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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF
CHARLEENA LYLES

No. 517IQ9301

SEATTLE POLICE DEPARTMENT'S
REPLY IN SUPPORT OF ITS SCOPE
BRIEFING

[Clerk's Action Required]

INTRODUCTION

Inquests are ordered by statute, “[i]f the coroner suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person.” RCW 36.24.020. The jury shall “[h]ear all the evidence *concerning the death* and to inquire into and render a true verdict on the cause of death.” *Id.* (emphasis added). The purpose identified in the Executive Order is identified as a need to “issue findings of fact regarding the facts and circumstances *surrounding the death*. The review will result in the issuance of findings regarding the cause and manner of death, and whether the law enforcement

1 member acted pursuant to policy and training.” (E.O. *Appendix 1*, ¶ 2.2, emphasis added). SPD’s
2 proposed scope is the only proposal where sufficient pre-shooting context “concerning” or
3 “surrounding” the death is provided without undermining the purpose of the inquest process. The
4 Family’s expansive proposal diving into Ms. Lyles’ alleged mental health history, her domestic
5 violence history, and the alleged security concerns at Brettler Place (premised in nothing but
6 speculation) all lack the requisite connection to the events at issue – the *circumstances* of the death.

7 ARGUMENT

8 The Family criticizes SPD’s position as being unnecessarily limited to those facts known to
9 the officers because SPD’s scope position is somehow inconsistent with the purpose of the inquest.
10 The Family is incorrect. The Family wants to impose a burden of hindsight knowledge on the
11 responding officers. The Family use of the phrases “could have” and “should have” emphasizes the
12 unrealistic expectations extending well beyond the realm of the duties and responsibilities of
13 responding law enforcement officers. Under the Family’s proposed scope, before responding to her
14 door, the responding officers “should have” sat down and reviewed the 25+ previous domestic
15 violence reports, and “should have” made improper biased assumptions that Ms. Lyles’ mental health
16 impeded her ability to make a burglary report, and “should have” assumed that she was going to be
17 violent, and “should have” assumed that this was not going to be a standard police encounter. Such
18 expectations are not only unreasonable, but they are improper. Principally, the reason the scope
19 should be limited to the knowledge of the officers is simply because Ms. Lyles’ death was caused by
20 the fatal force used by the officers. As such, the information known to the officers is directly related
21 to the death and its circumstances. Any other information about Ms. Lyles and her life and
22 experiences are simply not relevant to this inquiry.

23 The introduction of evidence within the Family’s scope will confuse or mislead the jury as to

1 what factors should be considered when determining whether officers complied with police policy or
2 training. Introduction of evidence within the broad scope suggested by family members would
3 undoubtedly result in undue delay involving testimony from numerous witnesses who have nothing
4 to contribute on the issue surrounding the death. The number of witnesses and extent of this
5 background testimony within the scope defined by the family could largely overshadow evidence
6 submitted as to events occurring on June 18, 2017.

7 The Family likens Ms. Lyles' alleged mental health conditions (diagnosed post-death by a
8 retained paid expert in the civil matter) to that of a decedent with a hearing impairment. (Response at
9 p. 5). These examples are inapposite. For example, this scenario would perhaps be more applicable
10 if the officers were responding to a call where Ms. Lyles had just been victimized in a domestic
11 violence encounter or was already in crisis – thus possibly involving her domestic violence history
12 or mental health status to the circumstances of the death. The officers were not responding to a crisis
13 call. In fact, there was no “crisis” about a stale burglary investigation. It was categorized as a priority
14 three call – the lowest priority because there was no exigency. The audio from Ms. Lyles' interactions
15 with 911 communications and the officers reveals a person reporting stolen items, communicating as
16 expected of a person detailing a stale burglary. Her cadence was calm, her speech unmemorable.
17 There is nothing about Ms. Lyles' communications, her report, or her interactions at that time that
18 suggested anything other than a burglary victim in an apartment building. The Family's expectations
19 that the officers “should have” made improper assumptions about how she was going to behave or
20 conduct herself based on her history is not only beyond the scope of inquiry, but it is not an
21 appropriate expectation to have.

22 The Family fails to identify how SPD's proposed scope does not align with the intended
23 purpose of the inquest process. A review of the Executive Order identifies situations where the history

1 of the decedent and the officers should be limited unless directly connected with the underlying
2 encounter. *See Appendix 2, ¶¶ 4.4-4.6.* The family fails to draw this nexus. Instead, the Family’s
3 closing line expands the scope of inquiry that is detailed in the Executive Order. The Family cites,
4 *Appendix 1, ¶ 2.2* – but adds, “and any information or events that bear on those actions.” (Response
5 at p. 10). This expansion is not contemplated within the language of the RCW or in the Executive
6 Order. This expansion also opens the door to an endless inquiry into the lives and personal histories
7 of all the people involved. This is not reasonable and is well beyond a fact-finding inquiry
8 surrounding the facts of a death. *See Appendix 1, ¶ 2.2.*

9 CONCLUSION

10 SPD’s proposed scope of inquiry into the facts, training, and policy is the only proposal that
11 contemplates the universe of relevant facts without delving into extraneous areas of inquiry irrelevant
12 and inapplicable to this Inquest. The Family’s expanded scope imposes additional expectations not
13 within the four corners of the Executive Order or the RCW. The Family’s proposal allows for an
14 open-ended inquiry into all “information or events” that shape an individual’s life. This is beyond the
15 scope and unreasonable.

16 DATED this 16th day of October, 2019.

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CERTIFICATE OF SERVICE

I certify that on the 16th 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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