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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF
ALBERT WAYNE FREDERICKS JR.

No. 17IQ427069

CITY OF SEATTLE’S **FIRST**
SUPPLEMENTAL OBJECTIONS AND
RESPONSES TO ORDER ON POLICY
AND TRAINING SCOPE

The City of Seattle (“City”) objects and responds to the Order on Policy and Training Scope as follows:

GENERAL OBJECTIONS:

1. Inadvertent production of any document or information which is privileged, was prepared in anticipation of litigation, or is otherwise immune from discovery, shall not constitute a waiver of any privilege or of another ground for objecting to discovery with respect to that document or any other document, or its subject matter, or the information contained therein, or of City’s right to object to the use of any such document or the information contained therein during this proceeding or otherwise.

1 **RESPONSE:** Please see the City’s objection to Request for Production No. 1. Subject to and
2 without waiving the objection, *see bates numbered documents CITY_Fredericks_A_00000001-*
3 *CITY_Fredericks_A_00000510.*

4 **REQUEST FOR PRODUCTION NO. 4 (II.A.4):** Bias Free Policing (Jerome, Rogers)

5 **RESPONSE:** Please see the City’s objection to Request for Production No. 1. Subject to
6 and without waiving the objection, the City is investigating what materials, if any, accompany this
7 training. To the extent responsive materials exist, the City will supplement this Response.

8 **FIRST SUPPLEMENTAL RESPONSE:** Please see the City’s Response to Request for
9 Production No. 1. No other responsive material exists.

10 **REQUEST FOR PRODUCTION NO. 5 (II.B.1):** 2016 Crisis Intervention Training (CIT)
(Swartz, Hay, Rogers, Jerome, Oliverson)

11 **RESPONSE:** *See bates numbered documents CITY_Fredericks_A_00000511-*
12 *CITY_Fredericks_A_00000631.*

13 **REQUEST FOR PRODUCTION NO. 6 (II.B.2):** 2016 Post BLEA Adv. CIT (Hay)

14 **RESPONSE:** Training materials used for ‘2016 Post BLEA Adv. CIT’ are the same materials
15 used for ‘2016 Crisis Intervention Training.’ *See City’s response to Request for Production No.*
16 *5, bates numbered documents CITY_Fredericks_A_00000511-CITY_Fredericks_A_00000631.*

17 **REQUEST FOR PRODUCTION NO. 7 (II.B.3):** 2016 CIT (Jerome, Oliverson)

18 **RESPONSE:** Training materials used for ‘2016 CIT’ are the same materials as ‘2016 Crisis
19 Intervention Training.’ *See City’s Response to Request for Production No. 5, bates numbered*
20 *documents CITY_Fredericks_A_00000511-CITY_Fredericks_A_00000631.*

21 **REQUEST FOR PRODUCTION NO. 8 (II.B.4):** CIT 2017 - 40hr (Hays)

22 **RESPONSE:** The City has no responsive materials to this request. The CJTC (WA State
23 Criminal Justice Training Commission) conducts and maintains the training materials for ‘CIT 2017
– 40hr’, and CJTC instructors take the materials with them at the end of training.

REQUEST FOR PRODUCTION NO. 9 (II.B.5): CIT 2016 - 40hr (Rogers, Jerome)

1 **RESPONSE:** The City has no responsive materials to this request. The CJTC (WA State
2 Criminal Justice Training Commission) conducts and maintains the training materials for ‘CIT 2016
3 – 40hr’, and CJTC instructors take the materials with them at the end of training.

4 **REQUEST FOR PRODUCTION NO. 10 (IL.B.6):** 2015 Post BLEA Adv. CIT (Swartz)

5 **RESPONSE:** Training materials used for ‘2015 Post BLEA Adv. CIT’ are the same materials
6 as ‘2015 Adv. CIT.’ *See City’s Response to Request for Production No. 11, bates numbered*
7 **documents CITY_Fredericks_A_00000632-CITY_Fredericks_A_00000734.**

8 **REQUEST FOR PRODUCTION NO. 11 (IL.B.7):** 2015 Adv. CIT (Rogers, Jerome)

9 **RESPONSE:** *See bates numbered documents CITY_Fredericks_A_00000632-*
10 **CITY_Fredericks_A_00000734.**

11 **REQUEST FOR PRODUCTION NO. 12 (IL.B.8):** 2015 CIT (Oliverson)

12 **RESPONSE:** Training materials used for ‘2015 CIT’ are the same materials as used for ‘2015
13 Adv. CIT.’ *See City’s Response to Request for Production No. 11, bates numbered documents*
14 **CITY_Fredericks_A_00000632-CITY_Fredericks_A_00000734.**

15 **REQUEST FOR PRODUCTION NO. 13 (IL.B.9):** 2014 CIT (Jerome, Oliverson)

16 **RESPONSE:** The City is investigating whether there are any trainings or training materials
17 responsive to this Request. To the extent responsive materials exist, the City will supplement this
18 Response.

19 **FIRST SUPPLEMENTAL RESPONSE:** Please see the City’s Response to Request for
20 Production No. 14. No other responsive materials exist.

21 **REQUEST FOR PRODUCTION NO. 14 (IL.B.10):** 2014 CIT - 40hr (Oliverson)

22 **RESPONSE:** The City has no responsive materials to this request. The CJTC (WA State
23 Criminal Justice Training Commission) conducts and maintains the training materials for ‘2014 CIT
– 40hr’, and CJTC instructors take the materials with them at the end of training.

REQUEST FOR PRODUCTION NO. 15 (IL.C.1): 2016 Post BLEA Use of Force Decision
Making – Scenarios (Hay)

1 **RESPONSE:** Training materials used for ‘2016 Post BLEA Use of Force Decision Making
2 – Scenarios’ are the same materials as used for ‘2015 Post BLEA Use of Force Decision Making.’
3 **See Response to Request for Production No. 22, bates numbered documents**
4 **CITY_Fredericks_A_00000735 - CITY_Fredericks_A_00000789.**

5 **REQUEST FOR PRODUCTION NO. 16 (IL.C.2):** 2016 Officer Sustainment Use of Force
6 (Hay)

7 **RESPONSE:** Training materials used for ‘2016 Officer Sustainment Use of Force’ are the
8 same materials as used for ‘2015 Officer Sustainment Use of Force.’ **See City’s Response to**
9 **Request for Production No. 23, bates numbered documents CITY_Fredericks_A_00001351-**
10 **CITY_Fredericks_A_00001648.**

11 **REQUEST FOR PRODUCTION NO. 17 (IL.C.3):** 2016 Post BLEA Core Principles (Hay)

12 **RESPONSE:** *See* bates numbered documents **CITY_Fredericks_A_00000960-**
13 **CITY_Fredericks_A_00001064.**

14 **REQUEST FOR PRODUCTION NO. 18 (IL.C.4):** 2016 Post BLEA Use of Force Decision
15 Making (Hay)

16 **RESPONSE:** Training materials used for ‘2016 Post BLEA Use of Force Decision Making’
17 are the same materials as used for ‘2015 Post BLEA Use of Force Decision Making.’ **See response**
18 **to Request for Production No. 22, bates numbered documents CITY_Fredericks_A_00000735**
19 **- CITY_Fredericks_A_00000789.**

20 **REQUEST FOR PRODUCTION NO. 19 (IL.C.5):** 2016 Post BLEA Defensive Tactics #1
21 Control and Cuffing (Hay)

22 **RESPONSE:** Training materials used for ‘2016 Post BLEA Defensive Tactics #1 Control
23 and Cuffing’ are the same materials as used for ‘2015 Post BLEA Defensive Tactics #1 Control and
Cuffing.’ **See City’s Response to Request for Production No. 20, bates numbered documents**
CITY_Fredericks_A_00001065-CITY_Fredericks_A_00001350.

1 **REQUEST FOR PRODUCTION NO. 20 (II.C.6):** 2015 Post BLEA Defensive Tactics #1
2 Control and Cuffing (Rogers)

3 **RESPONSE:** *See bates numbered documents CITY_Fredericks_A_00001065-*
4 *CITY_Fredericks_A_00001350.*

5 **REQUEST FOR PRODUCTION NO. 21 (II.C.7):** 2015 Integrated Use of Force and
6 Tactics (Rogers, Jerome, Oliverson)

7 **RESPONSE:** Objection. The City objects to the production of the 2015 Integrated Use of
8 Force and Tactics training materials on the grounds they contain non-public tactical procedures and
9 tactical training protocols, which require redaction or a protective agreement in place prior to
10 production. Subject to and without waiving the objection, the City is quickly working to determine
11 which portions of the training are protected tactical information and will supplement its response to
12 this Request.

13 **FIRST SUPPLEMENTAL RESPONSE:** *See bates numbered documents*
14 *CITY_Fredericks_A_00001857-CITY_Fredericks_A_00001959.*

15 **REQUEST FOR PRODUCTION NO. 22 (II.C.8):** 2015 Post BLEA Use of Force Decision
16 Making (Swartz, Rogers)

17 **RESPONSE:** *See bates numbered documents CITY_Fredericks_A_00000735 -*
18 *CITY_Fredericks_A_00000789.*

19 **REQUEST FOR PRODUCTION NO. 23 (II.C.9):** 2015 Officer Sustainment Use of Force
20 (Swartz, Rogers, Jerome, Oliverson)

21 **RESPONSE:** *See bates numbered documents CITY_Fredericks_A_00001351-*
22 *CITY_Fredericks_A_00001648.*

23 **REQUEST FOR PRODUCTION NO. 24 (II.C.10):** 2015 Post BLEA Core Principles
(Swartz, Rogers, Jerome)

RESPONSE: *See bates numbered documents CITY_Fredericks_A_00000790-*
CITY_Fredericks_A_00000860.

1 **REQUEST FOR PRODUCTION NO. 25 (II.C.11):** 2015 Post BLEA Core Principles
2 (Oliverson)

3 **RESPONSE:** *See* City's response to Request for Production no. 24, bates numbered
4 documents CITY_Fredericks_A_00000790-CITY_Fredericks_A_00000860.

5 **REQUEST FOR PRODUCTION NO. 26 (II.C.12):** 2015 Post BLEA Use of Force
6 Decision Making (Swartz, Rogers)

7 **RESPONSE:** *See* City's Response to Request for Production No. 22, bates numbered
8 documents CITY_Fredericks_A_00000735 - CITY_Fredericks_A_00000789.

9 **REQUEST FOR PRODUCTION NO. 27 (II.C.13):** 2014 Use of Force Core Principles
10 (Jerome, Oliverson)

11 **RESPONSE:** *See* bates numbered documents CITY_Fredericks_A_00000861-
12 CITY_Fredericks_A_00000959.

13 **REQUEST FOR PRODUCTION NO. 28 (II.C.14):** 2014 ICC 1 – Control and Cuffing
14 (Jerome)

15 **RESPONSE:** The City is investigating whether there are any trainings or training materials
16 responsive to this Request. To the extent responsive materials exist, the City will supplement this
17 Response.

18 **FIRST SUPPLEMENTAL RESPONSE:** Please see the City's responses to Request for
19 Production Nos. 19-20. No other responsive materials exist.

20 **REQUEST FOR PRODUCTION NO. 29 (II.D.1):** 2016 CPR/AED per ASHI Standards
21 (Swartz, Hay, Rogers, Jerome, Oliverson)

22 **RESPONSE:** Objection. The City objects to the complete inclusion of the 2016 CPR/AED
23 per ASHI Standards training. Mr. Fredericks' heart and breathing stopped while he was being
attended to by AMR EMT's. SPD's trainings on CPR and AED are not relevant and will be
prejudicial. ER 401-430. Subject to and without waiving the objection, please *see* bates numbered
documents CITY_Fredericks_A_00001649-CITY_Fredericks_A_00001841.

1 **REQUEST FOR PRODUCTION NO. 30 (II.D.2):** 2014 First Aid (Jerome, Oliverson)

2 **RESPONSE:** Please see the City’s objection to the preceding Request. Subject to and without
3 waiving the objection, please *see bates numbered documents CITY_Fredericks_A_00001842-*
4 *CITY_Fredericks_A_00001856.*

5 **REQUEST FOR PRODUCTION NO. 31 (II.D.3):** Training Regarding Approach/Contact
6 (as referenced in FIT report at Fredericks_A 0791) (Oliverson and Rogers)

7 **RESPONSE:** The City is investigating whether there are any trainings or training materials
8 responsive to this Request. To the extent responsive materials exist, the City will supplement this
9 Response.

10 **FIRST SUPPLEMENTAL RESPONSE:** Objection. The City objects on the grounds the
11 FIT Report at Fredericks_A_0791’s references to training are prospective in nature and not reflective
12 of training that existed at the time of the incident. They also not do not relate to the cause and manner
13 of Mr. Fredericks’ death in any way; rather, they deal with officer safety and/or internal
14 communication issues that are outside the scope of this inquest. Finally, they deal with generalized
15 law enforcement concepts that may run through many different aspects of law enforcement training.

16 Subject to and without waiving the objection, in regards to “Approach/Contact” training, the
17 City did not locate any training modules specifically devoted to “Approach/Contact.” SPD’s Edged
18 Weapon Response training includes verbal discussion and drills related to making contact with
19 subjects from the confines of the patrol car. The City objects that any Edged Weapon Response
20 training is irrelevant to the scope of this Inquest, and its inclusion would be prejudicial as its probative
21 value is outweighed by the risk of confusion or undue delay. ER 403.

22 **REQUEST FOR PRODUCTION NO. 32 (II.D.4):** Training Regarding use of specific terms
23 and phrases that are (1) commonly used (2) clearly defined and (3) usage understood by all officers.
(As referenced in FIT report at Fredericks_A 0791) (Oliverson and Rogers)

1 declines to produce the photographs due to their sensitive nature.

2
3 DATED this 20th day of September, 2022.

4 ANN DAVISON
5 Seattle City Attorney

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CERTIFICATE OF SERVICE

I certify that on the 20th 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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|--|--|
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