

**In-Custody Death of
Dustin Rand**

Seattle Police Department, #2021FIT-0010



King County Prosecuting Attorney
Public Integrity Team

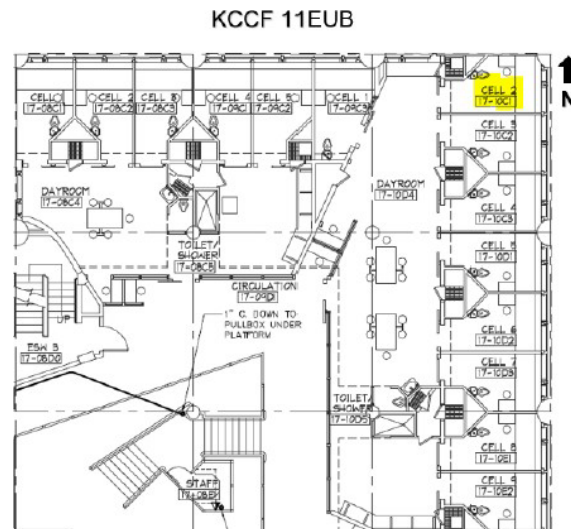
November 4, 2022

DECLINE MEMORANDUM

In-Custody Death of **Dustin Rand**

I. Factual Summary:

The subject, Dustin Rand, was a 48-year-old male. He was arrested on June 18, 2021, and charged with one count of assault three; multiple police officers were listed as victims. He was held in lieu of bail and housed in a single occupant cell at the King County Correctional Facility on the Eleventh Floor of the East Upper Bay in Cell Two (11EUB-02L). Inmates in this area of the jail are in single occupancy cells because of behavioral or mental health issues.



Caption: Schematic of Eleventh Floor, East Upper Bay. Mr. Rand was housed in Cell 2, depicted in the top right corner in yellow.

On October 17, 2021, at approximately 9:03 AM, during a routine hourly security check Corrections Officer 1 found inmate Dustin Rand unresponsive alone inside his cell. During Corrections Officer 1's prior security check an hour earlier, he observed Mr. Rand alive, uninjured, and stretching. However, during the 9:03 AM check, Mr. Rand was lying face down on his bunk with his legs hanging over the side of the bed. Inmate 1, the inmate in the cell next door, told

detectives that he did not hear anything unusual coming from Mr. Rand's cell at or before the time of Mr. Rand's passing. Corrections Officer 1 immediately requested medical assistance over the radio. Responding correctional officers moved Mr. Rand to the larger dayroom to provide additional space to provide aid. Corrections Officer 2 gave Mr. Rand CPR. Nurses and fire firefighters then took over Mr. Rand's care. Mr. Rand was observed to have a hematoma to his right eye; his skin tone was purple. Life saving measures taken at the jail and then later at Harborview Medical Center were unsuccessful. Mr. Rand passed away at Harborview Medical Center after one hour of treatment.

The medical examiner's autopsy revealed the subject's cause of death to be hypertensive and atherosclerotic cardiovascular disease. Although Mr. Rand was observed to have a blunt force injury to his right eye, the medical examiner opined that it did not contribute to death. The manner of death was ruled to be natural.

There was no video surveillance of Mr. Rand's jail cell. The best surveillance footage is of the nearby dayroom, but the subject's cell is not visible. There is no suspicious activity in that area at or near the time of Mr. Rand's death. After Corrections Officer 1 requested medical assistance, the footage does show officers, medical staff, and firefighters attending to the subject after he was taken from his jail cell to the dayroom.

II. Legal Analysis:

The King County Medical Examiner ruled Mr. Rand's death to be of natural causes. There is no evidence to call this conclusion into question. As a result, no criminal charges are appropriate.

III. Inquest Recommendation:

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