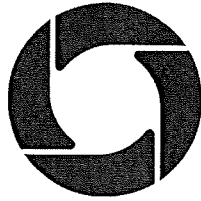


Office of the Ombudsman
State of Hawaii
Fiscal Year 2020-2021
Report Number 52





As a service to the public provided by the legislature, the Office of the Ombudsman receives and investigates complaints from the public about injustice or maladministration by executive agencies of the State and county governments.

The Ombudsman is a nonpartisan officer of the legislature. The Ombudsman is empowered to obtain necessary information for investigations, to recommend corrective action to agencies, and to criticize agency actions; but the Ombudsman may not compel or reverse administrative decisions.

The Ombudsman is charged with: (1) accepting and investigating complaints made by the public about any action or inaction by any officer or employee of an executive agency of the State and county governments; and (2) improving administrative processes and procedures by recommending appropriate solutions for valid individual complaints and by suggesting appropriate amendments to rules, regulations, or statutes.

By law, the Ombudsman cannot investigate actions of the governor, the lieutenant governor and their personal staffs; the legislature, its committees and its staff; the judiciary and its staff; the mayors and councils of the various counties; an entity of the federal government; a multistate governmental entity; and public employee grievances, if a collective bargaining agreement provides an exclusive method for resolving such grievances.

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Honolulu, HI 96813**

**Phone: 808-587-0770
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**Neighbor island residents may
call our toll-free numbers.**

**Hawaii 974-4000
Maui 984-2400
Kauai 274-3141
Molokai, Lanai 1-800-468-4644**

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TTY extension is 7-0774**

**email: complaints@ombudsman.hawaii.gov
website: ombudsman.hawaii.gov**



State of Hawaii

Report of the Ombudsman

For the Period July 1, 2020 - June 30, 2021
Report No. 52

Presented to the Legislature
pursuant to Section 96-16 of
the Hawaii Revised Statutes

April 2022

Mr. President, Mr. Speaker, and Members of the
Hawaii State Legislature of 2022:

In accordance with Section 96-16, Hawaii Revised Statutes, I am pleased to submit the report of the Office of the Ombudsman for fiscal year 2020-2021. This is the fifty-second annual report since the establishment of the office in 1969.

I apologize for the tardiness of this year's report, which, like last year, is due to my decision to focus my office's staff resources during the past 12 months toward dealing with the complaints we received from the public during the continuing COVID-19 pandemic. For the same reason, this year's report does not contain any summaries of cases that were investigated during fiscal year 2020-2021. It is my hope that next year's annual report will include summaries of cases we investigated during the past two fiscal years.

On behalf of the members of the office, I would like to thank the Governor, the Mayors of the various counties, and the State and County department heads and employees for their continuing cooperation and assistance.

I would also like to thank the professional and support staff of the Office of the Ombudsman for their perseverance during an exceptionally challenging year. I am extremely fortunate to be surrounded by dedicated, committed staff, who interfaced daily with a frustrated and hostile public, but continued to perform their duties professionally and respectfully to improve the level of public administration in Hawaii.

Respectfully submitted,



ROBIN K. MATSUNAGA
Ombudsman

April 2022

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Chapter I

THE ONGOING CORONAVIRUS PANDEMIC

The COVID-19 pandemic that began in early 2020 continued through the past fiscal year, affecting more and more of Hawaii's citizens and the government agencies that provide needed services to the public. Social distancing and other measures to help prevent the spread of COVID-19 kept many agencies from returning to pre-pandemic staffing levels and consequently, many of the services these agencies provided to the public continued to be adversely impacted.

We consider the services that we provide to the public to be essential, but we also needed to take steps to prevent the spread of COVID-19 within the office. We were confident that the protocols we established would help reduce the potential of COVID-19 being transmitted between our employees, but given the high infection rate in the community, it was necessary to also restrict the number of employees who could work within the office at any given time. The number of employees working in-office varied during the fiscal year, based on the number of new cases on Oahu, but generally did not exceed 7 of our 14 employees. Although limiting the number of employees who could work in-office impacted our efficiency, we believed it was important to balance the level of service we provide the public with the health and safety of our employees.

In terms of the public's accessibility to our services, we kept in place for the entire fiscal year the restriction on accepting walk-in complainants in order to further minimize the potential introduction of COVID-19 into our office. We continued to accept complaints via telephone, postal mail, email, and fax, and we continued to investigate complaints that we determined were appropriate for investigation as timely and thoroughly as possible, without jeopardizing the health of our employees.

As we expected, as state and county government agencies continued measures to prevent the spread of COVID-19 among their employees, their ability to timely provide services to the public continued to be adversely impacted. In addition, due to pandemic-related downsizing and shutdowns in the private sector, requests for government services and assistance increased significantly. As a result, we received 20.3 percent more jurisdictional complaints in fiscal year 2020-2021 than we did during the previous fiscal year.

As we experienced in the second half of the previous fiscal year, during fiscal year 2020-2021, complainants followed up more frequently on their complaints, effectively increasing our workload by 40 percent during this period. We also continued to experience a significantly higher number of incidences where complainants directed toward our staff profanity and abusive and derogatory statements, as well as threats of harm. Although we understand the frustration a complainant may feel when we are unable to provide the complainant the remedy the complainant was seeking, this type of conduct does create a hostile work environment for staff. Fortunately, the staff of our office, understanding the important role our office serves, were exceptionally tolerant of the threats and abusive language directed toward them and continued to treat each complainant respectfully and professionally throughout the fiscal year. We remain committed to providing the highest level of service possible, while protecting the health of our staff.

Chapter II

THE YEAR IN BRIEF

Total Inquiries Received

During fiscal year 2020-2021, the office received a total of 5,111 inquiries, a 15.9 percent increase over the prior fiscal year. Of these inquiries, 4,253, or 83.2 percent, may be classified as complaints within the jurisdiction of the office. The remaining inquiries consisted of 443 requests for information and 415 non-jurisdictional complaints.

The number of non-jurisdictional complaints was essentially the same as for last fiscal year. There was a considerable increase this year in the number of jurisdictional complaints. Complaints involving the State's adult corrections programs increased by 15.4 percent, while the number of other complaints increased by 28.1 percent.

A comparison of inquiries received in fiscal year 2019-2020 and fiscal year 2020-2021 is presented in the following table.

TWO-YEAR COMPARISON

Years	Total Inquiries	Information Requests	Non-Jurisdictional Complaints	Jurisdictional Complaints		
				Total Jurisdictional	Prison Complaints	General Complaints
2020-2021	5,111	443	415	4,253	2,511	1,742
2019-2020	4,409	458	416	3,535	2,175	1,360
Numerical Change	702	-15	-1	718	336	382
Percentage Change	15.9%	-3.3%	-0.2%	20.3%	15.4%	28.1%

Staff Notes

In August 2020, Megan Ito-Shigetomi joined our office as an Analyst. Prior to joining our team, Ms. Ito-Shigetomi was employed as an associate attorney at a Hawaii law firm.

In August 2020, Clinton Piper also joined our office as an Analyst. Mr. Piper was an employee of the Hawaii State Judiciary prior to joining our team.

In October 2020, Administrative Assistant Debbie Goya celebrated 30 years of service with the State of Hawaii. Ms. Goya has been a member of our team since 1990. Congratulations and thank you, Ms. Goya, for your dedication, hard work, and outstanding service to the public.

In December 2020, Administrative Assistant Sheila Alderman celebrated 20 years of service with the State of Hawaii, all of which has been as a member of our team. Congratulations and thank you, Ms. Alderman, for your commitment and contribution to helping ensure fairness in government.

In December 2020, Analyst Herbert Almeida retired after 34 years of State service, all of which were provided as a member of our office. In addition to his skill as an Analyst, Mr. Almeida's witty spirit helped ease the daily stress of handling complaints. We thank Mr. Almeida for his years of excellent service to our office and the public and wish him well in his retirement.

In December 2020, Matthew Kajiura joined our office as an Analyst. Prior to joining our team, Mr. Kajiura practiced criminal law.

In May 2021, Analyst Yvonne Jinbo celebrated 20 years of service with the State of Hawaii. Ms. Jinbo has been a member of our team since 2002. Congratulations and thank you, Ms. Jinbo, for your dedication and effort to serve the public and ensure that government in Hawaii acts lawfully, fairly, and reasonably.

In June 2021, Senior Analyst Rene Dela Cruz resigned from the office. Mr. Dela Cruz had been a member of our team since February 2009, when he was hired as an Analyst. Mr. Dela Cruz was promoted to Senior Analyst in July 2013 and in addition to continuing to receive and investigate complaints, helped train and mentor newer Analysts. We wish him the best in his new endeavor.

At the end of fiscal year 2021, our office staff consisted of Ombudsman Robin Matsunaga; First Assistant Melissa Chee; Analysts Megan Ito-Shigetomi, Yvonne Jinbo, Matthew Kajiura, Gansin Li, Marcie McWayne, Clinton Piper, Ryan Yeh; Administrative Services Officer Cindy Yee; and Administrative Service Assistants Sheila Alderman, Carliza Elido, and Debbie Goya.

Staff Activities

Ombudsman Robin Matsunaga continued to serve as President of the United States Ombudsman Association (USOA) Board of Directors. In November and December 2020, Mr. Matsunaga also served as an instructor of the USOA's New Ombudsman Training course. Due to the COVID-19 pandemic, the training, previously provided as a two full-day, in-person event, was conducted virtually in 4-hour sessions over a period of 4 days, with almost 40 attendees in November and over 50 attendees in December.

In June 2021, Mr. Matsunaga was elected to an eighth consecutive two-year term as a Director of the USOA Board. The 2021-2023 Directors begin their term at the Annual Meeting of the USOA Membership, which will be held in September.

Chapter III

STATISTICAL TABLES

For all tables, the percentages may not add up to a total of 100% due to rounding.

TABLE 1
NUMBERS AND TYPES OF INQUIRIES
Fiscal Year 2020-2021

Month	Total Inquiries	Jurisdictional Complaints	Non-Jurisdictional Complaints	Information Requests
July	398	334	24	40
August	508	433	32	43
September	460	386	33	41
October	471	390	41	40
November	353	295	29	29
December	421	348	32	41
January	379	329	25	25
February	410	352	31	27
March	491	395	49	47
April	404	329	45	30
May	339	264	33	42
June	477	398	41	38
TOTAL	5,111	4,253	415	443
% of Total Inquiries	--	83.2%	8.1%	8.7%

TABLE 2
MEANS BY WHICH INQUIRIES ARE RECEIVED
Fiscal Year 2020-2021

Month	Telephone	Mail	Email	Fax	Visit	Own Motion
July	357	8	32	0	1	0
August	450	11	47	0	0	0
September	405	15	37	0	3	0
October	429	10	31	0	0	1
November	311	12	30	0	0	0
December	382	16	23	0	0	0
January	342	4	31	0	1	1
February	331	14	64	1	0	0
March	430	11	48	0	1	1
April	342	31	29	0	1	1
May	306	3	29	1	0	0
June	427	15	34	0	0	1
TOTAL	4,512	150	435	2	7	5
% of Total Inquiries (5,111)	88.3%	2.9%	8.5%	0.0%	0.1%	0.1%

**TABLE 3
DISTRIBUTION OF POPULATION AND
INQUIRERS BY RESIDENCE
Fiscal Year 2020-2021**

Residence	Population*	Percent of Total Population	Total Inquiries	Percent of Total Inquiries
City & County of Honolulu	963,826	68.5%	3,853	75.4%
County of Hawaii	203,340	14.5%	491	9.6%
County of Maui	167,989	11.9%	461	9.0%
County of Kauai	71,851	5.1%	68	1.3%
Out-of-State	--	--	238	4.7%
TOTAL	1,407,006	--	5,111	--

*Source: The State of Hawaii Data Book 2020, A Statistical Abstract. Hawaii State Department of Business, Economic Development, and Tourism, Table 1.06, "Resident Population, by County: 2000 to 2020."

TABLE 4
DISTRIBUTION OF TYPES OF INQUIRIES
BY RESIDENCE OF INQUIRERS
Fiscal Year 2020-2021

Residence	TYPES OF INQUIRIES					
	Jurisdictional Complaints		Non-Jurisdictional Complaints		Information Requests	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
C&C of Honolulu	3,237	76.1%	250	60.2%	366	82.6%
County of Hawaii	418	9.8%	53	12.8%	20	4.5%
County of Maui	380	8.9%	45	10.8%	36	8.1%
County of Kauai	59	1.4%	7	1.7%	2	0.5%
Out-of-State	159	3.7%	60	14.5%	19	4.3%
TOTAL	4,253	--	415	--	443	--

**TABLE 5
MEANS OF RECEIPT OF INQUIRIES
BY RESIDENCE
Fiscal Year 2020-2021**

Residence	Total Inquiries	Means of Receipt					
		Telephone	Mail	Email	Fax	Visit	Own Motion
C&C of Honolulu	3,853	3,450	107	283	1	7	5
% of C&C of Honolulu	--	89.5%	2.8%	7.3%	0.0%	0.2%	0.1%
County of Hawaii	491	437	9	44	1	0	0
% of County of Hawaii	--	89.0%	1.8%	9.0%	0.2%	0.0%	0.0%
County of Maui	461	426	2	33	0	0	0
% of County of Maui	--	92.4%	0.4%	7.2%	0.0%	0.0%	0.0%
County of Kauai	68	61	1	6	0	0	0
% of County of Kauai	--	89.7%	1.5%	8.8%	0.0%	0.0%	0.0%
Out-of- State	238	138	31	69	0	0	0
% of Out- of-State	--	58.0%	13.0%	29.0%	0.0%	0.0%	0.0%
TOTAL	5,111	4,512	150	435	2	7	5
% of Total	--	88.3%	2.9%	8.5%	0.0%	0.1%	0.1%

TABLE 6
DISTRIBUTION AND DISPOSITION OF
JURISDICTIONAL COMPLAINTS BY AGENCY
Fiscal Year 2020-2021

Agency	Jurisdictional Complaints	Percent of Total	Completed Investigations		Discontinued	Declined	Assisted
			Substantiated	Not Substantiated			
<u>State Departments</u>							
Accounting & General Services	21	0.5%	0	6	2	11	2
Agriculture	4	0.1%	0	0	0	4	0
Attorney General	29	0.7%	0	3	10	15	1
Budget & Finance	43	1.0%	0	1	7	29	6
Business, Economic Devel. & Tourism	21	0.5%	0	3	5	12	0
Commerce & Consumer Affairs	61	1.4%	2	5	6	42	4
Defense	5	0.1%	0	0	1	4	0
Education	84	2.0%	0	22	15	45	1
Hawaiian Home Lands	17	0.4%	1	2	0	11	0
Health	123	2.9%	13	1	13	67	26
Human Resources Development	4	0.1%	0	1	1	2	0
Human Services	272	6.4%	2	22	37	173	30
Labor & Industrial Relations	604	14.2%	0	11	26	539	22
Land & Natural Resources	28	0.7%	1	1	3	16	4
Office of Hawaiian Affairs	1	0.0%	0	0	0	1	0
Public Safety	2,529	59.5%	29	397	258	1,535	236
Taxation	22	0.5%	0	0	1	12	8
Transportation	25	0.6%	0	1	8	15	1
University of Hawaii	14	0.3%	1	0	6	4	1
Other Executive Agencies	27	0.6%	0	1	16	7	2
<u>Counties</u>							
City & County of Honolulu	216	5.1%	3	15	37	133	21
County of Hawaii	69	1.6%	1	5	3	52	4
County of Maui	31	0.7%	0	1	8	19	1
County of Kauai	3	0.1%	0	0	1	1	1
TOTAL	4,253	--	53	498	464	2,749	371
% of Total Jurisdictional Complaints	--	--	1.2%	11.7%	10.9%	64.6%	8.7%

TABLE 7
DISTRIBUTION AND DISPOSITION OF SUBSTANTIATED
JURISDICTIONAL COMPLAINTS BY AGENCY
Fiscal Year 2020-2021

Agency	Substantiated Complaints	Complaints Rectified	Not Rectified/ No Action Necessary
<u>State Departments</u>			
Accounting & General Services	0	0	0
Agriculture	0	0	0
Attorney General	0	0	0
Budget & Finance	0	0	0
Business, Economic Devel. & Tourism	0	0	0
Commerce & Consumer Affairs	2	2	0
Defense	0	0	0
Education	0	0	0
Hawaiian Home Lands	1	1	0
Health	1	1	0
Human Resources Development	0	0	0
Human Services	2	1	1
Labor & Industrial Relations	0	0	0
Land & Natural Resources	1	1	0
Office of Hawaiian Affairs	0	0	0
Public Safety	29	27	2
Taxation	0	0	0
Transportation	0	0	0
University of Hawaii	1	1	0
Other Executive Agencies	0	0	0
<u>Counties</u>			
City & County of Honolulu	3	2	1
County of Hawaii	1	1	0
County of Maui	0	0	0
County of Kauai	0	0	0
TOTAL	41	37	4
% of Total Substantiated Jurisdictional Complaints	--	90.2%	9.8%
% of Total Completed Investigations (551)	7.4%	6.7%	0.7%

TABLE 8
DISTRIBUTION OF INFORMATION REQUESTS
Fiscal Year 2020-2021

Agency	Information Requests	Percent of Total
<u>State Departments</u>		
Accounting & General Services	8	1.8%
Agriculture	2	0.5%
Attorney General	11	2.5%
Budget & Finance	10	2.3%
Business, Economic Devel. & Tourism	3	0.7%
Commerce & Consumer Affairs	17	3.8%
Defense	0	0.0%
Education	5	1.1%
Hawaiian Home Lands	1	0.2%
Health	28	6.3%
Human Resources Development	1	0.2%
Human Services	17	3.8%
Labor & Industrial Relations	21	4.7%
Land & Natural Resources	7	1.6%
Office of Hawaiian Affairs	0	0.0%
Public Safety	71	16.0%
Taxation	3	0.7%
Transportation	6	1.4%
University of Hawaii	2	0.5%
Other Executive Agencies	1	0.2%
<u>Counties</u>		
City & County of Honolulu	54	12.2%
County of Hawaii	2	0.5%
County of Maui	1	0.2%
County of Kauai	1	0.2%
Miscellaneous	171	38.6%
TOTAL	443	--

TABLE 9
DISTRIBUTION OF NON-JURISDICTIONAL COMPLAINTS
Fiscal Year 2020-2021

Jurisdictional Exclusions	Number of Complaints	Percent of Total
Collective Bargaining	17	4.1%
County Councils	2	0.5%
Federal Government	21	5.1%
Governor	19	4.6%
Judiciary	52	12.5%
Legislature	2	0.5%
Lieutenant Governor	3	0.7%
Mayors	7	1.7%
Multi-State Governmental Entity	7	1.7%
Private Transactions	220	53.0%
Miscellaneous	65	15.7%
TOTAL	415	--

**TABLE 10
INQUIRIES CARRIED OVER TO FISCAL YEAR 2020-2021 AND
THEIR DISPOSITIONS, AND INQUIRIES CARRIED OVER
TO FISCAL YEAR 2021-2022**

Types of Inquiries	Inquiries Carried Over to FY 20-21	Inquiries Carried Over to FY 20-21 and Closed During FY 20-21	Balance of Inquiries Carried Over to FY 21-22	Inquiries Received in FY 20-21 and Pending	Total Inquiries Carried Over to FY 21-22
Non-Jurisdictional Complaints	0	0	0	1	1
Information Requests	4	4	0	0	0
Jurisdictional Complaints	111	109	2	118	120
		Disposition of <u>Closed Complaints:</u> Substantiated 18 Not Substan. 75 Discontinued 16 <hr style="width: 50px; margin-left: auto; margin-right: 0;"/> 109			
TOTAL	115	113	2	119	121

Chapter IV

CASE SUMMARIES

There are no case summaries in this year's report. We plan to resume providing summaries of selected cases investigated by the office in the next Annual Report.

To view a cumulative index of all selected case summaries that appeared in our Annual Report Nos. 1 through 50, please visit our website at ombudsman.hawaii.gov and select the "Cumulative Index" link from the homepage.

If you do not have access to our cumulative index via the Internet, you may contact our office to request a copy.

