



King County

Department of Executive Services

Inquest Program

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PRE-INQUEST CONFERENCE ORDER

INQUEST INTO THE DEATH OF ISAIAH OBET INQUEST # 417IQ7199

PARTIES:

Family of the decedent:	Represented by Amy Parker
Law enforcement officers:	Auburn Police Department Officer Jeff Nelson, not present
Employing government department:	Auburn Police Department, represented by Andrew Cooley, Steve Gross, and Kendra Comeau, Chief Bill Pierson present
Administrator:	Michael Spearman assisted by Matt Anderson

The Administrator, having presided over the Pre-Inquest Conference on September 10, 2019 and having heard from the parties, hereby orders the following:

- 1. Next pre-inquest conference:** The next pre-inquest conference is scheduled for November 8, 2019 at 9:00 a.m. at the King County Courthouse, E-854.
- 2. Inquest date:** The date of the inquest is hereby schedule for March 25, 2020 at 9:00 a.m. at the King County Courthouse, E-854. (Monday through Friday). All parties shall reserve two weeks of their schedules (through Tuesday, April 7, 2020).

3. **Proposed Scope of Inquiry:** The scope of inquiry in the inquest proceeding shall include the following areas:
- a. The identity of the decedent;
 - b. The place of death;
 - c. The means of death;
 - d. The officer or officers who caused the death;
 - e. The circumstances attending to the death, i.e. all readily observable facts or conditions at the time of, leading up to and immediately following the death;
 - f. Under what department policies were the officer or officers who caused the death acting at the time they took the actions that caused the death;
 - g. What training did the officer or officers receive with regard to those policies;
 - h. Were the officer or officers who caused the death acting pursuant to those policies and training.
 - i. **Proposed Scope of inquiry:** Each party shall provide proposed additions and deletions to the scope of inquiry in this inquest. Specifically, the parties shall address:
 - i. The subject matter of the policies governing the officer or officers who caused the death of Isaiah Obet;
 - ii. The subject matter of trainings that governed the officer or officers who caused the death of Isaiah Obet; and
 - iii. The events leading up to the death of Isaiah Obet (with specificity – including time, date, case number, if applicable, and factual summary.)
- Schedule:** Each party’s positions with regard to i., ii., and iii, above shall be provided by October 14, 2019 at 12:00 noon. Responses shall be provided by October 23, 2019 at 12:00 noon. Reply briefs, if any shall be provided October 28, 2019 at 12:00 noon.
4. **Discovery:** Having reviewed the Family’s Request for Production and Discovery Demand, Auburn Police Department’s Objection and Notice of Refusal to Produce, The Family’s proposed Subpoena Duces Tecum, and having considered the arguments of counsel, the Administrator hereby requests that the Auburn Police Department (APD) produce the following documents and things that have not already been provided in discovery (OBET_I 0001 – 2388).¹
- a. The entire investigative file regarding the investigation into the death of Isaiah Obet, including Auburn Police Department # 17-7199, Port of Seattle Police Department # 17-32867, Tukwila Police Department case # 17-3795, Des Moines Police Department # 17-1453, Federal Way Police Department # 17-8672, Renton Police Department # 17-7285, Kent Police Department #17-9022(The facts underlying such investigation shall be referred to, collectively, as this incident).
 - b. All reports or statements (recorded, written or otherwise) made by any officer documented as responding to this incident in OBET_1 0390-392.
 - c. All reports or statements (recorded, written or otherwise) made by all witnesses involved in the investigation of the death of Isaiah Obet, including officer witnesses and lay witnesses.

¹ These requests are based on the Administrator’s current knowledge of the facts of the case. Further requests may be made.

- d.** All reports or statements (recorded, written or otherwise) made by, and in-car video documenting the actions of, any officer responding to or present at the scene of the events investigated this incident.
- e.** All recordings from dispatch relating to this incident.
- f.** All video surveillance discovered during the course of the investigation, including but not limited to private surveillance or cell phone video discovered during the course of the investigation of this incident.
- g.** All reports from AMR, fire, or other medical personnel on scene involving this incident.
- h.** Current use of force policy for APD and use of force policy at the time of the death of this incident
- i.** All statements (recorded, written or otherwise) made by Officer Nelson describing this incident, including emails, summary of statements made to others, and any other statements at all.
- j.** All documentation of any samples taken (including fingerprint and DNA), requests for forensic analysis, and results received related to this incident.
- k.** All in-car video for Officer Nelson with sound (interior and exterior) for June 10, 2017, starting from the time of the initial 911 call in this incident.
- l.** Records documenting the status of Officer Nelson's firearm certification on the date of this incident, if any.
- m.** All records documenting what requirements, if any, Auburn PD imposes on officers to be allowed to serve as a commissioned Officer.
- n.** A list of all trainings completed for Officer Nelson and K-9 Officer Koen (individually and together).
- o.** All documentation describing trainings completed by Officer Nelson pertaining to:²
 - i.** Use of force/response to individuals with edged weapons including less lethal alternatives.
 - ii.** Factors influencing deployment of K-9 officers when dealing with high-risk individuals.
 - iii.** De-escalation techniques.
 - iv.** Use of deadly force and less lethal alternatives in situations where the danger to third parties are in involved.
- p.** APD policies and procedures manual in force on June 10, 2017
- q.** All records documenting APD policies and trainings governing Officer Nelson and K-9 Officer Koen in their response to this incident (individually and together).

² To the extent that Auburn PD is aware of trainings provided by third parties that are responsive to any request made in this order, Auburn PD shall identify such trainings in a manner that enables any party reviewing the response to identify the party providing the training and request materials related thereto.

Schedule: By October 14, 2019 APD shall indicate 1) intent to provide or 2) intent not to provide, including the reason therefore (APD does not possess anything beyond what has been previously provided in discovery,³ beyond the scope of the inquest, subject to privilege,⁴ etc.). The Family shall respond to objections and propose additional requests, if any, by October 23, 2019. A reply (and response to any additional requests raised by the family), if any shall be supplied by October 28, 2019.

DATED October 7, 2019

A handwritten signature in black ink, appearing to read 'M. Spearman', is centered on the page. The signature is fluid and cursive, with a prominent initial 'M' and a long horizontal stroke extending to the right.

Michael Spearman
Administrator

³ IA Spearman acknowledges that on 27, 2019, APD produced the 2017 and current Auburn Police Department WA Policy Manuals and Jeff Nelson's training record. The request to identify responsive trainings and their providers as described in Footnote 2 remains. If items requested were possessed by APD but have been discarded/destroyed or no longer in the possession of APD, the response should so indicate and provide any policies governing such actions.

⁴ When information subject to this request is withheld on a claim that it is privileged or subject to protection as work product, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable a party challenging the response to contest the claim.

