



King County

Department of Executive Services

Inquest Program

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PRE-INQUEST CONFERENCE ORDER

INQUEST INTO THE DEATH OF DAMARIUS DEMONTA BUTTS INQUEST # 517IQ0713

PARTIES PRESENT:

Family of the decedent:	Mother of Damarius Demonta Butts represented by Adrien Leavitt and La Rond Baker
Law enforcement officers:	Seattle Police Department Officers Elizabeth Kennedy, Christopher Myers, Joshua Vaaga and Canek Gordillo represented by Evan Bariault and Ted Buck (officers not present at this hearing)
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi, Erika Evans, Rebecca Boatright present as Chief Carmen Best's representative
Administrator:	Michael Spearman assisted by Matt Anderson

The Administrator, having presided over the Pre-Inquest Conference on September 6, 2019 and having heard from the parties, hereby orders the following:

- 1. Next pre-inquest conference:** The pre-inquest conference originally scheduled for October 4, 2019 shall be continued to Friday, November 1, 2019 at 9:00 a.m. at the King County Courthouse, E-854.
- 2. Inquest date:** The inquest in this matter, originally scheduled for October 21, 2019, is hereby continued to Monday, December 9, 2019 at 9:00 a.m. at the King County Courthouse, courtroom to be determined. Chief Cordner's testimony shall occur between

December 9 and December 13, 2019. Parties shall reserve two weeks of time for completion of the inquest.

3. **Proposed scope of inquest:** The scope of inquiry in the inquest proceeding regarding Damarius Demonta Butts shall include the following areas:
 - a. The identity of the decedent;
 - b. The place of death;
 - c. The means of death;
 - d. The officer or officers who caused the death;
 - e. The circumstances attending to the death, i.e. all readily observable facts or conditions at the time of, leading up to and immediately following the death;
 - f. Under what department policies were the officer or officers who caused the death acting at the time they took the actions that caused the death;
 - g. What training did the officer or officers who caused the death receive with regard to those policies;
 - h. Were the officer or officers who caused the death acting pursuant to those policies and training.

4. **Proposed Witness List** – The following witnesses may be called:
 - a. Daniel Yohannes
 - b. Seattle Police Department Officer Adam Merritt
 - c. Seattle Police Department Officer Christopher Bandel
 - d. Seattle Police Department Officer Mathew Clark
 - e. Seattle Police Department Officer Hudson Kang
 - f. Justin Keaton
 - g. Seattle Police Department Sgt. Chriseley Lang?
 - h. Seattle Police Department Officer Brian Pritchard?
 - i. Seattle Police Department Officer Jacob Briskey
 - j. King County Sheriff's Office Deputy Anthony Mullinax
 - k. Detective David Simmons – Lead Fit Investigator
 - l. Detective Donald Ledbetter – Chief Detective CSI
 - m. Seattle Police Department Assistant Chief Lesley Cordner – Professional Standards Bureau
 - n. Seattle Police Department Captain Michael Teeter
 - o. Douglas Houck
 - p. Jason Benson
 - q. Brad Richardson

5. **Witness interviews:**
 - a. **Policy Training Witnesses:** The parties agree that interviews of Chief Cordner and Captain Teeter shall proceed as provided under CR 30(b)(6) to the extent that the family shall be required to designate with reasonable particularity the matters on which examination is requested at least one week prior to the date that the interview shall occur.
 - b. **Family's 8/27/19 and 8/30/19 interview request:** The family requested interviews with 9 officers:

- i. **Ofc. Jacob Briskey** – Adhering to the previous ruling that discovery and testimony relating to K9 policy/training is beyond the scope of this inquest, SPD’s objection to an interview of Ofc. Briskey relating to those topics is sustained. The parties shall arrange interviews of Ofc. Briskey relating to his knowledge of the facts leading up to and immediately following the death of Damarius Butts.
- ii. **Ofc. Christopher Bandel, Ofc. Matthew Clark, Sgt. Chriseley Lang, Ofc. Brian Pritchard** – The administrator does not anticipate panel interrogatories related to compliance with policy/training for events prior to those occurring in and around the federal building. There being no other objection raised to the interviews of these officers, the parties shall proceed with arranging such interviews. The interviews may include topics related to the witnesses’ knowledge of facts leading up to and immediately following the death of Damarius Butts.
- iii. **Ofc. Jared Campbell, Ofc. Devlin Carey, Ofc. Pete Cavinta, Officer Pete Sele** (Escort Officers) – The family withdrew request for the interviews of these officers after the time of the hearing.

6. Expert witnesses –

- a. **Ballistics Expert** – The Family shall provide the identity of any ballistics expert they intend to call as well as a summary of testimony by one week following the interview of the Medical Examiner.
 - b. **Police Use of Force** – The Family shall provide the identity of any expert they intend to call on this subject by September 27, 2019. The Family shall provide a summary of testimony one week after SPD produces the remaining outstanding discovery including SPD policies.
 - c. **Request for briefing** – The request for briefing regarding the propriety of expert testimony on police use of force is denied at this time. It may be renewed once a summary of the proposed testimony is provided by the Family.
- 7. SPD’S ongoing discovery and the family’s second request for production** – All parties shall make best efforts to coordinate production and communicate with the inquest attorney regarding efforts in this regard. SPD shall provide responses to the family’s second request for production by September 25, 2019. They shall provide the discovery relating to additional statements from the officers by October 7, 2019.
- 8. Discovery Deadline** – A deadline for completing all discovery shall be imposed at a later time.
- 9. Use of Garrity Statements** – The appropriate use, if any, of Garrity statements shall be briefed and determined prior to the inquest hearing. The parties shall provide their positions of the appropriate use of such statements whether or not an officer testifies at the inquest hearing. The Officers’ positions shall be provided by September 27, 2019. Responses shall be provided by October 4, 2019. Reply briefs, if any shall be provided October 9, 2019.

10. Required Submissions:

- a. Proposed Interrogatories** -The family and SPD shall provide comments by October 1, 2019 on the interrogatories proposed by the Officers. All parties not having previously proposed interrogatories shall anticipate a requirement to propose interrogatories by 7 days after scope is determined.
- b. Testimony by Ofc. Elizabeth Kennedy, Ofc. Chris Myers, Ofc. Joshua Vaaga, Ofc. Canek Gordillo** – The involved officers shall declare if the involved officers will elect to testify by **October 7, 2019**.
- c. Proposed Scope of inquiry:** Each party shall provide proposed additions and deletions to the scope of inquiry in this inquest (see section 3, above). Specifically, the parties shall address:
- i. The subject matter of the policies governing the officers who caused the death of Damarius Butts;
 - ii. The subject matter of trainings the officers who caused the death of Damarius Butts received or should have received regarding the actions the shooting officers took that resulted in the death of Damarius Butts; and
 - iii. The events leading up to and immediately following the death of Damarius Butts.
- Schedule:** Each party’s briefing with regard to i., ii., and iii, above shall be provided by September 27, 2019. Responses shall be provided by October 4, 2019. Reply briefs, if any shall be provided. October 9, 2019.
- d. Witness list:** Objections to proposed witness(es) along with reasons therefore and requests to call additional witnesses along with reasons therefore, including a summary of the proposed relevant testimony falling within the scope of the inquiry, shall be provided by September 27, 2019. Further objections to proposed witnesses and/or requests to call additional witnesses arising from discovery obtained after the date of submission may be heard.

DATED September 19, 2019



Michael Spearman
Administrator