



King County

OLEO

OFFICE OF LAW ENFORCEMENT OVERSIGHT

2022 Annual Report





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FOR BEST VIEWING EXPERIENCE

This report is intended to be read on a screen and includes navigational links at the top of each page. For the best experience, we recommend using a PDF viewer rather than a web browser to navigate the report.

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To request a print copy of this Annual Report, call or email OLEO.

Alternate formats available.

Call 206-263-8870 or TTY: 711.



Letter from the Director

2022 was a big year for the Office of Law Enforcement Oversight (OLEO), and one that I am confident sets OLEO up for further success. We continued to hone our focus, secured funding to expand the office, and pushed for fewer restrictions in the Collective Bargaining Agreement. Internally, we strengthened our policies, improved our procedures, and solidified our positive work culture. It is my honor to lead this office comprised of talented, dedicated, justice-oriented, and fair-minded people.

SOME THINGS THAT STOOD OUT THIS YEAR ARE:

- OLEO reviewed every misconduct complaint against the King County Sheriff's Office (Sheriff's Office), whether it came in through the Internal Investigations Unit or OLEO, to ensure it was properly classified.
- Complaints emanating from within the Sheriff's Office dropped by almost half (44%), while complaints coming from community members dropped by 8%.
- Only 5% of the Sheriff's Office's sworn force accounted for approximately 40% of Inquiry allegations against sworn members; over 70% of sworn members received no allegations of misconduct in 2022.
- The percentage of complaint investigations that OLEO declined to certify more than doubled from 6% in 2021 to 13% in 2022.
- Among the most common allegations in misconduct complaint investigations closed in 2022, a sustained finding resulted in corrective action (discipline, verbal reprimand, corrective counseling, or training) 100% of the time except where a Sheriff's Office employee resigned, retired, or died before discipline could be/was imposed, which happened for eight allegations out of the total of 38 sustained.
- Sixty allegations of excessive force were closed in 2022—zero were sustained, with half found to be justified and 40% unfounded.
- ZIP code 98168 (within Sheriff's Office Precinct 4) had the highest number of allegations.

This year, we are also excited to present a new feature accessible to the public that maps complaint allegations and allows users to filter results by allegation, disposition, and jurisdiction, among other things. We believe this makes our data more accessible, and we will update it regularly.

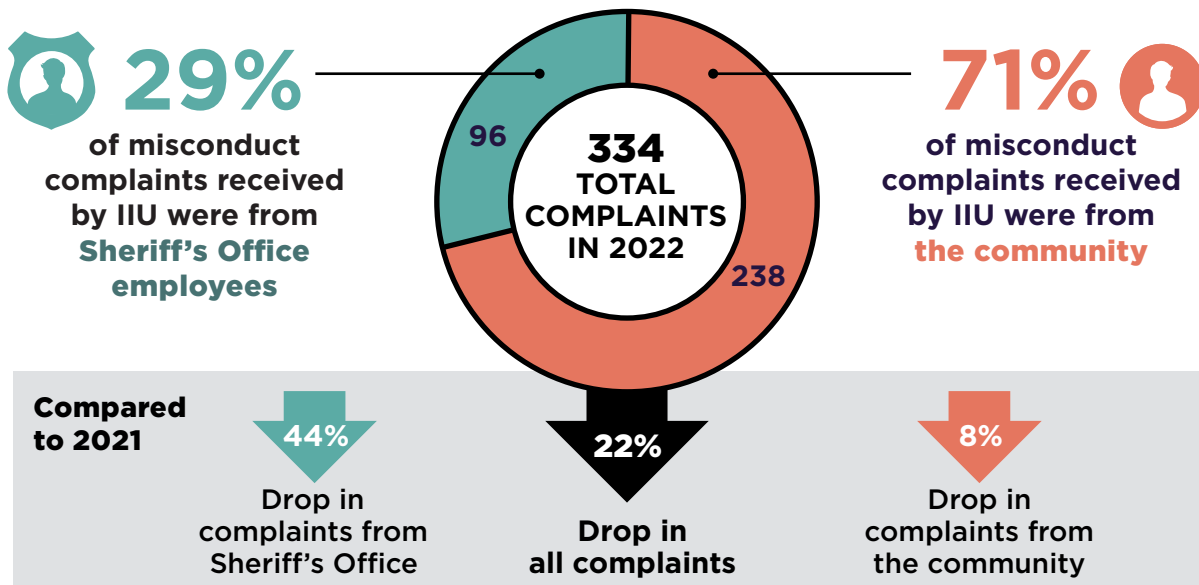
I hope you find this report helpful to explain some trends and findings around misconduct complaints, and some of our work over the past year. Presentations like these are not only about answers; they are also intended to raise questions of what we can do better as a county, whether in the field of law enforcement or outside of it.



Tamer Y. Abouzeid,
Director

2022 BY THE NUMBERS

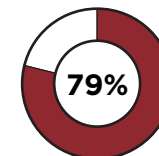
In 2022, misconduct complaints received by the Internal Investigation Unit (IIU) were down in all categories.



From complaints classified as Inquiries, **364 allegations** were from the community



Down from **393** in 2021

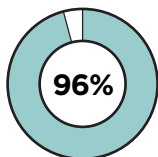


79% of the reduction in complaints is accounted for by the drop in internal complaints

CLASSIFICATIONS



OLEO reviewed 100% of classifications for every complaint



And provided input on 96% of them

CERTIFICATIONS

Complaint investigations:



101 certified by OLEO



15 OLEO declined to certify

Up from 6 declines in 2021



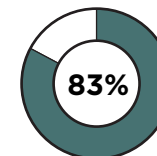
FINDINGS

OLEO wrote findings for

2



complaint investigations



83% (277/334) of complaints were about sworn employees

ABOUT OLEO

OUR MISSION

OLEO is dedicated to improving the lives of King County residents through its independent oversight of the Sheriff's Office. We aim to further policing standards that are driven by community and rooted in equity through objective reviews, independent investigations, and evidence-based policy recommendations.

OUR VISION

We envision a King County where all residents are safe and where no one has unnecessary contact with the criminal legal system.

OUR TEAM

Tamer Abouzeid, *Director*

Liz Dop, *Office & Special Projects Administrator*

Lea Hunter, *Policy Analyst*

Shelby Iwatani, *Community Engagement Manager*

Katy Kirschner, *Senior Policy Analyst*

Megan Kraft, *Policy Analyst*

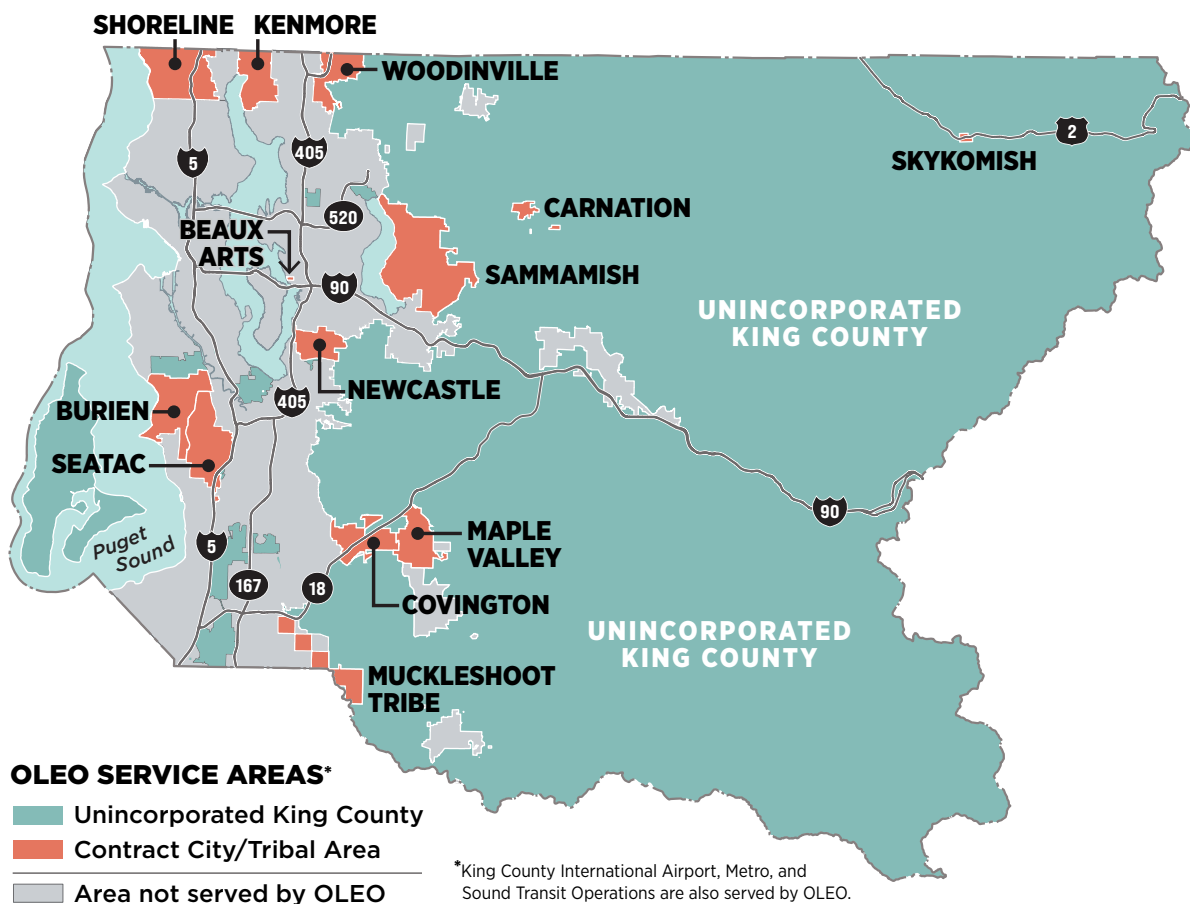
Andrew Repanich, *Investigations Monitor*

Adrienne Wat, *Deputy Director*

Sophie Ziliak, *Project Administrator*

OUR COMMUNITIES

OLEO serves King County residents who are served by the King County Sheriff's Office, including in unincorporated King County, 12 cities that contract with the Sheriff's Office for the provision of police services, the Muckleshoot Indian Tribe, King County International Airport, King County Metro Transit, and Sound Transit.



ABOUT OLEO *continued***OUR WORK**

OLEO's work encompasses Investigations, Policy and Practices, and Community Engagement. When reviewing or conducting investigations, OLEO's commitment is to be objective and focus on the evidence. When it comes to policy and practices, it is our duty to recommend better policies that promote equity and reduce policing's attendant harms to our communities. We come to know about these harms, and about the priorities we should pursue, by engaging with community stakeholders, analyzing trends in investigations, and reviewing outside research.

Investigations

OLEO monitors, reviews, and issues recommendations on misconduct complaint investigations by the Sheriff's Office, from classification to findings of whether employee conduct violated policy, and determines whether they meet strict standards. OLEO may also conduct its own investigations, including into individual misconduct, use of force, or systems and practices.

**Investigations****Policy and
Practices****Policy and Practices**

Our policy work entails reviewing potential policy changes by the Sheriff's Office, as well as proposing our own changes based on extensive research and analysis. We also work on local and state laws.

Community Engagement

Communities served by the Sheriff's Office play an invaluable role in King County's law enforcement oversight work. OLEO aims to meaningfully engage these diverse stakeholders and communities to participate in the decisions that impact them and to inform our oversight priorities.



Oversight of Sheriff's Office Investigations of Misconduct Complaints



The Sheriff's Office's Internal Investigations Unit (IIU) has 180 days to complete an investigation into a misconduct complaint. This could result in a complaint reported in one year being closed in the following year. The data analysis in this report focuses on actions taken in 2022 during the complaint process. For complaint classifications and allegations, we analyzed investigations opened in 2022. For the quality of investigations or the outcome of complaint investigations, such as disposition or discipline, we analyzed investigations closed in 2022.

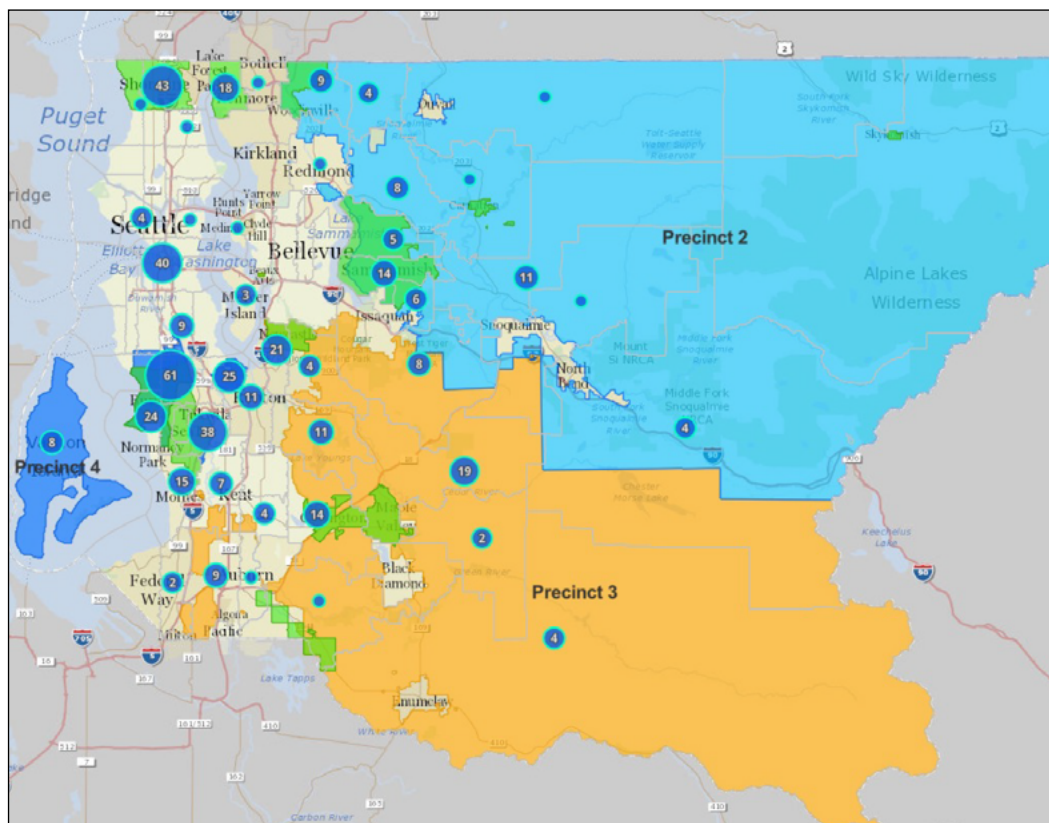
OLEO Annual Reports are required by King County Code 2.75.040(H). Annual Reports include qualitative and quantitative information demonstrating how OLEO fulfill its purpose, duties, and responsibilities. Data is gathered from the Sheriff's Office's database, IAPro. It is reflective of accurate and complete data at the time of the data collection cutoff. (For more information, please see [Appendix: Notes About Data](#).)

Complaints | Classifications | Allegations | Investigation | Sheriff's Office Findings | OLEO Findings | Discipline and Appeal

MAPPING 2022 COMPLAINTS

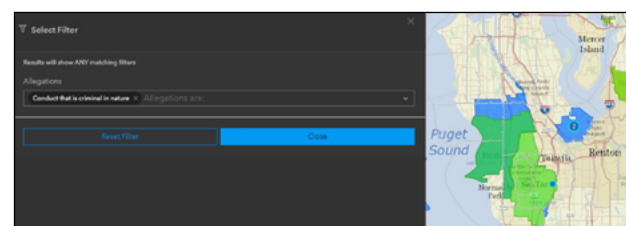
In an effort to increase the accessibility of our data, OLEO collaborated with King County's [Geographic Information System](#) to develop a geospatial representation of misconduct complaint allegations closed during the year 2022. The full interactive experience is available [here](#).

With some exceptions explained on the map, this snapshot presents the clustering of Sheriff's Office closed misconduct complaint allegations, mapped by ZIP code.



Complaint Allegations for 98065	
Case #/U	2021-458
Case Classification	Inquiry
Case Type	Resident
Allegations	Ridicule
Zip Code of Occurrence	98065
King County Council District	3
Disposition	Non-Sustained
Discipline	N/A
Other Discipline	N/A
OLEO Certification	Certify

Details for each allegation will also be available on the map.



Users can also filter by type of allegation, internal and external (resident) complaints, disposition, OLEO certification status, and/or King County Council District.

Complaints | Classifications | Allegations | Investigation | Sheriff's Office Findings | OLEO Findings | Discipline and Appeal



COMPLAINTS RECEIVED BY OLEO

In addition to filing complaints with the Sheriff's Office directly, OLEO may [receive complaints](#) from any complaining party, including community members or Sheriff's Office employees. Complaints received by OLEO are forwarded to the Sheriff's Office for further review, although OLEO may conduct additional intake first to assist complainants in this process. Please note: Not all complaints result in formal investigations, especially if it is determined to be a complaint over which the Sheriff's Office and OLEO lack jurisdiction. In those instances, OLEO connects complainants to the proper agency.

In 2022, OLEO was contacted over 200 times, conducting complaint intake or follow-up as appropriate.

COMPLAINT INTAKE CLASSIFICATIONS



When IIU receives a complaint, one of its early steps is to classify it, which determines whether, and to what extent, the Sheriff's Office will take action on an allegation of misconduct.

Inquiry

Allegations considered serious and therefore requiring a full investigation, including a decision to sustain or not. Examples include complaints about excessive or unnecessary use of force against a person or conduct that is criminal in nature.

Non-Investigative Matter (NIM)

Allegations that, even if true, would not violate Sheriff's Office policy. The Sheriff's Office takes no action on these complaints. Examples include a community member, who admits they were speeding, objecting to having been stopped for a traffic violation, but not otherwise alleging misconduct.

Supervisor Action Log (SAL)

Allegations considered minor and referred to the employee's supervisor for handling. Examples include tardiness, uniform and equipment violations, and personal-appearance infractions.

In 2022, the Sheriff's Office classified 334 complaints as Inquiries, NIMs, or SALs. Seventy-one percent of all complaints were received from community members (external complaints), with the remainder originating from within the Sheriff's Office (internal complaints). IIU classified nearly three fourths (74%) of all complaints as Inquiries.

The figure on the right shows that total complaints fell dramatically, while external complaints classified as Inquiries rose slightly. 79% of the drop in complaints is accounted for by the drop in internal complaints, which are historically more likely to be sustained.

OLEO reviews and provides input on the Sheriff's Office's classifications, which includes verifying that allegations are correctly identified and/or proposing additional steps that need to be completed before determining the classification. In 2022, OLEO reviewed 100% of complaint classifications by the Sheriff's Office. Out of those, 13 were only reviewed summarily and the rest were fully reviewed; OLEO agreed with all but four of the fully reviewed classifications. Agreement on classification may happen immediately or after discussions between OLEO and IIU and/or additional steps. After collaborating with OLEO, the Sheriff's Office introduced a new classification system in 2023.

Figure 1: Breakdown of Classifications for Complaints Opened in 2022, Compared to 2021

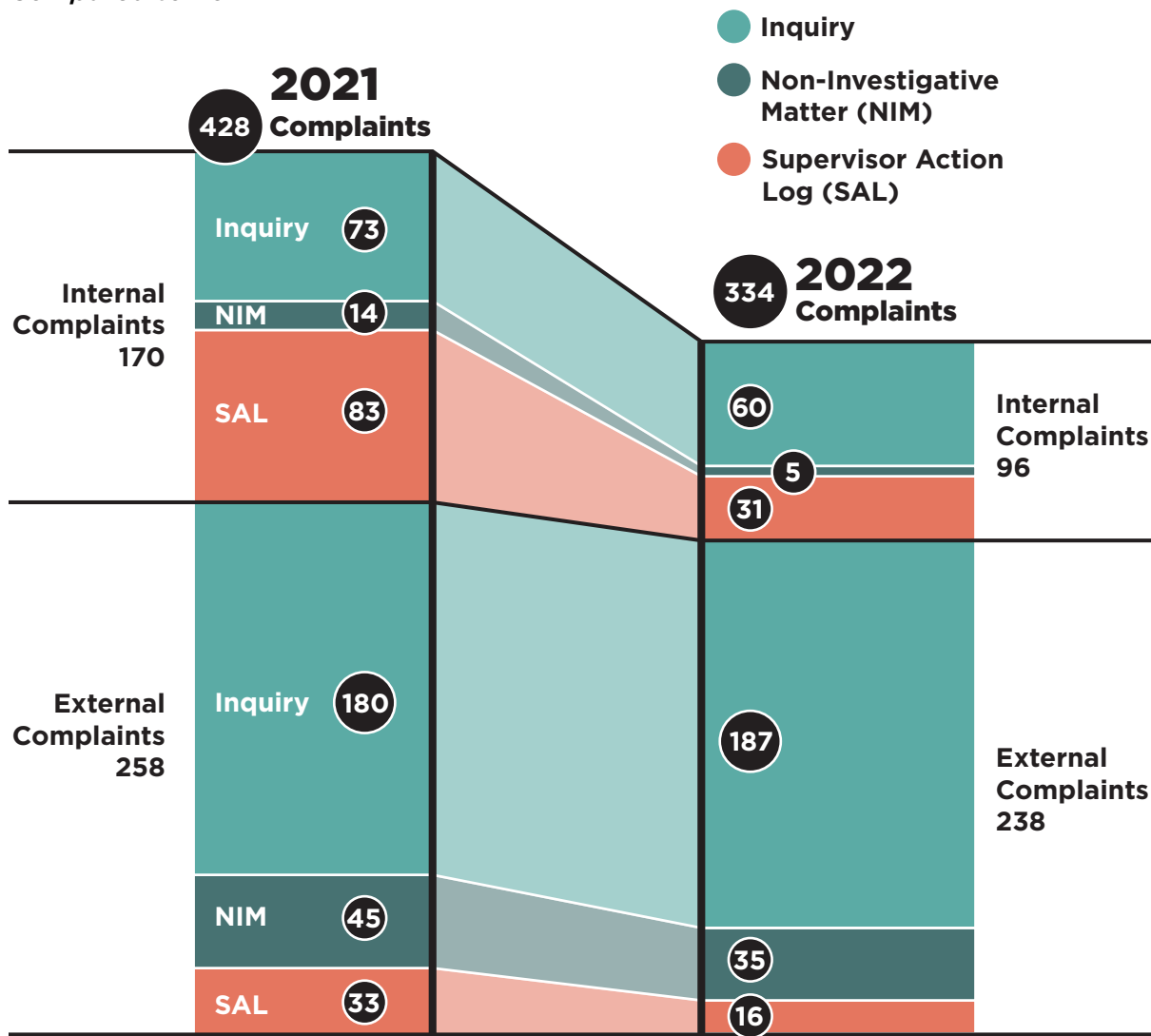


Table 1. OLEO Disagreements on Classifications in 2022**CASE NUMBER**

IIU2022-003	IIU2022-116	IIU2022-120	IIU2022-166
-------------	-------------	-------------	-------------

OLEO's disagreements with the Sheriff's Office about classifications is not a comment on whether the employee engaged in misconduct, rather that the complainant made allegations that, if true, could be violations of the General Orders Manual. In the disagreements on classification between the Sheriff's Office and OLEO, the Sheriff's Office concluded the complaints could be closed without further action or investigation because no policy violation was alleged. The four disagreements were issues of:

- Whether an allegation that a deputy was intentionally—and at length—withholding their child from the other parent was purely a civil matter in which the County generally does not get involved and should be classified as a NIM. OLEO believed that the complaint should have been classified as an Inquiry because the allegations raised two possible policy violations for conduct that was (1) criminal in nature¹ and (2) unbecoming.
- Whether a discourtesy complaint may be based on only demeanor if no discourteous words were used. OLEO believes it could.
- Whether a court order authorizing an eviction could be used to classify a complaint as a NIM. OLEO does not believe it could. Evidence of the court order would be used for a commander to determine whether to sustain allegations, and IIU's actions amounted to entering summary findings, something they are not authorized to do.
- Whether a complaint alleging a deputy was threatening in their approach to resolving a child custody dispute and attempted to enforce a civil order without court authority could be classified as a NIM. OLEO believes it could not and that the complaint should have been qualified as a SAL because the allegations raised two policy violations.

¹ See RCW 9A.40.060 ("Custodial interference in the first degree is a class C felony.") and RCW 9A.40.070 ("The first conviction of custodial interference in the second degree is a gross misdemeanor.").

TYPES OF ALLEGATIONS

A complaint may include more than one allegation; therefore, the number of allegations will usually exceed the number of complaints.

The 247 complaints classified as Inquiries contained 459 allegations of misconduct. From the complaints classified as Inquiries, 364 allegations originated from the community, and 95 originated from within the Sheriff's Office. **Subsequent analysis will focus only on external allegations and complaints classified as Inquiries.**² Please see Figure 2 on the next page for a detailed breakdown of the most common allegations in 2022.

Some numbers that stand out regarding external allegations in Inquiries when compared with 2021:



Bias-based policing
went down from
21 to 9



Excessive force
went up from
58 to 73

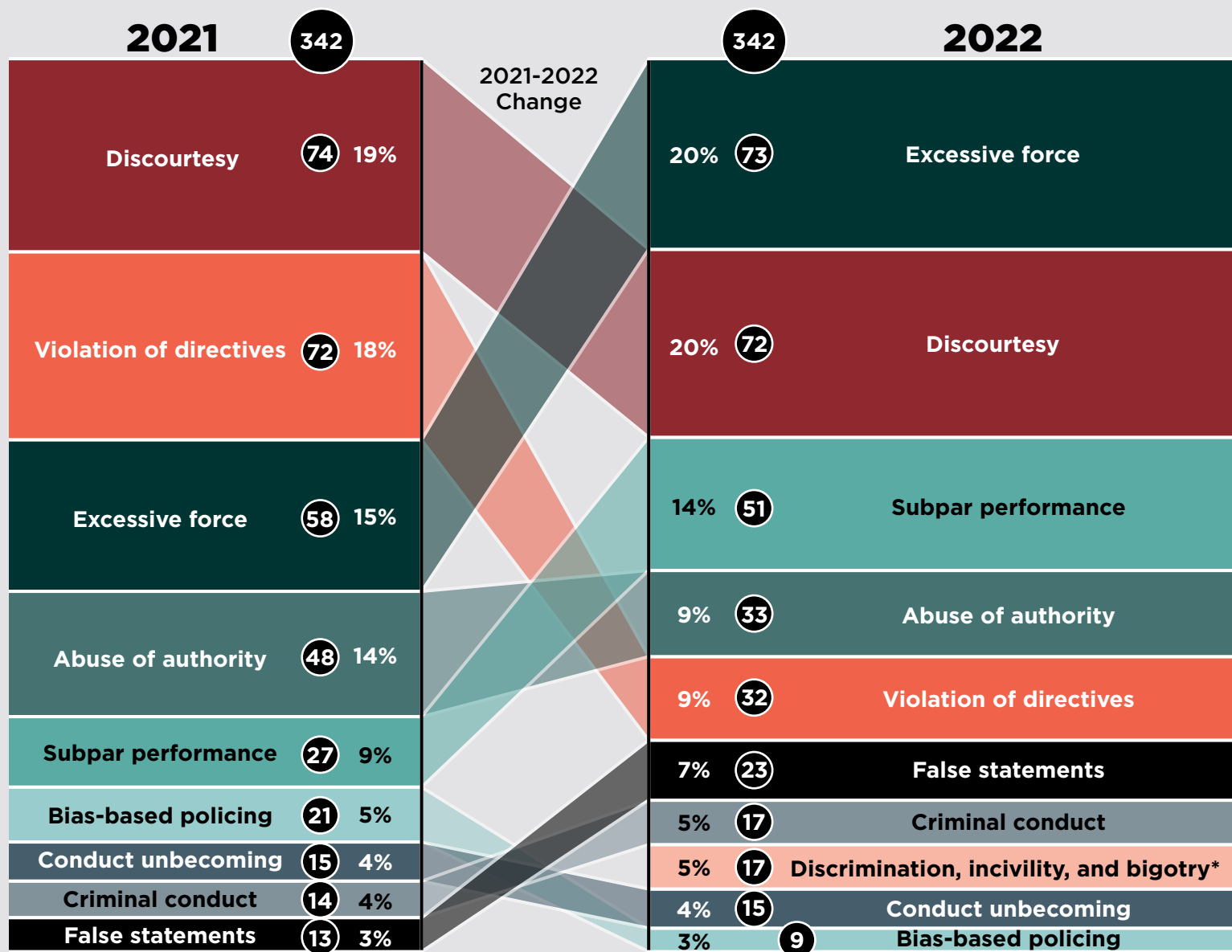


Violations of directives
went down from
72 to 32



Subpar performance
almost doubled from
27 to 51

² Out of the three classifications, only Inquiries undergo full investigation, including disposition and, if allegations are sustained, imposition of discipline.

Complaints | Classifications | **Allegations** | Investigation | Sheriff's Office Findings | OLEO Findings | Discipline and Appeal**Figure 2. Most Common External Allegations in Inquiries Opened in 2022, Compared to 2021**

Note: Percentages may not add up due to rounding.

*Additional common allegation in 2022

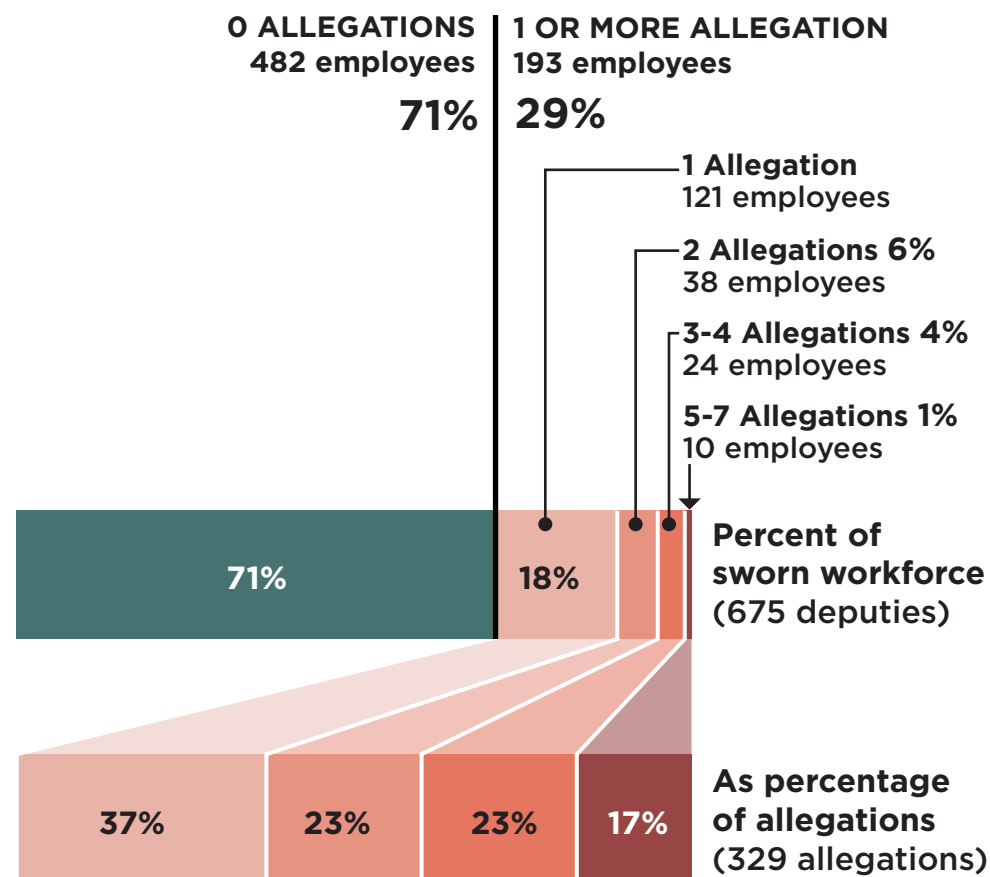
PATTERNS IN ALLEGATIONS AGAINST SWORN EMPLOYEES

In 2022, 71% of Sheriff's Office sworn³ employees received no complaints from community members and 29% received one or more complaints.

- Deputies with three or more allegations account for approximately 5% of the sworn force, but approximately 40% of all allegations.
- Deputies with five or more allegations account for less than 2% of the sworn force and over 15% of all allegations.



Figure 3. External Allegations in Inquiries Reported Against Individual Sworn Employees in 2022



³ Sworn employees refer to all commissioned personnel including the Sheriff, Undersheriff, and various rankings of deputies.

Note: Percentages may not add up due to rounding. We excluded investigations in which IIU either could not identify the subject employee or the subject employee was unknown. Counts of Sheriff's Office sworn employees were provided by Sheriff's Office Human Resources.

**MONITORING
INVESTIGATIONS**

OLEO monitors and reviews the Sheriff's Office's handling of complaints to promote thorough, objective, and timely investigations. Investigations are reviewed according to criteria set by the King County Council and OLEO.

WHAT DOES OLEO ASK WHEN MONITORING AND REVIEWING INVESTIGATIONS?

- Were all material witnesses identified and thoroughly interviewed?
- Was all relevant evidence obtained and, if not obtained, was it due to the investigator's actions?
- Was the subject employee provided proper notice of the complaint allegations?
- Was there any conflict of interest in fact or appearance between the investigator(s) and any of the persons involved in the incident?
- Were interviews conducted using non-leading and open-ended questions?
- Were investigative reports presented in a neutral, unbiased manner?
- Were inconsistencies in evidence, credibility, and reliability addressed by the investigator?
- Was the investigation completed within 180 days?

**CERTIFIED VS.
NOT CERTIFIED
INVESTIGATIONS**

During certification review, OLEO may certify or decline to certify the investigation.

OLEO declined to certify eight of the 15 investigations because the investigations did not meet the 180-day time limit, which prevents the Sheriff's Office from entering findings or imposing discipline.

OLEO declined to certify seven investigations because they lacked in thoroughness; in all those cases, IIU rejected a request from OLEO to take additional investigative steps to make the investigation more thorough. Examples of additional investigative steps include conducting interviews; obtaining statements, photographs, or other evidence to resolve inconsistencies; and investigating force tactics and decision-making.

Certification review

In 2022, OLEO conducted formal certification review of 116 IIU investigations, up 10% from 2021.

Of those investigations, OLEO:



The percentage of total cases reviewed that OLEO declined to certify doubled to:



Below are investigations that OLEO deemed lacked in thoroughness, with some cases including a secondary reason for declining to certify.

- **IIU2021-329:** Investigators did not identify a subject deputy associated with the allegation of excessive or unnecessary use of force. OLEO provided a recommendation of who the complainant was talking about and investigators rejected the recommendation.
- **IIU2021-392:** Investigators did not address all the allegations fully by not asking additional questions of the witnesses. Additionally, investigators did not give OLEO notice of interviews of witnesses after OLEO had explicitly requested to be given notice, which is not in compliance with Sheriff's Office procedures.

- **IIU2022-037:** Investigators did not identify an allegation of making a false statement, despite it being identified and addressed before the completion of the investigation. OLEO was present at the interview and the questions about making a false statement were addressed. The allegation was a part of the file and was *removed after the interview and before the completion of the investigation.*

- **IIU2022-143:** Investigators did not identify the subject deputies associated with the allegations. OLEO provided a list of potential subject deputies, but investigators refused to associate them with the allegations listed.

**Table 2. Investigations
OLEO Declined to Certify
in 2022**

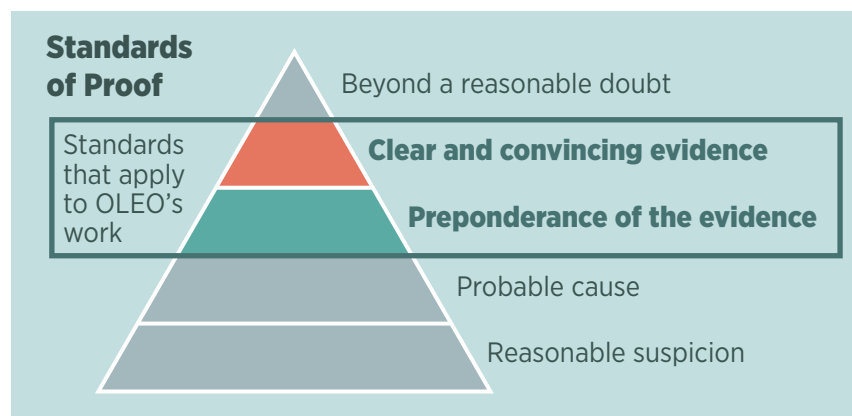
NOT TIMELY	NOT THOROUGH	NOT IN COMPLIANCE WITH SHERIFF'S OFFICE PROCEDURES
	IIU2021-392	
IIU2022-168		
IIU2021-144	IIU2021-329	
IIU2021-319	IIU2022-037	
IIU2021-344	IIU2022-143	
IIU2021-345	IIU2022-183	
IIU2021-346	IIU2022-255	
IIU2021-368		
IIU2021-391		
IIU2021-467		

- **IIU2022-168:** Investigators did not ask the subject deputy questions about de-escalation tactics (per policy). OLEO recommended asking the subject deputy what de-escalation tactics he used prior to tackling an individual at a baseball game. Investigators denied the request because they did not believe de-escalation was feasible in the moment, thereby making conclusions beyond their authority. Additionally, investigators did not give OLEO enough time to review the completed investigation before the 180-day time limit, which resulted in the investigation being untimely.

- **IIU2022-183:** Investigators did not identify an allegation of abuse of authority made by the complainant. At classification, OLEO recommended that this allegation be added; it was not added despite being addressed during the investigation.
- **IIU2022-255:** Investigators did not follow their force investigation policy resulting in incomplete evidence, including missing photographs of the subject deputy from the day force was used and no description of de-escalation tactics or warnings before the use of less lethal force. OLEO also recommended that investigators follow up with the subject deputy about warnings or de-escalation tactics, but the recommendation was rejected.

**ANALYSIS OF
INVESTIGATIONS
FINDINGS**

Following the fact-gathering portion of the investigation, the Sheriff's Office issues a finding, or disposition, for each allegation in the complaint. According to Sheriff's Office policies, the standard of proof to sustain an allegation generally requires a "preponderance of evidence" (i.e., "more likely than not") that the policy violation occurred based on the facts. However, if criminal or serious misconduct is alleged, and there is a likelihood of suspension, demotion, or termination, the standard of proof is raised to "clear and convincing evidence" (i.e., "an abiding conviction" that it is "highly probable" that the violation occurred).⁴

**THE SHERIFF'S OFFICE UTILIZES FIVE DISPOSITION CATEGORIES FOR EACH ALLEGATION.****Sustained**

The allegation is supported by sufficient factual evidence and was a violation of policy.

Non-sustained

There is insufficient factual evidence either to prove or disprove the allegation.

Unfounded

The allegation is not factual, and/or the incident did not occur as described.

Exonerated

The alleged incident occurred, but was lawful and proper.

Undetermined

The completed investigation does not meet the criteria of the above categories.

⁴ See *Sophanthavong v. Palmateer*, 378 F.3d 859, 866 (9th Cir. 2004).

In 2022, nearly three quarters (70%) of all allegations ended with a Sheriff's Office employee being exonerated or a conclusion that the allegation was unfounded, while 12% of allegations were sustained. Seven types of allegations were made 20 times or more in 2022, with sustain rates as low as 0% and as high as 37%. The percentages of allegations sustained do not present useful information in and of themselves; however, as OLEO collects data across longer time periods, we may be able to spot issues of concern or identify trends.

2022 Allegations



Most Sustained:
Conduct unbecoming

37%

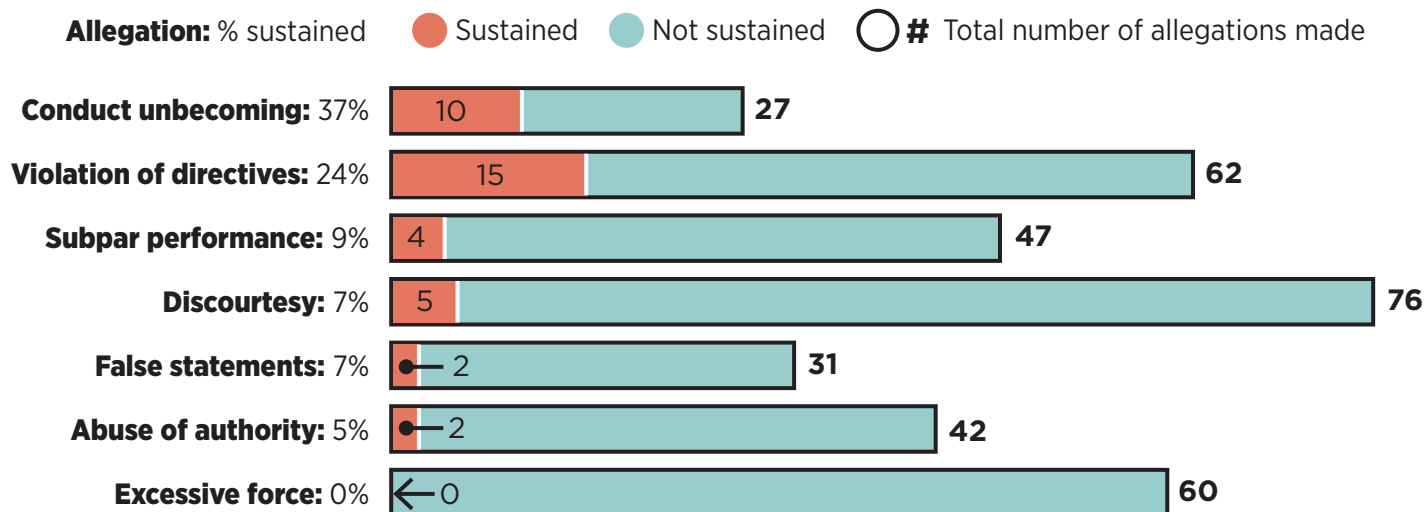
↑ Up from 27% in 2021

Least Sustained:
Excessive force

0%

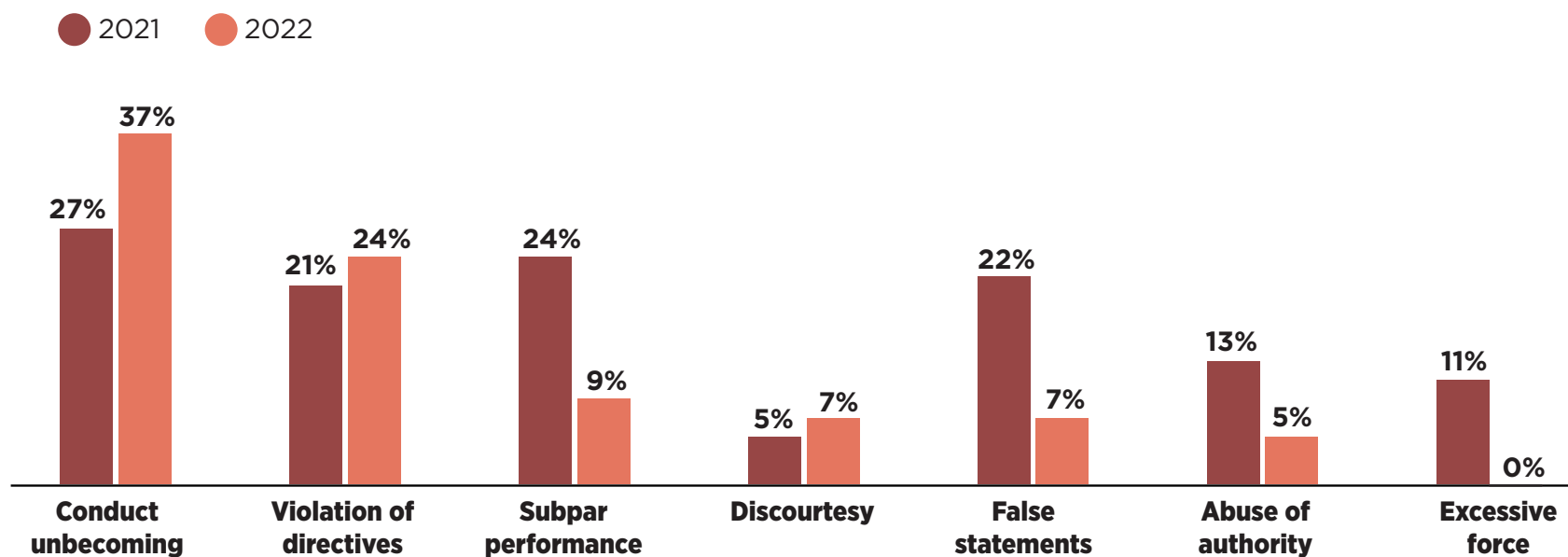
(Bias-based policing was least sustained in 2021 also at 0%)

Figure 4. Percentage of Allegations Sustained in 2022 Among Allegations Made 20 Times or More⁵



⁵ Bias-based policing was alleged 16 times in cases closed in 2022; none of the allegations were sustained.

Figure 5. 2021 to 2022 Comparison of Percentage of Allegations Sustained Among Most Common Inquiry Allegations



**OLEO FINDINGS
RECOMMENDATIONS**

OLEO has the authority to recommend independent investigative findings, or dispositions. Through this authority, OLEO can propose alternative analyses and dispositions for the Sheriff's Office to consider before it finalizes its decision.

Due to staffing restrictions, OLEO was only able to provide findings recommendations on two investigations. Until OLEO builds capacity to issue findings recommendations more regularly, investigations are selected based on a temporary criteria.

WHAT DOES OLEO ASK BEFORE PUBLISHING INDEPENDENT INVESTIGATION FINDINGS?**1.**

Did OLEO certify the investigation as thorough, objective, and timely?

2.

Did the investigation involve two or more allegations of any of the following: serious misconduct, excessive force, bias-based policing, or abuse use of authority?

3.

Did the complaint originate from the community, not from within the Sheriff's Office?

If the answer to all three questions is yes, OLEO may publish independent findings.

OLEO disagreed with some findings in one investigation and completely disagreed in another. However, OLEO's independent analyses were not considered because the Sheriff's Office published findings to the employee before notifying OLEO that the findings were ready for OLEO's review.

IIU2022-010: OLEO disagreed with some findings.

This investigation involved an investigatory (*Terry*) stop⁶ of a complainant who exited his car near a home under surveillance and known for criminal activity, and what transpired after the stop. The complainant made two allegations.

The first is that the subject deputy exceeded his authority by continuing to stand near the complainant and shining a flashlight into the trunk of the car, after the subject deputy had already confirmed that the complainant was not the person being sought for a felony warrant. On this issue, OLEO agreed with the Sheriff's Office that the subject deputy should be exonerated. After the *Terry* stop, the subject deputy informed the complainant that he was free to go; the complainant accepted that and walked to the trunk of his car. The subject deputy continuing to stand around the car and shining a flashlight into the complainant's car from a public place is not a violation of the complainant's federal or state constitutional rights against unreasonable searches because an officer is allowed to look at things in plain view so long as they are viewing it from a place where they are legally entitled to be. Here, the subject deputy observed from the sidewalk, a public place where he was entitled to stand.

The second allegation was that the subject deputy was discourteous when he threatened to shoot the complainant. The complainant stated that the subject deputy said words to the effect of, "If I see a gun, I will shoot you," when the complainant reached into his car trunk. The subject deputy maintains that he used a line that he often uses during traffic stops: "Well if you pull a gun out, then I have to pull my gun out and then neither of us will have a fun night." OLEO does not see much difference between the statements. At this point in the interaction, the subject deputy had no basis to believe that the person with whom he was interacting had ever been identified as involved in criminal activity or that he possessed a gun; this was a conversation with an innocent bystander. Whichever statement the subject deputy uttered, it was discourteous.

A deputy threatening to pull his gun out or to shoot someone without provocation and without any reason to believe that the person even had a gun, much less was involved in criminal activity, is accusatory, escalatory, and dangerous. OLEO would have sustained the allegation of discourtesy.⁷

⁶An investigatory stop, also known as a *Terry* stop, is based only on reasonable articulable suspicion, a lower standard than probable cause. A *Terry* stop is valid as long as a deputy can articulate why they reasonably believed that a crime had been committed, was being committed, or was going to be committed. The duration of a *Terry* stop must not exceed the time it takes the deputy to confirm or dispel their suspicion. See generally *Terry v. Ohio*, 392 U.S. 1 (1968).

⁷OLEO is prohibited from making disciplinary recommendations and therefore cannot opine on what the appropriate corrective action would have been.

IIU2022-011: OLEO disagreed with all of the findings.

This case involved an allegation that three of four deputies responding to a noise complaint exceeded their authority by entering the complainant's property. The deputies, after arriving at the house of a neighbor who was unhappy about sound coming from the complainant's home, entered the complainant's fenced yard to locate the complainant. The deputies conceded that the complainant was not violating the noise ordinance, which would have been a civil infraction anyway, and that they were trying to find him in the shed to ask him to lower the volume.

OLEO encouraged the Sheriff's Office to seek review from its legal counsel to ensure a proper constitutional search-and-seizure analysis.⁸ Legal counsel found that no exception to the warrant requirement existed, not even the exception for community caretaking. Additionally, the legal opinion found that there was sufficient evidence to decide the case without conducting additional investigation, seemingly foreclosing the idea of a non-sustained finding.

The Sheriff's Office's findings noted that the deputies' incursion onto the complainant's property exceeded limitations; nonetheless, it reached a non-sustained disposition for all deputies because it seemed inappropriate to sustain the allegations. In reaching its conclusion, the Sheriff's Office disregarded the legal opinion. Instead, the Sheriff's Office reasoned that the deputies did not go far onto the complainant's property, that the incursion was slight, and that the deputies were not engaged in an exercise of law enforcement authority, but rather conducting themselves as a common neighbor or attempting to do a favor.

However, it is irrelevant how slight the intrusion. The constitutional "protection of the home has never been tied to measurement of the quality or quantity of information obtained. ... [A]ny physical invasion of the structure of the home, by even a fraction of an inch, [is] too much, and there is certainly no exception to the warrant requirement for the officer who barely cracks open the front door and sees nothing but the nonintimate rug on the vestibule floor. In the home, our cases show, all details are intimate details, because the entire area is held safe from prying government eyes." *Kyllo v. United States*, 533 U.S. 27, 37 (2001) (internal quotations and citations removed; emphasis in original).

It is also not relevant, as the Sheriff's Office reasoned, that the deputies were acting as neighbors or not engaged in "an exercise of law enforcement authority." The Constitution guarantees our "privacy, dignity, and security...without regard to whether the government actor is investigating crime or performing another function." *Ontario v. Quon*, 560 U.S. 746, 756 (2010).

The findings entered by the Sheriff's Office in this case ignored decades of precedent and its own legal counsel's opinion. OLEO would have exonerated the deputy who did not enter the fenced property and sustained the allegations against the three deputies who did enter the fenced property. The factors the Sheriff's Office weighed in reaching a non-sustained finding may have been appropriate to consider as mitigating factors: that the deputies were attempting to mediate a dispute, were acting in good faith, made a slight intrusion, and that they immediately left when told to do so by the property owner.

⁸ The Fourth Amendment of the U.S. Constitution protects people from unreasonable searches and seizures by the government, including police officers, and Article 1, Section 7 of the Washington Constitution provides even greater protection by stating "no person shall be disturbed in their private affairs, or their home invaded, without authority of law."

**DISCIPLINE
AND APPEAL****DISCIPLINE FOR 2022 INVESTIGATIONS**

When a finding is sustained, the Sheriff's Office may impose discipline. At this time, because of collective-bargaining restrictions, OLEO cannot make discipline recommendations or comment on specific instances of discipline.

Allegations made 20 times or more in investigations closed in 2022 were sustained 38 times, with 21 resulting in discipline. Among the most common allegations in misconduct complaint investigations closed in 2022, a sustained finding resulted in corrective action (discipline, verbal reprimand, corrective counseling, or training) 100% of the time except where a Sheriff's Office employee resigned, retired, or died before discipline could be/was imposed, which happened for 8 allegations out of the total of 38 sustained.

Table 3. Corrective Actions and Discipline Imposed for Most Often Sustained Allegations in Inquiries,⁹ External and Internal in 2022

ALLEGATION	MADE (number of times alleged)	SUSTAINED	ALLEGATION	MADE (number of times alleged)	SUSTAINED
Conduct unbecoming	27	10	Discourtesy	76	5
		Corrective counseling: 1			Corrective counseling: 3
		No action: 3			No action: 1
		Suspension: 3			Written reprimand: 1
		Termination: 2	False statements	31	2
		Written reprimand: 1			Suspension: 1
Violation of directives	62	15			Termination: 1
		Corrective counseling: 4	Abuse of authority	42	2
		No action: 2			No action: 1
		Suspension: 5			Written reprimand: 1
		Termination: 1	Excessive force	60	0
		Training: 1			
		Written reprimand: 2			
Subpar performance	47	4			
		No action: 1			
		Oral/verbal reprimand: 1			
		Suspension: 1			
		Transfer: 1			

⁹ When an allegation is sustained, more than one type of discipline may be imposed per allegation, and one type of discipline may be imposed for multiple allegations. This table illustrates discipline imposed for sustained allegations, external and internal.

GRIEVANCES, SETTLEMENTS, OR ARBITRATIONS (APPEALS) FROM 2021 INVESTIGATIONS

Discipline imposed by the Sheriff's Office¹⁰ may change through the grievance and arbitration process as a result of a change during the grievance steps, a settlement reached as an outcome of a grievance, or a final arbitral award. In this report, and moving forward, OLEO is reporting on discipline that is pending or has changed in a grievance, settlement, or arbitration during the reporting year.

In 2022, 6 of 61 investigations that closed the prior year with sustained allegations had the recommended discipline changed. The recommended discipline for these investigations ranged from written reprimand to termination. Most employees who received discipline did not file a grievance. The following includes the investigations that were grieved, arbitrated, or settled, along with the current status or outcome.

¹⁰ For purposes of this report, discipline imposed by the Sheriff's Office refers to the discipline decision made by the Sheriff after a *Loudermill* hearing has occurred.

Table 4. Grievance/Settlement/Arbitration Update on Investigations Closed in 2021 with Sustained Allegations¹¹

CASE NUMBER	SUSTAINED ALLEGATIONS	DISCIPLINE IMPOSED BY SHERIFF'S OFFICE ¹⁰	GRIEVANCE/SETTLEMENT/ ARBITRATION STATUS OR OUTCOME
IU2020-015	Excessive force	Termination	Termination upheld during grievance; arbitration outcome is pending
IU2020-469*	Willful violation of policies; Failure to cooperate in investigation	7-day suspension	Reduced to 5-day suspension and written reprimand
IU2020-469*	Supervision	Written reprimand	Reduced to no discipline, corrective counseling
IU2020-469*	Violation of directives; Supervision	Written reprimand	Reduced to no discipline, corrective counseling
IU2020-469*	Supervision	5-day suspension	Reduced to no discipline, corrective counseling
IU2021-132	Violation of directives; Supervision; Conduct unbecoming; Insubordination; Subpar performance	Demoted	Demotion upheld during grievance; arbitration filed but withdrawn
IU2021-154	Conduct unbecoming; Criminal conduct; Insubordination; Conflicting relationships	Termination	Termination upheld during grievance; arbitration not filed
IU2021-156	Abuse of authority; Conduct unbecoming; Insubordination; Supervision	Termination	Termination upheld during grievance; arbitration outcome is pending
IU2021-245	False statements; Criminal conduct; Conduct unbecoming	Termination	Grieved and settlement agreement reached; employee agreed to termination and County agreed to pay a settlement sum

*Cases involved multiple employees and numbers are listed for each employee that appealed discipline. One of the employees involved in this case was the same employee involved in IU2021-145.

¹⁰ For purposes of this report, discipline imposed by the Sheriff's Office refers to the discipline decision made by the Sheriff after a *Loudermill* hearing has occurred.

¹¹ Since the publishing of OLEO's 2021 Annual report, three cases with sustained allegations were changed to either exonerated, non-sustained, or unfounded following the *Loudermill* hearings. As a result, those cases were excluded from this count.

Policy and Practices

OLEO provides feedback and recommendations on specific policies in the Sheriff's Office General Orders Manual (GOM) and on various Standard Operating Procedures. OLEO's policy recommendations aim to prioritize equity and reflect community interests, legal standards, and law enforcement best practices. Below are select highlights of OLEO's recommendations in 2022.

POLICY STATUS:



Adopted



Not adopted



Partially adopted



Pending



BODY-WORN CAMERAS, GOM 14.01.000

The Sheriff's Office adopted its inaugural body-worn camera policy in 2022. In collaboration, the Sheriff's Office incorporated many of OLEO's recommendations into the policy, and disagreed on some. OLEO recommended that the Sheriff's Office limit deputies' ability to view recordings before giving interviews, remove provisions allowing for discretionary recording, add a provision instructing deputies on actions in cases of camera malfunction, retain all videos according to retention policy even if accidental, and require annual refresher training.

OLEO also recommended that the Sheriff's Office implement a video release policy, which would require any video recordings related to a critical incident to be released to the public within 72 hours.



USE OF FORCE, GOM 6.00.000

OLEO recommended that the Sheriff's Office adopt the Washington State Office of the Attorney General's Model Use of Force Policy. The model policy provides a clearer framework than the Sheriff's Office's current policy for de-escalation, appropriate levels of force depending on the circumstances, and the exercise of reasonable care. The model policy also clarifies a path for deputies to call upon alternative responses to people experiencing behavioral crises, or other non-violent incidents, that would benefit from a non-law enforcement response.

OLEO also recommended that the Sheriff's Office go further than the model policy to make using force on fleeing persons more restrictive. OLEO contends that using force on subjects for fleeing without consideration of the seriousness of the underlying crime far outweigh the benefits, and that using less discretion will result in a safer interaction for both the community and deputies alike.

 INVESTIGATION OF PERSONNEL MISCONDUCT, GOM 3.03.000

OLEO collaborated with the Sheriff's Office to create a new classification system for misconduct complaints against deputies. The new policy is intended to create a process for expediting investigations of some complaints, providing community resources to complainants, and increasing the efficiency of the overall complaint and investigative process.

The Sheriff's Office published the new policy in the first half of 2023.

 ADMINISTRATIVE REVIEW TEAM

OLEO recommended to the Sheriff's Office improvements on its administrative investigations of critical incidents, as its current procedures and practice are not sufficient. These administrative investigations, which are broader in scope than the criminal investigations, are the primary source of information the Sheriff's Office uses during its Critical Incident Review Board to determine whether the force used and actions leading up to the force were within policy. As it stands, the Sheriff's Office does not conduct an investigation into every critical incident, and when it does, the investigation is limited in how much it probes involved deputies.

The Sheriff's Office responded that a criminal investigation is carried out by an independent law enforcement agency. However, that investigation is narrower and serves a different purpose: it looks into potential criminal wrongdoing, not policy compliance. In fact, the Washington Administrative Code 139-12-030 states that "an involved agency conducting a timely internal administrative investigation for compliance with department policy and procedures is critical to maintaining public trust and is separate and distinct from the independent investigation required by the [Law Enforcement Training and Community Safety Act]."

POLICY STATUS: **Adopted** **Partially adopted** **Not adopted** **Pending**

OLEO's position, made clear to the Sheriff's Office, is that the Administrative Review Team (ART) must conduct thorough investigations to determine whether tactics, decision-making, and the use of deadly force by its deputies were within Sheriff's Office policy. Currently, ART does not conduct an investigation that is thorough enough for the Critical Incident Board to answer these questions. ART limits the scope of its investigation to the immediate incident often with no regard to what happened before it; relies mainly on written statements from deputies, not live interviews; conducts live interviews—if at all—after deputies have seen video evidence if it existed; and does not collect evidence. ART's focus is generally more about what the deputies did *after* the shooting (e.g., scene management) instead of *during* or *before* the shooting.

— ADMINISTRATIVE REVIEW TEAM *continued*

To support its position, OLEO reminded the Sheriff's Office of one of the catalysts for the creation of ART: a report commissioned by OLEO that concluded that the Sheriff's Office had "spent considerably less time considering the shooting itself and had a general unwillingness to test the officers' written account of the shooting itself." That report recommended that the Sheriff's Office "revamp its investigation and review model to ensure deadly force and other high-risk incidents are subject to immediate, searching examination of policy, tactics, and training." And that is what happened with ART—but only for a time. OLEO also cited the Department of Justice's recommendations that agencies involved in critical incidents conduct "self-critical analysis" and that officers "should be compelled to submit to a comprehensive, electronically audio-recorded interview by agency investigators as soon as is practical and reasonable."

ADDITIONAL POLICY WORK

In addition to working with the Sheriff's Office on its policies, OLEO is often approached as a subject-matter expert or stakeholder in policies being developed by other agencies in the county and state, including:

- Model Use-of-Force Policy, Washington State Office of the Attorney General.
- Law Enforcement-Related Deaths Dashboard, King County Council.
- Proposed state bills covering oversight, officer discipline, and traffic stops, American Civil Liberties Union-Washington.
- Policing recommendations, Race and Criminal Justice Task Force.

Critical Use of Force Incidents

Critical incidents could be force incidents that resulted in either death or serious injury, deaths that occurred under the custody of the Sheriff's Office, or use of deadly force, regardless of whether any contact or injury occurred.

OLEO's role in reviewing critical incidents includes attending and observing the processing of scenes of officer-involved shootings and serious uses of force. OLEO has authority to monitor the administrative investigation and attend force reviews for critical incidents.

Deputies who use force on an individual that meets the Sheriff's Office's criteria for reporting¹² are required to call a sergeant in most instances.



¹² The Sheriff's Office has three categories for reportable force. Level I, for example, includes control holds and "show of force" by displaying a firearm but does not require a supervisor to respond to the scene unless a complaint is made. Level II, for example, includes using a Taser or pepper spray, K-9 bites, aiming a firearm at a person, hitting or striking someone with hands, feet, or an object, and any other force that result in injury or complaint of injury. Except for aiming a firearm, a supervisor is required to respond to the scene. Level III, for example, includes discharge of a firearm toward a person, a strike to the head, neck or throat with a hard object, or any other actions or means reasonably likely to cause death or serious physical injury. A supervisor is required to respond to the scene and the Commander must also be notified. GOM 6.01.015.

2022 saw an increase in reportable use of force and critical incidents compared to 2021. However, when comparing 2022 to 2020 numbers, there were similar amounts of reportable use of force incidents and fewer critical incidents.

In 2022, there were 201 reported uses of force by Sheriff's Office deputies. This was up 50 incidents compared to 2021. There were three critical incidents, two involved Sheriff's Office deputies shooting and killing a community member and one involved a person who died after being arrested.

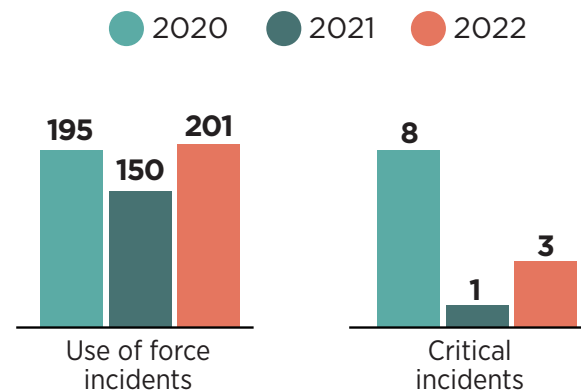
In the first police shooting of 2022, Sheriff's Office's tactical team (Tac-30) were executing an arrest warrant for someone charged with felony assault with a firearm. Sheriff's Office deputies, who were driving unmarked vehicles equipped with emergency lights and sirens, attempted to stop and arrest the person. However, the person fled in his vehicle. Deputies pursued the vehicle and eventually stopped it. According to the independent investigative agency conducting the criminal investigation, Sheriff's Office deputies encountered a "lethal threat" and fatally shot the person while attempting to take him into custody. OLEO attended the scene, and the criminal and administrative investigations are pending.

In the second police shooting of 2022, Sheriff's Office deputies were dispatched to a domestic disturbance call after receiving reports of arguing and gunshots. Upon arrival, neither party involved in the disturbance were at the scene. Deputies searched the area and located a person matching the description of one of the individuals involved. Deputies contacted the person and fatally shot him; exactly what precipitated the shooting has not been released by the independent criminal investigative team, and OLEO is prohibited from releasing information on a pending case. OLEO attended the scene, and the criminal and administrative investigations are pending.

In the last critical incident of 2022, Sheriff's Office deputies encountered a stolen vehicle with two people inside. The two people fled on foot. Deputies found one person and after arresting him without using force, the person had trouble breathing and became unresponsive. Deputies called for aid and provided various types of aid until medical personnel arrived. He did not survive. OLEO attended the scene, and the criminal and administrative investigations are pending.

Update on 2021 critical incident: This incident involved a person being shot by beanbag rounds from a less-lethal shotgun. The person was admitted to the hospital with non-life-threatening injuries. The Sheriff's Office Administrative Review Team found no policy violations or other issues that needed to be addressed, and the Sheriff's Office closed the case without holding a Critical Incident Review Board.

Figure 6. Use of Force and Critical Incidents Over the Years



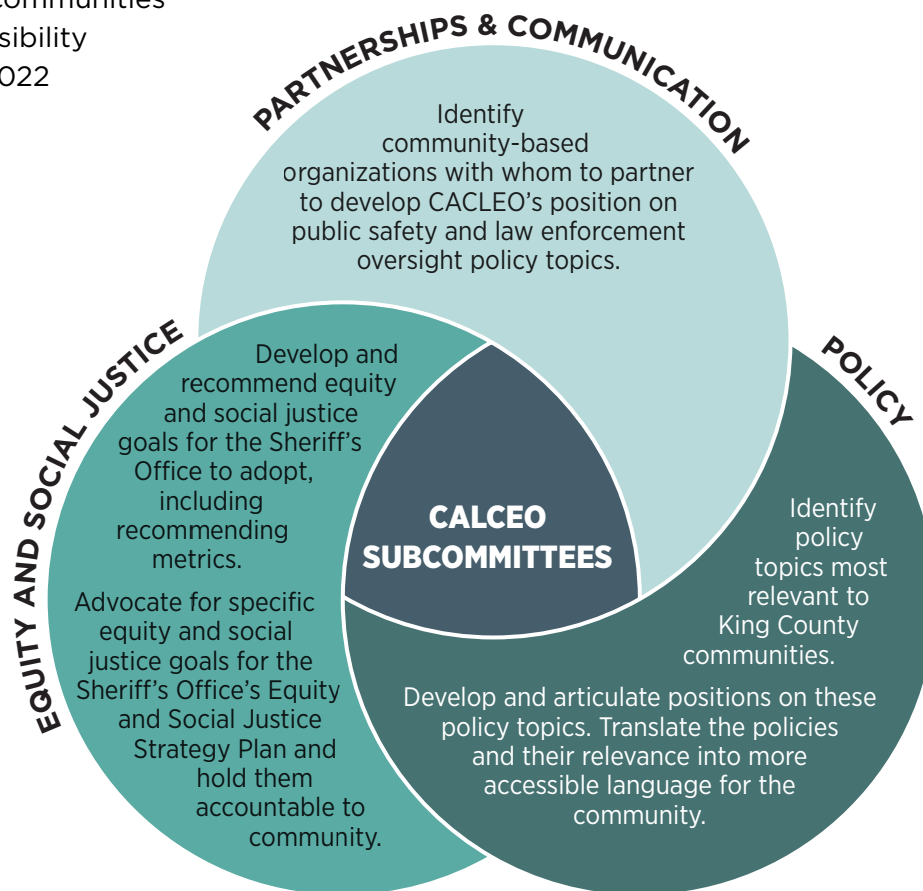
Community Engagement

A focal point of OLEO's connection to King County communities is through the Community Advisory Committee for Law Enforcement Oversight (CACLEO). This body is an eleven-member Executive-appointed, Council-confirmed committee that counsels and collaborates with OLEO. CACLEO also advises the King County Council and the Sheriff's Office on matters related to public safety and equity and social justice. In 2022, OLEO was excited to welcome three new members to the committee.

CACLEO represents an effort to engage with the diverse communities of King County and to increase transparency of and accessibility to oversight activities and functions. Committee work in 2022 included the following:

- Building public awareness of ways to address alleged law enforcement misconduct, systemic issues and concerns, and policy change.
- Collaborating with community groups to guide recommendations for OLEO, King County Council, and the Sheriff's Office.
- Developing a strategy for strengthening the Committee's impact through targeted topic area subcommittees.

In 2022 CACLEO identified three areas to focus their work and formed the subcommittees shown on the right.



In addition to initiating this strategic approach to their committee work, CACLEO members established themselves as a resource to the Sheriff's Office as well as reminded the Sheriff of the committee's responsibility to King County communities by sending a [letter](#) articulating their communication interests and the purpose of CACLEO. Members also sent a [letter](#) to remind the Sheriff's Office of the importance of an Equity and Social Justice Strategy Plan and offered to support the development of such a plan. Additionally, CACLEO continued to try to engage with the King County Council and the Sheriff's Office on the topic of the body-worn and vehicle dashboard cameras policy in order to communicate relevant community concerns.

2022 CACLEO MEMBERS

MEMBER	POSITION AND KING COUNTY COUNCIL (KCC) DISTRICT	BACKGROUND/INTERESTS
Melodie Reece Garcia	Position 1, KCC District 8	Legal background, mental health advocacy, civil rights, domestic violence
Kimberly Lisk	Position 2, KCC District 3	Police accountability, contract city representation, community outreach
Ruby Welloffman	Position 3, KCC District 1	Indigenous justice, missing and murdered Indigenous women justice, homelessness advocacy
Mark Toner	Position 5, KCC District 9	Law enforcement background, external oversight, transparency
Daniel Martin	Position 6, KCC District 8	Equity and social justice, civil rights, community organizing
Vicente Omar Barraza	Position 8, KCC District 8	Legal background, language accessibility, cultural competency for police officers
Abiel Woldu, Chair	Position 9, KCC District 2	Legal background, language accessibility, immigration, equity and social justice
Steve Miller	Position 10, KCC District 6	Legal background, immigration, community outreach
Nick Allen, Co-Chair	Position 11, KCC District 8	Legal background, civil rights, disability rights, equity and social justice

Looking Forward

OLEO looks forward to the next couple of years to strengthen our community relationships, implement independent investigations, and to bring OLEO's powers—and Collective Bargaining Agreement restrictions—in better alignment with the will of King County residents. In 2023 and 2024, OLEO will focus on:

- **Community engagement:** OLEO will enter into Memoranda of Agreements with community organizations to better create two-way communication between OLEO and the communities we serve. This approach will focus on those most affected by policing in King County, including vulnerable populations like BIPOC, youth, people with disabilities, people experiencing homelessness, people dealing with mental/behavioral health or substance use issues, and others.
- **Independent investigations:** OLEO will build an investigations program that is based on best practices and will thoroughly train investigators to carry out their duties diligently and with no fear nor favor. OLEO's investigations will be guided by principles of due process and due diligence.
- **King County Code & Collective Bargaining Agreement:** OLEO will continue to push to strengthen independent oversight and increase accountability through changes in the King County Code and the Collective Bargaining Agreement, including:
 - Mandating that the Sheriff's Office collect data related to race and gender for its dealings with community members.
 - Giving OLEO unfettered and real-time read-only access to Sheriff's Office systems.
 - Creating a more robust policy process whereby the Sheriff's Office must explain why it is partially or wholly rejecting OLEO policy recommendations.
- **Policy:** OLEO will continue to advocate for policies that promote transparency and equity, including around use of force, pursuits, body-worn cameras, and release of recordings.

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NOTES ABOUT DATA

- According to the Collective Bargaining Agreement that was in effect for a majority of 2022, OLEO could not “download or print” information related to investigations directly from the database used by the Sheriff’s Office, IAPro. OLEO therefore manually maintained its database and updated it regularly by viewing and reviewing IAPro cases. The current Collective Bargaining Agreement has lifted this restriction and OLEO will be able to obtain data more effectively from IAPro in the future.
- To have a clear data set that was not ever-changing, OLEO assigned January 13, 2023, as the cutoff data date. That means that anything entered into IAPro after that date is not included in the Annual Report.
- In investigations where information may have been missing, OLEO used other case information to approximate data. For example, in an investigation where an allegation was not listed in the case file, OLEO was able to determine the allegation being investigated through the memo issued to the employee where a sustained disposition was made.
- Similarly, in investigations where OLEO judged the information to be erroneous and/or that a data entry mistake had occurred, such as an incorrect location or a classification that the Sheriff’s Office and OLEO agreed to but didn’t get recorded or reflected accurately, OLEO made the appropriate corrections for the purposes of this Annual Report.
- Some investigations were duplicated and were not counted twice, and others were combined (e.g., into one mediation)—OLEO accounted for that to ensure accurate counting.

NOTES ABOUT ALLEGATIONS

For the purposes of this Annual Report, allegations have been described in a shortened fashion. Below are those allegations as shown in the General Orders Manual.¹³

ALLEGATION, SHORTENED	ALLEGATION AS SHOWN IN THE GENERAL ORDERS MANUAL
Violation of directives	Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in this manual, the training bulletins or elsewhere
Abuse of authority	Inappropriate use of authority
Bias-based policing	Bias-based policing
Criminal conduct	Conduct that is criminal in nature
Conduct unbecoming	Conduct unbecoming
Conflicting relationships	Conflicting relationships, appearance of conflicts
Discourtesy	Lack of courtesy
Discrimination, incivility, and bigotry	Discrimination, harassment, incivility, and bigotry
Excessive force	Excessive or unnecessary use of force against a person
Failure to cooperate in investigation	Failure to cooperate in a Sheriff's Office administrative investigation
Insubordination	Insubordination or failure to follow orders
False statements	Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so
Failure to meet standards	Otherwise fails to meet Sheriff's Office standards
Subpar performance	Performs at a level significantly below the standard achieved by others in the work unit
Supervision	Fails to supervise
Willful violation of policies	Willful violation of either Sheriff's Office Civil Career Service Rules, or King County Code of Ethics, as well as King County Sheriff's Office rules, policies, and procedures

¹³ <https://kingcounty.gov/depts/sheriff/about-us/manual.aspx>

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