



**King County**

Department of Executive Services

**Inquest Program**

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**INQUEST INTO THE DEATH OF  
ALBERT WAYNE FREDERICKS, JR.  
INQUEST # 17IQ427069**

**ORDER ON MOTION TO WITHDRAW FROM INQUEST BY FAMILY**

**and**

**ORDER ON MOTION TO WITHDRAW FROM INQUEST BY COUNSEL**

Family of the decedent:	Albert W. Fredericks, Jr. by Susy Sobel and Mahalia Kabsay
Law enforcement officers:	Seattle Police Department Officers Rogers, Oliverson, Hay, Jerome and Swartz represented by Ted Buck, Karen Cobb and Delaney DiGiovanni
Employing government department:	Seattle Police Department (SPD), represented by Alison Markette, Rebecca Widen and Ghazal Sharifi
Inquest Administrator:	Marcine Anderson
Inquest Program Attorney:	Claire Thornton
Inquest Program Coordinators:	Flo Armah (primary); Kaela Reilly (secondary)

Counsel for the Family of Albert Wayne Fredericks, Jr. filed a motion with the Inquest Program on January 27, 2023.<sup>1</sup> In that motion there were two requests: 1) A motion by Mr.

<sup>1</sup> The motion was supplemented on January 31, 2023. Responsive pleadings, but not objections were filed by the Seattle Police Department and counsel for the Involved Officers on February 8, 2023.

Fredericks' Family to withdraw from the inquest proceedings, and 2) a motion by Susan Sobel and Mahalia Kahsay from the King County Department of Public Defense - ACA Division ("Counsel") to withdraw as Counsel. For the reasons stated below, both motions are granted, without objection by any party involved in this case.

## ANALYSIS

The decisions of the Inquest Program follow the requirements of the coroner's inquest statute, RCW 36.24; King County Charter section 895; King County Executive Order PHL-7-1-5-EO; as well as recent case law, *The Family of Butts et al., v. Constantine*, 491 P.3d 132, 198 Wash. 2d 27 (2021) ("*Family*"). Further, in 2018 the King County Inquest Process Review Committee (Committee) submitted a Report and Recommendations regarding reforms in the inquest process and made specific recommendations, including "More family involvement."<sup>2</sup>

During the *Family* litigation, the Supreme Court found that the families were sufficiently "beneficially interested" so that they had standing to bring a writ of mandamus. *Family*, 491 P.3d at 146.<sup>3</sup> At that time the families argued "that as parties to the inquest and as relatives of the individuals killed by law enforcement officers, they have emotional and reputational interests in the conduct of these inquests beyond the public's general interest that the inquests be conducted fairly." *Family*, 491 P.3d at 146.

The two motions presented by Counsel appear to be an effort, in this case, to abandon the "beneficial interest" that Counsel for the families vigorously sought in the *Family* case. This is unfortunate, if that is the direction that Counsel for Mr. Fredericks' Family is moving toward in this case.<sup>4</sup> In *Family*, counsel for Ms. Lyles pointed out that "...families' rights to inquest representation at public expense has been deemed so foundational, that the County has moved to

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<sup>2</sup> See, Committee Report, page 12, "Question number three: 'What specific changes would you make to the inquest process?'" at paragraph 3 to that question (March 30, 2018).

<sup>3</sup> A beneficial interest "is a simple standard: all that must be shown is that the party has an interest in the matter beyond that of other citizens." *Family*, 491 P.3d at 146, citing to *Retired Pub. Emps. Council of Wash. V. Charles*, 148 Wn. 2d 602, 620, 62 P.3d 470 (2003).

<sup>4</sup> It is important to note that the motion for Counsel to withdraw from representation of Mr. Fredericks' family is not granted because this Inquest Administrator believes that Counsel for the Family have a strong argument for abandoning the inquest process at this stage of the proceedings. Instead, it is granted because there are no objections by any party, and without a client, it appears that Counsel does not want to continue with this inquest.

enshrine it in the County Charter.” *Family*, 491 P.3d at 146. As the Supreme Court unanimously stated, “The inquest process is integral to the Families’ deeply personal interest in seeking justice on behalf of their family members who have been killed by law enforcement officers.” *Family*, 491 P.3d at 146. ...The Families’ interest in seeking justice on behalf of their relatives far exceeds the interest of any other citizen in coroner’s inquests.” *Family*, 491 P.3d at 146-147.

Counsel for Mr. Fredericks’ Family concludes that the inquest process has been frustrating. Counsel for Mr. Fredericks’ Family also identifies instances when they did not agree with the rulings of the Inquest Administrator or the pre-hearing procedures. Those observations are noted.

#### CONCLUSION and ORDERS

1. With respect to the motion by Mr. Fredericks’ Family, the motion is granted. The Inquest process, supported by statute, King County Charter and Executive Order is not a process intended to inflict further injury on the Family of Mr. Fredericks. The Family is not obligated to participate in this inquest.
2. With respect to the motion by Counsel for Mr. Fredericks’ Family the motion is granted. For the reasons cited above and memorialized in the *Family* decision by a unanimous Washington Supreme Court, it is hoped that Counsel will continue to participate at least as a member of the public in this inquest proceeding.
3. For clarity, the inquest will continue as scheduled. As stated in the King County Charter, section 895, inquests are mandatory. “An inquest **shall** be held to investigate the causes and circumstances of any death where an action, decision or possible failure to offer the appropriate care by a member of any law enforcement agency might have contributed to an individual’s death.” (emphasis added).

Dated: February 10, 2023



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MARCINE ANDERSON  
Inquest Administrator