



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

January 30, 2018

Ordinance 18652

Proposed No. 2018-0028.3

Sponsors Kohl-Welles, Dembowski,
Upthegrove and Gossett

1 AN ORDINANCE relating to the department of public
2 defense; requiring the department to provide legal
3 representation in the inquest process to families of
4 decedents; and adding a new section to K.C.C. chapter
5 2.60.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings:

8 A. Section 895 of the King County Charter states, "An inquest shall be held to
9 investigate the causes and circumstances of any death involving a member of the law
10 enforcement agency of the county in the performance of the member's duties." Section
11 350.20.60 of the King County Charter establishes the department of public defense and
12 directs it to provide legal counsel to indigent individuals as required under the state and
13 federal constitutions and to foster access to justice and equity in the criminal justice
14 system, and also authorizes additional duties to be prescribed by ordinance.

15 B. Between 2012 and 2016, there have been thirty-four deaths involving a
16 member of a law enforcement agency that resulted in an inquest.

17 C. Of those thirty-four inquests, twelve families obtained legal counsel.

18 D. Families whose loved ones have been killed by a member of a law
19 enforcement agency may seek to understand through the inquest process the cause and

20 circumstances of the decedent's death.

21 E. The inquest process serves the public function of fact finding related to a death
22 and involves formal legal proceedings, discovery and examination of persons, including
23 law enforcement personnel and expert witnesses.

24 F. In King County, the function of holding inquests is vested in the executive.

25 G. The executive has adopted Executive Order PHL 7-1-1 (AEO) establishing
26 policies and procedures for the inquest process which includes the courts conducting the
27 inquest on the executive's behalf. In those policies and procedures, although the family
28 of the decedent is designated as a participating party in the inquest, a number of
29 important steps in the inquest can only be done by legal counsel representing the family.

30 H. Families not represented by legal counsel will not have the benefit of legal
31 expertise to assist them in understanding the inquest proceedings, and will not be able to
32 fully participate in the inquest process, including participating in the preinquest hearings,
33 engaging in discovery or examining witnesses at the inquest, including law enforcement
34 personnel.

35 I. The lack of legal representation may result in families not fully participating in
36 the inquest process and a less robust fact finding process.

37 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 2.60 a
38 new section to read as follows:

39 A. There is a public benefit in providing publicly financed legal counsel to
40 families of the decedents wishing to fully participate in the inquest process. The inquest
41 process is a formal legal proceeding, involving discovery of evidence and examining of
42 witnesses, including law enforcement personnel and experts. Publicly financed legal

counsel will allow all families to fully and equitably participate in the inquest process regardless of financial means. Inquests serve a public function of determining the cause and circumstances of any death involving a member of a law enforcement agency in the performance of the member's duties. The findings of an inquest help the public, family members of decedents and policy makers understand the causes and circumstances of the decedent's death. Public financing of legal counsel for all families of decedents will better ensure each party to an inquest will have equal opportunity to participate. Increasing such participation will bolster the transparency of the inquest process, thus furthering the recognized public function of an inquest. Therefore, the department shall provide legal representation at public expense to the family participating in an inquest, regardless of the income level of the members of the family, of the person whose death is the subject of an inquest investigating the causes and circumstances of death involving a member of any law enforcement agency within King County under Section 895 of the King County Charter or RCW 36.24.020. Representation shall not be provided if the family does not wish to be represented by the department's attorneys. The legal representation shall be limited to preparation for the inquest and participation during the inquest and shall not include any representation for the purpose of potential related civil litigation.

B. The executive shall revise any executive orders relating to inquests to reflect this section within one hundred twenty days of enactment of this ordinance.

C. For the purposes of this section:

1. "Family" refers to the group of those individuals determined by the person conducting the inquest to have a right to participate as the family of the decedent.

66 2. "A member of a law enforcement agency" means a commissioned officer or
67 noncommissioned staff of a local or state police force, jail or corrections agency.
68

Ordinance 18652 was introduced on 1/8/2018 and passed as amended by the
Metropolitan King County Council on 1/29/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



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KING COUNTY COUNCIL

APPROVED this 5 day of FEBRUARY, 2018.



Dow Constantine, County Executive

Attachments: None