

CHAPTER: 800

Inmate Management

DEPARTMENT ORDER:

814 – Inmate Ombudsman Office

OFFICE OF PRIMARY
RESPONSIBILITY:

DIR

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual



For David Shinn, Director

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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 retaliation 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 regarding retaliation brought forward by inmates. This Department Order establishes the role, nature, and scope of the Inmate Ombudsman Office and presents the standards of practice that govern its activities.

APPLICABILITY

This Department Order is applicable to all inmates.

The Inmate Ombudsman Office does not conduct criminal investigations, inmate grievances investigations 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. 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 typically 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.

1.2 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 or testify in any formal judicial or administrative hearing.
- 1.2.4 Make binding decisions, mandate policy, change rules, policies or procedures.
- 1.2.5 Participate in any formal hearing or grievance process.
- 1.2.6 Supersede the authority of other ADCRR officials.
- 1.2.7 Engage in any activity that might be perceived by others as advocacy for any individual.
- 1.2.8 Have the authority to direct a specific action.
- 1.2.9 Override any clinical judgement given by a medical or mental health professional.
- 1.2.10 Conduct inquiries on cases currently the subject of civil litigation or any criminal proceedings.
- 1.2.11 Conduct inquiries on convictions, sentences, Parole Board decisions or immigration status issues.
- 1.2.12 Conduct inquiries on third party complaints.
- 1.2.13 Conduct inquiries into issues that have not been through all internal processes prior to the received complaint (i.e., informal/formal grievance, appeal etc.).

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 problem 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 complaint is within last 3 months or less from date of origination of initial complaint.
- 2.1.3 Through the retaliation hotline. Inmates shall include:
 - 2.1.3.1 Their first/last name, 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 we should be aware of when communicating with you.

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 regarding retaliation from any inmate.

2.2.2 Treat all inmates objectively, with respect and empathy.

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

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

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

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

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

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

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

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

2.2.9.1 Total number of complaints/contacts received

2.2.9.2 Type of complaints/contacts received by category

2.2.9.3 Rate of complaints/contacts by complex or bureau

2.2.10 Use data to:

2.2.10.1 Identify and resolve underlying and recurring problems as quickly and informally as possible

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

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

2.2.11 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.

ATTACHMENTS

Attachment A - Inmate Telephone Retaliation Hotline Instructions

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 Telephone Retaliation 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 incident of staff retaliation, please leave a detailed message. (If this is a life-safety or urgent matter, contact a staff member immediately. If you would like to report other issues not related to acts of retaliation, please utilize the established procedures of your unit as no action will be taken on non-retaliation issues.)

Spanish Instructions:

- 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 incidente de represalias del personal, deje un mensaje detallado. (Si se trata de un asunto urgente o de seguridad personal, comuníquese con un miembro del personal de inmediato. Si desea denunciar otros problemas que no estén relacionados con actos de represalia, utilice los procedimientos establecidos de su unidad, ya que no se tomarán medidas sobre cuestiones de no represalias.)