



February 13, 2013

RE: Alaska Ombudsman 2012 Annual Report

In accordance with our statutory reporting requirements, the Office of the Ombudsman is pleased to release our 2012 Annual Report.

As part of the Ombudsman annual report requirement, we also post summaries of ombudsman investigations in the Matrix of Ombudsman Investigations on the ombudsman Web site. The matrix includes summaries of formal Ombudsman investigations from 1995 to the present. It also includes summaries of some cases where ombudsman intervention resulted in systemic changes without formal ombudsman investigations. The matrix can be found at:

<http://ombud.alaska.gov/Matrix.pdf>

Calendar 2012 saw a significant increase in the number of complaints filed with the Ombudsman office. Staff opened 1151 complaints in 2012, a **21 percent increase** in complaints from the 950 complaints filed in 2011.

Complaints closed in 2012 exceeded those closed in 2011 by 11 percent. Ombudsman staff closed 1141 complaints in 2011 compared to 1025 in 2010, for an 11 percent increase. The number of complaints closed in 2012 (1141) is keeping abreast of the cases opened (1151), an indication that the ombudsman has cleared up a backlog that developed in prior years.

We believe that there are two reasons for the increase in complaint numbers. On June 2012 the ombudsman released a public report on the results of an eight-month long investigation of the Office of Children's Services grievance process. The investigation found that the process was seriously flawed from top to bottom and that not only OCS clients found the process confusing and non-responsive but OCS staff and managers were ill-informed and confused by the process.

The ombudsman released results of the investigation to the news media; news accounts were published and broadcast statewide.

Also, in March the ombudsman hired a former aide to U.S. Senator Ted Stevens to develop and coordinate an aggressive outreach campaign throughout the state including distribution of five new eye-catching posters featuring familiar Alaska scenes. The poster art included an angry grizzly bear, a watchful malamute, fishing nets, a compass and a broken-down car in weeds and were distributed to all Alaska cities and villages and many state agency offices. The outreach director also made direct contact with village leaders and non-profits to familiarize them with the ombudsman's office. As part of this effort, the ombudsman addressed the more than 1,200 attendees at the Bureau of Indian Affairs Providers Conference in Anchorage in November.

After the public release of the grievance report and the outreach campaign complaint numbers rose dramatically. As of June 18, 2012 when the OCS grievance investigation report was released, all ombudsman complaints were running 4 percent over the year to date figures from 2011. Two weeks later the increase was at 10 percent and climbing. Incoming complaints peaked at 122 percent of 2011 in December.

As in past years, the largest portion of complaints filed in 2012 were filed against four Departments and their high-profile divisions: the Department of Health and Social Services, primarily the Office of Children's Services (OCS), and Division of Public Assistance (DPA); the Department of Corrections (DOC), primarily the Division of Institutions; the Department of Revenue, primarily the Child Support Services Division (CSSD), and Permanent Fund Division (PFD); and the Department of Administration, primarily the Division of Motor Vehicles (DMV), Public Defender, and Office of Public Advocacy (OPA).

In 2012 complaints filed against the Department of Corrections slightly exceeded – by seven complaints – the number of complaints filed against the Department of Health and Social Services. Both departments saw an increase in complaints, HS&S by 16 percent and DOC by 27 percent.

Department of Health and Social Services 2012

Calendar year 2012 saw another increase in complaints filed against the Department of Health and Social Services, principally the Office of Children's services.

Complaints against all DHSS agencies comprised 25.2 percent of total Ombudsman caseload in 2012. Complaints filed against HS&S agencies numbered 290 in 2012 compared to 249 in 2011 when H&SS complaints amounted to 26.2 percent of all ombudsman complaints opened. The one percent drop can be attributed to an overall increase in ombudsman complaints.

In comparison to 2011, HS&S complaints increased by 16 percent (249 in 2011 and 290 in 2012). The majority of HS&S complaints involved the Office of Children's Services (OCS), for 63 percent of all HS&S complaints received in 2012. This is a seven percent decrease from the 70 percent ratio of OCS complaints received in 2011.

The Division of Public Assistance accounted for 21 percent of HS&S complaints in 2012, a dramatic increase over 2011 when DPA complaints constituted only 10 percent of HS&S complaints.

The remainder of complaints against HS&S are spread among the remaining HS&S divisions.

Office of Children's Services Complaints

Complaints opened against the Office of Children's Services in 2012 showed a 5 percent increase over 2011 complaints received. The ombudsman received 183 new complaints against OCS in 2012 compared to 174 in 2011. However, OCS complaints still accounted for 16 percent of the 2012 Ombudsman total complaint caseload, as compared to 18 percent in 2011 or a 2 percent overall decrease. The increase in overall ombudsman complaints accounted for the decrease in the ratio of OCS cases to overall complaints filed.

As of the end of January 2013, OCS complaints were running at 220 percent of complaints filed in January 2012.

Complaints closed against OCS in 2012 numbered 187. Of these 187 complaints, 37 percent of OCS complaints closed involved some form of assistance to the complainant and preliminary review of the complaint. Investigators declined action in 54 percent of OCS complaints typically because the complainant had not attempted to communicate with the agency about their problem or because the issue complained of had been ruled upon in court. The ombudsman has no statutory authority to investigate matters that have been decided by court order. Eight percent of OCS complaints were discontinued as resolved or determined inappropriate for a formal ombudsman investigation. Four percent of cases opened in 2012 remained under review by the ombudsman as of December 31, 2012.

The ombudsman also completed two full formal investigations of OCS in 2012 and released two public reports on the results of those investigations.

The first public report, Ombudsman complaint J2011-0222, analyzed the effectiveness of the OCS grievance process. OCS released draft regulations aimed at correcting problems uncovered by the Ombudsman investigation on February 1, 2013.

The second report, Ombudsman complaint A2008-0409, looked at the foster-to-adopt program administered through OCS. A synopsis of the complaints follows in this letter and redacted public reports for both investigations are available online at http://ombud.alaska.gov/reports/J2011-0222_OCS-grievances.pdf and http://ombud.alaska.gov/reports/A2008-0409_foster-fam.pdf.

2012 OCS Complaint Category Breakdown

It must be noted here as above that many OCS complainants presented more than one allegation to the ombudsman and not all issues are included in the following list, therefore the numbers do not add up to 100 percent.

- **Relative or tribal placement** complaints were the number one category of allegations filed against OCS in 2012 at 31 percent.
- Allegations about OCS workers **not responding to contacts or failing to return calls** were components in 25 percent of complaints, the second most complained about allegation category.
- Problems with **visitation** or **denial of visitation** were raised in 23 percent of complaints received.
- Complainants alleged OCS staff **discourtesy** or **discrimination** in 16 percent of complaints.
- Fifteen percent of complainants alleged **harassment, threats, or intimidation** by OCS staff.
- Complainants alleged the agency was **not investigating a report of harm** in 15 percent of complaints.
- Complainants alleged the agency **unfairly removed** a child from their home in 15 percent of complaints received.
- Similarly, in 39 percent of complaints, complainants alleged that there was either **insufficient cause or insufficient documentation for agency action**, or that OCS had taken an **action based on misinformation**.

- Complainants cited problems with **grievances or appeals** in 14 percent of cases.
- Eight percent of OCS complaints involved problems with a **foster parent, foster homes, foster licenses, or payments for foster care**.
- Eight percent of complaints alleged the agency had not provided the complainant the required **notice** of court hearings, case plan meetings or other necessary conferences.
- Complaints concerning **adoptions** constituted 8 percent of complaints.
- Seven percent of complaints alleged **agency delay** as a problem.
- In 4 percent of complaints, a **breach of confidentiality** was alleged.
- Complaints involving **ICWA cases** comprised 4 percent of cases.
- In 2 percent of complaints received, **access to agency records** was presented as an issue.

The following chart breaks down the major issues that were included in OCS complaints presented to the ombudsman in 2012.

Because complaints against the Wasilla OCS office represented 27 percent of all OCS complaints in 2012, statistics about that office are included in this complaint. Complaints against the Wasilla OCS office have decreased by 20 percent from 2011. In 2011, the ombudsman received 62 complaints against the Wasilla OCS office; in 2012, this number was reduced to 50 complaints. Wasilla OCS's proportional share of all OCS complaints received decreased from 36 percent in 2011, to 27 percent in 2012.

2012 OCS Complaint Breakdown

Complaint Issue/Factors	Percentage of all OCS Complaints	Percentage of Wasilla Complaints
Placement w/Relative, Tribe or Other	31 percent	22 percent
Agency Unresponsive to Contacts	25 percent	22 percent
Visitation	23 percent	18 percent
Discourtesy or Discrimination by Worker	16 percent	20 percent
Failure to Investigate Report of Harm	15 percent	18 percent
OCS Harassment	15 percent	18 percent
Unfair Removal	15 percent	18 percent
Lack of Information	14 percent	18 percent
Grievance or Appeal	14 percent	16 percent
Foster Parent, Care or License	8 percent	10 percent
Lack of Notice	8 percent	8 percent

Adoption	8 percent	10 percent
Delay by Agency	7 percent	10 percent
Breach of Confidentiality	4 percent	6 percent
ICWA Involvement	4 percent	Less than 1 percent
Access to Agency Records	2 percent	4 percent
Termination of Parental Rights	4 percent	2 percent
Reunification	4 percent	4 percent
Custody	10 percent	12 percent
Grandparents Involvement	7 percent	14 percent
Care and Safety Plan	3 percent	2 percent

Division of Public Assistance

Complaints against the Division of Public Assistance comprised 5 percent of all 2012 ombudsman complaints, a decrease from 2011 when DPA complaints numbered 10 percent of the total ombudsman caseload.

Complaints against the Division of Public Assistance comprised 21 percent of the HS&S caseload in 2012, an 11 percent increase from 2011 when complaints against DPA constituted 10 percent of HS&S complaints.

- Review of DPA complaints showed that 26 percent of the complaints concerned **untimely processing of paperwork, delayed mailings, and untimely payment.**
- Likewise, 26 percent of the complaints concerned **denial of benefits.**
- Eighteen percent of complaints concerned the **eligibility requirements for benefits.**
- Ten percent of complaints alleged **discourtesy by DPA staff.**
- Ten percent of complaints concerned issues with **navigating the DPA telephone system.**
- Six percent of cases alleged **DPA workers failed to respond to contacts.**
- Six percent complained that DPA **failed to provide adequate notice of changes in benefits.**
- The remainder of complaints covered a variety of issues.

Of the DPA complaints closed in 2012, 59 percent were closed with some form of assistance and preliminary review. Investigators declined action in 39 percent of DPA cases, usually because the complainant had not communicated with DPA about the problem or had not used the agency appeal process. One percent of DPA cases closed in 2012 were discontinued as resolved or not proper for ombudsman formal investigation in line with regulatory requirements. No complaints were fully investigated. None of the DPA cases opened in 2012 remained under review at the end of 2012.

Department of Corrections 2012

Complaints against the Department of Corrections increased in 2012 by 27 percent over 2011 complaints. The total number of DOC complaints opened in 2012 increased by 63 complaints, from 234 in 2011 to 297 in 2012. DOC complaints filed in 2012 constituted 26 percent of all ombudsman complaints, as compared to 25 percent in 2011.

Complaints against the **DOC Division of Institutions** comprised the bulk of 2012 DOC complaints, totaling 274 of 296 DOC complaints, or 92 percent of all complaints filed against the DOC. In comparison to 2011, this is a 6 percent increase. Complaints against the Division of Institutions numbered 200 in 2011 or 86 percent of all DOC complaints for 2011.

Complaints about the Hudson Correctional Center in Colorado, Alaska DOC’s contract private prison, numbered 5, or 2 percent, of all 2012 DOC complaints, a slight decrease in comparison to 2011 when the ombudsman received several serious medical complaints out of Hudson. The Ombudsman has no statutory jurisdiction over DOC’s contract facilities and refers all complaints about Hudson to DOC administrators for review. However, the ombudsman does have jurisdiction over the actions of administrators in reviewing complaints about contract facilities, much as we have jurisdiction over agency response to complaints about contractors working for other agencies. Therefore, the ombudsman tracks complaints about Hudson and other contract facilities such as half-way houses to determine how DOC responds to them.

Beginning in March 2012, DOC started operating its newest correctional facility, Goose Creek Correctional Center, in Wasilla. Full operation of the facility is scheduled to occur by October 2013. As of December 31, Goose Creek had 429 inmates in residence. The ombudsman received 7 inmate complaints about Goose Creek’s operations in 2012.

Complaints against the **DOC Division of Probation and Parole** totaled 12 percent in 2012 (35 complaints), as compared to 12 percent in 2011 (33 complaints).

Department of Corrections Division Breakdown

	<i>2011</i>	<i>2012</i>
<i>All DOC complaints</i>	<i>234</i>	<i>297</i>
<i>Division of Institutions</i>	<i>199</i>	<i>254</i>
<i>Division of Probation and Parole</i>	<i>29</i>	<i>36</i>
<i>Remaining Divisions</i>	<i>4</i>	<i>7</i>

2012 Department of Corrections Complaints Sorted by Institution

An institutional breakdown of complaints shows that ACC-East and West in Anchorage garnered the highest number of complaints in 2012.

FACILITY	2005	2006	2007	2008	2009	2010	2011	2012
ACC-EAST	21	33	24	34	12	21	25	88
ACC-WEST	12	18	20	10	13	10	10	33
ANVIL MT.	2	2	4	2	1	8	3	5
AZ. CNTRL	2	1	4	10	3	1	--	--
FCC	6	13	10	6	3	3	4	7
GCCC	0	0	0	0	0	0	0	8
HMCC	8	3	6	7	16	15	35	22
HUDSON	--	--	--	--	1	23	30	3
KCC	4	1	4	4	3	12	8	5
LCCC	6	6	4	9	17	15	12	8
MAT-SU	1	2	2	3	1	6	5	7
M.CREEK	5	1	--	--	--	--	--	--
PCC	7	3	6	7	6	14	2	9
PT. MACK	0	3	0	1	1	2	2	2
SCCC	7	14	21	19	44	28	26	23
Wildwood Correctional	2	2	4	4	6	15	12	2
Wildwood Pre-Trial	6	4	10	6	6	4	1	5
YKCC	1	2	2	1	0	2	7	4
Institution Miscellaneous	21	19	27	20	12	27	17	20
TOTAL	102	119	132	112	133	185	199	254

DOC Complaint Category breakdown

It must be noted that many complainants present more than one allegation to the ombudsman and not all issues are included in the following chart, therefore the numbers in this chart do not add up to 100 percent.

- Complaints involving **medical issues** comprised 23 percent of DOC complaints. These complaints broke down as follows:

- Complaints about problems with **medical care in general** comprised 66 percent of all DOC medical complaints.
 - Complaints about **medications** comprised 24 percent of all DOC medical complaints.
 - Complaints about **dental problems** comprised 1 percent of all medical complaints and less than 1 percent of all DOC complaints.
 - Complaints involving **mental health** issues comprised 1 percent of all DOC medical complaints.
 - Complaints about improper diet for a medical condition comprised less than 1 percent of all DOC medical complaints.
- Complaints about DOC staff **failing to respond** to questions or requests constituted 15 percent of allegations;
 - Complaints about **delayed agency responses or decisions** on grievances and appeals constituted 13 percent of DOC complaints.
 - Complaints about DOC **responses to grievances and appeals** comprised 15 percent of DOC complaints.
 - Complaints about **time accounting** constituted 13 percent of DOC complaints.
 - Complaints about **delayed release from custody** constituted 5 percent of DOC complaints.
 - Complaints about **access to law library materials, law library computers, and legal forms** consisted of 10 percent of complaints.
 - Complaints about the **actions and behaviors of correctional officers** - that they were discourteous, rude, or assaultive - constituted 8 percent of the complaints.
 - Complaints about **administrative or punitive segregation** comprised 8 percent of complaints.
 - Complaints about **classification/custody level** comprised 5 percent of complaints about DOC.
 - Complaints about **inmate property** accounted for 5 percent of DOC complaints.
 - Complaints about **furlough denials** accounted for 4 percent of DOC complaints.
 - Complaints about **disciplinary** actions comprised 4 percent of all 2012 complaints.
 - Complaints about **problems with mail, legal mail, or with communications with attorneys** constituted 2 percent of the DOC complaints.
 - Complaints about problems with the **Evercom phone system** or **denial of phone privileges** comprised 2 percent of DOC complaints.
 - **Visitation** complaints comprised 2 percent of DOC complaints.
 - **Miscellaneous complaints** constituted the remaining 13 percent of DOC complaints.

Of the 312 DOC complaints **closed** in 2012, 55 percent were immediately declined, usually with referral to the agency grievance or appeal process; 42 percent were closed with some form of

assistance or advice, usually about the DOC grievance/appeal process; review was discontinued in 3 percent of the complaints in accordance with ombudsman regulatory guidelines after a more extensive review; and no cases were fully investigated.

Department of Revenue

Department of Revenue complaints constituted 12 percent of Ombudsman complaints opened in Calendar Year 2012. This represents a 3.7 percent increase in Revenue complaints received in 2012 in comparison to 2011. In 2011, complaints against Revenue constituted 8.3 percent of all complaints to the ombudsman.

Child Support Services Division

Child Support Services Division (CSSD) complaints totaled 6 percent of all Calendar 2012 ombudsman complaints and 52 percent of all complaints filed against the Department of Revenue in 2012. In comparison, CSSD complaints constituted 5.6 percent of all 2011 Ombudsman complaints and 67 percent of complaints about Revenue agencies in 2011.

- Twenty-nine percent of the CSSD complaints alleged **inefficiency by the agency** for failing to collect on a Permanent Fund Dividend, **failing to properly credit payments** to the support obligation, **failing to process paperwork**, **failing to make timely payments** to custodial parents, or by **failing to notify a case party of an event or requirement**.
- Twenty-two percent of complaints filed against CSSD alleged a **calculation error**.
- 15 percent of the cases alleged CSSD **staff didn't respond to the complainant's contacts**.
- In 13 percent of complaints, complainants alleged the agency had **failed to honor a court order**, had **overpaid the custodial parent**, or had **failed to collect the full amount of support due** the custodial parent.
- 13 percent of complaints alleged CSSD **error due to misinformation**, i.e. a child support order was based on incorrect information, a support order was established despite evidence the child was in the custody of the non-custodial parent, the agency charged arrears for support already paid, or the agency improperly reported a child support debt to another agency.

Again, it must be noted that many complainants presented more than one allegation to the ombudsman and not all issues are included in the following list, therefore the numbers do not add up to 100 percent.

Of the CSSD complaints closed in 2012, 26 percent were closed with some form of assistance and review; 57 percent were declined usually because the complainant hadn't addressed the issue with the agency complaint resolution process or because the issue had been decided in court; 1 percent were discontinued as resolved and none were formally investigated.

Permanent Fund Division

The Permanent Fund Dividend Division complaints comprised five percent of all Ombudsman complaints in Calendar Year 2012, a three percent increase from complaints filed in Calendar Year 2011. PFD complaints totaled 43 percent of all complaints filed against Revenue in 2012 compared to 29 percent of all complaints filed against Revenue agencies in 2011.

- Twenty-two percent of the complaints filed against the Permanent Fund Division alleged that the Division **improperly denied dividends**.
- Twelve percent complained about the **eligibility requirements** to qualify for a PFD.
- Ten percent of complaints alleged **improper dividend attachment or garnishment**.
- Six percent of complaints alleged agency staff **not answering the phones or difficulty navigating the agency's telephone system**.
- Three percent complained about **agency discourtesy**.
- Three percent complained that the **agency was non-responsive**.
- Three percent complained that the **agency lost documentation or failed to return documentation** to the complainant.
- Two percent complained that the agency **delayed paying PFDs for which they were entitled to receive**.

Of the PFD complaints closed in 2012, 22 percent were closed with some form of assistance and 76 percent were closed as declines, usually after providing referral information to the PFD complaint resolution process or because the complainant was already involved in the appeal process. Two percent of complaints were discontinued and none were formally investigated.

Department of Administration 2012

Department of Administration complaints comprised 13 percent of all Calendar Year 2012 ombudsman complaints, representing a two percent increase in complaints filed against DOA in 2011. One hundred and forty-five (145) complaints were filed against DOA in 2012, compared to 102 complaints filed in 2011. Four DOA agencies accounted for the most complaints: Retirement and Benefits, Division of Motor Vehicles, Office of Public Advocacy and the Public Defender Agency.

Division of Retirement and Benefits

Complaints against the Division of Retirement and Benefits dropped significantly in 2012, from 22 percent of all DOA complaints received in 2011, compared to 12 percent in 2012. R&B complaints constituted 1.4 percent of all complaints filed with the ombudsman in 2012.

- Complaints about **insurance coverage** were included in 53 percent of all R&B allegations.
- Allegations that R&B was **unresponsive** were included in 18 percent of complaints.
- Allegations that R&B **provided misinformation** were included in 18 percent of complaints.
- **Refusal to reimburse excess retirement contributions, premium payments for insurance, or allowing hardship** withdrawals from retirement accounts was alleged in 17 percent of complaints.
- **Delayed payment** was alleged in 13 percent of R&B complaints.
- Allegations that R&B had **delayed issuing decisions in pending appeals** occurred in 12 percent of complaints.
- Allegations involving **disability payments** were included in 5 percent of complaints.
- **Failure to notify of reduction in benefits** was alleged in 5 percent of complaints.

Twenty-three percent of R&B complaints were closed with some form of assistance; 71 percent were declined with referrals to the agency process; 5 percent were discontinued and no complaints were fully investigated.

Division of Motor Vehicles

Complaints against DMV comprised 21 percent of complaints filed against DOA in 2012 and 3 percent of all Ombudsman complaints filed in 2012. In 2011, DMV complaints constituted 14 percent of all DOA complaints and 2 percent of all Ombudsman complaints filed.

Complainants alleged the agency provided incorrect information; unfairly revoked or suspended driver's licenses; made unfair requirements of drivers such as acquiring SR22 insurance, requiring completion of the ASAP program, or requiring retesting/retaking of the written examination; unreasonably refused to refund fees or charged unreasonable fees; required persons to provide unreasonable amounts of documentation in order to obtain a driver's license or state identification card; or that DMV staff were discourteous. Complaints were also received about unfair fees for in-person service and about offices being closed or not easily accessible.

Of DMV complaints filed in 2012, 50 percent were closed as assists; 47 percent were closed as declines with referral to the agency process; none were discontinued after a more extensive level of review; and no full formal investigations were conducted. One DMV complaint remained under review at the end of 2012.

Alaska Public Defender

Complaints filed against the Public Defender comprised 3.5 percent of the ombudsman's 2012 caseload compared to 3 percent of the total caseload in 2011. Complaints against the Public Defender constituted 28 percent of complaints against DOA agencies in 2012, and 30 percent in 2011.

Complainants primarily alleged their public defender was non-responsive or ineffective.

Of those complaints, 15 percent were closed as assists, 85 percent were declined with referrals, and none were discontinued or fully investigated.

Office of Public Advocacy

Complaints filed against the Office of Public Advocacy comprised 4 percent of the Ombudsman's 2012 caseload, compared to 2.6 percent in 2011. OPA complaints constituted 31 percent of all DOA complaints in 2012, a six percent increase from the 25 percent of OPA complaints received in 2011.

The dual nature of OPA's responsibilities as Public Guardian and alternative public defense attorney for the state's indigent population was obvious in the category breakdown.

- Fifty-eight percent of complaints received concerned the **actions of OPA conservators or public guardians**, compared to 18 percent of complaints about **OPA defense attorneys**.
- Complainants alleged OPA **staff was non-responsive** in 29 percent of allegations, or **delayed action** in 11 percent of complaints.
- Complainants alleged OPA provided **ineffective assistance of counsel** in 27 percent of complaints.

- Complainants alleged OPA **guardians placed unreasonable restrictions on finances** of those under guardianship or conservatorship such as **withholding or stealing money, refusing to increase their allowance, refusing to buy requested items, and refusing to allow the person to live where they wanted** to constituted 24 percent of complaints.
- Complainants alleged OPA **failed to take appropriate actions to protect wards** in 13 percent of complaints, and **failed to provide adequate medical care to wards** in six percent of cases.
- **Misconduct or retaliation** by OPA staff was alleged in 11 percent of complaints.
- **Discourteous OPA staff** was alleged in 8 percent of cases.

Of complaints filed against OPA in 2012, 15 percent were closed as assists; 77 percent were declined with referrals; and 6 percent were discontinued. No cases were fully investigated.

Together, the Public Defender and OPA constituted 7.5 percent of the Ombudsman's total caseload and 59 percent of all complaints filed against DOA in 2012.

Department of Public Safety

Department of Public Safety complaints increased in 2012 at 68 complaints filed in 2012 compared to 51 in 2011. DPS complaints totaled 5 percent of all ombudsman complaints filed in Calendar 2012 and 2011.

Complaints against the **Alaska State Troopers** constituted 78 percent of complaints against DPS agencies in 2012, a two percent drop from 2011 when complaints against AST constituted 80 percent. Three percent of those complaints were closed as assists; 72 percent were declined, eight percent were discontinued, and zero cases were fully investigated.

AST complaints broke down into the following categories:

- Complaints alleging **harassment, physical assault or excessive force** comprised 15 percent of AST complaints.
- Allegations that AST **failed to investigate an incident or investigated inadequately** comprised 34 percent of AST complaints.
- Allegations that AST was **non-responsive** totaled 19 percent of complaints.
- Allegations of **AST discourtesy** totaled 17 percent of complaints.
- The remainder of the complaints included employee **misconduct, improper charges, falsifying evidence and illegal confiscation.**

Of DPS cases closed in 2012, four percent were closed as assists; 87 percent were declined with referral into the appropriate agency grievance or appeal process or to the courts; 7 percent were discontinued and zero complaints were closed as fully investigated.

The remaining complaints opened in 2012 were distributed among the other state agencies.

How Ombudsman Complaints are categorized

Ombudsman staff closed 1141 complaints in 2012.

Jurisdictional Assists: In 2012, staff closed 32 percent of all Ombudsman complaints as “jurisdictional assists.” In those cases staff contacted the agencies involved, researched statutes, regulations, policies, procedures and practices, and interviewed pertinent witnesses. This level of Ombudsman action is in reality a mini-investigation but issues presented did not rise to the level of a full formal investigation involving major policy or systemic issues, or affecting large numbers of people. Therefore, the complaints were closed as an assist with the issue resolved or information provided to the complainant about why the Ombudsman does not believe the agency has acted inappropriately.

Jurisdictional Declines: In 2012, staff closed 62 percent of all complaints as “jurisdictional declines.” In those cases, staff reviewed the complaint and, if the complainant has an available grievance or appeal process and, if such a process was available, we generally routed the complainant back into the agency appeal process with information on how to proceed. Ombudsman staff tries to teach complainants how to deal with their government before we become involved. In such cases the complainant is informed that they can file another complaint with the Ombudsman if they believe the agency has handled their appeal or grievance improperly. In that way the Ombudsman can review how the agency handles complaints about its actions. The Ombudsman also declines action if a complaint involves activities that occurred more than one year prior to the complaint; if the matter was the subject of a court action; if the complaint was trivial or made in bad faith; if the complainant lacks sufficient personal interest; if the issue is subject to a collective bargaining agreement or if the Ombudsman lacks resources to investigate the complaint. AS 24.55.110.

Discontinued: In 2012, 6 percent of all complaints closed were discontinued after the ombudsman had resolved the issue with a change in agency action or policy, because the matter was subject to a court ruling, because the ombudsman lacked resources to pursue the complaint to full formal investigation; or for other reasons as articulated in 21 ACC 20.200.

Fully Investigated: One percent of complaints closed in 2012 were closed as full formal investigations. Cases selected for formal investigation are those that involve health and safety issues, or that have potential to affect agency policy, affect large numbers of citizens, or involve serious allegations that warrant independent review such as allegations of police brutality or employee misconduct.

Informational Referrals and Non-Jurisdictional Declines: In 2012, the ombudsman documented 1008 calls from citizens seeking Ombudsman assistance or information on where to call to address problems with entities not subject to Ombudsman jurisdiction. This is a 22 percent increase from 2010. Front-desk staff usually handles these calls. Ombudsman staff does their best to provide the best, most accurate referral information so citizens can address their problems with the proper entity. Non-jurisdictional declines are complaints to the Ombudsman about agencies over which the office has no statutory jurisdiction such as a private party, the federal government, Social Security Administration or a city and borough government. If a complaint is not proper for Ombudsman review, agency staff strives to make the most appropriate referral to the proper venue.

Fully Investigated and Discontinued/Resolved Complaints

A summary of complaints that were fully investigated and some that were closed as Discontinued/Resolved in Calendar Year 2011 follows:

J2011-0222

Ombudsman Finds Major Flaws in OCS Grievance System

An eight-month ombudsman investigation into the Office of Children's Services (OCS) complaint process found the process to be convoluted and cumbersome, so much so that many OCS employees surveyed professed to not understand it. Some employees didn't know it existed. The Alaska Ombudsman concluded that the "the structure of the OCS grievance procedure is so unwieldy and inherently difficult to administer that the process frequently fails to provide a fair and reasonable method of recourse to aggrieved individuals."

The ombudsman is an independent agency of the Alaska Legislature empowered by Alaska Statute to investigate complaints against State of Alaska administrative agencies. Ombudsman Linda Lord-Jenkins opened this investigation on her own initiative because of the number of problems observed by ombudsman investigators during various investigations of OCS through the past several years. Eighteen percent of citizen complaints to the ombudsman in 2011 were filed against OCS.

The ombudsman reviewed the OCS grievance process to determine whether the individual complaints actually reflected a systemic problem. The allegation investigated by the ombudsman, stated in terms conforming to AS 24.55.150, was as follows:

UNREASONABLE: In the administration of the Grievance Procedure under 7 AAC 54.205 – 240, the Office of Children's Services has not carried out the grievance process in a fair and efficient manner, has not adequately notified citizens of the process, has not responded consistently to grievances filed by citizens, and has not consistently responded.

The ombudsman surveyed users of the OCS grievance process, ombudsman complainants, agency caseworkers, and their supervisors. Alaska Statute (AS) mandates that OCS have a grievance procedure. As of the date of the ombudsman's report, the process is set forth in regulations at 7 AAC 54.205 – 54.240. OCS policy simply restates the regulations. The ombudsman investigator analyzed the statutes and regulations governing the OCS grievance process, and also reviewed grievance regulations from other State of Alaska agencies.

Investigation revealed that OCS did not provide any formal training to its employees regarding the grievance system, and a number of less experienced employees were unaware that the process even existed. Despite the fact that OCS deals with many individuals who feel wronged by OCS at some point, grievances were surprisingly uncommon in most offices, indicating that the grievance process has not been serving as an effective dispute resolution method. There was no centralized tracking of grievances, so the OCS children's services managers did not automatically know when a grievance was filed, or whether the grievance had been processed.

Investigation revealed that OCS employees generally wanted to understand the grievance process and be able to use it. Almost all of those interviewed stated they wanted training on the topic. Also, when a grievance proceeded through all the steps to a regional panel, the children's

services managers perceived the panels as providing a good quality of substantive review. Even the regional children's services managers, all of whom had extensive knowledge and experience with the process, regarded the grievance process as confusing and difficult to apply.

The report placed primary blame for the situation on the agency's regulations which have evolved since the early 1990s. "The root of all problems with the OCS grievance process is the governing regulation," the report stated. "Since being amended in 2006, this regulation has been defective on its face. The regulation does not provide for a true complaint resolution and decision-making process. The regulation is cumbersome, convoluted, and extremely difficult to apply."

Specifically, the OCS grievance system has the following problems:

- The regulation does not provide a true grievance process.
- The regulation undermines the authority and leadership of the OCS director.
- Sharing regulations with the Division of Juvenile Justice limits OCS flexibility to amend its regulation.
- The path toward resolution of a grievance is convoluted and confusing.
- Current process is likely to result in weaker decisions.
- Complexity of the process makes it difficult to track and manage cases and results.

The ombudsman made the following recommendations:

RECOMMENDATION 1: The Office of Children's Services should repeal the current regulation in its entirety to the extent it applies to OCS and adopt an entirely new regulation providing for a grievance process.

- The regulation should be as clear, simple, and intuitive as possible.
- All grievances should follow a single path in all cases.
- The new regulation should be entirely separated from procedures of the Division of Juvenile Justice.

RECOMMENDATION 2: The Office of Children's Services should adopt a uniform agency-wide computerized tracking system to maintain a record of every grievance filed. All grievances should be numbered upon receipt and immediately forwarded to the appropriate Children's Services Manager upon receipt.

RECOMMENDATION 3: The Office of Children's Services should repeal and replace the OCS Policies and Procedures Manual section for grievances.

RECOMMENDATION 4: When OCS adopts the new grievance regulations and policy and procedure, OCS should implement an agency-wide training program on the grievance process. As part of this training, OCS should create and maintain Webinar training on the agency Intranet for employees to refresh their knowledge of the subject.

OCS accepted the recommendations, with the qualification that OCS would not necessarily rewrite the grievance regulations to provide a single appeal path. OCS Director Christy Lawton stated that OCS would begin drafting new regulations in July 2012. Also, after the ombudsman investigation was opened, OCS began collecting all grievance filings at a central distribution

point, so that a grievance coordinator in Juneau records the existence of each grievance before referring it to the supervisor of the regional children's services managers.

In the final report, the ombudsman found the allegation justified, and concluded that OCS had partially rectified the problems, based on OCS's agreement to implement the recommendations. The ombudsman considered the complaint only partially rectified because OCS had not yet taken action to implement most of the recommendations.

The Ombudsman based her findings on surveys of citizens involved in the child protection process who had contacted the ombudsman, surveys of OCS caseworkers and supervisors, and reviews of complaints to the Ombudsman about OCS from 2009 through 2011. In addition, the Ombudsman investigators interviewed supervisors and OCS Children's Services Managers as well as OCS Director Lawton.

On February 1, 2013 OCS released draft revisions to the OCS grievance regulations. The agency is soliciting public comment before March 11, 2013

A2008-0409

Foster Parents Contend OCS Deliberately Failed to Place Children

A South-Central Alaska resident contacted the Office of the Ombudsman to complain that OCS had failed to place foster children in his home the first year he and his wife became licensed foster parents.

The Complainant told the ombudsman that he and his wife applied to become foster parents in November 2006 because they hoped to adopt a child through OCS. In his complaint, the Complainant described the OCS staff, particularly in the Mat-Su office, as unresponsive, and he alleged that the Mat-Su OCS office treated him and his wife unfairly in comparison to other licensed foster parents they knew in the area.

The Complainant contended that OCS overlooked their home for foster placements because he and his wife had questioned OCS policies. He noted that during foster parent orientation his wife had questioned the mandate that directs OCS to attempt to reunify children with their parents before terminating parental rights.

They also complained that the OCS adoption specialist for the office they were dealing with was moonlighting as a home study writer for an adoption agency they had registered with and that she violated OCS policies by writing their home study. They further contended that by working for the private social service adoption agency the adoption specialist violated the Alaska Executive Branch Ethics Act.

Finally, the couple contended that the contractual relationship between OCS and the adoption agency in which the agency conducted home studies for OCS was a conflict of interest.

The ombudsman investigated the following allegations with the following findings:

Allegation 1: Unreasonable: OCS staff in the Mat-Su office unreasonably and intentionally failed to attempt to place foster children in the complainants' home the first 15 months they were licensed foster parents.

Allegation 1: The complainants stated that they wanted to be licensed foster parents with the primary goal of adopting a child through OCS. Investigation revealed that OCS had attempted

several times to place children in the complainants' home during the first 15 months they were licensed foster parents. The ombudsman determined that the agency repeatedly called the complainants' home "land-line" phone but the complainants didn't retrieve the messages until they returned home at night. By then the children had been placed in other foster homes. The complainants also had a narrow set of criteria for the children they would accept in their home which further limited the placement contacts from OCS. The ombudsman documented nine separate times that the OCS attempted to place children with the foster parents but for various reasons the placement didn't work.

- On three occasions the couple didn't respond to the OCS caseworker's message;
- In two cases the couple had to discuss whether they would accept the child and by the time they decided the children had been placed elsewhere;
- The Complainant declined one placement because his Wife was ill;
- The couple declined one placement because the children's mother had Fetal Alcohol Syndrome;
- The couple declined placement of boy and girl siblings because they had only one extra bedroom and didn't want to place them together in one room.
- The couple declined placement of a teen-age girl because they felt she would be too old to bond with them before she emancipated.

In one instance four children were placed with the children but the complainants returned them three days later because they didn't agree with the agency's decision to schedule visitation with their family members.

Allegation 1 was found to be **unsupported**.

Allegation 2: Unreasonable: OCS did not follow its own policy by not referring the complainants to the OCS adoption screening process after they became licensed foster parents and declared their desire to adopt children through OCS.

Investigation showed that OCS was supposed to have notified its office adoption specialist that the complainants were interested in adopting a child through OCS but did not do so. The complainants also alleged the adoption specialist did not contact them after they tried repeatedly to contact the specialist. Investigation showed that the adoption specialist didn't contact the complainants until she was contracted to conduct their adoption home study for the private social services agency. Allegation 2 was closed as justified.

Allegation 3: Contrary to law: The OCS social worker who prepared the complainant's home study for a private adoption agency knowingly violated OCS policy 3.24.4 which prohibits such arrangements.

Investigation showed that contrary to OCS policy and procedure the OCS social worker accepted part-time work outside the agency conducting a home study for the complainants who were also licensed OCS foster parents. Allegation 3 was found to be **justified**.

Allegation 4: Contrary to Law: The social worker's actions in working for OCS while also contracting to work for Catholic Social Services constituted a violation of the Alaska Executive Branch Ethics Act.

Ombudsman investigation showed that the social worker had filed an ethics disclosure form seeking permission to work outside the agency doing adoption home studies. The request was granted by the social worker's supervisors. Allegation four was found to be **unsupported**.

Allegation 5: Arbitrary: (Inadequate standards for delegation of authority) The Office of Children Services awarded a grant to a private non-profit social service agency to conduct home studies, while at the same time administering the agency's child placement license.

Investigation showed that the contract and grant from OCS and the social services agency was in line with Alaska Statute and procurement guidelines. Allegation 5 was found to be **unsupported**.

Accordingly, the overall finding of record for all five allegations is **partially justified**.

The ombudsman also made the following recommendations:

Recommendation 1: OCS should evaluate its policies as they relate to the adoption screening process and review the adoption specialists' practices in each of the five regions to determine whether they are following the intent of the policy.

Recommendation 2: OCS should consult with Alaska Center for Resource Families (ACRF) and clear up misconceptions about any role ACRF has or does not have in adoption intake and screening for children in OCS custody.

Recommendation 3: OCS should review the Mat-Su office's foster child placement process to determine whether this process can be administered more efficiently and effectively.

Recommendation 4: Mat-Su OCS should require licensing staff and social workers to use the ORCA database instead of the Excel spreadsheet to track foster placements for children in custody.

Recommendation 5: OCS should implement a written standard of review to be used when considering whether they will allow the grantee to hire an applicant as a home study writer.

OCS accepted all findings in this case and agreed to implement all Ombudsman recommendations. The complaint was closed as **partially justified** and **rectified**.

Complaints Discontinued as Resolved 2012

A2011-1233

DMLV Reverses Decision After Ombudsman Involvement

A Utah man contacted the Ombudsman stating that the Division of Minerals, Land and Water (DMLW) arbitrarily made a decision to void the complainant's mining claims based on rival claimant's assertions that the complainant "paper staked" the claims. Paper staking is when someone files paper on a mining claim without putting out claim stakes or small monuments to stake the claim. Not only did the agency void his claims, but they also failed to notify him of his appeal rights which is contrary to regulations.

The ombudsman investigator discussed the complaint issues at length with the DMLW Property Manager. The DMLW Resource Specialist and Assistant Attorney General were also privy to these discussions. The investigator also reviewed relevant DMLW documents and Alaska Law and determined that the DMLW decision voiding the claimant's mining claims was flawed and that the agency should have provided the complainant with notice of appeal rights and the opportunity to appeal the decision. DMLW acknowledged these errors during the ombudsman review of the complaint. To rectify these errors, DMLW rescinded its earlier decision to void the complainant's mining claims and reactivated his claims.

The ombudsman investigator also learned during the inquiry that DMLW had routinely been failing to provide notice of appeal rights to claimants when issuing a "written discretionary decision" to void a claimant's mining claims. DMLW also acknowledged this error. To rectify this error, DMLW agreed to provide notice of appeal rights with all future written decisions in which the agency issues a discretionary decision to void a mining claim. Based on the agency's acknowledgement of its errors, the corrective action taken by the agency to rectify these errors, and the agency's commitment to provide notice of appeal rights with all future discretionary decisions, the Ombudsman discontinued action on the complaint because the issue had been resolved.

A2010-1175

Board Should Improve Method of Notifying Licensees of Reporting Requirements

A physician contacted the Ombudsman to file a complaint against the Department of Commerce, Community and Economic Development, Division of Business, Corporations and Professional Licensing for imposing an unreasonable fine and reprimand for an oversight of a statute that he contended is buried in fine print.

The physician had settled in a malpractice suit in another state. The physician was aware that a physician's clearing house had notified the Alaska authorities but he, himself had not notified Alaska because he didn't think he needed to. But under Alaska law physicians practicing in Alaska must notify Alaska licensing officials of any settlement, even if a clearing house had notified Alaska. He thought he was being singled out and treated unfairly.

During the investigation, the Ombudsman investigator determined the more appropriate method for the complainant to obtain regulatory changes he desired was to file a petition with the Division under the Administrative Procedure Act. AS 44.62.220 grants an interested person the right to petition an agency for the adoption, amendment or repeal of a regulation as provided in AS 44.62.180-290. Upon receipt of a petition requesting the adoption, amendment, or repeal of a regulation, the agency is required to deny the petition in writing within 30 days or schedule the matter for a public hearing.

The investigator reviewed the State Medical Board's summary of board actions from 2001-2011 since 12 AAC 40.930 was adopted to identify other physicians who have been investigated and fined for similar violations. Between 2001 and 2011, the Board cited a total of 18 other actively licensed physicians for violating this regulatory provision. According to the number of licensed physicians in Alaska during this time frame this represents approximately 0.002 percent of the active licensed population, and is not indicative of a systemic issue. Of all these, the other medical professionals were universally fined \$1,000 and given a written reprimand. Therefore, the similarly imposed fine on the complainant was not unreasonable or unfair, as it was similar to that imposed on other physicians.

Despite not finding any agency error, the Ombudsman informally suggested to the Board and Division that they consider amending their application and renewal forms to include a small notation referring to the malpractice reporting requirements, as well as provide a periodic reminder in the Board's newsletter that is posted online as well as distributed to licensees.

The agency responded that based on the ombudsman suggestions, they have implemented the following changes by amending information included on the Division Webpage at http://www.commerce.state.ak.us/occ/pmed_report_req.htm

The updated information states:

- All licenses are printed with the statement "It is your responsibility to be aware of the continuing education requirements for renewal and reporting requirements for malpractice settlements."
- The Board Website has been updated to include a "Reporting Requirements" page that includes different types of reporting requirements, including malpractice settlement reporting. It also includes links to the relevant laws and the Board form used for reporting.

A2012-0915

Community Concern Prompts Agency Action

A woman from Ninilchik contacted the Ombudsman out of concern that Adult Protective Services (APS) was doing nothing to assist a mother and her adult daughter even though numerous reports of harm had been filed with the agency by friends, family, and medical personnel. The main concerns included fraud, dangerous living environment, unsanitary conditions, and drug abuse by their caretaker.

The ombudsman investigator contacted APS who reported that they were well aware of the women. The investigator requested files from the agency and upon review, it was clear that the agency had not followed its policies or statutory requirements in responding to the reports of harm it had received. After the ombudsman contacted the agency head, APS began the assessment process as required and appeared to be taking appropriate action. The agency also took appropriate corrective action with the employee assigned to the cases.

The ombudsman investigator advised the complainant that the office was closing the complaint as APS was taking appropriate action at time.

A2012-0978

Housing Corporation Erred In Request by Tenant

An Anchorage man contacted the Ombudsman for assistance after Alaska Housing Finance Corporation denied his request to view security footage at one of its apartment complexes and told the man that he could not appeal the decision. The man requested the security footage after becoming convinced that someone had stolen something from his apartment while work crews were in the apartment.

Upon Ombudsman review, it appeared that the agency erred in its decision to withhold the information the complainant requested. After contact by investigator, the agency reversed its decision and provided the complainant with access to the two days of video footage he requested as well as the names of the AHFC employees that work in his building.

The complainant was dissatisfied with the response because the complainant alleged that he had, in a prior communication with the agency, actually requested almost two weeks of footage besides the two days he requested in the letter presented to the Ombudsman's office. The complainant filed an additional request to the agency and the agency responded appropriately. Because the agency rectified its substantive and procedural errors, the investigator discontinued action and closed the complaint.

A2012-1006

Substantiated to Unsubstantiated Abuse Finding Focuses on OCS Standard of Proof

An Interior father contacted the Ombudsman requesting an investigation into a letter he received from the Office of Children's Services (OCS). The complainant had been the subject of a report of harm for playing a tickle game with his stepdaughter that was initially substantiated as abuse by a caseworker. The finding was then reversed to unsubstantiated nearly nine months later after the man grieved the finding.

OCS supervisors drafted a letter to the complainant acknowledging the reversal of the finding however also stated in the two paragraph letter that he should only have contact with his daughter in a clinical setting because of her discomfort being around him. Because the complainant was in an ongoing custody dispute, the letter showing that the report of harm had originally been substantiated in error could not be used as the language contained in the second paragraph could be prejudicial toward the complainant.

The investigator discontinued review of this case as the response the complainant was seeking was provided when OCS overturned the substantiated finding.

However, ombudsman review of this complaint disclosed that the standard of proof for an initial assessment OCS finding is "reasonable cause to suspect" that abuse had occurred. This is a lower standard of proof than OCS applies to grievance/appeals, as well as a lower standard than the Office of Administrative Hearings (OAH) applies to administrative appeals of OCS findings. In the complainant's case, this disparity in applicable standards of proof resulted in an initial assessment finding of "substantiated" that OCS caseworkers believed was reasonable despite the fact that agency supervisors later changed the finding on appeal to "not substantiated."

This disparity between the standard applied to initial assessments and the standard applied to appeals could be viewed as both unfair and a violation of principles required by due process of law. However, that is currently law in Alaska. According to a recent report to Congress by the U.S. Department of Health and Human Services, "Thirty-three States reported that they use a 'preponderance of the evidence' standard or higher to substantiate a maltreatment finding. Nineteen states reported that they use some lower standard, such as 'credible evidence' or

‘reasonable cause.’ Alaska is one of the 19 states that use a lower standard of proof to substantiate a finding of abuse. State legislators in the United States believe reasonable arguments can be made for a higher or a lower standard of proof for findings of child abuse such as those OCS makes. The standard of proof currently in effect for OCS initial assessment findings is reasonable in the sense that it is based on a rational premise: that in protecting children from abuse, the agency should err on the side of caution. Alaska courts recognize this principle by applying a probable cause standard to OCS petitions for temporary custody of children. At subsequent hearings to extend custody, when there has been adequate time for OCS and the parties’ attorneys to investigate and gather information, the courts require the agency to prove its argument by a preponderance of evidence.

J2011-0305

State Refuses to Pay General Excise Tax for Retirees Living in Hawaii

Two Alaska retirees living in Hawaii contacted the Ombudsman after the Division of Retirement and Benefits (DRB) refused to pay the excise taxes charged as part of the retirees’ medical bills because the taxes were marked separately on the billing.

The issue in this complaint was the Hawaii General Excise Tax (GET), which affects retired State of Alaska employees living in Hawaii. Unlike similar taxes in most states the GET is charged on medical care. The DRB had previously, through third-party administrators, paid the amounts on the medical bills listed as GET. The current third-party administrator (Wells Fargo) began denying coverage for the tax amounts, at least when the amounts were itemized on the medical billing. The complainant appealed several claims through the Wells Fargo appeal steps, and took the appeal to DRB.

The Ombudsman first became involved due to DRB’s delay in deciding the appeal. DRB subsequently issued a decision letter agreeing to pay claims for GET through December 2010, and denying coverage for all itemized GET amounts after that date. The decision letter stated that the complainant could appeal the decision to the Office of Administrative Hearings (OAH). The complainant attempted to pursue the appeal and the Ombudsman closed the complaint.

Three months later, after the complainant had submitted documentation for the appeal, DRB issued a second decision letter, stating that because DRB had decided to pay the specific claims listed in the appeal, the complainant could not appeal the general question of whether the tax should be a covered expense. As the appeal avenue appeared closed, the Ombudsman opened another complaint.

The investigator noted that DRB had received an Office of the Attorney General’s opinion defending the refusal to pay GET amounts on medical bills. Also, many, although not all, health insurance providers in Hawaii do not cover GET costs if the costs are identifiable (versus being included in un-itemized office overhead), so DRB’s position was within the norm for Hawaii health insurers. However, Medicare, while not paying for itemized GET amounts, does not allow providers to pass on the tax to patients.

The ombudsman asked DRB to respond to questions about the coverage decision. The ombudsman also expressed concern over DRB’s decision to deny an appeal to the Office of Administrative Hearings after the complainant relied on DRB’s first decision stating that an appeal was available. The ombudsman asked DRB to provide the complainant with an expedited appeal to the Office of Administrative Hearings, to address the merits of non-coverage of

itemized GET amounts. DRB refused to provide an expedited appeal so the complainants contacted the OAH directly to request a hearing. The OAH appointed an administrative law judge to decide whether the appeal could be heard by the OAH. The Ombudsman discontinued the investigation after the matter was brought before an administrative law judge.

As of this writing, the OAH had not ruled on the issue.

A2011-0830

Actions of Agency Staff Do Not Support a Father's Allegations

A South-Central father alleged that the Office of Children's Services (OCS) was not responding to his concerns that one of his children had been slapped by their foster parent and that OCS had failed to document his protective service report in the OCS case management system. He also complained that OCS was delaying reunification with his children. Finally, the father complained that OCS had not arranged for transportation for him to attend a medical exam that the agency required him to take.

The ombudsman investigator determined that OCS had received multiple reports from the complainant including the report alleging the licensed foster parent had slapped his child. Protective service reports are confidential by law and the ombudsman could not legally report what she had found but was able to assure the father that OCS took the report seriously and acted appropriately on it. The investigator also determined that the report had been entered under the name of the foster parent which is why it appeared the report had not been entered when in fact, it had. All case information was cross referenced in agency electronic records under the name of the child.

The investigator was not able to determine why OCS did not originally arrange transportation for the complainant as promised; however, it was clear through Ombudsman inquiries that the agency made diligent efforts to correct the oversight when the complainant contacted them about the problem. Actions of OCS staff did not support the allegation that the agency was intentionally delaying reunification efforts.

A2011-1043

Ombudsman Finds no Error in Job Reclassification Which Nullified Rehire Rights

An former employee with the Department of Health and Social Services, Division of Senior and Disability Services (DHSS), filed a complaint with the Ombudsman suggesting that DHSS refused to honor her rehire rights, and gave erroneous information to the Unemployment Insurance Division which caused a delay in her unemployment payments. She also alleged that her former supervisor was sabotaging her ability to receive future state employment after she and DHSS had reached a mutual agreement to sever employment.

An Ombudsman review determined that the complainant left her position with DHSS and was subject to specified rehire rights. However, she was not rehired into the job she had previously held. The ombudsman investigator reviewed personnel records for the complainant, and interviewed both the complainant's union representative and the Division of Personnel Staff who had worked on the dispute resolution through which the complainant had specified rehire rights after leaving her job. The investigator also contacted the Unemployment Insurance claims section, and the Division of Retirement and Benefits.

The investigator did not find any evidence that the former supervisor was interfering in the complainant's applications for jobs. The investigator reviewed the reclassification of the job that the complainant wished to return to, and discovered that the Division in question submitted the paperwork requesting reclassification of the job shortly before the complainant was laid off from her last job at DHSS. The timing suggested the possibility that the reclassification was sought to avoid being obligated to rehire the complainant into that job. However, the reclassification met the technical standards of the Division of Personnel, which approved it, regardless of possible motive. As the reclassification was already pending when the complainant was laid off, the complainant did not have a right to be rehired into that job.

The ombudsman investigator did find that the Division of Retirement and Benefits provided erroneous information to the Unemployment Insurance office. The issue appeared to be the result of a problem with the DRB computer systems and DRB took steps to rectify the problem. At that point the Ombudsman discontinued action on this complaint as there was no evidence to connect this problem to DHSS.

A2011-1075

Agency Failure to Respond Results in Concern of CINA Placement

A Wasilla woman contacted the Ombudsman for assistance with getting the Office of Children's Services (OCS) to place her nieces and nephew with her as a relative placement. An ombudsman investigator interviewed OCS staff, and reviewed agency electronic records, agency policies, and applicable statutes and regulations. The investigator determined that OCS staff was not following agency procedure when they did not respond to the complainant's request for placement. After the Ombudsman brought this issue to the Protective Services Manager's attention, the complainant was issued a decision on her placement request, which explained the option of judicial review of the agency's decision. The complainant requested judicial review and was denied placement after a court hearing.

Although the complaint was resolved once OCS staff responded to the complainant's request for placement, after ombudsman contact, the ombudsman brought the staff's failure to respond to the attention of the Protective Services Manager II and the case was discontinued.

A2011-1458

Agency Accounting Prompts Ombudsman Assistance

An Anchorage man sought assistance from the Ombudsman in order to obtain an accounting of his Permanent Fund Dividends (PFD) that he stated the Office of Children's Services (OCS) collected on his behalf while he was in state custody. The man believed OCS had collected all of his PFDs between 1985 and 2001 and he wanted the money. The man said he had requested this information several times from the agency and they had refused to provide it.

An ombudsman investigator reviewed PFD records, as well as OCS records and Office of Public Advocacy (OPA) accounting of the complainant's funds. It appeared that the complainant was operating under the misconception that he had been in state custody for much more of his childhood than was actually the case. Records revealed that the complainant's mother had custody of him for the majority of the time and had validly collected his PFDs. Further, it appeared that when the state had collected the complainant's PFDs, first while in state custody and later when the complainant had a state conservator, the agencies had properly accounted for the funds.

The ombudsman provided the complainant the correct information and closed the complaint.

A2012-0155

Assisted Living Facility Complains that OPA Gave Bad Billing Advice

An Anchorage assisted living home operator complained to the Ombudsman that he was forced to file bankruptcy after the Office of Public Advocacy staff gave him erroneous billing instructions which resulted in delayed payments to the complainant for more than one year. He also alleged the OPA conservator failed to make timely application for Medicaid Choice waiver payments on behalf of one of his elderly disabled residents, placing his home at a financial disadvantage after he provided care to the state ward.

The Complainant's original allegation against the conservator was determined unsupported by the evidence. However, the investigator found evidence that the OPA conservator provided misinformation to the facility's administrator concerning the cessation of general relief payments for July 2011, once the ward qualified for Medicaid Choice waiver payments.

The ombudsman review revealed that in July 2011 the OPA conservator advised the facility's administrator to stop billing the general relief program for July 2011. However, contact with the Department of Health and Social Services (DHSS) staff indicated that the facility was entitled to bill general relief for July 1, 2011 through July 24, 2011, but had not. The ombudsman investigator worked with DHSS staff and negotiated payment to the complainant for this covered period. The investigator also advised the OPA conservator that he had provided misinformation to the facility regarding the general relief payment.

There was conflicting evidence whether the conservator should have filed earlier for the Medicaid choice waiver program. The conservator initiated the application process at the end of June 2011. The complainant contended the conservator should have applied back in August 2010, when he had not even been court-appointed to act as the ward's conservator.

The facility's administrator acknowledged that the conservator inherited a financial mess and the delayed waiver application was not his fault. However, DHSS staff indicated the conservator could have applied for the waiver earlier. Ultimately, the investigator concluded that the conservator's duty was owed to the ward, not to the complainant, a third party.

At the time the complainant accepted the patient into his facility, he was fully aware that the patient only qualified for general relief payments; however, he was hopeful that once the court-appointed a conservator and the financial mess had been resolved, he would get a substantially higher rate of payment for the patient's care. The complainant was referred to the Division of Risk Management to file a claim for additional funds to which he felt entitled.

A2012-0290

Lack of Efficient Appeal Process Leads to Confusion

A Wasilla man contacted the Ombudsman to complain that the Office of Children's Services' (OCS) failed to respond to his appeal on a substantiated protective services report, and failed to provide him with a copy of the family's protective services case file.

An ombudsman investigator contacted OCS management regarding the complainant's appeal request and the agency advised that they did not have record of the appeal request even though the complainant and his attorney state that the appeal was sent to both the Central Office and the

Mat-Su Regional Office. OCS acknowledged that they did not have an efficient system for handling appeals; however, since the complainant filed his original appeal and at the urging of the ombudsman, OCS has implemented a new system for tracking and handling appeals. The complainant has since re-filed his appeal and it was being processed through the Office of Administrative Hearings (OAH).

The ombudsman's review also determined that OCS had failed to thoroughly and timely respond to the complainant's records request. OCS has since provided the requested records to the complainant. The Ombudsman closed the complaint as resolved because OCS forwarded the complainant's appeal to OAH and because the agency has provided the complainant with the requested records.

J2012-0036

CSSD Complaint Prompts Ombudsman Review

An Anchorage man contacted the Ombudsman for help with the Child Support Services Division (CSSD). The complainant asserted that CSSD had been charging him for child support, even though he had custody of his son. He also believed that the arrearage on his case was excessive given that he had shared custody of the child.

Ombudsman investigation determined that when the complainant (formerly the non-custodial parent) first contacted the ombudsman, CSSD was already in the process of suspending the ongoing support obligation. However, because of CSSD regulations and notice of requirements, the suspension did not occur for another month or two, but CSSD removed the arrears that had accrued during that time. Because the complainant had assumed full physical custody early in 2011, CSSD removed arrears from April 2011 forward. The complainant had actually assumed custody during January 2011 when OCS became involved in the mother's custody of the child, so the ombudsman investigator asked CSSD to explain why the arrears for February and March 2011 had not been removed as well. The CSSD worker had no record of having received the necessary documentation from OCS regarding the change in custody; the ombudsman investigator contacted the OCS worker involved, who sent or resent the necessary letter. CSSD began the process for removing the arrears for February and March 2011.

The complainant's arrears prior to 2011 were more problematic. The administrative order was based on the mother having full physical custody. The complainant said that custody had in fact been shared but there was no custody order. However, the complainant had not sought modification of the support order, and is now stuck with the arrears accumulated under the order, regardless of the actual custody situation during those years.

Reducing the support obligation retroactively to account for shared custody would, under Alaska law, count as an illegal retroactive modification of the support order. Because the arrears CSSD is pursuing are owed to the State, not to the other parent, the CSSD complaint resolution manager suggested that the complainant attempt to negotiate a settlement of the arrearage at possibly less than full value.

J2012-0038

Man Says Lack of Fraud Investigation Led to Excessive CSSD Arrears

An Anchorage father filed a fraud claim with the Division of Public Assistance (DPA) over six years ago, alleging that his ex-partner claimed Alaska Temporary Assistance Program (ATAP)

benefits on behalf of their child while the child was in his custody. He complained that DPA never took appropriate action to complete the fraud investigation and, as a consequence, the complainant was still being charged child support.

An ombudsman review determined that the alleged public assistance fraud occurred in 2005-2006. The DPA fraud unit began investigating in 2007. However, DPA the investigation remained open until 2011, when the fraud unit closed it because the statute of limitations had run out and DPA would not be able to recoup any improperly paid benefits. The complainant was not being charged child support for the months that the custodial parent was allegedly committing public assistance fraud. CSSD had already received sufficient notarized statements indicating that the complainant had full physical custody during the months in question, so CSSD had already removed those arrears from the complainant's case, regardless of DPA's delay. The complainant believed that DPA's delay had allowed the custodial parent to receive many months of subsequent ATAP benefits after the periods of alleged fraud, benefits the complainant believed would not have been paid if DPA had completed the fraud investigation and disqualified the custodial parent.

DPA's Chief of Program Integrity explained that if the custodial parent had received an administrative disqualification, the disqualification would probably have been for only six months, not permanent. Also, the disqualification of the parent does not necessarily mean that the child would be ineligible for ATAP. A timely administrative disqualification would not have prevented all of the state arrears from accruing and might have prevented none of them, depending on the composition and resources of the household in which the child was living. The complainant's belief regarding how he was injured by the delay was somewhat inaccurate.

Acting on the ombudsman contact, DPA decided to reopen the fraud investigation and conduct an administrative disqualification hearing, even though DPA cannot recoup any improperly paid benefits at this point.

Complaints Closed as Jurisdictional Assists

A2011-1105

Notice of Appeal Rights Required, but Not Given

A Soldotna mother contacted the Ombudsman's office complaining that the Office of Children's Services (OCS) arbitrarily added a new finding of neglect to a report of harm only after the mother filed a grievance with the agency. The new finding was added to the report of harm six months after the initial report was made, and three months after the OCS investigation of the report of harm was completed.

During the investigation, the ombudsman investigator learned that OCS management staff did not know whether an additional substantiated finding could be added to the agency record during the grievance process, but agreed to consult with the department's assistant attorney general for clarification. Management agreed that adding another substantiated finding during the grievance process appeared retaliatory in nature. The review also found that OCS did not process the mother's complaint in accordance with the agency's policy, and that OCS staff failed to advise the mother that she had the right to file either a grievance with the agency, or appeal the agency's original decision with the Office of Administrative Hearings (OAH). OCS management acknowledged that the agency did not follow proper procedure and agreed that if the agency

makes the decision to retain the additional finding in the agency record, that the mother would be provided with the necessary information to file an appeal with OAH.

The ombudsman investigator advised the mother that the ombudsman was closing her case because OCS had done what they needed to do in terms of advising her of her appeal rights. The Mother was encouraged to call again if she experienced any further difficulty concerning this matter. One month later, the ombudsman had to re-open the case when the investigator learned that OCS had failed to provide the mother with the proper notice of her appeal rights. After ombudsman contact with the agency, OCS followed through on their notice requirement and the case was closed once again.

A2012-0423

After Review, Cost Effectiveness Questioned

A Sitka Mother contacted the Ombudsman for assistance after she discovered that Denali Kid Care unreasonably changed the medical travel arrangements for her and her daughter. According to the mother, she and her daughter flew weekly to Anchorage in order for her daughter to receive lifesaving chemotherapy treatment that was not available in their hometown. Typically, the mother and daughter left Sitka on Sunday, had treatment on Monday, and were home by Monday night. This schedule helped to reduce the burden on the family as there were two other young children in the home and a father who worked nights.

The Division of Health Care Services told the ombudsman investigator that the division decided that the mother and child would remain in Anchorage for 20 days instead of flying home weekly because it was more cost effective. The ombudsman investigator contacted the Medical Administrator for Quality Assurance and Audit who agreed to review the case. After review, the agency determined that the costs were roughly equivalent and, as such, agreed to allow the mother and her child to continue making weekly trips to Anchorage rather than requiring them to stay in Anchorage for the duration.

The Ombudsman discontinued action on the complaint because the individual issue had been resolved.

A2012-0615

DOC Rewrites Policy Relating to Abandoned Property

A Palmer man serving time at a local half-way house was charged with escape and as a consequence \$5,500 in his inmate account was seized from him as part of his property. The escape charge was eventually dismissed when it was determined that it was his roommate who escaped, and not him. After the charges were dropped the complainant made several attempts to find out from the Department of Corrections (DOC), how he could get his money back but he received no response. At that point the complainant contacted the Ombudsman.

The ombudsman investigator contacted the DOC Commissioner's office to determine what the complainant needed to do in order to get his money back. Currently, DOC policy assumes that someone charged with escape does not come back and therefore their property is considered abandoned. According to the Commissioner's Office, the Department was in the middle of changing policy relating to escapees and how to handle their abandoned property.

The ombudsman investigator contacted the Assistant Attorney General responsible for revising the policy and was told that the new policy will include a 90 day holding period, which will

allow for the property to be returned if the escapee comes back during that time. The attorney advised that the complainant should submit a written explanation and request for his money to be returned, and address it to the Probation and Parole officer responsible for the half-way house where the charge originated from.

The ombudsman investigator provided the information to the complainant and discontinued further action as the issue had been resolved.

A2012-0896

What a Statute Says, What an Agency Does

Grandparents residing in Fairbanks contacted the Ombudsman's office complaining that the Office of Children's Services (OCS) was not following the Family Contact Plan that outlines their visitation schedule with their grandchildren who were in state custody. Furthermore, the current OCS case worker had recently banned the grandfather from visiting the child and had not provided any explanation as to why.

An Ombudsman inquiry revealed that OCS was not adhering to the Family Contact Plan, nor had OCS workers provided an explanation to the grandfather as to why he could no longer visit his grandchild. The ombudsman investigator contacted the OCS caseworker who was not aware that she was required to provide written notice for visitation denial. The investigator informed agency staff that AS 47.10.080(p) mandated that OCS caseworkers send written notice of visitation denial to those being denied visitation.

The ombudsman recommended the agency expedite the written notice of visitation denial to the grandfather and include information about how he could appeal the denial decision. The agency agreed and the investigator closed the complaint as resolved.

A2012-1103

DOC Error leads to additional time for Inmate

An Inmate residing in the Anchorage Correctional Complex contacted the Ombudsman for assistance with getting released from jail. He believed that the report he requested of his time accounting was wrong.

The ombudsman investigator contacted Department of Corrections (DOC) records division and was provided a copy of the time-accounting report with a release date scheduled for the end of the month. When the investigator relayed this information to the inmate, he asserted that the time accounting did not reflect that his sentences were to run concurrently, which if correct, would mean that he should have already been released from custody. Upon further investigation, the records staff indicated that the paperwork they received from the court did not reflect that the sentences were concurrent, but the ombudsman reviewed the paperwork independently and found that the court paperwork did in fact state that the inmate's sentences were to run concurrently. The ombudsman investigator requested that the Chief Time Accountant) review the documentation and after that review was completed, the inmate was released within hours.

The Ombudsman closed the complaint as resolved.

A2012-1744

Time Account Delay leaves Inmate Incarcerated

An Inmate housed at the Anchorage Correctional Complex (ACC) contacted the Ombudsman for assistance after the Department of Corrections failed to complete his time accounting review causing him to be held past his release date.

After reviewing the complainant's information, it appeared that he should have been released a few days earlier. The ombudsman contacted ACC records division and asked them to look into the delay. The records department advised that the inmate's time accounting had been completed and he would be released shortly. The investigator relayed this information to the complainant and advised that he could apply to Risk Management for monetary compensation for being held past his due date. The complaint was closed as resolved.

J2012-0358

DOC Error Causes Court Ordered Release Delay

An Anchorage inmate house at Anchorage Correctional Complex (ACC) contacted the ombudsman for assistance in his release. The Complainant reported that the Alaska Court System ordered his release two days prior to the day he contacted the ombudsman.

The ombudsman investigator received the complaint after 4:30 p.m. on a Friday and was unable to reach DOC records staff or the court clerk. The ombudsman investigator left a voicemail for the complainant's attorney, alerting her that the complainant was still in jail and had apparently been trying to reach her but the DOC phone system does not allow inmates to leave voicemails. On Monday, the complainant's attorney called investigator and indicated that DOC has in fact been holding the complainant in error, but she had contacted the jail on Saturday and DOC released the complainant at that point. A review of DOC online records confirmed that complainant's status as "community supervision."

The investigator closed the complaint as partially resolved, because the complainant was released from custody, but the extra day or so in prison is not remedied. The cause of the delay is undetermined.

J2012-0375

Time Accounting Error Almost Delays Release of Inmate

An inmate at the Anchorage Correctional Complex contacted the Ombudsman out of concern that he was not going to be released from prison due to the Department of Corrections (DOC) Board of Parole's delay in processing his time accounting information.

An ombudsman investigator contacted parole board staff and relayed the inmate's concerns regarding his scheduled release date. The board staff issued the complainant's Notice of Board Action and faxed it to the criminal justice technician responsible for updating time accounting sheets at Anchorage Correctional Complex. The criminal justice technician reported to the ombudsman investigator that the inmate was right to be concerned about his release date, as he was supposed to be released the following day.

The complainant was released from jail on time. The complaint was closed as resolved.

A2012-1224

Agency Refunds Overcharge after Ombudsman Intervention

A Kodiak man believed that he was overcharged for his boat and truck while using the Department of Transportation's, Alaska Marine Highway Ferry System (AMHS). He contacted the agency to file a complaint and to request a refund. The agency maintains that the charges are correct and policy was followed. He contacted the ombudsman for assistance.

Ombudsman review showed that AMHS vehicle fares are based on the entire length and width of the vehicle, including any items that the vehicle may be towing. In the complainant's situation, the ferry has an elevator that transports vehicles to the car deck and the complainant's vehicle plus the attached boat exceeded the length of the elevator. Because it was physically impossible for the vehicle and the boat to get on the ferry while connected, the agency agreed to refund the over width amount that the complainant paid for the length of his pickup that was not, in fact, over width.

The Ombudsman investigator closed the complaint as resolved.

A2012-1357

HMCC Retrains Officers After Strip Search in Chapel

A Highland Mountain Correctional Center inmate contacted the Ombudsman for assistance after prison correctional officers strip-searched the inmates in the chapel where a security camera was present.

An ombudsman investigator contacted the HMCC Superintendent and Assistant Superintendent in response to the complaint and reviewed relevant Alaska law and division policy and procedure. Investigation found that DOC did not violate law or policy and procedure in conducting strip searches of a group of inmates and that the site was not unreasonable.

The Hiland superintendent acknowledged that the strip searches conducted on that occasion did deviate from regular practice in that they were done in a room with a security camera. However, statute and policy and procedure do not prohibit or even discuss the presence of cameras during strip searches. DOC advised that the searches were conducted under exigent circumstances as staff were attempting to expedite the searches and urinalysis testing of a large group of inmates and the facility was on a heightened state of alert due to credible information it had received that there was contraband in the facility.

The Superintendent and Assistant Superintendent discussed the issues and the presence of the camera during the strip search with staff involved and informed the Ombudsman that the facility was providing refresher training to all staff, as well as updating its institutional standards of operating procedures on the issue of strip searches.

A2012-1496

Untimely Processing Leaves Man in the Cold

A Big Lake man contacted the Ombudsman seeking assistance to get his heating fuel replenished. The man was awarded an energy assistance grant through the Division of Public Assistance, and the payment was sent to a vendor who went out of business shortly after receiving the funds.

The ombudsman investigator determined that the complainant had not spoken to a supervisor of the program regarding his concerns and provided him with the name and phone number of the program coordinator. He was advised to contact the ombudsman again if the agency was unable

to provide assistance. Two days later, the man called again stating that the payment still had not been processed by the agency. He was concerned because he had young children in his home and it was cold. The ombudsman investigator contacted the Heating Assistance Program and a few hours later, the funds had been appropriately applied. The ombudsman closed the case as resolved.

A2012-1619

Processing Delay Leaves Foster Parent Unpaid for 8 Months

An Anchorage Foster Parent who provided several months of foster care to children in state custody and had not been paid by the Office of Children's Services (OCS). After several attempts to resolve the payment issue with OCS without success, the Foster Parent contacted the ombudsman for assistance.

An investigator contacted OCS and was advised that the Foster Parent began accepting foster children in Mid-March but they did not complete the licensing requirements and become fully licensed until October. The agency requested and received approval to back-date the license so the foster parents could collect payments for the entire time the children were in the home. However, because part of the payment was in the prior fiscal year, there was a delay in processing that portion of the payments. The agency reprocessed and mailed the payments to the foster parent that same day.

The investigator relayed this information to the complainant and closed the case as resolved.

J2012-0265

Ombudsman Assistance Brings Closure to Non-Licensed Facility

An Anchorage woman contacted the Ombudsman for assistance when the Division of Healthcare Services (DHS), Certification and Licensing unit refused to take action against an operator of an assisted living home that was receiving medicine for non-residents of the facility and subsequently administered the medication to another non-licensed facility.

After Ombudsman contact the agency took action and completed an investigation which determined the owner had committed a licensing violation by operating an assisted living home without proper licensure to do so. The licensee was required to take corrective action by applying for licensure. The owner refused and as a result the facility was closed down.

Adult Protective Services, the Office of Public Advocacy, and the DHS Licensing Unit are working cooperatively to find alternative housing arrangements for two remaining residents of the non-licensed facility by the end of the month. The complaint was closed as resolved.

J2012-0463

DPA'S Failure to Return Phone Call Contributes to Delay in Recertification of Benefits

An Anchorage woman frustrated by the lack of response from the Division of Public Assistance (DPA) contacted the Ombudsman for help. The woman reported that the notice of a required recertification sent by DPA did not arrive until the day after the scheduled interview, and that even though she attempted to contact her caseworker several times to reschedule, the worker would not call her back. When the worker finally made contact, he informed the complainant

that he would check into scheduling a new appointment and would call her with the information. She called the ombudsman because he failed to contact her.

DPA's interview notice was mailed over a week before the scheduled interview to the complainant's Anchorage address. Given this information the ombudsman investigator determined that DPA did not appear to have acted unfairly. Once the complainant missed the interview, the case closure notices were automatic, in accordance with DPA's policies. The delay in the complainant being able to speak with the assigned DPA worker was not as long as alleged. However, there was an additional element of delay because the worker did not either conduct, or reschedule the interview when the complainant contacted the worker.

Given that the complainant contacted DPA before the end of the certification period in an effort to reschedule the missed interview, DPA was able to re-open the assistance case as soon as the complainant completed the required interview. A DPA manager promptly called the complainant, conducted the recertification interview, and reopened the complainant's case. The Manager is also addressing training issues related to unnecessary delays in rescheduling the interview.

DPA acted promptly after the ombudsman brought the issue to its attention. The complaint was closed as resolved.

* * *

In addition to this annual report, the ombudsman posts the Matrix of Investigations on the Ombudsman Web site at: <http://www.state.ak.us/ombud>

In the matrix, investigations are sorted by department and division and then chronologically and include the following information:

- An explanation of the allegations made by the citizen and related issues identified by the Ombudsman as having possible systemic impact.
- An explanation of the results of the investigation and the Ombudsman's final finding of record indicating whether the evidence supported the allegations.
- An explanation of recommendations made by the Ombudsman to the agency and the agency's response to the recommendations.
- The final disposition of the case based on the Ombudsman's assessment of the agency's commitment to make constructive changes.
- A notation of whether the Ombudsman issued a public version of the final investigative report. In most cases, a redacted public version of the investigation has been produced.
- The Investigation Matrix includes many cases in which the ombudsman discontinued investigation because the agency resolved the complaint and/or issue after contact with the ombudsman.
- The Matrix includes an easy cross-reference guide which helps readers quickly identify and locate any other agencies included in an investigation.

This electronic version has links to investigative summaries and redacted public reports which can be key word searched using the computer browser "find" feature. This Web page is updated

regularly and provides legislators and staff fast and convenient access to our work. Printed copies of all public Ombudsman investigative reports also are available upon request.

If you have any questions about this annual report, the Investigations Matrix, any specific case, or about ombudsman's office work in general, please feel free to call the Ombudsman Anchorage office at 269-5290 or e-mail us at ombudsman@legis.state.ak.us.

Sincerely,

Linda Lord-Jenkins
State of Alaska Ombudsman