
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIANNUAL REPORT

May – August 2008

Presented to the
Metropolitan King County Council

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INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of January, May, and January 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 May 1 through August 31, 2008.

During the report period, the Office of Citizen Complaints received 1157 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 33 complaint investigations, and completed 35 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:¹ 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.

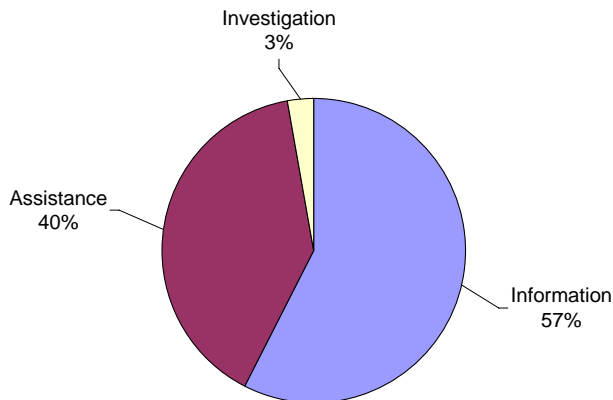
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
May – August 2008

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	207	204	11	422
Assessor	3	1	3	7
Boards and Commissions	0	0	0	0
Community and Human Services	3	0	0	3
Development and Environmental Services	33	26	9	68
District Court	3	1		4
Executive	2	0	1	3
Executive Services	22	17	2	41
Judicial Administration	1	1	0	2
Metropolitan King County Council	19	32	0	51
Natural Resources and Parks	9	6	0	15
Prosecuting Attorney's Office	11	1	0	12
Public Health	60	129	3	192
Sheriff's Office	21	8	2	31
Superior Court	17	3	0	20
Transportation	23	16	2	41
Non-jurisdictional ²	232	13	0	245
Total	666	458	33	1157

Chart A
Disposition of Total Inquiries Received
May – August 2008



² The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

COMPLETED INVESTIGATIONS³

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Inmate alleges harassment and retaliation by correctional officers that the inmate filed a civil rights complaint against.	Discontinued. Relayed inmate's concerns to DAJD IIU. Subsequently, inmate filed a Claim for Damages against King County. Closed case as required by KCC 4.12.060 (Risk Management).
Inmate alleges misconduct by correctional officers and denial of due process during infraction hearing by classification staff.	Unsupported. This Office transmitted the complaint to DAJD who had the matter investigated. DAJD concluded that the complainant had been afforded due process and proper actions were taken by DAJD. This Office's independent review of the inmate's statements, the Infraction Report, the Disciplinary Checklist, four witness statements, and the inmate's booking notes ended with a conclusion that there is any evidence to support the complainant's allegations.
Unnecessary and excessive force.	Discontinued. Transmitted complaint to DAJD and requested internal investigation. Conducted independent Ombudsman investigation including witness interviews and legal research. Reviewed complete, unredacted IIU file. Transmitted preliminary Ombudsman findings and recommendations to DAJD and reviewed DAJD response. Conducted further independent case analysis and witness interview, and requested further investigation by DAJD. Complainant filed lawsuit against King County before final IIU and Ombudsman findings completed. Case closed pursuant to KCC 4.12.060(B).
Complainant alleges harassment by a Corrections Officer.	Discontinued. This Office transmitted the complaint over to DAJD. DAJD had IIU investigate the complaint. IIU found the officer was within his scope of authority. This Office's investigation ultimately was discontinued due to staff shortages, caseload backlogs, and the passing of too much time to effectively make reliable findings.
Inmate alleges retaliation from medical staff for reporting illegal drug activity on the medical unit.	Unsupported. Transmitted the complaint to the DAJD IIU and PH. Declined to take further action in regards to Public Health due to staffing availability. Reviewed the investigation by DAJD IIU. Found that the matter was handled in an appropriate fashion.

³ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

Synopsis	Disposition
Inmate alleges a corrections officer called another inmate a derogatory slur.	Unsupported. Contacted the witnesses provided by the complainant via letter asking the witnesses to contact this Office. Of those witnesses who contacted this Office, no one was able to verify the allegations.
Inmate alleges excessive force during the booking process.	Unsupported. This Office requested, received, and reviewed the inmate's booking packet, which indicated that the inmate was uncooperative. Based upon that information, this Office then requested, received, and reviewed the Officer's Infraction/Behavior Modification report, the Inmate Infraction Report for the Disciplinary Hearing, the Disciplinary Checklist and Statement, and the Inmate Statement. Based a review of that information, there was not any evidence to support the inmate's complaint.
Inmate alleging harassment by correctional officers leading to improper classification of custody status.	Unsupported. This Office requested, received, and reviewed the relevant booking notes of the inmate, the Disciplinary Hearing Infraction Reports, the Infraction/Behavior Modification Report, the Disciplinary Checklist and Statements for the relevant time periods, and the grievances filed by the inmate regarding the issue. Based upon our independent review, we found no evidence to support the inmate's complaint and we also found that DAJD was acting within their authority in how they classified the inmate's custody status.
Complainant alleges that a Corrections Officer is using excessive force against female African American inmates.	Discontinued. Due to shortage of staffing and backlog of cases, this Office was unable to follow up specifically with this particular complaint in a timely fashion. However, this Office has been following DAJD's use of force policies, particularly in the light of the DOJ report.
Excessive force	Unsupported, with recommendations. Interviewed complainant and witnesses. Transmitted complaint to department director. Reviewed complete, unredacted internal investigation file and inmate medical records. Conducted independent legal research and analysis. Found officer used reasonable force when he (1) shoved inmate who used racial epithet and spat at nearby officer and (2) dragged inmate from housing unit as other inmates surrounded officer. Recommended officer training to prevent escalations in similar future cases, and ensure officer use-of-force reports are accurate and complete.

Synopsis	Disposition
<p>Citizen disagrees with finding by Ombudsman's Office relating to exposure to Gamma Rays from an X-ray machine and is requesting closed case #2005-01157 be re-opened or remain open.</p>	<p>Resolved. Complainant's concerns were initially raised during former administration of DAJD and there was insufficient documentation to ably respond to the complaint. The current Deputy Director acknowledged the importance of this issue. With the assistance of Risk Management, DAJD hired an outside expert who provided a comprehensive report. Report contained a section that specifically applied to complainant's situation. Complainant had further concerns after receiving the outside expert's report. Complainant's concerns were further addressed in a meeting with the complainant, the Deputy Director, and a Senior Deputy Prosecuting Attorney. Ombudsman Office consulted with another outside expert who concurred with the findings of the expert hired by DAJD.</p>

ASSESSOR'S OFFICE

Synopsis	Disposition
<p>Use of county phone to violate order of protection, and accessing non-public information.</p>	<p>Partially supported. Conducted intake with several parties. Accessed court documents to establish accuracy of allegation. Clarified criminal case information with city attorney's office. Researched whether employee-respondent has access to non-public information, and whether complainant can protect personal identity. Director transmitted verified information to department to determine whether discipline and/or other management measures warranted, with recommendation to consult with county prosecutor. Informed complainant of results, complainant satisfied with information.</p>

COMMUNITY AND HUMAN SERVICES

Synopsis	Disposition
<p>Whistleblower complaint - abuse of authority in veterans' fund expenditures</p>	<p>Unsupported. Transmitted complaint to department. Provided complainant with information about filing whistleblower retaliation complaint. Requested and reviewed agency financial information. Researched state and county law. Reviewed departmental response. Suspended investigation upon learning that the state auditor's office was making findings on the same matter. Tracked state auditor's progress on findings, reviewed initial and subsequent findings. No evidence of improper governmental action – expenditures were appropriate and consistent with state law.</p>

DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
DDES over-charged complainant and improperly denied fee waiver.	Unsupported. Reviewed documents, interviewed citizen's engineer, and concluded that grounds for a fee waiver were not supported.
DDES wrongly refusing to disclose identity of code enforcement complainant.	Citizen challenged DDES decision not to disclose identity of individual who lodged code enforcement complaint against complainant. The Attorney General's Open Records Ombudsman believed that the Public Records Act exemption on which DDES was relying did not justify the withholding. We researched caselaw and reached a different conclusion. In a memorandum, we analyzed the relevant jurisprudence, applied it to the facts, and concluded that the withholding was justified under RCW 42.56.240(2) because the complainant had expressed a desire for non-disclosure at time of his or her initial complaint.
Alleged ethics code violation – conflict of interest in offering private property for sale.	Code enforcement supervisor brought citizen's complaint to us, which she discovered in course of responding to citizen's appeal of a notice and order that had been issued in error. Requested and reviewed documents, interviewed complainant, researched possibly relevant ethics provisions. After numerous conversations with supervisor and citizen, neither chose to pursue formal ethics complaint. Supervisor handling alleged incident through internal discipline options.
Code Enforcement wrongly coming after him.	We investigated and determined that the core of DDES's allegations - clearing and grading violations - were supported. However, we discovered two issues to follow. First, there is no formal standard on when, as here, Code Enforcement can add violations in no way related to the original citizen complaint nor some drastic violation. Second, some internal tension exists over what standard would apply for a current permit to remediate violations committed under a previous law.
Code Enforcement allowing neighbor to proceed with permit for structure that violates height restrictions in neighborhood covenant.	Unsupported. We probed and discovered that the facts were not in dispute, but the legal import of those facts was. We researched the caselaw, which revealed that a private deed restriction is not a valid ground for a government to deny a permit that otherwise meets all public codes. Therefore, Code Enforcement was correct to close its case. We transmitted these conclusions via letter to citizen and agency.

Synopsis	Disposition
DDES improperly forcing kennel owner to either make exercise yards impervious surface bordered by concrete walls or get rid of exercise yards.	We determined that code requirement for dog runs was unambiguous. After studying codes of King and other counties, conversing with kennel experts, and researching law, we became convinced that the disputed areas were exercise yards, not runs, and that DDES's 2005 rationale for disallowing exercise yards was troublesome. In response to our memorandum, DDES candidly reviewed its 2005 rationale, determining not just that exercise yards should be allowed, but, more importantly, adopting a seemingly sound framework for analyzing similar questions in the future. Citizen is pleased with the result.
DDES unfairly burdening their project to pave an existing, currently-graveled, private road.	Partially supported. We read lengthy complaint, analyzed Drainage Manual, met with Division Director and Council staff, and probed further. We concluded: (1) definition of "new impervious surface" covered project, (2) "vesting" does not apply, (3) road's historic existence, lack of flooding, and possibility for paving to reduce silt did not alter legal standard, (4) applicant was not properly defining percentage impervious or residential exemptions criteria, but (5) because of early agency misinformation, citizen would likely be entitled to some refund if he discontinued project.
County violated law in allowing soccer field and camp.	Supported. Neighbors brought several complaints in connection with DDES's permitting of a soccer field and camp. We began a formal investigation into the issue of whether cubic yards graded during soccer field construction exceeded both the permitted amount and SEPA threshold. DDES initially dismissed our concerns. We retained an engineer, who estimated several multiples of the permitted amount. DDES then conducted its own inquiry and concluded that, while it believed our engineer's estimate was too high, it agreed that permit had been exceeded. DDES is requiring a supplemental permit.

PUBLIC HEALTH

Synopsis	Disposition
Citizen complaint regarding medical treatment at Public Health of King County Clinic.	Unsupported. Reviewed relevant medical records, researched medical procedures and conditions, and found that there did not seem to be anything out of the ordinary in the care that complainant received.
Inmate complains of lack of adequate medical care by Jail Health staff.	Discontinued. Complainant no longer in contact with this Office. Attempts were made to contact the complainant, but this investigation cannot proceed without the complainant's participation.

Synopsis	Disposition
<p>Inmate alleging inadequate medical treatment and responses to medical kites.</p>	<p>Unsupported. This Office requested the inmate's medical records that indicated that the inmate was seen several times by both nursing staff and medical providers after submitting the same kite numerous times. The medical records also show the inmates kites were very patiently responded to.</p>
<p>Inadequate medical care.</p>	<p>Supported. Inmate died in jail of acute peritonitis due to perforated duodenal ulcer. Interviewed next of kin and other associates. Obtained and reviewed complete, unredacted jail and medical records. Based on Ombudsman's review and opinions of two independent medical experts retained to review medical records, Ombudsman found Jail Health Services did not provide needed care and inmate might have survived had it been provided. Transmitted preliminary findings and recommendations to Department of Public Health, which opted not to reply to findings but described ongoing efforts to improve.</p>
<p>Public Health has reversed course on earlier approval, leaving purchasers who wanted to put in private wells in a lurch.</p>	<p>Unsupported. Unbeknownst to citizen, it appears that document showing Public Health had approved "private" wells had been forged. Entire box that apparently contained checkmark next to "community" was removed. Final plat appears to have approved only "community" well. Citizen appreciated our efforts. Armed with this new information, citizen has met with Public Health and has apparently worked out a solution.</p>
<p>House will be foreclosed if Public Health does not issue septic approval.</p>	<p>Unsupported. After several years of back and forth with the Health Department regarding a septic system, Health denied his latest application on July 2. We took a separate investigator out to the site. Although the second investigator's observations (and ours) were more favorable to the applicant than the previous inspector's, it was not sufficient to result in immediate approval. If the applicant can forestall foreclosure long enough to reach the September Sewage Review Committee meeting, Health will waive the appeal fee.</p>
<p>Alleges purchase of office furniture wastes government funds.</p>	<p>Unsupported. Conducted intake with complainant. Researched proper procurement procedure, determined that purchases were properly made and that amount of purchase is discretionary. Met with department director to discuss and advise on effective responses, including consideration of possible negative perceptions within department and also outside. Did not hear back from anonymous complainant, who had agreed to recontact our Office for results.</p>

SHERIFF'S OFFICE

Synopsis	Disposition
Deputy produced and disseminated false criminal history to complainant's former employer.	Discontinued. Interviewed complainant numerous times. Reviewed records provided by complainant. Conducted informal inquiries with Internal Investigations Unit commander. Independently investigated certain jurisdictional aspects of complaint. Determined most of complaint deals with non-jurisdictional issues and that evidence regarding jurisdictional issues does not warrant formal transmittal to Sheriff. Provided detailed written explanation of Ombudsman's determination to complainant.
Citizen alleged a 911 Operator from the KC Communications Center yelled and used inappropriate language during a call.	Unsupported. Reviewed KCSO incident report, 911 tape, and KCSO Internal Investigation's Quality of Service review. Internal Investigation's Quality of Service review found no misconduct with the quality of service received. This Office's independent review of 911 tape between complainant and Communication Center revealed that both Operator and Supervisor handled themselves in an appropriate manner.
Improper exercise of discretion not to issue traffic citation to police officer in neighboring jurisdiction.	Unsupported. Reviewed complete, unredacted Sheriff's internal investigation file. Reviewed applicable Sheriff's Office policies. Determined that a preponderance of the evidence does not exist to support allegation, because KCSO policies afford deputies discretion under facts of case, and no evidence of improper motive on the part of deputy exists. Communicated finding to complainant in writing.
Complainant alleged that KCSO took citizen's wallet during an accident scene investigation.	Unsupported. Reviewed KCSO incident reports and interviewed KCSO staff. The deputy gave complainant opportunities to search vehicle at the impound lot, but the complainant declined. There was no evidence to support that wallet was a part of the accident or that it was taken by deputy.
Citizen complains of being harassed by KCSO deputy.	Unsupported. Reviewed the KCSO's incident report relative to this complaint, interviewed the complainant via telephone, and spoke with the Commander of KCSO Internal Investigations Unit. There was no evidence to support complainant's allegations.
1. Rude and unprofessional conduct by special assault detective in course of investigation into special assault case involving two year old daughter; 2. Inappropriate release of law enforcement records related to case.	Unsupported. 1. Based on available evidence, this Office cannot find that the conduct of the detective was rude and unprofessional. 2. The public disclosure requests for records on this case were made in 2006 when Sheriff's Office did not keep a record of what specific documents were released. This procedure has since changed. Based on the available evidence, this Office cannot find that records or information in those records that would be exempt from public disclosure were inappropriately released.

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:

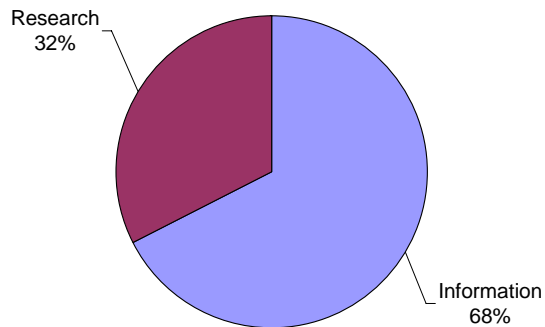
Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.

Research: Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

Table C
Total Tax Advisor Contacts
May – August 2008

	Information	Research	Total
May	286	28	314
June	355	142	497
July	436	177	613
August	595	454	1049
Total	1672	801	2473

Chart C
Total Tax Advisor Contacts
May – August 2008



SALES SURVEYS

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
May – August 2008

Assessed Property Value	Sales Surveys
\$0-200K	20
\$201-300K	53
\$301-400K	62
\$401-500K	97
\$501-700K	153
\$701K-1M	134
Over \$1M	98
Total	617

Chart D
Sales Surveys – Assessed Property Value
May – August 2008

