



KING COUNTY OMBUDS OFFICE

# 2023 Annual Report

## Background

The King County Ombuds 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 Ombuds Office investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative, and resolves issues informally where possible. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Whistleblower Protection Code (KCC 3.42), and the Lobbyist Disclosure Code (KCC 1.07). In addition, the Tax Advisor section of the Ombuds 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 Ombuds Office reports to the Metropolitan King County Council in March each year on the activities of the Office, per KCC 2.52.150. This report summarizes Office activities for January through December 2023.

## Mission

To promote public trust in King County government by responding to 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.

# The Ombuds Office

---

The Ombuds Office opened 839 cases and inquiries from residents and county employees during the report period. Ombuds cases are classified as Investigation, Assistance, or Information.

The Ombuds Office opened 37 new investigations during this period. The allegations that initiated these investigations relate to potential improper administrative conduct, as well as violations of the county's ethics and whistleblower codes, including allegations of conflicts of interest, retaliation, and improper governmental action. We strive to complete these investigations in a thorough and timely manner, and to produce findings and recommendations to improve county operations and promote public trust in county government. Investigations are the most resource-intensive aspect of our work.

# Response to Complaints

---

The Ombuds Office reviews each complaint individually to determine the appropriate actions. Once we fully understand the complaint, our office responds in one or more of the following ways:

## INFORMATION

Requests for information or advice, which may result in referral.

## ASSISTANCE

Complaints resolved through problem solving, including by agency inquiry, facilitation, counseling, and coaching. Assistance cases can range from simple to complex.

## INVESTIGATION

Complaints resolved through independent fact-finding, which may involve evidence collection including witness testimony, and the analysis of evidence, laws, policies, and procedures. The Ombuds makes findings and may also develop recommendations for change and work with departments to ensure that appropriate actions are taken. Investigation cases can range from simple to complex.

In addition to addressing individual concerns, the Ombuds Office also focuses on identifying patterns which may indicate a systemic issue. We work with agencies and departments to ensure that systemic problems are resolved, and necessary changes are made to improve functions going forward.

## Cases Received by Agency

Agencies not listed in the table had no Ombuds cases during the reporting period.

| DEPARTMENT                             | TOTAL      |
|----------------------------------------|------------|
| Adult and Juvenile Detention           | 316        |
| Assessments                            | 10         |
| Boards and Commissions                 | 4          |
| Community and Human Services           | 5          |
| County Executive Office                | 16         |
| Executive Services                     | 24         |
| Human Resources                        | 3          |
| Natural Resources and Parks            | 19         |
| Ombuds Office/Tax Advisor <sup>1</sup> | 19         |
| Permitting and Environmental Review    | 44         |
| Prosecuting Attorney's Office          | 5          |
| Public Defense                         | 4          |
| Public Health                          | 86         |
| Sheriff's Office                       | 6          |
| Superior Court                         | 6          |
| Transportation                         | 98         |
| Non-Jurisdictional <sup>2</sup>        | 173        |
| <b>Total</b>                           | <b>839</b> |

<sup>1</sup> Cases coded to the Ombuds Office include inquiries about Ombuds operations and processes, PAO litigation holds and records requests, special projects, etc.

<sup>2</sup> The category includes inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

## Case Summaries

The Ombuds Office handles cases involving a wide range of issues, circumstances, and County agencies and departments. We employ a variety of tools and methods to research and respond to the nuances of each case. The case summaries below describe how our office resolved some of the cases we closed during the reporting period.

### ALLEGATION

A resident in the King County Correctional Facility—Department of Adult and Juvenile Detention alleged excessive force against DAJD corrections officers. Specifically, the resident complained that DAJD-KCCF corrections officers had hurt him during an extraction from a cell.

### RESOLUTION

We found the complainant's allegation of excessive force to be unfounded. However, we found other issues with DAJD's Use of Force policy, namely sections which covered Anticipated Use of Force and Reporting Use of Force. Contrary to DAJD's Anticipated Use of Force policy, corrections officers failed to sufficiently record their extraction of the resident, stopping their recording at the time of actual extraction. We also found parts of the Supervisor's Incident Report to be incomplete, and other parts to be inaccurate. Finally, we found that de-escalation strategies and tactics used by a corrections officer were ineffective and inappropriate, and we recommended de-escalation training for the corrections officers involved. The department accepted our recommendations.

The Ombuds Office initiated a complaint concerning inadequate communication in two different RFPs from the Finance and Business Operations Division (FBOD), which created operational challenges for the King County Information Technology (KCIT) Department. We determined that communication from Procurement to KCIT was insufficient at several points within these RFPs, which in turn caused operational tension between the two groups.

FBOD's Request for Proposal (RFP) process resulted in inadequate communication, especially concerning pricing, Non-Disclosure Agreements (NDAs), and the evaluation scoring tool. This resulted in significant misunderstandings and operational challenges with the King County Information Technology (KCIT) Department on two separate RFPs. FBOD's inconsistencies in disclosing pricing information and its failure to enforce NDAs contributed to this tension. Moreover, there was a lack of detailed and timely communication regarding the importance of the evaluation tool in the overall RFP process, leading to frustrations and inefficiencies. We recommended improved communication strategies, adherence to best practices in FBOD's procurement processes, and written documentation to memorialize those best practices. The department accepted our recommendations.

Complainant alleged that Metro Transit wrongfully determined to withhold records from the complainant.

We found that Metro did not sufficiently review their internal system before determining if there were or were not responsive documents associated with a public records request. Upon our inquiry, Metro Transit was able to produce and provide responsive records to the complainant's request.

An Access rider reported recurring service delays and wrong turns near her destination.

We assisted the rider with recurring concerns about Access ride delays and routing concerns. In addition to coaching the rider on addressing concerns while onboard and filing complaints with Metro's Customer Information Office, we worked with Metro Access staff to resolve concerns about pickup/dropoff instructions, rides arriving late, time on board, circuitous routing, and other issues. We also worked with Customer Information Office staff to address database access issues that prevented us from reviewing several of the complaints the rider had filed with them.

A Metro rider who uses a walker alleged that she was frequently unable to sit in the designated front area of the bus due to people using child strollers, and Metro transit operators do not ask people to move out of those seats for people with disabilities.

We worked with Metro's ADA Coordinator and other staff to clarify service and accessibility rules and explain them to the rider. For example, we explained that Metro policy allows people to place strollers or other cargo in the wheelchair securement area; the operator may ask, but not force, people to move out of the way to accommodate a person with a mobility device. We discussed with Metro staff potential interventions such as revised informational signs to clarify this policy for riders in the future. We also assisted the rider in understanding the policies related to her specific mobility device, including whether it needed to be secured and whether she could sit on her device instead of a regular coach seat when onboard. We documented the rider's reports to assist with future recommendations to improve and clarify service rules.

# Code of Ethics Program

King County has established a code of ethics for all county officials and employees which provides guidance for public employees in the event of conflicts and to prevent conflicts of interest. It is the policy of King County 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 the private interests of county officials and employees.

## Code of Ethics Cases by Department

The table below lists all code of ethics cases processed by the Ombuds Office during the reporting period. Cases include investigations, assistance, and information inquiries. Departments not listed did not have any allegations of ethics violations reported to the Ombuds Office during this reporting period.

| DEPARTMENT                          | INFORMATION | ASSISTANCE | INVESTIGATION | TOTAL     |
|-------------------------------------|-------------|------------|---------------|-----------|
| Permitting and Environmental Review | 0           | 0          | 1             | 1         |
| Natural Resources & Parks           | 1           | 0          | 2             | 3         |
| Public Health                       | 0           | 0          | 1             | 1         |
| Transportation                      | 0           | 2          | 2             | 4         |
| Non-Jurisdictional                  | 0           | 1          | 0             | 1         |
| <b>Total</b>                        | <b>1</b>    | <b>3</b>   | <b>6</b>      | <b>10</b> |



## Ethics Case Summaries

These selected case summaries offer a sample of the range of allegations and resolutions.

- Metro employee alleged that their supervisor improperly hired two friends and former City of Seattle coworkers for positions in their workgroup. We discussed the complaint with the employee and documented the recruitment process concerns.
- Vehicle Maintenance Division employee alleged that a lead sometimes fills in on shifts for which their spouse is the chief, creating a conflict of interest. We determined that while a plan to mitigate any potential conflict was in place, it had not been reduced to writing. We also advised the supervising spouse and their supervisor to work with Metro Employee Services staff to complete a written plan.
- A complaint filed with the Ombuds Office alleged that a County employee used their County computer, email, and calendar for private for-profit business purposes, in violation of the Employee Code of Ethics. Employee use of County resources for personal convenience or profit is prohibited. The employee admitted to the conduct in lieu of investigation, and cooperatively entered into an Early Resolution Agreement with the Ombuds, including a civil penalty of \$500.00. The King County Board of Ethics approved the agreement. The employee left County employment.

# Whistleblower Program

King County encourages employees to report significant wrongdoing, called “improper governmental action,” so problems can be identified and corrected. King County’s Whistleblower Protection Code creates a reporting process for employees, and protects employees from retaliation for reporting improper governmental action or cooperating in investigations.

## Whistleblower Cases by Department

The table below lists all whistleblower and whistleblower retaliation cases processed by the Ombuds Office during the reporting period. Cases include investigations, assistance, and information inquiries. Departments not listed did not have any whistleblower cases during this reporting period.

| DEPARTMENT                   | INFORMATION | ASSISTANCE | INVESTIGATION | TOTAL     |
|------------------------------|-------------|------------|---------------|-----------|
| Adult and Juvenile Detention | 0           | 0          | 1             | 1         |
| Community and Human Services | 0           | 1          | 0             | 1         |
| County Executive Office      | 0           | 0          | 1             | 1         |
| Executive Services           | 0           | 0          | 1             | 1         |
| Human Resources              | 0           | 1          | 0             | 1         |
| Natural Resources and Parks  | 0           | 1          | 0             | 1         |
| Ombuds Office/Tax Advisor 2  | 1           | 0          | 0             | 1         |
| Transportation               | 0           | 10         | 2             | 12        |
| <b>Total</b>                 | <b>1</b>    | <b>13</b>  | <b>5</b>      | <b>19</b> |

## Whistleblower Case Summaries

The nature and circumstances of whistleblower complaints vary widely. These selected case summaries offer a sample of the range of allegations and resolutions.

- A complainant alleged a whistleblower retaliation. We discussed threshold jurisdictional requirements in whistleblower retaliation cases with the complainant, who sought to withdraw their complaint in light of those requirements and the facts at issue. We provided options counseling and information about the complainant's rights.
- An employee alleged to the Ombuds Office that mold was present on and around rooftop HVAC units at a County building, and provided recent photos appearing to support the allegation. The employee also believed that mold was present in the building's indoor air. We requested that the Facilities and Maintenance Division investigate and report back to our office. County safety personnel arranged for independent testing. Lab results showed that the building's indoor air had mold well within health standards and of a type common to areas in the nearby outdoor environment, suggesting that indoor mold was likely tracked into the building by visitors rather than coming from the HVAC units. Testing found mold on the exterior of rooftop HVAC units. The County's safety professionals recommended a regular cleaning schedule, keeping drains clear, and the possible need to reconfigure or repair HVAC condensate pans.

## Whistleblower Process Participant Feedback & Recommendations

The Ombuds Office consistently receives feedback on the whistleblower process (KCC 3.42) around confidentiality concerns. Two concerns often expressed are: 1) complainants worry about their identity being revealed through the public records request process, and 2) protection for a whistleblower against retaliation only lasts six months. These concerns are raised primarily because there is no categorical exemption for local government ombuds offices in the Public Records Act (RCW 42.56). Unfortunately, this is often a deterrent to complainants because they are fearful of retaliation. While some complainants decide to proceed anonymously in the whistleblower process, this presents investigative challenges for the ombuds. A categorical exemption to the act would also enable the ombuds to comply with the practices and standards accepted by ombuds offices nationally.

# Tax Advisor Statistics

---

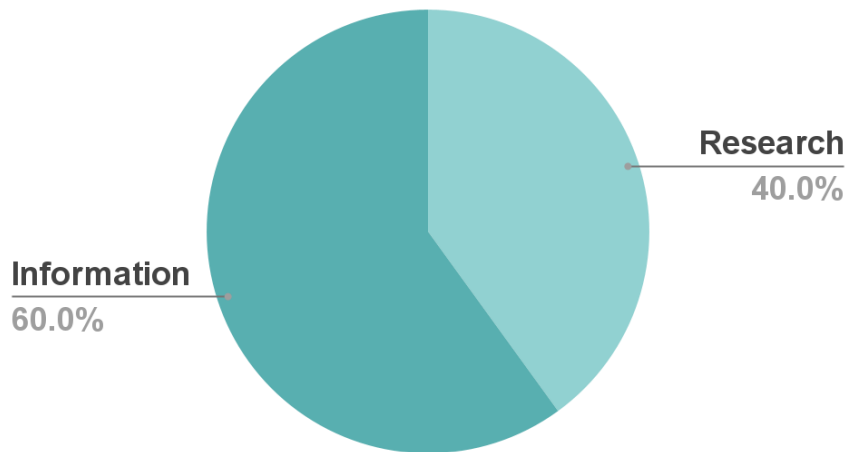
The Tax Advisor Office, a section of the Ombuds Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

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 provide comparable sales searches and information on property tax exemption programs.

## Tax Advisor Contacts

| MONTH        | INFORMATION | RESEARCH   | TOTAL        |
|--------------|-------------|------------|--------------|
| January      | 36          | 31         | 67           |
| February     | 68          | 61         | 129          |
| March        | 88          | 50         | 138          |
| April        | 56          | 38         | 94           |
| May          | 45          | 22         | 67           |
| June         | 17          | 27         | 44           |
| July         | 75          | 30         | 105          |
| August       | 74          | 47         | 121          |
| September    | 66          | 28         | 94           |
| October      | 65          | 48         | 113          |
| November     | 27          | 21         | 58           |
| December     | 23          | 21         | 44           |
| <b>Total</b> | <b>640</b>  | <b>434</b> | <b>1,074</b> |

## Total Tax Advisor Contacts 2023

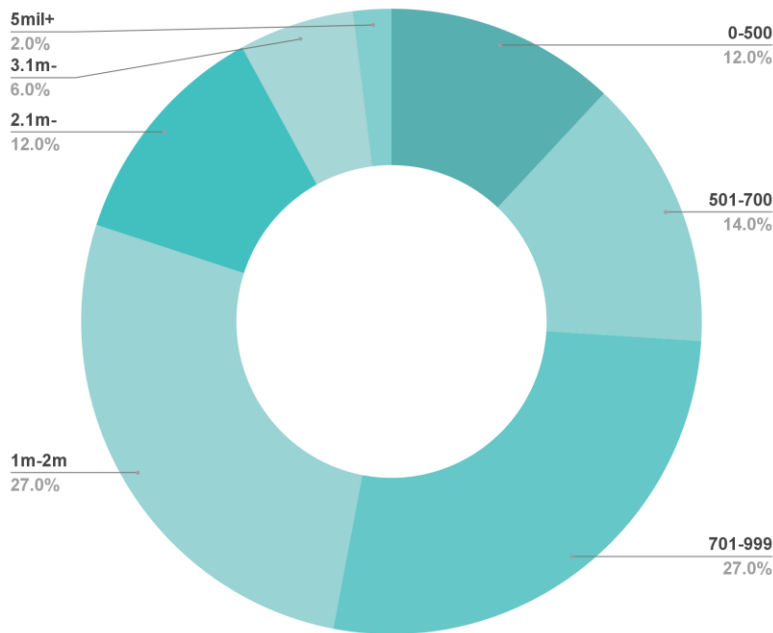


## Sales Surveys by Property Value

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

| ASSESSED PROPERTY VALUE | SALES SURVEYS |
|-------------------------|---------------|
| \$0-500k                | 14            |
| \$501-700k              | 17            |
| \$701-999k              | 33            |
| \$1.0M-1.99M            | 32            |
| \$2.0M-2.99M            | 15            |
| \$3.0M-4.99M            | 7             |
| Over \$5M               | 2             |
| <b>Total</b>            | <b>120</b>    |

## Sales Survey Assessed Value 2023





## Contact the King County

### Ombuds Office:

---

Phone: 206.477.1050

Email: [ombuds@kingcounty.gov](mailto:ombuds@kingcounty.gov)

Web: [kingcounty.gov/independent/ombuds.aspx](http://kingcounty.gov/independent/ombuds.aspx)