KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIANNUAL REPORT

JANUARY – APRIL 2005

Presented to the
Metropolitan King County Council

May 16, 2005

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I N T R O D U C T I O N

The Office of Citizen Complaints is required by code 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. KCC 2.52.150. This report summarizes Office activities for January 1 through April 30, 2005.

During the report period, the Office of Citizen Complaints received 671 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 34 complaint investigations, and completed 38 investigations.

B A C K G R O U N D

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.

I N Q U I R Y C L A S S I F I C A T I O N

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 was 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.

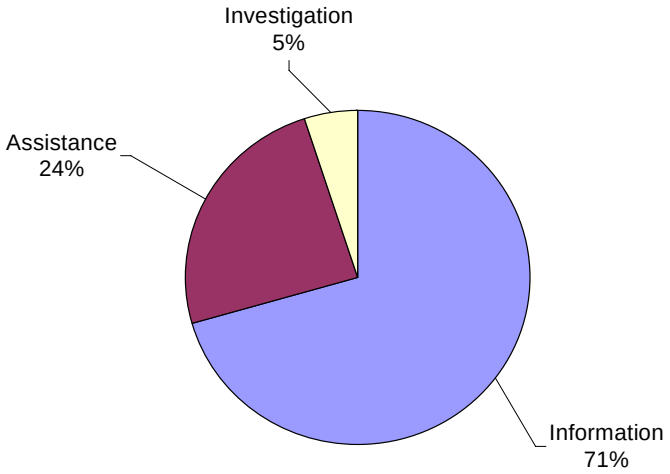
[1] Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
January – April 2005

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	54	47	20	121
Assessor	12	1	3	16
Boards and Commissions	0	0	0	0
Community and Human Services	8	4	0	12
Development and Environmental Services	11	5	0	16
District Court	18	1	0	19
Executive	3	0	0	3
Executive Services	49	11	2	62
Judicial Administration	7	1	0	8
Metropolitan King County Council	12	11	0	23
Natural Resources and Parks	5	2	1	8
Prosecuting Attorney's Office	7	0	0	7
Public Health	21	55	4	80
Sheriff's Office	16	7	2	25
Superior Court	15	1	0	16
Transportation	17	4	2	23
Non-jurisdictional[2]	218	14	0	232
Total	**473**	**164**	**34**	**671**

Chart A
Disposition of Total Inquiries Received
January – April 2005



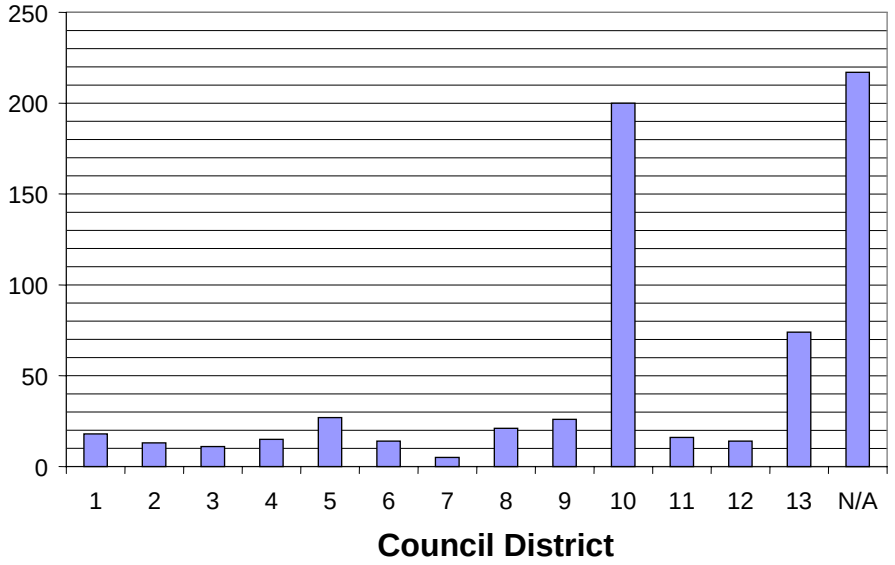
[2] The non-jurisdictional category represents contacts from non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
January – April 2005

District	Councilmember	Inquiries
1	Carolyn Edmonds	18
2	Bob Ferguson	13
3	Kathy Lambert	11
4	Larry Phillips	15
5	Dwight Pelz	27
6	Reagan Dunn	14
7	Pete von Reichbauer	5
8	Dow Constantine	21
9	Steve Hammond	26
10[3]	Larry Gossett	200
11	Jane Hague	16
12	David Irons	14
13[4]	Julia Patterson	74
N/A	Unavailable	217
Total		**671**

Chart B
Inquiries by Council District
January – April 2005



[3] Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.
[4] Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

COMPLETED INVESTIGATIONS[5]

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Alleges assault by corrections officer who also prevented inmate from receiving medical attention.	Discontinued. Complaint was investigated by IIU. Complainant was notified by IIU that based on available evidence, DAJD staff actions did not appear to have violated department policy and procedure. Complainant's contact information was unavailable after released.
Complainant alleges not receiving the promised refund for commissary overcharge for stamps.	Supported. Audit of commissary service confirmed that postage overcharge had occurred. Refunds are being made to all inmates who were overcharged.
Inmate threatened by corrections officer.	Unsupported. Transmitted complaint to DAJD and IIU, which determined that officer's conduct was within departmental guidelines. Reviewed DAJD response. Evidence of misconduct did not reach a preponderance.
Unnecessary force and verbal abuse by corrections officers.	Unsupported. Transmitted complainant's allegations to DAJD director and IIU. Examined IIU case file. Determined that IIU investigation was adequate and that evidence was insufficient to sustain finding of wrongdoing.
Alleges improper governmental action pursuant to the Whistleblower Protection Code.	Partially discontinued. Partially unsupported. Complainant alleged that recent DAJD promotions were handled improperly, and that only the Sheriff's Office, not DAJD, has authority to administer county jails pursuant to the King County Charter. Discontinued allegation regarding promotions because whistleblower code specifically excludes personnel actions, including promotions, from definition of improper governmental action. Researched and analyzed pertinent county Charter and Code provisions, and legislative history of County Charter. Determined that DAJD authority over county jails complies with the Charter.
Complainant alleges that grievances are being destroyed, misplaced, or lost by Corrections Officers and not responded to according to jail policy.	Unsupported. Complainant’s original grievance was lost; however complainant refused to re-submit grievance when requested by DAJD. Record shows that grievances submitted with proof of receipt received a response. A Grievance Committee has been formed to review grievance process. Recommended changes to policy will be incorporated into Inmate Handbook.

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

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Complainant alleges sexual assault by female Corrections Officers.	Unsupported. Medical records did not indicate any injury or trauma consistent with the physical and sexual assault described.
Complainant alleges disparate treatment by classifications staff.	Unsupported. Complainant was advised that allegations were not supported by any new documentation that had not already been reviewed by our Office and DAJD.
Complainant alleges that a wealthy inmate with an expensive attorney was able to get special privileges not available to other inmates.	Unsupported. Complainant was advised that department documentation does not support the allegation that an inmate's attorney requested and received special privileges.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant alleges lack of response to repeated reports of code violations involving home occupation.	Unsupported. Code Enforcement responded appropriately to code violations and required property owner to obtain permits to bring property into compliance. Complainant's main objection related to amount of traffic on shared private drive that is generated by home occupation. County's current code does not limit business-related trips. Complainant and property owner are currently engaged in civil litigation related in part to home occupation.
Neighbor is operating full-scale medical practice in rural-zoned neighborhood. No response to complaints to code enforcement.	Unsupported. County's current home occupation code does not prevent operation of medical clinic so long as business operation complies with code's restriction of business to no more than 20% of living area of home. While Code Enforcement case was open for several months, Code Enforcement took appropriate action.
Complainant alleges that DDES is not enforcing code by requiring permits for grading in excess of 100 cubic yards.	Partially Supported: Complainant was advised that while the allegation "may have had merit," complainant's appeal was not timely and was dismissed by the Hearing Examiner without prejudice, giving the department the authority to initiate future enforcement proceedings or to pursue a voluntary compliance agreement with the affected parties.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant alleges that the County (1) unfairly allowed a private water district to file a quiet title and lay claim to a right-of-way; (2) allowed the water district to install ecology blocks; and (3) denied a permit to remove the ecology blocks that illegally landlocked complainant's property.	Unsupported. (1) Private water district instituted filing of quiet title and King County Superior Court issued the decree reverting property back to the original owners. (2) Water district installed ecology blocks on private property, and the county has no basis to require or permit removal of blockades. (3) Complainant's property is undeveloped; however, it does not appear that the lots were landlocked by the quiet title action based on review of area maps.
Complainant alleges: (1) excessive and duplicate permit fees; (2) failure to require soil compaction in connection with construction of county retention/detention pond, combined with heavy rains caused complainant's berm to fail; (3) unduly burdensome requirements of variance permit, daily soil compaction reports, and easement.	Unsupported. (1) Review of DDES fees did not support claim of duplicate or excessive charges. However, partial fee waiver of $8,675 was granted due to internal confusion between divisions as to jurisdiction. (2) There is no evidence that the county did not properly compact berm, and heavy rains are not considered a natural disaster. (3) The variance, daily soil compaction reports, and easement were required as an alternative to complete reconstruction of county detention pond.
Complainant alleges being denied a building permit due to septic and drainfield issues that pre-existed purchase of property, and are the same as when a county shop used the site as a commercial site.	Unsupported. Complainant's placement of trailer on property constituted an improvement and required that septic system be brought to current code standards. County discontinued use of property as shop site in 1985, and such use has does not exempt complainant from bringing septic system to current code. Complainant may reapply for septic permit, and if denied appeal through the Sewage Review Committee.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Complainant is not satisfied with response by Animal Control to report of attack by vicious dog. Alleges failure to return telephone calls regarding vicious dog.	Unsupported. Animal Control worked with dog's owner who agreed to obedience training and to keep dog on leash or in fenced yard. Complainant was advised that Animal Control's response was appropriate and within code guidelines. AC management will address lack of returned phone calls by staff training.
Complainant has received insufficient response from Human Resources regarding application for corrections officer position with Department of Adult and Juvenile Detention.	Resolved. HR Director explained that with hundreds of applicants and only one staff administering process, it is not always possible to accurately track each response to applicants. DAJD did not have record of notifying complainant of status in process. HR Director ensured complainant that DAJD is working on improving the hiring process and a letter regarding the complainant's status was mailed.

NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Whistleblower complaint alleging employees' concerns for safety and violation of DOT regulations are being dismissed by management.	Resolved. Reasonable steps have been taken by the Department to ensure employee safety.
Alleges: (1) safety requirements for fall protection are not being met for workers climbing a certain height; and (2) non-compliance with federal regulation requiring commercial driver's license (CDL) with air braking endorsement.	Allegation (1): Resolved. All shop employees were trained in Fall Hazards and Personal Protective Equipment dating back to 1996 and 1997. At time complaint was filed, equipment specific orientation was not being conducted. Training is now being implemented. All service trucks now have safety harnesses with harness tie off attachment points installed on equipment where maintenance worker works more than four feet off the ground. Allegation (2): Unsupported. All shop personnel required to have CDL have one.
Whistleblower complaint alleging improper governmental action as it related to safety concerns involving an employee in a work-supported program.	Unsupported. Based on Department's response, Ombudsman review of Division's files, and information from Disability Services representative, we determined that improper governmental action did not occur.

PUBLIC HEALTH

Synopsis	Disposition
Inmate complains that JHS dental services are inadequate for inmate incarcerated longer than the facility is meant to hold someone.	Unsupported. Transmitted complaint to department, reviewed departmental response, conducted independent factual research, obtained second opinion based on dental x-rays from dentist of complainant's choosing, reviewed second opinion report, analyzed applicable standards, and determined that available evidence does not indicate negligent care by department. Provided written analysis to complainant acknowledging issues raised by second opinion dentist, whose report was provided to appropriate departmental officials.
Inmate not receiving pain medications.	Unsupported. After complainant provided medical releases of information, Ombudsman staff reviewed medical records with Harborview and Jail Health Services (JHS). JHS records indicated that JHS contacted complainant's private physician. JHS considered requests for pain medications prescribed in the past, and determined the pain medications provided to complainant while in Jail Facility were appropriate.

PUBLIC HEALTH

Synopsis	Disposition
Ineffective and rude telephone assistance by North Seattle Public Health Center staff members.	Not resolved. Transmitted complaint to DPH and reviewed DPH response to complaint. Determined that complaint could not be resolved, on balance, because of the credible nature of the allegations, insufficient evidence, and the likelihood that no further evidence could reasonably be developed.
Incorrect prescription supplied to inmate, and inadequate supervision following overdose.	Unsupported. With inmate's consent, obtained and reviewed medical records from Jail Health Services and Harborview Medical Center. Records clearly show medication was properly prescribed. Records do not show evidence that corrections personnel should have discovered inmate's need for medical attention sooner than they did. Provided detailed findings to inmate.

SHERIFF'S OFFICE

Synopsis	Disposition
Alleges: (1) mishandling of sexual assault case; (2) failure of IIU to investigate complaint of officer conduct; and (3) incorrect information is provided to victims of sexual assault.	Unsupported. (1) Based upon our review of the Sheriff's Office file on this case, response from Sheriff's Office, and independent research we determined that case was appropriately handled; (2) it was within IIU's discretion to determine whether complaint met definition of misconduct and appropriate for investigation by IIU; (3) effort by Sheriff's Office to provide information to victims of sexual assault is consistent with RCW 7.69.030.
Concealed pistol license was unjustifiably denied.	Unsupported. Although the initial decision to deny concealed pistol license was ultimately determined to be unsupported in law, decision was based on Sheriff's Office's concern for applicant's safety after complainant expressed suicidal ideation. After complainant's therapist confirmed that complainant was not suicidal, complainant received concealed pistol license. In the future, if similar circumstances occur and the Sheriff's Office has safety concerns with an applicant without a criminal or involuntary commitment history, the Sheriff's Office will seek judicial review of the application.
Documents requested under public disclosure were withheld.	Unsupported. Complainant's public disclosure requests are ongoing. We reviewed Sheriff's Office response and documents provided to complainant. We recommended to complainant to continue working with the Sheriff's Office with disclosure requests. If complainant remains dissatisfied, we referred complainant to seek available remedy through the courts.

SHERIFF'S OFFICE

Synopsis	Disposition
Internal Investigations did not investigate complaint about officer misconduct.	Unsupported. After Ombudsman review of the IIU file and meeting with the IIU Commander and two sergeants, we concluded that IIU's determination that the detective's actions and statements did not amount to misconduct was appropriate.
Complainant alleges: (1) unnecessary force involving use of taser, pepper spray, and being kicked in head by officer which caused seizure; (2) reckless driving; and (3) racist remarks by officer.	Unsupported. (1) Based upon Ombudsman review of available evidence, we concluded that use of taser and pepper spray was appropriate. There was no evidence to support allegation that complainant was kicked in head by officer which caused a seizure. (2) Evidence was insufficient to support complaint of reckless driving. (3) Evidence was insufficient to support complaint of racist remarks.
Alleges use of county resources to support political campaign and conflict of interest in violation of ethics code. KCC 3.04.020(E) and 3.04.030(A)(9)(a).	Supported/Unsupported. Respondent's mention of superior's performance in primary election in official county press release constitutes a violation of KCC 3.04.020(E). However, violation was determined to be de minimis based on isolated, one-time nature of incident. Investigation did not disclose evidence of conflict of interest as alleged in complaint. Therefore, there is no reasonable cause to believe a violation of KCC 3.04.030(A)(9)(a) occurred.
Complainant alleges excessive force when a Sheriff's Deputy used pepper spray and taser, being arrested and falsley accused of failing to stop, being intoxicated, and having empty beer cans in the vehicle.	Unsupported. Complainant was advised that witnesses, file documentation and evidence did not support the allegation that the Deputy used excessive force by deploying a taser and pepper spray during the traffic stop incident.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Complainant alleges that DDES broke promises to leave access road and pad for continued personal use.	Unsupported. Complainant was advised that documentation and on-going communication between the complainant and the department clearly demonstrated that a permit was required to allow the access road and staging pad to be left by the county for the complainant's personal use.
Metro buses are required to have passenger seatbelts but currently do not.	Resolved. Passenger seat belts not required on Metro buses. Conducted independent research and analysis of applicable laws and policies, interviewed appropriate Metro employees and an official of the Federal Motor Carrier Safety Administration. Explained analysis and conclusions to complainant by letter.
Alleges whistleblower retaliation after reporting discrepancy in accounting funds.	As required by KCC 3.42.060(B), whistleblower retaliation complaint was immediately forwarded to the head of the executive department in which the retaliation is alleged to have occurred.

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:

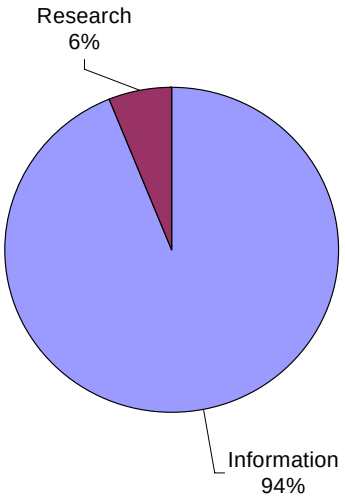
Information: Request for information or advice which may result database inquiry and/or referral.

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

Table C
Total Tax Advisor Contacts
January – April 2005

	Information	Research	Total
January	388	31	419
February	781	55	836
March	789	52	841
April	934	49	983
Total	**2892**	**187**	**3079**

Table C
Total Tax Advisor Contacts
January – April 2005



SALES SURVEYS

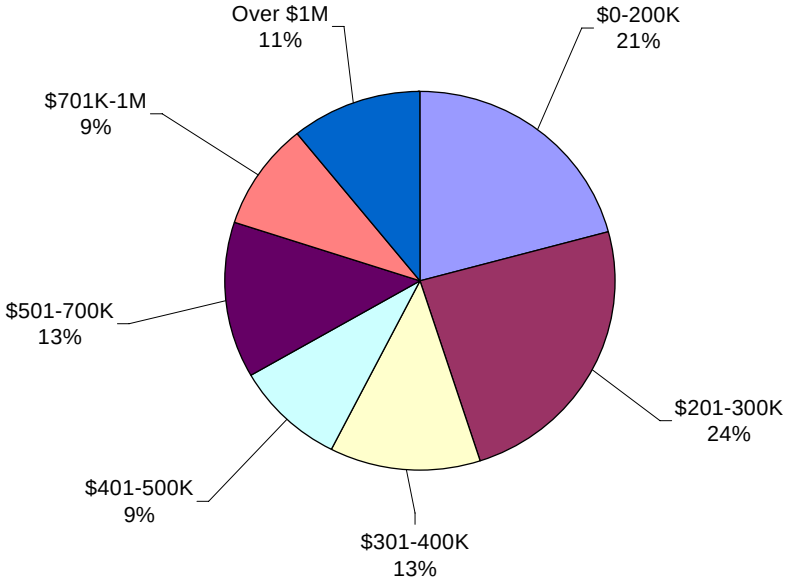
Sales surveys are produced using the Assessor's CompSales program to search for similar property characteristics. The Office reviews two years of previous sales in the plat or sub-area and a sales price range. The search is refined by property characteristics such as view, waterfront, year-built, grade, and condition. A sales report is generated which provides the characteristics and sale prices of similar properties.

Sales surveys are useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal to the Board of Equalization.

Table D
Sales Surveys – Assessed Property Value
January – April 2005

Assessed Property Value	Sales Surveys
$0-200K	25
$201-300K	29
$301-400K	16
$401-500K	11
$501-700K	16
$701K-1M	11
Over $1M	13
Total	**121**

Chart D
Sales Surveys – Assessed Property Value
January – April 2005



TAX ADVISOR STATISTICS

Table F
Tax Advisor Inquiries by Council District
January – April 2005

District	Councilmember	Inquiries
1	Carolyn Edmonds	287
2	Bob Ferguson	206
3	Kathy Lambert	172
4	Larry Phillips	186
5	Dwight Pelz	329
6	Reagan Dunn	183
7	Pete von Reichbauer	128
8	Dow Constantine	259
9	Steve Hammond	171
10	Larry Gossett	192
11	Jane Hague	165
12	David Irons	228
13	Julia Patterson	257
N/A	Unavailable	316
Total		**3079**

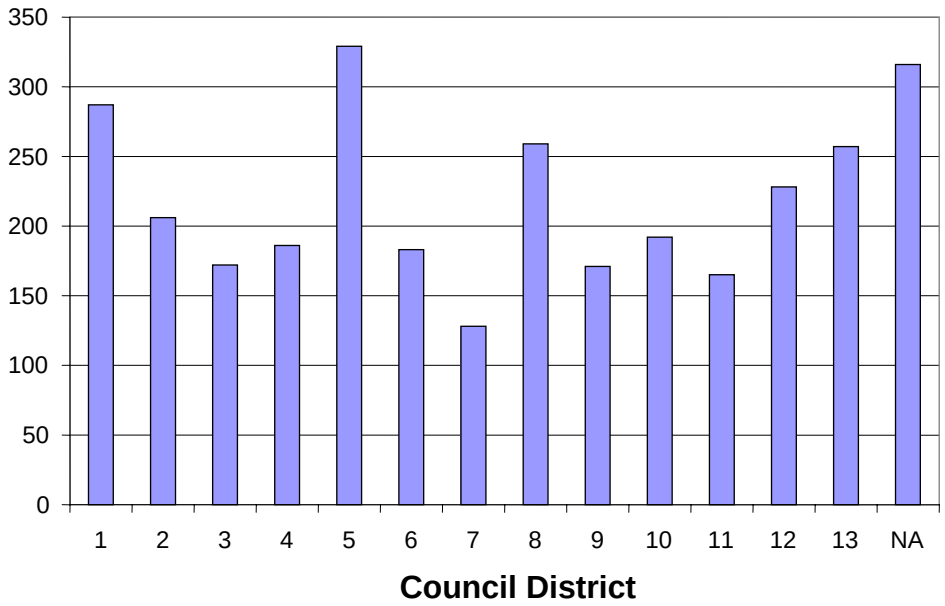



Chart D
Inquiries by Council District
January – April 2005