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IN THE SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

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

Plaintiffs,

v.

The City of Seattle, a Municipality; Jason M.  
Anderson and Steven A. McNew,  
individually,

Defendants.

NO. 17-2-23731-1 SEA

AMENDED COMPLAINT FOR CIVIL  
RIGHTS VIOLATIONS AND  
WRONGFUL DEATH ACTION

COME NOW Plaintiffs and allege as follows:

**Charleena Chavon Lyles**  
April 24, 1987 - June 18, 2017



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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 The City of Seattle is a first class city as described in [RCW 35.22.010](#) and is governed and organized in accordance with the Washington State Constitution [Article 11, Section 10, Amendment 40](#). The Seattle Police Department is established according to the City Charter Article VI.

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

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



1 randomized, stratified and statistically valid sample of SPD's use of force reports from Jan. 1,  
2 2009, to April 4, 2011, DOJ factual findings included:

- 3 • SPD officers used force in an unconstitutional manner nearly 20 percent of the time;
- 4 • SPD estimates that 70 percent of use of force encounters involved individuals with  
5 mental illnesses or under the influence of alcohol or drugs. In those encounters, SPD  
6 officers unnecessarily escalated situations and used excessive force when arresting  
7 individuals for minor offenses.
- 8 • More than half of the excessive force cases involved minority populations supporting  
9 allegations of discriminatory policing.

10  
11 4.3 SPD was given the option of working with the DOJ to correct these institutional  
12 failures or face a federal lawsuit. According to the DOJ report:

13 To create lasting reform, SPD must continue to develop and implement new force  
14 policies and protocols, and to train its officers on how to conduct effective and  
15 constitutional policing. In addition, SPD must implement systems that ensure  
16 accountability, foster police-community partnerships, and eliminate unlawful bias.

17  
18 4.4 SPD elected to work with the Department of Justice which negotiated and filed a  
19 Consent Decree to address the departmental failures on July 27, 2012, and separately entered into  
20 a settlement agreement on related issues on that same date. On September 21, 2012 Federal  
21 Court Judge James L. Robart modified and entered the Consent Decree.

22 4.5 SPD's mission, policies, and training emphasize: "the sanctity of all human life  
23 and the importance of treating all persons with dignity and respect."

1           4.6     At the core of SPD training is the requirement to use de-escalation tactics and  
2 techniques.

3           4.7     The SPD Manual (SPM sec. 8.000 through 8.2000) highlights officers'  
4 affirmative obligations to de-escalate prior to using force when reasonably safe and feasible.

5           4.8     Officers may only use force that is objectively reasonable, necessary, and  
6 proportionate to effectively bring a person under control.

7           4.9     Tracking contacts with people in crisis or suffering from mental-health issues is  
8 now supposed to be part of the [department's crisis-intervention program](#) which was approved  
9 Judge Robart in February 2014.

10          4.10    Recently, a Federal court-appointed monitor found [encouraging signs that the](#)  
11 [department had made significant progress in its reforms](#). The case of what happened to  
12 Charleena Lyles is therefore troubling.

13          4.11    In November 2015, with the help of Catholic Community Services, Charleena  
14 Lyles and her, then, three children (ranging in age from 2 to 10) settled into the Brettler Family  
15 Place in Magnuson Park which is operated by Solid Ground, an anti-poverty group that provides  
16 housing to vulnerable populations.

17          4.12    Charleena Lyles was the victim of repeated emotional and physical abuse partially  
18 described in police incident reports generally summarized as follows:

- 19
- 20           a.       November 11, 2015, Franklin Camphor (father of the two youngest  
21 children) chased her into hallway and either struck her or she hit the wall. She was  
22 noted to have bleeding above her left eye;
- 23

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

3           c.       December 28, 2015, Camphor threw a glass of juice into the ceiling,  
4 breaking it and she retreated into the bedroom;

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

7           e.       January 16, 2016, Camphor assaulted and threw a rock at her;

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

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

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

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

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

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

7  
8 4.13 In June of 2016 when Charleena Lyles obtained a no contact order against  
9 Camphor, she stated he had been violent for at least four of the eight years they had been  
10 together and was known to punch holes in walls, even hitting her while she was pregnant. “I feel  
11 so scared for my safety, and I just got out of the hospital from having our 6-days-old baby boy,  
12 and I had a c-section. I think he ripped my stitches open,” she wrote in her June 2nd petition for  
13 an order for protection. She ended by noting that she “didn’t see him changing.” She asked the  
14 court for help.

15 4.14 That same summer, Charleena began treatment at Sound Mental Health after a  
16 domestic violence arrest in Auburn involving an altercation with one of her half-sisters.  
17 Charleena Lyles acknowledged she needed counseling and thought she was suffering from  
18 depression. She was stressed that she would lose her home and that the state would take her  
19 children.

20 4.15 Between January 2017 and June 2017, twenty three (23) calls were made from  
21 Charleena Lyles’ apartment, including: 10 domestic disturbances; 4 domestic assaults, 3 reports  
22 of burglary, 2 child abuse/neglect, 1 threat, 1 welfare check, 1 missing child, and 1 follow up on  
23 a prior disturbance.

1           4.16    The 23 calls in a six month period were extraordinary in number and placed the  
2 Seattle Police Department (SPD) and other City agencies on notice that Charleena Lyles and her  
3 children were in an at risk situation.

4           4.17    On May 28, 2017, Jeffrey Butts, father of the two eldest children, grabbed her  
5 phone and smashed it when she tried to call 911. He then placed her in a chokehold and struck  
6 her with a closed fist.

7           4.18    On June 5, 2017, another physical domestic disturbance was reported to the SPD.  
8 Charleena Lyles told police she had been the victim of domestic violence. Shortly after arrival  
9 two officers (Legg and Bauer) requested immediate assistance. Charleena Lyles armed herself  
10 with extra-long, metal shears. She was making unusual comments such as wanting to “morph  
11 into a wolf” and talked about “cloning her daughter.” She was sure the police officers were  
12 devils and also members of the KKK. The officers drew their guns in the presence of her young  
13 children. The officers engaged in de-escalation techniques. She was instructed to drop the  
14 shears and move away from them. She did so. It was apparent to the officers that she had a  
15 mental health condition.  
16

17           4.19    Some of Charleena Lyles’ family members were later consulted and told the  
18 police that she had experienced a recent sudden and rapid decline in her mental health.

19           4.20    The officers arrested Charleena Lyles and booked her into jail for harassment.  
20 They recognized she was suffering from mental illness and recommended the case be forwarded  
21 to mental health court. She was not sent to the Crisis Solutions Center.  
22  
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1           4.21   Attorney Ashwin Kumar, public defender, appeared at the bail hearing in Seattle  
2 Municipal Court for the harassment and obstruction charges. He noted how fundamentally  
3 wrong it was that Charleena Lyles had called for help for domestic violence but was arrested  
4 instead. Specifically officers pulled their guns on her in the presence of her children and even  
5 though she was experiencing a mental health episode at the time.

6           4.22   Charleena Lyles pleaded not guilty and was jailed. It is unknown if she received  
7 mental health treatment or other mental health intervention during this time. However, she was  
8 taken while in custody to the hospital due to abdominal complaints. On June 9, 2017,  
9 Harborview noted her to be a “nontoxic individual” who was 14 weeks pregnant according to  
10 ultrasound. She was then returned to jail.

11           4.23   Charleena Lyles appeared in Mental Health Court on Tuesday, June 13, 2017  
12 where she was ordered to be released from jail the next day with conditions. She was ordered to  
13 possess no weapons and check-in with the court’s Day Reporting Program every Tuesday and  
14 Thursday and submit to random drug and alcohol testing. Her next court appearance was set for  
15 June 27.

16           4.24   Four days after she was released from jail, on Father’s Day Sunday June 18, 2017,  
17 at 8:55 a.m. in the morning, Charleena Lyles called 911 for help stating that “an Xbox was  
18 missing” from her house and the door was open. She said the incident had occurred about three  
19 hours earlier.  
20

21           4.25   Defendant Anderson who was hired by SPD in 2015 and had eight hours of crisis  
22 training responded to this call. When he arrived he recalled that he had been to the unit before.  
23

1 He was not told by dispatch that there was an officer caution on Charleena Lyles. But because  
2 he recalled her, he reviewed the police file and noted that Charleena Lyles had been flagged as  
3 an officer safety caution. He called for additional assistance.

4 4.26 Defendant McNew then arrived. Defendant McNew was hired by the SPD in  
5 2008 and had received forty hours of advanced crisis training (CIT). Defendant McNew asked if  
6 she had been “flagged mental” and Defendant Anderson replied: no - just an officer safety  
7 caution. This was incorrect. She had been flagged “mental”.

8 4.27 There appears to be a question as to whether the SPD was dilatory in updating the  
9 caution screen or if Defendant Anderson did not properly read it. The screen disseminated by  
10 SPD after the incident clearly read: “caution: assaultive to officers, mental, threats to officers,  
11 weapon.”

12 4.28 The defendants were not responding to a burglary in process. There was no  
13 imminent threat to life or safety involved at that point. Three hours had passed since the alleged  
14 break in.

15 4.29 Defendant Anderson told Defendant McNew what he knew about the June 5,  
16 2017 incident:

17 “She called for a DV. She let them in and then she started talking all  
18 crazy about how she, the officers weren’t gonna leave. And she had a  
19 giant pair of scissors and then started talking about her... So this gal, she  
20 was the one making all these weird statements about how her and her  
21 daughter are gonna turn into wolves, and this was on the 5<sup>th</sup>...Cause they  
22 said she was fine at first and then they were inside with her and she had  
23 this giant pair of scissor and wouldn’t put them down.”

1           4.30 Defendants McNew and Anderson spent a total of about 1 minute 15 second  
2 inside the vehicle before exiting and approaching the apartment building. While walking they  
3 briefly discussed Charleena Lyles, her prior concerning behavior and that she had four children  
4 living with her.

5           4.31 In discussing the details of the June 5 incident – including that Charleena Lyles  
6 believed she would morph into a wolf - both officers were alerted to the issue of mental illness.  
7 Officer McNew failed to utilize his special training at that point. Both officers should have  
8 recognized the risk that Charleena might again act inappropriately due to mental illness.

9           4.32 In the few minutes between defendants meeting up and arriving at Charleena  
10 Lyles' door – zero time was spent coming up with any strategy or plan, in terms of interacting  
11 with her or to ensure her safety and that of her young children. Defendants McNew and  
12 Anderson simply agreed that they would make sure she was not between them and the door.  
13 Defendant Anderson took the lead in interacting with her. But because he was CIT certified,  
14 Defendant McNew should have taken lead.

15           4.33 At 9:36 a.m., according to the building surveillance camera, the officers were  
16 welcomed by Charleena Lyles into her family's apartment. She described what had happened  
17 and began showing them around. The police interaction with her mirrored the events of two  
18 weeks before. Everything started off fine and low key. The children were playing and rolling  
19 around on the floor. No distress was noted.

20           4.34 Charleena Lyles was not under the influence of drugs or alcohol.  
21  
22  
23

1           4.35    Then Charleena Lyles changed completely in terms of her interaction with  
2 Defendants McNew and Anderson. She made no threats or overtures towards her children. Her  
3 sole focus was on Defendants McNew and Anderson. It didn't take a mental health expert to  
4 instantly comprehend that Charleena was experiencing some sort of an involuntary mental-  
5 illness outburst just like what happened with the scissors two weeks before.

6           4.36    Charleena Lyles was five foot three inches tall, 100 pounds, and four months  
7 pregnant. She held a small knife and may have had a second one. She waved them around. The  
8 two defendants were quite large. Defendant McNew is six foot two inches and 250 pounds.

9           4.37    When Charleena Lyles started waving the knife/knives around Defendants  
10 McNew and Anderson completely lost their composure. This was complicated by the fact that  
11 Defendant Anderson violated SPD rules by leaving his taser in his locker.

12           4.38    Defendants McNew and Anderson did not use de-escalation techniques with  
13 Charleena Lyles.

14           4.39    At the outset of the knife/knives appearing, Defendant McNew instructed  
15 Defendant Anderson to tase Charleena Lyles. Defendant Anderson responded that he didn't  
16 have his taser. Later Defendant Anderson would try to cover up this breach (SPM 8.300.2) by  
17 saying he would not have used his taser anyway. That excuse fails in light of Defendant  
18 McNew's clear direction for Defendant Anderson to use the taser during their interaction with  
19 Charleena Lyles.

20           4.40    Defendant McNew didn't ask Defendant Anderson if he had a taser. Defendant  
21 McNew knew Defendant Anderson was issued a taser and that he was required to have it on his  
22

1 person at all times. Defendant McNew instructed Defendant Anderson to use his taser precisely  
2 because Charleena Lyles was so tiny. It would quickly subdue her.

3 4.41 Caught off guard by Defendant Anderson’s lack of a taser, Defendant McNew  
4 mentally ran out of other options and pulled his gun. So did Defendant Anderson. They shouted  
5 a few times for Charleena Lyles to “get back.” But forgot to tell her to drop her weapon. Officer  
6 McNew was so rattled he forgot what to say.

7  
8 4.42 Since the officers were not standing in the same place but rather on different sides  
9 of Charleena Lyles – their instructions to “get back” did not constitute a meaningful warning.

10 4.43 After making no physical attempt to disarm Charleena Lyles, Defendants McNew  
11 and Anderson shot and killed her in front of two of her children and within the hearing of a third  
12 child.

13 4.44 The Medical Examiner determined that Charleena Lyles was shot seven times  
14 both from the front and from the back.

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Case Number: 17-1206

Name: \_\_\_\_\_

Date: 6-19-17

Pathologist: BM

A) Gunshot exit wound:  
0.5x0.5" defect ±  
0.2x0.2" abrasion ±  
irregular margin.  
3.25" @ L mid,  
49" sup to heel.

G) Gunshot entrance wound:  
0.3" circ defect ±  
conc. 0.1" abrasion margin.  
Interaxil @ arm 45"  
sup to heel. No scuff/shipping.

I) Gunshot entrance wound:  
0.25" circ defect ±  
conc. 0.1" abrasion  
margin. Centered 0.5"  
@ R mid, 46.25" sup to heel.  
No scuff/shipping.

S) Grazing gunshot  
wound:  
2.5x1" defect  
on lat @ chest  
43" sup to heel.  
Exit @ lat hip post/lat

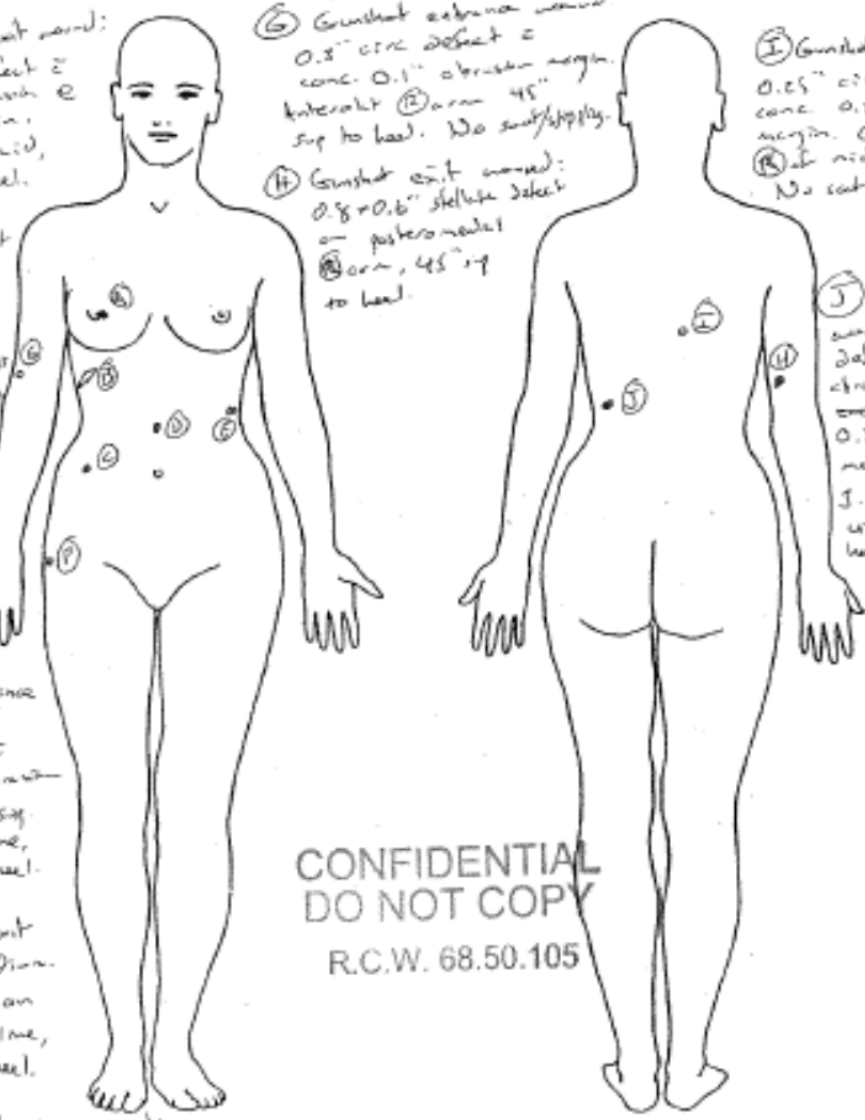
H) Gunshot exit wound:  
0.8x0.6" stellate defect  
on postero med  
@ arm, 45" sup  
to heel.

J) Gunshot entrance  
wound: 0.5x0.8"  
defect ± eccentric  
abrasion margin,  
extends up to  
0.5" above  
medially. Centered  
J. 75" @ R mid,  
42" sup to  
heel. No scuff/  
shipping.

D) Gunshot entrance  
wound: 0.35"  
circ defect ±  
0.05 to 0.2" abrasion  
margin, concent sup.  
Centered midline,  
40.5" sup to heel.

E) Gunshot exit  
wound: 0.6" diam.  
irreg defect on  
@ ant axillary line,  
42.5" sup to heel.

F) Gunshot entrance wound:  
0.35" circ defect ±  
conc. 0.05" abrasion margin.  
Exit @ hip 34.5" sup to heel.  
No scuff/shipping.



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1 4.45 The bullets struck Charleena Lyles as follows:

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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

15 4.46 Defendants McNew and Anderson watched as the baby crawled on top of his  
16 dying mother and clung to her. The four year old daughter with developmental delays remained  
17 seated in the living room. The eleven year old son emerged from the bedroom and was told to go  
18 to back inside.

19 **V. Causes of Action**

20 5.1 Charleena Lyles' death was unnecessary, horrifying and preventable.

21 5.2 The actions of the defendants were:

- 22
- 23
- Unreasonable

- 1 • Negligent
- 2 • In violation of the State Constitution
- 3 • In violation of the Washington Law Against Discrimination

4 **A. Negligence**

5  
6 5.3 Defendants acted objectively unreasonably and negligently when they: a)  
7 responded to Charleena Lyles' call for help without planning for her known mental illness  
8 including her belief that officers were devils and members of the KKK; b) failed to plan for de-  
9 escalation procedures should she experience a mental health outburst as she did two weeks  
10 before; c) failed to consider possible danger to children by a police visit; and d) shot and killed  
11 Charleena Lyles in the presence of her small children.

12 5.4 Defendants did not have probable cause to believe that Charleena Lyles posed a  
13 significant threat of death or serious physical injury to themselves or others at the time they used  
14 deadly force. Deadly force is not appropriate simply because a person is armed. Charleena  
15 Lyles had made no movements or threats towards her children. She did not cut anyone.

16 5.5 Defendants acted unreasonably and were negligent in responding to Charleena  
17 Lyles' call for help without first developing a plan based upon her known mental health  
18 problems and prior actions which required de-escalation.

19 5.6 Defendants failed to exercise reasonable care to perform their duties in  
20 responding to Charleena Lyles' call for help given her known mental health condition and in  
21 doing so increased Charleena Lyles' risk of harm and death.  
22



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 Defendants McNew and Anderson were both in front of and in  
4 back of her.

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

7  
8           5.9     Defendants acted unreasonably when they negligently failed to warn Charleena  
9 Lyles that they would shoot her.

10          5.10    Defendants acted unreasonably when they negligently failed to engage in de-  
11 escalation techniques.

12          5.11    Defendants unreasonably and negligently failed to consider that Charleena Lyles’  
13 mental illness weighed against the use of deadly force. Specific less-intrusive methods of  
14 subduing her had been made available to the officers. In particular the use of a taser was  
15 requested but unavailable due to one officer’s direct violation of SPD rules.

16  
17          5.12    Defendants unreasonably and negligently went into Charleena Lyles’ home with  
18 guns but no taser.

19          5.13    Defendants had the duty to exercise the degree of skill, care and training expected  
20 of a reasonably prudent police officer in the State of Washington acting under the same or  
21 similar circumstances at the times in question.

1           5.14 Defendants failed to exercise that degree of skill, care and training expected of a  
2 reasonable and prudent police officer and were therefore negligent.

3           5.15 Defendant Anderson acted unreasonably and negligently in failing to carry his  
4 mandated taser.

5           5.16 Defendant McNew acted unreasonably and negligently in failing to first ensure  
6 that weapons other than guns were available should de-escalation be necessary.  
7

8           5.17 Defendants acted unreasonably and negligently in shooting Charleena Lyles seven  
9 times in her own home, until she was dead, in the presence of three of her minor children.

10           5.18 Defendants McNew and Anderson assaulted Charleena Lyles.

11           5.19 Defendant City of Seattle was negligent for its actions as described above.

12           5.20 Defendant City of Seattle is vicariously liable for the acts and/or omissions of  
13 Defendants McNew and Anderson.  
14

15           5.21 As a direct and proximate result of Defendants' tortious conduct, Charleena Lyles  
16 was killed.  
17

18           5.22 As a direct and proximate result of Defendants' tortious conduct, Charleena  
19 Lyles' three present children suffered severe emotional distress.

20           5.23 As a direct and proximate result of Defendants' tortious conduct, Charleena  
21 Lyles' children suffered survivor injuries and damages in an amount to be proven at the time of  
22 trial.  
23





1 DATED this 12th day of October, 2017.

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4  
5 \_\_\_\_\_  
6 Karen K. Koehler, WSBA #15325  
7 R. Travis Jameson, WSBA#45715  
8 STRITMATTER KESSLER WHELAN  
9 KOEHLER MOORE KAHLER

10 

11 \_\_\_\_\_  
12 Edward H. Moore, WSBA #41583  
13 LAW OFFICES OF EDWARD H. MOORE, PC

CERTIFICATION

I hereby certify that on October 12, 2017, I delivered a copy of the document to which this certification is attached for delivery to all counsel of record as follows:

Robert L. Christie, WSBA #10895 Christie Law Group 2100 Westlake Ave N, Ste 206 Seattle, WA 98109-5802 Counsel for Defendants McNew and Anderson	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Fax <input type="checkbox"/> Legal messenger <input checked="" type="checkbox"/> Electronic Delivery (per KCLR 30 via KCSC e filing system)
---	--

s/ Elodie Daquila  
 Elodie Daquila  
 Paralegal  
 STRITMATTER KESSLER WHELAN  
 KOEHLER MOORE KAHLER