

# SENATE BILL REPORT

## SB 5270

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As of January 12, 2012

**Title:** An act relating to inquests for deaths involving a member of a law enforcement agency.

**Brief Description:** Providing a procedure for discretionary inquests conducted by a county for deaths involving a member of a law enforcement agency.

**Sponsors:** Senator Kline.

**Brief History:**

**Committee Activity:** Judiciary: 1/18/11.

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Juliana Roe (786-7438)

**Background:** A coroner is authorized to hold an inquest if the coroner suspects the death of a person was unnatural, violent, resulted from unlawful means, or from suspicious circumstances. An inquest may also be held when the death of a person indicates the possibility that the death was by the hand of the deceased or through the instrumentality of some other person. Absent suspicious circumstances, no inquest may be held following a traffic death. The county bears the cost of an inquest.

The coroner notifies the superior court to provide persons to serve as a jury of inquest to hear all the evidence concerning the death and render a verdict on the cause of death. The prosecuting attorney is notified in advance and may be present and assist the coroner in the conduct of the inquest. The coroner may issue subpoenas for witnesses and will examine the witnesses, after they are placed under oath. A surgeon or physician may be summoned by the coroner to inspect the body and give, under oath, a professional opinion as to the cause of death. A verdict of the jury may set forth the identity of the person killed, and when, where, and by what means the person came to his or her death. If the death was occasioned by the act of another by criminal means, the verdict may identify the guilty party.

The authority to hold inquests in King County is vested in the county executive. Section 895 of the King County charter provides that "an inquest shall be held to investigate the causes and circumstances of any death involving a member of the law enforcement agency of the county in the performance of his duties."

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** When an investigation into a death involving a member of a law enforcement agency in the county is complete, the prosecuting attorney will advise the county executive as to whether an inquest should be held. In counties without a county executive, the prosecuting attorney will advise the coroner or medical examiner. The county executive, coroner, or medical examiner determines whether an inquest will be conducted. In reaching that decision, he or she will consider whether a decision to prosecute has been made, whether the death was the result of a condition existing prior to or apart from any police involvement, whether the deceased was in custody at the time of death, whether the family of the deceased desires an inquest, and any other factor that touches on the connection between the manner of death and the actions of law enforcement.

If an inquest is to be held, the county executive, coroner, or medical examiner will request that the county superior court or district court conduct the inquest. Guidelines are set forth specifying what parties will participate in the inquest, the role of the court, discovery procedures, and timelines. Interrogatories are a series of written questions used in the examination of a party or witness. Interrogatories submitted to the jury in an inquest must deal with questions of fact, not questions of law, policy, or recommendations. At the conclusion of the inquest, the judge will transmit the jury's findings and responses to interrogatories to the county executive or county legislative authority in those counties where no county executive exists.

**Appropriation:** None.

**Fiscal Note:** Requested on January 5, 2012.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

Testimony From 2011 Regular Session.

CON: This bill is unnecessary because there is already a process set forth in statute. The prosecutor serves as the coroner in counties with populations under 40,000. In counties with populations over 40,000 (except for Clallam County) there is a coroner or medical examiner. This bill adds more processes for a person to go through. Once an investigation is complete, it becomes public record.

OTHER: We are concerned with the intent section. It's already in the best interest of a law enforcement agency to do an inquest. We don't need a stronger push to do them.

**Persons Testifying:**

Persons Testifying From 2011 Regular Session.

CON: Russ Hauge, Kitsap Co. Prosecuting Atty; Tom McBride, Wa Assn of Prosecuting Attorneys.

OTHER: Debbie Wilke, Wa Assn of Coroners and Medical Examiners; Don Pierce, Wa Assn of Sheriffs and Police Chiefs.