

Councilmember Questions to SPD Regarding the Death of Charleena Lyles

Submitted to SPD June 20 to June 26, 2017

Historical Data

1. Please list the last 10 fatal officer-involved shootings in Seattle, with the following information:
 - a. Date of the shooting
 - b. Name, race, and demographic information of the person killed
 - c. Name and precinct of the officers who fired shots, and the officers' records, including all Type I, Type II, and Type III uses of force, any OPA complaints, and any findings of excessive use of force

Discipline

2. What is the penalty for using lethal force when non-lethal force is clearly an option?

Policy

3. Are Seattle officers required to use less lethal force whenever possible?
4. In Crosscut, Norm Stamper was quoted saying, "Officers have been trained that if somebody approaches within 21-feet of you, you must fire." Is this an accurate description of the SPD's policy?
5. The same article quotes Deputy Joe Winters as follows: "We have to go one step higher" ... "If the perpetrator has a stick, we use a taser; if [he or she] has a knife, we use a gun." Is that an accurate description of the SPD use-of-force policy?
6. How is it determined which less-lethal weapon is issued to an officer? Officer discretion? Based on training? Supervisor discretion? If this is determined by a written policy or directive, please provide a copy of the written policy or directive.
 - a. What is the policy on which officers are issued tasers?
 - b. Why don't we require all cops to carry tasers?
7. Please describe officer safety cautions and mental cautions, and the policy on how they are applied.
8. Please describe how officers are supposed to respond when in pairs faced with a situation like a knife, particularly with regard to their use of lethal and less-lethal tools, and particularly if the person may have mental health issues.
 - a. How do policies or training address these situations where children are present?
9. Please provide the guidelines used for when CIT certified officers are supposed to be requested to respond to a scene.

Training

10. Please describe the training construct for SPD officers (i.e., initial training versus department training).
11. Are Seattle officers trained to retreat from a dangerous situation rather than engaging, if engaging could harm someone and/or result in a possible fatality?
12. What are officers trained to do when faced with a knife? Are they supposed to draw their weapon? Are officers trained to disarm a person holding a knife without resorting to firearms? With Tasers? With batons? With mace? With hand-to-hand combat? (see also Policy Question #8)
 - a. Based on officer statements, it is not clear that having a TASER or using it would have made a difference in the Lyle's incident. For example, in the Le shooting by the King Co Sheriff's Office in Burien two weeks ago, and in the March incident with the man with a knife downtown (whom officers eventually persuaded to drop the knife he was wielding), the individuals reportedly *were* tased with no effect. The idea that Charleena Lyles would be alive if these officers had tased her and had used them is not necessarily true. Officers' statements that they had not had effective training on how to disarm a person with a knife seems like the heart of the matter. According to their statements, they were confronted with potentially deadly force in close quarters with no warning and with no apparent cause or trigger. They seem to have had no training on what to do under these circumstances other than shoot. If that is true, is that response consistent with officer training? How could officers be trained differently in responding to similar circumstances in the future?
 - b. Officer McNew did think about TASER use (asking Officer Anderson to "tase her" according to the transcript of the encounter); and he was the CIT-certified officer. Are there elements of CIT certification training that effectively override or provide an alternative to the TASER training instruction to discard

the TASER and draw a gun if confronting a person with a knife? (and is that an accurate description of what is instructed in the TASER training?)

13. Are Seattle officers trained to shoot to kill, or are officers ever trained to shoot to wound, such as a shot to the leg?
14. How would officers have resolved the situation if they were not carrying guns?
15. What is the process for CIT and de-escalation training? (Who is trained, how are certified CIT officers selected, how many hours of CIT and how many hours of de-escalation training do officers receive, etc.)

Case Details

16. It has been reported that neither officer had a TASER issued to them as a less-lethal weapon option. Please confirm whether that is true or not. (See also related Policy Question #6)
 - a. With regard to the SPD's TASER policy, it is my understanding that all officers who are TASER trained and issued a TASER must carry that tool (SPM 8.300.2 "Uniformed officers who have been issued a CEW shall carry it"). Please confirm if this is true or not.
 - b. In recent media, the Chief stated that officers have a "choice" of less lethal tools (baton, pepper spray or TASER). How do we reconcile this statement with the TASER policy as I've described it above. If TASERS must be carried once an officer is trained and the tool is issued, then does that mean that TASERS are not optional?
 - c. Why shouldn't all officers be TASER trained and issued TASERS? How is it that a 10-year veteran, like Officer McNew, was NOT TASER trained?
17. What less-lethal weapon (baton, pepper spray, TASER) were on the officers' person during this incident?
18. Did both officers fire their weapons?
19. Why didn't the officers verbally tell her to drop the weapon?
20. How many times were officers called to the property in the last year and for what reasons?
21. Was the entire loop of information sharing used as it should be in accordance with CIT expectations, such as information about prior encounters with the victim?
22. Was there supposed to be a mental caution on the victim, and if so, was there one?
23. Was the CRT crisis response team utilized? If not, why not? Who made the decision to send two officers rather than a CRT and why was that decision made? Was the victim a CRT case?
24. Apparently the responding officers were CIT trained, but did anyone request that CIT certified officers respond? Were they supposed to by policy? Were they supposed to ask for any other additional support from mental health professionals?
25. Was a call made to the Crisis Clinic?

Investigation/Response to Shooting

26. Please explain the sequence of next steps (investigation, inquest, etc.) and any estimates of timelines that are available.
 - a. Will the investigation look into or make a determination on whether the officers' judgment to use deadly force were affected by the victim's race or prior history?
27. Please describe the policy and procedures that were triggered immediately after the officer-involved shooting, including their genesis.
28. Were these policies and procedures followed by all those who bear a responsibility to comply with those court-approved policies?
29. Where in the process are we and how long will that work take before a result is made public?

Looking Forward

30. How would the SPD recommend changing the use-of-force policy or other policies so that situations in the future can be resolved without the loss of life?
31. What events and programs does SPD currently have that are utilized to build/re-build community trust? Why don't we have more events where officers and community can begin to rebuild trust?
32. What community outreach has SPD engaged in since the shooting? What else does SPD intend to do to be open, accessible and responsive to community and/or officer concerns about this shooting and its aftermath?
33. How can we create more safety and security in the park without needing to increase police presence?
34. How do we prevent this from happening again to others in moments of mental health crisis?