

Office of Public Advocate

Executive Summary of Office Procedures

Preamble

The Snohomish County Code (chapter 2.11 SCC) establishes the general parameters on the way the Office of the Public Advocate conducts its business. This document provides a summary of how the Office of the Public Advocate operates.

The Office of the Snohomish County Public Advocate uses standards established by the United States Ombudsman (USOA) for the functioning of the independent, impartial, confidential, and credible review process of an Ombudsman office. To view the full description of the Governmental Ombudsman Standards visit this link: [USOA Governmental Ombudsman Standards \(usombudsman.org\)](http://usombudsman.org)

The Office of the Snohomish County Public Advocate has adopted the International Ombudsman Association standards of practice and code of ethics. These standards are based on the traditions and values of Ombudsman practice. The code of ethics reflects a commitment to promote ethical conduct in the performance of the Public Advocate's role. To view the full International Ombudsman Association Code of Ethics, visit this link: ombudsassociation.org

Types of Inquires

The Office of the Public Advocate typically responds to complaints in three ways:

- **Information Requests**
While the principal work of the Office of the Public Advocate involves the investigation and resolution of complaints about county agencies, the office receives other types of inquiries as well. Often, a person just needs information. When a person contacts the office and requests information or advice, that contact should be treated as "Coaching." Generally, the office responds to such a request by answering the person's question, if possible, or referring the person to someone who can answer the question.
- **Coaching**
The office may coach a person when the subject of the request or complaint falls outside the office's jurisdiction or when the person has not exhausted his or her remedies with the agency. The office may provide a person with a claim form but may not provide legal advice or otherwise advise a person on how to initiate a lawsuit against the county.
- **Assistance**
The office provides assistance when a citizen has a simple complaint that can be quickly resolved with a telephone call or two. The office's response may

constitute assistance when a complainant has experienced delay, wants action expedited, or wants an explanation for delay. Typically the office action constitutes assistance when it responds to a complainant who wants prompt action without a determination of whether an administrative act is erroneous.

- **Investigation**

An investigation is a thorough and systematic attempt to learn all the facts about a complaint. A complete investigation describes the factual basis of the alleged grievance, examines requirements and principles, and attempts to define a proper remedy. When investigating, the Public Advocate may:

- Obtain from the complainant a statement of the complaint and all the facts bearing on investigation of the complaint.
- Define the problem(s) to be investigated.
- Plan the investigation.
- Conduct the investigation.
- Evaluate the complaint, the facts obtained, and the applicable requirements and create suggested findings and recommendations.
- Coordinate with the department and complainant to try to work out a fair and appropriate remedy in cases where the complaint is justified.
- If necessary, write preliminary report and forward to the agency for response.
- Evaluate the department's response to findings and recommendations.
- Manage the complaint file.
- Conclude the investigation.

Evaluation

Initially, the Office of the Public Advocate evaluates each case to decide whether to accept or decline it. The following are reasons to decline a case:

- Outside Jurisdiction
- Premature

Once the office accepts a complaint, the Public Advocate may close it for one of the following reasons:

- Discontinued
- Closed – not substantiated
- Closed – complaint resolved before recommendation
- Closed – complaint resolved after recommendation
- Recommendation issued
- Other

The Public Advocate's process for investigating complaints follows:

- Intake
- Preliminary inquiry
- Investigation
- Problem resolution
- Report

Records

The office maintains records of the requests for information and complaints that it receives. Each request for information or complaint should be tracked and any records should be retained according to the Washington State Archives guidelines and the Office of the Attorney General Record Retention Schedule.

Complaint Intake

The following lists the intake and preliminary evaluation process of complaints:

- Listen
- Identify the complainant
- Determine jurisdiction
- Let the department try first, determine if the department has made an effort to solve the complaint.

Priorities

The office may prioritize its work according to whether a complaint's allegations, if sustained:

- May result in loss of life, serious bodily harm or adverse health consequences.
- Impact a large number of constituents.
- Involve large amounts of public funds.
- Cause serious damage that cannot be recouped at a later date.
- Involve a significant injustice that can only be remedied by a change in statute, rule or policy.

Anonymous Complaints

There is a difference between a person who wants the office to keep his or her identity safe from disclosure and someone who submits an anonymous complaint. In the first instance, the office will comply with requests under RCW 42.56.240(2). In the second instance, the office cannot follow-up with the complainant, mediate the complaint, or even report back on results.

The office may decline anonymous complaints unless the facts of the matter can be independently verified.

In some cases the office may want to forward an anonymous complaint to an agency for informational purposes.

Complaints Involving ADA Compliance

The office should refer all complaints by the public concerning ADA accommodation to the ADA coordinator for the County.

Complaints Involving EEO Issues

This office should refer to the EEO Officer all employees alleging discrimination on the basis of race; color; religion; sex (including pregnancy); nation origin; sexual orientation; parental status; veteran status; presence of sensory, mental or physical disability; and retaliation for a complaint of such discrimination.

Whistleblower Complaints

This office should refer to the Deputy Executive all whistleblower complaints, pursuant to the County's Whistleblower policy.

Personnel Issues

Except for EEO complaints, this office should direct an employee complaining about personnel issues to the employee's manager. If the employee desires to complaint about his or her manager, this office should direct the employee to Human Resources.

Conflict of Interest

If the complaint involves a family member or an entity in which the Public Advocate or staff have a personal or financial interest, any investigation into the matter should be declines or reassigned to avoid the perception of a conflict of interest.