



King County

Department of Executive Services

Inquest Program

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FINAL PRE-HEARING CONFERENCE ORDER

**INQUEST INTO THE DEATH OF CURTIS ELROY TADE
INQUEST # 17IQ61739**

PARTIES:

Family of the Curtis Elroy Tade:	Represented by Teri Rogers Kemp
Law enforcement officers:	Kirkland Police Department Officer Scott Cox, represented by Derrick Isackson
Employing government department:	Federal Way Police Department, represented by Stew Estes and Audrey M. Airut Murphy
Administrator:	Robert McBeth, assisted by Matt Anderson and Cady Nicol

The Inquest Administrator, having presided over a Pre-Hearing Conference on January 6, 2023, and having considered the comments of counsel, hereby orders

- Inquest date:** The Inquest Hearing in this matter is scheduled to commence on Monday, January 30, 2023 with testimony to run until Friday, February 3, 2023. The parties shall be available for possible jury deliberation until Tuesday, February 7, 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. Exceptions to this schedule will be determined by the IA as needed to accommodate witness schedules and ensure the clear presentation of evidence.
- Viewing and attending the proceedings** – The proceedings will be open to the public, subject to any necessary health precautions. Media attendance will be governed by the [2022 General Order](#). The proceedings will be livestreamed via a link available at the [Curtis Elroy](#)

[Tade Inquest page](#). Recordings of the proceedings will be available via a link available on that same page as provided in the [2022 General Order](#).

- 3. Factual scope** – An inquest jury swears to inquire who the person was and when, where and by what means he or she came to his or her death and into the circumstances attending his or her death. The jury must determine if those means were criminal and whether the Involved Officer’s actions complied with Agency Policy and Training. The witnesses called to testify will be allowed to describe anything within their knowledge pertaining to the events within the below-described factual scope unless a specific limitation is imposed by the Administrator. Their testimony will be governed by the Rules of Evidence unless the Administrator invokes the Hearing Examiner Rules as allowed under the [Executive Order](#).

Facts of the incident: The factual scope of inquiry begins on December 19, 2017 as the Campos family returned from the Olive Garden and first encountered Mr. Tade. It covers the interactions of Mr. Tade with the Campos family, Ms. Scrivens, Mr. Tran, the Kirkland PD Officers and Kirkland Fire personnel that responded. It continues until additional Kirkland PD officers responded and stabilized the scene and Kirkland Fire personnel ceased efforts and stepped away from Mr. Tade’s body. It includes the interactions of Ms. Scrivens and Mr. Tran of Mr. Tade earlier in the day.

Facts of the investigation (General): Det. Mike Mellis will describe the general investigation.¹ Det. Mike Glasgow will describe his involvement in evidence collection and other evidence collection or scene documentation not covered by Det. Mellis.

Facts of the investigation (Medical): Dr. Richard Harruff, the KCME Chief Medical Examiner, will testify to his examination and the results of the testing he requested from the State Toxicology Lab.

- 4. Witness testimony:** The following witnesses will be called to testify:

KCSO Det. Mike Mellis,	KPD. Corporal J. McClain
Fabiorrana Campos,	KFD Ofc. Peter Lawrence
Alexandra Besson-Bode,	KPD Ofc. P. Mades
Fabio Campos, Jr.	Kirkland Firefighter E. Peterson
Fabio Campos, Sr.	KCSO Det. M. Glasgow
Melissa Scrivens,	KPD Lt. Troy Knafla
Tue Tran	King County Medical Examiner Richard Harruff

¹ 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 the 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 Detectives Mellis and Glasgow 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. This is a limited ruling to accomplish the stated purpose. 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 admissible.

Gabriel Neer
KPD Ofc. D. Lowell

KPD Ofc. Scott Cox

Whether Joseph Winters, Sean Hendrickson and/or Michael Teeter will testify is hereby RESERVED until the next Pre-Hearing Conference. All parties shall prepare as if each of them will testify.

5. **Involved Officer Testimony** – Officer Scott Cox has been ordered to testify by Kirkland Police Department Chief Cherie Harris and has confirmed that he will do so. Whether the jury will be informed of that order is hereby RESERVED until the next Pre-Hearing Conference (see briefing schedule, below).
6. **Policy and training scope** – Evidence will be allowed and the jury will answer interrogatories regarding the applicability of, and Involved Officer’s compliance with,
 - a) Kirkland Police Department policies and trainings on use of deadly force
 - b) Kirkland Police Department trainings on de-escalation.

Whether evidence will be allowed and the jury will answer interrogatories regarding the applicability of, and Involved Officer’s compliance with, the following is hereby RESERVED:

- a) Kirkland Police Department policies on de-escalation (Pending review of Lt. Knafla’s response to an inquiry from the Inquest Program Attorney).
- b) Kirkland Police Department policies and trainings on requesting and rendering medical aid (pending Dr. Harruff’s interview and Lt. Knafla’s response to an inquiry from the Inquest Program Attorney).

An excerpt of relevant policies will be admitted. The Administrator strikes the Code of Ethics and Mission and Vision Statement, Values section from that excerpt because the particular provisions do not appear to bear on Officer Cox’s actions in this incident. Sections 300.2 and paragraph 4 of section 300.3 will remain in the excerpt. The inclusion of language from section 300.6 is hereby RESERVED (pending Dr. Harruff’s interview and Lt. Knafla’s response to an inquiry from the Inquest Program Attorney). All other objections to the excerpt proposed by the Administrator were withdrawn.

7. **Instructions** – Various Proposals were provided by Ofc. Cox and Kirkland Pd. Each such proposal has been incorporated into a working copy and identified by proposing party. Briefing will be provided according to the schedule below, with the proposing party justifying the proposal in the initial brief.
8. **Juror Questionnaire** – Any further party proposals shall be submitted by Wednesday, January 11. Replies to another party’s proposal must be submitted by Thursday, January 12. The Administrator will finalize the questionnaire on Friday, January 13, without oral argument.

9. Briefing shall be submitted as follows with the opening brief to be submitted by the moving party, as identified below:

Schedule

- Monday, January 16, 2023 Opening briefs due
- Monday, January 23, 2023 – Response briefs due
- Wednesday, January 24 at noon – Reply briefs, if any, due.

Moving party

- Whether to inform the jury that Kirkland PD Chief Cherie Harris ordered Ofc. Cox to testify - **Family**
- Whether to Allow testimony from Lt. Knafla and Michael Teeter on whether Ofc. Cox complied with Kirkland PD Policies and Trainings - **Family**
- Modifications to the Administrator’s Proposed Instructions – **Proposing party, as Identified in current proposal.**

DATED this 9th of January, 2023.



Robert McBeth
Inquest Administrator