

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

KING COUNTY DISTRICT COURT OF WASHINGTON
WEST DIVISION

INQUEST INTO THE DEATH OF:

DAMARIUS DEMONTA BUTTS,

Deceased.

No. 517IQ8013

INVOLVED OFFICERS' BRIEF
RE: SCOPE OF INQUEST

INQUEST SCOPE

“The purpose of the inquest is to ensure a full, fair, and transparent review of any such death, and to issue findings of fact regarding the facts and circumstances surrounding the death. The review will result in the issuance of findings regarding the *cause and manner of death, and whether the law enforcement member acted pursuant to policy and training.*”¹

The foundation of this inquest is to uncover the facts and circumstances surrounding the death of Damarius Butts. That is accomplished through the testimony of witnesses and analysis of forensic evidence. The objective is not to determine whether particular acts were justified, it is not to question the policies and training behind those acts, it is not to promote or suggest a

¹ Paragraph 2.2 to Appendix 1 of PHL-7-1-2-EO (Conducting Inquests in King County)(emphasis supplied).

1 different approach. To that end, testimony and questions related to policy and training must be
2 limited to the *cause and manner of death*, and policy directly related to those questions.

3 **1. The subject matter of the policies governing the officers who caused the death of**
4 **Damarius Butts.**

5 The Seattle Police Department’s Use of Force Policy that existed at the time of Mr. Butt’s
6 death is the only policy relevant to the cause and manner of death. Indeed, language relating to
7 the administration and scope of the inquest support this conclusion.

8 Paragraph 3.2 in Appendix 2 of PHL-7-1-2-EO (Conducting Inquests in King County) states
9 that “[t]he panel shall make findings regarding whether the law enforcement officer complied
10 with applicable law enforcement agency training and policy as they relate to the death.” Further,
11 paragraph 12.3 states that “the chief law enforcement officer of the involved agency or director
12 of the employing governmental department shall provide testimony concerning applicable law
13 enforcement agency training and policy as they relate to the death[.]”

14 Here, there is no dispute that Seattle Police officers caused Mr. Butts’ death by shooting
15 him, or that the manner of death was homicide. The only policy relevant to the cause and manner
16 is the Seattle Police Department’s Use of Force policy, and in particular the policy on the use of
17 deadly force. No other policy can be implicated in the death. Mr. Butts did not die as a result of
18 a foot pursuit, by virtue of general policies related to investigating crimes, or canine application
19 policies (the medical examiner has verified that the canine impact was minimal and either
20 perimortem or postmortem – the dog did not cause the death).

21 In addition, the scope should be restricted to prohibit any testimony related to opinions as
22 to whether any involved officer complied with the deadly force policy. That determination, by
23 executive order, is for the panel.

1 Accordingly, the inquest panel should be educated about the deadly force policy in force
2 at the time of the event, then be asked whether officers acted pursuant to said policy.

3 **2. The subject matter of trainings the officers who caused the death of Damarius**
4 **Butts received or should have received regarding the actions the shooting**
5 **officers took that resulted in the death of Damarius Butts.**

6 Consistent with the above, training should be limited to that which relates to the cause
7 and manner of Mr. Butts' death. Here, that would include training surrounding decision-making
8 related to and the application of deadly force. Other training tangential to the deadly force
9 decision is irrelevant to this process, including: bystander safety, canine intervention, use of
10 distraction devices or robots, etc. Such tangential training does not relate to the cause or manner
11 of Mr. Butts' death.

12 **3. The events leading up to and immediately following the death of Damarius**
13 **Butts.**

14 The events that precipitated the call to law enforcement (i.e., the 7-11 incident), law
15 enforcement and civilian interaction with Butts in downtown Seattle (i.e., struggle with Officer
16 Merritt and police chase), and law enforcement and civilian interaction with Butts in the Federal
17 Building are relevant and necessary to the inquest proceeding. These events constitute the
18 "circumstances" surrounding his death in a direct, linear fashion. These events also provide
19 context for law enforcement's involvement and the actions of individual law enforcement
20 personnel; they constitute the universe of information known to the involved officers and upon
21 which they could rely in making their deadly force decisions. Without testimony regarding the 7-
22 11 incident or the downtown foot chase, an inquest panel would question why law enforcement
23 Butts' actions from 7-11 onward created an inexorable cascade of events that ultimately resulted
in his death.

