



King County

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SCOPE AND DISCOVERY ORDER

**INQUEST INTO THE DEATH OF CHARLEENA LYLES
INQUEST # 517IQ9301**

PARTIES:

Family of the decedent:	Maternal family of Charleena Lyles, represented by Corey Guilmette and Prachi Dave Paternal family of Charleena Lyles, represented by Karen Koehler and Edward H. Moore
Law enforcement officers:	Seattle Police Department Officer Steven McNew, represented by Karen Cobb Seattle Police Department Officer Jason Anderson, represented by Ted Buck (officers not present at this hearing)
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi, Jeff Wolf, Rebecca Boatright present as Chief Carmen Best's representative
Administrator:	Michael Spearman assisted by Matt Anderson

The Administrator, having presided over the Pre-Inquest Conference on October 22, 2019, and having considered the briefing and arguments of Parties, hereby determines that the scope of inquiry at the Inquest Hearing be as set forth below. The Order also resolves disputes regarding discovery. It is further ordered that the Scope and Discovery Order issued on October 29, 2019 is hereby withdrawn and this Order shall be substituted in its place.

Pursuant to Executive Order (EO), App. 2, Section 3.2, “The administrator, after consultation with the participating parties, shall determine the inquest scope.... [which] shall include an inquiry into ... the cause, manner, and circumstances of the death, including applicable law enforcement policy.” Because the panel is ultimately required to make “findings regarding whether the law enforcement officer complied with applicable law enforcement agency training and policy as they relate to the death[,]” the inquest scope also includes applicable Seattle Police Department (SPD) policies and training as they relate to the death. Id.

The inquiry into the cause and manner of Charleena Lyles death is an inquiry into the facts of the case. The scope of that inquiry includes all the actions taken by Officers Steven McNew, Jason Anderson (the Involved Officers) and Ms. Lyles that are related to her death. An action is related if it had some **direct** bearing on the death. The scope of the inquiry into the circumstances of the death include any information or events that **directly** bear on the Involved Officers or Ms. Lyles’s actions related to the death.¹

I. Scope of Inquiry – Facts

Determining the scope of the factual aspect of the inquest is relatively straightforward. The interaction between Ms. Lyles and the Involved Officers commenced with her phone call to 911 at 8:55am on June 18, 2017 to report a burglary. The interaction concluded with the official determination of her demise at 10:18am that same day. Thus, the factual scope of the inquest includes those two events and all the actions of the Involved Officers and Ms. Lyles that occurred between them that are related to her death. The Medical Examiner’s investigation into the cause of death is also included within the factual scope. Similarly, SPD’s forensic investigation into the incident is within the factual scope.

II. Scope of Inquiry – Circumstances

The scope of the circumstances of Ms. Lyles’s death includes any information or events that directly bear on any of the Involved Officers’ or Ms. Lyles’s actions.

The parties agree that the relevant policies governing, and the relevant training received by the Involved Officers are within the scope of the circumstances related to Ms. Lyles’s death, but dispute which policies and trainings are relevant. An order deciding these issues will issue after SPD has provided the discovery agreed to and ordered in section III below.

¹ The Family’s argument that any information or event that bears on the relevant actions falls within the scope is too broad. It permits the admission of minimally relevant evidence having only a tangential bearing on the relevant actions. In my view, evidence that does not bear directly on a relevant action of the Involved Officers’ or Ms. Lyles should generally be excluded because its relevance is outweighed by the likelihood that it will confuse and distract the panel. The requirement of a direct relationship is consistent with the Executive Order’s direction regarding the admission of evidence of a decedent’s criminal history and an officer’s disciplinary history. Before admission, both must be found by the Administrator to be “directly related” to “the reason for an arrest, detention, or the use of force” in the former instance, and “to the use of force” in the latter. See, Executive Order, App.2, Sections 4.4 and 4.6, respectively. The requirement of a direct relationship is also found in the Family’s suggested test for factual scope. “An action is related to Ms. Lyles’s death if the action, itself, had some direct bearing on the death.” Motion to Determine Scope at 4.

The parties also dispute whether the scope of inquiry into the circumstances related to Ms. Lyles's death should include evidence about information or events which occurred prior to June 18, 2017. Specifically at issue are evidence of: 1) her mental health history; 2) her history as a victim of domestic violence; 3) her history of interactions with other police officers; 4) the alleged presence of security issues at the apartment complex where she resided; and 5) Ms. Lyles leaving her apartment the night of June 17, 2017. The Family contends this evidence is within the scope. The Involved Officers and SPD disagree. They contend that the scope of the circumstances is limited to what the Involved Officers, other First Responders and witnesses knew and/or observed from the time Ms. Lyles called to report a burglary until she was pronounced deceased.²

Regarding evidence of Ms. Lyles's mental health history, it is noteworthy that the Involved Officers, while not knowing her precise diagnoses, were aware of her history to some extent and that that awareness factored in their decision making prior to and during their interactions with her. There are also indications that Ms. Lyles's mental health had a direct bearing on the actions she took that day. Accordingly, evidence of her diagnosed mental illness(es) and how it may have affected her thinking and her actions on June 18 may be within the scope of the circumstances related to her death. Therefore, to the extent the parties are aware of evidence in the record that directly and succinctly addresses Ms. Lyles's diagnosed mental illness(es) and how it may have affected her thinking and actions on June 18, the parties are directed to prepare a stipulation for the panel to consider as to this evidence. If the parties are unsuccessful, I will reconsider what evidence may be admissible on this subject.

While evidence of Ms. Lyles's mental health may be within the scope, the cause(s) of her mental illness(es) are not. It may be that Ms. Lyles history as a victim of domestic violence and her history of interactions with other police officers contributed to her mental health issues, and thus, may have had some indirect bearing on her actions on June 18, 2017. But this is insufficient to bring the evidence within the scope of the circumstances related to Ms. Lyles's death. Moreover, the relevance of the such evidence is outweighed by the distraction and confusion it would cause and the time it would consume. Nor do I view the history of security issues at the apartment complex or whether Ms. Lyles left her apartment on the evening of June 17, 2017 as relevant considerations for the panel in this case. Accordingly, I do not find that these issues are within the scope of the circumstances related to the death of Ms. Lyles and evidence regarding these issues will not be admitted at the inquest.

III. Discovery

SPD agreed to produce the items requested in request #1-5 of the Family's August 2019 Discovery demand. The parties reached agreement regarding most trainings requested in request #6. SPD objected to producing certain of the remaining requests from #6 and to producing the materials requested in #7-15. I make the following rulings regarding outstanding disputed discovery requests.

² The Involved Officers appear to argue, however, that an incident in which Ms. Lyles allegedly threatened a child with a knife is within the scope even though it occurred some weeks before her death and was not known by the Involved Officers at the time. The alleged incident is not an action directly related to Ms. Lyles's death or an event that directly bears on an action related to her death. Accordingly, absent a further showing, the incident is not within the scope of the inquest and is not admissible.

Request #6:

	Title	Ruling
b	SPD 2017 FTO EEO Orientation Training	Granted
f	SPD 2016 PTSD Roll Call Training	Denied
g	SPD 2016 New First-Line Supervisor	Granted
i	SPD 2016 CPR/AED per ASHI Standards	Granted
k	SPD 2016 Crisis Intervention Training	Granted
m	SPD 2016 Tukwila Taser Use of Force Roll Call Training	Denied
aa	SPD 2015 Post BLEA OC Certification	Granted
dd	SPD 2015 Post BLEA Advanced Crisis Intervention Training	Granted
ff	SPD 2015 Post BLEA RACE, the Power of an Illusion/Listen, Explain, with Equity and Dignity	Granted
ii	SPD 2015 Bias Based Complaint Roll Call Training	Denied
kk	SPD 2015 Officer Sustainment-Use of Force	Granted
ll	SPD 2014 Crisis Intervention Team Tactics 40 hour	Granted
nn	First Aid Video 2014	Granted
xx	2014 First Aid	Granted
yy	2014 Street Skills Firearms	Granted
zz	2014 Tactics	Granted
fff	Force Investigation Team (FIT)	Denied
kkk	Don't Go Viral	Denied
lll	Combined RPOI & LEED	Denied
mmm	LEED	Denied
nnn	Race: The Power of an Illusion	Denied
ooo	2013 Tactics	Denied
ppp	2013 ICC-Individual Skills	Denied
qqq	Impact Weapons Training	Denied
rrr	2012 Street Skills-Firearms	Denied
sss	Charge by Officer (CBO)	Denied
ttt	2012 Handgun Qualifications	Denied
uuu	ICC 7 – Team Control Takedowns	Denied
vvv	Street Skills 2012 – Tactics	Denied
www	PRISIM Training	Denied
xxx	SS11: Firearms/CQB/Trigger/Work	Denied
yyy	Perspectives on Profiling	Denied
zzz	SS010 ICC/Tactics I and II	Denied
aaaa	SS010 ICC/Tactics I and II	Denied
bbbb	CPR Refrhr/Inf Disease-MyClyns	Denied
cccc	SS09 Range Plain Clothes Shoot	Denied
dddd	SS09 Impact Weapons & OC	Denied
eeee	SS09 Rapid Interven. Refresher	Denied
ffff	SS09 Mandatory Classroom	Denied
gggg	SS09 ICC Control Tactics	Denied
hhhh	SS09 Tactics Contact & Cover	Denied
iiii	Anti-Harassment and Anti-Discrimination	Denied
jjjj	Less Lethal Certification	Denied

Request #	Note	Ruling
7	Supervisory action concerning Officer McNew	Granted ³
8	All use of force reports submitted by Officer McNew	Denied
9	All use of force reports submitted by Officer Anderson	Denied
10	All police reports that mention or concern Charleena Lyles	Denied
11	All police reports that mention or concern 6818 62 Av NE #4304 involving incidents	Denied
12	All police reports that mention or concern 6818 62 Av NE #4304 involving burglary, etc.	Denied
13	All materials associated with training given to FIT detectives	Denied
14	All records associated with preparation for or related to FRB hearing or findings re shooting of Charleena Lyles	Denied
15	Exhibit list in Lyles v. City of Seattle, 17-2-23731-1 SEA (Subject to the condition that disclosure is not prohibited by the protective order issued in that case)	Granted

DATED October 30, 2019



Michael Spearman
Administrator

³ If training was provided by the Operations Bureau Commander pursuant to the 2015 Force Review Board recommendation, any existing documentation of that training shall be provided.