

**In-Custody Death of
Erick Hernandez-Mendoza**

Seattle Police Department, Force Investigation Team
#2022FIT-0002



King County Prosecuting Attorney
Public Integrity Team

March 15, 2024



DECLINE MEMORANDUM

In-Custody Death of Erick Hernandez-Mendoza

I. INTRODUCTION

On February 4, 2022, inmate Erick Hernandez-Mendoza (DOB 08/13/1987) (Subject) died at the King County Jail (KCJ) as a result of a methamphetamine overdose. The day prior to his death, the Subject was transferred from SCORE Jail in Kent to KCJ in Seattle. The staff at SCORE allowed the subject to change back into his street clothing before he was transported to KCJ. Hidden in the Subject's pants was an eight ball (approximately 3.5g) of methamphetamine. The subject later told inmates at KCJ that he ingested the eight ball during transport so it would not be confiscated by KCJ staff. The medical examiner ruled the death an accident caused by methamphetamine overdose.

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 the February 4, 2022 in-custody death is complete at this time. Based on a thorough review, the Team has concluded that the evidence is insufficient to support criminal charges against any SCORE Jail or King

County Jail corrections officer (CO) 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. EVIDENCE REVIEWED

In drafting this memorandum, KCPAO reviewed the police reports, autopsy report, toxicology report, videos, photographs, interviews, jail records, jail policies, fire department reports, health records, and jail calls.

III. FACTS

Subject Erick B. Hernandez-Mendoza was arrested by Department of Corrections (DOC) Officer 1 and booked into SCORE Jail on January 19, 2022 where he served a 15-day sentence for violating a term of his community custody. According to jail paperwork, the arrest was not drug related. SCORE policy requires a new inmate's person and property to be searched upon booking and once again if they are transferred to another jail.¹ Jail paperwork shows that Mr. Hernandez-Mendoza was booked by SCORE Corrections Officer 1. He was also strip searched. The Subject remained at SCORE until 11:16 PM on February 3, 2022, when he was transferred to the KCJ for an outstanding felony warrant related to a possession of a stolen vehicle charge. Prior to being transported to KCJ by SCORE Corrections Officer 2, Mr. Hernandez-Mendoza was permitted to change back into the clothing he wore when he was initially booked into jail. The SCORE paperwork shows that SCORE Corrections Officer 1 initially booked the Subject's property and SCORE Corrections Officer 2 released the property upon transfer to KCJ. SCORE's booking and release paperwork for the Subject does not state whether either CO searched the Subject's property.

Mr. Hernandez-Mendoza arrived in the KCJ sallyport at 12:02 AM on February 4, 2022. At 12:43 AM Subject Hernandez-Mendoza is captured on KCJ surveillance video being led to the pre-booking area and escorted to the counter. Two minutes later a KCJ officer conducted a

¹ See. SCORE Policy No. 504, 528 & 536.

search of Subject Hernandez-Mendoza's clothing, turning the front pockets on his pants inside out. Subject Hernandez-Mendoza was then escorted to a changing room without video to change into a red KCJ inmate uniform. He did not appear to be unstable on his feet, like he would later appear.



Figure: Left, taken during the pre-booking process, Mr. Hernandez-Mendoza is in the white shirt and black pants being searched by a KCJ officer. Right, Mr. Hernandez-Mendoza being escorted to change into a jail uniform. The changing room is on the left with the racks of jail uniforms. His pants pockets can be seen turned inside out as a result of the search.

Mr. Hernandez-Mendoza was then seen being escorted to a holding cell out of camera view at approximately 12:48 AM. At approximately 1:41 AM the subject exited the holding cell he had been placed in and was escorted by a KCJ officer to the Automated Fingerprint Identification System area where photographs and fingerprints were taken. At approximately 1:47 AM Subject Hernandez-Mendoza was placed in a holding cell area out of camera view. It appeared to be a different holding cell than he was in previously. At approximately 3:51 AM Subject Hernandez-Mendoza exited the holding cell and was escorted out of camera view by a Jail Health Services (JHS) employee. At approximately 4:15 AM Subject Hernandez-Mendoza was escorted by a KCJ officer to the 9th floor, south area. At approximately 4:22 AM, Subject Hernandez-Mendoza, and another inmate, arrived at the 9 South deck officer station.

KCJ Corrections Officer 1, the deck officer at that time, stated that when they arrived, the inmate who was with Subject Hernandez-Mendoza, told him that Subject Hernandez-Mendoza was diabetic. KCJ Corrections Officer 1 stated that he assigned Subject Hernandez-Mendoza to 9 South Upper B so he could observe him. At approximately 4:36 AM, Jail Nurse 1 arrived at 9 South 4. KCJ Corrections Officer 1 asked Jail Nurse 1 to check on Subject Hernandez-Mendoza.

Jail Nurse 1 asked Subject Hernandez-Mendoza to walk down the stairs past the deck officer station. KCJ Corrections Officer 1 stated that Subject Hernandez-Mendoza appeared to be unstable on his feet while walking, so he asked Jail Nurse 1 to check on Subject Hernandez-Mendoza.

At approximately 4:49 AM, KCJ Corrections Officer 2 arrived at 9 South to relieve KCJ Corrections Officer 1 for his 15-minute break. KCJ Corrections Officer 2 stated that Subject Hernandez-Mendoza appeared to be unstable on his feet and was directed to sit on a pile of mattresses so Jail Nurse 1 could evaluate him. KCJ Corrections Officer 2 also stated that Subject Hernandez-Mendoza was shaking, clenching his fists, tensing his muscles, and appeared to not feel well. KCJ Corrections Officer 1 then went on his 15-minute break. Jail Nurse 1 approached Subject Hernandez-Mendoza and conducted a check of his blood sugar. Jail Nurse 1 further stated that Subject Hernandez-Mendoza's blood sugar level was 555 and that he needed insulin. Subject Hernandez-Mendoza then moved to his bed.

At approximately 4:58 AM, KCJ Sergeant 1 arrived at 9 South. At approximately 5:02 AM, Jail Nurse 1 administered insulin in Subject Hernandez-Mendoza's left arm. Jail Nurse 1 then asked Subject Hernandez-Mendoza to provide a urine sample. KCJ Corrections Officer 2 stated that Subject Hernandez-Mendoza agreed, but returned the cup and said he was unable to provide a sample. KCJ Corrections Officer 2 attempted to convince Subject Hernandez-Mendoza to provide a sample, to which he said he would eventually. KCJ Corrections Officer 2 stated he asked Subject Hernandez-Mendoza several times if he was on any drugs. The Subject Hernandez-Mendoza repeatedly stated "No," then stated his condition was related to being diabetic. KCJ Corrections Officer 1 returned from his break and was briefed by KCJ Corrections Officer 2, who gave him the urine cup. KCJ Corrections Officer 1 stated that sometime after Jail Nurse 1 and KCJ Corrections Officer 2 had left, Subject Hernandez-Mendoza pressed the help "button" and indicated he needed to urinate. KCJ Corrections Officer 1 stated that he gave Subject Hernandez-Mendoza the urine cup and observed while he was in the bathroom. He stated Subject Hernandez-Mendoza came out and advised him that he was unable to urinate and asked if he could leave the cup. KCJ Corrections Officer 1 told Subject Hernandez-Mendoza to let him know when he was able to urinate and he would give him the urine cup back. Subject Hernandez-Mendoza walked back to his bed and laid down at approximately 5:15 AM.

At approximately 5:16 AM, Subject Hernandez-Mendoza got out of bed and went to the bathroom. KCJ Corrections Officer 1 stated that inmates in the cell informed him that Subject Hernandez-Mendoza looked unwell and asked him to call the nurse. KCJ Corrections Officer 1 stated he called Jail Nurse 1 who told KCJ Corrections Officer 1 to transfer Subject Hernandez-Mendoza to 7 South.

At approximately 5:19 AM, KCJ Corrections Officer 1 called KCJ Corrections Officer 2 to facilitate the transfer. When KCJ Corrections Officer 2 arrived at 9 south Upper B, he found Subject Hernandez-Mendoza sitting on a toilet rocking back-and-forth. KCJ Corrections Officer 2 stated Subject Hernandez-Mendoza was visibly shaking and clenching his fists. KCJ Corrections Officer 2 stated another inmate approached him and said that Subject Hernandez-Mendoza "took some meth." KCJ Corrections Officer 2 stated that he immediately called KCJ Sergeant 1 to 9 South. He then walked to the 9 South deck officer station and briefed KCJ Corrections Officer 1, who contacted Jail Nurse 1. Jail Nurse 1 stated that at approximately 5:25 AM, he got a call from a CO and was advised that Subject Hernandez-Mendoza may have ingested meth. Jail Nurse 1 instructed the CO to prepare the inmate for transfer to Harborview Medical Center. KCJ Corrections Officer 2 stated that he briefed KCJ Sergeant 1 upon her arrival.

KCJ Corrections Officer 2 stated that while he was briefing KCJ Sergeant 1, an inmate in 9 South Upper B got his attention and informed him that Subject Hernandez-Mendoza had fallen to the floor. KCJ Corrections Officer 2 stated he immediately went into 9 South Upper B, followed by KCJ Sergeant 1. He stated that he found Subject Hernandez-Mendoza in the bathroom, on the ground, facing the wall and appearing to have a seizure. KCJ Sergeant 1 requested a Medical Status II to 9 South Upper B. At approximately 5:33 AM all the inmates in 9 South Upper B were then escorted to the multipurpose room by KCJ Corrections Officer 3. While the other inmates were being moved out of 9 South Upper B, JHS nurses arrived and began assessing Subject Hernandez-Mendoza in the bathroom. At approximately 5:35 AM, JHS nurses assisted Subject Hernandez-Mendoza from the bathroom to his bed.



Figures: Mr. Hernandez-Mendoza in the orange jail uniform being escorted from the bathroom on the right out of the frame to his bed in the center of the room.

At approximately 5:36 AM, the Seattle Fire Department (SFD) was contacted, and their response was requested. During that time JHS nurses began assessing Subject Hernandez-Mendoza. Subject Hernandez-Mendoza was sitting upright in his bed while the nurses were checking his vital signs. KCJ Corrections Officer 2 stated Subject Hernandez-Mendoza was shaking and tensing his arms and legs, but he did not appear to be resisting medical attention. Multiple corrections officers had to assist in holding him in place so the JHS nurses could check his vitals.



Figure: JHS staff providing Mr. Hernandez-Mendoza medical attention as he tenses his arms.

KCJ Corrections Officer 4 arrived at 9 South Upper B, stating that KCJ Sergeant 1 asked her to assist in laying Subject Hernandez-Mendoza down so the JHS Nurses could continue getting Subject Hernandez-Mendoza's vitals. She went on to state that she observed Subject Hernandez-Mendoza appear to stop breathing. She stated that she notified the JHS nurses, who

appeared to be searching for something on their medical cart. She then stated that one of the JHS nurses said to Subject Hernandez-Mendoza, "Hernandez stop holding your breath." KCJ Corrections Officer 4 stated she then shook Subject Hernandez-Mendoza as his eyes began to roll back in his head and instructed him to breathe. During that time, KCJ Corrections Officer 2 stated that Subject Hernandez-Mendoza became progressively less tense. KCJ Corrections Officer 4 stated she instructed Subject Hernandez-Mendoza to breathe, and he became alert for a moment and looked at her. KCJ Corrections Officer 4 stated that she told Subject Hernandez-Mendoza to "hang on." She went on to state that Subject Hernandez-Mendoza again appeared to have trouble breathing, his eyes again rolled back in his head and he began to turn blue. KCJ Corrections Officer 4 stated that she again informed the medical staff that Subject Hernandez-Mendoza was not breathing. KCJ Corrections Officer 2 stated that JHS nurses evaluated Subject Hernandez-Mendoza's breathing and failed to detect a pulse.

At that time, the situation was upgraded to a Medical Status III. JHS nurses then directed officers to move Subject Hernandez-Mendoza to the floor and begin CPR. At approximately 5:40 AM, Subject Hernandez-Mendoza was moved to the floor and KCJ Corrections Officer 2 began administering CPR. Jail Nurses 1 and 2 stated they each administered a dose of Narcan to Subject Hernandez-Mendoza. Jail Nurse 3 stated that when she arrived, someone requested the Subject Hernandez-Mendoza's blood sugar level be checked. She stated she checked his blood sugar using a glucometer stating that she had to "stick" his finger three times to get a blood sample. She went on to state that the glucometer read "HI" which meant Subject Hernandez-Mendoza's blood sugar was at 600 or higher. She then attached a pulse oximeter on one of Subject Hernandez-Mendoza's fingers before being relieved. KCJ Corrections Officer 2 stated after approximately two to three minutes of administering CPR, he was relieved by KCJ Corrections Officer 3 who continued administering CPR to Subject Hernandez-Mendoza followed by KCJ Corrections Officer 5, KCJ Corrections Officer 6, and KCJ Corrections Officer 7.

While KCJ Corrections Officer 7 was administering CPR to Subject Hernandez-Mendoza, Jail Nurse 1 stated that an AED was necessary. Subject Hernandez-Mendoza's shirt was cut, and two AED pads were placed on Subject Hernandez-Mendoza's chest. After Subject Hernandez-Mendoza's heartrate was analyzed, the AED advised "no shock advised." CPR was

continued. At approximately 5:45 AM, SFD arrived at 9 South Upper B and moved Subject Hernandez-Mendoza to a more open space in the room and took over lifesaving efforts. At approximately 5:48 AM the AED was used again to analyze Subject Hernandez-Mendoza's heartrate. As before, the AED advised "no shock advised." At approximately 5:51 AM more SFD members arrived and continued lifesaving efforts. At approximately 6:15 AM SFD discontinued lifesaving efforts and declared Subject Hernandez-Mendoza deceased. At approximately 6:17 AM, KCJ Sergeant 2 called 911 to report the in-custody death. He requested the Seattle Police Department (SPD) Force Investigation Team (FIT) respond to conduct the investigation.

Cellmates of the Subject were later interviewed. Witness Civilian 1, who was one of the inmates in 9 South Upper B, provided a statement to FIT. Witness Civilian 1 stated that Subject Hernandez-Mendoza arrived with another inmate and that as soon as Subject Hernandez-Mendoza arrived, he was, "shaking like a leaf," and trying to stop himself from seizing up. He stated that he recognized Subject Hernandez-Mendoza from SCORE and asked him what was wrong. He stated that Subject Hernandez-Mendoza told him that he did not take his medicine. Witness Civilian 1 stated that he recognized Subject Hernandez-Mendoza was "super high." He stated that a deck officer asked Subject Hernandez-Mendoza what was wrong, and Subject Hernandez-Mendoza said, "I'm fine." He stated that Subject Hernandez-Mendoza told them he was diabetic. A nurse came in and tested his blood sugar level, which was high. He stated that the nurse came back and gave him a shot of insulin and left. He stated that Subject Hernandez-Mendoza began getting worse and started vomiting. Witness Civilian 1 stated that one of the guards came in and said something to the effect of, "I've been dealing with this for 25 years, you can't overdose from meth." Witness Civilian 1 said that he knew that was not true. Witness Civilian 1 stated that Subject Hernandez-Mendoza kept telling the guards and nurses that he was fine. He stated that Subject Hernandez-Mendoza fell off the toilet and started seizing. He stated that the guards then moved him and the other inmates out of the cell. He added that Subject Hernandez-Mendoza's eyes were back in his head, he was shaking, and he could tell that he was "at the end." Witness Civilian 1 stated that one of the other inmates told him that Subject Hernandez-Mendoza swallowed an eight ball of methamphetamine. He stated that Subject Hernandez-Mendoza told the other inmate that when he changed back into his clothes at SCORE, he discovered that no one had found the methamphetamine he kept in his pants. The

other inmate told Witness Civilian 1 that Subject Hernandez-Mendoza asked the other inmate if he wanted to get high. The other inmate declined and watched as Subject Hernandez-Mendoza swallowed the eight ball of methamphetamine. FIT attempted to speak with the other inmate, but he refused to provide a statement and did not want to be identified.

Witness Civilian 2 who was also one of the inmates in 9 South Upper B, provided an interview and stated that inmate “Civilian 3” told him that he and Subject Hernandez-Mendoza were transported together from SCORE to King County Jail and the Subject ingested the eight ball of methamphetamine while being transported to KCJ from SCORE. Civilian 3 told inmates that the Subject was surprised when he found his prior eight ball of methamphetamine in his pants pockets when he dressed out in civilian clothes at SCORE. Witness Civilian 2, who admitted to also being a drug user, said that the Subject was the highest person he has ever seen. He said that the Subject must have ingested the methamphetamine prior to entering KCJ because he was very high when he entered the cell block. He saw the Subject walk back and forth from his bed to the jail. The Subject never stopped shaking. At one point before the Subject overdosed nursing staff injected him with insulin because his blood sugar level was extremely elevated. Civilian 2 said the injection had no effect on the Subject’s behavior.

On February 4, 2022, the King County Medical Examiner’s office conducted an autopsy of Subject Hernandez-Mendoza. A plastic bag with methamphetamine was recovered inside of the Subject during the autopsy. The King County Medical Examiner ruled Subject Hernandez-Mendoza’s cause of death to be an accident due to acute drug intoxication, including methamphetamine. Toxicology testing showed the Subject had an inordinately large amount of methamphetamine in his system, 8300 ng/ml.



Figure: Bag of methamphetamine recovered during autopsy.

IV. ANALYSIS AND CONCLUSION

To be guilty of criminally negligent manslaughter in the second degree a person's action must be intentional, criminal, and capable of causing harm in and of itself. RCW 9A.32.070(1); WPIC 28.06; State v. Bauer, 180 Wash. 2d 929, 940 (2014). To be criminally liable, a defendant must have actively participated in the immediate physical impetus of harm. Id. The State Supreme Court has noted that “[L]egal cause’ in criminal cases differs from, and is narrower than, ‘legal cause’ in tort cases in Washington.” Id. at p. 939.

Based on the evidence admissible in a criminal case and the applicable legal standards, we have determined that there is insufficient evidence to prove beyond a reasonable doubt that any corrections officers or JHS staff committed a criminal act that caused the death of Mr. Hernandez-Mendoza according to caselaw. As a result, KCPAO will not file criminal charges.

V. RECOMMENDATION FOR INQUEST

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.