



Office of the Public Counsel
Nebraska Ombudsman's Office
2021
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.

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

Coronavirus Pandemic Continues

COVID-19 continued throughout 2021. Mask-wearing was the norm anywhere people were outside of their private homes. A vaccination plan was implemented during the beginning months of 2021 in Nebraska in order to continue to fight the virus. Governor Ricketts ended Nebraska's coronavirus state of emergency at the end of June and Test Nebraska sites closed in mid-July.

The Ombudsman's Office continued to work on cases related to the coronavirus pandemic. Availability of personal protective equipment, like masks, seclusion of those entering NDCS, DHHS, and Veteran's Home facilities, availability of testing, getting people vaccinated, and unemployment benefits were just some of the issues related to COVID-19 worked on by Ombudsman Office staff during 2021.

Summary of Ombudsman Cases in 2021

The Ombudsman's Office received a total of 3,087 cases in 2021. The complaints and information were provided by a variety of individuals throughout Nebraska via phone, email, online, and mail. Each case is reviewed to determine the appropriate course of action.

This table details the types of intakes received in 2021.

Types of Cases	
Complaints	3,003
Information	84
Total	3,087

The Ombudsman's Office received a wide variety of intakes concerning different areas of government. The table below details the intakes by agency or subject matter received in 2021.

Agency	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Attorney General's Office	0	0	0	1	0	0	0	0	0	1	1	1	4
Commission for the Blind and Visually Impaired	0	1	1	0	0	0	0	0	0	0	0	0	2
County Administration	1	1	2	3	0	2	1	1	3	2	1	1	18
County Jail	32	26	37	41	30	29	51	43	42	44	30	29	434
Courts	7	4	9	6	3	4	8	7	3	14	4	7	76
Crime Commission	1	1	0	1	0	0	1	0	0	0	0	0	4
Deaf and Hard of Hearing Commission	0	0	0	0	0	1	1	0	0	0	0	1	3
Department of Administrative Services	1	0	0	1	1	1	1	0	0	0	0	2	7
Department of Agriculture	1	1	0	1	1	0	0	3	0	1	0	0	8
Department of Correctional Services	93	105	106	69	78	105	106	132	126	109	107	100	1236
Department of Economic Development	2	1	0	1	0	0	0	0	0	0	0	0	4
Department of Education	1	0	4	0	0	0	1	1	2	1	1	0	11
Department of Health and Human Services-Beatrice State Development Center	0	0	0	0	0	0	2	0	1	0	0	0	3

Department of Health and Human Services-Children and Family Services	12	18	19	15	18	21	28	30	18	23	12	19	233
Department of Health and Human Services-Economic Assistance	7	4	4	1	9	2	9	7	7	8	3	4	65
Department of Health and Human Services-State Unit on Aging	1	0	2	0	0	0	0	0	0	0	0	0	3
Environmental Quality Council	1	2	0	0	0	0	0	0	0	0	0	0	3
Equal Opportunity Commission	1	0	0	0	0	0	1	0	1	0	0	0	3
Ethanol Board	0	1	0	0	0	0	0	0	0	0	0	0	1
Federal	1	0	1	1	3	2	1	2	2	2	3	2	20
Game and Parks Commission	0	0	0	2	1	1	1	0	0	0	0	0	5
Governmental Subdivision	0	0	0	0	0	0	0	3	1	2	0	0	6
Governor's Office	0	0	1	0	0	2	1	1	1	0	0	0	6
Nebraska State Electrical Division	0	0	0	0	0	0	1	0	0	0	0	0	1
Department of Health and Human Services-Developmental Disabilities	0	3	0	2	3	1	1	0	1	0	2	0	13
Department of Health and Human Services-YRTC-Kearney	1	0	1	0	0	1	0	2	0	1	0	0	6
Department of Health and Human Services	6	6	4	3	3	3	7	3	6	2	4	5	52
Department of Health and Human	10	15	17	14	10	10	9	8	4	6	8	6	117

Services-Regional Centers													
Department of Health and Human Services-Administration	0	2	0	0	1	0	1	2	0	2	2	0	10
Department of Veterans Affairs-Veterans' Homes	0	0	0	0	0	0	0	0	2	0	0	0	2
Department of Health and Human Services-Office of Juvenile Services	0	0	1	0	1	0	2	0	4	2	0	0	10
Department of Health and Human Services-YRTC-Geneva	1	0	1	0	0	0	0	0	0	0	0	0	2
Nebraska State Historical Society	0	0	0	0	0	0	0	0	0	0	1	0	1
Nebraska Legislature-Inspector General for Corrections	1	1	2	0	2	0	2	0	10	5	4	2	29
Department of Insurance	0	0	2	0	0	1	0	0	1	0	0	0	4
Department of Labor	64	189	69	41	43	24	20	14	13	7	7	9	500
Nebraska Legislature	2	2	1	0	1	2	0	0	0	0	2	0	10
Library Commission	0	0	0	0	0	0	0	0	0	0	1	0	1
Liquor Control Commission	0	0	0	0	0	0	0	0	0	1	0	0	1
Latino-American Commission	0	0	0	0	0	0	0	0	0	1	0	0	1
Department of Motor Vehicles	1	1	3	3	1	1	1	3	1	3	1	2	21
Motor Vehicles Industry Licensing Board	0	0	0	0	0	1	0	0	0	0	0	0	1
Municipal	2	4	2	1	2	1	3	3	2	2	0	1	23

Administration														
Pardons Board	0	0	0	0	0	0	0	0	0	0	1	0	1	
Parole Administration	0	1	1	0	0	2	1	2	2	0	1	0	10	
Parole Board	1	2	0	1	0	0	0	2	4	1	1	0	12	
State Patrol	0	0	0	0	0	2	1	0	0	1	0	0	4	
Private Matter	3	5	4	7	4	3	3	4	3	4	2	3	45	
Courts-Probation Administration	2	1	0	0	1	1	0	2	2	1	0	0	10	
Racing and Gaming Commission	1	1	0	0	0	0	0	0	0	0	0	0	2	
Public Employee Retirement Board	0	0	0	1	1	1	0	0	0	0	1	1	5	
Department of Revenue	3	2	2	4	0	1	1	2	1	1	1	2	20	
Department of Transportation	0	0	0	0	0	0	1	0	0	1	0	0	6	
Treasurer's Office	0	0	1	0	0	0	1	0	0	0	0	0	2	
University of Nebraska System	0	0	1	0	0	2	3	0	0	3	0	0	9	
Department of Veterans Affairs	0	0	0	0	0	0	0	0	0	0	1	0	1	
Total Contacts	261	401	298	222	217	227	271	277	263	251	202	197	3087	

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 intakes about county jails and youth detention facilities.

The table below details the cases by jurisdictional authority received in 2021.

Jurisdictional Authority	Cases
State Agencies/Boards/Commissions	2,410
County Jails	434
Total	2,844

Highest Number of Cases in 2021

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 1,670 cases. The second highest number of cases related to the Department of Health and Human Services with 511 cases. The third highest came from issues within the Department of Labor with a total of 500 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. 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 2021. 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 1,236 cases regarding the Nebraska Department of Correctional Services. The Ombudsman's Office received a variety of complaints concerning different topics, including but not limited to:

- COVID-19 Procedures
- Healthcare
- Lockdowns
- Living Conditions
- Classification
- Disciplinary Process
- Accounting
- Programming and Education

Department of Health and Human Services

The Ombudsman's Office received 511 cases regarding the Department of Health and Human Services in 2021. 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 was responsible for running four youth facilities and three adult facilities in 2021:

Youth Facilities

- Youth Rehabilitation and Treatment Center-Hastings (female youth)
- Youth Rehabilitation and Treatment Center-Kearney (male youth)
- Youth Rehabilitation and Treatment Center-Lincoln (male and female youth)
- Psychiatric Rehabilitation Treatment Facility (Whitehall)-Lincoln (male youth)

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 Youth Rehabilitation and Treatment Center-Geneva was officially closed in July 2020. The Ombudsman’s Office and the Office of Inspector General of Nebraska Child Welfare conducted an investigation and released the report, “[The Deterioration and Closure of Geneva Youth Rehabilitation and Treatment Center](#)” on January 5, 2021.

Youth Rehabilitation and Treatment Center-Hastings

In April 2021, the female youth who were temporarily placed at the Youth and Rehabilitation and Treatment Center-Kearney were moved to the new Youth Rehabilitation and Treatment Center-Hastings. The facility can house up to 24 female youth.

Adult Facilities

Public Psychiatric Hospitals:

- Lincoln Regional Center
- Norfolk Regional Center

Residential Treatment Facility:

- Beatrice State Developmental Center

Review of Nebraska Department of Health and Human Services’ State Institutions

In 2020 the Nebraska Legislature passed a bill that required the Ombudsman’s Office to conduct an annual physical review of the Department of Health and Human Services’ institutions listed above. On March 15, 2021, the Ombudsman’s Office released the report, “[1st Annual Report Neb. Rev. Stat. §83-104 Review of Nebraska Department of Health and Human Services \(DHHS\) State Institutions](#)” for the 2020 year.

On December 15, 2021 the Ombudsman’s Office released a report, “[Annual Report Neb. Rev. Stat. §83-104 Review of Nebraska Department of Health and Human Services \(DHHS\) State Institutions](#)” covering December 1, 2020 through November 30, 2021.

Nebraska Department of Labor

The Ombudsman’s Office received 500 cases regarding the Department of Labor. A majority of the complaints were concerning individuals having difficulty applying for and receiving unemployment benefits mainly due to the COVID-19 pandemic.

Nebraska Department of Veterans Affairs

The Ombudsman’s Office received 3 cases regarding the Department of Veterans Affairs. Along with the many services they offer, the department runs the state veterans’ homes:

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

No Jurisdiction Cases

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 cases where the Ombudsman’s Office had no jurisdiction in 2021.

Non-Jurisdictional	Cases
Federal	20
Governor’s Office	6
Court	86
Nebraska Legislature	39
County Administration	24
Municipal Administration	23
Private	45
Total	243

Conclusion

In conclusion, this 2021 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.