



King County

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PRE-HEARING CONFERENCE ORDER

**INQUEST INTO THE DEATH OF JASON SEAVERS
INQUEST # 18IQ61954**

PARTIES:

Family of Jason Seavers:	Represented by Deborah Alexander
Law enforcement officers:	Seattle Police Department Officer Erick Schickler represented by Ted Buck and Delaney DiGiovanni
Employing government department:	Seattle Police Department, represented by Alexandra Nica and Jessica Leiser
Administrator:	Michael Spearman, assisted by Anu Zangri and Matt Anderson

The Inquest Administrator (IA), having presided over a Pre-Hearing Conference on October 12, 2022, hereby orders the following:

- 1) **Inquest hearing date and schedule:** The inquest hearing in this matter is scheduled to commence on Monday, March 13, 2023, with testimony to run until Friday, March 24, 2023. The parties shall be available for possible jury deliberation until Tuesday, March 28, 2023. The daily schedule will be from 9 a.m. - Noon and 1:30 p.m. – 4:30 p.m. each day, with breaks at 10:45 a.m. and 2:45 p.m. Exceptions to this schedule will be determined by the IA as needed to accommodate witness schedules and ensure the clear presentation of evidence.
- 2) **Date of next Pre-Hearing Conference** – A Pre-Hearing Conference will occur on November 14, 2022, from 10:00am-12:00pm via Zoom (link to be made available three days prior to the date of the hearing).

- 3) **Use of force consultation** - IA Spearman will consult a Use of Force expert and consider whether to offer testimony from that expert. IA Spearman will consider any input from the parties on who to retain provided by 10/19/22.
- 4) **Discovery request** - IA Spearman is submitting a discovery request for prior uses of deadly force by Officer Shickler as mentioned in the initial discovery; any rulings on admissibility at the Inquest Hearing are reserved. SPD asked that a protective order be imposed for any responsive discovery. IA Spearman will consider a protective agreement for those materials and asks for party input on whether such an agreement is necessary.
- 5) **Potentially relevant trainings** – SPD has offered a meeting with Asst. Chief Lesley Cordner to educate the parties on the training provided on the above policies as well as the trainings previously requested by IA Spearman. SPD is to provide the parties with possible times for this meeting in due haste. One week after the meeting occurs, IA Spearman will update a list of training documentation he asks that SPD Provide. A schedule for party input will be determined at that time.
- 6) **Witness list** - The IA will propose a reduced witness list by October 28, 2022, and with a Meet and Confer to discuss party suggestions and possible stipulations to occur on or near November 1, 2022, for IPA Anu Zangri to describe the reasons for particular witnesses being excluded/included. A subsequent meet and confer will be scheduled on or near November 8, 2022, for the parties to provide feedback and suggestions and to identify possible stipulations.

Counsel for Seattle Police Department (SPD) will accept service and coordinate scheduling of current SPD employees.

SPD will identify its policy and training designees on November 7, 2022, one week before the next PHC.

- 7) **Witness Interviews** – IA Spearman asks that all witness interviews be arranged through IPA Anu Zangri so all parties have an opportunity to be present if they wish; this will allow for greatest efficiency and minimal invasion of witnesses’ lives. Any information that is learned through the interview process is to be made available to all parties.

The parties will make best efforts to schedule the interview of the King County Medical Examiner (Dr. Timothy Williams) within two weeks of receiving the full KCME file. Other interviews will be scheduled as needed, as expeditiously as possible, so as much can be done before the end of 2022 as possible, and to ensure the Inquest Hearing can proceed in March 2023 as scheduled.

8) **Factual scope** -

There were three primary relevant scenes the night Mr. Seavers was killed.

1. Vehicle Prowl at 6019 34th Ave NE – a resident on this street observed Mr. Seavers inside a neighbor’s vehicle that did not belong to him and called 911. Officers responded; Mr. Seavers fired shots at Officer Knoblauch who returned shots (but based on the evidence we currently have, does not appear to have hit Mr. Seavers).
2. Burglary / Robbery at 6018 27th Ave NE – Mr. Seavers entered a home without permission, and at gunpoint demanded the keys to the victim’s vehicle.

He then exited the home, got into the vehicle and drove away; the victim called 911.

3. Shooting of Mr. Seavers at 5518 26th Ave NE – Officers located Mr. Seavers in the stolen vehicle from Scene 2. Officers intentionally collided with Mr. Seavers' vehicle to prevent him from getting away. After the collision, Mr. Seavers was conscious but did not appear to respond to any commands by officers; some report that he revved his engine in a further attempt to get away. Officers tried to open doors and break windows as they attempted to gain entry to the vehicle. Ultimately, one officer was able to break two windows with his rifle right before Officer Schickler fired shots through the driver side window at Mr. Seavers. Officer Schickler stated he believed Mr. Seavers was frantically searching for a gun and was worried that Mr. Seavers would shoot someone.

The parties agree and IA Spearman orders that the jury shall hear sufficient testimony to answer interrogatories relating to the factual scope outlined below.

1. Mr. Seavers' Actions at all Three Scenes – The IA anticipates providing to the jury the following evidence regarding Mr. Seavers' behavior prior to officers arriving at Scenes 1 and 2, and while officers were at the different scenes and interacted with Mr. Seavers:

a. Civilian 911 calls that give a description of Mr. Seavers' behavior; and

b. Testimony from the necessary civilian witnesses.

2. Involved Officer's Interactions with Mr. Seavers – The IA anticipates calling the Involved Officer and other SPD personnel who witnessed the Involved Officer's interactions with Mr. Seavers.

3. Paramedic / Seattle Fire Department Actions - Mr. Seavers was already nonresponsive when Paramedics / SFD arrived and was never revived during their attempted lifesaving measures. A limited number of paramedics / SFD personnel will be called to assist the jury in understanding the aid provided to Mr. Seavers and the time and cause of death.

4. The Lead CSI and FIT Detectives – IA Spearman intends to have the lead detectives summarize their respective investigations for the jury. The Executive Order provides that a lead forensic investigator may provide a comprehensive overview of the investigation (PHL-7-1-5-EO (EO) App 2, section 12.3), that Inquests are governed by both Supreme Court's Evidence Rules as well as King County Hearing Examiner Rules (EO, App. 1, section 5.6) and that the Administrator shall apply the Hearing Examiner Rules and construe the Rules of Evidence in a manner that promotes fairness and minimizes the delays, costs and burdens that can be associated with judicial proceedings (EO, App 2, section 3.3). Synthesizing these provisions, the IA will allow these detectives to testify to reliable hearsay (King County Hearing Examiner Rules, Section XII.B.1) in order to describe the investigation in a manner that minimizes delay while ensuring a fair and transparent hearing. The Supreme Court's Evidence rules continue to apply with regard to other subjects unless specifically addressed by the IA. It does not render hearsay contained within any exhibit either detective may identify necessarily admissible.

5. **King County Medical Examiner** – The jury will hear expert testimony from the medical examiner regarding the cause of death.

9) **Policy scope** – The parties agree and IA Spearman orders that the jury will consider the applicability and Involved Officer’s compliance with the following policies.

- **Use of Force Policies**
 - 8.000 (1), (3), (4)
 - 8.050
 - 8.200 (1), (3), (4), (5), (6)
 - 8.300
- **De-Escalation Policies**
 - 8.000(2)
 - 8.100 (1)

The IA will provide a proposed policy excerpt October 24, 2022, that will be referred to in the interrogatories on policy applicability and compliance for comment by the parties by October 31, 2022.

The family orally requested inclusion of policies and trainings on uniforms and what weapons should be worn on -duty by patrol officers. The IA points out that the policies requested should have already been provided to all parties. IPA Zangri is directed to confirm the Family has the requested discovery and, if not, to provide it as soon as possible. If the Family wishes to amend the policy scope to include policies on uniforms, the request shall be made in writing no later than October 31, 2022.

10) **Exhibit List** – IA Spearman will provide an initial proposal by November 4, 2022. He asks that the parties make themselves available to discuss the best way to proceed with providing input at a future Meet & Confer on Tuesday, November 8, at 1:00pm or as otherwise agreed to by the parties.

11) **Jury selection process** – Jury selection will be via a written questionnaire. A jury selection hearing will occur on Thursday, March 9, 2023, at 1:00 p.m. via Zoom (link to be made available three days prior to the date of the hearing).

12) **Live streaming** – The inquest hearing will be live-streamed.

DATED this 17th day of October, 2022.



Michael Spearman
Inquest Administrator