In-Custody Death of
Dustin Soderlund-Wysong

Seattle Police Department
Force Investigation Team #2018FIT-0003

King County Prosecuting Attorney
Public Integrity Team

Published: April 6, 2023

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DECLINE MEMORANDUM

In-Custody Death of **Dustin Soderlund-Wysong**

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. OVERVIEW

Inmate Dustin Soderlund-Wysong returned from the shower to his bed in a shared dorm room for inmates who required special medical or physiological care. As he tried to stand up from his bed he fell forward and hit his head on the concrete ground causing significant bleeding. According to his dormmates, he began experiencing seizures while on the ground. Corrections officers, medical staff, and fire responded providing lifesaving care. Fire was able to regain a pulse and Mr. Soderlund-Wysong was transported to Harborview Medical Center where he was placed on life-support. Four days later he was taken off life-support and passed away. The medical examiner ruled the manner of death to be of natural causes.

The King County Prosecuting Attorney's role is to ensure that an 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, §895.*

The Public Integrity Team has determined that the investigation of the February 25, 2018[1] in-custody death of Dustin Soderlund-Wysong 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 is declining to file criminal charges in this matter based on the evidence presently available. Additionally, KCPAO does not recommend an inquest be initiated because based on a review of the investigation, the role of law enforcement was *de minimis* and did not contribute in any discernable way to a Mr. Soderlund-Wysong's death. *Executive Order PHL 7-1-5 EO, §6.1*

This determination not to file charges is based entirely on the relevant criminal laws, rules of evidence governing criminal proceedings, and the criminal burden of proof in Washington. Additionally, the current determination that the evidence is insufficient to support criminal charges does not limit administrative action by the involved agency, or

[1] The subject sustained his injuries in custody on Feb. 21, 2018. However, he passed away on Feb. 25, 2018 at Harborview Medical Center when he was taken off life-support.

any other civil action. The Team expresses no opinion regarding the propriety or likely outcome of any such actions.

II. INVESTIGATION AND EVIDENCE

In our review, KCPAO reviewed statements and interviews from corrections officers, inmates, nurses, firefighters, as well as relevant jail calls, jail health records, hospital records, Fire Department records, KCJ employee roster, inmate roster, jail video (sally port and elevators), CAD/MDT, 911 calls, schematic of cell block in question, and medical examiner's autopsy report.

III. FACTUAL ANALYSIS

On December 27, 2017, at approximately 1408 hours, Seattle Police Officers arrested Dustin S. Soderlund-Wysong, without incident, for Violation of a Court Order. Due to his large build, AMR transported him to the King County Correctional Facility. At the time of the arrest, it was mentioned that he was currently taking different prescription medicines, used a CPAP machine at night, and suffered from schizophrenia and anxiety. As a result, he was housed in the "Medical Tank," specifically 407SLA #5- 7th Floor, South, Lower A, Bed #5. The Medical Tank is an open, dorm-type cell that housed a group of inmates in need of medical or psychological care.

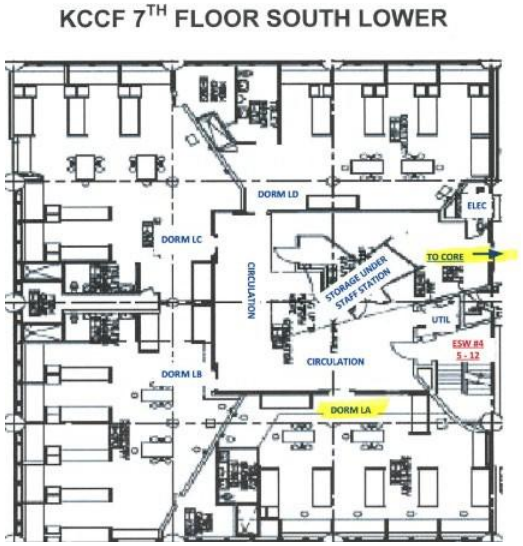


Figure 1: Diagram of Medical Tank. Subject's dorm is marked "Dorm LA" on the bottom right.

The subject's dormmates, Inmate 1, Inmate 2, Inmate 3, and Inmate 4, told investigators that on February 21, 2018 they observed Soderlund-Wysong return from the shower and sit on the edge of his bed. While trying to stand up from his bed, he fell to the floor striking the right side of his head causing him to bleed significantly. His dormmates said that he appeared to be having a possible seizure. He vomited on himself and inmates reported that his face turned blue.[2]

A few minutes later, at 4:24PM, an inmate from 7SLA screamed through pass-through at Corrections Officer 1, who was sitting in the staff station (see diagram), that another inmate was having a seizure. He radioed Central Control and called a Medical Status #2 emergency. Corrections Officer 2 was the first responder to the wing. Corrections Officer 1 opened entrance door to Lower A for Corrections Officer 2 to enter. Corrections Officer 3 along with Corrections Officer 4 and Corrections Officer 5 arrived soon after. Corrections Officer 3 noticed that the subject was unresponsive and at 4:24PM upgraded the emergency to a Medical Status #3. Jail Health Services ("JHS") staff arrived at 4:25PM. They performed CPR, 3 cycles of AED (no shock was advised), inserted an oral airway, and an IV was started. At 4:34PM, the Seattle Fire Department ("SFD"), including the Medic One ambulance, responded and took over lifesaving efforts, at which time Mr. Soderlund-Wysong still had no pulse. At 5:03PM, after approximately thirty minutes of CPR, SFD managed to eventually get a pulse. Mr. Soderlund- Wysong began breathing on his own before SFD transported him to Harborview Medical Center ("HMC"). However, his condition deteriorated, and he was placed on life-support.

According to HMC Medical Records, given the vast unlikelihood that Mr. Soderlund- Wysong would be able to communicate in a meaningful way, his family ultimately decided that he should be transitioned to comfort care. Mr. Soderlund-Wysong was taken off life-support and pronounced deceased by Doctor 1 on February 25, 2018 at 5:12PM.

An autopsy was performed on the subject. The medical examiner ruled the manner of death to be of natural causes stating, "This 38-year-old male, was witness to have seizure-like behavior while in jail. He was taken to the hospital where he later died. The cause of death is anoxic encephalopathy due to obesity related cardiomyopathy.

[2] There is not footage of Mr. Soderlund-Wysong's fall.

Contributing factors include obesity, long QT syndrome and hypertension. The manner of death is Natural."

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. Soderlund-Wysong's death, let alone 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. Soderlund-Wysong's death an inquest is not recommended. *Executive Order PHL 7-1-5 EO, §6.1.*