

The Coroner's Inquest: A Viewer's Guide

On July 10, 2010, Las Vegas Metropolitan Police officers shot Erik Scott seven times in front of the Costco in Summerlin. The coroner's inquest into his death is scheduled for September 22-24, 2010. The inquest is supposed to be a fact-finding hearing to determine the cause of Erik Scott's death and to determine whether the Metro officers acted in self defense, shot him by accident, or acted criminally.

If you have never watched a coroner's inquest and aren't familiar with the process, this guide will help you understand what is going on.

- ***What is a coroner's inquest?***

The Clark County Coroner must call an inquest whenever a police officer was involved in the death of an individual. The inquest is a quasi-judicial proceeding in which a jury is supposed to determine whether the officer's actions were justified (self defense), excused (accidental), or criminal.

The first Coroner's Inquest took place in 1969, and was called by the then-Coroner Dr. Otto Ravenholt, who was suspicious of the circumstances surrounding the fatal shooting of a young black male by a white North Las Vegas police officer in the midst of racial unrest during the civil rights era. The jury voted 2-1 to find the shooting justified.

After this, Coroner Ravenholt decided to call inquests into all police-involved deaths. The inquest process has been codified in the Clark County Code of Ordinances § 2.12.080. The process is intended to be an important way for the public to keep its police forces accountable for its actions. It is the public's democratic right and duty to oversee its government's functions – especially when it comes to monitoring a public officer's action that results in taking a citizen's life without due process of the law. The public cannot properly perform its oversight duties under the current flawed inquest system.

- ***Where does it occur?***

The inquest will be held at a courtroom in the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada 89155. Space is limited. However, the inquest will also be televised on Channel 4.

- ***Who are the players?***

- **The Presiding Officer:** Department 3 Justice Court Judge Tony Abbatangelo.
- **The Attorney:** Unlike other court proceedings, there is only one "side" participating. Attorneys from the District Attorney's office serve as the "Neutral Presenter of Facts." In its normal duties outside of the coroner's inquest, the District Attorney works with Metro on a day-to-day basis.
- **The Jury:** A 7-member jury with alternates. Questions to prospective jurors to determine whether they are unbiased are believed to be created solely by the District Attorney.
 - **Item to note!** The family's lawyer has no opportunity to question the jury, to make any selection advice, or to object to the composition, or makeup, of the jury. For the inquest into the shooting death of Trevon Cole, a young African American man, at the hands of a white officer, not a single member of the jury was African-American.

- **How does the hearing work?**

- The Presiding Officer, Judge Abbatangelo, will inform the jury that the coroner's inquest is an investigatory or fact-finding exercise, not an adversarial proceeding. He will inform the jury that the District Attorney will present the evidence they are to consider.
 - **Item to note!** There is no table, place, or opportunity for the Scott family lawyer, Ross Goodman, to represent Erik Scott's or the Scott family's interests. Instead, Mr. Goodman will be seated in the audience with Erik Scott's family, friends, and supporters.
- Judge Abbatangelo will tell the jury that the only people allowed to question the witnesses directly are the District Attorney, the Presiding Officer, and the Jury. Then, the first witness will be called.
 - **Item to note!** Neither the Scott family nor Mr. Goodman get to call any witnesses. The Scott family and Mr. Goodman also do not have the opportunity to review the evidence or the witnesses' statements in advance. The District Attorney, however, has had well over 45 days to prepare its questions and witnesses.
- The District Attorney will begin to question the witness.
 - **Item to note!** The Scott family and its lawyer cannot ask the witness questions directly. Instead, they can only write down questions and submit them to Judge Abbatangelo. The Judge decides which, if any, of the family's or lawyer's questions to ask the witness at the end of the District Attorney's questioning. He decides not only *what* is asked, but also *how* it is asked.
 - **Item to note!** Even if the Scott's families written questions are asked of the witnesses, the Scott family has *no* opportunity for follow up. Meanwhile, the District Attorney is given the opportunity to follow up or clarify answers to any of the family's questions.
 - **Item to note!** How does the District Attorney question the Metro officers versus how other witnesses are questioned? *What* questions are being asked? *How* are they being asked? What kind of *emotions* do the District Attorney's questions add to the hearing? What picture is the District Attorney trying to paint of the *victim*, Erik Scott? Remember that the picture the District Attorney paints of Erik Scott's personality or background has no bearing on whether Metro was justified or unjustified in shooting him to death. Notice that the family has *no* opportunity to be a part of this impactful and emotional aspect of the hearing.
 - **Item to note!** Please know that ALL of the Metro Police officers called as witnesses have been prepared by the District Attorney and their own team of lawyers. They have had the opportunity to review their documented police statement before the hearing and they have been coached as to how to act in front of the jury. No other witnesses have this advantage.

- After all of the witnesses have been questioned, Judge Abbatangelo instructs the jury about what they are to discuss and determine, based upon the witnesses and evidence presented by the District Attorney.
 - **Item to note!** Erik Scott’s family or its attorney, Ross Goodman, has not been involved in drafting the jury instructions. Only the District Attorney writes the jury instructions. Note that for the inquest into the Trevon Cole shooting, the jury was told the definitions and standards only for “justified” and “excused” shootings – they were *never* told what would or could constitute a criminal use of deadly force.
- The jury deliberates on the evidence presented to it by the District Attorney and gives its verdict.
 - **Item to note!** The earliest year that verdicts for coroner’s inquests into police-involved deaths are available is 1976. Since that time, only one jury out of almost 200 has returned a “criminal” verdict – but even if the jury decides the officer’s actions were criminal, that does not necessarily mean criminal charges will be brought against the officer. There is no opportunity for the Scott family to appeal the verdict.

Thank you for taking the time to watch this Coroner’s Inquest. If you, like many in our community, think this one-sided Coroner’s Inquest needs to be amended and improved for the safety of both the community and Metro Police Officers, please email or call your Clark County Commissioners and ask them to support the changes proposed by the Erik Scott Family and the ACLU of Nevada..