



# ANNUAL REPORT

2017

# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>3</b>
<b>WHAT WE DO</b>	<b>4</b>
<b>OVERVIEW OF COMPLAINTS</b>	<b>6</b>
<b>CONTACTS AND COMPLAINTS</b>	<b>7</b>
<b>COMPLAINTS ABOUT ADMINISTRATION</b>	<b>8</b>
<b>COMPLAINTS ABOUT CORRECTIONS</b>	<b>10</b>
<b>COMPLAINTS ABOUT HEALTH AND SOCIAL SERVICES</b>	<b>12</b>
<b>COMPLAINTS ABOUT ALASKA HOUSING FINANCE CORPORATION</b>	<b>15</b>
<b>COMPLAINTS ABOUT PUBLIC SAFETY</b>	<b>16</b>
<b>CONCLUSION</b>	<b>17</b>
<b>ABOUT THE ALASKA OMBUDSMAN</b>	<b>18</b>
<b>CONTACT INFORMATION</b>	<b>19</b>

# INTRODUCTION

**The Alaska State Ombudsman is responsible for investigating citizen complaints about state executive branch agencies. The Ombudsman can also review complaints about administrative actions of the court system, legislature, and quasi-governmental organizations.**

The Ombudsman's role is to objectively review the administrative actions of state agencies to determine whether they were unlawful, unreasonable, unfair, or based on unacceptable grounds.

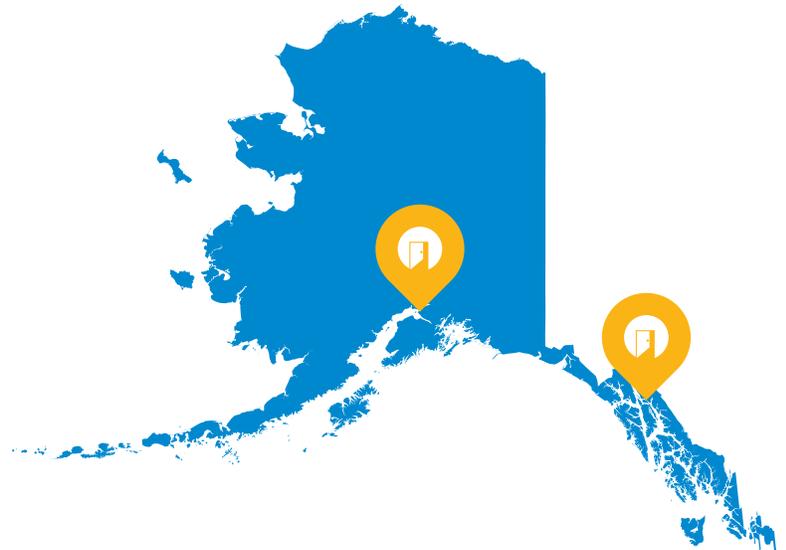
The role of the Ombudsman is to help ensure that state government is serving Alaskans as efficiently, effectively, and equitably as possible.

From offices in **Juneau** and **Anchorage**, the Ombudsman serves the entire state. Intake and screening of complaints is centralized in Anchorage. There are assistant ombudsman investigators in Anchorage and Juneau. Combined, the investigatory staff has more than 75 years of experience reviewing citizen complaints in Alaska.

## MISSION

The Alaska State Ombudsman investigates citizen complaints about administrative acts of state agencies and determines appropriate remedies. A.S. 24.55

---



## VISION

The Alaska State Ombudsman promotes fair and efficient government through objective inquiry and well-reasoned recommendations for meaningful, measurable improvement.

---

**The Ombudsman is objective, independent, and non-partisan.**

# WHAT WE DO

## INFORMATION AND REFERRAL

We help connect citizens, service providers, state agencies, and policymakers to resources. Whether it's a referral to a rental assistance program to prevent eviction, consumer protection programs, a community service to fill a gap in state programs, or legal assistance, we try to ensure that the next phone call or visit is the last one the person makes. We actively update and expand our referral resources, so that we make the best connections possible.

## BRIEF ASSISTANCE

Many of the complaints we receive can be resolved quickly and informally with a phone call or email to the agency, or by providing the complainant with information to help resolve their problem themselves.

## INVESTIGATION

Complaints that involve complex problems require more time and review. Investigators interview state agency staff and witnesses, review records, research legal authority and policy, and develop a clear and objective picture of what happened and why. If the Ombudsman finds the allegations justified, she will recommend a solution to the agency.

## REPORT

Most complaints are resolved quickly and informally. When a complaint requires an in-depth investigation, there is a report developed by the investigator(s). This confidential report is shared with the state agency, which has the opportunity to respond and comment on the report. The agency's comments are carefully considered and incorporated into the final confidential report to the agency. When the issue addressed in the investigation is one that is of public interest, an executive summary of the report is released.

**Ombudsman staff serve Alaskans in a variety of ways, guided by our core values.**

## CORE VALUES



**Objectivity:** We are committed to reviewing citizen complaints without bias or preconception.



**Curiosity:** We are committed to looking carefully at citizen complaints and the larger context in which they arise. We are also committed to a culture of perpetual learning and discovery.



**Respect:** We are committed to treating everyone with respect and compassion, to listening to understand, and to maintaining a work environment that fosters acceptance, compassion, and understanding.

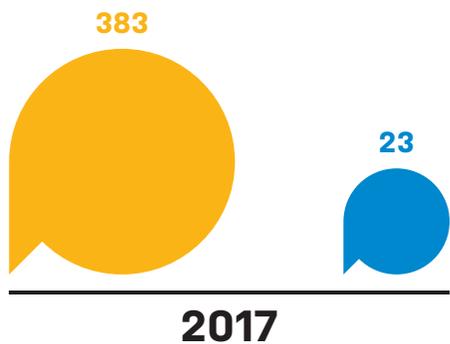
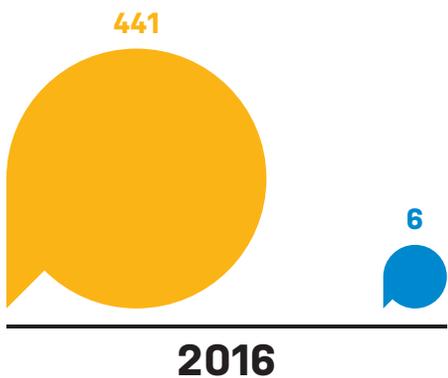
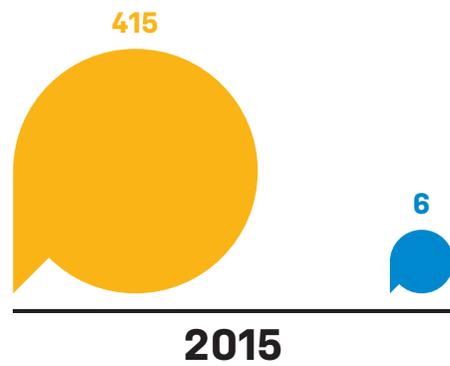
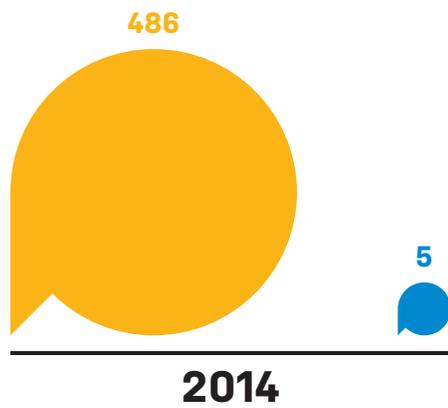
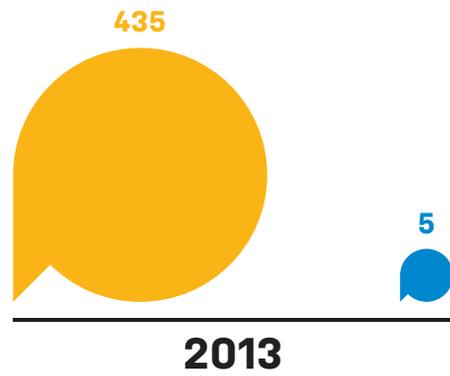
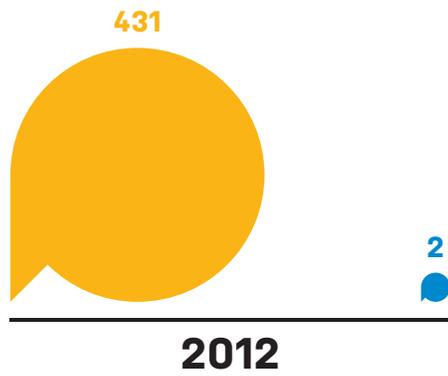


**Integrity:** We are committed to performing our work with honesty, fairness, and authenticity in accordance with professional and statutory ethical guidelines.



**Public Service:** We are committed to helping people resolve their complaints individually, and to improving the effectiveness and equity of government systems.

## COMPLAINTS INVESTIGATED



■ FORMAL RECOMMENDATIONS

■ INFORMAL RESOLUTION

# OVERVIEW OF COMPLAINTS

## 2,362 CONTACTS

2017

People visit our office or contact us by phone, email, and mail. Often, they have a question or concern that doesn't rise to the level of a complaint. Many people call about problems with a city department, a legal action, a non-profit, an elected official, or other organization outside of the Ombudsman's jurisdiction. Our staff provides information and referrals to more appropriate sources of assistance in these cases.

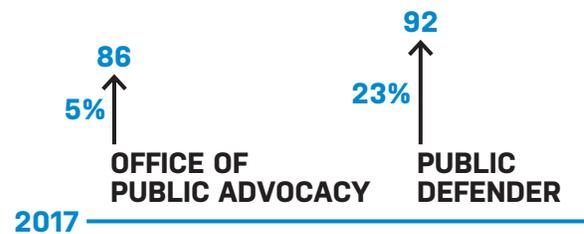
## 1,607 COMPLAINTS

2017

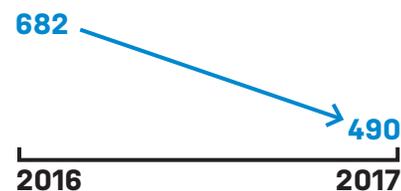
We encourage people to attempt to resolve their complaints directly with the agency they have an issue with, especially if there is a grievance process or complaint resolution center within that agency. If a person hasn't raised their problem with the agency, or attempted to find a solution through a grievance process, we tend to decline to review the complaint until after they have pursued that course of action. This is because internal administrative grievance and appeal processes can often result in a resolution without the need for an investigation. (Exceptions are made if the person experiences a disability and needs assistance to navigate administrative processes, or if there is a significant risk to health or safety.)

Not all of these complaints resulted in investigations. In 2017, 51 percent of total contacts were declined for review. This was usually because the complainant had not attempted to resolve their problem with the agency first. Complainants are encouraged to contact the Ombudsman if they are not able to resolve their problem through the grievance process to which they were referred.

**Complaints about the Department of Administration rose in 2017 across all its major divisions.** Most complaints were about the Office of Public Advocacy (86, an increase of 5 percent since 2016) and the Public Defender (92, an increase of 23 percent).



**Complaints about the Department of Corrections decreased 28 percent in 2017 compared to 2016** (490 compared to 682 complaints received).



In 2017, the majority of jurisdictional complaints received were about the **Department of Health and Social Services (DHSS)**.

### 2017 DHSS COMPLAINTS

- 250 OFFICE OF CHILDREN'S SERVICES
- 199 DIVISION OF PUBLIC ASSISTANCE
- 77 OTHER

\*All data reported is as of December 15, 2017.

# 406 INVESTIGATIONS

2017

These investigations resulted in a variety of outcomes for the complainants. In 77 percent of complaints, the ombudsman investigators identified the root of the problem and found a solution in consultation with the complainant and state agency. In 10 percent of complaints, the ombudsman investigators determined that either the allegations about the state agency were not justified, or that the resolution sought by the complainant was not possible. Just about 3 percent of complaints opened in 2017 resulted in formal recommendations for corrective action by the state agency.

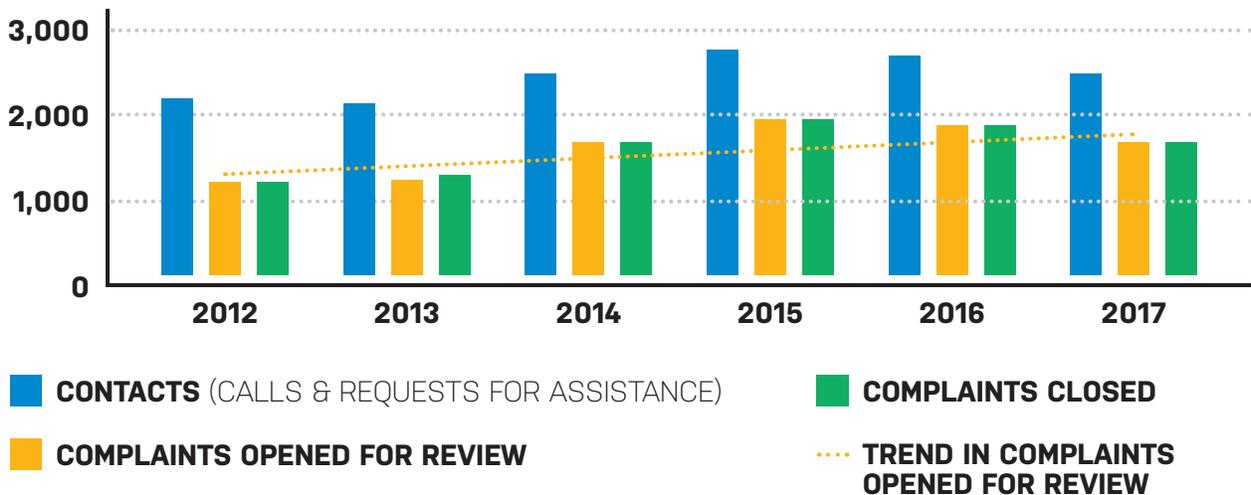
There has been an increase in contacts since 2012, which has resulted in an increase in complaints opened for review and investigations closed each year. The number of complaints investigated and resolved through informal consultation with complainants and state agencies has remained consistent since 2012 (an average of 432 per year).

The number of complex investigations increased substantially in 2017. Since 2013, the number of complex investigations was 5–6 per year. In 2017, ombudsman investigators completed 23 complex investigations.

## 2017 CONTACTS BY CATEGORY



## CONTACTS AND COMPLAINTS



# COMPLAINTS ABOUT ADMINISTRATION

**The Office of the Ombudsman reviewed 255 complaints (a 22 percent increase compared to 2016) about the Department of Administration. The majority of complaints were about the Office of Public Advocacy and the Public Defender's Office. Complaints were also received about the Division of Retirement and Benefits, and the Division of Motor Vehicles.**

## **PUBLIC DEFENDER'S OFFICE**

The 92 complaints about attorneys from the Public Defender's Office made up 36 percent of complaints about the Department of Administration. In nearly all of these complaints, the complainant was referred to the director of the agency or a supervisor, and the Alaska Bar Association. This is because the primary allegation made by complainants about their court-appointed counsel was that the attorneys were not zealously representing them—which is an issue of professional conduct most appropriately reviewed by the Alaska Bar Association.

## **OFFICE OF PUBLIC ADVOCACY**

Complaints about the Office of Public Advocacy made up 34 percent of complaints about the Department of Administration. There were 42 complaints about guardians and conservators appointed through the Office of Public Advocacy. There were 26 complaints about OPA attorney representation, often private attorneys working on contract.

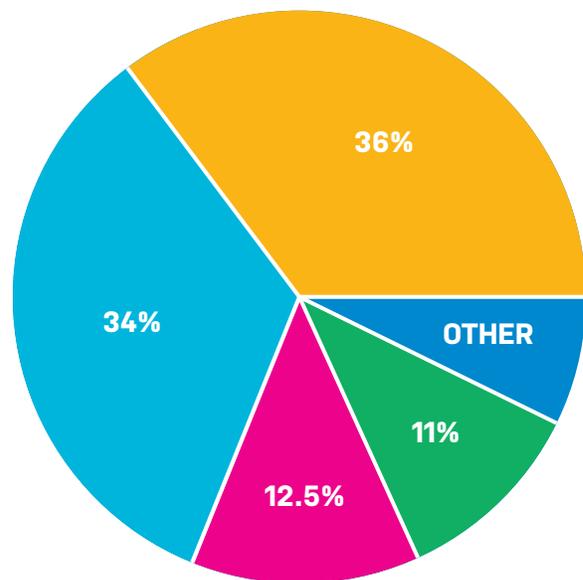
## **DIVISION OF MOTOR VEHICLES**

The Office of the Ombudsman received 28 complaints about the Division of Motor Vehicles in 2017. One complaint is the subject of a complex investigation. The others were all referred to the division to attempt resolution directly, and complainants were encouraged to return to the Ombudsman if they were not successful (none did).

## **DIVISION OF RETIREMENT & BENEFITS**

Of the 32 contacts about the Division of Retirement and Benefits (DRB), ombudsman investigators reviewed and resolved five complaints. Of these complaints, two were about employee or retiree health plan benefits, and three were about retirement benefits.

## COMPLAINTS BY DEPARTMENT



- PUBLIC DEFENDER'S OFFICE**
- OFFICE OF PUBLIC ADVOCACY**
- DIVISION OF MOTOR VEHICLES**
- DIVISION OF RETIREMENT & BENEFITS**
- OTHER**

## SELECTED INVESTIGATIONS

Ombudsman investigators conducted 27 in-depth investigations of complaints about the Department of Administration. Examples of closed investigations include:

- A complainant filed for retirement in October 2016 after consulting with a retirement and benefits counselor. During this process, he also requested PERS service credit for part-time employment with the state in the early 1970s. DRB wrote to the complainant notifying him that his application for retirement had been received, processed, and that his effective retirement date would be November 1. The form letter stated that the agency would contact him if they needed any additional information, and to expect his first retirement check in approximately six weeks. They also provided conflicting correspondence to the complainant about his eligibility to receive PERS credit for early part-time service.

When he did not receive his first check within six weeks, he contacted the agency. He learned that the staff had not in fact completed processing his application because they still needed additional information from the complainant about his part-time service. However, they never tried to contact the complainant notifying him of any problems.

After Ombudsman contact, the DRB benefits manager reviewed the matter and confirmed that the complainant did in fact qualify for part-time service credit. The complainant's application was processed with a retroactive date of November 1, 2016, the official date of his retirement.

- A complainant, who had been receiving a monthly benefit from his ex-wife's retirement, complained when his monthly check decreased unexpectedly. Investigation revealed that the decreased amount was proper, due to the ex-wife's election of a "level income option," which reduced her monthly retirement benefit after age 65. While no remedy was available to the complainant, the ombudsman investigator worked with DRB to implement a change in notice letters to retirees to ensure others in similar situations are better informed about the impact of an ex-spouse's choice of benefit structure.
- A complainant sought help in receiving information from the Office of Public Advocacy regarding her sibling, whom she was trying to move out-of-state to be closer to the complainant and family. OPA was the guardian of the sibling, but not responding to the complainant regarding the proposed move. The ombudsman investigator facilitated communication between the complainant and agency for four months. After being contacted by the ombudsman investigator, OPA agreed to file a petition in court to review the complainant's request to have a family member appointed guardian and the ward moved closer to family.

# COMPLAINTS ABOUT CORRECTIONS

**Historically, complaints about the Department of Corrections (DOC) have been a large portion of the complaints received and investigated by the Office of the Ombudsman. The number of complaints in 2017 (490) fell to the lowest number since 2013 (421). Of these, 75 percent were declined as non-jurisdictional, premature, or without merit.**

Of the 12 DOC institutions (after the closure of Palmer Correctional Center in 2016), the Anchorage Correctional Complex (ACC) accounted for the most complaints (166, or 38 percent of complaints about prisons). This may be because the inmate population at ACC includes individuals newly incarcerated as well as a transitional population (inmates moving from pre-sentence to sentenced status, and inmates coming to ACC for medical or acute mental health services). Goose Creek Correctional Center (GCCC) accounted for 23 percent (100) of prison complaints, and Spring Creek Correctional Center (SCCC) accounted for 12 percent (52) of prison complaints. These facilities are responsible for maximum- and medium-security prisoners, and those serving longer sentences.

In reviewing complaints about DOC, it is important to note that a small number of inmates have a disproportionate role in these numbers. **Of the 369 complaints that were declined in 2017, 30 percent were from just 22 inmates.** Three of these inmates accounted for nearly 10 percent of all declined complaints about DOC.

## SELECTED INVESTIGATIONS

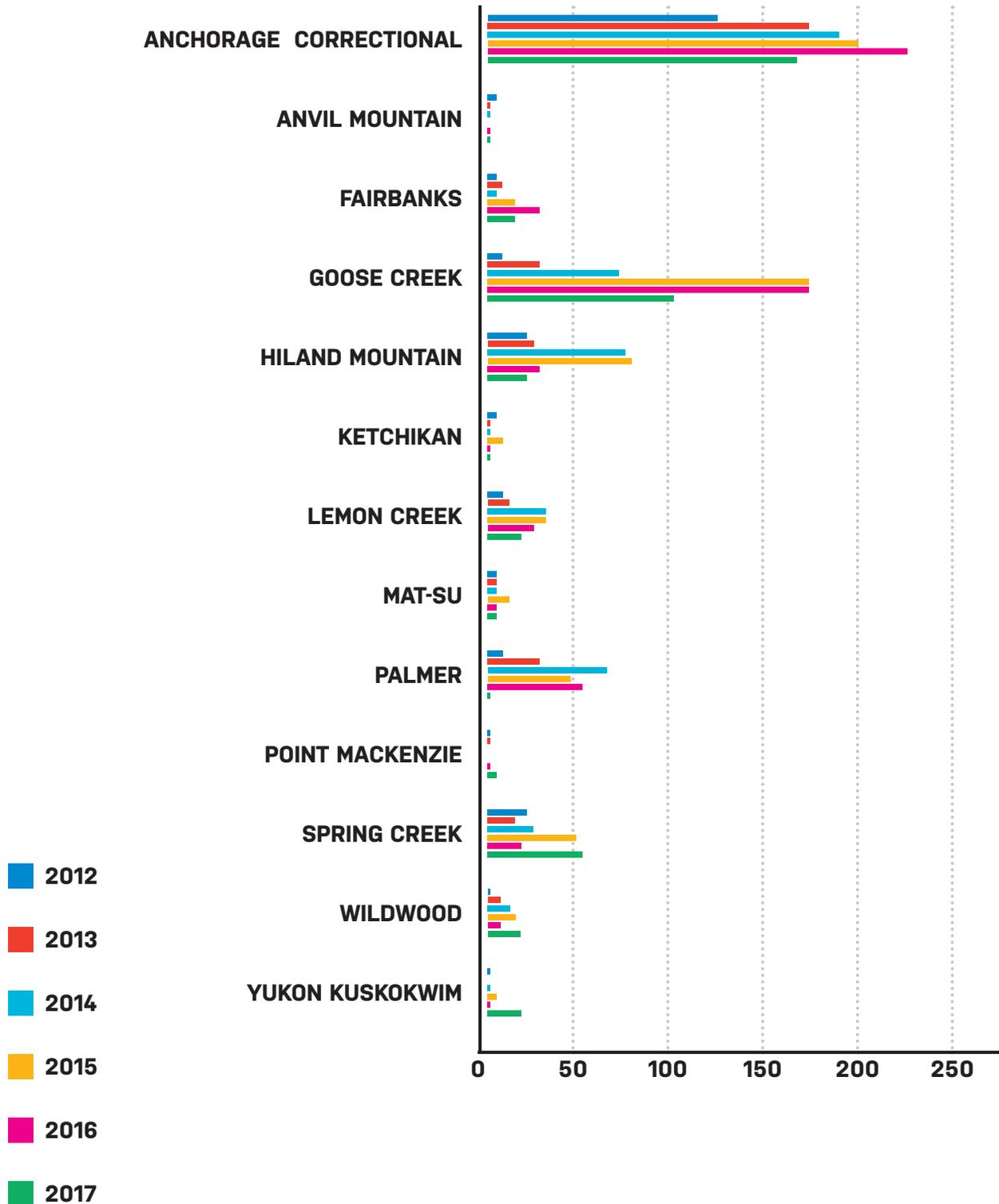
The Office of the Ombudsman closed 30 investigations about the Department of Corrections. Examples include:

- An intensive and lengthy investigation of an incident at Spring Creek Correctional Center in 2013 found that correctional

officers unlawfully and unreasonably forced a group of 12 inmates to move, shackled and naked, from one module to another. The Ombudsman made a series of recommendations, including the use of body cameras by correctional officers to prevent similar incidents in the future. Read the full public report at [http://ombud.alaska.gov/reports/A2013-1560-Spring\\_Creek\\_Correctional.pdf](http://ombud.alaska.gov/reports/A2013-1560-Spring_Creek_Correctional.pdf).

- A complainant alleged that the Parole Board (overseen by DOC) had unreasonably failed to implement a system for reviewing requests for pardon or clemency. The investigation revealed that, after legislation changing AS 33.20.080 was enacted in 2007, the Parole Board had not created a system to ensure requests for clemency were properly reviewed or transmitted to the Governor's Office. The ombudsman investigator suggested a simple process that would not require additional resources, and the Parole Board implemented it. Read the full public report at <http://ombud.alaska.gov/A2016-1399%20Public%20Report%20.pdf>.
- A complainant alleged that DOC was not providing access to meals that met his religious dietary rules. The complainant had requested the meals according to DOC policy from the prison chaplain. The chaplain failed to respond for over 30 days, and when he did respond, it was cursory and without consideration of the actual tenets governing the complainant's religious diet. However, in the meantime, the prison's kitchen manager had responded to a request for a religious meal, providing information based on the applicable religious dietary restrictions and offering a compliant meal (vegan). Because of the actions of the kitchen manager to respond and educate the complainant about his meal options, the allegations were found to be not supported.

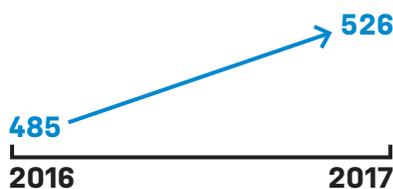
# COMPLAINTS BY DEPARTMENT OF CORRECTIONS INSTITUTION



# COMPLAINTS ABOUT HEALTH AND SOCIAL SERVICES

Complaints about the Department of Health and Social Services (DHSS) make up a significant portion of the total contacts received by the Office of the Ombudsman. In 2016, there were **485** complaints about DHSS. In 2017, the number of complaints rose to **526**.

## COMPLAINTS ABOUT THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES



## 2017 DHSS COMPLAINTS

- 250 OFFICE OF CHILDREN'S SERVICES**
- 199 DIVISION OF PUBLIC ASSISTANCE**
- 26 DIVISION OF SENIOR & DISABILITY SERVICES**
- 10 ALASKA PSYCHIATRIC INSTITUTE**
- 41 OTHER**

The majority of these complaints were declined for investigation.

## OFFICE OF CHILDREN'S SERVICES (OCS)

Of the contacts received about OCS each year since 2012, 90 percent or more were related to jurisdictional matters and were opened for further review and investigation. However, preliminary review of the facts alleged resulted in the complainant being redirected to OCS's grievance process or other resources in about 46 percent of the complaints. The remaining 54 percent of complaints were more fully investigated and resolved through informal consultation with the agency and complainant, or a formal investigation and recommendations for improvement.

## DIVISION OF PUBLIC ASSISTANCE

The Division of Public Assistance (DPA) has been a significant source of complaints for the past several years. There were 199 contacts related to the Division of Public Assistance in 2017, most of which were related to long delays in processing applications for benefits, lack of response to calls from people trying to determine the status of their applications, and lack of communication with benefit recipients.

There were 65 investigations of complaints about the Division of Public Assistance in 2017. Of the complaints resolved through brief assistance, the majority (54 percent) involved complaints about delays in processing applications or distributing benefits for food stamps (SNAP), Medicaid, Temporary Assistance for Needy Families (TANF), or Interim Assistance.

# 132 PEOPLE WERE HELPED WITH THEIR DHSS COMPLAINTS

2017

## SELECTED INVESTIGATIONS

**Ombudsman investigators provided brief assistance to 132 people with complaints about DHSS, and closed 27 in-depth investigations of complaints about DHSS.**

Examples of closed investigations include:

- A complainant contacted the Ombudsman alleging that his application for Interim Assistance (IA) had been pending for nine months or more. DPA stated that the complainant's application was received in September 2016 and had not yet been processed. The investigator requested a copy of the complainant's DPA case file for review. The file contained documents reflecting that the complainant had in fact filed for IA in March 2016 and submitted the mandatory IA reimbursement authorization form in April 2016. This is the form used to qualify and date an applicant's IA application.

The investigator relayed this information to DPA, which conducted a manual review of the complainant's case file and concurred that his application date was actually April 2016. The complainant had submitted the mandatory IA reimbursement authorization form again in September 2016 and, since DPA had not documented receiving the form previously in April 2016, the agency was using the wrong application date. The agency acknowledged the error and committed to processing the complainant's IA application with the application date of April 2016.

- Two unique complaints from out-of-state complainants alleged that the Office of Children's Services (OCS) was not pursuing the Interstate Compact on the Placement of Children process in a timely manner, resulting in two children spending unnecessary time in non-familial foster care. Investigation revealed that, in both cases, the ICPC process had not been initiated or pursued according to OCS policy, resulting in delays in relative placement. In one case, the child experienced harm due to abuse by the foster parent while in the custody of OCS. The Ombudsman made a series of recommendations to improve how OCS identifies and screens out-of-state parents and relatives for placement, and to move the ICPC process forward efficiently. Read the full public reports at <http://ombud.alaska.gov/reports/A2017-0015%20EXECUTIVE%20SUMMARY.PDF> and <http://ombud.alaska.gov/reports/A2016-0923%20EXECUTIVE%20SUMMARY%20FINAL.pdf>.
- The complainant alleged that DPA had not distributed child support pass-through payments for the past two months. Investigation showed that, while Child Support Services Division had accurately reported child support payments to the DPA computer interface, DPA incorrectly coded the complainant's cash benefit payment for the month of April. This prevented the system from issuing the April pass-through payment, and subsequently, the May payment. Based on this complaint, DPA discovered a computer system problem existed and proceeded to fix it. DPA then released the two months of pass-through payments to the complainant.

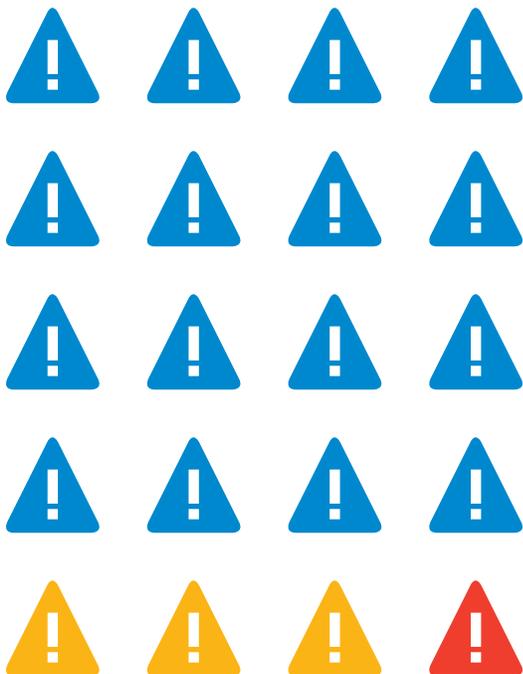
# COMPLAINTS ABOUT HEALTH AND SOCIAL SERVICES (CONT.)

- An Alaska Native grandparent complained that OCS unfairly removed his grandchildren from his custody, failed to give notice to the court that he was likely an "Indian Custodian" under the Indian Child Welfare Act, and failed to provide reasonable visitation after the children were taken into custody. Investigation revealed that the removal of the children coincided with a change in caseworker who was less familiar with the family, culture, and efforts they were taking to protect and care for the children. The record also supported the allegation that, despite the grandparent's substantial period of caretaking for the children, OCS failed to notify the court that he was an "Indian Custodian" due additional notice and process. Unfortunately, there was little recourse available to the grandparent. The Ombudsman provided a confidential overview of the complaint and investigation to the Commissioner of DHSS and Director of OCS, to inform the department's continuing efforts to address the disparate impact on Alaska Native families in the child protection system.

# COMPLAINTS ABOUT ALASKA HOUSING FINANCE CORPORATION

**There were 20 jurisdictional complaints about Alaska Housing Finance Corporation (AHFC). Of these, four complaints were reviewed and resolved with information, referral, or brief assistance. In only one instance was an agency error found after investigation.**

## COMPLAINTS RECEIVED



 INVESTIGATED COMPLAINTS

 FOUND AGENCY ERROR

## SELECTED INVESTIGATIONS

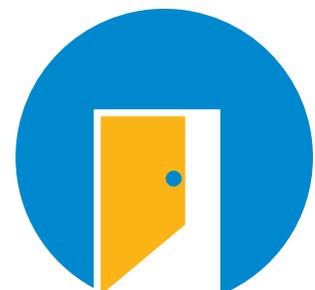
A complainant alleged that AHFC was not addressing a humidity and mold issue in his home. The complainant experienced disabilities and used in-home medical equipment to manage his health. After reviewing the complaint, the ombudsman investigator found that AHFC had inspected the unit, installed a humidistat to collect data, identified ways to improve air exchange to mitigate additional moisture from the medical equipment and increase fresh air flow, and agreed to replace the refrigerator (the motor fan of which was releasing particulate into the air). After the investigation was completed, the complainant reported that AHFC made these and other improvements to the unit, and also paid for a brief hotel stay for the complainant while they had his unit professionally cleaned after the work was done.



# CONCLUSION

The vast majority of calls and complaints received by the Office of the Ombudsman are from Alaskans who are, for a variety of reasons, dependent on government services and programs for their basic needs and liberties. Many complainants experience disabilities, which may or may not contribute to the problem(s) they are experiencing. Many of the complaints presented are about issues of health, safety, liberty and family. These are complaints about critical services provided by essential state programs, which affect how the Ombudsman reviews and responds to complaints.

The Office of the Ombudsman encourages Alaskans to try and resolve their problems with state agencies first, before our investigators get involved. This is why such a large proportion of complaints we receive are redirected back to the agency. We also encourage state agencies to make complaint resolution and grievance procedures accessible, understandable and fair. It is usually a better outcome for the citizen and the state agency when they can come to a resolution together (or with support from the Ombudsman).





**Kate Burkhart began her term as Alaska State Ombudsman on June 25, 2017. She served as an assistant ombudsman in 2006-2007.**

Prior to her appointment, Ms. Burkhart served as executive director of the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse from 2007-2017. She was also the executive director of the Statewide Suicide Prevention Council from 2010-2017. She served Alaskans in Northwest and Southeast Alaska as an attorney with Alaska Legal Services Corporation from 2001-2006, representing victims of domestic violence, elders, and people experiencing disabilities.

# CONTACT INFORMATION

## **E-MAIL**

**[ombudsman@akleg.gov](mailto:ombudsman@akleg.gov)**

(If you send us an email complaint, please include your name and a daytime phone number.)

## **MAILING ADDRESS**

**Office of the Ombudsman  
333 W. Fourth Ave., Suite 305  
Anchorage AK, 99501**

## **PHONE NUMBERS**

Anchorage: **(907) 269-5290**

Juneau: **(907) 465-4970**

Greater Alaska: **1-800-478-2624**

Out of State: **(907) 269-5290**

## **FAX NUMBERS**

Anchorage: **(907) 269-5291**

Juneau: **(907) 465-3330**

## **OFFICE LOCATIONS**

Anchorage: **333 W. Fourth Ave., Suite 305**

Juneau: **130 Seward Street, Suite 501**

## **WEBMASTER**

**[mark.kissel@akleg.gov](mailto:mark.kissel@akleg.gov)**

