



**King County**

Department of Executive Services

**Inquest Program**

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**INQUEST INTO THE DEATH OF ROBERT J. LIGHTFEATHER #171Q16588**

**[PROPOSED] INSTRUCTIONS TO THE INQUEST PANEL**

**FINAL Instructions will not be determined until the close of evidence**

DATED \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Robert McBeth  
Inquest Administrator

## PRELIMINARY INSTRUCTIONS

Members of the jury you have been selected to serve as the jurors who will hear this inquest. Please rise and raise your right hand as you take the jurors' oath.

**Do you swear or affirm that you and each of you will well and truly listen to the matters at issue in this case and give a true Answer to each of the Interrogatories that you will be asked at the end of the proceeding, according to the evidence and the law that applies to this Inquest Hearing?**

An inquest is a proceeding authorized by the King County Charter to review the manner, facts and circumstances surrounding the death of an individual in which law enforcement officers are involved.

[Insert personal info re Decedent]

This inquest involves the shooting death of Robert J. Lightfeather by Seattle Police Department Officers Tyler Turpin and Austin Rogers. The shooting occurred during the evening hours of October 30, 2017, at the Pink Elephant Car Wash on Pacific Highway South in Federal Way, Washington. That evening, Mr. Lightfeather pulled up next to another car and noticed that there was smoke coming from the hood of that vehicle. Mr. Lightfeather alerted the driver of that vehicle (Joseph Kangethe) and his passenger (Warren Nyanjui) to the smoke and followed them as Mr. Kangethe parked his vehicle at the car wash to deal with the matter. Mr. Lightfeather got out and spoke to Mr. Kangethe and drank alcohol with Mr. Kangethe. He was carrying a handgun. Sharon Mendiola and Derrick Mendiola drove by and saw Mr. Lightfeather and Mr. Kangethe. Ms. Mendiola called 911 and reported a man pointing a gun at another male. This information was relayed to Federal Way Police Department Officers in the area. Officer Tyler Turpin and Austin Rogers responded to the car wash and got out of their patrol vehicles. Mr. Lightfeather turned towards the officers and raised a handgun in a manner that the officers perceived as threatening. Both officers fired their weapons at Mr. Lightfeather. Mr. Lightfeather was struck by several bullets and was pronounced dead at the scene.

A list of each of these witnesses that will testify in this hearing has been written on the whiteboard behind me. I just described how Mr. Kangethe, Mr. Nyanjui, Ms. Mendiola and Mr. Mendiola, Officer Turpin and Officer Rogers relate to this case. Additionally, you will hear from

Heidy Wells, a civilian employee of the Federal Way Police department who was a passenger in Officer Turpin's vehicle and will testify. Curtis Philip, who was present at the car wash and Mark Wilke, who was driving by, will provide their observations. Seven of the first Federal Way Police Department Officers to arrive on scene will testify to what they saw and heard. Kent Police Department Detective Matt Lorette, the primary investigator will describe the course of his investigation and Renton Police Department Detective Montemayor will describe the investigation of physical evidence. Medical Examiner Dr. Timothy Williams performed an autopsy on Mr. Lightfeather and will tell you about his observations and conclusions regarding the cause of death. Washington State Patrol Crime Lab Analyst Renee Hudson will describe her analysis of certain evidence found or produced during the investigation. Finally, Federal Way Police Department Deputy Chief Kyle Sumpter will describe Federal Way Police Department Policies on the use of deadly force, as well as trainings regarding both the use of deadly force and de-escalation tactics.

Although an inquest bears some resemblance to a trial, it is important that you remember that an inquest is different from a trial in some very significant ways. You will not be asked to determine if someone is guilty or not guilty, like in a criminal trial. You will not be asked to decide if someone is owed money damages, like in a civil trial.

Instead, an inquest is a fact-finding hearing during which evidence about the death is presented to you. After hearing the evidence, you will be asked to deliberate together and answer a series of questions called Interrogatories. Your answers to these questions will be either "yes", "no" or "unknown." In this way you will determine how and why Mr. Lightfeather died. You will also decide whether the officers' actions during this incident complied with Federal Way Department policy and training and whether the death was caused by criminal means. In answering these questions, however, you must not consider or draw any inferences from the fact that this inquest is taking place.

After all the evidence has been submitted in this case, but before you begin your deliberations, I will instruct you on the law that will guide your decisions. And it will be your duty to answer the questions based on the evidence and testimony that you have heard during this inquest and according to the law as stated in my instructions. It is your duty to accept the law from my instructions, regardless of what you personally believe the law is or what you think the law should be.

If, at any point during this proceeding, you recall any media coverage of this event or if you become aware of any information about this event other than the evidence and testimony admitted in this hearing, you must set all of that aside and disregard whatever you may have seen, heard, or read. As a matter of basic fairness, the public and the parties are entitled to know what evidence and what legal principles you relied upon in making your decisions. If you rely on any information from outside of this hearing room or upon legal principles other than those contained in my instructions, their trust in your decisions will be violated.

## INTRODUCTIONS

I will now introduce to you the Parties and attorneys participating in this inquest:

My name is Robert McBeth, and I am the Inquest Administrator. As the Inquest Administrator, I determine who will be called as witnesses, what evidence is admitted and the Interrogatories you will be asked to answer.

The family of Robert J. Lightfeather is represented by Teri Rogers-Kemp. Please greet the jury and introduce the Family representative(s).

Attorney Thomas P. Miller represents the Federal Way Police Officers involved in this shooting, the City of Federal Way and the Federal Way Police Department. Deputy Chief Sumpter is present as the representative of the Federal Way Police Department. Please greet the jury and introduce your clients.

Matt Anderson is the Inquest Program Attorney. His role is to assist me in presenting the evidence in this matter. Will you please greet the jury?

Now, having seen their faces, 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, Robert J. Lightfeather, or any other members of her family?

I also want to introduce our Inquest Coordinators Kaela Reilly, Angelina Jimeno and Florence Armah, who are here to assist our team with this inquest. Ms. Reilly, Ms. Jimeno and Armah are the people with whom you will have direct contact during your service. If any questions arise during your service as a juror in this case, please direct them to these individuals. If they can answer the question, they will. But if it is something that needs to be brought to my attention, they 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 during this inquest. For that reason, it is very important that so 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 an Inquest Coordinator at the earliest opportunity. The Inquest Coordinator 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 hearing room. It will help them abide by this restriction if you not only wear your juror badges at all times when you are in the courthouse, but also make sure that the badges are always visible to all. That way if you happen to inadvertently end up in the same elevator, an attorney, party or witness can see your badge and know not have contact with you or say anything that involves this case while in your presence. Of course, 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 an Inquest Coordinator 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 when you are about to start your deliberation. 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, the evidence that has been admitted has been delivered to you and all of the jurors are present. It is then, and only then, that you may 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 an Inquest Coordinator at the earliest opportunity.

Because an inquest is conducted for the benefit of the public, these proceedings are being made available to the public on the internet, so that anyone who is interested can watch what is taking place here. But at no time will the faces of any jurors be broadcast over the internet. 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 hearing room with still cameras or TV cameras. They are under strict orders from me, however, that no pictures or filming of jurors or prospective jurors is permitted.

## EXPLANATION OF PROCEDURE

Now, let me tell you about the schedule we will keep during this hearing.

We will begin each day at 9 am. So that we may begin on time, I ask that each juror be in the jury room no later than 8:45 am 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 9 am start, we will break for 15 minutes at 10:45 am. We will recess for lunch from 12 noon to 1:15 pm. I ask that you arrive back in the jury room no later than 1:05 pm so that we can begin at 1:15pm. We will take another 15-minute break at 2:45 pm. We will end our day at 4:30 pm.

After I finish reading these preliminary instructions to you, we will proceed immediately into the presentation of evidence.

For most witnesses, the Inquest Program Attorney will begin the questioning. Any of the other attorneys may then ask questions. A number of exhibits have been admitted into evidence and the attorneys may ask the witnesses about the exhibits. 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.

The lawyers' questions and the factual summary that I provided to you earlier are intended to help you understand the evidence and apply the law. Keep in mind, however, that their questions and that summary 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 and anything contained in that summary that is at odds with the evidence or the law in my instructions.

From time to time during the questioning, you may also hear objections made by the lawyers. Each party has the right to object to questions asked by another lawyer. These objections should not influence you in any way. It is my job to rule on these objections. Do not make any assumptions or draw any conclusions based on a lawyer's objections or my rulings on them.

It is important for you to know that each juror has the right to submit questions to be asked of any witness. Each of you will be given forms, for you to write out any questions that you wish to be asked. When the attorneys have finished questioning each witness, you will be given the opportunity to present your written questions to the Mr. Anderson, who will share them with the other counsel for their review and then present them to me for my consideration. As the Inquest Administrator, it is my decision whether a question will be asked. If I decide not to ask a question, you must not speculate as to the reasons for that decision. It may be, for example, that the question is not proper under the rules of evidence, or it may be that I expect another witness, yet to testify, will be better able to answer the question, or for some other reason.

Similarly, each juror also has a right to request that a witness be called to testify. A form will be provided to you to use if you wish to request a witness. You may submit your request at any time during this inquest. And, again, remember that ultimately, it is my decision whether to call a witness. If I decline to do so, you must not speculate about the reasons for that decision.

When witnesses testify, please listen very carefully. You will need to remember the testimony because it will not be repeated for you during your deliberations. Any exhibits admitted into evidence, however, will go to the jury room with you during your deliberations.

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 notepad and a pen to each of you. Your juror number will be on the front page of the notepad. You must take notes on this pad only, not on any other paper. You must not take your notepad from the hearing room or the jury room for any reason. Anytime we are in recess during the inquest, including at the end of the day, please leave your notepad on the table at your seat. An Inquest Coordinator will collect the notepads and keep them secure. While you are away from the hearing room 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. During your deliberations, however, it is your choice whether to share your notes with the other jurors.



If you choose to take notes, do not assume that your notes are necessarily more accurate than your memory. Keep in mind that 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.

It is important that you discharge your duties without discrimination, meaning that bias regarding the race, color, religious beliefs, national origin, sexual orientation, gender, or disability of any party, any witnesses, and the lawyers should play no part in the exercise of your judgment throughout the trial. Intentional discrimination based on any of these characteristics is called “conscious bias.”

However, there is another more subtle tendency at work that we must all be aware of. This part of human nature is understandable but must play no role in your service as jurors. In our daily lives, there are many issues that require us to make quick decisions and then move on. In making these daily decisions, we may well rely upon generalities, even what might be called unconscious biases or prejudices. And while that may occur as a coping mechanism in our busy daily lives, bias and prejudice can play no part in any decisions you might make as a juror. Your decisions as jurors must be based solely upon an open-minded, fair consideration of the evidence that comes before you during trial.

When the presentation of the evidence is complete, I will instruct you on the law that applies in this case. You will then receive a set of Interrogatories for you to answer based on the evidence and according to the instructions I have given you. I will then excuse you to deliberate on those questions. After you have answered the Interrogatories and I have accepted them, your notes will be collected and destroyed by the program manager. Again, no one will be allowed to read them.

No. \_\_\_\_\_

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.

No. \_\_\_\_\_

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 linger in the hall or the hearing room.

Second, it is essential to a fair hearing that everything you learn about this case comes to you in this hearing room, and only in this hearing room. 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.

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 an Inquest Coordinator of what happened.

And fourth, 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.

Of course, after you have delivered your Answers to the Interrogatories and are excused from this proceeding, you will be free to do any research you choose and to share your experiences with others.

Please keep in mind that as jurors you have sworn an oath to give true Answers to the Interrogatories that will be put to you. You must reach your decision based on the facts proved to you in this hearing room and on the law given to you in my instructions, uninfluenced by sympathy, prejudice, or personal preference. It is your duty to listen carefully to the evidence and to act impartially in your consideration of the evidence and in answering the Interrogatories.

We will now proceed with testimony of the first witness.

## CLOSING INSTRUCTIONS

No. \_\_\_\_\_

It is your duty to determine the facts in this matter from the evidence admitted and to report your findings to the Inquest Administrator in writing, by answering the Interrogatories, which will be submitted to you.

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. In addition, you must not consider or draw any inferences from the fact that an inquest is being held in this matter.

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 where I have redacted portions of any exhibits, 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. On the other hand, 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 request that additional questions be asked of the witnesses and to request that other persons testify. Any such request has been reviewed by me and by the parties' lawyers. If a requested question was not asked, or a requested witness was not called you may not speculate about the reasons for that decision or discuss the fact that the question was not asked or that the witness was not called.

No. \_\_\_\_\_

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.

No. \_\_\_\_\_

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 or answer thereto 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, it is your duty to answer each Interrogatory fairly and properly. You must act impartially with an earnest desire to determine and declare the truth. You must answer the Interrogatories based on the evidence, and 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.

WPIC 5.01



No. \_\_\_\_\_

A witness who has special training, education or experience may be allowed to express an opinion in addition to giving testimony as to facts. You are not, however, required to accept his or her opinion. To determine the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information, as well as considering the factors already given to you for evaluating the testimony of any other witness.

WPIC 6.51

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.

It is also the duty of each of you to evaluate the evidence with an open mind free of bias or prejudice. If during your deliberations, you become concerned that the discussions are being influenced by preconceived bias or prejudice, you must bring this to the attention of the other jurors so that the issue may be fairly discussed among all members of the jury.

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, if you took them, and your memory as to the testimony presented in this inquest. Testimony will not be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask me 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 answered any Interrogatory. The presiding juror should sign and date the question and give it to an Inquest Coordinator. I will consider your question and determine what response, if any, can be given.

You will be given all 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.

After every Interrogatory, the presiding juror must allow each juror to have the opportunity to provide a written explanation of the juror’s answer if the juror believes that a written explanation will provide information will be helpful. No juror is required to provide an explanation to any answer, but the jurors are encouraged to consider doing so. While a simple “yes”, “no” or “unknown” may answer the question, it may not fully explain the reasons for the answer. We are truly interested in those reasons. Any explanations you choose to offer will be helpful to the community to understand what happened during this incident and to understand the reasons for your decisions. You will be provided with forms for you to write any explanation that you wish to provide.

A juror may not need to answer a specific Interrogatory if the juror’s answer to a previous question makes it unnecessary. For example, if a juror concludes that a specific policy did not apply, then that juror need not answer an Interrogatory asking whether a particular officer complied with that policy. But, if another juror concludes that the policy did apply, then that juror must answer the question about whether a particular officer did or did not comply with that policy. The Interrogatories will indicate when a situation such as this is applicable.

Executive Order Section 14.6, App. 2

No. \_\_\_\_\_

When answering each Interrogatory, you should respond “yes” when you believe a preponderance of the evidence supports responding to the question in the affirmative. You should respond “no” when you believe a preponderance of the evidence supports responding to the question in the negative. You 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 does not need to be unanimous in the answers to each Interrogatory.

A “preponderance of the evidence” means that you must be persuaded, considering all the evidence bearing on the question, that your answer to a given question is more probably true than not true.

Executive Order Section 14.4, App. 2

WPI 21.01

Instruction No. \_\_\_\_\_

RCW 9A.16.040(2) provides in part:

Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following:

- (a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or
- (b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

No. \_\_\_\_\_

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to overcome actual resistance to an order from an officer.

RCW 9A.16.040(1)(b)

No.

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to arrest or apprehend a person who the officer reasonably believes has committed, or attempted to commit, a felony.

In considering whether to use deadly force to arrest or apprehend any person for the commission of any crime, an officer must have probable cause to believe that the person, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.

Among the circumstances that may be considered by an officer as a "threat of serious physical harm" are the following: (a) The person threatened the officer or others with a weapon or displayed a weapon in a manner that could reasonably be construed as threatening; or (b) There was probable cause to believe that the person committed any crime involving the infliction or threatened infliction of serious physical harm.

No. \_\_\_\_\_

“Deadly force” means the intentional application of force through the use of a firearm.

RCW 9A.16.010(2)



No. \_\_\_\_\_

“Necessary” or “necessarily” means that, under the circumstances as they appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.

WPIC 16.05

No. \_\_\_\_\_

The crime of assault with a deadly weapon is a felony.

WPIC 2.09

RCW 9A.36.021(1)(c), (2)(a)

No. \_\_\_\_\_

If you find that an officer's use of force was not justifiable, then you must decide whether the officer acted with malice and not in good faith.

RCW 9A.16.040(3)

No. \_\_\_\_\_

“Malice” means an evil intent or design to injure another person. Malice may be, but is not required to be, inferred from an act done in willful disregard of the rights of another.

WPIC 2.13

No. \_\_\_\_\_

“Good faith” means that the officer honestly believed his or her action was justifiable as that term is defined in Instructions No. [insert the #s of the two instructions that begin “A death caused by an officer’s use of deadly force is justifiable”]

No.

In determining whether an officer acted with malice or not in good faith you may consider, among other things, whether the officer's actions were compliant with applicable Federal Way Department policy and/or training. However, you may not rely solely on an officer's failure to comply with Federal Way Department policy and/or training to find that the officer acted with malice or not in good faith.

No. \_\_\_\_\_

A death caused by an officer using deadly force is committed by criminal means if

1. The use of deadly force was not justifiable, and the officer's use of such force was with malice; or
2. The use of deadly force was not justifiable, and the officer's use of force was not in good faith.

If you find by a preponderance of the evidence that either 1) or 2) is true, then you must find that the death was caused by criminal means and you must specifically identify each officer who so acted.

No. \_\_\_\_\_

After you have answered the Interrogatories, all members of the jury will then sign the form and the presiding juror will notify an Inquest Coordinator. After the Inquest Administrator has received your answers, the hearing will reconvene, and you will be conducted into the hearing room. Please leave any notes you have taken in the jury room. I will review your answers to confirm that they are in proper order and if so, they shall be made public.

An Inquest Coordinator will then collect and destroy your notes. 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. You may refer to any notes you have taken. So, at this time, please recess to the jury room. Once an Inquest Coordinator has delivered all the admitted exhibits, and each of you is present, you may begin your deliberations.



**If it is determined that the jury should be polled.**

**VERDICT**

Who is the foreperson? Has each juror answered each of the Interrogatories? Please hand the form to the program manager.

Ask individually:

1. Did you answer each Interrogatory?
2. Are your answers accurately reflected?

### Stipulation as to Undisputed Facts

The parties have agreed that certain facts are true. You must accept as true the following facts: