



**King County**

Department of Executive Services

**Inquest Program**

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**INQUEST INTO THE DEATH OF  
JESUS HERNANDEZ-MURILLO  
INQUEST # 18IQ033145**

**PRE-HEARING CONFERENCE ORDER  
March 13, 2023**

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Family of Jesus Hernandez-Murillo:	Represented by Deborah Alexander (family not present)
Law enforcement officers:	King County Sheriff's Officer Leland Adams (not present) represented by Derrick Isackson
Employing government department:	King County Sheriff's Office (KCSO), represented by Amanda Froh
Administrator:	Marcine Anderson, assisted by Anu Zangri and Matt Anderson

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Having held a Pre-Hearing Conference on the date noted above, Inquest Administrator (IA) Marcine Anderson, after consultation with the parties, hereby orders the following:

**1. Factual Scope**

An Inquest jury swears to inquire into the circumstances attending a death, determine who the person was and when, where and by what means he came to his death. The jury must also determine if those means were criminal and whether the Involved Officer's actions complied with agency policy and training. Based on the agreement of the parties to this Administrator's proposed factual Scope, the witnesses called to testify will be allowed to describe anything within their knowledge pertaining to the events listed below unless a specific

limitation is imposed by the Administrator. Testimony will be governed by the Rules of Evidence unless the Administrator invokes the Hearing Examiner Rules as allowed under the Executive Order.

**Facts of the incident:** The factual scope of inquiry for this Inquest begins when King County Sheriff's Office Deputy Leland Adams became aware of the vehicle driven by Mr. Hernandez-Murillo and continues until Mr. Hernandez-Murillo was taken from the scene. The scope includes all of Deputy Adams' and Mr. Hernandez-Murillo's interactions. The scope includes the initial response, medical care and scene stabilization performed by law enforcement officers after the shooting.

**Medical care given by those other than Law Enforcement Officers:** Medical professionals provided Mr. Hernandez-Murillo care at the scene, as he was transported to Harborview Medical Center, and at Harborview until his death. The Program is in the process of requesting documentation of those events and will consult with the parties to determine what witnesses should be called to describe that care. The Administrator will ask the parties to consider possible stipulations regarding some of this information.

**Facts of the investigation (General):** Det. Mike Mellis will provide a comprehensive overview of the forensic investigation supplemented by Sgt. Anthony McNabb's description of evidence collection and scene documentation as allowed in App 2, Sec. 12.3 of the Executive Order.

**Facts of the investigation (Medical):** Dr. Brian Mazrim will testify to his examination and the results of the testing he requested from the State Toxicology Lab.

## 2. Witnesses

Based on the agreement of the parties to the Administrator's proposed witness list and the Involved Officer's request to call Kent Police Department (Kent PD) Officer R Brennan, the Administrator will subpoena the following witnesses to testify:

KCSO Det. Michael Mellis (lead detective)  
KCSO Sgt. Anthony McNabb (CSI)  
KCSO Jonathan Hoffman, Policy Designee under EO, App 2, Sec. 12.3  
KCSO Deputy Corey Marcotte, Training Designee under EO, App 2, Sec. 12.3  
Kent PD Officer Lydon Baron  
Kent PD Officer Ke Clay  
Kent PD Officer R. Brennan  
Medical first responders/Harborview personnel – (Identity to be determined after consultation with the parties).  
King County Medical Examiner Brian Mazrim, M.D.  
Irvin Martinez-Leiva  
Tim Helton  
Aaron Hogan  
Tim Russo  
Jeff Noble (Tentative)

IA Anderson grants KCSO and Deputy Adams' request for leave to offer additional witnesses regarding Deputy Adams' compliance with policy and training one week after the substance of Jeff Noble's potential testimony is provided.

IA Anderson encourages the parties to consider stipulations to ensure a concise presentation of evidence, especially where unique, relevant testimony provided by a witness may be limited, as with Kent PD Officer Brennan and Harborview Medical Center witnesses.

## 3. Policy Scope

Based on the agreement of the parties to the Administrator's proposed Policy Scope, the jury will answer interrogatories determining whether the King County Sheriff's Office General Offense Manual (GOM) sections listed below applied to Deputy Leland Adams' actions during this incident. If the Jury determines that the sections did apply, it will also answer interrogatories determining whether his actions complied with those sections and with any training implementing those sections:

GOM 4.09.020 – Stopping a violator  
GOM 6.00.020 – De-Escalation  
GOM 6.00.005 and 6.00.025 - Physical (Non-Deadly) Force  
GOM 6.00.005 & 6.00.030 - Deadly Force  
GOM 6.00.015 - Calling and Rendering Medical Aid

The GOM excerpt attached as Appendix A will be admitted into evidence to assist the jury in their deliberations. It contains each of the above policy sections. It also includes language that may be otherwise helpful to the jury.

Prior to the hearing, the Family asked the Administrator to require the jury to answer interrogatories determining whether Deputy Adams' actions complied with GOM sections 5.01.010 - Handcuffing and 4.01.020 - Calling for Extra Support). The Family also asked that GOM sections 5.0015 - Probable Cause and 5.0020 - Reasonable Suspicion be included in the Policy Manual Excerpt. The family withdrew each such proposal after discussion with the parties. The Family reserved the right to renew before the jury is instructed.

#### **4. Involved Officer's presence**

The Involved Officer has not yet disclosed whether he will appear for the Inquest Hearing, as he resides out of state. If the Involved Officer does not agree to appear voluntarily, the Administrator will seek a subpoena from King County Superior Court and the Oklahoma courts to take his deposition via CR 45.

#### **5. Schedule**

The Inquest Hearing remains set to begin on May 1, 2023, at 9:00 a.m. at the CFJC.

Witness interviews are scheduled as follows: (1) Policy designee Jonathan Hoffman is confirmed for March 30, 2023; (2) KCME Dr. Brian Mazrim is confirmed for April 6, 2023; and (3) the Training designee Dep. Corey Marcotte is tentatively scheduled for March 29, 2023.

If the Family intends to request its expert be allowed to testify at the Inquest Hearing, its expert is to provide a written report to all parties by April 10, 2023. The parties are to work together to schedule the interview of the Family's expert on April 19, 20, or 21, 2023.

DATED this 13<sup>th</sup> day of March, 2023.



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Marcine Anderson she/her  
Administrator

# APPENDIX A

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# King County Sheriff's Office



## General Orders Manual

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Original Publication  
02/01/08

Revised  
05/17/18

# GENERAL GLOSSARY OF TERMS

For purposes of this manual:

- 1. **"Department"** means The King County Sheriff's Office.

- [Redacted]

- [Redacted]

- 4. **"May"** means permissible or allowable.

- 5. **"Should"** means recommended, preferred, or suggested.

- 6. **"Shall, must, or will"** means mandatory or required.

- [Redacted]

- [Redacted]

- [Redacted]





- e. Ask the driver to turn off the vehicle.
- f. Ask the driver for the requested documents.
- g. Passengers should not be asked for ID unless they are being investigated for a separate crime or infraction.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **6.00.000 USE OF FORCE**

6.00.005

### **POLICY STATEMENT: 04/15**

Sheriff's Office members shall not use either physical or deadly force on any person except that which is reasonably necessary to effect an arrest, to defend themselves or others from violence, or to otherwise accomplish police duties according to law.

Any use of force by Sheriff Office members must be objectively reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The assessment of reasonableness must embody allowance for the fact that police officers are often forced to make split-second decisions—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

The reasonableness inquiry in an excessive-force case is an objective one: the question is whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

6.00.010

### **DEFINITIONS: 12/17**

For purposes of this policy:

**"Deadly force"** means the intentional application of force through the use of firearms (other than less lethal) or any other means reasonably likely to cause death or serious physical injury (RCW 9A.16.010 (2)).

**"Necessary"** means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended (RCW 9A.16.010 (1)).

**"Physical force"** means the intentional application of force through the use of physical contact that does not rise to the level of deadly force.

1. This includes hitting with or without an object, kicking, use of any chemical agent.
2. Any other use of force that results in injury or complaint of injury.
3. This does not include routine handcuffing and control holds not amounting to the conditions above.

6.00.015

### **USE OF FORCE AND MEDICAL TREATMENT: 12/17**

1. Members shall call for medical aid, as soon as possible, when there is an obvious, suspected or alleged injury to any person involved in the use of force.
2. When safe and feasible, members are encouraged to provide aid to persons injured during a use of force incident.

6.00.020

**DE-ESCALATION: 01/17**

1. When safe under the totality of the circumstances and time and circumstances permit, deputies shall use de-escalation tactics in order to reduce the need for force.
2. When time and circumstances reasonably permit, deputies shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
  - a. Medical conditions.
  - b. Mental impairment.
  - c. Developmental disability.
  - d. Language barrier.
  - e. Behavioral crisis.
3. When time and circumstances reasonably permit, deputies shall attempt to de-escalate use of force situations by:
  - a. Moving from a position that exposes deputies to potential threats to a safer position.
  - b. Decreasing the exposure to potential threat by using:
    - Distance.
    - Cover.
    - Concealment.
  - c. Communicating from a safe position with the intention to gain the subject's compliance, using:
    - Verbal techniques such as Listen and Explain with Equity and Dignity (LEED) Training, to calm an agitated subject and promote rational decision making.
    - Advisements.
    - Warnings.
  - d. Calling extra deputies or specialty units to assist.

6.00.025

**PHYSICAL FORCE, USE OF: 03/09**

1. When necessary, members may use physical force when the member(s) reasonably believes that other force options would be ineffective or impractical.
2. Members may use physical force to overcome a subject's combative or active resistance.

6.00.030

**DEADLY FORCE, USE OF: 06/92**

RCW 9A.16 establishes a higher standard for the police officer than the private citizen in the application of deadly force.

1. Members shall exhaust every reasonable means of apprehension before resorting to the use of deadly force.
2. Firearms shall not be drawn or pointed unless a member has reason to believe that their use may be required.
3. When necessary, a member may use deadly force only when **both** of the following elements exist:

- a. Either to overcome actual resistance to the execution of the legal process, mandate, order of a court or officer, or in the discharge of a legal duty, or to arrest a person who the member reasonably believes has committed, has attempted to commit, is committing, is attempting to commit a felony; **and**
  - b. The member has probable cause to believe that the suspect, if not apprehended, poses a threat of **serious physical harm** to the member or others.
4. The threat of serious physical harm includes, but is not limited to, cases in which:
- a. An armed suspect threatens someone or displays a weapon in a threatening manner; or
  - b. It is reasonably believed that the suspect committed or attempted to commit a crime of violence involving either actual or threatened serious physical injury.
5. If possible, members should warn the suspect that deadly force may be used.
6. RCW 9A.16.040 (3) states that "a public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section."
- Members shall not be censured or disciplined if a suspect is not apprehended, where the member deemed the use of deadly force to be unwise.
7. Members shall read and fully understand RCW 9A.16.010 - 9A.16.040.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

**6.04.000 LESS LETHAL WEAPONS**

6.04.005

**POLICY STATEMENT:** 09/12

Less lethal weapons are tools to assist deputies to reasonably and effectively control a physically resistant, or aggressive or violent subject(s) who poses a threat of physical harm to themselves, to the deputy(s) or to other persons or property. Less lethal weapons have been adopted for use by the Sheriff's Office but are not intended to be a substitute when lethal force is necessary. Sworn personnel shall successfully complete training on less lethal weapons prior to using them. All applications of less lethal weapons shall conform to the principles outlined in the training and certification program, consistent with the RCW definition of necessary force (RCW 9A.16.010) and the Use of Force Policy (GOM 6.00.000).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6.04.020

**REQUIREMENT TO CARRY:** 07/17

1. Commissioned deputies, sergeants and court marshals must carry the department approved Taser CEW while working in a uniform assignment.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6.04.030

**USING THE TASER CEW: 07/17**

The Taser may be used to control a physically resistive, or aggressive, or violent subject who poses a threat of physical harm to his/herself, to the deputy(s) or to other persons or property. Fired probes should be used rather than contact-stuns unless using probes is not possible. Before application, of the Taser CEW, deputies:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]