

**In-Custody Death of  
Jeffrey Harvey**

Seattle Police Department, #2017FIT-0005



King County Prosecuting Attorney  
Public Integrity Team

April 26, 2023



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## **Decline Memorandum**

In-Custody Death of

**Jeffrey Harvey**

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### **I. OVERVIEW**

On April 19, 2017, Jeffrey Eugene Harvey, a 56-year-old King County Jail (KCJ) inmate died of natural causes at Harborview Medical Center (HMC) related to his terminal lung cancer.

The King County Prosecuting Attorney Office's (KCPAO) 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 this April 19, 2017 in-custody death is complete. Based on a thorough review, the Team has concluded that the evidence is insufficient to support criminal charges against any King County Jail corrections officer (CO) or jail staff. Accordingly, the KCPAO declines 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 do not recommend an inquest be initiated because law enforcement did not play a role in Mr. Harvey's death.

## **II. EVIDENCE REVIEWED**

KCPAO reviewed police reports from various police departments, fire department report, jail incident reports, hospital medical records, jail medical records, various jail records, CAD, jail video footage, recorded jail phone calls, audio interviews of firefighters, corrections officer, and medical staff, medical examiner investigator's report, and medical examiner's external examination report.

## **III. FACTUAL SUMMARY**

On July 3, 2016, Jeffrey Eugene Harvey was arrested by the Bellevue Police Department for Assault in the 2nd Degree, booked into the KCJ, and later charged with that same crime in Cause No. 16-1-04893-1 SEA. He was held in custody with bail set at \$25,000.

Approximately eight months later, on March 23, 2017, Mr. Harvey complained to jail staff that he was having difficulty breathing. Over that timeframe, Mr. Harvey stated that he lost 50 lbs. while in custody. Jail Health Services (JHS) recommended that Mr. Harvey be transported to HMC for further medical evaluation and treatment. He was transported to HMC where he remained on hospital guard for the duration of his medical treatment at HMC.

On March 29, 2017, HMC Doctor #1 updated JHS that Mr. Harvey had late stage metastatic lung cancer. On March 30, 2017, HMC released Mr. Harvey to KCJ with medications related to his diagnosis. Mr. Harvey's discharge diagnosis was "Metastatic Squamous Cell Carcinoma of the Lung and Cardiac." At the request of Public Defender #1, KCJ began to consider a "Compassionate Release" of Mr. Harvey pending a clear prognosis, which was not granted.

On April 15, 2017, JHS Nurse #1 was told by inmates that Mr. Harvey was complaining of chest pain and shortness of breath (SOB). Nurse #1 examined Mr. Harvey and noted that he was "unable to speak clearly" and had "obvious SOB." As a result, Mr. Harvey was transported to HMC again for further medical care and evaluation. KCJ maintained hospital guard of Mr. Harvey while he was being treated at HMC.

On April 16, 2017, JHS Doctor #2 received a progress report from HMC Doctor #3

(Oncology) and Doctor #4 (Medical Intensive Care Unit) stating that Harvey's lung cancer had "widely spread" and that bacteria was present in his blood. He was also suffering from pneumonia. The doctors stated that treatment was futile, and Mr. Harvey had decided on hospice care and that he did not want to be resuscitated or intubated to stay alive (DNR/DNI).

On April 19, 2017, at 7:00AM HMC Nurse #2, received a report from the night nurse that she relieved stating that Mr. Harvey seemed to be in "distress", so Nurse #2 evaluated Harvey and increased his morphine dosage. At about 8:00AM Nurse #2 checked on Mr. Harvey and noted that the increased morphine was alleviating his breathing issues. At approximately 8:40AM Nurse #2 noticed that Mr. Harvey's heartrate dropped. He experienced an intermittent heartbeat during this time. At 8:50AM, Mr. Harvey was declared deceased by Doctor #5. Later, in a written report, Doctor #6 and Doctor #7 declared Mr. Harvey's death was a result of complications concerning his previously diagnosed cancer. The death summary by HMC staff listed the immediate cause of death as hypoxic respiratory failure and bradycardic cardiac arrest, with the underlying disease that caused the death as Metastatic squamous cell carcinoma of the lung.

The Medical Examiner performed an external examination and ruled the death a result of natural causes.

#### **IV. ANALYSIS AND CONCLUSION**

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 played a role in Mr. Harvey's death or committed a criminal act that caused his death. As a result, KCPAO will not file any criminal charges.

#### **V. RECOMMENDATION FOR INQUEST**

Because the role of law enforcement was *de minimis* and did not contribute in any discernable way to a Mr. Harvey's death an inquest is not recommended. (Executive Order PHL 7-1-5 EO, §6.1).