

King County Inquest Process

October 3, 2018

SUMMARY

Background

The inquest process is unique to King County, required by King County Charter in all law enforcement related deaths, and established under state law and county code.

The purpose of an inquest is to provide an open public forum, conducted by a neutral decision-maker, to shed light on the facts surrounding a death at the hands of law enforcement. A further purpose is to promote public understanding of those crucial events in our community in which law enforcement takes human life as a part of their official duties.

Current process:

- King County Prosecuting Attorney receives investigative materials from the investigating agency and notifies the King County Executive.
- Executive requests King County District Court conduct an inquest.
- District Court presides over the inquest, determines the scope of the issues, and decides who will be called as witnesses.
- Participating parties
 - Family of the deceased, who must be represented by private counsel in order to participate
 - Officer involved in the death
 - The law enforcement agency
 - The Prosecuting Attorney's Office, whose role is to assist the judge in conducting the inquest
- Inquests are heard by a jury of six. They answer questions from the judge, called interrogatories.
- Inquest interrogatories deal with questions of fact.
 - Their purpose is to give the jury an opportunity to judge credibility and determine the significant factual issues involved in the inquest, such as what actions occurred and what the actors thought or knew.
- Inquest interrogatories do not deal with questions of law, policy, recommendations, or whether anyone is civilly or criminally liable.
- The jury indicates the number of yes/no answers to the questions, and the Court sends that information to the Executive.

Revised Process:

- Inquests will be administered by the Executive's Department of Executive Services (DES). Inquests will be conducted by an Inquest Administrator. DES will hire experienced former judges

on a pro tem basis to serve as the Inquest Administrator, who oversees the inquest process and is the neutral decision-maker. The Inquest Administrator, following the scope guidelines provided in the executive order will determine the scope of the issues, and decide who will be called as witnesses. This role was previously served by District Court judges.

- King County Prosecuting Attorney receives investigative materials from the investigating agency and notifies the King County Executive.
- The King County Prosecuting Attorney will no longer serve to assist the judge during the inquest. Instead an Inquest Staff attorney, also hired on a pro-tem basis, will assist the Inquest Administrator during the inquest. DES will also hire a manager to support the operational and procedural requirements of the inquest process.
- Participating parties
 - Family of the deceased, who will be provided a King County Public Defender or, may be represented by private counsel.
 - Officer involved in the death may participate at their request but will not be subpoenaed. There is a presumption that the involved officer will not participate.
 - The law enforcement agency. It is anticipated the agency chief or their designee would testify about current policy, while the scene investigator would testify about the event.
- Inquests are heard by a jury of between four and six persons as required by state law. They answer questions from the judge, called interrogatories.
- Inquest interrogatories deal only with questions of fact.
 - Their purpose is to give the jury an opportunity to judge credibility and determine the significant factual issues involved in the inquest, such as what actions occurred and what the actors thought or knew.
- Scope of the Inquest
 - As is currently the case, an inquest will result in the issuance of findings regarding the cause and manner of death.
 - Inquest interrogatories do not deal with questions of law, recommendations for future policy or procedures, or whether anyone is civilly or criminally liable.
 - However, the scope of the inquest will be expanded to include what the current involved law enforcement agency policy is and whether the law enforcement officer complied with applicable law enforcement agency training and policy as they relate to the death. Testimony regarding what changes should be made to existing policy, procedure, and training is not permitted.
- The jury indicates the number of yes/no/unknown answers to the questions, and the manager sends that information to the Executive.

Timeline:

- It is anticipated that inquests under the revised Executive Order would begin by the end of the first quarter of 2019.