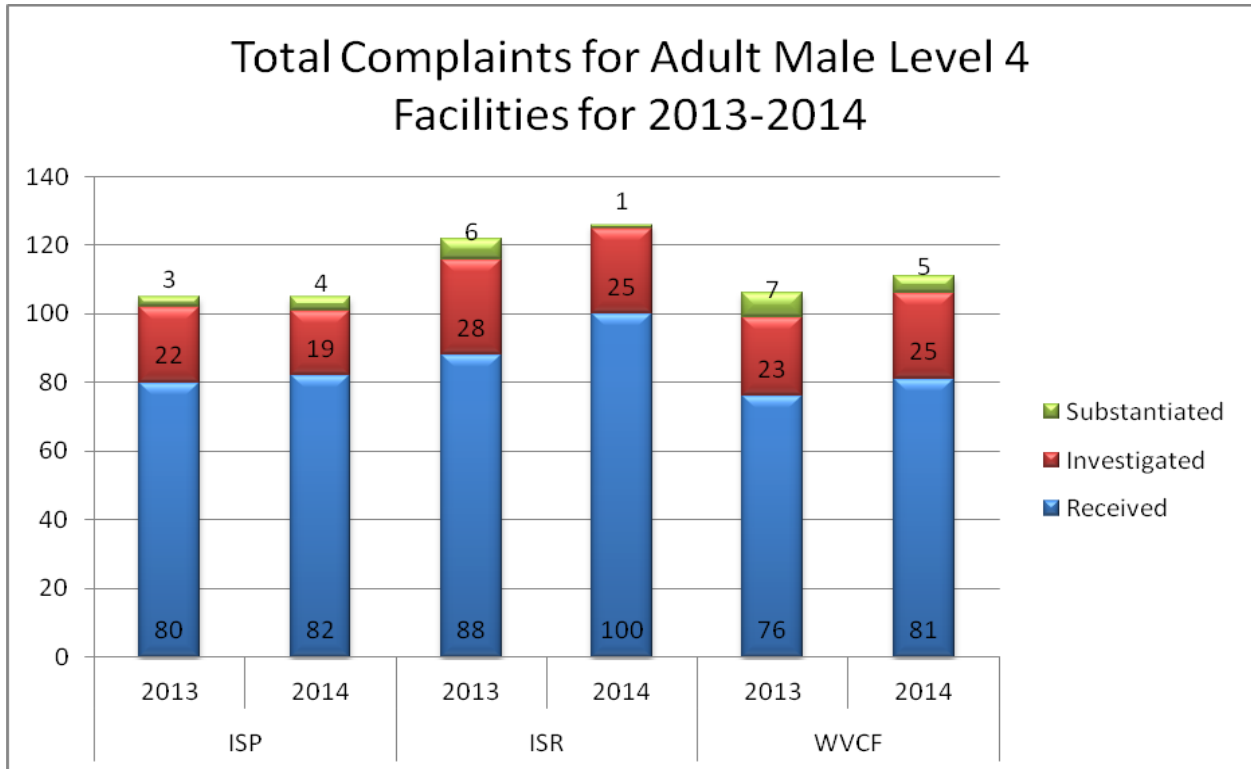


Figure 13

“Education is the most powerful weapon you can use to change the world.” Nelson Mandela

Figures 14 -16 below address the complaint totals for the adult female and juvenile facilities.

Ombudsman Perspective: Notably, complaints at the Rockville Correctional Facility (“RTC”) increased markedly in 2014. Note that the facility’s population is the same security level as the male facilities with the largest number of complaints.

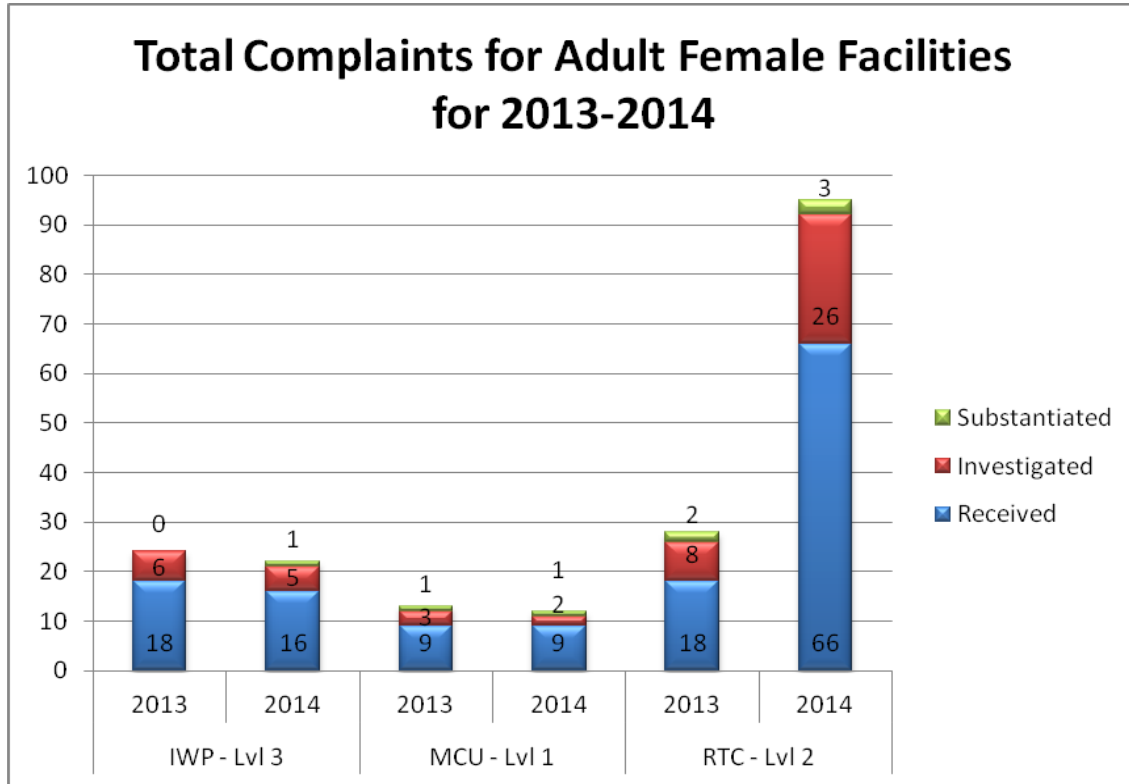


Figure 14

“May your choices reflect your hopes, not your fears.”
Nelson Mandela

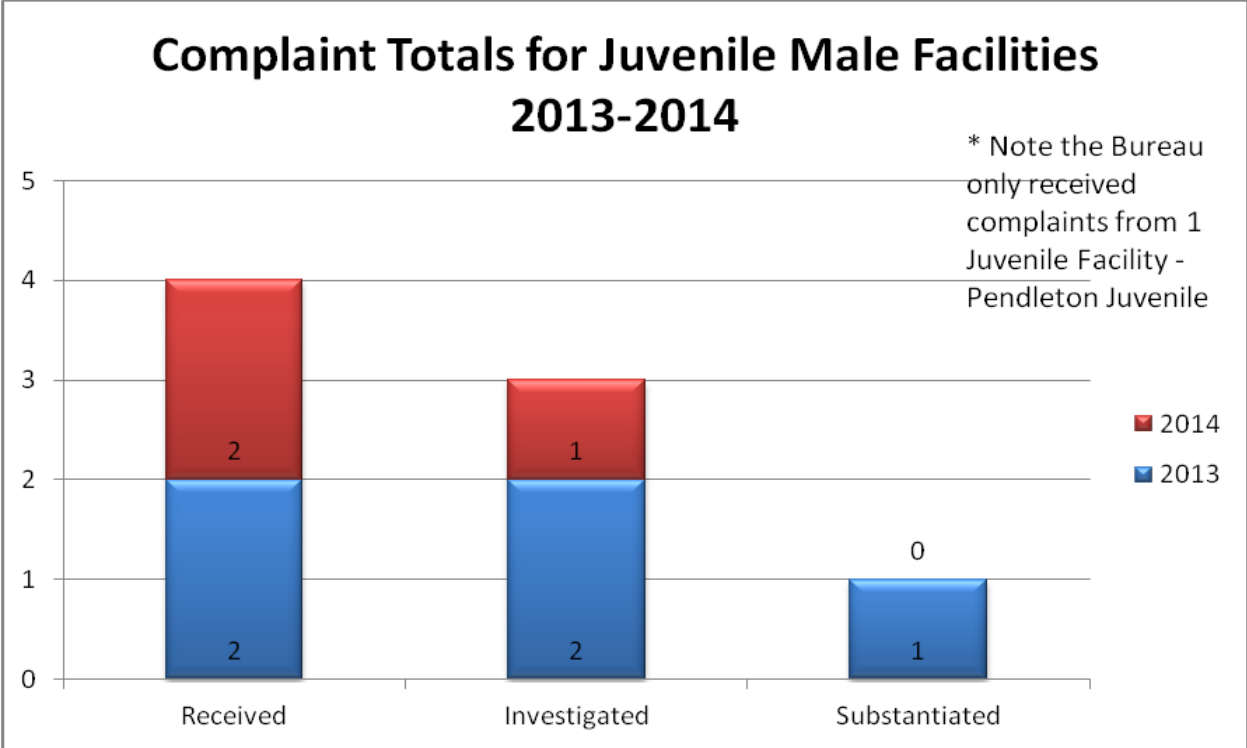


Figure 15

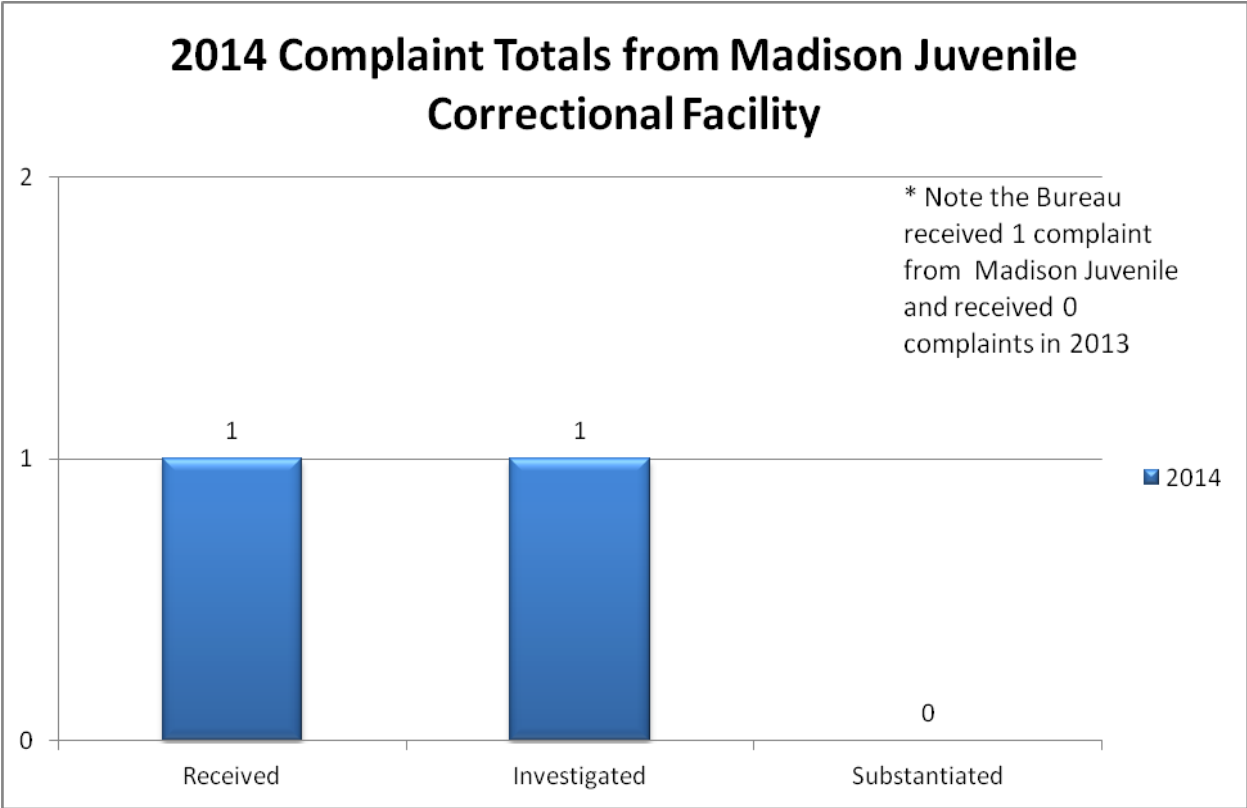


Figure 16

III. Substantiated Complaints & Recommendations to IDOC for Resolution²

The Bureau substantiated 87 complaints in 2014. A complaint is substantiated when three criteria are met: a violation of policy or procedure has occurred; the matter needs additional attention by the IDOC to resolve; and the offender had already attempted to resolve the matter with IDOC. The Bureau addressed several issues in 2014. While some issues addressed were specific to a complainant, others were issues that not only affected the complainant but also offenders at other facilities. Below is a partial list of issues addressed by the Bureau during 2014:

1. Visitation – Indiana State Prison

Offenders were having their visitors removed from their visitation lists, and gate closures were being placed against “all current and future visitors.” Policy did not reflect this action being taken, and offenders could not receive money on their accounts when these people were removed. In addition, adding these visitors back to their lists would require more work for the facility staff by requiring them to process their visiting applications again. The facility ultimately added the visitors back to the offenders’ lists and ceased this practice.

2. Tort Claims – throughout IDOC

The Bureau several times throughout the year received complaints from offenders who filed tort claims without receiving responses. The Bureau checked on these claims as they received them and ensured that tort claims ultimately received responses.

3. Excessive Force – Correctional Industrial Facility

The Bureau investigated a claim that chemical weapons were used in violation of policies. After further review, the Department of Corrections updated its training procedures and clarified its policies regarding use of the weapons. Staff who violated policies were appropriately disciplined.

4. Medical – Plainfield Correctional Facility

The Bureau investigated a claim that an offender was not receiving appropriate healthcare for his knee. The offender had received care from a nurse several times but had never been referred to a provider. The offender was seen and treated further by a provider.

5. Medical – Plainfield Correctional Facility

² For a complete listing of all substantiated complaints and assists please see the 2014 Monthly Reports listed on the IDOC webpage www.idoc.in.gov/ombudsman/2318.htm

The Bureau investigated a complaint concerning the facility not having boxes available for deposit of healthcare request forms. New boxes for healthcare request forms were installed at the facility.

6. Food - Plainfield Correctional Facility

Offenders complained of an infestation of cockroaches in the facility kitchen. The premises were inspected and several specimens were noted. The facility worked over the course of the next few months to rectify the issue, and the Bureau continued to monitor the improvement of the conditions.

7. Classification – Plainfield Correctional Facility

An offender complained that he had been denied a time cut for completion of an auto body program due to having two B conduct reports. One of the conduct reports was dismissed, and he submitted a classification appeal. More than 60 days then elapsed without his receiving a response. Central Office then reviewed the complaint and awarded the offender the time cut.

8. Classification – Rockville Correctional Facility

The offender complained that she only received a time cut of three days for completion of a culinary arts program. After further review by Central Office, she was awarded 90 days -- or the whole time cut.

9. Medical – Plainfield Correctional Facility

The offender complained that he was in severe pain and discomfort with a swollen liver and had submitted a healthcare request form more than two weeks ago without ever being seen by medical staff. The facility followed up and ensured the offender was seen and treated by medical staff.

10. Medical – Correctional Industrial Facility

The offender complained that he had been contacting medical staff for more than three weeks seeking treatment for his swollen jaw, which stemmed from plates that had been implanted more than a decade ago. Staff members scheduled an appointment for the offender, who was provided medical care.

11. Classification – Westville Correctional Facility

Several offenders complained that their case managers were not seeing them in a timely manner or completing their reviews on schedule. Staff made sure case workers scheduled time with the offenders, gave them their reviews and updated their case plans. The facility worked to correct the issue, and the Bureau monitored the improvements in case managers' timeliness.

12. Confinement Conditions – Westville Correctional Facility

An offender complained of mold where he is housed. The Bureau investigated the claim, and the Director personally toured the areas and observed mold. The facility worked to rectify the issue. An inspection after 60 days showed the mold problem to be resolved.

13. Disciplinary Action – Branchville Correctional Facility

The offender complained that he was charged with a B236 Disorderly Conduct violation for not going out to work on time, but he said this charge was not the appropriate charge. Central Office reviewed the matter and lowered the conduct report to a C373 Punctuality and Attendance violation.

14. Legal – Other

A former offender complained that he had been wrongly placed on the Sex Offender Lifetime Registry. Central Office further reviewed the matter, and he was removed from the registry.

15. Grievance – Indiana State Prison

The offender complained that he was told that he could not file a grievance because no incident report was generated for the incident that he wanted to grieve. The facility further reviewed the matter, and the offender was allowed to file the grievance. The case manager was counseled as to proper procedure.

16. Medical Care – throughout IDOC

The offender complained that he needed further care for contact dermatitis. Medical staff reviewed the matter further and found he had been referred to a consultation. The request, however, had not been approved within the timeframe specified by policy. The Bureau received several of these complaints and worked with medical staff to improve the process. The improvements made to the process resolved the overarching issue.

Assists

This was only the second year that the Bureau tracked assists for an entire year. An assist is defined in Bureau policy as a matter that needs to be addressed further by the IDOC, but the offender did not necessarily bring the matter to the attention of the IDOC before the Bureau did. The Bureau tries to ensure that offenders do not usurp the IDOC process and come directly to the Bureau without bringing matters to the attention of the IDOC. The Bureau, however, will bring a matter to the attention of the IDOC from time to time without requiring the offender to do so when it deems such action necessary. The Bureau had 21 such instances in 2014, a sampling of which is listed below:

1. Clothing - Miami Correctional Facility

This offender contacted the Bureau regarding attempts to get a clothing exchange for more than nine months. The offender was given new clothing.

2. Transfer - Miami Correctional Facility

The offender claimed that he personally knew several staff members so he needed to be transferred. The offender was transferred.

3. Medical Care - New Castle Correctional Facility

The offender complained that his contacts were confiscated but that he did not receive any alternative eyewear. The offender was seen and issued eyewear.

4. Offender Safety - Putnamville Correctional Facility

The offender complained that he was in fear of his safety in the location where he is located. The Bureau contacted the facility, and the offender was moved.

5. Classification – Westville Correctional Facility

The offender complained that he was supposed to get a time cut and that, when it was applied, he should be released. The time cut was applied, and the offender was released.

6. Officer Misbehavior – Westville Correctional Facility

The offender complained that he had contact with a staff member who had used excessive force against him in a previous incident. The offender was removed from the dorm and transferred to another facility.

7. Religious Services – Westville Correctional Facility

The offender complained that he had been asking to get his religious diet for more than a month. After further review, the offender was issued a religious diet.

IV. 2014 Wrap-up

Department-wide Recommendations

1. **Develop a tracking system for Tort Claims filed against IDOC.** The Bureau has recognized a need for such a tracking system due to receiving numerous complaints concerning tort claims. Offenders often will send tort claims, but they are never received or never receive responses. The tracking system could log all incoming tort claims into the system as they are received and the date of receipt could be noted. Additionally, once the response from the Attorney General's Office is made, this date should also be logged. If any case does not have a response from the Attorney General within 60 business days, follow up contact should be made to the Attorney General's Office. If such a tracking mechanism were used, then the Bureau would not experience the complaints about this issue that it does. A database could be set up without creating a financial impact on the Department. Such a system could be devised using available resources, which would not put any additional financial burden on the agency.

2. **Develop a tracking system for Classification Appeals.** After receiving numerous complaints regarding Classification Appeals, the Bureau has recognized a need for this system. Again, it is all too often that the Bureau has to tell an offender to resend a Classification Appeal to Central Office because it was never received. Such a tracking system could be developed with relative ease, using resources already available. Thus it would have little, if any, financial impact on the Department.

V. Looking Ahead

In 2014, the Bureau looks to continue finding new and innovative ways to keep the offender population aware of the Bureau. It aims, as well, to continue to find new ways to work alongside the Department and provide support to it.

Acknowledgements

First and foremost, the Director would like to thank Governor Mike Pence for providing this opportunity to serve. I am humbled by the opportunity. I would also like to thank Commissioner Bruce Lemmon and his staff at the IDOC for their cooperation, support and professionalism. It is truly remarkable to work alongside so many who are committed to ensuring that our Department in Indiana is second to none.

Appendix 1

Indiana Ombudsman Bureau
 Complaint Summary Report
 From: 1/1/2014 To: 12/31/2014

Received, Investigated, Substantiated, Assisted

	Total	BTC	CIF	ECF	HYC	IREF	ISF	ISP	ISR	IYC	LH	MCF	NCF	PSTOP	RDC	SBWR	WCC	WVCF
Classification (Codes)	37,61,0	2,0,0,0	3,1,0,0				8,2,0,0	1,0,0,0	1,0,0,0	7,1,1,0		5,2,0,0	4,0,0,0		1,0,0,0		5,0,0,0	
Classification (other than disciplinary)	49,14,4,0	2,1,0,0	4,1,0,0				8,1,0,0	3,1,1,0	2,0,0,0	5,2,0,0		1,0,0,0	5,0,0,0	1,0,0,0			14,7,3,0	4,1,0,0
Classification (Time Cut)	57,15,4,2	1,1,0,0					6,1,0,0	2,0,0,0	3,0,0,0	13,3,1,0		9,1,0,0	9,5,1,0	3,0,0,0			10,4,2,2	1,0,0,0
Clothing	17,10,0,2								1,0,0,0	6,4,0,1		4,2,0,1	3,1,0,0	1,1,0,0			2,2,0,0	
Confinement Conditions	82,41,4,2	1,0,0,0	9,3,0,0				1,0,0,0	5,3,1,0	4,2,0,0	10,5,1,1	2,1,0,0	5,4,0,1	8,5,0,0	5,4,0,0			27,11,2,0	5,3,0,0
Contract	3,0,0,0																1,0,0,0	2,0,0,0
Credit Time	25,4,1,1	2,0,0,0		4,2,1,0		1,0,0,0	3,0,0,0			2,1,0,0		5,0,0,0	1,1,0,1	3,0,0,0	1,0,0,0		1,0,0,0	2,0,0,0
Dental	27,12,0,0	4,1,0,0				1,0,0,0	2,2,0,0			2,1,0,0		2,1,0,0	2,0,0,0	1,1,0,0			11,5,0,0	2,1,0,0
Disciplinary Action	135,14,4,0	8,1,1,0	11,1,0,0	1,0,0,0	2,0,0,0	4,0,0,0	19,2,0,0	8,0,0,0	8,0,0,0	27,4,1,0	2,0,0,0	10,1,1,0	8,2,0,0	4,1,0,0			15,0,0,0	8,2,1,0
Excess Force	11,6,1,0		1,1,1,0				2,0,0,0		4,2,0,0	2,1,0,0							1,1,0,0	1,1,0,0
Food	11,6,3,0						1,1,1,0		2,0,0,0	4,2,1,0			1,1,0,0				3,2,1,0	
Grievance	46,15,5,0		1,1,1,0		2,2,1,0	1,0,0,0	1,0,0,0	5,2,1,0	1,0,0,0	14,5,0,0		5,2,1,0	3,0,0,0				10,3,1,0	3,0,0,0
Housing	29,13,3,0					1,1,0,0	5,3,1,0	8,4,0,0	3,0,0,0	5,4,1,0		3,1,1,0					2,0,0,0	2,0,0,0
Legal	57,17,1,1	1,1,0,0	1,1,0,0				7,0,0,0	3,0,0,0	2,0,0,0	10,2,0,0	1,1,0,0	5,3,1,0	16,6,0,1	1,1,0,0	1,0,0,0	1,0,0,0	6,2,0,0	2,0,0,0
Mail	26,6,0,0						1,0,0,0	3,0,0,0	3,1,0,0	7,2,0,0		2,1,0,0	4,0,0,0				3,2,0,0	3,0,0,0
Medical Care	272,177,24,3	7,5,1,0	15,9,2,0		1,1,0,0		21,15,3,1	13,1,0,0	25,8,1,0	37,32,4,0		35,22,0,0	55,45,7,1	3,2,0,0			52,31,6,1	8,6,0,0
Mental Health	25,20,2,1		5,4,0,0				1,0,0,0		2,2,0,0	2,2,0,0		3,3,0,0	4,4,0,1				7,4,1,0	1,1,1,0
Offender Safety	48,25,3,1	1,0,0,0	1,0,0,0				9,7,1,1	4,2,0,0	2,1,0,0	8,3,1,0		5,3,1,0	6,4,0,0	1,1,0,0			8,3,0,0	3,1,0,0
Offender Violence	8,2,0,0		1,1,0,0				1,0,0,0		1,0,0,0	1,0,0,0		1,0,0,0					3,1,0,0	
Officer Misbehavior	52,11,1,1	4,1,0,0	2,1,0,0				4,0,0,0	2,1,0,0	2,1,0,0	10,2,0,0		4,0,0,0	6,1,0,0	2,2,0,0	1,0,0,0		9,1,0,1	6,1,1,0
Parole Board	19,1,0,0		1,0,0,0				6,0,0,0		2,0,0,0	3,0,0,0		1,0,0,0	4,1,0,0				2,0,0,0	
Personal Property	108,43,7,3		7,2,0,0				6,1,0,0	4,1,0,0	5,2,0,0	23,8,0,1		6,2,0,0	20,11,7,0	6,4,0,0	1,0,0,0	1,1,0,0	24,10,0,2	5,1,0,0
Phone	2,1,0,0								1,0,0,0				1,1,0,0					
Programs	51,12,4,0	1,0,0,0	11,0,0,0	1,0,0,0			5,2,0,0	1,0,0,0	3,2,0,0	7,0,0,0		5,1,0,0	7,1,0,0				9,6,4,0	1,0,0,0
Recreation	3,0,0,0							1,0,0,0	1,0,0,0	1,0,0,0								
Religious	36,23,3,2		1,0,0,0				5,4,0,0	4,1,0,0	6,4,0,1	5,4,2,0	1,1,0,0	2,2,0,0	4,3,1,0	2,1,0,0			4,3,0,1	2,0,0,0
Sanitation	1,1,0,0							1,1,0,0										
School	1,1,0,0												1,1,0,0					
Transfer	79,21,1,1		2,0,0,0	2,1,0,0		1,0,0,0	12,1,0,0	2,1,0,0	2,0,0,0	11,6,0,0		6,2,0,1	12,3,0,0	2,1,0,0		1,0,0,0	19,5,1,0	7,1,0,0
Visitation	37,8,2,1	2,1,0,0	1,0,0,0				3,0,0,0	8,1,1,0	9,0,0,0	2,1,0,0		1,1,0,1	1,0,0,0				7,2,1,0	3,2,0,0
VMR	1,1,1,0						1,1,1,0											
Work	49,13,2,0	2,2,0,0	1,0,0,0	1,0,0,0		1,1,0,0		4,0,0,0	5,0,0,0	7,1,0,0		3,0,0,0	7,0,0,0	2,1,0,0		1,0,0,0	5,4,0,0	10,4,2,0
Total	1404,539,81,21	38,14,2,0	78,26,4,0	9,3,1,0	5,3,1,0	10,2,0,0	138,43,7,2	82,19,4,0	100,25,1,1	231,96,13,3	6,3,0,0	128,54,5,4	192,96,16,4	37,20,0,0	5,0,0,0	4,1,0,0	260,109,22,7	81,25,5,0

Facility Key

- | | |
|---------------------------------------------------|------------------------------------------------|
| BTC - Branchville Correctional Facility | IYC - Plainfield Correctional Facility |
| CIF - Correctional Industrial Facility | LH - Liberty Hall |
| COL - Chain O'Lakes Correctional Facility | MCF - Miami Correctional Facility |
| ECF - Edinburg Correctional Facility | NCF - New Castle Correctional Facility |
| HYC - Henryville Correctional Facility | PSTOP - Plainfield Short Term Offender Program |
| IREF - Indianapolis Re-Entry Educational Facility | RDC - Reception Diagnostic Center |
| ISF - Putnamville Correctional Facility | SBWR - South Bend Community Re-Entry Facility |
| ISP - Indiana State Prison | WCC - Westville Correctional Facility |
| ISR - Pendleton Correctional Facility | WVCF - Wabash Valley Correctional Facility |

Appendix 1

Indiana Ombudsman Bureau
 Complaint Summary Report
 From: 1/1/2014 To: 12/31/2014

Received, Investigated, Substantiated, Assisted

	Total	County	IWP	MCJF	MCU	Other	PJCF	RTC
Classification (other than disciplinary)	2,0,0,0	1,0,0,0	1,0,0,0					
Classification (Time Cut)	8,4,3,0		1,1,1,0					7,3,2,0
Confinement Conditions	12,1,0,0	3,0,0,0						9,1,0,0
Contract	2,0,0,0	1,0,0,0			1,0,0,0			
Dental	1,0,0,0	1,0,0,0						
Disciplinary Action	6,0,0,0		4,0,0,0					2,0,0,0
Excess Force	1,0,0,0	1,0,0,0						
Food	1,0,0,0							1,0,0,0
Legal	15,2,1,0	8,0,0,0				2,1,1,0	1,0,0,0	4,1,0,0
Medical Care	37,22,1,0	6,0,0,0	2,2,0,0	1,1,0,0	1,1,0,0		1,1,0,0	26,17,1,0
Mental Health	1,0,0,0	1,0,0,0						
Offender Safety	6,4,0,0	1,1,0,0			1,0,0,0			4,3,0,0
Offender Violence	1,0,0,0							1,0,0,0
Officer Misbehavior	4,1,1,0	1,0,0,0	2,0,0,0		1,1,1,0			
Personal Property	2,0,0,0		1,0,0,0					1,0,0,0
Programs	7,0,0,0				2,0,0,0			5,0,0,0
Religious	1,0,0,0							1,0,0,0
Transfer	7,1,0,0	1,1,0,0	1,0,0,0		2,0,0,0			3,0,0,0
Visitation	3,2,0,0		1,1,0,0					2,1,0,0
Work	4,1,0,0		3,1,0,0		1,0,0,0			
Total	121,38,6,0	25,2,0,0	16,5,1,0	1,1,0,0	9,2,1,0	2,1,1,0	2,1,0,0	66,26,3,0

Facility Key

- | | |
|-----------------------------------------------|-------------------------------------------------|
| County - County Jail | Other |
| IWP - Indiana Women's Prison | PJCF - Pendleton Juvenile Correctional Facility |
| MCJF - Madison Juvenile Correctional Facility | RTC - Rockville Correctional Facility |
| MCU - Madison Correctional Facility | |

Appendix 2

DOC OMBUDSMAN BUREAU 2014 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.

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- M. New Complaint – A complaint received by the Bureau that has not previously been logged or reviewed by the Bureau.
- 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.

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- 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 in which the Bureau is unable to address 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.

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C. No Jurisdiction Letters

1. If the Complainant has submitted a complaint concerning a matter 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.

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- 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 herein a complaint is considered resolved by the Bureau.

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.

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

Appendix 3

DOC Ombudsman Complaint Process

