

1 INQUEST ADMINISTRATOR: Michael Spearman

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4
5 KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
6 INQUEST PROGRAM

7 IN RE INQUEST INTO THE DEATH OF:
8 JASON SEEVERS
9 Deceased.

NO. 18IQ61954

INVOLVED OFFICER'S OBJECTIONS TO
THE ADMINISTRATOR'S REQUEST FOR
PRIOR HISTORY

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12 By request dated October 21, 2022, the Administrator seeks information related to prior
13 officer involved shooting incidents in which Ofc. Erick Schickler ("Schickler") has been
14 involved. Schickler acknowledges that the request was directed to a different party, yet objects to
15 the request as beyond the permissible scope of the inquest process, improper, and incompatible
16 with the Executive Order's procedures. Schickler urges the Administrator to withdraw the
17 request and limit discovery to the items addressed within the Executive Order and its appendices.

18 **I. The Executive Order plainly limits the scope of an inquest to the**
death at issue.

19 Replete within the Executive Order and its accompanying appendices are references to
20 the limited scope of an inquest. Time and again, the Executive Order establishes that an inquest
21 is limited to the facts and circumstances surrounding the decedent's death, not general policy,
22 training or officer discipline issues, and certainly not long-past incidents involving the parties.
23 This inquest is to address Mr. Seavers's death and that alone.

INVOLVED OFFICER'S OBJECTIONS TO THE
ADMINISTRATOR'S REQUEST FOR PRIOR HISTORY

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1 We are all familiar with the contents of the Executive Order. It bears noting however, just
2 how limited the Executive Order’s grant of authority is regarding purpose and scope:

3 **Appendix 1 - Conducting Inquests in King County:**

4 **2.0. PURPOSE**

5 **2.1** “To establish [...] procedures for conducting review into the facts and
6 circumstance of any death [...]”

7 **2.2** “To ensure a full, fair and transparent review [...] and to issue finding of
8 fact regarding the facts and circumstances surrounding the death.”

8 ***

9 **5.0 DEFENITIONS**

10 **5.3** “Inquest means [...] fact-finding inquiry into and review of the manner,
11 facts and circumstances of the death [...]”

11 ***

12 **8.0 PROCEDURES**

13 **8.14** [It’s the Administrator’s role to] “Conduct the inquest according to the
14 procedures in Appendices 1 and 2.”

15 ***

16 **Appendix 2 - Procedures for Conducting Inquests:**

17 “[...] Administrator shall conduct the review in accordance with these
18 procedures.”

19 **3.0 ROLE OF THE ADMINISTRATOR/SCOPE OF THE INQUEST**

20 **3.2** “[...] the inquest scope shall include an inquiry into and the panel shall
21 make findings regarding the cause, manner, and circumstances of the
22 death, including applicable law enforcement agency training and policy.”

23 There is no viable argument that the Executive Order provides authority to go beyond the
issues directly related to the death in question.

1 **II. The Executive Order’s description of discovery and potential discovery**
2 **only solidifies the Executive’s intention to restrict extraneous inquiry.**

3 The intended restrictions of the Executive Order are further borne out in the Order’s
4 definition of discovery and access to “confidential materials” that might be held by a party.

5 **Appendix 2 - Procedures for Conducting Inquests**

6 **4.0 DISCOVERY AND ADMISSIBILITY OF EVIDENCE**

7 **4.2** “[Discovery] materials included the police and/or agency investigative file
8 of the incident that resulted in the death. They also include the report of
9 the medical examiner, crime laboratory reports, and the names, addresses,
10 and summaries and/or copies of statements of any witnesses obtained by
11 any party.”

12 The Executive Order explicitly limits discovery and other information that are directly
13 related to the death in question. The Executive could have included a broader definition, but
14 plainly did not; he kept the scope of the inquest narrow. Further evidence of the Executive’s
15 intention is found in the portion dealing with confidential materials. While not at issue here,
16 Section 4.3 of Appendix 2 provides insight as to the requirements for considering material
17 beyond the defined discovery: the material must be necessary, relevant, and unavailable from
18 another source – and even then, they are to be reviewed in camera, and limited to that relevant to
19 the death.

20 **III. The Executive Order directly addresses the parties’ past acts and**
21 **substantially limits inquiry into the same.**

22 Lest there be any doubt as to the heavily restricted scope of the inquest and associated
23 discovery, Appendix 2, Sections 4.4-4.6 of the Executive Order goes on to specifically address
past criminal or disciplined behavior on the part of either the decedent or the involved law
enforcement officers.


1 evidence would be disallowed even where such limited procedural and scope protections are not
2 applicable.

3 Even in the broader scenarios of civil or criminal litigation, all discovery hinges upon a
4 seminal requirement – that it be relevant. Here, there is no articulable basis to assert that a
5 separate incident (with no discipline) from years before could be relevant to this proceeding.
6 Where, as here, the proceeding is explicitly and stringently limited to a particular event, this
7 request violates both the letter and the spirit of the Executive Order.

8 In sum, the Administrator’s request for the involved officer’s history is no less
9 inappropriate than would be a request for the details of the decedent’s criminal history, where
10 such history has no conceivable connection to decedent’s death. In a process that is foremost
11 expressly designed to be fair, this request is found wanting.

12
13 DATED this 28th day of October, 2022 in Seattle, Washington.

14 FREY BUCK, P.S.

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16 By: 
17 Ted Buck, WSBA #22029
18 Delaney DiGiovanni, WSBA #56851
19 *Attorneys for Involved Officer Erick*
20 *Schickler*
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1 **CERTIFICATE OF SERVICE**

2 The undersigned certifies under penalty of perjury under the laws of the State of
3 Washington that on the below date, they caused to be served a true and correct copy of the
4 foregoing document to the below identified individuals and in the manner indicated below:

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DATED this 28th day of October, 2022, at Seattle, Washington.



Karina Martin, Paralegal