



POST-INQUEST DECLINE MEMORANDUM

June 4, 2024

Law Enforcement Use of Force Fatality Regarding:
Marcello Castellano

The King County Department of Executive Services held an inquest to determine the circumstances and causes of the death of Marcello Castellano. On December 11, 2023, the jury answered interrogatories regarding the evidence and testimony presented at the inquest hearing. Subsequently, the Public Integrity Team within the King County Prosecuting Attorney's Office reviewed the interrogatories. The jury returned a split verdict regarding whether the death was the result of criminal means.

First and foremost, the Public Integrity Team acknowledges that any loss of life is significant, and we hope that the inquest process was able to bring some further clarity regarding the event for the affected family and friends. It is, however, important to note that while the inquest process provides an open public forum to shed light on the circumstances and causes of a death, there are significant procedural differences between an inquest and a criminal trial.

For instance, in a criminal trial, the prosecution is prohibited from introducing or relying at all on inadmissible evidence, including an officer's compelled statement. Additionally, in a criminal trial, the jury consists of twelve individuals as opposed to six individuals in an inquest jury. In an inquest, no party has a burden to prove or disprove facts and the jury may render a split verdict. However, in a criminal trial, the prosecution must convince a unanimous jury of twelve individuals that each element of a criminal charge occurred beyond a reasonable doubt and the prosecution must also disprove the existence of a defense that negates an element of the crime beyond a reasonable doubt. Finally, and importantly, the inquest jury is not given a

complete set of jury instructions that accurately defines the available defenses a defendant would raise and need to be disproven beyond a reasonable doubt at a criminal trial.

Therefore, because the admissible evidence and testimony provided during the inquest are not materially different than the information the Public Integrity Team previously relied upon, no further action is required.