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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF
JASON SEEVERS,

No. 18IQ61954

CITY OF SEATTLE’S RESPONSE TO
FAMILY OF JASON SEEVERS MOTIONS
IN LIMINE AND BRIEFING

The City of Seattle (the City) responds to the Family’s Motions in Limine that they should be denied in part. The City has separately filed a motion to exclude and/or limit the Family’s expert testimony and does not address this matter in this response. As an initial matter responding to the Family’s motion, the Family relies on misstatements of fact in contravention of the Inquest’s “fair and open proceedings.” *King County Executive Order* PHL-7-1-5-EO (EO), Appendix 2, § 3.1. Misstatements of fact are not a legitimate basis for the exclusion or inclusion of testimony or evidence. More importantly, the Family’s request that “Garrity admonishment be provided to the jury” but to “exclude... evidence of the decedent’s criminal history,” including his armed robbery of a homeowner’s vehicle after firing at Officer Knoblauch and use of the word “felon,” is inconsistent with the EO governing this Inquest and does not further “fair and open proceedings.” The Inquest Administrator should not accept the Family’s invitation to issue evidentiary rulings that fundamentally

CITY OF SEATTLE’S RESPONSE TO
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1 advantage one party and disadvantage another. That is the opposite of fair.

2 *1. Misstatements of fact are not a legitimate basis for including, or excluding, any*
3 *particular evidence or testimony.*

4 The Family misstates the facts of this case in two critical ways. First, the Family asserts that, in
5 response to a call regarding a car prowler of a “gray Infiniti sedan,” Ofc. Knoblauch responded to a
6 suspect “by an open driver’s side door of a Toyota Sienna minivan.” EO, Appendix 2, § 3.2. 1. This
7 statement ignores the evidence that subsequent 911 calls and radio dispatch had updated the responding
8 officers that Mr. Seavers was no longer prowling a gray Infiniti sedan. *See, e.g., FIT Statement of*
9 *Officer Justin Knoblauch, p. 2, SEAVERS_J000575.* Second, the Family asserts that the scene where
10 Mr. Seavers stole a homeowner’s vehicle “was unknown to Officer Schickler at the time he shot and
11 killed Mr. Seavers.” Family MIL, p. 1. This statement ignores the evidence that other responding
12 officers were broadcasting over the radio that Mr. Seavers had commandeered a vehicle and was fleeing
13 the area in that vehicle. *See, e.g., FIT Statement of Officer Sandlin Grayson, p.5, SEAVERS_J00519;*
14 *Statement of Officer Robert Stevenson, SEAVERS_J000260.* While these facts themselves are not
15 relevant to any Rule of Evidence governing the Family’s motions in limine, they are inconsistent with
16 a fair an open Inquest proceeding. Succinctly stated: misleading statements are not a viable basis for
17 evidentiary rulings.

18 *2. Including Garrity admonishments while precluding Mr. Seavers’ criminal history is*
19 *inconsistent with a fair proceeding.*

20 The Family asks this Inquest to exclude evidence of Mr. Seavers’ criminal history, referring
21 him to as a “felon,” or using the word “Robbery” despite all of those being accurate and truthful. The
22 prohibition in the EO precluding the inclusion of past criminal history of the decedent is limited: it
23 may be included if it is directly related to the reason for the use of force, that it was known to the law
enforcement officer prior to the use of force, or it was otherwise relevant to the actions the officer

1 took or how the officer assessed whether the person posed a threat. EO, Appendix 2, § 4.4. “Felon”
2 and “Robbery” directly represent the actions undertaken by Mr. Seavers that, as part of the chain of
3 events, ended in the use of force at issue in this Inquest. While the terms are prejudicial, should the
4 administrator permit their use, it does not impermissibly sway the jury.

5 The issuance of a Garrity admonishment serves no other purpose than to prejudice the jury to
6 the possible testimony of Seattle Police Department (SPD) officers including Officer Schickler. The
7 Family has not requested to have a Garrity admonishment be provided in the case of each SPD officer,
8 but only as to Officer Schickler’s statements and possible testimony in connection with this use of
9 force. This disparity is inconsistent with a fair proceeding and any admonishment irrelevant to any
10 fact or issue presented in this matter. Moreover, any probative impact is completely eclipsed by the
11 prejudicial effect of its inclusion. ER 403. Should the Garrity admonition be presented, the full history
12 and rationale of the Garrity rule must be also be introduced, as well as evidence that it is routinely
13 used not only in police matters but with other occupations that are not related to law enforcement.

14 **The City also asks to present witness testimony to explain these matters and their applications**
15 **and routine use at SPD.** A witness must also explain the complex rules that exist when an employee
16 invokes the Fifth Amendment in the course of employment investigations and the impact on both
17 follow on criminal proceedings and adverse employment actions. Presenting the lengthy testimony
18 necessary to mitigate the prejudicial effect creates a substantial risk of confusing the jury. This
19 proceeding would then become a “trial within a trial” on Garrity. The waste of time and resources to
20 correctly educate the jurors on this matter would be extremely high. For these reasons, the Garrity
21 admonishment related to any officer should not be made a part of the Inquest.

1 3. *Including evidence of Officer Schickler’s prior officer involved shootings, whether as*
2 *impeachment or in the Family’s case, is impermissible propensity evidence under ER 404(b).*

3 This matter has been well-litigated and briefed prior to this Motion in Limine. The City rests
4 on previous arguments made via email and in the course of pre-hearing conferences. The Family has
5 presented no new evidence or argument that The City asks that this ruling remain undisturbed.

6 The City has addressed issues related to the Family’s expert in a separate motion. The City
7 reserves the right to address any legal issues that may arise during the inquest hearing either orally or
8 in writing during the proceeding.

9 DATED this 12th day of April, 2023.

10 ANN DAVISON
11 Seattle City Attorney

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CERTIFICATE OF SERVICE

I certify that on the 12th day of April, 2023, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

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