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KING COUNTY  
OFFICE OF CITIZEN COMPLAINTS  
TRIENNIAL REPORT  
MAY – AUGUST 2004

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Presented to the  
Metropolitan King County Council

September 15, 2004

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## INTRODUCTION

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 May 1 through August 31, 2004.

During the report period, the Office of Citizen Complaints received 707 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 52 complaint investigations, and completed 42 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 CLASSIFICATIONS

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:<sup>1</sup> Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

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. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

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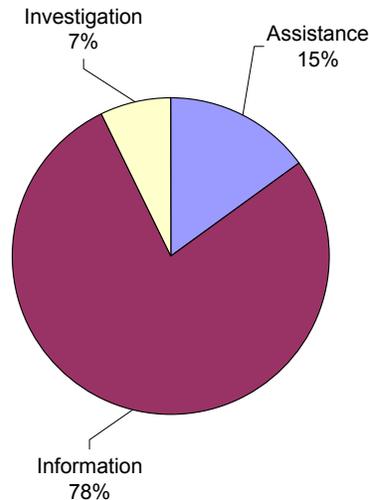
<sup>1</sup> Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

**Table A**  
**Total Inquiries Received**  
**May – August 2004**

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	76	19	25	120
Assessor	3	1	0	4
Boards and Commissions	0	0	0	0
Community and Human Services	18	5	1	24
Development and Environmental Services	25	7	3	35
District Court	16	1	0	17
Executive	4	1	1	6
Executive Services	44	13	2	59
Judicial Administration	5	2	0	7
Metropolitan King County Council	19	4	0	23
Natural Resources and Parks	5	1	1	7
Prosecuting Attorney's Office	4	3	0	7
Public Health	31	19	13	63
Sheriff's Office	26	10	3	39
Superior Court	9	0	0	9
Transportation	21	10	3	34
Non-jurisdictional <sup>2</sup>	243	10	0	253
<b>Total</b>	<b>549</b>	<b>106</b>	<b>52</b>	<b>707</b>

**Chart A**  
**Disposition of Total Inquiries Received**  
**May – August 2004**



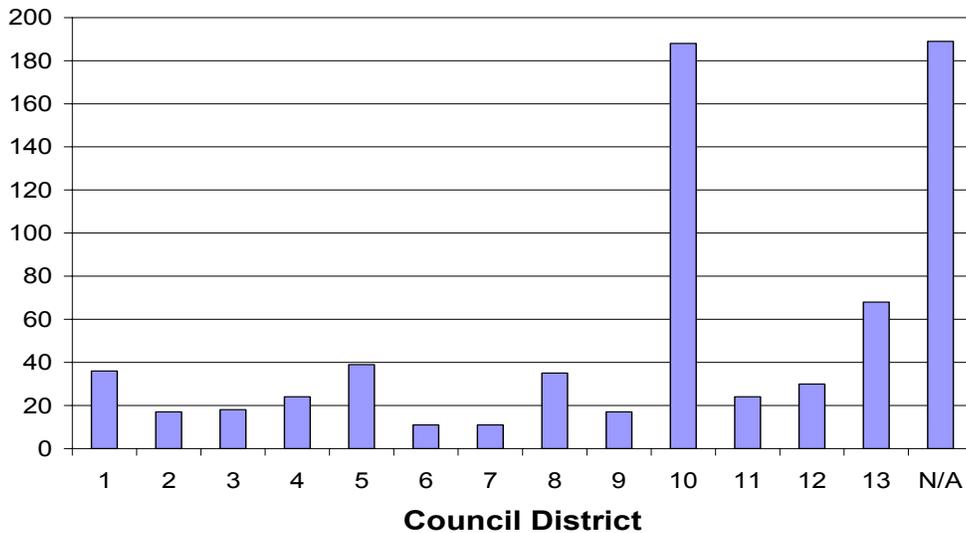
<sup>2</sup> The non-jurisdictional category represents contacts from non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

**Table B**  
**Inquiries by Council District**  
**May – August 2004**

District	Councilmember	Inquiries
1	Carolyn Edmonds	36
2	Bob Ferguson	17
3	Kathy Lambert	18
4	Larry Phillips	24
5	Dwight Pelz	39
6	Rob McKenna	11
7	Pete von Reichbauer	11
8	Dow Constantine	35
9	Steve Hammond	17
10	Larry Gossett <sup>3</sup>	188
11	Jane Hague	24
12	David Irons	30
13	Julia Patterson <sup>4</sup>	68
N/A	Unavailable	189
<b>Total</b>		<b>707</b>

**Chart B**  
**Inquiries by Council District**  
**May – August 2004**  
**N = 707**



<sup>3</sup> Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

<sup>4</sup> Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

## COMPLETED INVESTIGATIONS<sup>5</sup>

### DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Employee alleges improper governmental action within Juvenile Detention under Whistleblower Code.	Discontinued. Complainant filed lawsuit.
Inmate alleges harassment from correction officers, not being provided with prescription medication, not receiving responses to grievances, denied hour out, rights being violated, no female guards on some shifts, and guards watch while inmate is showering.	Unsupported. A site visit to the jail and review of medical records did not support allegations. Complainant was advised to contact appropriate agencies for issues outside of our jurisdiction.
Complainant alleges that the freezing of seniority for non-pay medical leave is arbitrary and discriminatory due to the lack of uniformity in hiring corrections officers.	Unsupported. There are no specific contract provisions regarding seniority. County's Personnel Guidelines on Leave of Absence Without Pay applied to the freezing of seniority for non-pay medical leave, and was not applied in arbitrary or discriminatory manner.
Alleges excessive force by corrections officers in booking.	Unsupported. Available evidence does not corroborate complainant's allegation of excessive force.
Complainant alleges assault by corrections officer.	Unsupported. Records involving altercation between complainant and Sheriff's identification technician in booking area indicate that altercation was initiated by complainant.
1. Complainant was improperly secured in cell which resulted in an altercation with another inmate. 2. Complainant was not provided medical attention after sustaining injuries in altercation.	1. Supported. Complainant was improperly secured in cell. However, records indicated that complainant initiated altercation and corrective action was taken to secure complainant in cell. 2. Unsupported. Complainant was seen right after incident and had four follow-up appointments with medical staff.
No response to inmate's grievance about officer neglecting to secure area before allowing another inmate in same area resulting in an incident. Believes housing classification was based on race.	Unsupported. Inmate received appropriate response by Classification to grievance. Housing classification was based on ongoing compatibility issues involving inmate.

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

Synopsis	Disposition
Corrections officer interfered with inmate's access to medical attention.	Unsupported. Medical records indicated that inmate was provided medical attention when requested.
Inmate was assaulted and injured by another inmate who was not appropriately secured in cell in administrative segregation area.	Supported. Department took appropriate corrective action after incident.
Complainant alleges being assaulted by a corrections officer in Intake/Transfer/Release area, and being refused medical treatment.	Unsupported. Allegations not corroborated by testimony from Jail staff, Jail Health Services, and the Seattle Police Department.
Complainant alleges losing privileges because an officer unfairly caused the tank to fail weekly inspections, refused to accept and process grievances, made complainant feel unsafe due to use of excessive force.	Unsupported. Loss of privileges resulted from inmate's own intractable behavior. Jail had no record of grievance. Review of medical records showed no injuries to indicate excessive force trauma. IIU investigation and Ombudsman review of incident reports indicate that the show of force was appropriate given the nature and seriousness of the incident.
Alleges: (1) inappropriate placement in yard for two hours when temperature was 40 degrees; and (2) officers' names were not provided when requested.	(1) Unsupported. Inmate was isolated in outside recreation area for less than one hour until a supervisory decision regarding inmate's behavior and placement could be made; (2) Supported. Officers' names were not provided as alleged.
Complainant alleges being moved several times, and that personal effects are lost with each move.	Unsupported. Jail policy was followed with regard to personal items during a number of transfers and no items of note were found to have gone missing except a shaving lotion bottle. Formal grievance and/or a claim for damages were suggested as recourse.
Complainant alleges excessive force by a corrections officer at the jail.	Unsupported. Evidence indicated that another inmate was the assailant and not a corrections officer.
Alleges observing corrections officer and inmate workers stealing gasoline from RJC fuel pump while housed as inmate at RJC.	Unsupported. RJC inmate housing units do not have visibility access to outside perimeter of building. In addition, the department reports that there is no fuel pump at the RJC.
Alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Complaint was transmitted to department director in accordance with Whistleblower Protection Code.

<b>Synopsis</b>	<b>Disposition</b>
Complainant alleged that a jail employee was rude and disrespectful in the jail visiting area.	Supported. Management took appropriate personnel action regarding employee's conduct.
Complainant alleges being charged for a postage increase without proper notification by commissary.	Supported. Inmates had been charged for increase in the cost of stamped envelopes without proper notification. Commissary staff will process refunds to all affected inmates.
Inmate alleges officer misconduct.	Unsupported. Reviewed DAJD IIU investigative file, analyzed facts in light of appropriate policies and standards, and determined IIU investigation was appropriate.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

<b>Synopsis</b>	<b>Disposition</b>
Complainant alleges being charged fees without notification, and unfairly being charged interest while contesting fees, and finally, being denied a fee waiver.	Supported. DDES reconsidered formal fee waiver request, which was ultimately approved.
Complainant alleges improper billing and code enforcement practices by DDES.	Unsupported. Complainant was advised that file documentation does not support improper billing practices; the Hearing Examiner has denied the appeal and the option now available is a proceeding within twenty-one days for review pursuant to the Land Use Petition Act (LUPA).
Complainant alleges fees charged for two scheduled annual fire inspections were excessive, even with a 16-hour credit adjustment, and double-billing. Alleges never having received explanation of how charges were calculated.	Partially Supported. Evidence did not support allegation of excessive fees. Allegation that DDES had not provided adequate explanation of how charges were calculated is partially supported. Department acknowledged need for improved communications/coordination in providing information to customers; and, as a result, implemented formalized inspection appointment process. Inspector will attempt to meet scheduled requests to perform all necessary inspections as appropriate.
Complainant alleges that County is refusing to remove material from a pond behind a private dam located on the subject property, and contrary to code, County is allowing construction in sensitive areas.	Unsupported. Complainant was advised that County is not responsible for maintenance of private dams, and a reasonable use variance had been issued allowing residential development within the wetland and stream buffers.

<b>Synopsis</b>	<b>Disposition</b>
Complainant alleges DDES is not obeying the law by continuing to issue building permits on contested developments.	Declined. Zoning designation on subject development has been upheld by Growth Management Hearings Board and Court of Appeals. While decision is being appealed to Washington State Supreme Court, no stay has been placed on processing of project permit applications. Therefore, DDES has no basis to cease processing permits unless and until court directs otherwise.

DEPARTMENT OF EXECUTIVE SERVICES

<b>Synopsis</b>	<b>Disposition</b>
Complainant alleges that allowing employee to park at county facility, without charge, constitutes special treatment in violation of Employee Code of Ethics. KCC 3.04.020(B).	Unsupported. Employee group had been reporting to county work site where work materials were stored, and then using county vehicle to travel to other assigned county work sites. Arrangement was found to be logical and cost-effective, and did not constitute special treatment. No reasonable cause to believe respondent violated ethics code.
Complainant alleges use of county resources in violation of ethics code. KCC 3.04.020(A) and (B).	Unsupported. Respondent, along with fellow work group employees, parked at county work site where no cost was charged for parking, and then used county vehicle to drive to assigned work sites. Arrangement was a long-standing practice that was logical and cost-effective, and did not afford respondent unique benefit. No reasonable cause to believe respondent violated ethics code.
Complainant alleges manager's failure to ensure that subordinate performed assigned job duties constitutes improper governmental action pursuant to Whistleblower Protection Code.	Unsupported. Section Supervisor's immediate and next-level supervisors indicated that section supervisor's management style tended toward delegation, but that supervisor had not failed to perform official duties. No reasonable cause to believe that improper governmental action had occurred.

NATURAL RESOURCES AND PARKS

<b>Synopsis</b>	<b>Disposition</b>
Alleges DNRP and DPH are not responding adequately to possible raw sewage leaking onto complainant's property.	Resolved. Investigated health concerns of complainant who has experienced odors complainant identified as raw sewage coming from a broken sewer pipe under an adjacent street. DNRP/DPH personnel walked property, took water samples, and based on the results concluded there was no evidence of sewage on the property. Facilitated communication between complainant and agency personnel.

PUBLIC HEALTH

<b>Synopsis</b>	<b>Disposition</b>
Complainant alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Resolved. Complaint was forwarded to department director in accordance with KCC 3.42.060(B).
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Complainant alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Resolved. Complaint was forwarded to department director in accordance with KCC 3.42.060(B).
Alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Resolved. Complaint forwarded to agency director pursuant to KCC 3.42.060(B).
Complainant alleges improper governmental action pursuant to Whistleblower Protection Code. Complainant alleges: 1) personal use of county vehicles; 2) overtime, sick leave, vacation, and early dismissals are not administered according to policy and procedure and are not equitably applied; and 3) plumbing inspections are not conducted in accordance with relevant codes.	Complaint was referred to department for investigation pursuant to KCC 3.42.050(A). Department consultant investigation report found that alleged code and safety violation claims were either not substantiated, lacking in sufficient detail to fully investigate, or misunderstood by employee; no public health or safety problems, or legal violation within plumbing program; and no significant improprieties regarding vehicle use allegations. No reasonable cause to believe improper governmental action occurred.
Complainant alleges unnecessary septic requirements and unfair permit denial.	Unsupported. Requirements were allowed by code and must be satisfied before permit is issued.
Complainant alleges no response to grievances; inadequate medical treatment, including revocation of prescribed hot baths due to refusal to accept medication, and refusal to allow use of wheelchair.	Discontinued. Complainant's concerns were all addressed. Complainant was also put in touch with outside agency to assist with housing and disability issues upon release from jail.
Complainant alleges that JHS did not provide a prompt response to a broken jaw.	Unsupported. Medical records indicate complainant promptly received medical attention after jaw was broken and received appropriate follow-up and surgery at Harborview Medical Center.

SHERIFF'S OFFICE

Synopsis	Disposition
Racial profiling by King County Sheriff's deputy.	Unsupported. Evidence did not support claim of racial profiling.
Complainant is alleging that the Sheriff's Office has not responded to a complaint filed.	Discontinued. Complainant did respond to requests for information necessary to continue investigation.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges process for Supervisor in Training program was unfair.	Resolved. DOT management took appropriate action after concerns about 2001 SIT process were raised and improvements were made to the SIT process.
Complainant alleges 1) that County took private property for capital improvement project on that basis that previous legal description was incorrect; 2) contracted with private surveyor and got survey changed; and 3) that right-of-way now is unfairly impacting the property's drain field and could possibly affect the future resale of the property.	Unsupported. Records show that survey supports location of the property lines, and that County contacted private surveyor to provide factual data only. Right-of-way may impact the drain field but the County has offered to work out a mutually acceptable solution.

## TAX ADVISOR STATISTICS

The Tax Advisor Office was created in 1971 to provide advice and assistance to any person responsible for the payment of property taxes in King County. In 1993, the Tax Advisor Office became a division of the Office of Citizen Complaints. 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.

**Table C**  
**Total Tax Advisor Contacts**  
**May – August 2004**

<b>Tax Advisor Contacts</b>	
May	640
June	699
July	665
August	825
<b>Total</b>	<b>2829</b>

## 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 to 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**  
**May – August 2004**

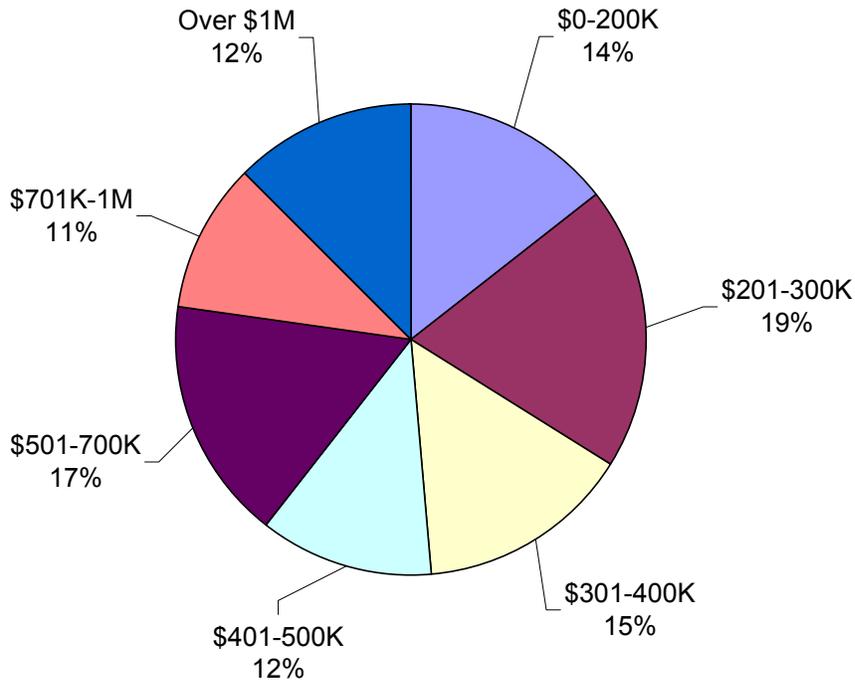
<b>Sales Surveys</b>	
May	61
June	101
July	149
August	117
<b>Total</b>	<b>428</b>

TAX ADVISOR STATISTICS

**Table E**  
**Sales Surveys – Assessed Property Value**  
**May – August 2004**

Assessed Property Value	Sales Surveys
\$0-200K	62
\$201-300K	83
\$301-400K	62
\$401-500K	50
\$501-700K	71
\$701K-1M	45
Over \$1M	53
<b>Total</b>	<b>428</b>

**Chart C**  
**Sales Surveys – Assessed Property Value**  
**May – August 2004**



TAX ADVISOR STATISTICS

**Table F**  
**Tax Advisor Inquiries by Council District**  
**May – August 2004**

District	Councilmember	Inquiries
1	Carolyn Edmonds	293
2	Bob Ferguson	194
3	Kathy Lambert	233
4	Larry Phillips	164
5	Dwight Pelz	317
6	Rob McKenna	191
7	Pete von Reichbauer	68
8	Dow Constantine	218
9	Steve Hammond	142
10	Larry Gossett	220
11	Jane Hague	134
12	David Irons	257
13	Julia Patterson	187
N/A	Unavailable	211
<b>Total</b>		<b>2829</b>

**Chart D**  
**Inquiries by Council District**  
**May – August 2004**  
**N=2829**

