



Office of the Public Counsel

# **Nebraska Ombudsman's Office**

## **2019 Annual Report**

## Overview

### About the Ombudsman's Office

The Office of the Public Counsel, most commonly known as the Ombudsman's Office, is a division within the Nebraska Legislature. The Ombudsman's Office mission is to promote accountability in government by independently and impartially investigating issues related to state agencies, boards, commissions, county jails, county youth detention facilities, and employees. The office investigates citizen complaints about state government and works toward resolution of issues. Accountability in public administration is promoted by resolving these complaints against state agencies and investigating issues related to the operation of state government, with limited exceptions, and making recommendations for improvement. Because the office is independent of the agencies that it investigates, it is impartial in disputes between administrative agencies and citizens, and promotes reasonable and informal resolution of citizen grievances.

The Ombudsman's Office also conducts investigations under the State Government Effectiveness Act, also known as the Whistleblower Act. State employees are encouraged to disclose information concerning possible violations of law, fraud, waste, and gross mismanagement in state government. Reprisals for such disclosures are prohibited.

Within the Ombudsman's Office there are two additional offices providing state government oversight—the Office of Inspector General of Nebraska Child Welfare and the Office of Inspector General of the Nebraska Correctional System. The Offices of Inspectors General work to provide increased accountability, oversight, and improvement of the state's child welfare, juvenile justice, and correctional systems by conducting formal investigations and reviews. All Inspector General reports can be found on the Legislature's website at [https://nebraskalegislature.gov/reports/public\\_counsel.php](https://nebraskalegislature.gov/reports/public_counsel.php).

In addition to handling complaints and conducting investigations, the Ombudsman's Office and Offices of Inspectors General are important resources to the Legislature.

### Interim Ombudsman

During 2019, Carl Eskridge served as Acting Ombudsman. The Legislature's Executive Board appointed Deputy Ombudsman Carl Eskridge after the long serving Ombudsman, Marshall Lux's retirement.

## Summary of Ombudsman Work in 2019

The Ombudsman's Office received a total of 2,810 intakes during 2019. These intakes are also referred to as cases. The complaints and information were provided by a variety of individuals throughout Nebraska by phone, online, mail, or in person. Each intake is reviewed to determine the appropriate course of action.

The table below details the types of intakes received in 2019.

<b>Types of Intakes</b>	
Complaints	2,731
Information	78
Whistleblower	1
<b>Total</b>	<b>2,810</b>

The Ombudsman’s Office received a wide variety of intakes concerning different areas of government. The following table details the intakes by agency or subject matter received in 2019.

Agency	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Attorney General’s Office	1	0	0	1	0	0	1	0	2	1	0	2	8
Auditor of Public Accounts	0	0	1	1	0	0	0	0	0	0	0	0	2
Commission for the Blind and Visually Impaired	0	0	0	0	0	0	0	0	0	0	0	1	1
County Administration	2	1	5	6	2	1	0	4	3	2	0	3	29
County Jail	55	37	35	35	37	38	34	48	49	39	29	34	470
Courts	23	14	25	13	12	15	14	16	12	19	14	16	193
Crime Commission	0	0	0	1	0	0	1	0	0	0	0	0	2
Deaf and Hard of Hearing Commission	0	0	0	0	0	0	0	1	0	1	0	0	2
Department of Administrative Services	0	0	0	1	1	1	0	0	1	0	0	1	5
Department of Agriculture	0	0	1	0	0	0	0	4	0	0	0	0	5
Department of Correctional Services	150	80	109	81	104	89	85	93	116	126	89	95	1217
Department of Economic Development	1	0	0	0	0	0	0	0	0	0	0	0	1
Department of Education	1	1	0	2	1	0	0	1	1	1	0	0	8
Department of Health and Human Services- Behavioral Health	1	1	1	0	0	2	0	0	0	1	0	0	6
Department of Health and Human Services- Beatrice	0	0	0	0	0	2	0	0	0	0	0	0	2

State Development Center													
Department of Health and Human Services-Economic Assistance	11	6	11	15	6	12	6	15	16	15	6	14	133
Department of Health and Human Services-State Unit on Aging	1	0	1	1	2	2	0	0	1	1	1	1	11
Education Lands & Funds Board	0	0	0	0	0	1	0	0	0	0	0	0	1
Environmental Quality Council	0	0	0	0	0	0	0	1	0	0	0	0	1
Equal Opportunity Commission	0	0	1	1	0	0	0	1	0	1	0	0	4
Federal	5	1	1	1	0	0	2	1	1	2	0	1	15
Game and Parks Commission	1	0	0	0	0	0	0	0	0	0	0	1	2
Governmental Subdivision	1	0	0	1	0	0	0	0	0	0	0	0	2
Governor's Office	0	0	0	1	0	0	0	0	0	0	0	0	1

Department of Health and Human Services- Children and Family Services	13	15	10	17	14	12	15	22	13	13	16	16	176
Department of Health and Human Services- Developmental Disabilities	1	2	5	3	3	2	0	3	1	0	0	1	21
Department of Health and Human Services-YRTC-Kearney	1	0	1	1	0	0	0	1	2	1	1	0	8
Department of Health and Human	1	6	8	5	2	5	8	9	7	9	4	10	74

Services													
Department of Health and Human Services-Regional Centers	9	7	12	6	10	11	12	12	6	16	9	11	121
Department of Health and Human Services-Administration	2	2	3	2	2	2	3	0	1	1	0	0	18
Department of Veterans Affairs-Veterans' Homes	0	0	0	0	0	1	0	1	0	0	0	1	3
Department of Health and Human Services-Office of Juvenile Services	1	0	1	0	0	0	1	0	0	0	0	1	4
Department of Health and Human Services-YRTC-Geneva	0	1	0	0	0	0	0	5	1	0	0	0	7
Nebraska Legislature-Inspector General for Corrections	0	0	0	0	1	0	0	0	2	0	0	0	3
Department of Insurance	2	0	1	0	0	0	0	0	1	0	0	1	5
Department of Labor	2	3	0	0	2	1	2	0	0	1	1	1	13
Nebraska Legislature	5	2	2	1	1	4	2	3	1	1	2	0	24
Latino-American Commission	0	0	0	0	0	0	0	0	1	0	0	0	1
Department of Motor Vehicles	2	2	2	0	0	0	2	1	0	2	0	4	15
Municipal	6	0	4	2	1	4	5	6	2	2	1	1	34
Military Department-National Guard	0	1	0	1	0	0	0	0	0	1	0	0	3
Pardons Board	1	0	0	0	0	0	1	1	0	0	0	0	3

Parole Administration	0	0	0	0	1	1	0	0	1	0	0	0	3
Parole Board	2	1	0	3	1	2	2	2	5	1	2	0	21
State Patrol	0	1	1	2	1	1	3	2	0	3	0	0	14
Department of Administrative Services-Human Resources	2	1	0	0	0	0	0	0	0	0	1	0	4
Private Matter	8	4	7	5	7	5	5	4	6	6	5	6	68
Courts-Probation Administration	4	0	1	0	0	0	1	2	0	0	1	0	9
Real Estate Commission	0	0	0	0	0	0	0	0	0	1	0	0	1
Public Employee Retirement Board	1	0	0	1	0	0	0	1	0	0	0	0	3
Department of Revenue	1	1	0	3	0	3	0	2	1	0	0	0	11
Department of Transportation	0	0	0	1	0	0	0	1	0	0	1	1	4
Secretary of State Office	0	0	1	0	0	1	0	1	0	0	0	0	3
State College System	1	0	0	0	0	1	0	0	0	0	0	0	2
University of Nebraska System	1	0	0	0	0	0	0	1	1	0	0	0	3
Department of Veterans Affairs	3	2	1	1	0	0	1	1	0	0	0	1	10
<b>Total Contacts</b>	<b>322</b>	<b>192</b>	<b>251</b>	<b>215</b>	<b>211</b>	<b>219</b>	<b>206</b>	<b>266</b>	<b>254</b>	<b>267</b>	<b>183</b>	<b>224</b>	<b>2810</b>

### Jurisdictional Cases

During the intake process, ombudsmen determine whether the complaint or inquiry is under our jurisdiction to resolve or investigate. The Ombudsman’s Office has jurisdiction to review and investigate cases that concern Nebraska state agencies (code and non-code); boards; and commissions. This includes all state institutions. The Ombudsman’s Office also has jurisdiction to review and investigate issues about county jails and youth detention facilities.

The table below details the cases by jurisdictional authority received in 2019.

<b>Jurisdictional Authority</b>	<b>Cases</b>
State Agencies/Boards/Commissions	1,962
County Jails	470
<b>Total</b>	<b>2,432</b>

### Areas with the Highest Number of Cases in 2019

A majority of the cases received by the Ombudsman’s Office stemmed from correctional issues at the state and county level with a total of 1,687 cases. This is more than half of the total cases in 2019. The second highest came from issues within the Department of Health and Human Services with 581 cases.

#### *County Jail/Detention Facilities*

The Ombudsman’s Office has jurisdiction to review and investigate issues within county jails and youth detention facilities. Nebraska has 62 county jails and 5 county holding facilities for adults. The Ombudsman’s Office received 470 cases concerning county jails. There are four youth detention facilities spread across Nebraska:

- Douglas County Youth Center
- Lancaster County Youth Services Center
- Madison County Northeast Nebraska Juvenile Services
- Sarpy County Juvenile Justice Center

#### *Department of Correctional Services*

The Department of Correctional Services had 10 facilities across Nebraska in 2019. The Ombudsman’s Office received 1,176 cases from or regarding these facilities. Another 41 concerned NDCS administration.

The table below details the cases concerning the Department of Correctional Services’ facilities received in 2019.

<b>Department of Correctional Services’ Facilities</b>	<b>Cases</b>
Community Corrections Center-Lincoln	43
Community Corrections Center-Omaha	8
Diagnostic and Evaluation Center	101
Lincoln Correctional Center	169
Nebraska Correctional Center for Woman	136
Nebraska Correctional Youth Facility	1
Nebraska State Penitentiary	293
Omaha Correctional Center	169
Tecumseh State Correctional Institution	214
Work Ethic Camp	42
<b>Total</b>	<b>1,176</b>

### *Department of Health and Human Services*

The Ombudsman's Office received 581 cases regarding the Department of Health and Human Services. The Department of Health and Human Services has six main areas:

- Division of Behavioral Health;
- Division of Children and Family Services;
- Division of Developmental Disabilities;
- Division of Medicaid and Long-Term Care;
- Division of Public Health; and
- Office of Economic Assistance

### *DHHS Facilities (Institutions)*

The Department of Health and Human Services also runs four youth facilities and three adult facilities, or institutions.

The youth facilities include the following:

- Youth Rehabilitation and Treatment Center-Geneva (female youth)
- Youth Rehabilitation and Treatment Center-Kearney (male youth)
- Psychiatric Rehabilitation Treatment Facility at Whitehall-Lincoln (male youth)
- Juvenile Chemical Dependency Program-Hastings (male youth)

The Ombudsman's Office received 15 intakes relative to these juvenile facilities in 2019.

### *Youth Rehabilitation and Treatment Center-Geneva*

In August 2019, a crisis situation unfolded at the Youth Rehabilitation and Treatment Center-Geneva leading to 35 female state wards being removed from the facility due to safety concerns and poor living conditions. The female youth were placed at the Youth Rehabilitation and Treatment Center-Kearney. The female youth were separated from the male youth. The Ombudsman's Office and the Office of Inspector General of Nebraska Child Welfare initiated an investigation.

### *Adult Facilities*

The Ombudsman's Office received 123 intakes dealing with DHHS's three adult facilities. Those facilities include the following:

#### *Public Psychiatric Hospitals*

- Lincoln Regional Center,
- Norfolk Regional Center, and

#### *Residential Treatment Facility*

- Beatrice State Developmental Center

### *Department of Veterans Affairs*

The Ombudsman's Office received 13 intakes regarding the Department of Veterans Affairs. Along with the many services they offer, the department runs the state veterans' homes across the state:

- Central Nebraska Veterans’ Home-Kearney, NE
- Eastern Nebraska Veterans’ Home-Bellevue, NE
- Norfolk Veterans’ Home-Norfolk, NE
- Western Nebraska Veterans’ Home-Scottsbluff

#### No Jurisdiction

The Ombudsman’s Office receives intakes that the office does not have jurisdiction to resolve or investigate. These are issues or concerns that Nebraska law does not give the office the ability to look into. The table below details the intakes where the Ombudsman’s Office had no jurisdiction in 2019.

<b>No Jurisdiction</b>	<b>Cases</b>
Federal	15
Governor’s Office	1
Court	202
Nebraska Legislature	27
County Administration	29
Municipal Administration	36
Private	68
<b>Total</b>	<b>378</b>

#### Conclusion

In conclusion, this 2019 report of the Nebraska Ombudsman’s Office reflects the office’s work and commitment to governmental accountability and citizen advocacy. Through the handling of thousands of cases dealing with critical issues within areas like corrections, juvenile justice, and health and human services, the Ombudsman’s Office plays a vital role in ensuring fair and just administration within Nebraska.