In-Custody Death Investigation
Subject – Lamond Dukes
Involved Agency- KCSO

Investigative Agency - VIIT
FWPD Incident No. 220015344

King County Prosecuting Attorney
Public Integrity Team

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DECLINE MEMORANDUM

In-Custody Death of Lamond Dukes

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 December 26, 2022, the Subject, Lamond Dukes (Subject), engaged police in a foot pursuit in Burien after being caught in possession of a stolen vehicle. He died after being arrested by King County Sheriff's Office (KCSO) Involved Officer 1. There is no evidence that the deputy used excessive force or committed any crime. The County Medical Examiner said the death was caused by deep vein thrombosis due to a vascular injury from a remote gunshot wound in 2005. People close to the Subject said that after the 2005 shooting, Mr. Dukes had difficulty performing strenuous activity.

The KCPAO's determination whether there is sufficient admissible evidence of 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 December 26, 2022, in-custody death is complete. Based on a thorough review, the Team has concluded that no evidence exists that Involved Officer 1 committed a crime. As a result, the King County Prosecuting Attorney's Office declines to file criminal charges.

II. EVIDENCE REVIEWED

The KCPAO reviewed the materials provided by the King County Independent Force Investigation Team (IFIT-KC) including police reports, interviews, photos, dispatch recordings, computer-aided dispatch, and the Subject's autopsy report.

III. INVESTIGATION

1. Independent Investigation

The Independent Force Investigate Team for King County (IFIT-KC) was dispatched to investigate the death of Lamond Dukes because KCSO is one of its member agencies. The weather was cold and rainy.

2. Summary

On December 26, 2022, at 8:48pm, Involved Officer 1 contacted what he determined to be a suspicious vehicle in one of the bays at 1st Class Carwash in Burien, which is part of the Andy's Handy Mart gas station complex, pictured below.

The passenger in the suspicious vehicle later told investigators that she and the driver, Lamond Dukes, were smoking methamphetamine in the car while waiting for their clothing to dry at the laundromat adjacent to the carwash. KCSO Involved Officer 1 approached the car on foot and the suspect drove away. The car's license plate was run and returned as reported stolen.

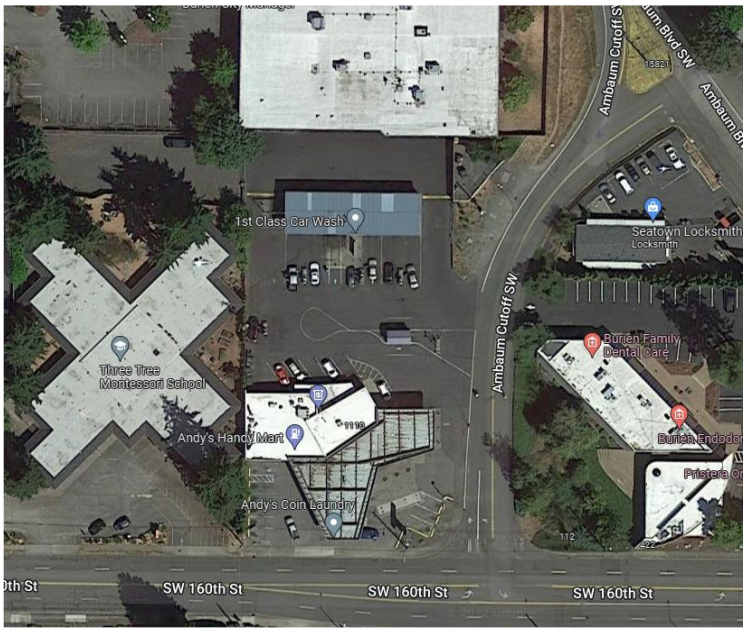


Figure 1. Google Maps aerial photo of car wash and Andy's Handy Mart where the laundromat, Andy's Coin Laundry, is located.

During IFIT-KC's investigation, the passenger told investigators that while fleeing, Dukes told her the car was stolen. She then demanded to get out. Dukes stopped the car a few

blocks away from the carwash, near the Value Village Parking lot, and his passenger fled northbound on foot.

According to the Computer Aided Dispatch Report (CAD), Involved Officer 1 spotted the stolen vehicle in the Value Village parking lot then followed Dukes to the apartment complex across the street from Value Village where Involved Officer 1 arrested Dukes apparently without incident. The distance between the suspect-car and the location of Dukes' arrest is approximately two hundred feet. There are no additional details about the arrest, since Involved Officer 1, the only other witness to the arrest, did not provide investigators with a written report or sit for an interview.

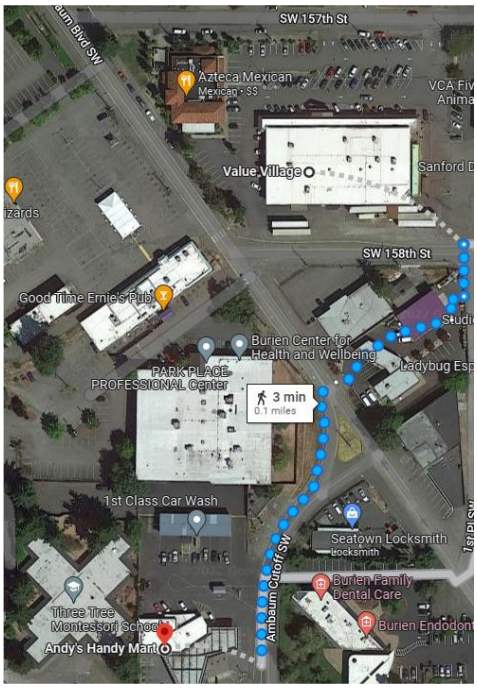


Figure 2. Google Maps walking route from Scene 1, Andy's Handy Mart, to Scene 2, the Value Village parking lot. The Subject was arrested in the Trianon Apartment complex just one street north of Value Village.

Shortly after he contacted and detained Dukes, Involved Officer 1 radioed for medical aid. After multiple applications of Narcan, CPR, AED, and medic assistance, Dukes was declared deceased on-scene.

When IFIT-KC detectives arrived, the Subject's body was no longer at its original location, but on a gurney in a nearby ambulance where medics had given him medical aid. There were no other witnesses to the arrest. However, Dukes' car passenger later told investigators that Dukes had significant health issues and struggled to even walk upstairs without breathing deeply having endured medical complications from a previous gunshot wound injury.

The Medical Examiner concluded in their autopsy report that Dukes died of a massive pulmonary embolus due to deep vein thrombosis due to vascular injury from a remote gunshot wound sustained in an assault in 2005. Because of its relation to the 2005 gunshot wound, Dukes' death was ruled a homicide, but police contact was ruled out as a cause.

3. Timeline

The following information is based upon several sources, including, but not limited to, King County Sheriff's Office CAD, and recorded police radio.

[Elapsed Time:]

[00:00] Involved Officer 1: 1, George, King, Edward, Victor, 2, 3, 7, 5, 2 2, John, 2, 5, 9, 3, 8, 0.

[00:21] Dispatch: Copy.

[00:23] Involved Officer 1: And update my location to Value Village.

[00:27] Dispatch: Copy. 4-N-5-0, is that occupied? It is showing on a black GMC 2008 showing ten six three.

[00:39] Involved Officer 1: Yeah. Affirmed. They bailed on foot. Ready for a description.

[00:44] Dispatch: Go ahead.

[00:45] Involved Officer 1: Driver's a black male thin build, black ball cap, black jacket and black pants. Brake.

[00:53] Dispatch: Go ahead.

[00:55] Involved Officer 1: Female passenger. Black. Medium build. She's got like a teal jacket on. The driver was last seen going north towards the apartment complex there.

[01:18] Unknown Officer: Is it our stolen or someone else's?

[01:22] Dispatch: It's Federal Ways…

0[1:30] Involved Officer 1: … It's just a simple stolen right?

[01:35] Dispatch: Turn

[01:48] Involved Officer 1: I think I'm with the driver at the Trianon apartment complex.

[02:00] Dispatch: Copy. Do you want the air?

[02:03] Involved Officer 1: No, 4-6 (Witness Officer 1) is with me. He's compliant.

[02:10] Involved Officer 1: I do have one detained. Can you start eighth break?

[02:14] Dispatch: Go ahead.

[02:16] Involved Officer 1: Guy is complaining that he can't breathe and looks like he, I don't know...feigning passed out. Uh, yeah black male...

[02:38] Unknown Speaker: North 5-8, if you could get him in the recovery position.

[02:40] Involved Officer 1: Unresponsive.

[02:46] Dispatch: N 4-6. Can you lead to administered second Narcan? Can you help fire tonight please?

[02:56] Witness Officer 1: Copy. It's been advised

[03:02] Witness Officer 2: N 4-1 to partners. It's confirmed stolen.

[03:10] Witness Officer 1: N 4-6. We have a low or no pulse.

[03:15] Speaker 1: Copy.

[03:59] (Firefighters arrive on scene.)

[04:14] Speaker 1: ...Just for your information, they're still doing CPR on him. AED not advised.

[04:25] Unknown Speaker: 10-North. If you can note the CAD - two doses of Narcan were applied about 10 minutes ago?

[04:30] Speaker 2: Copy.

[06:55] Unknown Speaker: ...If they call it does, do you want them to keep him in the ambulance or move him back to where he was?

[07:05] Uknown Speaker: If we can, let's keep him in the, in the rig.

[07:26] Speaker 2: It's a confirmed triple-two [radio code for a death occurring].

[07:30] Dispatch: Confirmed triple-two.

4. Incident Reports

Neither Involved Officer 1 nor Witness Officer 1 wrote incident reports.

Witness Officer 3 arrived on scene after the arrest. He wrote that he asked Involved Officer 1 what occurred, and Involved Officer 1 advised that he found the suspect hiding in the bushes. After he detained the suspect without any issues, the suspect began complaining that he could not breathe. He requested aid, at which point the suspect became unresponsive. After checking he suspect's vitals, they started CPR. Witness Officer 3 asked if Narcan had been administered because he could see Narcan lying on the ground. Involved Officer 1 advised that he believed narcotics may be involved so they administered two doses of Narcan, but the male still was not responding.

The Subject was announced deceased at 10:00pm after deputies and the Fire Department attempted to provide lifesaving care with no success.

5. Video

Involved Officer 1 was not equipped with either body-worn or in-car video systems. However, investigators were able to recover some private video surveillance.

Multiple video cameras from Andy's Handy Mart captured the subject-car entering and exiting the location, as well as the subject's interaction with Involved Officer 1, although there is no audio.



Figure 3. Subject-vehicle (black), pulling into Andy's Handy Mart gas station.



Figure 4. Subject-vehicle parked at gas pump on upper-left portion of footage. The person in turquoise walking from the subject-vehicle towards the minimart is Civilian Witness 1, the passenger of the car.

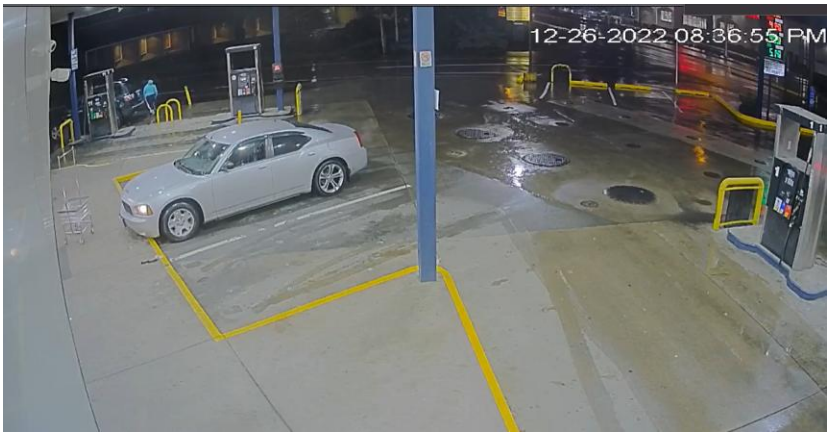


Figure 5. Approximately 14-minutes later, Civilian Witness 1 is pictured on the top-left walking back to the subject-car.

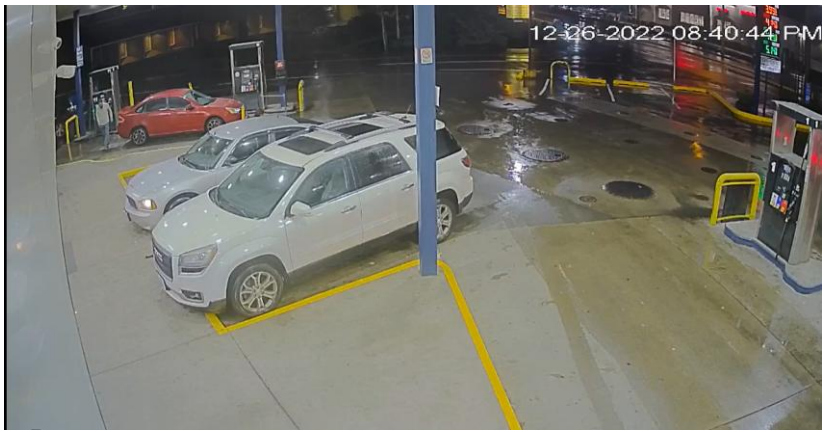


Figure 6. Approximately 14-minutes later, the subject-car drives offscreen towards the carwash located in the same shopping center.

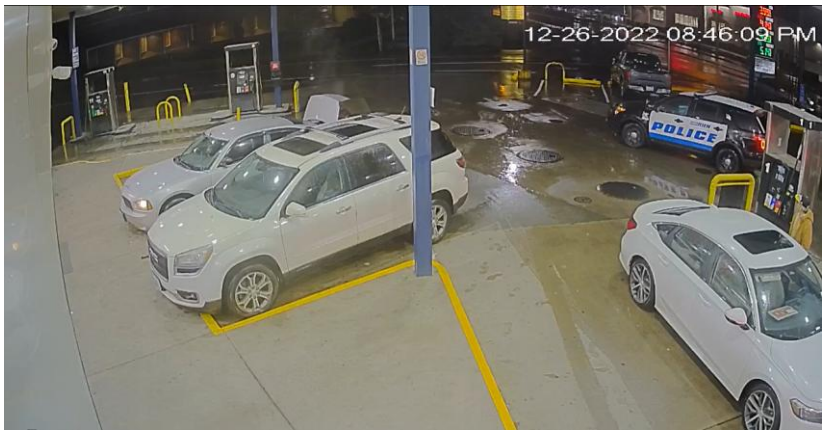


Figure 7. Approximately 5-minutes later, Involved Officer 1 in his patrol car drives through the gas station then exits off screen to the left towards the carwash.



Figure 8. On the upper left Involved Officer 1 exits his patrol car and walks towards the subject-car parked in the second bay from the left.



Figure 9. Involved Officer 1 pictured standing at the driver's window conversing with the occupants of the subject-car.



Figure 10. Involved Officer 1 pictured walking from the driver's side of the car, behind the car, to the passenger side of the car.



Figure 11.The subject-car pictured leaving the bay after Involved Officer 1 examined the front windshield of the car, possibly for the VIN of the car.



Figure 12. The subject-car pictured leaving the gas station toward Ambaum Cutoff SW.



Figure 13. Approximately 20-seconds later, Involved Officer 1 is pictured following the subject-car out of the carwash.



Figure 14. The subject-car on the top left pictured turning left onto SW 160th St.

There is no video from the Trianon Apartment complex because the apartment does not have exterior surveillance cameras.

6. Interviews

a. Involved Officer

Involved Officer 1 did not provide a voluntary interview.

b. Witness Officer

Witness Officer 1 did not provide a voluntary interview.

c. Civilian Witness 2

Detective 1 first came into contact with Civilian Witness 1 when she came into the Burien Police Department on January 3, 2023, claiming to be Dukes' sister. She had information that her roommate, Civilian Witness 1, was possibly in the car with Dukes the night of his death. She left her contact information for the police.

Detective 1 reached out to Civilian Witness 1 via phone and asked her to meet with detectives at the police department. Civilian Witness 1 agreed and said she would bring Civilian Witness 1 with her. Neither were aware at the time that he had died.

After speaking with Civilian Witness 1, Detective 1 and Detective 2 spoke with Civilian Witness 1 and notified her that Dukes had passed away.

She immediately broke down saying she could "feel it." She cried loudly for a few moments before inquiring about what had transpired.

After she was given a short briefing, she also explained that Dukes in fact had severe medical issues and should not be running at all. She said that recently she watched him struggle

to even carry laundry up a set of stairs and had to have her son help him bring the basket up. She said he has been shot multiple times and he suffers from clots in his body.

Civilian Witness 1 was given a direct contact number for Detective 1 and was made aware she could reach out at any time. Furthermore, she was established as the family point of contact since Dukes' mother had passed a few years ago.

d. Civilian Witness 1 (car occupant)

Civilian Witness 1 was interviewed by Detective 2. During the recorded interview with Civilian Witness 1, she disclosed that she had been in the car with Dukes the night that Involved Officer 1 contacted Dukes at the carwash. She said that the two had been hanging out and decided to do laundry since it was the only place nearby that was open.

While waiting for the laundry to be finished the two pulled over to the carwash with the intent of smoking cigarettes and methamphetamine. She said that Dukes noticed someone walking up behind the car while they were sitting inside the carwash bay. Civilian Witness 1 said that Involved Officer 1 approached her side of the car first where he began to interact with them, asking about the car.

She said she was aware he was a police officer and described Involved Officer 1 as polite. She said during the course of the interaction between Dukes and Involved Officer 1 there was no dispute or issues. At some point in their interaction Involved Officer 1 went to read the VIN of the car. Civilian Witness 1 said that while Involved Officer 1 was doing this that Dukes began to tell her he was going to take off. She figured he possibly had DOC warrants and also, they were caught smoking methamphetamine, so he was probably concerned about being arrested.

As Dukes fled, she said she began to yell at him to stop and pull over. She said that she was not interested in running from the police and that he needed to let her out. Sometime during the incident Dukes told her the car was stolen.

She said he agreed to pull over and essentially pushed her out of the car as he took off running. She said she waited around the area until she saw the police car arrive. She said that Dukes had a head start on the police and she never saw Involved Officer 1 run after him.

She then returned to Andy's Handy Mart and has not seen Dukes since. She said that he does have a Cricket phone that she thought he had grabbed on his way out of the car.

Civilian Witness 1 said that she is aware that Dukes has significant health issues and struggles to even walk upstairs without breathing deeply, so began sobbing and told detectives that she was concerned when he started running away because of his health.

7. Autopsy Report

The medical examiner made preliminary findings that Dukes suffered from an ascending aortic embolism, pulmonary embolisms, an enlarged heart, and had blood clots in his legs due to complications from being shot several years ago. The examiner noted that Dukes was previously prescribed blood thinner medication for his medical condition.

In his final autopsy report, Chief Medical examiner, Doctor 1 concluded:

> The decedent was a 38-year-old male who was witnessed to be short of breath and become unresponsive by law enforcement. According to available records, the decedent was encountered by police as he appeared to be breaking into or stealing a vehicle. As they attempted to take the decedent into custody, he suddenly became unresponsive and could not be resuscitated. Autopsy examination and review of medical records concluded that he died of a massive pulmonary embolus due to deep venous thrombosis due to vascular injury from a remote gunshot wound sustained in an assault in 2005. This conclusion is supported by the medical records documenting multiple thrombotic complications of his injury over the intervening years between his injury and death. **No injuries were associated with the police encounter**. Hypertensive cardiovascular disease and acute drug intoxication are included on the death certificate as other conditions having a possible minor contribution in his death. Because his death was directly related to the remote gunshot wound, the manner of death is certified homicide. (emphasis added).

8. KCSO Use of Force Policy

KCSO Policy 6.00.000 outlines permissible uses of force and the circumstances a deputy can employ various force options. Below is a portion of the use of force policy in effect at the time:

Physical Force: a deputy may use physical force against a person when necessary to:

- Protect against criminal conduct when there is probable cause that the person has committed, is committing, or is about to commit the offense; or
- Effect an arrest; or
- Prevent an escape as defined in RCW 9A.76; or
- Prevent a person from fleeing, or stop a person who is actively fleeing, a lawful temporary investigative detention (Terry stop), provided that the person has been given notice that he or she is being detained and is not free to leave; or
- Take a person into custody when authorized or directed by statute; or
- Take a person into custody, transport a person for evaluation or treatment, or provide other assistance under RCW chapter 10.77, 71.05, or 71.34 (Involuntary Treatment Act); or
- Take a minor into protective custody when authorized or directed by statute; or
- Execute or enforce a court order authorizing or directing a peace officer to take a person into custody; or

- Execute a search warrant; or
- Execute or enforce an oral directive issued by a judicial officer in the courtroom or a written order where the court expressly authorizes a peace officer to use physical force to execute or enforce the directive or order; or
- Execute any other community caretaking function, including but not limited to performing welfare checks, assisting other first responders and medical professionals, behavioral health professionals, social service providers, designated crisis responders, shelter or housing providers, or any member of the public; or
- Protect against imminent threat of bodily injury to:
    - the deputy, or
    - another person, or
    - the person against whom force is being used…

IV. LAW

The 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 fact-finder."

The State has the burden of proving beyond a reasonable doubt that the use of force was not lawful. Unlike civilians, police officers are permitted to use force in some situations other than simply in self-defense. For instance, the use of force upon or toward the person of another is lawful when necessarily used by a public officer in the performance of a legal duty, such as effecting an arrest.[1] State law defines necessary to mean that, under the circumstances as they reasonably appeared to the actor at the time, (1) no reasonably effective alternative to the use of force appeared to exist and (2) the amount of force used was reasonable to effect the lawful purpose intended.[2]

V. ANALYSIS AND CONCLUSION

Here, the law and KCSO policy permits force to be used to effect an arrest. There is no evidence that Involved Officer 1 used excessive force on the Subject or committed a crime. Involved Officer 1 is the only living witness to the physical arrest of Mr. Dukes and he did not

[1] RCW 9A.16.020(1).
[2] RCW 9A.16.010.

provide investigators with a statement of what occurred. As such, there is insufficient evidence to recommend criminal charges.

The limited amount of evidence about what transpired came from Witness Officer 3 whom Involved Officer 1 spoke to on scene. According to Witness Officer 3, Involved Officer 1 told him that he found the Subject hiding in the bushes at the apartment complex. Involved Officer 1 said that he was able to arrest the Subject without any trouble, but upon arrest, the Subject began complaining that he could not breathe. Involved Officer 1 then requested aid, at which point the Subject became unresponsive. Dispatch recordings confirm that Involved Officer 1 promptly requested medical aid which was administered, but Mr. Dukes was pronounced dead at the scene.

Involved Officer 1's short account is consistent with the Subject's medical condition according to the medical examiner's autopsy and interviews with friends and family. Mr. Dukes' sister told investigators that her brother should not have been running at all given his medical condition. After being shot in 2005, just carrying laundry up the stairs would cause him to become winded. Additionally, the passenger in the car Mr. Dukes was driving said that she was concerned about Mr. Dukes' health when he fled on foot from the car. And finally, the medical examiner concluded that Mr. Dukes died of a massive pulmonary embolus due to deep venous thrombosis due to vascular injury related to an injury sustained from a 2005 gunshot wound. Police conduct was ruled out as a cause of death. As a result, the KCPAO declines to file charges against Involved Officer 1 because there is no evidence to believe he committed a crime.