



## King County

Department of Executive Services

### **Inquest Program**

401 Fifth Avenue, Suite 135

Seattle, WA 98104

**206-477-6191**

TTY Relay 711

Webpage: [kingcounty.gov/inquests](http://kingcounty.gov/inquests)

Email: [Inquests@kingcounty.gov](mailto:Inquests@kingcounty.gov)

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

### **ORDER ON VIDEO LIVESTREAMING June 17, 2022**

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Family of the decedent:	Family of Charleena Lyles, represented by Karen Koehler and Melanie Nguyen
Law enforcement officers:	Seattle Police Department Officers Steven McNew and Jason Anderson represented by Ted Buck and Karen Cobb
Employing government department:	Seattle Police Department, represented by Ghazal Sharifi and Rebecca Widen
Administrator:	Michael Spearman assisted by Inquest Program Attorney, Claire Thornton

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The Administrator, having reviewed the submissions from the parties and having heard argument, hereby orders the following:

The King County Executive Order that establishes policies and procedures for inquest proceedings defines the inquest's purpose as ensuring "a full, fair, and transparent review" of any death in which an action, decision, or failure to offer appropriate care by a member of any law enforcement agency might have contributed to an individual's death. The significance of open and transparent proceedings to the inquest process is emphasized by the number of times the principle is reiterated throughout the Executive Order.<sup>1</sup> The Inquest Administrators have incorporated the

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<sup>1</sup> See King County Executive Order dated July 28, 2021, App. 1, Sections 2.1 and 2.2. The Executive Order reiterates throughout that inquest proceedings shall be open and transparent to the public. (See App. 2, Sections 5.2 ("The [pre-inquest] conference shall be public unless compelling circumstances require an in camera hearing, in which case the administrator must make findings of fact and conclusions of law justifying such measures under Washington law."); Section 9.0 (The manager shall ensure that the inquest proceedings are audio recorded and that the audio recordings are made accessible to the public to the greatest extent consistent with GR 16.); Section 10.0 (Consistent with Section 9.0, above, the administrator shall make the proceedings available to the public and to the media, this includes video and audio recording and still photography.); Section 12.4 (The inquest is intended to be a transparent process to inform the public of the circumstances of the death of a person that involved a representative of government."); Section 15.2 (The manager shall ensure the findings and recommendations [of the inquest jury] are published on its website along with

Executive Order's command for transparency by adopting General Order 8, specifically subsection (b), which provides that all inquest proceedings be livestreamed and video and audio recorded and that such recordings be made available to the public as soon as practical.<sup>2</sup>

The Seattle Police Department and the Involved Officers (hereinafter Involved Officers) in this case ask that livestreamed video of this inquest hearing not be allowed. The Involved Officers also request that the photographing or videotaping of their faces by the media during the inquest proceedings be prohibited within the hearing room and within the building where the hearing will be held and the grounds upon which the building sits. The requests are based on safety concerns of the Involved Officers, who have presented evidence of numerous derogatory and threatening comments that have been posted on the internet since the death of Charleena Lyles. The threats have involved not only the officers, but their families and businesses operated by family members. The threats were often violent and obscene and there were also instances of property damage.<sup>3</sup>

I begin by acknowledging the concerns of the Involved Officers and recognizing that the behavior of those who posted the verbal threats and engaged in threatening conduct, especially as it relates to family members who had no role in this incident, is reprehensible. Even if the anger of some segments of the community regarding the circumstances that resulted in the killing of Charleena Lyles is understandable, the conduct of those engaged in some of the activities outlined in the evidence presented by the Involved Officers is intolerable. It is notable that those closest to Ms. Lyles, and who have no doubt suffered the most from her death, have not resorted to this sort of behavior.

While the evidence cited in the declarations presented by the Involved Officers amply justifies their concern for the safety of themselves and their families, the question before me is whether and how video livestreaming the inquest hearing or declining to limit media coverage will exacerbate the threatening behavior. And on this point, particularly with regard to video livestreaming, the Officers fail to establish a such connection between the two that would warrant limiting the openness and transparency of the proceedings as that principle is contemplated by the Executive Order and General Order Section 8.

The Involved Officers have expressed concern about the misuse of their images on the internet. But, because those images are already within the public domain and thus, readily obtainable, eliminating livestream video will not affect the availability of those images.

Second, the Involved Officers also contend that when the Lyles inquest hearing commences it will cause a renewed community interest in this case, followed by a resurgence of negative online activity. And indeed, the Involved Officers, have presented some recent evidence that online

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the inquest recording.”); Section 16.2 (The County Executive will call for a periodic review on the inquest process by an independent review committee to determine if the inquest process is ... adequately meeting the principles of transparency, community engagement, and respect for all those involved in the inquest process.”)

<sup>2</sup> General Order 8(b) states: The Inquest Program Manager will ensure that all proceedings are livestreamed and video and audio recorded. The recording will be made available for public viewing as soon as practicable via an internet media platform until three months following transmission of the jury's findings to the Executive. Thereafter, the recordings shall be archived, maintained, and made available according to King County Department of Executive Services' rules governing the retention, destruction and disclosure of government documents.

<sup>3</sup> The Involved Officers also presented evidence of other officers who suffered similar abuse when they were alleged to have engaged in improper conduct of which they were later exonerated by the City of Seattle's Office of Police Accountability. The officers also presented a declaration from Dr. Amy Kristin Sanders, J.D./Ph.D., who opined that disclosing the names of officers subjects them and their families to harassment, shaming and physical threats and chill First Amendment rights.

harassment has begun again. But this evidence shows that any connection between this apparent resurgence and video livestreaming is tenuous at best since no video livestreaming has yet occurred. Nor is there any evidence, beyond speculation, that online harassment or threats will be greater because of such coverage. The declaration of Dr. Sanders suggests that the disclosure of officer's names may be a cause online harassment but that is not at issue in this case because the Involved Officers' names are already public. Dr. Sanders does not address the issues presented here, i.e. video livestreaming of the proceedings.

Finally, most of the online harassment and threats depicted in the evidence presented and particularly the property damage occurred in 2020 during the unprecedented protests around the murder of George Floyd. Because it is very unlikely that we will see protests on that scale during this inquest hearing the probability of a recurrence of that level of harassment is lessened.

The concerns regarding media coverage of the event are somewhat different in that technology now permits screen "grabs" of televised video and those grabs may be subject to extreme manipulation causing the person videoed to appear to say and/or do things that they have not actually said or done. Were this type of manipulation to occur in these proceedings not only could it potentially cause harm to the Involved Officers, but it could also undermine the integrity of this proceeding by giving the public the impression that the Involved Officers have testified in a manner inconsistent with their actual testimony. To minimize the opportunity for such manipulation, the media is instructed to only shoot a sufficiently wide shot that both the Inquest Administrator and the testifying Involved Officer are included in the shot.

For the reasons expressed herein the request by the Involved Officers to audio livestream only is denied and the proceedings shall be video livestreamed. In addition, the media video coverage of the testimony of the Involved Officers shall be limited as indicated above.<sup>4</sup>

Dated June 17, 2022



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Inquest Administrator Michael Spearman

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<sup>4</sup> My authority to dictate media coverage extends only to within the hearing room. To the extent the Involved Officers have sought relief beyond those boundaries, it is denied.