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10 KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES INQUEST
PROGRAM

11
12 IN RE INQUEST INTO THE)
DEATH OF ALBERT WAYNE) NO. 17IQ427069
13 FREDERICKS JR.)
14)
15) FAMILY RESPONSE TO CITY’S
TRAINING MATERIALS REQUEST
16)

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18 **I. INTRODUCTION**

19 On November 11th, 2017, Albert Wayne Jr. died on a gurney in a parking lot
20 after police contact. In response, on November 2, 2021, Dow Constantine called an
21 Inquest into the Death of Albert Wayne Fredericks Jr. to the Executive Order guiding this
22 process, , “is to ensure a full, fair, and transparent review of any such death.” PHL-7-1-
23 5-EO (2.2)(12.4). The Inquest is “intended to be a transparent process to inform the
24 public of the circumstances of the death of a person.” One of the questions posed to the

1 jury at the Inquest will be, “whether the law enforcement officer complied with applicable
2 law enforcement agency training and policy as they relate to the death.” PHL-7-1-5-EO
3 (14.2).

4 **II. ARGUMENT**

5 ***a. Family Response to the City’s Objections***

6 To begin addressing the question of training and policy, the Inquest Program
7 Attorney (“IA”) Ms. Claire Thorton on behalf of Inquest Administrator Carroll (“IA”)
8 requested discovery into the Seattle Police Departments training materials. The City filed
9 a response objecting to the relevance of 13 specific trainings, identified by Attorney
10 Thorton..

11 Objecting at the discovery phase of the Inquest hearing contravenes the ultimate
12 purpose of this entire process – to be full, fair, and transparent when addressing the death
13 of a community member. The City cites ER 401 and ER 402 to argue for the exclusion of
14 13 specific trainings, claiming they are not relevant and are beyond the scope of the
15 Inquest.

16 We are, however, in the discovery phase of the Inquest process. The question of
17 which trainings will be ultimately relevant or admissible has yet to be determined.
18 Relevance is a low threshold. At this time, the Family simply for the opportunity to
19 review and better understand each of the trainings identified by IA Carroll.

20 At this time, the City stands in a position of full information, aware of what each
21 training entails, because they represent the Seattle Police Department. The Family, on the
22 other hand, is at a disadvantage, because the Family does not know what each of the 13
23 specific trainings entail By seeking to exclude the 13 specific trainings, the City is
24

1 attempting to further limit the Family's ability to investigate and make fully informed
2 decisions as to the scope and policies relevant to the death of their loved one.

3 Via email, Attorney Thorton identified that IA Carroll is considering sustaining
4 the City's objections as to the crossed out trainings in the list below:

- 5 ~~1. Less Lethal, 2014; Officers Rogers, Jerome, and Oliverson~~
- 6 ~~2. 2014 Street Skills Firearms, 2014; Officer Jerome~~
- 7 ~~3. 2014 Less Lethal Training, 2014; Officer Oliverson~~
- 8 ~~4. 2014 Less Lethal Recertification, 2014; Officer Jerome~~
- 9 ~~5. Less Lethal Certification, 2015; Officers Jerome, Oliverson~~
- 10 6. SPD - 2015 Post BLEA Tactical De-Escalation/Firearms Individual Skills, 2015;
Officer Swartz
- 11 7. SPD - 2015 Tactical De-Escalation/Firearms Individual Skills, 2015; Officer
Rogers, Jerome, and Oliverson
- 12 8. ~~SPD - 2016 Firearm Qualification and Less lethal Recertification, 2016; Officers~~
Swartz, Hay, Rogers, Jerome, and Oliverson
- 13 9. Reviewing Use of Force – Update, 2014; Officers Rogers, Jerome, and Oliverson
- 14 10. Reviewing Use of Force, 2014; Officers Rogers, Jerome, and Oliverson
- 15 11. ~~Force Investigation Team (FIT), 2014; Officers Rogers, Jerome, Oliverson~~
- 16 12. ~~SPD - 2015 Post BLEA Force Investigation Team, 2015; Officers Swartz, Rogers~~
- 17 13. ~~SPD - 2016 Post BLEA Force Investigation Team, 2016; Officers Hay~~

18 At this time, the Family would concede that firearm skills and trainings do not
19 appear remotely relevant here. The Family has no objection to those trainings being
20 stricken. The Family, however, believes it is important to at least understand what the
21 "Less Lethal" trainings entail, as that term is not self-explanatory in the context of police
22 encounters. Upon first glance, this training appears relevant; one would think that police
23 officers are constantly analyzing how to engage in encounters in a less lethal manner. For
24 example, if "Less Lethal" trainings include take down maneuvers, that would be highly
relevant into an investigation of the Death of Albert Fredericks. Of course, if after review
of the discovery materials these trainings do not appear relevant, then the City's argument
regarding scope may gain more weight. The same rationale applies to the Force
Investigation Team ("FIT") trainings because the involved officers were investigated by

1 FIT after Mr. Fredericks died at the scene, after police officer contact. The training the
2 officers received during their FIT program is relevant because the officers' understanding
3 of the investigatory process -- to which they were subject after Mr. Frederick's death --
4 could impact their engagement and involvement during the investigation.

5 ***b. Additional Trainings the Family Would Like Included.***

6 After reviewing the discovery provided to date, it seems there are issues in this
7 Inquest regarding the officers' Body Worn Video, which makes trainings regarding Body
8 Worn Video relevant.

9 As well, Albert Fredericks and the Family are part of the Qawanlangin Tribe of
10 Unalaska. Research shows that indigenous people have disproportionate contact with
11 police and the criminal legal system; Seattle Police have been under a Federal Consent
12 Decree since 2012. Thus, understanding trainings related to bias free policing are
13 pertinent during the discovery phase.

14 Finally, the Family is unclear if Defensive Tactics include take down trainings,
15 and if Rapid Intervention is related to any type of crisis intervention or rapid community
16 contact training. At this phase the Family is interested in understanding these trainings,
17 as both may be relevant to this Inquest. Accordingly, below is a list of additional trainings
18 the Family would like produced:

19 **Officer Swartz:**

- 20 – 2017 BWV
- 21 – 2015 Post BLEA Bias Free Policing
- 22 – 2015 Rapid Intervention Training
- 23 – 2015 Post BLEA Race, the Power of an Illusion/Listen, Explain, with Equity
24 and Dignity

Officer Hay:

- 2017 BWV
- 2016 Post BLEA Defensive Tactics #4, Ground Control and Survival
- 2016 Post BLEA Seattle Police Information Dispatch Electronics Reporting

- 1 – 2016 Post BLEA Bias Free Policing
- 2 – 2016 Post BLEA Race, the Power of an Illusion/Listen, Explain, with Equity and Dignity

Officer Rogers:

- 3 – 2017 BWV
- 4 – 2016 Micro Community Policy Plans
- 5 – 2015 Rapid Intervention Training
- 6 – 2015 Post BLEA Service Provider – DESC
- 7 – 2015 Post BLEA Radio Procedures
- 8 – 2015 Post BLEA Race, the Power of an Illusion/Listen, Explain, with Equity and Dignity
- 9 – Biased Free Policing and Voluntary Contacts and Terry Stops
- 10 – Bias Free Policing

Officer Jerome:

- 11 – 2017 BWV
- 12 – 2016 Micro Community Policing Plans
- 13 – 2016 New Radio Template Changes
- 14 – 2015 Rapid Intervention Training
- 15 – Biased Free Policing Voluntary Contacts and Terry Stops
- 16 – 2014 Bias Free Policing 2015 Officer Sustainment Use of Force
- 17 – Bias Free Policing
- 18 – Race the Power of an Illusion
- 19 – Perspectives on Profiling
- 20 – SS0- Rapid Intervention Refresher
- 21 – 2014 First Aid

Officer Oliverson:

- 22 – SPD 2017 BWV
- 23 – SPD 2015 Rapid Intervention Training
- 24 – 2014 Bias Free Policing
- 25 – 2014 First Aid

III. CONCLUSION

26 The Family believes it will be helpful and more efficient in making
27 determinations if the City were to offer insight or clarification as to what some of these
28 trainings encompass. Ultimately, the Family requests that IA Carroll take a broad and
29 inclusive approach to the discovery phase and deny the City’s objections at this time.
30 Deciding in this manner is consistent with the goal of a full, transparent process into the

1 death of Albert Fredericks Jr. Should some of these trainings upon further review seem
2 outside the scope or irrelevant, then that decision can be determined later.

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4 DATED this 27th Day of January 2022:

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/s/ Susan Sobel
Attorney for the Fredericks Family, #52579

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/s/ Mahalia Kahsay
Attorney for the Fredericks Family, #55594

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1 **CERTIFICATE OF SERVICE**

2 I certify that on the 19th day of January, 2022. I caused a true and correct copy
3 of this document to be served on the following in the manner indicated below:

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22 /s/ Susan Sobel
23 Attorney for the Family