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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES  
INQUEST PROGRAM

INQUEST INTO THE DEATH OF:  
  
ALBERT WAYNE FREDERICKS, JR.,  
  
Deceased.

Inquest No.: 17IQ427069

**INVOLVED OFFICERS’  
RESPONSE TO FAMILY’S  
MOTION TO WITHDRAW  
FROM THE INQUEST PROCESS**

Seattle Police Department Officers Timothy Oliverson, Jacob Rogers, Garret Hay, Nathan Jerome, and Andrew Swartz (the “Officers”), by and through their counsel, Karen L. Cobb and Delaney DiGiovanni of Frey Buck, P.S., submit this Response to the Family’s Motion to Withdraw from the Inquest Proceedings. The Officers take no position as to the Family’s decision not to engage in the inquest process but appreciate the necessity to clarify false, misleading and prejudicial statements made by the Family in their final brief.<sup>1</sup>

**I. Comparison to the George Floyd matter is misplaced and prejudicial.**

The Family has repeatedly invoked the George Floyd matter to suggest some sort of comparison between the two cases. However, the Floyd case was based entirely upon a death

<sup>1</sup> To avoid repetition, the Officers join, and incorporate by reference hereto, the City’s Response to the Family’s Motion as well.

1 caused by one officer kneeling directly on George Floyd’s neck for nine minutes, while he was  
2 handcuffed, and while other officers failed to intervene. The Family’s misrepresentation of the  
3 facts to suggest something similar happened here strays far afield from what actually occurred  
4 during this incident, all of which was captured on multiple body worn videos and is relatively  
5 undisputed.

6 Mr. Fredericks was observed wandering in traffic in the middle of a busy city intersection  
7 and acting in an irrational and confused manner. Officers spoke with him respectfully and  
8 attempted to convince him to stay out of the roadway voluntarily, but he did not. He returned to  
9 the intersection and almost got hit by a bus. The Officers determined they needed to escort him  
10 from the roadway and restrain him for his own safety and that of the public. Mr. Fredericks  
11 actively resisted the Officers’ attempts to restrain him, and the Officers had to take him to the  
12 ground to apply the handcuffs. He was on the ground in a prone position for approximately 90  
13 seconds while the Officers applied handcuffs, before he was rolled over and placed into the  
14 recovery position.<sup>2</sup> Once in the recovery position, the Officers checked to make sure he was  
15 breathing, and he was. Body worn video and EMT statements confirm he was breathing until after  
16 he was transferred into the care of the EMTs and placed in the ambulance. Also, Mr. Fredericks  
17 was not under arrest during this incident; rather, he was being taken into protective custody for his  
18 own safety and that of the public. In short, this case is not at all similar to the George Floyd  
19 incident, and the Family’s repeated comparisons to the Floyd case are improper and should be  
20 disregarded.

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<sup>2</sup> Placing the individual on his left side to ensure and facilitate respiration.

1           **II. The Officers objected only to the inaccurately modified versions of the BWV**  
2           **used in the PowerPoint.**

3           The Officers fully briefed the issues related to the Family’s demonstrative exhibit in the  
4           Officers’ Motion to Exclude the Family’s PowerPoint Timeline as a Demonstrative Exhibit, which  
5           was filed on January 23, 2023. Review of those pleadings will reveal that the objections to the use  
6           of the exhibits were based wholly upon the evidence rules and to ensure that any exhibit allowed  
7           by the Administrator was consistent with the facts in this record. The PowerPoint as presented did  
8           not fairly and accurately represent the events as they occurred, was likely to be confusing and have  
9           a prejudicial effect on the jury, and would have invaded the province of the jury by providing the  
10          Family’s subjective and unsupported characterizations as fact. The Officers made clear that they  
11          were not opposed to use of an exhibit that was modified to remove the improper portions to  
12          accurately depict the events as they occurred.

13           **III. The Family falsely characterizes the Officers’ and City’s objections to certain**  
14           **training evidence.**

15          The Family’s statements regarding the Officers’ objections to training are largely false or  
16          misleading. The Family states that the Officers objected to policies and training regarding Racial  
17          Bias, Crisis Intervention Training (“CIT”), Use of Force and De-escalation. The Officers do, in  
18          fact, continue to object to admission of policies and training regarding Racial Bias as there are no  
19          facts or evidence capable of giving rise to even an inference that racial bias was a factor in how  
20          the Officers approached and dealt with Mr. Fredericks. However, the point is largely moot as the  
21          Inquest Administrator will be admitting that training.

22          As to the remainder of the Family’s allegations regarding training objections, they are false.  
23          The Officers did—and do—object to *portions* of the CIT, Use of Force and De-escalation  
                trainings, but *only* to the extent that they address topics and training that are not relevant, outside

1 the scope of the inquest, duplicative, or which are problematic due to the lack of context. The  
2 Officers fully presented and argued these objections and the record is exceedingly clear as to why  
3 they have been—or may be—excluded; certainly not due to any effort to interfere with  
4 transparency in the proceedings, but because they would not be properly before the jury in this  
5 matter.

6 **IV. The goal of an Inquest is to present all relevant facts for the jury’s**  
7 **consideration.**

8 The Officers and their counsel genuinely empathize with the Family’s hesitance and  
9 decision related to having to relive this time in their loved-one’s life and to hear evidence that is  
10 not pleasant, flattering or easy to accept. *Family’s Motion*, p. 8. But facts are facts, and this process  
11 is specifically designed to fully reveal them. Here, Mr. Fredericks’ own conduct—his intoxication,  
12 his resistance against the police, and his pre-existing medical conditions—are unavoidable facts  
13 relevant to the circumstances of his death.

14 The Officers reject any suggestion that they have done anything intended to thwart the  
15 transparency of the inquest process. They and their counsel have their own concerns with the  
16 current procedures but take the proceedings seriously and have done everything in their power to  
17 abide by the rules under which these proceedings are governed, while also doing their part to  
18 ensure that the evidence presented is proper and admissible pursuant to the inquest process enacted  
19 by the King County Executive.

20 DATED this 8<sup>th</sup> day of February, 2023, at Seattle, Washington.

21 FREY BUCK, P.S.

22 By: /s/ Karen L. Cobb  
23 Karen L. Cobb, WSBA #34958  
Delaney DiGiovanni, WSBA #56851  
Attorneys for Seattle Police Department  
Involved Officers