



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 16628

Proposed No. 2024-0194.1

Sponsors Barón

1 A MOTION accepting the office of law enforcement

2 oversight's annual report for the year 2023.

3 WHEREAS, K.C.C. 2.75.040 requires the office of law enforcement oversight

4 ("OLEO") to develop and "transmit an annual report and a motion accepting the report,"

5 and

6 WHEREAS, OLEO submits its 2023 Annual Report;

Motion 16628

7 \


8 NOW, THEREFORE, BE IT MOVED by the Council of King County:

9 The council accepts the OLEO 2023 Annual Report, Attachment A to this motion.


Motion 16628 was introduced on 6/18/2024 and passed by the Metropolitan King County Council on 7/9/2024, by the following vote:

Yes: 8 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry,
von Reichbauer and Zahilay
Excused: 1 - Upthegrove

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

C267B914088E4A0...
Melani Hay, Clerk of the Council

Attachments: A. OLEO 2023 Annual Report

Motion 16628



OLEO

OFFICE OF LAW ENFORCEMENT OVERSIGHT

2023 Annual Report



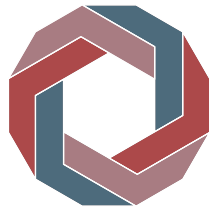


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FOR BEST VIEWING EXPERIENCE

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.

CONTACT OLEO

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EMAIL: OLEO@kingcounty.gov

WEB: kingcounty.gov/OLEO

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

2023 was another year of progress for the Office of Law Enforcement Oversight (OLEO). We collaborated with the King County Sheriff's Office (Sheriff's Office) to implement a new classification system for misconduct complaints; working through that system with the Sheriff's Office, we agreed on classifications 100% of the time and expedited certain investigations without affecting thoroughness. We developed, through stakeholder collaboration, a Community Guidance Framework to empower community members and organizations to have a larger say in what policies are prioritized for reviews and recommendations.

We also continued to set up the office for success in the future. On that front, we made some excellent additions to our stellar staff. We continuously improved our morale and work culture. And we took large steps towards setting up our independent investigations program.

This year, I can confidently say that OLEO is arriving at the end of its growth phase and into a phase of stability and maturity. That is not to say that changes will not keep coming; indeed, we will be pushing for change where we see fit, including in our enabling ordinance and the collective bargaining agreement. Most importantly, we will continue to be guided by our communities and to address their concerns, especially those most affected by policing. At OLEO, we never forget our duty: "to represent the interests of the public and increase confidence in King County police services through independent civilian oversight of the Sheriff's Office and all of its employees."



Handwritten signature of Tamer Y. Abouzeid.

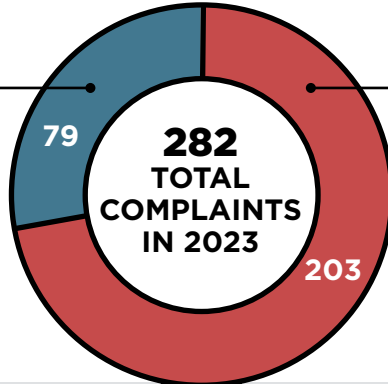
Tamer Y. Abouzeid,
Director

2023 BY THE NUMBERS



28%

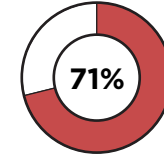
of misconduct complaints received were from Sheriff's Office employees



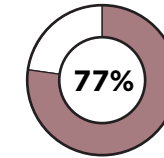
72%

of misconduct complaints received were from the community

Complaints from the community accounted for:



71% of allegations in formal investigations



77% of allegations in expedited investigations

Compared to 2022



16%



Compared to 2021



34%



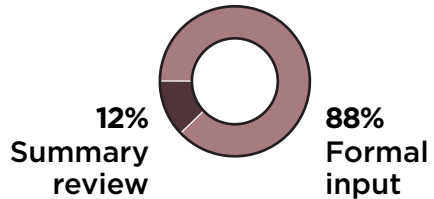
Drop in complaints from Sheriff's Office

Drop in all complaints

Drop in complaints from the community

CLASSIFICATIONS

OLEO reviewed 100% of classifications for every complaint



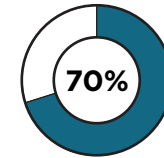
CERTIFICATIONS

Complaint investigations:

68
certified by OLEO (96%)

3
OLEO declined to certify (4%)

Up from 87% in 2022 Down from 13% in 2022



70% of investigations (200) were classified using the new classification system

See the Classification and Policy sections in report for more information.

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, *Special Projects Administrator*



Simrit Hans, *Community Engagement Specialist*



Lea Hunter,
Policy Analyst



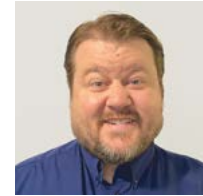
Shelby Iwatani, *Community Engagement Manager*



Katy Kirschner,
Senior Policy Analyst



Megan Kraft,
Investigations Analyst



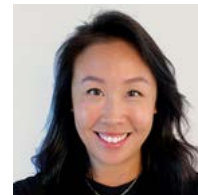
Ryan McPhail,
Investigations Monitor



Kate Miller,
Investigations Analyst



Rick Powell,
Investigations Analyst



Adrienne Wat,
Deputy Director

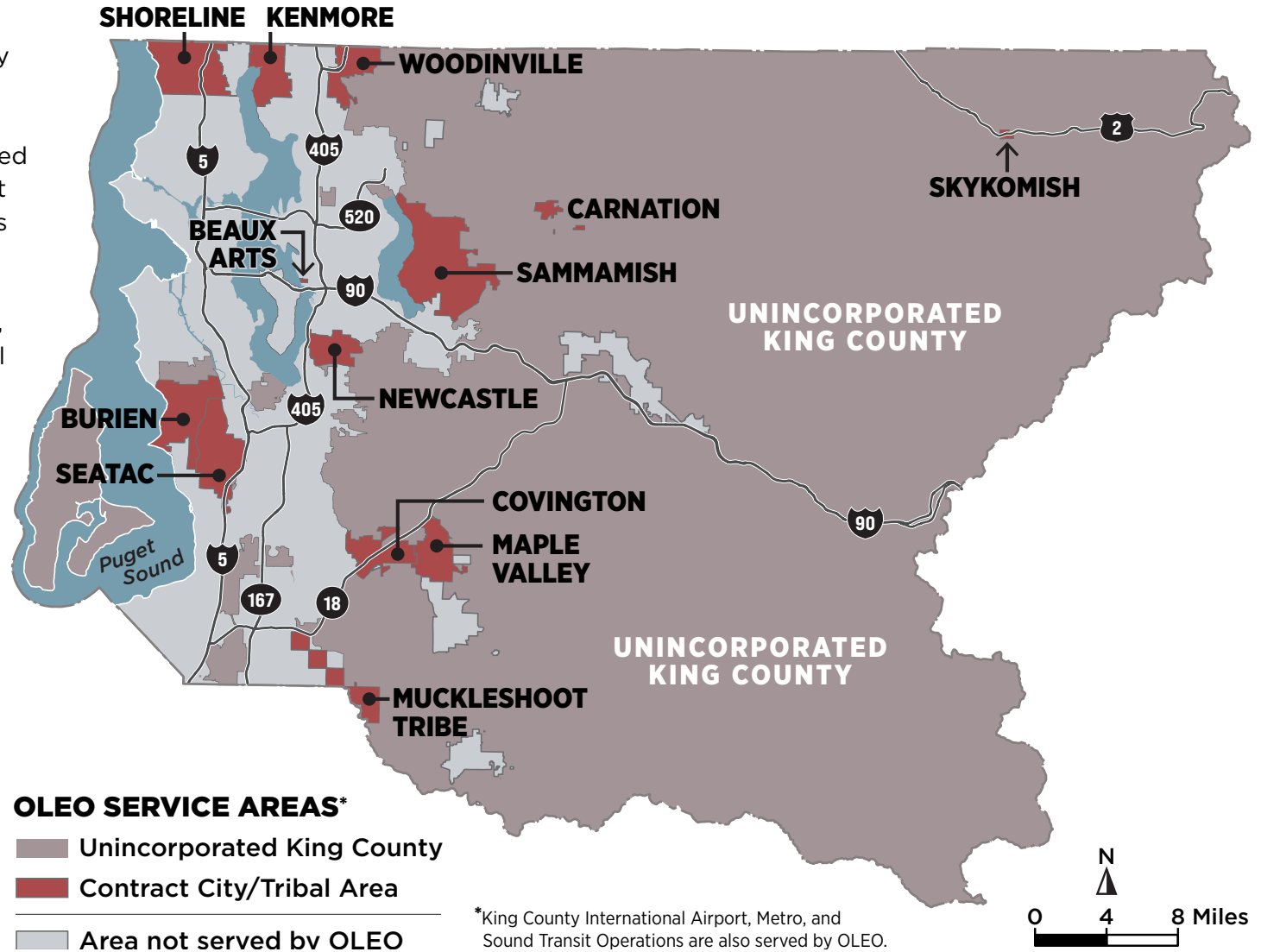


Sophie Ziliak,
Project Administrator

ABOUT OLEO *continued*

OUR COMMUNITIES

OLEO serves King County residents who are served by the 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.



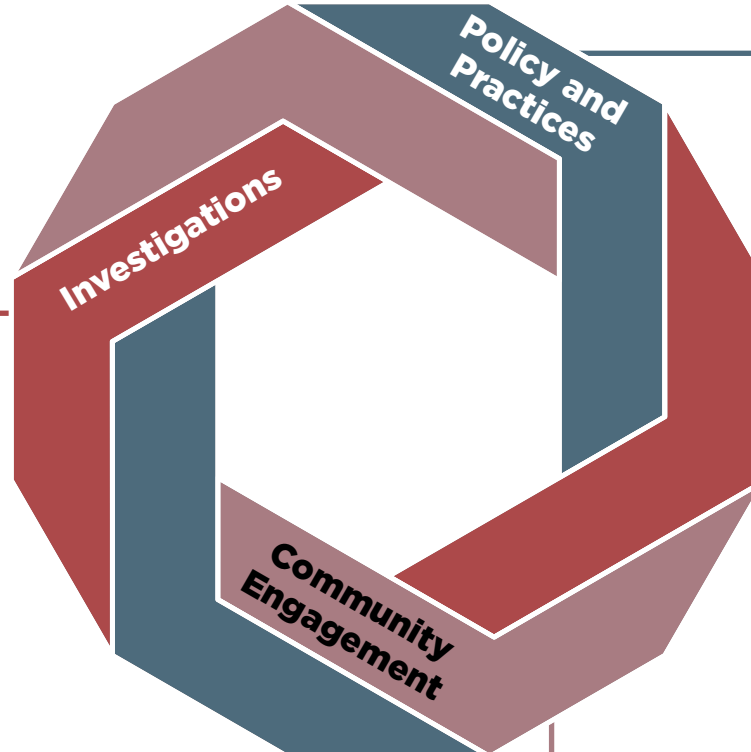
ABOUT OLEO *continued*

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.



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 2023 during the complaint process. For complaint classifications and allegations, we analyzed investigations opened in 2023. For the quality of investigations or the outcome of complaint investigations, such as disposition or discipline, we analyzed investigations closed in 2023.

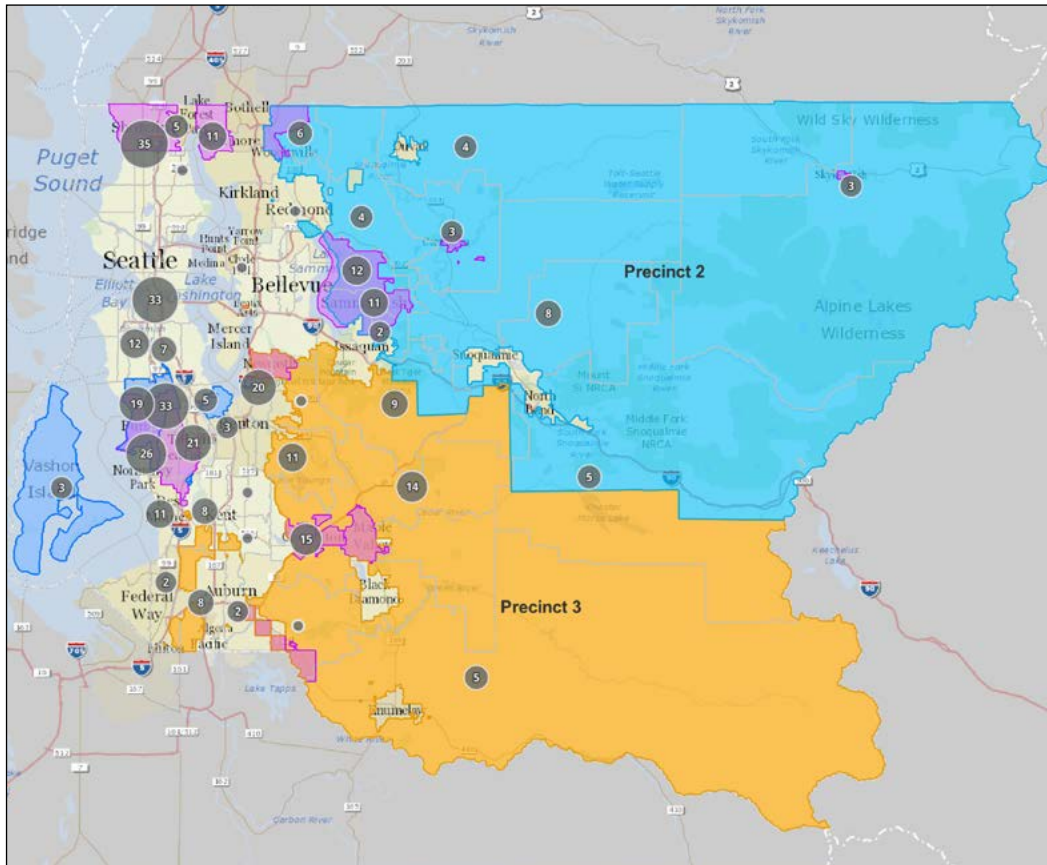
OLEO Annual Reports are required by King County Code 2.75.040(H). Annual Reports include qualitative and quantitative information demonstrating how OLEO fulfill its purpose, duties, and responsibilities. Data is gathered from the Sheriff’s Office’s database, IPro. It is reflective of accurate and complete 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 2023 COMPLAINTS

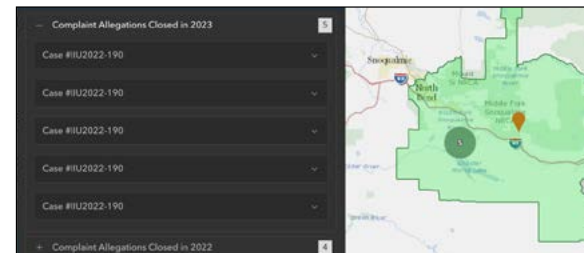
To increase the accessibility to our data, OLEO and King County’s [Geographic Information System](#) collaborated to provide a geospatial representation of misconduct complaint allegations. Data starts with complaints closed in 2022 and subsequent years are added accordingly. The full interactive experience is available [here](#).

With some exceptions explained on the map, this snapshot presents the clustering of Sheriff’s Office misconduct complaint allegations closed in 2023, mapped by ZIP code.



Case #IU2022-190	
Case #IU	2022-190
Case Classification	Inquiry
Case Origin	Resident
Allegations	Excessive or unnecessary use of force against a person
ZIP Code of Occurrence	98045
King County Council District	3
Disposition	Exonerated
Discipline	N/A
Other Discipline	N/A
OLEO Certification	Certify

Details for each allegation are also 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 2023, OLEO was contacted nearly 250 times, conducting complaint intake or follow-up as appropriate.

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

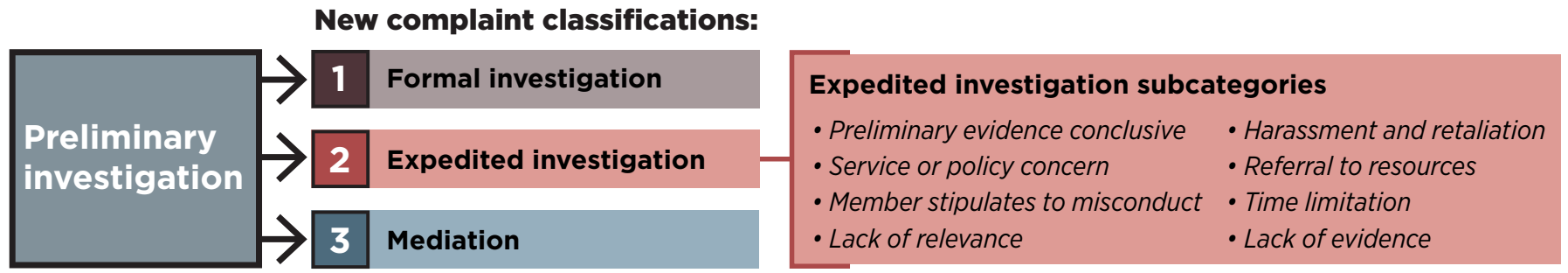
COMPLAINT INTAKE CLASSIFICATIONS



When IIU receives a complaint, one of its early steps is to classify the complaint, which determines whether and how the Sheriff’s Office will proceed on an allegation of misconduct.

In 2023, the Sheriff’s Office published a new classification system for misconduct complaints. The system is a byproduct of years of collaboration with the Sheriff’s Office—partially born out of a [2018 OLEO Report](#) recommending improvements to the Sheriff’s Office’s complaint handling system—and the King County Police Officer’s Guild. It was phased in starting in March of 2023 and, by June of 2023, the vast majority of investigations were being classified under it.

After a preliminary investigation is complete, a complaint is classified into one of three ways: formal investigation, expedited investigation, or mediation.



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

1. **Formal investigation:** a complaint alleging a policy violation (serious or minor) that requires further investigation beyond the preliminary investigation or that does not fall under one of the other classifications
2. **Expedited investigation:** a complaint that does not require further investigation beyond the preliminary investigation. An expedited investigation must fall under one of the following subcategories:
 - *Preliminary evidence conclusive* – a complaint where the preliminary investigation has provided clear and convincing evidence to determine that one of the below findings should be entered, and where there is no other compelling interest to further investigate:
 - » Sustained, where the policy infraction warrants performance-related training but no other corrective action with the resulting disposition being performance-related training
 - » Unfounded
 - » Exonerated
 - *Service or policy concern* – a complaint that, even if true, would not be a violation of policy
 - *Member stipulates to misconduct* – a complaint that satisfies the following criteria:
 - » Employee admits to the conduct alleged
 - » Employee agrees to imposed corrective action
 - » Allegation is not of a serious policy violation
 - » Allegation does not involve an associated significant public concern

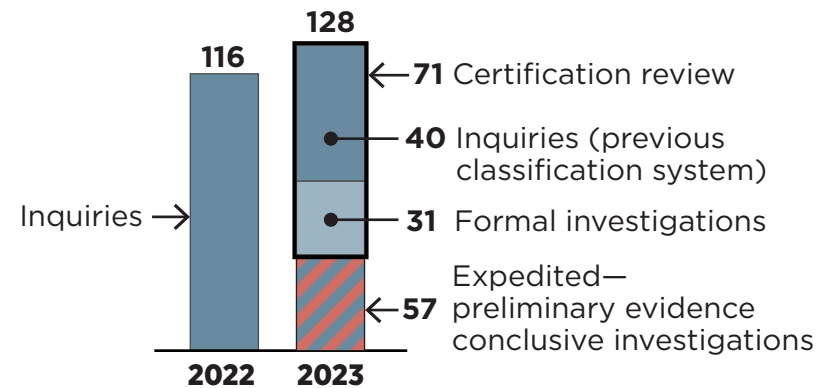
- » Employee does not attribute their actions to something that an investigator must independently verify
 - *Lack of relevance* – a complaint about a person who is no longer an employee of the Sheriff’s Office, where the allegations are not of significant public concern, and where an administrative investigation would not provide meaningful information about current Sheriff’s Office operations
 - *Harassment and retaliation* – a recurring complaint without additional facts and where there is evidence the complaint is made to harass or retaliate against an employee who themselves filed a complaint
 - *Referral to resources* – a recurring complaint without additional facts or evidence and where there is cause to believe the complainant would benefit from a referral to community resources (e.g., mental health, substance use, crisis intervention)
 - *Time limitation* – a complaint that would not constitute a serious policy violation, that is not of significant public concern, and that is about conduct that occurred more than one year prior
 - *Lack of evidence* – a complaint where the preliminary investigation could not generate sufficient factual evidence or leads to allow for the identification of the involved employee
3. **Mediation:** a complaint that qualifies for mediation

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

The new classification system is intended to both ensure thoroughness and improve efficiency, and it has succeeded on both fronts by doing the following, aided by the fact that the Sheriff’s Office began their rollout of body-worn cameras in March 2023:

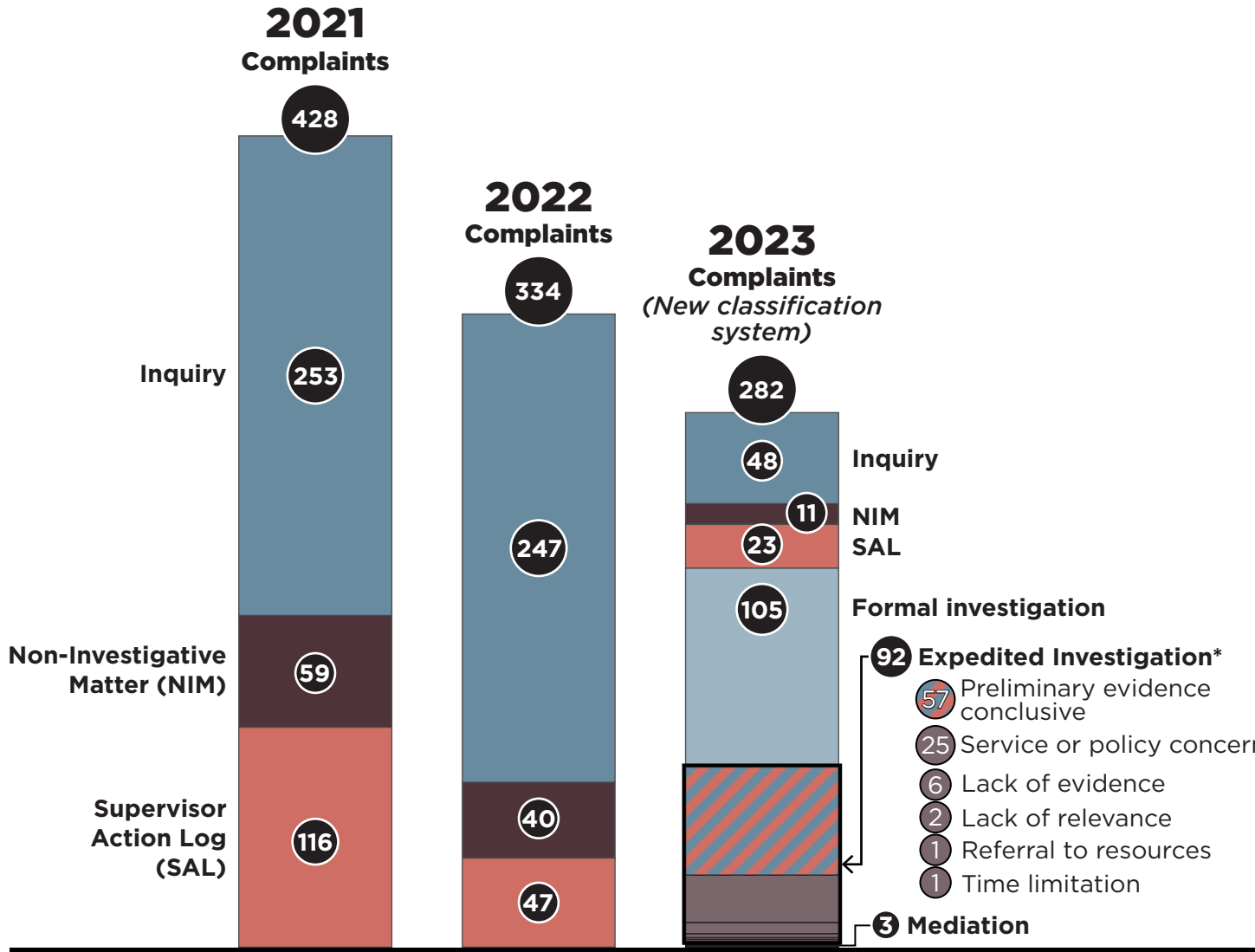
- Expediting certain investigations, especially those where preliminary evidence was conclusive or where the complaint was not about misconduct but rather a service or policy concern. Ninety percent of expedited investigations fell under one of those two categories.
 - » In 2022, only investigations classified as inquiries (previously the only full investigations, limited to alleged *serious* policy violations only) were subject to full reviews by OLEO. In 2023, full investigations included complaints classified as: inquiries (previous classification system), formal investigations, and expedited investigations where preliminary evidence was conclusive, all of which were subject to full reviews by OLEO.
 - » The total of full investigations reviewed by OLEO jumped from 116 in 2022 to 128 in 2023.
- Sustaining some allegations with preliminary evidence conclusive under the disposition of performance-related training.
- Reducing the number of times OLEO and IIU disagreed on how to classify an investigation to zero.

Figure 1: Full Investigations Reviewed by OLEO in 2022 and 2023



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 2023, like in 2022, OLEO reviewed 100% of investigations for classifications, conducting a full review of 88% of investigations and a summary review of 12% of investigations.

Figure 2: Breakdown of Classifications for Complaints Opened in 2021, 2022, and 2023



*One of the innovations of the new classification system is the inclusion of a "member stipulates" category under expedited investigations, giving employees the opportunity to hold themselves accountable for their own conduct and thus, expediting the process. In these cases, OLEO and the Sheriff's Office envisioned employees admitting that they engaged in the alleged conduct and accepting the proposed corrective action. This classification was not used at all in 2023.

TYPES OF ALLEGATIONS

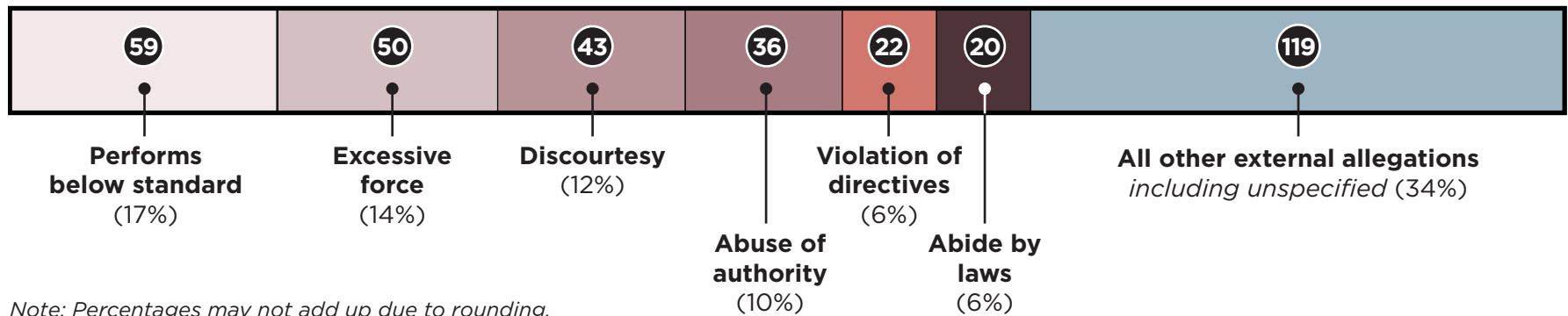
The number of total misconduct complaints dropped again in 2023, continuing the trend from last year. This reporting year, total complaints dropped to 282; complaints originating from the community accounted for 72% of all complaints, in line with previous years. Unlike the previous year when the drop in internal complaints from within the Sheriff’s Office accounted for nearly 80% of the reduction in all complaints, in 2023, both internal and community complaints dropped by similar percentages, 18% and 15% respectively.

A complaint may include more than one allegation; therefore, the number of allegations will usually exceed the number of complaints. In 2023, on average, each investigation included 1.5 allegations, whether the source was from within the Sheriff’s Office or from the community.

The 282 complaints made in 2023 contained 476 allegations of misconduct. Of these allegations, 127 originated from within the Sheriff’s Office, and 349 were from the community. Subsequent analyses will focus only on allegations resulting from community complaints and include all classifications.

Among community complaints, six types of allegations were made 20 or more times in 2023. These top six specific allegations accounted for two-thirds of all external allegations from the community and are described further below.

Figure 3: Top Specific External Allegations in 2023



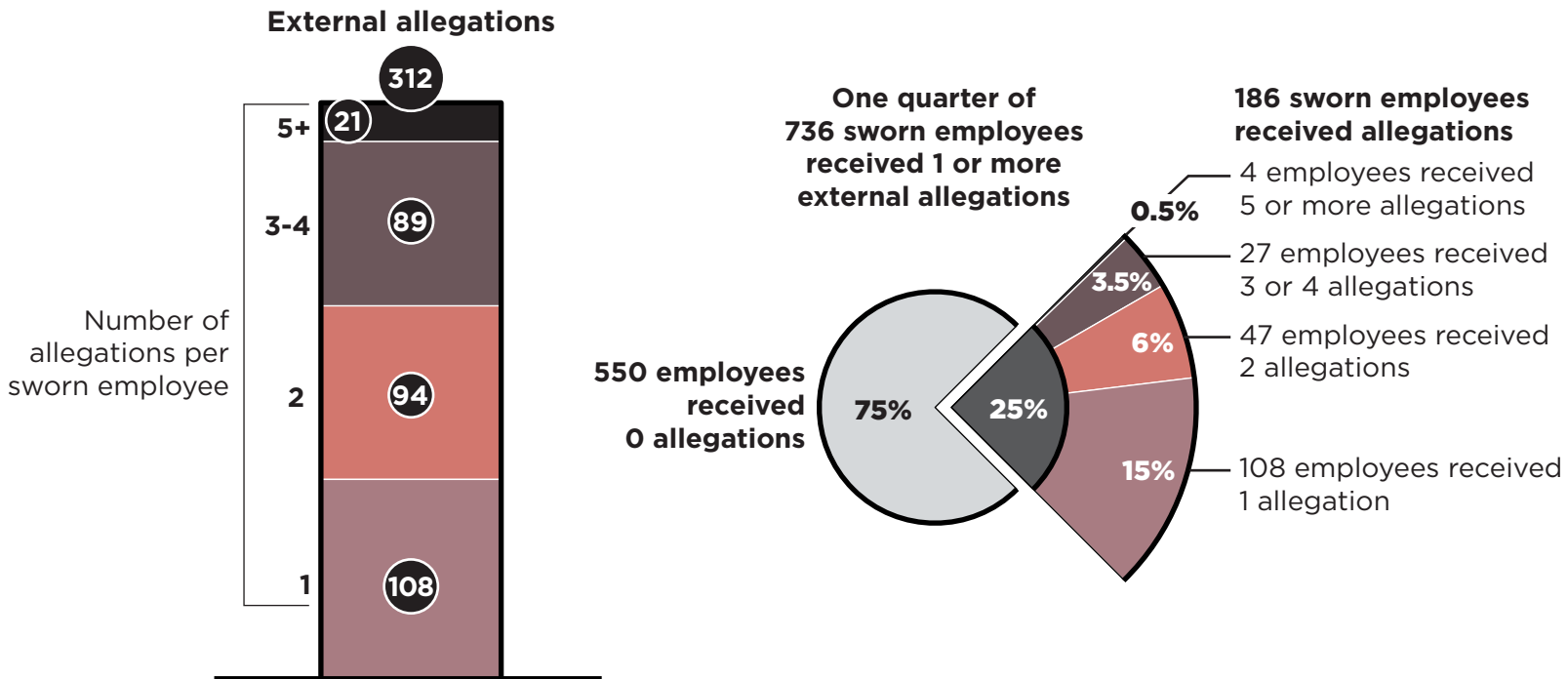
PATTERNS IN ALLEGATIONS AGAINST SWORN EMPLOYEES

In 2023, a quarter of Sheriff's Office sworn¹ employees (186 of 736) received at least one complaint from a community member.

Just over one-third of external allegations were made against the 15% of sworn employees with one allegation against them; just under one-third were made against the 6% of sworn employees with two allegations against them; and just over one-third were made against the 4% of sworn employees with three or more allegations against them.

9 deputies
received three or more
allegations in both
2022 and 2023.

Figure 4: Allegations Against Sworn Employees from Community Complaints in 2023



Note: 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.

¹Sworn employees refers to all commissioned personnel including the Sheriff, Undersheriff, and various rankings of deputies.

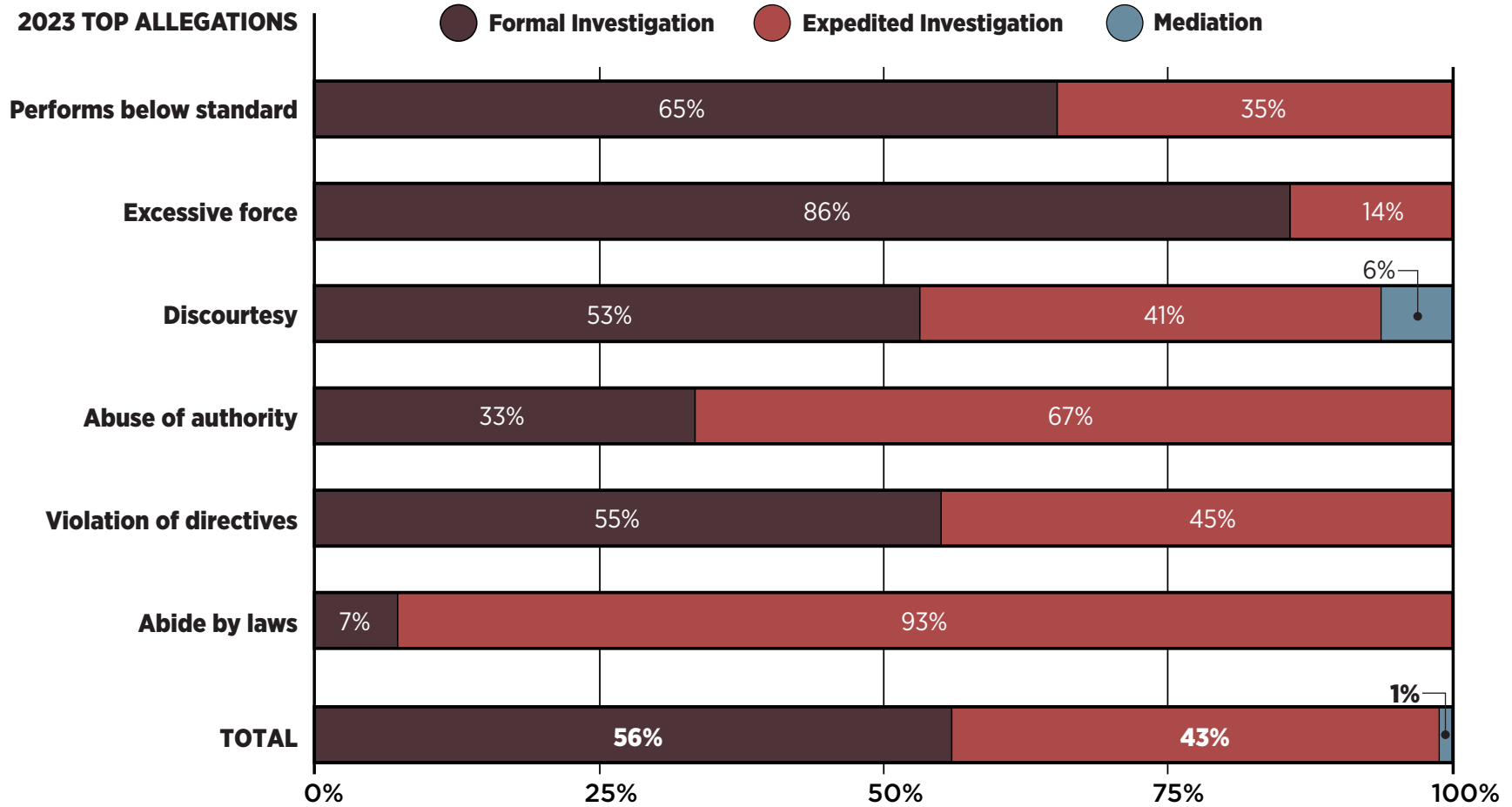
TRENDS IN EXTERNAL ALLEGATIONS AND CLASSIFICATION

Among the six allegations made 20 times or more by community members, there were some classification patterns which stood out.

- Only discourtesy allegations were referred to mediation.
- Some allegations were overwhelmingly classified as one particular type of investigation, while others were fairly even in distribution:
 - » 93% of allegations of failure to abide by laws or ordinances were classified as expedited—preliminary evidence conclusive investigations.
 - » 86% of allegations of excessive force were classified as formal investigations.
 - The remaining 14% were classified as expedited—preliminary evidence conclusive investigations.
 - » Allegations of acting in violation of directives, as well as non-mediated allegations of discourtesy, were fairly evenly split between formal and expedited investigations.

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

Figure 5: Top Allegations in Community Complaints by Classification Type in 2023



Note: Percentages may not add up due to rounding. For a breakdown including expedited investigation subcategories, please see Appendix: Top Allegations in Community Complaints by Classification Subcategory Type.

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

**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?

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

CERTIFIED VS. NOT CERTIFIED INVESTIGATIONS



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

In 2023, OLEO conducted formal certification review of 71 investigations, which is 45 fewer than the previous year. In addition to the 71 formal certification reviews, however, OLEO agreed to expediting 92 investigations, of which almost two-thirds contained preliminary evidence that was already conclusive. Like certification reviews, reviewing expedited investigations is a comprehensive process that ensures that an investigation is handled properly. The drop in the number of formal certification reviews reflects the extent to which the new classification system has improved efficiency.

Certification review



For **15** of these, OLEO provided additional commentary.

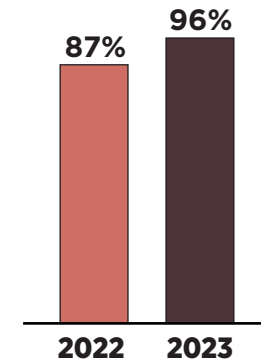
In **9** of these investigations, the commentary related to requests for additional

- allegations,
- investigative steps, or
- analysis, including legal analysis,

and the requests were honored by IIU.

for lack of thoroughness or timeliness.

OLEO certified a higher proportion of IIU investigations than the previous year.



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

OLEO declined to certify three investigations because they lacked thoroughness. In one investigation, IIU refused to interview potential witnesses who had been identified and instead closed the investigation as undetermined. In another investigation, photographic evidence was deleted instead of being properly preserved. In the third investigation, IIU refused to interview a complainant who had been drunk during his first interview. For one of these, OLEO also declined certification because the investigation did not meet the 180-day time limit, preventing the Sheriff’s Office from entering findings or imposing discipline.

Table 1. Investigations OLEO Declined to Certify in 2023

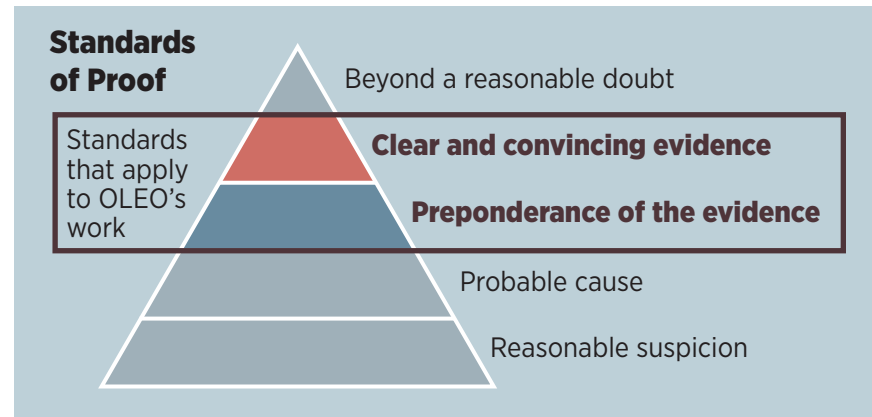
Case Number	Certification Status	Reason for Declining Certification	Secondary Reason for Declining Certification
IIU2022-110	Declined to certify	Not thorough	Not timely
IIU2022-293	Declined to certify	Not thorough	N/A
IIU2023-016	Declined to certify	Not thorough	N/A

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

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).²



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.

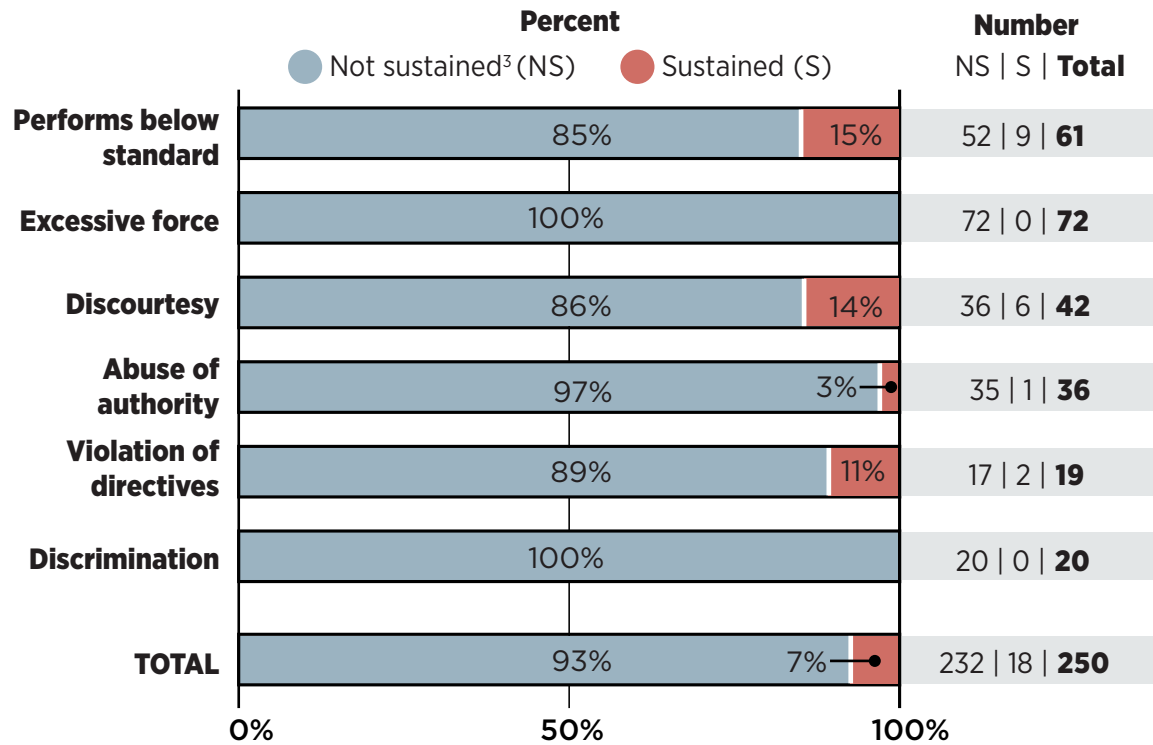
² See *Sophanthavong v. Palmateer*, 378 F.3d 859, 866 (9th Cir. 2004).

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

Among investigations closed in 2023, over three-quarters (79%) of fully investigated external allegations ended with a Sheriff's Office employee being exonerated, or a conclusion that the allegations were unfounded. In total, 12% of investigated allegations were sustained, including those sustained in expedited investigations and resulting in performance-related training being given to an employee.

Discussion of findings in 2023 include investigations classified as inquiries under the old classification system as well as those classified as formal investigations and expedited—preliminary evidence conclusive investigations under the current classification system. Within this group of investigations, there were six types of allegations made frequently, with sustain rates as high as 15% and as low as 0%. Among this set of top allegations, the total rate of sustained dispositions was 7%. (Note: For the purposes of this Annual Report, investigations where preliminary evidence was conclusive that resulted in performance-related training but no other forms of corrective action/discipline are labeled as sustained investigations and are included in the figure.)

Figure 6. Top External Allegations Sustained Rate in 2023

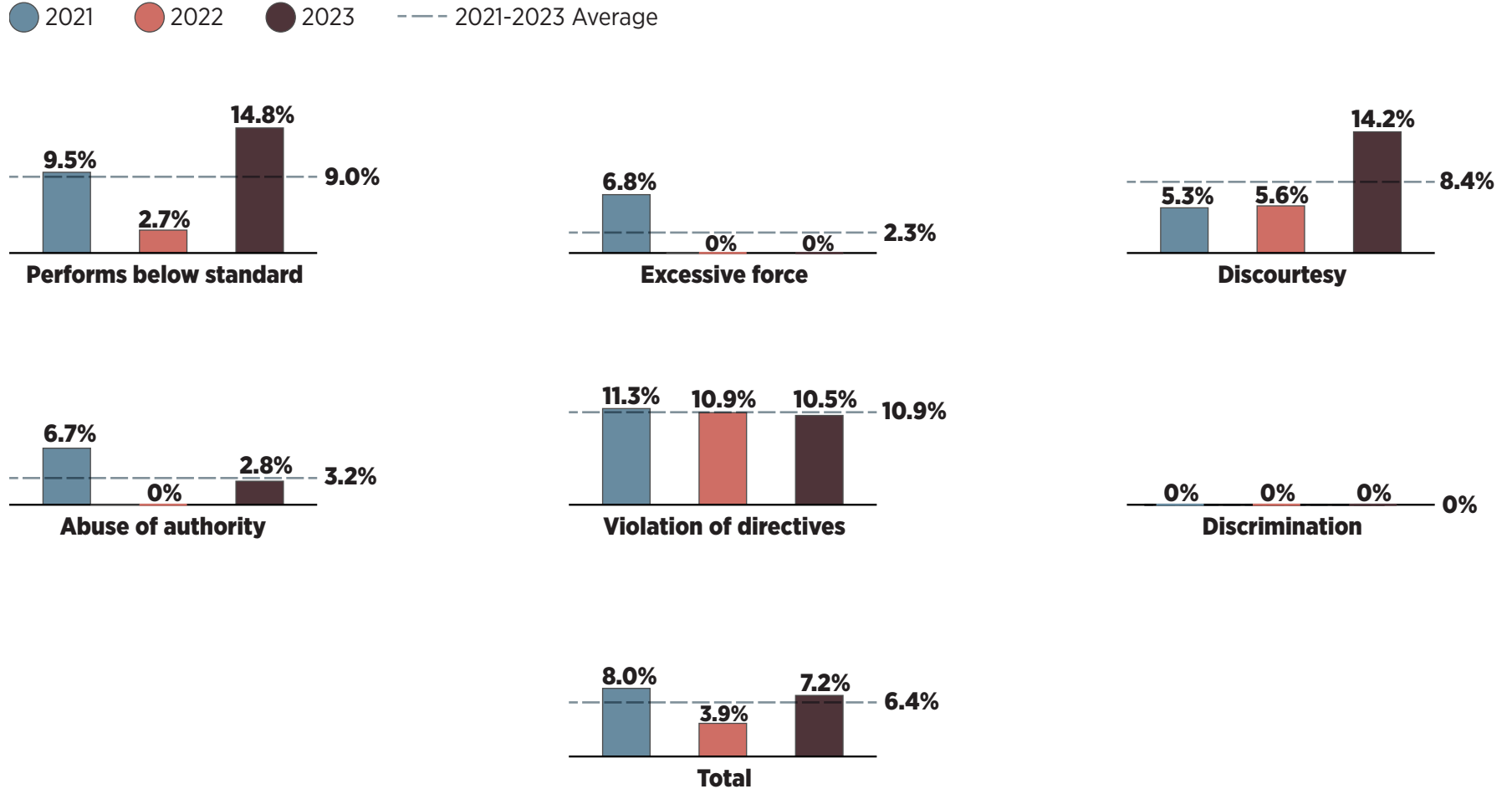


Note: Percentages may not add up due to rounding.

³ "Not sustained" is not to be confused with the specific disposition of "non-sustained," which is generally reserved for investigations where there is not enough evidence to make a conclusive finding. The "not sustained" column includes all dispositions other than sustained, viz. unfounded, exonerated, non-sustained, or undetermined.

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

Figure 7. Top External Allegations Sustained Rates for 2021, 2022, and 2023



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

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 one investigation in 2023** where OLEO agreed with the Sheriff’s Office’s findings. 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.

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

DISCIPLINE AND APPEAL



DISCIPLINE FOR 2023 INVESTIGATIONS

The Sheriff’s Office may provide corrective counseling or training or impose discipline when a finding is sustained. This includes expedited investigations that resulted in a disposition of performance-related training (and considered as sustained for the purposes of this Annual Report), which is considered corrective and not discipline. Due to collective-bargaining restrictions, OLEO cannot make discipline recommendations or comment on specific instances of discipline at this time.

The top six external allegations among full investigations closed in 2023 were sustained a total of 18 times, each of which had corrective action or discipline imposed. A summary of these allegations, the number of times made within investigations, and their corrective action or discipline is included below.

Table 2. Primary Corrective Action or Discipline Imposed for Fully Investigated Top External Allegations in 2023

Allegation	Number	Sustained
Performs below standard	61	9
		<i>Performance-related training: 4</i>
		<i>Memo of expectations: 2</i>
		<i>Verbal counseling: 2</i>
		<i>Training: 1</i>
Excessive force	72	0
Discourtesy	42	6
		<i>Performance-related training: 4</i>
		<i>Verbal counseling: 2</i>
Abuse of authority	36	1
		<i>Suspension: 1</i>
Violation of directives	19	2
		<i>Suspension: 1</i>
		<i>Corrective counseling memo: 1</i>
Discrimination	20	0

GRIEVANCES, SETTLEMENTS, OR ARBITRATIONS (APPEALS) FROM 2022 INVESTIGATIONS

Discipline imposed by the Sheriff’s Office may change through the grievance and arbitration process as a result of a management decision in the collective bargaining agreement’s grievance hearings, a discipline settlement agreement reached between the County and the employee’s union, or a final arbitral award from the Public Employment Relations Commission’s Law Enforcement Disciplinary Grievance Arbitration Panel.

Two of 45 investigations completed in 2022 with sustained allegations had discipline changed through the grievance process. The original discipline for the 45 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, settled, or arbitrated, along with the current status or outcome.

Table 3. Grievance/Settlement/Arbitration Update on Investigations Closed in 2022 with Sustained Allegations

Case number	Sustained allegations	Discipline imposed by Sheriff’s Office ⁴	Grievance/Settlement/Arbitration status or outcome
IU2021-334	Abuse of authority	Written reprimand	Sustained finding reversed and written reprimand withdrawn during grievance
IU2022-024	Fails to meet standards	Written reprimand	Reduced to correct counseling during grievance

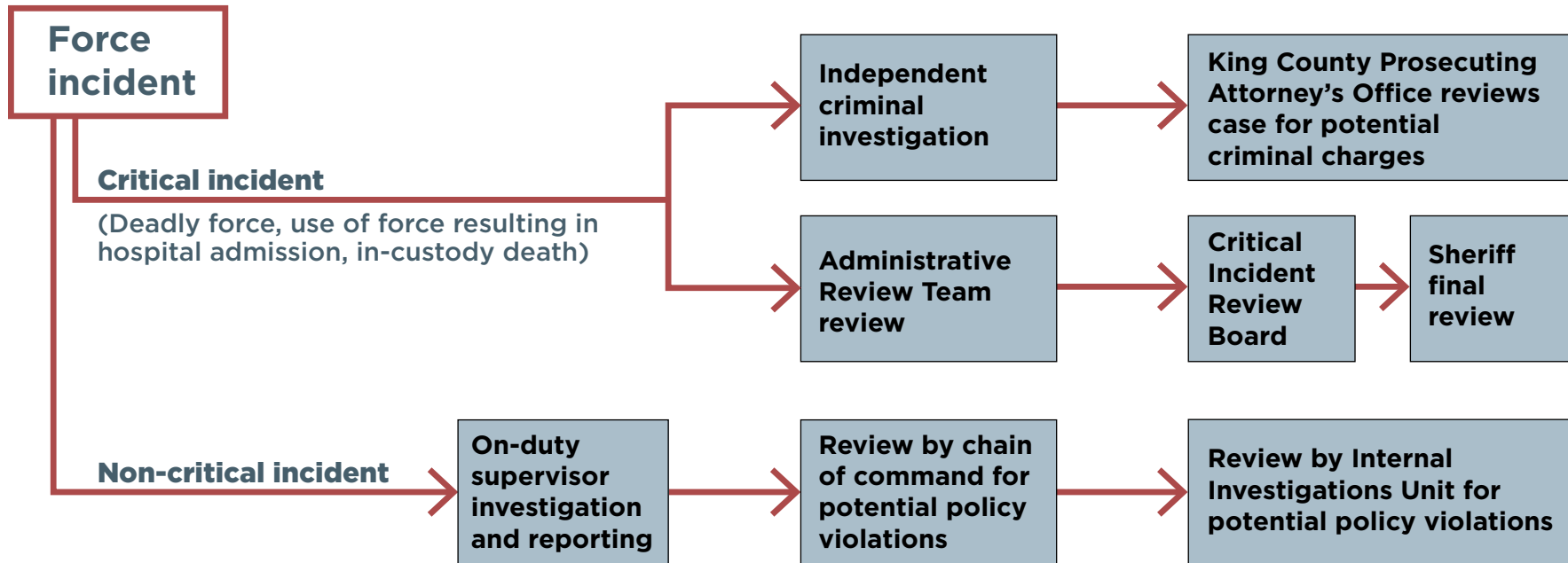
⁴ For purposes of this Annual Report, discipline imposed by the Sheriff’s Office refers to the initial discipline decision made by the Sheriff, and when required, after a *Loudermill* hearing has occurred or been waived. A *Loudermill* hearing must be offered for all discipline decisions that impact an employee’s compensation (e.g., termination, suspension, demotion, loss of specialty assignment pay) and requires notice of the proposed discipline and an opportunity for the employee to explain and refute any findings that are the basis of the proposed discipline before imposition.

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 reporting⁵ are required to call a sergeant in most instances.



⁵ 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.

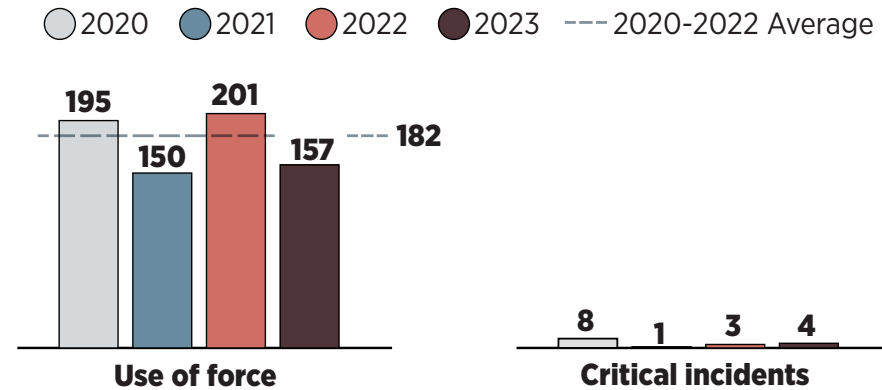
Critical incidents slightly increased from three incidents in 2022 to four in 2023. In 2023, three critical incidents involved deputies shooting at a community member. Of those, one community member died from a self-inflicted gunshot wound, two community members sustained injuries and survived, and two deputies sustained gunshot wounds and survived. The fourth critical incident involved a community member’s arm breaking after their vehicle was rammed by a police vehicle. Below are summaries of the incidents.

In the first police shooting, a Sheriff’s Office deputy was dispatched to a person wandering into traffic in Burien.

When the person was contacted by the deputy, the person had his hands in his pockets, stated he had a gun, and threatened to kill the deputy. The deputy ordered the person to stop and the person walked away. The deputy attempted to use a Taser against him, but it was not effective. The person went up the street and, and through his vehicle speaker, the deputy ordered the person to stop and show his hands. Backup deputies arrived based on the pronouncements made by the initially responding deputy on the radio, and they attempted to contain the person because of the businesses nearby, also requesting less lethal force options. The person, still with their hands in their pockets, moved quickly towards deputies, two of whom fired their guns. The deputies provided first aid. The person was taken to the hospital and survived. OLEO attended the scene. The independent criminal investigation is pending review by the prosecutor. The Sheriff’s Office’s Administrative Review Team (ART) completed its investigation and Critical Incident Review Board (CIRB) is pending.

In the second police shooting, a Sheriff’s Office deputy was at a gas station when he saw a suspicious vehicle in Shoreline. The deputy ran the license plate and after noticing the person at the vehicle matched the photo of the registered owner, saw that the registered owner had an unconfirmed warrant for driving while license suspended in the third degree. The deputy requested backup. Before backup arrived, the deputy approached the person about the warrant. The person fled on foot and the deputy ran after him. The person shot the deputy twice, who returned fire. Both the deputy and person were injured. The person was eventually located at a nearby residence and arrested. OLEO attended the scene and there was an independent criminal investigation. The prosecutor declined to file charges against the involved deputy. The Sheriff’s Office held a CIRB. The Sheriff’s Office’s ART presented during the board and noted, among other things, that the deputy did not wait for backup, did not have emergency lights on his vehicle activated, and approached the person while the person was holding a tire bar. ART recommended that the deputy’s supervisor review and discuss alternative tactics with the deputy. The board concluded the shooting was within policy.

Figure 8. Use of Force and Critical Incidents 2020-2023



In the third police shooting, Sheriff's Office deputies went to an apartment in Seattle to evict a person after a court ordered the eviction and the person did not vacate the premises. When the deputies knocked on the apartment door, a person inside stated they were not going to leave their home. The deputies let the person know she was not in trouble, was free to leave, and that her property would be stored by the property management. Deputies warned that if the person did not open the door, they would force it open. The person said she would be forced to defend herself. The deputies had no prior information indicating the person would be armed. After several minutes of attempting to have the person voluntarily leave, the deputies began forcing the door open as the lock had been changed. Once the door was open, the person fired her gun at the deputies, hitting and seriously injuring one of the deputies. The other deputy returned fire and the deputy who was shot was able to escape the apartment. A third deputy watched the apartment as aid was provided to the injured deputy. While outside, deputies heard a muffled shot and the independent criminal investigation determined that the person died by a self-inflict gunshot wound. OLEO attended the scene. The prosecutor declined to file charges against the involved deputies. The Sheriff's Office held a CIRB and concluded the shooting was within policy.

In the fourth critical incident, the Sheriff's Office's tactical team assisted detectives with arresting people suspected of being involved in an armed carjacking. After observing the suspected vehicle parked in a business parking lot, the tactical team determined it would attempt to arrest the occupants. As the tactical team moved in with their vehicles with emergency lights and sirens activated, the driver fled on foot. A passenger in the vehicle appeared to be moving around, which a deputy stated looked like they could be reaching for a gun. Seeing that, the deputy rammed his vehicle into the suspected vehicle, resulting in the passenger's arm being pinned and broken. After the passenger was removed, deputies found a gun on them. The person was arrested and admitted to the hospital. OLEO did not attend the scene. ART reviewed the incident, opined that all of the deputies' actions appeared to be within policy and had no recommendations. The Undersheriff concurred with ART and no CIRB was held.

Updates from 2022 incidents: All three critical incidents are open, either pending completion of the independent criminal investigation, review by the King County Prosecuting Attorney's Office (KCPAO), or review by the Sheriff's Office CIRB.

ART2022-001: Shooting death of Mr. Cicero Sanchez. The Valley Independent Investigative Team completed its investigation. KCPAO completed its review and declined to prosecute any deputies, finding in part that "it was reasonable for the deputies to suspect that Sanchez was actively threatening them or displaying the firearm in a manner that could reasonably be construed as threatening."⁶

ART2022-003: Shooting death of Mr. Derrick Ellis. The Valley Independent Investigative Team completed its investigation, which is pending review by KCPAO.

ART2022-004: In-custody death of Mr. Lamond Dukes. The Valley Independent Investigative Team completed its investigation, which is pending review by KCPAO.

⁶ Decline Memo, Use of Force - Fatality of Sanchez, Cicero, King County Prosecuting Attorney Public Integrity Team (October 10, 2023), <https://cdn.kingcounty.gov/-/media/king-county/depts/pao/documents/public-integrity/use-of-force-fatalities/sanchez-cicero-public-memo---redacted.pdf>.

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 2023.

Policy status key:  Adopted  Partially adopted  Pending  Not adopted  Not yet published by OLEO

USING INTERPRETERS, GOM 16.04.000

In response to a Sheriff's Office misconduct investigation related to language access, OLEO reviewed GOM 16.04.000 on Using Interpreters. GOM 16.04.000 addresses some requirements for when and how interpreters are used; however, the policy largely applies only to sign language interpretation for hearing-impaired individuals and does not adequately address protocols for interactions with limited-English proficiency (LEP) individuals. Additionally, GOM 6.00.000 on Use of Force instructs deputies to consider language barriers in decision-making related to using physical force yet provides inadequate detail on language access resources or protocols for reporting on language barriers and forced used. Accordingly, OLEO recommended that the Sheriff's Office develop and adopt a robust language-access policy in line with federal guidelines, King County Ordinance (KCC §2.15.030), County Language and Communications Access requirements, and national best practice.

The Sheriff's Office did not respond to or implement OLEO's policy recommendations. However, in early 2024, the U.S. Department of Justice (DOJ) and the Sheriff's Office [announced a settlement](#) to address deficiencies in the Sheriff's Office language access policies and practices. [The agreement](#)—which stemmed from an allegation of discrimination made against the Sheriff's Office by an LEP community member in November of 2021—outlines a two-year phased plan for the Sheriff's Office to develop and implement training and policy directives to improve language access and communication between Sheriff's Office deputies and LEP community members.

OLEO's previous recommendations and the new agreement from the DOJ share significant overlap including: developing policies on the use of interpreters; guidance and training for bilingual deputies; restricting reliance on the use of children, family members, and other bystanders for interpretation services; protocols for identifying an individual's primary language and appropriate language access services; and data collection and reporting on interactions with LEP individuals.

Policy status key:  Adopted  Partially adopted  Pending  Not adopted  Not yet published by OLEO

EXECUTING SEARCH WARRANTS/PLANNED EVENTS, GOM 5.12.000

In February 2023, OLEO sent preliminary recommendations to the Sheriff's Office regarding proposed revisions to GOM 5.12.000 on Executing Search Warrants/Planned Events. The Sheriff's Office published and implemented policy changes in April 2023 that did not reflect any of OLEO's recommended changes. OLEO sent a formal memo to the Sheriff in June 2023, which provided additional background on OLEO's positions and outlined recommendations to improve transparency and accountability of planned operations, promote best practices in service of community and officer safety, and clarify the policy language.

The Sheriff's Office responded and asked for OLEO not to publish the memo until we could meet to clarify their current practice. This policy review remains in progress.

USE OF FORCE, GOM 6.00.000

In accordance with state law, the Sheriff's Office updated the agency's use of force and related policies to align with the Washington State Attorney General's Office (AGO) Model Use of Force Policy in late 2022. OLEO reviewed the changes to GOM chapters 6.00.000 on Use of Force, 6.01.000 on Investigation/Reporting Use of Force, and 6.03.000 on Less Lethal Weapons and sent preliminary recommendations to the Sheriff's Office in February 2023.

The Sheriff's Office implemented several of OLEO's recommendations; however, based on OLEO's analysis, the Sheriff's Office fell short of fully reflecting best practices set by the AGO. After an almost year-long review process in 2023, in early 2024, OLEO reissued outstanding recommendations from its preliminary review of the draft use of force policy and issued new recommendations based on the latest revisions from the Sheriff's Office. Some of OLEO's recommendations included adopting the AGO's model language on the standards of "necessary, proportional, and reasonable"; removing the section on Graham factors to avoid confusion; and implementing stricter standards on when deputies may use force to prevent fleeing.

Policy status key:  Adopted  Partially adopted  Pending  Not adopted  Not yet published by OLEO

 **TRAUMA-INFORMED NOTIFICATIONS**

In two recent evaluations of fatal shootings involving the Sheriff’s Office, OLEO issued policy recommendations aiming to improve communication with families after a critical incident occurs. OLEO continued to have conversations with impacted families who emphasized the need for the Sheriff’s Office to adopt a formal notification system in the aftermath of a critical incident. This follow-up report provides additional research and policy recommendations to improve communication between the Sheriff’s Office and community members after a critical incident and to promote trauma-informed best practices.

OLEO started this project in the Spring of 2023 and will publish it later this year.

COMMUNITY GUIDANCE FRAMEWORK (INTERNAL OLEO PROCEDURES)

Part of OLEO’s mission aims to further policing standards through evidence-based policy recommendations that are driven by community and rooted in equity. In service of that mission, OLEO has designed a process to review and develop policy recommendations in direct collaboration and consultation with community.

OLEO is looking for community-based organizations that can be a part of our policy review process. This is a process open to all, and we are especially interested in organizations that further the interests of populations that have been historically marginalized or overpoliced. Interested? Please fill out [this simple form](#) and we will be in touch.

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 2023 was guided by subcommittees established in 2022 and included the following:

CALCEO SUBCOMMITTEES

PARTNERSHIPS & COMMUNICATION

- Connect with community organizations focused on police reform, public safety, and civil rights
- Advise OLEO on communication strategies and community engagement
- Develop tool to support CACLEO outreach and relationship building

Partnerships & Communication subcommittee

- Attended 10 community meetings related to police reform and similar topics
 - » Met with Sheriff’s Office regarding their community advisory board

Equity and Social Justice subcommittee

- Supported and stood in solidarity with organizing against homeless encampment sweeps
 - » Issued [a letter](#) opposing encampment sweeps
- Engaged with community members related to their Sheriff’s Office misconduct complaints

EQUITY AND SOCIAL JUSTICE

- Increase youth representation in CACLEO membership
- Develop and recommend equity and social justice goals for the Sheriff’s Office

POLICY

- Recommend amendments to CACLEO’s scope of work and enabling legislation
- Identify and advocate for relevant legislation
- Continue to advise OLEO’s policy program

Policy subcommittee

- Advised OLEO on their policy review process and independent investigations priorities
- Advised Sheriff’s Office on its body-worn camera policy
- Testified at three public forums related to police reform

2023 CACLEO MEMBERS

Member	Position and King County Council (KCC) District	Background/Interests
Ruby Welloffman	Position 3, KCC District 1	Indigenous justice, missing and murdered Indigenous women and people justice, homelessness advocacy, tenants' rights
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, homelessness advocacy, community organizing
Vicente Omar Barraza	Position 8, KCC District 8	Legal background, language accessibility, immigrants' rights, cultural competency for police officers
Abiel Woldu, Chair	Position 9, KCC District 2	Legal background, language accessibility, immigrants' rights, equity and social justice
Nick Allen, Co-Chair	Position 11, KCC District 8	Legal background, civil rights, disability rights, youth engagement, equity and social justice

OLEO is always looking for individuals who are ready to serve their communities as members of CACLEO. Applications are accepted on a rolling basis. Register your interest [here](#), even if you are not quite ready to apply yet.

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NOTES ABOUT DATA

- OLEO maintains its own database and updates it regularly by viewing and reviewing investigation files from the Sheriff's Office IAPro database.
- To have a clear data set that was not ever-changing, OLEO assigned January 31, 2024 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 investigation information to approximate data. For example, some investigations did not contain a final record of notification to the subject employee(s) of the investigation outcome, but the disposition and imposed discipline, if any, were documented elsewhere.
- Some investigations were duplicated and were not counted twice, and others were combined (e.g., into one formal investigation)—OLEO accounted for that to ensure accurate counting.
- In one investigation previously reported on in the 2022 Annual Report, the allegation changed during *Loudermill* proceedings. In this Annual Report, that allegation (and its disposition and discipline imposed) will reflect the updated allegation that became final.
- While investigations originating with a community complaint may end up having additional allegations added by the Sheriff's Office, for statistical purposes, OLEO treats all allegations emanating from a community complaint as "external" allegations.

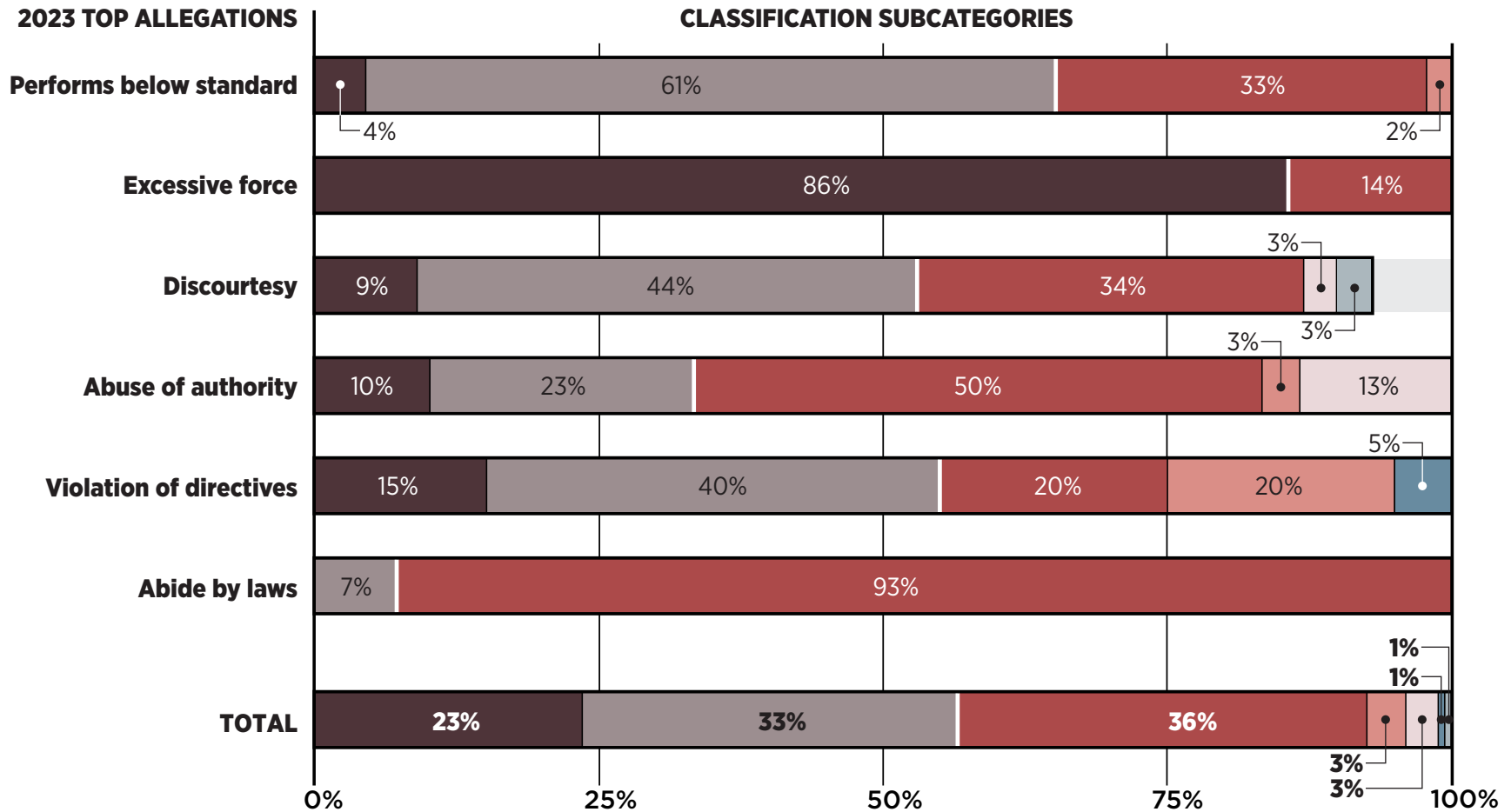
NOTES ABOUT ALLEGATIONS

For the purposes of this Annual Report, allegations have been described in a shortened fashion. Below are those allegations as shown in the GOM.⁷

Allegation, shortened	Allegation as shown in the GOM
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
Abide by laws	Abide by Federal and State Laws and applicable local ordinances, whether on or off-duty
Abuse of authority	Inappropriate use of authority
Discourtesy	Lack of courtesy
Discrimination, incivility, and bigotry	Discrimination, harassment, incivility, and bigotry
Excessive force	Excessive or unnecessary use of force against a person
Fails to meet standards	Performance standards: otherwise fails to meet standards
Performs below standard	Performs at a level significantly below the standard achieved by others in the work unit

⁷ <https://kingcounty.gov/depts/sheriff/about-us/manual.aspx>

TOP ALLEGATIONS IN COMMUNITY COMPLAINTS BY CLASSIFICATION SUBCATEGORY TYPE IN 2023



Note: Percentages may not add up due to rounding. For allegation of “discourtesy,” about 6% were classified for mediation—and excluded on this figure as it holds no subcategories—which would bring the total for discourtesy to 100%.

ACKNOWLEDGEMENTS

OLEO would like to thank the following people for their contributions to this Annual Report:

Wendy Gable Collins, KCIT, for her delightful designs.

Toni Carpenter, KCGIS, for her magical maps.

And for their technical review and expertise:

- **King County Sheriff's Office**
- **Erin Overbey**, PAO
- **Sasha Alessi**, OLR



King County OLEO

OFFICE OF LAW ENFORCEMENT OVERSIGHT

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Certificate Of Completion

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Supplemental Document Pages: 41	Initials: 0
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Envelopeld Stamping: Enabled	401 5TH AVE
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	Cherie.Camp@kingcounty.gov
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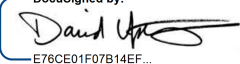
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Storage Appliance Status: Connected	Pool: King County-Council	Location: DocuSign

Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
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Signature

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Electronic Record and Signature Disclosure:

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Angel Foss
Angel.Foss@kingcounty.gov
Deputy Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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Notary Events	Signature	Timestamp

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Payment Events	Status	Timestamps
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- Until or unless you notify King County-Department of 02 as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by King County-Department of 02 during the course of your relationship with King County-Department of 02.