



Office of the Public Counsel

**Nebraska Ombudsman's Office**

**2023**

**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.

## Attorney General's Opinion

Nebraska Attorney General Mike Hilgers issued Opinion 23-008 on August 16, 2023, concerning the constitutionality of laws governing the Offices of Inspectors General. Despite the law not changing, the Department of Correctional Services (NDCS) and the Department of Health and Human Services (DHHS)—the two agencies most frequently involved in Ombudsman's Office cases—responded by restricting access to information previously available to both the Offices of Inspectors General and the Ombudsman's Office.

This restriction involved the elimination of access to DHHS's electronic case management system, N-FOCUS, and NDCS's electronic case management system, NICaMS. Furthermore, any non-publicly available information was withheld. The office was not able to visit any state correctional or health and human services facilities starting in August through the end of the year. This limitation significantly impacted the offices' ability to review, resolve, work on, and investigate cases, thereby hindering meaningful government oversight of Nebraska's two largest state agencies. This marked the first instance of such extensive information restriction in the history of both the

Ombudsman's Office and the Inspectors General Offices. Access to information in all forms is fundamental to the effective operation of an Ombudsman's Office.

In contrast, all other state agencies and county jails continued to provide the Ombudsman's Office with information upon request.

Despite these limitations, the Ombudsman's Office continued to work within its capacity to fulfill its statutory duty of investigating administrative actions of state government. The office remains dedicated to the law and the principles of ombudsmandry—accountability, transparency, integrity, informality, and good government—which are the cornerstones of ombudsman work worldwide. The Ombudsman's Office adheres to standards of independence, impartiality, confidentiality, and a credible review process. Even with restricted access to critical information, the Ombudsman's Office persisted in its efforts to provide accountability and oversight of Nebraska’s correctional and health and human services systems, as mandated by its statutory obligations.

### Summary of Ombudsman Cases in 2023

The Ombudsman’s Office received a total of 3,067 cases in 2023. The complaints were made by, and information was provided by, a variety of individuals throughout Nebraska. Each case is reviewed to determine the appropriate course of action.

The table below details the types of cases received in 2023.

Types of Cases	
Complaints	2,929
Information	127
Self-Initiated	3
Whistleblower	8
Total	3,067

The Ombudsman’s Office received a wide variety of cases concerning different areas of government. The table below details the cases by agency or subject matter received in 2023.

Agency	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Department of Administrative Services	0	1	1	0	0	0	0	0	0	0	2	0	4
Department of Health and Human Services-Unit on Aging	0	1	1	0	1	0	1	0	1	1	0	0	6
Department of Agriculture	0	1	0	0	0	0	0	0	0	1	0	0	2
Attorney General's Office	1	0	0	0	0	0	0	1	0	3	0	1	6

Department of Banking and Finance	0	1	0	0	0	0	0	0	0	0	0	0	1
Commission for the Blind and Visually Impaired	0	0	0	0	0	0	0	0	0	0	0	1	1
Department of Correctional Services	177	202	190	133	147	152	171	159	110	83	61	64	1649
County Administration	2	1	1	0	0	0	1	0	1	1	2	1	10
County Jail	42	58	48	35	56	48	58	57	43	37	36	44	562
Courts	7	4	1	4	7	4	2	6	6	4	4	4	53
Crime Commission	0	0	0	0	2	1	0	1	0	0	0	0	4
Department of Economic Development	1	0	1	0	0	0	0	0	1	1	0	0	4
Department of Education	0	0	0	1	0	0	0	0	1	1	0	1	4
Equal Opportunity Commission	0	0	0	1	0	1	0	2	2	0	0	0	6
Federal	3	0	2	0	0	1	0	2	0	2	0	1	11
Game and Parks Commission	0	0	1	0	0	0	0	1	0	1	0	0	3
Governmental Subdivision	0	0	0	1	1	0	0	0	0	0	1	0	3
Governor's Office	1	0	0	0	0	0	0	0	0	0	1	0	2
Department of Health and Human Services-Behavioral Health	0	1	0	0	0	0	0	0	0	0	0	0	1
Department of Health and Human Services-Economic Assistance	5	10	6	8	9	6	1	11	6	9	2	4	77
Department of Health and Human Services-Children and Family Services	14	19	16	20	22	15	26	14	17	28	20	16	227

Department of Health and Human Services- Developmental Disabilities	6	2	3	3	1	2	2	1	0	1	3	1	25
Department of Health and Human Services	2	3	5	1	2	4	3	5	3	6	0	2	36
Department of Health and Human Services- Regional Centers	9	14	17	12	4	10	4	9	3	7	3	5	97
Department of Health and Human Services- Administration	1	0	3	1	1	1	0	0	2	2	0	1	12
Department of Veterans Affairs- Veterans' Homes	1	0	1	0	0	0	1	0	1	1	0	1	6
Department of Health and Human Services-Office of Juvenile Services	1	1	0	0	1	1	0	0	0	0	0	0	4
Department of Health and Human Services-YRTC- Geneva	0	0	1	0	0	0	0	0	0	0	0	0	1
Nebraska State Historical Society	0	0	0	0	1	0	0	0	0	0	0	0	1
Department of Health and Human Services- Institutions	0	0	0	0	0	0	0	0	1	0	0	0	1
Department of Insurance	0	0	0	1	0	0	0	0	0	0	0	0	1
Department of Labor	6	5	4	0	3	3	1	0	3	1	2	5	33
Nebraska Legislature	1	2	1	1	4	1	0	1	0	0	1	0	12
Department of Motor Vehicles	1	0	3	1	3	0	0	3	0	1	1	0	13
Municipal Administration	2	2	4	0	6	1	1	1	1	0	0	1	19

Military Department-National Guard	0	0	1	0	0	0	0	0	0	0	0	0	1
Pardons Board	0	0	0	2	0	0	0	0	0	0	0	0	2
Parole Administration	0	0	6	5	0	1	4	4	2	0	0	0	22
Parole Board	0	0	0	2	2	0	2	1	0	0	1	0	8
State Patrol	0	0	1	0	0	1	1	2	0	2	1	1	9
Department of Administrative Services-Human Resources	0	0	0	0	0	0	0	0	1	0	0	0	1
Private Matter	6	5	3	4	6	2	7	3	4	6	6	3	55
Court-Probation Administration	1	0	1	1	0	1	1	0	1	0	0	0	6
Public Service Commission	0	0	0	0	0	1	0	0	0	0	0	0	1
Public Employee Retirement Board	0	0	0	0	1	0	0	0	0	0	0	0	1
Department of Revenue	1	2	0	1	1	0	0	1	0	1	0	0	7
Department of Administrative Services-Risk Management	0	0	1	0	0	0	0	1	0	0	0	1	3
Department of Transportation	0	1	0	0	1	0	1	2	0	0	1	0	6
University of Nebraska System	0	0	0	1	0	0	0	0	0	2	0	0	3
<b>Total Contacts</b>	297	337	335	242	288	260	292	290	211	206	151	158	3067

## Jurisdictional Cases

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 cases about county jails and youth detention facilities.

The table below details the intakes by jurisdictional authority received in 2023.

Jurisdictional Authority	Cases
State Agencies/Boards/Commissions	2,334
County Jails	562
<b>Total</b>	<b>2,896</b>

## Highest Number of Cases in 2023

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 2,211 cases. The second highest number of cases related to the Department of Health and Human Services with 488 cases. Notably, only 205 intakes were outside of corrections and health and human services in 2023.

### *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*

In 2023 the Department of Correctional Services ran 9 facilities throughout Nebraska. The Ombudsman's Office worked on cases dealing with every one of the facilities during the year.

- Community Corrections Center – Lincoln
- Community Corrections Center – Omaha
- Nebraska Correctional Center for Women
- Nebraska Correctional Youth Facility
- Nebraska State Penitentiary
- Omaha Correctional Center
- Reception and Treatment Center
- Tecumseh State Correctional Institution
- Work Ethic Camp

The Ombudsman's Office received 1,649 cases regarding state correctional issues during 2023.

### *Department of Health and Human Services*

The Ombudsman's Office received 488 intakes regarding the Department of Health and Human Services in 2023. 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 administering four youth facilities and three adult facilities in 2023:

### 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)

### 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

The Ombudsman's Office is required to conduct an annual physical review of the Department of Health and Human Services' institutions listed above. On December 11, 2023 the Ombudsman's Office released a report, "[Annual Report Neb. Rev. Stat. § 83-104 Review of Nebraska Institutions](#)" that covers December 1, 2022 to November 30, 2023. As the report details, because DHHS limited the information provided to the Ombudsman's Office after the described Attorney General's opinion, the Ombudsman's Office was not able to provide the same information in this 2023 report as it has in the past.

### *Department of Veterans Affairs*

The Ombudsman's Office received 6 cases regarding the Department of Veterans Affairs in 2023. 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 case numbers where the Ombudsman's Office had no jurisdiction in 2023.

No Jurisdiction	Cases
Federal	11
Governor's Office	2
Court	59



Nebraska Legislature	12
County Administration	13
Municipal Administration	19
Private	55
<b>Total</b>	<b>171</b>

## Conclusion

In conclusion, this 2023 report of the Nebraska Ombudsman’s Office reflects the office’s work and commitment to governmental accountability and citizen advocacy. The staff of the Ombudsman’s Office showed true determination, patience, hard work, and perseverance when access to information, people, and facilities regarding NDCS and DHHS was shut down during the fall of 2023. Through the handling of thousands of cases dealing with critical issues within areas like corrections and health and human services, the Ombudsman’s Office plays a vital role in ensuring fair and just administration within Nebraska.