

KING COUNTY DEPARTMENT
OF EXECUTIVE SERVICES INQUEST PROGRAM

IN RE INQUEST INTO THE DEATH OF)
CHARLEENA CHAVON LYLES,) No. 517IQ9301
SEATTLE POLICE OFFICERS'
REPLY BRIEF RE: SCOPE OF
INQUEST

1. Eliciting speculation is improper in a fact-finding hearing.

So clear is the commandment that speculation is inadmissible in any fact-finding endeavor that citation to authority is utterly unnecessary. Yet, the family still hews to the argument that in this seminal fact-finding process the panel should effectively be forced to do just that. That Charleena Lyles suffered from mental illness may well be a fact. Based upon the report of the prior call that the officers reviewed prior to contacting her, it appears that Ms. Lyles had some sort of a mental health issue several weeks prior to the June 18, 2017 call. What is plainly not a fact, however, but rather constitutes sheer speculation, is that “Ms. Lyles had disabilities that directly bear on her actions related to her death.” *Family Resp.*, p. 5:5-6 (i.e. that she was in a “mental crisis” at the time that she threatened the officers with a knife.) That proposition is impossible to prove by any means, especially where the initial encounter was

1 entirely polite and amicable; it has no place in this fact-finding proceeding. Facts must be proven
2 by presentation of physical or testimonial evidence capable of establishing or supporting the
3 “objective reality” of the circumstances.¹

4 The family claims that a hypothetical subject with a “substantial hearing impairment”
5 being unable to “hear” commands would be equivalent to Ms. Lyles’ mental health status. It is
6 not. Just as an attempt to introduce speculation that a person with hearing loss acted
7 aggressively because of frustration over years being unable to fully communicate would be
8 improper, so to speculation that Ms. Lyles was driven by a disability. The family’s argument
9 that because Ms. Lyles has a “history” of mental health issues, and because police officers are
10 trained to deal with mental health issues, that her history (outside of the single report of which
11 they were aware) is relevant to how she reacted to their commands does not resolve the obvious
12 speculation problem. Moreover, the analogy fails because there could be objective evidence that
13 a person could not have heard an order, where here there is no objective measure of what Ms.
14 Lyles’ condition was or its impact on her.

15 The same stands for the family’s claims that they should be able to insinuate that racial
16 bias played a role “because officers are trained to be aware of ‘implicit bias.’” *Family Resp.*, p.
17 9:11-15. There is simply not a shred of evidence that race played a role in the officers reacting to
18 Ms. Lyles’ lethal threat and conjecture on the topic would be improper. All evidence that the
19 family seeks to admit solely to evoke speculation by the panel regarding race and mental illness
20 is improper, unfairly prejudicial to the officers, and should be excluded.

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24 ¹ <https://www.merriam-webster.com/dictionary/fact> (“a piece of information presented as having objective reality.”)
SEATTLE POLICE OFFICERS’ REPLY BRIEF RE
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1 **2. The family misconstrues the intent of the evidence of the prior knife threat.**

2 Contrary to the family's argument, the officers do not believe that Ms. Lyles' prior knife
3 threat is independently admissible. The discussion regarding the prior knife threat is addressed
4 solely to address the family's ongoing argument that Ms. Lyles did not or would not threatened
5 the officers with a knife. The family should not, or should not be allowed to, because again it
6 would be unfounded and necessarily speculative. If the family opens the door, the evidence may
7 be at issue, but it should not be. ER 404.²

8 **3. The August 2019 Discovery Request evidences the family's belief in an overly broad**
9 **scope of this hearing.**

10 The officers have not identified every piece of training that they believe should not be
11 admitted. Instead, they have identified the policy topics that they believe will be relevant and
12 necessary for the jury to answer the interrogatories, and suggest that the training that implements,
13 and is governed by, those policies should dictate the scope in that regard. The officers believe
14 those policy topics to be:

- 15 - Use of force (SPD Manual §§ 8.000 Core Principles; 8.050 Use of Force
16 Definitions; 8.200 Using Force)
- 17 - De-escalation techniques (SPD Manual § 8.100 De-Escalation)
- 18 - Crisis Intervention (to the extent that it covers dealing with potential
19 mental health issues) (SPD Manual § 16.110)
- 20 - Rendering first aid (SPD Manual § 8.200 Using Force)

21 There may be other discrete training topics that the parties, in their upcoming conference, agree
22 are relevant.

23 ² The family's suggestion that a demand of 12 rolls of toilet paper and mention of her "dead ex-boyfriend" proves
24 her actions were "a product of her mental illness" is far-fetched. It is just as likely that the family actually owed Ms.
Lyles 12 rolls of toilet paper for some reason and she intended the reference to her dead ex to support her threat in
order to get it back. Establishing either version of events would require rank speculation.

1 **4. The scope of an inquest is decidedly – and statutorily – narrow.**

2 The parties agree that an inquest is not a culpability finding hearing, a criminal matter, or
3 a civil matter, yet the family still asserts that the inquest process is not “designed to be a narrow
4 inquiry.” *Family Resp.*, p. 2:21-23. Given those very limitations regarding fault, its scope is, by
5 its very nature, intended to be narrowly focused. An inquest jury is “summoned before the
6 coroner or other ministerial officer, to inquire of particular facts.” RCWA § 2.36.010 (7). The
7 general nature of inquests is investigatory. *Carrick v. Locke*, 125 Wn.2d 129, 138, 882 P.2d 173,
8 178–79 (1994), citing 1 Walter H. Anderson, *A Treatise on the Law of Sheriffs, Coroners, and*
9 *Constables* § 8, at 6 (1941). “An inquest is not a prosecution of anybody. It is not a trial of
10 anyone. The pertinent statutory provisions exemplify a public policy that the inquest serves as an
11 aid in the achievement of justice by obtaining information as to whether a crime has been
12 committed.” *Id.*, citing *Kennedy v. Justice of Dist. Court*, 356 Mass. 367, 373, 252 N.E.2d 201
13 (1969). The purpose of an inquest is to determine the identity of the deceased, the cause of death,
14 and the circumstances of the death, including an identification of any actors who may be
15 criminally liable. *Miranda v. Sims*, 98 Wn. App. 898, 902–03, 991 P.2d 681, 684 (2000), citing
16 RCW 36.24.040. “Nevertheless, our courts have repeatedly rejected the argument that an
17 inquest is equivalent to a trial.” *Id.* “The reason for holding an inquest is to obtain an objective,
18 nonpartisan and independent opinion as to the cause of death and the circumstances surrounding
19 that death.” *Carrick*, *supra*, at 143, citing RCW 36.24.020, .040. The process must provide the
20 necessary assurances of impartiality the public expects from an inquest. *Id.*


21 In support of their faulty proposition, the family states: “there is a strong presumption
22 against the exclusion of witnesses until after their testimony, and relevant, non-cumulative
23 witnesses should only be excluded by the administrator in exceptional circumstances.” *Family*

1 *Resp.*, p. 3:7-12. This quote is referenced entirely out of context and has nothing to do with
2 scope. It clearly addresses whether a witness who is intended to give testimony should be
3 allowed to be in the courtroom prior to his or her own testimony given the concept of a
4 “transparent process to inform the public...” It in no way supports the family’s dismissal of the
5 concept of an inquest as a “narrow inquiry.”

6 The Administrator must decline the family’s attempts to artificially broaden the scope of
7 this inquest to benefit their own publically stated goals and interests—money and criminal
8 prosecution of the officers.

9 Dated this 16th day of October, 2019.

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Certificate of Service

The undersigned certifies under the penalty of perjury according to the laws of the United States and the State of Washington that on this date I caused to be served in the manner noted below a copy of this document entitled **SEATTLE POLICE OFFICERS' REPLY BRIEF RE SCOPE OF INQUEST** on the following individuals:

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DATED this 16TH day of October, 2019, at Seattle, Washington.

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