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Policy Research Shop

An Ombudsman for Vermont

Assessing the Possibility of Establishing a State Ombudsman Office for the State of Vermont

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EXECUTIVE SUMMARY

This purpose of this report is to assess the costs and benefits of implementing an independent ombudsman office in the State of Vermont. We specifically analyzed the roles, structures, and budgets of state ombudsman offices in the five U.S. states with classical ombudsman offices that have statewide jurisdiction – Alaska, Nebraska, Iowa, Hawaii, and Arizona – to assess the benefits and limitations of various ombudsman office structures. Moreover, we explored how Vermont currently deals with complaints, particularly as related to consumer protection issues and complaints arising in the corrections system. We also identified potential costs and benefits to creating an ombudsman office in Vermont, as well as best practices to consider in the creation of such an office.

1. INTRODUCTION

The first public sector ombudsman was created in Sweden in 1809. The major advantage of an ombudsman office is that it avoids the otherwise inherent conflicts of interest that arise with agencies self-policing. In general, an ombudsman is an official that is appointed to provide a check on government activity by examining and investigating citizens' complaints against government agencies.

In the United States, the first state ombudsman was established in 1967 by Hawaii at a time when government secrecy and high-profile scandals created the right political atmosphere for establishing an ombudsman. Since then, four other states have followed suit – Nebraska, Alaska, Iowa and Arizona.¹ Furthermore, in 1975, amendments to the Older Americans Act mandated and funded the establishment of Long-Term Care (LTC) ombudsmen at the state level in every state.²

Two major types of ombudsman are generally recognized: classical and organizational. The classical ombudsman is created by law and is generally appointed by legislative bodies. This type of office is neutral and receives complaints about government agencies. Generally, a classical ombudsman has the power to perform formal investigations and subpoena individuals. An organizational ombudsman may not be created by law or appointed by legislative body. Organizational ombudsmen are informal and are created by an individual agency to deal with complaints.³ The five states we investigated most closely emulate the classical ombudsman model. In Vermont, the corrections system uses an approach more like that of an organizational ombudsman.

The United States Ombudsman Association (USOA), the national organization for public sector ombudsman professionals, specifically recommends that ombudsman offices have the following characteristics:⁴

- A governmental office created by constitution, charter, legislation or ordinance;



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- An office which may exercise full powers of investigation, to include access to all necessary information both testimonial and documentary;
- An office with the authority to criticize governmental agencies and officials within its jurisdiction, to recommend corrective action and to issue public reports concerning its findings and recommendations; and
- An office directed by an official of high stature who is guaranteed independence through a defined term of office and/or through appointment by other than the executive and/or through custom, restricted from activities constituting a conflict of interest and free to employ and remove assistants and to delegate administrative and investigative responsibility to those assistant.

2. VERMONT STATUS QUO⁵

Without a state ombudsman office, the avenue for citizens to file complaints in the State of Vermont is decentralized. Aside from the federally mandated Vermont Long-Term Care Ombudsman and local-level (county and municipal) ombudsmen, each state agency in Vermont has its own complaint review and resolution process, some of which are more institutionalized than others. Some agencies receive many complaints and therefore have established mechanisms to handle them. We will look at two such agencies, the Office of the Attorney General and the Department of Corrections.

2.1 Attorney General/Consumer Protection Unit

The Office of the Attorney General receives a significant number of complaints related to consumer protection cases. As a result, the Office of the Attorney General established the Consumer Assistance Program (CAP) within the Consumer Protection Unit 30 years ago. This office helps Vermonters solve disputes with businesses, protect themselves from fraud and access legal services. Some of the most common issues that CAP deals deal with are debt collection, credit card companies and heating. There is some seasonal variation in complaint types: in the early spring, the office receives a great number of home improvement complaints, and in December, there is a spike in retail-related complaints.

CAP is a joint partnership between the Office of the Attorney General and the University of Vermont. It is funded by a joint agreement on cost sharing and in-kind payment between the two bodies, such that UVM provides office space and phones while the Office of the Attorney General provides computer equipment. The director of CAP teaches a class that allows UVM students to work with the office to process consumer complaints. The budget is on a flexible two-year cycle. The budget for the current two-year cycle, not including what UVM provides, is \$190,000. To make citizens aware of its services, CAP reaches out to Vermont citizens through television advertisements and print media adverts.



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However, without any investigatory power, CAP can only serve as a mediator between consumers and businesses. When it receives a complaint, CAP simply notifies the business of the complaint and answers any questions the consumer may have. If a business does not respond to mediation attempts, or a consumer does not accept a resolution that a business puts forth, CAP can do nothing and the case is closed. With that said, the CAP director reviews complaints on an annual basis, looking for trends and recurrent issues. If there are any trends, the director submits a report to the Attorney General, who decides whether or not to open an investigation.

2.2 Department of Corrections⁶

The Department of Corrections has its own internal grievance mediation system handled by a grievance coordinator. The grievance system processes 6,000 informal complaints and 2,500 formal complaints a year. When a complaint arises, the inmate writes out his or her complaint along with a proposed resolution. A Department of Corrections staff member signs and dates the complaint and, if possible, helps the complainant find an informal resolution. The Department of Corrections requires that complainants try to first address their complaints informally and must wait 48 hours after submitting a complaint before they may access the formal grievance system.

If the complainant is unsatisfied with the informal resolution – or lack thereof – he or she may request a formal grievance service through the facility superintendent, who then has 21 workdays to respond. The facility superintendent may have one 21-day extension as long as the complainant is informed ahead of time. If a complainant does not receive a response within 42 days or is dissatisfied with the eventual resolution, he or she can file a complaint with the executive in the Department of Corrections who is in charge of the area of corrections that he or she falls under. If the complainant is still unsatisfied after another 21 days, he or she can file a complaint with the Commissioner of the Department of Corrections. Inmates are made aware of these services during their orientation process and are required to sign a document stating that someone has informed them of their access to grievance services.

2.3 Other State Agencies⁷

Many Vermont state agencies such as the Agency of Natural Resources and Department of Taxes lack a formal complaint resolution process. In these agencies, the only recourse for citizens with complaints is to take such agencies to civil court under the provisions of Rule 75 in the Vermont Rules of Civil Procedure. However, taking such action is highly cost-prohibitive, as filing a lawsuit and having it handled effectively carries an average cost of \$15,000. Moreover, handling complaints through the court system is ineffective on the whole, as litigators tend to find that calling individuals within specific agencies yields greater responsiveness than legal action.



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Table 1: State-by-State Comparisons

	Geographic size (sq. miles)	Annual Expenditures (\$billions)	Population	Population Density (persons per square mile)	Ethnicity (% White)
Vermont	9,614	1.1	625,741	67.9	98.5
Alaska	663,267	5.7	710,231	1.2	66.7
Nebraska	77,353	3.3	1,826,341	23.8	90.8
Iowa	56,271	5.9	3,046,355	54.5	91.3
Hawaii	6,470	4.8	1,374,810	211.8	24.7
Arizona	114,000	7.9	6,482,505	56.3	73.0

3. STATE CASE STUDIES

3.1 Arizona⁸

Citizens’ Aide, the Arizona Ombudsman was established in 1996 and is housed in the legislative branch of the state government. The ombudsman is selected by two-thirds vote of a special committee and then must be approved by the both houses of the legislature and by the governor. The ombudsman must have experience as an investigator and with state agencies. The ombudsman serves a five-year term and can serve up to three terms. Currently, Citizens’ Aide has a full-time staff of one ombudsman and six assistant ombudsmen, as well as one temporary employee. The Arizona ombudsman has jurisdiction over administrative acts of the state agencies. They however, do not deal with universities and community colleges, corrections, local forms of government with the exception of cases of public access. They also provide sessions to individuals and local administrators and officials on public access.

3.1.1 Complaint Process

Office administrators process complaints as they come into the office and through phone. Once a complaint is received, the office has 30 days to decide to take on the case. The general ombudsman on phone rotation decides if a complaint goes into coaching assistance, where the ombudsman helps the citizen deal with the state agency, or if an investigation needs to be opened. Often they encourage the state agency and the citizen to reach an agreement together. If the two parties cannot resolve the issue the ombudsman sends a written notice to the state agency asking the agency to appoint a



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point of contact. The ombudsman then gathers evidence, interviews relevant parties and reviews the statute. After the investigation the ombudsman writes a report and gives recommendations. The agency then has 20 business days to respond to the report. The agency then has the opportunity to correct facts and offer mitigating circumstances. The final report is then created and the agency can respond in four ways: agrees with both findings and recommendations, disagrees with findings and recommendations, agrees with findings but not recommendations, or disagrees with findings, but agrees with recommendations. The response and report is then sent to the legislative committee that has responsibility for the agency, the governor, complainant and the agency. It then becomes public records.

Cases are kept electronically and in paper form and each case is assigned a case number. The case remains in the electronic system for five years.

3.1.2 Complaint Load and Type

In 2011, Citizen's Aide dealt with around 4,008 cases last year. A few hundred of these cases become formal investigations. The vast majority of the ombudsman's caseload are cases of assistance; helping citizens work with state agencies. This caseload was normal, high, low. The office frequently has cases from Child Protective Services (CPS) because is required by law to provide children removed from CPS to receive a pamphlet on information about the ombudsman.

3.1.3 Budget

Citizen's Aide is funded by the state legislature. Its fiscal year runs from June to July 30. Since the office is a legislative agency it does not need to defend its budget. The office is allotted an amount with some cushion that is able to roll over to the following year. Funds go towards running the office and personal salaries and benefits. The budget for 2011 was \$530,000.

3.1.4 Outreach

Citizens are made aware of the ombudsman office primarily through interactions with state agencies. CPS is the only office that is required by law to provide citizens with information about the ombudsman's office. Many local governments are also aware of the ombudsman's trainings on public access procedures. Individuals and local officials frequently come into contact with the ombudsman in this way

3.2 Alaska⁹

The State of Alaska is unique in that it has a state-level ombudsman and a separate Anchorage municipality ombudsman. These agencies work independently, without inter-



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agency communication. The state ombudsman serves a five year term with a limit of three terms. In the state ombudsman's office, three staff members are lawyers and the remaining six are state employees. There are no specializations within the offices: all investigators have an equal opportunity to handle any type of case. The state ombudsman's office has jurisdiction over all state agencies, the National Guard (except in cases of national security) and the University of Alaska, while the ombudsman for Anchorage deals with all municipal complaints. Citizens are redirected as needed in case of incorrect calls.

If a complainant has a complaint against the long-term care ombudsman, the state ombudsman has the authority to investigate the long-term care ombudsman (however, this does not work in reverse). Although the ombudsman has no legal rights over agencies, the office can subpoena documents. However, the generally informal process for dealing with complaints makes it very rare for the ombudsman's office to become involved in battles over legal documents.

3.2.1 Complaint Process

When the ombudsman receives a written complaint, the case goes through a grievance process. The secretary inputs the case into the case management system and assigns it a case number. The ombudsman then contacts the subject of the complaint if given permission to do so by the complainant. In the case that the complainant does not grant permission for the ombudsman to contact the subject of the complaint, the ombudsman's office will assign an investigator. While electronic communications are acceptable for most complaints, the ombudsman's office asks that health and medical complaints be handled using postal mail.

A typical case will take the ombudsman's office between 15 and 30 days to complete. If a case takes more than 30 days, a progress letter will be sent to the complainant; if it goes more than 45 days, it becomes classified as a discontinued investigation. When a case is closed, the file is retained for three years if it was a complete outcome, and one year if it was a discontinued case. The agency is currently shifting toward an electronic system so that they can retain all files.

3.2.2 Complaint Load and Type

Inmates and those with children or family members in the state correctional system comprise the bulk of those who utilize the ombudsman's services. Thus, the ombudsman's office deals most often with the Department of Corrections and Health and Human Services. Complaint volume is greatest in winter months due to Seasonal Affective Depression (SAD). During the winter, the volume of child abuse complaints increases.



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3.2.3 Budget

The FY 2011 budget is \$1,097,000. The budget, which is funded by the Alaska state legislature out of the general fund, was cut significantly in the 1990s, although there have been no significant changes in the past decade. The office was just audited by the Human Rights Commission and Legislative Audit.

3.2.4 Outreach

The ombudsman's office conducts outreach every three years. These efforts consist of pamphlets, brochures and posters that are distributed to non-governmental organizations and offices providing services to Native Americans.

3.3 Hawaii¹⁰

The Office of the Ombudsman was established in 1969, making Hawaii's ombudsman office the oldest in the United States. Created under Chapter 96 of the Hawaii Revised Statutes, the Ombudsman is an officer of the legislature charged with the responsibility to investigate complaints about actions undertaken by executive branch agencies of the county governments and state executive agencies. The ombudsman serves for a six-year term with a three time limit on reappointment.

The office has the power to obtain information for investigations and to recommend correction actions to state agencies that are the subject of complaints, if complaints can be substantiated. These recommendations can take the form of recommendations for changes to pertinent laws, administrative rules or operating procedures.

Nine employees, including the ombudsman, staff the office. There is no intra-office specialization, and therefore each staff analyst has an equal chance at taking every case that comes in to the office.

3.3.1 Complaint Process

Complaints to the ombudsman are confidential. Whenever possible, the office will investigate a complaint without disclosing the identity of the complainant. Most complaints can be taken by telephone without paperwork. However, the office also takes complaints via fax, email and mail.

When a complaint is received, the office must first determine if it is within the office's jurisdiction. If it is not, then the office will forward the complainant to the appropriate office, or otherwise explain that the complainant's complaint cannot be addressed by the state. If the complaint falls within the office's jurisdiction, then the office will review the rules and laws associated with the governing agency that is the subject of the complaint, contact the agency for their perspective on the issue at hand, and report their findings and



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conclusions to the complainant. During this process, the office's objective is to determine whether or not the agency acted reasonably in its dealings with the complainant. After complaints are handled, the paper records are kept on file for a total of six years: three years on site, and three years off site.

3.3.2 Complaint Load and Type

In FY 2010-2011, the office received a total of 4,686 inquiries, of which 3,399 were in its jurisdiction. The remaining inquiries consisted of 537 non-jurisdictional complaints and 750 requests for information. The 4,686 inquiries received in FY 2010-2011 represent a 5.9 percent decrease from the previous year, in which 4,978 inquiries were received. The decrease in inquiries was across the board.

3.3.3 Budget

As a legislative agency, the Office of the Ombudsman has a budget that is approved by the Hawaii state legislature on an annual basis. For FY 2011-2012, the budget for the Office of the Ombudsman is \$1,017,875. The FY 2012-2012 budget is the same.

3.3.4 Outreach

In FY 2010-2011, the staff of the Ombudsman's Office participated in various senior fairs, at which they provided seniors with information about their office and gave them the opportunity to ask questions regarding concerns about State and County executive branch agencies. Members of the office also visited the Saguaro Correctional Center and Red Rock Correctional Center in Arizona, where Hawaii inmates are incarcerated.

The Ombudsman and his staff also visited neighbor island correctional facilities and Mayors' offices on each island. These visits served the function of informing County officials of the office's function.

3.5 Nebraska¹¹

The Nebraska Ombudsman, called the Public Counsel, was established in 1971 within the legislative branch of Nebraska's unicameral government. The Nebraska legislature appoints a Public Counsel to a six-year term, with no limits on reappointment. Currently, the Counsel oversees a staff of two administrators, four deputy officers and four assistant deputy officers. The Public Counsel has jurisdiction over all state agencies and over county and local jails in Nebraska. It also has the authority to investigate complaints against state agencies and to subpoena individuals. Since the ombudsman is housed in the legislative branch, it is seen as an impartial agency legitimized by the weight of the legislature.



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3.5.1 Complaint Process

Office administrators process complaints as they come into the office. Complaints are received by phone, mail and email. Once a complaint is received, a complaint file is opened and submitted to the Public Counsel, who reviews the case and assigns it to a deputy or assistant deputy based on their case load and expertise with certain types of complaints. The current policy is to accept all complaints.

For the most part, the Counsel's office serves as a mediator to facilitate dialogue between the complainant and the agency that is the subject of the complaint. However, there are cases in which the public counsel office will investigate the claim and agree in full or in part with the complainant. After conducting investigations, the Public Counsel can then issue a recommendation that the respective state agency can reply to within a certain time period or the public counsel can issue a public report. Issuing reports is rare: cases are usually resolved between the state agency, complainant and public counsel through mediation.

Complaints that are not under the public counsel's jurisdiction are sent to the appropriate agency. This constitutes the primary relationship between Nebraska's Long Term Care Ombudsman and Public Counsel. The relationship between the legislature and the ombudsman is also positive, with the Public Counsel making an effort to work with legislative staff to ensure that major complaints are heard by legislators, while legislators are aware of the services ombudsmen provide to their constituents. Due to the need for frequent communication to deal with complaints, the ombudsman also maintains a cordial relationship with state agencies.

3.5.2 Complaint Load and Type

In 2010, the Public Counsel dealt with 2,346 cases, a figure almost identical to the 2009 caseload of 2,328 cases. It must be emphasized, however, that the 2009 caseload was the second highest caseload total in the office's history (their highest annual caseload was 2,482 cases, recorded in 2002). In 2010, over 1,000 cases came from corrections, 220 came from Health and Human Services Childcare and 140 came from Health and Human Services Benefits. Nebraska is divided into three regions: Lincoln, Omaha and the Greater West. Most cases come from the Lincoln and Greater West areas.

3.5.3 Budget

Nebraska's fiscal year runs from runs on a biennial cycle from July 1- June 30. Funding for the Public Counsel is appropriated by the legislature from the general fund, which is revenue from sales and income tax. The Public Counsel budget is included as a separate portion of the legislative budget. The office's current budget is \$1.126 million. A significant portion of the budget — \$950,000 — goes to personnel salaries, benefits and health care. Another large portion of the budget goes towards postage, telephones,



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computer software and reimbursement for staff travel. Money is set aside for conferences and legal services, though it is rarely used. The Public Counsel's budget was recently cut, thus one position has been eliminated and another one is currently frozen.

3.5.4 Outreach

Nebraska's ombudsman has found traditional advertisements ineffective in spreading information about the office. This may be due to the complex nature of the office's jurisdiction. The most effective means of outreach is referrals through other state agencies. Therefore, it is important to ensure that state agencies are aware of the ombudsman's existence. Occasional newspaper coverage of the office's cases can also make Nebraska citizens aware of the ombudsman office at these times.

3.6 Iowa¹²

Created in 1972, the Office of Citizens' Aide/Ombudsman in Iowa is situated under the Iowa legislature, which approves its budget and hiring decisions. The ombudsman serves a four-year term. In terms of size, the Office of Citizens' Aide/Ombudsman in Iowa has grown over time since its inception. When it was first created, the office was made up of just the ombudsman. Today, the office is one of the larger ombudsman offices in the United States with a staff of sixteen. Below the ombudsman are two senior assistant ombudsmen and nine assistant ombudsmen who specialize in different areas of complaints. On any given day one assistant ombudsman receives complaints, most of which they receive in person. Even with increased staff, however, the Iowa Ombudsman office is not able to handle every complaint it receives and must prioritize some cases over others.

The Office of Citizens' Aide/Ombudsman in Iowa is distinguished from other state ombudsman offices not only in its size, but also its jurisdiction. Unlike Nebraska or Alaska, the office has jurisdiction not only over the state government, but also over county and local governments and school boards. One distinguishing feature is that the office has jurisdiction over the Iowa Long-Term Care Ombudsman and has investigated it in the past.

3.6.1 Complaint Process

Upon receiving a complaint, the office first determines whether it is in its jurisdiction under the statute. If it is, the office then uses its discretion to decide whether or not to accept the complaint. The main reason why the office might decline a complaint is if there is another available course of action that the complainant has not yet taken. For example, prison inmates calling about an issue that can be handled through prison grievance process are advised to use the prison grievance services first before they come to the ombudsman. Likewise, if a citizen has a complaint against the police, the office will often ask the complainant to first write to the police chief or sheriff.



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In terms of working with other agencies within the State of Iowa, the Office of Citizens' Aide/Ombudsman works to refer citizens to the right agency if they have mistakenly contacted the Office of Citizens' Aide/Ombudsman.

3.6.2 Complaint Load and Type

The office dealt with over 4,400 complaints in 2009. Almost 25 percent dealt with county or local governments and 19 percent with the department of corrections. In 2009, a large part of complaints, almost 25 percent (1,118), came from Polk County, where Des Moines, the capital of Iowa, is located.

Interestingly, the responsibilities of the Office of Citizens' Aide/Ombudsman in Iowa have evolved beyond just dealing with individual complaints. As the office has grown, the legislature has requested more systemic or broader investigations of various Iowa state agencies and programs, including the child protective system and the use of force in the prison system. As part of this, the office now plays an important role in the legislative process, advocating for change in areas that the office has identified as lacking. For example, in examining the child abuse registration process in Iowa, particularly the arbitration process, the office identified several weaknesses in the legislation and has played an important role in advocating for additional legislation to improve it. These types of activities often consume a large amount of the office's time and force the office to balance between fulfilling these roles and dealing with their primary responsibilities.

3.6.3 Budget

The budget for the Office of Citizens' Aide/Ombudsman in Iowa is a part of the state legislature's budget and is approved by a bipartisan panel of senators and representatives in the Iowa legislature. This panel also oversees the office's hiring decisions. In 2011, the total budget for the office was \$1.52 million. The vast majority of that – over \$1.45 million – pays for the salaries of the 16 staff members. The additional costs are minimal and include office supplies, communications, professional and scientific services, etc.

3.6.4 Outreach

As one of the oldest ombudsman offices in the country, the Office of Citizens' Aide/Ombudsman in Iowa is well established in Iowa. Nonetheless, the office is not well known among by Iowa's citizens. The primary means of advertisement is through word-of-mouth. Additionally, other agencies in Iowa as well Iowa's congressmen in Washington, D.C., will frequently refer people to the office.

The office is also well known among the media, who see the office as not only a source of investigative information, but also a place to file complaints in the case relating to access to public records. In the past, the office has also run TV commercials, but was overwhelmed by the volume of complaints immediately after the commercials aired and



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has decided against this form of promotion. The biggest problem the office faces in advertising itself is making sure that people in rural Iowa know about ombudsman services. To address this issue, the office has often had a booth at the Iowa State Fair, which attracts people from all over the state.

4. COSTS AND BENEFITS OF OMBUDSMAN OFFICE

4.1 Costs

There are certain costs to consider with the establishment of an ombudsman office in Vermont. The creation of such an office would create clear costs for the State of Vermont. These costs would include hiring and setting up an ombudsman office with the proper equipment as well as maintaining the office. The annual cost of an ombudsman office ranges from about \$530,000 to around \$1.5 million.

There are potential political costs to consider as well. State agencies may already feel they are under enough scrutiny by the legislature, or if they receive federal funding, by federal agencies. Likewise, many state agencies already have their own process to deal with complaints. An independent ombudsman may appear as unnecessary bureaucracy that has the potential to strain relationship between the ombudsman and state agencies. This would threaten the efficiency of the ombudsman. An ombudsman office may also serve as, or perceived to be, a political tool for the legislature to criticize the governor's office and other state agencies.

4.2 Benefits

The potential benefits of an ombudsman office stems from the ability to handle centrally and impartially complaints from different state agencies. An independent ombudsman office shifts the burden of processing complaints away from state agencies so they can perform their primary duties. This could potentially free up time and resources within state agencies.

Additionally, an ombudsman office can give the complaint process more credibility among Vermont citizens. The complainant is assured that his or her complaint will be objectively and impartially reviewed by a third party rather than the state agency in question. In this way, the ombudsman equalizes the power of the complainant with that of the administrative agency. Moreover, the ombudsman office may reduce a citizen's decision to use the courts as recourse.

Most importantly, if a certain complainant is justified, the complainant receives the assistance of the ombudsman in resolving the complaint. If the complaint is unjustified, the complainant receives an explanation why the administrator could not rule in the complainant's favor. At the very least, the complainant is informed and knows that their complaint was at least heard.



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From a legislator's perspective, having a state-level ombudsman could be a way to enhance their ability to respond to constituent complaints.

5. BEST PRACTICES

Based on our analysis of the current state of complaint processing in Vermont and the ombudsman structure and practice in Alaska, Nebraska and Iowa, we draw the following best practices:

1. *The ombudsman offices are located within the legislative branch.*

Housed in the legislative branch, the ombudsman is separated from the agencies that are subject to its jurisdiction, particularly departments like the governor's office. This ensures the office's ability to be impartial. The ombudsman's office gains a level of credibility with complainants when the office is not a part of an agency's system. As an outsider, the ombudsman's office is a neutral investigator. The power of the legislature, notably its power of legislative oversight, provides the ombudsman with increased credibility to investigate complaints.

2. *It is important for the ombudsman to maintain relationships with legislative staff and state agencies.*

The Nebraska Public Counsel notes that it is easy for an ombudsman's office to be invisible to the legislature. Nonetheless, an important component of any ombudsman office is to ensure strong communication with the legislative branch. The relationship between the two is beneficial for state citizens in several ways. First, positive communication between the ombudsman and legislature gives the ombudsman not only more credibility among citizens but also among other state agencies. Credibility is essential for ombudsman to carry out smooth investigations of state agencies. Secondly, an open dialogue with the ombudsman offers a clear avenue for legislatures to hear about significant and systemic complaints, particularly complaints stemming from weaknesses in certain areas of legislation that the ombudsman office has identified. Lastly, with a clear understanding of the power of the ombudsman, legislatures can refer their constituents to the ombudsman office.

3. *Outreach by referral is an essential component of the ombudsman office.*

When pursuing outreach to citizens it is important to note that classic methods of advertisement may not be effective because of the complexities of expressing ombudsman's jurisdiction constraints to citizens. The most effective means of reaching citizens is to ensure that legislatures, advocacy groups, and employees of agencies under their jurisdiction know that the ombudsman office is a resource. These groups have a better understanding of the role and jurisdiction of the



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ombudsman's office and are thus better able to refer citizens. Other means of outreach include public service announcements on the radio and television as well as booths at state fairs. However, these forms of outreach are not nearly as effective as referrals and often lead to the office being temporarily overwhelmed with complaints.

4. *The United States Ombudsman Association is a valuable resource.*

The United States Ombudsman Association (USOA) is a national organization for public sector ombudsman professionals. USOA has members from ombudsman offices in local, state and federal governments as well as affiliated ombudsman offices. The organization provides free information on different ombudsman models as well as recommendations about best practices. For members, USOA also provides training and consultation. All the states in this report are members of the USOA.

6. NEXT STEPS

Further investigation is needed to assess whether or not it makes sense for Vermont to create a state ombudsman office. Interviews with the Vermont Department of Corrections and the Office of the Attorney General revealed that there is uncertainty among state agencies about the potential benefits of a state ombudsman office. That said, John Murphy, who is in charge of grievance services at the Department of Corrections, said that any effort that is spent towards leaving complainants with the impression that someone has listened and understood their complaint goes a long way. While this may be true, additional analysis of how various state agencies deal with complaints would help determine if an ombudsman office in fact adds any value, or creates unnecessary bureaucracy where effective complaint mediation processes already exist.

Furthermore, in looking at how more state agencies deal with complaints, more research needs to be done into how much each of these agencies spends on resolving complaints. This is important because with such a decentralized system of dealing with complaints, there is the potential for some cost savings with the creation of a state ombudsman office.

Another aspect that needs further investigation is the type of ombudsman office that is most appropriate for the State of Vermont. A state ombudsman office in Vermont could look like that of Nebraska or Alaska, which only handles individual cases and seldom writes reports on systemic issues. Alternatively, the office could look like that of Iowa, which in addition to dealing with individual cases also does broad investigations of state agencies. Each model is not without its own weaknesses. The “Nebraska or Alaska model” is better suited in investigating every single complaint than the “Iowa model,” which prioritizes some cases over others, as the office must split its time. In the “Iowa model”, however, the ombudsman is a strong force for targeting broad problems in state agencies as well as advocating for legislative reform to address those problems. In assessing which of these models would be most appropriate for Vermont, it will be



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important to determine what the legislature as well as state agencies hope to get from a state ombudsman office.

Finally, more research needs to be done into the possibility of an ombudsman in Vermont that is organized as a public-private partnership. While no state ombudsman office in the United States is organized as such, the Alaska Long-Term Care Ombudsman office operates under this model, with the State of Alaska contracting out the work to a non-governmental organization. As such, it presents a possible cost-effective alternative.



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