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IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
KING COUNTY

IN RE INQUEST INTO THE DEATH OF  
CHARLEENA LYLES

No. 517IQ9301

SEATTLE POLICE DEPARTMENT'S  
BRIEF RE SCOPE OF INQUEST

[Clerk's Action Required]

**INTRODUCTION**

The Executive Order PHL-7-1-2-EO (2018) and its Appendices thereto define the scope and purpose of this inquest. Under Appendix 2, Section 3.2, the inquiry is limited to the cause, manner, and circumstance of death, the SPD policies limited to cause, manner, and circumstances of death, and whether the officer complied with those policies – and nothing more. In reviewing the Administrator's Order dated September 19, 2019, the proposed scope of inquiry topics (a.- h.) are acceptable with the requested clarification as indicated below.

SPD asks the Administrator to order that the relevant timeframe for this inquest is limited to 8:55 a.m. on June 18, 2017 when Ms. Lyles made a call to 911 through to the time Officers

1 Schickler, Ladd and Barton arrived and administered aid, including CPR, ending in a determination  
2 that Ms. Lyles had expired at 10:18 a.m. SPD Officer Gabriel Ladd Report, attached as Exhibit C to  
3 *Declaration of Jeffrey M. Wolf*. The applicable SPD policies with respect to person or persons who  
4 caused the death of Ms. Lyles are similarly limited to this time period as Officers Anderson and  
5 McNew took no action whatsoever with respect to Ms. Lyles or this burglary investigation until the  
6 morning of June 18, 2019 and not earlier than 8:55 a.m. Prior to this incident, neither officer had  
7 ever met or encountered Ms. Lyles.

8 The only evidence of events occurring outside of this timeframe appropriately admitted in this  
9 proceeding are of a forensic investigative nature – medical examination and crime scene investigation  
10 admissible independently under PHL-7-1-2-EO, App. 2, Section 12.3 (2018).

11 The City produced the incident report (GO 2017-219301) and Force Investigation Team’s  
12 report to each of the parties. Officers Anderson and McNew wore in-car-video microphones on  
13 their uniform during the above relevant timeframe. These recordings were also provided to the  
14 parties. These materials provide each of the parties with sufficient information for them to make  
15 determinations as to the scope of this inquest and to brief the Administrator as to their respective  
16 positions.

### 17 **AUTHORITY**

#### 18 3.0 Role of the Administrator/Scope of the Inquest:

19 3.2 The administrator, after consultation with the participating parties, shall  
20 determine the inquest scope. Consistent with the purpose as set for in the amended  
21 Charter, Executive Order, and Appendix 1, and 2, the inquest scope shall include an  
22 inquiry into and the panel shall make findings regarding the cause, manner, and  
23 circumstances of the death, including applicable law enforcement agency policy. The  
panel shall make findings regarding whether the law enforcement officer complied  
with applicable law enforcement agency training and policy as they relate to the death.

PHL-7-1-2-EO, App. 2, Section 3.2 (2018).

1 12.3. The employing government department shall designate an official(s) to provide a  
2 comprehensive overview of the forensic investigation into the incident (e.g.,  
3 statements collected by investigators, investigators' review of forensic evidence,  
4 physical evidence collected by investigators, etc.). Additionally, the chief law  
5 enforcement officer of the involved agency or director of the employing government  
6 department shall provide testimony concerning the applicable law enforcement agency  
7 training and policy as they relate to the death but may not comment on whether  
8 employees' actions related to the death were pursuant to training and policy; or any  
9 conclusions about whether the employee's actions were within policy or training.

7 PHL-7-1-2-EO, App. 2, Section 12.3 (2018).

### 8 ANTICIPATED EVIDENCE AND FACTS

9 Officers Anderson and McNew had been patrol officers with SPD since September 10, 2015  
10 and June 17, 2009 respectively. As SPD officers, they underwent training on a wide variety of  
11 topics which address the many circumstances and practices expected of patrol officers.

12 On the morning of June 18, 2017 Ms. Lyles called 911 at 8:55 a.m. and reported that a  
13 burglary had occurred at her apartment. Specifically, she reported that about three hours earlier she  
14 discovered that her apartment door was open and that an Xbox was missing. Ms. Lyles requested  
15 that Seattle police officers come to her home to investigate. Officer Anderson was dispatched in  
16 response to Ms. Lyles' report of the residential burglary. He arrived at 9:15 a.m. SPD CAD dated  
17 June 18, 2019 attached as Exhibit D to *Declaration of Jeffrey M. Wolf*. Upon arriving at the scene,  
18 Officer Anderson reviewed the SPD contact history with respect to Ms. Lyles on his patrol car  
19 computer system to get some information to pre-fill his report. At that time, he learned that Ms.  
20 Lyles had an officer safety associated with her.

21 ///

22 ///

23 ///

IDENTIFIED PERSON:	LYLES, CHARLEENA CHAVON	Score:
DOB: [REDACTED]	App. Age: 30	
Sex: FEMALE	Race: AFRICAN AMERICAN/BLACK	
Address: 6818 62 AV NE		
Apt: 4303		
City: SEATTLE	State: Washington	
Zip: 98115		
Home phone: [REDACTED]	Business phone: [REDACTED]	
Cell phone: [REDACTED]		
<b>CAUTION: ASSAULTIVE TO OFFICERS, MENTAL, THREATS TO OFFICERS, WEAPON</b>		
S.S.N.: [REDACTED]		
License #: [REDACTED]	State of Issue: WA	
Occupation: STUDENT		
Birth Place: Washington	Language: ENGLISH	
Citizenship: UNITED STATES OF AMERICA	Marital Status: [REDACTED]	
Ethnicity: Non-Hispanic	Complexion: MEDIUM BROWN	
Build: SLIM	Height: 503 ft	
Weight: 110 lbs		
Eye Color: BROWN	Lens Type: [REDACTED]	
Hair Color: BLACK		
<b>Remarks: ARMED HERSELF WITH A KNIFE AND THREATENED OFFICERS</b>		
Phone Type	Phone Number	
Cell	[REDACTED]	
Home	[REDACTED]	
Query this name...		

Officer Anderson pulled up the most recent police contact report dated June 5, 2017 (GO 2017-200822). In that report, two SPD officers contacted her regarding a domestic violence incident. Once in her apartment, Ms. Lyles acted unusual, indicating that she and her child were going to morph into wolves. The report further indicated Ms. Lyles pulled out a pair of shearing scissors and threatened one of the officers. Ms. Lyles eventually relinquished control of the scissors and nobody was hurt in that incident. GO 2017-200822 is attached as Exhibit A to *Declaration of Jeffrey M. Wolf*.

Based on the officer safety caution and June 5<sup>th</sup> report, Officer Anderson concluded that safety would be best served by having an additional officer present when he contacted Ms. Lyles. Officer Anderson called for assistance. Officer McNew arrived to assist shortly thereafter and Officer Anderson briefed him about this incident.

The officers proceeded to the door of Ms. Lyles' secure apartment complex and contacted her via the Callbox. Ms. Lyles answered and buzzed the Officers into the building. Initially, Officer Anderson thought that this call may have been related to a prior call he responded to in Ms. Lyles' apartment complex. However, once Officer Anderson reached Ms. Lyles' floor, he realized that he had responded to a call next door to Ms. Lyles.

1 Ms. Lyles greeted Officer Anderson when she came to the door in response to his knock.  
2 The officers presented in full police uniform. Both officers were armed with police issued firearms.  
3 In addition, Officer Anderson carried a baton and Officer McNew carried an expandable baton.  
4 They explained who they were and asked Ms. Lyles if they could come inside. Ms. Lyles invited  
5 them in. Officers Anderson and McNew stepped inside the apartment and began their burglary  
6 investigation.

7 Initially, nothing was unusual about this encounter. Upon entering the apartment, officers  
8 Anderson and McNew asked Ms. Lyles several questions about the burglary she reported. Ms.  
9 Lyles' demeanor was calm and responsive, and the officers observed no signs which indicated to  
10 them that Ms. Lyles might have been experiencing a mental health crisis. Officer McNew observed  
11 the condition of the doorway, looking for signs of forced entry. There was no evidence of forced  
12 entry to the apartment. The officers were led to the back bedroom of the apartment by Ms. Lyles,  
13 where she claimed the Xbox was taken. Notably, officers Anderson and McNew's investigation  
14 found no evidence of the residential burglary.

15 Unbeknownst to the officers, Ms. Lyles previously placed both a sheathed and unsheathed  
16 fixed blade knife in the pocket of her long down jacket. The officers were concluding their  
17 investigation and moved with Ms. Lyles back toward the entrance door/kitchen area of the small  
18 apartment. The peaceful and calm verbal exchange between Officer Anderson and Ms. Lyles  
19 changed instantly when Ms. Lyles pulled out a knife that she had been concealing in her right  
20 pocket and lunged toward Officer Anderson's midsection in a stabbing motion. At the time, Officer  
21 Anderson was writing in his notebook and happened to glance up slightly to see Ms. Lyles moving  
22 towards him with what he could see was a flash of a blade in her right hand as she was trying to  
23 stab him in the abdomen at his belt line. He backed away to avoid being struck with the blade.

1 Faced with a deadly weapon, Officer Anderson immediately drew his firearm and attempted to  
2 create some distance between himself and Ms. Lyles. Officer Anderson also commanded Ms. Lyles  
3 to get back and called for fast backup.

4 At that point, Ms. Lyles turned her focus on Officer McNew, who was cornered in the  
5 galley style kitchen with no means of escape. Officer McNew drew his firearm as soon as he  
6 perceived the deadly threat, he commanded Ms. Lyles to get back. As she wielded a knife or knives  
7 against the officers and was commanded to get back, Ms. Lyles told officers Anderson and McNew,  
8 “Get ready, mother f\_\_\_\_\_kers,” as she continued to approach Officer McNew. Officer McNew  
9 radioed for back-up assistance, indicating they were faced with a woman with two knives. Ms.  
10 Lyles drew closer to Officer McNew, who felt that she may be attempting to throw the knife at him  
11 where he stood 3 to 4 feet away.

12 Officers Anderson and McNew continued to command Ms. Lyles to get back. Ms. Lyles  
13 refused to comply with the officers’ commands. Officers Anderson and McNew simultaneously  
14 discharged their weapons, seven shots in total, all of which struck Ms. Lyles. All seven spent shell  
15 cartridges, four by Officer Anderson and three by Officer McNew, were discovered in the  
16 apartment directly adjacent to the area where each officer was located.

17 Officers Anderson and McNew immediately called for backup and medics. Ms. Lyles’  
18 injuries were fatal. Medics and backup officers eventually arrived and secured the scene. Officers  
19 Schickler, Field Training Officer Barton, and Student Officer Ladd, responding to Officer  
20 McNew’s call for assistance, arrived shortly after the shooting. After making sure the children were  
21 safe, they immediately initiated first aid and CPR to Ms. Lyles. They were unable to revive her, and  
22 she was determined to be deceased at 10:18 a.m. SPD Officer Gabriel Ladd Report, attached as  
23 Exhibit C to *Declaration of Jeffrey M. Wolf*.

1 A crime scene investigation (CSI) recovered eight knives. The knife that had been in Ms.  
2 Lyles' hand was recovered near her body, the sheath for that knife was in the right pocket of her  
3 down coat. A second straight 4 ½ inch blade was recovered from the left pocket of Ms. Lyles' down  
4 coat.

## 5 ARGUMENT

6 Appendix 2, Section 3.2 of the Executive's Order restricts the scope of the inquiry and  
7 thereby evidence presented at the inquest to the following items: 1) cause, 2) manner, 3)  
8 circumstances of the death, 4) applicable law enforcement agency policy and 5) whether officers  
9 complied with that policy.

### 10 1. Relevant Scope – Timeframe Limited to Events Occurring on June 18<sup>th</sup>

11 Based upon the facts of this case, the timeframe addressing the cause, manner, circumstances  
12 of death, and policies related thereto are all covered by events beginning from Ms. Lyles' call to 911  
13 at 8:55 a.m. on June 18, 2017 through the time Officers Schickler, Field Training Officer Barton and  
14 Student Officer Ladd administered first aid and CPR and eventually determined that Ms. Lyles was  
15 deceased at 10:18 a.m. *Id.*

### 16 2. Inquiry into Taser Facts or Policies do not Warrant Expansion of Timeframe

17 Officer Anderson was taser certified. Officer McNew was not taser certified. To the extent  
18 that parties to this inquest contend that SPD policy required Officer Anderson to have carried a  
19 taser to the scene instead of or in addition to a baton, this inquiry does not call for an expansion of  
20 scope of timeframe. He either did or did not carry a taser when he entered Ms. Lyles' apartment,  
21 and if he did not carry a taser, the relevant inquiry is whether it affected the circumstances, manner  
22 or cause of death.  
23

1           **3. June 5<sup>th</sup> Incident**

2           Unlike in a civil claim for negligence, what the officers could have or should have known is  
3 not relevant. The inquiry must be through the lens of what the officers knew and then only to the  
4 extent it is relevant to the cause, manner, and circumstance of death. In this instance, neither officer  
5 had previously met Ms. Lyles. Officer Anderson, while in his car outside of Ms. Lyles’ apartment,  
6 read the report detailing the June 5<sup>th</sup> encounter and shared information about it with Officer  
7 McNew. Neither officer spoke with any of the officers involved with the June 5<sup>th</sup> encounter. Facts  
8 which might expand on what occurred during the June 5<sup>th</sup> encounter are irrelevant because they are  
9 beyond the four corners of the report that Officer Anderson reviewed. Similarly, testimony from  
10 any of the officers involved in the June 5<sup>th</sup> incident is unwarranted, beyond the scope of this inquest  
11 and could potentially mislead the fact finder.

12           **4. Crime Scene Investigation**

13           The Inquest Order and Appendix 2, Section 12.3 specifically calls for the government  
14 department to provide a comprehensive overview of the forensic investigation and anticipates the  
15 presentation of testimony from the same. See, CSI Report, attached as Exhibit B to *Declaration of*  
16 *Jeffrey M. Wolf*. No expansion of the City’s requested timeframe is necessary to ensure the admission  
17 of investigative evidence.

18           **5. Applicable Policies**

19           The relevant SPD policies are contained within 2017 Seattle Police Manual. Specific policies  
20 applicable to the instant matter include: 1) Title 8 – Use of Force; 2) Title 5 Employee Conduct. No  
21 policy pertinent to the inquest was implicated prior to 8:55 a.m. on the day of the shooting or after  
22 Ms. Lyles’ death at 10:18 a.m.

23           **6. Applicable Training:**

1 Training applicable to this inquest may include: Use of Force; Integrated tactics, De-  
2 escalation; Handgun qualification; Impact weapons; Bias free policing; Taser; Defensive tactics; and  
3 Less lethal. No training pertinent to the inquest was implicated prior to 8:55 a.m. on the day of the  
4 shooting or after Ms. Lyles' death at 10:18 a.m.

5 **7. Evidence Outside the Scope of this Inquest.**

6 Although investigation and discovery have generated much information about Ms. Lyles,  
7 nothing in the inquest order makes relevant Ms. Lyles' interactions with Brettler Place management;  
8 interactions with Brettler Place residents; history of domestic violence; involvement with the court  
9 system; use, possession, or sale of drugs; care she provided or failed to provide her children; mental  
10 health evaluations; or other prior interactions she may have had with CPS or family members and  
11 whether she availed herself of services/assistance offered to her. Evidence involving any of these  
12 issues should be excluded as irrelevant, outside the scope of this inquest, and unfairly prejudicial to  
13 the officers and City.

14 **CONCLUSION**

15 The City asks the Administrator to issue an order that the relevant time period is limited to  
16 June 18, 2017 and beginning at 8:55 a.m. when Ms. Lyles made a call to 911 through the time that  
17 Officers Schickler, Barton and Ladd administered CPR.

18 Other parties to this inquest may seek to expand the scope of this tribunal's inquiry based  
19 upon expansive investigation conducted in the civil litigation. The inquest fact finding is  
20 distinguished from the much broader scope involved with pending personal injury claims brought  
21 by the paternal side of the Lyles family alleging officer and City negligence. There, with respect to  
22 each officer and the City, the personal representative must prove duty, breach, proximate causation  
23 and damages sustained by the estate and statutory beneficiaries.

1 Here, the inquest, under the 2018 Executive Order and appendices, continues to contemplate  
2 a limited inquiry which looks at nothing more than the cause, manner, and circumstance of death,  
3 the SPD policies limited to cause, manner, and circumstances of death, and whether the officers  
4 complied with them – and nothing more.

5 No persuasive basis exists to extend the scope of this inquest to cover events occurring  
6 before Ms. Lyles contacted 911. Evidence bearing on facts not known to Officers Anderson or  
7 McNew on the day of the incident should be excluded as irrelevant, unfairly prejudicial, and  
8 beyond the scope of the inquest.

9 The City asks that the Administrator issue an order consistent with the scope in terms of  
10 time, potentially relevant policies and training as presented in this briefing.

11  
12 DATED this 1<sup>st</sup> day of October, 2019.

13 PETER S. HOLMES  
14 Seattle City Attorney

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**CERTIFICATE OF SERVICE**

I certify that on the 1<sup>st</sup> day of October, 2019, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

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