



**King County**

Department of Executive Services

**Inquest Program**

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**INQUEST INTO THE DEATH OF  
JASON S. SEEVERS  
INQUEST # 18IQ61954**

**PRE-HEARING CONFERENCE ORDER**

**February 17, 2023**

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Family of Jason Seavers:	Represented by Deborah Alexander (family not present)
Law enforcement officers:	Seattle Police Department Officer Erick Schickler (not present) represented by Ted Buck and Delaney DiGiovanni (not present)
Employing government department:	Seattle Police Department, represented by Alexandra Nica and Jessica Leiser (not present)
Administrator:	Julia Garratt, 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) Garratt, after consultation with the parties, hereby orders the following:

- Inquest date:** The Inquest Hearing in this matter is scheduled to commence on Monday, March 13, 2023, with testimony expected to go through 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 1:15 p.m. – 4:30 p.m. each day, with breaks at 10:45 a.m. and 2:45 p.m. The Inquest Hearing will be in recess on March 15, 2023, and on the afternoon of March 17, 2023, starting at 12:00 p.m. Any changes to this schedule will be determined by the IA as needed to accommodate witness schedules and ensure the clear presentation of evidence.
- Juror Questionnaire** – The jurors will be asked to provide responses to the questions in the Juror Questionnaire, attached as Appendix A. The Administrator’s proposed strikes

will be provided to the parties the afternoon of March 7, 2023. The Administrator will seek party input on the proposed strikes at the final Pre-Hearing Conference.

3. **Instructions** – All instructions to be provided the jury are attached as Appendix B. The “Preliminary instructions” will be read at the start of the Inquest Hearing and a copy will be given to each juror. The parties will have an opportunity to address any necessary changes to the “Closing Instructions” after the presentation of all evidence.
4. **Interrogatories** – Appendix C contains Interrogatories based on the IA’s current expectation of the evidence that will be provided to the jury. The parties will have an opportunity to address any necessary changes to the Interrogatories after the presentation of all evidence.
5. **Proposed Training Scope** – The IA proposes the training scope attached in Appendix D and asks the parties to provide comments as detailed in the “Schedule” section, below.
6. **Opinion Testimony** -The Family has offered Gregory Gilbertson to provide testimony on Officer Schickler’s compliance with SPD policy and training. They have provided a report detailing his opinions, the process by which he arrived at those opinions, and a CV detailing his qualifications to do so. These qualifications are similar to many other experts that the Administrator has allowed when presiding as a Superior Court Judge in the past.

The Administrator has also received thousands of pages of discovery that includes documentation from proceedings in which Mr. Gilbertson was precluded from offering opinions outside of his expertise and documentation of behavior that opposing parties likely would seek to inquire into on cross-examination for impeachment purposes. SPD apprised the court that they intend to move to exclude Mr. Gilbertson’s testimony.<sup>1</sup>

The sheer volume of that discovery, in connection with the impending Inquest Hearing date, requires this Administrator to focus the parties on ensuring that the jury gets the information it needs in a way that enables it to do its job. The Executive Order governing inquests in King County allows an Administrator to apply both the Washington State Rules of Evidence Washington and the King County Hearing Examiner’s Rules when determining the admissibility of evidence, promoting “an atmosphere consistent with administrative fact-finding and . . . striv[ing] to minimize delay, cost, and burden to participants, while promoting fair and open proceedings.” Executive Order Appendix 2, Section 1.1.

The evidence rules provide that expert testimony is admissible if the expert is qualified and relies on generally accepted theories and the testimony would be helpful to the trier of fact. The King County Hearing Examiner’s Rules do not require a formal process for admitting expert witness testimony, but provide that the knowledge, skill, experience,

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<sup>1</sup> As a preliminary matter, although the IA regularly seeks party input, sometimes in the form of briefing, the Executive Order and RCWs do not allow for a motions practice in Inquests and places the decision on whether to call or allow witnesses squarely within the purview of the Administrator.

training, and education of an expert be considered in evaluating the weight to give such evidence.

In this case, a central issue is whether Officer Schickler complied with applicable SPD policy. Portions of Mr. Gilbertson's report (and anticipated testimony) speak directly to those issues. He bases those opinions on his review of SPD policy and training, the discovery in this matter, and his training and experience. His process mirrors that undertaken by SPD Captain Caylor (the designee of SPD's Chief of Police) and Dr. Geoff Alpert (the expert hired by the Administrator), both of whom are expected to testify. Mr. Gilbertson's CV and report extensively document the training and experience he has in evaluating compliance with police department policies and trainings. He has qualified as an expert to testify on similar matters before. The first time he was found qualified to testify in Federal Court as a use of force expert was the "2014 Edmonds case" ("Soule"), which was part of the materials provided to the Inquest Program and distributed to the parties. He was also permitted to testify as a use of force expert in Federal Court in Gill v. Magan, (designated as "2019 Seattle Case" in the materials).

Mr. Gilbertson's report likewise makes conclusions on subjects well outside the scope of this inquest. It contains inferences that Mr. Gilbertson has drawn that some counsel may believe to be speculative. Testimony outside the scope of this inquest will not be allowed. Opinions that do not have a basis in fact will likewise be excluded.

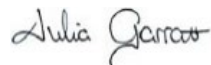
The King County Inquest Process Review Committee that wrote the report that formed the basis for the recent reforms to the Executive Order undertook an exhaustive outreach and data collection process and found that a common theme was a perception that the process was "one-sided towards law enforcement" and provided "unfair treatment of family members of decedents." King County Inquest Process Review Committee Report and Recommendations, March 30, 2018. The King County Council echoed a need to deal with similar issues when it provided for family representation at public expense in the King County Charter. In each of the inquests heard under the current executive order, a single witness who was the designee of the Chief of the involved police agency was allowed to opine on the Involved Officer's compliance with Policy and Training. In each of those inquests, the jury later indicated that they would have liked to have heard testimony from someone outside of the involved police agency and commented that their job was made more difficult because they did not hear other viewpoints. This Administrator takes seriously the mandate to ensure that inquests are fair to each party.

Allowing litigation on whether to exclude Mr. Gilbertson would distract all parties from preparing for this inquest. At this time, the Administrator anticipates allowing Mr. Gilbertson to testify. The Administrator asks that the parties focus on determining which of Mr. Gilbertson's opinions are within the scope of the inquest, which opinions have a basis in fact and in his expertise, and what impeachment, if any, will help the jury rather than distract them.

7. **Schedule**

- a. **Wednesday, February 22, 2023** – Frey / Buck to provide options for taking Vasile Kovzun’s pre-recorded testimony the weeks of February 27 and March 6.
- b. **Thursday, February 23, 2023** – Revised proposed exhibit list will be provided to the parties.
- c. **Tuesday, February 28, 2023** – Initial briefing on limitation on Gilbertson’s/Alpert’s testimony and any Motions in Limine any party wishes to bring (please limit to 20 pages)
- d. **Wednesday, March 1, 2023** – Parties to provide comments to proposed training list and revised proposed exhibit list.
- e. **Friday, March 3, 2023** (12:00 p.m.? – parties to coordinate a time/date that works) – Meet and Confer to discuss training scope, exhibit list, whether the interrogatories should be addressed at the final PHC or reserved until after the close of evidence, and PHC Agenda.
- f. **Tuesday, March 7, 2023** – Responsive briefing on limitation on Gilbertson’s/Alpert’s testimony and any Motions in Limine any party wishes to bring (please limit to 20 pages)
- g. **Thursday, March 9, 2023**, 1:00 p.m. – Final Pre-Hearing Conference (with any overflow issues being addressed **Friday, March 10, 2023 at 1:00 p.m.**

DATED this 17<sup>th</sup> day of February, 2023



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Julia Garratt  
Inquest Administrator

# APPENDIX A

JASON S. SEEVERS INQUEST  
INTRODUCTION  
PLEASE READ THIS CAREFULLY  
BEFORE ANSWERING ANY QUESTIONS!

**HOW TO ANSWER THIS QUESTIONNAIRE**

Jurors will be selected or excused based solely on their answers to this questionnaire--**there will be no in person jury selection process**. Please make sure anything and everything you think is important for the Inquest Administrator and parties to know is included in your answers to these questions.

As you answer the questions, please understand that there are no “right” or “wrong” answers, only complete and incomplete answers. Answers that are complete and answered fully and honestly are far more helpful than incomplete answers. For this reason, please fully answer each question, erring on the side of including information when you are not sure if it is necessary. Please answer “yes” to any question where you believe your response would be “yes” or “maybe.”

A failure to disclose any of the requested information could impact the right to a fair hearing for all parties. You are under oath as you complete this questionnaire, your responses are made under penalty of perjury and your responses must be complete.

Some questions need only be answered if you answered affirmatively to a prior question. The program this questionnaire uses requires an answer to each question. If a question does not apply to you, simply enter “N/A” in the space provided.

**PROTECTING THE INTEGRITY OF THE PROCESS**

In order to make sure that this inquest is heard by a fair and impartial jury, you are to receive all information about this process and the facts of this case only from the inquest program. Obtaining information from sources other than the inquest program may result in you being disqualified as a juror. In order to make sure that does not happen:

- Do not conduct any research into what an inquest is or what your responsibilities could be as a juror.
- Do not conduct any research into this inquest, any of the individuals or facts listed in this questionnaire.
- Do not read any newspaper articles or on-line resources regarding inquests in general or this inquest in particular.
- Do not discuss this case, these questions or your answers with anyone other than the inquest program staff.

Although jury selection is based purely on this questionnaire, **jury service is in-person**. If you are selected you will be contacted by the end of the week and directed to appear on **March 13, 2023**, at the **Children & Family Justice Center, located at 1211 East Alder Street, Seattle WA 98122**, to begin your service. You will be required to appear from 9:00 a.m. until 4:30 p.m. each day (Monday – Friday) until the inquest is concluded (with the exception of March 15, 2023, when we will not be in session). The schedule may be modified on some days and we will inform you as soon as possible in advance. This Inquest Hearing is expected to last through **March 29, 2023**.

THIS INQUEST PROGRAM WILL PRACTICE SOCIAL DISTANCING THROUGHOUT THE HEARING.  
ALL PARTICIPANTS WILL BE REQUIRED TO WEAR FACIAL COVERINGS.  
REMEMBER - **YOUR JURY SERVICE WILL BE IN-PERSON.**

[Where a question requires a juror to select multiple choice answers, the choices are listed. Where a question requires a juror to answer yes/no or fill in the blank, that should be clear from the text of the question (such language was deleted from this version for ease in editing).]

### JUROR BIOGRAPHICAL INFORMATION

1. Please enter your Last Name (Family Name)
2. Please enter your First Name
3. Please enter your Juror Badge Number
4. Please enter your Middle Name (or initial)
5. What is your phone number?
6. What is your email address?
7. What city do you live in?
8. What is your zip code?
9. What is your age?
10. How many years have you lived in Washington?
11. How many years have you lived in King County?
12. Where were you born? (City, State)? If born outside of the US, please enter name of country.
13. What is the highest degree or level of school you have completed? (If you're currently enrolled in school, please indicate the highest degree you have received.)
  - Less than a high school diploma
  - High school degree or equivalent (e.g. GED)
  - Some college, no degree
  - Associate degree (e.g. AA, AS)
  - Bachelor's degree (e.g. BA, BS)
  - Master's degree (e.g. MA, MS, MEd)
  - Professional degree (e.g. MD, DDS, DVM, JD)
  - Doctorate (e.g. PhD, EdD)
  - Prefer not to answer
14. Do you have children?
15. If yes, list number of children and age(s) **(As a reminder – if any question does not apply to you, please put N/A so that you may move on to the next question.)**
16. If yes, do any or all of your children live with you?
17. What category best describes you? (Your answers to this question help us determine if our efforts to reach all segments of our community for juror participation are successful and has absolutely no bearing on qualifications for jury service).
  - Asian
  - Black or African American
  - Caucasian
  - Hispanic, Latino, or Spanish origin
  - Middle Eastern or North African
  - Native American or Alaska Native
  - Native Hawaiian or Other Pacific Islander
  - Some other race, ethnicity, or origin
  - Multi-racial
  - Prefer not to answer
18. What is your gender? (Your answers to this question help us determine if our efforts to reach all segments of our community for juror participation are successful and has absolutely no bearing on qualifications for jury service).
  - Female
  - Male

Non-binary/Non-conforming

Prefer to self-describe

Prefer not to answer

19. If you answered 'prefer to self-describe' above, this space has been provided for you to do so.
20. What is your marital status?
  - Single (never married)
  - Married, or in a domestic partnership
  - Widowed
  - Divorced
  - Separated
  - Prefer not to answer
21. What is your occupation or business? Please also state your employer's name. If you are unemployed or retired, state your prior occupation or business.
22. If you have received medical training beyond basic first aid, please include your particular area of practice or specialty.
23. Please state how many people reside with you in your household and list their occupations.
24. Please describe where you generally get your news.



## CASE SPECIFIC INFORMATION

An Inquest is a proceeding to review the death of an individual which may involve the actions of law enforcement officers. The jury is asked to determine the facts and circumstances surrounding the death and the manner of death. This inquest involves the shooting death of Jason S. Seavers, which occurred at 5518 26<sup>th</sup> Ave NE in Seattle, Washington, on February 19, 2018.

An inquest is not a trial. You will not be asked to decide whether anyone is guilty or innocent of any crime. You will not be asked whether anyone has incurred any civil liability. Instead, if you are selected to serve on this panel, it will be your duty to make factual findings about the cause, manner and circumstances of Jason S. Seavers' death. You also will determine what policies and trainings are applicable to the actions of officers and whether the officers complied with those policies and trainings. You will also determine whether the death was justifiable, and, if not, determine whether the death was caused by criminal means.

Our community needs the jurors who serve in this important matter to consider the evidence before them in a fair and impartial manner. The following questions are necessary to determine if you can do that. Please remember that there are no "right" or "wrong" answers, only complete and incomplete answers. Answers that are complete and answered fully and honestly are far more helpful than incomplete answers.

25. Have you heard of or read anything about the death of Jason S. Seavers or the facts and circumstances surrounding his death?
26. If you have read or heard about the death of Jason S. Seavers, have you formed an opinion about the cause, manner and circumstances of his death?
27. If you answered "yes" to the previous question, please describe your opinion.
28. If you have formed an opinion about what you believe happened, will you be able to set aside that opinion and listen with an open mind to the testimony of the witnesses and base your decisions solely on the evidence presented in this proceeding?  
Yes  
No  
Not applicable
29. Are you familiar with the neighborhood near 5518 26<sup>th</sup> Ave NE in Seattle, Washington?
30. If you answered "yes" to the previous question, will your familiarity affect your ability to be fair in this matter?
31. Do you know Jason S. Seavers or any member of his family?
32. Have you heard of or met the attorney for Jason Seavers' family, Deborah Alexander?
33. Do you know Seattle Police Department Officer Erick Schickler, or any member of his family?
34. Have you heard of or met the attorneys who are representing the police officers involved I(n) this case, Ted Buck and Delaney DiGiovanni?
35. Have you heard of or met the attorneys who are representing the Seattle Police Department, Jessica Leiser and Alexandra Nica?
36. Do you know, or have you met, Carmen Best or Adrien Diaz, Former and Current Chiefs of the Seattle Police Department?
37. If you answered "Yes" to any of questions 29-34, please indicate which person(s) you have heard of or met and provide a brief explanation of how you have heard of them, met them or know them.
38. Do you know, or think you might know, any of the following people who may be witnesses in this case?  
(CHECK ALL THAT APPLY)  
[List to be inserted]

If you checked any of the boxes next to a potential witness' name, please state how you know that potential witness.

39. The following Inquest Program Staff will be conducting the hearing in this case:

Inquest Administrator Julia Garratt  
Inquest Program Manager Dee Sylve  
Inquest Coordinator Kaela Reilly  
Inquest Coordinator Angelina Jimeno  
Inquest Coordinator Florence Armah  
Inquest Program Attorney Anu Zangri  
Inquest Program Attorney Matt Anderson  
Inquest Program Attorney Claire Thornton  
Do you know any of these people?

If you answered "Yes" to any of the people, please describe how you know them.

40. Are you, or any of your close friends or relatives connected to or employed by, or formerly employed by:  
(CHECK ALL THAT APPLY)

A prosecutor or public defender's office?

An attorney in private practice?

Any law enforcement agency?

Not applicable

41. If you checked "Yes" to the previous question, please describe who you know that fits the criteria, your relationship to that person and the organization with which they are or were associated.

42. Have you ever been an in-person witness to the death of an individual that may have involved the actions of law enforcement officers?

43. If you answered "Yes" to the previous question, please explain.

44. Have you ever served on a jury in a civil case?

45. Have you ever served on a jury in a criminal case?

46. Have you ever served on an inquest jury?

47. Have you or a member of your family ever been a victim of a violent crime?

48. If your answer to the previous question was yes then please explain.

49. Do you or any members of your family own any guns?

50. If you answered "Yes" to the previous question, what is the purpose of owning the gun (i.e., hunting, protection, etc..)?

51. Do you object to people owning or possessing guns?

52. Do you in general have any strong feelings about firearms?

53. Do you have any specialized training, education, or experience in self-defense or in recognizing the risks presented by deadly weapons, including firearms and knives?

54. If you answered "Yes" to questions 51-53, please explain.

55. If you have strong feelings about people owning or possessing guns or strong feelings about firearms, will you be able to set aside those feelings and listen with an open mind to the testimony of the witnesses and base your decisions solely on the evidence presented in this proceeding?

a. If you said Yes, please explain

56. Do you have strong feelings or opinions about the right of self-defense or defense of others?

57. If you answered "Yes" to the previous question, please explain.

58. Do you have strong feelings or opinions that police officers should or should not be permitted to use deadly force to protect themselves or others?

59. If you answered "Yes" to the previous question, please explain.

60. If you have strong feelings about whether police officers should or should not be permitted to use deadly force to protect themselves or others, will you be able to set aside those feelings and listen with an open mind to the testimony of the witnesses and base your decisions solely on the evidence presented in this proceeding?

61. If you said "Yes" to the previous question, please explain how you would set aside your strong feelings.

62. Have you had what you would consider a particularly good or bad experience with law enforcement officers, including (but not limited to) Seattle Police Department officers?
63. If you answered "Yes" to the previous question, please explain.
64. Do you have strong feelings, positive or negative, about law enforcement officers, including (but not limited to) Seattle Police Department officers?
65. If you answered "Yes" to the previous question, please explain.
66. Would you tend to believe or disbelieve the testimony of a police officer witness more than the testimony of a non-police officer witness?
67. If you answered "Yes" to the previous question, please explain.
68. Do you have any special training, education, or experience in police tactics or use of force issues?
69. If you answered "Yes" to the previous question, please explain.
70. Do you have strong feelings or opinions, positive or negative, about the use of force by police officers, including (but not limited to) Seattle Police Department officers?
71. If you answered "Yes" to the previous question, please explain.
72. Are you a member, or do you support, by monetary donation or volunteering your time or skills, any organization with a primary purpose related to support of law enforcement officers or organizations?
73. Have you, or any close friends or family members, worked in or have any connection with organizations advocating for police accountability, police reform, or civil rights?
74. Are you a member, or do you support, by monetary donation or volunteering your time or skills, any organization with a primary purpose related to police accountability, police reform, or civil rights?
75. If you answered "Yes" to any of questions 68-70, please explain, describing the relationship of the person referenced if not yourself and details about the involvement with each group.
76. Have you ever posted on social media or commented on someone else's social media post about law enforcement issues?
77. If you answered "Yes" to the previous question, please explain.
78. Have you ever "unfriended" or stopped "following" someone on social media because of that person's posts related to law enforcement issues?
79. If you answered "Yes" to the previous question, please explain.
80. Have you, or a close friend or relative, ever had difficulties with alcohol and/or substance abuse, or received treatment for alcohol and/or substance abuse?
81. If you answered "Yes" to the previous question, please explain.
82. Have you, or a close friend or relative, ever had difficulties with, or received treatment for mental health issues?
83. If you answered "Yes" to the previous question, please explain.
84. Because an Inquest occurs anytime a person's death may be the result of Law Enforcement action, it is irrelevant to your duties as a juror in this case whether a lawsuit or criminal charges have been filed in connection with the death. If you are selected as a juror for this Inquest, you will not be asked to determine anyone's guilt or innocence or whether any party is liable to another. The issues you decide are the facts and circumstances surrounding Jason Seavers' death, whether the officers followed police department policies and trainings, and whether the death was occasioned by criminal means. Will you be able to disregard issues related to civil or criminal liability and focus only on these issues?
85. The evidence in this case will include video/audio recordings detailing the shooting death of Jason Seavers, as well as photographs of Jason Seavers' body after he was shot. If selected as a juror, it will be your duty to pay close attention to all the evidence, including any admitted videos and pictures, and to be able to make decisions without being swayed or overwhelmed by feelings or emotions caused by such evidence. Will you be able to fulfill these duties?
86. If you are selected to serve on this jury panel, it will be your duty to listen to the testimony, consider any exhibits admitted into evidence, follow the Inquest Administrator's instructions on the law as it applies to this case, and deliberate with your fellow jury panel members to answer the questions put to you regarding facts and circumstances surrounding the death of Jason Seavers. Will you be able to fulfill these duties?

87. After all the evidence has been presented, you will be instructed by the Inquest Administrator on the law as it applies to this case. If you disagree with the law as given to you by the Inquest Administrator in the instructions, it will be your duty to set that disagreement aside and abide by the law as given to you during this Inquest. Will you be able to abide by the instructions on the law as it applies to this case?
88. Throughout this questionnaire, you have been asked to describe any knowledge, opinions, feelings, experiences, connections, training, education, you may have relating to this case. If you are selected to serve on this jury, you will be instructed to disregard all of these things and decide this case **solely** on the evidence and law provided you during this inquest. Will you be able to fulfill these duties?
89. Do you have any reason to believe that you could not decide the issues presented in this Inquest impartially?
90. If you answered "Yes" to the previous question, please explain.
91. Can you think of any reason why the family of Mr. Seavers wouldn't want you to serve as a juror on this inquest?
92. If you answered "yes" to the previous question, please explain, and indicate whether that concern prevents you from fulfilling your duties as a juror fairly and impartially?
93. Can you think of any reason why the involved officer(s) wouldn't want you to serve as a juror on this inquest?
94. If you answered "yes" to the previous question, please explain, and indicate whether that concern prevents you from fulfilling your duties as a juror fairly and impartially?
95. Can you think of any reason why the Seattle Police Department wouldn't want you to serve as a juror on this inquest?
96. If you answered "yes" to the previous question, please explain, and indicate whether that concern prevents you from fulfilling your duties as a juror fairly and impartially?
97. Is there anything about the nature or subject matter of these proceedings that causes you to be hesitant about sitting on this inquest?
98. If you answered "Yes," please explain.
99. Is there any reason at all that you think you might not be a good juror for this case?
100. If you answered "Yes," please explain.

## COVID-19 & HEALTH

**If selected, your jury service will be in-person.** Your health and well-being are of the utmost importance, and we are taking measures to keep the courtroom a safe environment for everyone. We will practice social distancing throughout the hearing and all participants will be required to wear facial coverings. The following questions are intended to reduce risk for you and everyone else who attends this hearing.

101. Within the last 14 days, have you experienced a new cough that you cannot attribute to another health condition?
102. Within the last 14 days, have you experienced new shortness of breath that you cannot attribute to another health condition?
103. Within the last 14 days, have you experienced a new sore throat that you cannot attribute to another health condition?
104. Within the last 14 days, have you experienced new muscle aches that you cannot attribute to another health condition or a specific activity such as physical exercise?
105. Within the last 14 days, have you had a temperature at or above 100.4° or the sense of having a fever?
106. Within the last 14 days, have you had close contact with someone who is currently sick with suspected or confirmed COVID-19?\* (Note: \*Close contact is defined as within 6 feet for more than 10 consecutive minutes.)
107. If you answer to any of the previous 6 questions (#100-105) is “Yes,” please tell us how long ago? What relationship to you is the person who was infected? Have you been tested since? When was that test and what were the results? (if applicable)
108. Do you fall into any of the high-risk categories for COVID-19 according to the current CDC guidelines?  
HIGH-RISK CATEGORIES, ACCORDING TO THE CDC:

COVID-19 is a new disease and there is limited information regarding risk factors for severe disease. Based on the currently available information and clinical expertise, older adults and people of any age who have serious and underlying medical conditions might be at higher risk for severe illness from COVID-19. Based on what we know, those at high-risk for severe illness from COVID-19 are:

- People 65 years or older
  - People who live in nursing homes or long-term care facility
- People of all ages who have underlying medical conditions, particularly if not well controlled, including:
- People with chronic lung disease or moderate to severe asthma
  - People who have serious heart conditions
  - People who are immunocompromised
  - Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications
  - People with severe obesity (body mass index [BMI] of 40 or higher)
  - People with diabetes
  - People with chronic kidney disease undergoing dialysis
  - People with liver disease
- a. If so, please tell us what makes you high-risk?

109. Please state your COVID Vaccination Status
  - a. I am fully vaccinated
  - b. I have received one of two shots
  - c. I am not vaccinated
  - d. I prefer not to answer
110. Is there any reason you cannot wear a facial covering (over your nose and mouth) inside the courtroom and deliberation room, if required by the Seattle and King County Directors of Public Health, the King County Superior Court, or the Inquest Administrator?
  - a. If you answered “Yes” to the previous question, please explain.

111. Do you have any other health concerns or conditions that would make it difficult for you to sit as a juror?

112. If you answered "Yes" to the previous question, please explain.

### **YOUR RESPONSIBILITIES AS A JUROR**

This inquest hearing is expected to begin on **Monday, March 13, 2023**, and will last until you have finished deliberations – most likely by **Wednesday, March 29, 2023**. You will be required to be in attendance IN PERSON each weekday during that period of time, from 8:45am until 4:30pm, with the exception of Wednesday, March 15, 2023. In rare circumstances, testimony may be extended past 4:30 p.m. You will be expected to listen to testimony that entire time except for two 15-minute breaks and lunch from approximately 12:00 – 1:15. Cell phone use is not allowed while testimony is being presented.

#### **The inquest will occur at:**

Children & Family Justice Center  
Reign and Sounder Conference Rooms  
1211 East Alder Street  
Seattle WA 98122

Your service during the inquest will be IN-PERSON. **You will need to arrange your own travel to and from the inquest each day.** There is **free parking onsite** at the CFJC.

Please check your calendars **very carefully** for any conflicts that you cannot avoid. In answering questions about conflicts, you are reminded that you should answer "yes" to any question where you believe your response would be "yes" or "maybe." Do not assume that you will not be chosen because you have a particular occupation or answered any question in a particular way.

Excusing a juror after the panel has been selected could result in rescheduling the inquest hearing, which will cause significant delay and cost for each juror, witness and party who will attend the hearing. Once you have been chosen as a juror you are required to attend all proceedings. Please consider any conflicts that you may have in answering the following questions.

#### **DOES SERVING AS A JUROR CONSTITUTE AN "UNDUE HARDSHIP" FOR YOU?**

A "Hardship," means that serving on this jury would create a financial, emotional or medical hardship for you or your family that is more than merely inconvenient or unpleasant. It also includes when you are the primary caregiver for a family member who is very young, very old, or otherwise infirm, when you cannot make other arrangements for this care. We recognize that changing your schedule to serve on a jury may be inconvenient and require rearranging your daily plans.

"Hardship" does not include the impact your absence would have on your business or employer UNLESS it would financially impact YOU.

"Hardship" may include a medical procedure or an important event that cannot be rescheduled.

"Hardship" may include any trauma you anticipate could occur by you viewing and hearing the evidence anticipated in this case.

113. With these explanations in mind, would serving as a juror in this inquest create an undue hardship for you?

114. If you are claiming an undue hardship, please explain:

**OATH**

115.I, \_\_\_\_\_ (place initials only in the box below), declare under penalty of perjury that the foregoing answers to this Jury Questionnaire are true and correct to the best of my knowledge.

# APPENDIX B





**King County**

Department of Executive Services

**Inquest Program**

401 Fifth Avenue, Suite 135  
Seattle, WA 98104

**206-477-6191**

TTY Relay 711

Webpage: [kingcounty.gov/inquests](http://kingcounty.gov/inquests)

Email: [Inquests@kingcounty.gov](mailto:Inquests@kingcounty.gov)

**INQUEST INTO THE DEATH OF JASON S. SEEVERS  
# 18IQ61954**

**[PROPOSED] INSTRUCTIONS TO THE INQUEST PANEL**

**FINAL Instructions will not be determined until the close of evidence**

DATED \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Julia Garratt  
Inquest Administrator

## PRELIMINARY INSTRUCTIONS

Members of the jury, you have been selected to serve as the jurors who will hear this inquest. Please rise and raise your right hand as you take the jurors' oath.

**Do you swear or affirm that you and each of you will well and truly listen to the matters at issue in this case and give a true answer to each of the interrogatories that you will be asked at the end of the proceeding, according to the evidence and the law that applies to this inquest hearing?**

An inquest is a proceeding authorized by the King County Charter to review the manner, facts and circumstances surrounding the death of an individual in which law enforcement officers are involved.

The following is a brief summary of the anticipated testimony and the witnesses who will provide it to you. It is provided to help you understand the evidence and to aid you as you determine whether you wish to request additional witnesses. You should not rely on this statement when answering the interrogatories in this matter. As the inquest jury, it will be your duty to determine the actual facts from the testimony actually presented at this hearing.

This inquest involves the shooting death of Jason S. Seavers by Seattle Police Department Officer Erick Schickler. The shooting occurred on February 19, 2018, in the Ravenna neighborhood of Seattle. We expect the evidence to show that Seattle police officers Knoblauch and Tucker responded to a 911 call of a vehicle prowl occurring in the early morning. When Officer Knoblauch confronted the man, he fired a weapon at Officer Knoblauch and Officer Knoblauch returned fire. A search for the man ensued, with many SPD officers responding to help with the search, including Officer Erick Schickler. While this search ensued, Jason Seavers entered Albert Geary's home without permission. When contacted by Mr. Geary, Mr. Seavers pointed what appeared to be a gun and demanded Mr. Geary's car keys. Mr. Geary handed them over; when he saw Mr. Seavers driving away in his vehicle, he called 911. Mr. Seavers' DNA was later identified in blood drops in Mr. Geary's home. Not long after, Mr. Seavers was located driving Mr. Geary's vehicle. Police rammed the vehicle to stop it, and then multiple officers surrounded the vehicle.

The officers shouted things like “show me your hands!” and “stop searching!” and “don’t move!” at Mr. Seavers, while shouting at each other that Mr. Seavers was reaching around in the car. While the officers shouted, Mr. Seavers did not respond, but instead appeared to be searching for something in the car. While Mr. Seavers was searching around in the car, Officer Schickler approached the vehicle, eventually reaching the driver’s side window. When Mr. Seavers continued to search despite the officers’ order, Officer Schickler fired his handgun several times. Mr. Seavers was then removed from the vehicle, and Officer Schickler and others attempted first aid. Medics arrived and Mr. Seavers was pronounced dead. Mr. Seavers was identified through DNA analysis.

A list of each of the witnesses that will testify in this hearing has been written on the whiteboard behind me. I just described how members of the Seavers Family, Officer Knoblauch, and Officer Schickler relate to this case. Additionally, you will hear from the following witnesses:

- Albert Geary will tell you about how he was robbed of his car keys at gunpoint
- Officers Grayson, Reynolds, Shoul, Snyder, Macniak, Randle, Pierce and Kovzun will tell you about their observations and experience in the minutes surrounding the vehicle, leading up to, during, and immediately after the shooting
- Jung Chen will tell you about what he could hear from his residence nearby
- Seattle Firefighter Richard Harrison will tell you about his role when he arrived to provide aid to Mr. Seavers
- Seattle Police Department Detective George Abed was the primary investigator at the scene and will describe the course of his investigation.
- Seattle Police Department Detective David Simmons was the primary investigator examining the deadly force that was used
- Medical Examiner Dr. Timothy Williams performed an autopsy on Mr. Seavers and will tell you about his observations and conclusions regarding the cause of death.
- Seattle Police Department Captain Gregg Caylor will describe Seattle Police Department Policies on the use of deadly force and de-escalation tactics, as well as the trainings Officer Schickler received on those topics.

The family of Jason S. Seavers would like you to know the following about him.

**[Ms. Jimeno, can you please put the photo of Mr. Seavers up on the screen?]**

Mr. Seavers' family would like you to know the following about him. [The Family is offered the opportunity to prepare a short statement about the decedent's life. While reading the statement to the jury a picture of the decedent, selected by the Family, is displayed to the jury on the screen.]

**[Ms. Jimeno, can you please take the photo of Mr. Seavers down off the screen?]**

Although an inquest bears some resemblance to a trial, it is important that you remember that an inquest is different from a trial in some very significant ways. You will not be asked to determine if someone is guilty or not guilty, like in a criminal trial. You will not be asked to decide if someone is owed money damages, like in a civil trial.

Instead, an inquest is a fact-finding hearing during which evidence about the death is presented to you. After hearing the evidence, you will be asked to deliberate together and answer a series of questions called Interrogatories. Your answers to these questions will be either "yes," "no," or "unknown." In this way you will determine how and why Mr. Seavers died. You will also decide whether the officers' actions during this incident complied with Seattle Police Department policy and training and whether the death was caused by criminal means. In answering these questions, however, you must not consider or draw any inferences from the fact that this inquest is taking place.

After all the evidence has been submitted in this case, but before you begin your deliberations, I will instruct you on the law that will guide your decisions. And it will be your duty to answer the questions based on the evidence and testimony that you have heard during this inquest and according to the law as stated in my instructions. It is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you think the law should be.

If, at any point during this proceeding, you recall any media coverage of this event or if you become aware of any information about this event other than the evidence and testimony admitted in this hearing, you must set all of that aside and disregard whatever you may have seen, heard, or read. As a matter of basic fairness, the public and the parties are entitled to know what evidence and what legal principles you relied upon in making your decisions. If you rely on any

information from outside of this hearing room or upon legal principles other than those contained in my instructions, their trust in your decisions will be violated.

## INTRODUCTIONS

I will now introduce to you the Parties and attorneys participating in this inquest:

My name is Julia Garratt, and I am the Inquest Administrator. As the Inquest Administrator, I determine who will be called as witnesses, what evidence is admitted and the Interrogatories you will be asked to answer. Although I call the witnesses, I am not endorsing their testimony. You are the sole determiners of credibility and must decide what weight to give each witness's testimony.

The family of Jason Seavers is represented by Deborah Alexander. Please greet the jury and introduce the Family representative(s).

Attorneys Ted Buck and Delaney DiGiovanni, from the law firm Frey Buck, PS, represent the Seattle Police Officer involved in this shooting. Please greet the jury and introduce your client. (SPD Officer Eric Schickler)

The Seattle Police Department is represented by Alexandra Nica and Jessica Leiser of the Seattle City Attorney's Office. Will each of you please greet the jury. [they may have an SPD rep to introduce as well]

Anu Zangri and Matt Anderson are the Inquest Program Attorneys. Their role is to assist me in presenting the evidence in this matter. Will you please greet the jury.

Now, having seen their faces, are any of you familiar with any of the attorneys in this case, the officers or any members of their families or with the decedent, Jason Seavers, or any other members of her family?

I also want to introduce our Inquest Program Coordinators Angelina Jimeno and Florence Armah, who are here to assist our team with this inquest. Ms. Jimeno and Armah are the people with whom you will have direct contact during your service. If any questions arise during your service as a juror in this case, please direct them to these individuals. If they can answer the question, they will. But if it is something that needs to be brought to my attention, they will let me know and I will do my best to address the matter.

As jurors, it is important that the decisions you are asked to make are based solely on the evidence and testimony you hear during this inquest. For that reason, it is very important that so long as you are a juror in this case you avoid people who may be discussing this case and any media reports about this case on TV, online, on the radio or in the newspapers. If someone does

try to discuss the case with you or if you inadvertently hear something on some form of media, they are three things you must do.

First, terminate the contact immediately. Second, do not discuss what happened or what you heard with your fellow jurors. And third, report the incident an Inquest Program Coordinator at the earliest opportunity. One of them will notify me, and I will decide if any further steps need to be taken.

You should also know that all the participants in this proceeding are aware that they are not permitted to have contact with you outside of this hearing room. It will help them abide by this restriction if you not only wear your juror badges at all times when you are in the building, but also make sure that the badges are always visible to all. That way if you happen to inadvertently end up in the same elevator, an attorney, party or witness can see your badge and know not have contact with you or say anything that involves this case while in your presence. Of course, it is very, very unlikely that any such improper contact would occur, but if for some reason it does, even inadvertently, they are three things you must do. First, terminate the contact immediately. Second, do not mention the event or what you may have heard to any of your fellow jurors. And third, report the incident to the Inquest Program Coordinators at the earliest opportunity.

Included in your obligation to not discuss this matter with anyone while the case is pending, is the obligation that you must not discuss this case among yourselves until I instruct you that you are permitted to do so when you are about to start your deliberation. That will occur only after you have heard all the evidence, have listened to my instructions to you on the law, I have excused you to the jury room, the evidence that has been admitted has been delivered to you and all of the jurors are present. It is then, and only then, that you may begin your deliberations and discuss this case with your fellow jurors. If you become aware of any such discussions before you have been given permission to do so, it is your duty to alert the Inquest Program Coordinators at the earliest opportunity.

Because an inquest is conducted for the benefit of the public, these proceedings are being made available to the public on the internet, so that anyone who is interested can watch what is taking place here. But at no time will the faces of any jurors be broadcast over the internet. You should also know that from time to time the media is interested in inquest proceedings. I don't know whether such interest exists in this case. But if it does, you may see people in the hearing

room with still cameras or TV cameras. They are under strict orders from me, however, that no pictures or filming of jurors or prospective jurors is permitted.



## EXPLANATION OF PROCEDURE

Now, let me tell you about the schedule we will keep during this hearing.

We will begin each day at 9 am. So that we may begin on time, I ask that each juror be in the jury room no later than 8:45 am each day we are in session, which will be every day, Monday through Friday, with the exception of Wednesday, March 15th. When you arrive, please go directly to the jury room. Do not linger in the hallways. It only increases the chance that you will inadvertently overhear something related to this case from the parties, the attorneys, observers or the media, if they are present.

Our day will proceed as follows: After our 9 am start, we will break for 15 minutes at 10:45 am. We will recess for lunch from 12 noon to 1:15 pm. I ask that you arrive back in the jury room no later than 1:10 pm so that we can begin at 1:15 pm. We will take another 15-minute break at 2:45 pm. We will end our day at 4:30 pm.

After I finish reading these preliminary instructions to you, we will proceed immediately into the presentation of evidence.

For most witnesses, the Inquest Program Attorney will begin the questioning. Any of the other attorneys may then ask questions. A number of exhibits have been admitted into evidence and the attorneys may ask the witnesses about the exhibits. One of my duties as Inquest Administrator is to decide what evidence should be admitted during this hearing. Do not be concerned with the reasons for my rulings on the evidence. You must not consider or discuss any evidence that I do not admit or that I tell you to disregard.

The lawyers' questions are intended to help you understand the evidence and apply the law. Keep in mind, however, that their questions are not evidence or the law. The evidence is the testimony from witnesses and the exhibits. The law is contained in my instructions to you. You must disregard anything the lawyers say that is at odds with the evidence or the law in my instructions.

From time to time during the questioning, you may also hear objections made by the lawyers. Each party has the right to object to questions asked by another lawyer. These objections should not influence you in any way. It is my job to rule on these objections. Do not make any assumptions or draw any conclusions based on a lawyer's objections or my rulings on them.

Each of you, as jurors has the right to submit questions to be asked of any witness. A form will be given to you to use if you wish to submit such questions. When the attorneys have finished questioning each witness, you will be given the opportunity to present your written questions to Ms. Zangri or Mr. Anderson, who will share them with the other counsel for their review and then present them to me for my consideration. As the Inquest Administrator, it is my decision whether a question will be asked. If I decide not to ask a question, you must not speculate as to the reasons for that decision. It may be, for example, that the question is not proper under the rules of evidence, or it may be that I expect another witness, yet to testify, will be better able to answer the question, or for some other reason.

Similarly, each juror also has a right to request that a witness be called to testify. A form will be provided to you to use if you wish to request a witness. You may submit your request at any time during this inquest, but I would encourage you to do so as soon as it occurs to you to do so, because it takes time to arrange such testimony. And, again, remember that ultimately, it is my decision whether to call a witness. If I decline to do so, you must not speculate about the reasons for that decision.

When witnesses testify, please listen very carefully. You will need to remember the testimony because it will not be repeated for you during your deliberations. Any exhibits admitted into evidence, however, will go to the jury room with you during your deliberations.

You will be allowed to take notes during the hearing. Whether you do so is entirely your own decision. If you do choose to take notes, you should make sure that it does not interfere with your ability to listen to and observe the witnesses.

At an appropriate time, you will be provided a notepad and a pen to each of you. Your juror number will be on the front page of the notepad. You must take notes on this pad only, not on any other paper. You must not take your notepad from the hearing room or the jury room for any reason. Anytime we are in recess during the inquest, including at the end of the day, please leave your notepad on the table at your seat. An Inquest Program Coordinator will collect the notepads and keep them secure. While you are away from the hearing room or the jury room, no one else will read your notes.

You must not discuss your notes with anyone or show your notes to anyone until you begin deliberating on your Answers to the Interrogatories. During your deliberations, however, it is your

choice whether to share your notes with the other jurors.

If you choose to take notes, do not assume that your notes are necessarily more accurate than your memory. Keep in mind that I am allowing you to take notes to assist you in remembering clearly, not to substitute for your memory. You are also not to assume that your notes are more accurate than the memories or notes of the other jurors. When you have finished deliberation and the Inquest is over, your notes will be shredded.

It is important that you discharge your duties without discrimination, meaning that bias regarding the race, color, religious beliefs, national origin, sexual orientation, gender, or disability of any party, any witnesses, and the lawyers should play no part in the exercise of your judgment throughout the hearing. Intentional discrimination based on any of these characteristics is called “conscious bias.”

However, there is another more subtle tendency at work that we must all be aware of. This part of human nature is understandable but must play no role in your service as jurors. In our daily lives, there are many issues that require us to make quick decisions and then move on. In making these daily decisions, we may well rely upon generalities, even what might be called unconscious biases or prejudices. And while that may occur as a coping mechanism in our busy daily lives, bias and prejudice can play no part in any decisions you might make as a juror. Your decisions as jurors must be based solely upon an open-minded, fair consideration of the evidence that comes before you during the hearing.

When the presentation of the evidence is complete, I will instruct you on the law that applies in this case. You will then receive a set of Interrogatories for you to answer based on the evidence and according to the instructions I have given you. I will then excuse you to deliberate on those questions. After you have answered the Interrogatories and I have accepted them, your notes will be collected and destroyed by the Inquest Program Coordinators. Again, no one will be allowed to read them.

No. 1

Because it is your role to evaluate the evidence, I will not express, by words or conduct, my personal opinion about the value of a particular witness's testimony or an exhibit. If it appears to you that I have indicated in any way my personal opinion concerning any evidence, you must disregard this entirely.

No. 2

I reiterate a few points because they are important and worth repeating. First, throughout this hearing, you must come and go directly from the jury room. Do not linger in the hall or the hearing room.

Second, it is essential to a fair hearing that everything you learn about this case comes to you in this hearing room, and only in this hearing room. You must not allow yourself to be exposed to any outside information about this case, including from your family and friends. Do not permit anyone to discuss or comment about it in your presence, and do not remain within hearing of such conversations.

Third, until you are dismissed at the end of this hearing, you must avoid outside sources such as newspapers, magazines, blogs, the internet, or radio or television broadcasts which may discuss this case or issues involved in this hearing. If you start to hear or read information about anything related to the case, remember the three things you must do: terminate the contact immediately so that you no longer hear or see it; do not share whatever you may have seen or heard with your fellow jurors; and at the earliest opportunity notify the Inquest Program Coordinator of what happened.

And fourth, during the hearing, do not try to determine on your own what the law is. Do not seek out any evidence on your own. Do not consult dictionaries or other reference materials. Do not conduct any research into the facts, the issues, or the people involved in this case. You may not use any internet resources to look into anything at all related to this case. Do not inspect the scene of any event involved in this case.

Of course, after you have delivered your Answers to the Interrogatories and are excused from this proceeding, you will be free to do any research you choose and to share your experiences with others, including with me and the attorneys, if you wish to do so.

Please keep in mind that as jurors you have sworn an oath to give true Answers to the Interrogatories that will be put to you. You must reach your decision based on the facts proved to you in this hearing room and on the law given to you in my instructions, uninfluenced by sympathy, prejudice, or personal preference. It is your duty to listen carefully to the evidence and to act impartially in your consideration of the evidence and in answering the Interrogatories.

We will now proceed with testimony of the first witness.

## CLOSING INSTRUCTIONS

### No. 1

It is your duty to determine the facts in this matter from the evidence admitted and to report your findings to the Inquest Administrator in writing, by answering the Interrogatories, which will be submitted to you.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, stipulations, and the exhibits that I have admitted, during the inquest. If evidence was not admitted or was stricken from the record, then you are not to consider it in answering the Interrogatories. In addition, you must not consider or draw any inferences from the fact that an inquest is being held in this matter.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible or where I have redacted portions of any exhibits, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in answering the Interrogatories. On the other hand, to answer the Interrogatories, you must consider all of the evidence that I have admitted that relates to each Interrogatory.

As jurors, you have been allowed to request that additional questions be asked of the witnesses and to request that other persons testify. Any such request has been reviewed by me and by the parties' lawyers. If a requested question was not asked, or a requested witness was not called you may not speculate about the reasons for that decision or discuss the fact that the question was not asked or that the witness was not called.

No. 2

You are the sole judges of the credibility of each witness. You are also the sole judges of the value or weight to be given to the testimony of each witness. In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have in the outcome or the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors that affect your evaluation or belief of a witness or your evaluation of his or her testimony.



No. 3

The lawyers' questions are intended to help you understand the evidence. It is important, however, for you to remember that the lawyers' questions are not evidence. The evidence is the testimony and the exhibits. You must disregard any question or answer thereto which has been stricken.

You may have heard objections made by the lawyers during this inquest. The lawyers have the right to object to questions asked by another lawyer and may have a duty to do so. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

Because it is your role as jurors to evaluate the evidence, it would be improper for me to express, by words or conduct, my personal opinion about the value of testimony or other evidence. If it appeared to you that I have indicated my personal opinion in any way, either during this inquest or in giving these instructions, you must disregard this entirely.

As jurors, it is your duty to answer each Interrogatory fairly and properly. You must act impartially with an earnest desire to determine and declare the truth. You must answer the Interrogatories based on the evidence, and not on sympathy, prejudice, or personal preference.

No. 4

Evidence may be either direct or circumstantial. Direct evidence is that given by a witness who testifies concerning facts that he or she has directly observed or perceived through the senses. Circumstantial evidence is evidence of facts or circumstances from which the existence or nonexistence of other facts may be reasonably inferred from common experience. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. One is not necessarily more or less valuable than the other.

WPIC 5.01

No. 5

A witness who has special training, education or experience may be allowed to express an opinion in addition to giving testimony as to facts. You are not, however, required to accept his or her opinion. To determine the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge, and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information, as well as considering the factors already given to you for evaluating the testimony of any other witness.

WPIC 6.51

No. 6

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this inquest in an orderly and reasonable manner, that you fully and fairly discuss each issue submitted for your decision, and that each one of you has a chance to be heard on every question before you. It will be the duty of each of you to discuss this case fully with your fellow jurors, to express your own views, and to fully consider the views of the other jurors.

It is also the duty of each of you to evaluate the evidence with an open mind free of bias or prejudice. If during your deliberations, you become concerned that the discussions are being influenced by preconceived bias or prejudice, you must bring this to the attention of the other jurors so that the issue may be fairly discussed among all members of the jury.

During your deliberations, you may discuss any notes that you have taken during the inquest, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes, if you took them, and your memory as to the testimony presented in this inquest. Testimony will not be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask me a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has answered any Interrogatory. The presiding juror should sign and date the question and give it to an Inquest Program Coordinator. I will consider your question and determine what response, if any, can be given.

You will be given all the exhibits admitted in evidence, these instructions, and the written Interrogatories to be answered by you. If an exhibit was admitted for illustrative purposes only, the exhibit may not be brought into the jury room.

No. 7

It is the duty of the presiding juror to complete the written Interrogatories. After fully and fairly discussing each issue and exchanging their interpretations of the evidence, on each Interrogatory, the presiding juror must set out in the blanks provided the number of jurors who answer “YES”, the number of jurors who answer “NO”, the number of jurors who answer “UNKNOWN” to each question and, when asked, the number of jurors who answer “DID NOT ANSWER.”

After every Interrogatory, the presiding juror must allow each juror to have the opportunity to provide a written explanation of the juror’s answer if the juror believes that a written explanation will provide information will be helpful. No juror is required to provide an explanation to any answer, but the jurors are encouraged to consider doing so. While a simple “YES,” “NO,” “UNKNOWN,” or “DID NOT ANSWER” may answer the question, it may not fully explain the reasons for the answer. We are truly interested in those reasons. Any explanations you choose to offer will be helpful to the community to understand what happened during this incident and to understand the reasons for your decisions. You will be provided with forms for you to write any explanation that you wish to provide.

A juror may not need to answer a specific Interrogatory if the juror’s answer to a previous question makes it unnecessary. For example, if a juror concludes that a specific policy did not apply, then that juror must not answer an Interrogatory asking whether a particular officer complied with that policy. But, if another juror concludes that the policy did apply, then that juror must answer the question about whether a particular officer did or did not comply with that policy. The Interrogatories will indicate when a situation such as this is applicable.

Executive Order Section 14.6, App. 2

No. 8

When answering each Interrogatory, you should respond “YES” when you believe a preponderance of the evidence supports responding to the question in the affirmative. You should respond “NO” when you believe a preponderance of the evidence supports responding to the question in the negative. You should respond “UNKNOWN” if either (1) the weight of the evidence equally supports responding to the question in the affirmative and the negative or (2) not enough evidence was presented to allow the juror to answer the question in the affirmative or the negative. You should answer “DID NOT ANSWER” if, because of the contingent nature of the Interrogatory, you were not required to answer the Interrogatory. The jury does not need to be unanimous in the answers to each Interrogatory.

A “preponderance of the evidence” means that you must be persuaded, considering all the evidence bearing on the question, that your answer to a given question is more probably true than not true.

Executive Order Section 14.4, App. 2

WPI 21.01

No. 9

Compliance with SPD Policies 8.200 (Sections 6), regarding the duty to request or render medical aid following a use of force, may be accomplished by any officer and need not be accomplished by the officer or officers who used force.

No. 10

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to overcome actual resistance to the order of an officer, or in the discharge of a legal duty.

RCW 9A.16.040(1)(b)



No. 11

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to arrest or apprehend a person who the officer reasonably believes has committed, or attempted to commit, a felony.

In considering whether to use deadly force to arrest or apprehend any person for the commission of any crime, an officer must have probable cause to believe that the person, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.

Among the circumstances which may be considered by an officer as a "threat of serious physical harm" are the following:

(a) The person threatened the officer with a weapon or displayed a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the person committed any crime involving the infliction or threatened infliction of serious physical harm.

RCW 9A.16.040(1)(c), (2)

No. 12

“Deadly force” means the intentional application of force through the use of a firearm.

RCW 9A.16.010(2)

No. 13

“Necessary” or “necessarily” means that, under the circumstances as they appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.

WPIC 16.05

No. 14

An assault is an act, with unlawful force, done with intent to inflict bodily injury upon another, tending but failing to accomplish it and accompanied with the apparent present ability to inflict the bodily injury if not prevented. It is not necessary that bodily injury be inflicted.

An assault is also an act, with unlawful force, done with the intent to create in another apprehension and fear of bodily injury, and which in fact creates in another a reasonable apprehension and imminent fear of bodily injury even though the actor did not actually intend to inflict bodily injury.

WPIC 35.50 Assault - Definition

No. 15

The crime of assault with a deadly weapon is a felony.

WPIC 2.09

RCW 9A.36.021(1)(c), (2)(a)

No. 16

A firearm is a deadly weapon.

WPIC 2.06 (modified)

No. 17

“Probable cause” means facts known to the officer at the time, that would cause a reasonably cautious officer to believe the proposition at issue, that is, whether Jason Seavers posed a threat of serious physical harm to the officer or to others or committed any crime involving the infliction or threatened infliction of serious physical harm. In determining whether the facts known to the officer justified this belief, you may take into account the officer’s experience and expertise.

No. 18

If you find that an officer's use of force was not justifiable, then you must decide whether the officer acted without malice and with a good faith belief that the act was justifiable.

RCW 9A.16.040(3)



No. 19

“Malice” means an evil intent or design to injure another person. Malice may be, but is not required to be, inferred from an act done in willful disregard of the rights of another.

WPIC 2.13

No. 20

“Good faith” means that the officer honestly believed his or her action was justifiable as that term is defined in Instruction No. 10 and No. 11.

**Commented [AM(1)]:** Double check #s before providing to jury.

No. 21

In determining whether an officer acted without malice and in good faith you may consider, among other things, whether the officer's actions complied with applicable Seattle Police Department policies and/or trainings. However, you may not rely solely on an officer's failure to comply with Seattle Police Department policies and/or trainings to find that the officer acted with malice or not in good faith.

No. 22

If you find by a preponderance of the evidence that the officer's use of deadly force was without malice and that the use of deadly force was with a good faith belief~~five~~ that such force was justifiable as defined in instruction No. 10 and No. 11, then you must find that the death was not caused by criminal means.

**Commented [AM(2)]:** Double check #s before providing to jury.

No. 23

After you have answered the Interrogatories, all members of the jury will then sign the form and the presiding juror will notify the program manager. After the program manager has received your answers, the hearing will reconvene, and you will be conducted into the hearing room. Please leave any notes you have taken in the jury room. I will review your answers to confirm that they are in proper order and if so, they shall be made public.

The program manager will then collect and destroy your notes. No one will be allowed to read your notes.

You have now heard all the testimony in this proceeding and my instructions. Each juror has a copy of my instructions and of the Interrogatories to take with you to the jury room. You may refer to any notes you have taken. So, at this time, please recess to the jury room. Once the program manager has delivered all the admitted exhibits, and each of you is present, you may begin your deliberations.

**[For the polling of the jury]**

**VERDICT**

Who is the foreperson? Has each juror answered each of the Interrogatories? Please hand the form to the program manager.

Ask individually:

1. Did you answer each Interrogatory?
2. Are your answers accurately reflected?

Stipulation as to Undisputed Facts

The parties have agreed that certain facts are true. You must accept as true the following facts:

# APPENDIX C



**PROPOSED INTERROGATORIES**  
**JASON S. SEEVERS**

These interrogatories have been formatted simply, to aid in comments and discussion. They will be put in a more formal format shortly before the Inquest Hearing.

Unless otherwise indicated, the jurors will be given the following choices to answer (See interrogatory #1 for an example):

"YES \_\_\_\_ NO \_\_\_\_ UNKNOWN \_\_\_\_"

Where the question is followed by the parenthetical "(contingent)" the jurors will be given the following choices to answer (See interrogatories #35-38 for an example):

"YES \_\_\_\_ NO \_\_\_\_ UNKNOWN \_\_\_\_ DID NOT ANSWER \_\_\_\_"

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1. On February 19, 2018, did David Molinaro call 911 after he observed Jason Seavers inside a vehicle that did not belong to him?  
"YES \_\_\_\_ NO \_\_\_\_ UNKNOWN \_\_\_\_"
2. At approximately 4:28am, did Officers Knoblauch and Tucker respond to the 911 call for a report of a vehicle prowler or attempted auto theft as the reporting party advised that the suspect was tampering with the vehicle's ignition?
3. Did Seattle Police Department (SPD) Officer Knoblauch see Jason Seavers in the driver's seat of a vehicle after he arrived on the street outside in response to the 911 call?
4. Did Officer Knoblauch see Jason Seavers get out of the vehicle?
5. Did Jason Seavers fire gunshots in Officer Knoblauch's direction?
6. Did Officer Knoblauch fire shots back at Jason Seavers?
7. Did Officers Knoblauch and Tucker inform dispatch that Jason Seavers fired shots?
8. Did Officer Schickler respond to "shots fired" and "help the Officer" dispatch?
9. Did Officer Knoblauch and another officer describe the initial shooting to Officer Schickler? when he arrived to search for Jason Seavers?
10. Did many Seattle Police Department officers, including Officer Schickler, join a search to locate Jason Seavers?
11. At approximately 5:10am, did Jason Seavers enter Albert Geary's home without permission?
12. Did Jason Seavers point what appeared to be a gun at Albert Geary while demanding his car keys?
13. Did Albert Geary give Jason Seavers his keys to his gray Volkswagen Jetta and watch Jason Seavers drive it away?
14. Did Officer Schickler receive information about the incident at Albert Geary's home?
15. Did Albert Geary call 911 to report being robbed of his car keys at gunpoint in his home?
16. Was Jason Seavers in Albert Geary's Volkswagen Jetta station wagon when located by officers?
17. Did officers ram the vehicle Jason Seavers was in to stop it?
18. Was the vehicle Jason Seavers was in rendered incapable of moving by the collision and officer actions near the intersection in the 5500 block of 26<sup>th</sup> Ave. NE?
19. Did officers surround the vehicle Jason Seavers was in?
20. Did officers attempt to break the windows of the vehicle to gain entry?
21. Did Officer Schickler see Jason Seavers moving and throwing items in the back seat as he looked for something?

22. Were Officer Schickler and the other officers present at the vehicle clearly identifiable as police officers?
23. Did Officer Schickler repeatedly yell at Jason Seavers to stop reaching?
24. Did any of the officers surrounding the Volkswagen Jetta see a gun in the car prior to Officer Schickler firing his gun at Jason Seavers?
25. Did Officer Schickler see a gun in Mr. Seavers' hands prior to shooting him?
26. Was Jason Seavers turned around towards the backseat footwell area when he was shot by Officer Schickler?
27. Did other SPD Officers command Jason Seavers to show his hands?
28. Did Officer Sandlin Grayson shout out to other officers that Mr. Seavers' hands were clear and he did not have a gun prior to Officer Schickler firing his gun?
29. Did other SPD Officers command Jason Seavers to not move?
30. Did other SPD Officers command Jason Seavers to not do anything stupid?
31. At any time did Jason Seavers obey any commands given by an SPD officer?
32. Did Officer Schickler believe that Jason Seavers was looking for a firearm?
33. Did Officer Schickler fear Jason Seavers would find the firearm and attempt to shoot the surrounding officers?
34. Did an officer succeed in breaking the window of the Volkswagen Jetta in an attempt to gain entry less than a second before Officer Schickler fired his weapon?
35. Did Officer Schickler fire his handgun at Jason Seavers?
36. Did a bullet fired by Officer Schickler strike Jason Seavers?
37. Was Officer Schickler's body worn video (BWV) obstructed when he fired shots at Jason Seavers?
38. Did Jason Seavers die from injuries caused by a bullet fired by Officer Schickler?
39. Did SPD officers request medical aid within two minutes of Jason Seavers being struck by bullets?
40. Did SPD officers promptly attempt to provide medical aid to Jason Seavers?
41. Was there any chance that aid could have kept Jason Seavers alive at the scene?
42. Did Shawn Peterson report that a pistol was stolen from his vehicle on February 19, 2018, near the location of the car prowler that Officers Knoblauch and Tucker responded to?
43. Did SPD Officers find the firearm owned by Shawn Peterson on the driver's seat floorboard in the Volkswagen Jetta station wagon?
44. Did Jason Seavers have opiates, amphetamines, and methamphetamines in his system at the time of his death?

Commented [ZA1]: To be modified after testimony to provide context re how much time prior to the shooting this was relayed.

Commented [ZA2]: IA reserving until after testimony

**INTERROGATORIES ABOUT SEATTLE POLICE DEPARTMENT POLICIES AND TRAINING:**

45. Did the **SPD Policy 8.100 DE-ESCALATION** apply to the actions of Officer Schickler?
46. If you found that the **SPD Policy 8.100 DE-ESCALATION** applied to the actions of Officer Schickler during the course of this incident, were his actions consistent with the that policy? (contingent)
47. If you found that the **SPD Policy 8.100 DE-ESCALATION** applied to the actions of Officer Schickler during the course of this incident, were his actions consistent with the SPD training he received on De-Escalation? (contingent)  
 YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN \_\_\_\_\_ DID NOT ANSWER \_\_\_\_\_
48. Did the **SPD Policy 8.200 USE OF FORCE (Sections 1, 3, and 4)** apply to the actions of Officer Schickler in this instance?

Commented [AM(3)]: The Family proposed specific interrogatories regarding particular de-escalation tactics that might have been attempted. The IA reserves on whether to provide any such interrogatories until after the close of the evidence. Any party, including the Administrator proposing such interrogatories must propose interrogatories that do not unduly emphasize any particular portion of the de-escalation policy.

**Answer Interrogatories NO. \_\_\_\_ only if you find that Officer Schickler fired his handgun at Jason Seavers (Interrogatory No. \_\_\_\_ ) and that SPD Policy 8.200 – Use of Deadly Force (Sections 1, 3 and 4) applied to his actions in this instance (interrogatory No. \_\_\_\_).**

49. Was the force used by Officer Schickler objectively reasonable, necessary, and proportional to the threat or urgency of the situation, to achieve a law enforcement objective? (contingent)
50. Did Officer Schickler assess and modulate his use of force his use of force as Jason Seavers' resistance changed? (contingent)
51. At the time that Officer Schickler fired his handgun was there an imminent threat of death or serious physical injury to Officer Schickler or others? (contingent)
52. Were Officer Schickler's actions consistent with the **SPD Policy 8.200 USE OF FORCE (Sections 1, 3, and 4)**? (contingent)
53. Were Officer Schickler's actions consistent with the SPD training he received on **SPD Policy 8.200 USE OF FORCE (Sections 1, 3, and 4)**? (contingent)
54. Did the **SPD Policy 8.300-POL-4 Use of Force – FIREARMS (Section 7)** apply to the actions of Officer Schickler in this instance?

**Answer Interrogatories NO. \_\_\_\_ only if you find that Officer Schickler fired his handgun at Jason Seavers (Interrogatory No. \_\_\_\_ ) and that SPD Policy 8.300-POL-4 Use of Force – FIREARMS (Section 7) applied to his actions in this instance (interrogatory No. \_\_\_\_).**

55. Did Officer Schickler issue a verbal warning that he was going to shoot to Jason Seavers and fellow officers prior to shooting his firearm? (contingent)
56. Was it feasible for Officer Schickler to issue a verbal warning to Jason Seavers and fellow officers prior to shooting his firearm? (contingent)?
57. Were Officer Schickler's actions consistent with the **SPD Policy 8.300-POL-4 Use of Force – FIREARMS (Section 7)**? (contingent)
58. Were Officer Schickler's actions consistent with the SPD training he received on \_\_\_\_?

**SPD INTERROGATORIES ABOUT WHETHER JASON SEEVERS' DEATH WAS OCCASIONED BY CRIMINAL MEANS**

**Answer the remaining interrogatories only if you found that Jason Seavers died from a bullet fired by Officer Schickler (Interrogatory No. 26)**

59. Was Officer Schickler firing his handgun necessary to overcome actual resistance to the orders from Seattle Police Officers? (contingent)
60. Was Officer Schickler firing his handgun necessary to arrest or apprehend Jason Seavers? (contingent)
61. Did Officer Schickler reasonably believe that Jason Seavers had committed or attempted to commit a felony? (contingent)
62. Did Officer Schickler have probable cause to believe that Jason Seavers, if not apprehended, posed a threat of serious physical harm to the officer or others?(contingent)
63. Was the use of deadly force justifiable as defined in Instruction No. 10 or No. 11? (contingent)
64. If you answered "NO" to Interrogatory # 49 ( was Officer Schickler's use of force with malice and was not in good faith?
65. If you found that Officer Schickler's use of deadly force against Jason Seavers was not justifiable (Interrogatory #49), and was committed with malice (Interrogatory #50) or not in good faith (Interrogatory #51, did Officer Schickler cause the death of Jason Seavers by criminal means? (contingent)

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Panel Member

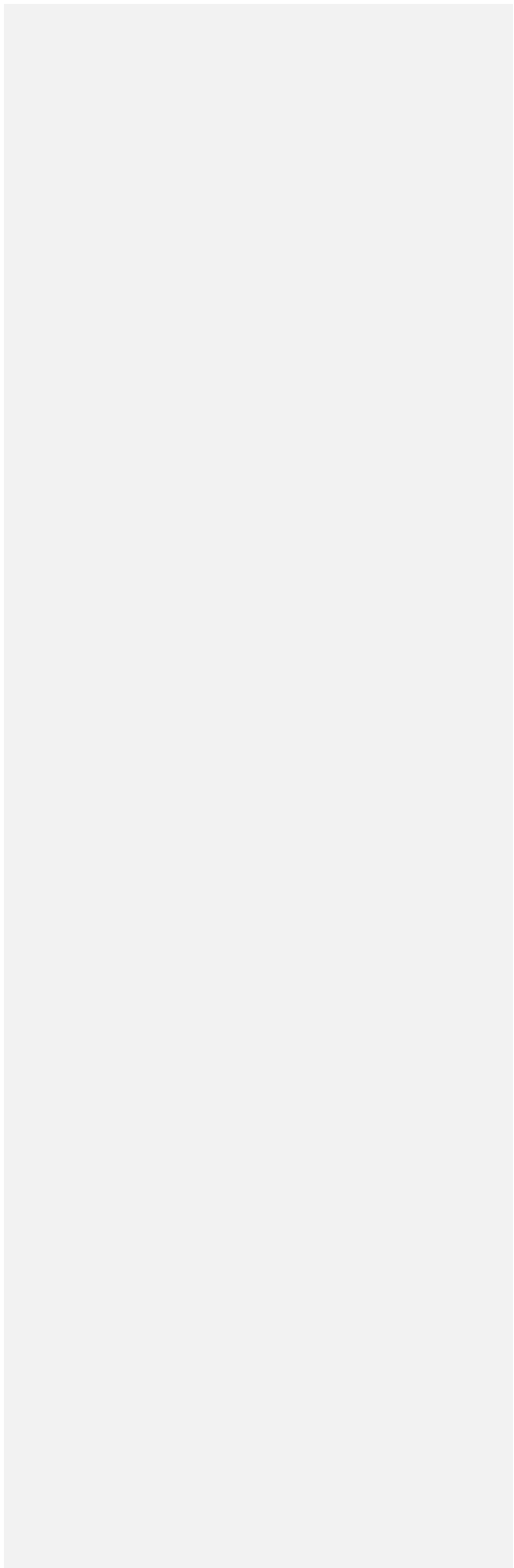
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Panel Member

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Panel Member



# APPENDIX D



## King County

Department of Executive Services

### **Inquest Program**

401 Fifth Avenue, Suite 135

Seattle, WA 98104

**206-477-6191**

TTY Relay 711

Webpage: [kingcounty.gov/inquests](http://kingcounty.gov/inquests)

Email: [Inquests@kingcounty.gov](mailto:Inquests@kingcounty.gov)

### **INQUEST INTO THE DEATH OF JASON S. SEEVERS INQUEST # 18IQ61954**

#### **TRAINING SCOPE**

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The training scope includes any trainings provided Officer Schickler pertaining to the Policy Scope. Documentation for each of the trainings listed below will be marked as exhibits and may be used to impeach or refresh recollections.

If any party wishes to use any part of any of these exhibits as an illustrative exhibit, the party must indicate that is the case in their comments to the exhibit list.

Each of the trainings may contain portions that do not pertain to the Policy Scope. The parties may make *motions in limine* to preclude examination on those portions if they wish (according to the schedule provided in the Order entered today); the Administrator will also propose limitations as she deems helpful.

1. 2015 Advanced Rapid Intervention Training (bates 4071, CITY 027)
2. 2015 Use of Force Skills Training – Integrated Team Tactics and Firearms – Rapid Intervention Tactics (4100, CITY 056)
3. 2015 Use of Force Skills Training – Team Movements: Rapid Intervention Tactics (4164, CITY 120)
4. 2016 Firearms Training and Less-Lethal (Re)Certification (4238, CITY 0194)
5. 2017 Phase 2 Firearms Tactics (4313, CITY 0269)
6. Advanced Tactics Training – 2017 Small Team Tactics (4503, CITY 0459)
7. 2015 Use of Force Sustainment (4963)
8. 2015 Tactical De-Escalation and Firearms Individual Skills (5256)