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1/18/18
DRAFT ID

18652

S1

Sponsor: Kohl-Welles

Proposed No.: 2018-0028.2

[JG/JB/SAG]

JKW → Motion carried

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2018-0028, VERSION

2 2

3 On page 1, beginning on line 6, strike lines 6 through 67, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Findings:

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

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

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

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

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

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

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

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

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

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

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

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

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

61 C. For the purposes of this section:

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

64 2. "A member of a law enforcement agency" means a commissioned officer or

65 noncommissioned staff of a local or state police force, jail or corrections agency."
66

67 **EFFECT:** *Ads findings language providing background on the King County*
68 *Department of Public Defense duties as prescribed in the King County Charter. Deletes*
69 *reference to conflict attorneys. Defines family as a group of individuals determined by*
70 *the person conducting the inquest to have a right to participate as the family of the*
71 *decedent.*