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KING COUNTY DEPARTMENT OF EXECUTIVE SERVICES
INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF
CHARLEENA LYLES

No. 517IQ9301

INVOLVED OFFICERS' GR 16 REQUEST
REGARDING LIVE VIDEO-STREAMING
AND MEDIA DURING THE INQUEST
PROCEEDINGS

I. INTRODUCTION AND RELIEF REQUESTED

Seattle Police Officers Jason Anderson and Steven McNew (the “officers”) request that the Inquest Administrator (the “Administrator”) prohibit live video-streaming and the photographing/videotaping of the involved officers’ (and witnesses’ at their request) faces during the inquest proceedings, including within and surrounding the inquest venue. This request is based upon legitimate safety threats and concerns for the officers (and by association their families) in this highly controversial and potentially volatile proceeding. It is likewise important to set the standard for inquests in the future where law enforcement and civilian witnesses, for a wide variety of reasons, are subpoenaed to appear and testify in inquest hearings, but do not wish to be photographed or videotaped to isolate them from harassment and threats by members of the public that may disagree with their viewpoint or testimony. The concerns driving this request merit modest limitations in video feed as contemplated in GR 16.

1 **II. STATEMENT OF FACTS AND COMPELLING CIRCUMSTANCES**

2 Beginning immediately after the death of Charleena Lyles on June 18, 2017, there was
3 significant public response, including protests and rallies. The involved officers were subjected to
4 widely maligned and threatened, particularly on social media.¹ With the passage of time, the attention
5 and threats subsided to some extent.

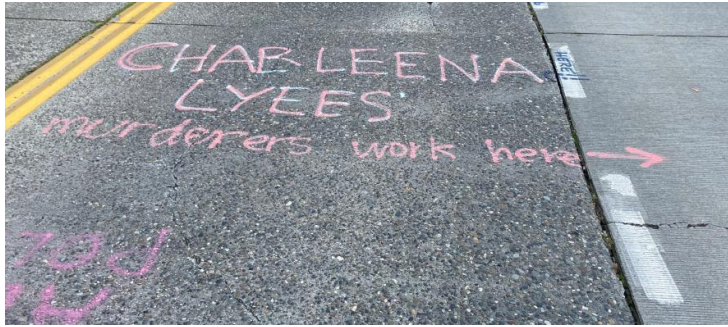
6 The threats reignited, however, in the wake of the May 2020 death of George Floyd and the
7 resulting protests and riots countrywide, including Seattle. For months thereafter, especially during
8 the time that the CHOP or CHAZ² was organized and perpetuated on Capitol Hill, there were daily
9 marches and protests, which frequently turned violent and frequently targeted these officers.³

10 During one march, a Capitol Hill vintage clothing store owned by Officer McNew’s wife
11 was specifically targeted and vandalized, its entry breached, its merchandise torn from the store and
12 torched on the sidewalk. The business and the McNews were identified on social media with
13 addresses, photos, calls for property destruction and barely veiled threats intended to incite violence
14 against them. *Declaration of Karen Cobb, Exhibits A (Declaration of Steven McNew) & B (social*
15 *media posts)*. The officers were openly called murderers by citizens and public figures and their
16 names depicted as such on Seattle sidewalks. *Id., Exhibit C*.

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23 ¹ [Outraged crowd mourns shooting death of Charleena Lyles, rages against police brutality at community forum | The Seattle Times](#)

24 ² Capitol Hill Occupied Protest Zone or Capitol Hill Autonomous Zone

25 ³ [Seattle police have declared riots during recent protests. In legal terms, what does that mean? | The Seattle Times](#); [Seattle man sentenced for setting police car on fire | The Seattle Times](#); [Alaska man, 19, charged with arson for fire set at East Precinct | The Seattle Times](#).



21 The internet has become a far more sophisticated and powerful platform – for good and evil.
 22 The practice of “doxing” now occurs widely on social media driven by ideologues both known and
 23 anonymous. They dig up and publicly disseminate personal identifying information on police
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1 officers and other public servants, their families and their property.⁴ The content of such posts is
2 often hyper-aggressive and clearly intended to harass and threaten, and sometimes seek to elicit
3 actually injury, which conduct is criminal in nature. There are myriad examples of such harmful
4 conduct targeting police in general and Seattle Police officers in particular. *Cobb Decl., Exhibits D*
5 – *G*. As recently as last November, in the race for the Seattle City Attorney, it was revealed that one
6 of the well-known candidates had unabashedly tweeted of her hatred for police and calling them
7 “serial killers” and “pigs.”⁵

8 The witnesses in this matter includes many Seattle Police officers and others that may be
9 similarly targeted due to the very public nature of this event. *See Cobb Decl., Exhibit H (Declaration*
10 *of Professor Amy Kristen Sanders)*. The department is concerned enough for both involved officers
11 that they are still—five years later—not allowed to patrol Seattle streets in uniform. *Exhibit A, ¶ 10;*
12 *Exhibit I.*

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14 The officers are not requesting that the hearing be closed to the public. Importantly, the
15 officers are also not requesting that members of the media be prohibited from photographing and
16 videotaping the proceedings. They simply seek to at least minimize the potential for threats and
17 doxing by requesting that the proceedings not be video livestreamed, as allowing it would absolutely
18 increase the breadth of the anticipated revival of the antagonistic and threatening conduct by certain
19 members of the public, in particular a renewed frenzy on social media. For the same reasons, they
20 request that the media be prohibited from photographing or videotaping the officers’ faces in relation
21 to the proceedings. The requirement for serious consideration of this issue is made even more urgent
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25 ⁴ [Libraries Respond: Cyber-bullying and Doxing | Advocacy, Legislation & Issues \(ala.org\)](#)

⁵ [Seattle city attorney rivals face blowback over anti-police tweets, Republican affiliation | The Seattle Times](#)

1 by the fact that the inquest starts just three days after the anniversary of Ms. Lyles's death, which
2 will place the matter back into the spotlight as it has in recent years.



10 As the anniversary falls on a weekend, attention and well-attended protests are even more likely,
11 with certain appearances by the family and their counsel.

12 That said, GR 16 and the inquest rules provide the Administrator discretion to place sensible
13 limitations on that feed to provide for officer and witness safety. With the requested limitation the
14 proceeding will remain fully accessible and transparent as defined by centuries of open court
15 proceedings in our history. Those unable to physically attend will still be provided with a live audio
16 feed.
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18 If the Inquest Administrator is inclined to overrule the officers' request and allow live video-
19 streaming, the officers request at least the minimal accommodation that the live stream and media
20 be prohibited from airing the officers' faces, or for that matter any witness that chooses not to have
21 his or her image publicized and captured in perpetuity. This can easily be accomplished by requiring
22 cameras and videos be shot from the chest down. These requested accommodations preserve the
23 integrity of the hearing, while also addressing the legitimate safety concerns of the officers and other
24 witnesses.
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III. EVIDENCE RELIED UPON

This motion is based upon the Declaration of Karen L. Cobb, with Exhibits, and upon the records and papers filed herein.

IV. STATEMENT OF THE ISSUES

1. Whether the officer safety concerns laid out herein sufficiently compelling to override the presumption of a fully open inquest proceeding.
2. Whether the Inquest Administrator should exercise his discretion under GR 16 to prohibit video live-streaming of the proceedings.
3. Whether, if the Inquest Administrator is inclined to allow video live-streaming of the proceedings, he should exercise his discretion under GR 16 to restrict the photographing and/or videotaping of the involved officers' faces during the inquest proceedings.
4. Whether, if the Inquest Administrator is inclined to allow video live-streaming of the proceedings, he should exercise his discretion under GR 16 to restrict the photographing and/or videotaping of other witnesses' faces during the inquest proceedings if the witness so requests.

V. ARGUMENT AND AUTHORITY

A. Inquest Proceedings are Subject to Analysis Under GR 16.

The officers are seeking a minimal level of protection during their appearance and testimony, during and surrounding the inquest proceedings. As is always the case, only media representatives have any right to photograph, videotape, stream or record court proceedings, subject to GR 16 limitations directed by the court.⁶ No party or non-media member of the public has any such right and everyone in the courtroom should be advised that photography and any sort of recording are prohibited other than by the inquest program or as approved for the media.

⁶ See *King v. Rumbaugh*, 2017 U.S. Dist. LEXIS 53214, *18, 2017 WL 1283501 (“GR 16(a) expressly applies only to recording of proceedings “by the news media ... provided,” among other things, “that permission shall have first been expressly granted by the judge”)

1 While conducting an inquest, the Administrator is to be “guided by open courts principles
2 and GR 16.” PHL-7-1-5-EO, Section 3.1. Given the inquest goal to provide a fair and transparent
3 hearing to determine the facts and circumstances surrounding a death, the rules require that inquest
4 proceedings be audio recorded and made accessible to the public “to the greatest extent consistent
5 with GR 16.” PHL-7-1-5-EO, Section 9.0. Consistent with Section 9, Section 10.0 provides that the
6 Administrator is to make the proceedings available to the public and to the media, including video,
7 audio and still photography. *Id.*, Section 10.0. While broad access is important, GR 16 makes clear
8 that there may be other factors that should be considered and that limitations may be placed on
9 photography and video reproduction or streaming of inquest proceedings.

10 GR 16(a) provides media access in an inquest hearing provided (1) that permission shall have
11 first been expressly granted by the Administrator; and (2) that media personnel not, by their
12 appearance or conduct, distract participants in the proceedings or otherwise adversely affect the
13 dignity and fairness of the proceedings. GR 16(b) grants the Administrator reasonable discretion in
14 prescribing conditions and limitations with which media personnel shall comply. GR 16(c) requires
15 the Administrator to make particularized findings on the record to explain limitations on courtroom
16 photography or recording. In determining what, if any, limitations should be imposed, the
17 Administrator shall be guided by the following principles:

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- 19 (1) Open access is presumed, but may be limited by sufficiently compelling concerns;
 - 20 (2) The Administrator is to provide an opportunity to be heard on the issue to any party
21 or other person or entity deemed appropriate; and
 - 22 (3) The Administrator’s decision should related to the specific circumstances of the
23 case before the court rather than reflecting merely generalized views.
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1 **B. The Court Must Weigh Officer and Witness Safety Concerns with Media and Public**
2 **Interest in Full Visual Access.**

3 The officers have not sought to eliminate media cameras or video in the courtroom. The
4 officers seek modest and sensible protections, preferably limiting livestreaming to audio alone, but
5 a minimum, prohibiting any photographs or videos of the officers’/witnesses’ faces during the
6 hearing, during their testimony, and while in and around the inquest venue. While the family has
7 suggested that these protections would affect the ability of those following the inquest remotely to
8 assess the credibility of the witnesses, the reality is that the proceeding would be every bit as open
9 as any proceeding was in years past – before the era of live stream; there is no precedential basis to
10 claim that a lack of remote video access renders a proceeding not open or nontransparent. Every
11 person in the courtroom will be able to see every witness on the stand. Moreover, ultimately only
12 the jury panel is tasked with weighing the credibility of witness testimony as the factfinder. The
13 officers’ request does not affect open court principles and it is designed to support those principles
14 “to the greatest extent consistent with GR 16.”

15 In our current circumstance, with virtually unlimited options to harass, threaten and “dox”
16 those who dare utter testimony that is contrary to the views of aggressive advocates of different
17 perspectives, these concerns impact civilian witnesses as well as officers. These safety concerns are
18 sufficiently compelling to support a limited impact on video streaming/reproduction under GR 16.
19 Those in the courtroom will not be affected in any way, assuring a thoroughly open proceeding
20 supplemented by robust remote access beyond the courtroom itself.

21 We cannot ignore these risks as they have already come to fruition – the officers and their
22 families have already been credibly threatened, their homes and businesses targeted, their property
23 destroyed. Open hearings should not equate to open season on officers and witnesses in controversial
24 proceedings.
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VI. CONCLUSION

The Administrator has ample discretion to prohibit live video-streaming and photographs/video of the officers' and other witnesses' faces during and surrounding the inquest. If the Administrator is inclined to deny the request regarding live video-streaming, they request an order prohibiting the media from photographing or videotaping their faces and the faces of any other witness that expresses the same concerns.

DATED this 24th day of May 2022.

FREY BUCK, P.S.

By: 

Ted Buck, WSBA #22029

Karen L. Cobb, WSBA #34958

Attorneys for Officer Steven McNew and Officer
Jason Anderson