

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

814 – Inmate Ombudsman Office

OFFICE OF PRIMARY
RESPONSIBILITY:

OIG

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ACCESS

Contains Restricted Section(s)

Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "Ryan Thornell", is written over a horizontal line.

Ryan Thornell, Director

TABLE OF CONTENTS

STANDARDS	1
PURPOSE	1
APPLICABILITY	1
PROCEDURES	1
1.0 ROLE OF THE INMATE OMBUDSMAN OFFICE	1
2.0 COMMUNICATION.....	2
ATTACHMENTS	4
FORMS LIST	4
AUTHORITY	4

STANDARDS

International Ombudsman Association (IOA) Standards of Practice

PURPOSE

The Arizona Department of Corrections, Rehabilitation and Reentry (Department) is committed to continuous improvement by providing ombudsman services to its inmates to ensure their **issues or** concerns are heard and processed with fairness and consistency. The Inmate Ombudsman Office is established to proactively facilitate the resolution of issues, concerns, and complaints brought forward by inmates. This Department Order (**DO**) establishes the role, nature, and scope of the Inmate Ombudsman Office and presents the standards of practice that govern its activities.

APPLICABILITY

This **DO** is applicable to all inmates.

The Inmate Ombudsman Office does not conduct criminal investigations, **does not review** inmate grievances or disciplinary actions. The Inmate Ombudsman's Office is a designated neutral party who facilitates informal resolution of retaliation complaints when an inmate has failed to obtain satisfactory results through available institutional channels.

PROCEDURES

1.0 ROLE OF THE INMATE OMBUDSMAN OFFICE

- 1.1 The Inmate Ombudsman Office shall be independent in structure and function **from the divisions of the agency, under the oversight of the Office of Inspector General**. It is exempt of any vested interest in the outcome of an issue and advocates for fair processes and resolution to a problem. The Inmate Ombudsman Office does not advocate for any specific position or individual. The Inmate Ombudsman Office shall:
 - 1.1.1 Exercise sole discretion over whether or how to act upon concerns presented.
 - 1.1.2 Be a neutral resource who strives for fairness and objectivity in the treatment of inmates and consideration of issues.
 - 1.1.3 Be an advocate for reasonable and equitably administered processes.
 - 1.1.4 Be an informal and off the record resource that pursues resolution of concerns and may look into procedural irregularities and/or broader systemic problems, as appropriate.
 - 1.1.5 Function on an informal basis by listening, giving and receiving information, identifying and reframing issues, and developing a range of responsible options.
 - 1.1.6 Use a flexible approach to facilitate communication and provide informal and voluntary mediation.
 - 1.1.7 Be given access to any information necessary to conduct the business of the office effectively and efficiently, as permitted by law.

1.1.8 **Make recommendations for DO revisions, training, etc., for further action by the Office of Inspector General.**

1.2 The Inmate Ombudsman Office shall not:

1.2.1 Operate in any other role that would compromise the integrity of the office.

1.2.2 Participate in formal investigations or formal resolution processes.

1.2.3 Give legal advice.

1.2.4 **Testify in any formal judicial hearing, unless ordered to do so by the court.**

1.2.5 **Testify in** an administrative hearing.

1.2.6 Make binding decisions, mandate policy, change rules, policies or procedures.

1.2.7 Participate in any formal hearing or grievance process.

1.2.8 Supersede the authority of other **Department** officials.

1.2.9 Engage in any activity that might be perceived by others as advocacy for any individual **or group of individuals.**

1.2.10 Override any clinical judgement given by a medical or mental health professional.

1.2.11 **Knowingly** conduct inquiries on cases currently the subject of civil litigation or any criminal proceedings.

1.2.12 Conduct inquiries on convictions, sentences, Parole Board decisions, or immigration status issues.

1.2.13 Conduct inquiries on third party complaints.

2.0 COMMUNICATION – Inmates are not required to obtain approval to contact the Inmate Ombudsman Office. Communication with the Ombudsman is always voluntary.

2.1 Inmates may contact the Inmate Ombudsman Office:

2.1.1 After they have attempted to resolve the **issue** through all internal processes (i.e., informal/formal grievance, appeal etc.) before filing a complaint and be able to provide responses.

2.1.2 If the **issue arose** within **the last six months**, from **the date of the incident.**

2.1.3 Through the **Inmate Ombudsman Office** hotline. Inmates shall include:

2.1.3.1 Their first/last name, **Inmate Identification Number (ADCRR Number)**, prison complex, and unit.

2.1.3.2 A detailed message of the issue (who, what, when, where, and why).

2.1.3.3 Any special needs **the Inmate Ombudsman Office** should be aware of when communicating with **the inmate.**

2.1.4 In writing, using the Inmate Letter, Form 916-1. Inmates shall include the information specified in 2.1.3.1 through 2.1.3.3 above.

2.2 The Inmate Ombudsman Office shall:

2.2.1 Receive inquiries, concerns, and complaints from any inmate.

2.2.2 Treat all inmates objectively.

2.2.3 **Treat all inmates** with respect and empathy.

2.2.4 Provide an informal and confidential platform for inmates' voices to be heard.

2.2.5 Consider the legitimate concerns and interests of all parties affected by matters under consideration.

2.2.6 Make informal inquiries on matters to obtain answers and/or find resolution to the question, concern or complaint received.

2.2.7 Make referrals to resources that can offer further information, assistance, and/or resolution.

2.2.8 Identify issues, as applicable, that may warrant review, evaluation, and/or changes to Department policy or procedures.

2.2.8.1 The Inmate Ombudsman shall meet periodically with Executive staff to discuss identified trends and bring awareness of systemic problems or issues.

2.2.8.2 **For issues that require immediate/close attention, the Inmate Ombudsman shall contact the Office of Inspector General.**

2.2.9 Review, update, and maintain an informational database in a secure location.

2.2.10 Collect and prepare data for reporting purposes. Data reported shall include:

2.2.10.1 Total number of complaints/contacts received.

2.2.10.2 Type of complaints/contacts received by category.

2.2.10.3 Rate of complaints/contacts by complex or **division**.

2.2.10.4 **The time it takes to resolve submitted complaints.**

2.2.11 Use data to:

2.2.11.1 Identify and resolve underlying and recurring problems as quickly and informally as possible.

2.2.11.2 Report applicable data to the Department Executive Leadership and provide information to others, as appropriate.

2.2.11.3 Monitor areas of emerging concerns and provide recommendations for improvement through identifying data and trends analysis.

- 2.2.12 Exercise discretion to report any activities that could adversely impact the inmates and the Department, to include but not be limited to, criminal activity or gross misconduct by staff, **directly to the Office of Inspector General.**

ATTACHMENTS

Attachment A - Inmate **Ombudsman Office** Telephone Hotline Instructions

FORMS LIST

916-1, Inmate Letter

AUTHORITY

A.R.S. §41-1006, Employees Providing Agency Assistance; Identification and Publication

A.R.S. §41-1959, Confidential information; Permissible Disclosure; Rules; Violation; Classification

A.A.C. §R1-1-212, Agency Ombudsman

ATTACHMENT A

Inmate Ombudsman Office Telephone Hotline Instructions

English Instructions:

- Pick up handset of any inmate phone
- Press '1 for English'; Press '2 for Spanish'
- Press 4 for the message system
- Press 2 to leave a message or make a request
- Press 1 to report an **issue or concern to the Inmate Ombudsman**. Please include your first/last name, Inmate Identification Number (ADCRR Number), prison complex, unit, and any special needs regarding communication that the Ombudsman should be aware of. Please also leave a detailed message of the issue or concern (who, what, when, where and why). If this is a life, safety or urgent matter, **please** contact a staff member immediately.

Instrucciones en Español:

- Levante el auricular de cualquier teléfono de recluso
- Presione '1 para inglés'; Presione '2 para español'
- Presione 4 para el sistema de mensajes
- Presione 2 para dejar un mensaje o hacer una solicitud
- Presione 1 para informar un **problema o inquietud al Defensor del Pueblo para Reclusos**. Incluya su nombre/apellido, número de identificación del recluso (número ADCRR), complejo penitenciario, unidad y cualquier necesidad especial con respecto a la comunicación que el Defensor del Pueblo deba tener en cuenta. **Deje también un mensaje detallado del problema o inquietud (quién, qué, cuándo, dónde y por qué)**. Si se trata de un asunto urgente, de seguridad o de vida, comuníquese con un miembro del personal de inmediato.