

Approved by: J. Kate Burkhart, Ombudsman	Policy #	4010	Page 1 of 5
Supercedes: 4010 (effective October 1, 2006)	Effective Date:	January 26, 2024	
Chapter: Procedures	Subject:	Complaint Screening and Intake	

4010 COMPLAINT INTAKE

POLICY

The Alaska State Ombudsman will provide accessible and convenient ways for people to request assistance and make complaints to the Ombudsman. The intake process is designed to support efficient collection of information from complainants and timely review of new complaints to determine what action to take.

PROCEDURE

4010 COMPLAINT INTAKE

AS 24.55.110 INVESTIGATION OF COMPLAINTS.

The ombudsman shall investigate any complaint which is an appropriate subject for investigation under AS 24.55.150 [except as specifically provided by law]. . .

AS 24.55.130 NOTICE TO COMPLAINANT.

- (a) If the ombudsman decides not to investigate a complaint, the ombudsman shall inform the complainant of that decision and shall state the reasons.
- (b) If the ombudsman decides to investigate a complaint, the ombudsman shall notify the complainant of the decision.

21 AC 25.010. FORM OF COMPLAINT

- (a) Unless requested by the ombudsman, a complaint need not be in writing, except that a complaint alleging misconduct by an agency employee or official must be in writing and signed by the complainant.
- (b) The ombudsman may request that the complainant provide a written complaint if
 - (1) the ombudsman's resources are insufficient to allow the ombudsman to receive all complaints by telephone or in person; or
 - (2) the ombudsman believes that reducing the complaint to writing will assist the ombudsman in effective evaluation of the complaint.

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(c) The ombudsman will provide a complaint form, but use of the form is not mandatory.

(d) The ombudsman may request that the complainant provide copies of correspondence or other records in the complainant's possession to assist the ombudsman in evaluation of the complaint.

(e) The ombudsman may assist the complainant in reducing a complaint to writing. However, the complainant must review and sign the complaint. The complainant may review the written complaint by reading it or having it read aloud, or by any other means that enables the complainant to understand the written complaint.

(f) If the complainant has difficulty communicating the complaint due to a disability or a language barrier, the ombudsman shall make reasonable accommodations to facilitate communication with the complainant, including the use of a professional interpreter.

(g) For purposes of this section, "misconduct" means conduct that could be prosecuted as a crime; that violates the Executive Branch Ethics Act, AS 39.52, or an equivalent ethics code applicable to the officer or employee; or that constitutes willful disregard for the officer's or employee's responsibilities.

4010.1 MAKING A COMPLAINT

We provide the following ways to make a complaint:

1. Secure, confidential online complaint portal through the Alaska State Ombudsman website;
2. Complaint form available on the Alaska State Ombudsman website, in ombudsman offices, by mail and email, and through outreach at community partner locations;
3. Telephone;
4. Email to ombudsman@akleg.gov;
5. Office visit by appointment; and
6. Outreach events.

People can fax complaints, but that is not a preferred method.

We provide accessible ways to make a complaint, and can adapt complaint-making to meet the needs of people who experience disabilities, limited literacy, limited English proficiency, or other barriers. Translation services will be arranged to assure that complainants can explain their complaint to Intake confidently and comfortably.

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4010.2 COLLECTING INFORMATION ABOUT THE COMPLAINT

Intake staff are responsible for collecting as much information as possible about the complainant and their complaint. The basic and essential information needed is:

1. Complainant's name, address, telephone number, and email address;
 - a. If the complainant is incarcerated, their inmate number;
2. The state government department, division, and section they are complaining about;
3. The agency's actions, or failure to act, that they are complaining about;
 - a. What happened, when it happened, and who was responsible (if known);
4. Why the complainant thinks the agency was wrong;
5. What the complainant has done to attempt to resolve the complaint already;
 - a. Who they have communicated with at the agency;
 - b. If they filed an administrative grievance or appeal;
 - i. If so, when, and what the outcome was;
6. What resolution or remedy the complainant wants;
7. How the complainant found out about/knew to contact the Ombudsman.

Intake staff should ask the complainant to provide copies (not originals) of all correspondence, documents, notices, grievances, and appeals related to the complaint.

With some types of complaints, Intake should collect additional information:

- for Office of Children's Services complaints, Intake will ask for the names and dates of birth of the children involved, and the name of the mother of the children if she is not the complainant;
- for Division of Public Assistance complaints, Intake will collect the complainant or aggrieved person's case identification number, application date and means of submission (mail, email, in person, fax), and copies of the application, if possible;
- for Child Support Services Division complaints, Intake will ask for the names of the obligor and the person to whom child support is owed, the case identification number, how the child support order was set (by a court or by the agency), and the name of the CSSD case worker.

Whenever possible, Intake should collect or discern demographic information about the complainant. If the opportunity to ask does not arise during the intake interview, Intake can use existing information sources (CourtView, ACOMS, VINE, etc.) and their best judgment to enter this information.

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4010.3 PRELIMINARY SCREENING

The i-Sight/Case IQ case management system was designed to support the intake workflow and guide collection of essential complaint information.

The Intake Team will screen a complaint to determine if it is:

1. complete, meaning that all of the necessary information and supporting documents have been collected;
 - a. if the complainant refuses or fails to provide information requested by the Intake Team, the complaint can be declined pursuant to 21 AAC 25.060(b)(6);
2. jurisdictional, according to AS 24.55.100 and AS 24.55.330(1)-(2); and
3. timely, meaning that the administrative action occurred within the last 12 months or was known to the complainant within the past 12 months, as defined by 21 AAC 25.060(d).

If the complaint is complete, jurisdictional, and timely, the Intake Team will then assess whether the complaint should be declined pursuant to 21 AAC 25.060:

1. the complaint does not involve an administrative act, as defined in AS 24.55.330(1), by an agency within the jurisdiction of the ombudsman;
2. the merits of the complaint are the subject of a judicial proceeding pending at the time the ombudsman receives the complaint, or investigation of the complaint would require the ombudsman to make findings on a matter already decided by a court;
3. the complainant is an employee who is represented by a union, and the collective bargaining agreement provides the sole dispute resolution process to decide the merits of the complaint; or
4. the complainant does not have a direct personal interest in the complaint.

The Intake Team will then assess whether the complainant has “given the agency a reasonable opportunity to remedy the complaint” (21 AAC 25.060(b)(1)). It is not a requirement that the complainant “exhaust the administrative remedies” before the Ombudsman will investigate a complaint. Instead, the criteria is that the complainant, if able, has attempted to resolve the complaint through an agency’s grievance process or by talking with a manager, supervisor, or member of agency leadership who has authority to resolve the complaint. The Intake Team has discretion to determine whether a complainant experiences a barrier due to age, disability, location, or other reason that would make attempting to discuss the complaint with the agency too difficult or unproductive.

4010.4 CASE REVIEW

New complaints identified by Intake as being ready for case review are reviewed by the entire ombudsman team weekly.

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The Research Analyst is responsible for creating and running a weekly case review report from i-Sight/CaselQ. Investigative staff are encouraged to review the report prior to the case review meeting.

At case review, the Intake staff who accepted and screened the complaint will present the elements to the investigators. Investigative staff will consider the allegations, information, and relevant law and policy within the context of AS 24.55.110 and 21 AAC 25.60-70. Investigators will have the opportunity to accept complaints for further review based on their expertise and caseload. Investigators are encouraged to partner on complaints that present complex or novel allegations, or that afford an opportunity for knowledge transfer or professional development.

It is not the practice of the Ombudsman to unilaterally assign complaints to investigators. The Ombudsman may suggest that an investigator partner with someone, or let another investigator accept the complaint, based on their current caseload. In rare circumstances, the Ombudsman may ask that a complaint be reviewed further based on the seriousness of the allegation or the fact that the complainant lacks the skills or resources to pursue a resolution on their own.