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6 KING COUNTY DEPARTMENT
7 OF EXECUTIVE SERVICES INQUEST PROGRAM

8 IN RE INQUEST INTO THE DEATH OF)
9 CHARLEENA CHAVON LYLES,) No. 517IQ9301
10) SEATTLE POLICE OFFICERS'
11) MOTIONS IN LIMINE
12)

13 I. INTRODUCTION

14 The sole purpose of a coroner's inquest is to determine the facts: who died, what was the
15 cause of death, and what were the circumstances surrounding the death, including the
16 identification of any actors who may be criminally liable for the death. Carrick, supra, citing
17 RCW 36.24.040. The only additional inquiry allowed by the new inquest rules is whether
18 involved officers followed department training and policy. *Appendix 2*, ¶ 3.2.

19 The only relevant issues are how Ms. Lyles died, what the officers knew, and whether
20 they followed training and procedure. Only evidence that can assist the panel in answering *those*
21 questions fits within the proper scope of an inquest; all other evidence will only detract from the
22 fact-finding purpose of the proceedings and would be unfairly prejudicial to the officers. To
23

1 ensure consistency with the already determined scope, the involved officers submit the following
2 motions in limine.

3 II. MOTIONS IN LIMINE

4 **A. The Administrator should prohibit evidence intended to elicit speculation and** 5 **sympathy regarding Ms. Lyles' mental health and her ability to form "intent" to** 6 **harm the officers.**

7 With the exception of what the involved officers knew at the time of their contact with
8 Ms. Lyles— which consists of the contents of the June 5, 2017 incident report and the agreed
9 upon statement to be read to the jury—any other mention of Ms. Lyles' mental health or
10 diagnoses thereof should be prohibited to avoid speculation and prejudice. The only further
11 *factual* issue that is appropriate for jury consideration is Ms. Lyles' objective demeanor
12 throughout the incident as described by observers and captured on the audio recording.

12 **B. The Administrator should prohibit evidence intended to elicit speculation and** 13 **sympathy regarding Ms. Lyles' race.**

14 Likewise, any mention of Ms. Lyles' race—outside of showing the agreed upon picture
15 of Ms. Lyles—there should be no mention or suggestion that Ms. Lyles' race, rather than her
16 own words and actions, played any role in the officers' decision to use lethal force. The
17 Administrator has already agreed to allow two training segments regarding racial bias, allowing
18 the jury to hear that officers are trained in bias-free policing. Because there is no evidence of
19 actual bias in the encounter, any further discussion or suggestion should be prohibited.

19 **C. The discipline of Officer Anderson related to his Taser is not relevant beyond the** 20 **agreed stipulation.**

21 The parties have agreed, and the Administrator has ruled, that the jury will receive a
22 written stipulation explaining the basis for the discipline of Officer Anderson regarding his
23 failure to carry his Taser or report its condition to his chain of command. The stipulation and its
24 exhibit make clear that the discipline does not address whether the Taser would have been an

1 appropriate tool to use under the circumstances. It would not. As such, any discussion of the
2 Taser should be limited to that focus: pursuant to SPD policy and training, would a Taser have
3 been an appropriate tool under the totality of the circumstances faced by the officers.

4 **D. Prior discipline or uses of force by Officer Anderson and Officer McNew are not**
5 **relevant to the fact-finding inquiry and must be prohibited.**

6 The Administrator should prohibit any mention of or inquiry into the officers' prior uses
7 of force and/or discipline. The scope of the inquest is limited to fact-finding related to the
8 officers' June 17, 2017 encounter with Ms. Lyles, and whether during that encounter they
9 followed SPD policy and training. Whether either officer has used or been disciplined for any
10 other use of force or conduct, is irrelevant and would be prejudicial to the officers. Attempts to
11 elicit such testimony or evidence must be prohibited.

12 **E. Evidence of the timing of Officer Anderson's statement to FIT and lack of scene**
13 **walk through should be prohibited.**

14 Officer McNew gave his statement to the Force Investigation Team ("FIT") the same day
15 as the incident occurred and did a walk through on scene. Officer Anderson was not asked to do
16 a walkthrough and, pursuant to an exception to the general rule that statements be given before
17 an officer leaves his or her shift after an officer-involved shooting, Officer Anderson was
18 advised that he would be called back for his statement two days later. The decision was made by
19 FIT, not by Officer Anderson, and discussion thereof should be prohibited as it could elicit
20 speculation on the part of the jury as to the reason for delay, which would be prejudicial to
21 Officer Anderson.

22 **F. The civil case and settlement are not relevant and introduction of such evidence**
23 **would be prejudicial to the officers.**

24 The Lyles' family, represented by Ms. Koehler, filed a wrongful death lawsuit against the
officers and the City. Earlier this year, the parties engaged in mediation within the civil case.

1 The City—not the officers (who were dismissed)—settled and paid a sum of money to the Lyles’
2 family. As is most always the case, the settlement did not include any admission of liability.
3 The scope of a civil lawsuit is considerably broader than a non-adversarial, fact-finding inquest
4 hearing and admission of evidence from the civil suit, in particular any settlement, would be
5 outside the scope of the inquest and prejudicial to the officers. The one exception the
6 Administrator has reserved on is that the depositions of the officers from the civil suit may be
7 used for proper impeachment. Any attempt to elicit information outside of that very narrow
8 scope must be prohibited.

9 **G. Discussion regarding Ms. Lyles’ children should be limited to the introductory**
10 **statement, with the exception of evidence of their presence during the incident with**
11 **Ms. Lyles.**

12 The jury will, of course, be aware that Ms. Lyles’ had children and, where appropriate,
13 will hear of their presence during and immediately after the officers’ encounter with Ms. Lyles.
14 Any further attempts to garner sympathy from the jury or to discuss the children’s current
15 situation must be prohibited as it would be outside of the proper inquest scope and prejudicial to
16 the officers.

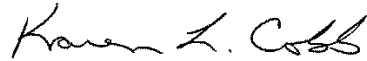
17 **III. CONCLUSION**

18 The scope of this Inquest must be limited to evidence that will aid the panel in
19 determining the factual circumstances of Ms. Lyles’ death and whether the officers’ use of force
20 was in line with SPD policy and training. Admission of evidence which requires the panel to
21 speculate regarding other events and topics of which the officers had no knowledge or which are
22 irrelevant to the proceedings would improperly expand the scope of the inquest hearing and
23 defeat its sole fact-finding purpose. Failure to control the flow of such irrelevant and prejudicial
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1 evidence would only result in improper expansion of the hearing and inquiry into topics more
2 prejudicial than probative to all parties.

3 Dated this 13th day of June, 2022.

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5 FREY BUCK P.S.

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9 *Attorneys for Officers Anderson and McNew*
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