

Triage of Complaints - ABC

The division receives over 35,000 inquiries per year, resulting in the formal filing of approximately 1,700 complaints per year. Those complaints arise under a growing number of protected classes and cover a range of allegations, from technical violations to egregious harassment. Some complainants offer witnesses or documentary evidence in support of their allegations, while others rely solely on speculation. Because some complaints are more meritorious than others, it is important for the division to focus its resources accordingly. To better manage investigator caseloads, the division has developed a system to triage complaints based on the likelihood that the division will find substantial evidence of a violation. This enables the division to dismiss cases that have no merit on their face at the intake level, thereby freeing up the investigators' time to investigate more meritorious complaints. Complaints are designated as A, B or C.

"A" complaints are those persuasively alleging an egregious violation and/or significant harm, with indications that substantial evidence is likely; the division expedites the processing of these cases toward the investigation stage.

"B" complaints clearly allege violations resulting in at least some harm, but that are less clear how the allegations can be proven. These cases need investigation to determine if there is substantial evidence that a violation occurred. These cases take up the majority of an investigator's caseload.

"C" complaints are expected to be dismissed quickly. They are distinguishable by a low probability that the complainant can provide substantial evidence in support of the allegations; designations of "C" cases may be based on the purely speculative nature of a complainant's allegations, or on some other information that seriously undermines any objective belief that investigation is likely to yield evidence of an unlawful practice.

When an inquiry is designated "C" by an Intake Officer, the division attempts to conduct an in-depth interview with the complainant to ensure that no relevant factors have been overlooked. If the "C" designation remains after the complaint is filed, an investigator reviews the complaint and any intake materials, and may recommend upgrading the case to "B" (or "A"). If the investigator concurs with the original assessment, the investigator drafts a dismissal summary and forwards the case for management review. If management also concurs with the designation, the case is closed without any further action.

The ABC triage process is more resource intensive at the front-end of case processing, but it reduces the time complainants spend in uncertainty, and it frees resources for more thorough investigation of complaints where the division believes its efforts will be most effective.