

PHL 7-1 (AEO), Appendix 1: Procedures for Conducting Inquests

Upon receiving the Prosecuting Attorney's recommendation, the County Executive shall determine whether or not an inquest shall be held. If an inquest is to be held, the County Executive shall request that the King County District Court conduct the inquest on his/her behalf. If the King county District Court accepts the responsibility, the inquest shall be conducted pursuant to this Executive Policy and to R.C. W. 36.24, as amended.

1. COURTROOM

- a. An inquest shall be held in a trial courtroom selected by the judge designated to conduct the inquest. The inquest shall be an open public hearing.

2. PARTICIPATING PARTIES

- a. The family of the deceased, who shall be allowed to have an attorney(s) present;
- b. The person(s) involved in the death, if known, who shall be allowed to have an attorney(s) present.
- c. The employing government department(s) shall be allowed to be represented by its/their statutory attorney or lawfully appointed designee.
- d. The King County Prosecuting Attorney or designee whose role shall be to assist the court.

3. ROLE OF THE COURT/SCOPE OF THE INQUEST

- a. The court shall maintain the traditional judicial role of presiding over the inquest.
- b. The court shall determine the scope of the issues to be inquired into at the inquest, after consultation with the participating parties.
- c. The court shall determine who shall be called as witnesses, after consultation with the participating parties.

4. DISCOVERY

- a. Discoverable material shall be exchanged among the judge, the Prosecuting Attorney, the attorney representing the person involved in the death, and the attorney representing the family of the deceased and the attorneys for the participating parties.

- b. Discovery materials are to be used solely by the attorneys for participation in the inquest. Discovery materials automatically include the police investigative file of the incident, which resulted in the death. They also include the report of the Medical Examiner, crime laboratory reports, and the names, addresses, and summaries and/or copies of statements of any witnesses obtained by any party.
- c. In the event confidential materials in the possession of any person or agency are sought for use in the inquest, the court, upon a prima facie showing of necessity, relevancy, and lack of an alternative source for the materials, shall examine the materials in camera. The legal representative of the person or agency in possession of the materials shall have the right to participate in all proceedings which concern these materials.
- d. Following an in camera review, the judge may order discovery of the materials if he/she finds that the interest sought to be protected by the claim of confidentiality is clearly outweighed by the interest of the requesting party in using the materials in the inquest.
- e. Protective orders may be used to limit discovery, and the court may order the return of all discretionarily-ordered discovery.

5. PRE-INQUEST CONFERENCE

- a. A mandatory pre-inquest conference shall be held at which all the participating parties shall be represented. The District Court Judge shall make the rulings into a pre-inquest conference order, which shall be signed by the judge.
- b. The participating parties shall submit proposed voir dire questions, jury instructions and interrogatories.

6. JURY POOL

- a. Inquest jurors shall be selected from the regular Superior Court juror pool./LI>

7. JURY QUESTIONING

- a. Juror questioning (voir dire) shall be by the District Court Judge with questions submitted by the participating attorneys. There shall be no set limit to the number of jurors who may be excused by the judge.

8. JUROR QUESTIONS

- a. Inquest jurors shall be allowed to submit questions in writing to the judge, who shall review such questions in camera with the participating parties. The judge shall determine whether or not the questions will be submitted to the witness and the manner of submission.

9. RECORDING

- a. The inquest proceedings shall be recorded, either electronically or by a court reporter.

10. MEDIA GUIDELINES

- a. Electronic media participation, television cameras, and tape recorders shall be permitted only in accordance with Code of Judicial Conduct (CJC) 3. The Washington Bench-Bar-Press Principles and Guidelines shall apply to inquests to the extent applicable.

11. OPENING STATEMENTS AND CLOSING ARGUMENTS

- a. There shall be no opening statements or closing arguments by counsel. The judge's introduction will include an instruction in substantially the following form:
 - i. "You have been empanelled as members of a coroner's jury in this inquest. This is not a trial. The purpose of the inquest is to provide a public inquiry into the causes and circumstances surrounding the death of [decedent]. It is not the purpose of this inquest to determine the criminal or civil liability of any person or agency. Your role will be to hear the evidence and answer questions according to instructions given to you at the close of the proceedings."
 - ii. "The prosecuting attorney's role is solely to assist the court in presenting the evidence. This court has determined who will be called as witnesses and the issues which you will be asked to consider."

12. RULES OF EVIDENCE

- a. The Rules of Evidence (ER), as amended, shall apply at inquests. The judge shall not comment on the evidence.

13. EXCLUSION OF WITNESSES/PRESENCE OF PARTIES

- a. Witnesses shall be excluded from the courtroom upon request from any participating attorney, except the law enforcement officer(s) or person(s) whose actions are being reviewed and at least one representative of the family of the deceased shall be allowed to remain in the courtroom during the entire proceeding.

14. ORDER OF PRESENTATION/EXAMINATION

- a. The prosecuting attorney shall ordinarily conduct the initial examination of each witness, provided that the judge may determine that another attorney for a participating party may conduct the initial examination of a witness.
- b. The attorney for the participating parties shall be allowed follow-up questions within the scope of the inquest.
- c. The attorneys for the parties shall rotate the initial opportunity for follow-up questions.
 - i. The attorney representing the person involved in the death shall have the prerogative of first asking follow-up questions of this person, when desired. The attorney representing the family of the deceased shall have the prerogative of first asking follow-up questions of the family, when desired.

15. JURY INTERROGATORIES

- a. Interrogatories to the jury will deal with questions of fact. They will not deal with questions of law, policy, or recommendations. The purpose of the interrogatories is to give the jury an opportunity to judge credibility and determine the significant factual issues involved in the inquest. To this end, it is expected that the jury would decide what actions occurred and, where appropriate what the actors thought or knew. Interrogatories shall not answer whether any person or agency is civilly or criminally liable.

16. FINDINGS

- a. The jury shall be given written instructions by the District Court Judge. The jury shall be told to indicate the number of yes/no findings for each interrogatory.

17. TRANSMISSION OF FINDINGS

- a. The District Court Judge shall promptly transmit the jury's findings and its responses to interrogatories to the King County Executive.