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6 IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

7 Charles Lyles as Personal Representative of
8 the Estate of Charleena Lyles and on behalf
9 of her statutory beneficiary four minor
10 children,

11 Plaintiffs,

12 v.

13 Jason M. Anderson and Steven A. McNew,
14 individually,

Defendants.

NO. 17-2-23731-1 SEA

COMPLAINT FOR CIVIL RIGHTS
VIOLATIONS AND WRONGFUL
DEATH ACTION

15 COME NOW Plaintiffs and allege as follows:
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19 **Charleena Chavon Lyles**
20 April 24, 1987 - June 18, 2017
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24 COMPLAINT FOR CIVIL RIGHTS VIOLATIONS
AND WRONGFUL DEATH ACTION - 1

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I. PLAINTIFFS

1.1 Charleena Chavon Lyles was born on April 24, 1987 in Seattle, King County, Washington, to Sadaria Teresa Sorrells, previously deceased, and Charles Elden Lyles. She was the only issue of their union. At the time of her death, Charleena was 30 years old and lived in Seattle, Washington along with her four minor children. Charleena was also four months pregnant.

1.2 Charleena's minor children are: J.L. born April 3, 2005; Q.L. born May 22, 2006; Za.C. born March 7, 2013; and Zy.C. born May 27, 2016. All four children are now dependents of the Department of Social and Health Services of the State of Washington.

1.3 On August 8, 2017, Charles Elden Lyles was appointed the Personal Representative of the Estate of Charleena Lyles, King County Superior Court Cause No. 17-4-04905-8 SEA.

1.4 That same date the Court appointed Attorney Andrea Nicolaisen as Probate Guardian Ad Litem for the four minor children.

II. DEFENDANTS

2.1 Jason M. Anderson works for the Seattle Police Department.

2.2 Steven A. McNew works for the Seattle Police Department.

2.3 The defendants were located in Seattle, Washington when the incident occurred.

2.4 Plaintiffs reserve the right to identify additional defendants at a later date.

III. JURISDICTION AND VENUE

3.1 Jurisdiction and venue are proper in King County as all acts and omissions by Defendants occurred in Seattle, King County, Washington.

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4.2 Charleena Lyles was the victim of repeated emotional and physical abuse partially described in police incident reports generally summarized as follows:

b. December 22, 2015, Camphor damaged a wall and refused to leave the apartment;

d. December 31, 2015, Camphor engaged in escalated behavior with her and one of the children called the police to have him removed;

f. January 29, 2016, neighbor could hear a female being slammed into the floor and two children screaming;

1 g. May 9, 2016, Camphor assaulted her while she was 34 weeks pregnant in
2 the presence of their two year old. He tried to strike her in the head with a closed
3 fist but missed and struck her shoulder. He then threw a shoe at her. He then
4 kicked in the bathroom door, punched holes in the apartment walls, broke dishes,
5 and threatened to slash her tires;

6 h. June 2, 2016, Camphor threw a baby bottle at her, pounded on the back
7 window of her vehicle and smashed it;

8 i. June 12, 2016, Camphor with all four kids in the car, began arguing with
9 her, leading to him smashing the passenger window with a rock and sending glass
10 into the car where the kids were. A protective order had been issued but not yet
11 served on Camphor;

12 j. July 30, 2016, Camphor was just released from jail, accosted her, grabbed
13 her keys out of her hand and took her car, all of which violated the no contact
14 order;

15 k. August 25, 2016, a neighbor called police as he could hear her screaming
16 for help in addition to arguing and thumping noises. Camphor was arrested for
17 violating the no contact order;

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20 4.3 In the summer of 2016, when Charleena Lyles obtained a no contact order against
21 Camphor, she stated he had been violent for at least four of the eight years they had been
22 together and was known to punch holes in walls, even hitting her while she was pregnant. "I feel
23 so scared for my safety, and I just got out of the hospital from having our 6-days-old baby boy,

1 and I had a c-section. I think he ripped my stitches open,” she wrote in her June 2nd petition for
2 an order for protection. She ended by noting that she “didn’t see him changing.” She asked the
3 court for help.

4 4.4 That same summer, Charleena began treatment at Sound Mental Health after a
5 domestic violence arrest in Auburn involving an altercation with one of her half-sisters.
6 Charleena Lyles acknowledged she needed counseling and thought she was suffering from
7 depression. She was stressed that she would lose her home and that the state would take her
8 children.

9 4.5 Between January 2017 and June 2017, twenty three (23) calls were made from
10 Charleena Lyles’ apartment, including: 10 domestic disturbances; 4 domestic assaults, 3 reports
11 of burglary, 2 child abuse/neglect, 1 threat, 1 welfare check, 1 missing child, and 1 follow up on
12 a prior disturbance.

13 4.6 The 23 calls in a six month period were extraordinary in number and placed the
14 Seattle Police Department (SPD) and other City agencies on notice that Charleena Lyles and her
15 children were in an at risk situation.

16 4.7 On May 28, 2017, Jeffrey Butts, father of the two eldest children, grabbed her
17 phone and smashed it when she tried to call 911. He then placed her in a chokehold and struck
18 her with a closed fist.

19 4.8 On June 5, 2017, another physical domestic disturbance was reported to the SPD.
20 Charleena Lyles told police she had been the victim of domestic violence. Shortly after arrival
21 two officers (Legg and Bauer) requested immediate assistance. Charleena Lyles armed herself
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1 with extra-long, metal shears. She was making unusual comments such as wanting to “morph
2 into a wolf” and talked about “cloning her daughter.” She was sure the police officers were
3 devils and also members of the KKK. The officers drew their guns in the presence of her young
4 children. The officers engaged in de-escalation techniques. She was instructed to drop the
5 shears and move away from them. She did so. It was apparent to the officers that she had a
6 mental health condition.

7 4.8 Some of Charleena Lyles’ family members were later consulted and told the
8 police that she had experienced a recent sudden and rapid decline in her mental health.

9 4.9 The officers arrested Charleena Lyles and booked her into jail for harassment.
10 They recognized she was suffering from mental illness and recommended the case be forwarded
11 to mental health court. She was not sent to the Crisis Solutions Center.

12 4.10 Attorney Ashwin Kumar, public defender, appeared at the bail hearing in Seattle
13 Municipal Court for the harassment and obstruction charges. He noted how fundamentally
14 wrong it was that Charleena Lyles had called for help for domestic violence but was arrested
15 instead. Specifically officers pulled their guns on her in the presence of her children and even
16 though she was experiencing a mental health episode at the time.

17 4.11 Charleena Lyles pleaded not guilty and was jailed. It is unknown if she received
18 mental health treatment or other mental health intervention during this time. However, she was
19 taken while in custody to the hospital due to abdominal complaints. On June 9, 2017,
20 Harborview noted her to be a “nontoxic individual” who was 14 weeks pregnant according to
21 ultrasound. She was then returned to jail.

1 4.12 Charleena Lyles appeared in Mental Health Court on Tuesday, June 13, 2017
2 where she was ordered to be released from jail the next day with conditions. She was ordered to
3 possess no weapons and check-in with the court's Day Reporting Program every Tuesday and
4 Thursday and submit to random drug and alcohol testing. Her next court appearance was set for
5 June 27.

6 4.13 Four days after she was released from jail, on Father's Day Sunday June 18, 2017,
7 at 8:55 a.m. in the morning, Charleena Lyles called 911 for help stating that "an xbox was
8 missing" from her house and the door was open. She said the incident had occurred about three
9 hours earlier.

10 4.14 Defendant Anderson who was hired by SPD in 2015 and had eight hours of crisis
11 training responded to this call. When he arrived he recalled that he had been to the unit before.
12 He was not told by dispatch that there was an officer caution on Charleena Lyles. But because
13 he recalled her, he reviewed the police file and noted that Charleena Lyles had been flagged as
14 an officer safety caution. He called for additional assistance.

15 4.15 Defendant McNew then arrived. Defendant McNew was hired by the SPD in
16 2008 and had received forty hours of advanced crisis training (CIT). Defendant McNew asked if
17 she had been "flagged mental" and Defendant Anderson replied: no - just an officer safety
18 caution. This was incorrect. She had been flagged "mental."

19 4.16 There appears to be a question as to whether the SPD was dilatory in updating the
20 caution screen or if Defendant Anderson did not properly read it. The screen disseminated by
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1 SPD after the incident clearly read: “caution: assaultive to officers, mental, threats to officers,
2 weapon.”

3 4.17 The defendants were not responding to a burglary in process. There was no
4 imminent threat to life or safety involved at that point. Three hours had passed since the alleged
5 break in.

6
7 4.18 Defendant Anderson told Defendant McNew what he knew about the June 5,
8 2017 incident:

9 “She called for a DV. She let them in and then she started talking all
10 crazy about how she, the officers weren’t gonna leave. And she had a
11 giant pair of scissors and then started talking about her... So this gal, she
12 was the one making all these weird statements about how her and her
13 daughter are gonna turn into wolves, and this was on the 5th...Cause they
14 said she was fine at first and then they were inside with her and she had
15 this giant pair of scissor and wouldn’t put them down.”

16 4.19 The defendants spent a total of about 1 minute 15 second inside the vehicle before
17 exiting and approaching the apartment building. While walking they briefly discussed Charleena
18 Lyles, her prior concerning behavior and that she had four children living with her.

19 4.20 In discussing the details of the June 5 incident – including that Charleena Lyles
20 believed she would morph into a wolf - both officers were alerted to the issue of mental illness.
21 Officer McNew failed to utilize his special training at that point. Both officers should have
22 recognized the risk that Charleena might again act inappropriately due to mental illness.

23 4.21 In the few minutes between defendants meeting up and arriving at Charleena
24 Lyles’ door – zero time was spent coming up with any strategy or plan, in terms of interacting

1 with her or to ensure her safety and that of her young children. The defendants simply agreed
2 that they would make sure she was not between them and the door. Defendant Anderson took
3 the lead in interacting with her. But because he was CIT certified, Defendant McNew should
4 have taken lead.

5 4.22 At 9:36 a.m. according to the building surveillance camera, the officers were
6 welcomed by Charleena Lyles into her family's apartment. She described what had happened
7 and began showing them around. The police interaction with her mirrored the events of two
8 weeks before. Everything started off fine and low key. The children were playing and rolling
9 around on the floor. No distress was noted.

10
11 4.23 Charleena Lyles was not under the influence of drugs or alcohol.

12 4.24 Then Charleena Lyles changed completely in terms of her interaction with the
13 defendants. She made no threats or overtures towards her children. Her sole focus was on the
14 defendants. It didn't take a mental health expert to instantly comprehend that Charleena was
15 experiencing some sort of an involuntary mental-illness outburst just like what happened with
16 the scissors two weeks before.

17 4.25 Charleena Lyles was five foot three inches tall, 100 pounds, and four months
18 pregnant. She held a small knife and may have had a second one. She waved them around. The
19 two defendants were quite large. Defendant McNew is six foot two inches and 250 pounds.

20
21 4.26 When Charleena Lyles started waving the knife/knives around the defendants
22 completely lost their composure. This was complicated by the fact that Defendant Anderson
23 violated SPD rules by leaving his taser in his locker.

1 4.27 The defendants did not use de-escalation techniques with Charleena Lyles.

2 4.28 At the outset of the knife/knives appearing, Defendant McNew instructed
3 Defendant Anderson to tase Charleena Lyles. Defendant Anderson responded that he didn't
4 have his taser. Later Defendant Anderson would try to cover up this breach (SPM 8.300.2) by
5 saying he would not have used his taser anyway. That excuse fails in light of Defendant
6 McNew's clear direction for Defendant Anderson to use the taser during their interaction with
7 Charleena Lyles.

8 4.29 Defendant McNew didn't ask Defendant Anderson if he had a taser. Defendant
9 McNew knew Defendant Anderson was issued a taser and that he was required to have it on his
10 person at all times. Defendant McNew instructed Defendant Anderson to use his taser precisely
11 because Charleena Lyles was so tiny. It would quickly subdue her.

12 4.30 Caught off guard by Defendant Anderson's lack of a taser, Defendant McNew
13 mentally ran out of other options and pulled his gun. So did Defendant Anderson. They shouted
14 a few times for Charleena Lyles to "get back." But forgot to tell her to drop her weapon. Officer
15 McNew was so rattled he forgot what to say.

16 4.31 Since the officers were not standing in the same place but rather on different sides
17 of Charleena Lyles – their instructions to "get back" did not constitute a meaningful warning.
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19 4.32 After making no physical attempt to disarm Charleena Lyles, the defendants shot
20 and killed her in front of two of her children and within the hearing of a third child.
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22 4.31 The Medical Examiner determined that Charleena Lyles was shot seven times
23 both from the front and from the back.

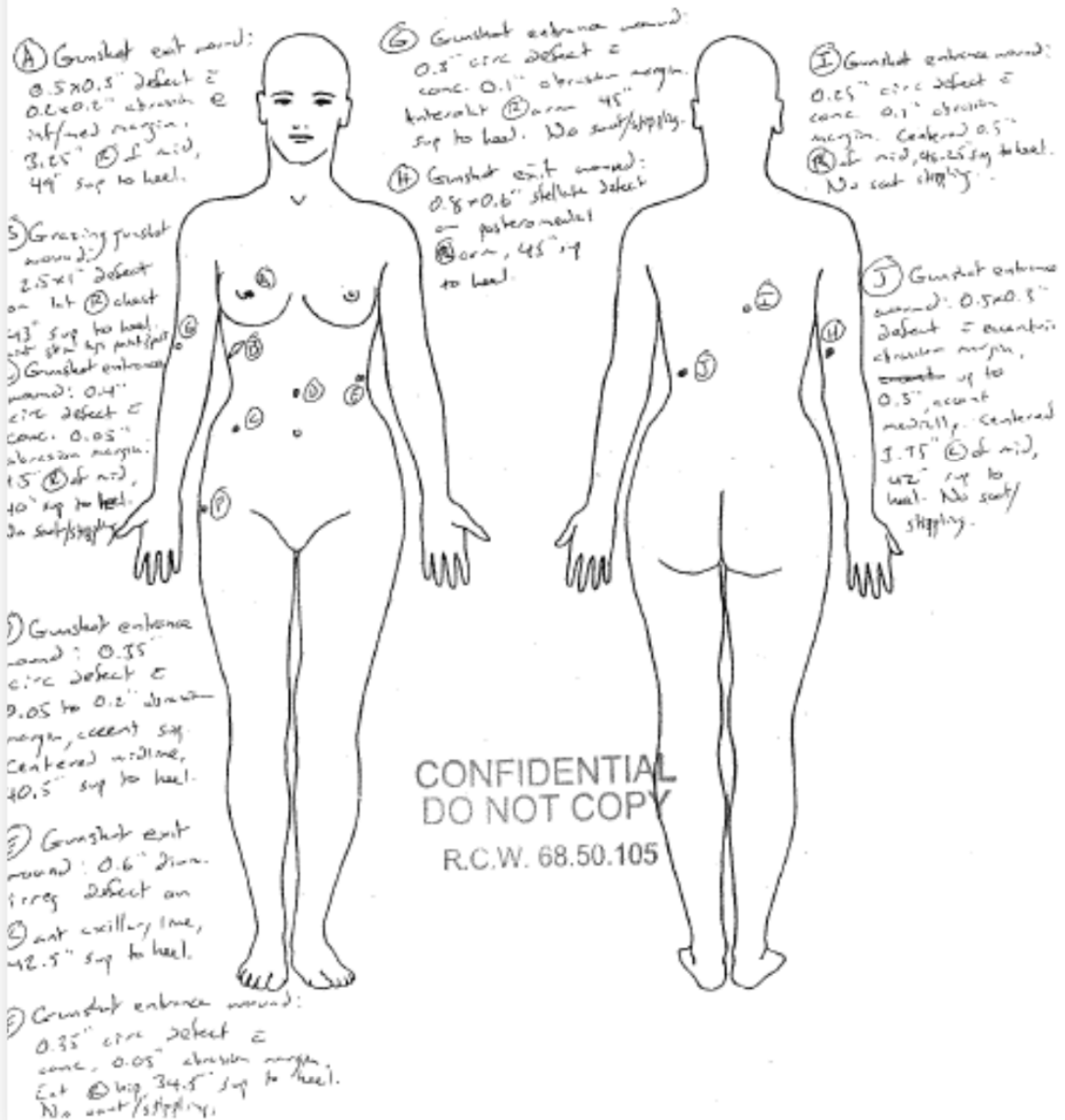


Case Number: 17-1206

Name: _____

Date: 6-19-17

Pathologist: BM



4.32 The bullets struck Charleena Lyles as follows:

| | | |
|----------|-------------------------|--|
| Bullet 1 | Shot from front to back | Enters middle of her stomach grazing the uterus lodging in the right pelvis |
| Bullet 2 | Shot from front to back | Enters right side of her stomach entering the uterus and the almost 4 month old fetus lodging in the left pelvis |
| Bullet 3 | Shot from back to front | Right side of her chest is grazed |
| Bullet 4 | Shot from front to back | Enters her right hip lodging in the right buttock |
| Bullet 5 | Shot from back to front | Enters right side of her back through a heart vein into the lung and exiting the right chest |
| Bullet 6 | Shot from back to front | Enters left side of her back exits on the left side of her abdominal wall |
| Bullet 7 | Shot from back to front | Enters her right arm and exits on the front |

4.33 The defendants watched as the baby crawled on top of his dying mother and clung to her. The four year old daughter with developmental delays remained seated in the living room. The eleven year old son emerged from the bedroom and was told go to back inside.

V. Causes of Action

5.1 Charleena Lyles' death was unnecessary, horrifying and preventable.

5.2 The actions of the defendants were:

- Unreasonable
- Negligent

- In violation of the State Constitution
- In violation of the Washington Law Against Discrimination

A. Negligence

5.3 Defendants acted objectively unreasonably and negligently when they: a) responded to Charleena Lyles' call for help without planning for her known mental illness including her belief that officers were devils and members of the KKK; b) failed to plan for de-escalation procedures should she experience a mental health outburst as she did two weeks before; c) failed to consider possible danger to children by a police visit; and d) shot and killed Charleena Lyles in the presence of her small children.

5.4 Defendants did not have probable cause to believe that Charleena Lyles posed a significant threat of death or serious physical injury to themselves or others at the time they used deadly force. Deadly force is not appropriate simply because a person is armed. Charleena Lyles had made no movements or threats towards her children. She did not cut anyone.

5.5 Defendants acted unreasonably and were negligent in responding to Charleena Lyles' call for help without first developing a plan based upon her known mental health problems and prior actions which required de-escalation.

5.6 Defendants failed to exercise reasonable care to perform their duties in responding to Charleena Lyles' call for help given her known mental health condition and in doing so increased Charleena Lyles' risk of harm and death.

1 5.7 Defendants acted unreasonably and were negligent for failing to command
2 Charleena Lyles to stand still or otherwise move in an appropriate direction. The command to
3 “get back” was inadequate where the defendants were both in front of and in back of her.

4 5.8 Defendants acted unreasonably when they negligently failed to command
5 Charleena Lyles to drop the knife/knives.

6
7 5.8 Defendants acted unreasonably when they negligently failed to warn Charleena
8 Lyles that they would shoot her.

9 5.8 Defendants acted unreasonably when they negligently failed to engage in de-
10 escalation techniques.

11 5.9 Defendants unreasonably and negligently failed to consider that Charleena Lyles’
12 mental illness weighed against the use of deadly force. Specific less-intrusive methods of
13 subduing her had been made available to the officers. In particular the use of a taser was
14 requested but unavailable due to one officer’s direct violation of SPD rules.

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16 5.10 Defendants unreasonably and negligently went into Charleena Lyles’ home with
17 guns but no taser.

18 5.11 Defendants had the duty to exercise the degree of skill, care and training expected
19 of a reasonably prudent police officer in the State of Washington acting under the same or
20 similar circumstances at the times in question.

21 5.12 Defendants failed to exercise that degree of skill, care and training expected of a
22 reasonable and prudent police officer and were therefore negligent.
23

1 5.13 Defendant Anderson acted unreasonably and negligently in failing to carry his
2 mandated taser.

3 5.14 Defendant McNew acted unreasonably and negligently in failing to first ensure
4 that weapons other than guns were available should de-escalation be necessary.

5 5.15 Defendants acted unreasonably and negligently in shooting Charleena Lyles seven
6 times in her own home, until she was dead, in the presence of three of her minor children.

7 5.16 As a direct and proximate result of Defendants' tortious conduct, Charleena Lyles
8 was killed.

9 5.17 As a direct and proximate result of Defendants' tortious conduct, Charleena
10 Lyles' three present children suffered severe emotional distress.

11 5.18 As a direct and proximate result of Defendants' tortious conduct, Charleena
12 Lyles' children suffered survivor injuries and damages in an amount to be proven at the time of
13 trial.

14 **B. Violation of the WLAD, and State Constitution**

15 5.19 Defendants were acting under color of State law.

16 5.20 Charleena Lyles had a constitutionally protected right to life under the
17 Washington State Constitution Article 1 Section 3.

18 5.21 Charleena Lyles was entitled to be treated without discrimination on the basis of
19 race under RCW 49.60.

20 5.22 Charleena Lyles was entitled to be treated without discrimination on the basis of
21 mental health disability under RCW 49.60.

5.23 The acts and omissions of the Defendants in responding to Charleena Lyles' non-urgent potential burglary call for help and ultimately shooting her dead constitutes recklessness, deliberate indifference and/or wanton and willful misconduct in regard to her constitutional rights.

5.24 Defendants acted in a manner that deprived Charleena Lyles of her constitutionally protected rights to be free of discrimination and to life; all in violation of the WSLAD and Washington State Constitution.

5.25 These rights are long-standing, were clearly established, and were at all times relevant.

VI. DAMAGES

6.1 As a direct and proximate result of the tortious conduct of the Defendants as described above, the Plaintiffs have suffered past and future economic and non-economic damages in an amount to be proven at trial as described below.

6.2 The Estate of Charleena Chavon Lyles, by and through her father Charles Lyles, as Personal Representative, suffered economic and non-economic damages, including pre-death pain and suffering, fear of death, loss of future potential earnings, and loss of enjoyment of life, in an amount to be proved at trial, including all damages as provided under RCW 4.20.010, RCW 4.20.046 and RCW 4.20.060.

6.3 The minor children, as the natural children of Decedent and according to RCW 4.20.020, suffered damages in an amount to be proven at trial, including the destruction of the parent/child relationship and all other damages as provided under RCW 4.20.010, RCW 4.20.046 and RCW 4.20.060.

1 6.4 The three youngest children who were present at the time their mother was killed
2 are entitled to damages for negligent infliction of emotional distress in an amount to be proved at
3 trial.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiffs pray for judgment against the Defendants jointly and severally
6 as follows:

- 7 1. For general and special damages sustained;
8 2. For costs, reasonable and statutory attorney fees, and other relief as established by
9 law;
10 3. For such other further relief as the Court deems just and equitable under the
11 circumstances of this case.

12 DATED this 8th day of September, 2017.

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16 _____
17 Karen K. Koehler, WSBA #15325
18 R. Travis Jameson, WSBA#45715
19 STRITMATTER KESSLER WHELAN
20 KOEHLER MOORE KAHLER

21 

22 _____
23 Edward H. Moore, WSBA #41583
24 LAW OFFICES OF EDWARD H. MOORE, PC