



King County Ombudsman's Office

ETHICS FINDINGS AND ORDER

Ethics Complaint No. 2012-01170

Complainant: Alex Wilford

Respondent: Steven Strachan, King County Sheriff

October 2, 2012

ALLEGATIONS AND CASE SUMMARY

The complainant, Alex Wilford, alleges that the respondent, King County Sheriff Steve Strachan, has used county resources to further his election campaign. Specifically, the complaint alleges that Sheriff Strachan:

- Appeared in uniform on his campaign website and Facebook page;
- Posted a video of himself and the City of Shoreline's police chief in full uniform on his campaign website;
- Attended and campaigned at a Republican Party picnic in uniform; and,
- Used King County's email system to promote his campaign.

The complaint alleges that Sheriff Strachan's actions violated the King County Employee Code of Ethics (the Ethics Code). The Ombudsman's Office conducted an independent investigation.

Based on the available evidence, we find reasonable cause to believe that Sheriff Strachan violated the Ethics Code when his campaign posted a photo of him in uniform that was taken by his campaign at his campaign headquarters. The expense to King County was minimal or none, and Sheriff Strachan's campaign has apparently cured the problem.

We also find that Sheriff Strachan's appearance in uniform at the King County Republican Party picnic where his campaign also had a booth, lent the prestige and authority of the Sheriff's Office to his campaign in violation of the Ethics Code. This violation also involved minimal or no expense to King County.

We find that there is no reasonable cause to believe Sheriff Strachan violated the Ethics Code when his campaign posted on his campaign website and Facebook page photos and a video that were publicly available and produced in the normal and regular conduct of his office. Sheriff Strachan's email to Sheriff's Office employees also complied with the Ethics Code.

APPLICABLE LAWS AND RULES

The Ethics Code establishes a general policy and specific standards to which every King County employee and elected official must adhere. The policy of the code is that, “the private conduct and financial dealings of public officials and employees and of candidates for public office shall present no actual or apparent conflict of interest between the public trust and private interest.” KCC 3.04.015(A). Relevant to this complaint, the Ethics Code provides that,

County employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of King County for such purposes except as authorized by the provisions of RCW 42.17.130^[1].

Relevant to this case, the prohibition does *not* apply to “[a]ctivities which are part of the normal and regular conduct of the office or agency”,² meaning,

conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.^[3]

The Public Disclosure Commission (PDC), which enforces state election campaign laws, has similarly advised that, “Uniforms issued by or paid in whole or in part by a uniform allowance or reimbursement from a public agency are public facilities which may not be used to assist a campaign” KCSO rules provide that the agency furnish uniforms to its sworn employees, who must personally return the uniforms to the appropriate KCSO unit upon separation from employment.⁴ The uniforms are thus “facilities of King County” within the

¹ RCW 42.17.130 was recodified as RCW 42.17A.555 pursuant to 2010 c 204 § 1102, effective January 1, 2012.

² RCW 42.17A.555(3).

³ WAC 390-05-273.

⁴ KCSO General Orders Manual section 7.03.000.

meaning of the Ethics Code, and may not be used for election campaign purposes except as authorized by RCW 42.17A.555.⁵

INVESTIGATION

The Ethics Code requires that the Ombudsman, an independent official within the legislative branch of King County government,⁶ investigate and make written findings concerning alleged employee ethics violations, including a determination as to whether there is reasonable cause to believe that the respondent violated the Ethics Code. KCC 3.04.055.

On July 18, 2012, the Ombudsman's Office received a signed, written ethics complaint against Sheriff Strachan. The Ombudsman's Office transmitted a copy of the complaint to Sheriff Strachan on July 31, requesting a written response by August 30. On August 6, the complainant amended the complaint, and the Ombudsman's Office transmitted this to the Sheriff. Sheriff Strachan provided the written response on August 30.

As part of the investigation, the Ombudsman's Office reviewed the materials attached to the complaint, Sheriff Strachan's written response, and analyzed applicable laws and rules. These final findings follow.

Senior Deputy Ombudsman Jon Stier led the Ombudsman's Office investigation into this complaint, with the oversight of King County Ombudsman Amy Calderwood.

RELEVANT FACTS, ANALYSIS, AND FINDINGS

The Ombudsman's Office makes findings based on a preponderance of the evidence standard of proof. A preponderance exists if, based on the available evidence, we are persuaded that the facts at issue are more likely true than not.

By way of background, the King County Council appointed Steve Strachan to the vacant office of King County Sheriff, on April 2, 2012. The appointment is valid

⁵ Memorandum from Nancy Crier, General Counsel, to Members, Public Disclosure Commission, "Discussion of Use of Uniforms in Campaigns", dated June 20, 2012, p. 3. Accessed online at, <http://www.pdc.wa.gov/archive/commissionmeetings/meetingshearings/pdfs/2012/Uniforms%20Interpretations%20Memo%20June%202012.pdf>.

⁶ The Ombudsman's Office is an independent office within King County's legislative branch, and is authorized to investigate the administrative conduct of King County agencies. The office also investigates and enforces the county Employee Code of Ethics. KCC 2.52.090(G).

until the vacancy is filled in the November 6 general election. Sheriff Strachan is a candidate for Sheriff on the November 6 ballot.

In this case, the relevant facts are straightforward. For clarity and the reader's convenience, therefore, these findings present the facts within the discussion of each allegation below.

1. Online Photos of Sheriff Strachan in Uniform

a. Facebook Photos

The photos of Sheriff Strachan, in uniform,⁷ that ultimately appeared on his campaign Facebook page were taken by a KCSO photographer while Sheriff Strachan walked in a public Gay Pride parade in Seattle. The photos were posted on the KCSO Facebook page. The campaign then downloaded the photos to the campaign website.

Public appearances during community events such as the Gay Pride parade generally promote public trust in KCSO and strengthen its relationships with the community. They are a legitimate and expected activity, and are fully within the normal and regular conduct of the Sheriff as King County's top law enforcement officer.

Moreover, the photos were available publicly on the KCSO website. There is no reason they should not be just as available to Sheriff Strachan's campaign as they are to the general public.⁸

For all of these reasons, Sheriff Strachan's use of his image in uniform during the Gay Pride parade complies with the Ethics Code and we find no violation.

b. Campaign Website Photos

In his response to this complaint,⁹ Sheriff Strachan explained that his campaign took a "head-shot" photo of him in uniform while he was at his campaign

⁷ Sheriff Strachan's written response to the complaint acknowledges that, "the Sheriff may wear his uniform when engaged in official business that is the normal and regular conduct of the agency."

⁸ The PDC has similarly advised that, "Photographs (including film or video footage) showing local officials in their uniforms that are in the public domain can be made available to a campaign on the same terms and conditions as to any other member of the public (such as through a public records request)." Citation and online link in footnote 3, above.

⁹ The Sheriff's response to the complaint and to the Ombudsman's draft findings are attached as Appendices A and B.

headquarters.¹⁰ The campaign said it did this believing it would be more responsible to use its own head-shot, rather than the official KCSO head-shot posted on the agency's website as part of its normal and regular conduct.

The campaign's belief was mistaken. Appearing at an election campaign headquarters to be photographed in uniform is not within the Sheriff's normal and regular conduct. The sole and clear purpose of the photo was to assist the Sheriff's election campaign. While this use of a county resource (the Sheriff's uniform) was minimal, and Sheriff Strachan's campaign has apparently cured the problem,¹¹ the Ethics Code compels us to find a violation.

2. The KCTV Video

The complaint alleges that Sheriff Strachan posted a video of himself and the City of Shoreline's police chief in full uniform on his campaign website, in violation of the Ethics Code.

King County Television (KCTV) is a government access channel and an office of the legislative branch of King County government. Programming decisions are made by the station manager based on content and relevance to the work of King County. Programming on KCTV reflects the range of regional and local issues facing King County government and the services it provides. The Sheriff's Office has used, and continues to use, media such as its website, Facebook page, and Twitter account, to advise the public about KCSO and relevant public safety issues.

The Ombudsman's Office has reviewed the video at issue. It is a half-hour discussion between Sheriff Strachan and the chief of the Shoreline Police Department, which is KCSO operates under the terms of a contract with the City of Shoreline. The video discussion mainly concerns that contract relationship, and the history, operations, programs, and facilities of the Shoreline Police Department. There is no mention of the upcoming election or Sheriff Strachan's campaign.

Sheriff Strachan's uniformed appearance in the video was well within his and KCSO's normal and regular conduct and thus complied with the Ethics Code. We find no violation.

¹⁰ The Sheriff's Office confirmed that the uniform was issued by the agency and is not Sheriff Strachan's personal property.

¹¹ Sheriff Strachan's written response to the complaint states, "The Sheriff's Office has asked the campaign to remove that photograph from the campaign website or crop it so that the uniform is not showing. The campaign has advised us they complied with that request. . . . Our office advised the campaign that they may obtain a photocopy of the official photograph of the Sheriff through public disclosure and they did that."

The complainant asserts that KCTV is a county resource that is not available to his opponent. While that may be true, the video at issue may be downloaded and used by any member of the public with a computer. Moreover, the Washington State Public Disclosure Commission, which enforces state ethics laws that are nearly identical to King County's, has clearly approved the use of such materials by campaigns, so long as they are produced in the employee's normal and regular conduct, as is the case here.

The complainant also argues that approving such use here would allow Sheriff Strachan to produce a new video for his campaign every day at county expense, at great prejudice to his opponent. But daily videos would likely not be within the Sheriff's normal and regular conduct, and the situation raised by the complainant is purely hypothetical. Moreover, KCTV's program manager, not Sheriff Strachan, determines KCTV's content and programming. For these reasons, the video and Sheriff Strachan's use of it on his campaign complies with the Ethics Code and we find no violation.

3. Appearance in Uniform at Republican Party Picnic

The complaint alleged that Sheriff Strachan attended a King County Republican Party picnic in uniform and was "clearly campaigning" as demonstrated by photos attached to the complaint. The photos depict, (1) Sheriff Strachan in uniform,¹² apparently addressing listeners while holding a microphone; (2) a person standing at a booth with a "Retain Steve Strachan – King County Sheriff" banner clipped to it, and a table displaying literature and campaign-style buttons; and (3) a photo of Sheriff Strachan with another picnic attendee.

In response to the complaint, Sheriff Strachan stated that he attended the picnic in his official capacity as Sheriff, and spoke to attendees about the Sheriff's Office, not his candidacy. Sheriff Strachan acknowledged that there was an area where various election campaigns had tables, but stated he did not approach the table or in any way use the event to address campaign issues or questions or to seek endorsements of his candidacy.

Sheriff Strachan said he used no county resources at the event, and that the photos were taken by his campaign, owned by the campaign, and posted on his campaign website. Sheriff Strachan likened his appearance at the picnic to other community events he attends in his normal and regular conduct as Sheriff, such as those sponsored by organized religious groups, gun rights groups, neighborhood watches, and ethnic and community rights and advocacy groups.

¹² The Sheriff's Office confirmed that the uniform was issued by the agency and is not Sheriff Strachan's personal property.

But the event at issue here was sponsored by a group whose mission includes assisting campaigns for the election of candidates to public office.¹³ With his campaign also present, the event became, at least in part, a campaign event. Sheriff Strachan's appearance in uniform lent the prestige and authority of the Sheriff's Office to his campaign, and thereby assisted the campaign in violation of KCC 3.04.020(E).¹⁴

4. Email to Employees

Consistent with its past practice, on April 25, 2012, the Sheriff's Office sent a General Interest Bulletin by email to its employees, reminding them that use of county resources for election campaigns is prohibited. The next day, April 26, Sheriff Strachan sent an email to all Sheriff's Office employees. The email stated,

The GIB sent yesterday details our policies and expectations regarding ethical conduct during an election. I also want you to know that I will not be soliciting or accepting campaign contributions from department members. If you want to support me as Sheriff, the best way to do that is to do your job well, focus on the mission, and let's not get distracted—I am proud to work with each of you.

Work hard- Have fun- Stay safe

Sheriff Strachan said similar emails were sent by his predecessors during previous election seasons.

The complaint alleges that Sheriff Strachan's email was designed to gain the political support of Sheriff's Office employees in violation of the Ethics Code. We disagree. The email goes no further than its stated purpose of reminding employees to follow campaign ethics laws. It specifically repudiates his solicitation or acceptance of campaign contributions from employees. It is clear that Sheriff Strachan was seeking the support of employees for the work of the Sheriff's Office, not for his election campaign. The implication that Sheriff Strachan's real purpose in sending the email was actually to encourage support for his campaign is weak and unsupported by evidence. For these reasons, Sheriff Strachan's email complies with the Ethics Code and we find no violation.

¹³ Bylaw 14.4.1 of the King County Republican Central Committee. Accessed at, <http://www.scribd.com/doc/59644695/2010-2012-KCRCC-Bylaws>.

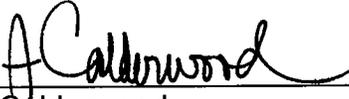
¹⁴ There may be rare, isolated instances in which the Sheriff's public safety duties require that he be in uniform at a campaign event. Sheriff Strachan has not asserted that such a requirement existed at the Republican Party Picnic. See PDC letter to campaign of Dave Reichert, dated July 21, 1997. Citation and online link in footnote 3, above, at p. 19.

ORDER

Based on the foregoing, there is reasonable cause to believe that the respondent, King County Sheriff Steve Strachan, violated the King County Employee Code of Ethics when his campaign posted a photo of him in uniform that was taken at his campaign headquarters, and when he appeared in uniform at the King County Republican Party picnic. The respondent is hereby notified of his right to request an appeal hearing before the King County Board of Ethics within 20 days of service of this Order pursuant to KCC 3.04.057(A).

There is no reasonable cause to believe Sheriff Strachan violated the Ethics Code when his campaign posted on his campaign website and Facebook page photos and a video that were publicly available and produced in the normal and regular conduct of his office.

Dated this 2nd day of October, 2012.



Amy Calderwood
King County Ombudsman

Distribution per KCC 3.04.055(H)(1)
Ann Watanabe, Chair, King County Board of Ethics (original)
Sheriff Steve Strachan, respondent
Alex Wilford, complainant
Dan Satterberg, King County Prosecuting Attorney

APPENDIX A

SHERIFF

KING COUNTY

KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104-2312
Tel: 206-296-4155 • Fax: 206-296-0168

Susan L. Rahr
Sheriff



August 30, 2012

Ms. Amy Calderwood, King County Ombudsman
Office of Citizen Complaints
516 Third Avenue, Room W-1039
Seattle, WA 98104

Dear Ms. Calderwood:

Thank you for providing the Sheriff's Office with the opportunity to respond to the concerns raised by Mr. Wilford. We have reviewed the background of each part of the complaint. The Sheriff takes the campaign ethics rules very seriously. The Sheriff welcomes any input from the Ombudsman regarding best practices in this area.

In general, the complainant appears to be asserting that the campaign cannot use a photograph or video of the Sheriff wearing his uniform under any circumstances. That is not our understanding of the law. Our understanding is that the Sheriff may wear his uniform when engaged in official business that is the normal and regular conduct of the agency. The campaign may use photographs of the Sheriff in uniform engaged in his official duties that are in the public domain, including those that are accessible to the public on the same terms and conditions as obtained by the campaign, such as through public disclosure. The campaign may also use depictions of the Sheriff in uniform that are owned by a newspaper, magazine, television station, an individual or other non-public entity. For example, the campaign may obtain an official photograph of the Sheriff in his uniform on the same terms and conditions that a member of the public may obtain the photograph, such as through public disclosure. If the public would be charged for a copy, then the campaign would be required to pay the same charge.

In summary, our responses are as follows:

First, regarding the photographs at events, the Sheriff attended those events in his official capacity as the Sheriff of King County. None of them were campaign events, he did not attend as a candidate for Sheriff, nor promote his candidacy. None of the events

were organized or staged to create opportunities for campaign photographs. Attendance at the events depicted are part of the normal and regular conduct for the Sheriff. Please see RCW 42.17A.555 and WAC 390-05-273.

Second, the photographs and video of the Sheriff taken by the Sheriff's office or King County TV were taken in the normal and regular course of the agencies' conduct. King County Television is a publicly funded television station. The photographs and video were placed into the public domain in the regular and ordinary course of King County or Sheriff's office business. The video is available through KCTV and on YouTube. The photographs are also available to the public through public disclosure or on the Sheriff's office website or Facebook page. The public has access to those depictions on the same terms and conditions.

Third, photographs taken by the campaign are of the Sheriff engaged in his normal and regular conduct and are taken at public events and not at other facilities of the Sheriff's Office. There was one exception to this and that is the "head shot" photograph of the Sheriff that is the subject of the complaint, which was taken by the campaign staff at the campaign headquarters. We have asked the campaign to remove or crop that photograph so the uniform does not show. The campaign has advised us they complied with that request. The campaign told us that the campaign took the photo in the spirit of not having to use the official one thinking it would be a more responsible move since it is nearly identical to the one currently in the public domain from his own office web site. Our office advised the campaign that they may obtain a photocopy of the official photograph of the Sheriff through public disclosure and they did that.

Fourth, his intentions by communicating with staff were just the opposite of what is alleged: he intended to reiterate the message that King County resources cannot be used for campaign purposes. He did that and also relieved staff through direct assurances that he would not accept campaign donations. The previous Sheriff sent similar messages.

Regarding the specific allegations:

1. Official photograph of Sheriff Strachan in his uniform.

The campaign has made a public disclosure request for the official "head-shot" formal photograph of the Sheriff in his uniform and is currently using that photograph for the campaign. The agency takes an official "head-shot" formal photograph of the Sheriff of King County as part of the normal and regular course of business. That photograph is readily available to anyone in the public through public disclosure. It is also available to the public on the Sheriff's Office website and Facebook. The Sheriff's Office maintains a

website and Facebook page in the regular or normal course of business. The “head shot” formal photograph is posted there. In addition, other official photographs of the Sheriff and other staff engaged in Sheriff’s office business are regularly posted on the Sheriff’s Office social media sites in the ordinary course of business.

According to the campaign, the “head-shot” photograph of the Sheriff in uniform that is the subject of the complaint was taken by the campaign at campaign headquarters by the campaign. The Sheriff’s office has asked the campaign to remove that photograph from the campaign website or crop it so that the uniform is not showing. The campaign has advised us they complied with that request. As mentioned above, the campaign advised us that the campaign took the photo in the spirit of not having to use the official one thinking it would be a more responsible move since it is nearly identical to the one currently in the public domain from his own office web site. Our office advised the campaign that they may obtain a photocopy of the official photograph of the Sheriff through public disclosure and they did that.

2. YouTube video on King County Television.

The Sheriff’s Office has and is going to actively use various forms of social media to advise the public about the Sheriff’s office and the public safety issues affecting the public. The Office has a website, a Facebook page, a Twitter account, and the Sheriff is regularly producing videos of discussions about various topics affecting public safety with the assistance of King County Television. The footnote below is from its website.¹ Those videos are in the public domain and are available on YouTube. The Sheriff’s

¹ About King County Television

The variety of programming on King County Television (KCTV) reflects the range of regional and local issues facing King County government, and the public services it provides – from transportation and public health to criminal justice and environmental protection.

With a trained staff of seven KCTV produces original programming on county issues and services and provides transparency into the proceedings of the Metropolitan King County Council and the regional committees that advise the Council, as well as the regional boards on which members sit such as Sound Transit and the King County Board of Health.

KCTV is a government access channel granted to the County under franchise agreements regulated under federal law. KCTV is an agency within the legislative branch of county government. It is overseen by the County Council, with guidance provided by the KCTV Citizens Advisory Committee and the KCTV Working Group. Programming decisions are based on content and relevance to the work of the County, with final decisions resting with Station Manager James Burns.

office is also posting or creating links to some of them on the Sheriff's office Facebook page. They are available to the public and can be downloaded.

The video at issue was produced in the normal and regular course of business for the Sheriff's office, not for the campaign, and was posted on YouTube in the normal and regular course of business. According to the campaign, campaign staff downloaded the video off YouTube as any other member of the public can do. Any member of the public has access to the footage on the same terms and conditions.

While candidates are discouraged from "staging" events and photographic opportunities while acting in their official capacity for the real purpose of developing campaign material, that was not the case with this video, nor with any other event or photograph. The complainant is concerned that the Sheriff "could conceivably film new segments every day with county resources and simply add it as content for his campaign at no expense to him or his campaign account." First, that has not happened: the Sheriff has not filmed new segments every day and posted them to his campaign website. He films them periodically on different topics and then they are posted on various publicly available sites. Second, an accelerated filming schedule would not be in the regular and normal course of conduct for our agency or for King County TV.

3. Photographs of the Sheriff in uniform on the campaign Facebook page.

Three photographs are of the Sheriff walking in the Gay Pride parade and one standing with other participants. All of the photographs are taken while the Sheriff is out in public view on the streets of Seattle. Two of the participants in one photograph are Sheriff's Office deputies in uniform also participating in the parade representing the Sheriff's Office. The Sheriff's Office photographer took those photographs and a Sheriff's Office staff person posted them to the Sheriff's Office Facebook page. The campaign has advised us that they downloaded the three photographs from the Sheriff's Office Facebook page.

The Sheriff participates in parades as a normal and regular part of his official duties. He participated in this parade in his official capacity as the Sheriff, not a candidate. The Sheriff's Office is posting those activities in the ordinary and regular course of our business on our social media sites. They are readily accessible to the public through public disclosure and the Sheriff's Office website.

We do not believe that showing a photograph of the Sheriff with the two deputies who are clearly attending the Gay pride parade can reasonably be construed to imply their endorsement of the Sheriff as a candidate. The context in which that photograph was taken is not ambiguous. However, to err on the side of caution, the Sheriff's Office has

requested the campaign either remove the photograph or make it clear on the campaign website that inclusion of the photograph of the Sheriff's Office staff is not meant to imply that they endorse him as a candidate running for Sheriff. The campaign has informed us they have removed the photograph.

As mentioned above, the campaign has removed the original "head shot" photograph of the Sheriff taken at campaign headquarters and replaced it with the official photograph of the Sheriff obtained through public disclosure.

4. Message to staff using county email.

When an election season starts, the Sheriff's Office has historically sent out reminders to Sheriff's Office employees about ethical conduct during a campaign. This has been done in advance as a reminder. Also historically, the Sheriff has sent out his or her own message. The purpose of the message is multi-fold: one, to reiterate that the Sheriff expects campaign ethics rules be followed; two, to advise staff that he or she will not seek or accept campaign donations from staff (to put that question to rest and relieve any staff concerns they might be asked for contributions); three, to try to support the staff in staying focused on the mission and work of the sheriff's office in a time of uncertainty due to an election; and four, to reassure them that the best way to support the sheriff *in his capacity as Sheriff*, is to do a good job. Former Sheriff Sue Rahr sent out very similar messages to the staff and it worked well to "head -off" the use of county email and other equipment with questions from staff about those very questions. The phrase "support me as Sheriff" was intended to be a message to support him in his official capacity as the Sheriff and to relieve any concern by staff that he would be asking them for money or to participate in his campaign directly. It was not intended to nor does it say "if you want to support my candidacy as Sheriff," the best way to do that is do your job well.

Supplemental complaint

The Sheriff attended the GOP picnic in his official capacity as the Sheriff, not as a candidate. This was not a campaign function for the Sheriff. When he addressed the participants, he was speaking about the Sheriff's Office and not his candidacy. The Sheriff attends various events in the regular and normal course of conduct in his official capacity as the Sheriff. For example, he attends event at the request of various organized groups including churches, mosques, neighborhood watches, gun rights activist groups, and ethnic and community rights and advocacy groups. Apparently, there was an area where candidates for various races had tables at the event and one was for his campaign. He did not approach the table or use the forum to address campaign issues or questions or seek endorsements for himself as a candidate. The

pictures were taken by campaign staff, are owned by the campaign and posted on the campaign website. No resources of King County were used to take the photograph of the campaign table or post it on a campaign website.

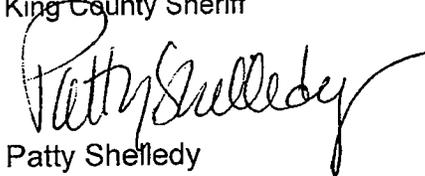
Summary:

Photographs taken by King County staff were taken in the ordinary and regular course of their duties, were posted publicly and are in the public domain, and are readily available to the public either through public disclosure or on publicly accessible websites on the same terms and conditions. None of the events he attended were staged for the purpose of creating campaign material. Similarly, the Sheriff's office is regularly conducting law enforcement discussion forums that King County TV produces and makes available to the public through public access television and the internet and YouTube. Those are often linked to or imbedded in the Sheriff's office website or Facebook page which is also accessible to the public. The other photographs taken by and owned by the campaign of the Sheriff at the GOP event are taken of him as he was engaged in official Sheriff's office business. No other county resources or facilities were used. All of the photographs of the Sheriff were taken when he was engaged in the normal and regular course of his duties while acting in his official capacity as Sheriff, with the exception of the original "head shot" of the Sheriff in uniform taken at the campaign headquarters. The campaign has advised the office that it has removed the photograph of the sheriff in his uniform taken at campaign headquarters or cropped it so that the uniform cannot be seen. We advised them they could obtain the photograph through public disclosure.

The Sheriff and Sheriff's office welcomes any feedback or advice the Ombudsman has on best practices regarding campaign ethics. If we are misunderstanding the parameters of the law, we want to know and will take corrective action.

Sincerely,

STEVEN D. STRACHAN,
King County Sheriff



Patty Shelledy
Legal Advisor

APPENDIX B

SHERIFF

KING COUNTY

KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
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Tel: 206-296-4155 • Fax: 206-296-0168

Susan L. Rahr
Sheriff

October 1, 2012

Ms. Amy Calderwood, King County Ombudsman
Office of Citizen Complaints
516 Third Avenue, Room W-1039
Seattle, WA 98104

Dear Ms. Calderwood:

Thank you for providing the Sheriff's Office with the opportunity to respond to the Ombudsman's draft findings. As we said in the original response, the Sheriff takes the campaign ethics rules very seriously. We appreciate the Ombudsman's thoughtful review.

The Sheriff's only disagreement is with the finding that he violated the code by attending the GOP picnic in uniform. His understanding was and is that he may attend an event in uniform if he is attending as the Sheriff and not as a candidate. He attended the event as part of the normal and regular conduct for the Sheriff. Nonetheless, the Sheriff is sensitive to the Ombudsman's concerns and will be more attentive to these specific issues in future appearances as the Sheriff.

Thank you again for your review.

Sincerely,

STEVEN D. STRACHAN, King County Sheriff



Patty Shelledy
Legal Advisor

(Kimberley Whitehead, Paralegal for Patty Shelledy)