



King County

Department of Executive Services

Inquest Program

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INQUEST INTO THE DEATH OF EUGENE DEWAN NELSON INQUEST # 417IQ2075

PRE-HEARING CONFERENCE ORDER

October 6, 2022, 3:30 p.m.

Family of the decedent:	The Family of Eugene Dewan Nelson represented by Teri Rogers Kemp (family not present at this hearing)
Law enforcement officers and Employing government department:	Kent Police Department and Officer John Waldo and Officer Jacob Reed represented by Jeremy Culumber (officers not present at this hearing)
Inquest Administrator:	Robert McBeth
Inquest Program Attorney:	Claire Thornton and Cady Nicol
Inquest Program Coordinators:	Flo Armah (primary); Angelina Jimeno (secondary)

Having held a Pre-Hearing Conference on the date noted above, heard the arguments of counsel, and considered the governing Executive Order's mandates, Inquest Administrator (IA) McBeth continues the Inquest Hearing in this matter.

1. Procedural History.

The Family, by and through Ms. Rogers Kemp, moved to continue the Inquest Hearing date for the following reasons:

- a. To consult a Use of Force expert regarding the officers' actions, and the police department's policies and training;
- b. To conduct additional investigation and evaluation of evidence after having interviewed the Medical Examiner Dr. Harruff on September 23, 2022;
- c. To interview the subpoenaed civilian witnesses, as well as a civilian witness that has been released by IA McBeth from subpoena;
- d. The need for additional time to prepare, having just completed the Lightfeather Inquest Hearing.

The Kent Police Department and Involved Officers, by and through Mr. Culumber, opposed the motion to continue and objected to consultation of a Use of Force expert at this time.

2. Inquest Administrator's Ruling

Executive Order PHL-7-1-5-EO mandates a “full, fair and transparent review” including “whether the law enforcement member acted pursuant to policy and training.” Compliance with policy and training in the context of the dynamic and changing circumstances presented the law enforcement officers in this (and any Inquest) is a complex task. The jury’s mandate to evaluate such efforts years after the fact is no less complex. Each of the juries in each of the Inquests held under the current Executive Order have indicated that their job was made more difficult by only hearing from the employing agency regarding such compliance.

This matter is continued to allow IA McBeth to consider the advice of an expert in how to evaluate the Involved Officer’s compliance with policy and training and how best to present information relevant to that inquiry to the jury. This continuance and the accompanying efforts to seek advice are carried out on behalf of the Inquest Program¹. Whether that expert, or any expert offered by any party will be allowed to testify will be decided, if requested, at a later date. The parties will be kept updated on the Inquest Program’s progress on making this determination.

IA McBeth is mindful that this incident occurred in August 2017, and that all parties deserve resolution to this matter. The matter would not be continued absent the conviction that doing so is mandated by the duties imposed by the Executive Order. IA McBeth will consider any recommendations of Use of Force experts from the parties submitted by October 19, 2022.

3. Inquest Hearing Date

The Inquest Hearing in this matter will be continued to a date to be determined after consultation with the parties (Mr. Culumber is not available the week of January 9, 2023, which was initially the date targeted). Counsel shall provide their schedules to the Inquest Program by October 14, 2022, identifying any conflicts between January 9, 2023, and April 30, 2023.

4. Other Matters

- a. The PHC set for October 13, 2022, is hereby stricken.
- b. The Family discussed requesting information regarding whether the officers are being ordered by the Kent Police Department to testify or are being granted immunity. This issue and any other matters raised by the parties will be briefed and argued on a schedule determined after the parties have notified the IPAs of a desire to submit briefing on any such matter.

Dated: October 7, 2022.



Inquest Administrator Robert McBeth

¹ IA McBeth is aware of the Family’s request for an expert and that such request has been referred to Administrator Michael Spearman for decision.