

Office of the Prosecuting Attorney W400 King County Courthouse 516 Third Avenue Seattle, Washington 98104 (206) 296-9067 FAX (206) 296-9013

Statement of King County Prosecutor Dan Satterberg:

The public inquest into the death of John T. Williams has permitted a careful evaluation by our community of the circumstances surrounding the encounter on August 30, 2010, between SPD Officer Ian Birk and Mr. Williams that ended John Williams' life.

Most of us have formed some opinion about this tragic encounter, whether we followed the inquest closely or just watched the dashboard camera clips available on local news websites. We have reached our own conclusions with the benefit of hindsight and the luxury of time. We have viewed this encounter, not as a police officer on the street, but in our roles as citizens. And we are left troubled by what we have seen.

I have met with the JT Williams Organizing Committee, the attorneys for the Williams family, and I have received more than 1,200 e-mails about this matter. The common theme expressed in those meetings and in those messages is that there is a deep divide between the Seattle Police Department and some members of our community. There is suspicion, mistrust, and even fear that minority members of the community will be mistreated by the police.

I have been urged to file murder charges against SPD Officer Ian Birk as a way to bridge that divide. The argument made is that we must charge Officer Birk with murder or manslaughter in order to rebuild trust and accountability, and heal the wounds felt by aggrieved parties. Many citizens have told me this: "The police should be held to the same standards as everybody else. They should not have special protection under the law." While appealing on its face, this statement is not the law in Washington State.

In fact, Washington law gives police officers more protection against criminal prosecution for homicide than it gives ordinary citizens. Washington law directs that police officers who use deadly force when confronting an armed suspect shall not be prosecuted for any crime-- as long as they are acting in good faith and without malice.

The reason the Legislature passed this law is simple: We ask the men and women in law enforcement to put themselves into situations where they may have to make split-second decisions about the use of force. They have a duty to engage in encounters that may become deadly within seconds. Unlike the rest of us, they do not have the option of just walking away. Of course, law enforcement officers sometimes make mistakes in these situations. When they make a mistake, when they turn out to be wrong, or use more force than is necessary, the city or county that employs them will likely face civil liability.

But we do not -- and we legally cannot -- put police officers on trial for murder and send officers to prison for exercising their discretion to use deadly force, in good faith and without malice, however tragic the outcome may turn out to be.

Prosecuting Attorney
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The question of Officer Birk's criminal responsibility for the death of Mr. Williams was not addressed by the Inquest Jury; it is left for the Prosecuting Attorney. In a very real sense, that decision was made for me 25 years ago by the Washington State Legislature when it enacted this law:

A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

RCW 9A.16.040 (3).

This law creates a complete defense to criminal charges unless the prosecution has evidence to prove beyond a reasonable doubt that an officer acted with malice and without good faith when he used deadly force.

Under Washington law, malice and good faith are defined in this way:

"Malice" shall import an evil intent, wish, or design to vex, annoy, or injure another person.

To prosecute Officer Birk we would have to prove beyond a reasonable doubt that he acted with an evil intent to kill. There is no proof of this.

Good Faith: Is a state of mind indicating honesty and lawfulness of purpose.

The prosecution would bear the burden of proving beyond a reasonable doubt that Officer Birk did <u>not</u> operate in good faith, that he did not really believe he was in danger, but shot John T. Williams anyway, for unknown and unjustifiable reasons. This also cannot be proved.

The inability to prove the presence of malice and the absence of good faith beyond a reasonable doubt to a unanimous jury is evident in the written answers of the Inquest Jury:

Four jurors found that Officer Birk did, in fact, believe that his personal safety was at risk when he fired his weapon. Four jurors voted that they did not know. Not one juror concluded that Officer Birk was being untruthful when he said he was afraid for his safety.

When asked whether Officer Birk's fear was reasonable -- that is, whether John T. Williams actually posed a threat of serious physical harm to Officer Birk -- one juror concluded that he did, four said no, and three answered that they did not know.

We will never know whether John T. Williams intended to harm the officer, or anyone else nearby at the time. But the jurors' answers to the interrogatories, the presence of the knife in Williams' hand, and the Officer's testimony about his perceptions at the time establish more than a reasonable doubt that *Officer Birk* believed that John T. Williams was a threat to him.

In a criminal prosecution of Officer Birk for homicide, a jury would be directed to follow this law. As the Inquest Jury's answers show, a jury could not possibly find unanimously and beyond

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a reasonable doubt that Officer Birk acted with malice or bad intent. A jury would be compelled to find Officer Birk not guilty.

Some might say that I should just "let a jury decide". To punt a controversial decision to a jury is to abdicate my role as the Prosecuting Attorney. Our role is to review the facts as found by the Inquest Jury and the investigation. We then apply the law of our state and use sound legal judgment to reach our own conclusion about whether a jury would be justified in convicting a criminal defendant. Under the filing standards that we apply to all cases, the inability of the prosecution to overcome these obvious and legally available defenses means that the case should not be filed. There is no evidence to show malice. There is no evidence to refute Officer Birk's claim that he acted in good faith. There is simply no evidence to overcome the strong legislative directive not to prosecute a police officer under these circumstances. Having reached this conclusion does not mean that citizens should not find this matter troubling; it is troubling to me, it was to the Inquest Jury, and it clearly is to many members of our community.

Beyond the law that I have outlined and the questions answered by the jurors lie many other troubling facets of this matter.

The officer appears to have made serious tactical errors that compounded the potential for risk to himself:

- * We ask, why did the officer decide to stop Mr. Williams, draw his gun and not call for back-up?
- * he walked briskly and advanced quickly upon Williams, who was walking very slowly, and by his own actions, he closed the gap between himself and the man with the knife to a distance of about 9 feet, well inside the 21-foot danger zone taught in police training.
- * he chose not to back up himself, to create a safe distance from which to give his command to drop the knife;
- * he did not take advantage of a large signal control box on the street corner that would have provided sufficient cover for him while he determined whether Mr. Williams had heard his commands to drop the knife or would comply with them.

I am not a police officer, and can only view this as a citizen, but with the benefit of hindsight and luxury of time, it appears to me and many observers that there were other options that were available to the officer. We are troubled that he did not seek to use those options before firing his gun within five seconds of calling out to Mr. Williams. To the extent that they are tactical errors or violations of police training and procedures, they are to be resolved by the Seattle Police Department.

I understand the concerns of many community members who are deeply disturbed by this shooting, and I understand why many are calling for accountability from this officer, and actions by the city to bridge a deep divide of mistrust. But I must also follow the law of the state, and the directive of the Legislature, and I will not file criminal charges when the law clearly permits a police officer to make a good faith mistake, however tragic and terrible.



Office of the Prosecuting Attorney CRIMINAL DIVISION W554 King County Courthouse 516 Third Avenue Seattle, Washington 98104 (206) 296-9000

DECLINE OF CRIMINAL CHARGES AGAINST SEATTLE POLICE OFFICER IAN BIRK

FACTS

On August 30, 2010, at 4:12 p.m. on a busy Seattle street, Officer Ian Birk shot John T. Williams four times, killing him. The entire encounter between Birk and Williams lasted 14 seconds. The audio of the shooting was captured on Birk's patrol car camera, but the interactions between the two men at the time of the shooting occurred out of view. This description of the events is divided into four parts because of four different and important perspectives: video from the patrol cars and forensics, Officer Birk's testimony, other witnesses' testimony, and jurors' evaluation.

VIDEO AND FORENSICS

The video from Officer Birk's patrol car shows that while Birk was stopped at a red light, Williams walked across the crosswalk in front of the patrol car, holding a section of wooden board. He appeared to be holding the board in one hand, and jabbing at it with his other hand. We know from the subsequent events that Williams had both a board and a knife in his hands at the time of the shooting. It cannot conclusively be determined from the video that Williams had the knife open while crossing the street, but based on his actions, that is a fair assumption. Additionally, something in Williams' hand reflected a flash of light toward the camera, suggesting that the blade was open at that time.

After Williams walked out of the camera's frame, the video shows Birk getting out of his patrol car and gesturing for Williams to return to him. Birk yelled, "hey, hey, hey" as he gestured. Birk walked in the direction taken by Williams and out of the camera's frame. Birk can be heard yelling, "Put the knife down!" three times with increasing urgency; this is followed quickly by the sound of five shots.

After the shooting, a witness can be heard telling Birk that the man didn't do anything. Birk can be heard telling the witness that Williams had a knife and wouldn't put it down.

When other officers arrived, Birk told them, "Yeah, I'm OK. He had the knife open. I approached him, asked him to drop it multiple times. He wouldn't drop it. He turned towards me (unintelligible) open." Officer Leavitt arrived at the scene of the shooting within two minutes of the radio call of shots fired. Officer Leavitt's patrol car video records the events that transpired after that time. Officers carefully approached Williams and handcuffed him while Birk stood with his firearm trained on Williams. Birk then stood on the knife. Officer Leavitt guarded the knife until homicide detectives photographed it. These photographs depict the folding knife in the closed position. Although the knife is not visible in the video, Officer Leavitt can be seen standing in the same position for 45 minutes until homicide detectives arrive.

The medical examiner found that four bullets hit Williams, all on the right side of his body. The trajectory was from right to left with a couple of shots being slightly from front to back. The path of a bullet that entered and exited Williams' right arm (the one with the knife) led the medical examiner to conclude that the arm was likely raised at the time that shot was fired.

OFFICER BIRK

Officer Birk testified that he saw Williams walking in the crosswalk with an open knife and a piece of wooden flooring. Birk noticed that Williams appeared to be either under the influence of an intoxicant or to have some mental difficulties. Birk could not tell if the knife was legal (under 3 ½ inches). Birk had responded on different days to complaints about people with open knives in public. He testified that he felt he needed to check to see if the knife was legal and he wanted to find out if Williams posed any threat due to a combination of his mental state and the knife.

Birk testified that he got out of his car and put his gun in the "SUL" position (i.e. gun is out but not pointed, trigger finger is over the trigger guard, and gun is resting on the top of the non-shooting hand). This position is in accordance with training when approaching a citizen with a weapon. After getting out of his car, Birk yelled at Williams and gestured for him to come back to

Birk's location. Birk testified that Williams looked over his shoulder, but continued walking. Birk testified that as he hurried to approach, Williams ultimately stopped, turned, and brandished the knife. The two men were 9-10 feet apart at that time — closer than Birk intended to get to Williams. Williams turned to Williams' right, clockwise, which put his back to Howell and Boren streets. Birk testified that Williams demonstrated multiple "pre-attack indicators" as he turned, including ignoring commands, a "1000 yard stare", and a clenched jaw. Birk ordered Williams to put down the knife three times, but Williams did not comply. Birk testified that Williams then turned his upper body towards Birk, bent his knees, and shifted his weight as if he were about to charge. Birk acknowledged that Williams never took a step towards him or verbally threatened him. Birk testified that when he fired, Williams was holding the knife in a confrontational manner and the blade was clearly open. Birk said he had no doubt that he was in danger when he fired. Birk admitted that he saw the closed knife on the ground after Williams' arrest, and had no explanation for why the knife was not found in the open position.

WITNESSES

Fourteen witnesses saw parts of the interaction between Williams and Birk. (More than a dozen additional witnesses came forward, but they observed nothing until after the shots.) None of the witnesses saw Williams act aggressively towards Birk. None of the witnesses saw the pre-attack posture or the pre-attack indicators described by Birk. None of the witnesses saw the knife in Williams' hand, open or closed. Even a witness who waited at the crosswalk with Williams did not notice the knife or the board in his hands. The two witnesses with the best vantage point are discussed below.

Deanna Sebring was walking across a parking lot when the confrontation between Birk and Williams took place. Of all the witnesses, she likely had the best view of the incident; she was 10-20 feet away and paying attention to the interaction. At times, her view was blocked by cars in the parking lot, but the lot is raised, so she had an elevated view. Sebring testified that she saw Williams fumbling with what she thought was a box, as if he was trying to get something out of the box. As Williams pivoted towards Birk, he would have turned in her direction. She testified that she saw nothing that caused her alarm before the shooting started. She testified that she did not see a knife, and that she did not see any aggressive posturing by Williams.

Amy Stires was driving east on Howell as she watched the incident. She was also 10-20 feet away and paying close attention. As Williams turned toward Birk, he turned away from her. Stires testified that she saw Williams "shuffle" his feet prior to being shot, but did not see an aggressive stance or any other menacing moves by Williams. She testified that she could not see Williams' face or hands, and that she never saw a knife.

The inquest process closely examined these witnesses' ability to view the entirety of the incident. No witness was as close to Williams as Birk, no witness was as focused on Williams as Birk, no one was trained to interpret "pre-attack indicators" or "pre-attack postures", and all other witnesses had their attention divided to look at both participants. Birk was the only person who was focused on Williams for the entire exchange.

Adding to the conflicting information about Williams' actions, there was conflicting testimony about Williams' knife. When homicide and CSI arrived on the scene, two folding knives were found; photographs reveal that both knives were closed. However, three fire fighters testified that when they arrived they saw an open folding knife on the ground as they administered aid to Williams. One fire fighter was adamant that she saw an open knife, and identified it from a photograph as the knife found near Williams' body. A second knife was found, closed, in Williams' pocket when detectives looked for identification. Officer Leavitt, who arrived prior to the fire fighters, testified that he saw a closed knife on the ground by Williams' body and stood by the knife until it was photographed.

INTERROGOTORIES

There were eight jurors who were asked to answer 19 questions. Conflicting answers were provided on the central questions.

For example, four jurors concluded that Birk believed that Williams posed an imminent threat of serious physical harm to Birk when he opened fire, whereas the other four answered the question "unknown."

Only one juror believed that Williams actually did pose an imminent threat of serious physical harm to Birk. Four jurors answered they did not believe Birk was in actual danger. Three jurors answered the question "unknown."

Four jurors did not believe Williams' knife was open when Birk began firing; the other four did not know. All jurors believed Williams did not put the knife down. Only one juror believed Williams had sufficient time to drop the knife.

LEGAL ANALYSIS

Whether the shooting of John T. Williams was a criminal act turns on Washington's justifiable homicide statute. In any criminal case involving this statute, the State is required to prove the absence of justification beyond a reasonable doubt. Stated differently, a jury would be instructed to return a verdict of not guilty if it had a reasonable doubt about whether the officer's actions might be justified. The use of deadly force by a police officer is defined in RCW 9A.16.040:

- (1) Homicide or the use of deadly force is justifiable in the following cases:
 - (c) When necessarily used by a peace officer...
 - (i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony...
- (2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:
 - (a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
- (3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

There are at least four aspects of this statute and each is important in determining whether the use of deadly force by a police officer was justified.

First, the person shot must be a "person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony." Officer Birk has unequivocally testified that he believed Williams was going to ("attempting to") assault him with a knife. An assault on a police officer with a knife is a felony. The question remains whether this belief was reasonable. The inquest jurors did not decide a "reasonable belief" question, but they were divided as to whether Officer Birk actually feared an assault. Four jurors concluded that Birk believed he was in danger; four said they did not know what he believed. On the question of whether he actually was in danger, one juror answered, "yes", four said, "no", and three said, "unknown." These findings reflect a deep divide among the jurors over both Birk's subjective belief and the objective facts. Reading the answers together suggests that jurors would have been split as to whether a reasonable person would have feared a felony assault. The findings are significant for our inquiry because in a criminal case the State would be required to convince each juror beyond a reasonable doubt that Birk did not have a reasonable belief that Williams was attempting to attack him.

Second, the statute requires that in order to use deadly force "the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others." Among the circumstances which an officer may consider in making such a determination includes when a suspect "threatens a police officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening..." Thus, a jury would have to find beyond a reasonable doubt that the officer did not have "probable cause" to believe that there existed a "serious threat of physical harm" to the officer when Williams turned with the knife towards Birk. Probable cause is found to exist when there is a reasonable belief that a crime has been (or is being) committed. In this case, again, Birk testified unequivocally to his belief that Williams was preparing to attack him with a knife. For the same reasons stated above, disproving the existence of Birk's reasonable belief would be, at best, problematic. Even if others at the scene did not perceive the threat in

the same manner as Birk, the inquest findings suggest that the State could not prove the absence of Birk's "reasonable belief" beyond a reasonable doubt.

Third, the use of force must be "necessary." Necessary means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended. RCW 9A.16.010(1). In hindsight, it is evident that if Birk took different actions (including but not limited to ignoring Williams and driving away) the outcome would have been different. For example, if Birk had kept more distance between himself and Williams, he may have been able to use a nearby utility box for cover, or he might have given Williams more time to respond to his commands. But the analysis of what is "necessary" must be determined at the moment when Birk made the decision to use deadly force. At the moment of decision, Birk was about 10 feet from a man holding a knife; a man he believed could cause him death or serious bodily injury. A jury would likely conclude that Birk believed that he was under a serious threat and that the decision to discharge his firearm was "necessary" and "reasonable."

In addition to the three-part test for justifiable homicide, the statute also provides another layer of defense to a criminal charge for police officers.

A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

This section states that to impose criminal liability on a police officer, the prosecution must prove beyond a reasonable doubt that the officer acted with malice or in the absence of a good faith belief that deadly force was justified under the law.

In the criminal code, "malice" and "maliciously" are defined as requiring "an evil intent, wish, or design to . . . injure another person." "Good faith" under Washington-law means "a state of mind indicating honesty and lawfulness of purpose." <u>Tank v. State Farm Fire & Cas. Co.</u>, 105 Wn.2d 381, 385, 715 P.2d 1133 (1986) (quoting *Webster's Third New International Dictionary* 978 (1976)). Nothing in the law suggests a different definition of malice or good faith would apply to RCW 9A.16.040(3).

Thus, the State would need to prove beyond a reasonable doubt that when he shot Williams, Officer Birk was acting with an "evil intent" or in "bad faith." There is no evidence that Birk had either particularized or general animus towards Williams. Officer Birk did not know Williams, and had no prior contact with him. Further, there is no evidence that Birk had any biases towards the homeless, the mentally ill, or Native peoples. Without one or more of these facts from which to infer "evil intent", a jury would not be justified in finding "malice."

The "good faith" defense codified in RCW 9A.16.040 (3) also imposes a higher burden on the State in this case than the law requires in other cases of self-defense. In order to overcome this obstacle, the State would have to prove beyond a reasonable doubt that Officer Birk had a dishonest or unlawful purpose -- "bad faith" -- when he used deadly force against Williams (i.e. when Williams pivoted with the knife and turned towards the officer). As discussed above, it is highly unlikely that twelve jurors would unanimously conclude that the officer had a dishonest or unlawful state of mind at this moment. Birk perceived the following in the short time he was in contact with Williams:

- (1) Williams appeared to Officer Birk to be inebriated or mentally ill.
- (2) Williams was holding an open knife while walking down a busy city street in broad daylight.
- (3) Williams defiantly (at least as it appeared to Officer Birk) ignored Officer Birk's repeated commands to drop the knife.

In addition, seven out of eight jurors concluded that Williams' body had either turned or was turning toward Officer Birk when Birk fired his weapon (the eighth juror indicated "unknown.") In support of this finding, the medical examiner found four bullets in the right side of Williams. The trajectory and location of the bullets suggested that Williams' right arm (holding the knife) was raised in the air when Officer Birk fired his weapon.

In this particular case, the inquest has afforded us not just the testimony of most of the witnesses who would testify in a prosecution, but, more importantly, the conclusions of jurors who heard the testimony. The importance of the interrogatories cannot be overstated. It is

telling, for example, that jurors were unable to reach any consensus on five of the most critical questions posed to them. In considering whether to charge Birk with homicide, one of the inquest jury's findings is of paramount importance: four of eight jurors concluded that when he shot Williams, Birk believed that Williams posed an imminent threat of serious physical harm to him. The remaining four jurors answered this question, "unknown." Put another way, not a single juror affirmatively concluded that Birk did not believe Williams posed an imminent threat of serious physical harm to him at the time of the shooting. Yet, in order for us to sustain a charge of manslaughter against Birk, not only must we prove this; we must convince all twelve jurors of this fact beyond a reasonable doubt.

Finally, the inquest jury's answers to interrogatory #10 establish that not one of the jurors concluded that Birk was lying when he testified that he believed he faced an imminent threat of serious physical harm. For these reasons, it is our opinion that a criminal jury would not be able to find, unanimously and beyond a reasonable doubt, that Birk did *not* believe that he was in imminent threat of serious physical harm.

CONCLUSION

We will never know what Williams' intentions were, and whether or not he would have caused serious physical harm to Birk or anyone else at the time. But the juror's answers to the other interrogatories, the forensic evidence, and Birk's testimony about his perceptions at the time, strongly suggest that Birk believed that Williams was such a threat, and that Birk acted without malice or "evil intent" when he shot Williams to death. Under the laws of the State of Washington, this conclusion definitively answers the question whether Birk can be charged with the crime of homicide.²

¹ See Court's Interrogatories to the Inquest Jury, attached hereto, Interrogatory #10. (One of the jurors concluded that when he was shot, Williams actually posed an imminent threat of serious physical harm to Birk. Four jurors found that Williams did not pose such a threat. The remaining three jurors answered that question, "unknown.")

² It is important to note that this decision is only a decision on criminal liability. We have not intended, and are not qualified, to comment on any other matters that may be considered by the Seattle Police Department or by others in the community regarding this event.

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	IN THE WING COUNTY DISTRICT COURT						
7	IN THE KING COUNTY DISTRICT COURT IN AND FOR THE STATE OF WASHINGTON						
8	IN RE INQUEST INTO THE						
9	DEATH OF NO. 510-IQ-3528						
10	JOHN T. WILLIAMS,						
11	COURT'S INTERROGATORIES TO THE INQUEST JURY						
12							
13	The court now submits the following interrogatories to the inquest jury to be answered						
14							
15	according to the court's instructions.						
	DATED this day of January, 2011.						
16							
17	Softle Man						
18	Arthur R. Chapman						
19	King County District Court Judge						
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INTERROGATORIES TO THE INQUEST JURY

1.	crossing			attie Police (Jilicer lan B	irk observe jo	onn I. Willi	ams
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2.	-Was Johr Birk?	rT. Willi	ams holdir	ng an open k	nife at the tir	ne he was firs	t observed	by Office
	Yes	8	No		Unkr	nown		
3.				*		hn T. William	•	
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						back to Office		ation?
	Yes	7	No	·	Unkn	own/	<u> </u>	v
5.	Did John	T. Willian	ns have a	knife in his l	nand when O	fficer Birk co	ntacted him	n?
	Yes	8	No		Unkn	own		
6.	Did Office	er Birk or	der John T	. Williams to	o put the kni	fe down?		
	Yes	8	_ No _		Unkn	own		
]	If your ans	wer to qu	estion 6 w	as yes, plea	se answer the	e following 4	questions:	•
	6а.	Did (once		k order Johr	T. William	s to put the kr	nife down m	ore than
	Yes	S	8_	No		Unknown _		
	6b.		ohn T. Wi er Birk's c		sufficient tin	ne to put the l	cnife down	after
	Yes			No	4	Unknown _	3	

	6c.					fficer Birk's order?
	165_					
	6d.	Did John T. his weapon?		e knife down be	fore Office	r Birk began to fire
	Yes _		No	<u>3</u> Ur	ıknown	
. Was	the front cer Birk l	t of John T. W began to fire h	'illiams' upper b nis weapon?	ody partially tur	ned toward	ls Officer Birk whe
Yes		2 No	5	Unknowr		
7a.	If no, his we	was John T. V eapon?	Williams turning	towards Officer	Birk wher	n Officer Birk fired
	Voc	5	No		nknown	
Did (eapon at John T.			
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Yes ₋ Whe	Officer B B en Office nand?	Birk fire his we	eapon at John T.	Williams on Au Unknown	ngust 30, 20	010? - fe in his
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11. Based on the information available at the Williams then pose an imminent threat o	time Officer Birk fired his weapon, and John 1. f serious physical harm to Officer Birk?
Yes No	
12. Did John T. Williams die in King Count	y, Washington on August 30, 2010?
Yes No	Unknown
13. Did John T. Williams die from the guns	hot wounds caused by Officer Birk?
Yes 8 No	Unknown
Dated this 20 + day of January, 201	1.
Presiding Juror	Juror
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Juror	Juror
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Juror	Juror
Juror	Juror