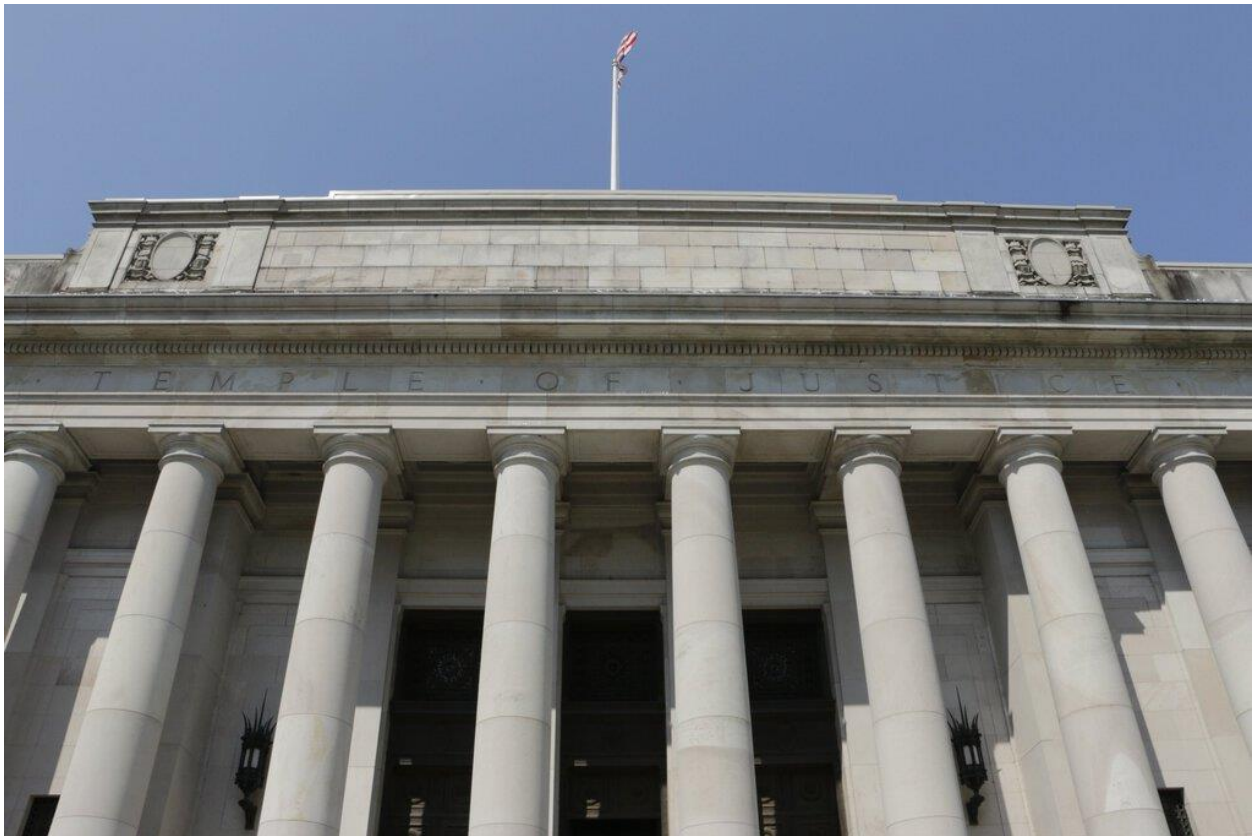


Washington Supreme Court reinstates King County inquest system that expands inquiry into police-caused deaths

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The Washington Supreme Court on Thursday unanimously upheld sweeping changes made to the King County inquest procedures in 2018. (Rachel La Corte / The Associated Press, file) Less



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The Washington Supreme Court on Thursday reinstated sweeping changes made to the King County inquest procedures in 2018, providing an expanded avenue for the families of people killed by police to seek answers and establish culpability.

In a [unanimous, 49-page opinion](#) the justices struck down most challenges by several county law enforcement agencies, including the King County Sheriff's Office, which had [argued successfully in superior court last year](#) that King County Executive Dow Constantine had overstepped his authority in making the changes. The justices overturned the lower court ruling, authored by Judge Julie Spector, on almost every point.

More significant, however, is that the justices sided with the families of three people killed in 2017 by police — [Damarius Butts](#), [Charleena Lyles](#) and [Isaiah Obet](#) — and ruled that coroner's juries in King County can for the first time in about a half-century be asked to determine whether an individual killed by police died by "criminal means," and in some cases require the involved officers to testify — something officers have been able to refuse to do in the past.

Those findings went beyond even the changes Constantine had implemented, and more than anything demonstrate how the King County inquest process has been diluted over the years. The Coroner's Act, on the books since 1854, requires an inquest jury to determine whether a death "was occasioned by the act of another by criminal means [and] who is guilty thereof, if known."

However, court briefs showed no inquest jury in King County has been asked that question in nearly 50 years.

The high court ordered that the officers involved in the deaths of Lyles, Butts and Obet must testify. Lyles and Obet were killed by Seattle officers, and Obet was shot by Auburn Officer Jeff Nelson, who has been [charged with murder in another police shooting](#).

"Coroner's inquests can offer some measure of the accountability necessary to rebuild trust between law enforcement and the communities they serve — but that accountability depends on how coroner's inquests are conducted," wrote Justice Debra Stephens.

The ruling comes more than three years after Constantine stopped inquests in King County, amid mounting criticism over a process that critics complained had wandered far from its original fact-finding intent, had been sharply biased toward law enforcement and had proven a burden to the families of those killed by police.

He announced [new inquest procedures and rules in 2019](#), but the results pleased no one. Families didn't think they went far enough and police thought they went too far. Both sides sued, including the relatives of Lyles, Obet and Butts.

The delays have left the [families of people killed by police in King County in legal limbo](#), demanding answers but denied a path to obtain them: The cases of at least 40 people killed by police are now eligible to be called for a coroner's inquest, according to the county.

"This was the right decision legally. It's also the right decision morally," said La Rond Baker, an attorney at the King County Department of Public Defense, who argued the case before the Supreme Court for all three families. "Families are devastated and traumatized when they lose a loved one to police violence. Fair and transparent inquests help answer unresolved questions and in doing so help nurture a path towards healing and accountability."

King County is unique in Washington in that its charter requires an inquest jury be convened for every death caused by law enforcement. Most other Washington counties rely on death investigations conducted by a coroner or a medical examiner.

Constantine had sought changes to the county's inquest system, relying on public hearings and expert opinion that resulted [in a report in 2018](#).

The county law enforcement agencies that challenged the changes — from Renton, Auburn, Kent, Federal Way and the King County Sheriff's Office — argued that the changes strayed from the inquest's fact-finding mission and would leave them legally vulnerable.

Last August, a King County Superior Court judge [found Constantine had overstepped his authority, and struck down most of the revisions](#). The Washington Supreme Court agreed to hear a direct appeal of the issue.

"I set out to change the status quo — to take steps toward justice and accountability in a system that has for too long been imbalanced against the victims of state violence," Constantine said in a statement Thursday.

"This is a very significant ruling," he added in an interview.

Constantine acknowledged the justices' opinion goes further than his 2018 revisions by requiring that inquest juries inquire into whether someone's death at the hands of law enforcement involved a crime.

"We just didn't go there," he said..

Over the next days, Constantine said, he will review and amend his previous executive orders so that they comport with the ruling. The inquest administrators — the equivalent of a judge — and attorneys involved in the six inquests pending when Constantine halted the process will begin moving forward immediately.

"It could all happen pretty quickly," he said. "We are ready to go."

Indeed, given the backlog of inquest-qualifying deaths, Constantine said he expects the three administrators “will be in session more or less continuously.”

In a statement, the family of Charleena Lyles — a 30-year-old pregnant mother of four shot to death in her home by Seattle police in June 2017 — said the ruling will allow them to begin healing.

“We’re glad a decision has come forth so that we can finally hear the facts as to what happened when Charleena was taken,” the Lyles’ family said through their attorney, Corey Guilmette. “It’s been a long wait and we still don’t know what happened to her. ... This will give closure to Charleena’s children to know what really happened to their mom.”

King County Prosecuting Attorney Dan Satterberg has said the inquest bottleneck has undermined his ability to make final decisions on whether to criminally charge any of the police officers involved in those deaths, something the prosecuting attorney’s office has historically done only after a public inquest.

His office can charge without an inquest, however, as it did with Nelson, the Auburn officer, last year.

The high court rejected a number of key arguments the law enforcement agencies had raised, including claims that requiring officers to testify before a coroner’s jury asked to consider whether a police-involved death might have been criminal would violate their constitutional protection against self-incrimination.

The justices, however, said coroner’s inquests aren’t criminal proceedings and officers can invoke their rights, but must do so on the witness stand on a question-by-question basis.

The justices also said inquests can involve expert witnesses and require the testimony of a police department’s chief to discuss whether an officer’s actions comported with department policy.

The last time an inquest jury found a police shooting unnecessary and recommended charges was 1971, a fact critics say underscores the pro-police biases of the old system. In that case, a Seattle officer was charged with manslaughter after shooting an unarmed 21-year-old Black man in the back. The officer was acquitted at trial.

At that point — on the heels of a decade of civil-rights protests — police and their supporters, including county prosecutors, had begun to water down the inquest system, feeding the jurors softball questions that at times, from the viewpoint of the families of those killed, avoided the real issues and sometimes approached the absurd.

In many inquests dating back decades, juries have not been allowed to explore any question other than whether officers believed shootings were necessary or whether they

feared for their lives. The families argued the passing of nearly 50 years and dozens of controversial shootings without an adverse inquest finding stretched credulity.

The families urged the Supreme Court to adhere to the plain language of the Coroner's Act, which requires a coroner's jury to identify the dead person, determine when, how and by what means they died, and if those means involved a crime, identify "who is guilty, if known."

"If the inquest jury is not permitted to determine whether the means by which someone was killed were criminal, neither the jury nor [the inquest administrator] will be able to fulfill their mandatory duties," the opinion said.

In the cases of Butts, Obet and Lyles, the court said, the who, what and how are known.

"The sole remaining question for the inquest juries is whether the means by which these people were killed were criminal in nature," the justices wrote. "The Coroner's Act requires that juries be allowed to answer that question whenever possible."

Moreover, the justices note that while the inquest is not a criminal proceeding, one of its intended purposes is to determine whether probable cause exists that can be used by prosecutors to seek a criminal charge.

Last year, voters passed a charter amendment that broadened the scope of inquests and, for the first time, provided attorneys to the families of residents killed by police to represent them at the inquest. Until then, families had to hire their own attorneys. The changes also moved the inquests out of the courts and prosecutors office, appointing special hearing officers and attorneys to present the evidence.

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