



King County

Department of Executive Services

Inquest Program

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**INQUEST INTO THE DEATH OF
ALBERT WAYNE FREDERICKS, JR.
INQUEST # 17IQ427069**

PRE-HEARING CONFERENCE ORDER

September 8, 2022, 10:00 a.m.

Family of the decedent:	Albert W. Fredericks, Jr. by Susy Sobel and Mahalia Kahsay (family not present at this hearing)
Law enforcement officers:	Seattle Police Department Officers Rogers, Oliverson, Hay, Jerome and Swartz represented by Karen Cobb and Delaney DiGiovanni (officers not present at this hearing)
Employing government department:	Seattle Police Department (SPD), represented by Alison Markette, Rebecca Widen and Ghazal Sharifi
Inquest Administrator:	Michael Spearman
Inquest Program Attorney:	Claire Thornton
Inquest Program Coordinators:	Kaela Reilly (primary); Flo Armah (secondary)

1. The Factual Scope for the Inquest Hearing shall encompass testimony and evidence as follows:
 - a. From the time commencing with the first call to 911 regarding Mr. Fredericks until the time Mr. Fredericks is declared deceased;
 - b. The investigations of the death by the SPD Force Investigation Team and Crime Scene Investigators;
 - c. The post-mortem examination by the King County Medical Examiner Office;
 - d. If offered and allowed, reviews of the post-mortem examinations by other experts;
 - e. The policy and training witnesses as designated by the Chief of the SPD.

2. The Policy Scope for this Inquest Hearing shall include the following policies:
 - a. 5.140 – POL (1)(2)(3) (Bias – Free Policing)
 - b. 8.000 (1)(2)(3)(4) (Use of Force Core Principles)
 - c. 8.050 (Use of Force – definitions)
 - d. 8.100 (De-escalation)
 - e. 8.200 (1)(2)(3)(6) (Using Force)
 - f. 16.110 – POL (Crisis Intervention)
 - g. 16.110 – POL – 5(6) (Responding to Subjects in Behavioral Crisis – (6) Officers May Facilitate Involuntary Mental Health Evaluations)
 - h. 16.110 – PRO – 2 (steps 1-7) (Process for Referring a Subject for an Involuntary Mental Health Evaluation)
 - i. 16.130 (1)(4)(5) (Sick and Injured Persons) (Duty to assist, provide information and cooperate)
3. The Witnesses for this Inquest Hearing shall be as proposed by the Inquest Administrator (IA)
 - a. The parties may propose additional witnesses for the IA to consider until October 7, 2022;
 - b. During the testimony of the FIT detective, the IPA shall elicit, for the benefit of the jury, the names of all potential witnesses interviewed by the FIT detective but not called as a witness by the IA;
 - c. Because Involved Officer Jerome is no longer employed by SPD and resides out of state, and there being no objection by any party, he may testify via Zoom;
 - d. Likewise, former SFD paramedic Stephanie Reid may testify via Zoom;
 - e. If the Involved Officers testify in the hearing under orders from the Chief of the SPD, the IA will request briefing on whether the jury should be apprised of that fact;
 - f. The order of questioning of each witness shall be as follows:
 1. IPA, Family Attorney, Involved Officers Attorney, SPD Attorney;
 2. Questioning shall be in the form of direct examination;
 3. Follow up questions may be permitted upon request
 - g. The parties shall provide a schedule for retaining, disclosing and exchanging reports of any experts they are requesting to testify no later than September 28, 2022.

4. Scheduling Witness Interviews
 - a. Dr. Mazrim – September 23, 2022;
 - b. Policy/Training Designees – Week of 9/26 or 10/3/2022;
 - c. Additional witness interviews shall be arranged, upon request, by the IPA;
 1. All parties shall be advised of the interview and allowed to participate;
 2. As for witness interviews already conducted on behalf of the Family, recordings of the interviews and transcripts shall be made available to all parties no later than September 16, 2022.
5. Livestreaming
 - a. Any objections to livestreaming the proceedings shall be provided to the IA in writing at the earliest opportunity.
6. COVID protocol
 - a. Daily testing will be required for all attorneys, staff, parties, jury members, and representatives who wish to be in the Hearing Room;
 - b. Masks are required to be worn by all persons within the Hearing Room at all times;
 - c. Because all members of the public will have access to the proceedings via livestreams video, no members of the general public will be admitted to the Hearing Room. Members of the news media will be allowed to the Hearing Room;
 - d. The family is limited to two representatives and SPD is limited to one representative who may present in the Hearing Room at any time.
7. Jury Selection Process
 - a. 10/17/22 – Draft Questionnaire – no objections made to any of the parties’ proposed edits
 - b. 10/24/22 – Questionnaire will be finalized
 - c. 11/1/22 (before noon) – Questionnaire will be sent to jury panel
 - d. 11/2/22 (by noon) – Questionnaires must be returned by potential jurors
 - e. 11/3/22 (by noon) – IA will advise counsel of proposed hardship and for cause excusals
 - f. 11/4/22 – Pre-Hearing Conference will be scheduled to finalize jury panel, which will include the following process:
 1. No voir dire will be conducted
 2. IA will start with the first six remaining jurors and hear any challenges for cause. If a challenge for cause is sustained, the IA will move to the next juror. Once there are no further challenges for cause, the jury will be selected.

3. If any party wishes to voir dire the prospective jurors they shall promptly make the request in writing and explain the reasons therefore with specificity.

8. Jury Instructions

- a. Any briefing from SPD and Family related to the Jury Instructions in response to The Involved Officers' brief, which is expected to be filed by September 14, 2022, shall be filed no later than September 30, 2022.
- b. Final Drafts of the Jury Instructions and Interrogatories will be provided to counsel on or before October 24, 2022, subject to finalization after the close of evidence

9. Hearing Schedule

- a. Monday – Friday, 9:00 a.m. – 4:30 p.m. with a 15-minute break in the morning and afternoon; lunch from noon – 1:15 p.m.

10. Motion for Subpoena for Trainings

- a. Family submitted a Motion for Subpoena for Trainings requesting that IA Spearman issue a subpoena requesting the training documents that SPD has objected to and has not provided. Family also requests a subpoena to Criminal Justice Training Center (CJTC) for the trainings that the Involved Officers took at the CJTC
- b. The IA declines to issue a subpoena to SPD at this time because SPD indicates they will be providing additional documents next week
- c. SPD and Involved Officers do not object to IA Spearman issuing a subpoena to the CJTC for the trainings that the Involved Officers took at the CJTC
- d. Hearing no objections, IA grants the motion and will request and/or subpoena said training documents from the CJTC.

Dated: September 12, 2022.



Inquest Administrator Spearman