

Department of Executive Services

**Inquest Program**

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 **INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS**

**# 517IQ0713**

**[PROPOSED] INSTRUCTIONS AND VOIR DIRE QUESTIONS TO THE INQUEST PANEL**

DATED \_\_\_\_\_ day of December 2019

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael Spearman

Administrator

**PRELIMINARY INSTRUCTIONS**

You have been summoned as prospective jurors in a proceeding known as an inquest. An inquest is a fact-finding hearing, into a death that involves a member of a King County law enforcement agency, while in the performance of his or her duties. The name of the deceased that is the subject of this inquest is Damarius Butts.

This is not a criminal trial. Jurors will not be asked to determine whether someone is guilty of a crime, or whether someone should be charged with a crime. Nor is this a civil lawsuit for money damages. Jurors will not be asked to determine whether someone is liable in any way for this incident or whether any money damages are owed. The sole purpose of this proceeding is to provide an open and public inquiry into the causes and circumstances surrounding the death of Damarius Butts for the benefit of the parties as well as the public. Among the circumstances that the jurors will be asked to consider is which police department policies and officer trainings are applicable to the actions taken by the officers involved in the death and whether those actions complied with the applicable department policies and trainings.

This inquest involves a police shooting, which occurred in Seattle, Washington on April 20, 2017 in a building located at 909 1st Ave., which is commonly known as the old Federal Building. This incident may have received some press/media coverage. If it did and if you recall any such coverage, you should remember that what you may have seen or heard in the media reports may be inaccurate or incomplete.

If you are selected as a juror, it will be your duty to determine the facts in this case from the evidence introduced in court, and to set aside and disregard whatever you may have seen, heard or read about this incident. At the end of this proceeding you will be asked to report your findings, in writing, by answering a series of written questions, which we formally call Interrogatories, that I will give to you.

**INTRODUCTIONS**

I will now introduce to you the attorneys and their clients who are parties to this inquest:

Matthew Anderson is the Inquest Attorney. His role is to assist me in presenting the evidence in this matter. As the Inquest Administrator, I have determined who will be called as witnesses, what evidence has been admitted and the questions you will be asked to consider.

Attorneys Ted Buck and Evan Bariault represent Seattle Police Officers Elizabeth Kennedy, Joshua Vaaga, Canek Gordillo and Christopher Myers, who were involved in the death of Mr. Butts. The Seattle Police Department is represented by Ghazal Sharifi and Erika Evans from the Seattle City Attorney’s Office.

The family of Damarius Butts is represented by attorneys Adrien Leavitt and La Rond Baker of the King County Department of Public Defense.

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, Damarius Butts, or any members of his family?

Last, but not least, I want to introduce our program manager, Dee Sylve. She is the person with whom you will have direct contact during your service. She will conduct you to and from the jury room. If any questions arise during your time here, please direct them to her. If she can answer them, she will. But if it is something that needs to be brought to my attention, she 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 in this court. For that reason, it is very important that as 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 to Dee at the earliest opportunity. She 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 courtroom. It will help them abide by this restriction if you not only always wear your juror badges, but also make sure that the badges are visible to all at all times. That way if you happen to inadvertently end up in the same elevator or go to the same place for lunch, they can see your badge and know not have contact with you or say anything that involves this case while in your presence. 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 Dee 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. 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 and the evidence that has been admitted has been delivered to you. It is then, and only then, that you may to 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 Dee at the earliest opportunity.

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 courtroom with still cameras or TV cameras. They are under strict orders from me that no pictures or filming of jurors or prospective jurors is allowed. Your picture will not end up on TV or in the newspapers. Also, because this matter is for the benefit of the public, it is being live-streamed, so that anyone who is interested can watch what is taking place here. But as with the news media, no filming of jurors or prospective jurors is permitted.

We are now going to begin a process that is called voir dire. It is an opportunity for me to ask you some questions and learn a little bit about you as we begin to select the six jurors who will hear this case. I will swear you in at this time. If during this process I excuse any of you, you must immediately report back to the jury room as they may have another case upon which you may serve.

**Swear in entire panel** OATH: Do you swear or affirm that you will answer truthfully such questions as may be asked of you regarding your qualifications to serve as jurors in this proceeding?

**VOIR DIRE**

First, I want to tell you that we expect this inquest to last about two weeks. That is, we expect to conclude no later than December 20, 2019.

Now, I’m about to ask whether it would be an undue hardship for you to serve for that length of time. But before I do, I want to explain to you what I mean by undue hardship. You notice that I didn’t simply ask whether it would be a hardship for you to serve on this jury. Because I already know the answer to that question. It is always a hardship to serve on a jury. We ask you to disrupt your daily routines, miss work or school, rearrange daycare, fight your way into downtown Seattle. But fulfilling your civic duties is not always easy and does not always come without some sacrifice. And frankly, our justice system really depends on the willingness of citizens such as yourselves to come forward and assist members of our community in resolving disputes peaceably and as in this case investigating the death of a community member. So, that it is a hardship for you to serve is not enough to be excused.

The hardship must be an undue one. That is to say, one that is so unduly burdensome that it would be unfair to ask even of a citizen who is willing to do their duty. For example, if you are self-employed and serving as a juror would require you to forego income for two weeks. That would be an undue hardship and would warrant being excused from this jury. So now I will ask if it would be an unfair hardship for any of you to serve as a juror until December 20. If you think you qualify, please hold up your number card until you have heard me read it aloud. I will then come back to each of you and allow you to explain your circumstances.

Next, I would like each of you to in numerical order to stand and respond to the questions that on written on the easel.

1. Please provide us with the following information about yourself:
	1. Name
	2. Occupation
	3. Education
	4. Family size and household members
	5. How you enjoy spending your spare time: hobbies, membership in any organizations, etc.
	6. Where do you obtain information about local and national news?
	7. Have you ever served on a jury before?

I will now ask a series of questions. If you believe that your answer to any question is “yes,” “probably,” “I think so,” “could be,” or anything possibly in the affirmative, please hold up your card until you have heard me read off your number. I will then come back to you so you can explain the reasons for your answer, and I can ask additional questions if necessary.

1. This inquest involves the shooting death of Damarius Butts in King County, Washington on April 20, 2017. He was shot by Seattle Police Department officers in downtown Seattle. The incident occurred at 909 1st Avenue, in a building commonly referred to as the old Federal Building. An inquest is not a trial. You will not be asked to decide whether anyone is guilty or innocent of any crime. Nor, 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 Damarius Butts’ death. It will also be your duty to determine whether the Involved Officers complied Seattle Police Department policies and trainings applicable to the circumstances resulting in the death of Damarius Butts.

Do each of you understand that these will be your obligations if you are selected to serve on this panel?

Do any of you believe that you will not be able to fulfill these duties?

1. Do any of you know any of the following witnesses (read witness list)?
2. If you are selected to serve on this panel, it will be your duty to listen to the testimony, consider any exhibits admitted into evidence, follow my instructions on the law as it applies to this case, and deliberate with your fellow panel members to decide the questions put to you regarding facts and circumstances surrounding the death of Damarius Butts.

Do any of you believe that you will not be able to fulfill these duties?

1. After all the evidence has been presented, I will instruct you on the law as it applies to this case. If you disagree with the law as I give it to you in my instructions, it will be your duty to set that disagreement aside and abide by the law as I give it to you.

Do any of you believe that you will not be able to fulfill this duty?

1. You will not be asked to decide, nor are you permitted to consider, whether anyone is guilty or innocent of a crime or if anyone has any civil liability in this case?

Do any of you have a problem with this?

1. The shooting of Damarius Butts occurred in the vicinity of 1st Avenue and Madison St. in downtown Seattle and, in particular, at the old Federal Building located at 909 1st Avenue in Seattle. Do you have any familiarity with this location?
2. Have any of you heard or read about this incident?
3. If you have read or heard about the death of Damarius Butts have you formed an opinion about the cause, manner and circumstances of his death? Please do not tell us what that opinion is; only whether or not you have one.

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?

1. Have you heard or read about other police-involved shootings involving the Seattle Police Department?

If so, have you formed an opinion about what you believe happened in those instances?

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?

1. Have you ever served as a juror whether in an inquest or in a civil or criminal matter?
2. Have you, a relative, or a close friend ever been a victim of a crime?
3. Have you, a relative, or a close friend ever been accused of a crime, whether rightly or wrongly, or arrested and/or booked into jail, or convicted of a crime other than minor traffic violations?
4. Have you, or do you have any family members or close friends who have worked in or have any connection to the court system or law enforcement?
5. Do you, or any family members or close friends, current work or have worked in the past in a Prosecuting Attorney’s office or a Public Defenders office?
6. Do you have particularly strong feelings, positive or negative, about law enforcement officers, including Seattle Police Department officers?
7. Have you ever had any particularly good or particularly bad experiences with law enforcement officers, including Seattle Police Department officers?
8. Is there anything about the nature or subject matter of these proceedings that causes you to be hesitant about sitting on this inquest?
9. Do you in general have strong feelings about firearms?
10. Do you or any members of your family own any guns? If yes, what is the purpose of owning the gun (hunting, protection, etc.)?
11. Are you generally opposed to the use of firearms by anyone, including law enforcement officers?
12. Do you have strong feelings about the use of force by police officers?
13. Do you have strong feelings about the right of self-defense or defense of others?
14. Would the fact that police officers were involved in this incident cause you to have any preconceived notions about this case?
15. Are you familiar with the phrase Black Lives Matter? Do you have particularly strong feelings, positive or negative, about the phrase or the Black Lives Matter movement?
16. Have you heard or read articles or reports, including television, radio and print media articles about the Department of Justice investigation of the Seattle Police Department and/or consent decree entered into by the Seattle Police Department? (Court to inquire if any affirmative answer made.) Would that information affect your ability to fairly and impartially weigh the evidence in this inquest?
17. Do you have strong feelings or opinions regarding the level or sufficiency of law enforcement officer training in the greater Seattle area?
18. Do you have strong feelings or opinions about the sufficiency of law enforcement oversight in the greater Seattle area?
19. Do you have strong feelings or opinions, either positive or negative, related to the supervision of the Seattle Police Department?
20. Do you have strong feelings or opinions regarding whether law enforcement officers are too aggressive or not aggressive enough in dealing with actual or potential criminal conduct?
21. Would you tend to believe the testimony of a police officer witness more than the testimony of a non-police officer witness?
22. Do you have any special training, education, or experience in police tactics, firearms or use of force issues?
23. Do you have any specialized training in self-defense or in recognizing the risks presented by deadly weapons, including firearms?
24. Do you watch any crime-related television shows or have a particular interest in crime scene investigation and investigation techniques?
25. Do you believe that television or motion picture depictions of law enforcement activities mostly portray such activities accurately?
26. Do you belong to or materially support, by monetary donation or volunteering your time, to any organization with a primary purpose related to support of law enforcement officers or organizations, civil liberties or civil rights?
27. Do you have any reason to believe that you could not decide the issues presented in this inquest impartially?
28. Is there any reason you can think of why you should not serve on this inquest jury?

Excuse any remaining jurors.

**Swear in Jury Panel**: OATH: Do each of you swear or affirm that you will inquire into this matter and answer truthfully the interrogatories dealing with the facts and circumstances surrounding the death of Damarius Butts?

**EXPLANATION OF PROCEDURE**

Members of the Jury:

 First, let me advise of the schedule we will keep during this proceeding.

 We will begin each day at 9am. So that we may begin on time, I ask that each juror be in the jury room no later than 8:45am each day we are in session, which will be Mon-Fri. 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 9am start, we will break for 15 minutes at 10:45. We will recess for lunch from 12N to 1pm. I ask that you arrive back in the jury room no later than 12:50pm so that we can begin at 1pm. We will take another 15 minute break at 2:45pm. We will end our day at 4:30pm.

 Now, as has been previously stated, this is an inquest to investigate the facts and circumstances surrounding the death of Damarius Butts. Including a determination of the Seattle Police Department policies and trainings applicable to the actions of the officers involved in the death and whether those actions officers complied with department policies and training.

 There will be no opening statements in this matter. We will proceed immediately into the presentation of evidence. The Inquest Attorney will begin the questioning of each witness. He will be followed by any other attorney appearing in the case. A number of exhibits have been admitted into evidence and the attorneys may ask the witnesses about them. In addition, each juror has the right to submit questions to the Court for consideration to be asked of the witness. You will be given pads of paper, which you can use to write out questions that you may wish to be asked of the witnesses. At the end of the attorney’s questioning of each witness, you will be given the opportunity to present your written questions to the program manager, who will share them with counsel for their review and then present them to me for my consideration. If, after consulting with the attorneys, I determine it is an appropriate question, I will read the question to the witness.

Following the completion of the evidence, I will instruct you on what law applies in this case. any You will then receive a set of Interrogatories for you to answer according to the instructions you have received. The court will then excuse you to deliberate on those questions. There will be no closing arguments.

**OPENING INSTRUCTIONS**

No.

It is your duty as a jury to decide the facts in this case based upon the evidence presented to you during the hearing. Evidence includes testimony of witnesses, documents, and physical objects.

It also is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you think it ought to be. You are to apply the law from my instructions to the facts, and in this way decide the case.

The only evidence you are to consider consists of testimony of witnesses and exhibits admitted into evidence. When witnesses testify, please listen very carefully. You will need to remember testimony during your deliberations because testimony will rarely, if ever, be repeated for you. Any exhibits admitted into evidence will go to the jury room with you during your deliberations.

The lawyers may ask questions which are intended to help you understand the evidence and apply the law. The questions, however, 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.

You may hear objections made by the lawyers during the hearing. Each party has the right to object to questions asked by another lawyer. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections.

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.

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.

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, the program manager will provide a note pad and a pen to each of you. Your juror number will be on the front page of the note pad. You must take notes on this pad only, not on any other paper. You must not take your note pad from the courtroom or the jury room for any reason. When we recess during the inquest, please leave your pad on your seat in the jury box. At the end of the day, the note pads must be left on your seat in the jury box. The program manager will collect the notepads and keep them secure. While you are away from the courtroom 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. This includes other jurors. During deliberation, you may discuss your notes with the other jurors or show your notes to them.

You are not to assume that your notes are necessarily more accurate than your memory. 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.

After you have finished answering the Interrogatories and the answers have been accepted by the court, your notes will be collected and destroyed by the bailiff. No one will be allowed to read them.

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 remain in the hall or courtroom, as witnesses and parties may not recognize you as a juror, and you may accidentally overhear some discussion about this case. And as I previously stated, I have instructed the lawyers, parties, and witnesses not to talk to you during while the hearing is in progress.

Second, it is essential to a fair hearing that everything you learn about this case comes to you in this courtroom, and only in this courtroom. 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. You must keep your mind free of outside influences so that your decision will be based entirely on the evidence presented during the hearing and on my instructions to you about the law.

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 trial. 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 program manager of what happened.

No.

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. If your ordinary travel will result in passing or seeing the location of any event involved in this case, do not stop or try to investigate. You must keep your mind clear of anything that is not presented to you in this courtroom.

In short, do not communicate with anyone, by any means, in person, in writing, electronically or otherwise, concerning what you see or hear in the courtroom, and do not try to find out more about anything related to this case, by any means, other than what you learn in the courtroom. These rules ensure that the parties will receive a fair hearing. After you have delivered your Answers to the Interrogatories and are excused from this court, you will be free to do any research you choose and to share your experiences with others.

Throughout the hearing, you must maintain an open mind. You must not form any firm and fixed opinion about any issue in the case until the entire case has been submitted to you for deliberation.

No.

As jurors, you are officers of this court. As such, you must not let your emotions overcome your rational thought process. You must reach your decision based on the facts proved to you and on the law given to you, not on sympathy, prejudice, or personal preference. To assure that all parties receive a fair hearing, you must act impartially in your consideration of the evidence and answering the Interrogatories.

Again, in an inquest there are no opening statements and no closing arguments, so we will now proceed immediately to testimony. The Inquest Attorney conducts direct examination and introduces exhibits. The attorneys for the Department, the Officers and the Family will alternate who is first to ask additional questions.

**CLOSING INSTRUCTIONS**

No. \_\_

 You have been empaneled to serve in the inquest into the death of Damarius Butts. This is not a trial. The purpose of the inquest is to provide a public inquiry into the facts and circumstances surrounding the death of Damarius Butts. Including a determination of the Seattle Police Department policies and trainings applicable to the actions of the officers involved in the death and whether those actions officers complied with department policies and trainings. It is not the purpose of this inquest to determine the criminal or civil liability of any person or agency. Your role is to hear the evidence and answer interrogatories according to these instructions.

 It is your duty to determine the facts in this matter from the evidence admitted by the administrator and to report your findings to the administrator in writing, by answering the interrogatories, which the administrator will submit to you. The interrogatories are fact-based questions. You should not attempt to make, or in any way be concerned with, any legal conclusions with respect to the events surrounding the death of Damarius Butts.

 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.

 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 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. In order 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 ask questions of the witnesses. Each question has been reviewed by the court and counsel. If a question was not asked, you may not speculate about the reasons for the court’s decision or discuss the fact that questions submitted were not asked.

 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.

 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 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. 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, you are officers of this court. You must not let your emotions overcome your rational thought process. You must act impartially with an earnest desire to determine and declare the truth. You must answer the interrogatories based on the evidence, not on sympathy, prejudice, or personal preference.

No. \_\_\_

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.

No. \_\_

 A witness who has special training, education or experience in a particular science, profession or calling, may be allowed to express an opinion in addition to giving testimony as to facts. You are not bound, however, by such an opinion. In determining the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge and ability of that witness, the reasons given for the opinion, the sources of the witness' information, together with the factors already given you for evaluating the testimony of any other witness.

No. \_\_\_

Video and audio clips have been admitted into evidence. These exhibits will not go with you to the jury room because the law requires that I supervise any additional jury review of these exhibits. If you wish to review any video or audio clip, please send a note to the program administrator, who will direct it to me. You may use the form provided in the jury room for this purpose. You will be provided with a list of exhibits to allow you to identify the video or audio clip that you wish to review.

No. \_\_\_

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.

 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 and memory as to the testimony presented in this inquest. Testimony will rarely, if ever, be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask the court 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 voted. The presiding juror should sign and date the question and give it to the clerk. I will confer with the lawyers to determine what response, if any, can be given.

 You will be given all of 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.

 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”, and the number of jurors who answer “Unknown” to each question.

A juror should respond “yes” when he or she believes a preponderance of the evidence supports responding to the question in the affirmative. A juror should respond “no” when he or she believes a preponderance of the evidence supports responding to the question in the negative. A juror 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. The jury need not reach unanimity on each interrogatory.

 A preponderance of the evidence means that you must be persuaded, considering all the evidence bearing on the question, that the answer “yes” or “no” is more probably true than not true.

No.

 After every interrogatory, each juror shall have the opportunity to provide a written explanation of the juror’s answer if the juror believes that a written explanation will provide information helpful in explaining or interpreting the juror’s answer. However, the juror may not comment on fault or on justification, including the mental state of the officers’ such as whether the officer thought the decedent posed a threat of death or serious bodily injury to the officers or on the criminal or civil liability of a person or agency.

No.

 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. The program manager will conduct you into court to declare your answers. After you have done so, the program manager will collect your notes. The notes are confidential documents and they will be destroyed. 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. If you took notes, you may also take them with you. So, at this time, please recess to the jury room. Once the program manager has delivered all the admitted exhibits, you may begin your deliberations.

**VERDICT**

Who is the foreperson? Has each juror answered each of the interrogatories? Please hand the form to the program manager. (Review and announce)

Read interrogatories and answers. Ask individually:

1. Did you answer each interrogatory?

2. Are your answers accurately reflected?