



Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

January 8, 2018

Ordinance

Proposed No. 2018-0028.1

Sponsors Kohl-Welles, Dembowski and
Upthegrove

1 AN ORDINANCE relating to the department of public
2 defense; authorizing 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."

11 B. Between 2012 and 2016, there have been thirty-four inquests ordered by the
12 executive in which families of the decedents have participated.

13 C. During 2017 the executive ordered eight inquests.

14 D. Families whose loved ones have been killed by a member of a law
15 enforcement agency may seek to understand through the inquest process the cause and
16 circumstances of the decedent's death.

17 E. The inquest process involves formal legal proceedings, discovery and cross-
18 examination of persons, including law enforcement personnel and expert witnesses.

19 F. Many of the families participating in the inquest process have been

20 unrepresented by legal counsel and have not had the benefit of legal expertise to assist
21 them in understanding the legal proceedings, examining evidence or discovery or in the
22 preparation of questions for law enforcement personnel and others.

23 G. The lack of legal representation may discourage families from participating in
24 the inquest process.

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

27 A. There is a public benefit in providing publicly financed legal counsel in the
28 inquest process to participating families of the decedents. The inquest process is a formal
29 legal proceeding, involving discovery of documents and witnesses and cross examination
30 of witnesses, including law enforcement personnel and experts. Publicly financed legal
31 counsel will allow all families to participate equitably in the inquest process regardless of
32 financial means. There is a public interest in knowing the cause and circumstances of
33 any death involving a member of a law enforcement agency in the performance of the
34 member's duties. The findings of an inquest help the public, family members of
35 decedents and policy makers understand the causes and circumstances of the decedent's
36 death. The provision of legal counsel for all families of decedents will promote a
37 transparent, orderly and rigorous inquest process to most effectively and equitably
38 investigate the causes and circumstances of a person's death. Therefore, the department
39 shall provide legal representation at public expense to the family participating in an
40 inquest, regardless of the income level of the members of the family, of the person whose
41 death is the subject of an inquest investigating the causes and circumstances of death
42 involving a member of any law enforcement agency within King County pursuant to

43 Section 895 of the King County Charter or R.C.W. 36.24.020. Representation shall not
44 be provided if the family does not wish to be represented by the department's attorneys.
45 If family members have a conflict of interest as determined by the department under the
46 state bar rules of professional conduct such that the same attorney should not represent
47 more than one family member during the inquest process, the department may provide
48 separate counsel to each family member for whom a conflict exists. The legal
49 representation shall be limited to preparation for the inquest and participation during the
50 inquest and shall not include any representation for the purpose of potential related civil
51 litigation.

52 B. The executive shall revise any executive orders relating to inquests to reflect
53 the provisions of this ordinance within one hundred twenty days of enactment of this
54 ordinance.

55 C. For the purposes of this section:

56 1. "Family" refers to those individuals determined by the court to have a right to
57 participate as the family of the deceased.

58 2. "A member of a law enforcement agency" means a commissioned officer or
59 non-commissioned staff of a local or state police force, jail or corrections agency.

60

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None