
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS

TRIANNUAL REPORT

JANUARY – APRIL 2006

Presented to the
Metropolitan King County Council

May 15, 2006

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TABLE OF CONTENTS

	Page
INTRODUCTION	3
OMBUDSMAN STATISTICS.....	4-5
INVESTIGATIONS	6-10
TAX ADVISOR STATISTICS.....	11-13

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 January 1 through April 30, 2006.

During the report period, the Office of Citizen Complaints received 610 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 30 complaint investigations, and completed 30 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 a report of our findings.

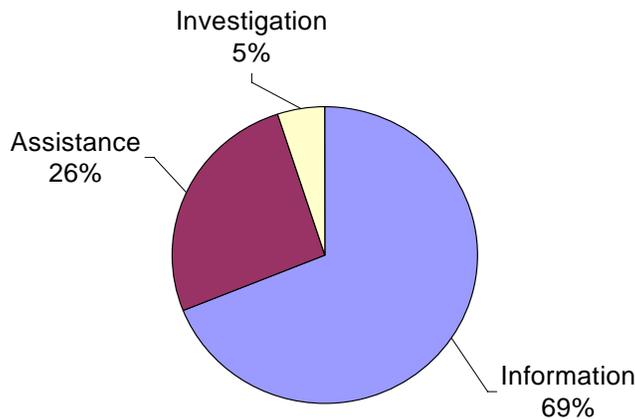
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
January – April 2006

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	58	44	11	113
Assessor	4	2	2	8
Boards and Commissions	0	0	0	0
Community and Human Services	10	2	0	12
Development and Environmental Services	7	5	0	12
District Court	9	3	0	12
Executive	2	0	0	2
Executive Services	24	11	3	38
Judicial Administration	3	2	0	5
Metropolitan King County Council	30	13	0	43
Natural Resources and Parks	6	6	0	12
Prosecuting Attorney's Office	7	0	0	7
Public Health	29	42	6	77
Sheriff's Office	17	9	8	34
Superior Court	8	1	0	9
Transportation	14	7	0	21
Non-jurisdictional ²	193	12	0	205
Total	421	159	30	610

Chart A
Disposition of Total Inquiries Received
January – April 2006



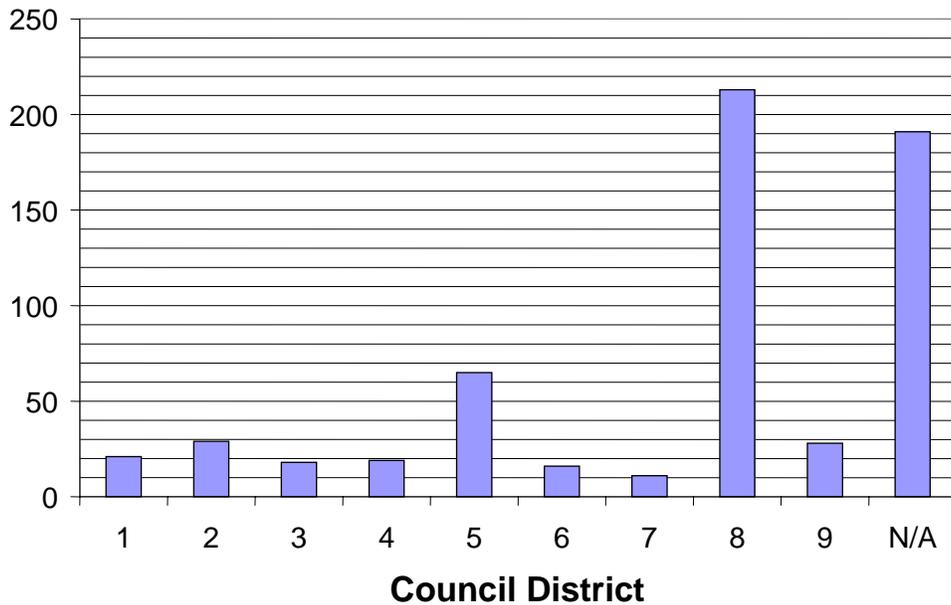
² The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
January – April 2006

District	Councilmember	Inquiries
1	Bob Ferguson	21
2	Larry Gossett	29
3	Kathy Lambert	18
4	Larry Phillips	19
5 ³	Julia Patterson	65
6	Jane Hague	16
7	Pete von Reichbauer	11
8 ⁴	Dow Constantine	213
9	Reagan Dunn	28
N/A	Unavailable	190
Total		610

Chart B
Inquiries by Council District
January – April 2006



³ Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

⁴ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ASSESSMENTS

Synopsis	Disposition
Improper governmental action pursuant to Whistleblower Protection Code.	Resolved/Unsupported. Two employees alleged that a third employee repeatedly took time off from work for personal reasons, either without approval or with approval improperly granted. Following investigation, concluded that work schedule alteration was properly granted, and no rules or policies were violated. Discussed underlying workplace concerns with complainants, as well as alternatives such as mediation. Ultimately, supervisor involved was terminated by department for variety of reasons, resulting in better work environment for remaining employees.

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Alleges unnecessary force.	Discontinued. Complainant filed civil rights claim in Federal District Court. Per KCC 4.12.060(B)(4), the Ombudsman must discontinue any further investigation of complaint.
Complainant alleges jail policy requiring "rack back" when inmates from other, lower security units are brought in the use unit computers. Complainant alleges that inmates must discontinue collect calls when this occurs.	Unsupported. DAJD policy does not allow inmates with different custody levels in same housing area. Therefore, inmates are required to "rack back" when other custody level inmates are brought into the area. Inmates possibly affected by the cost of having to terminate collect telephone when ordered to "rack back" were advised to file grievances.
Failure to respond and track grievances as required by the grievance policy and procedures; failure to provide inventory of confiscated non-contraband property; loss of personal items.	Unsupported. Records show that inmate's grievances were tracked and responded to appropriately. DAJD did not inventory personal items confiscated in connection with drug investigation. However, in response to complaint DAJD developed "Evidence Inventory Sheet," and will log items removed from an inmate cells on sheet. Copy will be provided to inmate.
Complainant alleges two inmates have been allowed in the Administrative Segregation common area in violation of jail policy.	Discontinued. Complainant failed to respond to several requests for information necessary to proceed with investigation.
Complainant alleges being assaulted by a Corrections Officer.	Discontinued. Inmate filed claim regarding assault. KCC 4.12.060(B)(1) requires that Ombudsman discontinue further investigation of subject incident.

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

Synopsis	Disposition
Assaulted and injured by corrections officers.	Unsupported. Ombudsman staff reviewed complainant's medical records and records with DAJD. There was no evidence that complainant was assaulted and injured by corrections officers.
Complainant objects to continuance of Administrative Segregation status without consideration of more recent good behavior.	Unsupported. DAJD Classifications responsible for gathering and assessing inmate disciplinary information and determining housing assignments based on jail security requirements. Record indicates Ad Seg status appropriate.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant objects to DDES order to obtain permit for pool enclosure that has been in existence for 30 years.	Discontinued. "Pool enclosure" was cabana that was built without permit, and within property line setback area. Complainant filed land use petition in Superior Court to appeal department's denial of building permit, and order to remove structure.
Arbitrary and capricious action by agency officials to assist developer in avoiding consequences of excessive traffic on Novelty Hill Road.	Unsupported. Reviewed and analyzed complainant's allegations and evidence. Conducted legal and factual research and analysis, including field work. Interviewed appropriate department officials. Provided detailed written response and follow-up responses to complainant.
Unreasonable denial of fee waiver.	Resolved. Formally transmitted complaint to agency director. Reviewed agency response. Conducted relevant legal and factual research and analysis. Convened and participated in mediation between complainant and responsible agency division manager. Parties reached mutually agreeable resolution and requested that complaint file be closed.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Personal use of county resources.	Declined. Investigated whether complaint concerning published opinion-editorial written by director of emergency management would implicate Ethics Code. Subject matter of opinion-editorial was well within director's official duties. Complaint therefore would not state a valid claim under the Ethics Code.
Director of Records and Elections may have violated county policies or law.	Declined. Investigated whether complaint concerning published letter to the editor would implicate Ethics Code. Subject matter of opinion-editorial was well within director's county portfolio, letter was not written for personal convenience or profit, and was within scope of official duties. Complaint therefore would not state a valid claim under the Ethics Code.

NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Unfair process used to lay off unrepresented county employee.	Resolved. Interviewed complainant and responsible agency division director. Conducted relevant legal and factual research and analysis. Convened and participated in mediation between complainant and responsible agency managers. Parties reached mutually agreeable resolution and requested that complaint file be closed.

PROSECUTING ATTORNEY'S OFFICE

Synopsis	Disposition
Questions ethics of PAO contracting with outside counsel to represent DOT in Redmond Ridge concurrency appeal.	Partially declined following preliminary investigation; partially unsupported. At complainant's request, sought advisory opinion from Board of Ethics, which was declined by the Board. Performed necessary legal and factual research and analysis of remaining allegations. Provided complainant with detailed written account of investigation and conclusions.

PUBLIC HEALTH

Synopsis	Disposition
Alleges improper governmental action pursuant to Whistleblower Code.	Discontinued. Department and executive auditor investigating complaint prior to complaint being filed with Ombudsman.
Alleges inadequate medical care was in retaliation for complainant's local protest activities.	Unsupported. Jail Health Services provided adequate care while complainant was incarcerated. There was no evidence that there was any retaliation for his local protest activities.
Alleges failure to treat MRSA symptoms.	Discontinued. Complainant filed claim for damages.
Inmate claims to have MRSA that is not being treated by Jail Health.	Discontinued. Complainant filed claim for damages.
Failure to provide prescribed medication.	Unsupported, but recommendations made to, and accepted by, agency. See summary of consolidated case no. 2005-01186.
Failure to provide prescribed medications to inmates.	Unsupported, but recommendations made to, and accepted by, agency. Four inmates, in two separate incidents, alleged that a nurse failed to deliver prescribed medications. Two other nurses made similar general allegations but could not provide specific examples. Evidence insufficient to sustain allegations. However, Ombudsman provided recommendations regarding oversight of inmate medication administration. Agency responded with commitment to take specific steps for improving inmate medication system, specifically regarding tracking, verification, and administration of medications.

SHERIFF'S OFFICE

Synopsis	Disposition
Requests change in Ombudsman findings in complaints alleging that the Sheriff's Office: (1) unjustifiably denied concealed pistol license; and (2) mishandled sexual assault case.	Unsupported. (1) Complainant filed notice of intention to file a tort claim related to the concealed pistol license. KCC 4.12.060(B) forbids county agencies from affecting the settlement of a claim against the county. We therefore could not act further in this case. (2) Ombudsman requested review of complainant's sexual assault case by San Diego County Sexual Assault Response Team, cited as a best practice model on victims' rights. As a courtesy the SART reviewed case and advised this Office that nothing was out of the ordinary in how case was handled by KCSO. Ombudsman upheld initial finding.
Alleges unnecessary force by Sheriff's Deputy.	Discontinued. Complainant filed claim for damages.
Complaint alleges that the KCSO IIU refused to investigate an officer who failed to investigate and file charges against a person who was responsible for a hit and run.	Discontinued. Complainant filed claim for damages.
Sheriff's deputy driving in HOV lane in single-occupant patrol car, and inadequate response to citizen complaint by Sheriff's Internal Investigations Unit.	Unsupported. Reviewed complainant's allegations and evidence. Interviewed appropriate Sheriff's Office personnel. Conducted independent factual and legal research and analysis. Sheriff's Office interpretation of state rules to allow HOV lane usage by off-duty deputies who are in uniform and driving marked patrol cars was not improper in light of administrative history of HOV rule and public policy considerations favoring unfettered access to all lanes by law enforcement personnel. IIU response to complainant was substantively accurate. Detailed written explanation provided to complainant.
Complainant states another case of excessive force by Sheriff's officers.	Unsupported. Complainant was advised that a review of Sheriff's records and the additional information provided by the complainant did not support the allegations of excessive force by Sheriff's officers.
Alleges Sheriff's spokesperson used inappropriate language, and used county resources for campaign purposes.	Declined. Complainant did not provide sufficient information to investigate ethics complaint.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Complainant alleges that a road was widened causing traffic noise and possible flooding and staff are not responding to calls and/or emails.	Discontinued. Complainant did not provide additional information required to continue with this investigation.
Conflicts of interest within DOT, DDES, and Prosecuting Attorney's Office.	Partially declined following preliminary investigation; partially unsupported. At complainant's request, sought advisory opinion from Board of Ethics, which was declined by the Board. Performed necessary legal and factual research and analysis of remaining allegations. Provided complainant with detailed written account of investigation and conclusions.
Improper Governmental Action pursuant to the Whistleblower Protection Code.	Unsupported. Complainant alleged that managers failed to discipline agency employee whose actions placed other employees in significant danger. Formally transmitted complaint to agency. Reviewed formal agency response. Interviewed complainant, and appropriate departmental officials. Reviewed agency investigative file. Based on available evidence, concluded that agency managers conducted appropriate investigation, and imposed serious and substantial discipline on employee who endangered others. Informed complainant and department of conclusions by letter.

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:

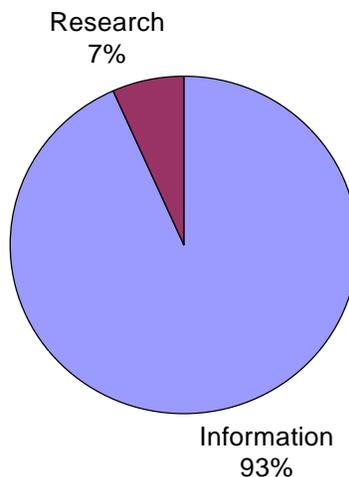
Information: Request for information, advice, or assistance which may result in database inquiry and/or referral.

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
January – April 2006

	Information	Research	Total
January	346	33	379
February	677	58	735
March	574	48	622
April	756	38	794
Total	2353	177	2530

Chart C
Total Tax Advisor Contacts
January – April 2006



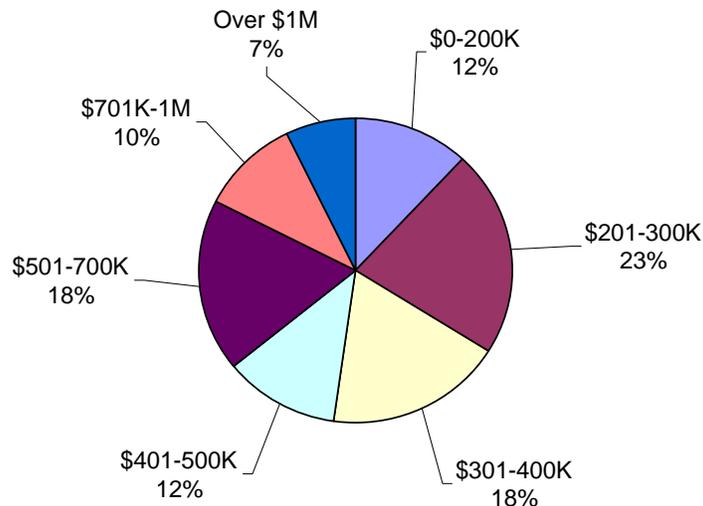
SALES SURVEYS

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
January – April 2006

Assessed Property Value	Sales Surveys
\$0-200K	13
\$201-300K	24
\$301-400K	20
\$401-500K	13
\$501-700K	20
\$701K-1M	11
Over \$1M	8
Total	109

Chart D
Sales Surveys – Assessed Property Value
January – April 2006



TAX ADVISOR STATISTICS

Table E
Tax Advisor Inquiries by Council District
January – April 2006

District	Councilmember	Inquiries
1	Bob Ferguson	286
2	Larry Gossett	322
3	Kathy Lambert	227
4	Larry Phillips	213
5	Julia Patterson	230
6	Jane Hague	227
7	Pete von Reichbauer	172
8	Dow Constantine	352
9	Reagan Dunn	326
N/A	Unavailable	175
Total		2530

Table E
Inquiries by Council District
January – April 2006

