
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIANNUAL REPORT

September – December 2008

Presented to the
Metropolitan King County Council

January 16, 2009

Amy Calderwood, Ombudsman-Director
Lynn Anders, Senior Deputy Ombudsman
David Spohr, Sr. Deputy Ombudsman for Rural/Unincorporated Area Affairs
Jon Stier, Senior Deputy Ombudsman
Janna Lewis, Deputy Ombudsman
Charles Sloane, Deputy Ombudsman
Steve Birge, Office Manager
Elise Daniels, Legislative Secretary II
Josh Anderson, Work Study Student
Barbara Alsheikh, Assistant Tax Advisor III
Marietta Zintak, Assistant Tax Advisor II
Tida Keovernkhone, Assistant Tax Advisor

TABLE OF CONTENTS

	Page
INTRODUCTION	3
OMBUDSMAN STATISTICS.....	4-5
INVESTIGATIONS	6-11
TAX ADVISOR STATISTICS.....	12-14

INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period per KCC 2.52.150. This report summarizes Office activities for September 1 through December 31, 2008.

During the report period, the Office of Citizen Complaints received 1043 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 23 complaint investigations, and completed 29 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

- Information: Request for information or advice which may result in referral.
- Assistance: Complaint resolved through staff-level inquiry and facilitation.
- Investigation: Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.

Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

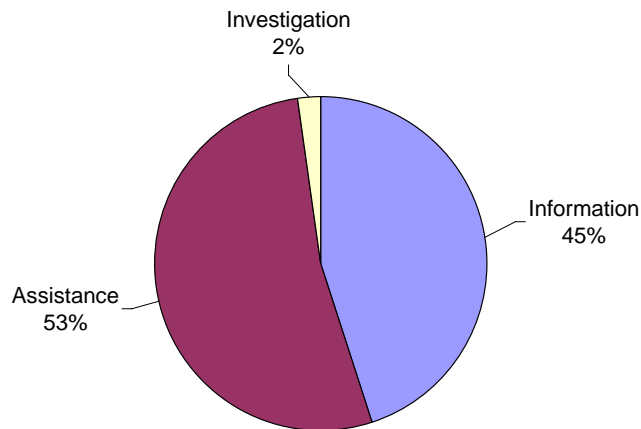
Complainants, respondents, directors of administrative agencies, and other parties of record are provided with the results of our findings.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
September – December 2008

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	149	214	2	365
Assessor	9	4	1	14
Boards and Commissions	0	0	0	0
Community and Human Services	12	1	1	14
Development and Environmental Services	15	17	2	34
District Court	2	0	0	2
Executive	1	1	0	2
Executive Services	21	20	8	48
Judicial Administration	0	0	0	0
Metropolitan King County Council	40	32	0	72
Natural Resources and Parks	2	4	2	8
Prosecuting Attorney's Office	3	2	0	5
Public Health	42	142	2	186
Sheriff's Office	11	9	0	20
Superior Court	12	0	0	12
Transportation	14	30	5	49
Non-jurisdictional ¹	136	75	0	205
Total	469	551	23	1043

Chart A
Disposition of Total Inquiries Received
September – December 2008



¹ The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

COMPLETED INVESTIGATIONS²

DEPARTMENT OF ASSESSMENTS

Synopsis	Disposition
Employee whistleblower complaint alleging alcohol consumption by another employee.	Unsupported. Allegation that employee regularly smelled of alcohol and acted abusively. Conducted intake with complainant, transmitted complaint to department. Consulted with prosecutor's office, county drug and alcohol program manager to research county rules. Reviewed department's investigation summary, assessed its conclusions and whether indicate policy violations. Evidence did not support reasonable cause regarding use of alcohol on county premises, hostile and abusive behavior as the result of alcohol use, impaired ability to perform job duties, or a threat to safety.

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Complainant is alleging being unfairly charged for copies relative to pro se legal action.	Unsupported. Ombudsman review of inmate's Resident Account Summary showed that he was provided with the pro se copies he requested. There was no documentation provided to indicate that his account was charged for copies that he did not request. In addition, the new Criminal Pro Se Detainee procedures will alleviate any future concern and/or confusion over billing procedures.
Inmate was assaulted after asking officer to talk to sergeant and unfairly infringed.	Supported. Reviewed unredacted IIU file. IIU determined officer violated Code of Conduct : 1)unnecessary force; 2) conduct unbecoming; 3) breach of facility security; 4) failure to observe precautions for personal safety; 5) endangering safety of personnel. Appropriate corrective action was taken.
Inmate alleges two correctional officers assaulted the inmate.	Discontinued investigation pursuant to KCC 4.12.060 due to complainant's stated intention to file a Claim for Damages against the county.

² Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

<p>Alleges court detail officers threw complainant to the floor and forcibly removed him from courtroom.</p>	<p>Discontinued. Complaint was filed by third party and not signed by complainant. Preliminary review of reports by court detail and sergeant state judge ordered complainant not to talk to witness on stand. However, he disregarded the instructions and the court detail sergeant ordered officers to remove complainant from courtroom. One officer attempted to grab the back of his shirt, but complainant twisted away. Officer then took complainant's left arm and he fell on one knee. Officer brought complainant to his feet, and officers escorted complainant out of courtroom without further incident.</p>
<p>Alleges magazine subscription was being delivered to library instead of inmate.</p>	<p>Unsupported. This Office transmitted the complaint to DAJD IIU. IIU did an investigation and found that a Code of Conduct violation did not occur. This Office then reviewed the complete IIU investigative file and concurred with IIU's findings; however, this Office did discover deficiencies that DAJD's policies relating to censorship and/or rejection of inmate mail. Upon relaying these concerns to DAJD, the policies were rapidly changed to comply with the minimum constitutional standards as recommended by this Office.</p>
<p>Inmate alleges sexual harassment and being assaulted by corrections officers.</p>	<p>Unsupported. Transmitted the inmate's allegations to DAJD IIU. IIU did an investigation that found no code of conduct violation by the officers involved. This Office reviewed the unredacted IIU investigation file, along with other documents. Based upon the investigation, this Office concurred with IIU's findings, however, this Office did discover that the IIU file did lack necessary documentation. Command staff took quick remedial actions to ensure that DAJD staff was aware of the documentation requirement for the future.</p>
<p>Inmate alleges an assault by Corrections Officer during booking.</p>	<p>Unsupported. This Office originally relayed this complaint to DAJD IIU. IIU did a complete investigation, which this Office reviewed unredacted; however, this Office did relay concerns to IIU about ordering non-staff members to confidentiality. IIU assured this Office this issue would be looked into and any necessary modifications to the policy would be enacted.</p>
<p>Citizen alleges discourteous service by Corrections Officer at KCCF while trying to visit an inmate.</p>	<p>Unsupported. Referred complaint to DAJD IIU. Upon completion of IIU's investigation, this Office reviewed the unredacted investigation file. This Office found that IIU did an adequate investigation and there was not enough evidence to support the complainant's allegations.</p>

<p>Allegations of inappropriate response to grievance by DAJD staff.</p>	<p>Supported. Preliminary investigation by this Office revealed response to the grievance by DAJD staff was inappropriate. Transmitted the complaint to DAJD, who investigated and responded with their concurrence. DAJD appropriately disciplined the involved staff member.</p>
<p>Third party on behalf of inmate who alleges excessive force.</p>	<p>Unsupported. This Office reviewed statements by the complainant, statements by the complainant's attorney, and the IIU unredacted investigative case file. Based upon our independent review, this Office concurred with IIU's findings that there was no evidence of a Code of Conduct violation.</p>
<p>Inmate alleges sexual assault in 2007 at King County Correctional Facility.</p>	<p>Unsupported. Upon receipt of the complaint, this Office reviewed the entire unredacted DAJD IIU investigation file. This Office found that the complainant did not notify DAJD staff until months after the alleged incident happened. Once DAJD was informed of the allegation, DAJD handled the matter immediately and appropriately. This matter was then referred to the Sexual Assault Unit of SPD and later forwarded to the KC PAO who declined to file charges. This Office declined any further involvement pursuant to KCC 4.12.060 as the complainant filed a Claim for Damages.</p>
<p>Inmate complains of inadequate attention regarding special diet needs.</p>	<p>Unsupported. Transmitted complaint to DAJD Captain's Office who reviewed policies with the kitchen staff and found that the kitchen staff was following procedures and ensuring the inmate was receiving the special diet. DAJD also provided information that the inmate was ordering several food items from commissary that fell outside of the nutritional guidelines of the prescribed diet.</p>

COUNTY EXECUTIVE

<p>Synopsis</p>	<p>Disposition</p>
<p>Use of county resources to work on election campaign in violation of the Ethics Code.</p>	<p>Unsupported. No reasonable cause found to believe that the respondent violated the Ethics Code. Obtained and evaluated testimony of the respondent and all witnesses to alleged conduct. Conducted independent legal research and analysis. Based on available evidence and applicable legal standards, conversation that took place on County premises between candidate for state representative and chief of staff to County Executive did not amount to campaign activity and therefore did not violate Ethics Code. Conduct was allowed as de minimis personal use of County resources.</p>

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Code Enforcement illicitly placing liens on properties.	Unsupported. We found that Code Enforcement was not placing liens but only recording Notices and Orders (“N&O”), which they are required to do by law. However, we concluded that although the body of the N&O was not problematic, the N&O’s header, which included “Notice of Lien,” was inaccurate, misleading, and was creating hardships. (Some lenders and potential purchasers, not surprisingly, were treating the N&O as a lien.) We recommended changing the header to accurately reflect the text of the N&O and to eliminate the harmful confusion. In response, DDES removed the “Notice of Lien” clause.
DDES erroneously told citizen that if he could not submit a completed building application by the one-year anniversary of the fire that destroyed his cabin, the cabin would lose its "grandfather" status.	Supported. Permit Center staff had told citizen that if he could not submit a completed application by the one-year anniversary of the fire that destroyed his cabin, the cabin would lose its "grandfather" status. We extensively researched the law. While Permit Center staff had faithfully, and understandably, conveyed the plain meaning of the Code, Washington courts have overlaid the text with an additional element. We conveyed our understanding to DDES. DDES agreed, and has taken steps to train its staff in the nuances of the law, to ensure that they can properly advise customers in the future.
Appropriateness for Code Enforcement to "add" violations that were not the subject of the initial complaint.	We researched whether the current code mandates such a standard, analyzed whether constitutional prohibitions against unreasonable searches or selective enforcement provided definitive answers, and probed for any ascertainable "best practices" with the national code enforcement association and with code enforcement supervisors from six Washington counties. We analyzed how Code Enforcement’s persona as "complaint-driven" bears on the analysis. We concluded that no one <i>particular</i> standard was required, but recommended that DDES set <i>some</i> standard as part of the larger operations manual it will create in 2009.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
<p>County requiring property owner to pay to use road across public property that his predecessors had always used.</p>	<p>Unsupported. Although property owner and predecessor had been given free access over County property to access lot for years, we did not identify anything, such as prescriptive easement, estoppel, contract right, or non-conforming use, that would require County to continue allowing free access without payment for privilege. We also looked at how County had arrived at the dollar figure it is charging citizen and saw nothing obviously untoward. While advising complainant that he would need to talk to own counsel or appraiser for something definitive, we do not find his allegations supported.</p>

DEPARTMENT OF PARKS AND NATURAL RESOURCES

Synopsis	Disposition
<p>Non-compliance with federal regulation requiring commercial driver's license.</p>	<p>Supported. Allegation that employee did not have a Commercial Driver's License with Class B endorsement (CDL), as required by his position, that he was the only employee in his classification without the required CDL, and that supervisors have not enforced employee's compliance with requirement. Researched whether CDL required for position, transmitted complaint to department for response. Department confirmed employee should have CDL and directed employee to obtain, employee did obtain CDL.</p>
<p>DNRP no longer allowing neighbors to drive Burke Gilman trail in emergency snow conditions.</p>	<p>Unsupported. Citizens' normal access routes have become treacherous with snows. In past, complainant says that Parks allowed them to drive trail to reach. Parks will not give blanket permission now, instead limiting access to specific, life threatening scenarios. We looked at pertinent Code and spoke with Parks. Citizen's complaint is not supported.</p>

PUBLIC HEALTH

Synopsis	Disposition
<p>Inmate alleges that JHS release to general population resulted in inmate getting infracted for being too sick to go to court by DAJD staff.</p>	<p>Discontinued. Transmitted complaint to both JHS and DAJD. Received responses from both agencies. Complainant then requested claim for damages form. Pursuant to Risk Management and KCC 4.12 this case was closed.</p>
<p>Inmate complains inadequate medical care due to long delay in JHS scheduling examiner by provider.</p>	<p>Unsupported. This Office relayed the complainant's concerns to JHS. When the complainant was not satisfied with that response, this Office requested, received, and reviewed the complainant's medical records. From the medical records, we found that the complainant was not seen by a medical provider inside of the time frame set forth in JHS policies due to a backlog of medical appointments, but nonetheless, JHS mitigated the situation by continuing to monitor the complainant's health via nurse checks. Therefore, this Office did not find in this case that JHS provided inadequate medical care.</p>
<p>County allowing disposal of contaminated soils without proper permitting.</p>	<p>Citizen complained that County was erroneously refusing to treat proposed containment cell as a "landfill." After several rounds of correspondence and after completing extensive research and analysis, we concluded that law compelled treating cell as a "landfill" under current Health Code. However, agency offered alternative explanation for regulatory inaction, namely state law preemption. Thus we did not recommend that agency necessarily assert permitting jurisdiction, merely that it refrain from justifying its inaction (in this or any similar situation) on a legally erroneous ground.</p>

SHERIFF'S OFFICE

Synopsis	Disposition
<p>Complainant alleges that a KCSO deputy did not write the incident report truthfully and entered home unlawfully.</p>	<p>Unsupported. This Office interviewed complainant, reviewed unredacted police report, made several unsuccessful attempts to contact civilian witnesses, and reviewed legal arguments from defense motion to suppress. Based upon available evidence, there was not enough evidence to find complaint supported; however, this Office did suggest KCSO to review matter further for potential training opportunities in area of warrantless home entries.</p>
<p>Inmate complains false arrest and police brutality by KCSO Deputy.</p>	<p>Discontinued. Reviewed KCSO incident reports relating to this incident, the statements made by the complainant, and reviewed the matter with the Captain of IIU. Prior to any findings, the complainant declared the intention to file a civil lawsuit. Pursuant to KCC 4.12, this matter is closed.</p>

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
<p>Use of county resources for personal and political purposes in violation of the Ethics Code.</p>	<p>Supported. Candidate for state representative then-employed by King County used County resources to work on his election campaign in violation of Ethics Code. Extensive investigation proved employee used a County fax machine to transmit an official campaign document; made twelve campaign-related entries in his County computer calendar, and opened and worked on eleven campaign-related files on his County computer. Employee did not appeal Findings and Order to King County Board of Ethics. Findings and Order referred to Prosecuting Attorney's Office as required by Ethics Code.</p>
<p>County has not installed guard rails.</p>	<p>Unsupported. County maintained that the street, a quiet street with only a few cabins, had far too little traffic to be considered for guardrails. We requested and reviewed department documentation. We also researched general practices for guardrails. All the national literature appears to point to requiring far higher average daily trips (ADT) before guardrails are appropriate. The only exception that we could see potentially altering the mix would be a history of frequent accidents. However, complainant was not aware of any accidents on this road; therefore, guardrails do not appear warranted.</p>

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

CONTACT CLASSIFICATION

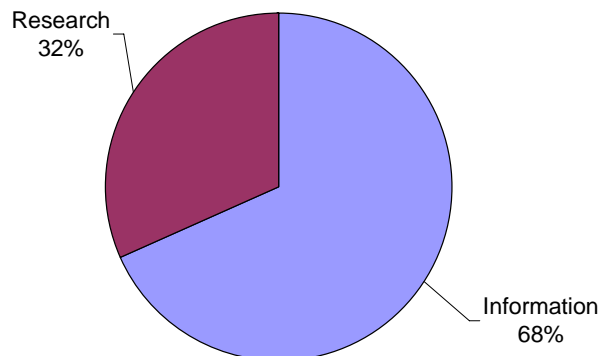
The Tax Advisor Office classifies taxpayer contacts into two categories:

- Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.
- Research: Sales survey, and/or inquiry and assistance of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

Table C
Total Tax Advisor Contacts
September – December 2008

	Information	Research	Total
September	574	377	951
October	856	378	1234
November	328	137	465
December	270	53	323
Total	2028	945	2973

Chart C
Total Tax Advisor Contacts
September – December 2008



S A L E S S U R V E Y S

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

Table D
Sales Surveys – Assessed Property Value
September – December 2008

Assessed Property Value	Sales Surveys
\$0-200K	45
\$201-300K	77
\$301-400K	137
\$401-500K	132
\$501-700K	174
\$701K-1M	136
Over \$1M	109
Total	810

Chart D
Sales Surveys – Assessed Property Value
September – December 2008

