



King County

# OLEO

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OFFICE OF LAW ENFORCEMENT OVERSIGHT

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**2021 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

**2021** was another dynamic year of transition for the Office of Law Enforcement Oversight (OLEO). From a pandemic that would not relent to changes in state law to an incoming new OLEO Director—that’s me!—to an outgoing King County Sheriff, the past year was as much one of change as it was of accomplishment.

Before my arrival, under the interim leadership of Deputy Director Adrienne Wat, OLEO had made great headway in pursuing its mission. Adrienne guided the office with a steady hand, and OLEO staff rose to the challenge and delivered excellence.

In 2021, OLEO completed its first in-house [systemic review](#) of a critical incident, arising out of the [fatal shooting of Anthony Chilcott](#) by plainclothes King County Sheriff’s Office (Sheriff’s Office) detectives. We began ensuring misconduct complaints were properly classified for investigation and issuing alternative [findings](#) in some cases where we disagreed with the conclusions of the Sheriff’s Office. We strengthened relationships with various stakeholders including the King County Council, the Sheriff’s Office, [the Community Advisory Committee on Law Enforcement Oversight](#), and community members and organizations. We improved staff morale at OLEO and working processes with the Internal Investigations Unit and the Sheriff’s Office as a whole. We secured funding for [two additional](#) full-time positions, taking another step towards properly staffing our office.

Now, in the middle of 2022, we plan to exercise more of our statutory powers; strengthen our policy and audit departments; conduct our own independent investigations; amplify the voices of our communities; and build out our capacity.

A handwritten signature in black ink, appearing to read 'Tamer Y. Abouzeid', is written over a white background.

**Tamer Y. Abouzeid, Director**



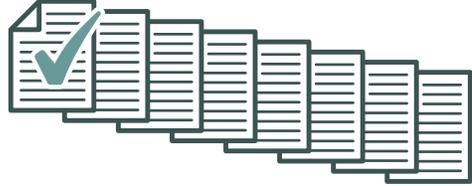
## 2021 BY THE NUMBERS



OLEO issued its first  
**in-house systemic review**  
on a fatal shooting by  
Sheriff's Office detectives



OLEO **reviewed and made recommendations** on



**8** Sheriff's  
Office  
policies

## 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

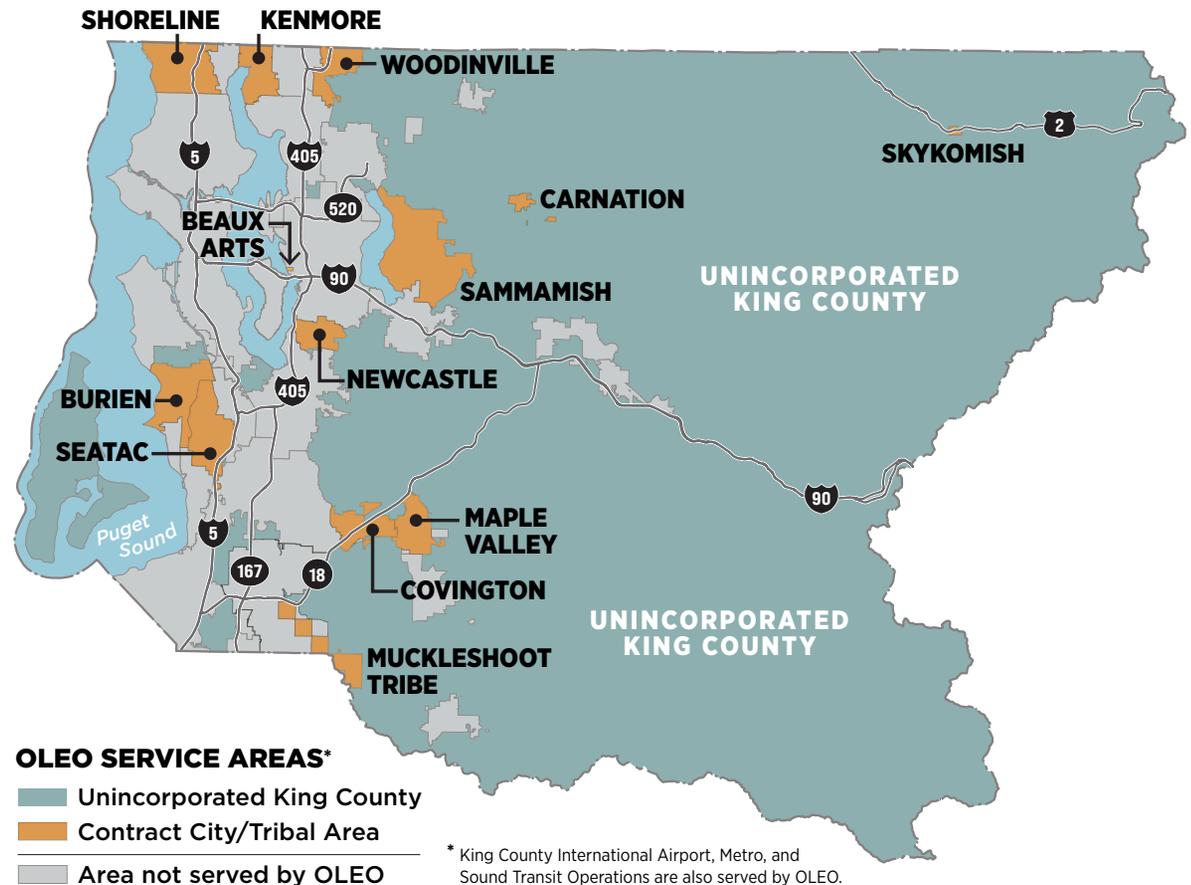
We envision a King County where all residents are safe and where no one has unnecessary contact with the criminal legal system.

### OUR TEAM

- Tamer Abouzeid, *Director*
- Liz Dop, *Office Administrator*
- Shelby Iwatani, *Community Engagement Mgr.*
- Katy Kirschner, *Senior Policy Analyst*
- Andrew Repanich, *Investigations Monitor*
- Megan Thal, *Policy Analyst*
- David Underwood, *Investigations Analyst*
- Adrienne Wat, *Deputy Director*

### 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 can be broken into three categories: **Investigations**, **Policy**, and **Practices**. We do not view **Community Engagement** as a distinct category, but rather as a process that must permeate—and form the basis for—all of our work.

**Investigations**

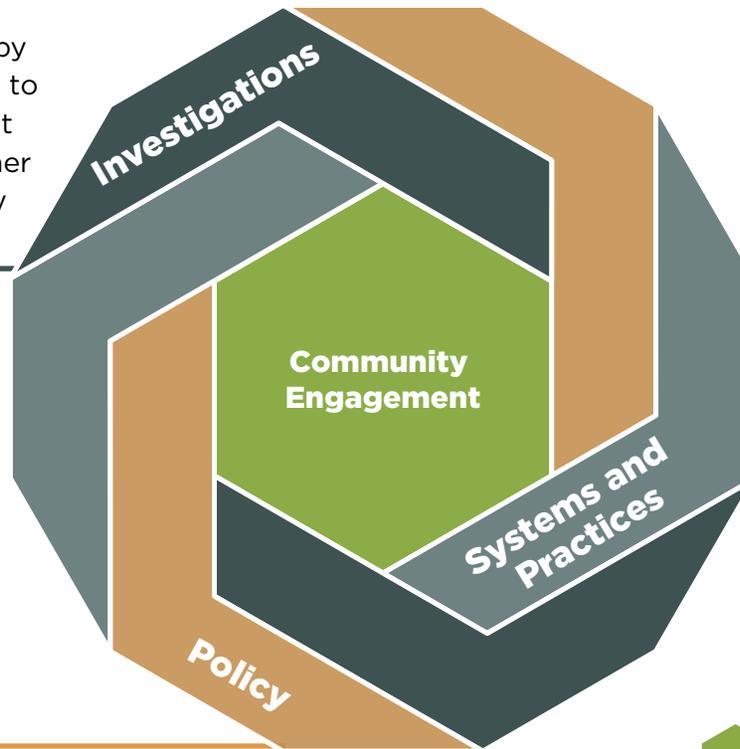


OLEO monitors, reviews, and issues recommendations on misconduct complaint investigations by the Sheriff’s Office, from classification to findings of whether employee conduct violated policy, and determines whether they meet strict standards. OLEO may also conduct its own investigations.

**Policy**



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.



**Systems and Practices**



While misconduct complaint investigations focus on individual incidents, our Practices work continually evaluates the Sheriff’s Office and identifies any systemic issues to be addressed.

**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



## COMPLAINT INTAKE CLASSIFICATIONS

When the Sheriff's Office's Internal Investigations Unit (IIU) receives a complaint, one of its early steps is to classify the complaint, 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. 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.

**Classifications** | Allegations | Investigations | Certified vs. Not Certified | Sheriff’s Office Findings | OLEO Findings

On March 15, 2021, OLEO began exercising its authority to review and provide 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. OLEO reviewed 346 complaint classifications by the Sheriff’s Office and ultimately came to agreement on all, either immediately or after discussion and adjustment.

IIU has 180 days to complete an investigation. 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 2021 during the complaint process. For complaint classifications and incoming allegations, we analyzed investigations opened in 2021. For the quality of investigations or the outcome of complaint investigations, such as disposition or discipline, we analyzed investigations closed in 2021.

**Figure 1: Breakdown of Classifications for External Complaints Opened in 2021**

**External complaints in 2021: 258**



**Figure 2: Breakdown of Classifications for Internal Complaints Opened in 2021**

**Internal complaints in 2021: 170**



Supervisor  
Action Log (SAL)

Non-Investigative Matter (NIM)

Inquiry

In 2021, the Sheriff’s Office classified 428 complaints as Inquiries, NIMs, or SALs. Sixty 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 59% of all complaints as Inquiries.

OLEO Annual Reports are required by King County Code 2.75.040.(H). Annual Reports include qualitative and quantitative information demonstrating how OLEO fulfills 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 A: Notes About Data.)

## TYPES OF ALLEGATIONS

A complaint may include more than one allegation; therefore, the number of allegations will usually exceed the number of complaints. The 428 classified complaints included 818 allegations of misconduct.

The 253 complaints classified as Inquiries contained 613 allegations of misconduct, an average of almost 2.5 allegations per complaint. From the complaints classified as Inquiries, 393 allegations originated from the community, and 220 originated from within the Sheriff's Office. **Subsequent analysis will focus only on external allegations and complaints classified as Inquiries.**<sup>1</sup>

**Table 1: Most Common External Allegations in Inquiries Opened in 2021**

Nature of allegations	Number of allegations	Percentage of allegations
Discourtesy	74	19%
Violation of directives	72	18%
Excessive force	58	15%
Abuse of authority	48	12%
Subpar performance	27	7%
Bias-based policing	21	5%
Conduct unbecoming	15	4%
Criminal conduct	14	4%
False statements	13	3%
<b>Total number of most common external allegations</b>	<b>342</b>	<b>88%</b>
<b>Total number of external allegations</b>	<b>393</b>	

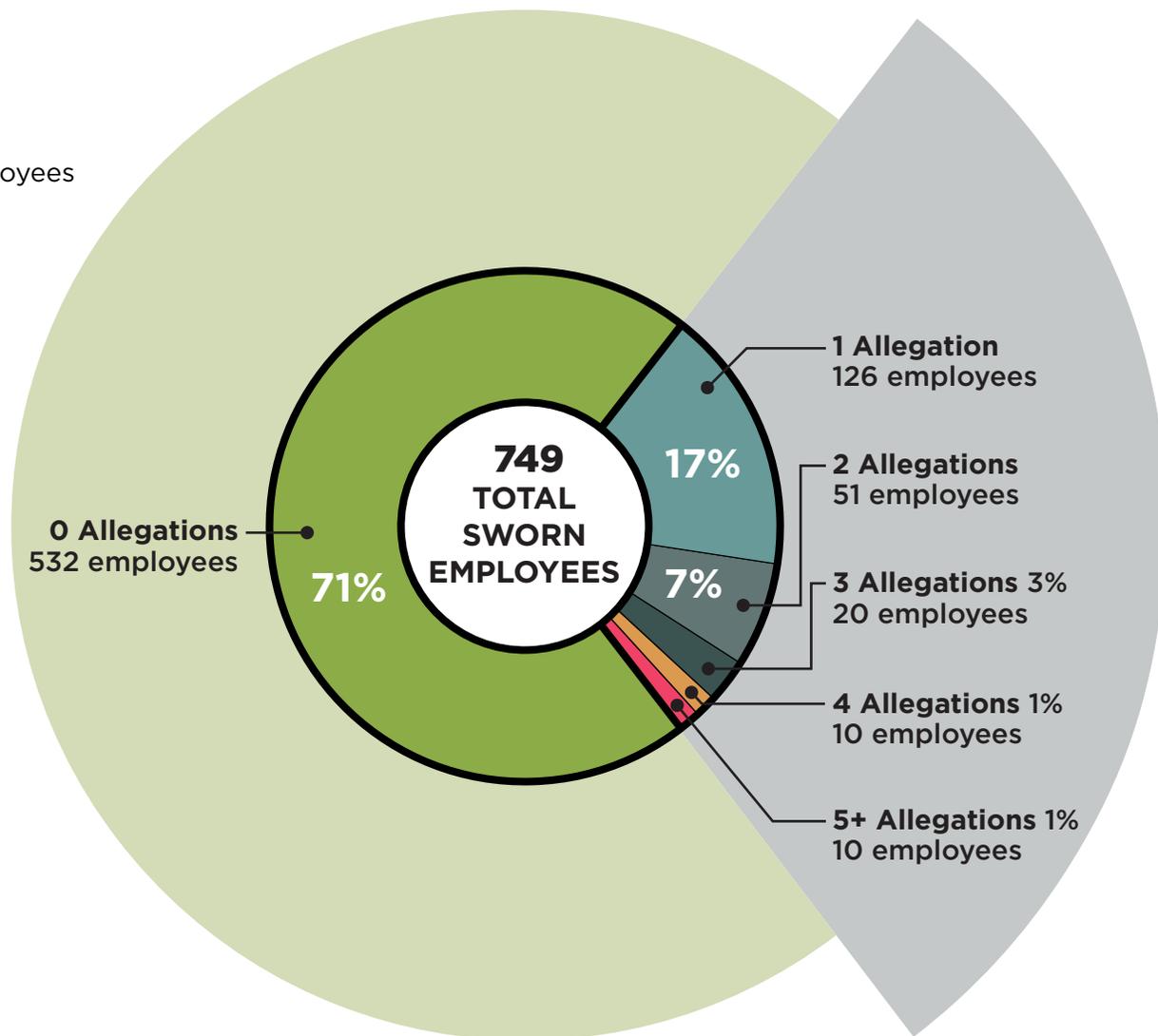
*Note: Percentages may not add up due to rounding.*

<sup>1</sup> Out of the three classifications, only Inquiries undergo full investigation, including disposition and, if allegations are sustained, imposition of discipline.

## PATTERNS IN ALLEGATIONS AGAINST SWORN EMPLOYEES

In 2021, 71% of Sheriff's Office sworn<sup>2</sup> employees received no complaints from community members and 29% received one or more complaints.

**Figure 3: External Allegations Reported Against Individual Sworn Employees in 2021**



<sup>2</sup> Sworn employees refers 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. King County Department of Human Resources provided counts of Sheriff's Office sworn employees.

**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. In 2021, OLEO requested that IIU conduct additional investigation in 20 investigations; IIU did so in all 20 investigations.

**Certification review**



In 2021, OLEO conducted formal certification review of 105 Internal Investigations Unit (IIU) investigations. Of those investigations, OLEO:

**Certified 99**

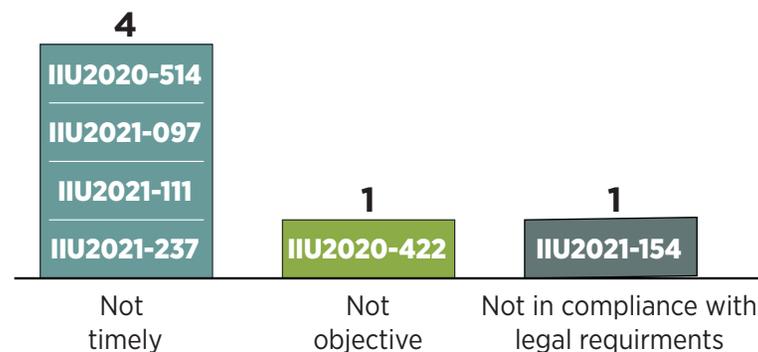
**Declined to Certify 6**

The types of follow-up investigation requests OLEO made included identifying additional allegations that required investigation, obtaining photographs to help resolve inconsistencies, and obtaining more information regarding force tactics and decision-making.

OLEO declined to certify six investigations for lack of thoroughness, objectivity, or timeliness. Four of those six 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 Case No. IIU2020-422 because of lack of objectivity. In that investigation, investigators asked “leading questions that provided factual and/or legal justification” for the actions of the employees under investigation and seemingly did not objectively weigh all statements. OLEO finally declined to certify Case No. IIU2021-154 because IIU did not comply with the legal requirement that the Sheriff’s Office provide OLEO “a reasonable opportunity to comment on all administrative investigations before notifying the subject employee of the findings.”<sup>3</sup>

Figure 4: Investigations OLEO Declined to Certify in 2021



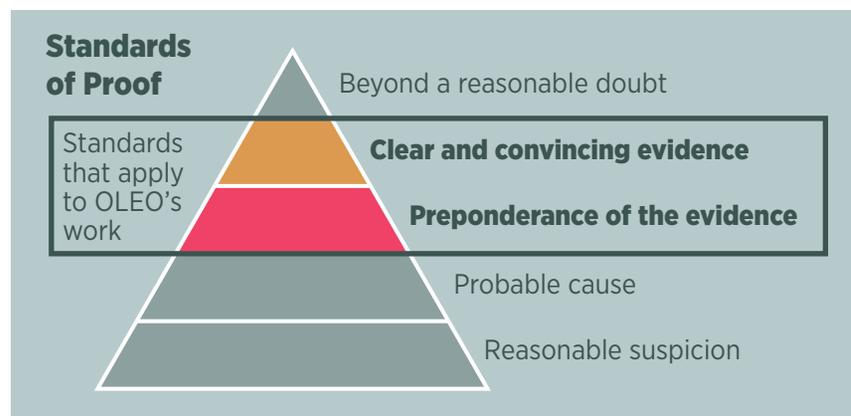
During certification review, OLEO also often identifies opportunities for the Sheriff’s Office to provide training or clarify and improve its policies and practices, or identifies areas where the public can benefit from an independent systemic review by OLEO. In 2021, OLEO made recommendations to improve IIU’s Standard Operating Procedures and the post-investigation review procedures to increase consistency and quality prior to certification review.

<sup>3</sup> King County Code 2.16.060(B)(6)(b); see also 2.75.045(C)(4).

**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).<sup>4</sup>



The Sheriff's Office utilizes five disposition categories for each allegation.

<b>Sustained</b>	<b>Non-sustained</b>	<b>Unfounded</b>	<b>Exonerated</b>	<b>Undetermined</b>
The allegation is supported by sufficient factual evidence and was a violation of policy.	There is insufficient factual evidence either to prove or disprove the allegation.	The allegation is not factual, and/or the incident did not occur as described.	The alleged incident occurred but was lawful and proper.	The completed investigation does not meet the criteria of the above classifications.

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

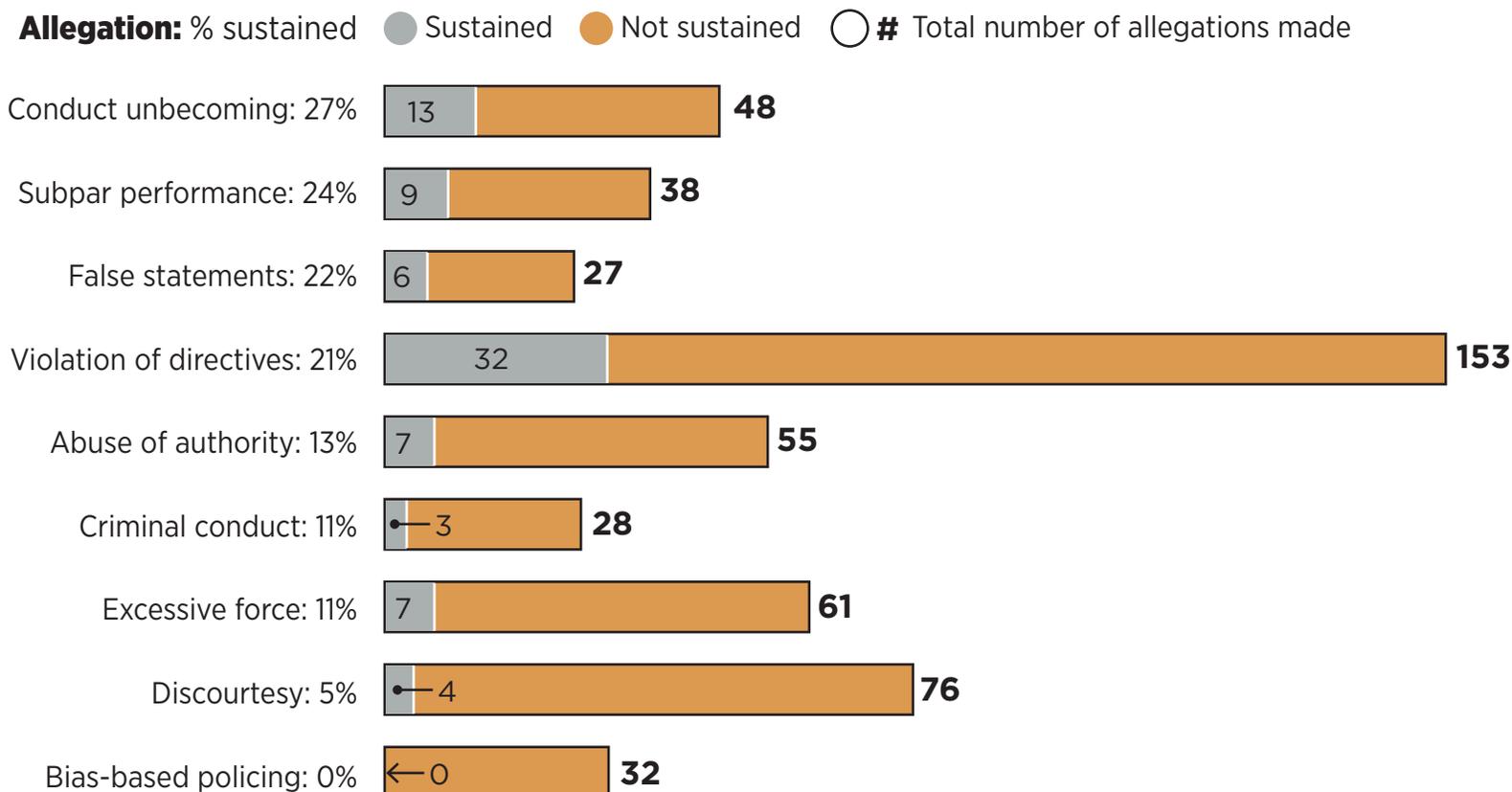
In 2021, over three quarters of all allegations ended with a Sheriff's Office employee being exonerated or a conclusion that the allegation was unfounded, while 9% of allegations were sustained. Nine types of allegations were made 20 times or more in 2021, with sustain rates as low as 0% and as high as 27%.

**Table 2: Percentage of Allegations Sustained in 2021 Among Allegations Made 20 Times or More**

Allegation	Made (number of times alleged)	Sustained	Percentage
Conduct unbecoming	48	13	27%
Subpar performance	38	9	24%
False statements	27	6	22%
Violation of directives	153	32	21%
Abuse of authority	55	7	13%
Criminal conduct	28	3	11%
Excessive force	61	7	11%
Discourtesy	76	4	5%
Bias-based policing	32	0	0%



**Figure 5: Allegations Sustained in 2021 Among Top Inquiry Allegations**



**Table 3. Corrective Actions and Discipline Imposed for Sustained Allegations<sup>5</sup>, External and Internal, in 2021**

<b>Sustained Allegations</b>	Corrective counseling	Demotion	Memo of expectations	No discipline	Oral/verbal reprimand	Suspension	Termination	Training	Transfer	Written reprimand	<b>Total</b>
Absence without leave				2		4			1	3	9
Violation of directives	5	1		3	1	10	1	6		6	34
Abuse of authority	3			1		1	2	3			10
Criminal conduct						1	2				3
Conduct unbecoming	1	1		2		4	5		2		15
Conflicting relationships							1				1
Discourtesy	3				1			2			6
Drugs						1					1
Excessive force	2					2		4			8
Failure to submit reports	1									1	2
Failure to cooperate in investigation				1		1					2
Failure to maintain confidentiality						1					1
Harassment						1					1
Insubordination		1		2		4	3		1		11
Intoxicants						1					1
False statements				1			4			1	6
Failure to meet standards							1				1
Subpar performance		1	1	1		3		1	1	3	11
Personal business while on-duty						1			1		2
Punctuality						1					1
Ridicule	1										1
Sleeping on-duty					1	1					2
Supervision		1		1		3	1		1	2	9
Willful violation of policies				4		5	1	1			11
<b>Total</b>	<b>16</b>	<b>5</b>	<b>1</b>	<b>18</b>	<b>3</b>	<b>45</b>	<b>21</b>	<b>17</b>	<b>7</b>	<b>16</b>	<b>149</b>

<sup>5</sup> 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.

**OLEO FINDINGS  
RECOMMENDATIONS**



In 2021, OLEO began exercising its authority to recommend independent investigation 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. At this time, because of collective-bargaining restrictions, OLEO cannot make discipline recommendations.

Due to staffing restrictions, OLEO was only able to provide findings recommendations on three 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 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 will generally publish independent findings.**

Following are summaries of the investigations in which OLEO reviewed the Sheriff's Office's proposed findings and recommended alternative analyses and dispositions. In all three investigations, OLEO met with the Sheriff's Office after our recommendations were provided to answer questions and provide further explanation where needed.

**IIU2020-436: OLEO disagreed with some findings, Sheriff's Office rejected OLEO's changes**

This investigation involved two patrol deputies arresting a person who later alleged that one of the deputies abused their authority and used excessive or unnecessary force, and that the other deputy used excessive or unnecessary force.

On the morning of October 7, 2020, Deputy 1 was working patrol and spotted the complainant at an Automated Teller Machine (ATM). Deputy 1 attempted to speak with the complainant, who walked away. Deputy 1 returned to his vehicle, drove up to the complainant, told the complainant to stop, and grabbed the complainant. The complainant resisted and grabbed a magazine holding spare bullets from Deputy 1's vest, and Deputy 1 attempted to arrest the complainant, resulting in a scuffle. Deputy 2 saw the scuffle and assisted in arresting the complainant. According to a statement, Deputy 1 had believed that the complainant was causing damage to the ATM, but did not check the ATM prior to stopping the complainant. Deputy 1 inspected the ATM after the arrest and there was no damage.

OLEO actively monitored the investigation and certified it as thorough, objective, and timely. The Sheriff's Office proposed exonerating both deputies of all allegations; OLEO disagreed and recommended sustaining the allegations against Deputy 1. OLEO analyzed the facts in light of Sheriff's Office policies contained in the General Orders Manual, specifically applying the standard for an investigative detention. Based on this standard and the facts documented in the investigation, OLEO concluded that Deputy 1 lacked "specific and articulable facts"<sup>6</sup> to justify a detention and thus, without attempting to obtain more evidence before detaining the individual, the use of physical force violated policy. The Sheriff's Office disagreed and exonerated Deputy 1 of all allegations. The Sheriff's Office justified its dispositions by adding information that was neither articulated by Deputy 1 nor uncovered during the investigation. Specifically, the Sheriff's Office reasoned that there was general history of non-visible ATM tampering that could serve as a basis for reasonable suspicion, which in turn justified the investigative detention and physical force.

**OLEO's analysis correctly considered only the facts arising from the investigation, only the facts known to Deputy 1 at the time of the attempted detention, and only the facts articulable by Deputy 1. The Sheriff's Office incorrectly considered extraneous information and, instead of relying on facts known to—and articulated by—Deputy 1, relied on general or historical knowledge, thereby reaching an erroneous disposition.**

<sup>6</sup> See *Terry v. Ohio*, 392 U.S. 1, 21 (1968).

**IIU2021-132: OLEO disagreed with some findings, Sheriff's Office rejected OLEO's changes in part**

This investigation, stemming from a complaint filed by the Seattle Police Department (SPD), involved a total of 15 allegations against two Sheriff's Office employees, a sergeant and a deputy. SPD accused the deputies of bias-based policing; the Sheriff's Office identified additional allegations of criminal conduct and failure to report misconduct, among several others.

**During a night protest, the Sheriff's Office deputies were ordered to conduct surveillance and report suspicious activity as a part of an operation. During their shift, the plainclothes deputies began to aggressively follow a car driven by a Black woman. The deputies did not alert anyone that they were aggressively following a car or explain if, and why, they found it suspicious. Unbeknownst to the deputies at the time, the driver of the car they were following was an SPD detective also surveilling the protests. The SPD detective worried that she was being followed by "Proud Boys"<sup>7</sup> and that they may harm her. After following the car for several blocks, the deputies were stopped by other SPD officers.**

OLEO actively monitored the investigation and certified it as thorough, objective, and timely. The Sheriff's Office proposed dispositions with which OLEO only partly agreed. Below are some examples of differing opinions on analyses and dispositions.

OLEO recommended sustaining the allegations against both deputies for criminal conduct for their reckless driving, relying on the testimony of the SPD personnel. The Sheriff's Office maintained its non-sustained disposition, reasoning that the deputies' conduct did not meet the legal standard of reckless driving.

OLEO also recommended sustaining an allegation of failure to report misconduct against the sergeant. OLEO concluded that because the deputies had been temporarily detained by SPD based on their actions, which put them on notice that their conduct was allegedly criminal in nature, the deputies had a reporting obligation. In fact, the deputies discussed reporting the incident to a supervisor and the sergeant informed the deputy that the sergeant would notify the captain. Instead, the sergeant withheld the information until after SPD filed the complaint. The Sheriff's Office maintained its exoneration of the sergeant, reasoning that the policy is not normally applied when members fail to report their own misconduct. While the Sheriff's Office did not agree with OLEO's alternative dispositions, it incorporated OLEO's analysis into its final findings.

<sup>7</sup> The Proud Boys are a white nationalist and misogynistic hate group, according to the Southern Poverty Law Center.

**IIU2021-228: OLEO disagreed with some findings, Sheriff's Office accepted OLEO's changes**

This investigation involved three patrol deputies, two of whom were accused of abusing their authority and using excessive or unnecessary force.

On March 13, 2021, Deputy 1, Deputy 2, and a witness deputy responded to a bar requesting assistance to deal with trespassing people involved in a disturbance inside the bar. Deputy 1 arrived and waited for his colleagues. He then went into the bar and confirmed that the individuals had left; no further action was requested by the bar. Deputy 1 exited the bar and saw Deputy 2, along with a witness deputy, by a car nearby. The witness deputy spoke with the driver and the two subject deputies spoke to a passenger, the complainant, sitting behind the driver in a four-door sedan. The subject deputies ordered the complainant to leave the car door open. The complainant attempted to close the door twice, and on the second attempt, the subject deputies grabbed the complainant, pulling him out of the car and onto the ground. According to the subject deputies, the complainant resisted being handcuffed and the witness deputy came to assist with the detention. While being handcuffed, the complainant uttered that he was only 15 years old, and the subject deputies were able to gain control over the complainant. Medical aid was called to the scene and the complainant was hospitalized. Other than general officer safety, the subject deputies were unable to articulate facts giving rise to reasonable suspicion of criminal behavior, neither could they state what specifically caused them to believe the complainant posed a safety risk. The witness deputy did not state that the complainant took actions that caused safety concerns.

OLEO actively monitored the investigation and certified it as thorough, objective, and timely.

**Initially, the Sheriff's Office's proposed findings exonerated the subject deputies. OLEO disagreed, recommending sustaining the allegations because the subject deputies could not articulate specific facts giving rise to reasonable suspicion, meaning that any use of force was not justified. After a discussion with OLEO, the Sheriff's Office adopted OLEO's analysis and sustained the allegations.**

## Policy, Systems, and Practices

### POLICY RECOMMENDATIONS

OLEO provides feedback and recommendations on specific policies in the Sheriff's Office General Orders Manual (GOM) and on various Standard Operating Procedures (SOP). These recommendations serve as an avenue for OLEO to address systemic issues of policing and to provide the public's perspective to the Sheriff's Office. Below is a summary of OLEO's recommendations in 2021.



#### POLICY STATUS:

 Adopted
 Partially adopted
 Not adopted
 Pending

#### **BODY-WORN CAMERA (NOT FORMALLY ADOPTED IN GOM)**

The Sheriff's Office proposed a body-worn camera and in-car video policy in preparation for future use. Among OLEO's recommendations were lifting the prohibition on random review of recordings, limiting the ability of deputies to view recordings before giving interviews, and removing the provisions allowing for discretionary recording and expedited deletion of accidental recordings.

#### **IAPRO (GOM 14.00.015)**

IAPRO is a software database used for the purpose of accurate documentation and retention of complaints, uses of force, patrol vehicle accidents, etc. OLEO's recommendations included creating clear guidelines for personnel use to prevent file-access violations and promote public transparency.

## Policy Recommendations | Evaluation of Fatal Shooting | Recommendations Update

## POLICY STATUS:

 **Adopted**
 **Partially adopted**
 **Not adopted**
 **Pending**

 **ADMINISTRATIVE REVIEW TEAM SOP**

OLEO recommended that the Administrative Review Team conduct an initial in-person interview (at minimum audio recorded) as soon as possible after a critical incident.

 **ELUDING, NO PURSUIT (GOM 9.01.025)**

OLEO's recommendations included requiring that the computer-aided dispatch and radio recordings be included in the file documenting an incident.

 **INTERNAL INVESTIGATIONS UNIT SOP**

OLEO's recommendations included a list of information that should be documented in an investigative report and clarity on who is permitted to join investigative interviews.

 **INVESTIGATION OF PERSONNEL MISCONDUCT (GOM 3.03.000)**

OLEO worked with the Sheriff's Office to change the classification system for internal acts of misconduct.

 **RECORDING INTERROGATIONS (GOM 5.01.025)**

OLEO's recommendations included that the Sheriff's Office must not have a pre-interrogation conversation without turning on the recorder.

 **USE OF FORCE (GOM 6.00.000)**

OLEO reviewed this policy to ensure changes aligned with new state law. OLEO's only recommendation involved ensuring that the policy communicate requirements and prohibitions rather than practical interpretations.

## EVALUATION OF THE FATAL SHOOTING OF ANTHONY CHILCOTT BY SHERIFF'S OFFICE DETECTIVES



In 2021, OLEO released its first in-house systemic review of a police killing, evaluating the Sheriff's Office's policies, practices, and review mechanisms for the 2019 shooting death of 36-year-old Anthony Chilcott by Sheriff's Office detectives. The goal of the report was to communicate actionable insights, clarify agency expectations, verify compliance with policies, improve officer decision-making, and identify preventive measures that, if implemented, can reduce the likelihood of future similar incidents.

In November 2019, two plainclothes Sheriff's Office detectives shot and killed Anthony Chilcott while attempting to stop and apprehend him for stealing a car three days prior. The detectives were in an unmarked vehicle with no emergency equipment such as lights or sirens. The Sheriff's Office's internal investigation into the actions of the detectives resulted in a written reprimand for one and employment termination for the other.

**OLEO's review found that the tactical decisions and actions made throughout the incident repeatedly forced a confrontation, unnecessarily escalated the situation, and endangered Anthony Chilcott, the detectives themselves, and nearby third parties.**

**OLEO also found that some Sheriff's Office policies allow for individual discretion without departmental clarity, specificity, or internal accountability mechanisms to determine whether decision-making during an incident is sound.**

Among others, OLEO recommended that the Sheriff's Office:

- Make explicit in its policy that plainclothes detectives are prohibited from taking law enforcement action unless there is a specific imminent threat of serious bodily harm or they are acting in a support role alongside uniformed personnel during a pre-planned event.
- Review and revise its policies to ensure that members in a leased, unmarked, and/or unequipped vehicle not take law enforcement action unless there is a specific imminent threat of serious bodily harm.
- Train its members that speculative, generalized concerns about a person harming innocent third parties does not justify the use force.
- Revise its protocols to ensure that formal mechanisms for communicating expectations and revising training are established and reinforced by supervisors to quickly address lessons learned from critical incidents.

## RECOMMENDATIONS UPDATE

Seventy-nine percent of systemic review recommendations made to the Sheriff's Office are open, and the remaining are pending implementation at the time of this report's publication. OLEO has made similar recommendations to improve Sheriff's Office operations across several reports. Of the 23 recommendations made in the 2021 report regarding the fatal shooting of Anthony Chilcott, three are pending implementation and the remaining are open.

OLEO is working with the Sheriff's Office to close recommendations that may not be relevant due to changes in State laws.



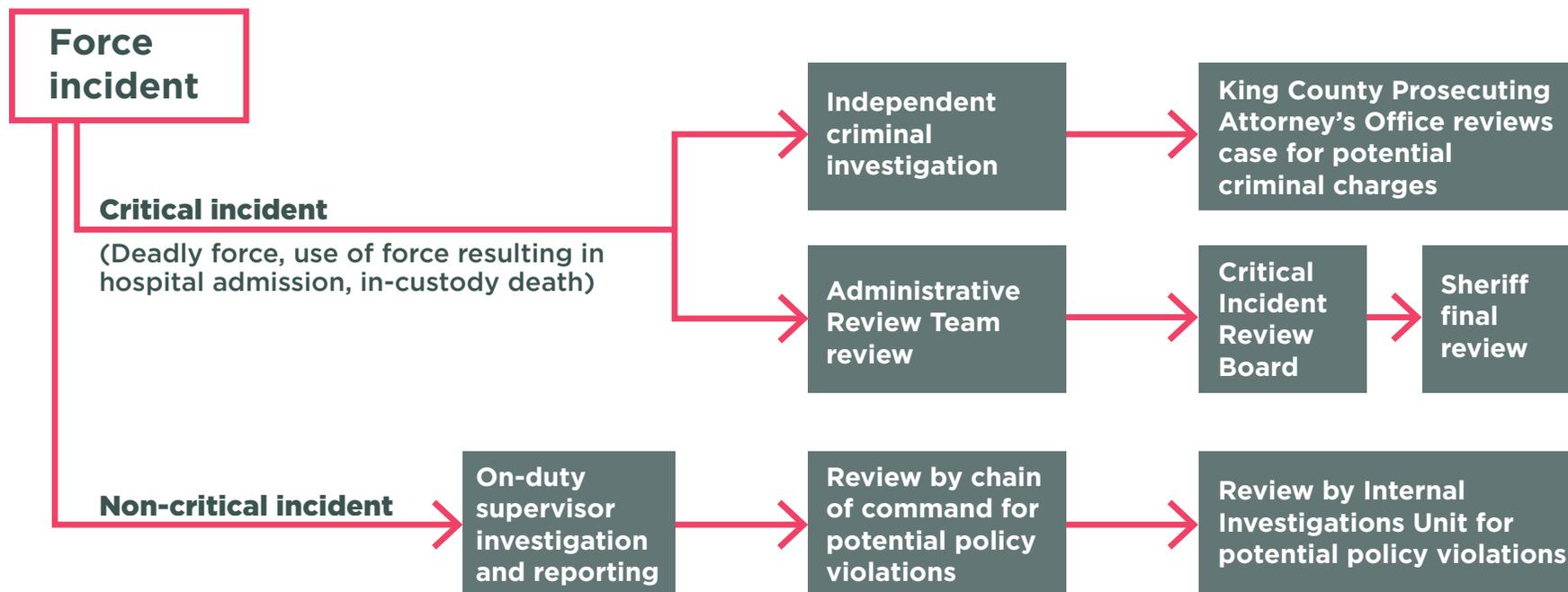
**Between 2018 and the close of 2021,  
OLEO provided the Sheriff's Office with  
160 systemic recommendations in  
6 separate reports.**

## 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 review and attend force reviews for critical incidents.

Deputies who use force on an individual that meets the Sheriff’s Office’s criteria for reporting<sup>8</sup> are required to call a sergeant in most instances.



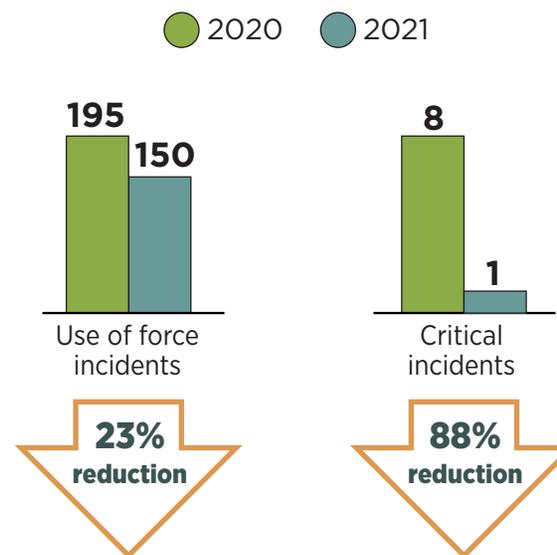
<sup>8</sup> The Sheriff’s Office has three categories for reportable force. Level I, for example, includes control holds and “show of force” by displaying a firearm but does not require a supervisor to respond to the scene unless a complaint is made. Level II, for example, includes using a Taser or 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.

2021 saw a double-digit decline in reportable use of force and a dramatic 88% decline in critical incidents compared to 2020. While OLEO has not established a causal relationship, some of the contributing factors to this decline may include: the 2020 George Floyd uprisings pointed a microscope at policing practices and catalyzed a reassessment of the use of force; 2021 was a full pandemic year, unlike 2020; in July of 2021, reform laws took effect in the state of Washington that restricted the use of force, deadly or not.

**In 2021, there were 150 reported uses of force by Sheriff’s Office deputies. This was down 45 incidents compared to 2020. Of those force incidents, one was a “critical incident,” but it did not qualify for an independent investigation.**

In 2021’s only critical incident, deputies responded to a stabbing incident. At some point during the response, deputies reported ordering a person to stop. Deputies reported that the person began aggressively walking toward them. The deputies reported Tasing the person, but it did not incapacitate or stop the person from moving toward them. A deputy reported using a less-lethal shotgun to fire beanbag rounds at the person. A round hit the person and deputies reported arresting him. The person was admitted to the hospital and reportedly suffered non-life-threatening injuries to the upper leg area. OLEO did not attend the scene and this incident is still pending review by the Sheriff’s Office’s Critical Incident Review Board.

**Figure 6. Use of Force and Critical Incidents in 2020 vs. 2021**



There were eight critical incidents in 2020, some of which included incidents where deputies shot and killed a person, used a neck restraint, or pursued a vehicle that resulted in a multiple-car accident.

The Sheriff’s Office determined that all but one incident was within policy. It determined that one of the pursuits did not comply with policy. Neither the primary pursuing deputy nor the supervisor of the pursuit had prior pursuit experience. The Sheriff’s Office ordered both to attend various trainings.

## Community Engagement

As part of OLEO's mission, we aim to ensure that our work is rooted in the needs and priorities of the diverse communities of King County. At OLEO, we do not view community engagement as a distinct part of our work. Rather, it is a process that permeates our work and forms the basis for it, because the community is the most important stakeholder. We specifically work to amplify the voices of communities most affected by disproportionality in the criminal legal system.

**Studies in Washington demonstrate that there is disproportionality in most facets of the criminal legal system, from stops and searches to use of force, death, and incarceration. The disproportionality particularly affects Black, Indigenous, Native Hawaiian/Pacific Islander, and Latinx populations.<sup>9</sup>**

One of the central ways OLEO connects to the community is through the Community Advisory Committee on Law Enforcement Oversight (CACLEO). CACLEO is intended as a conduit between the office and the community, and it advises the King County Council and the Sheriff's Office on equity and social justice issues related to public safety. OLEO staffs CACLEO meetings and assists with agendas, drafting, and facilitation. In 2021, CACLEO sent a representative to the Public Safety Advisory Committee, charged with setting parameters for the selection of the appointed Sheriff.

In addition to working with CACLEO, OLEO worked to strengthen our relationships with community organizations active in advocating for reforms in the criminal legal system, especially those representing historically oppressed communities. We created plans to implement a wide outreach strategy, reaching urban, suburban, and rural King County.



*Community Advisory Committee of Law Enforcement Oversight (CACLEO), April 2022 Meeting.*  
Top row (L-R): Abiel Woldu (CACLEO Chair); Shelby Iwatani (OLEO Community Engagement Manager and meeting facilitator); Mark Toner. Center row (L-R): Daniel Martin; Melodie Reece-Garcia; V. Omar Barraza. Bottom row (L-R): Kim Lisk; Nick Allen. Not pictured: Steve Miller, Ruby Welloffman.

<sup>9</sup> See, e.g., Race and the Criminal Justice System, Task Force 2.0; "Race and Washington's Criminal Justice System: 2021 Report to the Washington Supreme Court" (2021). Fred T. Korematsu Center for Law and Equality. 116. [https://digitalcommons.law.seattleu.edu/korematsu\\_center/116](https://digitalcommons.law.seattleu.edu/korematsu_center/116).

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# Appendix

## NOTES ABOUT DATA

- According to the collective bargaining agreement, OLEO may not “download or print” information related to investigations directly from the database used by the Sheriff’s Office, IAPro. OLEO therefore must manually maintain its own database and update it regularly by viewing and reviewing IAPro cases. OLEO has identified this as a major inefficiency and is working with the Sheriff’s Office and the King County Police Officers Guild to address it.
- To have a clear data set that was not ever-changing, OLEO assigned February 18, 2022 as the cutoff data date. That means that anything entered into IAPro after that date is not included in the Annual Report. Additionally, OLEO obtained greater real-time access to sensitive investigations after the cutoff date, resulting in some investigations missing from the data in this report.
- In investigations where information may have been missing, or where OLEO judged the information to be erroneous, OLEO used other case information to approximate data. For example, where an “open date” was missing from IAPro, OLEO approximated an open date based on when a complaint was received. Similarly, where OLEO judged that a data entry mistake had occurred, such as an incorrect location or date, 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.
- OLEO did not begin reviewing classifications until mid-March of 2021; prior to that, OLEO was not notified on classifications of Supervisor Action Logs (SALs) or Non-Investigative Matters (NIMs).
- Some investigations with case number prefixes of “IIU2021” were opened in 2020 and were not considered when counting complaints opened in 2021 for purposes of this Annual Report; however, all of those cases were closed in 2021 and were therefore included in the analyses of cases closed in 2021.

## NOTES ABOUT ALLEGATIONS

For purposes of this Annual Report, allegations have been described in a shortened fashion. The next page contains those allegations as shown in the General Orders Manual.<sup>10</sup>

<sup>10</sup> <https://kingcounty.gov/depts/sheriff/about-us/manual.aspx>

<b>Allegation, shortened</b>	<b>Allegation as shown in the General Orders Manual</b>
Absence without leave	Absence from duty without leave
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
Drugs	Drugs
Excessive force	Excessive or unnecessary use of force against a person
Failure to submit reports	Fails to submit reports, citations, or other appropriate paperwork in a timely manner
Failure to cooperate in investigation	Failure to cooperate in a Sheriff's Office administrative investigation
Failure to maintain confidentiality	Failure to maintain investigation confidentiality
Harassment	Harassment based on race, ethnicity, gender, religion, disability, or sexual orientation
Insubordination	Insubordination or failure to follow orders
Intoxicants	Intoxicants
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
Personal business while on-duty	Personal business or recreation while on-duty or in uniform
Punctuality	Punctuality
Ridicule	Ridicule
Sleeping on-duty	Sleeping on-duty
Supervision	Supervision
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



# King County OLEO

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OFFICE OF LAW ENFORCEMENT OVERSIGHT

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