

**In-Custody Death of
Wardell Sims**

Kent Police Department, #2017-9349



King County Prosecuting Attorney
Public Integrity Team

November 22, 2022



DECLINE MEMORANDUM

In-Custody Death of *Wardell Sims*

I. Introduction:

On June 15, 2017, Wardell Sims, an inmate at the Regional Justice Center jail in Kent, died after suffering a seizure and falling off of the top bunkbed in his jail cell. The medical examiner ruled the manner of death an accident.

The King County Prosecuting Attorney's role is to ensure that the in-custody death investigation is thorough and complete, determine whether sufficient admissible evidence exists to support filing criminal charges, and inform the King County Executive whether an inquest should be initiated. (Executive Order PHL 7-1-5 EO). An inquest is required when any action by law enforcement might have contributed to an individual's death. (King County Charter Section 895).

The Public Integrity Team has determined that the investigation of June 15, 2017 in-custody death of Wardell Sims is complete. Based on a thorough review, the Team has concluded that the evidence is insufficient to support criminal charges against any King County Correctional Facility officer or jail staff. Accordingly, the KCPAO is declining to file criminal charges in this matter based on the evidence presently available.

After a careful review of these materials, pursuant to Executive Order PHL-7-1-5-EO, we recommend an inquest be initiated.

II. Factual Summary:

On June 15, 2017, the subject, Wardell Sims, a 52-year-old man, was in custody at the Regional Justice Center jail in Kent after being arrested on a Department of Corrections hold. During his first night in jail, he suffered a seizure while sleeping and fell face first approximately 5 feet off of his top bunk, which broke his neck causing him to die.

The Medical Examiner stated that the cause of death is cervical vertebral fracture with spinal cord contusion due to blunt force injury of the head and neck. The manner of death is classified as an accident.

Sims was booked at 11:00 AM. During the booking process Corrections Program Specialist (CPS) 1 asked Mr. Sims if he had any medical, drug, alcohol, PREA or safety concerns. According to CPS 1, Mr. Sims responded no to each question. CPS 1 relayed this information to CPS 2 who booked Sims and entered his classification status into the jail computer system.

Inmate 1 was Mr. Sims' cellmate in the jailcell he passed away in, # K043. Inmate 1 told investigators that at 1:00 PM, Sims was assigned to his cell. The bottom bunkbed was assigned to Inmate 1 and the top bunkbed was assigned to Sims. Inmate 1 said that Sims immediately complained to Corrections Officer 1 and Corrections Officer 2 about his bed assignment stating that a medical condition prevented him from sleeping on the top bunk and that he wanted to be in a single cell. Corrections Officer 1 said that at the time he believed Mr. Sims was manipulating the system. Corrections Officer 1 stated that he personally checked Mr. Sims classification and deck card and no such restriction was mentioned. Corrections Officer 1 and Corrections Officer 2 told Sims that K-Unit was a double-bunk unit and they did not have authority to change bed assignments. They went on to advise Mr. Sims to fill out a green classification kit and medical request, which is necessary for a bed reassignment. Sims did not do that, nor did he ask Inmate 1 to switch beds. At 5:30 PM, Sims asked Corrections Officer 1 why he had not been moved. Corrections Officer 1 repeated that Sims needed to fill out the green kite. Sims became angry. Corrections Officer 1 asked Sims if he wanted to speak to Jail Health Services (JHS), but Sims was too upset to respond so Corrections Officer 1 walked away. Sims did not speak with JHS during the 9:00 PM medicine distribution or medical checks.

Inmate 1 told investigators that Sims fell asleep around 11:00 PM. At around 12:50 AM, Inmate 1 then heard Mr. Sims having what appeared to be a seizure. Inmate 1 stood up out of his bed to observe Mr. Sims convulsing. Inmate 1 banged on the jailcell door to notify jail staff that there was a medical emergency all the while trying to prevent Sims from falling off of his bed. Corrections Officer 3 responded, but Inmate 1 said that he immediately left without an explanation. Corrections Officer 3 told investigators that he tried to open the cell door with his keys but was unsuccessful, so he went to the staff station to open the jail cell door with the touch screen. In the meantime, Inmate 1 lost control of Mr. Sims who fell off the top bunkbed to his death. When Corrections Officer 3 returned Mr. Sims was face first on the floor in a pool of blood. Lifesaving aid was given, but Mr. Sims' passed away at the hospital that day due to his injuries.

There is no video surveillance of the incident.

III. Legal Analysis:

The King County Medical Examiner ruled Mr. Sims' death to be an accident. There is no evidence to call this conclusion into question. As a result, no criminal charges are appropriate.

IV. Inquest Recommendation:

After a careful review of these materials, we are satisfied that the investigation is now complete. Pursuant to Executive Order PHL-7-1-5-EO, we recommend an inquest be initiated because we have not identified any factors or circumstances under §6.1, or any other reasons, that indicate that an inquest is not warranted.