

# OPERATIONAL GUIDE TO WHITE-COLLAR CRIME ENFORCEMENT

A Report of the National Center on White-Collar Crime

## HANDLING COMPLAINTS AND REFERRALS

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## FOREWORD

The receipt and handling of citizen complaints is one of the most important elements in management of an effective and successful white-collar crime enforcement effort. Complaints are essential elements in detection and enforcement planning. They also provide major sources for identifying evidence of similar acts--an effort which is important in proving that wrongful acts were not inadvertent but were clearly intended.

One agency which has dealt with a very high volume of citizen complaints and which has worked its way through the many problems of evaluation, sorting out, servicing complainants, and moving complaints into the enforcement stream is the multi-jurisdictional Metropolitan Denver District Attorneys' Consumer Office. We believe that the experience of that office, as reflected in this operational guide which was prepared by its chief, Felicia Muftic, has substantial significance for all enforcement agencies which deal with white-collar crime and related abuses.

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## HANDLING OF COMPLAINTS AND REFERRALS

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### I. INTRODUCTION

#### A. Varied State and Local Responses to Handling Complaints

Many prosecutors--state and local--have formed white-collar crime/consumer fraud units in the past several years. While the techniques used by the offices for investigation and prosecution have been similar, their approaches to handling complaints from the public have varied from one unit to another. Some have chosen not to record or to handle complaints at all. Others have been very selective in accepting complaints, limiting their intake to complaints which, from the outset, appear to violate laws they enforce. Still other fraud offices receive and screen nearly all types of complaints, whether they contain violations or not.

#### B. Complaint Handling Systems Vary from Office to Office

Complaint handling methods have also varied from office to office. Some offices mediate complaints; others do not. Most offices require complaints to be submitted in writing, but some permit complaints to be registered over the telephone. In some offices attorneys or investigators screen complaints; in others paralegals and even student interns perform the function. Some offices use computers to keep track of complaints and to sort them; others do this manually, while other offices do not maintain detailed records of complaints.

### II. WHETHER OR NOT TO HANDLE COMPLAINTS

#### A. Summary of the Issues

A basic question faced by fraud units is whether or not to handle complaints. Complaint handling offers several advantages. One is that handling complaints is an excellent aid to

prosecutors. Another is that it is a response to public demand. There is no doubt that complaint handling is time-consuming, costs money, and takes much effort and energy, but many offices have chosen to handle complaints because the advantages far outweigh the disadvantages.

B. Advantages of Complaint Handling

1. Aid to prosecution. Complaint handling can be a valuable aid to prosecutors in several ways. For example, it can provide a mechanism to help set priorities which are consistent with public victimization. There are never enough resources or personnel available to prosecute every violation of the law, so priorities must be set. Spending time on cases which affect few people or which concern issues of concern to few citizens is not beneficial to the tax-paying public. To paraphrase a saying, "If it isn't broken, it doesn't need fixing."

There is a natural tendency for prosecutors and investigators to pursue cases which strike their individual preferences. They may give priority to a case because it has fascinating legal ramifications, because it has a human interest side, or because the prosecutor himself may have been a victim of a similar fraud. There is nothing wrong with these reasons, but they may need to be tempered by relating them to an identified public need. These internally generated perceptions may rise from a situation that is a fluke and which may not have much impact on a significant number of people. By considering some measures of the number of people affected by the possible fraud, these somewhat arbitrary rationales can be tempered by reality. Complaint handling can generate information which indicates whether a case affects many people.

2. Gathering intelligence to identify similar victims. Complaint handling can also aid prosecutors by providing a mechanism to gather intelligence. One purpose of gathering intelligence is to identify similar victims. If citizens are



accustomed to reporting consumer problems to a prosecutor's office, there is a good chance that several victims of a particular con artist may have reported their problems to the same office as well. This may reduce the need to depend upon informants or to spend time searching out and tracking down similar victims in order to build a case.

Identification of similar victims may be an important factor in determining whether a case is a violation of the law. A single complaint may appear to be a non-provable violation, but a pattern of several similar complaints may indicate that there is a scheme involved. If most complaints which are reported to the office are not handled or recorded, it is possible that a pattern indicating a scheme may escape detection.

The Metropolitan Denver District Attorneys' Consumer Office (MDACO) has had much experience in using the complaint handling system to identify similar victims. It handles a wide variety of complaints, whether or not they appear at first to be potentially prosecutable. It also keeps detailed records of the complaints it receives. Several years ago, the MDACO received a few complaints about a rental referral agency. Each complaint examined on its own merits did not appear to involve a provable crime. The rental referral agency had sold lists of available rental units, and some of the addresses on the lists, according to the complainants, had been rented out for months or were vacant lots. Other addresses were valid referrals. The rental agent apologized when she was contacted by the MDACO, and she promised to refund money to the complainants, claiming she had made a clerical error. Within a few weeks, the MDACO received twenty-three additional complaints. A pattern was detected which indicated that a scheme was involved. A criminal case was filed, and the rental referral agent pled guilty.

3. Preventing victimization. Maintaining a formal complaint system enables a prosecuting office to spot a scheme

and to stop it before more people are victimized. Staying on top or ahead of the problem is certainly more beneficial to the public than trying to pick up the pieces after many people have suffered.

A good example of how complaint handling leads to the prevention of a major problem can be found in the MDACO's home insulation investigation. The consumer unit received a complaint in 1974 about some suspicious sales pitches made by home insulation salesmen. It was investigated, and the results from the investigation were (1) submission by the MDACO of a petition to the U.S. Consumer Product Safety Commission, (2) passage of a law by the U.S. Congress mandating cellulose insulation safety standards, and (3) the Federal Trade Commission targeting of the insulation industry for priority in prosecution and rule-making. The MDACO's action had been timely, as the insulation industry was on the brink of a boom because of the energy crisis and proposed tax credits for home insulation. It can be assumed that an unregulated industry would have experienced a boom in fraudulent practices as well, since the investigation revealed numerous shady operations had already begun to take advantage of a quickly expanding market. In another case, records of complaints supported legislation which would help prosecutors or which would help prevent fraud. Data about the type of complaints concerning auto repair was collected and analyzed by the MDACO. The data was presented to the state legislature in support of an auto repair fraud bill, which became law in 1977.

4. Issuing warnings. Being able to spot trends has also enabled the MDACO to issue warnings to the public through news releases, either frightening would-be con artists away or enabling the public to cooperate in apprehending a suspect.

The MDACO handled one case which illustrates this point very well. After receiving a complaint about a suspicious itinerant roofer at work in the area, the MDACO warned the public via a television report. A viewer copied the license

plates of a man "waterproofing" his neighbor's roof and alerted the consumer unit. MDACO investigators found that the substance used to "waterproof" the roof was machine oil, and they arrested the roofer, who later pled guilty as charged.

5. Identifying targets for undercover operations.

Handling complaints can also help prosecutors identify targets for undercover operations. An undercover operation is one of the most effective techniques used to prove a repairman is performing unnecessary repairs or is charging for repairs which are not done. Such an investigation requires expert witnesses and photographs to verify that a specially prepared car or television set being used is in perfect condition, so that if a fraudulent repair is performed, proof is clear-cut. Each investigation is expensive and time consuming. Complaint records can indicate which merchant may be likely to attempt a fraudulent repair, saving investigators from an expensive "wild goose chase."

During the past several years the MDACO used complaint patterns to target suspected repair shops for undercover investigations. It investigated two auto repair garages and a television repair shop. It picked the particular shops as targets because it had received numerous and various complaints about each of them. All three investigations developed into cases which resulted in filings.

C. Where to Locate A Complaint Handling System

1. The prosecutor's office or elsewhere? If complaint handling is so helpful to a prosecutor, does it need to be performed in the prosecutor's office? Some prosecuting offices depend upon other consumer complaint agencies to refer complaints to them, to spot trends, and to gather lists of similar victims. A prosecuting office which has such a competent agency in its jurisdiction may indeed have the best of both worlds. It can gather its intelligence without having to handle complaints.

2. Advantages of an "In House" complaint handling system. There are some problems, however, with relying solely on outside agencies for intelligence. The MDACO receives referrals from television and radio station "action lines" and from anti-poverty agencies. We have spent considerable time training their staffs to spot cases which would be of interest to us. Even with such excellent communication and good intentions, cases are inadvertently referred to us which do not violate laws we enforce. Sometimes after we have begun an investigation, we have learned that referral agencies have similar complaints in their files which they did not refer to us. In short, the fraud unit's control over intake, which in-house complaint handling affords, may be the most effective and efficient route.

3. Response to public demand. Another advantage of handling complaints is that it can serve as a response to public demand, provided the system provides the services the public wants.

a) Role of mediation. Receiving and recording complaints is only one service the public demands. Referral and mediation are also important. The agency must provide such satisfactory service that consumers want to report their problems to it. Usually that means the agency has to provide a mediation-complaint resolution service because that is what the public demands. If it makes referrals, the referrals have to be appropriate and effective ones. If the public does not get what it wants from an agency, it will not report its problems to it.

Is mediation a proper function of complaint handling? The issue of whether prosecuting agencies should engage in mediation was discussed in the October, 1975, American Bar Association Journal, by Eric H. Steele, a research attorney at the American Bar Foundation.

He concluded that mediation was a valid and necessary function of a prosecuting office because it generated complaints

which in turn provided intelligence needed for prosecution.

According to Mr. Steele:

It appears that the two responses--prosecution and dispute settlement--may be complementary in function, although they arise from divergent definitions of the situation. The reason for this is the necessary reliance on consumer complaints to discover fraudulent practices. Defrauded consumers must be encouraged to bring their complaints to consumer agencies if the agencies are to find out about the fraud that is being perpetrated.

How can consumer agencies obtain the vast flow of complaints that must be reviewed to discern frauds requiring prosecution? Whether or not it is their duty--legally or as good citizens--to report illegal acts to the proper authorities, most people, as the economists tell us, will not make the effort to file a complaint, unless there is something in it for them. Some victims are motivated sufficiently by indignation to blow the whistle on a merchant in hope that he will be punished and other consumers protected. Most consumers, however, are aware of the factual ambiguities in their situation and simply want to get it straightened out without undue time or expense. The complaints received by the consumer fraud bureau that I examined almost always requested repair, replacement, or delivery of merchandise, completion of performance of services, refund of money, correction of billings or accounts, cancellation of contracts, or other private remedies. Few expressed any desire that the merchant be punished or investigated . . .

Meeting public need is an important reason for mediation. The public, in fact, demands that a fraud agency somehow or other help it resolve its complaints. As Mr. Steele noted, the public does not demand prosecution; it demands a resolution of its problems.

There are good reasons why the public demands mediation. While prosecution is a good tool to deter crime, it rarely results in a problem being resolved. Handling complaints by mediation and referral, however, may lead to some relief. Prosecution is not always a good tool to resolve problems

because in some cases there may be insufficient proof to prosecute, and the truth of the matter is that most consumer complaints do not contain sufficient proof to justify filing them as criminal cases. Understaffing of investigators and deputy district attorneys may further limit the number of cases which are filed. Even when a case is litigated, restitution may not result. Most consumer problems--the bulk of white-collar crime complaints--do not involve enough money to make it worthwhile to pursue them in civil courts. The result is that the public wants and expects some intermediate step and expresses anger if the fraud agency does not meet the need which the public demands. It may have to fight for funding from appropriation bodies in order to support its prosecution function.

b) Meeting public demand means public support.

When the Denver District Attorney's consumer fraud unit was formed in 1973, it was quite evident from the first telephone call it received that consumers demanded a resolution to their problems. An explanation that the problem would not be solved by prosecution or that prosecution was not appropriate resulted in consumers becoming irate. What good was our office? one complainant asked. Consequently, the fraud unit set about to provide a complaint resolution service, as well as to prosecute fraud. As a result, public support for it and its successor, the MDACO, has been substantial.

Surveys made by the MDACO indicate that 80% of the complainants who use the office are sufficiently satisfied with its service to refer others to it or to use it again themselves. This satisfaction produces two important dividends:

1. The public officials who fund the unit support it at an acceptable level, and
2. Enough of the public reports its problems to the unit to generate intelligence needed to prosecute fraud with vigor.

### III. CHARACTERISTICS OF A SUCCESSFUL COMPLAINT SYSTEM

How to handle complaints is as fundamental a question as whether to handle them. Fraud offices have tackled the "how" question in a variety of ways. Regardless of the methods used, a complaint handling system should, at minimum, be an effective aid to prosecution and meet public needs and demands.

#### A. Seven Elements of a Successful Complaint Handling System

To serve these purposes with some degree of success, a complaint handling system should possess certain characteristics. The system should (1) provide a speedy response, (2) be accessible to the public, (3) keep track of the paper work, (4) provide periodic supervision and monitoring of the flow of complaints, (5) provide control and review by attorneys without bogging them down in detail, (6) generate information to help set priorities, and (7) provide data to evaluate its effectiveness and efficiency.

1. Speedy response. Speed is often an important factor in successful prosecution of a case. Often the shorter the time between the commission of a crime and its detection and prosecution, the easier it is to find witnesses and control the chain of evidence. Speed also appeases an impatient public.

The importance of both speed and the quick resolution of complaints was discussed in a 1975 study commissioned by the U.S. Department of Health, Education, and Welfare. The purpose of the study was to evaluate the effectiveness of complaint handling of fifteen federal agencies and to propose ways of improving their ability to handle complaints. The study, A Feasibility Study to Improve Handling of Consumer Complaints, was conducted by Technical Assistance Research Programs, Inc. (TARP) and the Center for Quantitative Sciences Division of Market Facts, Inc. It has become known popularly as the "TARP REPORT."

The TARP Report gave the following reasons for speed being an important criterion for measuring the success of an agency's complaint handling system:

The consumer's complaint must be responded to within a reasonable period of time. If this does not occur, the consumer may lose interest become alienated, or the problem may pass the point of resolution. If interest is lost, a legitimate complaint may not be resolved. If alienation is fostered, the consumer may not use the same complaint-handling system in the future or may then complain simultaneously to a number of systems, which is dysfunctional to all systems. The consumer's perception of government's interest in his welfare is thereby reduced. (Page 111-4, Evaluation Report)

The TARP Report evaluated federal agencies by the speed with which they handled complaints; from receipt of complaint to its resolution. Speed of complaint handling was rated satisfactory if the complaint handling system's average response time was between eleven and twenty-one calendar days. Longer handling was considered unsatisfactory.

2. Accessibility to the public. Accessibility to the public is important if a complaint handling system is to meet public demand and help prosecutors. Obviously the office must be easily reached by telephone or transportation if the public is to use it.

Some complaint systems seem to erect barriers against their use by exactly those who need help the most. Almost 30% of the adult U.S. population functions with difficulty in the area of Consumer Economics, according to a study conducted by faculty members at the University of Texas at Austin (Adult Functional Competency: A Summary), March 1975. Among the other skills considered insufficient were those associated with reading, writing, speaking, listening, computation, problem solving, and interpersonal relations.



A complaint handling system should be able to accommodate those who have these same difficulties, yet most complaint handling systems require complaints to be registered in writing. Writing about a complex consumer transaction may be beyond the ability of a significant number of citizens, and their complaints may never enter the system.

3. Keeping track of complaints. The ability to keep track of a complaint as it flows through consumer office channels is important to prosecutors and to the public. There is no one more irate than a citizen who calls the consumer office about the status of his complaint case, only to learn no one has ever heard of his complaint or it has been "lost" in the system. Such inefficiency does not help a prosecutor who may be relying on locating several similar complaints to assemble a case.

4. Supervision and monitoring. The system should provide a mechanism for a periodic monitoring and supervision of complaints. Next to a consumer whose case has been "lost" in the files, the most irate consumer is one whose case has been languishing without action. Stale cases and stale evidence hurt prosecutors, as well.

5. Control by attorneys. The complaint handling system should provide review and control of crucial cases by attorneys without bogging them down with the task of reviewing every case. Attorneys have skills that are too highly developed and are paid too much to spend time doing things which other staff could do.

6. Generate information to set priorities. The system should provide a way to retrieve information in order to pinpoint merchants who may be violating the law or to focus on problem areas for industry-wide investigations and legislative advocacy.

7. Provide evaluation data. The complaint handling system should generate data to help evaluate its effectiveness

and efficiency. The public and the funding sources often expect it, and good management practice requires it.

B. The Metropolitan Denver Complaint Handling System

The MDACO has developed a complaint handling system which attempts to meet public demand and tries to serve the needs of prosecutors by possessing the characteristics outlined above. This system is not the only one which has these characteristics, but a description of it may provide some examples of methods which could be used. A detailed description of the MDACO's complaint handling system can be found in the attached addenda.

The five-year-old MDACO has chosen the route of handling many different kinds of consumer complaints, disposing of them by mediation, referral, or prosecution. Most complaints are received by telephone with staff people filling out forms for complainants, much like policemen writing out offense reports. Paralegals and student interns screen complaints for violations of laws, conduct preliminary investigations, or refer complainants to other agencies or civil courts. Detailed records of complaints are maintained.

1. The complaint flow system. The rules of the flow of complaints and paper work have been carefully set forth and are strictly followed. Incoming complaints are screened by front desk clerks and volunteers. Actual complaints about merchants are referred to "intake teams." Approximately 80% of the complaints are registered by telephone, the rest by letter, by personal visit, or by complaint forms which are mailed out and returned. "Front desk" people handled an estimated 40,000 calls in 1977. Thirteen thousand of the calls were consumer complaints. "Front desk" staff refer inquiries about merchant's reputation and non-consumer complaints to other agencies, provide tenant/landlord information, and mail brochures which provide responses to inquiries.

Each intake team is composed of a supervisory paralegal called a "team leader" and several student interns and paralegals. There are three intake teams which are assigned complaints by the alphabetical order of the name of merchants. Those whose business names begin with letters A-C are handled by one team. Another team handles D-M lettered merchants, and the third team, N-Z merchants. Intake teams summarize complaints on forms, mediate them or refer consumers to appropriate agencies, and screen complaints to see if there is a possible violation of the law. Here "mediation" means simply acting as a "go-between". The mediator assumes neither side is right or wrong, suggests no solutions, and applies no pressure on the merchant to capitulate.

Team leaders supervise the complaint handling, offering information and assistance to the interns and paralegals. They bring cases which they believe are possible violations of the law to the attention of the deputy district attorneys. Sometimes the deputy district attorneys direct intake teams to conduct a preliminary investigation; i.e., the gathering of evidence which requires no field work, no formal statement-taking from witnesses or possible defendants.

The deputy district attorneys review cases brought to them by the team leaders and refer cases they wish to pursue to investigators who work under the supervision of the attorneys. An investigative coordinator oversees the administrative work of the deputies and investigators, keeping logs and making sure that there are no scheduling conflicts or overloads and that reports and forms are correctly filled out.

The deputy district attorneys refer cases which they believe should be filed to the district attorneys in the county of venue (the Metropolitan Denver operation is a multi-county office). When the district attorneys wish to file a case, the actual courtroom work may be done by deputies in the county of venue

if it is a suburban case, or by the MDACO consumer office deputies if it is a Denver venue case. Deputy district attorneys assigned to the Metro Consumer Office carry Denver badges. They may also be deputized in other counties if the district attorney wishes them to pursue a case.

Early each month, the previous month's complaint forms are evaluated by noting their status and disposition on evaluation sheets. All complaints received in prior months which were previously evaluated and which have been pending are evaluated by the director or investigative coordinator by noting their status and disposition on evaluation sheets.

Paper work concerning complaints which require follow-up or mediation is routed according to a set procedure. All original copies of these complaints are printed on yellow paper. If the team member is not finished with the complaint the day the complaint form is received or filled out, the original copy is placed in a file organized in alphabetical order, by the name of the complainant so that it can be retrieved quickly. The team member continues work on the case, using a copy of the complaint form. When the team member is finished with the complaint, it is removed from the alphabetical file. Complaints which are more than a month old are also removed monthly from the alphabetical file.

Complaint forms which are removed from the alphabetical file, assigned to the investigative unit, dropped or closed (due to mediation or referral), are given numbers by a clerk. Two cards are typed and numbered for each complaint form and are filed in alphabetical order by the name of the merchant and by the name of the complainant.

Complaints which have been assigned to the investigative unit are given investigative case numbers. Each time a case is filed, a form is filled out. A copy of the "case filed" form is attached to both the original complaint forms and the monthly reports, and placed in special alphabetical files

organized by the name of the business and defendant. Likewise, when a filed case is closed, another form is filled out and attached to the original complaint forms, monthly reports, and the special alphabetical file.

Complaints which do not need follow-up or mediation are entered on a log, which contains twenty complaint entries to a page. This eliminates much unneeded paperwork and clerical time. Nearly one-half of the complaints registered with the office are handled by this shortcut method. These abbreviated forms are printed on blue paper. Each log page is given a number, and the number is entered on a blue card kept in the card file organized by the name of the merchant.

2. MDACO and the seven elements of a successful complaint handling system. This system possesses the seven characteristics outlined before. It is very quick. Approximately 75% of the complaints are resolved within three days after the complaint is first registered. Eighty percent of the complaints are resolved within the first month.

Allowing complaints to be registered by telephone is considerably faster than a system which requires a complaint to be registered in writing. Usually a system which requires a written complaint form causes a week's lag at best between initial contact with the agency and actual registration of the complaint, since time is lost in mailing out and returning the form. The MDACO also handles the bulk of its mediation and preliminary investigation by telephone, making the process quicker than those systems requiring written responses.

A major value of this process is that it is accessible to the public. Permitting consumers to register complaints by telephone, in writing, or in person makes it easy and convenient for them. It also enables those with poor writing skills to make use of the office's services.

Keeping track of cases is accomplished in several ways. The original copy of all complaint forms which require follow-up is always kept in a central place. If an intake team is still working on it, and it is less than a month old, it can be retrieved quickly in the pending alphabetical file. If it is closed or it is older than a month, the cross-indexed cards note its file number. Assigning intake cases by alphabetical order to specified teams also makes it very easy to track responsibility for cases. Knowledge about a complaint's status can be quickly pinpointed to a few staff people.

Status of filed cases can also be noted and evaluated by looking at the "case filed" and "case closed" form attached to the original complaint form. Use of colored paper for original complaint forms helps spot forms which may be out of place on cluttered and busy desks.

The director and investigative coordinator monitor case flow on a monthly basis by evaluating pending cases. Attorneys maintain control over the cases which may lead to prosecution. A large degree of discretion and responsibility is placed in the hands of paralegals to bring appropriate cases to the attention of the prosecutors. Several times deputy district attorneys, newly assigned to the unit, have attempted to review all intake complaint forms requiring follow-up, but the time required to do this was overwhelming. The team leaders proved to be competent enough to screen complaints.

The system used by the MDACO provides several methods of spotting "problem merchants." The single best device we have found is the team system. Since all complaints concerning a specific merchant are handled by the same small group of staff, the team leader can easily spot a trend or become familiar with a merchant's method of operation.

The cross-indexed card file which is organized by the alphabetical order of the merchant's name also serves the same purpose. The clerk simply puts a rubber band around cards pertaining to merchants who have five or more complaints

registered against them. Thick groups of cards indicate "problem merchants."

The evaluation system provides a way to analyze and to spot industry-wide problems. The evaluation system categorizes every complaint by the type of merchant, type of transaction, and type of practice. By scanning the columns on the evaluation sheet, it is possible to tabulate complaints by categories of transaction, practices, and merchants.

Evaluation of effectiveness and efficiency is accomplished primarily by analyzing data generated by monthly evaluation sheets. Data about complaints which have been opened and closed, assigned for investigation, and filed, money recovered and success in mediation, are just some of the elements recorded in the evaluation sheet and tabulated in the monthly and year-end reports.

Not all the information which is noted on the evaluation sheets is tabulated for monthly or annual reports. However, if the need arises, it is in a form which can be retrieved easily. For example, columns pertaining to "types of practices" and "types of transactions complained about" are not tabulated each month. However, scanning the columns, it is still possible to retrieve the information if it is needed at a later date.

Success in prosecution is also evaluated by tallying information found on the "case filed" and "case closed" forms. Those forms and the investigative case assignment log, which is maintained by the investigative coordinator, provides the data used to report to the National District Attorney's Economic Crime Project.

Every two years a random survey of complainants is made to determine what socio-economic groups are served and what their attitude is toward the consumer office. The results of the survey form the bottom line of the evaluation of our degree of success in meeting public needs.

#### IV. VALUE OF COMPUTERS

Considering the enormous amount of data generated by the evaluation system, one would think that computerization would be of assistance. In 1975 the Colorado Division of Criminal Justice staff examined our methods and was asked if it would recommend computerization. The answer was "no"; our manual system was efficient and adequate, and it was termed "exemplary."

The evaluation system we devised can be easily adapted to computers. In fact, the top of the complaint form used to record complaints which require follow-up is a copy of the computer form used by the Colorado State Attorney General's Office. A copy of each form is mailed to the Attorney General's office for their computerized records.

It does not take a significant amount of staff time to evaluate complaints each month. For example, 1,050 complaint forms received in June, 1978, and 300 complaint forms pending from previous months were evaluated by ten people devoting less than 2% of their time during that month to the effort. It is possible that a single clerk working less than a week could evaluate the 1,000<sup>+</sup> cases. However, we have found it to be an effective management tool for team leaders and other paralegals to evaluate one another's work. Peer review in this instance has served to keep complaint handling and form filling standards high. Review of pending cases by those in charge has also served a useful, supervisory purpose.

The evaluation system is more than just a method to gather data. It is also the key management tool used to keep standards high and the flow of work at a satisfactory pace.

#### V. USE OF PARALEGALS AND INTERNS

##### A. Economic Necessity

An objection sometimes raised about a complaint handling system is that there is never enough money to sustain it



properly. This is certainly an objection with substance. However, if lower paid paralegals and volunteer student interns are used to handle complaints, instead of highly paid investigators and attorneys, it is possible to do it economically. \$207,000 was budgeted for personnel costs for the MDACO in 1978. Presently, only 27% of personnel costs is spent on staff assigned to "front desk" screening or who are working on intake teams. The remainder of the intake staff are volunteers or are paid with federal program funds.

#### B. Competency and Supervision

There are those who are surprised that paralegals and interns can handle complaints which require legal judgement and contact with the public. With proper training and close supervision by qualified and specially trained people, it is possible. For one thing, the ratio of interns to paralegals is kept very small so that close supervision is possible. It has worked over the past five years on a level which is satisfactory to the public and to the five district attorneys whom we serve.

Supervision by competent people and good training are keys to success in using volunteers and interns to handle complaints. Most of the burden of supervision falls on the shoulders of the team leaders. The team leaders are well trained. They have served as interns on an intake team at least three months before they are hired as intake paralegals. They are promoted later to team leaders. While it is not required, all three of the present team leaders are graduates of paralegal institutes. This extensive on-the-job training has given them valuable expertise, and their judgement and abilities are already tested before they are given responsibility.

An additional element of management control is that all outgoing correspondence pertaining to a case is approved by a deputy district attorney.

### C. Advantages/Disadvantages

A professional staff is superior in many ways to a volunteer and student staff. Volunteers and students are constantly in the process of learning. Time is lost in supervising and training them. However, interns and volunteers do not drain the budget, and they bring with them enthusiasm and an interest in helping people. We have found that the professional staff tends to develop a "jaded" syndrome after handling a steady volume of complaints and after years of constantly dealing with the public. Interns and volunteers give relief to the professional staff, and they bring freshness to public contact.

### VI. CONCLUSION

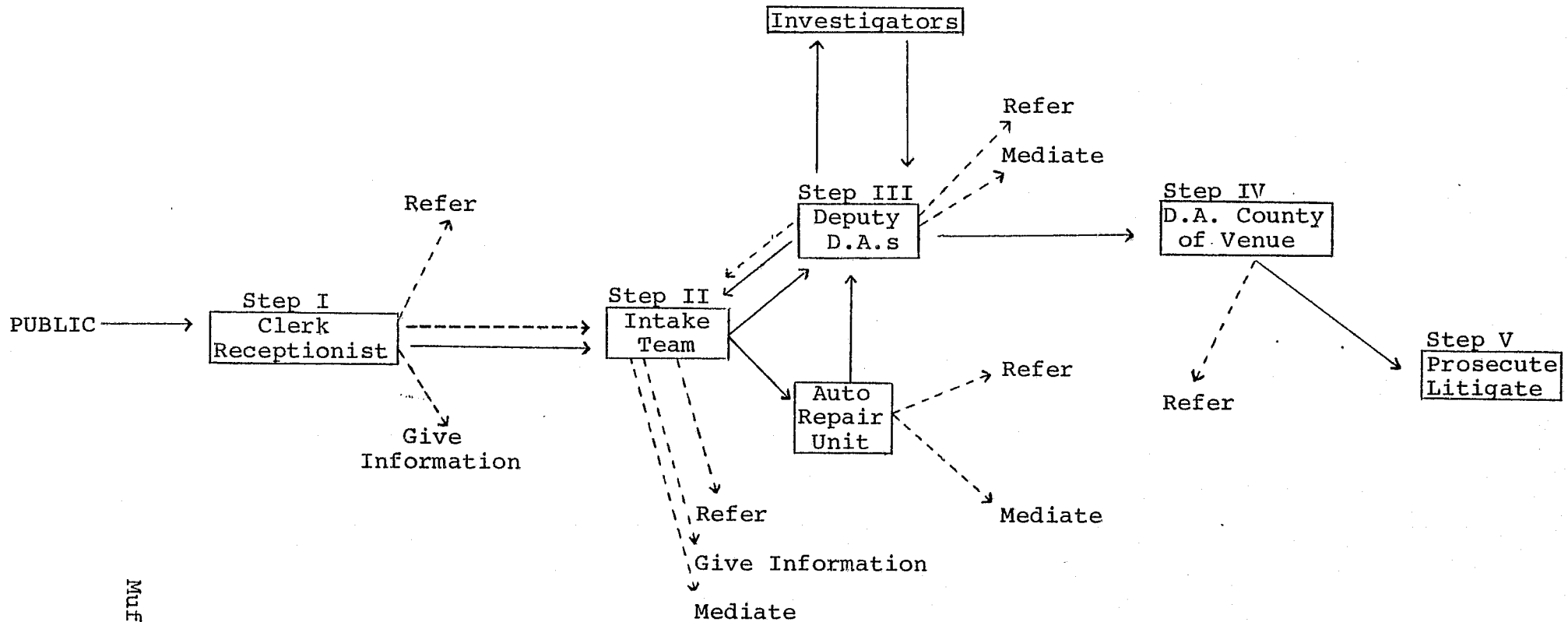
The ability and will to handle complaints systematically is a valuable asset to white-collar crime/consumer fraud offices. There is no doubt that complaint handling is a major undertaking. It requires time, energy, and money. In return it can provide invaluable aids to prosecutors, and it can help a prosecuting office meet public need and demand.



APPENDIX

COMPLAINT PROCESSING

Case Flow Chart



————— Complaints which are believed at the time to involve possibly provable violations of laws office enforces

- - - - - Other Complaints/Inquiries



**END**