



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
September 1 to December 31, 2014

Background

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the legislative branch of county government. The Ombudsman's Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombudsman's Office provides property owners with information regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their valuation.

The Ombudsman's Office reports to the Metropolitan King County Council in 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 September 1 through December 31, 2014.

Complaints Received

The Ombudsman's Office received 667 complaints and inquiries from residents and county employees between September 1 and December 31, 2014. Ombudsman cases are either classified as Investigations, Direct Assistance, or Information/Referral. A review of our recent case statistics revealed the following:

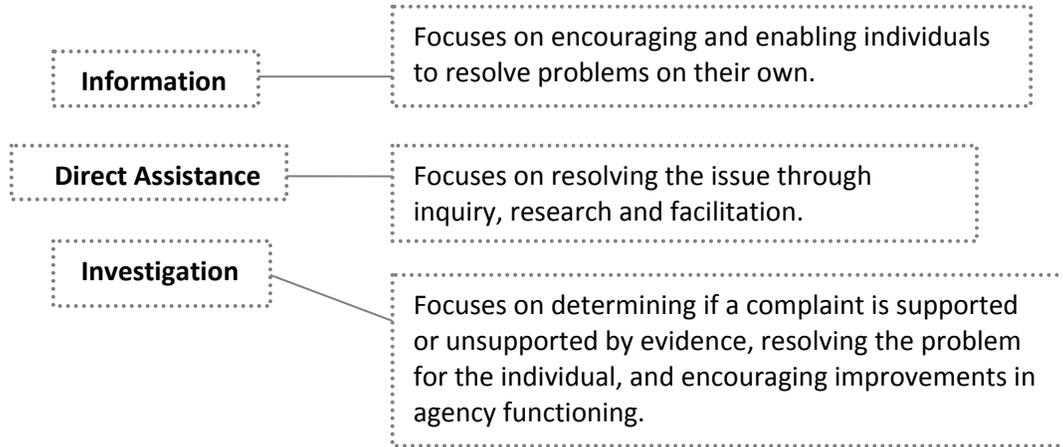
- The Ombudsman's Office opened 9 new investigations during this period. The allegations that initiated these investigations relate to potential Ethics, Whistleblower, Whistleblower Retaliation, and/or Administrative Conduct violations. Completing these investigations in a thorough and timely manner that strives to improve county operations and protect public trust in county government, makes these cases the most resource-intensive aspect of our Office's work.
- The Ombudsman's Office is one of the few remaining countywide offices with staff who strive to answer every call during business hours. When residents reach our office, many have already attempted to reach multiple county offices and we make every effort possible to assist them in resolving their issue. Issues that cannot be resolved may be fully investigated by Ombudsman staff, and may result in recommendations for procedural or policy changes to the subject agency.

Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039
Phone: 206.477-1050
Email: ombudsman@kingcounty.gov
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

Response to Complaints

The Ombudsman’s Office reviews each complaint individually, to determine the appropriate action(s) to be taken. In addition to addressing individual concerns, our office also focuses on complaint patterns which may indicate a systemic issue. Once we fully understand the complainant’s issue, our office responds in one, several, or all of the following three ways:



Complaint Disposition

The graph below shows the number of Ombudsman’s Office cases associated with each county agency, and reveals how we responded to the 667 complaints and inquiries we received during the report period.

Department	Direct Assistance	Investigation	Information	Total
Adult and Juvenile Detention	67	3	219	288
Assessments	1	0	2	3
Community and Human Services	3	1	1	5
County Executive	1	0	0	1
District Court	1	0	1	2
Executive Services	14	0	19	33
Judicial Administration	0	0	2	2
Legislative Branch Agencies	2	0	5	7
Natural Resources and Parks	5	0	6	11
Ombudsman's Office / Tax Advisor	12	0	12	24
Permitting and Environmental Review	13	0	7	20
Prosecuting Attorney's Office	2	0	4	6
Public Defense	16	0	11	27
Public Health	65	0	27	92
Sheriff's Office	1	1	13	15
Superior Court	0	0	2	2
Transportation	14	4	5	23
Non-Jurisdictional	6	0	99	105
Total	223	9	435	667

Case Summaries

The nature and circumstances of the issues we receive often vary widely and our office has a broad array of tools to respond to the nuances of each case. The case summaries below describe how our office resolved some of the complaints we received September through December 2014:

Complaint	Resolution
<p>We received several whistleblower complaints of improper governmental action regarding the detention of a person with mental illness by the county's Crisis and Commitment Services section. The allegations were that an Involuntary Commitment Specialist improperly detained the mentally ill person by filing a petition without first personally interviewing the person.</p>	<p>Our office conducted a full investigation and found that the filing of a detention petition without a personal interview did not in this case violate the law, since an interview had been previously conducted. Although we did not find that any violation had occurred, in the course of our investigation, we interviewed a number of Involuntary Commitment Specialists, and found that opinions were strongly divided about central issues we examined in this case, including questions of whether phone messages are sufficient as an attempt to personally interview potential detainees, and whether threats by the person to be detained are sufficient to constitute a refusal of an interview. We recommended that the agency follow up with staff about these questions, and develop new policies and/or procedures as warranted.</p>
<p>An employee of an agency that provides services to the county alleged that the contracting service provider was falsifying project documentation and fraudulently billing the county for work not actually done. The complainant alleged that this practice had been ongoing for years.</p>	<p>Because there was no allegation of wrongdoing by a King County agency, our office referred the matter to the affected county department for investigation. The department's chief financial officer immediately conducted an on-site audit of the billing records of the providing contractor and met with the contractor's chief financial officer. The audit did not find evidence of altered documentation or of inappropriate charges being billed, but did uncover irregularities in the contractor's documentation practices. Those practices were corrected and a follow up review was scheduled in six months to confirm compliance.</p>
<p>We received an anonymous complaint that the county's elections department was not using certified Chinese and Vietnamese translators, as required by county executive order, and that, as a result, the text from candidates and ballot measures were not being correctly translated.</p>	<p>Since the complainant chose to remain unidentified, we were unable to get more specific details about the allegation, but we transmitted a summary of the issues to the director of elections. The election department's director is separately elected by county voters, and has developed an independent means for ensuring accurate translations of elections material. We determined that there was evidence to indicate that high-quality translations were being produced and no further inquiry was necessary.</p>

Complaint	Resolution
<p>Citizens complained that they applied for a short plat and submitted a design for a road system to serve three homes that meet the requirements in County code. Citizens report having obtained approval to construct the plat improvements without realizing how much it would cost to build the roads. Now they have bids to construct the roads and cannot afford their design. Applicants request assistance in modifying the plat conditions.</p>	<p>We contacted the Department of Permitting and Environmental Review (DPER) and requested modifications to the plat conditions. DPER did the needed research to determine what the process would be for a plat modification in this case. Ombudsman staff met with the applicants and the DPER Product Line Manager for Single Family Residential Homes, and, as a result of the meeting, the process for plat modifications was made clear to the applicants and alternative design concepts for the road was discussed. The application is moving forward with a plat amendment request.</p>
<p>Resident alleges that the Department of Natural Resources and Parks (DNRP) Water and Land Resources Division gifted construction materials to a property owner as part of a salmon recovery project. Further, the resident alleges that the County allowed the placement of gravel on private property without required permits.</p>	<p>We investigated and determined that the project had been managed by the Army Corps of Engineers, although it was partially funded by King County. We confirmed that the material in question was gravel that had been used on a temporary basis to support the construction of the salmon recovery project, and the gravel was now on private property. We learned from the Army Corps that all bidders were told to provide a price to supply, place, remove and dispose of the gravel as part of the construction project. It was the contractor's responsibility to arrange for and dispose of the gravel. Since all bidders were provided the same information and the bidders were told that they were responsible for removal, the bidding process was fair, and under the contract the removed gravel belonged to the contractor. The arrangement between the contractor and the private party who received the gravel is a private business matter and is not considered a gift of public funds because of the way the contract between the Army Corps and the contractor was structured. The quantity of gravel placed on the private property was under the quantity that would trigger a permit. The complainant accepted and appreciated the explanation.</p>
<p>Vashon citizen disputes a large amount owed and lien on property for code violations.</p>	<p>We helped the citizen understand options for small, permit-exempt storage buildings, and worked with the citizen to develop and implement a plan to demolish the non-conforming buildings. We also worked with DPER and a local non-profit, to set up a community service option for the citizen and other Vashon residents who owe civil penalties resulting from code enforcement. The citizen's civil penalties were reduced by \$10,000 and the citizen was able to perform some community service to offset \$1,000 of the remaining \$5,000 penalty.</p>

Complaint	Resolution
<p>Questions whether defense bar is advising clients of new requirements for work release in light of plea deals offered by prosecutors.</p>	<p>Ombudsman's Office identified complaint pattern from defendants who said they had accepted prosecutors' plea offers including work release option. However, work release program had recently narrowed eligibility to those employed or whose cases are in drug court. Some defendants said they had not been informed of the change and would have rejected the plea deals had they known. Ombudsman worked with Public Defense and community corrections managers, who reviewed the status of each case. Defense attorneys and their supervisors will determine whether, and if so what, action is appropriate in individual cases.</p>
<p>Inmate complains of denial of Halal diet.</p>	<p>Ombudsman staff contacted DAJD and learned that inmate had ordered non-Halal items from commissary, in violation of special diet policy. Inmate is ineligible for special religious diet, but may reapply for Halal diet in 30 days.</p>
<p>Inmate alleges excessive use of pepper spray while cuffed constituted excessive force by deck officer.</p>	<p>Inmate's allegations were forwarded to the DAJD Internal Investigations Unit (IIU). Upon completion of IIU investigation, we reviewed the complete unredacted file. There was no evidence to support the allegation. The incident was thoroughly documented and the inmate was given both instructions for decontamination and the offer of medical attention, both of which the inmate refused. Complaint closed as Unsupported.</p>
<p>Inmate alleging inadequate medical care.</p>	<p>The inmate alleged that he wasn't receiving adequate medical attention for Restless Leg Syndrome. We transmitted the allegations to Jail Health Services (JHS) and asked several questions of JHS, including request for review of inmate's care plan. The JHS Medical Director provided a detailed and thorough explanation of the disease, treatment, and JHS' ongoing care plan for the inmate. We conveyed this information to the inmate, and closed the complaint as Unsupported.</p>

Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombudsman's Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Reviews of GIS and other mapping resources,
- Records and deed research,
- Information on property tax exemptions for seniors and disabled persons, and
- Home improvement, current use and open space exemptions.

Resident Contacts

The Tax Advisor Office responded to 2,156 residents from September 1 to December 31, 2014. A signature function of our office is assisting citizens with property tax appeals. In the last four months of 2014, we provided research to 615 (30%) of our contacts.

	Information	Research	Total
September	376	237	613
October	645	221	866
November	232	104	336
December	141	53	194
Total	1394	615	2009

As the chart below indicates, the county residents who contact our office for assistance represent a variety of income levels and we strive to provide them all with accurate information that will assist them in making decisions about their homes.

Assessed Property Value	Sales Surveys
\$0-200K	15
\$201-300K	31
\$301-400K	42
\$401-500K	54
\$501-700K	104
\$701K-1M	78
Over \$1M	65
Total	389