



Alaska Ombudsman 2014 Annual Report

December 30, 2015

Ombudsman Complaints surge; OCS complaints decline in 2014

In accordance with our statutory reporting requirements, the Office of the Ombudsman is pleased to post the Alaska Ombudsman's 2014 Annual Report.

2014 was a busy year on all fronts for the Alaska Ombudsman: Complaints skyrocketed; the Ombudsman Statute was amended to stiffen protections of confidential Ombudsman records and to give the Ombudsman more access to agency records; and the Ombudsman began a regulations revision project. The Ombudsman also created a new feature on the Ombudsman home page called "Case Notes" to allow citizens to see a sampling of the complaints that Ombudsman staff resolved short of formal investigation. The Case Notes is updated regularly and can be found at <http://ombud.alaska.gov/Case-Notes.pdf>

As part of the Ombudsman's reporting requirement, we also are continuing to post summaries of Ombudsman investigations in the matrix of Ombudsman investigations on the Ombudsman website. 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 investigations. The matrix can be found at: <http://ombud.alaska.gov/Matrix.pdf>

The Ombudsman web site also now features an electronic Ombudsman complaint form so that folks can submit complaints directly on line instead of printing out the form and mailing or faxing it. The new electronic form is located at:
http://ombud.alaska.gov/complaint_form_online.php

However, citizens still can print out a hard copy of the complaint form from the on-line version and fill it in to mail or fax to the Ombudsman if they prefer.

And of course, the Ombudsman still has the toll-free phone number at 800-478-2624

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Calendar 2014 saw a significant 35 percent increase in the number of complaints filed with the Ombudsman's office. Ombudsman staff handled 1,610 complaints in 2014, compared to 1,193 complaints filed in 2013.

Complaints closed in 2014 increased by 33 percent over 2013 case closures. Ombudsman staff closed 1,595 complaints in 2014 compared to 1,202 in 2013.

As in past years, the largest portion of complaints filed in 2014 were filed against four Departments and their high-profile divisions: the Department of Corrections (DOC), Division of Institutions; the Department of Health and Social Services, Office of Children's Services (OCS) and the Division of Public Assistance (DPA); the Department of Revenue, Child Support Services Division (CSSD) and Permanent Fund Division (PFD); and the Department of Administration Division of Motor Vehicles (DMV), Public Defender, and Office of Public Advocacy (OPA).

In 2014, 616 complaints were filed against the Department of Corrections; complaints against the Department of Health and Social Services totaled 345; Department of Administration complaints totaled 194; and 98 complaints were filed against the Department of Revenue. Complaints against the Court System totaled 64 and against the Department of Public Safety totaled 57. The Department of Law garnered 33 complaints in 2014. Complaints against the various Alaska Boards and Commissions totaled 80. No other department in state government registered more than 30 complaints in 2014.

Although the Ombudsman has no jurisdiction over municipalities and boroughs unless they contract for Ombudsman services, the office received 123 complaints against various municipalities, boroughs, cities, and towns. All complaints were declined as non-jurisdictional with referrals to appropriate entities

The Ombudsman also lacks authority to investigate complaints against private companies or persons, but we were contacted on 320 occasions by folks seeking assistance in handling those problems. All of these complaints were declined with referrals to appropriate entities.

Complaints about jurisdictional agencies – State of Alaska administrative offices and staff – numbered 1,586 in 2014 compared to 1,193 in 2013. The top level agency category breakdown follows in the chart below. Also listed are categories of non-jurisdictional complaints that people bring to the Ombudsman as well as simple inquiries seeking information.

Agency	Information & Referral	Non-Jurisdictional Decline	Jurisdictional complaints	Pending	Totals
Boards and Commissions	73	3	81	0	99
Court System	14	12	64	0	90
Executive	182	3	1,440	6	1,631
Federal	35	44	1	0	80

Legislature	27	6	5	0	38
Municipalities/ Boroughs	39	81	2	0	123
Private	132	187	1	0	320
REAA	0	0	1	0	1
University System	5	0	10	0	15

DHSS: OCS Complaints Continue Decline; DPA Sees Increase

After a slight decrease in complaints against the Department of Health and Social Services in calendar year 2013, DHSS saw a significant increase in the number of complaints filed against its agencies in 2014. Citizens filed 345 complaints against DHSS in 2014, compared to 281 in 2013, which represents a 23 percent increase in one year.

Much of the increase can be attributed to complaints against the Divisions of Public Assistance and Health Care Services, which increased 81 percent in 2014.

Although the number of DHSS complaints increased in 2014, the Department's portion of the overall 2014 Ombudsman caseload declined, largely because of the dramatic increase in total complaints. Complaints against all DHSS agencies comprised 21 percent of the Ombudsman caseload in 2014. DHSS complaints constituted 24 percent of all Ombudsman complaints opened in 2013 and 25 percent of all Ombudsman complaints filed in 2012.

The portion of DHSS complaints involving the Office of Children's Services (OCS) dropped from 62 percent of DHSS cases in 2013 to 46 percent of all DHSS complaints received in 2014. This drop continues a decline in OCS cases that started in 2012 when OCS complaints totaled 63 percent of DHSS complaints.

Complaints against the Division of Public Assistance and Medical Assistance numbered 116 and accounted for 40 percent of DHSS complaints in 2014; a larger percentage than in 2013 when DPA/Medical Assistance complaints numbered 53 and constituted 21 percent of DHSS complaints.

The remaining 14 percent of DHSS complaints were spread among the other DHSS divisions.

Office of Children's Services

Complaints against OCS declined for a second year in 2014. The Ombudsman received 157 new complaints against OCS in 2014, compared to 174 in 2013, and 183 in 2012. That constituted a 10 percent drop in 2014. OCS complaints accounted for 10 percent of the 2014 Ombudsman *total*/complaint caseload down from the 15 percent of all

Ombudsman complaints in 2013. Some of the decline in total percentage of OCS cases can be credited to the overall increase in Ombudsman complaints in 2014.

The Ombudsman closed 150 complaints against OCS in 2014 compared to 182 in 2013 and 185 in 2012.

The Ombudsman also completed one full formal investigation of OCS in 2014. Like many OCS investigations, much of the information uncovered by the Ombudsman is confidential by law. The Ombudsman, therefore, did not issue a public report of this investigation. A redacted summary of the complaint is provided later in this report.

2014 Office of Children Services Complaint Categories

Category	Number of issues raised in complaint	Percentage of overall total
Unfair Removal Insufficient Cause	62	39%
Delay	43	27%
Visitation	37	24%
Harassment/intimidation Discourteous/Discriminatory	35	22%
Unresponsive	32	20%
Placement	28	18%
Foster Parent/Foster Home	24	15%
No Investigation of ROH	19	12%
Insufficient documentation/Misinformation	19	12%
ICWA	17	11%
Grandparent	12	8%
Lack of Notice	9	6%
Access to records	8	5%

Grievance or Appeal	8	5%
Breach of Confidentiality	7	4%
Adoptions	5	3%

Many complainants present more than one allegation to the Ombudsman and not all issues are included in the above chart, therefore the numbers above do not add up to 100 percent.

Wasilla OCS complaints drop slightly in 2014

Complaints against the Wasilla office of OCS dropped for the third year running in 2014. Wasilla OCS complaints hit a high of 36 percent of all OCS complaints in 2011 but dropped to 27 percent of OCS complaints in 2012, and dropped again to 17 percent of all OCS offices in 2013. Thirty complaints were filed against Wasilla OCS in 2013; and 27 complaints in 2014. The percentage of complaints for 2013 and 2014 remained at 17 percent of all OCS complaints.

Division of Public Assistance complaints more than doubled in 2014

Complaints against the Division of Public Assistance (DPA) in 2014 more than doubled to 116 compared to 53 complaints in 2013. DPA complaints comprised 7 percent of all 2014 Ombudsman complaints and 40 percent of DHSS complaints in 2014. In 2013 DPA complaints comprised 21 percent of DHSS complaints and 4 percent of all Ombudsman complaints in 2013. None of the DPA complaints required a formal finding and report.

Department of Corrections Complaints Skyrocket in 2014

Complaints filed against Alaska's prison system in 2014 showed the most dramatic increase of any agency in the last 20 years. Corrections complaints jumped by a dramatic 55 percent from 397 complaints filed in 2013 to 616 in 2014. DOC complaints filed in 2014 constituted 38 percent of all Ombudsman complaints filed as compared to 33 percent of all complaints filed in 2013.

Complaints against the **DOC Division of Institutions** comprised the majority of 2014 DOC complaints, totaling 512 of 616 DOC complaints, or 83 percent of all complaints filed against the DOC. Complaints against the Division of Institutions numbered 287 in 2013 or 72 percent of all DOC complaints for 2013.

In March 2012, DOC opened its newest correctional facility, Goose Creek Correctional Center in Wasilla. Full operation of the facility began in October 2013. As of December 31, 2013 Goose Creek had 1,365 inmates in residence. The Ombudsman received 71 inmate complaints about Goose Creek in 2014.

Complaints against the **DOC Division of Probation and Parole** totaled 48 in 2014 compared to 34 in 2013.

Department of Corrections Division Breakdown

	2012	2013	2014
All DOC complaints	298	397	616
Division of Institutions	254	357	512
Division of Probation and Parole	36	31	48
Remaining Divisions	10	27	55

2014 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 2014.

FACILITY	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
ACC-EAST	21	33	24	34	12	21	25	88	122	158
ACC-WEST	12	18	20	10	13	10	10	33	55	31
ANVIL MT.	2	2	4	2	1	8	3	5	4	4
AZ. CNTRL	2	1	4	10	3	1	--	--	--	0
FCC	6	13	10	6	3	3	4	7	10	5
GCCC	0	0	0	0	0	0	0	8	32	71
HMCC	8	3	6	7	16	15	35	22	25	74
HUDSON	--	--	--	--	1	23	30	3	2	0
KCC	4	1	4	4	3	12	8	5	4	4
LCCC	6	6	4	9	17	15	12	8	13	32
MAT-SU	1	2	2	3	1	6	5	7	6	6
M.CREEK	5	1	--	--	--	--	--	--	--	0
PCC	7	3	6	7	6	14	2	9	29	65
PT. MACK	0	3	0	1	1	2	2	2	2	0

SCCC	7	14	21	19	44	28	26	23	16	26
Wildwood Correctional	2	2	4	4	6	15	12	2	9	16
Wildwood Pre-Trial	6	4	10	6	6	4	1	5	3	4
YKCC	1	2	2	1	0	2	7	4	--	4
Institution Miscellaneous	21	19	27	20	12	27	17	20	6	19
TOTAL	102	119	132	112	133	185	199	254	338	504

DOC Complaint Category Breakdown

Many complainants present more than one allegation to the Ombudsman and not all issues are included in the following, therefore the numbers do not add up to 100 percent.

- Allegations about **time accounting** arose in 112 complaints, or 18 percent of correctional facility complaints. When combined with the category of **delayed release**, the issue of late release grew to 43 percent of the 615 complaints filed against DOC in 2014.
- Independent of other categories of release, complaints about **parole** numbered 40, or 6.5 percent of complaints against DOC.
- Complaints involving **health issues** comprised 24 percent of complaints about state correctional facilities. These 145 complaints broke down as follows:
 - Allegations about problems with **medical care in general** were included in 94 complaints.
 - Allegations about **medications** appeared in 27 complaints.
 - Allegations about **dental problems** appeared in 10 complaints.
 - Allegations involving **mental health** issues arose in 14 complaints.
 - Allegations about **inadequate dental care** arose in 10 complaints.
- Allegations about DOC staff **failing to respond** to questions or requests arose in 70 allegations, or 11.4 percent of complaints about state correctional facilities;
- Allegations about **delayed agency responses or decisions** on grievances and appeals arose in 96 allegations, which constituted 15 percent of correctional facility complaints,
- Allegations about **access to law library materials, law library computers, records, and legal forms** arose in 37 allegations, which constituted 6 percent of complaints.

- Allegations about **physical abuse or assault** arose in 23 allegations which constituted 4 percent of the complaints.
- Allegations about **administrative or punitive segregation** arose in 49 allegations, which constituted 8 percent of complaints.
- Allegations about **classification/custody level** arose in 52 allegations or in 8.5 percent of complaints about correctional facilities.
- Allegations about **inmate property** arose in 46 allegations, which constituted 7 percent of complaints.
- Allegations about **disciplinary** actions arose in 41 allegations, which constituted 7 percent of complaints.
- Complaints about **transfers** totaled 24 allegations in 4 percent of all complaints filed.

Of the 616 DOC complaints **closed** in 2014, 70 percent were *declined*, usually with referral to the DOC grievance or appeal process; 26.5 percent were closed with some form of *assistance* or advice, usually about the DOC grievance/appeal process; review was *discontinued* in 3.6 percent of the complaints in accordance with Ombudsman regulatory guidelines after a more extensive review; and 3 cases were *fully investigated*.

The fully investigated cases involved the following allegations:

- An inmate complained that DOC lost his money during a transfer from a rural contract jail to the Anchorage Correctional Complex – twice. The Ombudsman found his allegations justified and recommended DOC reimbursed him. DOC agreed and paid the reimbursement.
- A Goose Creek Correctional Center inmate complained that a Correctional Officer (CO) posted a note about the complainant on a “white board” visible to other inmates. The complainant contended that the note led other inmates to believe he was giving guards information about other inmates. The inmate alleged he asked that the information be removed but the CO refused and the inmate was beaten up by two other inmates days later. He also complained that GCCC improperly screened his grievance about the issue. The Ombudsman found his allegations justified and rectified.
- A Palmer Correctional Center (PCC) inmate complained that a PCC disciplinary committee found him guilty of the infraction of possession of heroin even though a PCC sergeant broke chain of custody by taking the evidence – the heroin – home with her. The Ombudsman found the allegations justified but not rectified.

These investigations are more fully discussed later in this report.

Department of Revenue

Complaints filed against Department of Revenue agencies increased by 32 percent in 2014. Citizens filed 98 complaints against Revenue in 2014, an increase over the 74 complaints filed in 2013. However, Revenue remained at 6.2 percent of all Ombudsman complaints opened in calendar year 2014, because of the overall increase in Ombudsman complaints.

Child Support Services Division (CSSD)

Citizens filed 98 complaints against Child Support Services Division (CSSD), totaling 3 percent of all 2014 Ombudsman complaints and 54 percent of all complaints filed against the Department of Revenue in 2014. In comparison, the 74 complaints filed against CSSD in 2013 constituted 4 percent of all 2013 Ombudsman complaints and 64 percent of complaints about Revenue agencies that year.

- Allegations about CSSD's garnishment of or failure to garnish an obligor's PFD or wages were included in 32 percent of complaints filed against CSSD. Only one complaint filed in 2014 was about a lien placed against an obligor.
- Fifty-six percent of the CSSD complaints included allegations of inefficiency by the agency for failing to properly credit payments to the support obligor, failing to process paperwork, failing to make timely payments to custodial parents, or failing to notify a case party of an event or requirement.
- Thirty-two percent of allegations filed against CSSD alleged a calculation error.
- Fourteen percent of allegations filed said CSSD staff didn't respond to the complainant's contacts or request for information.
- Eighteen 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.
- Complainants which involved support actions in other states totaled 19 percent.
- Other complaints included access to records, change of custody, courtesy or discrimination by agency staff, grievances against staff, paternity, and retroactive enforcement.

Again, many complainants presented more than one allegation to the Ombudsman and not all issues are included in the preceding list, therefore the numbers do not add up to 100 percent.

Of the 98 CSSD complaints closed in 2013, 23 percent were closed with some form of assistance and review; 75 percent were declined, usually because the complainant had not used the agency complaint resolution process first or because the issue had been decided in court; two percent were discontinued as resolved and none were formally investigated.

Permanent Fund Division

Citizens filed 41 complaints against the Permanent Fund Dividend Division in 2014. Those complaints constituted 3 percent of all Ombudsman complaints in 2014 and 42 percent of all complaints filed against Revenue in 2014. In 2013 the 19 complaints filed against PFD constituted 2 percent of all Ombudsman complaints and 26 percent of all complaints filed against Revenue agencies.

No single category of complaints was significant. Only six complainants alleged they were improperly denied their PFD. Six complainants complained about garnishment of their dividends.

Of the PFD complaints closed in 2014, 42 percent were closed with some form of assistance and review, and 58 percent were closed as jurisdictional declines, usually after providing referral information to the PFD complaint resolution process or because the complainant was already involved in the appeal process. None of the PFD complaints were discontinued and none were formally investigated.

Department of Administration

Citizens filed 194 complaints against the Department of Administration in 2014, an increase of 29 percent from the 150 complaints filed in 2013. The 2014 complaints against Administration constituted 12 percent of all Ombudsman complaints filed, compared to 2013 when complaints against Administration constituted 13 percent of all Ombudsman complaints. 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 (R&B) doubled in 2014 to 32, which constituted 16 percent of all Administration complaints and 2 percent of all Ombudsman complaints that year. In 2013, R&B complaints constituted about 1 percent of all complaints filed with the Ombudsman and 9 percent of all complaints filed against Administration.

The relatively low number of complaints against R&B made assigning percentages to individual categories meaningless. Generally, complaints were filed about problems with insurance coverage, unresponsiveness by agency employees, misinformation provided by agency employees, refusal to reimburse excess retirement contributions, the amount of premium payments for insurance, hardship withdrawals from retirement accounts, disability payments, and a failure of the agency to notify of reduction in benefits.

Thirty-one percent of R&B complaints were closed with some form of assistance; 59 percent were declined as premature, usually with a referral to the agency complaint process; no cases were discontinued or closed as fully investigated and three complaints remain open.

Division of Motor Vehicles

Allegations against DMV comprised 18 percent of complaints filed against DOA in 2014 and 2.1 percent of all Ombudsman complaints in 2014, compared to 2013, when DMV complaints constituted 19 percent of all DOA complaints and 2.3 percent of all Ombudsman complaints.

Complainants alleged the agency provided incorrect information; unfairly revoked or suspended driver's licenses; made unfair requirements of drivers such as acquiring SR22 insurance, completing the Alcohol Safety Action Program (ASAP), or 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. Citizens also complained about unfair fees for in-person service and about offices being closed or not easily accessible.

Of DMV complaints closed in 2014, 31 percent were closed with assistance provided to the complainant and 71 percent were closed with referral to the agency complaint/appeal process. In 2013, 39 percent of DMV cases were closed as assists; 58 percent were closed as declines with referral to the agency process; one was discontinued after a more extensive level of review; and no full formal investigations were conducted.

Alaska Public Defender

Complaints filed against the Public Defender in 2014 comprised 3.6 percent of the Ombudsman's 2014 caseload, compared to 3.7 percent of the total Ombudsman caseload in 2013. The Ombudsman received 58 complaints against the Public Defender in 2014 compared to 44 in 2013.

Complainants primarily alleged that their public defender was non-responsive or ineffective or the complainants wanted a different attorney.

Of those complaints, 16 percent were closed as assists; 82 percent were declined, usually with a referral to the agency director, and one (2 percent) was discontinued.

Office of Public Advocacy

The 68 complaints filed against the Office of Public Advocacy in 2014 represented a 31 percent increase over complaints filed against OPA in 2013. OPA complaints constituted 4.2 percent of the Ombudsman's overall caseload in 2014, a slight increase over 2013 when 51 complaints were filed against OPA for 4.3 percent of Ombudsman caseload. In 2014, OPA complaints comprised 35 percent of all Administration complaints, a slight drop compared to 2013 when the complaints comprised 34 percent of Administration caseload.

The dual nature of OPA's responsibilities as Public Guardian and conflict defense attorney for the state's indigent population was obvious in the category breakdown. Eighty-two percent of complaints received in 2014 concerned the actions of OPA

conservators or public guardians, compared to 18 percent of complaints about OPA defense attorneys.

Complaints against the public guardian section of OPA included allegations that OPA guardians placed unreasonable restrictions on finances of those under guardianship or conservatorship by withholding or stealing money, refusing to increase their allowance, refusing to buy requested items, or refusing to allow the person to live where they wanted.

Complainants also alleged OPA Public Guardian staff was non-responsive, failed to take appropriate actions to protect wards and failed to provide adequate medical care to wards.

Complaints against the OPA conflict counsel section generally alleged OPA provided ineffective assistance or were unresponsive to clients. Because OPA often contracts with private attorneys to provide representation to clients the Ombudsman cannot review many of those complaints. The Ombudsman has no statutory jurisdiction over the actions of private citizens, even if they contract to perform a task for the State.

Of all complaints filed against OPA in 2014, 21 percent were closed with assistance to the complainant, 72 percent were declined as premature and referred to agency complaint processes, six percent were discontinued, and one was fully investigated.

The fully investigated complaint involved an allegation that an OPA guardian mishandled affairs at the death of an adult ward. A synopsis of that investigation is included later in this report.

Department of Public Safety

Department of Public Safety (DPS) complaints increased in 2015 by more than 58 percent. Citizens filed 57 complaints against DPS agencies in 2014 compared to 36 in 2013. DPS complaints totaled 3.5 percent of all Ombudsman complaints filed in 2014 compared to 3 percent of overall Ombudsman complaints in 2013.

Of the 57 complaints filed against DPS in 2014, only one was not filed against the Alaska State Troopers; that sole outlier was filed against the Fish and Wildlife Detachment. In 2013 complaints against AST constituted 82 percent of all DPS complaints.

Complaints against AST included allegations that Troopers failed to investigate or inadequately investigated a criminal complaint; harassed, assaulted or used excessive force during an arrest; were non-responsive or failed to provide information; or delayed action. The remainder of the complaints included employee misconduct, improper charges, falsifying evidence, and illegal confiscation.

Of complaints filed in 2014, 12 percent were closed as assists; 84 percent were declined as premature and referred to the AST complaint process; review of one complaint was discontinued, no complaints against DPS were fully investigated and one complaint was pending at the time of this report.

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The remaining complaints opened in 2014 were distributed among the other state agencies.

How Ombudsman Complaints are categorized

Ombudsman staff closed 1,595 complaints in 2014.

Jurisdictional Assists: In 2014, staff closed 27 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 essentially 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 relevant information provided to the complainant.

Jurisdictional Declines: In 2014, staff closed 68 percent of all complaints as "jurisdictional declines." In those cases, staff reviewed the complaint and, if the complainant had an available grievance or appeal process available, the Ombudsman advised the complainant to use the agency complaint process.

Ombudsman staff tries to teach complainants how to deal with their government before we become involved. In such cases, the complainant is encouraged to return the complaint to the Ombudsman if they believe the agency handled their appeal or grievance improperly. In that way, the Ombudsman can review how the agencies handle complaints about their 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 2014, 4 percent of all complaints closed were discontinued. This may occur for several reasons: the Ombudsman resolved the issue with the agency, the complaint became subject to a court ruling, 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: In 2014 the Ombudsman concluded six investigations with formal reports. Cases selected for formal investigation are those that involve health and safety issues, that have potential to affect agency policy, that affect large numbers of citizens, or that involve serious allegations that warrant independent review such as allegations of police brutality or employee misconduct.

Informational Referrals and Non-Jurisdictional Declines: In 2014, the Ombudsman documented 843 contacts from citizens seeking Ombudsman assistance or information on how to address problems with entities not subject to Ombudsman jurisdiction. This is a 1 percent increase from 2013. Ombudsman front-desk/intake staff usually handles these calls.

Ombudsman staff does its 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, the Social Security Administration, or local 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

Summaries of complaints that were fully investigated and a sample of cases discontinued as resolved follow below.

Message on Board Leads to Drubbing

A Goose Creek Correctional Center (GCCC) inmate filed a complaint with the Ombudsman alleging that two other inmates assaulted him after a corrections officer (CO) posted a message about him on a dry erase board visible to other inmates. He said that immediately after the CO wrote the note, other inmates started asking if he knew about the note, and if he was ratting on other inmates.

The inmate said approximately two days after the note had been posted, he spoke with the CO and his sergeant and requested it be removed because it was causing him problems with the other inmates. He said they refused. Later, two other inmates who had read the note on the dry erase board accused him of being a snitch and assaulted him. He claimed the two beat him because the posted message implied he was giving guards information about other workers for preferential treatment.

The Ombudsman found the inmate's complaint justified and also found that agency staff had improperly screened out the inmate's grievance about the dry erase board contrary to Department of Corrections' policy. (A2013-0859)

Inmate Disciplined for Mystery Class-A Felony

An inmate at Palmer Correctional Center complained that his right to due process of law had been violated in a prison disciplinary hearing. The complainant stated that he had been disciplined for heroin that had allegedly been found in his cell while he was in segregation. The complainant alleged that a correctional officer had taken the alleged substance home, kept it overnight, and then brought it back to the facility the next day

before testing it. The complainant said that the drug was not his and that he did not know how it came to be in his cell. The complainant asserted that there was no way for him to defend himself because he had no information about where the material came from and what the officer had done with it while it was outside of the institution.

Investigation revealed that the complainant had been accused and found guilty of committing a Class A or unclassified felony while in prison. Unclassified and Class A felonies are the most serious offenses in Alaska, and include crimes such as first degree murder, arson, and sexual assault. The complainant had never been told specifically which Class A or unclassified felony he supposedly had committed. Possession of heroin is a Class C felony and would not support the far more serious disciplinary finding that the complainant had committed an unclassified or Class A felony.

Also, contrary to well-established state and federal law, the disciplinary report had not been written by the person with the most direct knowledge of the alleged crime. As the charging document in a prison discipline case, it should have been written by the person who had direct knowledge of where the alleged contraband had come from and why it was believed to have belonged to the inmate. Instead, the report had been written by an officer who had been handed the substance for placement in an evidence locker. He was not present when the material was discovered and had no direct knowledge linking it to the complainant.

The agency did not call any witnesses at the complainant's disciplinary hearing. The only evidence was the report stating that the material had been handed to the reporting officer, who was told it belonged to the complainant. The report stated that the officer put the material in a cargo pocket, took it home, brought it back the next day, and tested it, whereupon the officer learned that it was heroin.

Contrary to state law, the disciplinary committee did not make any findings of fact to explain what it believed the inmate did and why it believed he was guilty. While the facility has the burden of proving allegations by a preponderance of the evidence, in this case there was no evidence to support commission of any crime other than, potentially, possession of heroin. The finding that the complainant had committed an unspecified Class A or unclassified felony was plain error. Even for a Class C felony, the facility would have had to present evidence and make findings of fact before it could find the inmate guilty. In this case there had been no evidence presented that directly linked the inmate to the contraband.

While it was true that the correctional officer took the alleged contraband home before bringing it back to the facility for testing, the Ombudsman did not find that this constituted a violation of due process. The complainant could have called the officer to testify about the chain of custody, but did not. The Ombudsman found this part of the complaint to be unsupported.

The Ombudsman recommended that the inmate be released from punitive segregation and that the findings of guilt be vacated. While the agency did not dispute that it had violated the inmate's constitutional rights, it characterized the violations as minor

technicalities. The agency stated that it had conducted a new hearing to remedy the errors in the first hearing, but it did not provide any documentation. (A2014-1621)

OPA Forgets Dead Ward

The Ombudsman received a complaint alleging that an OPA guardian failed to notify a ward's family of his death. The family only learned of his passing months later after staff at the ward's assisted living home sent a sticky note with condolences attached to some of the ward's cards and letters found in his room.

Investigation revealed that the agency was appointed guardian after the ward was diagnosed with terminal cancer. The ward died several months later. The guardian failed to complete any end-of-life planning with the ward or locate his next-of-kin. The ward's body was stored by the funeral home for several months, until the family learned of his death, which resulted in \$1,000 storage fee against the ward's estate.

The Ombudsman found the complaint justified and recommended that the agency implement a system to track deceased wards' remains, conduct training on finding relatives and next-of-kin, and that the agency reimburse the ward's estate for the storage fees that would not have been incurred but for the guardian's lack of advance planning.

The agency disputed the Ombudsman's findings but agreed to implement the recommendations. The complaint was closed as justified and rectified. (A2014-0269)

DOC Loses Inmate's Money—Twice

An inmate alleged that the Department of Corrections (DOC) lost \$60 in cash when he was transferred to Anchorage Correctional Center East (ACCE) from a municipal jail. After the Ombudsman contacted DOC, the agency reassessed the inmate's property claim and reimbursed him for the loss.

While this resolved the inmate's immediate complaint, questions remained about ACCE's property processes. These concerns were underscored when ACCE lost a much larger amount of the inmate's money a few months later while the Ombudsman investigation was pending. In the second instance, ACCE had counted the money in front of the inmate who signed the property inventory, but the cash went missing the next day and was never recovered. ACCE promptly reimbursed the inmate without Ombudsman involvement.

The Ombudsman found the complaint partially justified and made several recommendations. The Ombudsman is not releasing the recommendations publically because they relate to security at the institution. DOC accepted some, but not all, of the recommendations. (A2013-0210)

Complaint Reveals Sketchy Grant Process

The complainant alleged that the Alaska Energy Authority flubbed the initial grant cycle for the Emerging Energy Technology Fund by failing to enforce eligibility requirements, failing to provide notices of key agency meetings, failing to award grants in accordance with statutory priorities, and allowing a contractor's conflict of interest.

Investigation revealed that two of the complainant's allegations were justified. AEA did, in fact, allow an ineligible applicant to proceed past the initial phase of the grant process. And, while the agency had issued public notice of the two meetings in question in accordance with state law, it failed to also send notices of the meetings via its list-serve, established to send notices to parties specifically interested in the grant fund. The Ombudsman did not find, however, that AEA failed to utilize the statutory priorities for awarding grants or that a conflict of interest existed with the agency's contractor.

The Ombudsman recommended, for future grant cycles, that it enforce the eligibility requirements and provide notices in a consistent fashion. (A2012-1355)

Foster Kids Removal Flawed

The foster mother of three children in state custody complained to the Ombudsman that the Office of Children's Services (OCS) had removed the foster children from her home for insufficient reasons and without considering all relevant factors. During the investigation, the Ombudsman added several more complaints.

The investigation showed that OCS had not considered all relevant factors prior to moving the children to another foster home. In fact, during the investigation, OCS returned the children to the foster parent's home after talking with the children's therapist and guardian ad litem.

Prior to taking the children, OCS had failed to notify the foster mother about her rights to grieve the non-emergency removal. The OCS caseworker admitted that she was unaware of a foster parent's right to grieve removal of a foster child. OCS had also failed to notify the biological parents of the children's return to the foster home, as required by Alaska law and agency policies and procedures.

An OCS caseworker took more than six months to complete her investigation of the protective services report made against the foster mother. Because foster parents are also subject to OCS licensing requirements, a licensing worker also investigated the allegations. That worker did not complete his report of investigation for almost a year from the date of the first report.

Investigation showed that OCS child protective services and licensing workers failed to document interviews and meetings on several occasions, and that OCS caseworkers had not conducted in-home visits with the children as required by policy.

The Ombudsman made the numerous recommendations to the agency, regarding notice, procedures, and staff training. (A2009-1454)

Examples of Discontinued Investigations during 2014

Application to Cross Tracks Expensive

A citizen who was considering applying for a railroad crossing permit contacted the Ombudsman because he felt the \$500 application fee was excessive, especially because he had been told his permit likely would be denied. The Ombudsman contacted the Alaska Railroad Corporation (AKRC) and determined the fee was reasonable in light of the number of people that had to evaluate a potential crossing. However, the real estate manager noted that the complainant's permit application would likely not make it past the first safety review, because the area of the requested crossing is dangerous. The real estate manager stated that AKRC would evaluate the application to see if it would pass the first safety review before requiring the complainant to pay the \$500 fee, because the fee is meant to cover personnel costs that would not be incurred until later in the process. (A2014-0336)

Ombudsman Corrects Corrections

An inmate contacted the Ombudsman because he believed he was past his release date. His time accounting had not been finished, so he was still being held. The Ombudsman contacted the Anchorage Correctional Complex records office and they completed the inmate's time accounting, but the Ombudsman noted that an incorrect sentence length was used, creating a release date weeks in the future. The Ombudsman informed the records office and the inmate was released later that day. (A2014-0779)

Ombudsman Looks at Difficult Foster Placement

A mother contacted the Ombudsman because she believed that the Office of Children's Services had placed a sexually aggressive foster child in the home of the complainant's ex-spouse, giving the aggressive child access to the complainant's child. Intake reviewed OCS records and determined that the complainant's child was never alone with the other child. In the meantime, OCS removed the foster child when the possibility that the children had been alone together was expressed. The foster parents were aware of the sexual aggression and had multiple safeguards in place. Further OCS investigation showed that the concern the children were alone together was not valid. Intake advised the complainant that OCS had responded appropriately and that her child was likely never in danger. (A2014-0155)

No More Cell Call Waiting

The Department of Corrections was not allowing inmates to call cellular phones from some institutions. The Ombudsman contacted the Director of Institutions and learned

that the ban arose from the prison phone contractor not allowing accounts to cell phone numbers for security reasons. However, cell phone technology had advanced to the point where cell phone calls posed no security threat, and the prison phone contractor now was okay with them. The Ombudsman advised the Director of Institutions of the new situation, and he stated phone calls would now be allowed to cellular phones. (A2014-0736)

Billing Error Reveals Child's Location

The Division of Public Assistance (DPA) continued to bill the insurance of a parent whose parental rights had been terminated. The child's grandparent contacted the Ombudsman because this billing meant the parent could learn the child's location. This location was confidential for the child's safety.

The complainant had contacted DPA, but had not received a response to her complaint. The Ombudsman contacted the DPA Director's Office and learned that DPA had multiple supervisors working toward a solution and change in procedures to prevent the issue from occurring again. The complainant was satisfied that DPA was addressing her complaint thoughtfully and thoroughly. (A2014-0450)

Check-Box Error, Joint Credit Cards Threaten Woman's PFD

A woman contacted the Ombudsman about a problem with her Permanent Fund Dividend. She explained that she and her husband had received every PFD issued since the program began until this year. She said that this year she and her husband made a mistake while completing the online applications. They had been out-of-state visiting their daughter when they applied and accidentally checked the box indicating that they were completing the applications in-state.

She said that PFD requested a bunch of documentation from them in order to determine their eligibility, including credit card statements from before and after their trip out-of-state. She said that they had provided the documents as requested and that PFD had approved her husband's application but not hers. The eligibility technician told her that she needed to submit statements in her name only, but the complainant only held credit cards jointly with her husband. She said the agency had accepted joint statements to approve her husband's application, so she could not understand why those documents were not sufficient for her application.

The Ombudsman contacted the PFD Eligibility Manager about the complaint and asked her to review the complainant's application. After doing so, the agency approved the complainant's application with no other documentation required. The Ombudsman closed the complaint as resolved. (J2014-0320)

Woman Complains About Rent Hike; Ombudsman Helps Her Get Decrease

A woman complained that Alaska Housing Finance Corporation (AHFC) increased her portion of rent based on a new policy. She had just received notice that her portion of rent was due to increase by several hundred dollars a month. The woman lived with her disabled adult son in a two-bedroom apartment. She said that the rent increase would force her to move to a cheaper one-bedroom unit.

The Ombudsman walked the complainant through the process of requesting an informal conference with AHFC regarding the rent increase. The complainant ultimately requested a reasonable accommodation due to her son's disability. The accommodation, which the agency granted, increased their subsidy level and decreased the amount of rent that the complainant was responsible for paying.

The Ombudsman also followed-up with the agency regarding the new "policy" cited by the complainant. It turned out that the complainant was confused about why her rent had increased. AHFC had changed its subsidy levels several years ago – going from a bedroom-based subsidy level to levels based on the number of people in the household. In making this change, the complainant went from a two-bedroom subsidy to a Level One subsidy (which consists of households of 1-2 persons). The new subsidy level simply dictates the amount of money the agency contributes towards the client's rent. The complainant had been listed as a Level One subsidy recipient for about two years before receiving the rent increase notice.

The reason for the rent increase, AHFC explained, had nothing to do with the several years old policy change but was due instead to her increase in income. When the agency re-certified the complainant, it began counting her earned income when calculating her portion of rent. But, because the agency granted her request for a reasonable accommodation, she was able to stay in the two-bedroom apartment with her son. The Ombudsman closed the complaint as resolved. (A2014-1344)

OPA Makes Beneficial Mistake

A former ward of the state complained that the Office of Public Advocacy (OPA) failed to notify the Social Security Administration that her guardianship had terminated. As a result, SSA continued to send checks to OPA, delaying the complainant's ability to pay her bills.

Investigation revealed that OPA's policy requires staff to notify SSA of payee changes, which they failed to do. On the other hand, the complainant herself still needed to contact SSA and let them know where to direct her funds. If OPA had followed policy, it likely would have resulted in a longer delay for the complainant, because SSA would have simply held the complainant's benefits until she contacted that agency directly – which she did not do for several months. In this instance, however, OPA was receiving and redirecting the funds to the complainant in a timely fashion, generally within two business days.

Because the agency acknowledged that it needed to revise its policies to include information on how to deal with a guardianship that has been terminated for reasons other than the death of the ward, the Ombudsman determined that a full investigation was not warranted in this case. (A2014-0099)

No Good Deed Goes Unregulated

A community member of a small Alaska town contacted the Ombudsman and complained that the Department of Environmental Conservation (DEC) was prohibiting him from providing school lunches at his own expense to needy children at the local school.

The Ombudsman learned that the school had discontinued its school lunch program several years ago due to budgetary constraints. The complainant then began to volunteer his time and personal funds to prepare hot lunches at his home for needy students.

DEC recently learned that the school was allowing school lunches to be distributed to the students in this manner, which is a violation of DEC standards and regulations that govern food service in a public facility. DEC cited requirements that school meals be prepared in a permitted kitchen and served immediately after preparation. Food not prepared and served in this manner creates a public health issue as there is an increased risk of foodborne hazards and contamination, according to DEC.

In an attempt to resolve the problem, DEC reactivated the school's kitchen permit to allow community members to prepare lunches in the school kitchen. The Ombudsman closed the complaint as it appeared DEC took reasonable steps to address the problem and provide options to the school and the complainant so that the food being provided for school lunches complies with DEC standards and regulations. (A2014-1712)

Ombudsman Looks at Inmate Medical and Mental Concerns

An inmate complained to the Ombudsman that (1) Spring Creek Correctional Center staff had failed to respond to two medical grievances filed several months prior to his complaint; (2) that staff terminated the inmate's mental health treatment; and (3) that DOC has not provided reasonable accommodations for the inmate's disability.

After contact with the DOC Deputy Director of Inmate Health Care, the Ombudsman learned that the institutional staff had improperly routed the complainant's medical grievances, which led to the grievances being stuck in never-never land. However, after Ombudsman contact, the deputy director found the grievances and responded. The next step for the inmate is an appeal to the Medical Advisory Committee.

Concerning the inmate's allegation that DOC staff had terminated his mental health services, the agency provided contrary information that the inmate was in fact receiving daily mental health services and had self-reported an improvement in symptoms. The

complainant was advised that the Ombudsman lacked the necessary medical expertise to second-guess the opinions or treatment recommendations of medical professionals.

With respect to the ADA accommodation complaint, the agency had no record of the complainant requesting an accommodation. Accordingly, the Ombudsman provided the inmate with information on how to request an ADA accommodation. The complaint was closed as partially resolved. (A2014-1289)

Agency Imitates Rip Van Winkle; Ombudsman Wakes It Up

A woman complained to the Ombudsman that she had filed an appeal with Retirement and Benefits concerning her survivor's benefits, but she had not received any further information from the agency concerning the status of her appeal despite multiple requests. The Ombudsman contacted the appeals manager to prompt action after it became clear that he failed to respond to the complainant.

In July 2014, the agency had advised the complainant by letter that her claim was denied and advised her she could appeal the decision to the Office of Administrative Hearings (OAH), which she did. The R&B appeals manager then failed to respond to multiple contacts by the complainant for two months and did not explain the situation. The complainant understandably assumed her appeal was pending because she had filed the paperwork provided to her by the agency.

However, after Ombudsman contact, the agency said that the complainant could not appeal the decision because it was made by an intermediate manager, not the chief pension officer. Thus, there was no "final" agency decision to appeal.

After more prompting by the Ombudsman, the chief pension officer issued a final decision denying the claim. The complainant said that she has now filed an appeal with OAH. Further Ombudsman investigation was discontinued per 21 AAC 20.010(a)(2)(A), which states that the Ombudsman may not investigate a complaint that is currently the subject of an administrative hearing or administrative appeal. (A2014-1372)

Preferred Provider Switcheroo Causes Retiree Grief

A man called the Ombudsman to complain that his retiree health insurance benefits were not paying for a procedure it had previously covered. The Ombudsman learned that the hospital the man went to was a preferred provider at the time of the first procedure, but after the division changed third-party administrators, it is now considered out-of-network. The man was advised to use the appeal process available to him and to ask the hospital to reduce the charges to equal the amount covered by insurance. (A2014-1432)

Court Scare Burns Inmate

An inmate complained that even though DOC received the documents from the court stating his time was to be served concurrently, his time was being counted

consecutively. The Ombudsman contacted the agency and learned that the original paperwork sent by the courts did not indicate that the sentence was to be served concurrently and corrected paperwork was delayed because the court experienced a bomb scare and the computer network was down. The court has since provided the corrected documents, the inmate's time accounting has been updated, and he has been released. The complaint was closed as resolved. (A2014-1441)

Inmate Plays Allergy Card

An inmate complained that the Department of Corrections was not treating his Crohn's Disease adequately. Contact with the agency medical administrator revealed that the inmate claimed to be allergic to all medications used to treat Crohn's except Vicodin. DOC ordered full allergy testing and learned that he was not allergic to standard medications and was started on a regimen that included a non-narcotic pain medication, a dietary supplement, and an exercise program. The Ombudsman verified with the inmate that the treatment appeared to be working—without narcotics. (A2014-1287)

Agency Helps Man With Memory Problems

A man said that he received a letter advising him that his Medicaid coverage was being canceled, and now he needs surgery and is unable to contact the Medicaid office to get the matter resolved. The complainant stated that he had waited on hold and was unable to contact a live person to help him. The man said he had lost the cancellation letter and had trouble dealing with agencies because of memory problems resulting from a traumatic brain injury.

An Ombudsman called the Division of Public Assistance and was able to talk to a live representative after a short wait on hold. The division advised that it had several cases open for the man and that he should have no problem continuing to receive coverage. The division's records show that because of the complainant's memory problems, it usually deals with an authorized representative. The division stated that it would immediately call the complainant directly to let him know his coverage was in effect and see if there were any other problems. (J2014-0202)

Ombudsman Helps Clear Man's Name

A personal care assistant contacted the Ombudsman to complain of a notice from the Department of Health and Social Services' Background Check Program (BCP) that he had a barrier to employment due to his involvement in an Office of Children's Services (OCS) and court Child In Need of Aid (CINA) case.

An Ombudsman investigator learned that OCS had substantiated a protective services report against the complainant for physical abuse of a child, and OCS took emergency custody of that child. However, the child was not the complainant's child. The child's mother had abandoned the child and left him with the complainant. The mother

stipulated to probable cause and adjudication in the CINA court case for abandonment and neglect of the child.

The Ombudsman questioned the validity of the barrier determination made against the complainant and whether the complainant had received due process. That was because the complainant was not a party to the CINA court case and the court did not make any findings related to the complainant or the allegations of physical abuse of the child by the complainant in the CINA court case.

The BCP consulted with OCS and the Attorney General's Office and determined that the barrier determination for the complainant had been made in error. The BCP rescinded the determination, changed the complainant's status in its computerized case management system to show a clear background check, and sent the complainant and his employer notice of the error and change. (A2014-1237)

Ombudsman Pushes Aid for Diabetic

The Division of Public Assistance was not timely in processing the complainant's recertification for Chronic and Acute Medical Assistance, even though the complainant needed the assistance to obtain diabetic medication. An Ombudsman staffer contacted the Division of Public Assistance Central Region Manager and determined that the Chronic and Acute Medical Assistance application should have been processed, but was not because an interview for food stamp benefits was needed. The manager had a supervisor pull the application so that it could be processed quickly and instructed the supervisor to ensure that the interview for food stamps was also completed. (A2014-1360)

DMV Suspicion Lacks Evidence

The Division of Motor Vehicles refused to process titles for a man they believed was acting as an automobile dealer without a license. Ombudsman investigation revealed that the agency did not have evidence to back up its suspicion. The agency agreed to rescind the ban against the man, but said it will keep track of his transactions, and if he exceeds the statutory limit, the ban will be reinstated. (A2014-0332)

Troopers Fast on the Tow

A citizen called to complain that when the State Troopers found her stolen vehicle, they first called a tow truck and impounded the vehicle before giving her a chance to retrieve it and avoid the towing and impound fees. After Ombudsman intervention, the troopers volunteered to reimburse the citizen for the charges. (A2014-0661)

Agency Reduces Risk of Info Leak

A woman called to report that her ex-husband's new wife was a CSSD employee and was abusing her position to get involved in the caller's custody battle. The woman

received a Notice of Withholding regarding her recent employment and believed the only way the agency could have known about it was from the new wife. The Ombudsman learned that the agency gets frequent updates from the Federal Case Registry, including the National Directory of New Hires, which provided the employment information. These lists were created to aid in the tracking and collection of child support nationwide. Further, the agency has the ability to track anyone who accesses case records and determined the new wife had not accessed the caller's records. The agency took the additional precaution of moving the file to an office in a different city to reduce the risk of inappropriate access. (A2014-0418)

Airport Contractor Plagues Residents

A contractor running an airstrip in a remote village appeared to be closing the strip when conditions did not warrant it as a personal vendetta against certain travelers. The village residents complained to the Department of Transportation, but nothing happened. An Ombudsman investigator contacted DOT and the agency issued a stern warning to the contractor that any unwarranted closures would result in termination of his contract. The Ombudsman was satisfied that the agency action was appropriate, but the complainant was not. He said he was considering legal action. (A2014-0362)

Inmate Mistakenly Released, Then Charged with Escape

A Community Residential Center mistakenly released an inmate from custody. When the error was discovered, a warrant was issued for the man's arrest. At the court hearing the judge recognized he was released in error, quashed the warrant, and remanded him back to DOC custody with the recommendation he be returned to the CRC. Instead, DOC held a disciplinary hearing and found him guilty of escape. The Ombudsman intervened and the agency agreed to remove the discipline from the man's file and return him to the CRC. (A2014-0634)

Agency Prodded to Correct Date of Death

The Division of Senior and Disability Services contacted an assisted living facility requesting repayment for services for a client that had been transferred to a hospital in a different city and had passed away there. The facility realized that the agency had an incorrect date of death for the client but was unable to get it corrected because it no longer had authorization to access to the client's records. The agency was unwilling to consider that there had been a mistake. The facility administrator contacted the Ombudsman.

Ombudsman staff contacted the agency. The person who signed the request for repayment agreed to verify the data and found that the date of death was indeed incorrect. The Division corrected its information and then wrote a correction letter to the facility acknowledging the error. Instead of demanding repayment, the agency now

requested a billing for the additional funds it owed to the assisted living facility. The complaint was closed as resolved. (A2014-0396)

Man Blocked from Auction Site

A man called the Ombudsman saying he had been unfairly blocked from bidding on the Internet auction site that disposes of state surplus property. He said he was blocked because he posted comments about some of the processes that seemed questionable to him. When he contacted the auction site, he was informed he had been blocked by the Division of General Services. When he contacted the division, the supervisor said he was unaware that they had the capability to block someone and assured the complainant that he had not done so. When the Ombudsman contacted the agency, the supervisor took action that successfully removed the block and the complainant was again able to bid on the electronic auction site. (A2014-0374)

Agency Perfects Bureaucratic Runaround

A mother applied for child care assistance from the Division of Public Assistance and, after the initial interview, the agency requested additional information. The applicant provided the information in a voicemail message and asked for a return call to confirm receipt of the information. She did not get a call. After three additional phone calls over the next two weeks, she was still without a response. The applicant called the receptionist and asked that person to check on her application. She was told the staff person working her case was on medical leave and a supervisor would review the situation and contact her that day. Four days later she had not been contacted. She called the office again and spoke with a senior staff person who promised to look into her application and try to get it processed. She said she would call the mother back. She never did. The mother contacted the agency again the next day and was told by the person answering the telephone that she would email the senior staffer she spoke with earlier and that she should expect a phone call that day. She didn't get one. She called again the following day and had to leave a voice mail for the senior staff person and requested a call back. She did not receive a call back. The following day the mother contacted the Ombudsman.

In the meantime, the mother had lost a place at a daycare and was facing the prospect of missing work because she had no daycare for her children.

The Ombudsman contacted the senior staff person who had little information about the applicant. The senior staffer blamed the unreturned telephone calls on high caseloads and because one of her colleagues has a similar name and people frequently confuse the two. The senior staffer advised the Ombudsman that she was turning everything over to a supervisor and that he would research the problem and get back to the applicant and the Ombudsman. This never happened.

Four days later the Ombudsman called and emailed the supervisor and cc'd the program manager, requesting return contact. Finally, two days later, the supervisor

contacted the Ombudsman. He said he was out ill the previous day, and that the staff person had not advised him she was turning the file over to him. He promised to look into the mother's application that day and give her a call. He also said he would let the Ombudsman know the outcome. The supervisor did not call until the following day and advised that the mom's application was approved. The Ombudsman verified with the applicant that the supervisor had indeed contacted her.

The Ombudsman and the program manager discussed the agency's poor performance. The program manager advised that there was already a meeting scheduled to address staff issues and these concerns would be included. The Ombudsman closed the complaint as resolved. (A2014-0361)

Victim Questions Sex Registry Decision

A victim in a criminal case contacted the Ombudsman to report that a probation officer in the Division of Probation and Parole was not taking action against a probationer after he failed to register as a sex offender as ordered by the court.

Alaska Statute requires a person convicted of a sex offense to register as a sex offender. Although the probationer was charged with a sex offense, the offense was reduced to an assault charge. As a result of the conviction for a reduced charge – a non-sex offense, the offender did not meet the statutory requirement to register as a sex offender and the Department of Public Safety, by law, could not register and place the offender on the sex offender registry.

Review of the audio of the criminal court hearing and the plea agreement reflected that the offender must apply for registration as a sex offender even though he had not been convicted of a sex offense. Unfortunately, the victim believed this would result in the offender being placed on the sex offender registry. The court record was clear that the offender would be in compliance with the court order and condition of probation if he applied for registration as a sex offender – even if the Department of Public Safety did not register him. The Division of Probation and Parole was following the court order as the probation officer had obtained proof of the offender's application for registration as a sex offender and subsequent notice from Department of Public Safety that the offender did not meet the statutory requirements to be placed on the registry. The decision to require the offender to apply for registration without a sex offense conviction was a court action, which cannot be overridden by the Ombudsman. The complaint was discontinued because there was no further assistance the Ombudsman could provide. (A2013-1571 & A2013-1576)

In addition to the information in this report, the Ombudsman posts a table of investigations on the Ombudsman web site at <http://ombud.alaska.gov/Matrix.pdf>.

In the table, 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 table includes many cases in which the Ombudsman discontinued investigation because the agency resolved the complaint and/or issue after contact with the Ombudsman.
- The table 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 me in Anchorage at 269-5290 or e-mail me at Linda.Lord-Jenkins@akleg.gov.