



King County

Department of Executive Services

Inquest Program

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Seattle, WA 98104

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**INQUEST INTO THE DEATH OF
JASON S. SEEVERS
INQUEST # 18IQ61954**

PRE-HEARING CONFERENCE ORDER

Hearing Date: April 13, 2023

Family of Jason Seavers:	Represented by Deborah Alexander (family not present)
Law enforcement officers:	Seattle Police Department Officer Erick Schickler (not present) represented by Ted Buck and Delaney DiGiovanni
Employing government department:	Seattle Police Department, represented by Alexandra Nica and Jessica Leiser
Administrator:	Julia Garratt, assisted by Anu Zangri and Matt Anderson

Having held a Pre-Hearing Conference on the date noted above, Inquest Administrator (IA) Garratt, after consultation with the parties, hereby orders the following:

- Inquest date:** The Inquest Hearing in this matter is scheduled to commence on Monday, April 17, 2023, with testimony expected to go through April 26 or 27, 2023. This inquest will be in recess from Wednesday April 19 to Friday April 21st. The parties shall be available for possible jury deliberation until Monday, May 1, 2023. The daily schedule will be from 9 a.m. - Noon and 1:15 p.m. – 4:30 p.m. each day, with breaks at 10:45 a.m. and 2:45 p.m. Any changes to this schedule will be determined by the IA as needed to accommodate witness schedules and ensure the clear presentation of evidence.
- Jury Panel** – Panelists # 15, 21, 23, 24, 25 and 28 have been selected to serve on the jury in this inquest. Should any one of those jurors fail to confirm their attendance, the IA will replace them with the first available of the following panelists: Panelists #32, 34, 36 and 43.

3. **Exhibits:** Exhibits will be marked, admitted and published for illustrative purposes as indicated by the Exhibit list Attached as Appendix A. The family asks that pages of certain trainings be marked as illustrative exhibits. That matter is reserved until all parties have had an opportunity to respond.
4. **Conduct of the Inquest:** The Executive Order Governing inquests intends a non-adversarial process (EO, App. 1, section 1.1) and also allowed individuals who may have directly competing interests to be parties in a matter involving deadly force and its logical consequences. EO, App. 1, section 2.0. It does not direct the parties to avoid difficult questions, rather it requires the jury to determine how a community member died, whether department policies and trainings were followed, and whether the death was occasioned by criminal means. The Administrator applies the Supreme Court's Evidence Rules as well as King County Hearing Examiner Rules (EO, App. 1, section 5.6) in a manner that that promotes fairness and minimizes the delays, costs and burdens that can be associated with judicial proceedings. EO, App 2, section 3.3. In each of these decisions, the Administrator consults with the parties and relies on the advice of their zealous advocates to determine how to best serve the community. The proper way to examine witnesses in an inquest is still an evolving practice, but the Administrator provides the following goal posts for the parties.
 - All examination should be done in a respectful, non-argumentative manner.
 - Each party shall conduct direct, not cross-examination. Because it is direct, open-ended, non-leading questions should be favored, only resorting to leading questions for foundational questions or where a witness is non-responsive.
 - Because the examination is direct, no party is limited by the scope of the previous attorney's examination; instead, the limits are defined by the factual, policy and training scopes and previous orders of the Administrator.
 - The Administrator is mandated to reduce the burdens on the parties and will keep an eye on repetitious questioning as she does so. Due consideration to an attorney's need to provide context for subsequent questions will be given.
 - Each party has either asked the Administrator to limit—or agreed to limit—hypothetical questions, and the Administrator directs the parties to do so.
 - The subject matter of each inquest can induce trauma for all present in the hearing room. Inquest juries are provided the actual recordings and means to view them as they deem fit. As such there is no need to replay a recording or show a sensitive photo a second time unless there is a particular clarification by a witness that is not conveyed by the recording or cannot be conveyed by testimony alone. The Administrator encourages the parties to consider whether less graphic exhibits will be suitable for providing the jury the same information.
 - All attorneys carry the same duties and privileges to object as they would in a trial. All objections will be heard with an eye to minimizing the delays, costs, and burdens that can be associated with judicial proceedings, while still ensuring a fair hearing and the integrity of the evidence presented to the jury.
5. **Examination of Capt. Ashley Heiberger:** The Family has offered the testimony of retired Capt. Ashley Heiberger to analyze Officer Schickler's use of force in this matter. Officer Schickler and SPD submitted requests to significantly limit his testimony.

Capt. Heiberger's report provided that he believed that Ofc. Schickler violated SPD policies and trainings on use of Force Core Principles (Policy Section 8.000.1 and .3) and De-Escalation (Section 8.100) by approaching the vehicle instead of seeking concealment or cover, and violated Policies and trainings requiring an officer to warn a subject prior to shooting a firearm when doing so would not compromise the officer or others safety. As a result of those violations, Capt. Heiberger found that the shooting did not comply with SPD policies and training. His report did not consider the SPD policy sections and training directly governing the decision to shoot or not shoot (Policy Sections 8.2000.1, .3 and .4). Capt. Heiberger answered questions at his interview and made clear that his analysis was not based on an analysis of Policy Section 8.2000 because "nothing after [Officer Schickler's] decision to approach the vehicle can justify his decision to approach the vehicle." Seavers_J 006531. He was asked to provide an opinion orally as to compliance with those sections and did not do so. At the interview, counsel for the family indicated that he may provide those opinions at a later time. As of the time of the hearing (two court days prior to the start of testimony), no such opinions have been provided.

Capt. Heiberger may testify to the opinions that he provided in his report and during his interview. Counsel are instructed to not elicit, and the Captain is prohibited from providing, any opinion that is not contained in or directly related to the opinions provided in his report and interview. He is specifically prohibited from providing an opinion on compliance with the sub-sections of 8.2000.

6. *Motions in limine:*

A. **The Family asked that:**

1. All witnesses be instructed to refrain from discussing any testimony directly or indirectly with other witnesses. Granted.
2. Reference to the Mr. Seavers' criminal history be precluded. Granted.
3. Reference to Mr. Seavers as a "felon" not be allowed. Granted.
4. The incident at the Geary residence not be referred to as a "robbery." Granted.
5. All witnesses be informed of the Administrator's rulings limiting testimony. Granted.
6. The Administrator clarify whether this inquest is to be a non-adversarial hearing and whether cross-examination is permitted. Granted. See, 4. Conduct at the Inquest, above.
7. Reference to the SPD Force Review Board's determinations not be allowed. Granted.
8. Capt. Heiberger be allowed to testify to any matter within the scope of this inquest. See 5. Examination of Capt. Ashley Heiberger, above.
9. The Jury be informed of Garrity Admonishments provided in this case and that Ofc. Schickler was ordered to testify by SPD. Chief Diaz. Officer Schickler informed this Administrator that he has been ordered by SPD Chief Diaz to testify and that he will do so. His prior statement, made after a Garrity advisement, has been marked as an exhibit and will be available for impeachment and to refresh his memory. No testimony will be permitted regarding Garrity admonishments or current orders to testify. I follow the reasoning expressed by Administrator Robert McBeth in his September 29, 2022, Order in the Inquest into the Death of Robert Lightfeather, # 17IQ16588, attached as Appendix B.

10. This Administrator reconsider the ruling excluding reference to Officer Schickler's prior officer involved shootings. Denied.

B. Officer Schickler asked that:

1. No inquiry into whether Officers Schickler's actions constituted any particular crime be allowed. Granted.
2. The Officer Schickler's Body Worn Video be shortened to exclude view of Mr. Seavers body being removed from the vehicle¹. Granted. The video will end at 3:21. The portions shown after that time print are not critical to the determination of any issue to be decided by the jury and are portrayed adequately via other means. The administrator will remove the "sensitive" designation from this exhibit.
3. Images and video footage of Mr. Seavers' body at the scene be precluded. Denied. See, 3. Exhibits, and 5. Conduct at the Inquest, above.
4. Officer Schickler's statement be redacted in part, if it is admitted. No ruling required. Ofc. Schickler will testify and his statement will not be admitted.
5. Reference to Officer Schickler's retirement be precluded. Granted.
6. Hypothetical questions regarding SPD policy and training be precluded. Granted. See, 5. Conduct at the Inquest, above.
7. Questions eliciting testimony or evidence about what could have been done differently by Officer Schickler during the incident be precluded. Denied. SPD Policy requires that no reasonably effective alternative to the use of force appeared to exist. Although speculation will not be allowed, questions as to whether other potential courses of conduct constituted reasonable alternatives to the use of deadly force are allowed.
8. Testimony and evidence should be limited to exclude any reference to Garrity statements. See Sec. 6.A.9, above.
9. Testimony or evidence of any officer's past discipline, reprimand, unrelated use of force, or other incidents be precluded. Granted.
10. Exclude any testimony or evidence referring to any complaint, internal investigation, or any other lawsuit/inquest involving any involved or testifying officer. Granted.
11. Inquiry regarding what Det. Simmons could've done differently and the thoroughness of SPD's investigation into shooting or any subsequent post-incident steps taken by SPD. Denied in part and reserved in part. Questions regarding possible investigation that was not pursued, so long as it does not violate the scope of this inquest (i.e. it may not discuss other uses of force by Ofc. Schickler, for instance) will be allowed. Objections to argumentative question or questions that require speculation will be ruled on when made.
12. Inquiry regarding the legal foundations for policies and trainings be precluded. Granted.

¹ An alternative request made at the hearing to lengthen the video to show Office Schickler rendering aid was withdrawn by the Officer after the hearing via email.

C. The Seattle Police Department asked that:

1. The parties should be precluded from eliciting testimony that duplicates testimony already elicited from the inquest attorney or any party preceding them in the order of questioning. See, 5. Conduct at the Inquest, above.
2. Reference to unrelated incidents or uses of force by any of the involved SPD officers or any SPD officers who are witnesses should be excluded. Granted.
3. Motion to preclude inquiry of lead FIT investigator regarding standard practice for Garrity Admonishments or his recollection of the particulars relating to the diagram drawn by Officer Schickler. No ruling required. Ofc. Schickler will testify and his statement will not be admitted.
4. Detective Simmons not be asked about what could have or should have been done differently regarding his investigation. See 3.B.11, above.
5. Testimony or evidence eliciting speculation about non-event hypothetical scenarios be excluded. Granted. See, 5. Conduct at the Inquest, above.
6. Reference by any witness or counsel to (1) the December 16, 2011, Report of the Department of Justice; (2) the Consent Decree; or (3) generalizations or characterizations about the Seattle Police Department that are not directly relevant to this case be excluded. Granted
7. Detective Simmons should not draw conclusions regarding compliance with policy/training about his investigation or actions of the shooting officers. Granted
8. Motion for Reasonable Accommodations in the testimony of Officer Sandlin Grayson. Granted. The video may be published to the jury during another witness's examination. Any party that wishes to have Ofc. Grayson identify or explain any event on the video, should apprise all parties before the start of evidence so that they may explore whether other witnesses may do so during their testimony. Any party who believes that viewing the video is necessary to refresh his recollection or impeach Officer Grayson should apprise the administrator outside the presence of the jury. The Administrator will balance the extent to which such a fact is otherwise established and the psychological harm that could be caused by the proposed action.
9. Motion to dismiss Sgt. Sperry and Ofc. Stevenson from the secondary witness list. Granted as to Sgt. Sperry. Reserved as to Ofc. Stevenson until after Mr. Geary's testimony is complete.

DATED this 14th day of April, 2023



Julia Garratt
Inquest Administrator

APPENDIX A

Exhibit List
Inquest into the Death of Jason Seavers #18IQ61954

Ex #	Bates #	DESCRIPTION	A/M/I/W ₁	S? ₂
1	1310	Map – all 3 scenes	A	
2	1318	Satellite image - all three scenes	W	
3	1306	Satellite image 6000 Blk of 34 th Ave NE	A	
4	968	Diagram – Evidence Locations	I	
5	969	Diagram – IO Location and Bullet Defects	A	
6	970	Diagram - IO location and Fired Cartridge Cases	A	
7	2476	Overview photo with placards - 6000 Blk of 34 th Ave NE	A	
8	2478	6000 Blk of 34 th Ave NE – looking north (1)	A	
9	2505	6000 Blk of 34 th Ave NE – looking north (2)	A	
10	1305	Satellite image - 5500 Blk of 26 th Ave NE	A	
11	965	Diagram – 5500 Blk of 26 th Ave NE	A	
12	966	Diagram – with evidence placards	A	
13	401	Diagram – with officer positions	A	
14	2121	Collision – from NW	A	
15	2214	Collision – from E	A	
16	2065	Collision – from SE	A	
17	2037	Collision – from SW	A	
18	2041	Collision – from W	A	
19	1919	Jetta Interior – front passenger	A	
20	1940	Jetta Interior –rear passenger	A	
21	1956	Jetta Interior – Rear Driver	A	
22	2059	Jetta Interior –Front Driver	A	
23	2052	Location of Jason Seavers’ body after incident.	A	
24	2078	Placards 1,2,3, 6	A	
25	2197	Placards 1,2,3, 6 (without Mr. Seavers’ body)	A	
26	2844	Schickler round count	A	
27	2584	Rear of Schickler’s Speer cartridge from round count	A	
28	1660	Rear of Speer spent casing found at placard #1 at 5500 Blk of 26 th Ave NE (Scene 3)	A	
29	2098	Depiction of front impact and broken windows	A	
30	2062	Smith and Wesson on driver’s floorboard	A	
31	2063	Smith and Wesson on driver’s floorboard (close)	A	
32	2494	Smith and Wesson round count	A	
33	2502	Rear of Luger cartridge from Smith and Wesson round count	A	
34	1796	Rear of Luger casing found at placard 11 at 6000 Blk of 34 th Ave NE	A	
35	2164	Seavers’ right hand holding “tranquility” bracelet	A	S
36	1709	Jacket with defects	A	
37	3078	Geary’s kitchen door	A	
38	1113-1185	CAD call hardcopy	M	
39	1186-1261	CAD complaint hardcopy	M	
Recordings				
40	3128	Adams, Westin Coban DICV	A	S
41	3128	Grayson, Sandlin DICV (45:00-46:00)	A	
42	3127	Grayson, Sandlin BWV (42:45-45:50)	A	S
43	3127	Jared, Willard BWV	W	
44	3128	Knoblauch, Justin DICV (1:50 – 2:30)	A	

¹ **A – Admitted** (available to jury during delibs); **I – Illustrative** (published but won’t go back to the jury); **M- Marked** – Available to refresh recollection, etc; **W-Withdrawn**

² **S - Sensitive** – Will not be visible on livestream/zoom. Not available on website for download after the inquest.

Ex #	Bates #	DESCRIPTION	A/M/I/W 1	S? 2
45	3127	Knoblauch, Justin BWV (00:45 – 1:30)	A	
46	3127	Kovzun, Vasile BWV (45:10 – 47:00)	A	S
47	3127	Pierce, Nicholas BWV (00:50 – 2:40)	A	
48	3127	Randle, John BWV (38:20 – 40:05)	A	S
49	3127	Reynolds, Anthony BWV (46:05-48:05)	A	S
50A	3127	Schickler, Erick BWV – 1 (0:00 – 2:00)	A	
50B	3127	Schickler, Erick BWV – 2 (38:00- 41:29)	A	
51	3127	Shoul, Christopher BWV (4:00 – 6:25)	A	
52	3128	Snyder, Michael DICV (44:00 – 46:10)	A	
53	3128	Tucker, Fred DICV (1:20 – 2:00)	A	
54	3127	Tucker, Fred BWV (1:20 – 2:10)	A	
55	Audio_1865582	Donahue, Laura 911 call	A	
56	3121	Geary, Reeve 911 call	A	
57	Audio_1865586	Harrington, Patricia 911 call	A	
58	3121	Molinaro, David 911 call	A	
59	Audio_1865597	Peterson, Shawn 911 call	A	
60	Audio_1865581	Zey, R. Todd/Willmes, Julie 911 call	A	
Policy/Training				
61	N/A	SPD Policy Excerpt	A	
62	4071	2015 Advanced Rapid Intervention Training	M	
63	5253	2015 Tactical De-Escalation and Firearms Individual Skills PowerPoint	M	
63A	5936	63A 2015 Tactical De-Escalation and Firearms Individual Skills PowerPoint	M	
64	4100	2015 Use of Force Skills Training – Integrated Team Tactics and Firearms – Rapid Intervention Tactics	M	
65	4164	2015 Use of Force Skills Training – Team Movements: Rapid Intervention Tactics	M	
66	4963	2015 Use of Force Sustainment	M	
67	4238	2016 Firearms Training and Less-Lethal (Re)Certification	M	
68	4503	2017 Advanced Tactics Training – Small Team Tactics	M	
69	4313	2017 Phase 2 Firearms Tactics	W	
Civilian Witness Statements				
70	1041-49	Chen, Jung statement (transcript)	M	
71	1054-62	Geary, Reeve statement (transcript)	M	
72	1050-53	Molinaro, David statement (transcript)	M	
Expert Witness Statements				
73	N/A	Alpert, Geoffrey – Report 1	M	
74	N/A	Alpert, Geoffrey – Report 2	M	
75	6315-6368	Alpert, Geoffrey – Transcript 1	M	
76	N/A	Alpert, Geoffrey – Transcript 2	n/a	
77	N/A	Heiberger, Ashley – Report	M	
78	N/A	Heiberger, Ashley – Transcript	M	
79	1340-41	Johnston, Christopher WSPCL ST-18-02127 toxicology report	M	
80	3709-10	Rodier, Denise WSPCL report	W	
81	3687-3706	Smelsmer, Brian WSPCL report, request and proof sheets	M	
82	4019 - 4070	Smelsmer, Brian WSPCL photos	M	
83	N/A	Smelsmer, Brian WSPCL transcript	M	
84	1326-36	Williams, Timothy 18-00384 autopsy report	M	
85	1337-39	Williams, Timothy 18-00384 body diagram	A	
86	1323-1324	Williams, Timothy – KMCE Investigator's report	M	
87	3852-4018	Williams, Timothy - photos	M	
88	5987-6020	Williams, Timothy - transcript	M	
89	965-1011	Abed, George CSI report	M	
Officer Statements				
90	5946-5986	Abed, George - transcript	M	

Ex #	Bates #	DESCRIPTION	A/M/I/W 1	S? 2
91	91-92	Carpenter, Colin – Force Investigations Lieutenant Review	M	
92	90	Caylor, Gregg – Force Investigations Captain Review	M	
93	6057-6141	Caylor, Gregg - transcript	M	
94		Corbin, Stephen weapons analysis	W	
95	86-89	Davisson, George – Force Investigations Sergeant Review	M	
96	515-552	Grayson, Sandlin transcript	M	
97	574-601	Knoblauch, Justin transcript	M	
98	603-623	Kovzun, Vasile transcript	M	
99	629-641	Macniak, Joseph transcript	M	
100	1513-1515	O'Donnell, Sean – Use-of-Force Precinct / Section Captain's Review	M	
101	798-815	Pierce, Nicholas transcript	M	
102	817-825	Randle, John transcript	M	
103	647-656	Reynolds, Anthony transcript	M	
104	663-667	Schickler, Erick pt 1 transcript	M	
105	668-701	Schickler, Erick pt 2 transcript	M	
106	705-718	Shoul, Christopher transcript	M	
107	58-85	Simmons, David FIR Investigation	M	
108	1-14	Simmons, David FIR witness list	M	
109	6369-6441	Simmons, David transcript	M	
110	723-761	Snyder, Michael transcript	M	
Fire/Aid Statements				
111	1032-35	Harrison, Richard transcript	W	
112	N/A	Collision scene with officers labelled	A	

APPENDIX B

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ORDER

**INQUEST INTO THE DEATH OF ROBERT LIGHTFEATHER
INQUEST # 17IQ16588**

PARTIES:

Family of the Robert Lightfeather:	Represented by Teri Rogers Kemp
Law enforcement officers:	Federal Way Police Department Officers Tyler Turpin and Austin Rogers, represented by Thomas Miller
Employing government department:	Federal Way Police Department, represented by Thomas Miller
Administrator:	Robert McBeth, assisted by Matt Anderson and Anu Zangri

The Inquest Administrator (IA), having considered argument by the parties on the issue of whether to advise the inquest jury that the testimony of certain witnesses has been compelled, hereby rules as follows:

Last Friday, September 23, 2022, the King County Prosecuting Attorney's Office ("PAO") informed this program that an attorney representing Officer Turpin asked that the PAO grant Officer Turpin use-immunity for any testimony he provides in this matter. There was nothing improper in making such a request. Had the PAO granted the request, and had Officer Turpin testified under such a grant of immunity, this Administrator shares the Family's expectation that Officer Turpin and any party aware of the fact would have informed this Administrator.

The PAO declined to grant that request and indicated that they would only consider such a request if it was made by the inquest program. Officer Turpin asked me to do so, and I declined to ask the PAO to grant such immunity. Since that time, Officer Turpin has indicated that he would testify. It appears that Officer Turpin is testifying as required under the subpoenas issued in this matter and no further re-dress has been requested by any party.

The PAO also informed this program that Officer Rogers had been compelled to testify by Federal Way Police Department Chief Hwang (and was subject to the protections afforded public employees under *Garrity v. New Jersey*, 385 U.S. 493 (1967)). The family asks that the jury be informed that Officer Rogers' testimony has been compelled. I have been presented with no caselaw or compelling argument supporting such a request:

- A civil jury may draw an inference that a person's decision to invoke the 5th and deprive them of information necessary for their decision merits a negative inference. That is not the case here: both officers will testify.
- A criminal defendant faced with admission of evidence of an arguably coerced statement may request an instruction allowing the jury to consider evidence of such coercion (because coercion by an investigating agency may lead to false confessions). That is not the case here: The officers are not defendants, they are not requesting such an instruction and there has been no compelling argument that a requirement to testify by a Chief of Police is likely to sway an officer's testimony in one direction or another.

Earlier, I determined that if either of the Involved Officers invoked his Fifth Amendment right to not testify, then that officer's Statement (which was compelled via a Garrity admonishment) would be provided to the jury so that the jury would have the benefit of the information provided in that statement. I also determined that the Garrity Admonishment would be provided to explain the existence of the statement (despite the Officer's refusal to testify). The order was specifically limited to situations in which the officer declined to testify. That is not the case here.

Inquests must be fair and transparent. While I have made the evidentiary rulings above, I share in the expectation that any grants of immunity and any orders to testify should be made public so that an Administrator can determine their admissibility and so that the integrity of these hearings can be protected.

Additionally, my decisions have been made within a limited time frame in large part required because information was provided on the eve of the inquest. I do not appreciate deciding such matters without the benefit of due consideration, aided by the considered briefing of the parties. In the future, I expect that any such requests shall be made much earlier in the process. I will advise the inquest program attorneys to advise counsel for involved officer's and agencies that delay in such request or a delay in advising the program of an order to testify will not work in the officer or agencies favor. Should this situation arise again I look forward to the arguments of all counsel, aided by ample time to make them.

At this time, however, for the reasons provided above, I will not order that the jury be informed that Chief Hwang ordered Office Roger's to testify in this case.

The Family also asks that, if Mr. Kangethe testifies, the jury be informed that he was compelled to do so. All witnesses testifying in this case do so under the legal requirements of a subpoena. All witnesses in the matter will testify under oath and subject to the perjury rules. Mr. Kangethe is no different. If counsel believes that his apparent reticence to testify as arranged previously is relevant to his credibility or in some other way, they may provide an offer of proof and argument as to why any such reticence admissible under the rules of evidence.

DATED this 29th of September, 2022.

A handwritten signature in cursive script, reading "Robert McBeth".

Robert McBeth
Inquest Administrator