



Office of the Public Counsel  
**Nebraska Ombudsman's Office**

**2020**

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, 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 problems with 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 complaints.

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.

### New Appointments

On January 14, 2020, the Nebraska Legislature approved the appointment of Julie L. Rogers as the next Nebraska State Ombudsman. The appointment is for a six-year term. Ombudsman Rogers previously served as the Inspector General of Nebraska Child Welfare since that office's inception in 2012.

In August 2020, Ombudsman Rogers along with the approval of the Chairperson of the Executive Board of the Legislative Council, Senator Hilgers, and Chairperson of the Health and Human Services Committee, Senator Howard, appointed Jennifer Carter for a five-year term as the new Inspector General of Nebraska Child Welfare. Inspector General Carter previously served as Legal Counsel to the Legislature's Health and Human Services Committee.

In September 2020, Ombudsman Rogers along with the approval of the Chairperson of the Executive Board of the Legislative Council, Senator Hilgers, and Chairperson of the Judiciary Committee, Senator Lathrop, appointed Doug Koebernick for a second five-year term as the Inspector General of Nebraska Correctional System. Inspector General Koebernick served as the Inspector General of Nebraska Correctional System since its inception in 2015.

## COVID-19 Pandemic

In late 2019 news of a deadly virus was spreading. The virus, COVID-19, quickly turned into a world-wide pandemic. In March 2020, Nebraska reported its first positive case and shortly after, the virus spread throughout Nebraska. Social distancing, crowd restrictions, and mask mandates were implemented. The state contracted with a company to conduct COVID-19 tests for the public called Test Nebraska. Schools and businesses closed. Many individuals lost their jobs and the Nebraska Department of Labor had a large influx of claims for unemployment. Government agencies had to navigate how their essential employees would continue to work in the field/office and others who could work from home. The Department of Health and Human Services was tasked to distribute extra benefits for qualified individuals. All facilities ranging from veterans' homes, state institutions, jails, prisons, group homes, and youth facilities had to manage the pandemic and the individuals in their care. Personal protective equipment was utilized to try and minimize the exposure along with using isolation, lockdowns, and quarantines. The pandemic had an effect on everyone and everything in some way.

During this difficult year, the Ombudsman's Office was able to work through the significant challenges with determination and grit. The dedicated staff at the Ombudsman's Office continued to review, take action on, and investigate complaints to hold government agencies accountable and assist individuals with a variety of issues.

## Summary of Ombudsman Work in 2020

The Ombudsman's Office received a total of 3,238 intakes, or cases, in 2020. The complaints and information were provided by a variety of individuals throughout Nebraska via phone, email, online, and mail. Each intake is reviewed to determine the appropriate course of action.

The table below details the types of intakes received in 2020.

Types of Intakes	
Complaints	3,134
Information	104
<b>Total</b>	<b>3,238</b>

The Ombudsman's Office received a wide variety of intakes concerning different areas of government. The table below details the cases by agency or subject matter received in 2020.

Agency	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Attorney General's Office	2	1	1	0	1	2	0	0	0	0	1	0	8
Board of Public Accountancy	0	0	1	0	0	0	0	0	0	0	0	0	1
Commission for the Blind and Visually Impaired	1	0	0	0	0	0	0	0	0	0	0	0	1
County	1	5	4	0	4	5	2	4	3	2	3	2	35

Administration													
County Jail	27	31	33	34	36	39	45	30	40	35	40	29	419
Courts	11	17	11	8	12	17	9	13	14	14	15	11	152
Crime Commission	0	0	1	0	0	0	0	0	0	0	0	0	1
Department of Administrative Services	1	2	2	1	2	0	1	1	1	0	0	0	11
Department of Administrative Services-Claims Board	0	0	0	0	0	0	0	1	0	0	0	0	1
Department of Agriculture	0	1	0	1	2	0	0	0	1	0	0	0	5
Department of Banking and Finance	0	0	0	0	0	0	1	0	0	0	0	0	1
Department of Correctional Services	120	80	94	81	90	83	70	71	106	88	82	104	1069
Department of Economic Development	0	0	1	1	0	0	2	0	0	0	0	3	7
Department of Education	0	1	1	0	0	1	0	3	1	0	0	0	7
Department of Health and Human Services-Beatrice State Development Center	1	0	0	0	0	0	0	0	1	0	0	0	2
Department of Health and Human Services-Children and Family Services	12	14	19	18	16	18	21	17	23	23	19	13	213
Department of Health and Human Services-Economic Assistance	15	15	7	5	7	2	1	9	15	13	13	7	109
Equal Opportunity Commission	2	1	0	0	0	1	0	0	2	0	0	0	6
Federal	2	4	0	3	0	1	3	1	1	0	2	3	20

Game and Parks Commission	0	0	0	0	0	1	0	0	1	0	1	2	5
Governmental Subdivision	0	0	1	1	1	1	0	2	0	0	0	0	6
Governor's Office	0	0	1	1	1	1	1	1	1	1	1	0	9
Nebraska State Electrical Division	0	0	0	0	0	0	0	0	0	0	0	1	1
Department of Health and Human Services-Developmental Disabilities	0	1	2	0	3	2	1	1	2	0	1	1	14
Department of Health and Human Services-YRTC-Kearney	1	4	1	3	2	0	1	1	1	2	1	0	17
Department of Health and Human Services	4	1	5	6	5	8	4	12	7	4	2	8	66
Department of Health and Human Services-Regional Centers	15	10	15	10	13	11	22	10	8	7	9	8	138
Department of Health and Human Services-Administration	3	1	1	1	0	2	3	0	1	0	1	1	14
Department of Veteran's Affairs-Veterans' Homes	0	0	0	1	0	1	3	0	0	0	1	0	6
Department of Health and Human Services-Office of Juvenile Services	0	0	0	0	1	0	0	2	1	1	1	1	7
Department of Health and Human Services-YRTC-Geneva	0	0	1	1	0	0	0	0	2	2	0	1	7
Nebraska Commission on Indian Affairs	0	0	0	1	0	0	0	0	0	0	0	0	1

Nebraska Legislature- Inspector General for Corrections	0	0	0	0	0	0	1	0	0	0	0	0	1
Department of Insurance	0	1	0	1	0	2	0	0	1	0	0	0	5
Department of Labor	4	1	3	89	201	46	53	66	51	40	20	27	601
Nebraska Legislature	5	6	2	2	1	3	6	2	3	1	2	0	33
Department of Motor Vehicles	2	2	1	2	1	1	3	2	1	1	4	1	21
Motor Vehicles Industry Licensing Board	0	0	0	0	0	0	1	0	0	0	0	0	1
Municipal Administration	1	1	4	2	1	4	6	2	7	4	5	4	41
Military Department- National Guard	0	0	0	0	0	1	0	1	0	0	0	0	2
Parole Administration	1	0	2	0	1	2	1	2	1	1	0	1	12
Parole Board	3	2	3	1	3	4	3	2	1	0	3	1	26
State Patrol	0	0	1	0	0	2	0	1	0	1	0	0	5
Department of Administrative Services-Human Resources	0	0	0	0	0	1	0	0	0	1	1	0	3
Private Matter	7	4	3	9	7	6	5	4	10	8	8	7	78
Courts-Probation Administration	0	0	0	1	0	0	0	0	0	1	0	0	2
Racing and Gaming Commission	0	0	0	0	0	1	0	0	0	0	0	0	1
Real Estate Commission	0	0	1	0	0	0	1	0	0	0	0	0	2
Public Employee Retirement Board	0	0	0	1	0	0	0	0	0	0	0	1	2
Department of Revenue	2	1	1	0	0	0	2	1	0	0	1	0	8
Department of	0	2	0	0	0	0	0	1	0	1	0	0	4

Transportation													
Secretary of State Office	0	0	0	0	0	0	0	1	0	1	1	0	3
State Board of Equalization	0	0	0	0	0	0	0	0	1	0	0	0	1
Surveyor's Office	0	0	0	0	0	0	0	0	0	0	0	1	1
Treasurer's Office	0	1	0	0	0	1	0	0	0	0	0	0	2
University of Nebraska System	0	1	1	0	0	0	1	3	2	0	0	0	8
Department of Veterans Affairs	0	0	2	0	0	1	1	1	0	0	0	0	5
<b>Total Contacts</b>	244	211	226	285	411	272	276	269	312	253	240	239	3238

## Jurisdictional Cases

During the intake and review process, ombudsman determine whether the complaint or inquiry is under the office's 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-run facilities. The Ombudsman's Office also has jurisdiction to review and investigate issues regarding county jails and youth detention facilities.

The table below details the cases by jurisdictional authority in 2020.

<b>Jurisdictional Authority</b>	<b>Cases</b>
State Agencies/Boards/Commissions	2,442
County Jails	419
<b>Total</b>	<b>2,861</b>

## Areas with the Highest Number of Cases in 2020

A majority of the intakes received by the Ombudsman's Office stemmed from correctional issues at the state and county level with a total of 1,488 cases. The second highest came from issues within the Department of Labor with a total of 601 cases. This was due to the high volume of people applying for unemployment and other programs related to the COVID-19 pandemic. The 3<sup>rd</sup> highest number of intakes related to the Department of Health and Human Services with 587 cases.

## County Jail/Detention Facilities

The Ombudsman's Office has jurisdiction to review and investigate issues with county jails and youth detention facilities. Nebraska has 62 county jails and 5 county holding facilities. The Ombudsman's Office received 419 cases regarding the 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 2020. They include the following:

- Community Corrections Center – Lincoln
- Community Corrections Center – Omaha
- Diagnostic & Evaluation Center
- Lincoln Correctional Center
- Nebraska Correctional Center for Women
- Nebraska Correctional Youth Facility
- Nebraska State Penitentiary
- Omaha Correctional Center
- Tecumseh State Correctional Institution
- Work Ethic Camp

The Ombudsman’s Office received 1,069 cases regarding these facilities in 2020. Another 435 cases concerned NDCS administration.

#### *Department of Labor*

The Ombudsman’s Office received 601 intakes regarding the Nebraska Department of Labor. A majority of the complaints were concerning individuals having difficulty applying for and receiving unemployment benefits due to the COVID-19 pandemic. The Ombudsman’s Office worked closely with Nebraska’s Department of Labor, meeting on a weekly basis, to resolve those complaints.

#### *Department of Health and Human Services*

The Ombudsman’s Office received 587 intakes 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 administered five youth facilities and three adult facilities in 2020.

The youth facilities include the following:

- Youth Rehabilitation and Treatment Center-Geneva (female youth)
- Youth Rehabilitation and Treatment Center-Kearney (male youth)
- Youth Rehabilitation and Treatment Center-Lincoln (male and female youth)



- Psychiatric Rehabilitation Treatment Facility at Whitehall-Lincoln (male youth)
- Juvenile Chemical Dependency Program-Hastings (male youth)

The Ombudsman's Office received 24 cases relating to these juvenile facilities in 2020.

#### *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 temporarily 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 conducted an investigation during 2020. The Youth Rehabilitation and Treatment Center-Geneva was officially closed in July 2020.

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

In February 2020, the Department of Health and Human Services opened the Youth Rehabilitation and Treatment Center in Lincoln, Nebraska. The facility houses male and female youth separately. The facility was created to treat youth with higher behavioral and mental health needs that cannot be met at the other Youth Rehabilitation and Treatment Centers.

#### *Hastings Juvenile Chemical Dependency Program*

In October 2020, the Department of Health and Human Services moved the Juvenile Chemical Dependency Program from the Hastings Regional Center campus to the Whitehall campus in Lincoln. The Whitehall campus now serves male youth for substance use diagnosis and male youth who sexually harm.

#### Adult Facilities

The Ombudsman's Office received 140 cases dealing with DHHS's three adult facilities. Those facilities including the following:

##### Public Psychiatric Hospitals

- Lincoln Regional Center
- Norfolk Regional Center

##### Residential Treatment Facility

- Beatrice State Developmental Center

#### Department of Veterans Affairs

The Ombudsman's Office received 11 cases 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 2020.

Non-Jurisdictional	Cases
Federal	20
Governor's Office	9
Court	154
Nebraska Legislature	34
County Administration	41
Municipal Administration	41
Private	78
<b>Total</b>	<b>377</b>

## Whistleblower Report

The Ombudsman's Office received a complaint regarding the Department of Agriculture's Commercial Dog and Cat Operator Inspection Program in 2019. The complainant was designated as a whistleblower under the [Whistleblower Act](#). The Ombudsman's Office conducted a formal investigation. On October 8, 2020, the Ombudsman's Office released a report, "[Department of Agriculture's Commercial Dog and Cat Operator Inspection Program](#)" that found wrongdoing related to enforcing the Dog and Cat Inspection Act. The Ombudsman's Office offered recommendations to enhance the performance of the program.

## Conclusion

In conclusion, this 2020 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.