King County

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INQUEST INTO THE DEATH OF CHARLEENA LYLES
 # 517IQ9301

INSTRUCTIONS TO THE INQUEST JURY

DATED 5th day of JULY

Michael Spearman
Inquest Administrator

No. 1

It is your duty to determine the facts in this matter from the evidence admitted and to report your findings to the Inquest Administrator in writing, by answering the Interrogatories, which will be submitted to you.

The evidence that you are to consider during your deliberations consists of the testimony that you have heard from witnesses, stipulations, and the exhibits that I have admitted, during the inquest. If evidence was not admitted or was stricken from the record, then you are not to consider it in answering the Interrogatories. In addition, you must not consider or draw any inferences from the fact that an inquest is being held in this matter.

One of my duties has been to rule on the admissibility of evidence. Do not be concerned during your deliberations about the reasons for my rulings on the evidence. If I have ruled that any evidence is inadmissible or where I have redacted portions of any exhibits, or if I have asked you to disregard any evidence, then you must not discuss that evidence during your deliberations or consider it in answering the Interrogatories. On the other hand, in order to answer the Interrogatories, you must consider all of the evidence that I have admitted that relates to each Interrogatory.

As jurors, you have been allowed to request that additional questions be asked of the witnesses and to request that other persons testify. Any such request has been reviewed by me and by the parties' lawyers. If a requested question was not asked, or a requested witness was not called you may not speculate about the reasons for that decision or discuss the fact that the question was not asked or that the witness was not called.

No. 2

You are the sole judges of the credibility of each witness. You are also the sole judges of the value or weight to be given to the testimony of each witness. In considering a witness's testimony, you may consider these things: the opportunity of the witness to observe or know the things he or she testifies about; the ability of the witness to observe accurately; the quality of a witness's memory while testifying; the manner of the witness while testifying; any personal interest that the witness might have in the outcome or the issues; any bias or prejudice that the witness may have shown; the reasonableness of the witness's statements in the context of all of the other evidence; and any other factors that affect your evaluation or belief of a witness or your evaluation of his or her testimony.

No. 3

This is not an adversarial proceeding. The lawyers' questions are intended to help you understand the evidence. It is important, however, for you to remember that the lawyers' questions are not evidence. The evidence is the testimony and the exhibits. You must disregard any testimony which has been stricken.

You may have heard objections made by the lawyers during this inquest. The lawyers have the right to object to questions asked by another lawyer. These objections should not influence you. Do not make any assumptions or draw any conclusions based on a lawyer's objections or my rulings on them.

Because it is your role as jurors to evaluate the evidence, it would be improper for me to express, by words or conduct, my personal opinion about the value of testimony or other evidence. If it appeared to you that I have indicated my personal opinion in any way, either during this inquest or in giving these instructions, you must disregard this entirely.

As jurors, it is your duty to answer each Interrogatory fairly and properly. You must act impartially with an earnest desire to determine and declare the truth. You must answer the Interrogatories based on the evidence, and not on sympathy, prejudice, or personal preference.

No. 4

Evidence may be either direct or circumstantial. Direct evidence is that given by a witness who testifies concerning facts that he or she has directly observed or perceived through the senses. Circumstantial evidence is evidence of facts or circumstances from which the existence or nonexistence of other facts may be reasonably inferred from common experience. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. One is not necessarily more or less valuable than the other.

No. 5

A witness who has special training, education or experience may be allowed to express an opinion in addition to giving testimony as to facts. You are not, however, required to accept his or her opinion. To determine the credibility and weight to be given such opinion evidence, you may consider, among other things, the education, training, experience, knowledge and ability of the witness. You may also consider the reasons given for the opinion and the sources of his or her information, as well as considering the factors already given to you for evaluating the testimony of any other witness.

No. 6

When you begin deliberating, you should first select a presiding juror. The presiding juror's duty is to see that you discuss the issues in this inquest in an orderly and reasonable manner, that you fully and fairly discuss each issue submitted for your decision, and that each one of you has a chance to be heard on every question before you. It will be the duty of each of you to discuss this case fully with your fellow jurors, to express your own views, and to fully consider the views of the other jurors.

It is also the duty of each of you to evaluate the evidence with an open mind free of bias or prejudice. If during your deliberations, you become concerned that the discussions are being influenced by preconceived bias or prejudice, you must bring this to the attention of the other jurors so that the issue may be fairly discussed among all members of the jury.

During your deliberations, you may discuss any notes that you have taken during the inquest, if you wish. You have been allowed to take notes to assist you in remembering clearly, not to substitute for your memory or the memories or notes of other jurors. Do not assume, however, that your notes are more or less accurate than your memory.

You will need to rely on your notes, if you took them, and your memory as to the testimony presented in this inquest. Testimony will not be repeated for you during your deliberations.

If, after carefully reviewing the evidence and instructions, you feel a need to ask me a legal or procedural question that you have been unable to answer, write the question out simply and clearly. For this purpose, use the form provided in the jury room. In your question, do not state how the jury has answered any Interrogatory. The presiding juror should sign and date the question and give it to the Ms. Sylve or Mr. Anderson. I will consider your question and determine what response, if any, can be given.

You will be given all the exhibits admitted in evidence, these instructions, and the written Interrogatories to be answered by you. If an exhibit was admitted for illustrative purposes only, the exhibit may not be brought into the jury room.

No. 7

It is the duty of the presiding juror to complete the written Interrogatories. After fully and fairly discussing each issue and exchanging their interpretations of the evidence, on each Interrogatory, the presiding juror must set out in the blanks provided the number of jurors who answer "Yes", the number of jurors who answer "No", and the number of jurors who answer "Unknown" to each question.

After every Interrogatory, the presiding juror must allow each juror to have the opportunity to provide a written explanation of the juror's answer if the juror believes that a written explanation will provide information will be helpful. No juror is required to provide an explanation to any answer, but the jurors are encouraged to consider doing so. While a simple "yes", "no" or "unknown" may answer the question, it may not fully explain the reasons for the answer. We are truly interested in those reasons. Any explanations you choose to offer will be helpful to the community to understand what happened during this incident and to understand the reasons for your decisions. You will be provided with forms for you to write any explanation that you wish to provide.

A juror may not need to answer a specific Interrogatory if the juror's answer to a previous question makes it unnecessary. For example, if a juror concludes that a specific policy did not apply, then that juror need not answer an Interrogatory asking whether a particular officer complied with that policy. But, if another juror concludes that the policy did apply, then that juror must answer the question about whether a particular officer did or did not comply with that policy. The Interrogatories will indicate when a situation such as this is applicable.

No. 8

When answering each Interrogatory, you should respond "yes" when you believe a preponderance of the evidence supports responding to the question in the affirmative. You should respond "no" when you believe a preponderance of the evidence supports responding to the question in the negative. You should respond "unknown" if either (1) the weight of the evidence equally supports responding to the question in the affirmative and the negative or (2) not enough evidence was presented to allow you to answer the question in the affirmative or the negative. The jury does not need to be unanimous in the answers to each Interrogatory.

A "preponderance of the evidence" means that you must be persuaded, considering all the evidence bearing on the question, that your answer to a given question is more probably true than not true.

No. 9

Compliance with SPD Policies 8.200 (Sections 6), regarding the duty to request or render medical aid following a use of force as soon as reasonably possible, may be accomplished by any officer and need not be accomplished by the officer or officers who used force. Once medical aid has been requested or rendered by any officer, any further obligations to any other officers to request or render aid are extinguished.

No. 10

The mental health condition of Charleena Lyles is relevant to your deliberations only if you determine that on June 18, 2017, Officer Anderson and/or Officer McNew were aware of Ms. Lyles mental health condition on June 5, 2017 and, if so, whether that knowledge affected or should have affected their actions towards Ms. Lyles on June 18, 2017.

No. 11

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to overcome actual resistance to an order from the officer.

No. 12

A death caused by an officer's use of deadly force is justifiable when necessarily used by the officer to arrest or apprehend a person who the officer reasonably believes has committed, or attempted to commit, a felony.

In considering whether to use deadly force to arrest or apprehend any person for the commission of any crime, an officer must have probable cause to believe that the person, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others.

Among the circumstances that may be considered by an officer as a "threat of serious physical harm" are the following: (a) The person threatened the officer with a weapon or displayed a weapon in a manner that could reasonably be construed as threatening; or (b) There was probable cause to believe that the person committed any crime involving the infliction or threatened infliction of serious physical harm.

No. 13

"Deadly force" means the intentional application of force through the use of a firearm or any other means likely to cause death or serious physical injury.

No. 14

The crime of assault with a deadly weapon is a felony.

No. 15

"Probable cause" means facts known to the officer at the time, that would cause a reasonably cautious officer to believe the proposition at issue. In determining whether the facts known to the officer justified this belief, you may take into account the officer's experience and expertise.

No. 16

"Deadly weapon" shall include any weapon, device, instrument, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm.

No. 17

"Necessary" or "necessarily" means that, under the circumstances as they appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.

No. 18

If you find that an officer's use of force was not justifiable, then you must decide whether the officer acted with malice and not in good faith.

No. 19

"Malice" means an evil intent or design to injure another person. Malice may be, but is not required to be, inferred from an act done in willful disregard of the rights of another.

No. 20

"Good faith" means that the officer honestly believed his or her action was justifiable as that term is defined in Instruction Nos. 11 and 12 above.

No. 21

In determining whether an officer acted with malice or not in good faith you may consider, among other things, whether the officer's actions were compliant with applicable Seattle Police Department policy and/or training. However, you may not rely solely on an officer's failure to comply with Seattle Police Department policy and/or training to find that the officer acted with malice or not in good faith.

No. 22

A death caused by an officer using deadly force is committed by criminal means if the use of deadly force was not justifiable, and the officer's use of such force was with malice and was not in good faith.

A death caused by an officer using deadly force is committed by criminal means if

1. The use of deadly force was not justifiable, and the officer's use of such force was with malice; or
2. The use of deadly force was not justifiable, and the officer's use of force was not in good faith.

If you find by a preponderance of the evidence that either 1) or 2) is true, then you must find that the death was caused by criminal means and you must specifically identify each officer who so acted.

No. 23

After you have answered the Interrogatories, all members of the jury will then sign the form and the presiding juror will notify the program manager. After the program manager has received your answers, the hearing will reconvene, and you will be conducted into the hearing room. Please leave any notes you have taken in the jury room. I will review your answers to confirm that they are in proper order and if so, they shall be made public.

The program manager will then collect and destroy your notes. No one will be allowed to read your notes.

You have now heard all the testimony in this proceeding and my instructions. Each juror has a copy of my instructions and of the Interrogatories to take with you to the jury room. You may refer to any notes you have taken. So, at this time, please recess to the jury room. Once the program manager has delivered all the admitted exhibits, and each of you is present, you may begin your deliberations.