# In-Custody Death Investigation

# Karla Gamez-Talavera

## Seattle Police Department

## Force Investigation Team, #2018FIT-0005




## King County Prosecuting Attorney

## Public Integrity Team

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# DECLINE MEMORANDUM

IN-CUSTODY DEATH OF KARLA GAMEZ-TALAVERA

**WARNING** – This memorandum contains images and descriptions of violence that may be offensive and disturbing to some readers. The images and descriptions are included to provide the reader with the most accurate information regarding the topic of this memorandum.

## I. INTRODUCTION

On March 11, 2018, inmate Karla Gamez-Talavera (Gamez-Talavera) died at the King County Jail due to multisystem organ failure from acute-on-chronic renal failure of unknown etiology.

The role of King County Prosecuting Attorney's Office (KCPAO) 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.[1] An inquest is required when "an action, decision or possible failure to offer the appropriate care by a member of any law enforcement agency might have contributed to an individual's death."[2]

The KCPAO's determination if the police action was justified or if there was a criminal action such that criminal charges should be filed is based entirely on the investigation materials provided to the KCPAO, relevant criminal laws, rules of evidence governing criminal proceedings, the applicable burden of proof, and the KCPAO's Filing and Disposition Standards. This determination is not intended to address matters outside the scope of this memorandum including, but not limited to, an administrative action by the involved agency or any other civil action. The KCPAO expresses no opinion regarding the propriety or likely outcome of any such actions.

The Public Integrity Team has determined that the investigation of the March 11, 2018, 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 Corrections Officers (CO) or jail staff. As a result, the King County Prosecuting Attorney's Office declines to file criminal charges.

Additionally, pursuant to Executive Order PHL-7-1-5-EO, we recommend an inquest not be initiated because the role of law enforcement was *de minimis* and did not contribute in any discernable way to a person's death.

## II. EVIDENCE

KCPAO reviewed all relevant reports, jail records, video, medical records, autopsy report, interviews, computer aided dispatch reports, and photos.

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[1] Executive Order PHL 7-1-5 EO.
[2] King County Charter Section 895.

## III. INVESTIGATION

### 1. CALL-OUT

On March 12, 2018, at 9:28 am, King County Jail (KCJ) Sergeant 1 called 911 to report that inmate Karla Gamez-Talavera's death. Seattle Police Department (SPD) Sergeant 1 and Witness Officer 1 responded to KCJ and subsequently notified the SPD Force Investigation Team (FIT). FIT then responded and took over the death investigation.

### 2. FACTUAL SUMMARY

On March 5, 2018, Gamez-Talavera was arrested on a felony warrant by SPD officers. She was booked at KCJ at 12:37 pm. The subject did not report any medical problems and none were noted by booking personal. She was housed on the 9th floor with the general population.

On Wednesday, March 7, 2018, Gamez-Talavera attended a medical appointment she made for a sore on her lip, but the focus of the visit turned to the opiate withdrawal she was experiencing including nausea and vomiting. The subject's drug screening was positive for opiates and methadone. At the visit, the nurse diagnosed her with opiate withdrawal, bacterial infection (lip), and diarrhea. She was prescribed Pedialyte to help with dehydration.

On March 10, 2018, at 9:00 am, JHS Nurse 1 passed out medication to the inmates on Subject Gamez-Talavera's floor. The Subject had been prescribed Pedialyte which Nurse 1 attempted to provide Gamez-Talavera. Nurse 1 reported that Subject Gamez-Talavera, "Saw me, waved her hand 'no', and went back into her cell." Nurse 1 wrote in her notes that Subject Gamez-Talavera refused the Pedialyte.

At 3:40 pm, Nurse 2 attempted to give Pedialyte to Subject Gamez-Talavera. He had a jail officer ask Subject Gamez-Talavera over the intercom whether she wanted Pedialyte. Nurse 2 stated that she responded, "I don't fucking want it, get the fuck out of here." Nurse 2 stated, "I noticed she had refused earlier in the shift too. So, that isn't unusual for inmates sometimes to act that way or make those kinds of comments, so I charted it as a refusal."

At 9:00 pm, Nurse 2 asked Corrections Officer 1 ()to see Subject Gamez-Talavera and when they tried to reach her via the intercom there was no response. CO 1 reported that she actually said, "OK," but then said she had fallen. Nurse 2 explained that after one refusal, it is his practice to insist on seeing the inmate in person, especially in an opiate withdrawal scenario. He said that he told the CO that, "I really need to see her." Nurse 2 said he took a sergeant to Gamez-Talavera's cell and found her laying on the floor. The surveillance time stamp shows this

was at 7:41 pm. Nurse 2 said Gamez-Talavera had a heart rate, was breathing, and could "speak with me minimally." He said she was talking to him and drinking Pedialyte. He said he was concerned about her and told the sergeant he did not think a Med Stat 3 was necessary, but wanted the "deck nurse" called to have Gamez-Talavera moved to the infirmary for closer monitoring. Nurse 2 also wanted to assess her vital signs, but did not have a stethoscope or blood pressure cuff so he left to get them. Nurse 2 stated that while he was away a Med Stat 3 was called because Gamez-Talavera had suddenly "decomped." He explained that to "decompensate" means that "her vitals, her responsiveness, her medical status, her condition just completely deteriorates." He said, "I was just really, really shocked by that." He said when he got back the subject was not responsive. He was shocked at how quickly she went from stable to critical condition. He has never seen a patient decomp that quickly.

The Med Stat 3 also initiated a response from the Seattle Fire Department (SFD). Per jail surveillance video, SFD firefighters and medics arrived at the subject at about 8:02 pm. At 8:32 pm, SFD transported Gamez-Talavera to Harborview Medical Center (HMC).

HMC records indicated that Subject Gamez-Talavera arrived, "in critical condition," and "remained profoundly ill and worsened despite maximal intervention." The report indicated, in part, that Subject Gamez-Talavera was in "severe kidney failure." On March 11, 2018, at 4:00 pm, her family decided that she should be transitioned to comfort care. Subject Gamez-Talavera was taken off life-support and passed away.

### 3. AUTOPSY REPORT

The King County Medical Examiner's Office performed an autopsy on Ms. Gamez-Talavera's body. Medical Examiner Doctor 1 concluded, "The cause of death is multisystem organ failure due to acute on chronic renal failure of unknown etiology." In a follow-up phone call with the investigator, Doctor 1 explained that Gamez-Talavera had very poor kidney function and had severe kidney scarring. When advised that Subject Gamez-Talavera had possibly suffered from vomiting and diarrhea, Doctor 1 stated that it was possible that dehydration and the poor status of her kidneys may have caused kidney failure, leading to multi-organ failure. Doctor 1 also stated that according to the WSP toxicology results, Subject Gamez-Talavera was negative for illegal drugs.

## IV. LAW

KCPAO's Filing and Disposition Standards state, "Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective factfinder."

A person commits Criminally Negligent Second-Degree Manslaughter if they engaged in conduct of criminal negligence and the decedent died as a result of their negligent acts.[3]

A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that death may occur, and this failure constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.[4]

## V. ANALYSIS AND CONCLUSION

KCPAO will not file criminal charges in relation to Ms. Gamez-Talavera's death. 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 the care provided by any King County Jail or Jail Health Services staff was a gross deviation from the standard of care that a reasonable person would exercise, which is necessary for a manslaughter charge.

## VI. RECOMMENDATION FOR INQUEST

Pursuant to Executive Order PHL-7-1-5-EO, we recommend an inquest not be initiated because the role of law enforcement was de minimis and did not contribute in any discernable way to a person's death.

[3] RCW 9A.32.070 & WPIC 28.06.
[4] WPIC 10.04.