

IC 4-13-1.2

Chapter 1.2. Department of Correction Ombudsman Bureau

IC 4-13-1.2-1

"Bureau" defined

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

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

IC 4-13-1.2-2

"Ombudsman" defined

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

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

IC 4-13-1.2-3

Ombudsman bureau; separate bureau within department of administration

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

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

IC 4-13-1.2-4

Appointment of director by governor; technical experts and other employees

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

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

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

IC 4-13-1.2-5

Powers of ombudsman; 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.

IC 4-13-1.2-6

Access to records and facilities; immunity for release of records

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

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

(b) A state or local government agency or entity that has records

that are relevant to a complaint or an investigation conducted by the ombudsman shall provide the ombudsman with access to the records.

(c) A person is immune from:

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

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

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

IC 4-13-1.2-7

Duties of ombudsman; privileged communication

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

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

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

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

IC 4-13-1.2-8

Adoption of rules

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

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

IC 4-13-1.2-9

No civil liability for good faith performance of duties

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

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

IC 4-13-1.2-10

Annual report on ombudsman bureau

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

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

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

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

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

IC 4-13-1.2-11

Violations; penalty

Sec. 11. A person who interferes with the ombudsman is subject to criminal prosecution under IC 35-44.2-1-4.

As added by P.L.292-2001, SEC.2. Amended by P.L.126-2012, SEC.9.

IC 4-13-1.2-12

Office space for ombudsman bureau

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

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