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11	KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES INQUEST PROGRAM		
12	IN RE INQUEST INTO THE)		
13	DEATH OF ALBERT WAYNE) NO. 17IQ427069 FREDERICKS JR.		
14) MOTION FOR SUBPOENA		
15) FOR TRAININGS		
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	I. <u>INTRODUCTION</u>		
18	On August 8, 2022, Inquest Administrator Spearman issued an order outlining the		
19	Policy and Training Scope for this inquest proceeding. As part of this order, Administrator		
20	Spearman ordered the City to produce several SPD trainings, under four categories: bias free		
21	policing, crisis intervention/de-escalation, use of force, and miscellaneous. Administrator		
22	Spearman ordered SPD to produce these trainings before the final training scope is determined		
23	and all policy/training designees have been interviewed.		
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On August 12, 2022, the City noted numerous objections to Administrator Spearman's order. Particularly, the City noted that it is unable to produce certain trainings because these training materials are in the possession of the Washington State Criminal Justice Training Commission ("CJTC"). Those trainings are as follows:

- 1. CIT 2017 40hr (Hays)
- 2. CIT 2016 40hr (Rogers, Jerome)
- 3. 2014 CIT 40hr (Oliverson)

As well, the City noted for several trainings that the City is investigating whether there are any training materials in the City's possession that are responsive to the Request. If the City finds that no training materials are in its possession, then the Family requests the IA inquire as to why no visuals, handouts, or other materials were used in the following trainings:

- 1. Bias Free Policing (Jerome, Rogers)
- 2. 2014 CIT (Jerome, Oliverson)
- 3. 2014 ICC 1 Control and Cuffing (Jerome)
- 4. Training Regarding Approach/Contact (Oliverson and Rogers)
- 5. Training Regarding Use of specific terms and phrases that are (1) commonly used (2) clearly defined and (3) usage understood by all officers).

II. ARGUMENT

The scope of policy and training for this Inquest has been extensively discussed and argued. The parties submitted briefing on the matter, and the Administrator Spearman issued his order. With that order, the decision regarding the scope of policy and training at this point in the Inquest has been made.

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It is the Administrators duty to investigate the inquest. The Inquest Program Attorney has the responsibility, "upon request by an administrator," to "issue subpoenas for documents for the inquest hearing," PHL-7-1-5-EO (8.5) The Family requests the Administrator subpoena all trainings the City has objected to providing for the following reasons.

First, the City has objected to the production of several bias free policy trainings, arguing that these trainings are not relevant and prejudicial to the City. This mirrors the argument made by the City prior to Administrator Spearman's order; at this point, the Administrator has already determined that these trainings should be provided.

Trainings related to bias free policing are relevant to this Inquest. Albert Fredericks and the Family are part of the Qawanlangin Tribe of Unalaska. Research has shown that indigenous people have disproportionate contact with police and the criminal legal system and Seattle Police have been under a Federal Consent Decree since 2012. An understanding and review of SPD trainings related to bias free policing are appropriate within the discovery phase of this Inquest.

The purpose of this Inquest is to provide a full, fair, and transparent in addressing the death of a community member. Whether these trainings will be admissible has yet to be determined. The Family simply requests the opportunity to review these bias free policing trainings during the discovery phase of the process. If the City is not in control of these documents, then the IA should subpoena those documents from the relevant training body.

Next, the City notes it has no materials responsive to the requests for CIT 2017 – 40hr (Hays), CIT 2016 – 40hr (Rogers, Jerome), and 2014 CIT – 40hr (Oliverson), as these training materials are in the possession of the CJTC. The IA should issue subpoenas for these corresponding documents from the CJTC.

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The training the SPD officers involved in this case regarding Crisis Intervention

Tactics is a central part of this Inquest. SPD officers responded to the scene after

receiving reports of a man in the street in apparent crisis. SPD officers contacted Mr.

Fredericks twice to help get him out of the road. Mr. Fredericks did not threaten the

officers. Mr. Fredericks was not physically combative. Eventually the situation escalated, and
the officers took Mr. Fredericks down.

The Family must have an opportunity at this phase of the Inquest to review the training SPD officers have received on crisis intervention. Even if the City does not keep the training materials on hand, their officers undergo 40 hours of this training and use these skills and tactics during their work for the City. If the City cannot access these trainings to provide them to the parties, the Family requests the Administrator subpoena these trainings directly from CJTC.

Finally, the City noted for several requests that their investigation remains ongoing as to whether they have any trainings or training materials in their possession that are responsible to the request. If there are no responsive materials provided, the IA should inquire details as to why whether the format of the training did not involve the use of training documents, if the documents are in the possession of another organization, and if so, which organization. Should the training materials be in possession of another organization, the Family will request the IA subpoena them directly from the party that maintains the training materials.

DATED this 2nd day of September 2022:

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

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

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CERTIFICATE OF SERVICE

I certify that on the 6th day of September, 2022. I caused a true and correct copy of this document to be served on the following in the manner indicated below:

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