



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
May 1 to August 31, 2011

September 15, 2011

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 assessment.

The Ombudsman's Office reports 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 May 1 through August 31, 2011.

Complaints Received

The Ombudsman's Office received 800 complaints and inquiries from the public and county employees between May 1 and August 31, 2011. Our office is projected to receive 2,330 complaints and inquiries in 2011.

A review of our case statistics reveals the following noteworthy developments:

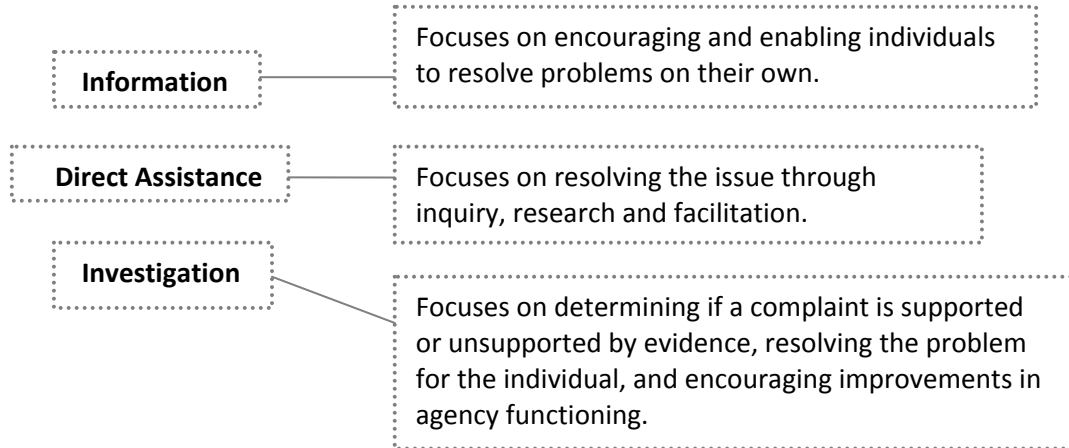
- The Ombudsman's Office has seen a steady increase over the past year in the number of employee whistleblower and retaliation complaints. We expected this increase in light of expanded whistleblower protections and the difficult cycle of layoffs prompted by reduced county revenues. These cases are often high-stakes for both the complainant and the County. Typically, they are also complex and nuanced, and thus they are resource-intensive for our staff, whether the cases are resolved informally or through investigations.
- While King County jail inmates have access to our office through a dedicated phone line, we received fewer complaints from Department of Adult and Juvenile Detention (DAJD) facilities than we have in previous periods. Over the second trimester of 2011, our office received 11% fewer inmate complaints than in 2010.

Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039
Phone: 206.205.6338
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 response. 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:

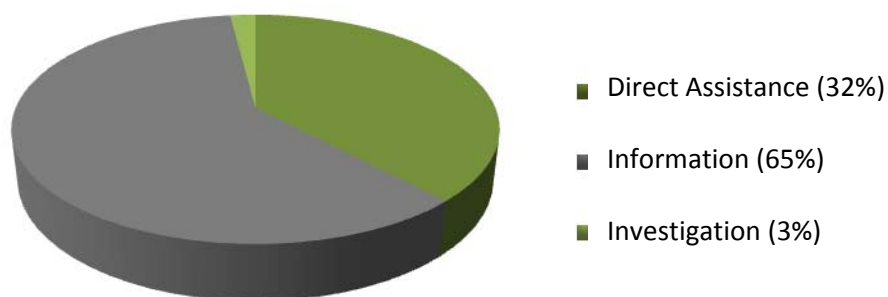


Complaint Disposition

The chart below shows the number of Ombudsman’s Office cases associated with each county agency, and reveals how we responded to the 800 complaints and inquiries we received in the second trimester of 2011:

Department	Direct Assistance	Investigation	Information	Total
Adult and Juvenile Detention	107	9	225	341
Assessments	1	0	3	4
Boards and Commissions	3	0	3	6
Community and Human Services	1	1	22	24
Development and Environmental Services	17	0	15	32
District Court	2	0	3	5
Judicial Administration	0	0	2	2
King County Council	0	0	7	7
King County Executive	0	0	4	4
Executive Services	6	0	16	22
Natural Resources and Parks	5	2	4	11
Ombudsman’s Office / Tax Advisor	18	0	11	29
Prosecuting Attorney's Office	0	0	1	1
Public Health	82	1	31	114
Sheriff's Office	2	6	2	10
Superior Court	0	0	17	17
Transportation	12	1	15	28
Non-Jurisdictional	1	0	142	143
Total	257	20	523	800

From January through April, as in previous periods, the majority of public contacts to our office were resolved either through direct assistance or information. In addition to these cases, the Ombudsman's Office also opened 20 investigations.



Selected Case Summaries

The nature and circumstances of the issues people bring to our office vary widely. The case summaries below describe how our office resolved some of the complaints we received during the second trimester of 2011:

Complaint	Resolution
<p>Whistleblower claimed that a Department of Transportation (DOT) decision to accept a failing road into the county system allowed the private developer to evade its maintenance obligations and constituted improper governmental action.</p>	<p>The Ombudsman conducted a lengthy investigation that included two dozen formal interviews and an exhaustive review of the road's condition. Ultimately, we found that while the road will likely require more public funding than was initially expected, the county required a reasonable level of repair from the private developer. We provided DOT with several recommendations intended to help the department avert similar misunderstandings in the future. Allegation unsupported.</p>
<p>Unnecessary force and unprofessional conduct by a King County Sheriff's Office (KCSO) deputy. (2011-01036)</p>	<p>Our office reviewed all available evidence related to this incident, including a recording of the emergency 911 call. While there was significant disagreement between the complainant and the Sheriff's deputy about what occurred, the 911 recording substantiated the deputy's report. The Ombudsman found insufficient evidence to corroborate the complainant's allegation. Allegation is unsupported.</p>
<p>Inmate alleged that a Department of Adult and Juvenile Detention (DAJD) corrections officer put an inmate in a visiting booth for five hours.</p>	<p>The Ombudsman's Office reviewed the department's complete, unredacted investigation file for this incident. We found sufficient evidence to support the inmate's claim of being held in the visiting booth longer than department policy allowed. While the allegation was supported, DAJD fully addressed this matter when management became aware of the incident and therefore our office made no recommendations in this case.</p>

Complaint	Resolution
<p>Inmate alleged a Department of Adult and Juvenile Detention (DAJD) corrections officer threatened him with bodily harm.</p>	<p>The Ombudsman’s Office reviewed DAJD’s internal investigation and agreed with its determination that the evidence did not support the inmate’s allegation. However, during our review we also found a separate instance of officer misconduct. DAJD took corrective actions to address this matter. Allegation partially supported.</p>
<p>Department of Development and Environmental Services (DDES) unfairly delayed a homeowner’s permit request.</p>	<p>With the complainant’s consent, the Ombudsman transmitted this issue to DDES and other county officials. The complainant contacted the Ombudsman’s Office after the transmittal to report that our notice to DDES had clarified the matter for the department and the permit had been approved.</p>
<p>Request for assistance from a homeowner whose property was exposed to flooding as a result of a neighbor’s construction. The homeowner was overwhelmed by county and legal processes associated with compelling the neighbor to address the issue.</p>	<p>After a preliminary review, the Ombudsman’s Office determined that there was insufficient evidence to merit a full investigation. However, to assist the complainant, we provided a summary of the relevant law and the contact information for a variety of county officials who could assist them with this matter.</p>
<p>Allegation that a Department of Executive Services (DES) supervisor’s disparate treatment of a staff member constituted improper governmental action.</p>	<p>The Ombudsman’s Office met with the complainant and carefully reviewed the allegation. We informed the complainant that even if true, the alleged behavior would not rise to the level of improper governmental action. We discussed the available options; including, having our office send the complaint to DES for its review. The complainant thanked us for our review of the matter and chose not to pursue their complaint further.</p>
<p>Allegation that DOT improperly allowed a temporary employee to work in excess of the allowable hours, necessitating a payment for benefits that constituted improper governmental action.</p>	<p>The Ombudsman’s Office found evidence leading to the conclusion that DOT tracked the employee’s hours in an effort to comply with county policy, as DOT understood it. In a later decision, human resources determined the employee was eligible for some retroactive payment for benefits. The Ombudsman found that ultimately, the employee received the appropriate benefits from DOT and that the department’s actions did not constitute improper governmental action. Allegation is unsupported.</p>

Tax Advisor Statistics

The Tax Advisor Office, a division 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,
- Home improvement, current use and open space exemptions,
- Segregation or merger for multiple parcels, and
- Assistance resolving complaints about other departments.

Resident Contacts

The Tax Advisor Office responded to 1,301 residents from May 1 to August 31, 2011. A signature function of our office is assisting citizens with their property tax appeals. In the second trimester of 2011, we provided sales research to 283 (18%) of our contacts.

	Information	Research	Total
May	160	41	201
June	157	40	197
July	225	68	293
August	473	137	610
Total	1015	283	1301

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	23
\$201-300K	26
\$301-400K	47
\$401-500K	23
\$501-700K	30
\$701K-1M	16
Over \$1M	22
Total	187