File #: 2019-0236, **Version:** 1

Clerk 06/04/2019

AN ORDINANCE proposing an amendment to the King County Charter to clarify when an inquest will be held and to require the county to assign an attorney to represent the family of the decedent in the inquest proceeding; amending Section 895 of the King County Charter; and submitting the same to the qualified voters of the county for their approval or rejection at the next general election occurring more than forty-five days after the enactment of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

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

B. There is a public benefit in providing publicly financed legal counsel to families of the decedents wishing to fully participate in the inquest process. The inquest process is a proceeding involving introduction of evidence and examining of 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.

SECTION 2. There shall be submitted to the voters of King County for their approval and ratification or rejection, at the next general election to be held in this county occurring more than forty-five days after the enactment of this ordinance, an amendment to Section 895 of the King County Charter to read as follows:

895. **Mandatory Inquests.**

An inquest shall be held to investigate the causes and circumstances of any death ((~~involving~~)) where a member of ((~~the~~)) any law enforcement agency's ((~~of the county in the performance of the member's duties~~)) action, decision or possible failure to offer the appropriate care may have contributed to an individual's death. For the purposes of this section, "member of any law enforcement agency" includes a commissioned officer, noncommissioned staff and agent of any local or state police force, jail, detention facility or corrections agency. The county shall assign an attorney to represent the family of the decedent in the inquest proceeding, but the family has the option of accepting the attorney or not.

SECTION 3. The clerk of the council shall certify the proposition to the county elections director, in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall Section 895 of the King County Charter be amended to clarify that inquests are required when a law enforcement agency's action, decision or possible failure to offer appropriate care may have contributed to an individual's death and to provide an attorney at the county's expense to represent the decedent's family in the inquest?